

**DEPARTMENT OF STATE HOSPITALS
NOTICE OF PROPOSED RULEMAKING ACTION
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

PUBLIC NOTICE

The Department of State Hospitals (Department) hereby gives notice of the proposed regulatory action(s) described in this document:

PUBLIC HEARING

DATE: May 12, 2026

TIME: 10:00AM – 11:00AM

LOCATION: Microsoft Teams

To request a reasonable accommodation, please contact Rachelle Sack at DSH.Regulations@dsh.ca.gov or (916) 654-2478 by April 27, 2026.

Those who seek to participate in this hearing virtually may do so by registering with an email for the hearing at this link:

<https://events.gcc.teams.microsoft.com/event/7b1fae0f-c382-4c9c-909f-fd1b86cb4eb8@807536a6-a6b1-4893-a013-70509c59ebbb>

If you wish to participate in this virtual hearing by phone, please use the information below:

[+1 916-382-0340](tel:+19163820340), [897768609#](tel:+1916897768609) United States, Sacramento

[Find a local number](#)

Phone conference ID: 897 768 609#

During the hearing, participants will be given instructions on how the hearing will be facilitated and other expectations. Any person, or representative of that person, may present statements orally or in writing relevant to the proposed action described in the informative digest for the regulation. Per Government Code section 11346.8, the Department may impose any reasonable limitation on oral presentations. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

California Department of State Hospitals
Regulations and Policy Oversight Unit
RE: State Hospital Visitation Process
45-Day Public Notice and Comment Period
1215 O Street, MS-20
Sacramento, CA 95814
Email: DSH.Regulations@dsh.ca.gov

The written comment period begins on March 27, 2026.

Statements or arguments relevant to the proposed regulatory action may be submitted to the Department in writing or by email to the address listed above. All comments must be received by May 11, 2026.

Comments sent to persons or addresses other than those specified in this document, or received after the date and time specified above, may be included in the record of this proposed regulatory action, but may not be summarized or responded to regardless of the manner of transmission.

AUTHORITY AND REFERENCE

These regulatory actions are proposed under the authority granted in sections 4005.1, 4011, 4027, 4100, 4101, and 4109 of the Welfare and Institutions Code. These actions implement, interpret, and make specific sections, 4312, 5325, and 7295 of the Welfare and Institutions Code.

INFORMATIVE DIGEST AND POLICY OVERVIEW

Summary of Effect of the Amended and Proposed Actions:

These regulations will provide a uniform process on visitation within the Secure Visiting Center of each State Hospital operated by the department to ensure the welfare of the staff, patients, and members of the public. The Department has developed a standard of patient and visitor conduct as well as procedures that help govern the visitation process pursuant to these regulations.

Summary of Existing Laws and Regulations:

The California Code of Regulations (CCR) currently authorizes the Department to oversee visits for individual patients pursuant to title 9, section 4300. This existing regulation allows the Department to determine and schedule facility visitation hours, provide private areas for attorney consultations, modify visitation hours as needed for facility safety and security, and prohibit conjugal visits. Current regulations do not

comprehensively outline visitation guidelines, registration process, health or security screenings, standards of conduct, visitor rule violations, or minor visitation at State Hospital Secure Visiting Centers. The Department seeks to both amend and adopt new regulations as authorized by Welfare and Institutions Code sections 4005.1, 4011, 4027, 4100, 4101, and 4109. In doing so, the Department seeks to amend the provisions of CCR title 9, section 4300, as well as adopt CCR title 9 sections 4301, 4302, 4303, and 4304.

Policy Statement Overview / Broad Objectives

Individuals committed to the Department for care and treatment have the right to engage in visitation while residing on hospital grounds. To ensure the safety and security of all staff, patients, and members of the public while visitation is being conducted within the Secure Visiting Center, it is the policy of the Department that patients and their visitors must go through the necessary processing steps. These regulations will provide guidance on the various rules and operations held by the hospital concerning visitation within the Secure Visiting Center. This includes procedures on submitting a visitation application, health and security screening, visitor and patient conduct, visitor rule violation processes, and minor visitation. The objective of the proposed regulations is to implement, interpret, or make specific Welfare and Institutions Code sections 4005.1, 4027, and 5325(c) under the regulatory and jurisdictional authority of Welfare and Institutions Code sections 4005.1, 4011, 4027, 4101, and 4312 by authorizing the Department to oversee visitation within the Secure Visiting Center to actively maintain the safety, health, and security of the staff, patients, and members of the public.

