

**DEPARTMENT OF STATE HOSPITALS
INITIAL STATEMENT OF REASONS
STATE HOSPITAL VISITATION PROCESS**

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

INTRODUCTION AND BACKGROUND

The Department of State Hospitals (Department) is comprised of five hospitals, seven divisions, four offices, and the Director's Office. The hospitals provide inpatient care for over 7,400 patients daily. Each hospital is licensed by the California Department of Public Health. The Department's hospitals primarily treat forensic patients within Secured Treatment Areas, but they also provide treatment for civilly committed patients on behalf of California's counties.

The Department houses civil commitments and forensic populations, a large portion of which have been deemed a danger to the public. Pursuant to Welfare and Institutions Code section 4132, those committed to the Department are to be considered patients rather than inmates. Among the populations are committees who are deemed: Sexually Violent Predators, Offenders with Mental Health Disorders, Individuals found Not Guilty by Reason of Insanity, incarcerated persons from the California Department of Corrections and Rehabilitation (CDCR) under Penal Code section 2684, defendants deemed Incompetent to Stand Trial, and Lanterman-Petris-Short conservatees. The Department requires regulations to codify the process for visiting a patient that is housed at a Department hospital within the Secure Visiting Center. Current regulations do not provide sufficient guidance on the process of a person visiting a Department hospital patient and the standardized conduct to be held by all participating parties when entering the Secure Visiting Center. These regulations will reduce the safety, health, security, and environmental risk to the staff, patients, and members of the public by ensuring the proper procedures are followed by Department hospital patients and visitors. These proposed amendments will clarify the visitation process and procedure as well as improve the safety and security for staff, patients, and members of the public while on hospital grounds.

PROBLEM STATEMENT

These regulations are necessary to provide clarification to Department staff, patients, and members of the public on the process of visiting a patient in the Secure Visiting Center within any of the five State Hospitals. The Department has the authority to create rules related to the care and treatment of patients and the general operations of hospital facilities. The current regulations are vague and require elaboration pertaining to the process and requirements for visiting a State Hospital. The standards provided in these regulations include general provisions, registration application, processing, visitor rule violation, and minor visitations. Further, these regulations propose uniform procedures

and standardized expectations of conduct for both patients and visitors across all five hospitals, eliminating the operational differences between facilities. Visitors are expected to comply with these provisions throughout the duration of their visit or risk having their visit denied, restricted, suspended, or terminated resulting in their removal from hospital grounds.

STATEMENT OF BENEFITS:

The proposed changes will provide Department staff, patients, and members of the public with a clear and efficient process for registering, preparing, processing, and conducting their in-person visits on hospital grounds within the Secure Visiting Center. These regulations will help streamline in-person visitation so that visitors and patients know what to expect when attempting to meet with their loved ones and ensure each visitor is treated with fairness and social equity upon their arrival to the facility. The Department recognizes that all patients residing within its jurisdiction have a right to engage in visitation pursuant to Welfare and Institutions Code section 5325. These regulations seek to disclose and clarify all standardized expectations of conduct when at the Secure Visiting Center. Drawing on decades of experience maintaining a safe visitation environment and blocking the introduction of contraband into the hospital, these regulations establish a code of conduct as well as a process for the denial, restriction, suspension, or termination of a visit when the Department's rules and guidelines or any other statutes or regulations are violated. By having these provisions listed, the Department can lawfully cite their authority when faced with having to remove either a difficult patient or visitor from the Secure Visiting Center and continue to prioritize the safety and security of its staff, patients, and members of the public.

SPECIFIC PURPOSE AND NECESSITY FOR EACH AMENDED AND ADOPTED REGULATION

Section 4300(a):

Purpose: The purpose of this section is to establish the scope of these regulations as governing patients housed within the Secured Treatment Area of each state hospital. It also establishes that each state hospital must maintain a designated Secure Visiting Center within the hospital's Secured Treatment Area in order to protect patients' rights to receive visitors in a secure environment.

Necessity: It is necessary to make clear purpose of these proposed regulatory actions. The governance of visitation is to ensure that all hospital staff, patients, and members of the public understand and adhere to the provisions being set forth in these regulations. It is necessary for each facility to have an established Secure Visiting Center so that the facility can ensure that the patient's rights to see visitors are upheld. Each Secure Visiting Center must be located within the greater borders of the Secured Treatment Area due to the security restrictions placed on the Department's patient population. These regulations also seek to clarify the visitation process by explaining all the rules and guidelines which must be followed by all participating parties so that the

Department can maintain the safety and security of all staff, patients, and members of the public.

Section 4300(b):

Purpose: The purpose of this section is to establish what documents will be accepted as a form of valid government-issued photo identification.

Necessity: It is necessary to define what constitutes a valid government-issued photo identification to alleviate any confusion. These regulations add clarification so that prospective visitors may be informed and be prepared to bring at least one original copy of a valid and current government-issued photo identification. For purposes of these regulations, the Department lists the acceptable forms for valid and current government-issued photo identification as: a Passport (international or domestic), U.S. military identification, or State or U.S. Government-issued photo identification or Driver's License. All these forms must be "valid", meaning that they have been issued by a government agency and "current" meaning they are not expired. The provided identification will be used as proof of a visitor's identity and to cross-reference with relevant government databases to verify the visitor's stated identity and ensure the safety and security of all staff, patients, and members of the public.

Section 4300(c):

Purpose: The purpose of this section is to disclose and inform readers of the next section of the text, which is the Visiting Hours.

Necessity: It is necessary to list the next section as it previews and discloses to the public what the Department will discuss and cover moving forward. It provides clarification and transition assistance from one focal point of the regulatory text to another.

Section 4300(c)(1):

Purpose: This proposed regulation moves the language that currently exists in section 4300, subsection (a) to section 4300, subsection (c)(1) of this regulatory text. This amendment is a non-substantive change that has no impact on the meaning of the existing regulation.

Necessity: Moving this language from the existing section 4300, subsection (a), to this subsection, to the similar subject matter for conciseness, improving the clarity and readability of the regulation.

Section 4300(c)(2):

Purpose: This proposed regulation moves the language that currently exists in section 4300, subsection (c) to section 4300, subsection (c)(2) of this regulatory text. This

amendment is a non-substantive change that has no impact on the meaning of the existing regulation.

Necessity: Moving this language from the existing section 4300, subsection (c), to this subsection, to the similar subject matter for conciseness, improving the clarity and readability of the regulation.

Section 4300(c)(3):

Purpose: The purpose of this section is to establish the maximum number of visitors one patient is allowed to have during a single visitation session unless otherwise authorized by the Executive Director or designee.

Necessity: It is necessary to include this section to provide clarity on the maximum number of visitors allowed during each visiting session. As such, four visitors per one patient during a single visitation session was determined to be the most reasonable permissible maximum to ensure the Secure Visiting Center does not reach capacity, and to provide every patient and visitor equal opportunity to conduct scheduled visits within a timely and reasonable timeframe. Prior authorization for additional visitors over the four-person maximum is reserved for exceptional occasions and is obtained for a single visitation session upon the approval of the Executive Director or designee.

Section 4300(c)(4):

Purpose: The purpose of this section is to establish that visits may be concluded for visitor(s) who have been visiting the longest in the event the Secure Visiting Center has reached capacity and incoming visits need to be conducted.

Necessity: It is necessary to ensure that all patients and their visitor(s) have an equal opportunity to visit within the 45-minute minimum visitation window. This is to ensure all patients' visitation rights are met while ensuring that the Secure Visiting Center remains at an appropriate capacity to mitigate safety or security issues, as well as to meet State Fire Marshal requirements. This provision grants hospitals freedom to allow patients and visitors an extended visit beyond the 45-minute duration, but only if the Secure Visiting Center is not at capacity and no other visitors are awaiting their scheduled visit with a patient.

Section 4300(c)(5):

Purpose: The purpose of this section is to establish that pursuant to subsection (c)(2) of these regulations, hospitals shall not change the scheduled Secure Visiting Center hours without a minimum of 10 working days' notice to members of the public unless an unexpected occurrence or emergency is taking place that poses an immediate safety or security risk to individuals in the Secure Visiting Center.

Necessity: It is necessary to clarify the number of working days needed to give advance notice before changing the Secure Visiting Center schedule pursuant to subsection (c)(2) of these regulations. 10 working days is enough advanced notice to allow both prospective visitors and patients to be made aware of the change in visitation hours. Visitors will have the opportunity to reschedule or rearrange their visit with minimal burden if notified more than 10 working days prior to a change in visiting hours, which may include a temporary closure of the Secure Visiting Center. The exception to providing this advanced notice would be instances where the Secure Visiting Center is unexpectedly unsuitable for hosting patients and members of the public in a safe and secure manner. Examples include a facility-wide emergency, such as a natural disaster, as well as the unexpected need to lock down the facility for contraband and other dangers or the unexpected need to perform maintenance for safety and security. In these situations, it would be impossible to give the public advance notice of a change in visiting hours.

Section 4300(c)(6):

Purpose: The purpose of this section is to establish patients and visitors to host visits outside of normal visiting hours when approved by the Executive Director or designee, so long as exceptional and exigent circumstances exist.

Necessity: It is necessary to ensure the patients' right to visitation even under exceptional or exigent circumstances. It is necessary to allow the opportunity for visits outside of normal visiting hours to accommodate specific situations such as visitors traveling from out-of-state or overseas, terminal illness of the patient, terminal illness of a family member, or other exceptional unforeseeable circumstances where the normal visiting schedule cannot be adhered to.

Section 4300(d):

Purpose: The purpose of this section is to disclose and inform readers of the next section of the text, which is the Visitor Guidelines for the Secure Visiting Center.

Necessity: It is necessary to provide Visitor Guidelines for the Secure Visiting Center. The following subsections provide overall guidance to visitors, and the section covers what to expect when visiting. The header previews and discloses to the public what the Department will discuss and cover moving forward. It provides clarification and transition assistance from one focal point of the regulatory text to another.

Section 4300(d)(1):

Purpose: This section is to establish that people visiting any of the five state hospitals may have their visitation rights terminated if they fail to follow the rules and provisions listed in these regulations.

Necessity: This section is necessary to ensure the safety and security of staff, patients, and members of the public by allowing hospital staff to terminate visitation for individuals who are not following the policies and guidelines established by the regulations, which are themselves established to ensure the safety and security of staff, patients, and members of the public. Visitors and members of the public must be made aware and understand what behaviors, property, forms of dress, paperwork, security requirements, violations and privileges are expected of and granted to them while on facility grounds and within the Secure Visiting Center, and that their ability to visit the hospital is contingent upon following these regulations.

Section 4300(d)(2):

Purpose: This section establishes certain situations where a visit is denied or terminated when either the Secure Visiting Center is temporarily unavailable or there is an emergency that would render visitation hazardous for staff, patients, and members of the public. Such occurrence could result in an unforeseeable denial of visitation for all prospective visitors at a given time, as well as the termination of ongoing visits as decided upon by the Executive Director or designee.

Necessity: This section is necessary because emergency situations can affect the hospitals at any given time and may impact the ability to host visitors at the Secure Visiting Center. Emergencies like natural disasters, building mechanical issues, quarantine, fire, bomb threats, extreme heat, and countless other foreseeable and unforeseeable catastrophic events all pose an immediate threat to the safety of Department staff, patients, and members of the public. Non-emergency occurrences could also prevent visitation at a given time or date. One such occurrence may be the need to make necessary improvements or modifications to the Secure Visiting Center, where there may be potential safety risks. Another such occurrence involves the need to search the facility for contraband items or other dangers prior to resuming visitation. To ensure that the Department is procedurally prepared to face these occurrences, these regulations authorize the Executive Director or designee to terminate all scheduled and non-scheduled visits without advanced notice. This is necessary to ensure that no member of the public is put in danger when trying to conduct their visit with a patient. The definition of emergency is derived from the Merriam-Webster and Cambridge dictionaries and is necessary to have a common agreed upon term and explanation.

Section 4300(d)(3):

Purpose: The purpose of this section is to establish that a visit will be concluded when a visitor exits the boundaries of the Secure Visiting Center, unless certain exceptions apply.

