State of California Office of Administrative Law

In re: Department of Corrections and Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections: 3999.31

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

OAL Matter Number: 2023-1020-02

OAL Matter Type: File and Print Only (FP)

This action by the Department of Corrections and Rehabilitation adopts section 3999.31 as a pilot program for the Correctional Clinical Case Management System – Cuesta Camp Pilot Program, which will allow specified inmates to participate in the Conservation Camp Program while housed at the California Men's Colony and assigned to Cuesta Conservation Camp. 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 with the Secretary of State, and will publish the regulation in the California Code of Regulations.

Date: November 22, 2023

Stephen P. Mehlert

Senior Attorney

For: Kenneth J. Pogue Director

Original: Jeffrey Macomber, Secretary Copy: Sarah Pollock

Docu Sign Envelope ID: 349E40BA-/ STATE OF CALIFORNIA-OFFICE OF ADMINISTRATIV NOTICE PUBLICATION/R	For use by Secretary of State only			
STD. 400 (REV. 10/2019) OAL FILE NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER W13-1020-02FF			1
For use by Office of Administrative Law (OAL) only				
				ENDORSED - FILED in the office of the Secretary of State of the State of California
	OFFICE OF ADMIN. LAW 2023 OCT 20 PM12:24			NOV 2 2 2023
				1-10pm
NOTICE	NOTICE REGULATIONS			
AGENCY WITH RULEMAKING AUTHORITY California Department of Corrections and Rehabilitation				AGENCY FILE NUMBER (If any) 23-33
A. PUBLICATION OF NOT	ICE (Complete for p	ublication in Notic	e Register)	
1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFEC	TED 2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE Notice re Proposed Other	4. AGENCY CON	TACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	NOTICE Approved as Modified	Disapproved/ Withdrawn	NOTICE REGISTER NU	MBER PUBLICATION DATE
B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)				
1a. SUBJECT OF REGULATION(S) 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)				
Correctional Clinical Case M	lanagement System -	CUESTA CAMP PIWF	PEDERAM	SPM
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)				
SECTION(S) AFFECTED 3999.31				
(List all section number(s) individually. Attach	AMEND			
additional sheet if needed.)				
TITLE(S)	REPEAL			
15				
3. TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Certificate of Compliance: The agency officer named below certifies that this agency complied with the or withdrawn nonemercency Emergency Readopt (Gov. Code, §11346.1(h)) Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)				
or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	Print Only			
Emergency (Gov. Code, §11346.1(b)) Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) Other (Specify) Penal Code 5058.1 - Pilot Program				
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) Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))				
6. CHECK IF THESE REGULATIONS REQU	IRE NOTICE TO, OR REVIEW, CO	NSULTATION, APPROVAL OR		THER AGENCY OR ENTITY
Department of Finance (Form STI	0. 399) (SAM §6660)	Fair Political P	ractices Commission	State Fire Marshal
7. CONTACT PERSON TELEPHONE NUMBER FAX NUMBER (Optional) E-MAIL ADDRESS (Optional)				
Sarah Pollock 916-445-2308			sarah.pollock@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				For use by Office of Administrative Law (OAL) only
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.				AUTHORIZED FOR FILING AND PRINTING
Tammy Foss 10		DATE 10/20/20	23	NOV 22 2023
TYPED NAME AND TITLE OF SIGNATORY TAMMY FOSS, Undersecretary, Operations				Office of Administrative Law

Adopt Section 3999.31 Correctional Clinical Case Management System – Cuesta Camp Pilot Program

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: November 22, 2023

 Associate Directors, Division of Adult Institutions Wardens
 Regional Health Care Executives
 Chief Executive Officers
 Classification and Parole Representatives
 Institutional Correctional Counselor IIIs
 Correctional Case Records Managers

INSTRUCTIONAL MEMORANDUM

Subject: Correctional Clinical Case Management System – Cuesta Camp Pilot Program

PURPOSE

The purpose of this memorandum is to announce the implementation of the California Department of Corrections and Rehabilitation (CDCR) Correctional Clinical Case Management System (CCCMS) – Cuesta Camp Pilot Program, which will allow specific CCCMS incarcerated individuals to participate in the Conservation Camp (CC) program while being housed at California Men's Colony (CMC), and assigned to Cuesta CC. This Pilot Program will be limited to CCCMS incarcerated individuals who are not currently prescribed a mental health medication, with the exception of a Keep on Person (KOP) medication order for a KOP-eligible medication (KOP-Permitted Mental Health Medication List) (Attachment - A).

By allowing specific Mental Health Services Delivery System (MHSDS) CCCMS incarcerated individuals to participate in the camp program, these incarcerated individuals will be afforded felony expungement opportunities through Assembly Bill 2147 (2019/2020), participation in the Ventura Training Center, and opportunities for post incarceration employment. Participation in meaningful work during their incarceration can also have an ongoing positive effect on these incarcerated individuals' mental health.

