

**State of California
Office of Administrative Law**

In re:
Department of State Hospitals

Regulatory Action:

Title 09, California Code of Regulations

Adopt sections:
Amend sections: 400
Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

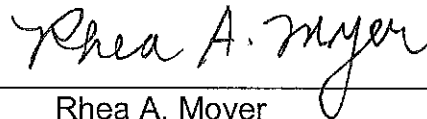
OAL Matter Number: 2024-0509-02

OAL Matter Type: File and Print Only (FP)

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Date: June 19, 2024



Rhea A. Moyer
Associate Governmental
Program Analyst

For: Kenneth J. Pogue
Director

Original: Stephanie Clendenin, Director
Copy: Anna Libonati

FILE PRINT

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2024-0119-01	REGULATORY ACTION NUMBER 2024-0509-02FP	EMERGENCY NUMBER		
For use by Office of Administrative Law (OAL) only					
<p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p> <p style="text-align: center;">Electronic Submission</p> <table border="0" style="width: 100%;"> <tr> <td>RECEIVED DATE 1/19/2024</td> <td>PUBLICATION DATE 2/02/2024</td> </tr> </table>		RECEIVED DATE 1/19/2024	PUBLICATION DATE 2/02/2024	<p>OFFICE OF ADMIN. LAW 2024 MAY 9 PM 1:19</p>	
RECEIVED DATE 1/19/2024	PUBLICATION DATE 2/02/2024				
NOTICE		REGULATIONS			
AGENCY WITH RULEMAKING AUTHORITY Department of State Hospitals			AGENCY FILE NUMBER (If any)		

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 19 2024

2:19 pm

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Conflict of Interest Code		TITLE(S) 9	FIRST SECTION AFFECTED 400	2. REQUESTED PUBLICATION DATE 02/02/24
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input checked="" type="checkbox"/> Other		4. AGENCY CONTACT PERSON Anna Libonati	TELEPHONE NUMBER (916) 654-2478	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER <i>2024-5-3</i>	PUBLICATION DATE <i>2/2/2024</i>

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Conflict of Interest Code		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2020-0316-02 FP, 2017-1127-01 RM		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)				
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT		
		AMEND	400	
TITLE(S) 9		REPEAL		
3. TYPE OF FILING				
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)	
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only	
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify) _____			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)				
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)				
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) <u>30 days after SOS filing per 2 CCR 18750</u>	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY				
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input checked="" type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal		
<input type="checkbox"/> Other (Specify) _____				
7. CONTACT PERSON Anna Libonati		TELEPHONE NUMBER (916) 654-2478	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) DSH.Regulations@dsh.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Stephanie Clendenin</i>	DATE 04/25/2024
TYPED NAME AND TITLE OF SIGNATORY Stephanie Clendenin, Director	

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

JUN 19 2024

Office of Administrative Law

**DEPARTMENT OF STATE HOSPITALS
REGULATIONS TEXT
CONFLICT OF INTEREST FILING FOR 2022**

California Code of Regulations
Title 9. Rehabilitative and Developmental Services
Division 1. Department of Mental Health
Chapter 2. Conflict of Interest Code

Section 400. General Provisions.

The Political Reform Act, Government Code sections 81000 et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission (FPPC) has adopted Section 18730 of title 2, California Code of Regulations (CCR), containing the terms of a standard Conflict of Interest Code. Section 18730 may be incorporated by reference and may be amended by the ~~Fair Political Practices Commission~~ FPPC to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of Section 18730 of title 2, CCR and any amendments to it duly adopted by the ~~Fair Political Practices Commission~~ FPPC, along with the attached Appendices (in which officials and employees are designated and disclosure categories are set forth), are hereby incorporated by reference. These terms, amendments, and Appendices constitute the Conflict of Interest Code of the Department of State Hospitals ("Department").

Individuals holding designated positions shall file statements of economic interests with the Department, which will make the statements available for public inspection and reproduction (~~Gov. Code, § 81008~~), per Government Code section 81008. The Director must file their statement of economic interests electronically with the ~~Fair Political Practices Commission~~ FPPC. All other statements will be retained by the Department.

Appendix A

List of Designated Positions

Persons holding the following job classifications are hereby required to file statements of economic interests (Form 700) in accordance with the disclosure categories indicated below. Each disclosure category is described in Appendix B.