Necessity: This section is necessary to ensure the safety and awareness of the staff, patients, and members of the public while on hospital grounds. For security purposes, visitors shall not go in and out of the Secure Visiting Center. Going in and out of the

Secure Visiting Center elevates the risk of contraband entering a hospital and may affect other visitor's ability to visit a patient. However, there are certain instances where temporarily leaving the Secure Visiting Center during the visit is permissible and necessary. Leaving the Secure Visiting Center in these specified instances will not terminate a visit.

Section 4300(d)(3)(A):

Purpose: The purpose of this section is to explain the potential scenarios where visitors may be allowed to leave the Secure Visiting Center without risking their visit being terminated. With prior permission obtained through the Executive Director or designee, a visitor may leave the Secure Visiting Center to take their prescribed medication when medically necessary. Once the visitor has taken their medication, they may be permitted to re-enter the Secure Visiting Center after going through security screening.

Necessity: It is necessary to allow visitors to leave the Secure Visiting Center to take their prescribed medications to ensure that the visitors can fulfill their medical needs. Only the Executive Director or designee can approve this accommodation because prescription medications are considered contraband under the Department's statewide contraband list. The security screening of visitors upon their re-entry is necessary to minimize the risk of contraband entering the Secured Treatment Area and to ensure the safety of the other staff, patients, and members of the public while on hospital grounds.

Section 4300(d)(3)(B):

Purpose: The purpose of this section is to explain the potential scenarios where visitors may be allowed to leave the Secure Visiting Center without risking their visit being terminated. With prior permission obtained through hospital police staff, a visitor may leave the Secure Visiting Center to use the designated visitor restroom when necessary. Once the visitor has finished using the restroom, they may be permitted to re-enter the Secure Visiting Center after going through security screening.

Necessity: While some visitor-designated restrooms are within the boundaries of the Secure Visiting Center, some hospitals provide restrooms outside the boundaries of the Secure Visiting Center. This section is necessary to ensure visitors can use the restrooms as needed and still be allowed to continue their visit. The security screening of visitors upon their re-entry is necessary to minimize the risk of contraband entering the Secured Treatment Area and to ensure the safety of the other staff, patients, and members of the public while on hospital grounds.

Section 4300(d)(4):

Purpose: This proposed regulation moves the language that currently exists in section 4300, subsection (d) to section 4300, subsection (d)(4) of this regulatory text. This amendment is a non-substantive change that has no impact on the meaning of the existing regulation.

Necessity: Moving this language from the existing section 4300, subsection (d), to this subsection groups similar subject matter for conciseness, improving the clarity and readability of the regulation, the move is a non-substantive change.

Section 4300(d)(5):

Purpose: This section is to establish the definition of "combined visitation" under hospital rules as well as clarify that such types of visits are strictly prohibited unless otherwise approved by the Executive Director or designee.

Necessity: The hospital does not allow combined visits because it potentially creates a security risk for the staff, patients, and members of the public. Security risks can include manipulation between patients and visitors, the exchange of contraband, threats and extortion by patients against other patients or visitors, as well as impacts the capacity of the Secure Visiting Center. Combined visitation for exceptional circumstances may be allowed when approved by the Executive Director or designee. These visits are still subject to the visitor conduct and visitor violation provisions listed below.

Section 4300(e):

Purpose: The purpose of this section is to establish that all hospital facilities shall provide private areas for individual patients to discuss their legal matters with an attorney or attorney's representative. This language was formally approved and exists in the section 4300, subsection (b), but due to the addition of "or an attorney's representative", justification for this change must be made as it is substantive and changes the meaning of the regulations text. This proposed regulation moves the language that currently exists in section 4300, subsection (b) to section 4300, subsection (e) of this regulatory text.

Necessity: Private interview areas allow patients and their legal representatives a dedicated zone where they can discuss confidential matters that pertain to a patient's case file. All in-person correspondence between patients and their legal representatives, attorneys or other practitioners, will remain private and away from the greater populus of the Secure Visiting Center. This is to ensure that the Department complies with patients' rights guidelines. The addition of "or an attorney's representative" to the pre-existing California Code of Regulations language was added for clarification purposes and to ensure that all potential legal practitioners are included in this amended provision. Moving this language from the existing section 4300, subsection (b), to this subsection groups similar subject matter for conciseness, improving the clarity and readability of the regulation.

Section 4300(e)(1):

Purpose: The purpose of this section is to establish that all attorneys who wish to schedule a visit with their client, a Department patient, must present two forms of

identification to be admitted into the Secure Visiting Center or within the boundaries of the Secured Treatment Area. These forms of identification include a valid Bar Card active under the State of California, or alternatively a copy of an individual's California State Bar Attorney Profile Page, as well as a secondary form of identification which shall include a valid government-issued photo identification. Admittance into the Secure Visiting Center will not be permitted without formal confirmation of both forms of identification.

Necessity: It is necessary to require a valid Bar Card demonstrating the attorney's authorization to practice law in the State of California because all five hospitals are located within California borders and patients have been charged and housed under the California judicial system. Attorneys who can legally practice within the California court system may be granted a private, confidential visit with their client to discuss matters concerning their case. As an additional method of precaution, a current and valid government-issued identification which shall include the options listed within the text. Legal representatives are asked to provide two forms of identification because of the security risk that comes with providing patients and a single visitor access to private interview areas within the facility grounds. The hospital has encountered incidents in the past where a visitor has attempted to pose as a patient's legal representative as a means to gain access to private interview areas in hope of exchanging contraband back and forth. This is to confirm that the prospective attorney visitor is the person indicated on their bar card, as well as to perform a background check on the individual requesting a private attorney interview, as they are also subject to a California Law Enforcement Telecommunications (CLETS) background check like any other visitor. This is to ensure security remains a top priority for staff, patients, and members of the public.

Section 4300(e)(2):

Purpose: The purpose of this section is to establish that professionals appearing on behalf of the patient's attorney (i.e. paralegals, private investigators, etc.) may be required to provide a valid government-issued photo identification and a letter signed by the attorney authorizing the visit on the attorney's behalf and indicating which patient they are requesting to visit.

Necessity: Only attorneys and their authorized representatives may be admitted into the hospital to visit with their clients and be granted access to a private area to discuss legal matters surrounding the patient. A current and valid government-issued identification, which shall include the options listed in section 4300, subsection (b). This confirms that the prospective legal visitor is the person indicated in the letter from the attorney, as well as perform a background check on the individual requesting a private interview, as they are also subject to a CLETS background check like any other visitor. This ensures security remains a top priority for staff, patients, and members of the public. As an additional method of precaution, a letter signed by the attorney may be required if the attorney is not present during the visitation session. The Department understands that the attorney's office staff may be conducting attorney-client business on behalf of the attorney, as a result, this would allow the attorney's staff to have the

confidential communication with the attorney and their staff. The requirement for an attorney letter authorizing a representative safeguard against incidents where visitors attempt to pose as a patient's legal representative to have access to a private room, directly violating the hospital's security and visitation rules and/or guidelines.

Section 4300(e)(3):

Purpose: The purpose of this section is to establish that the attorney or attorney's representative will be asked to provide a written statement that confirms they are representing the patient in a pending legal matter.

Necessity: This is necessary to ensure that the visiting attorney or attorney's representative is requesting a confidential interview area to exclusively discuss the patient's pending legal matters and not simply visiting the patient as a friend but taking advantage of the private interview areas. This is to mitigate the safety and security risk of all staff, patients, and members of the public. All private interview areas on hospital grounds are exclusively for the discussion of confidential legal matters between patients and their legal representatives.

Section 4301(a):

Purpose: The purpose of this section is to establish that each hospital shall maintain a website specific to their facility that will allow visitors to request visitation with patients via the online visitor application.

Necessity: By allowing visitation to be scheduled online, visitors are able to identify available dates and plan their visits without needing to physically mail in visitor application(s) and wait for confirmation receipt by the hospital. Digitalizing the application also complies with most households who have access to the internet but may not have access to a printer or mailing supplies. This streamlined process also speeds up the time required to schedule a visit and allows hospital processing staff to easily track which visitor applications have been approved, and which require further information/communication.

Section 4301(b):

Purpose: The purpose of this section is to establish that all visitor applications must be submitted to the hospital they intend to visit no later than ten business days prior to the visit and to make clear that no visitor will be permitted to visit a patient without having completed and submitted the application with all required information. All hospitals will require the same information as detailed in the sections below if and when applicable.

Necessity: The established deadline for visitor application submissions prior to each scheduled visit is to ensure timely review and processing. Ten days is the minimum amount of time needed by hospital staff to process each individual application from the time it is received, either online or via U.S. mail. The minimum of ten days allows the

hospital to process the application as well as allowing visitors to make arrangements for their visits, especially for the facilities in more remote places.

Section 4301(c):

Purpose: The purpose of this section is to establish the required information that visitors must provide when filling out the visitor application.

Necessity: Listing and asking for the required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process so that the hospital may successfully process their visitation request.

Section 4301(c)(1):

Purpose: The purpose of this section is to list the first provision of the required information under the hospital site-specific visitor application, which is the prospective visitor's legal first name.

Necessity: A legal first name is necessary information as it helps the Department and hospital staff confirm the applicant's identity through their application, valid government-issued photo identification, and the California Law Enforcement Telecommunications (CLETS) process. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(2):

Purpose: The purpose of this section is to list the second provision of the required information under the hospital site-specific visitor application, which is the prospective visitor's legal last name.

Necessity: A legal last name is necessary information as it helps the Department and hospital staff confirm the applicant's identity through their application, valid government-issued photo identification, and the CLETS process. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(3):

Purpose: The purpose of this section is to list the third provision of the required information under the hospital site-specific visitor application, which is the prospective visitor's state of residence.

Necessity: Disclosing the applicant's state of residence is necessary information as it helps the Department and hospital staff confirm the applicant's identity through their application, valid government-issued photo identification, and the CLETS process. Verifying the State of Residence also helps ensure that all information under the prospective applicant's application is current and accurate. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(4):

Purpose: The purpose of this section is to list the fourth provision of the required information under the hospital site-specific visitor application, which is the prospective visitor's date of birth.

Necessity: Disclosing the applicant's date of birth is necessary information as it is a data point used for the verification process for Hospital staff through the CLETS background checks. A date of birth is an important part of identification verification to validate the applicant's identity and accurate age. This is to make sure no minors under 18 apply to visit without an escort and the appropriate authorization. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(5):

Purpose: The purpose of this section is to list the fifth provision of the requested information under the hospital site-specific visitor application if available, which is the prospective visitor's email address.

Necessity: Listing the applicant's email address, if the applicant has an available email address to provide, is necessary to ensure the hospital has a way to contact the applicant with the decision to either approve or deny their application. Hospital staff will use the email address to contact the applicant if any further verification is needed or to communicate the decision on their application to visit. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(6):

Purpose: The purpose of this section is to list the sixth provision of the required information under the hospital site-specific visitor application, which is the prospective visitor's phone number and/or optional alternative phone number.

Necessity: Listing the applicant's phone number and/or optional alternative phone number is necessary to ensure that the hospital has a way to contact the applicant with the decision to either approve or deny their application. Providing two numbers (if two numbers are carried by the applicant) is one way that hospital staff may contact the applicant if any further verification is needed or to communicate the decision of their application. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(7):

Purpose: The purpose of this section is to list the seventh provision of the required information under the hospital site-specific visitor application, which is the prospective applicant's Valid Government-Issued Photo Identification Number pursuant to section 4300, subsection (b).

Necessity: A Valid Government-Issued Photo Identification Number is necessary information as it helps the Department and hospital staff confirm the applicant's identity both through their application and the CLETS process. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(8):

Purpose: The purpose of this section is to list the eighth provision of the requested information under the hospital site-specific visitor application, which is the prospective visitor's Vehicle License Plate Number if the prospective visitor is driving themselves to the hospital and parking on hospital grounds.

Necessity: Disclosing the applicant's Vehicle License Plate Number if used as transportation to the planned visit and parked on hospital grounds allows hospital protective staff to be aware of visiting vehicles on hospital grounds. It allows hospital police canines access to sniff and helps hospital staff identify whether or not a visitor drove in. If a visitor were to drive in with a suspended license, then hospital staff can identify their vehicle through the provided license plate number, check if it is on hospital grounds, and potentially deny the visitor access to the Secure Visiting Center for driving

with a suspended license. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(9):

Purpose: The purpose of this section is to list the ninth provision of the required information under the hospital site-specific visitor application, which is the name of the patient the prospective visitor wishes to visit.

