

DEPARTMENT OF STATE HOSPITALS
NOTICE OF THIRD 15-DAY COMMENT PERIOD

REGARDING

California Code of Regulations
Title 9. Rehabilitative and Developmental Services
Division 1. Department of Mental Health
Chapter 16. State Hospital Operations
Article 7. Admissions
Sections 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, and 4717

This notice announces a third 15-day comment period in which **the public may comment on one additional modification to the text of the proposed regulations** on the admissions process of defendants found Incompetent to Stand Trial (IST) **or on the Supplement to the Initial Statement of Reasons (ISOR)**. This notice is issued pursuant to Government Code section 11346.8, subsection (c), California Code of Regulations, title 1, section 44, and Government Code section 11347.1.

This regulatory action was originally noticed and published in the California Regulatory Notice Register and also mailed on January 13, 2017. The originally proposed regulatory action is described in detail in the ISOR and can be found at:

http://www.dsh.ca.gov/About_Us/docs/Regulations/Initial_Statement_Reasons_01132017.pdf.

The Certificate of Compliance Rulemaking was filed on September 8, 2017 and was withdrawn on October 20, 2017.

No action by the public is necessary unless persons wish to comment on the proposed modification to the regulation text or on the Supplement to the ISOR.

ADDITIONAL DOCUMENT ADDED TO THE RECORD

The Supplement to the ISOR is available on the DSH website under the Incompetent to Stand Trial Admissions Process - Regular Rulemaking Proceeding, "Supplement to the Initial Statement of Reasons" at: <http://www.dsh.ca.gov/Publications/Regulations.aspx>.

The Supplement to the ISOR includes more detailed discussion of the necessity of the regulation text for sections 4700, subdivision (c), 4714, subdivisions (b)(1)-(7), and 4717, subdivisions (c)-(e).

This rulemaking and all documents relevant to it shall be physically available at the address indicated below under CONTACT PERSONS, between 8:00 a.m. and 5:00 p.m. on October 26, 2017 through November 10, 2017 or by request to the persons also indicated below.

**CHANGES TO THE TEXT OF PROPOSED REGULATIONS
AND RATIONALES**

The originally proposed regulations text for adoption was published online and mailed on January 13, 2017 and is indicated below in normal type.

The modifications to the proposed regulations text which were subject to the first 15-day supplemental comment period was published online and mailed on April 21, 2017. The modified text was available for public comment from April 21, 2017 through May 9, 2017. These modifications are indicated below in underline for additions and ~~strikeout~~ for deletions to the originally proposed text.

Further modifications to the proposed regulations text which were subject to the second 15-day supplemental comment period was published online and mailed on August 14, 2017. The modified text was available for public comment from August 14, 2017 through August 29, 2017. These modifications are indicated below in double underline for additions and ~~double strikeout~~ for deletions.

The further modification to the proposed regulations text is now subject to the third 15-day supplemental comment period, to be published online and mailed on October 26, 2017. The modification is indicated below in bold double underline for additions and ~~bold double strikethrough~~ for deletions.

Section 4714, subsection (b) is amended to:

- “To determine the security risk of an individual, the Department ~~may~~ shall ~~The security risk assessment shall consider~~ the following[.]”
- **Rationale:** The only change to the regulation is to change language from permissive to mandatory (“may” to “shall”), which is necessary to clarify that the Department shall be looking collectively at all of the listed documents to determine the security risk of each IST.

WRITTEN COMMENTS

DSH invites interested persons to provide comment. The public may comment only in writing. Any interested person may submit to the Department a written comment relevant to the single proposed modification to the regulations text or to the Supplement to the ISOR.

Please submit written comments to:

Regulations Unit
Department of State Hospitals
1600 9th Street, Room 410
Sacramento, California 95814
Fax: (916) 651-3090
Email: DSH.Regulations@dsh.ca.gov

All written comments received by November 10, 2017, no later than 5:00 p.m., which pertain to the additional modification to the proposed regulations or to the Supplement to the ISOR will be considered and responded to by the Department. The Department will prepare the Final Statement of Reasons (FSOR) which will provide a response to all timely comments received. The Department will submit the FSOR and the final text of the regulation to OAL and will also post the documents on the DSH website.

CONTACT PERSONS

For substantive questions or inquiries regarding this rulemaking or to request any document relevant to this rulemaking, please contact:

AMY WHITING, Regulations Unit
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1600 9th Street, Room 410
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Telephone: (916) 651-3247
Email: Amy.Whiting@dsh.ca.gov

The backup contact person is:

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