

**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<br>1808-09 per agency request<br>Z-2019-10-08-09 | REGULATORY ACTION NUMBER<br>2020-0316-02 | EMERGENCY NUMBER |
|------------------|---|--|------------------|

For use by Office of Administrative Law (OAL) only

2020 MAR 16 A 10:14  
OFFICE OF ADMINISTRATIVE LAW

**ENDORSED - FILED**  
In the office of the Secretary of State  
of the State of California

APR 01 2020

2:07PM

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<br>Conflict of Interest Code   |  | TITLE(S)<br>9                              | FIRST SECTION AFFECTED<br>400       | 2. REQUESTED PUBLICATION DATE<br>October 18, 2019 |
| 3. NOTICE TYPE<br><input type="checkbox"/> Notice re Proposed Regulatory Action <input checked="" type="checkbox"/> Other |  | 4. AGENCY CONTACT PERSON<br>Trini Balcazar | TELEPHONE NUMBER<br>916 562-2824    | FAX NUMBER (Optional)<br>916 651-3090             |
| OAL USE ONLY<br><input checked="" type="checkbox"/>   | ACTION ON PROPOSED NOTICE<br><input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn |  | NOTICE REGISTER NUMBER<br>2019.42-2 | PUBLICATION DATE<br>10-18-2019                    |

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

|   |   |
|---|---|
| 1a. SUBJECT OF REGULATION(S)<br>Conflict of Interest Code | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)<br>2019-10-08-09 2017-1127-01 per agency request |
|---|---|

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

|  |              |
|--|--------------|
| SECTION(S) AFFECTED<br>(List all section number(s) individually. Attach additional sheet if needed.) | ADOPT        |
|  | AMEND<br>400 |
|  | REPEAL       |
| TITLE(S)<br>9  |              |

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 file 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<br>Trini Balcazar, Regulations Coordinator | TELEPHONE NUMBER<br>916 562-2824 | FAX NUMBER (Optional)<br>916 651-3090 | E-MAIL ADDRESS (Optional)<br>trinidad.balcazar@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<br>                           | DATE<br>3/12/2020 |
| TYPED NAME AND TITLE OF SIGNATORY<br>Stephanie Clendenin, Director |                   |

For use by Office of Administrative Law (OAL) only  
**AUTHORIZED FOR FILING AND PRINTING**

APR 01 2020

Office of Administrative Law

**PROPOSED 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 ~~strikethrough~~ to indicate deletions from the existing regulatory text.)

Amend Section 400, Chapter 2, Division 1, Title 9, California Code of Regulations, as follows:

**§ 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 State Hospitals ("Department").

Individuals holding designated positions shall file statements of economic interests with the Department, 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 to the Fair Political Practices Commission. The Director must file their statement of economic interests electronically with the Fair Political Practices Commission.~~ All other statements will be retained by the Department.

**Appendix A  
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> |
|--|---------------------------------------|
| <b>Headquarters - Sacramento</b>   |                                       |
| <b><u>Directorate</u></b>  |                                       |
| Director   | 1                                     |
| Chief Deputy Director  | 1                                     |
| <del>Deputy Director, Statewide Quality Improvement Program</del>              | <del>2</del>                          |
| 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                                     |
| <b><u>Clinical Operations</u></b>  |                                       |
| Deputy Director  | 2                                     |
| Assistant Deputy Director  | 2                                     |
| <u>Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)</u> | <u>3</u>                              |
| <b><u>Forensic Services</u></b>  |                                       |
| Deputy Director  | 2                                     |
| Assistant Deputy Director  | 2                                     |
| Chief Psychologists, Correctional Facility                                     | 5                                     |
| Mental Health Program Supervisors  | 3                                     |

Staff Services Manager I, II, III (Specialist, Supervisory, Managerial) 3

**Hospital Strategic Planning and Implementation**

Deputy Director 2

Assistant Deputy Director 2

Research Manager 4

Research Data Manager 4

Staff Services Manager I, II, III (Specialist, Supervisory, Managerial) 4

**Legal**

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

**Office of Human Rights**

Chief, Office of Human Rights 2

Staff Services Manager I, II, III (Specialist, Supervisory, Managerial) 3

**Office of Protective Services**

Chief, Law Enforcement 2

Supervising Special Investigators II 3 & 5

**Statewide Quality Improvement**

Deputy Director 2

Staff Services Manager I, II, III (Specialist, Supervisory, Managerial) 3

Supervising Management Auditor 3

Staff Management Auditor 3

Associate Management Auditor 3

**Technology Services**

|   |          |
|---|----------|
| Deputy Director/Chief Information Officer                               | 2        |
| <u>Information Technology Associate</u>                                 | <u>6</u> |
| • <u>Procurement and Contracts</u>                                      |          |
| <u>Information Technology Specialist I</u>                              | <u>6</u> |
| • <u>Procurement and Contracts</u>                                      |          |
| • <u>Project Management Office</u>                                      |          |
| <u>Information Technology Specialist II</u>                             | <u>6</u> |
| <u>Information Technology Manager I, II</u>                             | <u>6</u> |
| <u>Information Technology Supervisor I, II</u>                          | <u>6</u> |
| <u>Associate Governmental Program Analyst</u>                           | <u>6</u> |
| • <u>Procurement and Contracts</u>                                      |          |
| 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        |

**Administrative Services**

|   |          |
|---|----------|
| 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        |
| <u>Associate Construction Analyst</u>                         | <u>3</u> |

|   |   |
|---|---|
| Associate Governmental Program Analyst/Associate Budget Analyst         | 3 |
| • Business Services   |   |
| • Contracts   |   |
| • Facilities  |   |
| • Fiscal  |   |
| • Procurement   |   |
| Staff Services Manager I, II, III (Specialist, Supervisory, Managerial) | 3 |
| • Budgets   |   |
| • Business Services   |   |
| • Contracts   |   |
| • Facilities  |   |
| • Fiscal  |   |
| • Human Resources   |   |
| • Patient Cost Recovery   |   |
| • Procurement   |   |
| • Risk Management   |   |
| • <u>Workers Compensation</u>   |   |

### 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                                  | 3     |
| • Business Services   |       |
| • Contracts   |       |
| • Facility Operations   |       |
| • Plant Operations  |       |
| • Procurement   |       |
| Staff Services Manager I, II, III (Specialist, Supervisory, Managerial) | 3     |
| • Budgets   |       |
| • Business Services   |       |
| • Contracts   |       |
| • Facility Operations   |       |
| • Fiscal  |       |

- Forensics
- Health and Safety Officer
- Human Resources
- Plant Operations
- Procurement
- ~~Risk Management~~
- Staff Development
- Standard Compliance
- Training Department

Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)      3 & 5

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

**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 Conflict of Interest Code subject to the following limitation:

The Director may determine in writing that a particular consultant or new position, although a "designated person", is hired to perform a range of duties that are is limited in scope and thus not required to comply with the disclosure requirements described in this Conflict of Interest Code. Such determination shall include a description of the duties 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's 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 their 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 designated 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.

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

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 2/26/2020.

A large, stylized handwritten signature in black ink, appearing to read "John M. Feser, Jr.", written over a horizontal line.

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

**Pursuant to Government Code Section 11346.2:**

**Secretary of State Filing Date:**

**Effective:**