STATE OF CALIFORNIA

DEPARTMENT OF MENTAL HEALTH

OFFICE OF LEGAL SERVICES

# PUBLIC HEARING

DEPARTMENT OF WATER RESOURCES

AUDITORIUM

1416 NINTH STREET

SACRAMENTO, CALIFORNIA

COPY

APRIL 21, 2010

1:00 P.M.

EHLERT BUSINESS GROUP
(916) 851-5976

# A P P E A R A N C E S

Department of Mental Health

Steve Appel, Acting Regulations Coordinator

John Lessley, Chief, State Level Program Administration

Others Present

No Members of the Public Present

# I N D E X


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1 P R O C E E D I N G S

2 1:02 p.m.

3 ACTING REGULATIONS COORDINATOR APPEL: I'm Steve
4 Appel, Acting Regulations Coordinator with the California
5 Department of Mental Health. Seated beside is John Lessley,
6 Chief, State Level Program Administration.
7 It is exactly 1:02 p.m. on Wednesday, April 21,
8 2010 and we are gathered here today in the auditorium at the
9 Department of Water Resources located at 1416 Ninth Street
10 in Sacramento, California in order to receive public
11 comments on a proposed rulemaking action by the Department
12 of Mental Health.
13 The subject of this public hearing is the proposed
14 amendment to Section 1810.203.5, Appeal, and adoption of
15 Section 1850.350, to Title 9 of the California Code of
16 Regulations, Division 1, Chapter 11, Articles 2 and 3,
17 regarding the Early and Periodic Screening, Diagnosis, and
18 Treatment Appeal Process.
19 The amendment to Section 1810.203.5 is the
20 addition of subdivision (d), expanding the definition of
21 "appeal" to include MHP and/or MHP subcontractor's request
22 for a review of the client record review findings.
23 Section 1850.350 is adopted to identify the
24 progressive appeal process that is available to the MHPs and
25 MHP subcontractors. It provides standards, protocols and

1 time frames for the process of informal and formal
2 progressive appeals.
3 Under the rulemaking provisions of the California
4 Administrative Procedure Act, the APA, this is the time and
5 place set for the allowance of oral public comments to the
6 Department of Mental Health's proposed regulations notice of
7 which has previously been both published and sent by U.S.
8 Mail and email to interested parties.
9 Written comments may continue to be submitted to
10 the Department of Mental Health up until 5:00 o'clock p.m.
11 today, although this public hearing may conclude before such
12 time if everyone who wishes to offer oral comments has had
13 the opportunity to do so before such time.
14 This is a quasi-legislative hearing, which means
15 the Department of Mental Health carries out a rulemaking
16 function that is delegated to it by the Legislature.
17 Persons presenting oral comments at this hearing
18 will not be sworn in. The Department will not be engaging
19 in a dialogue regarding the merits of the proposed
20 regulation with those that wish to make public comments
21 today.
22 We will take under submission all written and oral
23 statements submitted or made during this hearing.
24 We will not be responding to your comments at this
25 hearing. However, we reserve the opportunity to ask

1 questions at today's hearing in order to clarify your
2 comments if necessary.
3 We will respond to these comments in writing in
4 the final statement of reasons.
5 This entire APA rulemaking hearing will be
6 recorded by a certified shorthand reporter.
7 The transcript of the hearing and all exhibits and
8 evidence presented during the hearing will be made part of
9 the rulemaking record and will be available to the public
10 upon request.
11 The record for this hearing is being kept open
12 until the close of business today, April 21, 2010 at 5:00
13 p.m. in order to receive additional relevant comments from
14 interested parties.
15 If you have brought written comments with you to
16 submit during the hearing today please give them to me, the
17 Department's Acting Regulations Coordinator.
18 You can also submit written comments to the
19 Department of Mental Health at any time before 5:00 p.m.
20 today by bringing them to the security desk at the lobby
21 entrance at 1600 Ninth Street in Sacramento, California
22 where the Department will send staff to retrieve them, or by
23 having them postmarked today if you wish to send them via
24 U.S. Mail.
25 Attendance sheets are available at the table on my

