



CALIFORNIA DEPARTMENT OF STATE HOSPITALS

SECOND 15-DAY NOTICE OF PUBLIC AVAILABILITY OF MODIFIED TEXT AND MODIFIED TEXT

PROPOSED ADOPTION OF THE HOSPITAL ACCESS SYSTEM REGULATIONS

15-Day Public Availability Date: November 6, 2019 – November 21, 2019
Second 15-Day Public Availability Date: November 22, 2019
End of Comment Period: December 9, 2019

This notice announces a Second 15-day comment period in which the public may comment on the modifications to the originally proposed text for the Hospital Access System (HAS) regulation. This notice is issued pursuant to Government Code section 11346.8, subsection (c); California Code of Regulations, title 1, section 44; and Government Code section 11347.1.

On March 29, 2019, this regulatory action was originally noticed and published in the California Regulatory Notice Register and mailed to all interested parties. The originally proposed regulatory action is described in detail in the ISOR and can be found at: <https://www.dsh.ca.gov/Publications/Regulations.html>.

No action by the public is necessary unless persons wish to comment on the proposed modified text.

The Proposed Second 15-Day Modified Text is available on the Department of State Hospitals (DSH or Department) Internet Web site under the Hospital Access System Manual - Regular Rulemaking Proceeding "Second 15-Day Notice of Public Availability of Modified Text" at: <https://www.dsh.ca.gov/Publications/Regulations.html>.

This rulemaking and all documents relevant to it shall be physically available at the address indicated below under WRITTEN COMMENTS, between 8:00 a.m. and 5:00 p.m. on November 22, 2019 through December 9, 2019, or by request to the persons also indicated below.

SUMMARY OF PROPOSED MODIFICATIONS

The text of the modified regulatory language is shown in the Attachment. The originally proposed regulatory language is shown in plain text. The modifications proposed as part of the 15-day changes are shown in single underline to indicate addition, and ~~single strikethrough~~ to show deletion. The Second 15-day proposed modifications are shown in double underline to indicate additions and ~~double strikethrough~~ to indicate deletions from the originally proposed regulatory text

The following Second 15-day modifications were made to the Regulation Text:

In original section 4356, add new subdivisions (e)(2)(A) through (e)(2)(C).

TEXT: (2) Unit-Wide ~~or Hospital-Wide~~ Lockdown.

(A) In cases of emergency or to ensure the safety and security of the hospital, the patients, and staff, a unit ~~or a state hospital~~ may be placed on lockdown.

(B) A unit ~~or a state hospital~~ may be locked for no more than ~~48~~ continuous hours, ~~unless with the approval of~~ without the approval of the particular state hospital's Executive Director or designee.

(C) Regardless of patient access level, all patients are prohibited from leaving a unit during a unit-wide ~~or hospital-wide~~ lockdown, unless escorted.

RATIONALE: This proposed modification is necessary to specify when the patients' access on hospital grounds is restricted. If there is an emergency, it is necessary that DSH has the ability to lock down a unit, for the safety and security of the hospital. It is also necessary that a lockdown not be more than ~~48~~ continuous hours, unless approved by a state hospital's executive director – because (1) an initial 48-hour upper limit may be enough to deal with the emergency or otherwise secure the safety and security of the hospital and (2) a state hospital's executive director needs to have the ability to extend a lockdown depending on the emergency or other safety and security risk. Also, to ensure the safety and security of all persons in the hospital, it is necessary that during a lockdown, patient movement be restricted, unless escorted, regardless of each patient's actual access level.

In section 4356, add new subdivisions (e)(3)(A) through (e)(3)(C).

TEXT: (3) Hospital-Wide Lockdown.

(A) In cases of emergency or to ensure the safety and security of the hospital, the patients, and staff, a state hospital may be placed on lockdown.

(B) A hospital-wide lockdown must be approved by the Executive Director, or designee. A hospital-wide lockdown of more than 48 continuous hours, must be approved by the state hospital's Executive Director or designee in consultation with the Director or Chief Deputy Director of the Department.

(C) Regardless of patient access level, all patients are prohibited from leaving a unit during a hospital-wide lockdown, unless escorted.

RATIONALE: This proposed modification is necessary to specify when the patients' access on hospital grounds is restricted. If there is an emergency, it is necessary that DSH has the ability to lock down hospital-wide, for the safety and security of the hospital. It is also necessary that a lockdown over 48 hours is approved by the Executive Director with consultation with Director/Chief Deputy Director of the Department because (1) an initial 48-hour upper limit may be enough to deal with the emergency or otherwise secure the safety and security of the hospital and (2) a state hospital's executive director needs to have the ability to extend a lockdown depending on the emergency or other safety and security risk. Also, to ensure the safety and security of all persons in the hospital, it is necessary that during a lockdown, patient movement be restricted, unless escorted, regardless of each patient's actual access level.

In addition to the modification described above, additional modifications correcting grammar and changes in numbering and formatting have been made to improve clarity. These changes are non-substantive.

WRITTEN COMMENTS

DSH invites all interested persons to provide comments relevant to the Proposed Modified Text. The public may comment only in writing, submitted by postal mail, fax, or electronically as follows:

Please submit written comments to:

**Postal mail
or drop-off:**

California Department of State Hospitals
Regulations Unit
RE: Second HAS-2nd 15-Day
1600 9th Street, Room 410
Sacramento, California 95814; or

Fax:

(916) 651-3090 (include **RE: Second HAS-2nd 15-Day**)

Electronic submittal:

DSH.Regulations@dsh.ca.gov

It is requested that all comments, particularly those emailed with attachments, contain the regulation package identifier "**Second HAS-2nd 15-Day**" in the subject line to facilitate timely identification and review.

All written comments received by **December 9, 2019**, no later than **5:00 p.m.**, which pertain to the Proposed Modified Text, will be considered and responded to by the Department. The Department will prepare the Final Statement of Reasons (FSOR) which will provide a response to all timely comments received. The Department will submit the FSOR and the final text of the regulation to OAL and will also post the documents on the DSH Internet Web site.

CONTACT PERSONS

Interested persons may direct inquiries concerning the substance of the proposed regulatory action to the following agency representatives: primary contact, Samantha Lillo, Program Director at (909) 425-7933; or back-up contact, Carrie Friend, Program Director, at (805) 468-2032.

Attachment