



# CALIFORNIA DEPARTMENT OF STATE HOSPITALS

## REQUEST FOR EXPEDITED REVIEW AND EARLY EFFECTIVE DATE

### ALIENIST GUIDELINES REGULATION

California Code of Regulations  
Title 9. Rehabilitative and Developmental Services  
Division 1. Department of Mental Health  
Chapter 16. State Hospital Operations

The Department of State Hospitals (DSH or the Department) requests that the Office of Administrative Law (OAL) complete an expedited review of this proposed regulation and, pursuant to Government Code section 11343.4, subdivision (b)(3), that this regulation become effective immediately upon filing with the Secretary of State.

The Department's request is based on the following good cause.

On September 21, 2016, Assembly Bill (AB) 1962 was approved by the Governor and filed with the Secretary of State. AB 1962 added a provision to Penal Code section 1969 mandating DSH to adopt guidelines for education and training standards for a psychiatrist or licensed psychology to be considered for appointment by the court. AB 1962 specified a deadline of July 1, 2017 for DSH to adopt these guidelines.

AB 1962 also directed DSH to convene a workgroup composed of the Judicial Council of California and groups or individuals representing judges, defense counsel, district attorneys, counties, advocates for people with developmental and mental disabilities, state psychologists and psychiatrists, professional associations and accrediting bodies for psychologists and psychiatrists, and other interested stakeholders. DSH did so convene this workgroup, and the development of these guidelines was a coordinated effort and process.

As a result of the unanticipatedly extended period of time DSH and the workgroup needed to develop these guidelines, DSH published the Notice of Proposed Action on these guidelines on January 18, 2019, beyond the July 1, 2017 deadline. In setting a deadline approximately 9 months after AB 1962's effective date, DSH's reasonably interpreted this to mean that the Legislature viewed the issue of reliable mental competency evaluations to be significant and urgent. As such, any further delay to the adoption of this proposed regulation would be detrimental to courts, psychiatrists and licensed psychologists, counties, defendants, and any other interested parties who are awaiting this guidance and are in need of it.

Good cause existing, DSH respectfully requests that OAL complete an expedited review of this proposed regulation and that they become effective upon filing with the Secretary of State and asks that this request be granted.