Necessity: A patient's name is needed so hospital staff can confirm that the patient is indeed a resident at the hospital and can notify the patient of a pending visitation request. By asking for the patient's name, the hospital is able to pull the patient's file to ensure that no visitation restrictions have been placed on the patient and to confirm that their schedule is available for visits. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(10):

Purpose: The purpose of this section is to list the twelfth provision of the required information under the hospital site-specific visitor application, which is the prospective visitor's relationship to the patient with whom they are requesting a visit.

Necessity: It is necessary for the prospective visitor to list their relationship to the patient they are requesting to visit so the hospital can verify the visitor is not a victim of the patient, nor a former Department or California Department of Corrections and Rehabilitation (CDCR) employee or patient, or of any other relation that could potentially put their own person at risk or the risk of the patient or hospital staff. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(11):

Purpose: The purpose of this section is to list the eleventh provision of the required information under the hospital site-specific visitor application, which is the type of visitation the visitor wishes to request; either on-site or remote.

Necessity: It is necessary to ask the visitor to choose a visitation type so that the hospital can prepare and allocate the necessary resources for the visit. If a visitor

chooses to visit on-site, the hospital will use that for scheduling purposes in which the visitor and patient can conduct their visits. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(c)(12):

Purpose: The purpose of this section is to list the twelfth provision of the required information under the hospital site-specific visitor application, which is the manual Acknowledgement of Rules and Conditions of Visitation.

Necessity: This Acknowledgement of Rules and Conditions of Visitation is necessary to confirm that the prospective visitor has read and understood the rules and guidelines ahead of visiting one of the Department's state hospitals. Visitors are required to acknowledge the summary of visitor conduct because they are attesting to being aware of the rules and regulations set for the visitors and this is necessary to maintain the safety and security while visiting a patient. The required portions of the visitation application are necessary to inform potential visitors of what information will be required during the application process. Each piece of information is necessary to validate the identification of visitors, which is required for maintaining the safety and security of staff, patients, and members of the public.

Section 4301(d):

Purpose: The purpose of this section is to establish that the information within the submitted visitor's application will be verified against the data repositories listed in the subsections below.

Necessity: It is necessary to verify visitor identities using the available data records to ensure that visitors who may pose a risk to hospital staff or patients are permitted on hospital grounds. These reviews are completed through the additional databases indicated below. The allotted ten additional business days listed above is the maximum it may take for an application to be processed when including verification from outside databases.

Section 4301(d)(1):

Purpose: The purpose of this section is to list the first of three forms of background verification used to verify a prospective visitor application data. The first form of verification being the California Law Enforcement Telecommunications System (CLETS).

Necessity: The CLETS background verification must be included because of the wide access of public record data this form of verification supplies to hospital staff. CLETS is

necessary so that hospital staff can verify that the prospective visitor does not have any active warrants or warrants. If any criminal warrants are outstanding, the visitor shall be denied access. CLETS will also reveal any protective orders that may render the visit unlawful.

Section 4301(d)(2):

Purpose: The purpose of this section is to list the second of three forms of background verification used to verify a prospective visitor application data, the Record Management System (RMS).

Necessity: The RMS is a hospital database which identifies visitors who have had restrictions or limitations placed on their application. The verification against the RMS ensures that hospital staff only approve the visitor applications for permitted visitors who pose no security risk to staff, patients, and members of the public or hospital grounds during the visitation process.

Section 4301(d)(3):

Purpose: The purpose of this section is to list the third of three forms of background verification used to verify a prospective visitor application, the Restricted Visitors List.

Necessity: The Restricted Visitors List is a database of visitors which captures information regarding restrictions, suspensions, or past terminations of visitation placed on their record. This list exists to make hospital staff aware of any prospective visitor who may pose a security or safety risk to staff, patients, and members of the public.

Section 4301(e):

Purpose: The purpose of this section is to establish that the prospective visitor application shall be approved if no barriers to visitation were found during the three verification processes listed above, and that confirmation of the visit approval will be sent by the hospital to the prospective visitor.

Necessity: This is necessary to make prospective visitors aware that once their application has been verified against the three forms of verification listed above and if no security threats or other barriers to visitation are detected from these forms of verification, the application will be approved. Confirmation of visitor application approval will be sent to the applicant so they can plan for their visit.

Section 4301(f):

Purpose: The purpose of this section is to establish that unscheduled visits will not be allowed without prior submission and approval of a visitor's application pursuant to section 4301, subsections (c) and (d).

Necessity: Due to the Department's requirement to verify the identity of prospective visitors prior to approving a visitation application, unscheduled visits are difficult to accommodate. As indicated in section 4301, subsection (d), all applications will be verified using the databases listed above. Walk-in visits, if permitted by the facility, must still adhere to completing and signing the visitor application as listed in section 4301, subsection (c). This is to ensure that the hospital has the legally accurate data of the prospective visitor so that the hospital can ensure the safety and security guidelines are followed and no patient or staff member is put at risk.

Section 4301(g):

Purpose: The purpose of this section is to establish that once a visitor application has been formally approved by the hospital staff, the application containing the visitor's information will be logged into the RMS along with the results of the visitor's application request and whether it has been approved, restricted, or suspended.

Necessity: Logging application data into RMS is necessary for record keeping of approved visits. This database is utilized by hospital staff to track prior visitation approvals, which can streamline the application process. RMS also maintains records of any logged restrictions or suspensions, so staff can access a full report of all visitor actions and visitation history, potentially reducing the time required for the hospitals to respond to visitation requests.

Section 4302(a):

Purpose: The purpose of this section is to establish that all visitors must provide valid government-issued photo identification for inspection when they arrive for their visit at the Secure Visiting Center.

Necessity: It is necessary that visitors provide the same form of valid government-issued photo identification as submitted through their online application so hospital staff can verify the visitor's identity and ensure the visitor does not pose a security risk.

Section 4302(b):

Purpose: The purpose of this section is to establish that hospital staff will notify the patient that they have a visitor.

Necessity: This is necessary so the hospital staff know to notify the patient that they have a visitor and that patients can choose to accept or decline any visit.

Section 4302(c):

Purpose: The purpose of this section is to establish the next steps after a patient has agreed to the scheduled visit. On the day of the visit, the patient will be sent or escorted by hospital staff to the Secure Visiting Center.

Necessity: This is necessary so the hospital staff and patient know, that if a patient agrees to the visit, how they will travel to the Secure Visiting Center. If a patient is able to travel without an escort to the Secure Visiting Center based on their hospital access level as pursuant to section 4355 et seq., they will be allowed to do so. Otherwise, hospital staff will escort the patient to the Secure Visiting Center. An escort may be required if a patient does not have an adequate Hospital Access System level, or if the layout of the hospital renders unescorted patient travel within the Secured Treatment Area unsafe for patients and staff. Patient escorts may also be necessary to help guide the patient to the Secure Visiting Center if they do not know its location, or if the patient requires any assistance making their way over to the center.

Section 4302(d):

Purpose: The purpose is to establish the next section of the text, which is the Health Screening section.

Necessity: It is necessary to list the next section as it previews and discloses to the public what the Department will discuss and cover next. It provides clarification and transition assistance from one focal point of the regulatory text to another.

Section 4302(d)(1):

Purpose: The purpose of this section is to establish that once a visitor arrives to the hospital facility, they may be subjected to a screening of their health before being allowed to enter the Secure Visiting Center.

Necessity: It is necessary to disclose the potential for required health screenings before a visitor may be allowed to enter the Secure Visiting Center, so the public is aware of all potential requirements for visitation. During Flu Season, or any other time where communicable infectious illnesses are prevalent, health screening may be set up as an additional safety precaution prior to the visitor being admitted to the Secure Visiting Center to prevent the spread of infectious disease to hospital staff and patients.

Section 4302(d)(2):

Purpose: The purpose of this section is to establish the guideline that if a visitor presents any noticeable signs or symptoms of transmissible illness like a cough, sneeze, or visual runny nose that their visit will be deferred until they are no longer presenting symptoms.

Necessity: Congregate living environments, such as hospital facilities, have an increased risk for rapid and widespread transmission of infectious and aerosol transmissible diseases. If a visitor arrives and presents symptoms of infectious disease, their visit must be rescheduled to contain possible contagion, prevent exposure, and mitigate outbreak risk.

Section 4302(e):

Purpose: The purpose is to establish the next section of the text, which is the Security Screening section.

Necessity: It is necessary to list the next section as it previews and discloses to the public what the Department will discuss and cover moving forward. It provides clarification and transition assistance from one focal point of the regulatory text to another.

Section 4302(e)(1):

Purpose: The purpose of this section is to establish that visitors and any property they bring into the Secure Visiting Center will be subject to a contraband search pursuant to section 4353.

Necessity: This section is necessary because it discloses to prospective visitors the expectation that they will be subject to a search of themselves and their property when entering the Secure Visiting Center pursuant to section 4353. This contraband check is to ensure no illicit items are introduced into the hospital system which may jeopardize the safety and security of staff, patients, and members of the public and to ensure that no contraband as identified in the statewide contraband list or the hospital site-specific contraband list is allowed into the facility.

Section 4302(e)(2):

Purpose: The purpose of this section is to notify prospective visitors of the location of statewide and hospital site-specific contraband lists so they can review allowable items and be prepared for the visit. This also establishes that the Secure Visiting Center will follow the guidelines laid out in both the statewide and hospital site-specific contraband lists. The section also informs prospective visitors that they may be required to place allowable items in a clear plastic bag when taken into the Secure Visiting Center.

Necessity: Identifying both contraband lists and the Welfare and Institutions Code section 7295 in which they adhere to, is necessary so the public can access information on which items are allowed into the Secure Visiting Center prior to their visit. It is also necessary to acknowledge and inform visitors that the Secure Visiting Center of each hospital will follow these lists as a way of avoiding the introduction of contraband into the hospital. Lastly, this section informs visitors of the possible necessity for placing allowable items into a clear plastic bag before progressing into the Secure Visiting Center. This step allows hospital security staff to see all items being brought into the Secure Visiting Center without having to conduct additional searches or risk contraband being brought in illicitly.

Section 4302(e)(3):

Purpose: The purpose of this section is to establish that if a visitor has a medically implanted or prosthetic device that may trigger or prevent them from going through a metal detector, they will be required to provide a written letter signed by their physician to verify the medical necessity and to disclose what location of the body the device is located.

Necessity: Disclosure of the visitor's medically implanted or prosthetic device is necessary so the hospital staff know how to process the visitor so security screenings can still be completed. The letter from the visitor's designated physician is essential to both confirm the presence of a medically implanted or prosthetic device as stated in their application, and to confirm the device's location. The location is necessary so that security screenings can be adjusted to accommodate based on this documentation by using a metal detector wand or other forms of search to scan specific areas of the body individually. This ensures all visitors go through the metal detection process and maintain the safety and security of staff, patients, and members of the public.

Section 4302(e)(4):

Purpose: The purpose of this section is to establish that anyone exiting the Secure Visiting Center may be subject to search as they leave using the same tools and methods as described in section 4353.

Necessity: It is necessary to disclose visitors may be subject to search upon exiting the Secure Visiting Center and that the security screening process is the same as the security screening process upon entering the Secure Visiting Center, so prospective visitors understand that searches are conducted upon entry or exit of the Secure Visiting Center to verify there was no exchange of contraband. These regulations clarify that the searches will be completed using the same tools and methods pursuant to section 4353.

Section 4302(f):

Purpose: The purpose of this section is to establish that, if and when the visitor is provided with a visitor's badge or any other form of visible identification, like a fluorescent stamp, it must be displayed on their person and remain visible at all times. This indicates to hospital staff the visitor is a member of the public and not a patient or hospital staff member.

Necessity: This section is necessary to indicate a visitor may be provided a badge or other form of identification by hospital staff, and the constant visibility of a visitor's badge or other form of visible identification is necessary so staff, patients, and members of the public can easily identify a visitor and not a member of the staff or patient population. These forms of identification are necessary for the general safety and security of the facility grounds and all visitors who enter the Secured Treatment Area. In

the event of a facility-wide emergency, staff would need to escort both patients and visitors out of harm's way, without risking mixing the two populations.