1 right to provide your name and to indicate whether you wish
2 to offer oral comments at this public hearing.
3 We would like to ask everyone in attendance today
4 to provide the information requested on the attendance
5 sheets.
6 Nevertheless, if you wish to remain anonymous you
7 do not need to put your name. Just write, anonymous.
8 When you fill out the attendance sheet please
9 provide your email or mailing address and we will notify you
10 before the final adoption of any changes to this proposal or
11 about any new material relied upon in proposing these
12 regulations.
13 This notice will be sent to everyone who submits
14 written comments during the written comment period,
15 including those written comments submitted today, who
16 provide oral comments today and who asked for such
17 notification.
18 While no one may be excluded from participation in
19 these proceedings for failure to identify themselves, the
20 names and addresses on the attendance sheet will be added to
21 the notice list.
22 If you have not yet signed the attendance sheet
23 and now wish to do so please do so at this time.
24 We would like to ask everyone in attendance today
25 to provide the information requested on the attendance

1 sheets. Nevertheless, if you wish to remain anonymous you
2 do not need to put your name, just write, anonymous.
3 When you fill out the attendance sheet please
4 provide -- I thought I read this already. I'm going to skip
5 this part here.
6 This notice will be sent to everyone who submits
7 written comments during the written comment period,
8 including those written comments submitted today, or that
9 provide oral comments today and who ask for such
10 notification.
11 We will listen to oral comments in the order you
12 signed the attendance sheet. After we hear from everyone
13 who signed in we will hear from anyone that joins us after
14 the commencement of this public hearing and who wishes to be
15 heard.
16 When you come to speak we ask that you do certain
17 things so that the audience may hear you and so that your
18 comments may be correctly entered in the record.
19 We ask you to come to the microphone on the right
20 podium when you are called to speak. Please begin by
21 stating and spelling your name if you wish to identify
22 yourself and by indicating the organization you represent,
23 if any.
24 At this point the rulemaking record includes four
25 exhibits, A, B, C, and D.

1 Exhibit A is the Notice of the Proposed Action
2 which was published in the California Regulatory Notice
3 Register on February 26, 2010, Number 9Z.
4 Exhibit B is the Expressed Terms of the Proposed
5 Action using underline to indicate additions to and strike
6 out to indicate deletions from the California Code of
7 Regulations.
8 Exhibit C is the Statement of Reasons for the
9 proposed rules.
10 Exhibit D contains written comments received to
11 date.
12 These regulations were duly noticed at least 45
13 days prior to today's hearing.
14 Copies of the notice together with the regulations
15 and the Statement of Reasons were mailed to all interested
16 parties who had requested rulemaking notices.
17 I have the attendance sheets in front of me. We
18 will now take oral comments on the proposed regulations.
19 In the interest of time if you agree with comments
20 made by the prior speaker simply state that fact and add any
21 new information you feel is relevant to the issue.
22 We welcome your oral comments at this time.
23 Is there anyone else who wishes to speak
24 concerning the Department's proposed regulations?
25 Hearing no requests I hereby close this oral

1 hearing at this time. It is exactly 1:11 p.m. However, we
2 will receive written comments until 5:00 p.m. today at our
3 offices located at 1600 Ninth Street, Sacramento,
4 California.
5 Thank you to everyone who attended this meeting.
6 We truly appreciate your help in developing these
7 regulations.
8 Finally, if you would like to be on the
9 Department's rulemaking mailing list but are not on the list
10 now please give your name and address to me, the Acting
11 Regulations Coordinator.
12 Thereupon the public hearing was adjourned at 1:11
13 p.m.
14 (Thereupon, the public hearing was
15 adjourned at 1:11 p.m.)
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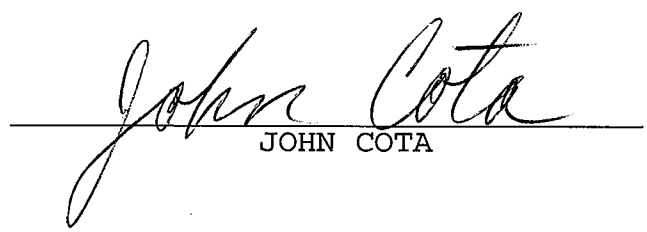
CERTIFICATE OF REPORTER/TRANSCRIBER

I, John Cota, an Electronic Reporter and Transcriber, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Department of Mental Health regulatory hearing; that I thereafter transcribed it into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said regulatory hearing, nor in any way interested in the outcome of said matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of April, 2010.



JOHN COTA