

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2017-0822-02	REGULATORY ACTION NUMBER 2017-1127-01FP	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
RECEIVED DATE AUG 22 '17		PUBLICATION DATE SEP 01 '17	
Office of Administrative Law		2017 NOV 27 A 11:34 OFFICE OF ADMINISTRATIVE LAW	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of State Hospitals			AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Conflict of Interest		TITLE(S) 9	FIRST SECTION AFFECTED 400	2. REQUESTED PUBLICATION DATE September 1, 2017
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input checked="" type="checkbox"/> Other		4. AGENCY CONTACT PERSON Amy J. Whiting	TELEPHONE NUMBER (916) 651-3247	FAX NUMBER (Optional) (916) 651-3090
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Conflict-of-Interest Code		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) Z-2017-0822-02	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
AMEND		400 and Appendices A and B	
TITLE(S) 9		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input checked="" type="checkbox"/> File & Print <input type="checkbox"/> Print Only <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) 30 Days after SOS Filing per 2 CCR 18750			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input checked="" type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Amy J. Whiting, Regulations Unit Manager		TELEPHONE NUMBER (916) 651-3247	FAX NUMBER (Optional) (916) 651-3090
		E-MAIL ADDRESS (Optional) Amy.Whiting@dsh.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Stephanie Clendenin, Chief Deputy Director</i>	DATE 11/21/2017
TYPED NAME AND TITLE OF SIGNATORY Pam Ahlin, Director <i>Stephanie Clendenin, Chief Deputy Director</i>	

For use by Office of Administrative Law (OAL) only

FINAL AMENDED TEXT OF REGULATIONS DEPARTMENT OF STATE HOSPITALS CONFLICT OF INTEREST CODE

CALIFORNIA CODE OF REGULATIONS

Title 9. REHABILITATIVE AND DEVELOPMENTAL SERVICES

Division 1. Department of Mental Health

Chapter 2. Conflict of Interest Code

(Note: The proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text.)

§ 400. General Provisions.

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted Section 18730 of Title 2, California Code of Regulations (CCR), containing the terms of a standard Conflict of Interest Code. Section 18730 may be incorporated by reference, and may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Section 18730 of Title 2, CCR and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendices (in which officials and employees are designated and disclosure categories are set forth), are hereby incorporated by reference. These terms, amendments and Appendices constitute the Conflict of Interest Code of the Department of ~~Mental Health State Hospitals~~ ("Department").

~~Designated employees~~ Individuals holding designated positions shall file statements of economic interests with the Department, ~~of Mental Health which will make the statements available for public inspection and reproduction (Gov. Code Sec. 81008).~~ Upon receipt of the statement for the Director, the Department shall make and retain a copy and forward original statement ~~The Director's original statement shall be sent to the Fair Political Practices Commission and a copy retained by the filing officer.~~ All other statements will be retained by the Department.

NOTE: Authority cited: Sections 87300 and 87306, Government Code Reference: Section 87300, et seq., Government Code.

APPENDIX A

(Note: The existing text in Appendices A and B is proposed for repeal and is to be replaced with the following new proposed text for adoption below.)

List of Designated Positions

Persons holding the following job classifications are hereby required to file statements of economic interests (Form 700) in accordance with the disclosure categories indicated below. Each disclosure category is described in Appendix B.

<i>Designated Positions</i>	<i>Assigned Disclosure Categories</i>
<u>Headquarters - Sacramento</u>	
<u>Directorate</u>	
Director	1
Chief Deputy Director	1
Deputy Director, Statewide Quality Improvement Program	2
Special Assistant to the Director	2
Assistant Director, Office of Communications	2
Assistant Director, Legislation	2
Information Officers II	3
Senior Management Auditor	3
Associate Management Auditor	3
Staff Services Management Auditor	3
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3
<u>Clinical Operations</u>	
Deputy Director	2
Assistant Deputy Director	2
<u>Forensic Services</u>	
Deputy Director	2
Assistant Deputy Director	2
Chief Psychologist, Correctional Facility	5
Mental Health Program Supervisors	3
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3
<u>Hospital Strategic Planning and Implementation</u>	
Deputy Director	2
Assistant Deputy Director	2
Research Manager	4
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	4
<u>Legal</u>	
Chief Counsel/Deputy Director	1
Deputy Chief Counsel	1