Section 4302(g):

Purpose: The purpose is to establish the next section of the text, which is the Secure Visiting Center Items.

Necessity: It is necessary to list the next section as it previews and discloses to the public what the Department will discuss and cover moving forward. It provides clarification and transition assistance from one focal point of the regulatory text to another.

Section 4302(g)(1):

Purpose: The purpose of this section is to establish that items belonging to both patients and visitors must adhere to both the statewide and the hospital site-specific contraband lists for items to be deemed permissible to be brought into the Secure Visiting Center.

Necessity: It is necessary to ensure that any items brought into the Secure Visiting Center are not contraband as described in the statewide and hospital site-specific contraband list. This is necessary to ensure that contraband does not get into the hospital through the Secure Visiting Center. This helps ensure the safety and security of the facility, staff, patients, and members of the public.

Section 4302(g)(2):

Purpose: The purpose of this section is to establish that any exchange of items between visitors and/or patients within the boundaries of the Secure Visiting Center shall be strictly prohibited except under the guidelines listed in section 4354.1.

Necessity: Preventing the exchange of unallowable items during a visit within the Secure Visiting Center is crucial to ensure contraband or illicit materials do not enter the facility. This prevents patients from obtaining materials which may interfere with their treatment programs or risk the health and safety of other patients and staff, as well as to prohibit visitors and the public from being exposed to confidential or potentially illegal/hazardous contraband. Outlining how the exchange is properly allowed in the listed section notifies the interested public of the process, which is designed to mitigate health and safety concerns related to the exchange of contraband or illicit materials.

Section 4302(h):

Purpose: The purpose is to establish the next section of the text, which is the Dress Code for Visitors.

Necessity: It is necessary to list the next section as it previews and discloses to the public what the Department will discuss and cover moving forward. It provides clarification and transition assistance from one focal point of the regulatory text to another.

Section 4302(h)(1):

Purpose: The purpose of this section is to establish that visitors must follow the established dress code listed in these regulations or risk their visit being denied or terminated.

Necessity: Adherence to the regulated dress code is necessary to ensure the safety of all parties involved. Clothing not only covers the body but could also be used as a weapon, transmit messages, illicit threats, or provoke sexual arousal, so adhering to the dress code is an important component to ensure the safety and security of staff, patients, and members of the public. Those who do not adhere to the dress code may have their visit denied or terminated to preserve the safety and security of those within the Secure Visiting Center.

Section 4302(h)(2):

Purpose: The purpose of this section is to establish that all visitors shall remain fully clothed for the duration of the visit in the Secure Visiting Center. Being fully clothed includes the wearing of a top and bottom as well as undergarments in the manner in which they are intended to be worn.

Necessity: It is necessary for visitors to remain fully clothed. Unclothed and partially unclothed individuals are subject to removal and termination of their visit because being in a state of undress will be distracting to patients and visitors attempting to enjoy their visit and may raise to the level of indecent exposure. Further, Department facilities house individuals who have been deemed sexually violent or sexual offenders, so remaining clothed at all times assists hospital staff in protecting visitors and prevents patients from experiencing triggers that could interfere with their treatment plans and progress.

Section 4302(h)(3):

Purpose: The purpose of this section is to set up the list of prohibited items of attire that is considered unallowable in the Secure Visiting Center.

Necessity: It is necessary to list the items of prohibited attire so prospective visitors are made aware of what type of dress is required when entering the Secure Visiting Center and can plan their visit accordingly. Department facilities house individuals who have been deemed sexually violent or sexual offenders, so adhering to a list of prohibited clothing items at all times assists hospital staff in protecting visitors and prevents

patients from experiencing triggers that could interfere with their treatment plans and progress.

Section 4302(h)(3)(A):

Purpose: The purpose of this section is to establish that any attire that exposes the midriff, chest area, genitals, or buttocks areas of the body are strictly prohibited and not allowed to be worn in the Secure Visiting Center.

Necessity: Exposure of these body parts may interfere with patients' clinical treatments and may raise to the level of indecent exposure. The Department includes such limitations in these regulations to inform prospective visitors prior to their visitation. By defining which exact areas of the body cannot be shown while on facility grounds, the Department allows prospective visitors to plan appropriate outfits in advance of their visits, while maintaining the therapeutic treatment environment within the Secure Visiting Center.

Section 4302(h)(3)(B):

Purpose: The purpose of this section is to establish that any attire that is transparent, sheer, strapless, sleeveless, excessively loose, or excessively tight is strictly prohibited and not allowed to be worn in the Secure Visiting Center.

Necessity: Transparent attire that risks exposing private areas of the body including midriff, chest area, genitals, or buttocks (as defined above), even if a fabric is covering the visible area as the exposure may interfere with patients' clinical treatments. Because of this, any transparent or "see-through" items of clothing are strictly prohibited. Sheer attire is the same; despite not being as visible or translucent as transparent clothing, sheer clothing still makes private areas of the body visible enough to disrupt patients and other visitors, and as such are strictly prohibited. Strapless, sleeveless, and excessively loose clothing runs the risk of falling or being forcibly pulled off, which could jeopardize the safety of the visitor wearing said articles or disrupt other patients and visitors when in the Secure Visiting Center. Excessively loose clothing is also a security risk as it allows contraband to be hidden and transferred more easily. All clothing featuring sleeves or straps must be secured on a visitor's person to where articles cannot be easily pulled off one's body. Excessively tight clothing is defined as clothing that outlines intimate parts of the body in ways that make obvious which parts of the body the attire covers. Excessively tight clothing is prohibited because it could potentially disrupt other patients and their visitors.

Section 4302(h)(3)(C):

Purpose: The purpose of this section is to establish that any attire that is considered to be exercise clothing, such as spandex or leotards, is strictly prohibited and not allowed to be worn when in the Secure Visiting Center.

Necessity: Exercise clothing such as spandex or leotards falls under the prohibited attire guidance for excessively tight clothing, as there may be visible and obvious outlines of private areas of the body that could cause disruption in the Secure Visiting Center for both patients and other visitors.

Section 4302(h)(3)(D):

Purpose: The purpose of this section is to establish that any clothing or accessories which display sexual, violent, offensive language, or images are strictly prohibited and will not be allowed in the Secure Visiting Center. Any visitors who wear an article of clothing that falls under this rule violation will have their visit denied until they can present in attire that meets the dress code.

Necessity: It is necessary to prohibit clothing or accessories which display sexual, violent, offensive language, or images from entering the Secure Visiting Center as it may cause disruption to patients and other visitors conducting their visits. Additionally, many patients under Department care are receiving treatment for sexual offenses, and any images showcasing sexual or violent acts may directly conflict with their treatment plan.

Section 4302(h)(3)(E):

Purpose: The purpose of this section is to establish that any clothing with metal decoration and/or metal underwire are strictly prohibited and not allowed to be worn in the Secure Visiting Center.

Necessity: Part of the admittance process into the Secure Visiting Center involves prospective visitors going through metal detectors. Any article of clothing that has metal underwire or accents could trigger the detector to go off and prevent hospital staff from being able to conduct the required visitor Security Screening. Metal clothing decorations can also be converted to weapons or other prohibited tools which threaten the safety and security of staff, patients, and members of the public.

Section 4302(h)(3)(F):

Purpose: The purpose of this section is to establish that any attire or items which encircle the neck are strictly prohibited and are not allowed to be worn in the Secure Visiting Center.

Necessity: Any article or item of clothing worn around the neck is strictly prohibited to mitigate safety and security risks during the visit. Articles of clothing or items that encircle the neck can be used as strangulation devices, so the Department asks that visitors plan ahead and refrain from wearing any items that could pose such risks to themselves or to other patients or visitors.

Section 4302(h)(3)(G):

Purpose: The purpose of this section is to establish that any attire including hats, hoods, gloves, wigs, or hairpieces that are not considered to be religious headgear or for medical reasons are strictly prohibited and not allowed to be worn in the Secure Visiting Center.

Necessity: With the exception of items receiving prior Executive Director approval for religious or medical reasons, any head covering that may conceal or alter one's identity is strictly prohibited. Hospital staff must be able to confidently verify the identity of visitors to keep safety and security risks to a minimum. Additionally, hats and head coverings are large enough to cover the face and may be used for suffocation which presents safety issues. Hats, head coverings, and gloves can be used to conceal and introduce contraband into the facility. These items are listed publicly so the public is aware and can plan ahead and refrain from wearing any items that could pose such risks to themselves or to other patients or visitors.

Section 4302(h)(3)(H):

Purpose: The purpose of this section is to establish that any footwear that are open-toed or do not have a backstrap are prohibited and not allowed to be worn in the Secure Visiting Center.

Necessity: Any footwear that exposes the visitor's toes or feet and lacks a securing backstrap is strictly prohibited on facility grounds. Closed-toed footwear is required for the safety of the visitor. Closed-toed footwear prevents injuries if heavy items were to fall at a visitor's feet. Closed-toed shoes with backstraps fit more securely on the wearer's foot, which would allow them to run or maneuver quicker in the event of an emergency.

Section 4302(h)(3)(I):

Purpose: The purpose of this section is to establish that any attire that resembles the uniforms worn by patients, hospital staff, or officers are strictly prohibited and not allowed to be worn when in the Secure Visiting Center.

Necessity: It is necessary to prohibit clothing that resembles uniforms worn by patients, staff or officers so hospital staff can quickly discern between staff, patients, and visitors in the event of an emergency. In these instances, staff would need to escort both patients and visitors out of harm's way, without confusing the two populations. This requirement also ensures visitors and/or patients do not attempt to violate or circumvent applicable law or these regulations by posing as a patient, hospital staff, or officer in an effort to smuggle contraband in or out of the facility, or in an attempt to extend their visit with any patient by mimicking staff or patient attire. Uniforms worn by patients, staff, and officers are typically brown, khaki, or camouflage so visitors are prohibited from wearing these colors and/or variations of these colors to ensure their clothing is visibly different from patients and hospital staff.

Section 4302(h)(3)(J):

Purpose: The purpose of this section is to establish that any dresses or skirts shorter than knee length are strictly prohibited and not allowed to be worn in the Secure Visiting Center.

Necessity: It is necessary to include a minimum length for dresses and skirts to ensure visitors wear clothing that does not overexpose their body. Clothing that rises or has slits above the knee runs the risk of hiking up and exposing private areas of the visitor's body if the visitor was to bend, fall, slip, or sit down. Additionally, many patients under Department care are receiving treatment for sexual offenses, and exposing the body above the knee may illicit arousal and may directly conflict with their treatment plan

Section 4302(i):

Purpose: The purpose is to establish the next section of the text, which is the Dress Code for Patients.

Necessity: It is necessary to list the next section as it previews and discloses to the public what the Department will discuss and cover moving forward. This section differentiates patient dress code from visitor dress code. It provides clarification and transition assistance from one focal point of the regulatory text to another.

Section 4302(i)(1):

Purpose: The purpose of this section is to establish that patients are only allowed to wear state-issued clothing into the Secure Visiting Center and must wear their state-issued identification badge.

Necessity: State-issued clothing allows visitors, staff, and police officers to easily differentiate patients from staff and visitors. Patients are required to wear uniform clothing that allows them to be readily identified pursuant to Welfare and Institutions Code section 7232. Identification badges are required so that hospital staff can easily differentiate between patients and visitors. This requirement ensures patients do not attempt to violate or circumvent applicable law or these regulations by posing as a visitor, or smuggle contraband in or out of the facility, or in an attempt to elope from the facility.

Section 4302(i)(2):

Purpose: The purpose of this section is to state that patients shall remain fully clothed at all times, make clear what state-issued clothing items must be worn by patients, and to establish the manner in which these state-issued clothing items are to be worn.

