

**State of California
Office of Administrative Law**

In re:
**Department of Corrections and
Rehabilitation**

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections: 3999.22

Amend sections:

Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

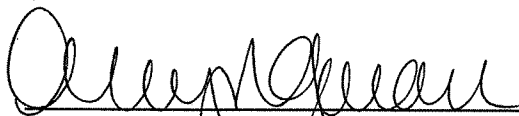
OAL Matter Number: 2017-0314-01

OAL Matter Type: File and Print Only (FP)

This action by the Department of Corrections and Rehabilitation adopts section 3999.22 as a pilot program on medication assisted treatment for substance abuse disorders. 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 three years pursuant to Penal Code section 2694.5.

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 3, 2017



Amy R. Gowan
Attorney

For: Debra M. Cornez
Director

Original: Scott Kernan

Copy: Lara Saich

NOTICE PUBLICATION/REGULATIONS SUBMISSION

FILE PRINT

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2017-0314-01FP	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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2017 MAR 14 A 9:01
OFFICE OF ADMINISTRATIVE LAW

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

APR 03 2017

1:40PM

AGENCY WITH RULEMAKING AUTHORITY
California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)

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) Medication Assisted Treatment for Substance Abuse Disorders	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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 3999.22
	AMEND
	REPEAL
TITLE(S) 15	

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 checked="" type="checkbox"/> Other (Specify) <u>PC 5058.1 and 2694.5 - Pilot Program</u>	

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 checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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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)		

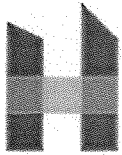
7. CONTACT PERSON Lara Saich	TELEPHONE NUMBER (916) 691-3704	FAX NUMBER (Optional) (916) 691-3490	E-MAIL ADDRESS (Optional) Lara.Saich@cdcr.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) 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 3-7-17
TYPED NAME AND TITLE OF SIGNATORY Scott Kernan, Secretary, California Department of Corrections and Rehabilitation	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED
APR 03 2017
Office of Administrative Law



CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES



MEMORANDUM

Date: March 13, 2017

To: Executive Leadership
Deputy Directors
California Correctional Health Care Services

Executive Leadership
Division of Health Care Services

Louie Escobell, Chief Executive Officer
Muhammad Farooq, M.D., MBA, MPH, Chief Medical Executive
Alex Serrano, RN, Chief Nurse Executive
Victor Jordan, Ph.D., Chief of Mental Health
California Institution for Men

James Elliot, MA, CCHP, Chief Executive Officer
Leslie Taylor, M.D., Chief Medical Executive
Nyreith Adeyemi, MBA, BSN, RN, PHN, Chief Nurse Executive
Michael Hewitt, Psy.D, Chief of Mental Health
California Institution for Women

From: Diana L. Toche, D.D.S., Undersecretary
Health Care Services *D. Toche*
California Department of Corrections and Rehabilitation

Richard Kirkland *R. Kirkland*
Chief Deputy Receiver

Subject: MEDICATION ASSISTED TREATMENT FOR SUBSTANCE ABUSE DISORDERS PILOT PROGRAM

This memorandum constitutes certification, pursuant to Penal Code (PC) section 5058.1, subdivision (b)(2), for California Correctional Health Care Services (CCHCS) and the California Department of Corrections and Rehabilitation (CDCR) to proceed with a Medication Assisted Treatment for Substance Abuse Disorders Pilot Program (Pilot). Senate Bill (SB) 843 was enacted with the adoption of Chapter 33, Statutes of 2016 which adds PC section 2694.5 and requires the CDCR to establish a Pilot program at one or more institutions that will provide a medication assisted treatment model for inmates with a history of substance abuse problems. SB 826, Chapter 23, Statutes of 2016 appropriated \$2,500,000 in funding to be used to develop the Pilot.

MEMORANDUM

PILOT PROJECT LOCATIONS

The Pilot will be conducted at California Institution for Men and California Institution for Women.

PILOT PROJECT DURATION

The Pilot will be in effect for three years and will expire by operation of law at the end of this period unless it is promulgated through the Administrative Procedure Act prior to expiration.

PILOT OVERVIEW

The Pilot shall offer a continuum of evidence-based care that is designed to meet the needs of the individuals being served and that is appropriate for a correctional setting. In establishing the Pilot, pursuant to SB 843, CDCR is required to consider the following:

1. *Access to services during a patient's enrollment in the pilot program;*
2. *Access to subacute detoxification and medical detoxification, as necessary;*
3. *Comprehensive pre-treatment and post-treatment assessments;*
4. *Ongoing evaluation of a patient's program needs and progress at least every 90 days, and appropriate adjustment of treatment based on that evaluation;*
5. *Services provided by professionals for whom substance use disorder treatment is within the scope of their practice;*
6. *Referrals for medication assisted care and prescription of medication assisted treatment;*
7. *Provision of behavioral health services, including the capacity to treat co-occurring mental illness;*
8. *Access to medication assisted treatment throughout the period of incarceration up to and including immediately prior to release; and*
9. *Linkages to community-based treatment upon parole.*

FISCAL IMPACT

SB 826 appropriated \$2,500,000 in funding to be used to develop the Pilot. The funding is available for encumbrance or expenditure until June 30, 2019.

REPORTING REQUIREMENTS

SB 843 requires CDCR to report to the fiscal and appropriate policy committees of the Legislature by March 1, 2017, and each March thereafter during the tenure of the Pilot. The report shall include the following elements:

1. *The planned patient capacity of the program;*

MEMORANDUM

2. *The number of patients enrolled in the program;*
3. *The number of patients who leave the treatment program against medical advice and the number of patients who are discharged from the program prior to achieving their treatment goals;*
4. *The percentage of patients with negative urine toxicology screens for illicit substances during treatment and post-treatment while incarcerated; and*
5. *The number of patients who are successfully linked to post-release treatment.*

CERTIFICATION

We certify that this Pilot qualifies for exemption under Penal Code sections 5058.1 and 2694.5.

cc: Angela Ponciano, Associate Director, Mental Health Program, CDCR
Michael Golding, M.D., Statewide Chief Psychiatrist, Mental Health Program, CDCR
Thomas Gilevich, Assistant Chief Counsel, Office of Legal Affairs, CDCR
Tim Lockwood, Chief, Regulation and Policy Management Branch, CDCR
Jasinda Muhammad, Assistant Deputy Director, Human Resources, CCHCS
Duane Reeder, Associate Director, Fiscal Services, CCHCS
Lara Saich, Chief, Risk Management Branch, CCHCS