

**DEPARTMENT OF STATE HOSPITALS**  
**SECOND 15-DAY NOTICE**  
**ENTRY INTO PATIENT ROOMS AND OBSERVATION ROUNDS**

California Code of Regulations  
Title 9. Rehabilitative and Developmental Services  
Division 1. Department of Mental Health  
Chapter 16. State Hospital Operations  
Article 3. Safety and Security

**PUBLIC NOTICE**

This notice announces a 15-day comment period in which the public may comment on the modifications to the originally proposed text for the Entry into Patient Rooms and Observation Rounds regulation. This notice is issued pursuant to Government Code sections 11346.8(c) and 11347.1, and California Code of Regulations, title 1, section 44.

This regulatory action was originally noticed on December 13, 2024, published in the California Regulatory Notice Register, and mailed to all interested parties. The originally proposed regulatory action is described in the Initial Statement of Reasons provided with the originally proposed regulation which can be found on the website of the Department of State Hospitals (Department) at <https://www.dsh.ca.gov/Publications/Regulations.html>.

The modified regulations, called the “Second 15-Day Modified Regulations Text,” as well as this Second 15-Day Notice of Public Availability, are also available on the Department’s website as provided in the above paragraph.

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

This rulemaking and all documents relevant to the rulemaking shall be available at the address provided below under section named “Written Comments,” between 8:00 AM and 5:00 PM beginning September 9, 2025 through September 24, 2025, or by request to the contact person indicated below.

**SUMMARY OF MODIFICATIONS TO THE PROPOSED REGULATIONS**

**Second 15-Day Notice of Proposed Modifications:**

The originally proposed regulatory language and its proposed modifications are shown in the document named “Second 15-Day Modified Regulations Text.” The original regulatory language is shown in plain text. First 15-day modifications are shown with single underline (e.g., single underline) to indicate addition to the regulatory language, and single strikethrough (e.g., ~~single strikethrough~~) to show deletion to the regulatory language. Second 15-day modifications are shown with double underline (e.g., double underline) to indicate addition to the regulatory language, and double strikethrough (e.g., ~~double strikethrough~~) to show deletion to the regulatory language.

### **Section 4335(a):**

**Text:** “Patients shall not enter any single bedroom or dormitory bedroom (hereinafter referred to collectively as “room”) which the patient does not reside except under the conditions of subdivision (b) of this section. Patients cannot enter or remain in any room in which the patient does not reside between 22:45 and 07:00 and overnights stays will not be permitted.”

**Rationale:** The word “bed” was added to “room” to clarify the type of room the Department is referring to. Language was adjusted to clarify the specific times patients cannot visit other patients’ rooms. The specific times were added to ensure the readers of these regulations are clear on the exact times patients cannot enter or remain in other patients’ rooms. The times 22:45 and 07:00 were chosen based on hospital operations.

### **Section 4335(b):**

**Text:** ~~“At the discretion of each state hospital, Ppatients”~~

**Rationale:** The text was adjusted to remove the language, “At the discretion of each state hospital.” This language was removed as the Department added language to section 4335(c) making this statement unnecessary.

### **Section 4335(b)(3):**

**Text:** ~~“(3) — Upon observation by staff of any visits between patients that have known issues, staff are permitted to end the visit to ensure the health, safety, or security of all patients, staff, and public.”~~

**Rationale:** Section 4335(b)(3) has been removed as it is not a condition of entry into a patient room. This section is also repetitive as it is already covered in section 4335(c).

### **Section 4335(c) and (c)(1):**

**Text:** ~~“If staff observes any patient residing in a the room that has objected to the patient does not reside in, staff shall ascertain whether the occupants of that room approved the visit.”~~

~~“(1) — If a patient does not have the approval of all residing patients to be in the room,~~ or staff reasonably believes there may be a health, safety, or security concern to any patients, staff, or the public, staff shall escort the visiting patient out of the room or contact hospital police for assistance escorting the visiting patient out of the room, if necessary.”

**Rationale:** The language was changed to clarify the intent by rephrasing and reorganizing the text. Section 4335(c)(1) was removed and combined with section 4335(c). Wording was changed from “does not have the approval” to “has objected to” to be consistent with wording in section 4335(b)(1).

**Section 4340(a)(1):**

**Text:** ~~“(1) When there is a reasonable belief that a condition exists that poses a threat to the safety and security of the hospital, patients, and or employees, staff may investigate the condition pursuant to California Code of Regulations Title 9 Section 4351 et seq.”~~

**Rationale:** Section (a)(1) was removed as it was repetitive and a restatement of the Department’s authority pursuant to California Code of Regulations title 9 section 4351 et seq.

**Section 4340(b):**

**Text:** “Staff ~~will~~ shall conduct observation rounds of all areas that are occupied by patients, or may be occupied by patients, at least once every two hours except under emergency situations as that term is defined in section 4335(d)(1).”

**Rationale:** The word “will” was changed to “shall” as a non-substantive change. The phrase “as that term is defined in section 4335(d)(1)” was added to clarify that the Department intends to use the term “emergency situations” as defined in section 4335(d)(1).

**Section 4340(b)(1):**

**Text:** ~~“(1) When the entrance door to the unit is locked for the night, staff may inspect any area of the hospital to account for the location of patients.”~~

**Rationale:** Section 4340(b)(1) was removed as it was repetitive and is already covered by section 4335(b).

**Section 4340(c):**

**Text:** ~~“(c) Staff may perform observation rounds more frequently based upon the safety or security needs of the hospital.”~~

**Rationale:** Section 4340(c) was removed as it was repetitive and is already covered by section 4335(b).

**Section 4340(d):**

**Text:** “~~(d)~~ (c)”

**Rationale:** Section 4340(d) was changed to 4340(c) as a non-substantive re-numbering change.

**Section 4340(e):**

**Text:** “(~~e~~d) Staff performing observation rounds shall be accompanied by a second staff member when entering patient rooms as that term is defined in section 4335(a).”

**Rationale:** Section 4340(e) was changed to 4340(d) as a non-substantive re-numbering change. The phrase “as that term is defined in section 4335(a)” was added to clarify that the Department intends to use the term “room” as defined in section 4335(a).

## WRITTEN COMMENTS

The Department invites all interested persons to provide comments relevant to the specific changes made in the Second 15-Day Modified Regulations Text. The public may provide comment only in writing, submitted by postal mail, or electronically using the contact information below:

California Department of State Hospitals  
Regulations and Policy Oversight Unit  
RE: Entry Into Patient Rooms and Observation Rounds (Second  
15-Day)  
1215 O Street, MS-20  
Sacramento, CA 95814  
Email: [DSH.Regulations@dsh.ca.gov](mailto:DSH.Regulations@dsh.ca.gov)

All written comments received by September 24, 2025, which pertain to this notice, or the changes proposed in the Second 15-Day Modified Regulations Text will be considered and responded to by the Department in its Final Statement of Reasons.

## CONTACT PERSONS

The primary contact for this regulatory action is Rachelle Sack, and the backup contact is Anna Libonati. They can be reached by contacting the Regulations and Policy Oversight Unit phone number at (916) 654-2478 or the email provided above.