All Assistant Chief Counsels	2
All Attorneys	2
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3
<u>Office of Human Rights</u>	
Chief, Office of Human Rights	2
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3
<u>Office of Protective Services</u>	
Chief, Law Enforcement	2
Supervising Special Investigators II	3 & 5
<u>Technology Services</u>	
Deputy Director/Chief Information Officer	2
Data Processing Managers, I, II, III, IV	6
Staff Information Systems Analyst (Supervisor)	6
Senior Information Systems Analyst (Specialist & Supervisor)	6
Systems Software Specialist II, III (Technical & Supervisor)	6
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	6
<u>Administrative Services</u>	
Deputy Director, Administrative Services	2
Assistant Deputy Director/Chief Financial Officer	2
Chief Operating Officer	2
Chief, Human Resources and Labor Relations	2
Chief, Accounting	2
Accounting Administrator I, II, III (Specialist & Supervisor)	3
Senior Accounting Officer (Supervisor)	3
Labor Relations Manager I, II	2
Senior Architect	3
Senior Mechanical Engineer	3
Associate Governmental Program Analyst/Associate Budget Analyst	
• Business Services	
• Contracts	
• Facilities	3
• Fiscal	
• Procurement	
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	
• Budgets	
• Business Services	
• Contracts	
• Facilities	3
• Fiscal	
• Human Resources	
• Patient Cost Recovery	

- Procurement
- Risk Management

Hospitals

Executive Director	2
Medical Director	5
Hospital Administrator	2
Clinical Administrator	5
Assistant Hospital Administrator	2
Accounting Administrator I, II, III (Specialist & Supervisor)	3
Hospital General Services Administrators	3 & 5
Patient Benefit and Insurance Officers	3 & 5
Mental Health Program Supervisors	3 & 5
Business Services Officer I, II (Supervisor)	3 & 5
Property Controller I, II	3
Chief Engineer I, II	3
Chief of Plant Operations	3
Chief of Professional Education	5
Chief Physician and Surgeon	5
Chief Dentist	5
Chief Psychiatrist, Correctional & Rehabilitation Services	5
Chief Psychologist, Correctional Facility	5
Chief, Protective Services & Security	3 & 5
Fire Chiefs	3 & 5
Medical Services Administrator	5
Nursing Administrator	5
Director of Dietetics	5
Assistant Director of Dietetics	5
Pharmacy Services Manager	5
Program Director Mental Disabilities	5
Pathologist/Lab Director	5
Supervisor Clinical Laboratory Technician	5
Associate Governmental Program Analyst	
• Business Services	
• Contracts	
• Facility Operations	3
• Plant Operations	
• Procurement	
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	
• Budgets	
• Business Services	
• Contracts	3
• Facility Operations	
• Fiscal	
• Forensics	

- Human Resources
- Plant Operations
- Procurement
- Risk Management
- Staff Development
- Standard Compliance
- Training Department

Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)

- External Affairs
- General Services
- Health Information Management Department
- Housekeeping Department
- Nursing Administration
- Nutrition Services

3 & 5

All Department Consultants and New Positions: Consultants and new positions are included in the list of designated positions and must disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The Director may determine in writing that a particular consultant or new position, although a “designated position,” is hired to perform a range of duties that are limited in scope and thus not required to comply with the disclosure requirements described in this Code. Such determination shall include a description of the consultant’s or new position’s duties and, based upon that description, a statement of the extent of disclosure requirements. Nothing herein excuses any such consultant or new position from any other provision of this Conflict of Interest Code.

Appendix B

Disclosure Categories

Category 1

Interests in real property located within one mile of any hospital subject to the Department jurisdiction, and all investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments).

Category 2

All investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments).

Category 3

Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source **provides leased facilities, products, equipment, vehicles, machinery or services (including training or consulting services) of the type utilized by the Department.**

Category 4

Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source is subject to **regulation by the division of the Department of State Hospitals in which the designated employee holds his or her position.**

Category 5

Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source is of the type:

- that is eligible to **receive patient referrals for the delivery of health care services or supplies by the hospital to which the employee is assigned; or**
- to **provide any type of dental, mental, medical, or health care services or products, including prescriptions, ambulance services, and well-being programs.**

Category 6


Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source **provides information technology and telecommunications goods, products or services, including but not limited to, computer hardware or software companies, computer consultant services, training, data processing firms, and media services.**

This is the last page of the conflict of interest code for the **Department of State Hospitals.**



CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict of interest code for the **Department of State Hospitals** was approved on 11/14 2017.



John M. Feser, Jr.
Senior Commission Counsel
Fair Political Practices Commission

Pursuant to Government Code Section 11346.2:

Secretary of State Filing Date:

Effective:

DECLARATION OF CHIEF EXECUTIVE OFFICER

State Agency Conflict of Interest Code for

Department of State Hospitals

Name of Agency

The proposed conflict of interest code specifically includes each agency position that involves the making or participation in the making of decisions which may foreseeably have a material financial effect on an economic interest. Positions that do not make or participate in decisions are not included.

The disclosure categories are written to address the agency's current programs and require disclosure of only foreseeable interests that may create a conflict of interest. It has also been determined that certain positions have such broad and indefinable duties that individuals holding the positions will report all financial interests pursuant to Government Code Section 87310.

The agency has satisfied all of the requirements of Title 2, Division 6 of the California Code of Regulations Section 18750 preliminary to approval of the proposed code, including providing a comment period for both employees and the public.



Signature

10-31-17

Date

Dam Ahlin

Printed Name

Director

Title