

Chapter 5 – Administrative

Article 1 – General Administration

5.1.1 Implementation and Review of Health Care Regulations, Health Care Department Operations Manual, and Health Care Forms

(a) Policy

- (1) The California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section (RPS), shall facilitate the development, revision, adoption and publication of health care regulations, the Health Care Department Operations Manual (HCDOM), and health care forms. Health care regulations shall be adopted and maintained according to statutory requirements pursuant to the Administrative Procedure Act (APA) as set forth in Government Code, Section 11340, et seq. CCHCS' designated internal and external stakeholders shall have the opportunity to review health care regulations, and the HCDOM prior to implementation as defined within this policy.
- (2) References to regulations, HCDOM, and forms within this procedure pertain to medical and dental services. The Regulation and Policy Management Branch (RPMB), California Department of Corrections and Rehabilitation (CDCR), provides guidance and support for non-health care related regulations and policies.

(b) Responsibility

(1) Approval Authority

The Receiver and the Undersecretary, Health Care Services, are the approval authorities for the content of the HCDOM.

(2) Headquarters

(A) CDCR and CCHCS departmental leadership at all levels of the organization, within the scope of their authority, are responsible for the review, approval, and implementation of health care regulations, HCDOM, and health care forms.

(B) RPS consists of the Health Care Regulations and HCDOM Teams and is responsible for the implementation, monitoring, and evaluation of this procedure.

(C) RPS shall ensure noticed and adopted regulatory packages, as required by statute, and the current version of the HCDOM are available electronically on Lifeline, CDCR Hub, and the CCHCS internet.

1. All CCHCS documents posted to the public-facing internet shall be compliant with the Americans with Disabilities Act, pursuant to Government Code, Section 11546.7.

(D) RPS is responsible for notifying CDCR and CCHCS staff of changes to health care regulations, HCDOM, care guides, protocols, and health care forms via statewide email distribution.

(3) Regional

Regional Health Care Executives (RHCEs) shall aggregate and provide feedback from their assigned region on draft health care regulations or HCDOM sections during the executive approval process.

(4) Institutional

The Chief Executive Officer (CEO), or designee, of each institution shall ensure:

(A) Training is provided to health care staff on new and revised health care regulations, HCDOM sections, care guides, protocols, and health care forms.

(B) Local operating procedures are maintained in accordance with the HCDOM and provided to the RHCEs, as required.

(C) Documentation of health care regulations and HCDOM implementation activities are maintained in an established training file (proof of practice file).

(D) Hardcopies of the current versions of Title 15 of the California Code of Regulations (CCR), appropriate HCDOM sections, care guides, and policy memoranda are available in the law library of each institution.

(5) Health Care Regulations and Policy Section

RPS staff shall ensure Title 15, Division 3, Chapter 2, the HCDOM, and forms do not include informal terms or language.

(c) Procedure

(1) Content Review and Development

(A) Each health care regulation, HCDOM section, and health care form shall be reviewed biennially. RPS shall provide notification to affected program(s) based on the last revision or review date.

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- (B) The program shall have 14 calendar days to review applicable health care regulations and HCDOM sections (including links) to ensure content is current and accurate and notify RPS of any necessary revisions.
- (C) RPS shall track the review to ensure the program communicates if revisions are required or if the content remains current and accurate.
- (D) When health care regulations revisions are required, the program shall contact the Regulations Team via HealthCareRegulations@cdcr.ca.gov for assignment of the regulatory package to staff.
- (E) If the program confirms the content of the regulation remains current, the Regulations Team shall input the confirmation into an electronic tracking system.
- (F) When HCDOM or form revisions are required, the program shall contact the HCDOM Team via HealthCareDOM@cdcr.ca.gov to request the current published version and submit the revision to the HCDOM Team upon completion.
- (G) If the program confirms the content of the HCDOM section remains current, the HCDOM Team shall update the revision history to include the date reviewed.