Necessity: It is necessary to include an expectation of patient clothing, so it is clear to patients and visitors. Patients must wear pants and upper garments issued to them by the facility. Wearing the state-issued clothes in the way each article of clothing was originally intended allows hospital staff to easily identify patients in the Secure Visiting Center. Patients must always remain fully clothed to ensure that the patients are presentable and do not pose a risk of exposing themselves. Patient clothing being worn in a manner consistent with their designs also prevents patients from being obstructed by loose or ill-fitting attire in the event of an emergency or presenting the opportunity to conceal contraband or transfer contraband to or from a visitor. Patients need to wear undergarments underneath all state-issued overgarments so that they are presentable to their visitors and to ensure the comfort of staff and all visitors in the Secure Visiting Center.

Section 4302(j):

Purpose: The purpose is to establish the next section of the text, which is Visitor Conduct.

Necessity: It is necessary to list the next section as it previews and discloses to the public what the Department will discuss and cover moving forward. It provides clarification and transition assistance from one focal point of the regulatory text to another.

Section 4302(j)(1):

Purpose: The purpose of this section is to establish that all patients and visitors shall continuously comply with all laws, regulations, and hospital policies and procedures while entering the Secure Visiting Center and conducting their visit pursuant to section 4302 of these regulations, which establishes the appropriate forms of behavior and conduct expected during a scheduled visit.

Necessity: This section notifies prospective visitors of the requirement that visitation on facility grounds shall be conducted in accordance with the laws, regulations, hospital policies, and hospital procedures as listed under the California Code of Regulations, Welfare and Institutions Code, and Penal Code. Following established laws and regulations aids the Department in maintaining a safe and healthy environment for all staff, patients, and members of the public. Any staff, patient, or member of the public failing to follow these guidelines will have their visit terminated and be escorted from the Secure Visiting Center by hospital police staff.

Section 4302(j)(2):

Purpose: The purpose of this section is to establish that a patient and visitor may embrace and/or share a closed-mouthed kiss only at the beginning and the end of a visit. This section also makes known that these forms of physical contact will be limited to momentary contact, as defined in Webster's Dictionary.

Necessity: Many patients have family members or loved ones who come to visit them. Because of this, it is necessary to clarify what forms of physical contact will be permitted within the Secure Visiting Center. Kissing is limited to closed-mouthed to prevent disrupting displays of affection which may also be triggering for patients who are participating in sexual offender treatment programs. This restriction also prevents the exchange of contraband from a visitor to a patient, as many articles of contraband such as drugs and blades can easily be exchanged through an open-mouthed kiss. Momentary embraces are monitored for similar reasons – to prevent any disruptive displays of affection and to prevent the exchange of contraband within the Secure Visiting Center. The term “momentary” is used to describe the length of permissible physical contact as defined under Webster’s Dictionary.

Section 4302(j)(3):

Purpose: The purpose of this section is to establish that patients and visitors may be permitted to hold hands throughout the duration of their visit within the Secure Visiting Center, but that both pairs of hands must remain on top of the tables and within plain view of Secure Visiting Center staff.

Necessity: Holding hands shall be permitted between a patient and visitor continuously throughout the duration of the visit. Both persons shall be required to keep both pairs of hands on the surface of tables within the Secure Visiting Center and to always remain visible to Secure Visiting Center staff. This serves to prevent any disruptive displays of affection or sexual acts occurring within the Secure Visiting Center which could negatively impact other visitors and patients. Requiring both parties to keep hands visible when interlocked also mitigates the risk of exchanging contraband between visitors and patients, reducing the amount of contraband being introduced into the hospital.

Section 4302(j)(4):

Purpose: The purpose of this section is to establish that patients and visitors shall remain seated at the table(s) provided to them at the start of their visit, keeping both feet on the floor directly under the respective side of the table on which they are seated, while avoiding contact with other parties. This section also establishes that straddling a table leg or stretching one or both their legs into the aisle are also prohibited seating postures.

Necessity: Once seated at the table(s) provided for visitation, all visiting parties will be asked to keep their feet firmly on the ground beneath the table, facing the direction in which they are seated. No feet or legs will be permitted in the aisle between tables in order to respect the space of others within the Secure Visiting Center, and to eliminate potential tripping hazards. Straddling tables is prohibited for the same reasons. The intertwining of legs beneath the table(s) is also prohibited to prevent disruptive displays of affection or sexual acts from taking place that could impact other parties within the

Secure Visiting Center. Further, all described prohibitions minimize the risk of exchanging contraband from a visitor to a patient, reducing the safety and security risk for contraband being introduced into the hospital.

Section 4302(j)(5):

Purpose: The purpose of this section is to establish that patients and visitors will not be permitted to share food or feed one another during their visit within the Secure Visiting Center.

Necessity: Citing safety and security concerns defined above, the sharing of food will be strictly prohibited with no exceptions. The Department has encountered numerous incidents where patients and visiting parties have smuggled contraband into the facility under the guise of sharing food and/or feeding one another during a visit. Because of these repeated incidents, it is in the best interest of patients and visitors to only eat individual portions or food on separate plates that have been pre-portioned prior to entering the Secure Visiting Center, with no exchange of food happening during the visit. These mitigation steps were developed to prevent any exchange of contraband during visitation.

Section 4302(j)(6):

Purpose: The purpose of this section is to establish that, except as provided in section 4302 of these regulations, no other bodily contact shall be permitted between patients and visitors in the Secure Visiting Center.

Necessity: Citing behavioral concerns above, the Department shall permit only a small range of acceptable bodily contact between patients and visitors to prevent disruptive displays of affection or sexual acts, and to prevent the exchange of contraband within the Secure Visiting Center. Other forms of bodily contact not present within these regulations will be prohibited.

Section 4303(a):

Purpose: The purpose of this section is to establish that the Executive Director or designee may for cause, deny, restrict, suspend, or terminate an individual's ability to enter the Secure Visiting Center subject to the provisions set forth in these regulations.

Necessity: There may be instances where it is necessary to remove a visitor from a Department facility, or to prevent a visitor from entering the facility, in order to maintain the safety and security of those within the hospital. This section is also necessary to establish that the provisions set afterwards could result in the loss of visitation privileges will be listed and elaborated on in the regulatory text below and have also been explained in the regulatory text above.

Section 4303(a)(1):

Purpose: The purpose of this section is to define visitation denial and establish that visitation denials may be enacted for the reasons listed in the sections below.

Necessity: It is necessary to clarify the reasons for visitation denials to both patients and potential visitors. This section introduces the reasons listed in the subsequent sections for why and how a visit could potentially be denied. This informs the public of the many violations and actions to avoid if they wish to keep their scheduled visitation window active and unobstructed, to help them prepare for their visit.

Section 4303(a)(1)(A):

Purpose: The purpose of this section is to establish that if a prospective visitor does not provide the hospital visitation staff with valid government-issued photo identification and documentation as set forth in section 4301, subsection (c) of these regulations, then their visit will be denied until proper identification is provided.

Necessity: These identity verification steps are necessary for safety and security reasons. This ensures that the person scheduled for the visitation is the same person at the time of visit. If a visitor fails to provide a valid, non-expired, form of government-issued identification, they will not be allowed to participate in visitation until they can provide the valid government-issued identification. This information is also made available in order to avoid obstructions or delays in the security screening process which may impact the visitation schedule for other patients and visitors.

Section 4303(a)(1)(B):

Purpose: The purpose of this section is to establish that any visitor who refuses to submit to a search of their person, property, or vehicle(s) brought onto facility grounds may have their visit denied.

Necessity: This section is necessary to assert the Department's right to perform searches when visitors enter hospital grounds as a means to mitigate the risk of contraband being brought in or smuggled out of the hospital during the visitation window. Searches of a visitor's person and property are mandatory components of the security screening pursuant to section 4302, subsection (e)(1) through (e)(4). If reasonable suspicion exists toward a prospective visitor or a visitor's background check warrants further verification, a vehicle driven onto hospital grounds will be subject to a mandatory search. If the visitor refuses a search of their person, property, or vehicle brought onto hospital grounds, their visit may be denied. Refusal to submit to a search will result in visit denial as searches will not be performed without consent. Common ways to conceal and smuggle contraband are on a person, their property, or in their vehicle, so searching these areas is necessary to prevent contraband entering the Secured Treatment Area.

Section 4303(a)(1)(C):

Purpose: The purpose of this section is to establish that if a visitor fails or refuses to follow the dress code laid out in section 4302, subsection (h) of these regulations, the visitor may have their visit denied.

Necessity: This section is necessary to clarify that the dress code must be adhered to while the visitor is present on facility grounds. This is necessary to maintain the safety and security of staff, patients, and members of the public. Many Department patients are residents undergoing treatment for sexually violent crimes or offenses, so visitors must dress in accordance with the regulations so as to not disrupt the treatment of said patients or to risk the safety and security of the healthcare environment, for all parties involved.

Section 4303(a)(1)(D):

Purpose: The purpose of this section is to establish that any visitor under the age of 18 years, and with whom the conditions of visitation have not been met in section 4304 of the regulatory text, may have their visit denied.

Necessity: It is necessary to ensure that visitors are aware that there are rules pertaining to minor visitors and if those rules are not followed those persons under the age of 18 may be denied the visitation. To have a person under the age of 18 visit, specific conditions need to be met to ensure the safety and security of said visitor, as well as not risk the disruption in treatment of other patients housed at Department facilities. Failure to adhere to the conditions set out in section 4304 of the regulatory text may result in the visit being denied.

Section 4303(a)(1)(E):

Purpose: The purpose of this section is to establish that any visitor with a medically implanted or prosthetic device that cannot clear the contraband and/or metal detection devices during the processing stage, and fails or refuses to provide the written verification as required in section 4302, subsection (e)(3) of the regulations text, will subsequently have their visit denied.

Necessity: As stated in section 4302, subsection (e)(3) of the regulatory text, it is necessary to require a disclosure from the prospective visitor's physician about their medical necessity and the location of the medically implanted or prosthetic device on their body. This will ensure the visitor has an easier time passing through the contraband or metal detection devices during the security screening. If the visitor fails to bring or send in advance the required letter and cannot pass through the metal detector without setting it off, they will be asked to reschedule their visit until they can provide the proper documentation.

Section 4303(a)(1)(F):

Purpose: The purpose of this section is to inform prospective visitors that any information that becomes known before a visit which conflicts with the requirements for visitation (i.e., notifications of active warrant, violations, probation reports, etc.), will result in denial of the visit.

Necessity: It is necessary to prioritize the safety and security of all persons on facility grounds. In some situations, a prospective visitor may omit relevant information or include false information in their visitation application. In other instances, the information provided may become outdated between completing the application and arriving for the date of the visit. The Department must have the authority to deny visitation of a previously approved visitor when new information becomes available, which would have resulted in the visit not having been approved in the first place. The information in question could be new wants, warrant, probation violations, court orders, or restraining orders, all of which are checked under the California Law Enforcement Telecommunications (CLETS) background portion of the visitor application.

Section 4303(a)(1)(G):

Purpose: The purpose of this section is to inform visitors requiring mobile assistance such as wheelchairs or other assistive devices, that without written physician verification as required in section 4302, subsection (e)(3), or upon refusal to transfer to a temporary designated institution/facility wheelchair while their own personal device is inspected, their visit will be denied until they can either provide documentation or comply with the temporary transfer while undergoing the security process.

Necessity: It is necessary to ask visitors to either provide a verification letter from their physician confirming their mobility device or to temporarily use a designated institution/facility mobility device while their personal device is inspected, so the prospective visitor can pass through the metal detectors and security screening and avoid holding up the line for other visitors. If the visitor fails to provide the required note confirming their need for their personal mobility device, they will be given the option to temporarily use a designated institution/facility device while their personal device is inspected. If the visitor refuses to use a designated institution/facility device while hospital staff inspect their personal device, the visit will be denied until they can provide proper verification documentation for their mobility device. Informing prospective visitors of the need to either provide a letter or temporarily utilize a designated institution/facility mobility device provides prospective visitors notice so they can obtain the required documentation from their doctor in advance of a visit. If they are unable to secure the documentation, the visitor will have been informed in advance of the need to transfer into another mobility device. This will help ensure the safety and security of the facility, staff, patients, and visitors.

Section 4303(a)(2):

Purpose: The purpose of this section is to define the terms “restriction”, “suspension”, and “termination” as they relate to these regulations.

