

**DEPARTMENT OF STATE HOSPITALS
INITIAL STATEMENT OF REASONS**

California Code of Regulations
Title 9. Rehabilitative and Developmental Services
Division 1. Department of Mental Health
Chapter 4.5. Patient's Rights and Related Procedures for Non-Lanterman-Petris Short
Act Patients in Department of Mental Health Facilities
Article 1. General Provisions

PROBLEM STATEMENT

The Department of State Hospitals (formerly the Department of Mental Health) enacted Section 881(m), Title 9, of the California Code of Regulations to define a mental disorder as a diagnosed mental disorder listed in the American Psychiatric Association's (APA) Diagnostic and Statistical Manual (DSM) of Mental Diseases, Fourth Edition, Text Revision, DSM-IV-TR, 2000. The APA released the fifth edition, DSM 5, in May 2013.

BENEFITS

This regulatory amendment will allow the Department of State Hospitals to operate under the contemporary publication of the DSM. This will ensure the protection and safety of the public, the State Hospital patients, and the State Hospital employees. This will also ensure that patients are evaluated and diagnosed using the most current diagnostic information available which is based on an extensive research and rigorous development process by the APA.

PURPOSE

The purpose of this rulemaking action is to amend Section 881(m), which defines mental disorder as used by the Department of State Hospitals, to reflect the most current edition of the DSM. The amendment also includes reference to the statutory changes of AB 1847 (Chesbro, Chapter 144, 2014) related to mental health disorders: language, which updated the term "mental disorder" to "mental health disorder."

NECESSITY

The DSM is the authoritative guide to the diagnosis of mental disorders for health care professionals around the world. In the United States alone, it influences the care that millions of people of all ages receive for mental health issues. Clinicians use the DSM to accurately and consistently diagnose disorders affecting mood, personality, identity, cognition which facilitates a quick and harmonious treatment plan. The updated DSM also provides for a clearly described categorization process allowing for accurate budgetary assignment and evaluation for the forecast of future needs.

Published by the APA, the DSM has been updated just four times since its first release in 1952. It standardizes diagnoses by psychiatrists, psychologists, social workers, nurses, and other health and mental health professionals. The DSM 5 is the first full revision since 1994 and represents contributions of more than 1,500 distinguished

mental health and medical experts from around the world as part of an extensive research and rigorous development process.

Section 881(m) as amended will provide the correct citation to a resource reference for the proper definition of “mental health disorder” and “mental disorder.”

TECHNICAL, THEORETICAL AND/OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS

The APA conducted extensive research in the development of the DSM 5 and the changes contained within the fifth edition. DSH intends to incorporate by reference, the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders, fifth edition, published in May 2013. This publication is readily available to the public through Thomson Reuters/BARCLAYS and the internet. The public may access this document incorporated by reference by copying and pasting this URL on the Internet Browser: <http://www.dsm5.org>. Any interested parties wishing to review the DSM 5 may also contact the Regulations Unit at (916) 653-2257 to schedule an appointment.

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Purpose:

The Department of State Hospitals (DSH) proposes to amend California Code of Regulations section 881(m) to update the regulation text to reflect the recent release of the American Psychiatric Association (APA): Diagnostic and Statistical Manual (DSM) of Mental Disorders, Fifth Edition, May 2013. It also reflects the recent statutory change in mental health language by including “mental health disorder.”

The Creation or Elimination of Jobs within the State of California

The regulation is designed to assist DSH staff to ensure that patients are evaluated and diagnosed using the most current diagnostic information available which is based on an extensive research and rigorous development process by the APA. These activities are currently being performed by existing state staff and the regulation enhances their job abilities. Therefore, no jobs in California will be created or eliminated.

The Creation of New Businesses or the Elimination of Existing Businesses within the State of California

The regulation is designed to assist DSH staff to ensure that patients are evaluated and diagnosed using the most current diagnostic information available which is based on an extensive research and rigorous development process by the APA. These activities are currently being performed by existing state staff and the regulation enhances their job abilities. Therefore, no new businesses in California will be created or existing businesses eliminated.

The Explanation of Businesses Currently Doing Business within the State of California

The regulation is designed to assist DSH staff to ensure that patients are evaluated and diagnosed using the most current diagnostic information available which is based on an extensive research and rigorous development process by the APA. These activities are currently being performed by existing state staff and the regulation enhances their job abilities. Therefore, no existing businesses in California will be expanded or eliminated.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

This regulation is designed to allow DSH to operate under the contemporary publication of the DSM. This will ensure the protection and safety of the public, the State Hospital patients, and the State Hospital employees. This will also ensure that patients are evaluated and diagnosed using the most current diagnostic information available which is based on an extensive research and rigorous development process by the APA. This regulation does not benefit worker safety and the State's environment.

EVIDENCE SUPPORTING FINDINGS OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The DSM is the standard guide for classification of mental health disorders used by mental health professionals in the United States and contains a listing of diagnostic criteria for every psychiatric disorder recognized by the United States healthcare system. The DSM is harmonized with the World Health Organization's International Classification of Diseases (ICD), the official coding system used in the United States. The current version of the DSM is also recognized by the Centers for Medicare and Medicaid Services as instrumental in assisting with the vital step of proper categorizing of mental disorders for budget considerations. This regulatory amendment would have no significant statewide adverse economic impact directly affecting business as evidenced by the fact this volume is a foundational reference by the population of clinicians everywhere and was in use immediately upon its publication.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES

There are no reasonable alternatives to this regulatory action. The Department must use the most current diagnostic manual available in order to properly and effectively diagnose patients.

DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS

There is no duplication or conflict with Federal Regulations.