(2) Health Care Regulations

(A) Revision or Development

1. The Regulations Team shall:

- a. Review and revise or develop the regulatory text to ensure it meets the standards set forth in the APA in collaboration with the program, CCHCS Office of Legal Affairs (COLA), and Office of Legal Affairs (OLA), CDCR.
- b. Develop the initial statement of reasons in collaboration with the program, COLA, and OLA.
- c. Perform all processes required by the APA and Title 1 of the CCR, including preparing all required documents and forms.
- d. Notify the HCDOM Team of any proposed regulatory changes for determination of potential impact to the HCDOM via HealthCareDOM@cdcr.ca.gov.

2. The HCDOM team shall:

- a. Perform a HCDOM impact determination, as needed, to identify existing HCDOM sections that may require revision or new HCDOM provisions that may be needed based on the proposed regulations.
- b. Assist the program with the development or revision, and facilitate workgroups, if necessary.

(B) Executive Routing

The following review and approval process shall occur for each regulatory package. The Regulations Team shall incorporate feedback and obtain approval of any changes from COLA, OLA, the program, the Associate Director, Risk Management Branch, and the Deputy Director, Policy and Risk Management Services, as needed, at each level of executive routing. The Regulations Team shall preserve electronic feedback and approvals throughout the process.

- 1. Level One: the Regulations Team shall route the package to the following as indicated for approval, in consecutive order:
 - a. COLA, OLA, and program(s) Subject Matter Experts via email.
 - b. Associate Director, Risk Management Branch, CCHCS.
 - c. Deputy Director, Policy and Risk Management Services, CCHCS.
 - d. Deputy Director, Fiscal Management, CCHCS, for signature.
- 2. Level Two: the Regulations Team shall concurrently email the package to the following for review and feedback:
 - a. CCHCS Deputy Directors.
 - b. RHCEs.
 - c. Office of Legislation, CDCR, to determine if review by the Governor's Office is required.
 - d. Office of the Special Master.
 - e. Prison Law Office (PLO).
 - f. Rosen, Bien, Galvan and Grunfeld (RBGG).

The Regulations Team shall notify non-responsive executives that their lack of response is recorded as assumed concurrence.

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3. Level Three: the Regulations Team shall concurrently email the package to the following for approval:
 - a. CCHCS Directors.
 - b. Director, Division of Adult Institutions.
 - c. Chief Counsel, COLA.
 - d. General Counsel, OLA.
4. Level Four: the Regulations Team shall email the package to the following for approval, in consecutive order:
 - a. Undersecretary, Health Care Services.
 - b. Receiver.
5. Following receipt of all approvals, the regulatory package shall be routed via Docusign to the Secretary, CDCR, for final signature. If necessary, the Regulations Team shall concurrently submit the package to the Governor's Office and/or the Department of Finance for a 30-day review following approval and signature by the Secretary.
6. Upon completion of all reviews, the Regulations Team shall submit the regulatory package to the Office of Administrative Law.

(C) Notice Posting and Distribution

1. Upon publication of the Notice, the Regulations Team shall email the Public Information Officer (PIO) at each institution the following:
 - a. A PDF containing all the documents included in the Notice, including the CDCR 7554, Notice of Change to Health Care Regulations.
 - b. A blank CDCR 621-HC, Certification of Posting.
2. Within five calendar days of receipt of the Notice, each institution's PIO, or designee, shall:
 - a. Post the CDCR 7554 on staff and inmate bulletin boards.
 - b. Post the CDCR 7554 in inmate housing units, corridors, and other areas easily accessible to inmates.
 - c. Post the CDCR 7554 in institution health care facilities.
 - d. Post the CDCR 7554 in inmate security housing and specialized housing units.
 - e. Provide the full contents of the Notice to inmate law libraries.
 - f. Provide the full contents of the Notice to inmate advisory committees/councils.
3. Within ten calendar days of receipt of the Notice, each institution's PIO, or designee, shall submit a single, completed CDCR 621-HC to HealthCareRegulations@cdcr.ca.gov certifying the institution's compliance with the posting and distribution requirements outlined in Section (c)(2)(C)2.
4. The Regulations Team shall track each institution's compliance with the posting and CDCR 621-HC submittal requirements and notify the PIO, CEO, and Warden of non-responsive institutions 11 calendar days following the initial email to the PIOs.