Necessity: It is necessary to clearly outline the various impacts and terms utilized to change the status of a visit due to visitation violations and to inform prospective visitors of which actions to avoid if they wish to keep their scheduled visitation window(s) active and unobstructed. This provision also reiterates the authority held by the Executive Director or their designee to make such decisions.

Section 4303(a)(3):

Purpose: The purpose of this section is to identify when a denial, restriction, suspension, or termination may be enacted upon for reasons that will be listed below, at the behest of the Executive Director or their designee.

Necessity: It is necessary to list the following reasons for visitation cancellation to make prospective visitors aware of how their visit could be subject to cancellation if they refuse to follow the guidelines listed in these regulations.

Section 4303(a)(3)(A):

Purpose: This section authorizes the Executive Director or designee to terminate the visit of any person breaking the law or violating hospital rules, regulations, or policies, and to further suspend visitation privileges for egregious or repeated violations.

Necessity: It is necessary to hold visitations in a safe and secure manner and have an operationally functional and efficient process that makes visiting between patients and their guests more accessible. Violation of these guidelines creates disruption that puts staff, patients, and members of the public at risk. To maintain security and order, anyone who is in direct violation of hospital rules, regulations, or policies of the hospital will result in termination of the visit and further suspend the visiting rights of those with repeated or egregious violations of the hospital rules, regulations, or policies.

Section 4303(a)(3)(B):

Purpose: The purpose of this section is to establish that any form of physical contact inconsistent with section 4032, subsections (j)(1) through (j)(6) of these regulations may result in the immediate termination of a visit. Any repeated or egregious incidents may result in the temporary suspension of visitation privileges for a set period of time.

Necessity: It is necessary to make clear which forms of physical contact will not be allowed while visitors are on facility grounds within the boundaries of the Secure Visiting Center. This is to ensure that no disruption or exchange of contraband takes place within the borders of the Secured Treatment Area. Anyone engaging in physical contact not consistent with the regulations may risk their visit being terminated. Further, any repeated or egregious instances of physical contact may result in the suspension of visitation rights. It is necessary to ensure that visitors comply with the regulations for the safety of the staff, patients, and other visitors.

Section 4303(a)(3)(C):

Purpose: The purpose of this section is to establish that if any prospective visitor appears to be under the influence of alcohol, drugs, or another substance to the extent that their presence in the Secure Visiting Center would pose a threat to the safety and security of themselves, staff, patients, members of the public, or hospital grounds, their visit will be terminated. Any repeated instances may result in a suspension.

Necessity: The safety and security of all persons on its facility grounds is a priority. Mind-altering substances can impair judgement capabilities, and cause people to behave erratically and unpredictably, risking the security of the facility and potentially preventing patients and visitors from enjoying their visit. Therefore, if a visitor appears to be under the influence of any mind-altering substance such as alcohol, drugs, or displays behavior consistent with the use of mind-altering substances, their visit will be terminated immediately. Any repeated instances may result in a suspension. This is to maintain the safety and security of all staff, patients, and members of the public within the Secure Visiting Center during visitation hours.

Section 4303(a)(3)(D):

Purpose: The purpose of this section is to establish that a visit may be terminated if the visitor refuses to follow lawful hospital staff instructions. Repeated instances of similar behavior may be subject to suspension of visitation rights for the visitor.

Necessity: Visitors and other members of the public must be made aware of the specific forms of conduct which could result in a suspension or termination of their visitation rights. Department staff are trained and practiced at enforcing laws and regulations within hospital grounds, while maintaining an efficient and therapeutic visitation environment. Any visitor who refuses to follow staff instructions poses a safety and security risk by ignoring the facility guidelines and regulations, which have been designed to make visitation safe and effective for all persons involved. Refusing to follow staff directions also negatively impacts the visits of other patients and visitors at the facility.

Section 4303(a)(3)(E):

Purpose: The purpose of this section is to establish that any visit may be terminated if the visitor is a source of disruption in the Secure Visiting Center or on facility grounds, to the point which it may affect other patients and visitors or the daily tasks of hospital staff.

Necessity: It is necessary to establish that any sort of behavior or activity that causes disturbances within the facility or the Secure Visiting Center shall be considered a notable disruption. If the party responsible does not stop after having been asked to do so by hospital staff, they risk having their visit terminated until further notice and without

warning. This is to assist in maintaining a safe and secure environment for all patients and visitors. The Department wants to ensure that all patients and visitors can safely and securely conduct their visits without feeling threatened or disturbed as well as to support the continuity of hospital daily operations.

Section 4303(a)(3)(F):

Purpose: The purpose of this section is to establish that a visit may be terminated if the visitor destroys or modifies hospital-issued name tag or visitation documents.

Necessity: Visitation documentation and/or a hospital-issued name tag may be provided as part of the initial admittance process into the Secure Visiting Center. Visitors are not allowed to write, scribble, draw, or modify their visitation documentation in any way after having been processed by hospital police staff to ensure accurate information is recorded and displayed for the duration of the visit. Name tags shall not be altered for similar reasons. Both forms of documentation are used for identity verification while on facility grounds to assist with the safety and security of the person as well as the facility. This is to protect and confirm their status as an approved visitor. Those identified without a proper name tag, or those found to have modified processed documentation, shall be subject to having their visit terminated immediately, without prior warning.

Section 4303(a)(3)(G):

Purpose: The purpose of this section is to establish that visitation is restricted for any person who is subject to a current criminal, administrative investigation, and/or upon reasonable suspicion of the visitor's involvement in a criminal act and pending outcome of an investigation.

Necessity: A prospective visitor who is under current criminal, administrative investigation, or if reasonable suspicion of involvement in a criminal act by hospital police or any other law enforcement agency may have their visitation privilege revoked pending the outcome of the investigation to maintain the safety and security of staff, patients, and members of the public. Prospective visitors subject to active investigations that are pending outcomes may pose an immediate security risk to staff, patients, and members of the public.

Section 4303(a)(3)(H):

Purpose: The purpose of this section is to establish that any person who has pending criminal charges or any active warrants shall have their visit(s) restricted.

Necessity: Individuals with pending criminal charges are restricted for the same reason as those subject to active criminal or administrative investigations. These same guidelines shall be applied to any visitor with pending criminal charges or active warrants

and/or warrants found on their record. These restrictions are to ensure the continued safety and security of staff, patients, and members of the public.

Section 4303(a)(3)(I):

Purpose: The purpose of this section is to establish that a visit shall be terminated if the visitor is engaging in sexual activity of any kind while on facility grounds including the Secure Visiting Center. Egregious or repeated instances may result in suspension.

Necessity: Many patients committed to the Department are receiving treatment for mental illnesses associated with sexual offences. Sexual activity within the Secure Visiting Center can disrupt that treatment. Public sexual activity is often unlawful and is disruptive to other patients and visitors. For these reasons, it is necessary to require the authority to terminate visitation for individuals engaging in sexual activity during visitation. Depending on the seriousness of the offense, a suspension of the visitor's access to visitation may be imposed for a set period of time to prevent repeated occurrences.

Section 4303(a)(3)(J):

Purpose: The purpose of this section is to establish that visitation shall be restricted when an active restraining order exists between a visitor and the patient they intend to visit.

Necessity: This is necessary so that any visitor who has knowingly placed an active restraining order against a patient will not attempt to break that restraining order and visit the patient. The unlawful breaking of a restraining order affects all parties involved, including the hospital. Because of this, visitation shall be suspended until the visitor consensually lifts the order.

Section 4303(a)(3)(K):

Purpose: The purpose of this section is to establish that any visitor who is a victim of crimes perpetrated by the patient they are requesting to visit may have their visit restricted.

Necessity: This is necessary to ensure individuals who have committed sexual or violent offenses against others may have their visit restricted. If the prospective visitor is a victim of the patient they are requesting to visit, their visit may be restricted on the basis that they risk harm to themselves and to the patient. In many instances, courts orders prevent the patient from contacting the victim. Even if no order is in place, this type of contact risks the potential for violence or an altercation between the victim and the patient and is often contrary to the patient's treatment goals. This is an immediate safety and security risk to both the visitor and the patient. The term "may" is used to allow visitation in rare instances in which the victim is a close family member, and the

patient's mental health symptoms are being controlled such that visitation is not a safety risk.

Section 4303(a)(4):

Purpose: The purpose of this section is to establish that the Executive Director or designee holds the right to suspend a visitor's access to the Secure Visiting Center when a visitor has committed documented, serious and/or repeated violations of the rules, regulations, policies, or procedures of the hospital and/or the Department, for a suspension period of up to six months. The actual length of the suspension shall be dependent on the seriousness of the violation committed but shall not exceed six months.

Necessity: The Executive Director or designee requires authority to suspend visitation privileges up to six months for a prospective visitor if that visitor repeatedly or seriously violates hospital visitation rules or is suspected of committing a crime during a visit. This practice is similar to that of the California Department of Corrections and Rehabilitation (CDCR), another secure institutional setting. This ensures that visitors who fail to follow any of the regulatory guidelines provided in sections 4300, 4301, 4302, 4304 of these regulations can be excluded from visitation in order to maintain the safety and security of staff, patients, and members of the public, as well as to eliminate disruptions so other patients and their visitors can enjoy their scheduled visits. The value of a suspension of visitation privileges has the further effect of deterring rule-breaking behavior, to everyone's benefit.

Section 4303(a)(5):

Purpose: The purpose of this section is to establish that the Executive Director or designee holds the right to suspend a visitor's access to the Secure Visiting Center when a visitor is involved in criminal activity on hospital property which constitutes either a misdemeanor or felony charge, for a suspension period of up to twenty-four months, or two years. The length of the suspension period will be based upon the seriousness of the violation.

Necessity: The Executive Director and/or their designee requires authority to suspend visitation privileges up to 24 months for a prospective visitor if that visitor is found to have committed a crime which constitutes a misdemeanor or felony charge on hospital grounds. This practice is similar to that of the California Department of Corrections and Rehabilitation, another secure institutional setting. This is to maintain the safety and security of staff, patients, and members of the public, and to remove disruptions so other visitors and patients can enjoy their visit. Criminal behavior at the hospital can include violence, contraband smuggling, indecent exposure, or other behaviors which would place the Department's patient population at risk or disturb other visitors or patients. As stated above, suspension of visitation privileges has the further effect of deterring rule-breaking behavior, to everyone's benefit. The specified length of a

visitor's suspension period will be based upon the Executive Director or designee's determination as well as the severity of the offense or violation committed.

Section 4303(b):

Purpose: The purpose of this section is to establish that the Executive Director or designee of any state hospital under the Department's jurisdiction must review all visit requests/applications from former CDCR inmates, Department patients, current and/or former CDCR and Department employees, Department contract employees, students of CDCR or the Department, and formerly suspended visitors. It also establishes that these requests must be submitted in writing to the Executive Director or designee 30 days prior to the proposed visit for review and approval. No visits shall be authorized unless approval from the Executive Director or designee is given prior to the visit.

Necessity: It is necessary to make clear that the Executive Director or designee are the only personnel with the authority to make decisions on whether to approve the visit of any of the categories of visitors listed above. This is to maintain the safety and security of the hospital, by making sure that no former CDCR inmates or Department patients who may be familiar with the security and layout of the hospital are admitted into the Secure Visiting Center where they could cause a disturbance or pass along contraband or restricted security information to current patients. The same rationale applies to former CDCR or Department employees and students from either agency. Any visitation requests from formerly suspended visitors shall also be received and considered under the same process. A review of the visitor's file, including any previous reports, will need to be reviewed before the Executive Director or designee can grant permission to resume visitation. Written submission of the visitor application for anyone falling under these archetypes must be submitted at least 30 days in advance to ensure that the Executive Director or designee has time to consider the request and weigh the potential risks before offering their final decision. For visitors falling under these parameters, no visit shall be authorized and no visitor admitted until approval of the visit is granted.

Section 4303(b)(1):

Purpose: The purpose of this section is to establish that any visit requests from former Department employees are restricted. However, any visit requests from former employees may be considered one year after the date of separation.