CURRENT CAMP PROGRAM REQUIREMENTS

Currently, CCCMS incarcerated individuals are not eligible for CC placement due to concerns with certain medications' interaction with heat (both fires and fire camp locations with high summer temperatures), no clinical access at CCs due to their remote locations, and no medical staff being assigned to CCs; however, none of the KOP mental health medications (as listed in Attachment - A) require special medical attention during raised temperatures and have no negative interaction when working in heat.

Associate Directors, Division of Adult Institutions Wardens Regional Health Care Executives Chief Executive Officers Classification and Parole Representatives Institutional Correctional Counselor IIIs Correctional Case Records Managers Page 2

PILOT PROGRAM REQUIREMENTS

The CCCMS Cuesta Camp Pilot Program is operating under the authority of Penal Code section 5058.1 and affects no more than 10 percent of the total State inmate population. The primary incentive of this Pilot Program is to promote the rehabilitation of these incarcerated individuals and provide for their successful reintegration back to their communities upon release.

The CCCMS Cuesta Camp Pilot Program will operate as a voluntary program and shall allow for select Level I-II incarcerated individuals to participate in the camp program. CCCMS incarcerated individuals shall continue to be mandated to be seen by their Mental Health Primary Clinician at a minimum of once every 90 days. Additionally, these incarcerated individuals shall be seen by their Psychiatrist at a minimum of once every 90 days (if on medication), annually for an Interdisciplinary Treatment Team (IDTT), and at any other time the incarcerated individual requests. CCCMS incarcerated individuals must meet all other existing camp placement criteria in order to be eligible for participation in the program.

PILOT PROGRAM LOCATION AND DURATION

The CCCMS Cuesta Camp Pilot Program will be implemented at the Cuesta CC located at CMC. The Pilot Program will be in effect for 24 months following approval by the Office of Administrative Law, and will expire by operation of law at the end of this period unless regulations establishing the program are promulgated through the Administrative Procedure Act prior to the Pilot Program's expiration.

The Cuesta CC has been selected for this Pilot Program as it is located near the grounds of the CMC and processes are currently in place at Cuesta CC to allow for camp access to medical services from CMC. A Cuesta CC incarcerated individual may complete a CDCR Form 7362, Health Care Services Request Form, to request health care services at CMC.

By establishing the CCCMS Pilot Program at Cuesta CC, incarcerated individuals who were previously placed in the MHSDS, but are not currently prescribed a mental health medication, with the exception of a KOP-eligible medication (as listed in Attachment - A), shall be afforded CC opportunities.

Existing camp participants will be allowed to remain throughout the Pilot Program at Cuesta CC, and eligible CCCMS incarcerated individuals will be transferred to Cuesta CC.

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RESEARCH AND EVALUATION

The CCCMS Camp Pilot Program is a voluntary program which is designed to afford eligible CCCMS incarcerated individuals greater access to programs and living circumstances with the intent of increasing the likelihood of their rehabilitation. Once the Pilot Program has been implemented, CDCR shall evaluate and assess its effectiveness in achieving rehabilitative goals.

Staff shall be trained in the programming needs of CCCMS incarcerated individuals and will encourage positive programming in the CC program through positive staff interactions, impactful rehabilitation, and educational resources targeted to the incarcerated individuals' needs.

Additionally, CDCR shall continue to evaluate and assess the Pilot Program's effectiveness, which shall include an annual management review. The results of the review will be shared with the Warden and Associate Directors overseeing the Pilot Program, and all results of internal reviews may be utilized as supporting documentation for the development of regulatory language.

If you have any questions regarding this Pilot Program, please contact Fred Money, Captain, Camp Liaison, Reception Centers Mission, at (916) 324-0756 or <u>Fred.Money@cdcr.ca.gov</u>.

DocuSigned by:

Tammy Foss 914C404835B04E8... TAMMY FOSS Undersecretary Operations

DocuSigned by: Joseph Bide -347167202A8A404...

JOSEPH BICK, M.D. Director Division of Health Care Services

cc: Jeff Macomber Diana Toche Jared Lozano Ron Davis Patrick Eaton Tracy Snyder Fred Money

Note: Authority cited: Sections 5058 and 5058.1, Penal Code. Reference : Section 5058, Penal Code

Attachment - A



Mental health medications, which only include those written by a psychiatrist for a mental health indication, are to be prescribed/ordered as nurse administered (NA) or under direct observed therapy (DOT) with the exception of the medications on this list for patients in the Correctional Clinical Case Management System (CCCMS) level of care.

Keep-on-Person (KOP) administration type may not be appropriate for all patients. When deciding between KOP, NA, and DOT, consider the factors specified here: <u>Recommendations on</u> <u>Selecting a Medication</u> <u>Administration Type.</u>

Pharmacologic Class

Selective serotonin reuptake inhibitors (SSRI)

Selective serotonin and norepinephrive reuptake inhibitor (SNRI)

Medication

<u>Citalopram</u> <u>Escitalopram</u> <u>Fluoxetine</u> <u>Fluvoxamine</u> <u>Paroxetine</u> Sertraline

<u>Duloxetine</u>

CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES | HCDOM 3.5.5 LAST UPDATED: OCTOBER 2021