(D) Public Comment Period and Public Hearing

1. The 45-day public comment period begins upon publication of the Notice in the California Regulatory Notice Register and shall conclude with a public hearing.
 - a. Public Hearing
 - 1) The Regulations Team shall schedule a hearing to receive public comments and notify the program, COLA, and OLA via an Outlook invite.
 - 2) Attendees shall be provided the opportunity to present their comments orally or in writing.
 - 3) If comments are received during the APA public comment period(s), the Regulations Team shall work collaboratively with the program, COLA, and OLA, if necessary, to develop responses to the comments and revise the final rulemaking package as needed.
2. The Regulations Team shall post noticed and adopted regulatory packages on Lifeline, CDCR Hub, and the CCHCS internet in accordance with statutory requirements. All adopted regulations shall be distributed to CDCR and CCHCS staff via statewide email upon publication on [Westlaw](#).

(E) Petitions

1. The Regulations Team shall process responses to petitions to adopt, amend, or repeal health care regulations, as well as underground regulations petitions related to health care documents, according to

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requirements set forth in the APA and in collaboration with the impacted program(s), COLA, and OLA, if necessary.

2. Any petitions related to health care regulations received by any CDCR/CCHCS staff shall be immediately forwarded to HealthCareRegulations@cdcr.ca.gov.

(F) Pilot Programs

1. Programs considering a pilot related to the provision of health care shall submit the concept to the HealthCareRegulations@cdcr.ca.gov.
2. The Regulations Team shall determine whether the potential pilot meets the definition of a pilot program in Penal Code, Section 5058.1.
3. The Regulations Team shall develop and process all documents necessary for incorporation of the pilot program into the CCR, according to requirements set forth in the APA and in collaboration with the impacted program(s), COLA, and OLA, if necessary.

(G) Annual Mailing

1. Pursuant to Government Code, Section 14911, the Regulations Team shall send a notification to all individuals on the CDCR/CCHCS notice of regulatory action mailing and email lists requesting that individuals verify they wish to remain on the list and/or provide updated contact information.
2. This notification shall be sent out via postcard to the mailing list and via email to the email list in April of each calendar year.
3. The Regulations Team shall remove the names of individuals from the CDCR notice of regulatory action mailing and email lists when:
 - a. They do not respond within 30 calendar days of the notification.
 - b. Their notifications (email or postcard) are undeliverable or “returned to sender.”
 - c. They request to be removed from the list.
4. At any time and upon request, the Regulations Team shall add an individual or entity to the mailing and/or email list.

(H) Annual Rulemaking Calendar

1. RPMB is responsible for preparation of the Annual Rulemaking Calendar, which covers all regulatory actions that may be filed in the coming calendar year.
2. At RPMB’s request, the Regulations Team shall provide RPMB with an Annual Rulemaking Calendar for health care regulatory actions in accordance with Government Code, Section 11017.6.

(I) Annual Title 15 Printing

1. The Regulations Team shall incorporate changes to Title 15, Division 3, Chapter 2, in real time throughout the year into a searchable PDF available to all CDCR/CCHCS staff and provide RPMB with the adopted, amended, and repealed regulations since the last printing, including a revised table of contents.
2. RPMB oversees the annual publication of the printed Title 15 and its distribution to institutions, facilities, and offices.

(J) Stakeholder Review

1. The Regulations Teams shall process and respond to requests for CCHCS stakeholder review regarding proposed regulatory changes.

(3) Health Care Department Operations Manual

(A) New and Revised HCDOM Sections

1. Upon statewide release of a HCDOM section, the Regulations Team shall perform a Regulatory Impact Determination to identify existing regulations that require revision or new regulations.
2. The HCDOM Team shall review, format, and edit the HCDOM section and resolve issues collaboratively with all impacted programs, as necessary.

(B) Content Approval and Distribution

1. Clinical Operations Team (COT) and Joint Clinical Executive Team (JCET)
The HCDOM Team shall submit the HCDOM sections to COT and JCET for approval.
 - a. A representative from the HCDOM Team shall attend the COT meeting in which the content will be reviewed.