Necessity: It is necessary for former Department employees to wait a period of one year from their separation from the Department before they may be permitted to visit so any updates made to security protocols or procedures are unknown to the former employee visiting. This also serves to prevent employees who may have cultivated inappropriate relationships with patients from immediately visiting after leaving employment, as it could pose a serious risk to the patient's treatment plan. To maintain the safety and security of the hospital, it is necessary to ensure that no confidential knowledge of the hospital is disclosed to patients. The Executive Director or designee is the only personnel with authority to approve or deny visitation applications from former

employees of the Department as it allows the hospital administration to weigh the risks of this visitation request with the appropriate amount of buy-in from all staff involved in the daily operations of the hospital.

Section 4303(b)(2):

Purpose: The purpose of this section is to establish that visitation for any former Department employee who is the subject of a current investigation will be restricted until the investigation has been completed and determinations have been made regarding any potential charges.

Necessity: It is necessary to restrict the visitation privileges of former Department employees who are currently the subject of an active investigation until the investigation has been completed. The Department cannot successfully predict the risk without the outcome of an investigation. Therefore, to decrease any risks, the Department wants to limit the admittance process by requiring any former Department staff visitor to wait until the investigation is closed so the Executive Director or designee may have a clear picture of the visitor's background and profile to decide to approve or deny based on such.

Section 4303(c):

Purpose: The purpose of this section is to establish the next section of the regulatory text, which is the written notification for visitor rule violations.

Necessity: This section previews and discloses to the public what the Department will discuss and cover moving forward. It provides clarification and transition assistance from one focal point of the regulatory text to another.

Section 4303(c)(1):

Purpose: The purpose of this section is to establish that written notifications for any restriction or suspension of a visit will be documented in the facility's Record Management System (RMS), and a copy shall be provided to the visitor by either U.S. mail or electronic mail within five business days from when actions are taken by the Executive Director or their designee. This section also establishes what the included contents of the written notification will be in the provisions below.

Necessity: It is necessary to provide written copies of a visitor's documented visitation restriction or suspension to provide transparency and to ensure thorough and accurate record-keeping for both the visitor and the hospital. Any complaints, challenges, or discrepancies can be addressed by referring to the documented incident within the RMS. By providing the visitor with a copy of the recorded action as determined by the Executive Director or designee. The Department continues to adhere to public transparency requirements, including what contents will be listed within the written

notification. This provides members of the public awareness of what to expect when receiving this formal document.

Section 4303(c)(1)(A):

Purpose: The purpose of this section is to list the first provision of the written notification given to visitors who have had their visitation rights revoked or altered by the Executive Director, which is the reason for the restriction or suspension of visitation privileges.

Necessity: The necessity of listing the reason for the visitor's, restriction, or suspension is so hospital administrative staff and prospective visitors can mutually understand the rationale of the decision as documented. Listing the reason for the restriction or suspension of visitation on paper prevents misunderstanding between hospital staff and the visitor if the information were to be passed along via verbal communication.

Section 4303(c)(1)(B):

Purpose: The purpose of this section is to list the second provision of the written notification given to visitors who have had their visitation rights revoked or altered by the Executive Director, which is the length of time of the restriction or suspension.

Necessity: The necessity of listing the length of time for the restriction or suspension is so hospital administrative staff and the visitor can mutually understand the time frame in which visitation privileges are impacted. Listing the determined length of time in writing prevents misunderstanding between hospital staff and the visitor if the information were to be passed along via verbal communication.

Section 4303(c)(1)(C):

Purpose: The purpose of this section is to list the third provision of the written notification given to visitors who have had their visitation rights revoked by the Executive Director, which is the date a visitor is eligible to reapply for reinstatement of their visitation access.

Necessity: The necessity of listing the date of eligibility to reapply for visitation reinstatement is so hospital administrative staff and the visitor can mutually understand the date upon which the visitor may reapply for visitation. Listing the valid date of eligibility for visitation reapplication, meaning when the visitor may return to applying for visits, prevents misunderstanding between hospital staff and the visitor if the information were to be passed along via verbal communication.

Section 4303(c)(2):

Purpose: The purpose of this section is to establish that, no more than once every 90 days, the restricted or suspended visitor has the right to request a review of the

restriction or suspension decision made by the hospital by submitting a written request to the Executive Director stating why the restriction or suspension should be removed or modified.

Necessity: Visitors must be able to contest restrictions or suspensions made against their visitation privileges. As such, the visitor shall be permitted to send in written requests once every 90 days. For the request to be considered, the visitor must provide a rationale for why the restriction or suspension should be removed or modified so the Department can reassess the visitor restrictions or suspensions based upon any information or evidence provided by the written request.

Section 4303(c)(2)(A):

Purpose: The purpose of this section is to establish that the Executive Director or designee shall respond within ten working days of receiving a visitor's request for removal of their visitation restrictions or suspensions. It also states that the Executive Director will respond with their decision in writing.

Necessity: It is necessary to allow visitors to contest any decision which restricts or suspends their visitation privileges. As such, the Executive Director or designee has ten working days from the time they receive a visitor's petition to make a final decision regarding visitation restrictions or suspensions. This allows time for the Executive Director or designee to consider the argument presented by the visitor for why they should have their privileges modified or restored, as well as to confer with local administrative and security regarding the request. Decisions regarding lifting visitation restrictions or suspensions will be provided in writing to provide transparency to all impacted parties.

Section 4304(a):

Purpose: The purpose of this section is to establish that children under the age of eighteen years old are considered minors and shall be allowed to visit only when accompanied by an adult escort.

Necessity: Generally, children are considered minors until they reach the age of eighteen years. As a result, no individual under eighteen shall be allowed to conduct visitation with a patient unless the minor is accompanied by an approved adult as listed in the provisions below. The Department aims to ensure the safety of all minor visitors while in the Secure Visiting Center, as such, minor visitors require appropriate approval, and an adult escort to accompany them, for the duration of visitation with the patient.

Section 4304(a)(1):

Purpose: This section informs prospective visitors that escorts for minor visitation must be either the minor's parent, legal guardian, or an approved adult designated by the minor's parent or legal guardian.

Necessity: The vast majority of Department patients have criminal backgrounds, often involving violent behaviors. To protect the safety of minor visitors, parents or legal guardians must escort the minor(s) for the duration of their visit. The escort must be designated by the minor's parent or legal guardian to escort the minor to a Department facility. In the event a parent or legal guardian is unavailable to accompany the minor for the patient visit, the minor's parent or legal guardian can choose to designate another adult as the minor's escort for the duration of the visit. This ensures that no child meets with a patient without verified approval from their parent or legal guardian.

Section 4304(a)(2):

Purpose: This section informs escorts and minor visitors that they must complete the regular intake and security screening process for visitation to be admitted into the Secure Visiting Center as defined in sections 4301 and 4302 of these regulations.

Necessity: Escorts of minor visitors and minor visitors will need to enter the Secure Visiting Center for visitation. Entry into the Secure Visiting Center requires the completion of the regular intake and security screening processes described in sections 4301 and 4302 of these regulations in order to verify the identity of those granted access into the Secure Visiting Center. This is necessary to identify any factors which may compromise the Department's ability to maintain the safety and security of fellow staff, patients, and members of the public.

Section 4304(b):

Purpose: This section establishes that an emancipated minor shall be permitted to apply as an adult visitor and, at the time of submission of their application and admittance into the Secure Visiting Center, shall provide a certified copy of the court order granting them emancipation at least 30 days in advance of the proposed visit date. This section also establishes that emancipated minors are exempt from the requirements of subsections (c), (d), (g), and (h) of the Minor Visitation section of these regulations.

Necessity: Emancipated minors are considered adults for certain purposes outlined in the California Family Code section 7050 but are otherwise still considered minors under the law. The Department seeks to facilitate visitation between emancipated minors and patients where appropriate. To do this, certain visitation requirements for unemancipated minors must be removed for emancipated minors as these requirements may be impossible for emancipated minors to fulfill. Requiring a court order to prove emancipation validates that the minor is truly emancipated and not seeking visitation with any patient without the approval of a legal guardian if they still have one and prevents the safety and security of minors being circumvented.

Section 4304(c):

Purpose: The purpose of this section is to inform prospective visitors of the documentation required for minors visiting the Secure Visiting Center, and to set a timeline that the documentation is needed no less than thirty days in advance of the proposed visitation date.

Necessity: It is necessary to clarify the documentation needed for minors to be granted approval for visitation so visitors can gather and submit the appropriate documentation in advance of their visit. The documents are to be submitted no less than thirty days prior to the scheduled visitation date to provide hospital staff enough time to process all the required documents. No minor shall be permitted to visit without the prior submission of all required documents. This is to ensure the safety and security of the minor and their parent, legal guardian, or designated escort.

Section 4304(c)(1):

Purpose: The purpose of this section is to list the first required documentation for minor visitation, which is a copy of the minor(s) certified Birth Certificate.

Necessity: Providing a certified copy of the minor(s) Birth Certificate is necessary to validate their identity as a minor and confirms the legal names of the parent(s) or legal guardians. All information provided by the minor's parent or legal guardian can be cross-referenced through a certified copy of a birth certificate, so for safety and security purposes, the Department requires this information as a secondary form of verification.

Section 4304(c)(2):

Purpose: The purpose of this section is to list the second provision of the required documentation for minor visitation, which is the Parent, Legal Guardian, or Escort(s) Valid Government-Issued Photo Identification.

Necessity: It is necessary for any Parent, Legal Guardian, or Escort to provide their Valid Government-Issued Photo Identification so that the Department may cross-reference it with the identification provided on their visitor application. Validating the identity of all visitors protects the safety and security of the staff, patients, and members of the public.

Section 4304(c)(3):

Purpose: The purpose of this section is to list the third provision of the required documentation for minor visitation, which is any court-certified guardianship paperwork, if applicable.

Necessity: Court-certified guardianship paperwork is necessary to provide if the minor's legal guardian is not their parent. The applicant will need to provide the hospital with a court-certified copy of the order granting the legal guardian guardianship over the minor.

This is so the Department can have legal proof that the minor is accompanied by an authorized adult to oversee the visit as well as the minor's safety and well-being.

Section 4304(d):

Purpose: The purpose of this section is to establish that, if the parent or legal guardian of the minor will not be present during the visit, then a signed and notarized letter from the parent or legal guardian must be submitted to the hospital providing the name of the designated escort, along with language authorizing the designated escort to accompany the minor for patient visitation.

Necessity: Minors are allowed to visit if they have the permission of their parent or legal guardian. For clarity, this section indicates the types of documentation required for minors and their escorts if the minor's parent or legal guardian cannot accompany them to the visit. By asking for a notarized letter from the parent or legal guardian explicitly naming and granting permission to the authorized escort, the Department takes this as legal proof and permission that the named escort can be trusted to adhere to the rules of visitation and look out for the minor's safety while on facility grounds. Naming the escort is to ensure that the name on the notarized letter matches the provided valid government-issued photo identification submitted on the escort's visitor application.

Section 4304(d)(1)

Purpose: The purpose of this section is to establish the required information that the minor's parent or legal guardian must provide in the notarized letter in the provisions below.

Necessity: Similar to the Visitor Application, it is necessary to make clear what type of information is required for a minor to be approved to visit a patient. Regardless of who is to accompany the minor as their escort, the parent or legal guardian shall provide the following information about themselves, the minor, and if applicable, the escort designated by the minor's parent or legal guardian. This information ensures that the visitors can be screened as well as ensuring the identity of the parties for the facility to help with the safety and security of the parties, patients, staff, and facility.

Section 4304(d)(1)(A):

Purpose: The purpose of this section is to list the first provision that the minor's parent or legal guardian must provide in the notarized letter, which is the Parent or Legal Guardian's First and Last Name.

Necessity: Knowing the identity of the minor's parent or legal guardian is necessary to verify if that parent or legal guardian approves of the minor visiting the facility, as well as approves of the person who will be escorting the minor. Further, the letter must be notarized to prevent fraud. This cannot be done without the name of the signatory on the letter.

Section 4304(d)(1)(B):

Purpose: The purpose of this section is to list the second provision of the required information that the minor's parent or legal guardian must provide in the notarized letter, which is the Parent or Legal Guardian's Address.

Necessity: Disclosing the parent or legal guardian's address is necessary in case of a facility-wide emergency which may threaten the safety of the minor or if the parent or legal guardian needs to be contacted in order to verify the information on the notarized letter or the minor's application.

