

**State of California
Office of Administrative Law**

In re:
Department of Corrections and
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections: 3999.26

Amend sections:

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

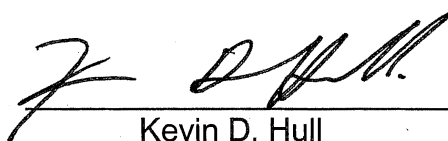
OAL Matter Number: 2019-0305-03

OAL Matter Type: File and Print Only (FP)

This action by the Department of Corrections and Rehabilitation adopts section 3999.26 as a pilot program for non-clinical activity tracking. This filing is exempt from chapter 3.5 of part 1 of division 3 of title 2 of the Government Code pursuant to Penal Code section 5058.1 and is not subject to review by the Office of Administrative Law. This action is effective on filing with the Secretary of State pursuant to Penal Code section 5058.1 and remains in effect for two years.

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: April 9, 2019



Kevin D. Hull
Senior Attorney

Original: Ralph Diaz, Secretary
Copy: Jon Struckmann

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2019-0305-03FF	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

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

APR 09 2019

1:40 PM

AGENCY WITH RULEMAKING AUTHORITY
California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)
18-0773

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

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Non-Clinical Activity Tracking		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
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 3999.26	
		AMEND	
TITLE(S) 15		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input checked="" type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) <u>Penal Code 5058.1 - Pilot Program</u> <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
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(e)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)			
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 type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON Jon Struckmann		TELEPHONE NUMBER (916) 445-2276	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) Jonathan.Struckmann@cdcr.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

DATE

TYPED NAME AND TITLE OF SIGNATORY

Kathleen Allison, Undersecretary (A), Operations

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

APR 09 2019

Office of Administrative Law

Memorandum

Date: April 9, 2019

To: Associate Directors, Division of Adult Institutions
Wardens

INSTRUCTIONAL MEMORANDUM

Subject: **NON-CLINICAL ACTIVITY TRACKING PILOT PROGRAM**

PURPOSE

This memorandum announces the implementation of the Non-Clinical Activity Tracking (NCAT) pilot program under the authority of Penal Code Section 5058.1. This program is being implemented to test the effectiveness of real-time tracking of non-clinical activities and services provided to patients admitted to Psychiatric Inpatient Programs (PIP) Acute and Intermediate Care Facilities such as cell searches, cell inspections, showers, supplies issued, linen exchange, clothing exchange, administrative contacts, visits, law library, meals, trash disposal, dayroom and time in/out to yard. The pilot program is intended to assess whether an electronic mobile tracking system will improve daily operations by reducing time and labor while increasing efficiency and accountability as well as improving data collection.

PILOT PROGRAM LOCATION AND DURATION

The NCAT pilot program will be implemented at San Quentin State Prison (SQ).

The NCAT pilot program will be in effect for 24 months, beginning April 9, 2019, and will expire by operation of law on April 9, 2021 unless it is promulgated through the Administrative Procedure Act prior to expiration.

PILOT PROGRAM STRUCTURE

Non-clinical leisure activities tracked in NCAT do not have a lesson plan, specific objectives or treatment outcomes, are not based on the clinical treatment plan, and are not documented in the Electronic Health Records System. During these activities the patients may be free to structure their time independently (e.g., yard time) or staff may provide loose structure (e.g., games).

During the NCAT pilot program the PIP at SQ shall utilize NCAT to electronically document all activities and services provided to their maximum custody patients. NCAT data may be used to inform treatment planning for patients who do not regularly attend available activities.

A PIP supervisor shall be designated, based on local operating procedure, to assign unit staff to facilitate the non-clinical leisure activities as listed on the unit schedule.

Activity facilitators, including but not limited to custody officers, nursing staff, and Mental Health staff shall be the primary users of NCAT and shall ensure data regarding non-clinical leisure activities is entered into NCAT for tracking purposes. The facilitator of the activity shall generally be the individual who enters the data into NCAT.

The facilitator logs the tracking information into an enhanced electronic document which lists the various non-clinical activities. Upon completion of the log, the information is automatically uploaded to a database and reports are automatically generated. This new process will eliminate the need to reconcile and track the daily, weekly, and monthly physical forms, as well as the space and material to store the forms.

In the event NCAT is unavailable due to technical issues, staff shall use the NCAT downtime worksheet to track out-of-cell activity. Staff shall enter the information logged on the downtime worksheet within 14 calendar days of NCAT becoming available for use.

RESEARCH AND EVALUATION

Once the NCAT pilot program is implemented, CDCR shall evaluate and assess its effectiveness in recording activities and services provided to patients assigned to SQ's PIP through reports derived from NCAT. Results shall be summarized in a final report at the end of the NCAT pilot program.

If you have any questions or require additional information regarding this memorandum, please contact Dawn Lorey, Associate Warden, Mental Health Compliance Team, Division of Adult Institutions at (916) 323-2450 or at Dawn.Lorey@cdcr.ca.gov.

Original Signed By:

CONNIE GIPSON

Director (A)

Division of Adult Institutions

cc: Sandra Alfaro	Angela Ponciano
Katherine Tebrock	Dawn Lorey
Kelly Mitchell	Brittany Brizendine
Laura Ceballos	