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- b. If COT or JCET has revisions, the HCDOM Team shall incorporate the changes and collaborate with the program(s), as necessary.
 - c. The JCET representative shall notify the HCDOM Team of the outcome of the JCET meeting.
 - d. Following COT and JCET's approval, the HCDOM Team shall prepare the HCDOM section for executive routing.
2. Executive Routing – Clinical HCDOM Sections
- The HCDOM Team shall email the final draft of the clinical HCDOM section to the following, concurrently in each group, in consecutive order depending upon legal authority:
- a. Attorney, COLA; Attorney, OLA; Labor Relations, CCHCS; Human Resources, CCHCS; RHCEs; Information Technology (IT); Institution Operations; Acquisitions Management; Direct Care Contracts; Fiscal Management; Coleman experts, PLO, and RBGG.
 - b. Director, Health Care Services; Director, Health Care Policy and Administration; Chief Counsel, COLA; Director, Legislation and Special Projects; and Director, Corrections Services, concurrently, and a separate email to the Director, Division of Adult Institutions.
 - c. Undersecretary, Health Care Services.
 - d. Receiver.
3. Prison Law Office 30-Day Notice
- a. Following executive approval, the HCDOM Team shall submit the clinical HCDOM section to the PLO for the notice period, pursuant to the *Plata* court order.
 - b. If formal written comments are received from the PLO, the HCDOM Team shall collaborate with the program(s), as necessary, to provide a response to the PLO. Following the response to the PLO or if no comments are received from the PLO, the HCDOM Team shall post the clinical HCDOM section on Lifeline and the CCHCS internet, and distribute to CDCR and CCHCS staff via statewide email.
- (C) Executive Routing – Dental HCDOM Sections
- The HCDOM Team shall email the final draft of the dental HCDOM section to the following, concurrently in each group, in consecutive order depending upon legal authority:
1. Attorney, COLA; Attorney, OLA; Labor Relations, CCHCS; Human Resources CCHCS; IT; Acquisitions Management; Direct Care Contracts; and Fiscal Management.
 2. Director, Health Care Services; Director, Health Care Policy and Administration; Chief Counsel, COLA; Director, Legislation and Special Projects; and Director, Corrections Services, concurrently, and a separate email to the Director, Division of Adult Institutions.
 3. Undersecretary, Health Care Services.
 4. Following executive approval, the HCDOM Team shall post the dental HCDOM section on Lifeline and the CCHCS internet, and distribute to CDCR and CCHCS staff via statewide email.
- (D) Administrative Content Approval and Distribution
1. The program shall obtain approval of content from COLA, Labor Relations, CCHCS, and the Director, Health Care Policy and Administration for all new policies, prior to submitting the draft section to the HCDOM Team. Content review for policy revisions shall be reviewed and approved by the Deputy Director of the program.
 2. The HCDOM Team shall:
 - a. Submit the section to COT and JCET if there is a clinical impact, to Field Operations if there is a custody impact, and to IT if there is an IT impact.
 - b. Submit the section to applicable programs for feedback, as needed.
 - c. Route the final draft for review and approval to the following, in consecutive order:
 - 1) Associate Director, Risk Management Branch, CCHCS.
 - 2) Deputy Director, Policy and Risk Management Services, CCHCS.
 - 3) Director, Health Care Policy and Administration, CCHCS.
 - d. Following executive approval, post the administrative HCDOM section on Lifeline and distribute via email to the distribution list specified by the program (e.g., CDCR and CCHCS all staff, executive staff).

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- (E) Revision history that includes the month, day, and year of the revision shall be updated for each revised HCDOM section.
- (F) Archived HCDOM sections shall be retained for a minimum of six years.
- (4) Health Care Forms
 - (A) New and Revised Forms