Section 4304(d)(1)(C):

Purpose: The purpose of this section is to list the third provision of the required information that the minor's parent or legal guardian must provide in the notarized letter, which is the Parent or Legal Guardian's Phone Number.

Necessity: Disclosing the parent or legal guardian's phone number is necessary in case of a facility-wide emergency which may threaten the safety of the minor or if the parent or legal guardian needs to be contacted in order to verify the information on the notarized letter or the minor's application

Section 4304(d)(1)(D):

Purpose: The purpose of this section is to list the fourth provision of the required information that the minor's parent or legal guardian must provide in the notarized letter, which is the Minor(s) First and Last Name.

Necessity: Disclosing the minor's first and last name is necessary to process the notarized letter, minor's visitor application in addition to the notarized letter as hospital staff will cross reference the information with the data provided on the certified copy of the minor's birth certificate to validate the identity of the visiting minor. This also serves to verify the accuracy of the information regarding the minor recorded within the hospital's Record Management System (RMS) database.

Section 4304(d)(1)(E):

Purpose: The purpose of this section is to list the fifth provision of the required information that the minor's parent or legal guardian must provide in the notarized letter, which is the Minor(s) Date of Birth.

Necessity: Disclosing the minor's date of birth is necessary information as it helps expedite the verification process for hospital staff by comparing it with the data provided on the certified copy of the minor's birth certificate. Providing the minor's date of birth on the notarized letter acts as another level of verification to insure that the provided

documentation is not fraudulent and that the minor is authorized to visit the facility. This is to make sure all accurate information regarding the minor has been properly recorded within the hospital's RMS database.

Section 4304(d)(1)(F):

Purpose: The purpose of this section is to list the sixth provision of the required information that the minor's parent or legal guardian must provide in the notarized letter, which is the Patient First and Last name with whom the minor(s) will be visiting.

Necessity: It is necessary to know which patient the minor will be visiting as the Executive Director or designee may need to determine whether that visit can be approved based on the patient's charges and the profile of the patient's victim(s). This is to protect the safety and security of the minor visitor. By disclosing the patient's name, the Department can review the patient's file and weigh the risks and benefits of visitation with an individual under the age of eighteen, whether the minor is a family member of the patient or not.

Section 4304(d)(1)(G):

Purpose: The purpose of this section is to list the seventh provision of the required information that the minor's parent or legal guardian must provide in the notarized letter, which is the Escort(s) First and Last Name.

Necessity: In the event a minor visitor is escorted onto hospital grounds by an adult designated by their parent or legal guardian, providing the first and last name of the prospective escort is necessary so the Department can verify the identity of the individual accompanying the minor and who will be legally responsible for the minor's safety and well-being while on facility grounds. This is also used to cross-reference any visitor application information submitted by the escort. Verifying all escorts through their first and last name also helps ensure that all information under both the visitor application and notarized letter is current and accurate.

Section 4304(d)(1)(H):

Purpose: The purpose of this section is to list the eighth provision of the required information that the minor's parent or legal guardian must provide in the notarized letter, which is the Escort's Valid Government-Issued Photo Identification Number.

Necessity: In the event a minor visitor is escorted onto hospital grounds by an adult designated by their parent or legal guardian, providing their Valid Government-Issued Photo Identification Number allows the Department to cross-reference the information with the number required on the regular visitor application which the escort must also fill out. Verifying the identity of escorts through their Valid Government-Issued Photo Identification Number provides another level of security to all patients, staff, and members of the public.

Section 4304(d)(1)(I):

Purpose: The purpose of this section is to list the ninth provision of the required information that the minor's parent or legal guardian must provide in the notarized letter, which is the Escort(s) Signature.

Necessity: It is necessary to request the signature of the designated escort for proof of verification that the escort has provided all the necessary and accurate information. By signing the document, the escort confirms that all the information they wrote down is true and acknowledges it will be cross-referenced by the Department's staff to other identification documents.

Section 4304(d)(1)(J):

Purpose: The purpose of this section is to list the tenth provision of the required information that the minor's parent or legal guardian must provide in the notarized letter, which is the Parent or Legal Guardian's Signature.

Necessity: It is necessary to request the signature of the minor's parent or legal guardian to serve as verification that the parent or legal guardian has provided all the necessary and accurate information concerning the minor visitor and their escort. By signing the document, the parent or legal guardian confirms that all the information they wrote down is true and acknowledges that the data will be cross-referenced by the Department staff to other identity verification documents.

Section 4304(d)(1)(K):

Purpose: The purpose of this section is to list the eleventh provision of the required information that the minor's parent or legal guardian must provide in the notarized letter, which is the Parent or Legal Guardian's Valid Government-Issued Photo Identification Number.

Necessity: It is necessary that the parent or legal guardian provide their Valid Government-Issued Photo Identification Number so the Department may cross-reference it with the information provided on the Visitor Application that the parent or legal guardian must also fill out. This is to ensure that the hospital has accurate information from all parties involved and to ensure the safety and security of the staff, patients, and members of the public.

Section 4304(e):

Purpose: The purpose of this section is to establish that, within these regulations and the Department, any restrictions placed on the patients by either the court system or the California Department of Corrections and Rehabilitation (CDCR) shall be enforced.

Necessity: The Department is responsible for the continued compliance and adherence to any laws, rules, or regulations that pertain to them under the jurisdiction of either the California Courts or CDCR. Any pre-existing rules that regulate minor visitation against a patient as written in CDCR codes or court determinations shall be applied for minor visitors at the Department to maintain compliance with court orders and CDCR findings.

Section 4304(f):

Purpose: The purpose of this section is to make clear that the hospital will be responsible for processing the minor visitation request documentation and establishes that the Executive Director or designee shall make the final decision pertaining to the approval or denial of a minor visitation request.

Necessity: It is necessary to make clear to the public that hospital staff are responsible for processing the initial minor visitation request and performing review of the application. The final determination on whether or not the application is approved shall be determined by the Executive Director or designee. This ensures that the public is aware of who is ultimately making the decision on whether or not a minor shall have the ability to visit.

Section 4304(g):

Purpose: The purpose of this section is to establish that, once a decision has been made regarding approval or denial of the minor's visitation application, the minor's parent or legal guardian will be notified. This information will be provided prior to the proposed visitation date.

Necessity: The Department strives to continue to inform applicants of every step surrounding the application review process and wants to make clear that members of the public will be notified of the determination of their minor visitation requests regardless of the outcome. This is to provide the applicant with adequate time to prepare for the visit on the proposed date including finalizing any travel plans or escort arrangements.

Section 4304(h):

Purpose: The purpose of this section is to establish that escorts of minor visitors will be responsible for accompanying the minor at all times for the duration of the visit on hospital grounds.

Necessity: This section is necessary to clarify that the escort is solely responsible for maintaining contact with the minor throughout the duration of the visit. Minor visitors must consistently be escorted by the parent, legal guardian, or escort identified on their minor visitation documentation while at the Secure Visiting Center, to ensure the minor is not left unsupervised in the presence of a patient. The escort is responsible for the minor's immediate safety and behavior as they are more familiar with the child's needs and limitations and will be physically near the minor for immediate guidance.

Section 4304(i):

Purpose: The purpose of this section is to establish that minors are prohibited from visiting any patient who has previously victimized them.

Necessity: It is necessary to restrict visitation of a minor to any patient who has previously victimized the minor. The minor will not be allowed to visit a patient who has victimized them to reduce potential for physical or psychological harm to the minor and/or patient, as well as any concerns for the progress of the treatment of the patient. Enforcement of this provision is important to the safety and security of all visitors and the patients within the Secure Visiting Center.

Section 4304(j):

Purpose: The purpose of this section is to establish that the visitation between a patient and a minor shall not be denied based solely on the fact that the minor is within the same age and profile as a patient's victim's age and profile as defined in the Welfare and Institutions Code section 6608.5, subsection (e)(2).

Necessity: This section is necessary to clarify that a visitation request for a minor shall not be denied solely because the minor is within a patient's victim's age and profile. Allowing a minor to visit a patient who has been convicted of sexual crimes against a minor within the same age group and profile, poses safety and security risks to the minor and may be counterproductive to the patient's treatment plan. So, these factors may be taken into consideration when approving or denying a minor visitation request, but they will not be the sole factor in making such a decision. Additional factors may include, but are not limited to, minor's relationship to the patient, a patient's progress toward their treatment goals, or a patient's willingness to work with their treatment team toward pro-social goals, and to avoid reoffending. This is necessary to help ensure the safety of the minor as well as ensuring it does not interfere with the treatment of the patient.

Section 4304(k):

Purpose: The purpose of this section is to establish that minors are prohibited from sitting on a patient's lap or being picked up, carried, or held by a patient. Any contact beyond a momentary embrace, kiss, or holding hands, shall need approval from the Executive Director or designee.

Necessity: This section is necessary to prohibit minors from sitting on a patient's lap or being picked up, carried, or held by a patient as this may pose a risk to the minor and be detrimental to the patient's treatment. This contact, or viewing this contact from other visitors, may be triggering for patients who are participating in sexual offender treatment programs. Additionally, limiting any contact to a momentary embrace, kiss, or holding hands provides patients the opportunity to briefly connect with their visitors while maintaining the safety and security of patients and other visitors within the Secure

Visiting Center. This limited contact also discourages the exchange of contraband from a visitor to a patient. Reducing opportunities for contraband to enter the Secured Treatment Area is important to the safety and security of all staff, patients and visitors, including minors. For safety and security, all contact in the Secure Visiting Center is limited to either visible handholding or momentary hugs or kisses. The use of the term “momentary” is as defined in Webster’s Dictionary.

Section 4304(l):

Purpose: The purpose of this section is to establish that patients will not be allowed to change the minor’s diaper, remove any article of clothing from the minor, or assist the minor in the bathroom. If the minor requires a diaper change or bathroom assistance, the escort is responsible for doing so and shall accompany the minor to a bathroom or pre-determined changing area indicated within the Secure Visiting Center.

Necessity: It is necessary to prohibit patients from changing the minor’s diapers, or removing articles of clothing, or assisting in the bathroom to prevent possible victimization and triggering events. The Department is charged with the rehabilitation and treatment of individuals convicted of sexually violent offenses, so removing clothing and exposure to a minor’s body may be triggering and counterproductive to the patient’s treatment plan. It is also necessary to utilize pre-determined changing areas within the Secure Visiting Center to ensure privacy and the safety and security of the minor and escort while the minor’s diaper is changed. This will prevent a situation where the minor is at risk of victimization, or the patient is placed in triggering situation in which they experience problematic sexual arousal.

STATEMENT ON PRESCRIPTIVE STANDARDS:

None.

DOCUMENTS RELIED UPON:

None.

ECONOMIC IMPACT ASSESSMENT:

The Department does not anticipate any non-discretionary costs or savings imposed on any local agency due to this proposed regulation during the current fiscal year and subsequent fiscal years, nor does the Department anticipate any additional costs to the Department or any other State agency.

Creation or Elimination of Jobs within the State of California:

None. As a result, the proposed regulation will neither create nor eliminate jobs within the State of California.

Creation of new businesses or the elimination of existing businesses within the State of California:

None. As a result, the proposed regulation will neither create nor eliminate businesses within the State of California.

Expansion of businesses currently doing business with the State of California:

None. As a result, the proposed regulation will not affect the expansion of businesses currently doing business within California.

Benefits of the regulations to the health and welfare of California Residents, worker safety, and the State of California's environment:

The Department believes the primary benefits of these regulations are to ensure the safety, health, security, and environmental wellness of staff, patients, and members of the public as well as the increased transparency on the visitation process. At the same time, the disclosure of hospital visitation procedures, the pre-disclosed information needed for approved visitation, and the ability to make visitation of the Department's patients more accessible is also one of the anticipated major benefits.

CONSIDERATION OF ALTERNATIVES:

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period. The Department does not currently anticipate any alternative actions available to take in lieu of this proposed regulation.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

The proposed action does not mandate the use of specific technologies or equipment.

SIGNIFICANT ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the proposed regulations will have no significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

DUPLICATION OR CONFLICT WITH FEDERAL REGULATIONS OR STATUTES

The Department does not anticipate a duplication or conflict with federal regulations to occur.