Anticipated Benefits of the Proposed Regulation

The regulations would implement uniform safety precautions and ensure the Department's ability to comply with Welfare and Institutions Code sections 4005.1, 4011, 4027, and 5325(c)'s mandate to protect the interests of the hospital, carry out the necessary duties of employees of the hospital, and maintain effective control of visitation on hospital grounds within the Secure Visiting Center. The Department will have the authority to govern visitation as codified in the CCR. These regulations will provide uniform regulatory guidance on the visitation process and transparency on the procedures to staff, patients, and members of the public. The Department's hospitals do not currently have regulated language that covers all vital aspects of in-person visitation within the Secure Visiting Center. As a result, some of the hospitals function differently than others when it comes to visitation conduct and procedure. These regulations will allow hospitals procedural uniformity when it comes to processing visitors and governing visitation within the Secure Visiting Center. The ability to oversee all steps of visitor processing and admittance reduces the risk of staff, patients, and members of the public exposure to mental, physical, or emotional distress. These regulations propose methods of lawfully guided visitation to ensure safe interactions between patients and visitors and allow patients the opportunity to be in contact with and interact more with their family members and loved ones.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations

During the development of this proposed regulatory action, the Department reviewed any existing regulations on this topic and concluded that the proposed regulation is neither inconsistent nor incompatible with existing state regulations or statutes. In arriving at this conclusion, the Department reviewed the Welfare and Institutions Code, Penal Code, and its own regulations in title 9 of the California Code of Regulations.

FORMS INCORPORATED BY REFERENCE

There are no forms or other items incorporated by reference in these regulations.

LOCAL MANDATE STATEMENT

The Department has determined that the proposed regulations would not impose a mandate on any local agency or school district that requires reimbursement by the state under Government Code, Division 4, Part 7 (commencing with section 17500).

FISCAL IMPACTS

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Cost or savings to any State agency: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the State: None.

HOUSING COSTS

The adoption of the proposed regulations will have no effect on housing costs.

SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS AND INDIVIDUALS

The Department is not aware of any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department concludes that it is unlikely that the proposed regulations will (1) create or eliminate jobs within the State of California, (2) create new businesses or eliminate

existing businesses currently doing business within the State of California, and (3) affect the expansion of businesses currently doing business within the State of California. These proposed regulations allow the Department to lawfully govern visitation between patients and visitors within the Secure Visiting Center. The Department aims to ensure a safer environment for everyone in state hospitals by targeting in-person visitation risks and operations that pose threats to the health and safety of staff, patients, and members of the public.

The proposed regulation will protect staff, patients, and members of the public from potential harm and help maintain the integrity and security of hospital facilities. Ultimately, these measures are intended to foster a healthier, more secure atmosphere that prioritizes the well-being of all individuals within the hospital community. As a result, the proposed changes positively impact on the health and welfare of California residents and worker safety. The proposed changes do not address specific environmental concerns, so they will not affect the State's environment.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment:

These regulations will allow the Department to ensure a uniform system of visitation is implemented throughout all hospitals. Regulating visitation, particularly patient and visitor conduct, will improve the health and safety of the staff, patients, and members of the public at state hospitals.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations do not affect small businesses because the regulations oversee the operations of State-run hospitals and not private small businesses.

COST IMPACTS TO A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

STATEMENT OF ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less

burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to submit statements or arguments with respect to alternatives to the proposed regulation during the comment period.

CONTACT PERSONS

The primary contact for this regulatory action is Anna Libonati, and the backup contact is Rachelle Sack. They can be reached by telephone at (916) 654-2478 or email at DSH.Regulations@dsh.ca.gov.

AVAILABILITY STATEMENTS

The Department has prepared an Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic impacts of the proposal and all the information upon which the proposal is based, and the proposed text (the “express terms”) of the regulation. Copies of the proposed regulation text and ISOR may be accessed on the Department’s website, listed below, or may be obtained from the Department using the contact information provided in this document.

Further, non-substantive inquiries concerning the proposed regulatory action may be directed to the contact person named in this document at (916) 654-2478. The Department has compiled a record of this rulemaking action, which includes all the information upon which the proposal is based and is available for inspection upon request to the contact persons.

Following the close of the public comment period or date of the public hearing the Department may adopt the proposed regulations substantially as described in this notice or may modify the proposed regulation if the modifications are sufficiently related to the original text. Except for non-substantive, technical, or grammatical changes, the full text of any modified proposal will be made available for 15 days prior to its adoption to all persons who submit written or oral comments at the hearing; submit written comments during the comment period; and all persons who request notification of such modifications. Please address requests for regulations as modified to the contact person identified in this document.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons (FSOR) shall be available. Copies may be requested from the contact person in this notice or may be accessed on the Department’s website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice, the ISOR, the proposed regulation text, and all subsequent regulatory documents, including the FSOR, when completed, are available on the [Department website](https://www.dsh.ca.gov/Publications/Regulations.html) at <https://www.dsh.ca.gov/Publications/Regulations.html>.