

**State of California
Office of Administrative Law**

In re:
Department of Corrections and
Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

APPROVED:

Amend sections: 3999.98, 3999.109,
3999.114, 3999.116

WITHDRAWN:

Adopt sections: 3999.312

**NOTICE OF APPROVAL IN PART AND
WITHDRAWAL IN PART OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2025-0818-01

OAL Matter Type: Regular (S)

In this action, the California Department of Corrections and Rehabilitation (CDCR) updates definitions and descriptions for Mortality Review and reporting, the Clinical Documentation and Decision Support Committee, and the Systemwide Pharmacy and Therapeutics (P&T) Committee.

OAL approves the sections listed as APPROVED above pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2026.

The section listed as WITHDRAWN above was withdrawn from OAL review pursuant to Government Code section 11349.3(c).

Please contact me at (916) 323-6831 or ashita.mohandas@oal.ca.gov, or the OAL Reference Attorney at (916) 323-6815, if you have any questions about the resubmittal process. You may request the return of your rulemaking record by contacting the OAL Front Desk at (916) 323-6225.

Date: September 30, 2025



Ashita Mohandas
Attorney

Original: Jeffrey Macomber, Secretary
Copy: Robin Hart

For: Kenneth J. Pogue
Director

REGULAR

NOTICE PUBLICATION/REGULATIONS SUBMISSION (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-0927-02	REGULATORY ACTION NUMBER 2025-0818-015	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

OFFICE OF ADMINISTRATIVE LAW

Electronic Submission

RECEIVED DATE

09/27/2024

PUBLICATION DATE

10/11/2024

OFFICE OF ADMIN. LAW
2025 AUG 18 PM 12:16

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (if any)

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

SEP 30 2025

3:23 PM
[Signature]

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

1. SUBJECT OF NOTICE Health Care Committees		TITLE(S) 15	FIRST SECTION AFFECTED 3999.98	2. REQUESTED PUBLICATION DATE 10/11/24
3. NOTICE TYPE ☒ Notice re Proposed Regulatory Action ☐ Other		4. AGENCY CONTACT PERSON Adam Burrell		TELEPHONE NUMBER (916) 691-0584
FAX NUMBER (Optional)		NOTICE REGISTER NUMBER 2024,41-2		PUBLICATION DATE 10/11/24
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn			

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Health Care Committees	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2024-0927-02
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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 3999.312
	AMEND 3999.98, 3999.109, 3999.114, 3999.116
	REPEAL
TITLE(S) 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 provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	☐ Emergency Readopt (Gov. Code, §11346.1(h))	☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		☐ File & Print	☐ Print Only
☐ Emergency (Gov. Code, §11346.1(b))	☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	☐ 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)

7/13/2025 - 7/18/2025

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))	☐ Effective on filing with Secretary of State	☐ §100 Changes Without Regulatory Effect	☐ 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

☐ Department of Finance (Form STD. 399) (SAM §5660)	☐ Fair Political Practices Commission	☐ State Fire Marshal
☐ Other (Specify) _____		

7. CONTACT PERSON Robin Hart	TELEPHONE NUMBER 916-896-6780	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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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 Jeffrey Macomber	DATE 8/12/2025
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TYPED NAME AND TITLE OF AGENCY HEAD OR DESIGNEE

Jeffrey Macomber, Secretary, California Department of Corrections and Rehabilitation

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 30 2025

Office of Administrative Law

PER AGENCY REQUEST
AM
9/30/25

TEXT OF PROPOSED REGULATIONS

In the following, ~~striketrough~~ indicates deleted text and underline indicates added, amended, or moved text.

California Code of Regulations, Title 15, Division 3, Adult Institutions, Programs, and Parole

Chapter 2. Rules and Regulations of Health Care Services

Article 1. Health Care Definitions

Section 3999.98 is amended to incorporate in alphabetical order the following, and all other text within this section remains the same:

Section 3999.98. Definitions.

Death Mortality Review means ~~a type of review analysis conducted~~ completed by a Nurse Consultant Program Review staff and a physician or Advanced Practice Provider in which assesses the quality and appropriateness of nursing health care, nursing practice issues, best practices, and factors that may have significantly impacted the quality of a patient care, thereby contributing received prior to the death of a patient is assessed and best practices and opportunities for improvement are identified.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351-JST), U.S. District Court, Northern District of California *Plata v. Newsom* (N.D. Cal., July 22, 2020, No. 01-CV-01351-JST) 2020 WL 4248685.

Subchapter 1. Health Care Governance and Administration

Article 2. Health Care Program Governance

Section 3999.109 is amended to read:

3999.109. Clinical Documentation and Decision Support~~Guidelines~~ Committee.

(a) The California Department of Corrections and Rehabilitation Department shall maintain a Clinical Documentation and Decision Support Guidelines Committee responsible for overseeing the research and development or the adaptation of existing evidence-based standards of care, facilitating the dissemination of updated clinical guidance, and monitoring and evaluating implementation of standards of care that promotes specific guidelines in the application of proven prevention, diagnosis and treatment strategies, and the overall practice of evidence-based medicine.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Plata v. Newsom* (No. C01-1351-JST), U.S. District Court, Northern District of California *Plata v. Newsom* (N.D. Cal., July 22, 2020, No. 01-CV-01351-JST) 2020 WL 4248685.

Section 3999.114 is amended to read:

Section 3999.114. ~~Death Mortality Reporting and Review and Reporting.~~

(a) The California Department of Corrections and Rehabilitation (CDCR) shall ~~maintain a Death Reporting and Review Program responsible for completing~~ an independent review of every patient death which occurs within the Department of individuals in its custody.

~~(b) The Department shall maintain a Death Review Committee which shall discuss all reports and the listed findings; make referrals to the appropriate peer review committees; vote on preventability; determine causes of death; and provide notifications to headquarters programs /committees.~~

(b) CDCR shall post the information regarding the death of any person in departmental custody on its public website pursuant to Penal Code section 10008.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and ~~Plata v. Newsom~~ (No. C01-1351-JST), U.S. District Court, Northern District of California Plata v. Newsom (N.D. Cal., July 22, 2020, No. 01-CV-01351-JST) 2020 WL 4248685.

Section 3999.116 is amended to read:

3999.116. Systemwide Pharmacy and Therapeutics Committee.

(a) The California Department of Corrections and Rehabilitation's (CDCR) Systemwide Pharmacy and Therapeutics (P&T) Committee ~~shall provide oversight~~ is responsible for providing oversight to Pharmacy Services at all CDCR institutions; and the approval of policies and procedures related to all aspects of medication use within the Department including, but not limited to:

~~(b) The Systemwide P&T Committee is responsible for the approval of policies and procedures related to all aspects of medication use within the Department including, but not limited to:~~

(1) Approving medications including standardizing the strengths and dosage forms for medications used across institutions.

(2) Reviewing procurement and medication selection processes to ~~ensure~~ promote cost-effective management.

(3) Conducting regular therapeutic category reviews for medications.

~~(43)~~ Ensuring that pharmacy services ~~meet~~ address the medical and security needs of the institution.

~~(54)~~ Reviewing and monitoring ~~drug~~ medication usage and therapeutic use of medications.

~~(65)~~ Evaluating medication use and promoting safe medication practices.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and ~~Plata v. Newsom~~ (No. C01-1351-JST), U.S. District Court, Northern District of California Plata v. Newsom (N.D. Cal., July 22, 2020, No. 01-CV-01351-JST) 2020 WL 4248685.