



## CALIFORNIA DEPARTMENT OF STATE HOSPITALS

### **Addendum to the Finding of Emergency**

#### Enhanced Treatment Program (ETP) Emergency Regulations

#### **I. GENERAL**

On March 17, 2021, the Department of State Hospitals (Department) submitted the Notice of Emergency and Finding of Emergency for the Rulemaking entitled “Enhanced Treatment Program Emergency Regulations”, to the Office of Administrative Law for its review and approval.

In the course of its review, OAL noted that several modifications were required to correct errors. These modifications are described below.

#### **II. Modifications and Additions made to the Notice of Emergency and Finding of Emergency**

##### **A. Finding of Emergency Regulatory Action is Necessary**

The Department has made substantial progress and proceeded with diligence to complete a regular, noticed rulemaking action to make the regulations permanent. (See Gov. Code, sec. 11346.1(h).)

##### **B. Authority and Reference Citations**

Authority: Welfare and Institutions Code sections 4005.1, 4027, 4101, 4143 and 4144.

References: Welfare and Institutions Code section 4144.

##### **C. Informative Digest**

###### Existing Law

Existing law pursuant to Senate Bill no. 85 (2015) authorizes the Department to establish and maintain pilot ETPs to treat patients who are at high risk of most dangerous behavior when safe treatment is not possible in a standard treatment environment. (Health & Safety Code, § 1265.9.) However, the statutes do not provide guidance on logistics and patients’ rights issues, which must necessarily be clarified in these proposed regulations to implement the ETP.

#### **D. Summary of Proposed New Regulations**

##### **Section 5000**

The proposed regulations will establish that for each ETP patient, the FNAT psychologist shall develop an Individualized Treatment Plan in collaboration with the patient, if possible, which shall comply with the requirements set forth in Welfare and Institutions Code section 4144, subdivision (e) and shall include a determination of whether it is clinically indicated to be the least restrictive treatment for a patient to have their room locked at a certain time.

#### **E. Availability of Finding of Emergency, Text of Proposed Emergency Regulations, and Rulemaking File**

The rulemaking file was available for inspection and copying at the Department of State Hospitals, Regulations Unit, 1600 9th Street, Room 410, Sacramento, CA 95814. The rulemaking file consisted of a copy of the exact language of the proposed regulations, the Finding of Emergency, and the three publications that were identified in the Notice as documents relied upon, which were available to the public upon request. These documents may also be viewed and downloaded from the Department's website at [www.dsh.ca.gov](http://www.dsh.ca.gov).