Designated Positions

Assigned
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Categori

Headquarters – Sacramento

Directorate

Director	1
Chief Deputy Director, <u>Program Services</u>	1
Chief Deputy Director, <u>Operations</u>	1
Special Assistant to the Director	2
<u>Senior Psychologist Supervisor</u>	5
Assistant Director, Office of Communications	2
Assistant Director, Legislation	2
Information Officers II	3
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3

Clinical Operations

<u>Statewide Medical Director</u>	2
Deputy Director	2
Assistant Deputy Director	2
<u>Program Director Mental Disabilities</u>	5
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3

Forensic Services

Deputy Director	2
Assistant Deputy Director	2
Chief Psychologist, Correctional Facility	5
<u>Consulting Psychologist</u>	5
<u>Senior Psychologist Supervisor</u>	5
<u>Senior Psychologist Specialist</u>	5
<u>Sexually Violent Predator Evaluator</u>	5
<u>Research Data Supervisor I</u>	4
Mental Health Program Supervisors	3
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3

Community Forensic Partnership

Deputy Director	2
<u>Assistant Deputy Director, Community IST Programs</u>	2
<u>Assistant Deputy Director, Jail-based IST Programs and CONREP</u>	2
<u>Chief Psychologist, Correctional Facility</u>	5
<u>Consulting Psychologist</u>	5
<u>Assistant Chief Psychologist (Senior Psychologist Supervisor)</u>	5
<u>Senior Psychologist (Supervisor)</u>	5
<u>Senior Psychologist Specialist</u>	5
<u>Health Program Manager I, II, III</u>	3
<u>Staff Mental Health Specialist</u>	3
<u>Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)</u>	3

Hospital Strategic Planning and Implementation

Deputy Director	2
Assistant Deputy Director	2
<u>Assistant Deputy Director, Remediation Planning and Implementation</u>	<u>2</u>
<u>Senior Psychologist (Supervisor)</u>	<u>5</u>
Research Data Manager	4
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	4

Legal

Chief Counsel/Deputy Director	1
Deputy Chief Counsel	1
All Assistant Chief Counsels	2
All Attorneys	2
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3

Office of Human Rights

Chief, Office of Human Rights	2
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3

Office of Protective Services

Chief, Law Enforcement	2
Supervising Special Investigators I, II	3 & 5
<u>Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)</u>	<u>3</u>

Statewide Quality Improvement

Deputy Director	2
<u>Nurse Consultant, Program Review</u>	<u>2</u>
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3

Office of Audits

<u>Supervising Management Auditor</u>	<u>3</u>
<u>Staff Management Auditor</u>	<u>3</u>
<u>Staff Services Management Auditor</u>	<u>3</u>
<u>Associate Management Auditor</u>	<u>3</u>

Enterprise Health & Safety

<u>Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)</u>	<u>3</u>
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Technology Services

Deputy Director/Chief Information Officer	<u>26</u>
<u>Electronic Health Record Project Director</u>	<u>6</u>

Information Technology Specialist II, III	6
Information Technology Manager I, II	6
Information Technology Supervisor I, II	6

<u>Electronic Health Record</u>	6
<u>Information Technology Associate</u>	6
<u>Information Technology Specialist I, II, III</u>	6

<u>IT Business Management Section</u>	
Information Technology Associate	6
Information Technology Specialist I, II, III	6
	6
	6

Administrative Services

Deputy Director, Administrative Services	2
Chief Financial Officer	2
Chief Operating Officer	2
Chief, Human Resources and Labor Relations	2
Chief, Accounting	2
Accounting Administrator I, II, III (Specialist & Supervisor)	3
Senior Accounting Officer (Supervisor)	3
Labor Relations Manager I, II	2
<u>Departmental Construction and Maintenance Supervisor</u>	3
Senior Architect	3
Senior Mechanical Engineer	3
Associate Construction Analyst	3
Associate Governmental Program Analyst/Associate Budget Analyst	3

• Business Services	
• Contracts	
• Facilities	
• Fiscal	
• Procurement	
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3
• Budgets	
• Business Services	
• Contracts	
• Facilities	
• Fiscal	
• Human Resources	
• Patient Cost Recovery	
• Procurement	
• Workers Compensation	