The HCDOM Team shall review, format, and edit the form and resolve issues collaboratively with the program, as necessary.
 - (B) Approval and Distribution
 1. The HCDOM Team shall submit the form to COT and JCET for approval.
 - a. A representative from the HCDOM Team shall attend the COT meeting in which the form will be reviewed.
 - b. If COT or JCET has revisions, the HCDOM Team shall incorporate the changes and work collaboratively with the program(s), as necessary.
 - c. The JCET representative shall notify the HCDOM Team of the outcome of the JCET meeting.
 2. Following COT and JCET approval, the HCDOM Team shall finalize the form.
 - a. Clinical forms shall be posted on Lifeline and the CDCR Hub and distributed to CDCR and CCHCS staff via statewide email.
 - b. Dental forms shall be provided to the program.
- (5) Stakeholder Review
 - (A) Requests for CCHCS stakeholder review of CDCR Department Operation Manual revisions shall be submitted to the Deputy Director, Policy and Risk Management Services.
 - (B) The HCDOM Team shall solicit and aggregate CCHCS program feedback and provide a response to RPMB or any other requesting agency.
- (6) Care Guides
 - (A) The program shall submit new or revised care guides that have been approved by the Clinical Documentation and Decision Support Committee, COT, and JCET to the HCDOM Team via HealthCareDOM@cdcr.ca.gov.
 - (B) Approval and Distribution

The HCDOM Team shall:

 1. Email the final draft of the care guide to the following, in consecutive order:
 - a. Director, Health Care Services.
 - b. Labor Relations, CCHCS.
 2. Following executive approval, post the care guide on Lifeline and the CCHCS internet, provide a courtesy notice to CCHCS executives and the PLO, and distribute to CDCR and CCHCS staff via statewide email.
- (7) Protocols
 - (A) The program shall submit new or revised protocols approved by the Deputy Director, Nursing Services, to the HCDOM Team via HealthCareDOM@cdcr.ca.gov.
 - (B) Approval and Distribution

The HCDOM Team shall:

 1. Email the final draft of the protocol to the following, in consecutive order:
 - a. Director, Health Care Services.
 - b. Labor Relations, CCHCS.
 2. Following executive approval, post the protocol to Lifeline, provide a courtesy notice to CCHCS executives and the PLO, and distribute to CDCR and CCHCS staff via statewide email.
- (8) Policy Memorandums
 - (A) The program shall submit draft policy memorandums to the HCDOM Team via HealthCareDOM@cdcr.ca.gov.
 - (B) The HCDOM Team shall:
 1. Review, format, edit, and assign a number to the policy memorandum and resolve issues collaboratively with the program(s), as necessary.
 2. Route the final draft of the policy memorandum for signature to the designated signers.
 3. Following approval and signature, post the policy memorandum on Lifeline and distribute to the distribution list designated by the program and initiate HCDOM revisions, if necessary.

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(9) Written Language Translations

The program shall:

- (A) Send health care forms and patient education that require language translation (e.g., English to Spanish) to the contracted vendor.
- (B) Upon completion and verification of the translated material, submit to the HCDOM team to post and distribute the document accordingly.

(10) Content Approval Tracking

- (A) RPS shall monitor and track the status of new and revised health care regulations, HCDOM sections, health care forms, care guides, and protocols that are pending approval, through SharePoint matrices.
- (B) RPS shall generate a status report from the SharePoint matrices and provide it to the Director, Health Care Policy and Administration, on a weekly basis, and to CCHCS executive leadership as requested.

References

- California Government Code, Title 2, Division 3, Part 1, Chapter 1, Article 1, Section 11017.6
- California Government Code, Title 2, Division 3, Part 1, Chapter 3.5, Article 1, Section 11340 et seq.
- California Government Code, Title 2, Division 3, Part 1, Chapter 3.5, Article 3, Section 11343
- California Government Code, Title 2, Division 3, Part 1, Chapter 3.5, Article 5, Sections 11346.4, 11346.8 and 11347
- California Government Code, Title 2, Division 3, Part 1, Chapter 5.6, Section 11546.7
- California Penal Code, Part 3, Title 1, Chapter 2, Section 2080
- California Penal Code, Part 3, Title 7, Chapter 2, Section 5058
- California Code of Regulations, Title 1
- California Department of Corrections and Rehabilitation, Department Operations Manual, Chapter 1, Article 6, Section 12010 et seq.
- Thomson Reuters Westlaw, California Code of Regulations,
<https://govt.westlaw.com/calregs/Index?bhcp=1&transitionType=Default&contextData=%28sc.Default%29>

Revision History

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