

## DEPARTMENT OF STATE HOSPITALS

### SECOND 15-DAY NOTICE OF PUBLIC AVAILABILITY OF MODIFIED TEXT AND MODIFIED TEXT

#### ADOPTION OF PROPOSED REGULATIONS FOR THE SEXUALLY VIOLENT PREDATOR STANDARDIZED ASSESSMENT PROTOCOL

California Code of Regulations  
Title 9. Rehabilitative and Developmental Services  
Division 1. Department of Mental Health  
Chapter 15. Assessment of Sexually Violent Predators

Public Hearing Date: January 22, 2018  
First 15-Day Dates: February 15, 2018 – March 2, 2018  
**Second Public Availability Date: July 10, 2018**  
**Deadline for Public Comment: July 25, 2018**

This notice announces a Second 15-day comment period in which the public may comment on the modifications to the originally proposed text for the sexually violent predator standardized assessment protocol regulation. 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 was also mailed on December 8, 2017 to all interested parties. The originally proposed regulatory action is described in detail in the ISOR and can be found at: <http://www.dsh.ca.gov/Publications/Regulations.aspx>

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

The Proposed Second 15-Day Modified Text is available on the Department of State Hospitals (DSH or Department) Internet Web site under the Sexually Violent Predator Standardized Assessment Protocol - Regular Rulemaking Proceeding "Second 15-Day Notice of Public Availability of Modified Text" at:  
<http://www.dsh.ca.gov/Publications/Regulations.aspx>

This rulemaking and all documents relevant to it shall be physically available at the address indicated below under WRITTEN COMMENTS, between 8:00 a.m. and 5:00 p.m. on July 10, 2018 through July 25, 2018, or by request to the persons also indicated below.

## **SUMMARY OF MODIFICATIONS**

The text of the modified regulatory language is shown in Attachment 1. The originally proposed regulatory language is shown in plain text. The modifications proposed as part of the Second 15-day changes are shown in double underline to indicate addition, and double strikethrough to show deletion.

The following Second 15-day modifications were made to the Regulation Text:

In Section 4012, a sentence has been modified to clarify that sexual interest tests, which are part of the medical record, may also be considered in the assessment review, in accordance to the general professional practice.

In Section 4013(b), a sentence was added to clarify that interviews conducted by video telepsychiatry is also considered a face-to-face interview. As technology advances, the medical practice is changing and incorporating technology into the standard professional practice.

In Section 4013(c), minor changes have been made to ensure proper references, and to clarify that the evaluator should attempt to get informed consent. There is also a renumbering which cleans up the regulations.

In Section 4014(e)(1)(A)2., a sentence was added to ensure that there was no confusion regarding a person who had been convicted as a mentally disordered sex offender. This is a repeat of the statute, included to make clear that this is something that needs to be considered.

In Section 4014(e)(2)(D)4., there was an addition to ensure that the results of sexual interest testing may be reviewed.

In Section 4014.1, language was added to clarify when the evaluations are completed and certified and are official reports pursuant to the responsibility of the department to ensure that reports are provided pursuant to the SVP law.

In addition to the modifications described above, additional modifications correcting grammar, changes in numbering and formatting have been made to improve clarity. These changes are nonsubstantive.

## **WRITTEN COMMENTS**

DSH invites all interested persons to provide comments relevant to the Proposed Modified Text. The public may comment only in writing, submitted by postal mail, fax, or electronically as follows:

Please submit written comments to:

**Postal mail:** California Department of State Hospitals  
Regulations Unit  
**RE: SVPSA Protocol-2<sup>nd</sup> 15-Day**  
1600 9th Street, Room 410  
Sacramento, California 95814; or  
Hand delivered to the address above

**Fax:** (916) 651-3090 (include **RE: SVPSA Protocol-2<sup>nd</sup> 15-Day**)

**Electronic submittal:** [DSH.Regulations@dsh.ca.gov](mailto:DSH.Regulations@dsh.ca.gov)

It is requested that all comments, particularly those emailed with attachments, contain the regulation package identifier “**SVPSA Protocol-2<sup>nd</sup> 15-Day**” in the subject line to facilitate timely identification and review.

All written comments received by **July 25, 2018**, no later than 5:00 p.m., which pertain to the Proposed Modified Text 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 Internet Web site.

## **CONTACT PERSONS**

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representatives: Domingo Aguilar, Forensic Services Division, Program Chief, by telephone at (916) 651-0984 or Dr. James Rokop, Forensic Services Division, Chief Psychologist, by telephone at (916) 651-5285.

Attachment