Hospitals

Executive Director	2
Medical Director	5
<u>Chief of Primary Care Services</u>	5
Hospital Administrator	2
Clinical Administrator	5

Assistant Hospital Administrator	2
Accounting Administrator I, II, III (Specialist & Supervisor)	3
<u>Associate Construction Analyst</u>	<u>3</u>
Hospital General Services Administrators <u>I, II</u>	3 & 5
Patient Benefit and Insurance Officers <u>I, II, III</u>	3 & 5
Mental Health Program Supervisors	3 & 5
Business Services Officer I, II (Supervisor)	3 & 5
Property Controller I, II, <u>III</u>	3
Chief Engineer I, II	3
Chief of Plant Operations <u>I, II, III</u>	3
<u>Automotive Pool Manager I, II</u>	<u>3</u>
Chief of Professional Education	5
Chief Physician and Surgeon	5
Chief Dentist	5
Chief Psychiatrist, Correctional & Rehabilitation Services	5
Chief Psychologist, Correctional Facility	5
<u>Chief of Police</u>	<u>3 & 5</u>
Chief, Protective Services & Security	3 & 5
Fire Chiefs	3 & 5
Medical Services Administrator	5
Nursing Administrator	5
Director of Dietetics	5
Assistant Director of Dietetics	5
Pharmacy Services Manager	5
Program Director Mental Disabilities	5
Pathologist/Lab Director	5
Supervisor Clinical Laboratory Technician	5
<u>Supervising Building Trades</u>	<u>3</u>
Associate Governmental Program Analyst	3
• Business Services	
• Contracts	
• Facility Operations	
• Plant Operations	
• Procurement	
Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)	3
• Budgets	
• Business Services	
• Contracts	
• Facility Operations	
• Fiscal	
• Forensics	
• Health and Safety Officer	
* <u>Hospital Administration</u>	
• Human Resources	
• Plant Operations	
• Procurement	
• Staff Development	
• Standard Compliance	
• Training Department	

Staff Services Manager I, II, III (Specialist, Supervisory, Managerial)

3 & 5

- External Affairs
- General Services
- Health Information Management Department
- Housekeeping Department
- Nursing Administration
- Nutrition Services

All Department Consultants and New Positions: Consultants and new positions are included in the list of designated positions and must disclose pursuant to the broadest disclosure category in the Conflict of Interest Code subject to the following limitation:

The Director may determine in writing that a particular consultant or new position, although a "designated person," is hired to perform a range of duties that is limited in scope and thus not required to comply with the disclosure requirements described in this Conflict of Interest Code. Such determination shall include a description of the duties of the consultant or new position and, based upon that description, a statement of the extent of disclosure requirements. Nothing herein excuses any such consultant or new position from any other provision of this Conflict of Interest Code.

Appendix B

Disclosure Categories

Category 1

Interests in real property located within one mile of any hospital subject to the Department's jurisdiction and all investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments).

Category 2

All investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments).

Category 3

Investments and business positions in business entities and sources of income (including receipt of gifts, loans and travel payments) if the business entity or source provides leased facilities, products, equipment, vehicles, machinery or services (including training or consulting services) of the type utilized by the Department.

Category 4

Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source is subject to regulation by the division of the Department in which the designated employee holds their position.

Category 5

Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source is of the type:

- that is eligible to receive patient referrals for the delivery of health care services or supplies by the hospital to which the designated employee is assigned; or
- to provide any type of dental, mental, medical, or health care services or products, including prescriptions, ambulance services, and well-being programs.

Category 6

Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source provides information technology and telecommunications goods, products, or services, including but not limited to, computer hardware or software companies, computer consultant services, training, data processing firms, and media services.

NOTE: Authority cited: Sections 87300 and 87306, Government Code Reference: Sections 87300, et seq., Government Code.

This is the last page of the conflict of interest code for the Department of State Hospitals .



CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict of interest code for the
Department of State Hospitals was approved on 5/7/24

Sukhdip Brar Digitally signed by Sukhdip Brar
Date: 2024.05.07 13:01:58 -0700

Sukhi K. Brar

Assistant Chief Counsel

Fair Political Practices Commission

Pursuant to Government Code Section 11346.2:

Secretary of State Filing Date:

Effective: