



**STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**REQUEST FOR PROPOSAL (RFP)
HEALTH CARE PROVIDER NETWORK AND PRIOR
AUTHORIZATION SERVICES
PROPOSAL NUMBER: SD25-00019**

You are invited to review and respond to this Request for Proposal (RFP) titled **Health Care Provider Network**. Potential proposers are encouraged to download the solicitation package as well as any future addendums from Cal eProcure at: <https://caleprocure.ca.gov/>. When submitting your proposal, you must comply with the instructions found herein. The deadline for submitting proposals is **August 18, 2026, 4:00 PM Pacific Daylight Time (PDT)**.

The California Department of Corrections and Rehabilitation/California Correctional Health Care Services (CDCR/CCHCS), hereafter referred to as the State, is soliciting proposals from qualified entities to provide a Health Care Provider Network of community-based specialty medical services providers for CDCR/CCHCS. The successful Proposer will be awarded a contract term of up to five (5) years that is anticipated to begin on **December 01, 2026**, and end on **November 30, 2031**. CDCR/CCHCS has the option of extending this Agreement for up to five (5) optional one (1) -year terms through November 30, 2036. Contract extensions are subject to satisfactory performance, funding availability, and at CDCR/CCHCS discretion.

This RFP package consists of the following documents. Proposers must comply with all requirements in the following documents:

- Request for Proposal
- Standard Agreement (STD 213) – (Sample)
- Exhibit A – Scope of Work
- Exhibit A-1 – Service Specifications
- Exhibit B – Budget Detail and Payment Provisions
- Exhibit B-1 – Rate Sheet
- Exhibit C* – General Terms and Conditions (GTC 02/2025)
- Exhibit D – Special Terms and Conditions & Additional Provisions
- Exhibit E – Definitions



- Exhibit F – HIPAA Business Associate Agreement
- Exhibit G – Information Security Agreement
- Exhibit H – List of Participating CDCR/CCHCS Institutions
- Exhibit I – California State Institutions Map
- Exhibit J – Reentry Program (REPS) Facility Locations
- Exhibit K – Reentry Program (REPS) Facilities Map
- Cover Letter
- Attachment 1 – Required Attachments Checklist
- Attachment 2 – Proposal/Proposer Certification Sheet
- Attachment 3 – Bidder Declaration Form
- Attachment 4 – DVBE Incentive Application Request, if applicable
- Attachment 5 – Darfur Contracting Act Certification
- Attachment 6 – California Civil Rights Laws Certification
- Attachment 7 – Contractor Certification Clauses
- Attachment 8 – Iran Contracting Act
- Attachment 9 – Payee Data Record
- Attachment 10 – Supplement Vendor Payee Data Record
- Attachment 11 – Certificate of Good Standing
- Attachment 12 – GenAI Disclosure & Factsheet
- Attachment 13 – Customer Reference Questionnaire (CCHCS-MC-415)
- Attachment 14 – Conflict of Interest Compliance Certification (CCHCS-MC-412)
- Attachment 15 – Confidentiality Agreement Form (CCHCS-MC-420)
- Attachment 16 – Rate Sheet
- Attachment 17 – Performance Guarantees

* Exhibit C* – General Terms and Conditions (GTC 02/2025) is incorporated in this proposal package by reference only and is available on the internet at the following link:

<https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>



CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES



Proposers may request a hard copy of this document by contacting the CCHCS Project Manager listed below.

It is the opinion of the State that this RFP is complete and without need of explanation. If the Proposer has any questions regarding this RFP or believes any documents to be missing from this RFP, immediately contact the Project Manager listed below.

Project Manager: Christina Nguyen
Email: m_CHCPNRFP@CDCR.ca.gov

Please note that ***no verbal*** information given will be binding upon the State unless such information is issued in writing as an official addendum.



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1.RFP Overview

This RFP is not subject to provisions of the Public Contract Code (PCC) pertaining to bidding and awarding of contracts but rather uses substitute procedures authorized by the United States District Court for the Northern District of California, in [Plata v. Schwarzenegger, Case Number C01-1351 TEH \(Plata Court\)](#).

No protest of the award of the contract resulting from this RFP is available. Proposers are solely responsible for understanding the scope of work and all requirements, terms, conditions, evaluation criteria, etc. before submitting a proposal. If the language is unclear or ambiguous, or if clarification of the RFP is necessary, it is the Proposer's responsibility to request clarification or assistance from the Project Manager before submitting a proposal.

If the RFP is modified prior to the final proposal submission date, the State shall post an addendum at [Cal eProcure](#). By virtue of submitting a proposal, the Proposer accepts the terms and conditions expressed as stated in this RFP and as required by law. Costs incurred for developing proposals in anticipation of award of an Agreement are the responsibility of the Proposer and shall not be charged to the State.

CDCR/CCHCS reserves the right to modify or cancel, in whole or in part, this RFP at any time prior to contract award. Any RFP modification(s) and/or cancellation will be made via an addendum. CDCR/CCHCS reserves the right to negotiate services and related costs deemed necessary to meet the needs of the project. CDCR/CCHCS at its sole discretion reserves the right to reject any or all proposals received in response to this RFP.



2. Background

The CDCR/CCHCS is currently responsible for healthcare services to approximately 90,000 incarcerated persons in thirty (30) institutions and thirteen (13) Reentry Programs (REPS) facilities throughout the state. The scope of the healthcare mission includes primary, urgent, acute, emergency, and long-term care, as well as preventative care, and chronic care management. Cases requiring specialty medical consultation, treatment, or complex specialty management are seen remotely by telemedicine, onsite, or referred to community based medical service providers. Some community hospitals have secured wings within the facility dedicated to CDCR/CCHCS incarcerated persons. The wings range in size from ten (10) to forty-two (42) beds.

In 2014, CDCR/CCHCS contracted with a Health Care Provider Network (HCPN) to develop and implement a network of community-based healthcare providers to provide services to incarcerated persons within CDCR/CCHCS and REPS that are not available in the CDCR/CCHCS institutions or REPS facilities. The network consists of hospitals, onsite and offsite specialty care, and a full scope of ancillary services.

In 2009, CDCR/CCHCS contracted with a Third-Party Administrator (TPA) to process claims and to implement an efficient business model for adjudicating claims. The TPA currently provides a web-based portal for both vendors and CDCR/CCHCS to view status of claims and generate reports. The Contractor shall be required to use CDCR/CCHCS' designated TPA as its sole claims processing administrator. Contractor will require providers to send healthcare claims electronically through the TPA.

CDCR/CCHCS uses a manual authorization request for medical services, which does not validate authorization at time of claims payment. Therefore, a new prior authorization component is necessary to assure the claims paid match the services authorized and provided. CDCR/CCHCS is requesting the option for an electronic prior authorization component to be built into this contract after the first year period. CDCR/CCHCS will have the right not to exercise this option, based on organizational directives, needs and fiscal climate.

In order to ensure the State is receiving these services, CDCR/CCHCS seeks to continue contracting for the HCPN using best practices and standards in the industry applicable to the correctional environment. The objective is to contract with a qualified firm to continue the HCPN for the following period: Five (5) initial years with Five (5) optional - One (1) year extensions.

If requested by the State, Contractor agrees to negotiate in good faith with the State, including State departments other than CDCR/CCHCS, to provide goods,



services and pricing substantially similar to that set forth in this Agreement, to those departments delivering healthcare services to CDCR/CCHCS incarcerated persons. Those goods and services may be provided via written amendment to this Agreement or by separate agreement with the other State department.

The Parties agree and acknowledge that if any provision of this Agreement is determined by a final judgment of a court of competent jurisdiction to be illegal or unenforceable, such determination shall not affect the balance of this Agreement, which shall remain in full force and effect, and such invalid provision shall be deemed severable.



3.RFP General Requirements

3.1 Key Action Dates

Listed below are the anticipated key activities, actions, dates, and times for completion of this RFP. If the State finds it necessary to change any of these key activities, actions or dates, it will be accomplished via an addendum to the RFP.

Key Activity	Anticipated Date and Time
RFP Available to Prospective Proposers	06/30/2026
Proposer's Conference (1)	07/08/2026 11:00 AM PDT
CDCR/CCHCS Institution Tour	07/23/2026 TBD
Deadline for Submission of Letter of Intent to Submit Proposal	07/28/2026
Proposer's Conference (2)	08/10/2026 11:00 AM PDT
Deadline for Submission of Proposals	08/18/2026 4:00 PM PDT
Proposal Review	08/19/2026 – 09/02/2026
Proposer Interviews	09/03/2026 – 09/17/2026
Proposal Evaluation	09/18/2026 – 09/22/2026
Contract Award	10/01/2026
Proposed Start Date of Agreement	12/01/2026 – 11/30/2031

3.2 Cal eProcure Portal

[Cal eProcure](#)

3.2.1 Adobe Acrobat Version

While this RFP is available electronically in Adobe Acrobat format, the official version is located on the Cal eProcure online portal.

3.2.2 Cal eProcure Portal Registration

If Proposer has not completed a one-time registration into the Cal eProcure online portal, it is requested that Proposer register on the Cal eProcure online portal.



3.2.3 Proposer's Conference and CDCR/CCHCS Institution Tour

CDCR/CCHCS will conduct two (2) Proposer's Conferences and a CDCR/CCHCS Institution Tour to address verbal questions regarding this RFP. Attendance is strongly recommended; issues that involve complexity of need, organizational culture, and technical constraints will be addressed to assist all proposers in better understanding the requirements of this RFP.

To attend the Proposer's Conferences, email the following to the Project Manager by COB 07/06/2026:

- Name of company
- Attendee name(s)
- Attendee email address(es)
- Dates you plan to attend

Proposer's Conference (1) Information

Location: Telephonic and/or video conference call – Microsoft Teams information below

Date: 07/08/2026

Time: 11:00 AM PDT

Microsoft Teams

Meeting Link:

<https://teams.microsoft.com/meet/27437942943433?p=PiL3Fkz6T21oPki5LM>

Dial in by Phone: +1 916-701-9994, 595926464#

Proposer's Conference (2) Information

Location: Telephonic and/or video conference call – Microsoft Teams information below

Date: 08/10/2026

Time: 11:00 AM PDT

Microsoft Teams

Meeting Link:

<https://teams.microsoft.com/meet/246253776696564?p=5ghwkoDNlJkfFiUtWJ>

Dial in by Phone: +1 916-701-9994, 229117863#

Verbal questions outside of the designated Proposer's Conferences will not be accepted.



To attend the CDCR/CCHCS Institution Tour, email the following to the Project Manager by COB 07/07/2026:

- Name of company
- Attendee name(s)
- Attendee email address(es)

CDCR/CCHCS Institution Tour

Location: Folsom State Prison
300 Prison Road
Represa, CA 95671-3001
Date: 07/23/2026
Time: TBD

To attend the CDCR/CCHCS Institution Tour, email a completed [CDCR 2311 – Background Security Clearance Application](#) to the Project Manager by COB 07/07/2026. Attendance is highly recommended as information related to institution requirements and/or protocols will be addressed to assist all Proposers in better understanding the requirements of this RFP. Attendees will be limited to two (2) representatives from each company.

All attendees shall familiarize themselves with the following requirements (to be provided prior to the tour) and adhere to them, without exception, while in attendance. Failure to comply will result in removal from the institution and may disqualify the company from submitting a proposal in response to the RFP.

- [Appropriate Attire and Allowable Personal Property](#)
- [Tobacco Ban](#)
- [Security Overview & Laws, Rules, and Regulations Regarding Conduct and Association with Patients](#)

3.2.4 Proposer Questions

Immediately notify the Project Manager if clarification is needed regarding the services sought or questions that arise about the RFP and/or its accompanying materials, instructions, or requirements. Question(s) shall be submitted in writing as instructed below. At its discretion, the State reserves the right to contact the Proposer to seek clarification of any question received. Proposers shall report to the Project Manager a known or suspected problem with the RFP and/or its accompanying materials or seek clarification and/or correction of the RFP and/or its accompanying materials. The successful Proposer shall not be entitled to additional compensation for any additional work caused by such problem, including any ambiguity, conflict, discrepancy, omission, or error. The State reserves the right to post the summary and responses to any questions received, and any discrepancies, omissions, or errors through the Cal eProcure portal: [Cal eProcure](#).



Proposer desiring clarification about a specific RFP requirement and/or questions related to a sensitive issue or proprietary aspects of a proposal may submit individual questions that are marked “Confidential”. The Proposer must include, with its question, an explanation as to the reason(s) it believes a question marked “Confidential” is sensitive or is surrounding a proprietary issue. If a question appears to be unique to a single proposer or is marked “Confidential,” the State will email a response only to the Proposer if the State concurs with Proposer’s claim that the question is sensitive or proprietary in nature. If the State does not concur, the question will be answered in the manner described herein and Proposer will be notified.

What to Include in a Question:

- Proposer representative name
- Name of company
- Mailing address
- Email address
- Area code and telephone number
- A description of the subject or issue in question or discrepancy found
- Section, page number, or other information useful in identifying the specific problem or issue in question
- Remedy sought, if any
- Format questions as follows:

Section	Page Number	Issue/Discrepancy	Remedy sought (if applicable)
Indicate the RFP section by number. Include the number(s) or letter(s) of any subsection(s) or paragraph(s). Indicate the exhibit letter and identify any subsection(s) by number(s) or letter(s).	Example: 8 of 12		

3.2.5 How to Submit Questions

Questions about the reporting of RFP errors or irregularities shall be directed, via email, to the Project Manager at m_CHCPNRFP@CDCR.ca.gov prior to the proposal submission deadline. The State, at its sole discretion, shall provide responses to those questions it deems necessary. Responses to questions will be posted at [Cal eProcure](#).



3.2.6 Proposer's Intention to Submit a Proposal

CDCR/CCHCS will utilize a Letter of Intent to Submit Proposal to determine the potential volume of proposers in advance of the proposal deadline to assist CDCR/CCHCS in assessing and monitoring the proposal process and to ensure there are sufficient proposers in the market given the identified project requirements in the current solicitation. The Letter of Intent to Submit Proposal is non-binding. Potential proposers who submit a Letter of Intent to Submit Proposal are not required to submit a proposal. However, Proposers are strongly encouraged to file their intention to submit a proposal in writing via email, to the Project Manager. CDCR/CCHCS reserves the right to reject any potential Proposers from participating in this proposal if the Letter of Intent to Submit Proposal is not submitted by the date specified in Subsection 3.1 – Key Action Dates. CDCR/CCHCS reserves the right to cancel any solicitation if, in CDCR/CCHCS' sole discretion, insufficient Proposers have filed a Letter of Intent to Submit Proposal by the Key Action Date. Thus, all Proposers who intend to submit a proposal are strongly encouraged to file a Letter of Intent to Submit Proposal timely.

3.2.7 Disposition of Proposals

All materials submitted in response to this RFP upon submission are the property of the State, subject to the California Public Records Act (PRA), Division 10 of the California Government Code, commencing with Section 7920, and will be returned only at the option of the State and at the Proposer's expense. The proposal shall be retained for official files, however, materials the State considers in its sole opinion to be confidential information will be returned upon the request of the Proposer. No protest of the award of the contract resulting from this RFP is available.

3.2.8 News Releases

News releases or any publications by a Proposer relating to an Agreement resulting from this RFP shall not be made without prior written approval of the Manager II, Direct Care Contracts Section (DCCS) or their designee.



4. Project Information

4.1 Healthcare Provider Network

CDCR/CCHCS is responsible for health care expenses for incarcerated persons in CDCR/CCHCS institutions and REPS facilities throughout the state.

Development of medical delivery models are being planned to reduce off-site medical services through on-site specialty medical consultations and use of telemedicine services. The models will also include reviews of medically complex CDCR/CCHCS and REPS incarcerated persons to determine best access to care options, which might include relocating them to different institution where access to the medical service is more readily available.

The Contractor will not be responsible for the provision of primary care services within the CDCR/CCHCS institutions or the provision of prescribed pharmaceuticals, which are filled by the CDCR/CCHCS pharmacies.

All CDCR/CCHCS institutions provide nursing services which are available twenty-four (24) hours a day, seven (7) days a week. When needed and available, contracted specialists come on-site to see the CDCR/CCHCS incarcerated persons. CDCR/CCHCS has a statewide contract for the purchase of pharmaceuticals, which is not part of this contract.

REPS facilities are located throughout the state and have no medical services on-site. These incarcerated persons require all healthcare services, including primary care, dental and vision in the community.

Unless otherwise stated in the Scope of Work, Contractor shall not be expected to provide the following on-site Services through the Provider Network as they are provided by CDCR/CCHCS:

1) Ancillary Services:

- Radiology (Imaging). Excludes read and interpret, advanced diagnostics or interventional procedures, Ultrasound, MRI, and CT.
- Pharmacy
- Dialysis
- Laboratory (Selected institutions have full lab services)

2) Telemedicine Services (CDCR/CCHCS Provider Telemedicine Services)

3) Mental Health Services

4) Dental



Unless otherwise stated in the Scope of Work, Contractor is expected to provide the following Services through the Provider Network as they are not provided by CDCR/CCHCS:

- 1) Mental Health (emergency services)
- 2) Ancillary Services:
 - Radiology (Imaging) read and interpret, advanced diagnostics or interventional procedures
 - Mobile Radiology (MRI, CT, Ultrasound) / Mammography
 - Laboratory (specimen testing) / Pathology
 - Offsite Dialysis (emergent need when services cannot be provided on-site)
- 3) Telemedicine Services
- 4) Hospital Services
- 5) Long Term Acute Care Services
- 6) Specialists/Physician Services
- 7) Ambulatory Surgery Centers and Specialty Services Centers
- 8) Medical Transportation Services
- 9) Dental Specialty Services
- 10) Congregate Living Health Facilities
- 11) Skilled Nursing Facility Services
- 12) Medicated Assisted Treatment Services
- 13) Reentry Programs (Primary Care)
- 14) Mental Health (Emergency services)

4.2 Third Party Administrator

CDCR/CCHCS currently contracts with a TPA. Claims are adjudicated and paid by the TPA for each CDCR/CCHCS and REPS incarcerated person. CDCR/CCHCS expects the successful proposer to use the CDCR/CCHCS identified TPA for all healthcare claims processing in compliance with electronic



transmission standards and security requirements and all other rules and regulations that implement the Health Insurance Portability and Accountability Act (HIPAA) and California patient privacy and security laws and California and Federal billing requirements; and to provide an integration of systems (provider network, claims, and prior authorization) as needed.

4.3 Prior Authorization

Currently, CDCR/CCHCS does not have an electronic prior authorization system that integrates with claims processing. This has challenged our ability to centrally manage and delegate institutional authority to approve treatment authorization requests; this also prevents real-time reporting of daily incurred costs for timely intervention and management. Additionally, inconsistent authorization of levels of care, associated hospitalist and imaging services, and other non-standardized hospital review data entry issues produce a higher level of retrospective audit work than is necessary. To produce a sustainable cost effective, accessible specialty and hospital review and approval process, an electronic prior authorization system may be requested after the first year of the contracted period. Contractor shall be required to develop and implement a prior authorization system to meet the needs of CDCR/CCHCS that fully integrates with the current TPA if requested by CDCR/CCHCS.



5. Scope of Work

Please refer to [Exhibit A, Scope of Work](#) for a detailed breakdown of the services/tasks/deliverables applicable to this RFP.

5.1 Prior Authorization

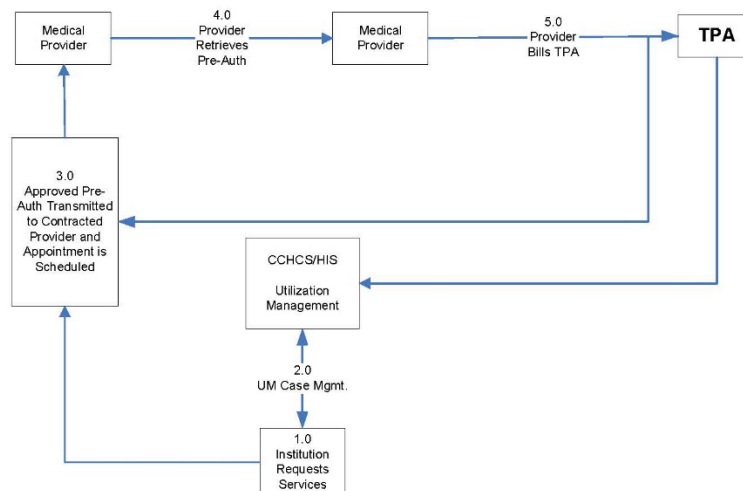
CDCR/CCHCS seeks a Contractor who will work side-by-side with the CDCR/CCHCS Medical Management Team and Health Care Contracts and Claims Management Branch to develop and administer a Prior Authorization system; this plan shall encompass determining whether a particular procedure, service or supply is medically necessary.

Contractor shall:

1. Provide prior authorization services.
2. Use a system that will integrate claims so that the claims paid match the services authorized.
3. Use a system that can integrate with the CDCR/CCHCS electronic medical records system.
4. Ensure prior authorization system complies with CDCR/CCHCS Information Technology requirements.
5. Customize prior authorization parameters throughout the life of the contract if necessary.
6. Provide suggestions for initial parameters which will change throughout the life of the contract as the needs of the CDCR/CCHCS change.
7. Ensure that prior authorization will include a set of services that are automatically approved, based on criteria previously set by the CDCR/CCHCS.
8. Ensure that providers and vendors are educated on the proper process for requesting or fulfilling requested services.
9. Report on comparative effectiveness, provider utilization profiling, quality of care benchmarks, and other metrics as requested.



Prior Authorization and Claims Submission Workflow



Prior Authorization and Claims Submission Based on Current Systems:

1. Institution initiates service request.
2. Institution and utilization management review and authorize service request.
3. Institution initiates web-based electronic pre-authorization process and schedules with contracted provider.
4. Provider retrieves preauthorization and provides authorized services.
5. Provider submits claims to TPA, who retrieves pre-authorization, adjudicates and creates an electronic claim file for CDCR/CCHCS accounting office.



6. Requirements

CDCR/CCHCS will evaluate proposals based on the following requirements.

Mandatory Qualifications are noted as “Pass/Fail” and failure to meet these requirements shall, in CDCR/CCHCS’ sole discretion, result in a finding of proposal non-responsiveness.

Additional Requirements - will be evaluated using the numerical point values noted for the corresponding requirements. Failure to meet these requirements may, in CDCR/CCHCS’ sole discretion, result in a finding of proposal non-responsiveness.

All other sections will be evaluated using the numerical point values noted for the corresponding sections and/or criteria.

6.1 Mandatory Qualifications

1. Contractor must demonstrate at least three (3) continuous years of experience delivering a full range of services including medical provider services to at least one public U.S. entity with a minimum of 50,000 enrolled members within the last five (5) years. Provide name, address, title, company, and phone number for each qualifying employer/company. The references must be entities not connected with this proposal in any way. Subsidiaries or divisions of the prime or subcontractors are not acceptable. Provide the necessary documentation to support the above requirements.	Pass/ Fail
2. Contractor must demonstrate that it has been a prime contractor responsible for the performance of a subcontractor for a project with comparable scope and magnitude to this project. Also, the Contractor must demonstrate that any proposed subcontractors have functioned as subcontractors or prime contractors in contracts with comparable scope and magnitude to this project. A. Complete Attachment 3 – Proposer Declaration Form and provide the necessary documentation to support the above requirements.	Pass/ Fail



3. The Contractor will ensure as defined by applicable statutes and regulations that the contracted Providers possess throughout the term of their Agreement(s), the required current license(s), registration(s), permit(s), and certification(s) to practice in the state(s) in which they practice. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail
4. Contractor must provide and describe previous work of three (3) projects of comparable scope and magnitude for which you provided similar types of services. Provide complete reference information including project name, location, client, total contract amount (and firm's amount if different), principal-in-charge, day-to-day technical project director/manager, key staff, date completed, client reference (name, current position, email, and phone number), and a brief narrative of project description for each project identified and described above. Experience may not be considered if complete reference data is not provided or if named client contact is unavailable or unwilling to share required information. The references must be entities not connected with this proposal in any way. Subsidiaries or divisions of the prime or subcontractors are not acceptable. Complete Attachment 13 – Customer Reference Questionnaire (CCHCS-MC-415) to support the above requirements.	Pass/ Fail
5. Contractor is required to use the CDCR/CCHCS identified TPA for all healthcare claims processing. A. Contractor will share all Provider contract information including but not limited to; contract number, term dates, contract rates, tax id, NPI, address etc. with TPA in order to process and pay claims. B. Contractor will provide this data daily to the TPA, in a format determined by CDCR/CCHCS. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail



6. All functions performed under this contract must be performed within the United States. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail
7. Contractor is responsible to furnish all necessary personnel, materials, facilities, and other Services (unless otherwise specified) to accomplish delivery of the Services described in this exhibit. However, the Services in this exhibit may not be all inclusive and CDCR/CCHCS reserves the right to request additional Services, modify existing Services, and/or remove existing Services. The request(s) can be provided by written notice or amendment to the agreement. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail
8. Contractor must be licensed to offer all Services listed for a Provider Network, including ancillary services, in all counties of California and counties in Oregon, Nevada, and Arizona that border CDCR/CCHCS institutions. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail



9. CDCR/CCHCS reserves the right to be involved in contract negotiations with Healthcare Providers. CDCR/CCHCS and the Contractor shall coordinate communication and participation when requested. The Contractor must disclose to CDCR/CCHCS the rates negotiated for services provided under this contract which will demonstrate that the guarantees set forth in this agreement have been met. Such rate information will be kept confidential by CDCR/CCHCS to the extent permitted by law. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail
10. Contractor will contract with off-site Providers meeting the Contractor's credentialing standards and CDCR/CCHCS service requirements. Services provided through Telemedicine and/or on-site at the institution must meet CDCR/CCHCS Credentialing Standards. Services provided on-site at the institutions must meet CDCR/CCHCS Gate Clearance and Live Scan Requirements. All Providers must be and remain credentialed in accordance with applicable law and National Committee for Quality Assurance (NCQA) standards. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	Pass/ Fail
11. Contractor and Providers referred by the Contractor shall be able to perform the tasks associated with providing all Healthcare Services and assume full responsibility for the provision of these Services. Any and all Services performed outside the scope of this Agreement will be at the sole risk and expense of the Contractor. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	Pass/ Fail



12. Contractor must contract with hospitals, physicians, and other Providers requested by CDCR/CCHCS if the Provider meets Contractor's network standard and pricing guidelines. Contractor must contract with existing preferred Providers that are currently providing and/or have previously provided services to CDCR/CCHCS. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	Pass/ Fail
13. Emergency Care Services shall be available on a twenty-four (24) hours per day basis for each institution. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail
14. Providers shall provide medical Services at the request of the CDCR/CCHCS institutions' CEO/CME, CDCR/CCHCS Headquarters (HQ) Utilization Management (UM), or their designee and must obtain prior written authorization as required, excluding emergency. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	Pass/ Fail



15.Providers shall ensure that all referrals for medical Services and proposed surgical procedures shall be consistent with the urgency of the medical need as determined by CDCR/CCHCS institutions, or CDCR/CCHCS HQ UM. Services shall be delivered at the time scheduled. In the event there is to be a delay, it must be reported to the institution's CEO/CME or their designee. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	Pass/ Fail
16.As required by law, CDCR/CCHCS retains full authority to determine the manner in which CDCR/CCHCS incarcerated persons are transported to the CDCR/CCHCS institutions or transferred to other Healthcare facilities, after course of treatment or therapy has been implemented or completed. Unless there is a documented and verified need for emergency Services that cannot be performed at the current Healthcare facility, Providers shall not transfer the CDCR/CCHCS incarcerated persons without prior written authorization from the CDCR/CCHCS institution's CEO/CME, or their designee. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail



17. Providers shall adhere to prescribing and/or recommending medication therapy available on the CDCR/CCHCS Formulary. The CDCR/CCHCS Formulary can be found at: CDCR/CCHCS-Formulary. Contractor and/or Provider shall consult with the referring CDCR/CCHCS primary care team, or the institutional Chief Physician and Surgeon (P&S), or the institutional CME or REPS P&S or their designees prior to discussing with the CDCR/CCHCS incarcerated persons, REPS incarcerated persons, the prescribing of the non-Formulary medications, and shall follow the CDCR/CCHCS non-Formulary approval process. If no justification for the use of a non-Formulary drug is provided, it will be assumed that a Formulary alternative is acceptable. Providers practicing on-site shall follow the CDCR/CCHCS Formulary. Providers shall not recommend experimental treatment. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	Pass/ Fail
18. Contractor and Providers shall ensure that all ordered healthcare Services and proposed surgical procedures shall be scheduled consistent with the severity of the medical need. Once scheduled, Services shall be delivered at the time scheduled, unless unavoidable circumstances occur. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail
19. CDCR/CCHCS reserves the right to refuse use of certain Providers and Contractor shall assist CDCR/CCHCS with finding alternate Providers. CDCR/CCHCS shall not pay for any Services performed by the Providers which are deemed unacceptable in accordance with required Services contemplated in the Agreement. CDCR/CCHCS reserves the right to request immediate removal of Providers through written notification by the Manager II, DCCS, or their designee. Does Contractor agree?	Pass/ Fail



☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	

20. Contractor must contract with the following services: A. Hospital Services B. Physician/Specialty Services C. Ambulance Services D. Laboratory Services E. Radiological/Medical Imaging Services F. Reentry Program Services Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail

21. Healthcare Claims A. Contractor shall require Providers to utilize industry standard claim forms (i.e., UB04, CMS1500, ADA, etc.) for claims payment. B. Providers shall bill in accordance with current Centers for Medicare and Medicaid Services (CMS) guidelines, requirements, and correct coding initiatives. CDCR/CCHCS reserves the right to override any Medicare edit based upon need. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail

22. Fees A. All mandatory services as indicated in #20 above, and below (22.B), must be provided within six (6) months of the contract effective date: 1) All health care services to CDCR/CCHCS incarcerated persons and REPS incarcerated persons in the community through the provider network and/or on-site at the CDCR/CCHCS institutions. B. Contractor must reduce their future fees if the current network is not at least 80% implemented within six (6) months of the approved contract. The fees	Pass/ Fail



that the Contractor is willing to put at risk must be indicated in the cost proposal, on the "Fee Per Claim" form, Attachment 16. Does Contractor agree? ☐ Yes. ☐ No.	
23. Performance Guarantees Contractor must provide performance guarantees pertaining to price guarantees as set forth in Attachment 17 in the Cost Proposal. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail
24. Pricing Guarantees Contractor must provide pricing guarantees as set forth in Attachment 17 in the Cost Proposal. Does Contractor agree? ☐ Yes. ☐ No.	Pass/ Fail

6.2 Additional Requirements

Points will be awarded on a scale system with the maximum points identified in each category. **For each "No" response, provide an explanation and/or alternative solution to meet the requirement.**

Maximum of five (5) points possible for each rating criteria within a requirement listed below:



Score	Rating Criteria Description
5 – Exceeds Requirement	Clearly and thoroughly defines the requirement with complete, detailed, and accurate information.
4 – Meets Requirement (Minor Gaps)	Response is acceptable and meets the requirement, but contains small gaps in detail or clarity.
3 – Partially Meets Requirement	Addresses most of the requirement, but several elements are missing, vague, or under-developed.
2 – Minimally Meets Requirement	Shows limited understanding; major components of the requirement are missing or insufficiently described.
1 – Barely Addresses Requirement	Provides minimal relevant information; significant gaps prevent meaningful alignment with the requirement.
0 – Does Not Meet Requirement	Response does not address the requirement or provides irrelevant/incorrect information.

6.2.1 Provider Network

1. The design of the Provider Network will be a cooperative and ongoing project by both CDCR/CCHCS and the Contractor to provide a comprehensive, cost-effective health care delivery system for CDCR/CCHCS incarcerated persons and REPS incarcerated persons. 2. Contractor must have network Providers available within twenty-five (25) miles or one (1) hour for urban and fifty (50) miles or two (2) hours for rural or remote CDCR/CCHCS institutions. Contractor must have primary care (medical, dental, vision) network providers within ten (10) miles or thirty (30) minutes for REPS facilities. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	10 Points



3. In the event hospitals and/or Healthcare Provider(s) do not exist within twenty-five (25) miles or one (1) hour from CDCR/CCHCS urban institutions, fifty (50) miles or two (2) hours for rural or remote institutions, or primary care (medical, dental, vision) network providers within ten (10) miles or thirty (30) minutes for REPS facilities or it is not fiscally sound for CDCR/CCHCS to use the Healthcare Providers based on service rates and custody cost for the additional travel times, Contractor must provide alternative solutions for obtaining in-network hospitals and Healthcare Providers for these institutions/facilities. Contractor's alternative solutions are subject to review and approval by CDCR/CCHCS prior to implementation. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
4. Contractor must address accessibility, availability, and continuity of care within twenty-one (21) calendar days following the request for high priority or urgent service issues, and within ninety (90) calendar days for routine service issues. Contractor must also monitor whether the provision and utilization of Services meet professionally recognized standards of practice. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



5. Contractor will establish reimbursement rates with discounts for Healthcare Services provided to CDCR/CCHCS incarcerated persons and REPS incarcerated persons and by off-site and on-site and telemedicine Healthcare Providers that meet the objectives of Penal Code Section 5023.5. Contractor will enter into contracts with sufficient numbers, types and geographic locations of participating providers to assure that all covered Services will be available and accessible to CDCR/CCHCS incarcerated persons and REPS incarcerated persons, and in accordance with CDCR/CCHCS' requirements. Contractor will establish and expand the number of cost-effective Provider contracts within the statewide Provider Network for off-site and on-site Healthcare to CDCR/CCHCS incarcerated persons and REPS incarcerated persons. The network must include Provider Services in Oregon, Nevada, and Arizona for nearby CDCR/CCHCS institutions. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
6. The Provider Directory shall encompass the entire Provider Network. Newly contracted participating Providers meeting the credentialing requirements will be added to either 9.A or 9.B below within two (2) business days following their addition to the Contractor's network and notification will be provided to CDCR/CCHCS designated representatives within two (2) business days upon contract completion. Participating Providers who are terminated will be removed within two (2) business days and notification will be provided to CDCR/CCHCS designated representatives within two (2) business days upon termination. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
7. Immediately notifying CDCR/CCHCS within two (2) business days regarding pending actions and/or actions taken of a quality improvement or peer review nature against a Provider by notifying the Manager II, DCCS, or their designee. Does Contractor agree?	5 Points



☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	
8. Contractor will be responsible for establishing a Provider Relations Group or Representative(s) to develop Provider relations processes, effectively oversee complaint resolution, and respond appropriately within three (3) business days to participating Providers' questions/concerns as well as to advise the Manager II, DCCS, or their designee, concerning significant Provider Network issues, as well as time frames for corrective actions. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
9. To ensure the Provider Network functions effectively, the Contractor will be required to develop and implement an operating plan in cooperation with CDCR/CCHCS. Elements of the plan include, but are not limited to: Developing and distributing to CDCR/CCHCS designated representatives a Provider Directory of currently active participating Providers in the form of either of the following: A. Customizable, web-based electronic portal directory accessible to all designated staff at the institutions, facilities, satellite locations, and headquarters, which shall include: 1) A listing of all contracted Providers for CDCR/CCHCS institutions. 2) Icons designating Providers who perform Services through telemedicine, off-site, and on-site at the institutions. CDCR/CCHCS reserves the right to request additional icons as needed. 3) Multiple functions for searching by mile radius, name, ID#, Hospital Affiliation, Provider Groups, Telemedicine, On-site, Provider Specialty, and Sub-specialty, Geographic location, etc. CDCR/CCHCS reserves the right to request additional search functions. OR B. Data file exchange, in either Comma-Separated Values (CSV) format or Application Processing Interface (API), to be uploaded to CDCR/CCHCS weekly at a minimum. Elements shall include, but are not limited to:	15 Points (Max. points for either Option)



1) Name, NPI, Tax ID, Address, Office Hours, Phone Number, Specialty, Sub-Specialty(s), Hospital Affiliations, Provider Groups, Service Locations, Distances from Institutions, etc. 2) CDCR/CCHCS reserves the right to use this information to create an internal Provider Directory to be housed on CDCR/CCHCS internal websites. Any updates made to the directory by CDCR/CCHCS shall be shared with the Contractor to ensure consistency of accurate information. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	
10. Contractor will submit an action plan within five (5) business days to rectify any gaps in the network whenever such gaps are identified by CDCR/CCHCS or the Contractor. CDCR/CCHCS shall have the sole discretion to determine the sufficiency of the plan and provide approval for implementation. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
11. Contractor will be responsible for monitoring and reporting to CDCR/CCHCS at least quarterly, but more often if requested by CDCR/CCHCS, on the status of the Provider Network. Reporting shall include a comparison of Providers in the network based on the numbers requested during implementation, and any current request for additions to the network by specialty, sub-specialty, location, deletions, coverage issues, cost issues, out of network usage, as well as activities taken by the Contractor to maintain, improve, and increase the Provider Network. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



12. CDCR/CCHCS will make every effort to keep the Contractor informed in a timely manner regarding movement of CDCR/CCHCS incarcerated persons and REPS incarcerated persons to current CDCR/CCHCS institutions, or REPS facilities that may alter the requirements of the Provider Network. Contractor will be required to modify/expand the Provider Network to meet these changes within thirty (30) calendar days of notification by CDCR/CCHCS for Specialty Care Services and sixty (60) calendar days for hospitals upon request and written notification by CDCR/CCHCS. In the event the Contractor needs additional time to expand the network, the Contractor shall be responsible for notifying CDCR/CCHCS designated network program manager within fifteen (15) calendar days of the request in writing on the projected timeline extension needed for the specific request. CDCR/CCHCS will work with the Contractor on the request, but CDCR/CCHCS shall have final determination to approve the extension. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
13. CDCR/CCHCS shall notify the Contractor in writing when there is an addition of a new CDCR/CCHCS institution or REPS facility that will need to have full medical access to the network and will work collaboratively with the Contractor to develop an implementation plan for provision of medical Services to the new CDCR/CCHCS institution, or REPS facility. The Contractor will be required to submit within fourteen (14) business days to CDCR/CCHCS an implementation plan to modify/expand the current Provider Network to meet the medical service needs for the new CDCR/CCHCS institutions within sixty (60) calendar days. Should the Contractor need additional time for implementation beyond the sixty (60) calendar days, the Contractor shall submit no later than thirty (30) calendar days prior to the required implementation timeframe a written request to extend time beyond the required period, along with a plan outline of the reason(s) to extend. CDCR/CCHCS shall have final determination to approve the extension. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



14. Contractor will be responsible for negotiating and implementing single case agreements with Providers to address unique treatment needs for CDCR/CCHCS incarcerated persons, and REPS incarcerated persons that may not be covered in the available network upon request by CDCR/CCHCS within two (2) business days for urgent needs. Should Contractor determine they need additional time to negotiate and implement an individual single case agreement it shall be the responsibility of the Contractor to inform the CDCR/CCHCS designated network program manager in writing, on the projected timeline needed for the specific request. Contractor will be responsible for informing the CDCR/CCHCS designated network program manager with weekly updates until single case agreements are secured. CDCR/CCHCS will work with the Contractor on a case-by-case request for extension, but CDCR/CCHCS will have final determination to approve the extension. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
15. If at any time CDCR/CCHCS determines that the Contractor does not provide necessary access to participating Providers, as outlined above, to provide appropriate covered services to CDCR/CCHCS incarcerated persons and REPS incarcerated persons, CDCR/CCHCS will require Contractor to submit a corrective action plan within five (5) business days of notification, for review and approval by CDCR/CCHCS. Once CDCR/CCHCS has approved the plan it must be implemented by the Contractor within three (3) business days. CDCR/CCHCS reserves the right to request Providers be removed from the Provider Network through written notification by the Manager II, DCCS, or their designee. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



16. If a Provider is removed from the network or otherwise leaves the network, Contractor will ensure that continuity of care is maintained through the departing Provider as appropriate or through another appropriate Provider. If it creates an immediate gap, Contractor will notify CDCR/CCHCS designated contract representative by email or telephone call and engage Replacement Providers within two (2) business days. Provider contracts must include continuity of care provisions requiring a Provider to continue treating CDCR/CCHCS incarcerated persons and REPS incarcerated persons, until they are assigned to another Provider, or are discharged if an inpatient, or treatment is completed although the Provider's contract has been terminated. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points

6.2.2 Service Delivery

17. Per Title 15, which establishes the limits of the medical care that may be provided by CDCR/CCHCS to incarcerated persons, prior authorization shall be issued to provide medical services for incarcerated persons which are medically necessary and supported by outcomes data as effective medical care. As defined in Title 15 CCR, Division 3, Chapter 2, Article 1, § 3999.98, "Medically necessary" means Healthcare Services that are determined by the attending primary medical, mental health, or dental care Provider(s) to be needed to protect life, prevent significant illness or disability, or alleviate severe pain and are supported by health outcome data or clinical evidence as being effective Healthcare Service for the purpose intended or in the absence of available health outcome data is judged to be necessary and is supported by diagnostic information or specialty consultation. In the event CDCR/CCHCS adopts another objective standard for UM review to screen CDCR/CCHCS incarcerated persons' care regarding prior authorization, inpatient admissions, and other types of UM review, the UM Deputy Medical Executive (DME), CDCR/CCHCS shall notify the Contractor, field or any other parties of the new standards no less than thirty (30) calendar days before the new standard is implemented. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



18. Contractor and Providers agree that no Healthcare Service or treatment shall be provided for those conditions specifically listed in California Code of Regulations (CCR), Title 15, Division 3, Chapter 2, Subchapter 2, § 3999.200. Contractor and Provider may request individual case exceptions for excluded or limited Healthcare Service or treatment by seeking prior approval from CDCR/CCHCS HQ UM, which will screen all such requests for additional required documents and clearance. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
19. Contractor and Providers will not directly contact the institutions to initiate providing Services. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
20. Contractor and Providers agree that any excluded Healthcare Service or treatment needed for pre-existing conditions shall be provided only in the event that the condition has become aggravated in such a manner that it poses a significant threat to the CDCR/CCHCS incarcerated person's or REPS incarcerated person's current health, and if not treated, would result in morbidity and/or mortality. Contractor acknowledges that the treatment must be medically necessary and approved by the Institution's CEO/CME, or their designee. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



21. Contractor, Providers, and CDCR/CCHCS shall ensure that the following minimum standards are met:	10 Points
A. All services must be done within a professional medical setting, i.e., hospital, medical office, surgery center, etc. Any other setting not normally defined as above, Contractor will obtain approval from the Manager II, DCCS. B. Wait time in a Provider's professional setting shall not exceed thirty (30) minutes after the scheduled appointment time before the Provider meets with the CDCR/CCHCS incarcerated persons, REPS incarcerated persons. Blocked appointment times for multiple CDCR/CCHCS incarcerated persons, REPS incarcerated persons, during the same day shall start and finish with no more than ten (10) minute wait time between each appointment. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	

22. Contractor, Providers, and CDCR/CCHCS shall ensure that the following minimum standards are met:	15 Points
A. Appointments for routine and outpatient specialty care shall not exceed a ninety (90) calendar day period upon request for appointment by CDCR/CCHCS. B. Appointments for urgent care shall not exceed twenty-one (21) calendar days following the request for appointment by CDCR/CCHCS. (Note: Urgent Care is defined in Exhibit E – Definitions). C. Physicians shall schedule all follow-up appointments within the medically recommended appointments timeframes they establish during the clinical encounter. Contractor shall ensure that Providers communicate the recommended follow-up interval at the time of service and that appointment requests are transmitted to CDCR/CCHCS, along with any required tests, labs, etc., promptly to allow timely scheduling. Failure to schedule, requests, or provide the required information may result in delay in payment or denial, until follow-up appointment has been completed Does Contractor agree?	



☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	

23. Contractor, Providers, and CDCR/CCHCS shall ensure that the following minimum standards are met:	15 Points
A. In the event a delay is anticipated that may interrupt the Services being delivered on the day of the scheduled appointment, Provider or Provider's staff shall immediately notify the Chief Medical Executive (CME) at the CDCR/CCHCS institution, or their designee, by telephone. If CDCR/CCHCS incarcerated persons, REPS incarcerated persons are already at Provider's location waiting to be seen, Provider or Provider's staff shall notify the custody officers of the delay and provide an estimated time for the delay, however, this shall not be a substitute for notifying the Healthcare staff. B. Provider shall notify CDCR/CCHCS at least twenty-four (24) hours in advance of interruptions in scheduled Services if unable to provide Services for reasons other than illness of Provider staff members or immediately provide alternative service replacement to avoid disruption of service. C. CDCR/CCHCS may cancel, modify, and/or change a request for Services by telephone, without incurring any liability, before Services are to be provided. If CDCR/CCHCS cancels, modifies, and/or changes a request for any reason, including Emergency Security situations, such as a lockdown, less than twenty-four (24) hours before a scheduled reporting time, CDCR/CCHCS shall make every effort to provide immediate notification to the Provider.	



24. Providers will make every effort to provide for scheduling blocks to treat multiple CDCR/CCHCS incarcerated persons, or REPS incarcerated persons in order to reduce the travel and custody costs. This will include waiting areas or locations that will provide CDCR/CCHCS incarcerated persons, or REPS incarcerated persons access to a restroom and water fountain pending the appointment. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
25. All Providers, excluding telemedicine (see 7.3.4.8 of this RFP), shall provide all clinical documentation to CDCR/CCHCS, including but not limited to prescriptions, clinical notes, laboratory test results, discharge summaries, and brief operative notes sufficient to support continuity of care within the institution, and any other required reports within forty-eight (48) hours of visit. Providers who fail to provide clinical documentation by the stated timeframe may be subject to delay in payment or denial, until documentation is received. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



26. CDCR/CCHCS reserves the right to require Providers be directed to obtain prior written authorization as required, excluding emergency from the HQ UM Regional Physician Advisor or Nurse Consultant Program Review, or their designee. In these instances, an email address available for communications will be provided to the Provider with instructions on the process. The CDCR/CCHCS incarcerated persons written authorization for treatment will be communicated via CDCR/CCHCS HQ UM email within twenty-four (24) hours of the request. A. Providers shall complete and return all forms regarding treatment of CDCR/CCHCS incarcerated persons. Provider shall obtain authorization from CDCR/CCHCS before performing any non-emergency treatment, including consultations by specialty physicians; diagnostic procedures not specifically stated in the CDCR/CCHCS prior authorization form; or any excluded conditions specifically listed in California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, Subchapter 4, Article 8, Section 3350.1. Hospital emergency rooms do not need to seek authorization prior to performing emergency evaluation and stabilization of the CDCR/CCHCS incarcerated persons but should communicate to CDCR/CCHCS HQ UM via its email address should they request approval authorization. Providers shall not refer incarcerated persons to non-network Providers without approval from CDCR/CCHCS HQ UM. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
27. Contractor and Providers during a consultation with CDCR/CCHCS incarcerated persons, or REPS incarcerated persons shall ensure that prior to recommending specialized treatment, therapy, and/or use of a durable medical product will consult first with the referring institution primary care team, institution's Chief P&S, institution's CEO/CME, REPS P&S, or their designee. Any devices that require Bluetooth connection, Wi-Fi connectivity must be vetted through medical leadership and Information Technology (IT) at the institution prior to recommendation to the incarcerated persons. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



28. Contractor and Providers agrees that all expenses associated with travel to and from an institution, lodging, and all training expenses, such as Continuing Medical Education for Contractor and Provider, shall be at the expense of the Contractor and will not be reimbursed by CDCR/CCHCS. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
29. CDCR/CCHCS reserves the right to request in writing at any time that Contractor conduct an inspection and evaluation of Providers to determine if the Providers are not in compliance with the Medical Standards of Care, scheduling requirements, transfer or movement from healthcare facilities, and medical treatments. CDCR/CCHCS shall designate in writing the reasons for the request and the timeline needed for response and corrective action based on the severity level and impact to CDCR/CCHCS incarcerated persons, REPS incarcerated persons access to care. Contractor shall provide notification upon receipt of request that the timeline is sufficient or not sufficient to complete. Contractor may offer a tentative change on the timeline. Contractor may offer a tentative change on the timeline. CDCR/CCHCS reserves the right to approve or disapprove the timeline change. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
30. Contractor shall notify CDCR/CCHCS of the results of the inspection and evaluation no later than five (5) business days upon completion. Contractor and CDCR/CCHCS will discuss the findings and upon agreement by both parties shall determine a course of corrective action, including removing the Providers from performing Services to CDCR/CCHCS. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



31. Providers performing hospital Services shall issue a written Discharge Summary and/or Transfer Summary, upon hospital discharge of a CDCR/CCHCS incarcerated persons back to the appropriate CDCR/CCHCS institution, Skilled Nursing Facility, or REPS facility. A. Providers shall give the institution's CEO/CME or their designee a full, dictated or written formal discharge summary within three (3) calendar days of the discharge of a CDCR/CCHCS incarcerated persons, REPS incarcerated persons in all cases. B. The discharge summary and/or transfer summary shall include the staff physician's recommendations for continuance of care for CDCR/CCHCS incarcerated persons and REPS incarcerated persons noting medications, treatment, and diet orders, along with instructions to CDCR/CCHCS incarcerated persons. C. The discharge or transfer summary shall precede or accompany the CDCR/CCHCS incarcerated persons and REPS incarcerated persons, upon discharge and shall include the following essential information: diagnosis, known allergies, rehabilitation potential, medications, lab tests ordered, imaging studies ordered, wound care required, dietary requirements, recommendations for activity, need for follow-up appointments, and referrals for additional care, and shall be signed and dated by a physician, in all cases. D. CDCR/CCHCS may request for hospital Providers to use a standardized discharge summary form, to be created by CDCR/CCHCS. In the event that lab or other test results are pending when discharge summaries are issued, Providers shall provide an updated report within twenty-four (24) hours of receipt of such lab or test results. Upon request, network hospitals shall grant CCHCS Clinical employees' access to hospital medical records systems, if feasible. Providers who fail to provide Discharge Summary or Transfer Summary documentation by the stated timeframe may be subject to delay in payment or denial, until documentation is received. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	20 Points



32. When CDCR/CCHCS incarcerated persons, REPS incarcerated persons are discharged on medications not on the CDCR/CCHCS Formulary, the facility will need to provide an explanation justifying the use of the non-Formulary medication and obtain prior authorization from the institutions treating physician, CME, UM, or their designee for the CDCR/CCHCS incarcerated persons and REPS incarcerated persons. The discharging facility shall provide a three (3) day supply of all active parenteral (IV) and non-Formulary medications not available within the CDCR/CCHCS institution to assure continuity of care during the transition back to CDCR/CCHCS. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
33. Contractor and Providers shall not perform on or administer to any CDCR/CCHCS incarcerated persons and REPS incarcerated persons, any experimental or investigational treatment, therapy, procedure or drug. Such treatment is prohibited under Penal Code Section 3502. Contractor and Provider agree to perform or administer only those Healthcare services which are recognized as being in accord with generally accepted professional medical standards, or as being safe and effective for use in the treatment of an illness, injury or condition at issue. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



34. Providers shall communicate all laboratory results for CDCR/CCHCS incarcerated persons and REPS incarcerated persons, that are indicative of reportable communicable diseases to the local public health department and/or the California Department of Public Health within the timelines required by Title 17, California Code of Regulations, Sections 2500 and 2505. Results shall also be communicated to the institution's CEO/CME/CMO or their designee, or REPS P&S or their designee within two (2) business days, or as required by disease or condition. Providers who fail to provide laboratory results by the stated timeframe will be subject to delay in payment or denial, until results are received. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
35. Providers shall notify the institution's CEO/CME/CMO or their designee, or REPS facility or their designee, within twenty-four (24) hours in the event of a CDCR/CCHCS incarcerated persons and REPS incarcerated persons death while under their care or in the hospital. The attending Providers will discuss with the institution's CEO/CME or designee, REPS facility or their designee, and/or UM DME the appropriateness/need for a post-mortem. Both parties shall mutually agree upon the decision for an autopsy, prior to or in conjunction with the Coroner's Office. Both parties agree that the decision for necessity of an autopsy remains with the Coroner's Office. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
36. Hospital in-patient services shall have the ability to meet the non-medical dietary requirements of CDCR/CCHCS incarcerated persons and REPS incarcerated persons. (Examples are vegetarian, kosher, etc.) If a Provider is not able to meet the non-medical dietary requirements of a CDCR/CCHCS incarcerated persons and REPS incarcerated persons, provider shall immediately notify the Institution CEO/CME or designee, REPS Chief Physician & Surgeon, or designee. Does Contractor agree?	5 Points



☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	

37. Contractor will ensure that all Providers meet the Americans with Disability Act requirements for documentation of all clinical encounters with CDCR/CCHCS incarcerated persons, REPS incarcerated persons designated with disabilities to ensure effective communication is provided at the time of the clinical encounter(s). CDCR/CCHCS will provide at time of appointment a form/sticker that will contain areas the Provider shall complete and include in the clinical notes of the encounter to be provided to the institution. CDCR/CCHCS will make every effort at the time of scheduling the appointment with the Provider to provide notice of a CDCR/CCHCS incarcerated persons and REPS incarcerated persons, with a disability and the need for an interpreter or special communication needs. If at time of scheduling the Provider cannot provide required translation Services for a primary language and/or hearing impairment, the Provider shall immediately notify the scheduler so alternative arrangements can be made by CDCR/CCHCS to provide a translator at no cost to the Provider. All hospital network providers shall be required to have primary language and/or language interpreter Services available.	5 Points
Does Contractor agree?	
☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	

38. Hospital facilities shall have language translator services available to all CDCR/CCHCS incarcerated persons and REPS incarcerated persons for inpatient, outpatient and emergency care services at no charge to CDCR/CCHCS.	5 Points
Does Contractor agree?	
☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	



39. Notwithstanding any other Act, statute, regulation or policy, Contractor will ensure that all Providers conform to all practices, procedures and policies with respect to any and all interactions with CDCR/CCHCS incarcerated persons and REPS incarcerated persons, who are the intended beneficiary of this Agreement in accordance with the Americans with Disabilities Act and the Armstrong Remedial Plan as ordered by the Federal District Court in Armstrong v. Davis and Armstrong v. Schwarzenegger (Case C 94-2307 CW) on January 3, 2001 (filed February 7, 2001), and amended September 9, 2006 and September 11, 2007, and with the intent and purpose to avoid and eliminate discrimination against CDCR/CCHCS incarcerated persons and REPS incarcerated persons, with disabilities as defined under the Act and guidelines for compliance in accordance with the Armstrong Remedial Plan, provide equal access to care for those defined qualifying classes of individuals, and ensure effective communication between Providers, staff, CDCR/CCHCS incarcerated persons and REPS incarcerated persons, at all levels of interaction from assessment and triage, emergency, inpatient, outpatient, surgical or other clinically relevant encounters given the particular accommodation needs of CDCR/CCHCS incarcerated persons and REPS incarcerated persons, who are receiving care under this Agreement. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
40. A clinical encounter is defined as any contact with a licensed Healthcare Provider for the purpose of Healthcare delivery that requires an exchange of information. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
41. At least annually, but at any time necessary as determined by CDCR/CCHCS, CDCR/CCHCS will evaluate Contractor responses and Provider performance relative to the requirements outlined in this service delivery section. If CDCR/CCHCS determines that a Provider service delivery problem exists, (late appointments, cancellations, refusals to see incarcerated persons, or timely scheduling of CDCR/CCHCS incarcerated persons), that negatively impacts the provision of covered Services to CDCR/CCHCS incarcerated persons and REPS incarcerated persons, CDCR/CCHCS DCCS will work with the Contractor on a corrective action plan, and may seek other remedial actions as needed.	5 Points



Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.		
42. Contractor and Providers shall give at least twenty-four (24) hours' notice prior to bringing into an Institution any medical/surgical equipment that has not specifically been authorized by CDCR/CCHCS Custody Services. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.		5 Points
43. Contractor is responsible for ensuring medical equipment brought on site for performance of the contracted duties meets all regulatory compliance, calibrations, and any requirements for sterilization. CDCR/CCHCS reserves the right to request verification of equipment compliance prior to equipment being brought into an institution, and throughout the term of the Agreement as necessary. CDCR/CCHCS is not responsible for ensuring storage or compliance of the equipment. Approval to store equipment overnight must be issued by the institution's CEO/CME or their designee prior to the equipment being stored. On-site Providers shall not dispense durable medical equipment to CDCR/CCHCS incarcerated persons. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.		5 Points
44. Prior to the time of scheduling on-site Services, CDCR/CCHCS shall provide the Contractor with an estimate of the period of time the institution anticipates the need for the Services. This will be a good faith estimate based on the circumstances known to CDCR/CCHCS at the time of the request. It is not a guarantee of business and is subject to change or be cancelled by the institution's CEO/CME or their designee. Does Contractor agree?		5 Points



☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	
45. Contractor shall give advanced notice to the institution's CEO/CME or their designee, prior to cancellation of scheduled clinics/Services, if for reasons other than illness, as follows: 1. For scheduled clinics: seven (7) calendar days written notice. 2. For all other scheduled Services: at least twenty-four (24) hours' notice. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
46. CDCR/CCHCS may cancel or change assignments by telephone, without incurring any liability, up to twenty-four (24) hours before a Provider's scheduled reporting time. CDCR/CCHCS may also cancel or change the requested assignment for any reason, including Emergency Security Situations, such as a lockdown, less than twenty-four (24) hours before a scheduled reporting time. A cancellation fee may be negotiated and imposed when notice is less than 24 hours. Contractor will be responsible for obtaining approval to add cancellation Services into its Provider contracts from CDCR/CCHCS DCCS and to impose a cancellation fee. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



47. Mental Health Services for adult CDCR/CCHCS incarcerated persons and REPS incarcerated persons shall only be provided by a provider in emergency care services situations, which means the immediate care or treatment necessary to prevent death, severe or permanent disability or to alleviate severe pain, including medically necessary crisis intervention for CDCR/CCHCS incarcerated persons and REPS incarcerated persons suffering from situational crisis or acute episodes of mental illness, in accordance with CCR, Title 15. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
48. Providers of acute community hospitals must have the availability of Mental Health Services when the attending physician team indicates it is clinically necessary. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
49. The network shall have psychiatrist(s) and hospital(s) to evaluate CDCR/CCHCS incarcerated persons and/or perform Electro Convulsive Therapy. Services must be provided upon request. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



50. Except for emergency care, CDCR/CCHCS shall not render payment for Services that do not have prior authorization from CDCR/CCHCS, and it is the responsibility of the Provider to obtain prior authorization before performing any non-emergency procedures. Contractor and Provider shall complete and return all forms required by CDCR/CCHCS regarding treatment of a CDCR/CCHCS incarcerated persons and REPS incarcerated persons. Authorization must be documented in the CDCR/CCHCS incarcerated persons and REPS incarcerated persons' medical record. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
51. CDCR/CCHCS shall not render payment for Services provided as a result of a work-related injury. Providers shall seek payment from the State Compensation Insurance Fund. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
52. CDCR/CCHCS shall not render payment for Services provided to non-CDCR/CCHCS incarcerated persons not in CDCR/CCHCS custody (i.e. Parolees, County Safekeeper, Out of State incarcerated persons, etc.) All payment for these services shall be the responsibility of the entity with parent oversight. CDCR/CCHCS shall work with the Provider to direct claims to the appropriate entities. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



53. Contractor may include Administrative Day reimbursement in its hospital contracts. An Administrative Day may be billed only if an incarcerated person has met InterQual criteria for discharge and cannot be transferred to another Provider or repatriated back to a CDCR/CCHCS institution. Administrative Days will be paid at a daily rate. During Administrative Day status, should the incarcerated persons require readmission to acute care status within twenty-four (24) hours following the time of discharge, the Provider shall be reimbursed under the original Diagnosis Related Group (DRG). However, should the incarcerated persons require readmission after twenty-four (24) hours following discharge, the Provider shall be reimbursed for the original DRG, Administrative Day(s), and a subsequent DRG only if the cause for readmission is assignable to a different DRG. Charges incurred during administrative days shall not be counted toward total bill charges or length of stay for purposes of calculating DRG payment rates. All decisions regarding Administrative Days, admissions, discharge, level of care, and length of stay shall be referenced to InterQual (whenever possible) and in conjunction with clear communication and direction from CCHCS HQ UM. Hospital Provider shall provide InterQual reviews demonstrating incarcerated persons no longer meet acute criteria for continued stay. Only CCHCS HQ UM (not institutional staff) have the authority to approve administrative bed day payments. Invoicing, payment and/or appeals shall be performed in accordance with the terms of the Provider's Agreement with the following additional invoicing requirements: A. All invoices submitted for an administrative day(s) shall be billed separately from the acute stay using revenue code 169. B. All invoices submitted for an administrative day(s) shall be accompanied by Form ADJ-01. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	10 Points



54. Contractor and Provider Orientation	10 Points
A. Contractor is responsible for ensuring that the Contractor and Providers review the CDCR/CCHCS Healthcare On-Site Contractors Orientation handbook (Handbook) and sign the Self-Certification Form as referenced in the Scope of Work. B. Once the Self-Certification Form has been signed by the Contractor, Provider, and the Authorized CDCR/CCHCS designee, the Self-Certification Form, the form shall be sent to DCCS Manager II or designee. The Self-Certification Form may be copied and provided to all institutions for which the Contractor and Provider is contracted to provide Services. It shall be the responsibility of the Contractor to review the Handbook every six months at the internet location stated above. If the Handbook has been revised (reference the date on page one of the Handbook) the Contractor and Providers must review the revised version of the Handbook and sign and submit a new Self-Certification Form as directed above. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	



6.2.3 Credentialing and Privileging

	20 Points
55. For services provided through Telemedicine and/or on-site at an institution, the Contractor and Provider shall comply with the following credentialing requirements: A. Contractor and Provider shall comply with all CPSU requirements, policies and procedures. Services cannot start until the credential process is completed and approved by the CPSU. B. Contractor and Providers are required to coordinate with CPSU and to submit a completed Credential Verification Packet (CVP) and associated documentation. C. Contractor shall review the HCDOM 1.4.1.2 Licensed Medical Provider Credentialing and Privileging Policy, Appendix 3, Minimum Professional Requirements when services are requested to ensure that any changes in credentialing requirements are met. D. Contractor shall monitor Providers who perform telemedicine Services and/or on-site services at the institution and ensure credentialing renewal packages are submitted timely for processing to the CDCR/CCHCS Credentialing Verification Unit prior to the two (2) year CDCR/CCHCS credentialing expiration period to ensure renewal prior to expiration. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	



56. Contractor and Providers shall comply with the following privileging requirements: A. Contractor Providers shall comply with all CDCR/CCHCS requirements, policies, and procedures pertaining to privileging for on-site Services. B. CDCR/CCHCS may require that Licensed Independent Practitioners (LIPs) working on-site at CDCR/CCHCS institutions be granted privileges by the institutions. Contractor shall work with the Credentialing and Privileging Support Unit (CPSU) to help obtain any documents required during the privileging process. C. CDCR/CCHCS may require that off-site Providers who interpret radiological studies performed on-site, be granted privileges by the institutions. Contractor shall work with CPSU to help obtain any documents required during the privileging process. D. For Joint Commission-accredited Hospitals and Providers, Contractor shall submit signed attestations from hospitals indicating that network contracted LIPs have been granted hospital privileges and meet CDCR/CCHCS minimum requirements. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	20 Points
57. Contractor will be responsible for ensuring that Providers comply with this Agreement, including all the provisions in Exhibit D – Special Terms and Conditions & Additional Provisions when performing Services on-site at the institutions. Normal hours of clinic operation are Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. Clinics may be 2, 4, 6, or 8 hours each, typically ranging from one to two clinics per week and some after-hour or weekend clinics at institutions. There may be request for Services to be provided outside the normal hours of operation at certain institutions. Please refer to: A. Licensed Medical Provider Credentialing and Privileging Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



58. Provider shall report by telephone all HIV positive tests confirmed through standardized testing to the institution's CEO/CSE/CME or their designee within twenty-four (24) hours. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
59. Provider shall report by telephone all communicable diseases as required by the California Department of Public Health to the institution's CME or their designee. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



6.2.4 Medical Imaging

60. Off-site Medical Imaging Services	20 Points
A. Contractor shall provide off-site medical imaging Services to CDCR/CCHCS incarcerated persons and REPS incarcerated persons within established timeframes and provide community standard medical technology equipment, staff and professional collaboration with CDCR/CCHCS medical providers. Services shall include technical and professional components as designated in each section for general diagnostic procedures such as x-rays, fluoroscopy, Ultrasound (US), mammography, Computed Tomography (CT), Magnetic Resonance Imaging (MRI), Positron Emission Tomography (PET), and any other radiology services not listed in this section. B. Medical imaging facilities shall have a consistent user interface to CDCR/CCHCS RIS/PACS which provides accepting exam requests via an interface, ability to DICOM push exam images to CDCR/CCHCS RIS PACS system, exam reports, exam images, and related documents (i.e. screening and consent forms, lab values, etc.) upon completion of exams. C. Medical Imaging facilities shall provide CDCR/CCHCS Medical Imaging Record Center with CDs of all medical imaging procedures performed and exam reports on CDCR/CCHCS incarcerated persons in the event an interface is not provided. These CDs shall be sent no later than three (3) calendar days after the date of exam. Medical imaging facilities shall also provide remote access to the medical facility's RIS/PACS to allow printing of reports and exams. D. Network Providers who perform imaging Services must issue a final, signed interpretive report within two (2) business days. Providers who fail to provide documentation by the stated timeframe may be subject to delay in payment or denial, until documentation is received. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	



61. Contractor shall ensure the following Off-Site Radiology Services are met:	10 Points
A. Physician interpreting off-site CDCR/CCHCS and REPS incarcerated persons medical imaging exams shall provide professional and technical components for general x-rays, fluoroscopy procedures, diagnostic/breast US, and diagnostic/biopsy Mammography, CT, MRI, and PET. These Services are not all inclusive and CDCR/CCHCS reserves the right to negotiate and add additional Services as needed. The radiologist(s) shall be board certified in radiology, shall be qualified to practice medicine within the State of California, and shall meet all requirements to interpret all modalities exams and related regulatory requirements. They shall maintain all required regulatory certification and Continuing Medical Education (CME) during the contract term and provide documentation of certification, CME or qualification when requested by designated CDCR/CCHCS staff. B. The radiologist shall have the ability to fax, electronically transmit, and/or e-mail (encrypt) an interpretive report to the requesting CDCR/CCHCS institution's radiology department and the Imaging Records Center upon approval of the radiologist within two (2) business days of receipt of exam(s), Monday through Friday. Reports shall also be available via a portal provided by the radiology group for other off-site/on-site Providers of CDCR/CCHCS to review exam results within two (2) business days of approval by the radiologist, Monday through Friday. They shall follow the State's policy and procedures for urgent and discrepancy finding notification of interpretation. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	



62. On-Site Medical Imaging / Mobile Imaging Services	10 Points
A. Contractor shall provide on-site medical imaging Services at the CDCR/CCHCS Institutions to CDCR/CCHCS incarcerated persons in the designated locations (e.g. CHCF) within established timeframes and in professional collaboration with CDCR/CCHCS medical Providers. Services shall include technical and professional component as designated in each section for general diagnostic procedures such as x-rays, fluoroscopy, US, Mammography, CT, MRI, PET, radiologic procedures and any other radiology Services not listed in this section. B. Services shall be scheduled and provided for US, CT, MRI, PET, and Bone Density when requested. These Services are not all inclusive and CDCR/CCHCS reserves the right to negotiate and add additional services as needed. The mobile Services Contractor shall provide technical imaging Services ONLY for each of these medical imaging modalities. In the event of a cancellation due to mechanical failure of a unit or staffing not available the Contractor shall provide the requested medical imaging service within two (2) business days of the originally scheduled service. Penalties will accrue if service is not provided within required timeframes. C. All medical imaging staff must have appropriate licensing in each modality they perform including IV certification and fluoroscopy licenses and provide a copy to CDCR/CCHCS to meet regulatory requirements. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	



63. On-Site Medical Imaging / Mobile Imaging Equipment & Systems	50 Points
A. Contractor shall provide mobile echocardiography Services performed by a qualified technician using equipment compatible with entry into RIS/PACS and qualified physician interpreters. B. Contractor shall provide fully operational system(s), materials, associated components, supplies, staff, travel and every other item of reasonable expense necessary to treat CDCR/CCHCS incarcerated persons referred for such Services. There shall be current medical imaging software that supports RIS/PACS integration, modality work list (WDL) and modality exam scanning software version that meet community standards in each modality service to meet exam protocols and connectivity to CDCR/CCHCS RIS/PACS including IT support. 1) CDCR/CCHCS PC shall assign static IP address for all mobile modality units (CT/MRI/US) to RIS/PACS. 2) Vendor shall ensure all mobile (CT/MRI) units have dedicated outside network cables that originate from the modality unit to CDCR/CCHCS mobile pad connection for RIS/PACS workflow and phone within the mobility trailer. 3) Vendor shall connect to designated network jacks only. 4) There shall be no network “Hubs” or “Routers” or other network devices within the mobile trailers which are not in compliance with CDCR/CCHCS IT security requirements. Ultrasound is performed within the institutions in a designated room and only a VLAN connection shall be connected to CDCR/CCHCS network. C. The on-site security and operating requirements for mobile Services, including scope of work examples, shall be provided to the Contractor for reference into its contracts with its Providers performing each of the Services to ensure adequate safety, service needs and security issues are addressed and understood within sixty (60) calendar days following the Agreement Effective Date and upon any future changes made by CDCR/CCHCS. 1) A manufactured patch cable with a thicker and more rugged insulation for the RJ45 mod end is required for connection to our system as well as computer, phone, etc. Minimum of two (2) 30-ft. high quality patches. 2) Mobile services drivers will be responsible for setup and connection. 3) Mobile Imaging Devices must be standalone devices with no connection to a hub or router. Does Contractor agree?	



☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	
64. Contractor shall be responsible for providing Radiologist(s) to interpret medical imaging exams performed on-site at CDCR/CCHCS institutions shall be for general diagnostic x-rays, diagnostic breast/general US, screening/diagnostic Mammography, CT, MRI and PET. These Services are not all inclusive and CDCR/CCHCS reserves the right to negotiate and add additional Services as needed. A. The radiologist(s) shall be board certified in radiology, qualified to practice medicine within the State of California, and meet all requirements to interpret all modalities, exams and related regulatory requirements. They shall maintain all required regulatory certification and Continuing Medical Education (CME) during the contract term and provide documentation of certification, CME and qualification when requested by designated CDCR/CCHCS staff. B. Radiologist shall use the RIS/PACS/Voice Recognition Transcription services of CDCR/CCHCS via Business to Business (B2B) connection as designated by CDCR/CCHCS IT Department to meet security and HIPAA requirements. CDCR/CCHCS shall not provide monitors, PC's, or network foundation to connect to the RIS/PACS/Transcription; such expenses shall be the responsibility of the Contractor. C. Contractor shall ensure that the interpreting radiology group shall appropriately use voice recognition software and provide transcription staff, report editors or self-corrections of medical imaging exams. Report turn-around time (TAT) shall be within four (4) hours, from the time the exam is available for interpretations on RIS/PACS for general/routine exams and two (2) hours for STAT exams. Interpreting coverage shall be from 7:00 a.m. to 7:00 p.m., covering twelve (12) hours per day, Monday through Friday. They shall follow the State's policy and procedures for urgent and discrepancy finding notification of interpretation. D. CDCR/CCHCS may add coverage for radiology interpretations after-hours upon request. This request will be provided by written notice or Amendment. Does Contractor agree?	20 Points



☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	

65. Contractor shall be responsible for providing a Radiology Supervisor/Operator Services to perform the following responsibilities:	40 Points
A. On-site exams for general diagnostic X-Rays, diagnostic breast/general US, and screening/diagnostic Mammography, CT, MRI, and any other radiology Services not listed in this section. B. Exam quality, radiation safety, and technical aspects of all x-ray examinations and procedures. C. Annual on-site inspection of all institutions for general radiology and quarterly for mammography as established by CDCR/CCHCS requirements. D. Ascertaining and assuring compliance with the California Radiation Control Regulations and the Health and Safety Code as well as all Mammography Quality Standards Act (MQSA) and State of California Title 17 requirements. E. Telephonic, video conference or in person consultation with radiologic technologists and/or x-ray technicians who, under the supervision of the Statewide Chief of Imaging, perform x-ray procedures. F. Work in collaboration to annually review exam protocols, policies, standing orders and repeat digital image policies as well as Quality Assurance reports within RIS for submitted exams. G. Adherence to the "Guidelines for Medical X-ray Facilities Using an Off-site X-ray Supervisor." H. Working in collaboration with the site's CME, CEO, and Statewide Chief of Medical Imaging. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	



6.2.5 Clinical Laboratory

	20 Points
66. Providers shall follow and meet the requirements of the Clinical Laboratory Improvement Amendments of 1988 (CLIA) as set forth in 42 CFR 493, et seq., to assure quality service and regulatory compliance. 67. STAT and Routine Testing A. Level 1 - STAT Analysis or testing of any sample, specimen, or tissue labeled "STAT" must begin immediately upon arrival at the laboratory. STAT test orders shall be picked up and tests or analysis must be completed within four (4) hours of the telephone request for pick-up for non-rural areas and five (5) hours for these rural location areas (ISP, PBSP, HDSP). B. Level 2 - Testing or analysis for infectious or contagious pathogen, or highly toxic agent must begin within four (4) hours of arrival of the sample at the laboratory. C. Level 3 - All other non-urgent commonly ordered tests or analyses of samples, specimens, or tissues, excluding pathology, will be performed within the regular work schedule of the laboratory. 68. Test results will be reported to select institutions in writing when electronic submittal is not available. In the following situations, laboratory results shall be reported as follows directly to the laboratory or the designated backup department (ER/TTA, etc.) and or as indicated on lab requisition: A. Level 1 and Level 2 samples, specimens, or tissues shall be reported immediately by phone. B. The test or analysis of a Level 3 sample, specimen or tissue that indicates a dangerous or life-threatening health condition shall be reported immediately by phone. Providers shall ask the institution staff to read back any critical results reported by phone. C. A Level 3 sample, specimen or tissue that does not indicate a dangerous or life-threatening health condition shall be reported within twenty-four (24) hours of test results. 69. Any laboratory results that require immediate notification of the CEO/CSE/CME or their designee transmitted by laboratory printer or fax machine to the Institution within four (4) hours after the laboratory results; all results shall be faxed directly to the laboratory or the designated backup department (ER/TTA, etc.) and/or as indicated on the lab requisition.	



Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.		
70. Upon Agreement termination or Agreement expiration, any test sample submitted for analysis up to the last day of the Agreement must be completed, with test results submitted to the institution within the Agreement required timelines. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.		5 Points
71. By the tenth (10th) day of each month, Providers shall submit a listing of all tests completed for the institution during the previous month to the CEO/CSE/CME or their designee. This information shall be provided either in an electronic medium or paper depending on institution preference as required by institution's CEO/CSE/CME or their designee. On a monthly basis the Providers shall provide a report of routine and STAT testing turnaround times for each institution. The Providers and CDCR/CCHCS will work together to remedy identified deficiencies. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.		5 Points
72. Services, equipment and requirements to be provided by Providers under this Agreement shall include, but are not limited to, the following: A. Provider shall provide dry ice containers for frozen samples, specimens, or tissues. Provider will ensure that the samples, specimens, or tissues arrive at the testing facility in a frozen state at no additional charge.		25 Points



- B. Provider shall provide clinical pathology and laboratory Services to include all basic laboratory supplies, e.g., slides, vacutainers, miscellaneous phlebotomy supplies, needles meeting current California Occupational Safety and Health Administration (Cal-OSHA) requirements, tubes, sterile containers, centrifuges, special specimen containers, biohazard specimen bags, laboratory report and requisition forms, and labels for processing STAT and routine laboratory tests and for processing microscopic and gross tissue examinations at no additional charge.
- C. Provider shall supply all shipping containers, packaging materials, including but not limited to, labels for handling biological/pathological materials including STAT labels, report forms, and other materials deemed necessary for transport by the Provider at no additional charge.
- D. Provider shall provide, at no charge, all lab labels at the thirty (30) CDCR/CCHCS institutions.
- E. Provider's pathologist, technical and support staff shall be available to answer questions from CEO/CSE/CME or their designee. Provider's pathologist shall provide consultation as needed to support the necessary level of service at the Provider's expense.
- F. Provider shall provide courier service for pick-up of Level 2 and Level 3 samples, specimen(s), and tissues as described herein in paragraph entitled "STAT and Routine Testing" Monday through Friday at a mutually agreed upon time by the CEO/CSE/CME or their designee and Provider. Courier service shall be available twenty-four (24) hours a day, seven (7) days per week, including holidays, for Level 1 STAT samples, specimens, or tissues. Courier shall acknowledge pick-up of all samples by initialing the institutional shipping manifest. The location for all pick-up and/or delivery of all samples will be at the gate or visitor locations of the institution or at a location specified by the CEO/CSE/CME and/or their designee.
- G. Provider shall provide clear and concise directions on specimen collection, the collection materials, and shipping & transportation materials necessary for fulfilling the pre-analytical phase of the testing analyses.
- H. Provider shall have an accurate electronic specimen tracking system to account for each clinical specimen from one location to another, i.e. time of call for pick-up (for STAT specimens), time of courier pick-up, time received at the testing facility, time of testing result, time of result notification time, etc. for both non-rural and rural CDCR/CCHCS institutions.
- I. Provider shall provide priority pick-up within two (2) hours for non-rural institutions, or three (3) hours for rural institutions, for the following samples:



1) Sputum and any other respiratory specimens for tuberculosis (TB) screening. 2) Blood culture. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	
73. Providers who do not have laboratory facilities available within twenty-five (25) miles of the immediate area of the institution shall provide written proof of other alternative agreement/arrangement with a local laboratory or hospital facility for STAT testing. No additional reimbursement will be made for STAT testing. 74. When the Provider is unable to perform the requested test or produce the clinically relevant result, the Provider shall refer the request for testing and sample to an appropriate clinical laboratory for the completion of testing. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	10 Points
75. Provider shall provide dual-sleeved transport bags and locked containers as required by law for pick-up of specimens. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points



76. CDCR/CCHCS shall not reimburse Provider for any testing sent out by the Provider to another laboratory, if the tests can be performed by the Provider's laboratory. If Provider must send-out testing, written notification must be provided to the CEO/CSE/CME or their designee for approval. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
77. CEO/CSE/CME or their designee will designate in writing the level of criticality of the samples, specimens, or tissues before pick up by the Provider. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
78. CDCR/CCHCS reserves the right, at the discretion of the institution, to separately contract with county laboratories for tuberculosis or other public health testing. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
79. Individual Tests and Test Panels to be performed under this Agreement are listed in the current Relative Value for Physicians (RVP). All laboratory Test Panels identified in the RVP will include the individual tests included in that Panel. Panels not identified in the RVP will be defined by individual RVP codes for each test in the Panel. Does Contractor agree?	5 Points



☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	

80. If samples, specimens, or tissues are lost, broken, contaminated, spoiled or destroyed by the Provider, Provider shall obtain replacement samples, specimens, or tissues and test them without charge. For Level 1 and Level 2 samples, specimens, or tissues, the laboratory shall immediately notify the CEO/CSE/CME or their designee by telephone and request replacement samples, specimens, or tissues. In the case of Level 3 samples, specimens, or tissues, the laboratory will notify the CEO/CSE/CME or their designee within twenty-four (24) hours.	5 Points
Does Contractor agree?	
☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	

81. The institution will endeavor to provide samples, specimens, and tissues of sufficient quality and quantity to support the requested test or laboratory analysis. The Provider shall immediately notify the CEO/CSE/CME or their designee by telephone AND laboratory printer or fax machine whenever Level 1 or Level 2 sample, specimen, or tissue is found inadequate, inappropriate, or insufficient for testing. Subsequent to initial notification, Provider will provide a written notice to the CEO/CSE/CME or their designee, within thirty (30) calendar days, describing why the sample, specimen, or tissue was inadequate. In those cases where Level 3 samples, specimens, or tissues are inadequate, inappropriate or insufficient, the Provider shall notify the CEO/CSE/CME or their designee either by telephone, laboratory printer or by fax machine within twenty-four (24) hours followed by a mailed written notice within thirty (30) calendar days.	5 Points
Does Contractor agree?	
☐ Yes. Describe your solution and the process in detail that you would establish.	
☐ No.	



82. Provider is responsible for any cost for courier services incurred to pick up replacement samples, specimens, or tissues determined to be inadequate when originally collected at the institution. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.	5 Points
83. Contracting laboratories or sub-contracting laboratories must meet the following performance criteria when evaluating sputum for M. Tuberculosis. This technique shall not be modified or changed without prior written approval from the CEO/CSE/CME or their designee. A. Laboratory or sub-contracting laboratories must be able to inoculate all CDCR/CCHCS sputum specimens into BACTEC nucleic acid prCb's or High-Performance Liquid Chromatography (HPLC) liquid selective media as the primary medium, as well as solid media (e.g., agar) for confirmation purposes. B. Laboratory shall begin processing sputum specimens within four (4) hours of receipt. C. Sputum smears and any other respiratory specimens for TB screening shall be read and reported the same day as processing and within twenty-four (24) hours of pick-up. D. Every sputum sample sent for Acid-Fast Bacilli (AFB) will automatically always be cultured. E. Drug susceptibility testing shall be completed by fully automated instrumentation such as the BACTEC or equivalent. The laboratory shall use the most rapid method available for mycobacteria complex identification (e.g., Matrix Assisted Laser Desorption/Ionization-Time of Flight).—Acid-fast stained smears shall be prepared from concentrated specimen material. Automated instrumentation approved by the Food and Drug Administration shall be used for drug susceptibility testing.	45 Points



F. The laboratory shall complete and report the results of positive cultures for M. Tuberculosis, other bacterium causing Tuberculosis-like illnesses and susceptibility testing on all positive specimens, within an average of four (4) to five (5) weeks from the date of receipt of the specimen. Negative specimens must be held six (6) to eight (8) weeks before being reported. G. Provider shall also maintain compliance with Title 17, California Code of Regulations (CCR), Section 2505, which requires the reporting of any laboratory findings suggestive of TB, as well as drug susceptibility results to the local county health officer, within one (1) day of notification to CDCR/CCHCS and submission of the TB clinical isolate, as appropriate. H. All initial M. Tuberculosis isolates must be tested to determine the most effective drugs with which to treat the CDCR/CCHCS incarcerated persons, using radiometric or similar techniques. I. Provider shall immediately notify the Institution's CEO/CSE/CME or their designee, by telephone, concerning all positive TB test confirmed through standardized testing. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	

6.2.6 Pathology Services

84. Contractor shall ensure Services, equipment and requirements to be provided by Providers under this Agreement shall include, but are not limited to, the following: A. Pathology services shall be performed by board certified pathologists in anatomic pathology, clinical pathology or another pathology specialty and licensed in the state of California. B. Pathology Services shall provide reports of external quality assurance programs quarterly. C. A "wet read" of a preliminary cancer, melanoma, and significant diagnosis should be provided to the ordering clinicians within twenty-four (24) hours TAT from specimens received time at the testing institutions.	60 Points



- D. Consultations regarding the medical significance of the laboratory results or data provided.
- E. Mandatory second pathologist review when indicated by current standard of care (any malignancy, high grade dysplasia in Barrett's, any dysplasia in IBD, and others).
- F. Retrospective review of two percent (2%) of all cases, randomly selected, or selected by organ system for systematic review.
- G. Mandatory review of any outside pathology materials upon which a definitive therapy is planned within a referral institution.
- H. Pathology department utilizes a specific set of preferred consultants who are recognized experts within each subspecialty.
- I. All gross specimens retained until at least two (2) weeks after the final reports are signed and results reported to the referring physician.
- J. Intradepartmental consultations shall be included in the incarcerated person's final report, or filed separately.
- K. The results of surgical consultations documented and signed by the pathologist who made the diagnosis.
- L. Statistical reports on TAT of the different categories of pathology specimens:
 - 1) Routine, i.e. pap smears.
 - 2) Advance, i.e. Molecular pathology, Flow Cytometry, FISH, etc.

Does Contractor agree?

- ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.
- ☐ No.



85. Electronic Lab Reporting System/Laboratory Information System A. Provider shall be able to create custom lab panels to adhere to current and future CDCR/CCHCS medical initiatives. Custom panels shall be able to integrate to CDCR/CCHCS' electronic health records system and billing systems. All requests for changes to the system, including custom lab panels must include reasonable timeframes for completion. Should the Provider not complete the requests per the agreed upon timeframes, Contractor shall make best efforts to correct the delays B. Provider shall provide at no additional charge, a web portal, accessible by each of the thirty (30) CDCR/CCHCS institutions, for direct communication access to the Provider to query status of laboratory tests for individual CDCR/CCHCS incarcerated persons, group results, e.g., high Hgb A 1 C, abnormal or critical levels as set by the institution; and tests ordered by the Provider or by the institution within a designated period of time as set by the CEO/CSE/CME or their designee. The web portal shall be compatible with the CDCR/CCHCS enterprise desktop and network standards, meeting CDCR/CCHCS security guidelines, and without needing to load any software. The institution shall provide network connectivity to the printer and computer terminal. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	10 Points
86. Provider shall, at no additional charge, be responsible for the cost of developing, implementing, and maintaining their side of the interface as well as the interface licensing fees, along with providing laboratory testing data (including results, analyses, microbiology results, pathology reports, requisition status, etc.) via a LIS TO LIS Interface. The interface will adhere to CDCR/CCHCS' specifications for clinical data exchange. Provider's LIS shall be able to integrate with CDCR/CCHCS' systems through industry's published and open standards and/or specifications, i.e., non-proprietary standards and specifications. Minimum requirements include: A. Adherence to the HL7 ELINCS Standard; B. Mapping test names to standard LOINC and CPT-4 test names or codes; C. Adhering to CLIA, HIPPA and other relevant state, federal and industry regulatory standards;	45 Points



- D. Transferring files via TCP/IP, SFTP, VPN, web portal, SOA services, middleware B2B interface engine, or other industry standard medium;
- E. Participating in interface governance, configuration and testing, including documentation of interface specifications, assignments of customizable parameters, and ongoing delivery of updated reference tables with lists of valid values and their definitions;
- F. Participating in governance and interface code library change request processes related to new test names and codes to ensure that they are mapped to approved standard codes, including notification prior to introduction of new transactions or codes to the interface to ensure agreement to standard code mappings;
- G. Delivering data elements required under industry standard lab interface specifications, including but not limited to:
- 1) Institution's name;
 - 2) Name of test or analysis conducted and the current procedural terminology (CPT) code utilized that corresponds to the current Relative Value for Physicians;
 - 3) Name (first and last), gender, date of birth, and CDCR/CCHCS ID number of CDCR/CCHCS incarcerated person providing sample, specimen or tissue;
 - 4) Full name of the ordering Provider;
 - 5) Date and time of specimen collection;
 - 6) Date and time of test or analysis;
 - 7) Test status (final, preliminary, pending, etc.);
 - 8) Results of test or analysis (all results shall include range of normal values when appropriate); and
 - 9) Copy of test or analysis; and any comments or interpretations of test or analysis.
- H. Provider shall provide the necessary training and education to CDCR/CCHCS personnel and its extended agency personnel to utilize its electronic recording system or LIS.
- I. Provider shall notify and work with CDCR/CCHCS IT on any software updates and ensure compatibility with CDCR/CCHCS existing system(s).

Does Contractor agree?

- ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.



☐ No.	

87. Contractor shall provide at no additional charge an interface with CDCR/CCHCS' systems, Cerner Millennium, using LOINC for reporting results based on the EHRS (Electronic Health Records System). 88. Contractor is required to ensure that results of STAT laboratory tests drawn at the institutions and sent to Provider performing STAT labs are included in the lab service Provider's reporting database for the institution. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	10 Points

89. Provider shall provide on a regular basis a monthly report, with statistics to include but not be limited to the following for CDCR/CCHCS institutions: A. Testing volume/utilization. B. Average TAT for STAT specimens. C. Ad-hoc reports as requested by CDCR/CCHCS e.g. Reports from the critical lab reporting system, when labs are requested, confirmed, communicated, etc.: Describe your solution and the process in detail that you would establish to address this requirement.	5 Points



90. Quality Reports Provider shall provide at least quarterly quality reports, which include but not limited to, any CDCR/CCHCS incarcerated persons, REPS incarcerated persons cases where the incarcerated persons experienced an event that would trigger reporting as "Inpatient Quality Indicator" or "Patient Safety Indicator". Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points

6.2.7 Telehealth Services

The Health Care Provider Network Contractor's in-network providers shall abide by the provisions described below: 91. Contractor and Providers shall ensure coordination of all Telemedicine Services is maintained through the Office of Telemedicine Services (Telemedicine Services). In order to ensure coordinated service delivery, the Contractor and Providers will not directly contact the institutions to initiate Services. Institutions may not begin receiving Telemedicine Services from the Provider without obtaining written authorization from Telemedicine Services prior to service delivery. 92. Contractor agrees to abide by the procedures contained herein and any disseminated by Telemedicine Services through Telemedicine Provider training and telemedicine clinical support documentation. 93. Contractor shall receive a copy of the telemedicine clinical support documentation. Contractor shall ensure Telemedicine Providers receive a copy of the telemedicine clinical support documentation. Contractor shall receive program training regarding CDCR/CCHCS telemedicine equipment and procedures from Telemedicine Services. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	15 Points



☐ No.	

94. The Provider must contact Telemedicine Services to make any change to the telemedicine service schedule. This includes cancellations and rescheduling of appointments. 95. Approval from the Contractor and Telemedicine Services must be obtained prior to Provider performing telemedicine Services for institutions in this agreement. The Telemedicine Services contact information will be provided at the time of award to the Contractor. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	10 Points

96. Contractor and Providers will not distribute memos, letters or written information without review and approval by the on-site CEO, CME, Chief Nursing Executive (CNE), Telemedicine Services, and DCCS, or their designee. 97. Contractor and Providers will not conduct trainings or schedule meetings with the institutions without prior approval of the on-site CME, and Telemedicine Services, or their designee. 98. Contractor and Providers will not request CDCR/CCHCS staff to perform duties or assignments not directly related to that site's telemedicine Services program. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	15 Points



99. Contractor and Provider will receive incarcerated persons health information via Medweb Consult, or its successor, until the EHRS becomes available to outside Contractors. Contractor will utilize Medweb Consult, or its successor, for the transmission of post-clinic paperwork back to the Institutions (MedWeb training will be provided by Telemedicine Services). CDCR/CCHCS IT Security Awareness Training is required to log in to Medweb. Contractor shall ensure that all access to Medweb Consult, or its successor, complies with CDCR/CCHCS authentication standards, including the use of Multi-Factor Authentication (MFA) for all users accessing incarcerated persons health information. Contractor shall maintain compliance with any update to the CDCR/CCHCS security protocols as disseminated by Telemedicine Services. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points
100. Contractor and Providers agree to submit required dictated consultation reports to the institution within three (3) business days. The dictated consultation reports shall be submitted electronically in PDF (preferred), JPEG, or TIFF format. Contractor and/or Telemedicine Provider shall utilize Medweb Consult, or its successor to submit the dictated consultation report. Submitted dictated consultation reports must be final reports reviewed and approved by the licensed Provider. Providers who fail to provide documentation by the stated timeframe may be subject to delay in payment or denial, until documentation is received. Submitted dictated consultation reports must include the following: A. The Provider's medical specialty. B. Full CDCR/CCHCS incarcerated persons identification including CDCR/CCHCS Number and birth date. C. Dictated consultation reports must be signed and dated by the Provider, either by hand or electronically. D. Provided Services are considered incomplete until this report is submitted. E. Electronically signed reports must comply with California Government Code §16.5 and 2 CCR §22000-5. Does Contractor agree?	5 Points



☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	

101. Provider's equipment and connectivity to perform telemedicine must meet the CDCR/CCHCS established and approved methods and specifications.	15 Points
102. All telemedicine visits/clinics will adhere to CDCR/CCHCS incarcerated persons confidentiality and privacy policies and HIPAA, Health Information Technology for Economic and Clinical Health Act (HITECH), & California Confidentiality of Medical Information Act (CMIA) requirements.	
103. Provider will maintain on-site (their office/clinic) medical record information on each CDCR/CCHCS incarcerated persons seen via telemedicine. This information will be stored in compliance with CDCR/CCHCS, HIPAA, HITECH, and requirements.	
Does Contractor agree?	
☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	

104. Providers will be notified of CDCR/CCHCS incarcerated persons and REPS incarcerated persons' primary language and/or hearing impairment when an appointment is scheduled off-site in the community. Network Providers must let CDCR/CCHCS know forty-eight (48) hours prior to appointment if required translation Services cannot be provided at the time of the appointment. If a translator is not available, CDCR/CCHCS shall provide a translator at no cost to the Network Provider.	10 Points
105. Provider will give as much notice as possible but no less than three (3) business days, in the event of a foreseeable clinic cancellation and must provide make-up clinic dates.	
Does Contractor agree?	
☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.	
☐ No.	



106. The Health Care Provider Network Contractor's in-network providers shall abide by the telemedicine equipment/systems provisions described below:	50 Points
A. Provider's equipment and connectivity to perform telemedicine must meet the CDCR/CCHCS established and approved methods and specifications. B. All telemedicine visits/clinics will adhere to CDCR/CCHCS incarcerated persons confidentiality and privacy policies and HIPAA, Health Information Technology for Economic and Clinical Health Act (HITECH), & California Confidentiality of Medical Information Act (CMIA) requirements. C. Provider shall provide connectivity for telemedicine sessions utilizing Session Initiation Protocol (SIP) protocols over an Internet Protocol Network (IP). D. Provider shall meet or exceed the IT security standards established by CDCR/CCHCS based upon the International Standards Organization 27002 standard and the National Institute of Standards and Technology 800 series. Where warranted, Statement on Auditing Standards 70 audits may be required. E. Provider shall obtain approval from Telemedicine Services prior to conducting connectivity testing or prior to the initial connection from an institution via Telemedicine. Contractors shall not initiate connectivity to the institutions. F. Provider shall provide sufficient network bandwidth to support the minimum transmission of a 720P video signal. Currently, this is equal to 3Mbps of synchronous traffic. Additionally, the Contractor is responsible for ensuring that the quality of their connection meets the expectations and perceptions to successfully complete a medical encounter. Minimum Audio/Video requirements consist of the following: 1) Static SIP video address (URI). 2) 3Mbps available bandwidth (synchronous video communication). 3) < 150 ms of one-way latency from mouth to ear (per the ITU G, 114 standard). 4) <30 ms jitter. 5) <1 percent packet loss.	



G. Provider is responsible to provide all necessary video communication equipment. The equipment must meet HIPAA guidelines, support AES 256 (Advanced Encryption Standard 256 bit) and at least one of the following Audio/Video Codes:

- 1) Audio: G.711, G.722, G.722.1, G.729, OPUS
- 2) Video: H.264, AV1

H. Provider shall provide a computing device capable of connecting to cloud-based telemedicine solutions during encounters. Currently, Telemedicine Services utilizes the EKO Health software to receive and interpret cardiac and respiratory tones.

I. Provider will maintain connectivity requirements as deemed necessary by CDCR/CCHCS in order to access incarcerated persons health information.

J. Provider shall be responsible for the purchasing and maintaining of all their telemedicine equipment/data communications outside of CDCR/CCHCS. All telemedicine clinical Services shall be provided in a professional office, NOT a public or residential setting (i.e. home), by the Telemedicine Provider.

- 1) Contractor and Providers shall be responsible to inform Telemedicine Scheduling immediately upon becoming aware of connectivity failures and restore Services within twenty-four (24) hours of failure.

Does Contractor agree?

- ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement.
- ☐ No.



107. Contractor and Providers are required to bill claims using current CPT, HCPCS, Revenue and/or modifier codes approved for telemedicine billing under Medicare. 108. Contractor's vendors supplying telemedicine Services must bill in accordance to Medicare requirements and/or guidelines. The Medicare Claims Processing Manual, Chapter 12, section 190.5 states, "The term "distant site" means the site where the physician or practitioner, providing the professional service, is located at the time the service is provided via a telecommunications system". 109. Providers who provide telemedicine Services inside one institution for another institution shall bill the same Evaluation and Management Codes currently being utilized. Providers shall utilize the appropriate Place of Service Codes for correctional setting as outlined by the Center's for Medicare Services. As the "hub" is a correctional facility, there would be no facility access claim. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	15 Points
110. CDCR/CCHCS shall provide access to CDCR/CCHCS' Formulary. The Contractor shall ensure Telemedicine Providers refer to and utilize CDCR/CCHCS' Formulary or document the reason for recommending a non-Formulary medication. 111. Providers shall provide a routine, recurring schedule of regular clinic times or a ninety (90) day rolling schedule of availability, and they shall ensure that all scheduled Services are delivered at the time scheduled, unless unavoidable circumstances occur. A. Providers must receive official program training before initial telemedicine Services and attend in-service training when requested by Telemedicine Services. B. In the event a Provider takes a vacation or extended leave of absence that will result in more than one missed clinic, network Provider shall provide equivalent make up clinic time or Contractor shall attempt to obtain an alternative clinic time. C. Providers must cover any follow-up visits that result from these appointments.	20 Points



Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.		
112. Telemedicine Services - Asynchronous A. Contractor shall provide access to eConsult Services. 1) eConsult Services shall include a full-array of specialty care Providers. 2) The eConsult system shall interface with CDCR/CCHCS' EHRS. B. Contractor shall provide access to Store and Forward Services. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.		10 Points
113. Telemedicine Services – Telephonic A. Contractor shall provide access to telephone appointments when requested by Manager II, DCCS. B. Providers shall follow all CDCR/CCHCS rules, protocols and guidelines regarding telephone appointments. C. Any telephone appointments provided without prior authorization or without the knowledge of DCCS may be subject to delay or denial in payment. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.		5 Points
114. Telemedicine Services – REPS Contractor shall provide synchronous or telephonic services. Contractor shall ensure Providers meet the requirements as described in the REPS Guidelines. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.		5 Points



6.2.8 Health Care Services

115. Hospital/Facility Services. Contractor shall provide equipment, personnel or other resources necessary to provide the service accordingly to generally accepted standards of hospital practice for inpatient, outpatient and Emergency Care Services.	80 Points
A. Medical, Nursing, Surgical, Pharmaceutical and Dietary Services; basic medical supplies and basic diagnostic Services, such as laboratory, radiological and x-ray; B. Surgical procedures requiring overnight observation and treatments; C. Surgical procedures not requiring overnight observations and treatments; D. Full twenty-four (24) hour access to emergency Services; E. Full twenty-four (24) hour access to Bed and Board; F. Tertiary/Transplant Services; G. Intensive Care and Related Services; H. Telemetry Services I. Subacute Services, and Acute Rehabilitation Services (in a hospital setting or standalone facility) J. Follow up appointments with Specialty Care Service Providers; K. Diagnostic and Imaging Services for CT, MRI, US, Mammography, Neurological specialty in CT and MRI when requested and approved by CDCR/CCHCS; L. Mental Health Treatment (Emergency Care Services – which means medically necessary crisis intervention for CDCR/CCHCS incarcerated persons and REPS incarcerated persons suffering from situational crisis or acute episodes of mental illness, in accordance with CCR, Title 15.); and M. Mental Health Treatment for Non-Emergency Care Services when treating team determines Services are needed outside of CCR, Title 15. N. Off-site Sleep Apnea Diagnostic Evaluation and Testing Services to be accessible only when an institution does not have the ability or equipment to provide these Services on-site. O. Hospital inpatient Services shall have the ability to meet the non-medical dietary requirements of CDCR/CCHCS incarcerated persons, REPS incarcerated persons, (E.g. vegetarian, kosher, etc.) If a Provider is not able to meet the non-medical dietary requirements, Provider shall immediately notify the institution’s CEO/CME, REPS facility, or their designee. P. Hospital facilities shall have language Interpreter Services available to all CDCR/CCHCS incarcerated persons, REPS incarcerated persons, for inpatient, outpatient, and emergency care Services at no charge to CDCR/CCHCS.	



Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.		
116. Long Term Acute Care Services A. Prolonged mechanical ventilation and ventilation weaning B. Complex wound care C. Complex medical conditions requiring daily physician oversight D. Intensive respiratory therapy and pulmonary management E. IV therapies F. Total parenteral nutrition Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.		30 Points
117. Specialists/Physicians Services A. Emergency inpatient/outpatient medical service treatment and consultation at hospitals. B. Follow-up Appointments. C. Surgery Center inpatient medical treatment. D. Office Medical Services and consultations. E. Telemedicine Services - Synchronous and Asynchronous. F. Institution on-site specialty physician medical services and clinical services at institutions. G. Institution on-site mobile endoscopy services. H. Transplants. I. Specialty medical treatments and consultations. J. Ophthalmology exams including medically necessary specialty lenses (e.g. Keratoconus). K. Gender affirming health care services L. Bariatric services.		60 Points



Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.		
118. Ambulatory Surgery Centers and Specialty Service Centers A. Facility services, equipment, personnel or other resources necessary to provide the service accordingly to generally accepted standards of inpatient surgery services. B. Facility services, equipment, personnel or other resources necessary to provide the service accordingly to generally accepted standards of Sleep Apnea diagnostic evaluation and testing Services. Services to be accessible only when an institution, REPS facility does not have the ability or equipment to provide these Services on-site. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.		10 Points
119. Medical Transportation Services – Emergency/Non-Emergency A. Emergency and Non-Emergency Air and Ground Ambulance Transports B. Basic Life Support C. Advanced Life Support D. Other medically necessary transportation (e.g., wheelchair, gurney, etc.) Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.		20 Points



120. Dental Specialty Services A. Oral Surgeon Services B. Maxillofacial C. Periodontal D. Endodontics Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.	20 Points
121. Congregate Living Health Facilities • Twenty-four-hour nursing coverage (e.g., skilled nursing care.) • Ventilator management and respiratory therapy • Tracheostomy care and airway management • Enteral and parenteral nutrition • Minor and complex wound care • IV therapy • Rehabilitation (Physical, Speech, Occupational) and restorative services • Administration of medications including IM and IV • All medications, pharmaceutical supplies, vaccinations, medical/in-house/surgical supplies • Respiratory and oxygen services and fees • Meals • Semi-private room • Routine clinical and pathological laboratory services, fees, and supplies • Catheter care/maintenance (foley, indwelling, in/out) • Colostomy/ileostomy care and supplies Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.	15 Points (1 Point per requirem ent)



122. Skilled Nursing Facility Services • Full twenty-four (24) hour access to Bed and Board • Semi-private room • Meals • Twenty-four (24) hour nursing care • Nutrition Services, including feeding pumps • Routine clinical and pathological laboratory Services, fees and supplies • X-ray Services, fees and supplies • Bowel and bladder training • Insulin and diabetic care • Catheter care/maintenance (foley, indwelling, in/out) • Colostomy/ileostomy care and supplies • Nasogastric and/or gastrostomy tube feedings • Superficial wound care • Dental Services • Rehabilitation Services (RNA) • Speech, occupational, and/or physical therapy • Respiratory therapy by Nursing or Certified Respiratory Therapist as indicated • Discharge planning • Administration of I.V. Therapy • Administration of medications, including intramuscular and I.V. Services • All medications, pharmaceutical supplies, medical/in-house/surgical supplies • Respiratory and oxygen Services and fees • Standard Durable Medical Equipment (DME): Wheelchair, trapeze, walker, commode, I.V. pump, feeding sump pump, traction sets, altering pressure packs and pump unit, blood glucose monitors, humidifiers/nebulizers, Patient lifts – for use while inpatient. • Subacute care unit, as available. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.	24 Points (1 Point per requirement)



123. Medicated Assisted Treatment (MAT) Services A. Contractor's MAT Providers shall ensure access to MAT for CDCR/CCHCS and REPS incarcerated persons and within four (4) calendar days of initial contact and daily thereafter. B. MAT Services shall include courtesy/guest dosing for up to thirty (30) calendar days for incarcerated persons coming from county MAT programs. C. Providers shall be licensed as Narcotic Treatment Programs per State and Federal laws and regulations. D. Providers shall issue weekly reports to include all records of medication and treatment to the referring CDCR/CCHCS institution. E. Incarcerated persons who require MAT Services beyond the thirty (30) calendar day courtesy dosing shall be enrolled in Providers' narcotics treatment programs as necessary. F. All claims shall be billed in accordance with current Medi-Cal guidelines on form CMS 1500. G. Contractor shall provide access to MAT Providers within thirty-five (35) miles of any identified required CDCR/CCHCS institutions. H. Contractor's MAT Providers shall provide on-site MAT delivery and administration to designated institutions as needed. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.	40 Points
124. Reentry Programs (REPS) A. Contractor shall provide health care Services in the community for incarcerated persons from the Male Community Reentry Program and the Female Community Reentry Program, collectively known as REPS. Services shall include: 1) Physician Services, Internal Medicine, and Family Medicine. 2) Optometry Services, including eyeglasses and medically necessary contact lenses. 3) Dental Services, including routine dental care. 4) Offsite Laboratory Services 5) Contractor's Providers shall adhere to REPS Clinical Care Guidelines when treating incarcerated persons from the REPS programs. These Clinical Care Guidelines shall only apply to REPS incarcerated persons. Specialty care services as needed and where available within the community.	25 Points



B. Clinical Care Guidelines for REPS incarcerated persons CDCR/CCHCS shall provide Contractor a copy of the Clinical Care Guidelines for REPS incarcerated persons prior to the execution of the Amendment. If the Clinical Care Guidelines are updated, CDCR/CCHCS shall provide the new version to Contractor within one (1) week of the new version being released. In the event that the Clinical Care Guidelines for REPS incarcerated persons conflict with other provisions in this Agreement, the Clinical Care Guidelines for REPS incarcerated persons shall take precedence. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.	

6.2.9 Reports

125. Quality Reports Provider shall provide at least quarterly quality reports, which include but not limited to, any CDCR/CCHCS incarcerated persons, REPS incarcerated persons cases where the incarcerated persons experienced an event that would trigger reporting as "Inpatient Quality Indicator" or "Patient Safety Indicator". Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	5 Points

126. Utilization Reports A. When needed, collaborate with CCHCS to mutually establish customizable criteria that must be used for prior authorization services and develop reports as needed to verify that the criteria are being followed.	10 Points



B. Regularly monitor utilization trends and meet with CDCR/CCHCS to review utilization performance and identify trends with CDCR/CCHCS Utilization Management Team or designee's. Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish to address this requirement. ☐ No.	

6.3 Additional Proposal Evaluation

Points will be awarded on a scale system with the maximum points identified in each category. **For each “No” response, provide an explanation and/or alternative solution to meet the requirement.**

Maximum of five (5) points possible for each rating criteria within a requirement listed below:

Score	Rating Criteria Description
5 – Exceeds Requirement	Clearly and thoroughly defines the requirement with complete, detailed, and accurate information.
4 – Meets Requirement (Minor Gaps)	Response is acceptable and meets the requirement, but contains small gaps in detail or clarity.
3 – Partially Meets Requirement	Addresses most of the requirement, but several elements are missing, vague, or under-developed.
2 – Minimally Meets Requirement	Shows limited understanding; major components of the requirement are missing or insufficiently described.
1 – Barely Addresses Requirement	Provides minimal relevant information; significant gaps prevent meaningful alignment with the requirement.
0 – Does Not Meet Requirement	Response does not address the requirement or provides irrelevant/incorrect information.

6.3.1 Company Background

1. Provide a cover letter and any other necessary documentation to support the below requirements.	5 Points



- Provide:
 - Your company's name, business address, email, and telephone numbers, including headquarters and local offices.
 - An overview of the history and ownership of your organization.
 - A brief description of your organization, including names of principals, number of employees, longevity, client base, and areas of specialization and expertise.
- Provide a description of your company's prior experience related to correctional healthcare facilities.
- Provide a description of your company's prior experience in California.
- Provide a description of your company's specific areas of technical expertise as they relate to this RFP.
- Provide a description of your company's internal training and quality assurance programs.
- Are there any mergers and/or acquisitions in progress between your organization and other parties affecting ownership, corporate structure or management?
 - ☐ Yes. If yes, describe the changes.
 - ☐ No.
- Has your organization acquired, been acquired by, or merged with another organization in the past five (5) years?
 - ☐ Yes, If yes, provide detail.
 - ☐ No.
- Is your firm anticipating restructuring or reorganization in the next year? (Include any major staff relocations or office closings.)
 - ☐ Yes.
 - ☐ No.
- Provide the names, title and location of the officers and principals active in the management of your firm. Submit current resumes for Key Personnel committed to this project, and a statement regarding their local availability. Specifically describe previous related experience, describe its pertinence to this Agreement, and provide references including the name, address, email, and telephone number of a contact person who can verify the nature and quality of the related experience. Provide a brief description of referenced project(s), as well as any



professional certifications, accreditation, special licensing or other qualifications which qualify the professionals to perform in their designated area of responsibility.

- Is your organization for-profit?

☐ Yes.

☐ No.

- Provide your most recent financial ratings from the following rating bureaus:

Rating Bureau	Ratings/ Outlook
Standard & Poor's	
A. M. Best	
Moody's	

- Has there been any downgrade in your ratings in the last two (2) years?

☐ Yes. If yes, explain.

☐ No.

- Provide independently audited financial statements for the last two (2) fiscal years.
- Name, title, address, email address, telephone and fax numbers of the person who is authorized to make decisions, represent and legally bind the company and answer questions regarding your response.

2. Indicate whether any services for CDCR/CCHCS will be subcontracted to another company and fully describe these services and the stability, background and qualifications of all companies that may provide subcontracted services, including audited financial statements for those firms for the last two (2) years. CDCR/CCHCS will award points based on the qualifications, experience and stability of the subcontractors that are being submitted.

5
Points

3. How can your experience provide innovative solutions to help CDCR/CCHCS save money and manage risk? Examples provided must pertain to CDCR/CCHCS.

5
Points



4. Describe the organizational structure and hierarchy you would put in place in order to facilitate a positive working relationship with CDCR/CCHCS, including: A. The name and title of the individuals who will serve as liaisons to CDCR/CCHCS. Provide an organizational chart and identify the individuals or level at which the liaisons operate in the organization. What staff/ancillary support will be available to the liaisons for providing management information and other transaction, quality assurance and utilization review information to CDCR/CCHCS? B. A brief description of responsibilities and qualifications for all Key Personnel, including the Program Manager, Contracts Manager, and Prior Authorization Manager that clearly demonstrates professional competence to perform the work.	10 Points

6.3.2 Network Strategy

5. To ensure that the Contractor's Provider Network is adequate to serve CDCR/CCHCS persons and REPS incarcerated persons, the Contractor will submit a plan to CDCR/CCHCS that sets forth how it will establish a network that includes the numbers and types of Providers to serve CDCR/CCHCS persons and REPS incarcerated persons, and how they will be made available and accessible. This shall include arrangements for the availability of a full range of specialty and ancillary care Providers and how the Contractor will monitor the sufficiency of the Provider Network on an ongoing basis. Describe your solution and the process in detail that you would establish to address this requirement.	5 Points
6. Contractor will be responsible for collaborating with the DCCS in all activities to monitor, improve, and increase the Provider Network. Describe your solution and the process in detail that you would establish to address this requirement.	5 Points



7. Describe Contractor's experience implementing a custom provider network in California's unique marketplace.
- A. Describe an overview of the unique network contracting approach and strategy for CDCR/CCHCS, including but not limited to how often the Contractor negotiates statewide provider contracts and what percentage of negotiations are done in person.
 - B. Provide Network growth goal projections for adding future providers.
 - C. Indicate how the reimbursement schedule is set for new health care providers added to the network in a manner that meets CDCR/CCHCS needs.
 - D. Indicate how many networks will be involved to provide statewide coverage and, if there is more than one network, then how the coordination between different networks will be effectively managed to ensure continuity of care, availability and accessibility of care for CDCR/CCHCS incarcerated persons and REPS incarcerated persons.

20
Points

Describe your solution and the process in detail that you would establish to address each of these requirements.

8. The Contractor shall provide access to Centers of Excellence (Centers of Excellence are defined as those centers for which there are specific credentialing criteria for the facility and physicians), to perform highly specialized, high-cost procedures such as cancer treatment, and coronary artery bypass grafts, etc.

5
Points

Describe in detail the Centers of Excellence network and how the Contractor will insure that CDCR/CCHCS has access to these Centers of Excellence.

9. Complete the following table indicating the proportion of networks owned and/or subcontracted/leased. CDCR/CCHCS prefers that the Contractor own the network proposed for this contract.

70
Points

Provider Type	100% Owned	% of Network subcontracted or Leased	Name of Sub-Contractor
Physicians	☐ Yes ☐ No		



CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES



	Hospitals	☐ Yes ☐ No				
	Radiology Services	☐ Yes ☐ No				
	Laboratory Services	☐ Yes ☐ No				
	Skilled Nursing Facilities	☐ Yes ☐ No				
	Long Term Acute Care Facilities	☐ Yes ☐ No				
	Medical Transport • Ambulance • Non-Emergency	☐ Yes ☐ No				
	Surgery Centers	☐ Yes ☐ No				
	Congregate Living Health Facilities	☐ Yes ☐ No				
	Dental Specialty • OMFS • Endodontics • Periodontics	☐ Yes ☐ No				
	Mental Health • ECT	☐ Yes ☐ No				
	Medication Assisted Treatment	☐ Yes ☐ No				



Reentry Services • FQHC, Vision, Dental, etc.	☐ Yes ☐ No			
Ambulatory Surgery Centers	☐ Yes ☐ No			

Does the Contractor anticipate doing any special network subcontracting/leasing to meet CDCR/CCHCS needs?

☐ Yes. If yes, please explain.
☐ No.

10. Proposal must indicate the criteria that the Contractor will use to determine quality, cost-efficient providers, including, but not limited to: • Hospitals • Physicians/Specialists • Alternate Care Facilities (e.g., rehabilitation, skilled nursing home health care, congregate living health facility, etc.) • Ambulatory surgery centers • Radiology • On-site Specialty Services • Laboratory and Pathology Services • Mental Health Services • Telemedicine Services (Specialty) • Ambulance and Non-emergency Transports • Offsite Dialysis • Transplant Services • Dental Services • Medication Assisted Treatment • Community Health Services (medical/dental/vision – REPS only) Does Contractor agree? ☐ Yes. Describe your solution and the process in detail that you would establish. ☐ No.	15 Points (1 Point per requirement)



6.3.3 Prior Authorization

11. The Contractor's PA program must comply with the following structure:	5 Points
• Per CCR, Title 15, which establishes the limits of the medical care that may be provided by the Department to CDCR/CCHCS incarcerated persons and REPS incarcerated persons, prior authorization shall be issued to provide medical services for CDCR/CCHCS incarcerated persons and REPS incarcerated persons which are medically necessary and supported by outcomes data as effective medical care. 15 CCR, §3350(a). "Medically necessary" means health care services that are determined by the attending physician to be reasonable and necessary to protect life, prevent significant illness or disability, or alleviate severe pain and are supported by health outcome data as being effective medical care. 15 CCR§3350(b)(1). • All authorization processes occur at the local institution. Requests that do not meet preset criteria or are Title 15 exclusions may be reviewed at the HQ level, with input from the local institutional clinical team. • The primary care team prepares the referral or authorization request and collects and enters the necessary clinical documentation. • Review of the RFS will be performed by a CDCR/CCHCS clinical provider. All RFS that do not meet preset criteria or are Title 15 exclusions will be reviewed by assigned UM HQ clinical staff. • Denials of treatment requests (RFS) must be done by a physician, licensed to practice in the State of California. • High risk incarcerated persons or disease categories may be assigned to primary care teams and HQ nursing teams for case management and/or care coordination. • Completion of the authorization request and submission shall be available electronically, at the point of service, unless otherwise specified by CDCR/CCHCS. • Network Providers will have the ability to submit an authorization electronically over a HIPAA secure provider web portal. • A provider can check the status of an authorization, print an authorization form, or submit an authorization inquiry.	



- Network Provider can attach medical records, forms, reports and other documentation files via electronic upload. Alternatively, a provider can fax in these files; these files will convert to an electronic medium and attach directly to the authorization request.

CDCR/CCHCS incarcerated persons and REPS incarcerated persons Laboratory claims may be exempted from prior authorization requirements as requisitions are initiated electronically by institution staff. For identification purposes, Laboratory claims may be required to bill with specific codes as identified by CDCR/CCHCS.

Describe your solution and the process in detail that you would establish to address this requirement.

12. Contractor's PA program must have an automated, customizable, routable prior authorization system which can be utilized by CDCR/CCHCS institutions, Headquarters, community providers and claims administration. The electronic prior authorization system must at the minimum have business rule logic that can perform the following actions:

- A. Auto-approve authorizations with medical criteria being specified by the Deputy Medical Executive, UM.
- B. Auto-approve authorizations based on pre-defined criteria.
- C. Create internal messages to the authorizations to aid the UM user in processing a complex request.
- D. Auto-route authorizations to specific roles for faster processing (i.e. ineligible incarcerated persons, post parole or release to probation, would be automatically routed to the Eligibility role).
- E. Ability to prioritize rules in order of importance.
- F. If the criteria for multiple rules are satisfied, then each rule will be triggered and a specific action is identified for user to complete.
- G. The rules can utilize diverse fields such as Diagnosis Codes, Procedure Codes, Specialty, Place of Service, Providers, and Patient Demographic Information.
- H. Ability to develop business rules that require approval by senior management on high cost service items.

45
Points



I. Telemedicine logic will auto-route potential telemedicine cases from the normal authorization queue into the Telemedicine platform. Describe your solution and the process in detail that you would establish to address these requirements.	
13. The system for processing authorizations will have the following capabilities: A. Pertinent information including: Provider Contracted Status, Incarcerated Person Information, Diagnosis Codes, Procedure Codes, Authorization Dates and Notes will be displayed in one module. B. When forwarding to specific roles, the UM user is able to pick a specific reason to forward to that role. As an example, when forwarding to the Chief Medical Executive, a user can choose from a list of reasons on why the user is forwarding to the CME. C. Pre-made pend templates that will fax/ email directly from the program to the provider's fax number/ email address. D. Customizable roles and buckets that group similar authorizations into the same work queue for faster processing. Permissions are granted to users based on the role. E. Ability to search for an existing authorization with parameters such as Authorization #, Incarcerated Person Name, Incarcerated Person ID (CDCR/CCHCS Number or PID), Date, and Provider Federal Tax ID number. Describe the process in detail that you would establish and provide an electronic prior authorization template and description which meets CDCR/CCHCS requirements.	25 Points
14. The system for processing authorizations will have the following capabilities: A. The PA system will have audit compliant documentation for all process steps that occur during the processing of an authorization request, including: B. Auto-stamping a UM user's name, the date and time, and status changes to an authorization. This documentation cannot be deleted or modified.	35 Points



C. Letters and/or faxes need to be sent to all providers involved within 24 hours of an authorization being approved. D. Quality Management processes and protocols that ensure the highest UM quality standards of audit capability to reconcile the authorization requests entered vs. completed authorizations, authorizations in the queue, and incomplete authorizations. E. Report mechanisms on timeliness of utilization management decisions. F. Report mechanisms on utilization trends to detect both underutilization and overutilization of services. G. Audits of turnaround time within the UM office. H. Measure Provider and Contractor satisfaction with the PA program and rendered services annually. The aggregated results are analyzed to identify ways to improve PA programs and processes. Describe the process in detail that you would establish and provide an electronic prior authorization template and description which meets CDCR/CCHCS requirements.	
15. Contractor is required to: A. When needed, collaborate with CDCR/CCHCS to mutually establish customizable criteria that must be used for prior authorization services and develop reports as needed to verify that the criteria are being followed. B. Regularly monitor utilization trends and meet with CDCR/CCHCS to review utilization performance and identify trends with CDCR/CCHCS Utilization Management Team or designee's. Describe your solution and the process in detail that you would establish to address these requirements.	10 Points (5 Points per criteria)
16. Administrative Services – Account Services A. Describe your model of account support for a client such as CDCR/CCHCS.	25 Points



B. Who will be the primary contact that will service the account? Provide name, address, phone number and email address. C. Under the direction of the primary contact, who else will be on the account service team? Provide name, address, phone number and email address for each of the team members. D. Indicate the number of years of experience each of the team members have been working for your organization. E. Detail your experience in the public sector market.	
17. Client Services A. Contractor shall define and provide the following resources for the duration of the contract; the Program Manager, Contracts Manager and Prior Authorization Manager shall be dedicated to the contract. Client Services Workflow <pre>graph TD; PM[Program Manager] --- CM[Contracts Manager]; PM --- PAM[Prior Authorization Manager];</pre>	5 Points
18. The Contractor Program Manager shall be responsible for, and oversee the contract in tandem with the CDCR/CCHCS Health Care Contracts and Claims Management Branch Assistant Deputy Director, or their assigned designee(s); the Contracts Manager shall be a direct contact for the CDCR/CCHCS Direct Care Contracts Chief, or their assigned designee(s) regarding day to day business. The Prior Authorization Manager will be assigned to a	5 Points



CDCR/CCHCS representative at the time this option of the contract is exercised. Describe the process in detail that you would establish to address this requirement.	
19. Describe how your organization would be proactive in providing significant support from Senior Management to ensure high-quality service to CDCR/CCHCS.	5 Points

6.4 Deliverables and Expectations

6.4.1 Implementation Deliverables

Proposers shall propose specific milestones and key deliverables for each of the requirements identified in this section, which are expected to include:

1. Detailed Requirements Definition
2. Business Process Design
3. Prior Authorization Technical Interface Design
4. Performance Standards
5. Reports Definitions
6. Provider Network Help Desk Design and Definitions
7. Contractor shall use documentation templates provided/approved by CDCR/CCHCS unless CDCR/CCHCS prior approves Contractor's templates.

The successful Contractor will demonstrate their implementation strategy and plans by the submission of the following as part of their proposal:

1. The Contractor's proposed implementation approach for Provider Network and how Prior Authorization will be coordinated thereafter. Things to consider in developing this plan are as follows: 1.1. The CDCR/CCHCS believes that it is very risky to implement the statewide network all at once. Therefore, the Contractor should include strategies to mitigate these risks as part of their proposal.	15 Points



1.2. Contractor should include how Prior Authorization will be implemented in the future, mitigating any future risks. 1.3. The staff in each institution may require training by the Contractor, as set forth below in item 3, in both the Provider Network portal and all of the aspects of the Prior Authorization system.	
2. A detailed Project Plan. 2.1. Initial plan covering the entire implementation of the Provider Network. 2.2. Subsequent plan implementing Prior Authorization.	10 Points
3. A Training Plan that describes a cohesive and responsive training program to ensure that both CDCR/CCHCS users and the Contractors' users can be efficient and effective using all systems and applications required performing their job duties. The Training Plan shall encompass the Provider Network and Prior Authorization services web tool(s), reporting tools, etc., as required in the RFP. The Training Plan shall describe how the Contractor will provide training and the accessibility of materials before, during, and after training.	5 Points
4. A Change Management Plan that describes the process, staffing needs, roles, responsibilities, and documentation required to manage change created by the implementation and subsequent operation of the Provider Network and Prior Authorization after the implementation. Proposers shall propose a process that efficiently and effectively manages technical, programmatic, and operational changes. Also, the Change Management Plan will include how changes will be managed operationally and with staff for each function at both Headquarters and the Institutions. The Change Management Plan shall include back-out procedures in the event that a change is not successful. The final Change Management Plan will be developed in collaboration with and approved by CDCR/CCHCS. The Change Management Plan has nothing to do with the project change request process.	5 Points
5. A Transition-Out Plan that describes the activities needed to ensure an uninterrupted and transparent turnover to CDCR/CCHCS and/or a new vendor at the completion of the contract, early termination, or default. The plan shall describe the activities that will be performed to ensure needed and required knowledge will be transferred in sufficient detail to CDCR/CCHCS and/or a new vendor. The plan shall fully address both scheduled (contract expiration) and exigent (default, termination) scenarios. This includes the conversion and migration of all pertinent information and work in progress, etc. Additionally,	5 Points



the plan shall discuss roles and responsibilities of the organizations and the workflow between the current Contractor and CDCR/CCHCS, and/or a new vendor. High-level timelines and contingency plans should also be included.	
6. A Disaster Recovery Plan that describes the processes and procedures to prepare for and recover from any event that may result in the loss of business operations. The plan shall be broken out in two (2) sections: A. Health Care Provider Network B. Prior Authorization Program	10 Points
7. A Business Continuity Plan that describes the processes and procedures to maintain and resume critical business operations during the loss of business operations. The plan shall be broken out in two (2) sections: A. Health Care Provider Network B. Prior Authorization Program	10 Points
8. An Organizational Structure Matrix that defines the functional area activities as they correspond to the RFP and the Contractor's proposal. The matrix must also identify the activity CDCR/CCHCS would need to accomplish to support each activity of the Contractor.	5 Points

Upon contract award, the Contractor must identify activities you will accomplish, and any data/information needed from CDCR/CCHCS prior to beginning provider network administration and TPA services.

6.4.2 Project Management Deliverables

In addition to the implementation deliverables, all Proposals are to contain the following project management deliverables:

1. Project Implementation Plan(s): Final plan(s) to be completed within four (4) weeks of the project start date and meet the following expectations: Note: For the purpose of responding to this Project Plan Requirement, the use of Microsoft Project 365 is mandatory. The proposal must also include a PDF version of the Plan(s). Proposer shall submit two (2) draft work plans as follows: A. Healthcare Services Provider Network implementation B. Prior Authorization implementation This plan should encompass the entire scope of the project.	10 Points



2. Identify the tasks, resources, due dates and deliverables for CDCR/CCHCS to meet its responsibilities. This requirement is important in order for CDCR/CCHCS to be fully prepared to perform its portion of the activities necessary to implement the project.	5 Points
3. Baseline the project schedule which includes tasks, dates, dependencies, resources and milestones.	5 Points
4. Integrate Contractor project management activities with the CDCR/CCHCS project tracking and reporting processes, including inputs into: • Master Project Schedule • Issue and Escalation Process • Scope and Change Management Plan • Monthly Status Reports • Communications Management Plan • Risk Management Plan	5 Points
5. On-going coordination with the CDCR/CCHCS Project Manager throughout the duration of the contract is an important element of the project. Include a <u>minimum</u> of eighty (80) hours per month for coordination by the Contractor's proposed project manager. Define any other coordination activities, hours, and staffing necessary for the successful completion of the project. Note: CDCR/CCHCS will be actively participating in the transition, implementation, and maintenance and operation of all two (2) projects, and reserves the right to request removal of any Contractor's staff not actively collaborating with CDCR/CCHCS.	5 Points

6.4.3 Other Expectations

The Contractor will be expected to:

1. Participate in person at the project kick-off meeting in Elk Grove, California. The kick-off will be led by the CDCR/CCHCS Project Manager with coordination from the Contractor Project Manager.



2. Present project deliverables and analysis by the project milestone dates and follow up with regular presentations to the Contract Management Oversight Team.
3. During the implementation phase, provide an electronic monthly written report of progress, findings, metrics, issues, risks, setbacks, and any suggested plan modifications.
4. Participate in relevant committees for coordination and direction of all health services.



7. Selection Process

7.1 Evaluation Committee

An Evaluation Committee (the “Committee”) will review the submitted proposals in accordance with submittal requirements and evaluation criteria and will recommend to CDCR/CCHCS a short list of firms for further consideration. Upon acceptance of the short list, CDCR/CCHCS may invite short-listed firms to interview and present their solutions to the Committee.

If CDCR/CCHCS elects to conduct oral interviews, the entire proposed Key Staff of any short-listed teams must be available to participate in these interviews. CDCR/CCHCS will provide a list of topics to be discussed during the interviews, including but not limited to possible interview questions, provider network requirements, and implementation requirements and/or implementation timeframes. The Committee will then make a final determination and authorize negotiations with one or more of the firms that have submitted their qualifications and whose responses are most advantageous to CDCR/CCHCS.

CDCR/CCHCS reserves the right to seek clarification of information submitted in response to this RFP and/or request additional information during the evaluation process.

CDCR/CCHCS intends to enter into the Agreement included with this RFP with the selected Contractor promptly upon selection. If the Contractor desires any revisions to the Agreement, such revisions must be submitted with the proposal. CDCR/CCHCS retains the discretion to accept or decline revision requests. Prior to commencing services, the selected Contractor must sign the Agreement and provide proof of insurance, along with any other required documentation. The Agreement incorporates the State's Special Terms and Conditions & Additional Provisions, as well as the General Terms and Conditions, which are required in the contracts with all contractors providing services to the State.



7.2 Evaluation Process

Evaluation will be based on best overall value. Proposals that meet the minimum requirements set forth in this RFP will be considered “responsive.” Responsive proposals will be scored using a three-step method as follows to determine the selected offer.

Step 1: Each response will be scored based on the technical review factors/criteria as outlined in Table 1. The technical review has a maximum score of 1589 points.

Step 2: Cost has a possible score of 750 points. The points will be determined according to the criteria specified in Table 2.

Step 3: The technical and cost proposal scores will be combined for a total score.

The evaluation scoring is described below in Table 1, Technical Proposal and Table 2, Cost Proposal.



8. Table 1 – Technical Scoring

Technical Proposal	
Technical Category	Scoring
CLEARLY AND THOROUGHLY STATED APPROACH TO MEETING REQUIREMENTS Clearly described the approach to implementing and meeting the requirements in these RFP sections: 6.2 Additional Requirements 6.3 Additional Proposal Evaluation Criteria 6.4 Deliverables and Expectations	Maximum points = 1589 Maximum points for each section: 6.2 = 1189 6.3 = 305 6.4 = 95



9. Table 2 – Cost Scoring

TABLE 2	
2. Cost Proposal	MAXIMUM POINTS = 750
Cost Category	Scoring
There are seven (7) categories included in the Cost Proposal that will be scored. The costs proposed by the vendor that are most favorable to CDCR/CCHCS receive maximum points for each category of the Cost Proposal. For example, if it is the cost to process a claim, then the lowest cost would receive the maximum points. If it is an amount at risk for not meeting one of the guarantees, then it would be the highest amount put at risk that would receive the maximum points.	Most favorable proposal is awarded the maximum cost points. Other proposals are awarded cost points based on the following calculation example: For illustrations purposes, refer to the following example: Divide lowest response cost by the proposed response cost to obtain percentage. Multiply percentage by 100 possible points to obtain point total. Lowest response cost is \$400,000.00. Next lowest response cost is \$440,000.00. $\\$400,000/\\$440,000 = 91\% \times 100 = 91\text{points}$. Therefore, the lowest cost Proposer receives 100 points and the next lowest proposer receives 91 points
A. Fixed Fee per Claim—This is the cost charged by the Contractor to provide the provider network, third party administration and prior authorization services and meet all of the terms of the RFP on a cost per claim basis. This is cost item A.1 in Attachment 16 Implementation costs (cost item A.iv in Attachment 16) in addition to the cost per claim administrative costs, the total implementation costs will be amortized over the initial 5-year contract period to calculate an annual cost and then divided by the number of claims processed in 2024/25 as provided in the paid claims data file provided to the Proposers. This per claim amount for implementation will be added to the overall cost per claim	Maximum points = 275



amount proposed by the Contractor. See Table 3, Example of Application of Scoring.	
B. Price Guarantees— this is the portion of the Fixed Fee per Claim in item A above that the Contractor can earn or is willing to relinquish if they do/do not meet the performance requirements required in Attachment 17. Those performance items are as follows: 2. Pricing Adjustment: This is the fixed amount per claim contractor can earn for staying within PC 5023.5. This is cost item A.iii in Attachment 16. <i>*Claim count reduce by half, assumed not all contracts will stay within current contract rates.</i> 3. Pricing Guarantee: This is the fixed amount per claim contractor is willing to relinquish for contracting outside of PC 5023.5. This is cost item C.iv in Attachment 16.	Maximum Points = 175 A.ii Maximum points = 75 C.iv Maximum points = 100
C. Performance Guarantees—this is the portion of the Fixed Fee per Claim in item A above that the Contractor is willing to relinquish if they do not meet the performance requirements required in Attachment 17. Those performance items are as follows: 1. Provider Network performance guarantee as required in Provider Networks in Attachment 17. a. Network Change Notification. This is cost item C.i in Attachment 16. b. Individual Facility Network Access. This is cost item number C.ii in Attachment 16 c. Performance Below Standard. This is cost item C.iii in Attachment 16. 2. Provider Network Implementation guarantee as required in Network Implementation in Attachment 17. This is cost item D in Attachment 16.	Maximum Points = 300 There are four (4) categories to be scored under Performance Guarantees as follows: Maximum Points = 200 C.i Maximum points = 75 C.ii Maximum Points = 75 C.iii Maximum Points = 50 D. Maximum points = 100

10. Table 3 – Example Scoring Methodology

	Possible Points	Offered Cost			
		Proposer 1	Proposer 2	Proposer 3	Proposer 4
1. Technical Proposal	1704	1680	1500	1950	1302
2. Cost Proposal	750	479	629	637	448
Fixed Fee per Claim	275	232	275	244	184
Total Fixed Cost per Claim		\$ 11.81	\$ 10.06	\$ 10.97	\$ 16.42
Provider Network Access		\$ 6.00	\$ 5.60	\$ 2.95	\$ 6.80
Laboratory Claims		\$ 4.00	\$ 5.00	\$ 2.50	\$ 6.00
Non-Laboratory Claims		\$ 2.00	\$ 0.60	\$ 0.45	\$ 0.80
Prior Authorization		\$ 5.00	\$ 4.00	\$ 6.00	\$ 8.00
Implementation cost for 5 years		\$ 400,000.00	\$ 230,000.00	\$ 1,000,000.00	\$ 800,000.00
Implementation cost per claim		\$ 0.81	\$ 0.46	\$ 2.02	\$ 1.62
Price Guarantees	175	71	142	119	60
Pricing Adjustment	75	38.00	75	19	13
Dollars per claim earned		\$ 0.50	\$ 0.25	\$ 1.00	\$ 1.50
Claims processed by CCHCS in 2024-2025*		494,899	494,899	494,899	494,899
Value of Provider Network Change Notification		\$ 247,449.25	\$ 123,724.63	\$ 494,898.50	\$ 742,347.75
Total Claim Cost Per Year		\$ 11,935,216.25	\$ 10,085,775.83	\$ 11,353,581.65	\$ 16,991,343.35
Performance Guarantees	300	176	212	274	204
Provider Network					
Network Change Notification	75	38	64	75	54
Dollars per claim at risk		\$ 0.07	\$ 0.12	\$ 0.14	\$ 0.10
Claims processed by CCHCS in 2024-2025		989,797	989,797	989,797	989,797
Value of Provider Network Change Notification		\$ 69,285.79	\$ 118,775.64	\$ 138,571.58	\$ 98,979.70
Individual Facility Network Access	75	21	43	54	75
Dollars per claim at risk		\$ 0.10	\$ 0.20	\$ 0.25	\$ 0.35
Claims processed by CCHCS in 2024-2025		989,797	989,797	989,797	989,797
Value of Individual Facility Network Access		\$ 98,979.70	\$ 197,959.40	\$ 247,449.25	\$ 346,428.95
Performance Guarantees Below Standard	50	17	33	50	23
Dollars per claim at risk		\$ 0.05	\$ 0.10	\$ 0.15	\$ 0.07
Claims processed by CCHCS in 2024-2025		989,797	989,797	989,797	989,797
Value of Performance Guarantees Below Standard		\$ 49,489.85	\$ 98,979.70	\$ 148,469.55	\$ 69,285.79
New Providers Outside Penal Code	100	33	67	100	47
Dollars per claim at risk		\$ 0.05	\$ 0.10	\$ 0.15	\$ 0.07
Claims processed by CCHCS in 2024-2025		989,797	989,797	989,797	989,797
Value of New Providers Outside Penal Code		\$ 49,489.85	\$ 98,979.70	\$ 148,469.55	\$ 69,285.79
Provider Network Implementation	100	100	72	95	52
Dollars per claim at risk		\$ 0.86	\$ 0.62	\$ 0.82	\$ 0.45
Claims processed by CCHCS in 2024-2025		989,797	989,797	989,797	989,797
Value of Provider Network Implementation Guarantee		\$ 851,225.42	\$ 613,674.14	\$ 811,633.54	\$ 445,408.65
Performance Guarantees Total Value at Risk		\$ 1,118,470.61	\$ 1,128,368.58	\$ 1,494,593.47	\$ 1,029,388.88
Total Points	2,454	2159	2129	2587	1750

127.



11. Preference Programs

11.1 Small Business/Microbusiness Preference

Certified small businesses or microbusinesses can claim the five percent (5%) preference when submitting a proposal on a state contract. A non-small business may receive a preference of five percent if the business commits to subcontract at least 25% of its net Proposal price with one or more small businesses or microbusinesses. The 5% preference is used only for computation purposes to determine the winning proposer and does not alter the amounts of the resulting contract. A contract awarded on the basis of the five percent (5%) preference is awarded to the small business, microbusiness or non-small business for the actual amount of its proposal.

To apply or re-apply for certification as a small business, follow the instructions at the following location: <https://caleprocure.ca.gov/pages/sbdvbe-index.aspx>

11.2 Non-Small Business Preference

The preference to a non-small business proposer that commits to small business or microbusiness subcontractor participation of 25% of its net proposal price shall be 5% of the lowest, responsive, responsible proposer's price. A non-small business, which qualifies for this preference, may not take an award away from a certified small business.

1. To locate potential small business sub-contractors, visit <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx?psNewWin=true>. Ensure "Micro Business (MB)" and "Small Business (SB)" are selected. Search by "Keywords" or "United Nations Standard Products and Services Codes (UNSPSC)" that apply to the elements of work you desire to subcontract to a small business.
2. Prime contractors wishing to subcontract to a small business may also check for subcontractor advertisements in the California State Contracts Register (CSCR) for this solicitation prior to the proposal due date. The CSCR can be accessed here: <https://caleprocure.ca.gov/pages/Events-BS3/event-search.aspx>

11.3 Commercially Useful Function

"Commercially useful function" is defined as a person or entity doing all of the following: 1) Is responsible for the execution of a distinct element of the work of the contract (including the supplying of services and goods); 2) Carries out its obligation by actually performing, managing or supervising the work involved; 3) Performs work



that is normal for its business services and functions; 4) Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable,

and making payment; and 5) Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. (Tit. 2 CCR § 1896.71(b).)

It is not a “commercially useful function” if the DVBEs role is limited to that of an extra participant in a transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE participation. (Mil. & Vet. Code § 999(b)(5)(B); Tit. 2 CCR § 1896.71(c).)

11.4 Disabled Veteran Business Enterprise (DVBE) Program

In accordance with Section 999.5(a) of the Military and Veterans Code, an incentive will be given to proposers who provide DVBE participation. For evaluation purposes only, the State shall apply an incentive to proposals that propose California certified DVBE participation as identified on the Proposer Declaration GSPD-05-105 and confirmed by the State.

The following percentages will apply for awards based on low price:

<u>Confirmed DVBE Participation of:</u>	<u>DVBE Incentive</u>
5% Inclusive	5%
4% to 4.99% Inclusive	4%
3% to 3.99% Inclusive	3%
2% to 2.99% Inclusive	2%
1% to 1.99% Inclusive	1%

The incentive is applied by reducing the proposal price by the amount of incentive as computed from the lowest responsive proposal price submitted by a responsible proposer.

This incentive is for evaluation purposes only.

Application of the incentive shall not displace an award to a small business with a non-small business.



12. Submittal Requirements

12.1 Modification or Withdrawal of Proposals

Proposers may modify their proposals after submission by requesting to withdraw the original proposal, via email, to the Project Manager at m_CHCPNRFP@CDCR.ca.gov, prior to the proposal submission deadline. Once CDCR/CCHCS has confirmed acceptance and approval of the modification request, the Proposer may then submit a modified proposal, prior to the proposal submission deadline. Proposal modifications requested in any other manner will not be considered.

Proposers may withdraw their proposals by submitting a withdrawal request via email, to the Project Manager at m_CHCPNRFP@CDCR.ca.gov, prior to the proposal submission deadline. Once CDCR/CCHCS has confirmed acceptance and approval of the withdrawal request, the Proposer may then submit a new proposal, prior to the proposal submission deadline. Proposal withdrawals requested in any other manner will not be considered. Subsequent to the proposal submission deadline, proposals may not be withdrawn without cause.

12.2 Public Opening

There will be NO public opening of the submitted - Proposals. However, after a contract is awarded, Proposals may be available for public review. CDCR/CCHCS makes no guarantee that any or all of the Proposals will be made available or kept confidential, even if the Proposal is marked “confidential,” “proprietary,” etc.

12.3 Reservation of Rights

CDCR/CCHCS reserves the right to do the following at any time, at CDCR/CCHCS’ discretion:

1. Reject any and all proposals or cancel this RFP.
2. Waive or correct any minor or inadvertent defect, irregularity or technical error in any proposal.
3. Request that certain or all candidates supplement or modify all or certain aspects of their respective proposals or other materials submitted.
4. Procure any services specified in this RFP by other means.
5. Modify the specifications or requirements for services in this RFP, or the required contents or format of the proposals prior to the due date.



6. Extend the deadlines specified in this RFP, including the deadline for accepting proposals.
7. Negotiate with any or none of the Proposers.
8. Terminate negotiations with a Proposer without liability, and negotiate with other Proposers.
9. Award a contract to any Proposer.

12.4 Proposal Format

Proposals should be clear, concise, complete, well organized, and demonstrate the Proposer's qualifications.

The Proposal will be submitted in electronic (pdf) format via email to the Project Manager by the proposal submission deadline listed under 3.1 Key Action Dates.

The complete proposal package, including the narrative proposal and cost proposal, must be submitted to the Project Manager by the date and time specified in RFP Subsection 3.1 - Key Action Dates. All documents requiring a signature must bear a certified digital signature or scanned wet signature of the person authorized to bind the Proposer's firm. The signature should indicate the title or position that the individual holds in the firm. Proposals not received by the date and time specified in RFP Subsection 3.1 - Key Action Dates will be rejected.

Proposals must be complete in all respects as required by this RFP. Proposals will be rejected if they are conditional, incomplete, or if they contain any alterations of form or other irregularities of any kind. Proposals shall be rejected if any such defect or irregularity, in the sole opinion of CDCR/CCHCS, constitutes a material deviation from the RFP requirements.

The complete proposal package **MUST** be submitted to CDCR/CCHCS electronically. Submission information will be provided via an addendum to this RFP.

All proposers are requested to follow the order and format specified in the Cost and Technical Proposal sections. Please organize each section of the submittal to correspond to the numbers/headers listed in these sections.

Proposers are advised to adhere to submittal requirements. Failure to comply with the instructions of this RFP may be cause for rejection of proposals.

CDCR/CCHCS reserves the right to waive any errors, discrepancies or omissions in any proposal and/or to reject any or all proposals. CDCR/CCHCS reserves the right to seek clarification of information submitted in response to this RFP during the evaluation and selection process. The Committee may solicit relevant information



concerning the firm's record of past performance from previous clients or consultants who have worked with the Proposer.

Proposals which contain false or misleading statements, or which provide references that do not support an attribute or condition claimed by the proposer may be rejected.

If, in the sole opinion of CDCR/CCHCS, such information was intended to mislead the State in its evaluation of the proposal and the attribute, condition, or capability is a requirement of this RFP, it will be the basis for rejection of the proposal.

12.4.1 Cost Proposal Contents

1. **Attachment 16** - Fee Per Claim Cost Summary.
 - a. The Cost Proposal shall include all capital costs and implementation costs.
 - b. Cost Proposal shall include a table showing the breakout of fees.
2. **Attachment 17** - Performance Guarantees

12.4.2 Technical Proposal Contents

The Technical Proposal must include the following items:

1. Cover Letter

A cover letter signed by an officer of the firm submitting the Proposal or signed by another person with authority to act on behalf of and bind the Proposer. The cover letter must contain a commitment to provide the required services described with the personnel specified in the submission. The letter should certify that the information contained in the Proposal is true and correct. Also indicate the contact person(s) for the selection process along with contact information.

2. Executive Summary

The Executive Summary must include a clear description of the primary advantages of contracting with your organization. It should also include a brief explanation of how the Proposer satisfies the evaluation criteria, and a brief statement that demonstrates Proposer understanding of the desired services.

Proposer shall demonstrate its ability to meet the services and requirements identified in Exhibit A – Scope of Work



Proposer shall demonstrate its ability to implement the optional services, along with projected timelines to develop and implement upon request from CDCR/CCHCS.

3. Responses to Requirements

Requirements are listed under Section 6 of this RFP.

4. Legal Action

Proposer must provide a listing and a brief description of all material legal actions, together with any fines and penalties, for the past five (5) years in which (i) Contractor or any division, subsidiary or parent company of Contractor, or (ii) any member, partner, etc., of Contractor if Contractor is a business entity other than a corporation, has been:

1. A debtor in bankruptcy;
2. A defendant in a legal action alleging deficient performance under a services contract or in violation of any statute related to professional standards or performance;
3. A respondent in an administrative action for deficient performance on a project or in violation of a statute related to professional standards or performance;
4. A defendant in any criminal action;
5. A principal of a performance or payment bond for which the surety has provided performance or compensation to an obligee of the bond;
6. A defendant or respondent in a governmental inquiry or action regarding accuracy of preparation of financial statements or disclosure documents; or
7. A party to any civil or administration action brought by or against the State of California or any subdivision thereof, including CDCR/CCHCS.

5. Default Termination

A disclosure of whether your company has defaulted in its performance on a contract in the last five (5) years, which has led to the termination of a contract.

6. Conflict of Interest

Identify any existing financial relationships with other vendors that may be a part of your proposal, and explain why those relationships will not constitute a real or perceived conflict of interest. CDCR/CCHCS may request additional information at time of award from the Contractor that will prove the absence of any relationship that could constitute a conflict of interest or otherwise impede the ability of the Contractor to protect the interest of CDCR/CCHCS, including but not limited to the completion of a Form 700 or its equivalent. You can view Form 700 at



CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES



<http://www.fppc.ca.gov>. In addition, the proper must complete and submit Attachment 14 – Conflict of Interest Compliance Certification (CCHCS-MC-412).

7. Knox-Keene

CDCR/CCHCS requires the Contractor to ensure compliance with all laws. Contract provisions between the Contractor and providers of services to CDCR/CCHCS incarcerated persons and REPS incarcerated persons must satisfy requirements set forth in the RFP and the resulting agreement.

13. Proposers Library

Interface Documents:

1. [CDCR/CCHCS California Incarcerated Records and Information Search](#)
2. [EUHRS Interface Specification_Design Discrete Microbiology Inbound](#)
3. [EUHRS Interface Specification_Unit 09i-Order Message Processing Inbound](#)
4. [EUHRS Interface Specification_Unit 09o-Order Message Processing Outbound](#)
5. [EUHRS Interface Specification_Unit 10i-Result and Document Processing Inbound](#)
6. [Configure ESI Special Configurations](#)
7. Other Documents:
 - A. [CDC 7252 Request for Authorization of Temporary Removal for Medical Treatment](#)
 - B. [California Penal Code, Section 5023.5](#)
 - C. [HC Transfer Process](#)
 - D. [CCHCS Drug Formulary](#)
 - E. [California Code of Regulations, Title 15: Crime Prevention and Corrections - California Code of Regulations](#)
 - F. [California Department of Corrections and Rehabilitation Population Reports - Office of Research: Weekly Report of Population as of midnight 05/13/26](#)
 - G. [Fiscal Year 2024-2025 Incarcerated Persons and REPs Incarcerated Persons Utilization Information](#)
 - H. [Incarcerated Persons Population Report](#)



14. Cost Proposal

Contractor will be reimbursed at a proposed rate per contracted claim. Contracted claims are captured in the claims data through the TPA and will be shared with the contractor at an agreed upon method and frequency between CDCR/CCHCS, the Contractor, and the TPA. Any claims not contracted will not be reimbursable to the Contractor. In an effort to ensure claims fees are not significantly higher than the claim payment, proposed claim rates shall be broken into two categories: 1) laboratory and 2) non-laboratory.

Include costs that clearly delineate all requirements identified in the RFP listed on a cost sheet in the Cost Proposal. The Cost Proposal must show:

1. Transaction based costs must indicate which RFP requirements are included in these costs.
2. Any separate implementation cost, including capital costs and start-up costs that are not included in transaction-based costs.
3. Any increases in fees over time, such as annual cost adjustments or other cost escalations.
4. The entire proposed reimbursement for the Contractor.
5. All of the above costs need to be shown for each year of the five (5) years of the contract. In addition, because the contract includes the provision to extend the contract for five (5) one (1) - year extensions, we are requiring that the Contractor include costs for the five (5) one (1) - year extensions.
6. The cost of any Optional Services that may be proposed by the Contractor.
7. The costing methodology for any changes approved through the project change request process.

SCO ID:

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

STANDARD AGREEMENT

STD 213 (Rev. 04/2020)

AGREEMENT NUMBER

SD25-00019

PURCHASING AUTHORITY NUMBER (If Applicable)

1. This Agreement is entered into between the Contracting Agency and the Contractor named below:

CONTRACTING AGENCY NAME

California Department of Corrections and Rehabilitation (CDCR)

CONTRACTOR NAME

2. The term of this Agreement is:

START DATE

THROUGH END DATE

3. The maximum amount of this Agreement is:

4. The parties agree to comply with the terms and conditions of the following exhibits, which are by this reference made a part of the Agreement.

Exhibits	Title	Pages
Exhibit A	Scope of Work	
Exhibit B	Budget Detail and Payment Provisions	
Exhibit B-1	Rate Sheet	
Exhibit B-2	Performance Guarantees	
Exhibit C *	General Terms and Conditions (CDC 02/2015)	Online
Exhibit D	Special Terms and Conditions & Additional Provisions	
Exhibit E	Definitions	
Exhibit F	HIPAA Business Associate Agreement (HIPAA-01/05/2026)	
Exhibit G	Information Security Agreement Ver. 3	
Exhibit H	List of Participating CDCR Institutions	
Exhibit I	California State Institutions Map (CSIM-10/2/2024)	
Exhibit J	Reentry Program Facility Locations	
Exhibit K	Reentry Program Facilities Map	
	This Agreement is not exclusive and CDCR reserves the right to contract with other providers for the same service.	

Items shown with an asterisk (), are hereby incorporated by reference and made part of this agreement as if attached hereto.**These documents can be viewed at <https://www.dgs.ca.gov/OLS/Resources>***IN WITNESS WHEREOF, THIS AGREEMENT HAS BEEN EXECUTED BY THE PARTIES HERETO.****CONTRACTOR**

CONTRACTOR NAME (if other than an individual, state whether a corporation, partnership, etc.)

CONTRACTOR BUSINESS ADDRESS

CITY

STATE

ZIP

PRINTED NAME OF PERSON SIGNING

TITLE

CONTRACTOR AUTHORIZED SIGNATURE

DATE SIGNED

SCO ID:

STATE OF CALIFORNIA - DEPARTMENT OF GENERAL SERVICES

STANDARD AGREEMENT

STD 213 (Rev. 04/2020)

AGREEMENT NUMBER

SD25-00019

PURCHASING AUTHORITY NUMBER (If Applicable)

STATE OF CALIFORNIA

CONTRACTING AGENCY NAME

California Department of Corrections and Rehabilitation (CDCR)

CONTRACTING AGENCY ADDRESS

PO Box 588500

CITY

Elk Grove

STATE

CA

ZIP

95758

PRINTED NAME OF PERSON SIGNING

TITLE

CONTRACTING AGENCY AUTHORIZED SIGNATURE

DATE SIGNED

CALIFORNIA DEPARTMENT OF GENERAL SERVICES APPROVAL

EXEMPTION (If Applicable)

SAMPLE

SCOPE OF WORK

I. Provider Network Requirements

1. The Contractor is responsible to furnish all necessary personnel, materials, facilities, and other Services (unless otherwise specified) to accomplish delivery of the Services described in this exhibit. However, the Services in this exhibit may not be all inclusive and California Department of Corrections and Rehabilitation/California Correctional Health Care Services (CDCR/CCHCS) reserves the right to request additional Services, modify existing Services, and/or remove existing Services. The request(s) can be provided by written notice or amendment to the agreement.
2. The Contractor must be licensed to offer all Services listed for a Provider Network, including ancillary Services, in all counties of California and counties of Oregon, Nevada, and Arizona that border CDCR/CCHCS institutions/facilities.
3. CDCR/CCHCS reserves the right to be involved in contract negotiations with Healthcare Providers. CDCR/CCHCS and the Contractor shall coordinate communications and participation when requested. The Contractor shall disclose to CDCR/CCHCS the rates negotiated for Services provided under this contract which demonstrate that the guarantees set forth in this agreement have been met. Such rate information will be kept confidential by CDCR/CCHCS to the extent permitted by law.
4. Except as noted below, the Contractor must have network providers available within twenty-five (25) miles or one (1) hour for urban and fifty (50) miles or two (2) hours for rural or remote CDCR/CCHCS institutions/facilities. Contractor must have primary care (medical, dental, vision) network providers within ten (10) miles or thirty (30) minutes for REPS facilities.
5. In the event hospitals and/or Healthcare Providers do not exist within twenty-five (25) miles or one (1) hour from CDCR/CCHCS urban institutions or fifty (50) miles or two (2) hours for rural or remote institutions, or it is not fiscally sound for CDCR/CCHCS to use the Healthcare Providers based on service rates and custody cost for the additional travel times, Contractor must provide alternative solutions for obtaining in-network hospitals and Healthcare Providers for these institutions/facilities. Contractor's alternative solutions are subject to review and approval by CDCR/CCHCS prior to implementation.
6. The Contractor will contract with off-site Providers meeting the Contractor's credentialing standards and CDCR/CCHCS service requirements. Services provided through Telemedicine and/or on-site at the institution/facility must meet CDCR/CCHCS Credentialing Standards. Services provided on-site at the institutions/facilities must meet CDCR/CCHCS Gate Clearance and Live Scan Requirements. All Providers must be and remain credentialed in accordance with applicable law and National Committee for Quality Assurance (NCQA) standards.
7. The Contractor will ensure as defined by applicable statutes and regulations that the contracted Providers possess throughout the term of their Agreement(s), the required current license(s), registration(s), permit(s), and certification(s) to practice in the state(s) in which they practice.
8. The Contractor and Providers referred by the Contractor shall be able to perform the tasks associated with providing the above Healthcare Services and assume full responsibility for the provision of these Services. Any and all Services performed outside the scope of this Agreement will be at the sole risk and expense of the Contractor.
9. The Contractor must address accessibility, availability, and continuity of care within twenty-one (21) calendar days following the request for high priority or urgent service issues and within ninety (90) calendar days for routine service issues. Contractor must also monitor whether the provision and utilization of Services meet professionally recognized standards of practice.

10. The Contractor will establish reimbursement rates with discounts for Healthcare Services provided to CDCR incarcerated persons and Reentry Programs (REPS) incarcerated persons, and by off-site, on-site, and telemedicine Healthcare Providers that meet the objectives of Penal Code Section 5023.5. The Contractor will enter into contracts with sufficient numbers, types, and geographic locations of participating Providers to assure that all covered Services will be available and accessible to CDCR incarcerated persons and REPS incarcerated persons, and in accordance with CDCR/CCHCS' requirements. The Contractor will establish and expand the number of cost-effective Provider contracts within the statewide Provider Network for off-site and on-site Healthcare to CDCR incarcerated persons and REPS incarcerated persons. The network must include Provider Services in Oregon, Nevada, and Arizona for nearby CDCR/CCHCS institutions/facilities.
11. The Contractor will submit an action plan within five (5) business days to rectify any gaps in the network whenever such gaps are identified by CDCR/CCHCS or the Contractor. CDCR/CCHCS shall have the sole discretion to determine the sufficiency of the plan and provide approval for implementation.
12. CDCR/CCHCS will make every effort to keep the Contractor informed in a timely manner regarding movement of CDCR incarcerated persons and REPS incarcerated persons to current CDCR/CCHCS institutions/facilities, or REPS facilities that may alter the requirements of the Provider Network. The Contractor will be required to modify/expand the Provider Network to meet these changes within thirty (30) calendar days of notification by CDCR/CCHCS for Specialty Care Services and sixty (60) calendar days for hospitals upon request and written notification by CDCR/CCHCS. In the event the Contractor needs additional time to expand the network, the Contractor shall be responsible for notifying CDCR/CCHCS designated network program manager within fifteen (15) calendar days of the request in writing on the projected timeline extension needed for the specific request. CDCR/CCHCS will work with the Contractor on the request, but CDCR/CCHCS shall have final determination to approve the extension.
13. The Contractor and Providers will not directly contact the institutions/facilities to initiate providing Services.
14. To ensure the Provider Network functions effectively, the Contractor will be required to develop and implement an operating plan in cooperation with CCHCS. Elements of the plan include, but are not limited to:
 - A. Developing and distributing to CCHCS designated representatives a Provider Directory of currently active participating Providers in the form of either of the following:
 - i. Customizable, web-based electronic portal directory accessible to all designated staff at the institutions, facilities, satellite locations, headquarters, which shall include:
 - a) A listing of all contracted Providers for CDCR institutions/facilities.
 - b) Icons designating Providers who perform Services through telemedicine, off-site, and on-site at the institutions. CCHCS reserves the right to request additional icons as needed.
 - c) Multiple functions for searching by mile radius, name, ID#, Hospital Affiliation, Provider Groups, Telemedicine, On-site, Provider Specialty, and Sub-specialty, Geographic location, etc. CCHCS reserves the right to request additional search functions.
 - ii. Data file exchange, in either Comma-Separated Values (CSV) format or Application Processing Interface (API), to be uploaded to CCHCS weekly at a minimum. Elements shall include, but are not limited to:

- a) Name, NPI, Tax ID, Address, Office Hours, Phone Number, Specialty, Sub-Specialty(s), Hospital Affiliations, Provider Groups, Service Locations, Distances from Institutions, etc.
 - b) CCHCS reserves the right to use this information to create an internal Provider Directory to be housed on CCHCS internal websites. Any updates made to the directory by CCHCS shall be shared with the Contractor to ensure consistency of accurate information.
 - B. The Provider Directory shall encompass the entire Provider Network. Newly contracted participating Providers meeting the credentialing requirements will be added to either 1 or 2 above within two (2) business days following their addition to the Contractor's network and notification will be provided to CDCR/CCHCS designated representatives within two (2) business days upon contract completion. Participating Providers who are terminated will be removed within two (2) business days and notification will be provided to CDCR/CCHCS designated representatives within two (2) business days upon termination.
 - C. Immediately notifying CDCR/CCHCS within two (2) business days regarding pending actions and/or actions taken of a quality improvement or peer review nature by notifying the Manager II, Direct Care Contracts Section, or their designee.
15. The Contractor will be responsible for establishing a Provider Relations Group or Representative(s) to develop Provider relations processes, effectively oversee complaint resolution, and respond appropriately within three (3) business days to participating Providers' questions/concerns as well as to advise the Manager II, Direct Care Contracts Section (DCCS), or their designee, concerning significant Provider network issues, and timeframes for corrective actions.
 16. The Contractor will be responsible for monitoring and reporting to CDCR/CCHCS at least quarterly, but more often if requested by CDCR/CCHCS, on the status of the Provider Network. Reporting shall include a comparison of Providers in the network based on the numbers requested during implementation, and any current request for additions to the network by specialty, sub-specialty, location, deletions, coverage issues, cost issues, out of network usage, as well as activities taken by the Contractor to maintain, improve, and increase the Provider Network.
 17. To ensure that the Contractor's Provider Network is adequate to serve CDCR incarcerated persons and REPS incarcerated persons, the Contractor will submit a plan to CDCR/CCHCS that sets forth how it will establish a network that includes the numbers and types of Providers to serve CDCR incarcerated persons and REPS incarcerated persons, and how they will be made available and accessible. This shall include arrangements for the availability of a full range of specialty and ancillary care Providers and how the Contractor will monitor the sufficiency of the Provider Network on an ongoing basis.
 18. The Contractor will be responsible for collaborating with the DCCS in all activities to monitor, improve, and increase the Provider Network.
 19. The Contractor must contract with hospitals, physicians, and other Providers requested by CDCR/CCHCS if the Provider meets Contractor's network standards and pricing guidelines. The Contractor must contract with existing preferred Providers that are currently and/or have previously provided services to CDCR/CCHCS.
 20. The Contractor will be responsible for negotiating and implementing single case agreements with Providers to address unique treatment needs for CDCR incarcerated persons, and REPS incarcerated persons that may not be covered in the available network upon request by CDCR/CCHCS within two (2) business days for urgent needs. Should Contractor determine they need additional time to negotiate and implement an individual single case agreement it shall be the responsibility of the Contractor to inform the CDCR/CCHCS designated network program manager in writing on the

projected timeline needed for the specific request. The Contractor will be responsible for informing the CDCR/CCHCS designated network program manager with weekly updates until single case agreements are secured. CDCR/CCHCS will work with the Contractor on a case-by-case request for extension, but CDCR/CCHCS will have final determination to approve the extension.

21. If at any time CDCR/CCHCS determines that the Contractor does not provide necessary access to participating Providers, as outlined in the scope and performance guarantees, to provide appropriate covered Services to CDCR incarcerated persons and REPS incarcerated persons, CDCR/CCHCS will require Contractor to submit a corrective action plan within five (5) business days of notification for review by CDCR/CCHCS and approval. Once CDCR/CCHCS has approved the plan it must be implemented by the Contractor within three (3) business days. CDCR/CCHCS reserves the right to request Providers be removed from the Provider Network through written notification by the Manager II, DCCS, or their designee.
22. If a Provider is removed from the network or otherwise leaves the network, Contractor will ensure that continuity of care is maintained through the departing Provider as appropriate or through another appropriate Provider. If it creates an immediate gap, Contractor will notify CDCR/CCHCS designated contract representative by email or telephone and engage Replacement Providers within two (2) business days. Provider contracts must include continuity of care provisions requiring a Provider to continue treating CDCR incarcerated persons and REPS incarcerated persons, until assigned to another Provider, or is discharged if an inpatient, or treatment is completed although the Provider's contract has been terminated.
23. The Contractor shall provide access to Centers of Excellence (Centers of Excellence are defined as those centers for which there are specific credentialing criteria for the facility and physicians), to perform highly specialized, high-cost procedures such as cancer treatment, and coronary artery bypass grafts, etc.
24. CDCR/CCHCS shall notify the Contractor in writing when there is a new CDCR/CCHCS institution/facility, or REPS facility that will need to have full medical access to the network and will work collaboratively with the Contractor to develop an implementation plan for provision of medical Services to the new CDCR/CCHCS institution/facility, or REPS facility. The Contractor will be required to submit within fourteen (14) business days to CDCR/CCHCS an implementation plan to modify/expand the current Provider Network to meet the medical service needs for the new CDCR/CCHCS institutions/facilities within sixty (60) calendar days. Should the Contractor need additional time for implementation beyond the sixty (60) calendar days, the Contractor shall submit no later than thirty (30) calendar days prior to the required implementation timeframe a written request to extend time beyond the required period, along with a plan outline of the reason(s) to extend. CDCR/CCHCS shall have final determination to approve the extension.

II. Service Delivery

1. Providers will make every effort to provide scheduling blocks to treat multiple CDCR incarcerated persons, or REPS incarcerated persons, in order to reduce the travel and custody costs. This will include waiting areas or locations that will provide CDCR incarcerated persons access to a restroom and water fountain pending the appointment.
2. Contractor, Providers, and CDCR/CCHCS shall ensure that the following minimum standards are met:
 - A. All services must be done within a professional medical setting, ie. hospital, medical office, surgery center, etc. Any other setting not normally defined as above, Contractor will obtain approval from the Manager II, DCCS.

- B. Wait time in a Provider's professional setting shall not exceed thirty (30) minutes after the scheduled appointment time before the Provider meets with the CDCR incarcerated persons, REPS incarcerated persons. Blocked appointment times for multiple CDCR incarcerated persons, REPS incarcerated persons, during the same day shall start and finish with no more than ten (10) minute wait time between each appointment.
 - C. Appointments for routine and outpatient specialty care shall not exceed a ninety (90) calendar day period upon request for appointment by CDCR/CCHCS.
 - D. Appointments for urgent care shall not exceed twenty-one (21) calendar days following the request for appointment by CDCR/CCHCS. (Note: Urgent Care is defined in Exhibit E – Definitions).
 - E. Physicians shall schedule all follow-up appointments within the medically recommended appointments timeframes they establish during the clinical encounter. The contractor shall ensure that Providers communicate the recommended follow-up interval at the time of service and that appointment requests are transmitted to CDCR/CCHCS, along with any required tests, labs, etc., promptly to allow timely scheduling. Failure to schedule requests, or provide the required information may result in delay in payment or denial, until follow-up appointment has been completed.
 - F. In the event a delay is anticipated that may interrupt the Services being delivered on the day of the scheduled appointment, Provider or Provider's staff shall immediately notify the Chief Medical Executive (CME) at the CDCR/CCHCS institution/facility, or their designee, by telephone. If CDCR incarcerated persons, REPS incarcerated persons are already at Provider's location waiting to be seen, Provider or Provider's staff shall notify the custody officers of the delay and provide an estimated time for the delay, however, this shall not be a substitute for notifying the Healthcare staff.
 - G. Provider shall notify CDCR/CCHCS at least twenty-four (24) hours in advance of interruptions in scheduled Services if unable to provide Services for reasons other than illness of Provider staff members or immediately provide alternative service replacement to avoid disruption of service.
 - H. CDCR/CCHCS may cancel, modify, and/or change a request for Services by telephone, without incurring any liability, before Services are to be provided. If CDCR/CCHCS cancels, modifies, and/or changes a request for any reason, including Emergency Security situations, such as a lockdown, less than twenty-four (24) hours before a scheduled reporting time, CDCR/CCHCS shall make every effort to provide immediate notification to the Provider.
 - I. All Providers, excluding telemedicine shall provide all clinical documentation to CDCR/CCHCS, including but not limited to prescriptions, clinical notes, laboratory test results, discharge summaries, and brief operative notes sufficient to support continuity of care within the institution/facility, and any other required reports within forty-eight (48) hours of visit. Providers who fail to provide clinical documentation by the stated timeframe may be subject to delay in payment or denial, until documentation is received.
 - J. CCHCS reserves the right to assess penalties and/or other correctional action should the Provider fail to meet any of the minimum standards above.
3. Providers shall provide medical Services at the request of the CDCR/CCHCS institution's CEO/CME, CCHCS Headquarters (HQ) Utilization Management (UM), or their designee and must obtain prior written authorization as required, excluding emergency.

4. CDCR/CCHCS reserves the right to require Providers be directed to obtain prior written authorization as required, excluding emergency from the HQ UM Regional Physician Advisor, Nurse Consultant Program Review, or their designee. In these instances, an email address available for communications will be provided to the Provider with instructions on the process. The CDCR incarcerated persons written authorization for treatment will be communicated via CDCR/CCHCS HQ UM email within twenty-four (24) hours of the request. Providers shall complete and return all forms regarding treatment of CDCR incarcerated persons. Provider shall obtain authorization from CDCR/CCHCS before performing any non-emergency treatment, including consultations by specialty physicians; diagnostic procedures not specifically stated in the CDCR/CCHCS prior authorization form; or any excluded conditions specifically listed in California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, Subchapter 4, Article 8, Section 3350.1. Hospital emergency rooms do not need to seek authorization prior to performing emergency evaluation and stabilization of the CDCR incarcerated persons but should communicate to CDCR/CCHCS HQ UM via its email address should they request approval authorization. Providers shall not refer incarcerated persons to non-network Providers without approval from CDCR/CCHCS HQ UM.
5. Providers shall ensure that all referrals for medical Services and proposed surgical procedures shall be consistent with the urgency of the medical need as determined by CDCR/CCHCS institutions/facilities or CCHCS HQ UM. Services shall be delivered at the time scheduled. In the event there is a delay, it must be reported to the institution's CEO/CME or their designee.
6. As required by law, CDCR/CCHCS retains full authority to determine the manner in which CDCR incarcerated persons are transported to the CDCR/CCHCS institutions/facilities or transferred to other Healthcare facilities, after course of treatment or therapy has been implemented or completed. Unless there is a documented and verified need for emergency Services that cannot be performed at the current Healthcare facility, Providers shall not transfer the CDCR incarcerated persons without prior written authorization from the CDCR/CCHCS institution's/facility's CEO/CME, or their designee.
7. Providers shall adhere to prescribing and/or recommending medication therapy available on the CDCR/CCHCS Formulary. The CDCR/CCHCS Formulary can be found at:
<https://cchcs.ca.gov/wp-content/uploads/sites/60/MS/CCHCS-CDCR-Formulary.pdf>.
Contractor and/or Provider shall consult with the referring CDCR/CCHCS primary care team, or the Institutional Chief Physician and Surgeon (P&S), or the institution's CME, or their designees to assure that whenever possible Contractor and/or Provider will prescribe only those medications which are on the CDCR/CCHCS Formulary unless the institution's CEO/CME, or their designee grants prior authorization for deviation. In the event that there is no acceptable CDCR Formulary medication or the incarcerated person's circumstances warrant the use of a medication not on the CDCR/CCHCS Formulary, the Provider shall document the reason CDCR/CCHCS Formulary alternatives were unacceptable and consult with the referring CDCR/CCHCS primary care team, or the institution's Chief P&S, or the institution's CME, or REPS P&S or their designees **prior** to discussing with the CDCR incarcerated persons, REPS incarcerated persons, the prescribing of the non-Formulary medications, and shall follow the CDCR/CCHCS non-Formulary approval process. If no justification for the use of a non-Formulary drug is provided, it will be assumed that a Formulary alternative is acceptable. Providers practicing on-site shall follow the CDCR/CCHCS Formulary. Providers shall not recommend experimental treatment.
8. Contractor and Providers shall ensure that all ordered Healthcare Services and proposed surgical procedures shall be scheduled consistent with the severity of the medical need. Once scheduled, Services shall be delivered at the time scheduled, unless unavoidable circumstances occur.
9. Contractor and Providers during a consultation with a CDCR incarcerated persons, or REPS incarcerated persons shall ensure that prior to recommending specialized treatment, therapy, and/or use of a durable medical product will consult first with the referring institution primary care team,

institution's Chief P&S, institution's CEO/CME, REPS P&S, or their designee. Any devices that require Bluetooth connection, Wi-Fi connectivity must be vetted through medical leadership and Information Technology (IT) at the institution prior to recommendation to the incarcerated persons.

10. Contractor and Providers agrees that all expenses associated with travel to and from an institution/facility, lodging, and all training expenses, such as Continuing Medical Education for Contractor and Provider, shall be at the expense of the Contractor and will not be reimbursed by CDCR/CCHCS.
11. Except for emergency and primary care, CDCR/CCHCS shall not render payment for Services that do not have prior authorization from CDCR/CCHCS and it is the responsibility of the Provider to obtain prior authorization before performing any non-emergency procedures. Contractor and Provider shall complete and return all forms required by CDCR/CCHCS regarding treatment of a CDCR incarcerated persons and REPS incarcerated persons. Authorization must be documented in the CDCR incarcerated persons and REPS incarcerated persons' medical record.
12. CDCR/CCHCS shall not render payment for Services provided as a result of a work-related injury. Providers shall seek payment from the State Compensation Insurance Fund.
13. CDCR/CCHCS shall not render payment for Services provided to non-CDCR patients not in CDCR custody (ie. Parolees, County Safekeeper, Out of State patients, etc.) All payment for these services shall be the responsibility of the entity with parent oversight. CDCR/CCHCS shall work with the Provider to direct claims to the appropriate entities.
14. Contractor and Providers agree that no Healthcare Service or treatment shall be provided for those conditions specifically listed in California Code of Regulations (CCR), Title 15, Division 3, Chapter 2, Subchapter 2, § 3999.200. Contractor and Provider may request individual case exceptions for excluded or limited Healthcare Service or treatment by seeking prior approval from CDCR/CCHCS HQ UM, which will screen all such requests for additional required documents and clearance.
15. Contractor and Providers agree that any excluded Healthcare Service or treatment needed for pre-existing conditions shall be provided only in the event that the condition has become aggravated in such a manner that it poses a significant threat to the CDCR incarcerated persons or REPS incarcerated persons, current health, and if not treated, would result in morbidity and/or mortality. Contractor acknowledges that the treatment must be medically necessary and approved by the institution's CEO/CME, or their designee.
16. Per Title 15, which establishes the limits of the medical care that may be provided by the Department to California incarcerated persons, prior authorization shall be issued to provide medical services for incarcerated persons which are medically necessary and supported by outcomes data as effective medical care. As defined in Title 15 CCR, Division 3, Chapter 2, Article 1, § 3999.98, "Medically Necessary" means Healthcare Services that are determined by the attending or primary medical, mental health, or dental care Provider(s) to be needed to protect life, prevent significant illness or disability, or alleviate severe pain, and are supported by health outcome data or clinical evidence as being an effective Healthcare Service for the purpose intended or in the absence of available health outcome data is judged to be necessary and is supported by diagnostic information or specialty consultation. In the event CDCR/CCHCS adopts another objective standard for UM review to screen CDCR incarcerated persons care regarding prior authorization, inpatient admissions, and other types of UM review, the UM Deputy Medical Executive (DME), CDCR/CCHCS shall notify the Contractor, field or any other parties of the new standards no less than thirty (30) calendar days before the new standard is implemented.

17. CDCR/CCHCS reserves the right to request in writing at any time that Contractor conduct an inspection and evaluation of Providers to determine if the Providers are not in compliance with the Medical Standards of Care, scheduling requirements, transfer or movement from Healthcare facilities, and medical treatments. CDCR/CCHCS shall designate in writing the reasons for the request, the timeline needed for response and corrective action based on the severity level and impact to the CDCR incarcerated persons, REPS incarcerated persons, access to care. Contractor shall provide notification upon receipt of request that the timeline is sufficient or not sufficient to complete. Contractor may offer a tentative change on the timeline. CDCR/CCHCS reserves the right to approve or disapprove the timeline change.
18. Contractor shall notify CDCR/CCHCS of the results of the inspection and evaluation no later than five (5) business days upon completion. Contractor and CDCR/CCHCS will discuss the findings and upon agreement by both parties shall determine a course of corrective action, including removing the Providers from performing Services to CDCR/CCHCS.
19. CDCR/CCHCS reserves the right to refuse use of certain Providers and Contractor shall assist CDCR/CCHCS with finding alternate Providers. CDCR/CCHCS shall not pay for any Services performed by the Providers which are deemed unacceptable in accordance with required Services contemplated in the Agreement. CDCR/CCHCS reserves the right to request immediate removal of Providers through written notification by the Manager II, DCCS, or their designee.
20. Providers providing hospital Services shall issue a written Discharge Summary and/or Transfer Summary, upon hospital discharge of a CDCR incarcerated person or back to the appropriate CDCR/CCHCS institution/facility, Skilled Nursing Facility, or REPS facility. Providers shall give the institution's CEO/CME or their designee, a full, dictated or written formal discharge summary within three (3) calendar days of the discharge of CDCR incarcerated persons, REPS incarcerated persons, in all cases. The discharge summary and/or transfer summary shall include the staff physician's recommendations for continuity of care for the CDCR incarcerated persons and REPS incarcerated persons, noting medications, treatment, and diet orders, along with instructions to the CDCR incarcerated persons. The discharge or transfer summary shall precede or accompany the CDCR incarcerated persons and REPS incarcerated persons, upon discharge and shall include the following essential information: diagnosis, known allergies, rehabilitation potential, medications, lab tests ordered, imaging studies ordered, wound care required, dietary requirements, recommendations for activity, need for follow-up appointments, and referrals for additional care, and shall be signed and dated by a physician, in all cases. CDCR/CCHCS may request for hospital Providers to use a standardized discharge summary form, to be created by CDCR/CCHCS. A sample discharge summary form is included in this agreement as Attachment F. In the event that lab or other test results are pending when discharge summaries are issued, Providers shall provide an updated report within twenty-four (24) hours of receipt of such lab or test results. Upon request, network hospitals shall grant CCHCS Clinical employees' access to hospital medical records systems, if feasible. Providers who fail to provide Discharge Summary or Transfer Summary documentation by the stated timeframe may be subject to delay in payment or denial, until documentation is received.
21. When CDCR incarcerated persons, REPS incarcerated persons, are discharged on medications not on the CDCR/CCHCS Formulary, the facility will need to provide an explanation justifying the use of the non-Formulary medication and obtain prior authorization from the institution's treating physician, CME, UM, or their designee for the CDCR incarcerated persons and REPS incarcerated persons. The discharging facility shall provide a three (3) day supply of all active parenteral (IV) and non-Formulary medications not available within the CDCR/CCHCS institutions/facilities to assure continuity of care during the transition back to CDCR/CCHCS.
22. Contractor and Providers shall not perform on or administer to any CDCR incarcerated persons and REPS incarcerated persons, any experimental or investigational treatment, therapy, procedure or

drug. Such treatment is prohibited under Penal Code Section 3502. Contractor and/or Provider agree to perform or administer only those Healthcare Services which are recognized as being in accord with generally accepted professional medical standards, or as being safe and effective for use in the treatment of an illness, injury or condition at issue.

23. Providers shall communicate all laboratory results for CDCR incarcerated persons and REPS incarcerated persons, that are indicative of reportable communicable diseases to the local public health department and/or the California Department of Public Health within the timelines required by Title 17, California Code of Regulations, Sections 2500 and 2505. Results shall also be communicated to the institution's CEO/CME or their designee, or REPS P&S or their designee within two (2) business days, or as required by disease or condition. Providers who fail to provide laboratory results by the stated timeframe will be subject to delay in payment or denial, until results are received.
24. Providers shall notify the institution's CEO/CME or their designee, or REPS facility or their designee, within twenty-four (24) hours in the event of a CDCR incarcerated persons and REPS incarcerated persons death while under their care or in the hospital. The attending Providers will discuss with the institution's CEO/CME or designee, REPS facility or their designee, and/or UM DME, the appropriateness/need for a post-mortem. Both parties shall mutually agree upon the decision for an autopsy, prior to or in conjunction with the Coroner's Office. Both parties agree that the decision for necessity of an autopsy remains with the Coroner's Office.
25. Contractor will ensure that all Providers meet the Americans with Disabilities Act requirements for documentation of all clinical encounters with CDCR incarcerated persons, REPS incarcerated persons, designated with disabilities to ensure effective communication is provided at the time of the clinical encounter(s). CDCR/CCHCS will provide at time of appointment a form/sticker that will contain areas the Provider shall complete and include in the clinical notes of the encounter to be provided to the institution/facility. CDCR/CCHCS will make every effort at the time of scheduling the appointment with the Provider to provide notice of a CDCR incarcerated persons and REPS incarcerated persons, with a disability and the need for an interpreter or special communication needs. If at time of scheduling, the Provider cannot provide required translation Services for a primary language and/or hearing impairment, the Provider shall immediately notify the scheduler so alternative arrangements can be made by CDCR/CCHCS to provide a translator at no cost to the Provider. All hospital network Providers shall be required to have primary language and/or language interpreter Services available.
26. Notwithstanding any other Act, statute, regulation or policy, Contractor will ensure that all Providers conform to all practices, procedures and policies with respect to any and all interactions with CDCR incarcerated persons and REPS incarcerated persons, who are the intended beneficiary of this Agreement in accordance with the Americans with Disabilities Act and the Armstrong Remedial Plan as ordered by the Federal District Court in *Armstrong v. Davis and Armstrong v. Schwarzenegger* (Case C 94-2307 CW) on January 3, 2001 (filed February 7, 2001), and amended September 9, 2006 and September 11, 2007, and with the intent and purpose to avoid and eliminate discrimination against CDCR incarcerated persons and REPS incarcerated persons, with disabilities as defined under the Act and guidelines for compliance in accordance with the Armstrong Remedial Plan, provide equal access to care for those defined qualifying classes of individuals, and ensure effective communication between Providers, staff, CDCR incarcerated persons and REPS incarcerated persons, at all levels of interaction from assessment and triage, emergency, inpatient, outpatient, surgical or other clinically relevant encounters given the particular accommodation needs of CDCR incarcerated persons and REPS incarcerated persons, who are receiving care under this Agreement.
27. A clinical encounter is defined as any contact with a licensed Healthcare Provider for the purpose of Healthcare delivery that requires an exchange of information.

28. At least annually, but at any time necessary as determined by CDCR/CCHCS, CDCR/CCHCS will evaluate Contractor responses and Provider performance relative to the requirements outlined in this service delivery section. If CDCR/CCHCS determines that a Provider service delivery problem exists, (late appointments, cancellations, refusals to see CDCR incarcerated persons, or timely scheduling of CDCR incarcerated persons), that negatively impacts the provision of covered Services to CDCR incarcerated persons and REPS incarcerated persons, CDCR/CCHCS DCCS will work with the Contractor on a corrective action plan, and may seek other remedial actions as needed.

III. Additional Scope of Service

1. The Contractor will be responsible for contracting with Providers to provide Services on-site at the institutions/facilities as needed by CDCR/CCHCS. The Contractor will be provided a list of on-site Services required for each institution/facility during the initial assessment for network development of medical service needs.
 - A. Contractor and Providers shall give at least twenty-four (24) hours' notice prior to bringing into an institution/facility any medical/surgical equipment that has not specifically been authorized by CDCR Custody Services.
 - B. Contractor is responsible for ensuring medical equipment brought on-site for performance of the contracted duties meet all regulatory compliance, calibrations, and any requirements for sterilization. CDCR/CCHCS reserves the right to request verification of equipment compliance prior to equipment being brought into an institution/facility, and throughout the term of the Agreement as necessary. CDCR/CCHCS is not responsible for ensuring storage or compliance of the equipment. Approval to store equipment overnight must be issued by the institution's CEO/CME or their designee, prior to the equipment being stored. On-site Providers shall not dispense durable medical equipment to CDCR incarcerated persons.
 - C. Contractor and Provider Orientation:
 - i. Contractor is responsible for ensuring that the Contractor and Providers review the CDCR/CCHCS Healthcare On-Site Contractor's Orientation handbook (Handbook) and sign the Self-Certification Form. The Handbook and Self-Certification Form may be located on the internet at the following location under Orientation Information:
<https://cchcs.ca.gov/wp-content/uploads/sites/60/DCCS/HC-OSCO-Handbook.pdf>
 - ii. The Handbook is for Contractor and Providers who will provide Healthcare Services under contract to CDCR/CCHCS on-site at institutions/facilities.
 - iii. Once the Self-Certification Form has been signed by the Contractor, Providers, and the Authorized CDCR/CCHCS designee, the form shall be sent to m_SNAP@cdcr.ca.gov. The Self-Certification Form may be copied and provided to all institutions/facilities for which the Contractor and Provider is contracted to provide Services. It shall be the responsibility of the Contractor to review the Handbook every six months at the internet location stated above. If the Handbook has been revised (reference the date on page one of the Handbook) the Contractor and Providers must review the revised version of the Handbook and sign and submit a new Self-Certification Form as directed above.
 - D. Credentialing and Privileging Requirements
 - i. The Contractor and Providers shall comply with the following privileging requirements:

- a) Contractor Providers shall comply with all CDCR/CCHCS requirements, policies, and procedures pertaining to privileging for on-site Services.
 - b) CDCR/CCHCS may require that Licensed Independent Practitioners (LIPs) working on-site at CDCR/CCHCS institutions/facilities be granted privileges by the institutions. Contractor shall work with the Credentialing and Privileging Support Unit (CPSU) to help obtain any documents required during the privileging process.
 - c) CDCR/CCHCS may require that off-site Providers who interpret radiological studies performed on-site, be granted privileges by the institutions. Contractor shall work with CPSU to help obtain any documents required during the privileging process.
 - d) For Joint Commission-accredited Hospitals and Providers, Contractor shall submit signed attestations from hospitals indicating that network contracted LIPs have been granted hospital privileges and meet CDCR/CCHCS minimum requirements.
- ii. For Services provided through Telemedicine and/or on-site at an institution, the Contractor and Providers shall comply with the following credentialing requirements:
- a) The Contractor and Providers shall comply with all CPSU requirements, policies and procedures. Services cannot start until the credentialing process is completed and approved by the CPSU.
 - b) Contractor and Providers are required to coordinate with CPSU and to submit a completed Credential Verification Packet (CVP) and associated documentation.
 - c) CPSU will notify the Contractor once credential verification has been completed to arrange for an effective date the Provider may begin to render Services at the Institution.
 - d) Refer to HCDOM 1.4.1.2 Licensed Medical Provider Credentialing and Privileging policy Appendix 3 minimum Professional Requirements for Credentialing and Privileging Approval for the appropriate Healthcare Service classification requirements. This document is available at the following location under Contractor Credentialing Requirements: <https://www.cdcr.ca.gov/hcdom/dom/chapter-1-health-care-governance-and-administration/article-4-1-professional-workforce-credentialing-and-privileging/1-4-1-2-licensed-medical-provider-credentialing-and-privileging/>.
 - e) It shall be the responsibility of the Contractor to review this document when Services are requested to ensure that any changes in credentialing requirements are met.
 - f) The Contractor shall monitor Providers who perform telemedicine Services and/or on-site Services at the institution and ensure credentialing renewal packages are submitted timely for processing to the CDCR/CCHCS CPSU prior to the three (3) year CDCR/CCHCS credentialing expiration period to ensure renewal prior to expiration.
- E. Prior to the time of scheduling on-site Services, CDCR/CCHCS shall provide the Contractor with an estimate of the period of time the institution/facility anticipates the need for the Services. This will be a good faith estimate based on the circumstances known to CDCR/CCHCS at the time of the request. It is not a guarantee of business and is subject to change or be cancelled by the institution's CEO/CME or their designee.
- F. Contractor shall give advance notice to the institution's CEO/CME, or their designee, prior to cancellation of scheduled clinics/Services, if for reasons other than illness, as follows:
- i. For scheduled clinics: seven (7) calendar days written notice.
 - ii. For all other scheduled Services: at least twenty-four (24) hours' notice.
- G. CDCR/CCHCS may cancel or change assignments by telephone, without incurring any liability, up to twenty-four (24) hours before a Provider's scheduled reporting time. CDCR/CCHCS may also cancel or change the requested assignment for any reason, including Emergency Security Situations, such as a lockdown, less than twenty-four (24) hours before a scheduled reporting time.

A cancellation fee may be negotiated and imposed when notice is less than twenty-four (24) hours. Contractor will be responsible for obtaining approval to add cancellation Services into its Provider contracts from CDCR/CCHCS DCCS and to impose a cancellation fee.

- H. The Contractor will be responsible for ensuring that Providers comply with this Agreement, including all the provisions in Exhibit D – Special Terms and Conditions & Additional Provisions when performing Services on-site at the institutions/facilities. Normal hours of clinic operation are Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. Clinics may be 2, 4, 6, or 8 hours each, typically ranging from one to two clinics per week and some after-hour or weekend clinics at institutions/facilities. There may be request for Services to be provided outside the normal hours of operation at certain institutions/facilities. Please refer to
 - I. <https://cchcs.ca.gov/wp-content/uploads/sites/60/HCDOM-ch01-art4.6.pdf#page=16> for the Credentialing Requirements for Providers performing Services on-site at the institutions or facilities.
2. Contractor may include Administrative Day reimbursement in its hospital contracts. An Administrative Day may be billed only if an incarcerated person has met InterQual criteria for discharge and cannot be transferred to another Provider or repatriated back to a CDCR/CCHCS institution. Administrative Days will be paid at a daily rate. During Administrative Day status, should the incarcerated persons require readmission to acute care status within twenty-four (24) hours following the time of discharge, the Provider shall be reimbursed under the original Diagnosis Related Group (DRG). However, should the incarcerated persons require readmission after twenty-four (24) hours following discharge, the Provider shall be reimbursed for the original DRG, Administrative Day(s), and a subsequent DRG only if the cause for readmission is assignable to a different DRG. Charges incurred during administrative days shall not be counted toward total bill charges or length of stay for purposes of calculating DRG payment rates. All decisions regarding Administrative Days, admissions, discharge, level of care, and length of stay shall be referenced to InterQual (whenever possible) and in conjunction with clear communication and direction from CCHCS HQ UM. Hospital Provider shall provide InterQual reviews demonstrating incarcerated persons no longer meet acute criteria for continued stay. Only CCHCS HQ UM (not institutional staff) have the authority to approve administrative bed day payments. Invoicing, payment and/or appeals shall be performed in accordance with the terms of the Provider's Agreement with the following additional invoicing requirements:
- A. All invoices submitted for an administrative day(s) shall be billed separately from the acute stay using revenue code 169.
 - B. All invoices submitted for an administrative day(s) shall be accompanied by Form ADJ-01.

IV. Mental Health Services

- 1. The Contractor shall have the following Services included in the network:
 - A. Mental Health Services
 - i. Providers of acute community hospitals must have the availability of Mental Health Services when the attending physician team indicates it is clinically necessary.
 - ii. Psychiatrist(s) and hospital(s) to evaluate CDCR incarcerated persons and/or perform Electro Convulsive Therapy, as needed. Services must be provided upon request.

V. Medical Imaging Services

- 1. Off-site Medical Imaging Services

- A. Contractor shall provide off-site medical imaging Services to CDCR incarcerated persons and REPS incarcerated persons within established timeframes and provide community standard medical technology equipment, staff and professional collaboration with CDCR/CCHCS medical providers. Services shall include technical and professional components as designated in each section for general diagnostic procedures such as x-rays, fluoroscopy, Ultrasound (US), mammography, Computed Tomography (CT), Magnetic Resonance Imaging (MRI), Positron Emission Tomography, (PET), and any other radiology Services not listed in this section.
- B. Medical imaging facilities shall have a consistent user interface to CDCR/CCHCS RIS/PACS which provides accepting exam requests via an interface, ability to DICOM push exam images to CDCR/CCHCS RIS PACS system, exam reports, exam images, and related documents (i.e. screening and consent forms, lab values, etc.) upon completion of exams.
- C. Medical Imaging facilities shall provide CDCR/CCHCS Medical Imaging Record Center with CDs of all medical imaging procedures performed and exam reports on CDCR incarcerated persons in the event an interface is not provided. These CDs shall be sent no later than three (3) calendar days after the date of exam. Medical imaging facilities shall also provide remote access to the medical facility's RIS/PACS to allow printing of reports and exams.
- D. Network Providers who perform imaging Services must issue a final, signed interpretive report within two (2) business days. Providers who fail to provide documentation by the stated timeframe may be subject to delay in payment or denial, until documentation is received.

2. Off-site Radiology Services

Contractor shall ensure the following:

- A. Physician interpreting off-site CDCR and REPS incarcerated persons medical imaging exams shall provide professional and technical components for general x-rays, fluoroscopy procedures, diagnostic/breast US, and diagnostic/biopsy Mammography, CT, MRI, and PET. These Services are not all inclusive and CDCR/CCHCS reserves the right to negotiate and add additional Services as needed. The radiologist(s) shall be board certified in radiology, shall be qualified to practice medicine within the State of California, and shall meet all requirements to interpret all modalities exams and related regulatory requirements. They shall maintain all required regulatory certification and Continuing Medical Education (CME) during the contract term and provide documentation of certification, CME or qualification when requested by designated CDCR/CCHCS staff.
- B. The radiologist shall have the ability to fax, electronically transmit, and/or e-mail (encrypt) an interpretive report to the requesting CDCR/CCHCS institution's radiology department and the Imaging Records Center upon approval of the radiologist within two (2) business days of receipt of exam(s), Monday through Friday. Reports shall also be available via a portal provided by the radiology group for other off-site/on-site Providers of CDCR/CCHCS to review exam results within two (2) business days of approval by the radiologist, Monday through Friday. They shall follow the State's policy and procedures for urgent and discrepancy finding notification of interpretation.

3. On-site Medical Imaging/Mobile Imaging Services

- A. Contractor shall provide on-site medical imaging Services at the CDCR/CCHCS institutions to CDCR incarcerated persons in the designated locations (e.g. CHCF) within established timeframes and in professional collaboration with CDCR/CCHCS medical Providers. Services shall include technical and professional component as designated in each section for general diagnostic procedures such as x-rays, fluoroscopy, US, Mammography, CT, MRI, PET, radiologic procedures and any other radiology Services not listed in this section.
- B. Services shall be scheduled and provided for US, CT, MRI, PET, and Bone Density when requested. These Services are not all inclusive and CDCR/CCHCS reserves the right to negotiate and add additional Services as needed. The mobile Services Contractor shall provide technical imaging Services ONLY for each of these medical imaging modalities. In the event

- of a cancellation due to mechanical failure of a unit or staffing not available the Contractor shall provide the requested medical imaging service within two (2) business days of the originally scheduled service. Penalties will accrue if service is not provided within required timeframes.
- C. Contractor shall provide mobile echocardiography Services performed by a qualified technician using equipment compatible with entry into RIS/PACS and qualified physician interpreters.
 - D. Contractor shall provide fully operational system(s), materials, associated components, supplies, staff, travel and every other item of reasonable expense necessary to treat CDCR incarcerated persons referred for such Services. There shall be current medical imaging software that supports RIS/PACS integration, modality work list (WDL) and modality exam scanning software version that meet community standards in each modality service to meet exam protocols and connectivity to CDCR/CCHCS RIS/PACS including IT support.
- 4. CDCR/CCHCS PC shall assign static IP address for all mobile modality units (CT/MRI/US) to RIS/PACS.
 - 5. Vendor shall ensure all mobile (CT/MRI) units have dedicated outside network cables that originate from the modality unit to CDCR/CCHCS mobile pad connection for RIS/PACS workflow and phone within the mobility trailer.
 - 6. Vendor shall connect to designated network jacks only.
 - 7. There shall be no network "Hubs" or "Routers" or other network devices within the mobile trailers which are not in compliance with CDCR/CCHCS IT security requirements. Ultrasound is performed within the institutions in a designated room and only a VLAN connection shall be connected to CDCR/CCHCS network.
 - A. All medical imaging staff must have appropriate licensing in each modality they perform including IV certification and fluoroscopy licenses and provide a copy to CDCR/CCHCS to meet regulatory requirements.
 - B. The on-site security and operating requirements for mobile Services, including scope of work examples, shall be provided to the Contractor for reference into its contracts with its Providers performing each of the Services to ensure adequate safety, service needs and security issues are addressed and understood within sixty (60) calendar days following the Amendment Effective Date and upon any future changes made by CDCR/CCHCS.
 - i. A manufactured patch cable with a thicker and more rugged insulation for the RJ45 mod end is required for connection to our system as well as computer, phone, etc. Minimum of two (2) 30-ft. high quality patches.
 - ii. Mobile services drivers will be responsible for setup and connection.
 - iii. Mobile Imaging Devices must be standalone devices with no connection to a hub or router.
8. Imaging Read and Interprets
 - A. Contractor shall be responsible for providing Radiologist(s) to interpret medical imaging exams performed on-site at CDCR/CCHCS institutions shall be for general diagnostic x-rays, diagnostic breast/general US, screening/diagnostic Mammography, CT, MRI and PET. These Services are not all inclusive and CDCR/CCHCS reserves the right to negotiate and add additional Services as needed. The radiologist(s) shall be board certified in radiology, qualified to practice medicine within the State of California, and meet all requirements to interpret all modalities, exams and related regulatory requirements. They shall maintain all required regulatory certification and Continuing Medical Education (CME) during the contract term and provide documentation of certification, CME and qualification when requested by designated CDCR/CCHCS staff.
 - B. Radiologist shall use the RIS/PACS/Voice Recognition Transcription Services of CDCR/CCHCS via Business to Business (B2B) connection as designated by CDCR/CCHCS IT Department to meet security and HIPAA requirements. CDCR/CCHCS shall not provide

monitors, PC's, or network foundation to connect to the RIS/PACS/Transcription; such expenses shall be the responsibility of the Contractor.

- C. The Contractor shall ensure that the interpreting radiology group shall appropriately use voice recognition software and provide transcription staff, report editors or self-corrections of medical imaging exams. Report turn-around-time (TAT) shall be within four (4) hours, from the time the exam is available for interpretations on RIS/PACS for general/routine exams and two (2) hours for STAT exams. Interpreting coverage shall be from 7:00 a.m. to 7:00 p.m., covering twelve (12) hours per day, Monday through Friday. They shall follow the State's policy and procedures for urgent and discrepancy finding notification of interpretation.
- D. CDCR/CCHCS may add coverage for radiology interpretations after-hours upon request. This request will be provided by written notice or Amendment.

9. Radiology Supervisor/Operator Services

The Contractor shall be responsible for providing a Radiology Supervisor/Operator Services to perform the following responsibilities:

- A. On-site exams for general diagnostic x-rays, diagnostic breast/general US, and screening/diagnostic Mammography, CT, MRI, and any other radiology Services not listed in this section.
- B. Exam quality, radiation safety, and technical aspects of all x-ray examinations and procedures.
- C. Annual on-site inspection of all institutions for general radiology and quarterly for mammography as established by CDCR/CCHCS requirements.
- D. Ascertaining and assuring compliance with the California Radiation Control Regulations and the Health and Safety Code as well as all Mammography Quality Standards Act (MQSA) and State of California Title 17 requirements.
- E. Telephonic, video conference or in person consultation with radiologic technologists and/or x-ray technicians who, under the supervision of the Statewide Chief of Imaging, perform x-ray procedures.
- F. Work in collaboration to annually review exam protocols, policies, standing orders and repeat digital image policies as well as Quality Assurance reports within RIS for submitted exams.
- G. Adherence to the "Guidelines for Medical X-ray Facilities Using an Off-site X-ray Supervisor."
- H. Working in collaboration with the site's CME, CEO, and Statewide Chief of Medical Imaging.

VI. Clinical Laboratory Services

- 1. Providers shall follow and meet the requirements of the Clinical Laboratory Improvement Amendments of 1988 (CLIA) as set forth in 42 CFR 493, et seq., to assure quality service and regulatory compliance.
- 2. STAT and Routine Testing:
 - A. Level 1 - STAT Analysis or testing of any sample, specimen, or tissue labeled "STAT" must begin immediately upon arrival at the laboratory. STAT test orders shall be picked up, and tests or analysis must be completed within four (4) hours of the telephone request for pick-up for non-rural areas and five (5) hours for these rural location areas (ISP, PBSP, HDSP).
 - B. Level 2 - Testing or analysis for infectious or contagious pathogen, or highly toxic agent must begin within four (4) hours of arrival of the sample at the laboratory.
 - C. Level 3 - All other non-urgent commonly ordered tests or analyses of samples, specimens, or tissues, excluding pathology, will be performed within the regular work schedule of the laboratory.

3. Test results will be reported to institutions/facilities in writing when electronic submittal is not available. In the following situations, laboratory results shall be reported as follows directly to the laboratory or the designated backup department (ER/TTA, etc.) and or as indicated on lab requisition:
 - A. Level 1 and Level 2 samples, specimens, or tissues shall be reported immediately by phone.
 - B. The test or analysis of a Level 3 sample, specimen or tissue that indicates a dangerous or life-threatening health condition shall be reported immediately by phone. Providers shall ask the institution/facility staff to read back any critical results reported by phone.
 - C. A Level 3 sample, specimen or tissue that does not indicate a dangerous or life-threatening health condition shall be reported within twenty-four (24) hours of test results.
4. Any laboratory results that require immediate notification of the CEO/CSE/CME or their designee transmitted by laboratory printer or fax machine to the Institution within four (4) hours after the laboratory results; all results shall be faxed directly to the laboratory or the designated backup department (ER/TTA, etc.) and/or as indicated on the lab requisition.
5. Upon Agreement termination or Agreement expiration, any test sample submitted for analysis up to the last day of the Agreement must be completed, with test results submitted to the institution within the Agreement required timelines.
6. By the tenth (10th) day of each month, Providers shall submit a listing of all tests completed for the institution during the previous month to the CEO/CSE/CME or their designee. This information shall be provided either in an electronic medium or paper depending on institution preference as required by institution's CEO/CSE/CME or their designee. On a monthly basis the Providers shall provide a report of routine and STAT testing turnaround times for each institution. The Providers and CDCR/CCHCS will work together to remedy identified deficiencies.
7. Services, equipment and requirements to be provided by Providers under this Agreement shall include, but are not limited to, the following:
 - A. Provider shall provide dry ice containers for frozen samples, specimens, or tissues. Provider will ensure that the samples, specimens, or tissues arrive at the testing facility in a frozen state at no additional charge.
 - B. Provider shall provide clinical pathology and laboratory Services to include all basic laboratory supplies, e.g., slides, vacutainers, miscellaneous phlebotomy supplies, needles meeting current California Occupational Safety and Health Administration (Cal-OSHA) requirements, tubes, sterile containers, centrifuges, special specimen containers, biohazard specimen bags, laboratory report and requisition forms, and labels for processing STAT and routine laboratory tests and for processing microscopic and gross tissue examinations at no additional charge.
 - C. Provider shall supply all shipping containers, packaging materials, including but not limited to, labels for handling biological/pathological materials including STAT labels, report forms, and other materials deemed necessary for transport by the Provider at no additional charge.
 - D. Provider shall provide, at no charge, all lab labels at the thirty-one (31) CDCR/CCHCS institutions/facilities.
 - E. Provider's pathologist, technical and support staff shall be available to answer questions from CEO/CSE/CME or their designee. Provider's pathologist shall provide consultation as needed to support the necessary level of service at the Provider's expense.

- F. Providers shall provide courier service for pick-up of Level 2 and Level 3 samples, specimen(s), and tissues as described herein in paragraph entitled "STAT and Routine Testing" Monday through Friday at a mutually agreed upon time by the CEO/CSE/CME or their designee and Provider. Courier service shall be available twenty-four (24) hours a day, seven (7) days per week, including holidays, for Level 1 STAT samples. Courier shall acknowledge pick-up of all samples by initialing the institutional shipping manifest. The location for all pick-up and/or delivery of all samples will be at the gate or visitor locations of the institution or at a location specified by the CEO/CSE/CME and/or their designee.
 - G. Provider shall provide clear and concise directions on specimen collection, the collection materials, and shipping and transportation materials necessary for fulfilling the pre-analytical phase of the testing analyses.
 - H. Provider shall have an accurate electronic specimen tracking system to account for each clinical specimen from one location to another, i.e. time of call for pick-up (for STAT specimens), time of courier pick-up, time received at the testing facility, time of testing result, time of result notification time, etc. for both non-rural and rural CDCR/CCHCS institutions/facilities.
 - I. Provider shall provide priority pick-up within two (2) hours for non-rural institutions, or three (3) hours for rural institutions, for the following samples:
 - i. Sputum and any other respiratory specimens for tuberculosis (TB) screening.
 - ii. Blood culture.
8. Providers who do not have laboratory facilities available within twenty-five (25) miles of the immediate area of the institution shall provide written proof of other alternative agreement/arrangement with a local laboratory or hospital facility for STAT testing. No additional reimbursement will be made for STAT testing.
9. When the Provider is unable to perform the requested test or produce the clinically relevant result, the Provider shall refer the request for testing and sample to an appropriate clinical laboratory for the completion of testing.
10. Provider shall provide dual-sleeved transport bags and locked containers as required by law for pick-up of specimens.
11. CDCR/CCHCS shall not reimburse Provider for any testing sent out by the Provider to another laboratory, if the tests can be performed by the Provider's laboratory. If the Provider must send-out testing, written notification must be provided to the CEO/CSE/CME or their designee for approval.
12. CEO/CSE/CME or their designee will designate in writing the level of criticality of the samples, specimens, or tissues before pick up by the Provider.
13. CDCR/CCHCS reserves the right, at the discretion of the institution, to separately contract with county laboratories for tuberculosis or other public health testing.
14. Individual tests and Test Panels to be performed under this Agreement are listed in the current Relative Value for Physicians (RVP). All laboratory Test Panels identified in the RVP will include the individual tests included in that Panel. Panels not identified in the RVP will be defined by individual RVP codes for each test in the Panel.
15. Providers shall report by telephone all HIV positive tests confirmed through standardized testing to the institution's CEO/CSE/CME or their designee within twenty-four (24) hours.

16. Providers shall report by telephone all communicable diseases as required by the California Department of Public Health to the institution's CME or their designee.
17. If samples, specimens, or tissues are lost, broken, contaminated, spoiled or destroyed by the Provider, Provider shall obtain replacement samples, specimens, or tissues and test them without charge. For Level 1 and Level 2 samples, specimens, or tissues, the laboratory shall immediately notify the CEO/CSE/CME or their designee by telephone and request replacement samples, specimens, or tissues. In the case of Level 3 samples, specimens, or tissues, the laboratory will notify the CEO/CSE/CME or their designee within twenty-four (24) hours.
18. The institution will endeavor to provide samples, specimens, and tissues of sufficient quality and quantity to support the requested test or laboratory analysis. The Provider shall immediately notify the CEO/CSE/CME or their designee by telephone AND laboratory printer or fax machine whenever Level 1 or Level 2 sample, specimen, or tissue is found inadequate, inappropriate, or insufficient for testing. Subsequent to initial notification, Provider will provide a written notice to the CEO/CSE/CME or their designee, within thirty (30) calendar days, describing why the sample, specimen, or tissue was inadequate. In those cases where Level 3 samples, specimens, or tissues are inadequate, inappropriate or insufficient, the Provider shall notify the CEO/CSE/CME or their designee either by telephone, laboratory printer or by fax machine within twenty-four (24) hours followed by a mailed written notice within thirty (30) calendar days.
19. Provider is responsible for any cost for courier Services incurred to pick up replacement samples, specimens, or tissues determined to be inadequate when originally collected at the institution.
20. Contracting laboratories or sub-contracting laboratories must meet the following performance criteria when evaluating sputum for M. Tuberculosis. This technique shall not be modified or changed without prior written approval from the CEO/CSE/CME or their designee.
 - A. Laboratory or sub-contracting laboratories must be able to inoculate all CDCR/CCHCS sputum specimens into BACTEC nucleic acid prCb's or High-Performance Liquid Chromatography (HPLC) liquid selective media as the primary medium, as well as solid media (e.g., agar) for confirmation purposes.
 - B. Laboratory shall begin processing sputum specimens within four (4) hours of receipt.
 - C. Sputum smears and any other respiratory specimens for TB screening shall be read and reported the same day as processing and within twenty-four (24) hours of pick-up.
 - D. Every sputum sample sent for Acid-Fast Bacilli (AFB) will always be cultured.
 - E. Drug susceptibility testing shall be completed by fully automated instrumentation such as the BACTEC or equivalent. The laboratory shall use the most rapid method available for mycobacteria complex identification (e.g., Matrix Assisted Laser Desorption/Ionization-Time of Flight).
 - F. The laboratory shall complete and report the results of positive cultures for M. Tuberculosis, other bacterium causing Tuberculosis-like illnesses and susceptibility testing on all positive specimens, within an average of four (4) to five (5) weeks from the date of receipt of the specimen. Negative specimens must be held six (6) to eight (8) weeks before being reported.
 - G. Provider shall also maintain compliance with Title 17, California Code of Regulations (CCR), Section 2505, which requires the reporting of any laboratory findings suggestive of TB, as well as drug susceptibility results to the local county health officer, within one (1) day of notification to CDCR/CCHCS and submission of the TB clinical isolate, as appropriate.

- H. All initial M. Tuberculosis isolates must be tested to determine the most effective drugs with which to treat the CDCR incarcerated persons, using radiometric or similar techniques.
- I. Provider shall immediately notify the Institution's CEO/CSE/CME or their designee, by telephone, concerning all positive TB test confirmed through standardized testing.

VII. Pathology Services

1. Pathology Services shall be performed by board certified pathologists in anatomic pathology, clinical pathology or another pathology specialty and licensed in the State of California.
2. Pathology Services shall provide reports of external quality assurance programs quarterly.
3. A "wet read" of a preliminary cancer, melanoma, and significant diagnosis should be provided to the ordering clinicians within twenty-four (24) hours TAT from specimens received time at the testing institutions.
4. Consultations regarding the medical significance of the laboratory results or data provided.
5. Mandatory second pathologist review when indicated by current standard of care (any malignancy, high grade dysplasia in Barrett's, any dysplasia in IBD, and others).
6. Retrospective review of two percent (2%) of all cases, randomly selected, or selected by organ system for systematic review.
7. Mandatory review of any outside pathology materials upon which a definitive therapy is planned within a referral institution.
8. Pathology department utilizes a specific set of preferred consultants who are recognized experts within each subspecialty.
9. All gross specimens retained until at least two (2) weeks after the final reports are signed and results reported to the referring physician.
10. Intradepartmental consultations shall be included in the incarcerated person's final report or filed separately.
11. The results of surgical consultations documented and signed by the pathologist who made the diagnosis.
12. Statistical reports on TAT of the different categories of pathology specimens:
 - A. Routine, i.e. pap smears.
 - B. Advance, i.e. Molecular pathology, Flow Cytometry, FISH, etc.
13. Electronic Lab Reporting System/Laboratory Information System
 - A. Provider shall be able to create custom lab panels to adhere to current and future CDCR/CCHCS medical initiatives. Custom panels shall be able to integrate to CDCR/CCHCS' electronic health records system and billing systems. All requests for changes to the system, including custom lab panels must include reasonable timeframes for completion. Should the Provider not complete the requests per the agreed upon timeframes, Contractor shall make best efforts to correct the delays.

- B. Provider shall provide at no additional charge, a web portal, accessible by each of the thirty (30) CDCR institutions, for direct communication access to the Provider to query status of laboratory tests for individual CDCR incarcerated persons, group results, e.g., high Hgb A1c, abnormal or critical levels as set by the institution/facility; and tests ordered by the Provider or by the institution within a designated period of time as set by the CEO/CSE/CME or designee. The web portal shall be compatible with the CDCR/CCHCS enterprise desktop and network standards, meeting CDCR/CCHCS security guidelines, and without needing to load any software. The institution/facility shall provide network connectivity to the printer and computer terminal.
- C. Provider shall, at no additional charge, be responsible for the cost of developing, implementing, and maintaining their side of the interface as well as the interface licensing fees, along with providing laboratory testing data (including results, analyses, microbiology results, pathology reports, requisition status, etc.) via a LIS to LIS interface. The interface will adhere to CDCR/CCHCS' specifications for clinical data exchange. Provider's LIS shall be able to integrate with CDCR/CCHCS' systems through industry's published and open standards and/or specifications, i.e., non-proprietary standards and specifications. Minimum requirements include:
- i. Adherence to the HL7 ELINCS Standard;
 - ii. Mapping test names to standard LOINC and CPT-4 test names or codes;
 - iii. Adhering to CLIA, HIPAA and other relevant state, federal and industry regulatory standards;
 - iv. Transferring files via TCP/IP, SFTP, VPN, web portal, SOA Services, middleware B2B interface engine, or other industry standard medium;
 - v. Participating in interface governance, configuration and testing, including documentation of interface specifications, assignments of customizable parameters, and ongoing delivery of updated reference tables with lists of valid values and their definitions;
 - vi. Participating in governance and interface code library change request processes related to new test names and codes to ensure that they are mapped to approved standard codes, including notification prior to introduction of new transactions or codes to the interface to ensure agreement to standard code mappings;
 - vii. Delivering data elements required under industry standard lab interface specifications, including but not limited to:
 - a) Institution's name;
 - b) Name of test or analysis conducted and the current procedural terminology (CPT) code utilized that corresponds to the current Relative Value for Physicians;
 - c) Name (first and last), gender, date of birth, and CDCR/CCHCS ID number of CDCR incarcerated person providing sample, specimen or tissue;
 - d) Full name of the ordering Provider;
 - e) Date and time of specimen collection;
 - f) Date and time of test or analysis;
 - g) Test status (final, preliminary, pending, etc.);
 - h) Results of test or analysis (all results shall include range of normal values when appropriate); and
 - i) Copy of test or analysis; and any comments or interpretations of test or analysis.
 - viii. Provider shall provide the necessary training and education to CDCR/CCHCS personnel and its extended agency personnel to utilize its electronic recording system or LIS.

- ix. Provider shall notify and work with CDCR/CCHCS IT on any software updates and ensure compatibility with CDCR/CCHCS existing system(s).
- D. Contractor shall provide at no additional charge an interface with CDCR/CCHCS' systems, Cerner Millennium, using LOINC for reporting results based on the EHRS (Electronic Health Records System).
- E. Contractor is required to ensure that results of STAT laboratory tests drawn at the institutions and sent to Provider performing STAT labs are included in the lab service Provider's reporting database for the institution.

VIII. Utilization Reports

- 1. Provider shall provide on a regular basis a monthly report, with statistics to include but not be limited to the following for CDCR/CCHCS institutions/facility:
 - A. Testing volume/utilization.
 - B. Average TAT for STAT specimens.
 - C. Ad-hoc reports as requested by CDCR/CCHCS e.g. Reports from the critical lab reporting system, when labs are requested, confirmed, communicated, etc.

IX. Telemedicine Services - Synchronous

- 1. The Contractor and Providers shall ensure coordination of all telemedicine Services is maintained through the Office of Telemedicine Services (Telemedicine Services). In order to ensure coordinated service delivery, the Contractor and Providers will not directly contact the institutions/facilities to initiate Services. Institutions/facilities may not begin receiving telemedicine Services from the Provider without obtaining written authorization from Telemedicine Services prior to service delivery.
- 2. Contractor agrees to abide by the procedures contained herein and any disseminated by Telemedicine Services through Telemedicine Provider training and telemedicine clinical support documentation.
- 3. Contractor shall receive a copy of the telemedicine clinical support documentation. Contractor shall ensure Telemedicine Providers receive a copy of the telemedicine clinical support documentation. Contractor shall receive program training regarding CDCR/CCHCS telemedicine equipment and procedures from Telemedicine Services.
- 4. The Provider must contact Telemedicine Services to make any change to the telemedicine service schedule. This includes cancellations and rescheduling of appointments.
- 5. Approval from the Contractor and Telemedicine Services must be obtained prior to Provider performing telemedicine Services for institutions in this agreement. The Telemedicine Services contact information will be provided at the time of award to the Contractor.
- 6. The Contractor and Providers will not distribute memos, letters or written information without review and approval by the on-site CEO, CME, Chief Nurse Executive (CNE), Telemedicine Services, and DCCS, or their designee.
- 7. The Contractor and Providers will not conduct trainings or schedule meetings with the institutions without prior approval of the on-site CME, and Telemedicine Services, or their designee.

8. Contractor and Providers will not request CDCR/CCHCS staff to perform duties or assignments not directly related to that site's Telemedicine Services program.
9. Contractor and Provider will receive incarcerated persons health information via Medweb Consult, or its successor, until the EHRS becomes available to outside Contractors. Contractor will utilize Medweb Consult, or its successor, for the transmission of post-clinic paperwork back to institutions (Medweb Consult training will be provided by Telemedicine Services). CDCR/CCHCS IT Security Awareness Training is required to log in to Medweb. Contractor shall ensure that all access to Medweb Consult, or its successor, complies with CDCR/CCHCS authentication standards, including the use of Multi-Factor Authentication (MFA) for all users accessing incarcerated persons health information. Contractor shall maintain compliance with any update to the CDCR/CCHCS security protocols as disseminated by Telemedicine Services.
10. Contractor and Providers agree to submit required dictated consultation reports to the institution within three (3) business days. The dictated consultation reports shall be submitted electronically in PDF (preferred), JPEG, or TIFF format. Contractor and/or Telemedicine Provider shall utilize Medweb Consult, or its successor to submit the dictated consultation report. Submitted dictated consultation reports must be final reports reviewed and approved by the licensed Provider. Providers who fail to provide documentation by the stated timeframe may be subject to delay in payment or denial, until documentation is received. Submitted dictated consultation reports must include the following:
 - A. The Provider's medical specialty.
 - B. Full CDCR incarcerated persons identification including CDCR Number and birth date.
 - C. Dictated consultation reports must be signed and dated by the Provider, either by hand or electronically.
 - D. Provided Services are considered incomplete until this report is submitted.
11. Electronically signed reports must comply with California Government Code §16.5 and 2 CCR §22000-5.
12. Provider's equipment and connectivity to perform telemedicine must meet the CDCR/CCHCS established and approved methods and specifications.
13. All telemedicine visits/clinics will adhere to CDCR incarcerated persons confidentiality and privacy policies and HIPAA, Health Information Technology for Economic and Clinical Health (HITECH) Act, & California Confidentiality of Medical Information Act (CMIA) requirements.
14. Network Providers will be notified of CDCR incarcerated persons and REPS incarcerated persons' primary language and/or hearing impairment when an appointment is scheduled off-site in the community. Network Providers must let CCHCS know forty-eight (48) hours prior to appointment if required translation Services cannot be provided at the time of the appointment. If a translator is not available, CCHCS shall provide a translator at no cost to the Network Provider.
15. Provider will maintain on-site (their office/clinic) medical record information on each CDCR incarcerated persons seen via telemedicine. This information will be stored in compliance with CDCR/CCHCS, HIPAA, HITECH, and requirements.
16. Provider will give as much notice as possible but no less than three (3) business days, in the event of a foreseeable clinic cancellation and must provide make-up clinic dates.

17. Provider shall provide connectivity for telemedicine sessions utilizing Session Initiation Protocol (SIP) protocols over an Internet Protocol Network (IP).
18. Provider shall meet or exceed the IT security standards established by CDCR/CCHCS based upon the International Standards Organization 27002 standard and the National Institute of Standards and Technology 800 series. Where warranted, Statement on Auditing Standards 70 audits may be required.
19. Provider shall obtain approval from Telemedicine Services prior to conducting connectivity testing or prior to the initial connection from an institution via Telemedicine. Contractors shall not initiate connectivity to the institutions.
20. Provider shall provide sufficient network bandwidth to support the minimum transmission of a 720P video signal. Currently, this is equal to 3Mbps of synchronous traffic. Additionally, the Contractor is responsible for ensuring that the quality of their connection meets the expectations and perceptions to successfully complete a medical encounter. Minimum Audio/Video requirements consist of the following:
 - A. Static SIP video address (URI).
 - B. 3Mbps available bandwidth (synchronous video communication).
 - C. < 150 ms of one-way latency from mouth to ear (per the ITU G, 114 standard).
 - D. <30 ms jitter.
 - E. <1 percent packet loss.
21. Provider is responsible to provide all necessary video communication equipment. The equipment must meet HIPAA guidelines, support AES 256 (Advanced Encryption Standard 256 bit) and at least one of the following Audio/Video Codes:
 - A. Audio: G.711, G.722, G.722.1, G.729, OPUS
 - B. Video: H.264, AV1
22. Provider shall provide a computing device capable of connecting to cloud-based telemedicine solutions during encounters. Currently, Telemedicine Services utilizes EKO Health software to receive and interpret cardiac and respiratory tones.
23. Provider will maintain connectivity requirements as deemed necessary by CDCR/CCHCS in order to access incarcerated persons health information.
24. Provider shall be responsible for the purchasing and maintaining of all their telemedicine equipment/data communications outside of CDCR/CCHCS. All telemedicine clinical Services shall be provided in a professional office, NOT a public or residential setting (i.e. home), by the Telemedicine Provider.
25. Contractor and Providers shall be responsible to inform Telemedicine Scheduling immediately upon becoming aware of connectivity failures and restore Services within twenty-four (24) hours of failure.
26. CDCR/CCHCS shall provide access to CDCR/CCHCS' Formulary. The Contractor shall ensure Telemedicine Providers refer to and utilize CDCR/CCHCS' Formulary or document the reason for recommending non-Formulary medication.

27. Contractor and Providers are required to bill claims using current CPT, HCPCS, Revenue and/or modifier codes approved for telemedicine billing under Medicare.
28. Contractor's vendors supplying telemedicine Services must bill in accordance to Medicare requirements and/or guidelines. The Medicare Claims Processing Manual, Chapter 12, section 190.5 states, "The term "distant site" means the site where the physician or practitioner, providing the professional service, is located at the time the service is provided via a telecommunications system".
29. Providers who provide telemedicine Services inside one institution/facility for another institution/facility shall bill the same Evaluation and Management Codes currently being utilized. Providers shall utilize the appropriate Place of Service Codes for correctional setting as outlined by the Center's for Medicare Services. As the "hub" is a correctional facility, there would be no facility access claim.
30. Providers shall provide a routine, recurring schedule of regular clinic times or a ninety (90) day rolling schedule of availability, and they shall ensure that all scheduled Services are delivered at the time scheduled, unless unavoidable circumstances occur.
 - A. Providers must receive official program training before initial telemedicine Services and attend in-service training when requested by Telemedicine Services.
 - B. In the event a Provider takes a vacation or extended leave of absence that will result in more than one missed clinic, network Provider shall provide equivalent make up clinic time or Contractor shall attempt to obtain an alternative clinic time.
 - C. Providers must cover any follow-up visits that result from these appointments.
30. Telemedicine Services - Asynchronous
 - A. Contractor shall provide access to eConsult Services.
 - i. eConsult Services shall include a full-array of specialty care Providers.
 - ii. The eConsult system shall interface with CDCR/CCHCS' EHRS.
 - B. Contractor shall provide access to Store and Forward Services.
31. Telemedicine Services – Telephonic
 - A. Contractor shall provide access to telephone appointments when requested by Manager II, DCCS.
 - B. Providers shall follow all CDCR/CCHCS rules, protocols and guidelines regarding telephone appointments.
 - C. Any telephone appointments provided without prior authorization or without the knowledge of DCCS may be subject to delay or denial in payment.
32. Telemedicine Services – REPS
 - A. Contractor shall provide synchronous and telephonic services. Contractor shall ensure Providers meet the requirements as described in the REPS Guidelines.

X. Hospital Services

Facility Services, Equipment, Personnel or other resources necessary to provide the service accordingly to generally accepted standards of hospital practice for inpatient, outpatient and Emergency Care Services.

1. Medical, Nursing, Surgical, Pharmaceutical and Dietary Services; basic medical supplies and basic diagnostic Services, such as laboratory, radiological and x-ray;
2. Surgical procedures requiring overnight observation and treatments;

3. Surgical procedures not requiring overnight observations and treatments;
4. Full twenty-four (24) hour access to emergency Services;
5. Full twenty-four (24) hour access to Bed and Board;
6. Tertiary/Transplant Services;
7. Intensive Care and Related Services;
8. Telemetry Services
9. Subacute Services, and Acute Rehabilitation Services (in a hospital setting or standalone facility)
10. Follow up appointments with Specialty Care Service Providers;
11. Diagnostic and Imaging Services for CT, MRI, US, Mammography, Neurological specialty in CT and MRI when requested and approved by CDCR/CCHCS;
12. Mental Health Treatment (Emergency Care Services – which means medically necessary crisis intervention for inmates suffering from situational crisis or acute episodes of mental illness, in accordance with CCR, Title 15.); and
13. Mental Health Treatment for Non-Emergency Care Services when treating team determines Services are needed outside of CCR, Title 15.
14. Off-site Sleep Apnea Diagnostic Evaluation and Testing Services to be accessible only when an institution/facility does not have the ability or equipment to provide these Services on-site.
15. Hospital inpatient Services shall have the ability to meet the non-medical dietary requirements of CDCR incarcerated persons, REPS incarcerated persons, (E.g. vegetarian, kosher, etc.) If a Provider is not able to meet the non-medical dietary requirements, Provider shall immediately notify the institution's CEO/CME, REPS facility, or their designee.
16. Hospital facilities shall have language Interpreter Services available to all CDCR incarcerated persons, REPS incarcerated persons, for inpatient, outpatient, and emergency care Services at no charge to CDCR/CCHCS.

XI. Long Term Acute Care Services

1. Prolonged mechanical ventilation and ventilation weaning
2. Complex wound care
3. Complex medical conditions requiring daily physician oversight
4. Intensive respiratory therapy and pulmonary management
5. IV therapies
6. Total parenteral nutrition

XII. Specialists/Physician Services

1. Emergency inpatient/outpatient medical service treatment and consultation at hospitals.
2. Follow up appointments.
3. Surgery Center inpatient medical treatment.
4. Office Medical Services and consultations.
5. Telemedicine Services - Synchronous and Asynchronous.
6. Institution/facility on-site specialty physician medical services and clinical services at institutions/facilities.
7. Institution/facility on-site mobile endoscopy services.
8. Transplants.
9. Specialty medical treatments and consultations.
10. Ophthalmology exams including medically necessary specialty lenses (e.g. Keratoconus).
11. Gender affirming health care services
12. Bariatric services.

XIII. Ambulatory Surgery Centers and Specialty Service Centers

1. Facility services, equipment, personnel or other resources necessary to provide the service accordingly to generally accepted standards of inpatient surgery services.
2. Facility services, equipment, personnel or other resources necessary to provide the service accordingly to generally accepted standards of Sleep Apnea diagnostic evaluation and testing Services. Services to be accessible only when an institution/facility, REPS facility does not have the ability or equipment to provide these Services on-site.

XIV. Medical Transportation Services – Emergency/Non-Emergency

1. Emergency and Non-Emergency Air and Ground Ambulance Transports
2. Basic Life Support
3. Advanced Life Support
4. Other medically necessary transportation (eg. Wheelchair, gurney, etc.)

XV. Dental Specialty Services

1. Oral Surgeon Services
2. Maxillofacial
3. Periodontal
4. Endodontics

XVI. Congregate Living Health Facilities

1. Twenty-four-hour nursing coverage (e.g., Skilled nursing care.)
2. Ventilator management and respiratory therapy
3. Tracheostomy care and airway management
4. Enteral and parenteral nutrition
5. Minor and complex wound care
6. IV therapy
7. Rehabilitation (Physical, Speech, Occupational) and restorative services
8. Administration of medications including IM and IV
9. All medications, pharmaceutical supplies, vaccinations, medical/in-house/surgical supplies
10. Respiratory and oxygen services and fees
11. Meals
12. Semi-private room
13. Routine clinical and pathological laboratory services, fees, and supplies
14. Catheter care/maintenance (foley, indwelling, in/out)
15. Colostomy/ileostomy care and supplies

XVII. Skilled Nursing Facility Services

1. Full twenty-four (24) hour access to Bed and Board
2. Semi-private room
3. Meals
4. Twenty-four (24) hour nursing care
5. Nutrition Services, including feeding pumps
6. Routine clinical and pathological laboratory Services, fees and supplies
7. X-ray Services, fees and supplies
8. Bowel and bladder training
9. Insulin and diabetic care
10. Catheter care/maintenance (foley, indwelling, in/out)
11. Colostomy/ileostomy care and supplies
12. Nasogastric and/or gastrostomy tube feedings

13. Superficial wound care
14. Dental Services
15. Rehabilitation Services (RNA)
16. Speech, occupational, and/or physical therapy
17. Respiratory therapy by Nursing or Certified Respiratory Therapist as indicated
18. Discharge planning
19. Administration of I.V. Therapy
20. Administration of medications, including intramuscular and I.V. Services
21. All medications, pharmaceutical supplies, medical/in-house/surgical supplies
22. Respiratory and oxygen Services and fees
23. Standard Durable Medical Equipment (DME): Wheelchair, trapeze, walker, commode, I.V. pump, feeding sump pump, traction sets, altering pressure packs and pump unit, blood glucose monitors, humidifiers/nebulizers, Patient lifts – for use while inpatient.
24. Subacute care unit, as available

XVIII. Medicated Assisted Treatment (MAT) Services

1. Contractor's MAT Providers shall ensure access to MAT for CDCR and REPS incarcerated persons and within four (4) calendar days of initial contact and daily thereafter.
2. MAT Services shall include courtesy/guest dosing for up to thirty (30) calendar days for incarcerated persons coming from county MAT programs.
3. Providers shall be licensed as Narcotic Treatment Programs per State and Federal laws and regulations.
4. Providers shall issue weekly reports to include all records of medication and treatment to the referring CDCR/CCHCS institution/facility.
5. Incarcerated persons who require MAT Services beyond the thirty (30) calendar day courtesy dosing shall be enrolled in Providers' narcotics treatment programs as necessary.
6. All claims shall be billed in accordance with current Medi-Cal guidelines on form CMS 1500.
7. Contractor shall provide access to MAT Providers within thirty-five (35) miles of any identified required CDCR/CCHCS institutions/facilities.
8. Contractor's MAT Providers shall provide on-site MAT delivery and administration to designated institutions as needed.

XIX. Reentry Programs (REPS)

1. Contractor shall provide health care Services in the community for incarcerated persons from the Male Community Reentry Program and the Female Community Reentry Program, collectively known as REPS. Services shall include:
 - A. Physician Services, Internal Medicine, and Family Medicine.
 - B. Optometry Services, including eyeglasses and medically necessary contact lenses.
 - C. Dental Services, including routine dental care.
 - D. Offsite Laboratory Services
 - E. Contractor's Providers shall adhere to REPS Clinical Care Guidelines when treating incarcerated persons from the REPS programs. These Clinical Care Guidelines shall only apply to REPS incarcerated persons.
 - F. Specialty care services as needed and where available within the community.
2. Clinical Care Guidelines for REPS incarcerated persons
 - A. CDCR/CCHCS shall provide Contractor a copy of the Clinical Care Guidelines for REPS incarcerated persons prior to the execution of the Amendment. If the Clinical Care Guidelines are updated, CDCR/CCHCS shall provide the new version to Contractor within one (1) week of the new version being released.

- B. In the event that the Clinical Care Guidelines for REPS incarcerated persons conflict with other provisions in this Agreement, the Clinical Care Guidelines for REPS incarcerated persons shall take precedence.

XX. Quality Reports

Provider shall provide at least quarterly quality reports, which include but not limited to, any CDCR incarcerated persons, REPS incarcerated persons cases where the incarcerated persons experienced an event that would trigger reporting as "Inpatient Quality Indicator" or "Patient Safety Indicator".

XXI. Claims Data Sharing

1. Contractor shall require Providers to utilize industry standard claim forms (ie. UB04, CMS1500, ADA, etc.) for claims payment.
2. Providers shall bill in accordance with current Centers for Medicare and Medicaid Services (CMS) guidelines, requirements, and correct coding initiatives. CCHCS reserves the right to override any Medicare edit based upon need.
3. Contractor is required to use the CDCR/CCHCS identified Third Party Administrator (TPA) for all healthcare claims processing.
4. Contractor will share all Provider contract information including but not limited to; contract number, term dates, contract rates, tax id, NPI, address etc. with TPA in order to process and pay claims.
5. Contractor will provide this data in a format determined by CDCR/CCHCS to both the TPA daily.

ARTICLE I
BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoices and Payment

- a. For services satisfactorily rendered, and upon receipt and approval of Contractor's invoices, California Department of Corrections and Rehabilitation/California Correctional Health Care Services (CDCR/CCHCS) agrees to compensate Contractor for completed services in accordance with the rates specified in Exhibit B-1 – Rate Sheet, which is included as part of this Agreement.
- b. Services shall be completed as set forth in Exhibit A – Scope of Work, and in accordance with prior authorization provisions, and all other terms and conditions of this Agreement.
- c. Invoices shall be reimbursed in accordance with Exhibit B-1 – Rate Sheet and with the following terms: no CDCR/CCHCS employee may independently negotiate or implement a rate increase on behalf of CDCR/CCHCS. Rate increases must be formalized by Direct Care Contracts Section (DCCS) through a formal amendment. Any invoice that is sent to CDCR/CCHCS with reimbursement rates above the specified rates by CDCR/CCHCS in writing within the contract shall be invalid. Payment of an erroneous invoice does not constitute acceptance of the erroneous pricing and CDCR/CCHCS may seek reimbursement of the overpayment or may withhold such overpayment from future invoices.
- d. CDCR/CCHCS will not accept requests for early payment, down payment or partial payment.

2. Budget Contingency Clause

- a. It is mutually agreed that if the California State Budget Act for the current fiscal year and/or any subsequent fiscal years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the state shall have no liability to pay any funds whatsoever to Contractor, or to furnish any other considerations under this Agreement, and Contractor shall not be obligated to perform any provisions of this Agreement.
- b. If funding for the purposes of this program is reduced or deleted for any fiscal year by the California State Budget Act, the state shall have the option to either cancel this Agreement with no liability occurring to the state, or offer an Agreement amendment to Contractor to reflect the reduced amount.

3. Prompt Payment Clause

Payment will be made in accordance with, and within the time specified in, California Government Code (GC) Section 927 et seq. Payment to a small business or microbusiness shall be made in accordance with, and within the time specified in, GC Section 927 et seq.

4. Subcontractors

For all Agreements, with the exception of Interagency Agreements and other governmental entities/auxiliaries that are exempt from bidding, nothing contained in this Agreement, or otherwise, shall create any contractual relationship between the state and any subcontractors, and no subcontract shall relieve Contractor of Contractor's responsibilities and obligations hereunder. Contractor agrees to be as fully responsible to the state for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them, as it is for the acts and omissions of persons directly employed by Contractor. Contractor's obligation to pay its subcontractors is an independent obligation from the state's

obligation to make payments to Contractor. As a result, the state shall have no obligation to pay or to enforce the payment of any monies to any subcontractor.

ARTICLE II
SPECIAL BUDGET DETAIL AND PAYMENT PROVISIONS

1. Submission of Invoices

- a. In order to ensure prompt and accurate payment, all invoices shall be submitted according to the applicable directions listed below. It is the responsibility of Contractor to ensure that invoices are sent to the correct address as set forth below. Invoices sent to the incorrect address will be deemed not submitted, will not be processed for payment, and will not be subject to late payment penalties per GC Sections 927.2, subdivision (j) and 927.4.
- b. All invoices must be completed thoroughly, with all applicable fields completed. Invoices that are submitted to the appropriate location, but have been altered, are inaccurate, or do not provide all necessary information, will not be accepted and will be denied and returned to Contractor for correction.
- c. Any changes to this provision relating to the invoice submittal process, including but not limited to an address, form, or process change, shall be an administrative change managed through the appropriate designated CDCR/CCHCS office and shall not require an Agreement amendment.
- d. Invoices submitted shall include the information listed in section g(1) and must be legible in order to be considered complete and acceptable for processing or the invoice will be returned and disputed back to Contractor. Disputed/returned invoices shall not be subject to late payment penalties, as set forth in GC Section 927.4
- e. Pursuant to the California Prompt Payment Act, GC Section 927 et seq., undisputed invoices shall be paid within 45 days of the date of receipt.
- f. CDCR/CCHCS shall render payment in accordance with and within the time specified in GC Section 927 et seq. CDCR/CCHCS reserves the right to deny Contractor's invoices if Contractor fails to submit it in the appropriate format or within the appropriate time frame specified in this section. CDCR/CCHCS will provide an explanation along with the claim denial and the basis for invoice rejection. Contractor will have the right to appeal or otherwise resubmit the invoice with the reasonably required documentation.
- g. Invoice submitted for payment shall include all applicable information listed below:
 1. Agreement Number
 2. Provider Network TIN Number
 3. Provider Network Invoice Number
 4. Invoice Date
 5. Provider Network Mailing Address
 6. Purchase Order Number
 7. Dates of Service
 8. Claim Description
 9. Claim Counts
 10. Rate(s)

11. Invoice Total

h. Backing file data submitted for payment shall include all applicable information listed below:

1. Full Claim Number
2. Claim Prefix
3. Claim Number
4. Facility/Institution
5. Corrected Facility/Institution
6. Contract Number
7. Billed Amount
8. Paid Amount
9. Classification of Claim
10. Provider Invoice Number
11. Finalized Date
12. Prior Claim Number
13. Prior Facility/Institution
14. Prior Corrected Facility/Institution
15. Prior Contract Number
16. Date Received
17. Entry Date
18. CDCR Number
19. Incarcerated Person Last Name/First Name
20. Contracted Vendor Name
21. TPA Provider Number
22. Provider Name
23. Begin Service Date
24. End Service Date
25. SCO Pay Date
26. SCO Warrant Number

2. Rejection of Contractor's Invoice

CDCR/CCHCS reserves the right to reject a Contractor's invoice if Contractor fails to submit the invoice in the appropriate format or within the appropriate time frame specified within this Agreement. Disputed invoices/claims will be returned to Contractor without payment and will include an explanation of the invoice/claim dispute. Contractor will have the right to appeal or otherwise resubmit the invoice with the pertinent documentation to the address below. Disputed/returned invoices shall not be subject to late payment penalties, as set forth in GC Section 927.4.

RATE SHEET

Attachment 16 will be include in the final agreement as Exhibit B-1 – Rate Sheet.

PERFORMANCE GUARANTEES

Attachment 17 will be include in the final agreement as Exhibit B-2 – Performance Guarantees.

SPECIAL TERMS AND CONDITIONS & ADDITIONAL PROVISIONS

1. General Nature of Agreement/Limitation as to Contractor's Providers/Contractor's Responsibility for Its Providers and All Claims by or on Behalf of Contractor's Providers

This Agreement is between only those expressly identified and signing as parties hereto, i.e., Contractor and California Department of Corrections and Rehabilitation/California Correctional Health Care Services (CDCR/CCHCS). No person or entity not expressly named and signing as a party to this Agreement is intended to be a party and shall not be accepted or treated as a party. No employee of Contractor, or provider proposed or provided by Contractor under this Agreement, whether said providers are approved or not, accepted and used by CDCR/CCHCS, is thereby made a party to this Agreement or acquires any contractual rights of any type regarding CDCR/CCHCS.

Contractor is an independent contractor who is solely and fully responsible for the manner in which it and its providers perform/provide services under this Agreement. Any terms in this Agreement or arising related to this Agreement and indicating or referring to work direction from CDCR/CCHCS, are intended and shall be construed as providing for direction only as to policy and work results, and not as to the method or means by which work results are obtained. CDCR/CCHCS does not retain the right to control the method or means by which Contractor or its providers perform work under this Agreement. Nothing in this Agreement is intended or shall be construed as creating an employment or agency relationship between CDCR/CCHCS and Contractor, or between CDCR/CCHCS and any providers associated with Contractor.

Contractor and any of its providers, as proposed or provided to CDCR/CCHCS by Contractor for purposes of this Agreement, and whether or not any of the same are allowed to provide services to CDCR/CCHCS, shall not thereby be considered civil service employees, or CDCR/CCHCS/State of California employees, of any type or for any purpose, including with respect to any wage schedule or benefit plan available to civil service employees generally or to employees of CDCR/CCHCS or the State.

This Agreement does not control or limit the nature of the relationship between Contractor and any providers associated with it. CDCR/CCHCS defers to Contractor as to the nature, details, and type of relationship between Contractor and any providers associated with it, including any health care service provider, whether or not proposed by Contractor and approved/accepted by CDCR/CCHCS pursuant to this Agreement. This Agreement does not control or limit whether a relationship between Contractor and any of its providers is intended to be or should be, as an employee, subcontractor, independent contractor, agent, partner, health care service provider, or any other possibility. Whatever that relationship may be, it is not one by which the providers can either acquire any rights of Contractor in relation to CDCR/CCHCS or otherwise acquire any rights on their own in relation to CDCR/CCHCS.

Whatever the relationship between Contractor and its providers, Contractor agrees that any subcontract used by it to provide services to CDCR/CCHCS will include provision(s) requiring compliance with the applicable terms and conditions specified in this Agreement. Any related actions or claims initiated or filed by, or on behalf of, Contractor or its providers, such as but not limited to any action or claim for or related to unemployment benefits, tax withholdings, lost wages or revenues, workers' compensation, injuries, or illness, are entirely the responsibility of Contractor. To any extent that such an action or claim, by or on behalf of, or otherwise with respect to any providers associated with Contractor, results in any monetary assessment, either as awarded or per agreement, and however characterized, including but not limited to wages, compensation, or financial damages of any type; any withholding amount, or fine or other administrative assessment, settlement of any type, or attorney's fees; whether or not involving any local, state, or federal law or local, state, or federal government entity, Contractor agrees to pay all such costs that are assessed, awarded, agreed or incurred in any manner, including that Contractor will have primary responsibility for paying such costs, and also agrees to promptly reimburse CDCR/CCHCS or the State for any such costs paid by any of those entities.

Whatever the relationship between Contractor and its providers, any compensation or other amounts possibly due from Contractor to its providers, arising from or related to services rendered to CDCR/CCHCS pursuant to this Agreement, and any duty to withhold appropriate taxes, shall be the sole responsibility of Contractor. Contractor's obligation to pay its providers under this Agreement is independent from any amount due to Contractor under this Agreement. Accordingly, CDCR/CCHCS and/or the State have no obligation to make any payments directly to Contractor's providers that Contractor may have provided and has no obligation to ensure that Contractor makes any payments due from Contractor.

Any dispute, claim, grievance, or any purported cause of action of any type (collectively: any dispute), initiated formally or informally, by or on behalf of, or in any way regarding any one or more of Contractor's former, current, or would-be providers, whether solely against Contractor or also against or involving CDCR/CCHCS or the State in any way, and related to this Agreement in any way, shall be the sole responsibility of Contractor to handle and resolve, without involving CDCR/CCHCS or the State. This includes but is not limited to any dispute about wages, work schedules, work conditions, travel or training, workers' compensation, unemployment insurance, or any expense, or attorney's fees, injuries or benefits of any kind. No employee or provider of Contractor proposed or provided by Contractor shall have any rights or remedies against CDCR/CCHCS or the State related to or arising from this Agreement. No such employee or provider associated with Contractor is eligible to use the dispute resolution process provided in this Agreement, for any dispute against anyone, as that process is limited to claims/disputes by Contractor against CDCR/CCHCS.

Any effort to state, file, or press any action or claim against CDCR/CCHCS or the State, by or on behalf of such providers associated with Contractor, shall be the sole responsibility of Contractor. Consistent with the overall indemnification clause, Contractor agrees to indemnify, defend, and hold harmless the State, CDCR/CCHCS, and CDCR/CCHCS' officers, employees and agents, against any and all losses, liabilities, settlements, claims, demands, damages, or deficiencies (including interest) and expenses of any kind (including but not limited to attorneys' fees) arising from or related to this Agreement, initiated by or on behalf of anyone, including Contractor and its providers, and any person or entity associated with Contractor acting pursuant to this Agreement. Regarding defense of any such action or claim, CDCR/CCHCS shall have the option of choosing its defense counsel, with all costs incurred during such defense to be paid by Contractor, including any negotiated or court ordered award/fine/settlement. CDCR/CCHCS will promptly notify Contractor of any action or claim by or on behalf of any of Contractor's providers.

Contractor shall defend and indemnify CDCR, the State of California, and their officers, agents, and employees from and against any and all claims, demands, damages, liabilities, losses, costs, and expenses (including, without limitation, attorney's fees and litigation costs) arising out of or related to any claim brought by Subcontractor and/or provider against CDCR.

This obligation includes, but is not limited to, any claim by Subcontractor and/or provider alleging entitlement to compensation, benefits, damages, or any other relief in connection with work performed under this Agreement. Contractor shall be solely responsible for ensuring that its Subcontractors and/or providers waive any right to bring claims directly against CDCR.

In the event a Subcontractor and/or provider initiates any claim or legal action against CDCR, the Contractor shall, at its sole cost and expense, assume the defense of CDCR and shall pay all settlements, judgments, or awards resulting therefrom. The Contractor's obligations under this section shall survive the termination or expiration of this Agreement.

2. Dispute Resolution Process (Supersedes provision number 6, Disputes, of Exhibit C)

As a condition precedent to Contractor's right to institute and pursue litigation or other legally available dispute resolution processes, if any, Contractor agrees that all disputes and/or claims of Contractor arising under or related to the Agreement shall be resolved pursuant to the following process. This process is only

available for disputes and/or claims by Contractor against CDCR/CCHCS and is not available for any disputes or claims by or on behalf of its providers.

Contractor's failure to comply with said dispute resolution procedures shall constitute a failure to exhaust administrative remedies.

Pending the final resolution of any such contract disputes, including network start-up cost(s)/service fee(s), or claim issues, Contractor agrees to proceed with the performance of the Agreement, including the delivering of goods or providing of services. Contractor's failure to diligently proceed shall constitute a material breach of the Agreement.

The Agreement shall be interpreted, administered, and enforced according to the laws of the state of California. The parties agree that any suit brought hereunder shall have venue in Sacramento, California. The parties are hereby waiving any claim or defense that such venue is not convenient or proper.

a. Contract Disputes

(1) Verbal Inquiry

Contractor and the CCHCS Direct Care Contracts Section (DCCS) shall first attempt in good faith to resolve the dispute or claim by informal discussion(s). The parties agree that the DCCS Contract Manager shall be used as a resource in resolving potential contract disputes. Contractor shall contact the DCCS Help Desk at: (916) 691-0698 with any questions or clarifications regarding contracts or dispute process. The outcome of the Verbal Inquiry shall be documented in writing (i.e., via email, fax, or letter) by the program, institution contract liaison or designee, or DCCS and sent to all affected parties.

(2) Informal Appeal

If the dispute or claim is not resolved to Contractor's satisfaction at the Verbal Inquiry level, Contractor may file a written Informal Appeal to the DCCS Chief within 30 calendar days following the date of the determination from the Verbal Inquiry. The written Informal Appeal shall specify: the issue(s) of dispute, legal authority or other basis for Contractor's position, supporting evidence including documentation of prior informal discussions between Contractor and CCHCS regarding the issue, and remedy sought, with the DCCS Chief at the following address:

California Correctional Health Care Services
Direct Care Contracts Section
Attn: Informal Appeal, DCCS Chief
PO Box 588500, Building D
Elk Grove, CA 95758

The DCCS Chief or designee shall issue a written decision in response to Contractor's Informal Appeal within 15 calendar days of receipt of the Informal Appeal. The written decision shall either:

- (a) Document the dispute settlement and what, if any, conditions were reached; or
- (b) Document the reason(s) the dispute could not be resolved informally and provide notification to Contractor of its option to file a Formal Appeal within 30 calendar days of the date of the written decision.

(3) Formal Appeal – Administrative Resolution

If the dispute or claim is still not resolved to Contractor's satisfaction at the Informal Appeal level, Contractor may file a written Formal Appeal, within 30 calendar days following the date of the determination from the Informal Appeal, with the CCHCS Health Care Contracts and Claims Management Branch (HCCCMB) Assistant Deputy Director at the following address:

California Correctional Health Care Services
HCCCMB
Attn: Formal Appeal, Assistant Deputy Director
PO Box 588500, Building D
Elk Grove, CA 95758

The Formal Appeal for Administrative Resolution shall include a written certification signed by a knowledgeable company official under the penalty of perjury according to the laws of the state of California pursuant to California Code of Civil Procedure (CCP) Section 2015.5 that the dispute, claim, or demand is made in good faith, and that the supporting data is accurate and complete. If an Agreement adjustment is requested, the written certification shall further state under penalty of perjury that the relief requested accurately reflects the Agreement adjustment for which CCHCS is responsible.

The CCHCS HCCCMB Assistant Deputy Director or designee shall make a determination on the issue and respond in writing within 30 calendar days of receipt of the Formal Appeal, indicating the written decision. Contractor shall be notified if an extension of time is necessary.

(4) Further Resolution

If the dispute is not resolved by the Formal Appeal process to Contractor's satisfaction, or Contractor has not received a written decision from CCHCS within 30 calendar days, or other mutually agreed upon extension, Contractor may thereafter pursue its right to institute other dispute resolution process(es), if any, available under the laws of the State.

b. Billing Disputes

As a condition precedent to the right to pursue litigation or other legally available dispute resolution process with CCHCS, if any, Contractor agrees that all disputes and/or claims arising under or related to between CCHCS and Contractor shall be resolved pursuant to the following processes. Any failure to comply with said dispute resolution procedures shall constitute a failure to exhaust administrative remedies.

Pending the final resolution of any such disputes and/or claims, Contractor agrees to proceed with the performance of the Agreement, including the delivering of goods or providing of services. Contractor's failure to proceed shall constitute a material breach of the Agreement.

The Agreement shall be interpreted, administered, and enforced according to the laws of the state of California. The parties agree that any suit brought hereunder shall have venue in Sacramento, California. The parties hereby waive any claim or defense that such venue is not convenient or proper.

(1) Final Payment

Upon issuance of final payment Contractor shall release CDCR/CCHCS from all claims, demands, and liability to Contractor for all acts or omissions of CDCR/CCHCS and others relating to or arising out of this work, except for any claim previously accepted and/or in the process of resolution.

However, CDCR/CCHCS' issuance of payments generally, or of the final payment specifically, shall not waive CDCR/CCHCS' right to seek recovery of overpayments in the manner set forth in this Agreement.

(2) Invoice/Claim Payment Inquiry

Contractor shall contact the CCHCS Healthcare Invoicing Section (HIS) Help Desk at (916) 691-0699 or via email at m_HISProgramSupport@cdcr.ca.gov with any questions or clarifications regarding the health care invoice/claim submittal or dispute process. The parties shall make a first attempt in good faith to resolve the dispute or question by informal/verbal discussion(s). The parties agree that HIS should be used as a resource in resolving potential CDCR/CCHCS patient health care invoice/claim disputes. If the dispute or claim is not resolved at the Invoice/Claim Payment Inquiry level as referenced in Exhibit B – Budget Detail and Payment Provisions of the Agreement, Contractor may proceed with the First Level Appeal process outlined below.

(3) First Level Appeal

For disagreements regarding claim payments, or claim denials by HIS for a claim billed under the Agreement, Contractor may file a First Level Appeal for the Invoice/Claim, with the HIS Appeals Team at the email address HISAppealSupport@cdcr.ca.gov. If an appeal is unable to be submitted by email, it can be mailed to the following address:

California Correctional Health Care Services
HCCCMB
Attn: Post Payment Support Team
PO Box 588500, Building D-2
Elk Grove, CA 95758

The First Level Appeal must be sent with the completed Appeal Request Form, along with all relevant justification and any supporting documentation necessary to support the appeal. An electronic copy of the form can be found at <https://cchcs.ca.gov/contact>. All applicable fields within the form must be completed to avoid return of the appeal and delayed processing. If an appeal is submitted without the Appeal Request Form, the appeal will not be reviewed and will be rejected.

The Appeals Team shall review and process the First Level Appeal for payment or non-payment. If the review results in approval and determines that CCHCS owes additional compensation, the Appeals Team shall facilitate the reimbursement. If the review results in a denial and determines that CCHCS owes no additional compensation, the Appeals Team shall issue a written decision to Contractor via email explaining the payment denial within 30 calendar days of receipt of the appeal. If the review determines that Contractor was overpaid, the HIS Post Payment Support Team will be notified and may issue a refund recovery request to the Contractor within 60 calendar days. CCHCS, in its sole discretion, may recover overpayments in the manner set forth in Section 58, Quality Assurance and Financial Audits/Reviews of this exhibit.

(4) Second Level Appeal

If the dispute or claim is still not resolved to Contractor's satisfaction at the First Level Appeal level, Contractor may file a written Second Level Appeal using the Appeal Request Form providing additional relevant justification and any supporting documentation necessary to support the appeal. All applicable fields within the form must be completed to avoid return of the appeal and delayed processing. An electronic copy of the form can be found at <https://cchcs.ca.gov/contact>. If an appeal is submitted without the Appeal Request Form, the appeal will not be reviewed and will be rejected.

The Second Level Appeal can be sent to the HIS Supervisor II at HISAppealSupport@cdcr.ca.gov. If the appeal is unable to be submitted via email, it may be mailed to the following address:

California Correctional Health Care Services
HCCCMB
Attn: Post Payment Support Team Supervisor II
PO Box 588500, Building D-2
Elk Grove, CA 95758

The HIS Supervisor II or designee shall issue a written decision in response to Contractor's Second Level Appeal within 30 calendar days of receipt of the Second Level Appeal. The written decision shall either:

- (a) Document the dispute settlement and what, if any, conditions were reached; or
- (b) Document the reason(s) the dispute could not be resolved and provide notification to Contractor of its option to file an Administrative Resolution request within 30 calendar days of the date of the written decision.

(5) Administrative Resolution

If the dispute or claim is still not resolved to Contractor's satisfaction at the Second Level Appeal level, Contractor may file a written Administrative Resolution using the Appeal Request Form along with all relevant additional justification and any supporting documentation necessary to support the appeal. An electronic copy of the form can be found at <https://cchcs.ca.gov/contact>. All applicable fields within the form must be completed to avoid return of the appeal and delayed processing. If an appeal is submitted without the Appeal Request Form, the appeal will not be reviewed and will be rejected. The Administrative Resolution request can be sent to the HIS Chief at HISAppealSupport@cdcr.ca.gov. If the appeal is unable to be submitted via email, it may be mailed to the following address:

California Correctional Health Care Services
HCCCMB
Attn: Assistant Deputy Director
PO Box 588500, Building D-2
Elk Grove, CA 95758

The Administrative Resolution request must include a written certification signed by a knowledgeable company official under the penalty of perjury according to the laws of the state of California pursuant to CCP Section 2015.5 that the dispute, claim, or demand is made in good faith, and that the supporting data is accurate and complete. If an Agreement adjustment is requested, the written certification shall further state under penalty of perjury that the relief requested accurately reflects the Agreement adjustment for which CCHCS is responsible.

The CCHCS HCCCMB Assistant Deputy Director shall make a determination on the issue and respond, in writing, within 30 calendar days of receipt of the Administrative Resolution request, indicating the written decision. Contractor shall be notified if an extension of time is necessary.

c. Utilization Management Reviews

- (1) CDCR/CCHCS reserves the right to inspect, monitor, and perform utilization reviews prospectively, concurrently, or retrospectively, regarding the courses of medical treatment or hospitalization provided to CDCR/CCHCS patients when performed by Contractor and its providers. CDCR/CCHCS may delegate this right to another State agency or party. Such reviews shall be undertaken to

determine whether the course of treatment or services had prior authorization and were medically necessary. The utilization and performance of direct health care services to CDCR/CCHCS patients must be in accordance with applicable state law for patient health care, as well as any CCHCS practice guidelines, including the Health Care Department Operations Manual (HCDOM), California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, Subchapter 4, Articles 8 and 9 and CCR, Title 15, Division 3, Chapter 2, and be in accordance with the applicable standard of care.

- (2) CCHCS utilizes InterQual® Care Planning Criteria, published by McKesson Health Solutions, LLC or OPTUM, to the extent, not inconsistent with the previously cited requirements, guidelines, and standards. Requests for InterQual® criteria should be directed to CCHCS Utilization Management (UM) at: um@cdcr.ca.gov. HCDOM is available at the following link: <https://www.cdcr.ca.gov/hcdom/dom/>.
 - (a) Contractor is required to use InterQual® evidence-based criteria for all decisions on level of care and admission determinations and shall ensure that the most up to date InterQual® guidelines are consistently applied in accordance with industry standards and regulatory requirements. Failure to use InterQual® could result in a disruption of claims processing.
 - i. Contractor must maintain continuous access to the most current InterQual® guidelines.
 - (b) Contractor must follow Centers for Medicare & Medicaid Services (CMS) Medicare rules and fee schedule. Failure to follow these guidelines could result in a disruption of claims processing.
 - (c) Contractor must follow nationally recognized medical associations, specialty societies, and accreditation bodies (e.g., American Medical Association, American Hospital Association, American College of Physicians) as applicable determined by CDCR/CCHCS.
 - (d) Contractor must follow Federal and state regulatory requirements applicable to medical claims.
 - (e) Contractor must follow industry-standard auditing practices and methodologies accepted by the Centers for Medicare & Medicaid Services (CMS) or other comparable oversight entities. Failure to follow these guidelines could result in a disruption of claims processing.
- (3) Contractor agrees to make available to CDCR/CCHCS for purposes of utilization review, an individual CDCR/CCHCS patient's medical record upon request from a CDCR/CCHCS UM physician or UM nurse. Contractor agrees that Contractor's discharge protocols may not be applicable to all CDCR/CCHCS cases and that discharge determinations shall be with the concurrence of the CDCR/CCHCS' attending physician.
- (4) Contractor acknowledges and agrees to inform its providers that UM decisions shall not be deemed a substitute for the independent judgment of the treating physician or preclude treatment but shall be cause for denial of compensation for such treatment or hospitalization found to be inappropriate, whether identified through prospective, concurrent, or retrospective utilization review.
- (5) Contractor acknowledges and agrees that concurrent UM reviews shall not operate to prevent or delay the delivery of emergency medical treatment.

d. Utilization Management Appeals

If Contractor disagrees with the UM review of a claim that results in a denial or disallowance of a billed service, Contractor agrees to pursue resolution by sequentially following the steps described below. Each party involved in an appeal shall act quickly so that the appeal may be resolved promptly. Every effort should be made to complete the action within the time limits contained in the appeal process. However, with the mutual consent of the parties, the time limitation for any step may be extended. If there has not been a mutually agreed upon time extension, failure to respond to the appeal within the specified time

frames shall allow the appellant to file an appeal at the next level. If this occurs, the higher level shall respond to the appeal and may not return it to a lower level.

(1) UM Claim Payment Inquiry

Contractor shall contact the HIS Help Desk at (916) 691-0699 or via email at m_HISProgramSupport@cdcr.ca.gov with any questions or clarifications regarding UM invoice/claim submittal or dispute process. The parties shall make a first attempt in good faith to resolve the dispute or question by informal discussion(s). The parties agree that HIS should be used as a resource in resolving potential CDCR/CCHCS patient UM invoice/claim disputes. If the dispute or claim is not resolved at the UM Claim Payment Inquiry level, Contractor may proceed with the First Level UM Claim Appeal process outlined below.

(2) First Level UM Claim Appeal

If the dispute or claim is still not resolved to Contractor's satisfaction at the UM Claim Payment Inquiry level, Contractor may file a written First Level UM Claim Appeal, within 30 calendar days following the date of the determination from the UM Claim Payment Inquiry, with the HIS UM Appeals Team at the following email address: HISAppealSupport@cdcr.ca.gov. If the appeal is unable to be submitted via email, it may be mailed to the following address:

California Correctional Health Care Services
HCCCMB
Attn: Post Payment Support Team
PO Box 588500, Building D-2
Elk Grove, CA 95758

The First Level UM Appeal shall be sent with the Appeal Request Form along with all relevant additional supporting documentation necessary to support the appeal. An electronic copy of the form can be found at <https://cchcs.ca.gov/contact>. All applicable fields within the form must be completed to avoid return of the appeal and delayed processing. If an appeal is submitted without the Appeal Request Form, the appeal will not be reviewed and will be rejected. The HIS Post Payment Support Team will evaluate the appeal and issue a written response within thirty (30) calendar days of receipt of the First Level UM Claim Appeal.

(3) Second Level UM Claim Appeal

If the dispute or claim is still not resolved to Contractor's satisfaction at the First Level UM Claim Appeal level, Contractor may file a written Second Level UM Claim Appeal, within 30 calendar days following the date of the determination from the First Level UM Claim Appeal, with the HIS Supervisor II at HISAppealSupport@cdcr.ca.gov. All applicable fields within the form must be completed to avoid return of the appeal and delayed processing. The Second Level UM Appeal must be sent with the Appeal Request Form along with all relevant additional supporting documentation necessary to support the appeal. An electronic copy of the form can be found at <https://cchcs.ca.gov/contact>. If an appeal is submitted without the Appeal Request Form, the appeal will not be reviewed and will be rejected. If an appeal is unable to be submitted by email, it can be mailed to the following address:

California Correctional Health Care Services
HCCCMB
Attn: Post Payment Support Team Supervisor II
PO Box 588500, Building D-2
Elk Grove, CA 95758

The HIS Supervisor II or designee shall issue a written decision in response to Contractor's Second Level UM Claim Appeal within 30 calendar days of receipt of the Second Level UM Claim Appeal. The written decision shall either:

- (a) Document the dispute settlement and what, if any, conditions were reached; or
- (b) Document the reason(s) the dispute could not be resolved and provide notification to Contractor of its option to file an Administrative Resolution UM Claim Appeal within 30 calendar days of the date of the written decision.

(4) Administrative Resolution UM Claim Appeal

If the dispute or claim is still not resolved to Contractor's satisfaction at the Second Level UM Claim Appeal level, Contractor may file a written Administrative Resolution UM Claim Appeal, within 30 calendar days following the date of the determination from the Second Level UM Claim Appeal, with the CCHCS HIS Assistant Deputy Director at the following email address: HISAppealSupport@cdcr.ca.gov. All applicable fields within the form must be completed to avoid return of the appeal and delayed processing. The Administrative Level UM Appeal must be sent with the Appeal Request Form along with all relevant additional supporting documentation necessary to support the appeal. An electronic copy of the form can be found at <https://cchcs.ca.gov/contact>. If an appeal is submitted without the Appeal Request Form, the appeal will not be reviewed and will be rejected. If the appeal is unable to be submitted via email, it may be mailed to the following address:

California Correctional Health Care Services
HCCCMB
Attn: Assistant Deputy Director
PO Box 588500, Building D-2
Elk Grove, CA 95758

The UM Claim Appeal for Administrative Resolution shall include a written certification signed by a knowledgeable company official under the penalty of perjury according to the laws of the state of California pursuant to CCP Section 2015.5 that the dispute, claim, or demand is made in good faith, and that the supporting data is accurate and complete. If an Agreement adjustment is requested, the written certification shall further state under penalty of perjury that the relief requested accurately reflects the Agreement adjustment for which CCHCS is responsible.

The CCHCS HIS Assistant Deputy Director shall provide written determination on the issue and respond within 30 calendar days of receipt of the Administrative Resolution UM Claim Appeal, indicating the written decision. Contractor shall be notified if an extension of time is necessary.

e. Further Resolution

If the dispute is not resolved to Contractor's satisfaction, or Contractor has not received a written decision from CCHCS within 30 calendar days, or other mutually agreed upon extension, Contractor may thereafter pursue its right to institute other dispute resolution process(es), if any, available under the laws of the state of California.

f. Limitation of Scope of Process

The dispute process set forth in Section 2, Dispute Resolution Process provision is not applicable for contracts that have been terminated in accordance with Section 3, Right to Terminate provision of this exhibit.

g. Changes to Contact Names and Addresses

CDCR/CCHCS may change the name or address of any person or entity noted in Section 2, Dispute Resolution Process provision by providing notice in the manner provided in this Agreement, and any such change shall not require a written amendment to this Agreement.

3. Right to Terminate (Supersedes provision number 7, Termination for Cause, of Exhibit C)

a. Termination of Agreement without Cause

CDCR/CCHCS and/or Contractor may terminate this Agreement without cause by giving no less than 30 calendar days written notice to the other party. Any such termination shall be delivered via certified mail, specifying the date upon which such termination becomes effective.

Notwithstanding provisions in this Agreement to the contrary, if the basis for termination without cause is the provision of services by a health care network provider, including but not limited to health plan, preferred provider organization, or other health care network manager, CDCR/CCHCS may terminate this Agreement without cause and will notify Contractor in writing when doing so.

b. Termination of Agreement for Cause

Immediate Termination

CDCR/CCHCS may immediately terminate this Agreement under any circumstances that CDCR/CCHCS determines in good faith to be a breach by Contractor of its obligations under the Agreement, including its duty to maintain organizational and financial resources in a manner reasonably likely to facilitate Contractor's current and on-going compliance with the terms of the Agreement. Examples of breaches that justify termination of the Agreement include but are not limited to the following:

- (1) If CDCR/CCHCS determines that management practices adopted by Contractor or the current financial condition of Contractor interfere with the delivery of services or reduce the quality of such services.
- (2) If CDCR/CCHCS determines that Contractor is failing to maintain sufficient resources to perform under the Agreement successfully. This includes but is not limited to having providers in sufficient numbers and with the skills required who are willing to provide services under the Agreement.
- (3) If CDCR/CCHCS determines, based on reliable and factual information, that Contractor's actions place CDCR/CCHCS at risk for claims against CDCR/CCHCS.
- (4) If CDCR/CCHCS determines there is a substantial probability that Contractor is unable to render health care services to CDCR/CCHCS patients.
- (5) If CDCR/CCHCS determines that any state or federal regulatory and/or law enforcement agency has taken any enforcement action (administrative or otherwise) against Contractor, including but not limited to any investigation of Contractor or its providers.
- (6) If CDCR/CCHCS determines that the institution is experiencing difficulty in securing treatment from Contractor.
- (7) If CDCR/CCHCS determines that Contractor has failed to meet the terms, conditions and/or responsibilities of the Agreement.

(8) If CDCR/CCHCS determines that the services rendered were below the applicable standards of care.

c. Termination for Insolvency

CDCR/CCHCS may terminate this Agreement immediately if Contractor files any federal bankruptcy action or state receivership action, whether voluntarily or involuntarily; or if, based on reliable information, CDCR/CCHCS determines there is a substantial probability that Contractor will be financially unable to continue performance under this Agreement.

d. Supporting Documentation

CDCR/CCHCS may require Contractor to disclose any information that CDCR/CCHCS deems necessary to determine compliance with the requirements of this Agreement, including but not limited to certified financial statements, documentation reflecting Contractor's ability to immediately provide substitute providers, and documentation reflecting Contractor's ability to comply with the indemnification requirements of this Agreement. If such information is required, Contractor will be notified and will be permitted five (5) State business days to submit the information requested. Failure to provide the requested information may be grounds for termination of the Agreement for cause.

e. Obligations Upon Termination

From and after the effective date of termination of this Agreement, Contractor shall not be entitled to compensation for further services hereunder, except as expressly set forth in the Alternative Arrangements Upon Termination provision of this section.

Contractor shall forthwith upon such termination, but in no event later than thirty (30) calendar days following such termination:

- (1) Deliver to CDCR/CCHCS a full accounting of the status of claims.
- (2) Deliver to CDCR/CCHCS all property and documents of CDCR/CCHCS that are in the custody of Contractor and its providers.
- (3) Deliver to CDCR/CCHCS all reports required from this Agreement.

Despite termination, Contractor, or its solvent entity, or administrator shall report to the requested party on demand an update of the information in (1), (2), and (3) above, and any other relevant information requested by CDCR/CCHCS.

The termination of this Agreement shall not relieve Contractor of liability under the indemnification provisions.

The termination of this Agreement shall not relieve Contractor of those duties under the Alternative Arrangements Upon Termination provision of this section.

Upon the termination of this Agreement for cause, all damages, losses, and costs to CDCR/CCHCS, which flow from the breach, shall be deducted from any payments due to Contractor hereunder and the balance, if any, shall be paid to Contractor.

f. Alternative Arrangements Upon Termination

Upon notification of termination of this Agreement, Contractor agrees to assist CDCR/CCHCS in securing alternative arrangements for the provision of care from another CDCR/CCHCS contracted facility or

health care provider for those CDCR/CCHCS patients receiving inpatient care at the time of termination. Contractor further agrees to continue to provide adequate levels of health care services to CDCR/CCHCS patients until alternative arrangements can be obtained. The rate of pay shall be consistent with the terms of this Agreement.

Assurances Upon Termination

Upon notification of termination of this Agreement for any reason whatsoever, Contractor shall cooperate fully with CDCR/CCHCS to effectively and orderly transition CDCR/CCHCS patients to another facility. The foregoing shall include, without limitation, attending such post-termination meetings as shall be reasonably requested by CDCR/CCHCS.

g. Governing Forum and Venue

This Agreement shall be interpreted, administered, and enforced according to the laws of the state of California (without regard to any conflict-of-laws provision), except as preempted by federal law. Forum for any suit brought hereunder shall be in California, and the venue for any suit brought hereunder shall be in the state or federal courts sitting in the County of Sacramento, California; the parties hereby waiving any claim or defense that such forum or venue is not convenient or proper. Each party agrees that any such court shall have in *personam* jurisdiction over it and consents to personal jurisdiction for this purpose in the forum chosen by the plaintiff bringing the action.

4. Remedies Other Than Termination

Notwithstanding other provisions of this Agreement, and in the sole discretion of CDCR/CCHCS, CDCR/CCHCS reserves the right to take the following actions in response to Contractor's failure to comply with the terms and conditions outlined in Exhibit A – Scope of Work, in-lieu of exercising its rights referenced in Section 3, Right to Terminate provision of this exhibit, when CDCR/CCHCS deems these remedies more appropriate:

- a. Withhold payment for specified services.
- b. Suspend a Contractor from providing services for a specified period.

CDCR/CCHCS reserves the State's right to execute the remedies under provisions 4a. and 4b. above, if the failure constitutes a material breach of this Agreement and if Contractor does not cure such failure within the timeframe stated in the State's corrective action plan, which in no event shall be less than 15 calendar days, unless the Exhibit A – Scope of Work, in CDCR/CCHCS' sole discretion, necessitates a shorter period.

5. Stop Work

- a. CDCR/CCHCS, at any time, may issue a notice to suspend performance or stop work under this Agreement. The initial notification shall be a written directive issued by CDCR/CCHCS. Upon receipt of said notice, Contractor is to suspend and/or stop all, or any part, of the work called for by this Agreement.
- b. Written confirmation of the suspension or stop work notification with directions as to what work (if not all) is to be suspended, estimated timeframe of suspension, and how to proceed will be outlined in the initial notification. The resumption of work (in whole or part) will be at CDCR/CCHCS' discretion and upon receipt of written confirmation.
 - (1) Upon receipt of a suspension or stop work notification, Contractor shall immediately comply with its terms and take all reasonable steps to minimize or halt the incurrence of costs allocable to the performance covered by the notification during the period of work suspension or stoppage.

(2) In the sole discretion of CDCR/CCHCS, within 60 calendar days or more of the issuance of a suspension or stop work notification, as outlined in the initial notification, CDCR/CCHCS shall either:

(a) Cancel, extend, or modify the suspension or stop work notification; or

(b) Terminate the Agreement as provided in Section 3, Right to Terminate provision of this exhibit.

- c. If a suspension or stop work notification issued under this clause is cancelled or the period of suspension or any extension thereof is modified or expires, Contractor may resume work only upon written concurrence of CDCR/CCHCS.
- d. If the suspension or stop work notification is cancelled and the Agreement resumes, changes to the services, deliverables, performance dates, and/or contract terms resulting from the suspension or stop work notification shall require an amendment to the Agreement.
- e. If a notice to suspend performance or to stop work is issued and not cancelled, and after such issuance, this Agreement is terminated pursuant to Section 3, Right to Terminate provision of this exhibit, CDCR/CCHCS shall allow reasonable costs resulting from the suspension or stop work notification in arriving at the settlement costs.
- f. CDCR/CCHCS shall not be liable to Contractor for loss of profits because of any suspension or stop work notification issued under this clause. For any service by Contractor or its providers provided under this Agreement prior to the effective date of a notice to suspend or stop work, CDCR/CCHCS shall review those services to confirm they meet the terms of the Agreement and shall in good faith make a determination whether payment is warranted.

6. Approval

This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services (DGS), if required. Contractor may not commence performance until such approval has been obtained.

7. Computer Software Management Memo

Contractor certifies that it has appropriate systems and controls in place to ensure that State funds will not be used in the performance of this Agreement for the acquisition, operation, or maintenance of computer software in violation of copyright laws.

8. Liability for Non-Conforming Work

Contractor will be fully responsible for ensuring that the completed work conforms to the agreed terms. CDCR/CCHCS, in its sole discretion, may use any reasonable means to cure any non-conformity. Contractor shall be responsible for reimbursing CDCR/CCHCS for any additional expenses incurred to cure such defects.

9. Liability for Loss and Damages

Any damage caused by Contractor or its provider to the State's institutions including equipment, furniture, materials, or other State property, will be repaired or replaced by Contractor to the satisfaction of the State at no cost to the State. The State may, at its option, repair any such damage and deduct the cost thereof from any sum due to Contractor under this Agreement.

10. Temporary Non-Performance

If for any reason Contractor is temporarily unable to perform/provide the services as required, CDCR/CCHCS, during the period of Contractor's actual or reasonably anticipated inability to perform, has and can use its right to obtain replacement or supplemental services of the same type, by any reasonable and/or necessary means. Upon notice by CDCR/CCHCS to Contractor of the details and costs incurred in obtaining any such replacement or supplemental services, Contractor shall promptly reimburse CDCR/CCHCS for such costs. CDCR/CCHCS has the alternative option of recovering such costs by withholding the same from any amounts still due from CDCR/CCHCS to Contractor under the Agreement. For purposes of this section, "temporarily unable" means an inability of Contractor to provide the contracted services, lasting for at least one (1) calendar day. If Contractor is unable to perform for five (5) calendar days or more, consecutively or cumulatively, CDCR/CCHCS may consider the non-performance to be a breach of contract and take any appropriate action, which could include termination of the Agreement for failure to perform.

11. Accounting Principles/No Dual Compensation

Contractor will adhere to generally accepted accounting principles as outlined by the American Institute of Certified Public Accountants. Dual compensation is not allowed; Contractor cannot receive simultaneous compensation from two (2) or more funding sources for the same services performed even though both funding sources could benefit.

12. Subcontractor/Provider

Contractor is required to identify all subcontractors or service providers who will, on behalf of or as arranged by or through Contractor, perform labor or render services in the performance of this Agreement. Additionally, Contractor shall notify CDCR/CCHCS within ten (10) State business days of any changes to the subcontractor/provider information.

13. Contractors/Providers/Employees of Contractor/Independent Contractors/Subcontractors Compliance with All Laws

Contractor shall be familiar with and agree to follow all requirements of this Agreement and all federal, state, and local statutes and regulations applicable to performance of this Agreement. Contractor shall also ensure that providers are familiar with and agree to follow all requirements of this Agreement and all federal, state, and local statutes and regulations applicable to performance of this Agreement.

Although Contractor and its providers are independent contractors, not employees, of CDCR/CCHCS, or the State, Contractor agrees that, due to the close proximity among CDCR/CCHCS employees, providers, and CDCR/CCHCS patients, providers performing services on the grounds of an institution shall adhere to the same requirements for CDCR/CCHCS employees as set forth in the CCR, Title 15, Division 3, Chapter 1, Subchapter 5, Article 2.

14. Independent Contractor

Contractors, Subcontractors, and providers in performance of this Agreement, shall act in an independent capacity and not as officers, employees, or agents of CDCR/CCHCS, or the State.

15. Expatriate Corporations

Contractor shall be eligible to contract with CDCR/CCHCS and shall not be an expatriate corporation or a subsidiary of an expatriate corporation as set forth in Public Contract Code (PCC) Sections 10286 and 10286.1.

16. Provider (CDCR/CCHCS Approval/Disapproval of Contractor's Provider)

Contractor has the sole responsibility to find and provide the providers it needs to meet its obligations under this Agreement.

- a. It is hereby agreed that CDCR/CCHCS has the following rights to be exercised in CDCR/CCHCS' sole discretion:
 - (1) The right to approve or disapprove the initial or continuing use of any provider proposed to CDCR/CCHCS by Contractor in advance of such provider being used to render services to CDCR/CCHCS under the Agreement; it is agreed that no such provider shall render services without advance approval by CDCR/CCHCS.
 - (2) The right to disapprove the initial or continuing use of Contractor's provider due to them violating the terms of this Agreement.
 - (3) The right to disapprove the initial or continuing use of Contractor's provider when they violate CDCR/CCHCS custody and/or safety requirements and rules, along with having criminal convictions, actions pending, and/or in-process.
 - (4) The right to disapprove the initial or continuing use of Contractor's provider who has been terminated from or in the process of being terminated from a federal, state, county, or local agency due to disciplinary reasons as an employee.
 - (5) The right to disapprove the initial or continuing use of Contractor's provider due to them having been released from providing contracted services with another federal, state, county, or local agency for violating the terms of the contracts, licensure suspensions, pending licensure actions, fraudulent medical billing, poor patient outcomes documented, and/or failure to perform services as needed.
 - (6) The right to request a specific provider for a specific service or patient need. Such a request is not binding on Contractor, and Contractor's inability to accommodate such a request will not be considered a breach of the Agreement.
 - (7) The right to require Contractor to provide a substitute provider for one either unavailable or disapproved.
 - (8) The right to approve Contractor's substitution of provider, whether substitution was initiated by CDCR/CCHCS or Contractor, prior to the substitute provider commencing work.
 - (9) Based on the reason for disapproval of Contractor's provider, CDCR/CCHCS reserves the right to request the removal be made on a temporary and/or permanent basis and for an individual institution and/or statewide institution basis. The determination for length of time and location(s) will be provided to Contractor by the CCHCS Direct Care Contracts Section.
- b. CDCR/CCHCS may approve or reject a Contractor's provider, as determined by the Chief Executive Officer, Chief Medical Executive, Headquarters Direct Care Contracting staff, or their designee. Reasons may be submitted verbally or in writing. Contractors should track disapproval reasons to monitor and improve their provider submission processes, reducing future disapprovals.

If any approved provider of Contractor is unable to perform, even if due to factors beyond Contractor's control, Contractor shall timely offer substitute provider(s) to CDCR/CCHCS.

- c. Contractor shall immediately report in writing to CDCR/CCHCS the resignation, dismissal, or other unavailability of any providers whose unavailability has the potential to impede Contractor's full and timely compliance with the Agreement. Contractor's report shall include a description of the manner in which it has filled those positions or intends to fill them in a manner that minimizes the risk of Contractor's non-compliance with the Agreement. CDCR/CCHCS may immediately terminate the Agreement if, in its sole discretion, it concludes that Contractor's staffing plan or actions renders it unable to satisfactorily meet its obligations under the Agreement.
- d. Contractor shall notify CDCR/CCHCS immediately of any changes to its providers performing services under the contract to reduce and eliminate any untimely service interruptions or CDCR/CCHCS patient care disruption. In addition, upon a provider's departure or release, Contractor shall recover and return any State-issued identification provided to Contractor's providers to the institution where services were last performed or mailed to the DCCS at the following address:

California Correctional Health Care Services
Direct Care Contracts Section
PO Box 588500, Building D
Elk Grove, CA 95758

17. Restricted Employment Areas

- a. Ex-offenders shall not be hired or assigned work in areas which provide access to:
 - (1) Any records pertaining to free staff.
 - (2) Sensitive personal or medical information on CDCR/CCHCS patients.
- b. These areas include but are not limited to the following:
 - (1) Medical
 - (2) Personnel
 - (3) Records
 - (4) Accounting
 - (5) Data processing

Contractor shall be responsible for all damages associated with breach of this provision.

18. Electronic Waste Recycling

Contractor certifies that it complies with the requirements of the Electronic Waste Recycling Act of 2003, Public Resources Code, Division 30, Part 3, Chapter 8.5, Article 1, Section 42460, et seq., relating to hazardous and solid waste. Contractor shall maintain documentation and provide reasonable access to its records and documents that substantiate compliance. CDCR/CCHCS' electronic data stored upon any contractor or provider device shall be returned to CDCR/CCHCS immediately and Contractor shall certify that CDCR/CCHCS' data is removed from Contractor's and provider's devices by either degaussing or shredding per National Institute of Standards and Technology (NIST) Special Publication Series 800-88 Revision 1 and National Industrial Security Program Operating Manual (DoD 5220.22-M) and Clearing and Sanitization Matrix based on The National Security Agency Central Security Service NSA/CSS Policy Manual 9-12, "Storage Device Sanitization Manual."

19. Licenses and Permits

Contractor shall be an individual or firm licensed to do business in California and shall obtain, at Contractor's expense, all license(s) and/or permit(s) required by law for Contractor and provider to render any services required in connection with this Agreement.

In the event any license(s) and/or permit(s) expire at any time during the term of this Agreement, Contractor agrees to provide CDCR/CCHCS with a copy of the renewed license(s) and/or permit(s) within 30 calendar days following the expiration date. In the event Contractor and/or its providers fail to remain in compliance with all required license(s) and/or permit(s), the State may, in addition to any other remedies it may have, terminate this Agreement upon occurrence of such event.

In the event of any conflict, the requirements set forth elsewhere in this Agreement shall govern over the requirements of this provision.

20. Non-Discrimination Clause

- a. During the performance of this Agreement, Contractor and its subcontractors or other providers, shall not unlawfully discriminate, harass, or allow harassment against any existing provider or applicant for employment or work because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall ensure that the evaluation and treatment of all such providers and applicants are free from such discrimination and harassment. Contractor shall ensure that all persons or entities involved in providing services via Contractor and this Agreement, shall comply with the provisions of the Fair Employment and Housing Act, Government Code (GC) Section 12990 and the applicable regulations promulgated thereunder (CCR, Title 2, § 11000 et seq.). Contractor shall certify compliance with the Unruh Civil Rights Act (California Civil Code Section 51) and the Fair Employment and Housing Act (GC § 12960). The applicable regulations of the Fair Employment and Housing Council implementing GC Section 12990, set forth in CCR, Title 2, Division 4.1, Chapter 5, Subchapter 5, is incorporated into this Agreement by reference and made a part hereof as if set forth in full. Contractor shall ensure that it and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other Agreement.
- b. Contractor shall include the non-discrimination and compliance provisions of this clause in all subcontracts to perform work under this Agreement.

21. Child Support Compliance

For any Agreement more than \$100,000, Contractor acknowledges in accordance with PCC Section 7110, that:

- a. Contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including but not limited to disclosure of information and compliance with earnings assignment orders, as provided in Family Code, Division 9, Part 5, Chapter 8 (commencing with Section 5200).
- b. Contractor shall fully comply with all requirements for honoring any earnings assignment order against its providers and/or for providing the names of its providers to the New Hire Registry maintained by the California Employment Development Department.

22. Certification Clauses

The Contractor Certification Clauses contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

23. Excise Tax

The State of California is exempt from federal excise taxes; no payment will be made for any taxes levied on employees' wages. The State will pay for any applicable state of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this Agreement. California may pay any applicable sales and use tax imposed by another state.

Permits and Certifications from California Department of Tax and Fee Administration

This Agreement shall be subject to all requirements as set forth in Revenue and Taxation Code Sections 6452.1, 6487, 6487.3, 7101, and 18510, and PCC Section 10295.1 requiring suppliers to provide, as applicable, a copy of their seller's permit or certification of registration and, if applicable, the permit or certification of all participating affiliates, issued by California Department of Tax and Fee Administration. Effective January 1, 2004, awarding departments shall obtain, prior to award, copies of the permits or certifications from the proposed awardees. Failure of the supplier to comply by supplying the required permit or certification will cause the supplier's bid response to be considered non-responsive and their bid rejected. Unless otherwise specified in this Agreement, a copy of the seller's permit or certification of registration shall be supplied within five (5) State business days of the request made by the State.

24. Unenforceable Provisions

If any provision of this Agreement is unenforceable or held to be unenforceable, the parties agree that all other provisions of this Agreement remain in full force and effect.

25. Priority Hiring Considerations

If this contract includes services more than \$200,000, Contractor shall give priority consideration in filling vacancies in positions funded by the contract to qualified recipients of aid under Welfare and Institutions Code (WIC) Section 11200, et seq. in accordance with PCC Section 10353.

26. Conflict of Interest

Contractor and its providers shall abide by the provisions of GC Sections 1090, 81000 et seq., 82000 et seq., 87100 et seq., and 87300 et seq., PCC Sections 10335 et seq., and 10410 et seq., CCR, Title 2, Sections 18700 et seq., and Title 15, Section 3409, and the CDCR Department Operations Manual (DOM) Section 31100, et seq. regarding conflicts of interest.

a. Contractors and Contractor's Providers Acting in a Consultant Capacity

Consultant contractors shall file a Statement of Economic Interests, Fair Political Practices Commission (FPPC) Form 700 prior to commencing services under the Agreement, annually during the life of the Agreement, and within 30 calendar days after the expiration of the Agreement. Generally, service contractors (other than consultant contractors required to file as above) and their providers shall be required to file a FPPC Form 700 if requested by CDCR/CCHCS, whenever it appears that a conflict of interest may be an issue, or if one of the following exists:

- (1) The Agreement service has been identified by CDCR/CCHCS as one where there is a greater likelihood that a conflict of interest may occur; or

- (2) Contractor and/or provider, pursuant to the Agreement, makes or influences a governmental decision;
or
- (3) Contractor and/or provider serves in a staff capacity with CDCR/CCHCS, and in that capacity participates in making a governmental decision or performs the same or substantially all the same duties for CDCR/CCHCS that would otherwise be performed by an individual holding a position specified in CDCR/CCHCS' Conflict of Interest Code.

b. Current State Employees

- (1) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest, of which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
- (2) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.
- (3) In addition to the above, officers and employees shall also avoid actions resulting in or creating an appearance of:
 - (a) Using an official position for private gain.
 - (b) Giving preferential treatment to any person.
 - (c) Losing independence or impartiality.
 - (d) Making a decision outside of official channels.
 - (e) Affecting adversely the confidence of the public or local officials in the integrity of the program.
- (4) Officers and employees shall not solicit, accept, or receive, directly or indirectly, any fee, commission, gratuity, or gift from any person or business organization doing or seeking to do business with the State.

c. Former State Employees

- (1) For the two (2) year period from the date he or she left state employment, no former state officer or employee may enter into an Agreement in which he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decision-making process relevant to the Agreement while employed in any capacity by any state agency.
- (2) For the 12 month period from the date he or she left state employment, no former state officer or employee may enter into an Agreement with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed Agreement within the 12 month period prior to his or her leaving state service.
- (3) Contractor shall avoid any conflict of interest whatsoever with respect to any financial dealings, employment services, or opportunities offered to CDCR incarcerated persons/parolees. Contractor shall not employ or offer to employ CDCR incarcerated persons/parolees either directly or indirectly through an affiliated company, person, or business unless specifically authorized in writing by CDCR/CCHCS. In addition, Contractor shall not either directly or indirectly through an affiliated company, person, or business engage in financial dealings with CDCR incarcerated

persons/parolees, except to the extent that such financial dealings create no actual or potential conflict of interest, are available on the same terms to the general public and have been approved in advance in writing by CDCR/CCHCS. For the purposes of this paragraph, "affiliated company, person, or business" means any company, business, corporation, nonprofit corporation, partnership, limited partnership, sole proprietorship, or other person or business entity of any kind which has any ownership or control interest whatsoever in Contractor, or which is fully or partially owned (more than 5% ownership) or controlled (any percentage) by Contractor or by Contractor's owners, officers, principals, directors and/or shareholders, either directly or indirectly. "Affiliated companies, persons or businesses" include but are not limited to subsidiary, parent, or sister companies or corporations, and any company, corporation, nonprofit corporation, partnership, limited partnership, sole proprietorship, or other person or business entity of any kind that is fully or partially owned or controlled, either directly or indirectly, by Contractor or by Contractor's owners, officers, principals, directors, and/or shareholders.

Contractor shall have a continuing duty to disclose to the State, in writing, all interests and activities that create an actual or potential conflict of interest in performance of the Agreement.

If Contractor violates any provision of the above paragraphs, CDCR/CCHCS in its sole discretion, may immediately terminate this Agreement.

27. Contractor's Obligation to Inform

Contractor shall have a continuing duty to keep the State fully informed in writing in a timely manner of any material changes in Contractor's business structure and/or status. This includes any changes in business form, such as a change from sole proprietorship or partnership into a corporation or vice-versa; any changes in company ownership; any dissolution of the business; any change of the name of the business; any filing in bankruptcy; any revocation of corporate status by the California Secretary of State; and any other material changes in Contractor's business status or structure that could affect the performance of Contractor's duties under the Agreement.

28. Disclosure

Neither the State nor any State employee will be liable to Contractor or its provider for injuries inflicted by CDCR incarcerated persons or parolees of the State. The State agrees to disclose to Contractor any statement(s) known to State staff made by any CDCR incarcerated person or parolee, which indicates violence may result in any specific situation, and the same responsibility will be shared by Contractor and its providers in disclosing such statement(s) to the State.

29. Security Clearance/Fingerprinting/Live Scan

The State reserves the right to conduct fingerprinting and security clearances through the Department of Justice, Bureau of Criminal Identification and Information (BCII), prior to award and at any time during the term of the Agreement, to permit Contractor and its provider access to State premises, which includes any CDCR institution. Contractor is responsible for ensuring that Contractor and its providers have completed and submitted all required documents necessary to complete the gate clearance and Live Scan process, prior to commencing services under the Agreement. Contractor and its providers may be required to attend CDCR/CCHCS orientation or training after being gate cleared but shall not render direct health care services to CDCR/CCHCS patients under this Agreement until the CDCR Live Scan process is complete and clearance is obtained. The State reserves the right to terminate the Agreement, reject and/or restrict access of Contractor and its providers, if a threat to security is determined.

30. Non-Eligible Alien Certification

By signing this Agreement, Contractor certifies, under penalty of perjury, that Contractor, if a sole proprietor, is not a qualified alien as that term is defined by the United States Code (U.S.C.) Title 8, Chapter 14, Subchapter II, Section 1621 et seq.

Provisions 33 through 38 apply to services provided on departmental and/or institution grounds:

31. Compliance With Requirements of the Americans With Disabilities Act

Notwithstanding any other Act, statute, regulation or policy, affiliate agrees to conform to all practices, procedures, and policies with respect to any and all interactions with CDCR/CCHCS patients who are the intended beneficiary of this Agreement in accordance with the Americans with Disabilities Act and the Armstrong Remedial Plan as ordered by the United States District Court for the Northern District of California in *Armstrong v. Newsom* (Case C94-2307-CW) on January 3, 2001 (filed February 7, 2001), and amended September 9, 2006, September 11, 2007, and December 29, 2014, and with the intent and purpose to avoid and eliminate discrimination against CDCR incarcerated persons, and parolees with disabilities as defined under the Act and guidelines for compliance in accordance with the Armstrong Remedial Plan, provide equal access to care for those defined as qualifying classes of individuals, and ensure effective communication between providers, staff, incarcerated persons, and parolees at all levels of interaction from assessment and triage, emergency, inpatient, outpatient, surgical or other clinically relevant encounters given the particular accommodation needs of CDCR/CCHCS patients who are receiving care under this Agreement.

32. Bloodborne Pathogens

Contractor and its providers shall adhere to the California Division of Occupational Safety and Health (Cal/OSHA) regulations and guidelines pertaining to bloodborne pathogens.

33. Tuberculosis (TB) Testing

In the event that the services required under this Agreement may be performed within an institution, office or community-based program, Contractor and its providers who are assigned to work with, near, or around CDCR/CCHCS patients shall be required to be examined and tested or medically evaluated by a licensed health care provider for TB in an infectious or contagious stage, prior to the performance of contracted duties and at least once a year thereafter (within 12 months of their initial or previous TB test under this contract), or more often as directed by CDCR/CCHCS.

Contractor and its providers who may have any contact (physical or nonphysical) with CDCR/CCHCS patients, shall be required to furnish to CDCR/CCHCS, at no cost to CDCR/CCHCS, a documented TB evaluation/test for TB infection (Tuberculin Skin Test or a blood test, Interferon Gamma Release Assay) using Tuberculin Skin Test and Evaluation (CDCR 7336), that has been completed within the 30 days prior to the commencement of the contracted duties associated with this Agreement. Each evaluation/test shall certify that Contractor and its providers are free of TB in an infectious or contagious stage by a licensed health care provider, prior to assuming their contracted duties. Contractor is required to provide an updated Tuberculin Skin Test and Evaluation (CDCR 7336) for each provider annually thereafter for the duration of this Agreement.

34. Primary Laws, Rules, and Regulations Regarding Conduct and Association with State Prison Incarcerated Persons

Contractor assumes the obligation to ensure that all of its providers, staff, subcontractors, or associated agents, including its health care service providers, who are expected to work in and around CDCR incarcerated persons are, prior to such work or contact with CDCR incarcerated persons, apprised of the

laws, rules, and regulations governing conduct with CDCR incarcerated persons. Individuals who are not employees of CDCR/CCHCS, but who are working in and around CDCR incarcerated persons, who are incarcerated, are to apprise themselves of the laws, rules, and regulations governing conduct in associating with CDCR incarcerated persons. Prior to initial entry onto institution or campgrounds, Contractor will receive a summary of the pertinent rules and regulations regarding conduct when non-departmental employees encounter CDCR incarcerated persons.

By signing this contract, Contractor agrees that if the provisions of the contract require Contractor or its providers to enter an institution, Contractor and its provider shall be made aware of and shall abide by the following laws, rules, and regulations governing conduct in associating with CDCR incarcerated persons.

- a. Persons who are not employed by CDCR/CCHCS but are engaged in work at any institution or camp, shall observe and abide by all laws, rules, and regulations governing the conduct of their behavior in associating with CDCR incarcerated persons. Failure to comply with these guidelines may lead to expulsion from CDCR institutions or camps.

SOURCE: California Penal Code §§ 5054 and 5058; CCR, Title 15, §§ 3283, 3285, 3289, 3292, and 3415.

- b. CDCR does not recognize hostages for bargaining purposes. CDCR has a “NO HOSTAGE” policy and all incarcerated persons, visitors, nonemployees, and employees shall be made aware of this.

SOURCE: California Penal Code §§ 5054 and 5058; CCR, Title 15, §§ 3304.

- c. All persons entering onto institution grounds consent to search of their person, property, or vehicle at any time. Refusal by individuals to submit to a search of their person, property, or vehicle may be cause for denial of access to the premises or restrictions to visiting or facility access.

SOURCE: California Penal Code §§ 2601, 5054, and 5058; CCR, Title 15, §§ 3173, 3267, 3288, 3289, and 3292.

- d. Persons normally permitted to enter an institution, or camp, may be barred for cause by the CDCR Secretary, Director of Division of Adult Institutions (DAI), Warden, Regional Parole Administrator, and/or their designee.

SOURCE: California Penal Code §§ 2086, 5054, and 5058; CCR, Title 15, §§ 3283, and 3289.

- e. It is illegal for an individual who has been previously convicted of a felony offense to enter CDCR institutions, or camps in the nighttime, without the prior approval of the Warden or officer in charge. It is also illegal for an individual to enter onto these premises for unauthorized purposes or to refuse to leave said premises when requested to do so. Failure to comply with this provision could lead to prosecution.

SOURCE: California Penal Code §§ 602, 4570.5, and 4571; CCR, Title 15, §§ 3173, 3283, and 3289.

- f. Encouraging and/or assisting CDCR incarcerated persons to escape are a crime. It is illegal to bring firearms, deadly weapons, explosives, tear gas, drugs or drug paraphernalia on CDCR institutions or camp premises. It is illegal to give CDCR incarcerated persons firearms, explosives, alcoholic beverages, wireless communication devices or components thereof, tobacco products, narcotics, or any drug or drug paraphernalia, including cocaine or marijuana.

SOURCE: California Penal Code §§ 2772, 2790, 4535, 4550, 4573, 4573.5, 4573.6, 4574, 4576, and 5030.1; CCR, Title 15, §§ 3172.1, 3188, and 3292.

- g. It is illegal to give or take letters from CDCR incarcerated persons without the authorization of the Warden. It is also illegal to give or receive any type of gift and/or gratuities from incarcerated persons.

SOURCE: California Penal Code §§ 2540, 2541, and 4570; CCR, Title 15, §§ 3010, 3399, 3401, 3424, and 3425.

- h. In an emergency, the visiting program and other incarcerated person program activities may be suspended by the Warden or designee.

SOURCE: California Penal Code §§ 2086 and 2601; CCR, Title 15, §§ 3383.

- i. For security reasons, volunteers, media, contractors, dignitaries, and guests shall not wear clothing that in any way resembles State-issued incarcerated person clothing (blue denim shirts, blue denim pants).

SOURCE: CCR, Title 15, §§ 3174 and 3349.2.3(g) (3) (B).

- j. Interviews with SPECIFIC incarcerated person are not permitted. Conspiring with an incarcerated person to circumvent policy and/or regulations constitutes a rule violation that may result in appropriate legal action.

SOURCE: CCR, Title 15, §§ 3261.5.

- k. End of Life Option Act: Prohibited Activities

Regarding CDCR/CCHCS patients, all participation in activities under the End of Life Option Act, i.e., related to patients accessing aid-in-dying drugs, is prohibited. CDCR/CCHCS shall not participate in or allow its employees, independent contractors, or other persons or entities, including other health care providers, to participate in activities under the End of Life Option Act, on premises owned or under the management or under direct control of CDCR, or while acting within the course and scope of any employment by, or contract with, CDCR or CCHCS. Consistent with this policy, patients shall not be permitted access to aid-in-dying drugs under the End of Life Option Act. CCHCS shall continue to offer patients end of life care, including counseling, hospice, and palliative care.

SOURCE: California Health and Safety Code, Division 1, Part 1.85, Section 443, et seq.; CCHCS, HCDOM, Chapter 3, Article 1, Section 3.1.17, Palliative Care and Treatment; CCHCS, HCDOM, Chapter 2, Article 1, Section 2.1.5 End of Life Option Act: Exemption.

35. Prison Rape Elimination Policy

CDCR/CCHCS is committed to providing a safe, humane, secure environment, and free from sexual misconduct. This will be accomplished by maintaining a program to ensure education/prevention, detection, response, investigation and tracking of sexual misconduct, and to address successful community re-entry of the victim. CDCR/CCHCS shall maintain zero tolerance for sexual misconduct in its institutions or camps and for all offenders under its jurisdiction. All sexual misconduct is strictly prohibited.

Contractor shall ensure that it and all its providers, with respect to any proposed or actual work for CDCR/CCHCS, know and comply with the Prison Rape Elimination Policy, which can be found in the DOM, Chapter 5, Article 44.

Contractor and its providers performing services on-site at institutions or camps are responsible for reviewing the Health Care On-Site Contractor's Orientation handbook (Handbook) and signing the Self-Certification Acknowledgement at the end of the Handbook. The Handbook may be located on the internet at the following link:

https://cchcs.ca.gov/project_rfp/

Contractor and its providers shall provide a copy of the Self-Certification Acknowledgment to all institutions, for which Contractor or its providers are contracted to provide services. By signing the acknowledgement, Contractor and its providers are acknowledging the Prison Rape Elimination Policy Requirements as part of the orientation self-certification. A copy of the acknowledgement shall be maintained by Contractor and presented upon request by CDCR/CCHCS.

36. Provider's Compliance with Institution Requirements

By entering into this Agreement, Contractor agrees to adhere to the Primary Laws, Rules, and Regulations Regarding Conduct and Association with State Prison Incarcerated persons (previously titled Secretary's Digest of Laws Related to Association with Prison Incarcerated persons), and other bylaws, rules, policies, and procedures that apply to CDCR institutions, maintain all CDCR security measures, and provide a safe work environment at all times. Contractor agrees that, prior to commencing service under this Agreement at an institution, all Contractor's providers shall agree to adhere to these requirements. CDCR/CCHCS shall furnish Contractor with a copy of the Primary Laws, Rules, and Regulations Regarding Conduct and Association with State Prison Incarcerated persons (CDCR 181) upon request. CDCR's rules, policies, and procedures include the following requirements, with which Contractor and its providers shall comply:

- a. Required documents to be carried (e.g., license(s), CDCR identification badge, registry identification, if applicable)
- b. Incarcerated person security policies and procedures (e.g., no cell phones, pagers, recording devices)
- c. Reporting for beginning/ending of shift assignment
- d. Uniform or dress code
- e. Reporting of personal illness
- f. Background investigations, fingerprinting
- g. Authorization to be on CDCR premises limited to scheduled work hours or orientation
- h. Rules governing gate clearance requirements
- i. Administrative and related service provided policies and procedures
- j. Infection control
- k. Cal/OSHA regulations relating to Bloodborne Pathogens
- l. CDCR TB Exposure Control Plan
- m. Patient/personal safety relating to fire, electrical hazards, disaster preparedness, hazardous material, equipment safety and management, Safe Drinking Water and Toxic Enforcement Act of 1986, Employee Right to Know, Advanced Directives and Patient's Rights
- n. Sexual Harassment
- o. Workplace Violence Prevention Program (WVPP) Zero Tolerance Policy

p. Use of Force

Contractor and its providers shall comply with all requirements noted above.

Contractor and its providers may be required to attend an orientation class to review these requirements, as determined by CDCR/CCHCS, upon execution of this agreement.

Gate Clearance

Contractor and its providers shall be cleared prior to providing services. Contractor will be required to complete a Request for Gate Clearance for all its providers and other persons entering the institution at a minimum of ten (10) State business days prior to commencement of service. The Request for Gate Clearance shall include the person's name, social security number, valid state driver's license number or state identification card number, and date of birth. Information shall be submitted to the institution contract liaison or his/her designee. CDCR/CCHCS may use the Request for Gate Clearance to run a California Law Enforcement Telecommunications System check and/or Live Scan. The check will include Department of Motor Vehicles check, Wants and Warrants check, and Criminal History check.

Gate clearance and/or Live Scan may be denied for the following reasons including but not limited to: non-disclosure of pertinent information to background check; individual's presence in the institution presents a serious threat to security; individual has been charged with a serious crime committed on institution property; inadequate information is available to establish positive identity of prospective individual; individual has deliberately falsified his/her identity; and/or the individual has not complied with any other requirement of this Agreement.

CDCR/CCHCS may deny gate clearance for Contractor or its provider or decline Contractor or its provider from being allowed to provide services, at one or more institutions. A determination to deny access to one or more institution under this Agreement may, in the sole discretion of CDCR/CCHCS, apply to other contracts under which Contractor or its providers render services. CDCR/CCHCS may prepare and disseminate a list of the names of persons whose gate clearance has been denied, via a process to be determined in CDCR/CCHCS' sole discretion. This list shall be a public record.

All persons entering the institution shall have a valid state driver's license or photo identification card on their person.

Unless the Agreement contains express language to the contrary, CDCR/CCHCS shall not compensate Contractor for time spent by Contractor or its providers clearing the institution gate, or for time traveling to or from the medical clinic or other location at the institution where health care services are provided.

37. Disabled Veteran Business Enterprise (DVBE)

Agreements Exempt from DVBE (exempt by statute or CDCR policy, medical, etc.)

If this Agreement is exempt from DVBE requirements, CDCR/CCHCS requests your assistance in achieving legislatively established goals for the participation of DVBEs by reporting any certified DVBEs that will be used in the performance of this Agreement.

38. Amendments

The State reserves the right to extend the Agreement up to an additional 12 months at the same rates and maximum dollar amount per year as the original Agreement and/or amend to increase funding for additional services through an amendment signed by both parties. All agreement amendments are subject to satisfactory performance, funding availability and may require approval from the DGS/OLS.

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties, and approved as required. No oral understandings or agreements, not incorporated in the Agreement, are binding on any of the parties. CDCR institution executives and staff do not have authority to make oral or written amendments to this Agreement.

39. Assignment

No assignment of this Agreement shall be valid unless made in writing, signed by the parties, and approved as required. No oral understandings or agreements, not incorporated in the Agreement, are binding on any of the parties. CDCR institution executives and staff do not have authority to make oral or written amendments to this Agreement.

40. Insurance Requirements

CDCR/CCHCS may waive application of portions or all this provision.

CDCR/CCHCS must be listed as an additional insured under the Contractor's insurance during the term of this Agreement, including any amendments. Contractor shall furnish to the State evidence of such coverage, prior to approval of the Agreement and upon request from CDCR/CCHCS during the term of this Agreement, including any amendments. CDCR/CCHCS may, in its sole discretion, change the list of State employees, officials, representatives, or other State-related entities or persons who are certificate holders or insured under Contractor's insurance as required herein, by providing notice in the manner provided in this Agreement, and any such change shall not require a written amendment to this Agreement.

Insurance as required herein shall be a condition of the State's obligation to pay for services provided under this Agreement. Prior to approval of this Agreement and before performing any services, Contractor shall furnish to the State evidence of valid coverage, on behalf of Contractor and any provider required by this Agreement to be covered by insurance. The following shall be considered evidence of coverage: a certificate of insurance, a "true and certified" copy of the policy, or any other proof of coverage issued by Contractor's insurance carrier. Binders are not acceptable as evidence of coverage. Providing evidence of coverage to the State conveys no rights or privileges to the State, nor does it insure any State employee or ensure any premises owned, leased, or otherwise used by or under the control of the State. It does, however, serve to provide the State with proof that Contractor and any provider are insured at the minimum levels required by the State of California.

Contractor agrees that any liability insurance required in the performance of this Agreement shall always be in effect during the term of this Agreement. In the event said insurance coverage expires or is cancelled at any time during the term of this Agreement, Contractor agrees to give at least 30 calendar days written notice to the State before said expiration date or immediate notice of cancellation. Evidence of coverage required in the performance of this Agreement shall not be for less than the remainder of the term of this Agreement, or in CDCR/CCHCS' discretion, for a period of less than one year. CDCR/CCHCS and the DGS reserve the right to verify Contractor's evidence of coverage; evidence of coverage is subject to the approval of the DGS. In the event Contractor or its provider fails to keep insurance coverage as required herein in effect at all times, the State reserves the right to terminate this Agreement and seek any other remedies afforded by the laws of the state of California.

Self-insured public entities **shall** provide proof of self-insurance.

It is necessary for some policies to include the State of California, its officers, agents, and employees as additional insured, but only with respect to services performed under the Agreement. Contractor hereby represents and warrants that Contractor is currently and shall remain, for the duration of this Agreement at Contractor's own expense, insured as follows:

a. Commercial General Liability (if applicable for the contract services type)

Contractor agrees to carry a minimum of One Million Dollars (\$1,000,000) per occurrence for bodily injury and property damage liability combined (Required only if the services are provided at Contractor's facility/office or if equipment to be brought to the institution for performance of service. Not required for Specialty Physician Services provided on-site at the institution).

The certificate of insurance **shall** include the following provisions:

The California Department of Corrections and Rehabilitation (CDCR) and California Correctional Health Care Services (CCHCS) shall be named as the "Certificate Holder" and include the following language:

State of California
California Department of Corrections and Rehabilitation (CDCR)
California Correctional Health Care Services (CCHCS)
Direct Care Contracts Section
PO Box 588500, Building D
Elk Grove, CA 95758

The State of California, its officers, agents, employees, and servants are hereby named as additional insured, but only with respect to work performed for the State of California. (Not required for professional liability insurance).

b. Auto Liability (if applicable for the contract services type)

Contractor shall ensure that it and all its providers who drive personal vehicles to, or on-site at the institution, maintain motor vehicle insurance liability coverage, as required by the State of California for the operation of a personal vehicle and maintain a copy of that coverage, should CDCR/CCHCS request it for purposes of a review or vehicle incident at a CDCR institution.

Contractor agrees to carry automobile liability coverage of a minimum of \$1,000,000 per claim if providing ambulance services or services using mobile vehicle MRI, CT, or mammography equipment on institution grounds.

Proof of motor vehicle insurance liability shall be provided prior to the Agreement approval. Contractor shall be responsible for ensuring it is maintained throughout the term of the Agreement.

c. Professional Liability (if applicable for the contract services type)

Contractor agrees to carry a minimum coverage of \$1,000,000 per claim up to an annual aggregate of \$3,000,000 for professional liability.

Proof of professional liability insurance shall be provided prior to the Agreement approval. Contractor shall be responsible for ensuring it is maintained throughout the term of the Agreement.

d. Workers' Compensation (if applicable for the contract services type)

Contractor hereby represents and warrants that Contractor is currently and shall, for the duration of this Agreement, carry workers' compensation insurance, at Contractor's expense, or that it is self-insured through a policy acceptable to CDCR/CCHCS, for Contractor and all its providers. Such coverage will be a condition of CDCR/CCHCS' obligation to pay for services provided under this Agreement.

Workers' compensation coverage is only applicable to this Agreement if Contractor is required, under relevant statute, regulation, or Court opinion, to provide workers' compensation coverage for performance of services under this Agreement. However, Contractor shall furnish, within three (3) State business days following CDCR/CCHCS' request, either:

- (1) A copy of the certificate of insurance, a "true and certified" copy of the policy, or any other proof of coverage issued by Contractor's insurance carrier reflecting workers' compensation coverage for all providers; or
- (2) Written confirmation, in a manner defined by CDCR/CCHCS, that workers' compensation coverage is not required for provider.

e. Aircraft Liability (if applicable for the contract services type)

Contractor agrees to carry a minimum of \$5,000,000 per claim for bodily injury and property damage liability combined.

The policy shall include the State of California, its officers, agents, and employees as additional insured, but only with respect to work performed for the State of California.

f. Additional Insurance Provisions

The State reserves the right to request proof of insurance at any time. Coverage shall be maintained throughout the term of this Agreement. In the event Contractor fails to ensure the proper insurance coverage always remains in effect for Contractor and its providers, the State may, in addition to any other remedies it may have, terminate the Agreement. Such coverage as referenced shall be a condition of CDCR/CCHCS' obligation to pay for services provided under this Agreement. The following shall be considered evidence of coverage: a certificate of insurance, a "true and certified" copy of the policy, or any other proof of coverage issued by Contractor's insurance carrier or proof of self-insurance. Binders are not acceptable as evidence of coverage per California Insurance Code Section 382.5.

Contractor also agrees to indemnify, defend and hold harmless the State, its officers, agents, and employees from all claims by provider, and/or anyone representing Contractor, related to any non-performance of this section.

By signing this Agreement, Contractor confirms that the liability insurance carrier has knowledge of Contractor's extension of services to CDCR/CCHCS patients. Such action conveys no coverage to the State under Contractor's policy, nor does it insure any State employee or insure any premises owned, leased, or otherwise used by or under the control of the State with respect to coverage.

41. Notice of Attorney General Provision – California Government Code Section 12511.5

The Attorney General may defend a public or private provider of health care, as defined in California Civil Code Section 56.05, including Contractor and its providers against any claim that the civil rights of a person in state custody were violated in the provision of health care services, where those services were provided under contract with, or under the control of, CDCR/CCHCS. Defense of the provider of health care is conditioned upon maintaining insurance for professional negligence, as required under this Agreement.

42. Authority

Contractor hereby recognizes that this Agreement is entered into under the authority of California Penal Code Section 5054, which places the responsibility for the custody and care of California's institutionalized public

offenders on the Secretary of CDCR, and CCR, Title 15, which authorizes the Secretary of CDCR to contract for the provision of incarcerated person health care services.

Contractor hereby recognizes that this Agreement is also entered into under the authority of the Receiver appointed under *Plata v. Newsom* in United States District Court for the Northern District of California, Case No. C01-1351-JST, which places the responsibility for all medical care of CDCR institutionalized public offenders with the Receiver. During the existence of the Receivership, references in this Agreement to "California Department of Corrections and Rehabilitation," "CDCR," "California Correctional Health Care Services," "CCHCS," "California Department of Corrections and Rehabilitation/California Correctional Health Care Services," and "CDCR/CCHCS" shall all refer to the area of California Department of Corrections and Rehabilitation, California Correctional Health Care Services, that reports to the Receiver.

43. Small Business and DVBE Participation – Commercially Useful Functions

This Agreement shall be subject to all requirements as set forth in Assembly Bill (AB) 669, Statutes of 2003, pertaining to the following code sections: GC Sections 14837, 14839, 14842, 14842.5, and Military and Veterans Code (MVC) Sections 999, 999.6, 999.9. In part, these code sections involve requirements to qualify as a California certified Small Business, Microbusiness, and DVBE. Effective January 1, 2004, the aforementioned companies shall perform a Commercially Useful Function to be eligible for award. AB-669 also requires that the DVBE be "domiciled" in California. Failure of the supplier to comply with the definition of and detailed requirements for providing a Commercially Useful Function will cause the supplier's bid response to be considered non-responsive and their bid will be rejected. Also, Contractors found to be in violation of certain provisions contained within these code sections may be subject to loss of certification, penalties, and Agreement cancellation.

44. Duly Organized

Contractor is duly organized, qualified and validly exists in the State under which laws it is organized and in good standing under the laws of this State and in all other jurisdictions where Contractor conducts business. Contractor has all requisite power and authority to own and operate its properties and to carry on its business as and where now conducted and to enter and perform its obligations under this Agreement.

45. Authorizations

Contractor has completed, obtained, and performed all registration, filings, approvals, authorizations, consents, or examinations required by any government or governmental authority for its acts under this Agreement.

46. Reimbursement for the Paroled

Contractor understands and agrees that CDCR/CCHCS does not have statutory authority to render payment for services provided to parolees (CCR, Title 15, § 3999.410), except for services provided to medical parolees (California Penal Code § 3550). CDCR/CCHCS shall make a good faith effort to notify Contractor if a CDCR/CCHCS patient's parole date is expected to occur while the CDCR/CCHCS patient is under Contractor's care.

CDCR/CCHCS shall assist in providing for appropriate follow-up care to include:

- a. Transfer to a community health facility in the geographic vicinity of the parole region.
- b. Continued care in the existing community health facility with arrangements for continued payment by the county of residence and/or enrollment in the Medi-Cal Program.

- c. Transfer to outpatient care within the area of the parole release.

Contractor agrees that under no circumstances shall the parole date prevent a CDCR/CCHCS from receiving emergency medical services or result in the premature discharge of a CDCR/CCHCS patient.

47. Contracts Exempt from Public Disclosure

Government Code Section 6254.14 exempts CDCR/CCHCS from publicly disclosing the terms and conditions of its negotiated health care agreements. Except for required disclosures set forth in GC Section 6254.14, Contractor agrees to protect the confidentiality of the terms and conditions of this Agreement and any amendment for one (1) year after execution, and to protect the confidentiality of the rates contained in this Agreement and any amendment for four (4) years after execution.

48. Health Records

- a. Health records shall be kept in accordance with CCR, Title 22, Section 70751, on all CDCR/CCHCS patients admitted for treatment and CDCR/CCHCS patients receiving emergency services, outpatient services, and/or outpatient surgeries. All required CDCR/CCHCS patients health records, either originals or accurate reproduction of the contents of such originals, shall be maintained by Contractor in such form as to be legible and readily available upon request by authorized representatives of CDCR/CCHCS, and any other person authorized by law to make such a request.
- b. Contractor shall safeguard the information in all health records of CDCR/CCHCS patients against loss, defacement, tampering, or use by unauthorized persons per Section 54, Confidentiality of Health Information provision, below.
- c. CDCR/CCHCS patients health records including x-ray films or reproductions thereof, shall be preserved safely for a minimum of seven (7) years following discharge of the CDCR/CCHCS patients in accordance with CCR, Title 22, Section 70751.
- d. Contractor shall provide copies of CDCR/CCHCS patients health records or information within health records, as requested by CDCR/CCHCS, at no additional charge.

49. Right to Receive and Release Information

For the purposes of enforcing or interpreting this Agreement or resolving any dispute regarding the provisions under this Agreement, whether administrative or health care-related, both parties agree to share all relevant information, including CDCR/CCHCS' patient data, subject to applicable law.

50. Confidentiality of Health Information

CDCR/CCHCS and Contractor agree that all CDCR/CCHCS patients health information is identified as confidential and shall be held in trust and confidence and shall be used only for the purposes contemplated under this Agreement.

Contractor by acceptance of this Agreement is subject to all of the requirements of the federal regulations implementing the Health Insurance Portability and Accountability Act (HIPAA) of 1996; the Health Information Technology for Economic and Clinical Health Act - Public Law 111-005 (HITECH Act), the related privacy and security regulations in Code of Federal Regulations, Title 45, Parts 160 and 164, GC Section 11019.9, California Civil Code Sections 56, et seq., and 1798, et seq., regarding the collections, maintenance, and disclosure of personal and confidential information about individuals. - Incorporated herein is a HIPAA Business Associate Agreement, which memorializes the parties' duties and obligations with respect to the protection, use, and disclosure of protected health information.

51. Confidentiality of Data

All financial, statistical, personal, technical and other data and information relating to the State's operation, and any other data which is designated confidential by the State and made available to carry out this Agreement, or which become available to Contractor in order to carry out this Agreement, shall be protected by Contractor from unauthorized use and disclosure.

If the methods and procedures employed by Contractor for the protection of Contractor's data and information are deemed by the State to be adequate for the protection of the State's confidential information, such methods and procedures may be used with the written consent of the State. Contractor shall not be required under the provisions of this paragraph to keep confidential any data already rightfully in Contractor's possession that is independently developed by Contractor outside the scope of the Agreement or is rightfully obtained from third parties.

No reports, information, inventions, improvements, discoveries, or data obtained, repaired, assembled, or developed by Contractor pursuant to this Agreement shall be released, published, or made available to any person (except to the State) in violation of any state or federal law.

Contractor by acceptance of this Agreement is subject to all the requirements of GC Section 11019.9 and California Civil Code Sections 1798, et seq., regarding the collection, maintenance, and disclosure of personal and confidential information about individuals.

52. Provider Misconduct and/or Contractor, Employee of Contractor, Subcontractor, Independent Contractor Misconduct

Agreements with Private Entities

During the performance of this Agreement, it shall be the responsibility of Contractor whenever there is an allegation of provider misconduct associated with and directly impacting CDCR/CCHCS patients and/or parolee rights, to immediately notify CDCR/CCHCS of the incident(s), to cause an investigation to be conducted, and to provide CDCR/CCHCS with all relevant information pertaining to the incident(s). All relevant information includes but is not limited to:

- a. Investigative reports.
- b. Access to CDCR/CCHCS patients/parolees and the associated staff.
- c. Access to provider personnel records.
- d. Information reasonably necessary to assure CDCR/CCHCS that CDCR/CCHCS' patients, and/or parolees are not or have not been deprived of any legal rights as required by law, regulation, policy, and procedures.
- e. Written evidence that Contractor has taken such remedial action, in the event of employee misconduct with CDCR/CCHCS' patients and/or parolees, as will assure against a repetition of the incident(s).

Notwithstanding the foregoing, and without waiving any obligation of Contractor, CDCR/CCHCS retains the power to conduct an independent investigation of any incident(s). Furthermore, it is the responsibility of Contractor to include the foregoing terms within all agreements with its providers, requiring that providers agree to the jurisdiction of CDCR/CCHCS to conduct an investigation of their facility and staff, including review of provider's personnel records, as a condition of the Agreement.

53. Physician Ownership and Referral Act of 1993

In accordance with the Physician Ownership and Referral Act of 1993, Contractor shall not refer any CDCR/CCHCS patient to any health care provider or health-related facility if Contractor has a financial interest with that health care provider or health-related facility.

Contractor may make a referral to or request consultation from a sole source health care provider or health-related facility in which financial interest is held, if Contractor is located where there is no alternative provider of service within either 25 miles or 40 minutes traveling time. Contractor shall disclose, in writing, to CDCR/CCHCS Contractor's financial interest at the time of referral or request for consultation. In no event will this prohibit CDCR/CCHCS patients from receiving emergency health care services.

54. Quality Assurance

Contractor agrees to maintain an active, systematic process based on objective and measurable criteria by which to monitor and evaluate the quality and appropriateness of CDCR/CCHCS patients health care services and to provide assurances that those services rendered were cost effective, medically necessary, and delivered in a manner consistent with the applicable standards of care.

Contractor agrees to maintain a mechanism for reporting the results of these activities to CDCR/CCHCS. Contractor shall, as requested, provide CDCR/CCHCS with patient data needed for the purposes of updating, enhancing, or modifying the CCHCS Medical Standards of Care health care policy. CDCR/CCHCS patients data requested shall include patient complications, patient mortality, and instability at discharge/transfer, post-discharge complication rate, post-discharge mortality rate, and readmission rate. Additional data may be provided to CCHCS upon request when endorsed in writing and agreed upon by both parties.

55. Audits

Contractor agrees that the awarding department, the DGS, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to the performance of this Agreement in accordance with GC Section 8546.7.

The above requirement for access by audit does not extend to Contractor's ability to ensure the integrity and protection to conduct business without impeding or interfering with areas that are considered Trade Secrets. Trade Secrets apply to Contractor's: (a) employee hiring practices; (b) negotiation of rates with healthcare service vendors or providers; (c) contracts and contract language with healthcare service vendors and providers; (d) healthcare services contracted rates with vendors or providers; and (e) payroll information for vendors and providers.

56. Quality Assurance and Financial Audits/Reviews

- a. CDCR/CCHCS reserves the right, at its expense, to make periodic quality of care audits and reviews for health care services rendered to CDCR/CCHCS patients. The purpose of these audits or reviews is to verify Contractor and its Providers compliance with the performance provisions, scope of work, terms and conditions selected for review in this Agreement, and compliance with state laws and regulations and/or CDCR/CCHCS policies and guidelines.

- b. CDCR/CCHCS may perform periodic audits, at its expense, regarding the quality of health care rendered to CDCR/CCHCS patients, as well as verify compliance with the terms and conditions pursuant to this Agreement and compliance with state laws and regulations, including adherence to CDCR/CCHCS' policies and guidelines. A Post Payment Audit and Recovery (PPAR) vendor may be contracted by CDCR/CCHCS may also audit and examine records and accounts, which pertain directly or indirectly to the Contractor and its Providers. Contractor and its Providers shall cooperate with such auditors; however, such audit shall not interfere with the delivery of health care services.
- c. Subject to applicable law, audit/review may be undertaken directly by CDCR/CCHCS or by third parties engaged by CDCR/CCHCS, including accountants, consultants, and physicians. Contractor and its Providers shall cooperate fully with such auditors; however, such audit shall not interfere with the administration of Contractor and its Providers or with the delivery of health care services.
- d. All adjustments, payments, and reimbursements determined by CDCR/CCHCS or its representatives to be necessary by such audit/review shall be effective promptly by Contractor upon issuance of a final audit report, except for portions of that report which are challenged or appealed by Contractor. In the case of challenge or appeal, Contractor shall affect the adjustment, payment, or reimbursement immediately upon a settlement, or pursue remedy through the Refund Disputes Process in this exhibit. CCHCS is unable to offset future Contractor payments therefore checks are made payable to California Correctional Healthcare Services and sent to the address below or the PPAR as noted in their correspondence.

California Correctional Health Care Services
HCCCMB
Attn: Refund Administrator
PO Box 588500, Building D-2
Elk Grove, CA 95758

- e. Physicians Only: Contractor and its Providers do not waive its right under California Evidence Code Section 1157 et seq. CDCR/CCHCS recognizes that the records and proceedings of Contractor's and its Providers committees responsible for the evaluation and improvement of the quality of care are protected under Section 1157 of the Evidence Code; and, accordingly, CDCR/CCHCS shall maintain the confidentiality of all Contractor and its Providers peer review information to which it may gain access under this Agreement. CDCR/CCHCS shall not disclose any information obtained from Contractor or its Providers hereunder, except as expressly approved by Contractor or as required by law.
- f. Contractor shall furnish, upon request by CDCR/CCHCS/PPAR, any CDCR/CCHCS patient records maintained by Contractor and its Providers or its medical and/or professional staff or any authorized officer, agent or employee, including but not limited to x-rays, lab results, and any health care committee reviews and recommendations related to a CDCR/CCHCS patient.
- g. Findings shall be submitted to Contractor, and CDCR/CCHCS/PPAR will establish a review date at which time expectations and timeframes for correcting any deficiencies will be established. Failure by Contractor to correct deficiencies, within agreed upon timeframes, shall be reason for termination in accordance with Section 3(b), Termination of Agreement for Cause provision in this exhibit.

57. Refund Disputes – CCHCS Internal Refunds and Post Payment Audits

As a condition precedent to the right to pursue litigation or other legally available dispute resolution process with CCHCS, if any, Contractor agrees that all disputes and/or claims arising under or related to between CCHCS and Contractor and its Providers shall be resolved pursuant to the following processes. Failure to comply with said dispute resolution procedures shall constitute a failure to exhaust administrative remedies.

Pending the final resolution of any such disputes and/or claims, Contractor agrees to proceed with the performance of the Agreement, including the delivering of goods or providing of services. Contractor's failure to proceed shall constitute a material breach of the Agreement.

The Agreement shall be interpreted, administered, and enforced according to the laws of the state of California. The parties agree that any suit brought hereunder shall have venue in Sacramento, California. The parties hereby waive any claim or defense that such venue is not convenient or proper.

a. Internal Refund Disputes

(1) First Level Refund Appeal

For disagreements regarding refunds for a claim billed under the Agreement, Contractor and its providers may file a First Level Refund Appeal within 30 calendar days following the receipt of overpayment notification from CDCR/CCHCS. Appeals are to be submitted to the HIS Post Payment Support Team at m_CCHCSHISRefund@cdcr.ca.gov.

The First Level Refund Appeal shall be sent with detailed reason(s) and justification of dispute, supporting medical documentation, a copy of the claim(s) originally submitted, refund letter received, patient's name, CDCR number, date(s) of service, amount paid, Provider's contact name, phone number and email address, legal authority or other basis for position, and any other documentation in support of the Appeal, and remedy sought. If the appeal is submitted with no new documentation specifically addressing the reason for the appeal, the appeal will not be reviewed and will be rejected.

The Post Payment Support Team or Utilization Management shall review the First Level Refund Appeal. The Post Payment Support Team shall issue a written decision to the Contractor explaining the outcome of the appeal within 30 calendar days from receipt of the Appeal.

(2) Second Level Refund Appeal

If the dispute or claim is still not resolved to Contractor's satisfaction at the First Level of Appeal, Contractor may file a written Second Level Refund Appeal within 30 calendar days following the determination from the First Level Appeal. Appeals are to be submitted to the HIS Post Payment Support Team Supervisor I at m_CCHCSHISRefund@cdcr.ca.gov.

The Second Level Refund Appeal shall be sent with additional supporting medical documentation, justification to the detailed reason(s) of dispute regarding the First Level Appeal, along with the denial letter and all original supporting documentation provided for the First Level Appeal. If the appeal is submitted with no new documentation specifically addressing the reason for the appeal, the appeal will not be reviewed and will be rejected.

The HIS Post Payment Support Team Supervisor I or Utilization Management shall issue a written decision in response to Contractor's Second Level Refund Appeal within 30 calendar days of receipt of the Second Level Appeal.

(3) Administrative Level Refund Appeal

If the dispute or claim is still not resolved to Contractor's satisfaction at the Second Level of Appeal, Contractor may file a written Administrative Level Refund Appeal within 30 calendar days following the determination from the Second Level Appeal. Appeals are to be submitted to the HIS Post Payment Support Team Assistance Deputy Director (ADD at m_CCHCSHISRefund@cdcr.ca.gov).

The Administrative Level Refund Appeal shall be sent with additional supporting medical documentation, justification to the detailed reason(s) of dispute regarding the Second Level Appeal, along with the denial letter and all original supporting documentation provided for the Second Level Appeal. If the appeal is submitted with no new documentation specifically addressing the reason for the appeal, the appeal will not be reviewed and will be rejected.

The HIS Post Payment Support Team Assistant Deputy Director or Utilization Management shall issue a written decision in response to Contractor's Administrative Level Refund Appeal within 30 calendar days of receipt of the Administrative Level Appeal.

b. PPAR Audit Appeals

(1) First Level Audit Appeal

For disagreements regarding PPAR Audits for a claim billed under the Agreement, Contractor and its providers may file a First Level Audit Appeal within 30 calendar days following the receipt of letter from the contracted PPAR vendor. Appeals are to be submitted directly to the PPAR vendor as outlined in their correspondence.

The First Level Audit Appeal shall be sent with detailed reason(s) and justification of dispute, supporting medical documentation, a copy of the claim(s) originally submitted, overpayment letter received, patient's name, CDCR number, date(s) of service, amount paid, Provider's contact name, phone number and email address, legal authority or other basis for position, and any other documentation in support of the Appeal, and remedy sought.

The PPAR vendor shall review the First Level Audit Appeal and shall issue a written decision to the Contractor explaining the outcome of the appeal within 30 calendar days of from receipt of the Appeal.

(2) Second Level Audit Appeal

If the dispute is still not resolved to the Contractor's Satisfaction at the First Level Audit Appeal level, Contractor may file a written Second Level Audit Appeal, within 30 calendar days following the determination from the First Level Audit Appeal. Appeals are to be submitted directly to the PPAR vendor as outlined in their correspondence.

The Second Level Audit Appeal shall be sent with additional supporting documentation and justification to the detailed reason(s) of dispute regarding the First Level Audit Appeal, along with the denial letter and all original supporting documentation provided for the prior appeals.

The PPAR vendor will evaluate the appeal and issue a written response within 30 calendar days of receipt of the Second Level UM Refund Appeal.

(3) Administrative Level Audit Appeal

If the dispute or claim is still not resolved to Contractor's satisfaction at the Second Level Audit Appeal level, Contractor may file a written Administrative Level Audit Appeal, within thirty (30) calendar days following the date of the determination from the Second Level Audit Appeal, to the address provided in their original Overpayment letter or to the CCHCS HCCCMB Assistant Deputy Director at the following address:

California Correctional Health Care Services
HCCCMB

Attn: Assistant Deputy Director
PO Box 588500, Building D-2
Elk Grove, CA 95758

The Administrative Audit Appeal for Administrative Resolution shall include a written certification signed by a knowledgeable company official under the penalty of perjury according to the laws of the state of California pursuant to CCP Section 2015.5 that the dispute, claim, or demand is made in good faith, and that the supporting data is accurate and complete. If an Agreement adjustment is requested, the written certification shall further state under penalty of perjury that the relief requested accurately reflects the Agreement adjustment for which CCHCS is responsible.

The CCHCS HCCCMB Assistant Deputy Director or Utilization Management shall make a determination on the issue and respond in writing within thirty (30) calendar days of receipt of the Administrative Level Audit Appeal, indicating the written decision. Contractor shall be notified if an extension of time is necessary.

58. Unusual Circumstances

a. Major Disaster or Epidemic

In the event of any major disaster or epidemic, as declared by the governor of the State and affecting Contractor's service area, or epidemic, as declared by the California Department of Public Health, or other appropriate entity, Contractor shall render or attempt to arrange for the provision of services insofar as practical, according to their best judgment, within the limitations of such facilities and its providers as are then available. Neither Contractor nor its providers have any liability or obligation for delay or failure to provide any such services due to lack of available facilities or its providers if such lack is the result of such disaster or epidemic.

b. Circumstances Beyond Contractor's Control

If due to circumstances not reasonably within the control of Contractor, such as complete or partial destruction of facilities, war, riot, civil insurrection, or similar causes, the rendition of service provided hereunder is delayed or rendered impractical, then Contractor has no liability or obligation under this Agreement for such delay or failure to provide services.

59. Indemnification (Supersedes provision number 5, Indemnification, of Exhibit C)

a. Terms of Contract

Contractor shall indemnify, defend, and hold harmless the State, CDCR/CCHCS, and CDCR/CCHCS' officers, employees and agents, against any and all losses, liabilities, settlements, claims, demands, damages, or deficiencies (including interest), and expenses of any kind (including but not limited to attorneys' fees) arising out of the performance of this Agreement or due to a breach of any representation or warranty, covenant, or agreement of Contractor or provider contained in this Agreement. The State, CDCR/CCHCS' officers, agents, and employees shall be responsible for their own acts and omissions.

b. Provision of Services

Contractor shall be solely responsible for all losses, liabilities, settlements, claims, demands, damages, or deficiencies (including interest), and expenses of any kind (including but not limited to attorney's fees) arising out of Contractor's, provider's, or their representatives' negligent acts or omissions hereunder. The State, CDCR/CCHCS' officers, agents, and employees shall be responsible for their own acts and omissions.

60. Overpayments and Offsets

Contractor and CDCR/CCHCS agree that CDCR/CCHCS may offset any overpayment, erroneous payment, or otherwise improper payment (collectively, overpayment) to Contractor by directly withholding that amount from the next payment or several payments, as necessary to pay the overpayment, that would otherwise be due to Contractor. However, at least 30 calendar days prior to seeking recovery via offset, CDCR/CCHCS shall provide written notice to Contractor to explain the nature of the overpayment and describe the recovery process. CDCR/CCHCS will not offset an overpayment during the pendency of an appeal, filed under Section 2, Dispute Resolution Process provision of this exhibit, challenging the determination of overpayment. If recovery of the full amount of overpayment at one time imposes a financial hardship on Contractor, CDCR/CCHCS, in its sole discretion, may grant Contractor's request to repay the recoverable amount in monthly installments over a period of consecutive months, not to exceed six (6) months.

61. Liquidated Damages

a. General

It is the policy of the California Legislature to use liquidated damage provisions in State contracts, as set forth in California Civil Code Section 1671, subdivision (b), and PCC Section 10226. The parties agree that CDCR/CCHCS shall have the authority to impose liquidated damages on Contractor.

Therefore, it is agreed by CDCR/CCHCS and Contractor that, if Contractor does not comply with the terms of this Agreement, as well as all applicable federal, state, and local statutes and regulations:

- (1) Damage and harm to the State will result.
- (2) Proving such damages shall be costly, difficult, and time-consuming.
- (3) If CDCR/CCHCS chooses to impose liquidated damages, Contractor shall pay the State those damages for not providing or performing the specified requirements.
- (4) Additional damages may occur in specified areas by prolonged periods in which Contractor does not provide or perform requirements.
- (5) The damage figures listed elsewhere in this Agreement represent a good faith effort to quantify the range of harm that could reasonably be anticipated at the time of the making of the Agreement.
- (6) The damages provided for under this provision and elsewhere in this Agreement are difficult to establish.
- (7) Contractor shall pay the amounts set forth in this provision and elsewhere in this Agreement as liquidated damages and not as a penalty.
- (8) Liquidated damages will not be assessed if Contractor's delay or failure to timely perform its obligations was caused by factors beyond reasonable control and without any material error or negligence of Contractor, its employees, or providers.
- (9) If a Contractor's delay or failure to timely perform an obligation under the Agreement was caused, in part, by a CDCR/CCHCS failure to perform an obligation under the Agreement, liquidated damages will be apportioned in an amount proportionate with Contractor's culpability, as determined by CDCR/CCHCS, for the delay or failure to timely perform.

b. Assessment of Liquidated Damages

- (1) Failure to provide services on three (3) or more occasions may result in termination of the Agreement or the institution not having to contact Contractor prior to contacting other contractors for the duration of the Agreement term. The CCHCS Direct Care Contracts Section Staff Services Manager III or designee has the sole discretion in this decision.
- (2) In the event there is a need to acquire additional resources outside this Agreement to obtain the required contracted services, Contractor shall be responsible to pay the cost differential sustained by CDCR/CCHCS to obtain the services, due to failures of Contractor to meet the service requirements as outlined in this Agreement.

c. Manner of Collection

- (1) After CDCR/CCHCS has determined that liquidated damages are to be assessed, CDCR/CCHCS shall notify Contractor in writing of the reason for and amount of the assessment(s). The assessment notice shall be sent to Contractor by certified mail, return receipt requested, or by any other method, which provides evidence of receipt. At CDCR/CCHCS' discretion, the assessment notice may direct payment of the assessment by Contractor. If payment is thus directed, Contractor shall pay the assessment within 30 calendar days of receipt of the assessment notice.
- (2) Any liquidated damages assessment may also be collected, at CDCR/CCHCS' discretion, by offsetting the funds from payment(s) due to Contractor after the date of assessment, in the manner set forth in Section 61, Overpayments and Offsets provision of this exhibit.

d. Interest on Pending Liquidated Damages

- (1) If it should later be determined in the dispute process that funds collected by the State to pay liquidated damages assessment should be refunded, the State shall pay interest accruing from the date of offset or collection. The interest rate paid shall be the average rate for investment in the Pooled Money Investment Fund (PMIF) in effect for the month in which the assessment was offset or otherwise collected. When a liquidated damages assessment is offset or otherwise collected over a period of two (2) or more months, the interest rate paid by the State shall be the average rate for investment in the PMIF in effect for the first month in which the assessment was offset or otherwise collected, revised quarterly for the period of time the assessment was retained by the State.
- (2) Contractor shall pay interest to the State on all liquidated damages assessments which are not either paid or offset against payment due to Contractor within 30 calendar days of the date of receipt of the assessment notice. The interest rate paid shall be the average rate for investment in the PMIF in effect for the month of assessment. If Contractor's continuing liability for one (1) liquidated damages assessment extends over a period of two (2) or more months, the interest rate shall be the average for investment in the PMIF for the first (1st) month in which liquidated damages were assessed, revised quarterly over the period the assessment remained uncollected.
- (3) Interest accrues during all periods of time in which the liquidated damages assessment is unpaid or otherwise uncollected. For instance, interest accrues during periods in which collection of the assessment has been suspended, pending the outcome of the dispute or appeal.
- (4) If a reduction in the final amount of liquidated damage is finally determined, the interest shall be prorated unless it is impractical to do so.

Nothing in this provision shall be construed as relieving Contractor from performing any other contract duty not listed herein, nor is CDCR/CCHCS' right to enforce or seek other remedies for failure to perform any other contract duty hereby diminished.

If any portion of these liquidated damages provisions is determined to be unenforceable, the other portions shall remain in full force and effect.

62. Executive Order N-6-22 – Russia Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. "Economic Sanctions" refers to sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law. The EO directs state agencies to terminate contracts with, and to refrain from entering any new contracts with, individuals or entities that are determined to be a target of Economic Sanctions. Accordingly, should the State determine Contractor is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities that shall be grounds for termination of this Agreement. The State shall provide Contractor advance written notice of such termination, allowing Contractor at least 30 calendar days to provide a written response. Termination shall be at the sole discretion of the State.

DEFINITIONS

1. **Agreement:** "Agreement" is used synonymously with "Contract." A mutual understanding between the State and another entity, public or private, about their rights and duties regarding the provision of goods and/or services.
2. **Ambulance Service:** A ground, air or sea transport service for CDCR/CCHCS patients to be transferred for health related treatment or transport.
3. **Attending Physician:** The physician who has primary responsibility for the health care and treatment of an individual patient.
4. **Authorized Administrator:** A person who has been given full authority to grant prior authorization for the delivery of health care services rendered to CDCR/CCHCS patients.
5. **California Code of Regulations (CCR), Title 15:** The regulations that authorize the Director of the California Department of Corrections and Rehabilitation to contract for the provision of CDCR/CCHCS patients health care.
6. **California Confidentiality of Medical Information Act (CMIA):** The act that requires authorization from a patient to disclose medical information and defines terms in reference to the release of medical information. The CMIA is fully defined in California Civil Code sections 56-56.37.
7. **California Correctional Health Care Services (CCHCS):** The entity responsible for health care treatment, performance, and decisions within CDCR institutions for CDCR/CCHCS patients.
8. **California Department of Corrections and Rehabilitation (CDCR):** Authorized by California Penal Code, Section 5000 et seq., and the California Code of Regulations, Title 15, to maintain the custody and care of California's institutionalized public offenders.
9. **Camp:** A type of sub-facility of an institution which is normally located in a rural area and which has no secured (fenced or walled) perimeter.
10. **CDCR/CCHCS Medical Standards of Care:** InterQual® Care Planning Criteria, published by McKesson Health Solutions, LLC, except to the extent they conflict with the Health Care Department Operations Manual (HCDOM), and except to the extent the InterQual® criteria or the HCDOM conflicts with the California Code of Regulations, Title 15, Division 3, Chapter 1, Subchapter 4, Articles 8 and 9 and California Code of Regulations, Title 15, Division 3, Chapter 2. Requests for InterQual® criteria should be directed to um@cdcr.ca.gov and the HCDOM is available at the following link: <https://www.cdcr.ca.gov/hcdom/dom/>
11. **CEO:** Chief Executive Officer.
12. **CME:** Chief Medical Executive.

13. **Community Health Facility:** Any facility, place, or building that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical or mental, including convalescence, rehabilitation, and care during and after pregnancy, or for any one or more of these purposes, for one or more persons, and to which the persons are admitted for a 24-hour stay or longer per California Health and Safety Code, Section 1250.
14. **Consultant:** A provider of services of an advisory nature, who provides a recommended course of action or personal expertise.
15. **Contract:** "Contract" is used synonymously with "Agreement." A mutual understanding between the State and another entity, public or private, about their rights and duties regarding the provision of goods and/or services.
16. **Contractor:** "Contractor" is used synonymously with "vendor." A party contracting with CDCR/CCHCS; the person or company providing services via a contractual arrangement.
17. **Correctional Treatment Center:** A healthcare facility with a specified number of beds within a state prison, county jail designated to provide health care to that portion of the CDCR/CCHCS patients population not requiring general acute care level of services, but who are in need of professionally supervised health care beyond that normally provided in the community on an outpatient basis (California Code of Regulations, Title 22, Section 79516).
18. **Credentialing:** The system of screening and evaluating qualifications and other credentials, including but not limited to, licensure, certification, required education, relevant training and experience, and current competence and health status. Health care professionals must have credentialing process approved by the credentialing and privileging support unit.
19. **Day:** Calendar day, unless otherwise specified.
20. **Direct Care Contracts Section:** The entity responsible for creating and maintaining contracts for direct care services in accordance with statewide contracting policies and procedures.
21. **Designee:** A person who has been appointed to perform a duty or carry out a specific role.
22. **Discharge Summary:** A brief recapitulation of significant findings and events of CDCR/CCHCS patients hospitalization, condition on discharge, the recommendations and arrangements for future care (California Code of Regulations, Title 22, Section 70749).
23. **Division of Adult Institutions (DAI):** The division responsible for the management and operation of adult institutions, conservation camps, and community correctional facilities.
24. **Emergency Care Services:** The immediate care or treatment necessary to prevent death, severe or permanent disability, or to alleviate severe pain, including medically necessary crisis intervention for CDCR/CCHCS patients suffering from situational crisis or acute episodes of mental illness, in accordance with California Code of Regulations, Title 15.
25. **Ex-Offender:** A person previously convicted of a felony in California or any other state, or convicted of an offense in another state, which would have been a felony if committed in California.
26. **Experimental or Investigational Treatment:** Any experimental or investigational treatment,

therapy, procedure, drug or drug usage, facility or facility usage, equipment or equipment usage, device or device usage, or supplies that are not recognized as being in accord with generally accepted professional medical standards or as being safe and effective for use in the treatment of an illness, injury, or condition at issue. Services that require approval by the federal government or any agency thereof, or by any state governmental agency prior to use, and where such approval has not been granted at the time the services were rendered, shall be considered experimental or investigational. Services which are not approved or recognized as being in accord with accepted professional medical standards, but nevertheless are authorized by law or a governmental agency for use in testing, trials, or other studies on human patients, shall be considered experimental or investigational.

27. **Fiscal Year:** The accounting period from July 1 through June 30 of the following year.
28. **Government Claims Program:** The unit within the California Department of General Services, Office of Risk and Insurance Management whose function is to resolve all claims for money or damages filed against state agencies under California Government Code Section 900 et seq., before a lawsuit against a state agency can be pursued.
29. **Health Care Review Subcommittee:** The appointed CDCR officials authorized to review and approve health care services, which are excluded from the CDCR Medical Standards of Care Policy.
30. **Health Care Services:** The medical, mental health, dental, pharmaceutical, diagnostic and ancillary services to identify, diagnose, evaluate, and treat a medical, mental health, or dental condition.
31. **Health Care Service Provider:** A Medical Doctor, Doctor of Osteopathy, Doctor of Podiatric Medicine, Clinical Psychologist, Dentist, Clinical Social Worker, Nurse Practitioner, Physician Assistant or entity providing health care services to CDCR/CCHCS patients.
32. **HIPAA:** Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191, 110 Stat. 1936); a United States Federal law that includes privacy standards to protect patients' medical records and other health information provided to health plans, doctors, hospitals, and other health care providers.
33. **HITECH Act:** Subtitle D of the Health Information Technology for Economic and Clinical Health Act (HITECH Act), enacted as part of the American Recovery and Reinvestment Act of 2009, and addresses the privacy and security concerns associated with the electronic transmission of health information.
34. **Hospital:** An institution which is licensed under all applicable state and local laws and regulations to provide diagnostic and therapeutic services for the medical diagnosis, treatment, and care of injured, disabled, or sick persons in need of acute inpatient medical and psychiatric or psychological care.
35. **In Personam Jurisdiction:** Courts power over a particular defendant.
36. **Incarcerated Person:** CDCR incarcerated public offender.
37. **Institution:** A large facility or complex of sub-facilities with a secure (fenced or walled) perimeter headed by a Warden.

- 38. Institution Contract Liaison:** A CDCR/CCHCS employee responsible for pre-arranging health care contracting services and responsible for managing at the institution the contractual scope of service/performance issues to assure continuity of care.
- 39. Matrix:** A document that indicates the ranking of contractors, which determines the order in which contracted services may be requested.
- 40. May:** Permitted.
- 41. Medically Necessary:** Health care services that are determined by the attending or primary medical, mental health, or dental care provider(s) to be needed to protect life, prevent significant illness or disability, or alleviate severe pain, and are supported by health outcome data or clinical evidence as being an effective health care service for the purpose intended or in the absence of available health outcome data is judged to be necessary and is supported by diagnostic information or specialty consultation (California Code of Regulations, Title 15, Section 3999.98).
- 42. Non-Essential Services:** A non-emergency/scheduled admission for medical services when the CDCR/CCHCS patients condition permits adequate time to schedule the necessary diagnostic workup and/or initiation of treatment, in accordance with California Code of Regulations, Title 15.
- 43. Non-IT Services:** Performing a service void of any information technology aspect including, but not limited to, health care services, consultant services, janitorial services, and equipment maintenance.
- 44. NPI:** National Provider Identifier.
- 45. Off-Site in the Community:** A general medical location, not at CDCR institutions or CDCR satellite locations, where contracted services are provided (e.g., hospital, telemedicine, surgery center, office).
- 46. On-Site at the Institution:** Contracted services performed at a CDCR institution and/or a designated CDCR satellite location.
- 47. Patient:** An incarcerated person who is seeking or receiving health care services or who is assigned to a care team.
- 48. Patient Data:** Any piece of information, administrative or medical, specific to an incarcerated public offender receiving medical or surgical treatment in a hospital, office, clinic, or hospital outpatient surgery center.
- 49. Patient Day:** A day a CDCR/CCHCS patient occupies an inpatient bed as of the midnight census. If both admission and discharge occur on the same day, the day is counted as one patient day.
- 50. Penal Code Section 5054:** The section of law that grants the Secretary of CDCR the authority and responsibility for the custody and care of California's institutionalized public offenders.
- 51. Physician:** An authorized practitioner of medicine, as one graduated from a college of medicine or osteopathy and licensed by the appropriate board.

- 52. **PID:** Person Identification Number.
- 53. **Preferred Provider Network:** An organization responsible for maintaining and providing a network of medical providers to perform medical services for CDCR/CCHCS patients.
- 54. **Prescription Drugs:** All drugs under state or federal law, require the written prescription of a doctor, dentist, podiatrist or osteopath, or any medicinal substance which is required to bear the legend, "Caution: Federal law prohibits dispensing without a prescription," under the Federal Food, Drug, and Cosmetic Act.
- 55. **Prescription Order:** The request by a physician for each separate drug or medication and each authorized refill of such request.
- 56. **Prior Authorization:** The required advance authorization granted by Chief Executive Officer/Chief Medical Executive/Chief Nursing Executive or her/his designee.
- 57. **Provider:** A person with whom a contractor enters into an arrangement, whether expressed or implied, for the purpose of performing any service described in the Agreement between the contractor and CDCR/CCHCS. The term "Provider" may include, but is not limited to, a subcontractor, consultant, and employee of the respective registry.
- 58. **Rank Order:** The ranking of contractors on a matrix based on rates offered by the contractors. Rank one is the contractor offering the lowest rates.
- 59. **Receiver:** The person appointed by the United States District Court for the Northern District of California to assume the executive management of the California prison medical system with the authority to exercise all powers vested by law in the Secretary of CDCR.
- 60. **Secretary:** Secretary of CDCR.
- 61. **Shall:** Mandatory.
- 62. **Should:** Suggested or recommended.
- 63. **Skilled Nursing Care:** Skilled supervision and management of a complicated or extensive plan of care for a CDCR/CCHCS patient initiated and monitored by a physician in which there is a significantly high probability that complications would arise without the skilled supervision or implementation of the treatment program by a licensed nurse or therapist.
- 64. **State:** The state of California.
- 65. **State Administrative Manual (SAM):** The manual that provides the policies and procedures and the uniform guidance for governing the fiscal and business management affairs of the state of California.
- 66. **State Business Days:** Monday through Friday, not counting state holidays.
- 67. **Subcontractor:** Any person or entity that has entered into a contract, either expressed or implied, with a contractor for the purpose of performing any service under the contractor's Agreement with CDCR/CCHCS.
- 68. **Surgery Center:** An ambulatory outpatient medical treatment facility where medical surgery

services are performed in the community.

- 69. **Telemedicine:** The use of health care information exchanged from one site to another via electronic communications for the health of the CDCR/CCHCS patients and for the purpose of improving CDCR/CCHCS patients care. Telemedicine includes consultative, diagnostic, and treatment services.
- 70. **Temporary/Relief Staff:** All of the contractor's personnel, employees, independent contractors, and subcontractors providing on-site dental, mental health, and/or medical staffing at institutions.
- 71. **Total Patient Days:** The total inpatient days from the day of admission to, but not including, the day of discharge.
- 72. **Transfer Order:** The written document issued and signed by the CDCR/CCHCS patient which notes the medications, treatment, and diet orders for the CDCR institution and provides instructions to the CDCR/CCHCS patients in order to maintain continuity of care. A transfer order is prepared when a CDCR/CCHCS patient is discharged from the hospital and is returning to a CDCR institution.
- 73. **Transfer Summary:** The written document which precedes or accompanies CDCR/CCHCS patient upon a CDCR/CCHCS patient's discharge from a hospital to a skilled nursing or intermediate care facility, Correctional Treatment Center, or to the distinct skilled nursing or intermediate care service unit of the hospital where continuing care will be provided. The transfer summary, signed by the attending physician, includes the following information relative to the CDCR/CCHCS patients: diagnosis, hospital course, medications, treatments, dietary requirements, rehabilitation potential known allergies, and treatment plan.
- 74. **Urgent Care:** A non-emergency admission or occurrence where timely evaluation and treatment is required for medical/psychiatric attention and/or hospitalization, but there is no immediate threat of loss of life or limb.
- 75. **Utilization Management (UM):** A strategy designed to ensure that health care expenditures are restricted to those that are needed and appropriate by reviewing CDCR/CCHCS patient medical records through the application of defined criteria and/or expert opinion. It assesses the efficiency of the health care process and the appropriateness of decision making related to the site of care, its frequency and its duration, through prospective, concurrent, and retrospective utilization reviews.
- 76. **Vendor:** "Vendor" is used synonymously with "Contractor." A party contracting with CDCR/CCHCS; the person or company providing services via a contractual arrangement.
- 77. **Warden:** A peace officer responsible for managing the overall operation of a state correctional institution for adult felons. The Warden is responsible for formulating and executing the incarcerated person's program for the care, treatment, training, discipline, custody, and employment of incarcerated persons.

Recitals – STANDARD RISK

- A. This Contract (Agreement) constitutes a Business Associate (BA) relationship under the Health Insurance Portability and Accountability Act (HIPAA) and its implementing privacy and security regulations at 45 C.F.R. Parts 160 and 164 (collectively, the HIPAA regulations).
- B. The California Department of Corrections and Rehabilitation, California Correctional Health Care Services (CCHCS) wishes to disclose to the BA certain information pursuant to the terms of this Agreement, some of which may constitute Protected Health Information (PHI) and confidential information protected by federal and/or state laws.
- C. PHI means any information, whether oral or recorded in any form or medium that relates to the past, present, or future physical or mental condition of an individual, the provision of health and dental care to an individual, or the past, present, or future payment for the provision of health and dental care to an individual; and that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual. PHI shall have the meaning given to such term under HIPAA and HIPAA regulations, as the same may be amended from time to time. Confidential Information means information protected by federal and/or state laws identified in this Agreement.
- D. Unsecured PHI means PHI that has not been rendered unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified in guidance from the Secretary of the U.S. Department of Health and Human Services (HHS).
- E. Security Incident means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of CCHCS PHI or interference with system operations in the BA's information system.
- F. As set forth in this Agreement, the Contractor is the BA of CCHCS that provides services, medical items for identified patients, arranges, performs or assists in the performance of functions or activities on behalf of CCHCS and creates, receives, maintains, transmits, uses or discloses PHI.
- G. CCHCS and the BA desire to protect the privacy and provide for the security of PHI and confidential information created, received, maintained, transmitted, used or disclosed pursuant to this Agreement, in compliance with HIPAA, HIPAA regulations, and other applicable laws.
- H. The purpose of the Business Associate Agreement (BAA) is to satisfy certain standards and requirements of HIPAA and the HIPAA regulations.
- I. The terms used in this Agreement, but not otherwise defined, shall have the same meanings as those terms in the HIPAA regulations.

In exchanging information pursuant to this Agreement, the parties agree as follows:

1. Permitted Uses and Disclosures of PHI by Business Associate

- A. **Permitted Uses and Disclosures.** Except as otherwise indicated in this Agreement, the BA may use or disclose PHI only to perform functions, activities or services specified in this Agreement or as necessary to perform the BA obligations under the Agreement to which this BAA is attached, for, or on behalf of CCHCS, provided that such use or disclosure would not violate the HIPAA regulations, if done by CCHCS.

B. **Specific Use and Disclosure Provisions.** Except as otherwise indicated in this Agreement, the BA may:

- 1) **Use and disclose for management and administration.** Use and disclose PHI for the proper management and administration of the BA or to carry out the legal responsibilities of the BA, provided that disclosures are required by law, or the BA obtains reasonable assurances from the person to whom the information is disclosed that it will remain confidential and will be used or further disclosed only as required by law or for the purpose for which it was disclosed to the person, and the person notifies the BA of any instances of which it is aware that the confidentiality of the information has been breached.
- 2) **Provision of Data Aggregation Services.** Use PHI to provide data aggregation services to CCHCS. Data aggregation means the combining of PHI created or received by the BA on behalf of CCHCS with PHI received by the BA in its capacity as the BA of another covered entity, to permit data analyses that relate to the health care operations of CCHCS.
- 3) De-identify any and all PHI received by the BA under this BAA, provided that the de-identification conforms to the requirements of the Privacy Rule.

2. Responsibilities of Business Associate

BA agrees:

- A. **Nondisclosure.** Not to use or disclose PHI other than as permitted or required by this Agreement or as required by law. BA acknowledges that in some circumstances, BA's staff or contractors working on certain confidential or sensitive CCHCS projects relating to correctional security may be requested to execute a non-redisclosure agreement with respect to such confidential or sensitive information which may not be redisclosed. If a non-redisclosure agreement is signed by any BA staff or contractor, such document shall be retained by the BA for 6 (six) years following termination of the contract timeframe to which this BAA is attached.
- B. **Safeguards.** To implement administrative, physical, and technical safeguards that reasonably and appropriately protect the confidentiality, integrity, and availability of the PHI, including electronic PHI, that it creates, receives, maintains, uses or transmits on behalf of CCHCS; and to prevent use or disclosure of PHI other than as provided for by this Agreement. BA shall develop and maintain a written information privacy and security program that includes administrative, physical, and technical safeguards appropriate to the size and complexity of the BA's operations and the nature and scope of its activities, and which incorporates the requirements of section C, Security, below. Upon written request, the BA will provide CCHCS with an attestation that its current and regularly updated internal privacy and information security policies comply with this requirement. And, if applicable, to the extent the BA stores CCHCS PHI, CCHCS retains the right to inspect the BA's information privacy and security program if the BA does not provide an attestation within a reasonable timeframe to respond to the attestation request.
- C. **Security.** To take the reasonably necessary steps to ensure the continuous security of all computerized data systems containing Covered Entity's PHI and provide data security procedures for the use of CCHCS at the end of the contract period. These steps shall include, at a minimum:
 - 1) Complying with all of the data system security precautions listed in this Agreement or in an Exhibit incorporated into this Agreement; and

- 2) To the extent applicable, achieve and maintain compliance with the HIPAA Security Rule (45 CFR Parts 160 and 164), in conducting operations on behalf of CCHCS under this agreement.
 - 3) If the BA stores CCHCS PHI, the BA will comply with the safeguard provisions provided at <https://www.dgs.ca.gov/Resources/SAM/TOC/5300/5300-5> as provided in the Department's Information Security Policy, embodied in the Security and Risk Management Policy in the Information Technology Section of the State Administrative Manual (SAM), § 4840 et seq., Information Security Policy in SAM § 5300, et. seq. and State Information Management Manual (SIMM) § 5300 et. seq. If the above safeguard standards change, and after the BA receives notice of any changes, the BA agrees to work in good faith to determine if the BA can comply with the changes, and if the BA determines that it cannot comply with the changes, CCHCS and the BA agree that this BAA and underlying agreements with CCHCS may be immediately terminated by either party.
 - 4) Background Check. Before a member of the workforce may access CCHCS PHI and depending on the nature of the scope of work, a thorough background check of that workforce member may be conducted (i.e. LiveScan), with evaluation of the results to assure that there is no indication that the workforce member may present a risk to the security or integrity of confidential data or a risk for theft or misuse of confidential data. The Contractor shall retain each workforce member's background check documentation for a period of three (3) years following contract termination.
 - 5) The BA shall designate an Information Security Officer to oversee its data security program who shall be responsible for carrying out the requirements of this section and for communicating on security matters with CCHCS.
- D. **Mitigation of Harmful Effects.** To mitigate, to the extent practicable, any harmful effects known to the BA of a use or disclosure of PHI by the BA or its subcontractors in violation of the requirements of this Agreement.
- E. **BA's Agents.** If the BA subcontracts the services under the agreement to which this BAA is attached, ensure that any agents, including subcontractors, to whom the BA provides PHI received from or created or received by the BA on behalf of CCHCS, agree to the same restrictions and conditions that apply to the BA with respect to such PHI, including implementation of reasonable and appropriate administrative, physical, and technical safeguards to protect such PHI; and to incorporate, when applicable, the relevant provisions of this Agreement into each subcontract or with agents or subcontractors.
- F. **Availability of Information to CCHCS and Individuals.** To provide access as CCHCS may require, and in the time and manner designated by CCHCS (upon reasonable notice and during BA's normal business hours) to PHI in a Designated Record Set, to CCHCS (or, as directed by CCHCS), to an Individual, in accordance with 45 C.F.R. § 164.524. Designated Record Set means the group of records maintained for CCHCS that includes medical, dental and billing records about individuals; enrollment, payment, claims adjudication, and case or medical management systems maintained for CCHCS health plans; or those records used to make decisions about individuals on behalf of CCHCS. The BA shall use the forms and processes developed by CCHCS for this purpose and shall respond to requests for access to records transmitted by CCHCS within fifteen (15) calendar days of receipt of the request by producing the records or verifying that there are none.
- G. **Amendment of PHI.** To make any amendment(s) to PHI that CCHCS directs or agrees to pursuant to 45 C.F.R. § 164.526, in the time and manner designated by CCHCS.

- H. **Internal Practices.** To make BA's internal practices, books and records relating to the use and disclosure of PHI received from CCHCS or created or received by BA on behalf of CCHCS, available to CCHCS or to the Secretary of the U.S. Department of HHS in a time and manner designated by CCHCS or by the Secretary of the U.S. Department of HHS, for purposes of determining CCHCS compliance with the HIPAA regulations.
- I. **Documentation of Disclosures.** To document and make available to CCHCS (within 14 calendar days) or (at the direction of CCHCS) to an Individual such disclosures of PHI, and information related to such disclosures, necessary to respond to a proper request by the subject Individual for an accounting of disclosures of PHI, in accordance with 45 C.F.R. § 164.528.
- J. **Notification of Patient Confidential Communications.** Notify CCHCS within two (2) business days of any patient (or patient's representative) preferences (or changes to) regarding method of or how to communicate with the patient.
- K. **Notification of Information Security Incidents, Investigation, and Written Reporting.**
- 1) **Discovery of Information Security Incident.** To notify CCHCS **immediately by telephone call plus email/electronic communication** upon the discovery of an information security incident involving the privacy of or security of PHI in computerized form if the PHI was, or is reasonably believed to have been, acquired by an unauthorized person, or **within 24 hours by email/electronic communication** of any suspected security incident, intrusion or unauthorized use or disclosure of PHI in violation of this Agreement, or potential loss of confidential data affecting this Agreement. Notification shall be provided to the CCHCS contract manager, the CCHCS Chief Privacy Officer, and the CCHCS Chief Information Security Officer. If the incident occurs after business hours or on a weekend or holiday and involves electronic PHI, notification shall be provided by calling the CCHCS ITSD Solution Center at **1-888-735-3470**. The BA shall take:
 - i. Prompt corrective action to mitigate any risks or damages involved with the breach and to protect the operating environment, including potential claims or exemptions or exceptions following mitigation; and
 - ii. Any and all actions pertaining to such unauthorized disclosures required by applicable Federal and State laws and regulations.
 - 2) **Investigation of Information Security Incident and Status Reporting to CCHCS.** To immediately investigate such information security incident, breach, or unauthorized use or disclosure of PHI. Within 72 hours of the discovery, to notify and provide the status of the investigation to the CCHCS contract manager(s), the CCHCS Chief Privacy Officer, and the CCHCS Chief Information Security Officer of:
 - i. What data elements were involved and the extent of the data involved in the breach,
 - ii. A description of the unauthorized persons known or reasonably believed to have improperly used, disclosed, or received PHI,
 - iii. A description of where the PHI is believed to have been improperly transmitted, sent, or utilized,
 - iv. A description of the probable causes of the improper use or disclosure; and
 - v. Whether Civil Code § 1798.29 or § 1798.82 or any other federal or state laws requiring individual notifications of breaches are triggered.

Notwithstanding the above, the BA shall not be obligated to report unsuccessful attempts to penetrate computer networks or servers that do not result in loss of data or degradation of computer networks or services, unless, if applicable, the BA stores CCHCS PHI and the unsuccessful attempts involve CCHCS PHI.

- 3) **Written Report.** To provide an initial written report of the investigation to the CCHCS contract managers, the CCHCS Chief Privacy Officer, and the CCHCS Chief Information Security Officer within ten (10) calendar days of the information security incident, discovery of the breach, or discovery of unauthorized use, disclosure, or receipt. The report shall be in the form and manner required by CCHCS and includes, but is not limited to, the information specified above, as well as a full, detailed corrective action plan, including information on measures that were taken to halt and/or contain the improper use or disclosure. The initial report shall be submitted using the CCHCS Information Security Incident Report (ISIR) for external entities available at <https://cchcs.ca.gov/wp-content/uploads/sites/60/ITSD/CCHCS-ISIR.pdf>.

The ISIR shall be emailed to the CCHCS Information Security Office at CCHCS-ISO@cdcr.ca.gov. The BA shall provide reasonable cooperation and work with CCHCS in good faith as the investigation progresses, and at the request of CCHCS. CCHCS retains all rights as the Covered Entity to review the sufficiency of the BA's proposed notice, investigation activities regarding CCHCS PHI incidents, or reporting of information security incidents involving CCHCS PHI.

- 4) **Notification of Individuals.** To the extent a determination has been made that patient notification is required in a breach involving the BA, the parties agree to work together in good faith to determine the responsible party and any cost associated with such notification. Provided however, nothing shall excuse the obligations on the BA as required under law. The BA shall pay any such costs of notifications or the costs associated with the breach if the breach is determined to be solely the responsibility of the BA or their subcontractor. The CCHCS contract managers, the CCHCS Chief Privacy Officer, and the CCHCS Chief Information Security Officer shall approve the time, manner and content of any such notifications prior to release of the notification. When a determination is made that patient notification is required in a breach involving the BA, both parties agree to cooperate on the notification language.
- 5) **CCHCS Contact Information.** To direct communications to the above referenced CCHCS staff, the Contractor shall initiate contact as indicated herein CCHCS reserves the right to make changes to the contact information below by giving written notice to the Contractor. Said changes shall not require an amendment to this Agreement.

CCHCS Contract Manager	CCHCS Chief Privacy Officer	CCHCS Chief Information Security Officer
See Exhibit A for Contract Manager information See the Scope of Work exhibit for Program Contract Manager Information	Chief Privacy Officer California Correctional Health Care Services P.O. Box 588500 Elk Grove, CA 95758 Email: Privacy@cdcr.ca.gov Telephone: 1-877-974-4722	Chief Information Security Officer CCHCS Information Technology Services Division P.O. Box 588500 Elk Grove, CA 95758 Email: CCHCS-ISO@cdcr.ca.gov Telephone: 916-691-3243

- L. **Employee Training and Discipline.** If the BA requires access to CCHCS's systems, then the BA agrees to train and use reasonable measures to ensure compliance with the requirements of this Agreement by employees who assist in the performance of functions or activities on behalf of CCHCS under this Agreement and use or disclose PHI and discipline such employees who intentionally violate any provisions of this Agreement, including additional training, progressive discipline, removal, or up to and including termination if warranted by the facts. In complying with the provisions of this section L, the BA shall observe the following requirements:

- 1) The BA shall provide information privacy and security training, at least every twelve (12) calendar months, at its own expense, to all its employees who assist in the performance of functions or activities on behalf of CCHCS under this Agreement and use or disclose PHI.
- 2) The BA shall document the employee's name and the date on which the training was completed and retain such documentation. Upon written request of CCHCS, the BA shall certify to CCHCS that such employees that provide services under the Agreement to which this BAA is attached have completed the training indicated above for CCHCS inspection for a period of three years following contract termination and shall provide copies of training certifications to CCHCS on request.

3. Obligations of CCHCS

CCHCS agrees to:

- A. **Notice of Privacy Practices.** Provide the BA with the Notice of Privacy Practices that CCHCS produces in accordance with 45 C.F.R. § 164.520, as well as any changes to such notice. To ensure Notice of Privacy Practices to patients allows for the provisions of PHI to BA.
- B. **Permission by Individuals for Use and Disclosure of PHI.** Provide the BA with any changes in, or revocation of, permission by an Individual to use or disclose PHI, if such changes affect the BA's permitted or required uses and disclosures. If BA staff or contractors execute a non-redisclosure agreement pursuant to section 2A above, CCHCS shall review those agreements on an annual basis to determine whether such access remains appropriate.
- C. **Notification of Restrictions.** Notify the BA of any restriction to the use or disclosure of PHI that CCHCS has agreed to in accordance with 45 C.F.R. § 164.522, to the extent that such restriction may affect the BA's use or disclosure of PHI.
- D. **Notification of Patient Confidential Communications.** Notify the BA (within 2 calendar days of request) of any patient (or patient's representative) preferences (or changes to) regarding the method of or how to communicate with the patient.
- E. **Requests Conflicting with HIPAA Rules.** Not request the BA to use or disclose PHI in any manner that would not be permissible under the HIPAA regulations.

4. Audits, Inspection and Enforcement

If the BA saves or stores CCHCS PHI on BA's systems, then from time to time, CCHCS may request, and the BA shall provide, the necessary information, books, and records of the BA pertaining to CCHCS PHI to enable CCHCS to monitor compliance with this Agreement. The BA shall promptly remedy any violation of any provision of this Agreement and shall certify the same to the CCHCS Chief Privacy Officer in writing. The fact that CCHCS, or its state oversight agency or federal oversight agency inspects, or fails to inspect, or has the right to inspect the BA does not relieve the BA of its responsibility to comply with this Agreement, nor does CCHCS':

- A. Failure to detect; or
- B. Detection, but failure to notify the BA or require the BA's remediation of any unsatisfactory practices does not constitute acceptance of such practice or a waiver by CCHCS of any of its inspection and/or enforcement rights under this Agreement.

The BA may meet this requirement by providing a SOC2 certificate of compliance or other certificate of compliance to nationally recognized information security standards and procedures by an accreditation body acceptable to CCHCS. The BA shall ensure SOC2 or other compliance certificates are valid and in effect for the duration of any contract to which this BAA attaches.

5. Termination

- A. **Termination for Cause.** Upon CCHCS knowledge of a material breach of this Agreement by the BA, CCHCS shall:
- 1) Provide an opportunity for the BA to cure the breach or end the violation and terminate this Agreement if the BA does not cure the breach or end the violation within the time specified by CCHCS;
 - 2) Immediately terminate this Agreement if the BA has breached a material term and cure is not possible; or
 - 3) If neither cure nor termination is feasible, report the violation to the Secretary of the U.S. Department of HHS.
- B. **Judicial or Administrative Proceedings.** The BA will notify CCHCS if it is named as a defendant in a criminal proceeding for a violation of HIPAA. CCHCS may terminate this Agreement if the BA is found guilty of a criminal violation of HIPAA. CCHCS may terminate this Agreement if a finding or stipulation that the BA has violated any standard or requirement of HIPAA, or other security or privacy laws is made in any administrative or civil proceeding in which the BA is a party or has been joined.
- C. **Effect of Termination.** Upon termination or expiration of this Agreement for any reason, the BA shall return or destroy all PHI received from CCHCS (or created or received by the BA on behalf of CCHCS) that BA still maintains in any form, and shall retain no copies of such PHI or, if return or destruction is not feasible, shall continue to extend the protections of this Agreement to such information, and shall limit further use of such PHI to those purposes that make the return or destruction of such PHI infeasible. This provision shall apply to PHI that is in the possession of subcontractors or agents of the BA.

6. Miscellaneous Provisions

- A. **Disclaimer.** CCHCS makes no warranty or representation that compliance by the BA with this Agreement, HIPAA or the HIPAA regulations will be adequate or satisfactory for the BA's own purposes or that any information in the BA's possession or control, or transmitted or received by the BA, is or will be secure from unauthorized use or disclosure. The BA is solely responsible for the safeguarding of PHI solely transferred to it under applicable federal or state law.
- B. **Amendment.** The parties acknowledge that federal and state laws relating to electronic data security and privacy are rapidly evolving and that amendment of this Agreement may be required to provide for procedures to ensure compliance with such developments. The parties specifically agree to take such action as necessary to implement the standards and requirements of HIPAA, the HIPAA regulations and other applicable laws relating to the security or privacy of PHI. Upon CCHCS request, the BA agrees to promptly enter into negotiations with CCHCS concerning an amendment to this Agreement confirming written assurances consistent with the standards and requirements of HIPAA, the HIPAA regulations or other applicable laws. CCHCS may terminate this Agreement upon thirty (30) days written notice in the event:
- 1) The BA does not promptly enter into negotiations to amend this Agreement when requested by CCHCS pursuant to this Section, or
 - 2) The BA does not enter into an amendment providing assurances regarding the safeguarding of PHI that CCHCS in its sole discretion, deems sufficient to satisfy the standards and requirements of HIPAA and the HIPAA regulations.

- C. **Assistance in Litigation or Administrative Proceedings.** If the BA stores CCHCS PHI, the BA shall make itself available, and, if applicable, any subcontractors, employees or agents assisting the BA in the performance of its obligations under this Agreement, relating to the BA's internal practices, books and records relating to the use and disclosure of PHI received from or created or received by the BA on behalf of CCHCS to the Secretary of the U.S. Department of HHS, and if the BA stores CCHCS PHI to the Center for Data Insights and Innovation, the California Department of Public Health, or other administrative oversight proceeding or litigation, for the purposes of determining CCHCS' or the BA's compliance with the Privacy Rule, the Security Rule, and the Breach Notification Rule, subject to any applicable legal privileges.
- D. **No Third-Party Beneficiaries.** Nothing express or implied in the terms and conditions of this Agreement is intended to confer, nor shall anything herein confer, upon any person other than CCHCS or the BA and their respective successors or assignees, any rights, remedies, obligations or liabilities whatsoever.
- E. **Interpretation.** The terms and conditions in this Agreement shall be interpreted as broadly as necessary to implement and comply with HIPAA, the HIPAA regulations and applicable state laws. The parties agree that any ambiguity in the terms and conditions of this Agreement shall be resolved in favor of a meaning that complies and is consistent with HIPAA and the HIPAA regulations.
- F. **Regulatory References.** A reference in the terms and conditions of this Agreement to a section in the HIPAA regulations means the section in effect or as amended during the Agreement term.
- G. **Survival.** The respective rights and obligations of the BA under Section 6.C of this Agreement shall survive the termination or expiration of this Agreement.
- H. **No Waiver of Obligations.** No change, waiver or discharge of any liability or obligation hereunder on any one or more occasions shall be deemed a waiver of performance of any continuing or other obligation, or shall prohibit enforcement of any obligation, on any other occasion.

INFORMATION SECURITY AGREEMENT (ISA)

1. Introduction and Purpose

- a. This Information Security Agreement (ISA) outlines the Service Provider requirements for the collection, maintenance, and dissemination of any information that identifies or describes an individual in conjunction with the performance of services provided to CCHCS under any contract, purchase document, Memorandum of Understanding, or any other transaction involving information receipt or information exchange between CCHCS and the Service Provider.
- b. This ISA does not substitute for any other addendum, attachment, exhibit or obligation with respect to protected health information and the applicability of and requirement to comply with the Health Information Portability and Accountability Act of 1996 (HIPAA) P.L. No. 104-191, 110 Stat. 1938 (1996), including the HIPAA Privacy, Security, Breach Notification, and Enforcement Rules at 45 CFR Part 160 and Part 164.

2. Definitions

- a. The term “personal information” means any information that is maintained by an agency that identifies or describes an individual, including, but not limited to, his or her name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual under the provisions of the California Information Practices Act (Civil Code Section 1798.3 et Seq.).
- b. The term “public information” means information maintained by state agencies that is not exempt from disclosure under the provisions of the California Public Records Act (Government Code Sections 7920.000- 7931.000) or other applicable state or federal laws.
- c. The term “confidential information” means information maintained by state agencies that is exempt from disclosure under the provisions of the California Public Records Act (Government Code Sections 7920.000- 7931.000) or has restrictions on disclosure in accordance with other applicable state or federal laws.
- d. The term “sensitive information” means any public information or confidential information that requires special precautions to protect from unauthorized use, access, disclosure, modification, loss, or deletion as identified in Information Security Program Management Standard 5305-A of the California Statewide Information Management Manual (SIMM).
- e. The term “service provider” means any vendor, contractor, subcontractor, or third party, including employees, independent contractors or consultants providing any service to CCHCS under this ISA.

3. Acknowledgments

- a. As an entity engaged in a contract, agreement, memorandum of understanding (MOU) and/or information receipt and/or information exchange with CCHCS, you (herein referred to as the Service Provider) acknowledge and agree that in the course of contract,

agreement, MOU by and as indicated beyond, Service Provider shall comply with applicable United States and California laws and regulations, including but not limited to Sections 14100.2 and 5328 et seq. of the Welfare and Institutions Code, Section 431.300 et seq. of Title 42, Code of Federal Regulations, the Health Insurance Portability and Accountability Act (HIPAA), including but not limited to Section 1320 d et seq., of Title 42, United States Code and its implementing regulations (including but not limited to Title 45, CFR, Parts 160, 162 and 164) regarding the confidentiality and security of individually identifiable health information (IIHI), California Medical Information Act, Lantermann-Petris-Short Act, Alcohol Substance and Abuse Act, California Public Records Act, California Information Practices Act of 1977, the California State Administrative Manual and its associated regulations, mandates, budget letters and memorandums, and the State Information Management Manual.

4. Standard of Care

- a. Service Provider acknowledges and agrees that, in the course of its engagement by CCHCS, Service Provider may receive or have access to sensitive and/or private information.
- b. Service Provider shall comply with the terms and conditions set forth in this ISA regarding creation, collection, receipt, management, sharing, exchanging, transmission, storage, disposal, use and disclosure of sensitive and confidential information.
- c. Service Provider shall be responsible for, and remain liable to, CCHCS for the actions of unauthorized employees, contractors and subcontractors concerning the treatment of CCHCS related sensitive and confidential information, as if they were Service Provider's own actions.
- d. In recognition of the foregoing, Service Provider acknowledges and agrees it shall:
 - i. Treat sensitive and confidential information with such degree of care required by federal and state requirements including but not limited to the United States National Institute for Standards and Technology and the State Administrative Manual Chapter 5300.
 - ii. Collect, use and disclose sensitive and confidential information solely and exclusively for the purposes for which the information, or access to it, is provided pursuant to the terms and conditions of this ISA;
 - iii. Not use, sell, rent, transfer, distribute, or otherwise disclose or make available sensitive or confidential information for the benefit of anyone other than CCHCS without CCHCS's prior written consent.

5. Responsibilities of the Service Provider

- a. The Service Provider is obligated to ensure the following:
 - i. Safeguards. To prevent the unauthorized creation, use, management, transfer, distribution, storage, etc. other than as provided for by this ISA. The Service Provider

shall develop and maintain an information privacy and security program that includes the implementation of administrative, technical, and physical safeguards appropriate to the size and complexity of the Service Provider's operations and the nature and scope of its activities. The information privacy and security programs must reasonably and appropriately protect the confidentiality, integrity, and availability of the CCHCS information it creates, receives, maintains, or transmits; and prevent the use or disclosure of CCHCS information other than as provided for by this ISA. The Service Provider shall provide CCHCS with information concerning such safeguards as CCHCS may reasonably request from time to time.

- ii. The Service Provider shall restrict logical and physical access to CCHCS sensitive and confidential information to authorized users only.
 - iii. The Service Provider shall implement appropriate authentication methods to ensure information system access to sensitive and confidential information. If passwords are used in user authentication (e.g., username/password combination), the Service Provider shall implement strong password controls on all compatible computing systems (including hand held and mobile devices) that are consistent with the National Institute of Standards and Technology (NIST) Special Publication 800-53 Rev. 5 and NIST Special Publication 800-171 Rev. 3.
- b. The Service Provider shall implement the following security controls on each server, workstation, or portable (e.g., laptop computer) computing device that processes or stores sensitive or confidential information:
- i. Install a network-based firewall and/or personal firewalls;
 - ii. Continuously update anti-virus software on all systems;
 - iii. Institute a patch-management process including installation of all operating system/software vendor security patches; and
 - iv. Encrypt all confidential, personal, or sensitive data stored on portable electronic media (including but not limited to CDs and thumb drives) and on computing devices (including but not limited to laptop computers, cell phones, and tablets) with a solution that uses proven industry standard encryption algorithms.
- c. The Service Provider shall not transmit confidential, personal, or sensitive data via e-mail or other Internet transport protocol over a public network unless employing encryption methodologies. CCHCS' minimum encryption standard for internet transport is AES-256, leveraging SHA-1 or stronger hash algorithms in conjunction with the use of strong passwords to ensure the security of CCHCS data.
- d. Mitigation of Harmful Effects. To the extent practicable, Service Provider will mitigate harmful effects known to the Service Provider of a use or disclosure of sensitive and/or confidential information by the Service Provider or its sub-Service Providers.
- e. Agents and Contractors or Subcontractors of the Service Provider. To ensure any agent, including a contractor or subcontractor to the Service Provider that provides CCHCS information or created or received by the agent, contractor or subcontractor for the

purposes of this contract, Service Provider shall ensure that such agents, contractors or subcontractors comply with the same restrictions and conditions in this ISA that apply to the Service Provider with respect to such information.

- f. Notification of Electronic Breach or Improper Disclosure. During the term of this ISA, Service Provider shall notify CCHCS within 24 hours upon discovery of any probable breach of sensitive or confidential information where (1) the information is reasonably believed to have been acquired by an unauthorized person and/or (2) reasonably believed to have an effect of more than 499 people/identities. Immediate notification shall be made to the CCHCS Chief Information Security Officer, Information Security Officer and/or their designee(s). Service Provider shall take prompt corrective action to cure any deficiencies and any action pertaining to such unauthorized disclosure required by applicable Federal and State laws and regulations while at the same time preserving evidence for investigation. Service Provider shall investigate such breach and provide a written report of the investigation to the CCHCS Information Security Officer, postmarked or emailed within eight (8) business days of the discovery of the breach.
- g. Employee Training and Discipline. To train and use reasonable measures to ensure compliance with the requirements of this ISA by employees who assist in the performance of functions or activities under this ISA and use or disclose CCHCS information; and have in place a disciplinary process for such employees who intentionally violate any provisions of this ISA, up to and including termination of employment as required by law or policy.
- h. Audits, Inspection and Enforcement. From time to time, CCHCS may inspect the facilities, systems, books and records of Service Provider to monitor compliance with this ISA. Service Provider shall promptly remedy any violation of any provision of this ISA and shall certify the same to the CCHCS Information Security Officer in writing. The fact that CCHCS inspects, or fails to inspect, or has the right to inspect, Service Provider's facilities, systems and procedures does not relieve Service Provider of its responsibilities to comply with this ISA. CCHCS's failure to detect or detection, but failure to notify Service Provider or require Service Provider's remediation of any unsatisfactory practice, does not constitute acceptance of such practices or a waiver of CCHCS's enforcement rights under this ISA.

6. Termination

- a. Termination for Cause. Upon CCHCS's knowledge of a material breach of this ISA by Service Provider, CCHCS shall either:
 - i. Provide an opportunity for Service Provider to cure the breach or end the violation and terminate this ISA if Service Provider does not cure the breach or end the violation within the time specified by CCHCS.
 - ii. Immediately terminate this ISA if Service Provider has breached a material term of this ISA and cure is not possible; or
 - iii. If neither cure nor termination is feasible, the CCHCS Information Security Officer shall report the violation to the CCHCS Chief Privacy Officer and Director of the CCHCS Legal Office.

- b. **Judicial or Administrative Proceedings.** CCHCS may terminate this ISA, effective immediately, if (i) Service Provider is found liable in a civil matter; or (ii) found guilty in a criminal matter proceeding for a violation of federal or state law, rules and/or regulations, in particular within the nature of information confidentiality and protection.
- c. **Effect of Termination.** Upon termination or expiration of this ISA for any reason, Service Provider shall return or destroy all CCHCS information received from CCHCS that Service Provider still maintains in any form, and shall retain no copies of such information; or, if return or destruction is not feasible, it shall continue to extend the protections of this ISA to such information, and limit further use of such information to those purposes that make the return or destruction of such information infeasible. This provision shall apply to information that is in the possession of contractors to the Service Provider and/or agents of the Service Provider.

LIST OF PARTICIPATING CDCR INSTITUTIONS

Institution
Avenal State Prison (ASP) 1 Kings Way Avenal, CA 93204-9708 (559) 386-0587 Ext. 7426; Fax (559) 386-7450
Centinela State Prison (CEN) 2302 Brown Road Imperial, CA 92251 (760) 337-7900 Ext. 7045; Fax (760) 482-3004
California Correctional Institution (CCI) 24900 Highway 202 Tehachapi, CA 93561-5558 (661) 822-4402 Ext. 3289
California Health Care Facility – Stockton (CHCF) 7707 Austin Road Stockton, CA 95215-8312 (209) 467-2500
California Institution for Men (CIM) 14901 Central Avenue Chino, CA 91710-9500 (909) 597-1821 Ext. 6533; Fax (909) 606-7009
California Institution for Women (CIW) 16756 Chino-Corona Road Corona, CA 92880-9508 (909) 597-1771 Ext. 3702; Fax (909) 606-4925
California Medical Facility (CMF) 1600 California Drive Vacaville, CA 95687 (707) 448-6841 Ext. 2601
California Men’s Colony (CMC) Highway 1 San Luis Obispo, CA 93409-0001 (805) 547-7675; Fax (805) 547-7520

Institution
California State Prison – Corcoran (COR) 4001 King Avenue Corcoran, CA 93212-9611 (559) 992-8800 Ext. 6924; Fax (559) 992-9423
California State Prison – Los Angeles County (LAC) 44750 60th Street West Lancaster, CA 93536-7619 (661) 729-2000 Ext. 7879; Fax (661) 723-8331
California State Prison – Sacramento (SAC) 100 Prison Road Represa, CA 95671-3000 (916) 985-8610 Ext. 6554
San Quentin Rehabilitation Center (SQ) 1 Main Street San Quentin, CA 94964 (415) 721-3506
California State Prison – Solano (SOL) 2100 Peabody Road Vacaville, CA 95687-6639 (707) 451-0182 Ext. 5333; Fax (707) 454-3202
California Substance Abuse Treatment Facility and State Prison, Corcoran (SATF) 900 Quebec Avenue Corcoran, CA 93212-9715 (559) 992-7100 Ext. 5734; Fax (559) 992-7542
Calipatria State Prison (CAL) 7018 Blair Road Calipatria, CA 92233-9633 (760) 348-7000 Ext. 5450

Institution
Central California Women's Facility (CCWF) 23370 Road 22 Chowchilla, CA 93610-8504 (559) 665-5531 Ext. 7714; Fax (559) 665-8199
Correctional Training Facility (CTF) Highway 101 North Soledad, CA 93960 (831) 678-3951 Ext. 4103; Fax (831) 678-5882
Folsom State Prison (FSP) 300 Prison Road Represa, CA 95671-3001 (916) 985-2561 Ext. 4760; Fax (916) 351-3001
High Desert State Prison (HDSP) 475-750 Rice Canyon Road Susanville, CA 96130 (530) 251-5100 Ext. 5456
Ironwood State Prison (ISP) 19005 Wiley's Well Road Blythe, CA 92225-2287 (760) 921-3000 Ext. 6713
Kern Valley State Prison (KVSP) 3000 West Cecil Avenue Delano, CA 93215-1821 (661) 721-6300 Ext. 5988; Fax (661) 721-6377
Mule Creek State Prison (MCSP) 4001 Highway 104 Ione, CA 95640 (209) 274-4911 Ext. 6656; Fax (209) 274-5024
North Kern State Prison (NKSP) 2737 West Cecil Avenue Delano, CA 93215-1821 (661) 721-2345 Ext. 6012

Institution
Pelican Bay State Prison (PBSP) 5905 Lake Earl Drive Crescent City, CA 95532-0001 (707) 465-1000 Ext. 7002; Fax (707) 465-9127
Pleasant Valley State Prison (PVSP) 24863 West Jayne Avenue Coalinga, CA 93210-9502 (559) 935-4900 Ext. 5720; Fax (559) 935-4977
Richard J. Donovan Correctional Facility (RJD) 480 Alta Road San Diego, CA 92179-0001 (619) 661-6500 Ext. 8670; Fax (619) 661-7502
Salinas Valley State Prison (SVSP) 31625 Highway 101 Soledad, CA 93960-9529 (831) 678-5500 Ext. 6058; Fax (831) 678-5504
Sierra Conservation Center (SCC) 5100 O'Byrnes Ferry Road Jamestown, CA 95327-9102 (209) 984-5291 Ext. 5560; Fax (209) 984-0151
Valley State Prison (VSP) 21633 Avenue 24 Chowchilla, CA 93610-9650 (559) 665-6100 Ext. 6898; Fax (559) 665-8943
Wasco State Prison – Reception Center (WSP) 701 Scofield Avenue Wasco, CA 93280-7515 (661) 758-8400 Ext. 6561; Fax (661) 758-7088

CALIFORNIA STATE INSTITUTIONS MAP



For more information, visit our website
www.cchcs.ca.gov, or contact us: toll-free
(877) 793-4473 MedCareers@cdcr.ca.gov

EXHIBIT J REENTRY PROGRAM (REPS) FACILITY LOCATIONS

FCRP

WestCare, Inc. (San Diego)

Address: 3050 Armstrong Street
City/State/Zip San Diego, CA 92111

La Cada (Santa Fe Springs)

Address: 11121 Bloomfield Avenue
City/State/Zip Santa Fe Springs, CA 90670

Mental Health Systems / Casa Aurora (Bakersfield)

Address: 1932 Jessie Street
City/State/Zip Bakersfield, CA 93305

WestCare, Inc. (Stockton)

Address: 1609 North Wilson Way
City/State/Zip Stockton, CA 95205

St. John's Program for Real Change (Sacramento)

Address: 4410 Power Inn Road
City/State/Zip Sacramento, CA 95826

Amity Foundation / La Entrada (Los Angeles)

Address: 2756 James M. Wood Blvd.
City/State/Zip Los Angeles, CA 90006

MCRP

CoreCivic (San Diego)

Address: 2727 Boston Avenue
City/State/Zip San Diego, CA 92113

Tri-County Treatment (Butte)

Address: 2740 Oro Dam Blvd East
City/State/Zip Oroville, CA 95966

Turning Point (Kern)

Address: 1100 Union Avenue
City/State/Zip Bakersfield, CA 93307

HealthRight 360 / Walden House (Los Angeles-1)

Address: 2307 W. 6th Street
City/State/Zip Los Angeles, CA 90057

Amity Foundation (Los Angeles-2)

Address: 3745 S. Grand Avenue
City/State/Zip Los Angeles, CA 90007

GeoGroup (Los Angeles-3)

Address: 2233 E. 69th Street
City/State/Zip Long Beach, CA 90805

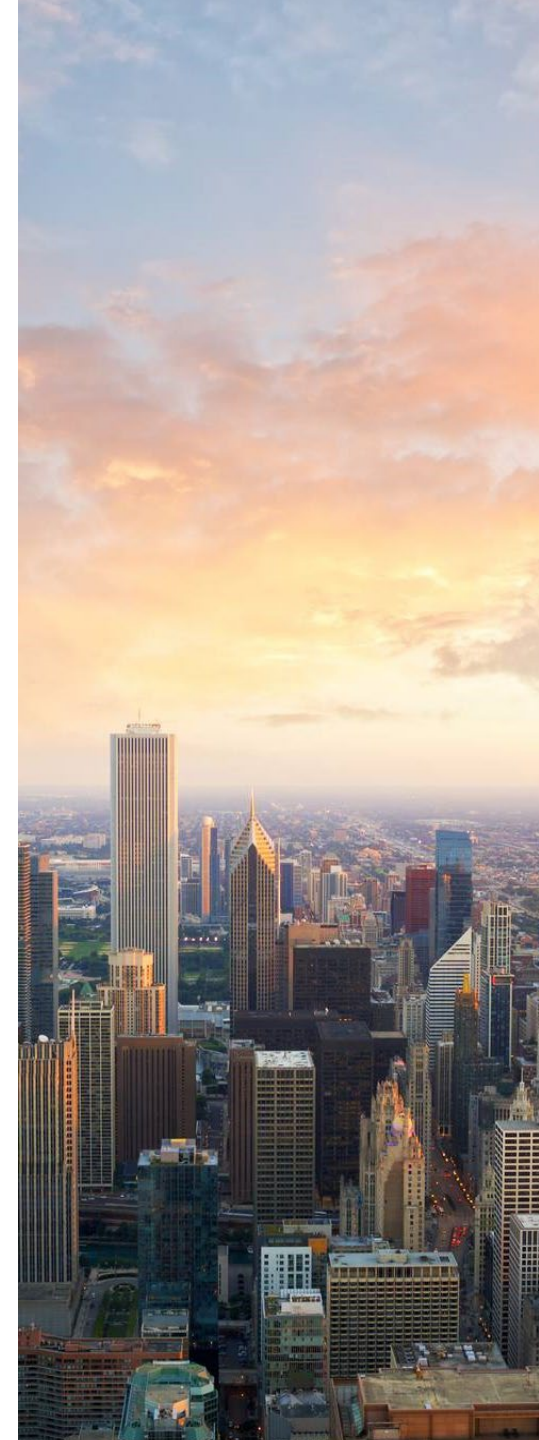
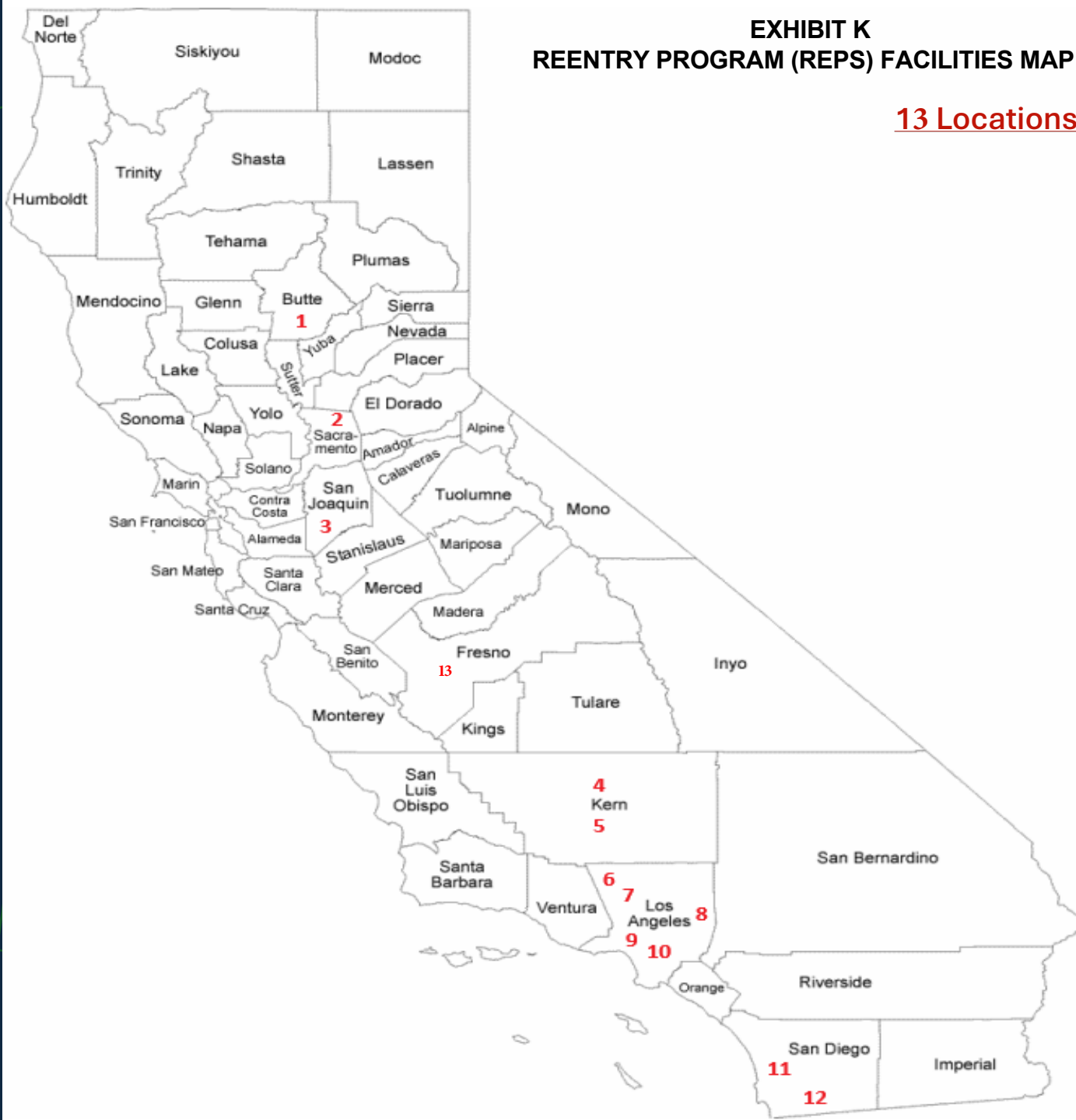
Mental Health Systems (Fresno)

Address: 2550 W. Clinton Ave
City/State/Zip Fresno, CA 93705

EXHIBIT K REENTRY PROGRAM (REPS) FACILITIES MAP

13 Locations Statewide

1. MCRP Butte
2. FCRP Sacramento
3. FCRP Stockton
4. FCRP Bakersfield
5. MCRP Kern
6. MCRP Los Angeles
7. MCRP Los Angeles-2
8. FCRP Santa Fe Springs
9. FCRP Los Angeles
10. MCRP Los Angeles-3
11. FCRP San Diego
12. MCRP San Diego
13. MCRP Fresno



ATTACHMENT 1 REQUIRED ATTACHMENTS CHECKLIST

Proposer's Name: _____

A complete proposal package consists of all required items listed in the RFP and identified below. Place an "X" next to each Attachment you are submitting to the State and indicate the page number where the attachment can be found. For the proposal to be considered responsive, all required Attachments must be submitted with this checklist on top.

<u>Checklist</u>				
Included	Attachment Number	Attachment Name / Description	Attachment Required	Page Number
☐	1	Required Attachments Checklist	Yes	
☐	2	Proposal/Proposer Certification Sheet	Yes	
☐	3	Bidder Declaration Form	Yes	
☐	4	DVBE Incentive Application Request	If applicable	
☐	5	Darfur Contracting Act Certification	If applicable	
☐	6	California Civil Rights Laws Certification	Yes	
☐	7	Contractor Certification Clauses	Yes	
☐	8	Iran Contracting Act	Yes	
☐	9	Payee Data Record	Yes	
☐	10	Supplement Vendor Payee Data Record	Yes	
☐	11	Certificate of Good Standing	Yes	
☐	12	GenAI Disclosure & Factsheet	Yes	
☐	13	Customer Reference Questionnaire	Yes	
☐	14	Conflict of Interest Compliance Certification	Yes	
☐	15	Confidentiality Agreement Form	Yes	
☐	16	Rate Sheet	Yes	
☐	17	Performance Guarantees	Yes	

ATTACHMENT 2
PROPOSAL/PROPOSER CERTIFICATION SHEET
(Page 1 of 2)

This sheet must be signed and returned along with all the Required Attachments and must bear a certified digital signature or scanned wet signature of a person authorized to bind the Proposer's firm.

The signature affixed hereon and dated certifies compliance with all the requirements of this proposal document. The signature below authorizes the verification of this certification.

An Unsigned Proposal/Proposer Certification Sheet May Be Cause for Rejection

1. Organization/Company Name	2. Telephone Number	2a. Fax Number
3. Address		
Indicate your organization type:		
4. ☐ Sole Proprietorship	5. ☐ Partnership	6. ☐ Corporation
Indicate the applicable employee and/or corporation number:		
7. Federal Employee ID No.	8. California Corporation	
9. Indicate applicable license and/or certification information:		
10. Proposer's Name (Print)		11. Title
12. Signature		13. Date
14. Are you certified with the Department of General Services, Office of Small Business and Disabled Veteran Certification (OSDC) as: a. Small Business Enterprise Yes ☐ No ☐ If yes, enter certification number: b. Disabled Veteran Business Enterprise Yes ☐ No ☐ If yes, enter your service code below: NOTE: A copy of your Certification is required to be included if either of the above items is checked "Yes". Date application was submitted to OSDS, if an application is pending:		

ATTACHMENT 2

(Page 2 of 2)

Completion Instructions for Proposal/Proposer Certification Sheet

Complete the numbered items on the Proposal/Proposer Certification Sheet by following the instructions below.

Item Numbers	Instructions
1, 2, 2a, 3	Must be completed. These items are self-explanatory.
4	Check if your firm is a sole proprietorship. A sole proprietorship is a form of business in which one person owns all the assets of the business in contrast to a partnership and corporation. The sole proprietor is solely liable for all the debts of the business.
5	Check if your firm is a partnership. A partnership is a voluntary agreement between two or more competent persons to place their money, effects, labor, and skill, or some or all of them in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them. An association of two or more persons to carry on, as co-owners, a business for profit.
6	Check if your firm is a corporation. A corporation is an artificial person or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances, of a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals.
7	Enter your Federal Employee Tax Identification Number.
8	Enter your corporation number assigned by the California Secretary of State's Office. This information is used for checking if a corporation is in good standing and qualified to conduct business in California.
9	Indicate applicable license and/or certification information that your firm possesses and that is required for the type of services being procured.
10, 11, 12, 13	Must be completed. These items are self-explanatory.
14	If certified as a Small Business Enterprise, place a check in the "yes" box, and enter your certification number on the line. If certified as a Disabled Veteran Business Enterprise, place a check in the "Yes" box and enter your service code on the line. If you are not certified, place a check in the "No" box. If your certification is pending, enter the date your application was submitted to OSDC.

ATTACHMENT 3
BIDDER DECLARATION

To view the form, click on the heading. Contact Contract Support Team:
m_ContractSupport@cdcr.ca.gov to request a hard copy.

ATTACHMENT 4 DVBE INCENTIVE APPLICATION REQUEST

Under the DVBE Incentive Regulations, CCR Title 2, Section 1896.99.100, I request the application of the DVBE Program Incentive to RFP 17MC-SA004 to determine if my firm may be in line for bid award.

- a. I understand that the DVBE Incentive application will be applied using the "Low Cost Method" and cannot be used to achieve any applicable minimum point requirements.
- b. I understand the DVBE firm(s) selected must provide a "Commercially Useful Function" as required under Government Codes 14837(d)(4) and Military and Veterans Code 999(b)(5)(B).
- c. I understand I will be required to report my firm's DVBE activities quarterly to the DMHC Contract Unit.
- d. I understand that subsequent amendments to the Agreement may require continued use of the identified DVBE firm if that contract amendment adds additional funding for continued services.
- e. As the Proposing firm, I identify the following percentage of DVBE participation for this solicitation: ____ percent.

SECTION A - PROPOSING FIRM INFORMATION		
Firm Name:		
Firm Representative:	Title:	
Firm Address:		
City:	State:	Zip:
Firm Telephone:		
Firm Email Contact:		

SECTION B - PROPOSED DVBE FIRM		
DVBE Firm Name:		
Firm Representative:	Title:	
Firm Address:		
City:	State:	Zip:
Firm Telephone:	Firm Fax:	
Firm Email Contact:		
DVBE Certification:	DGS OSDS No.:	Date of Expiration:
Services to be Performed:		

Proposer Instructions:

- 1. Complete information in Section A.
- 2. Fax this form to DVBE firm(s) to complete Section B.
- 3. Instruct the DVBE firm(s) to provide a copy of their DGS Office of Small and DVBE Services Certification.
- 4. This form must be included with your proposal to be considered for the DVBE Incentive application.

ATTACHMENT 5
DARFUR CONTRACTING ACT CERTIFICATION

To view the form, click on the heading. Contact Contract Support Team:
m_ContractSupport@cdcr.ca.gov to request a hard copy.

ATTACHMENT 6
CALIFORNIA CIVIL RIGHTS LAWS CERTIFICATION

To view the form, click on the heading. Contact Contract Support Team:
m_ContractSupport@cdcr.ca.gov to request a hard copy.

ATTACHMENT 7
CONTRACTOR CERTIFICATION CLAUSES

To view the form, click on the heading. Contact Contract Support Team:
m_ContractSupport@cdcr.ca.gov to request a hard copy.

ATTACHMENT 8
IRAN CONTRACTING ACT

To view the form, click on the heading. Contact Contract Support Team:
m_ContractSupport@cdcr.ca.gov to request a hard copy.

PAYEE DATA RECORD

(Required when receiving payment from the State of California in lieu of IRS W-9 or W-7)

STD 204 (Rev. 03/2021)

ATTACHMENT 9**Section 1 – Payee Information****NAME** (This is required. Do not leave this line blank. Must match the payee's federal tax return)**BUSINESS NAME, DBA NAME or DISREGARDED SINGLE MEMBER LLC NAME** (If different from above)**MAILING ADDRESS** (number, street, apt. or suite no.) (See instructions on Page 2)**CITY, STATE, ZIP CODE****E-MAIL ADDRESS****Section 2 – Entity Type****Check one (1) box only that matches the entity type of the Payee listed in Section 1 above.** (See instructions on page 2)☐ **SOLE PROPRIETOR / INDIVIDUAL**☐ **SINGLE MEMBER LLC** *Disregarded Entity owned by an individual*☐ **PARTNERSHIP**☐ **ESTATE OR TRUST****CORPORATION** (see instructions on page 2)☐ **MEDICAL** (e.g., dentistry, chiropractic, etc.)☐ **LEGAL** (e.g., attorney services)☐ **EXEMPT** (e.g., nonprofit)☐ **ALL OTHERS****Section 3 – Tax Identification Number**

Enter your Tax Identification Number (TIN) in the appropriate box. The TIN must **match** the name given in Section 1 of this form. Do not provide more than one (1) TIN. The TIN is a 9-digit number. **Note:** Payment will not be processed without a TIN.

- For **Individuals**, enter SSN.
- If you are a **Resident Alien**, and you do not have and are not eligible to get an SSN, enter your ITIN.
- Grantor Trusts (such as a Revocable Living Trust while the grantors are alive) may not have a separate FEIN. Those trusts must enter the individual grantor's SSN.
- For **Sole Proprietor or Single Member LLC (disregarded entity)**, in which the **sole member is an individual**, enter SSN (ITIN if applicable) or FEIN (FTB prefers SSN).
- For **Single Member LLC (disregarded entity)**, in which the **sole member is a business entity**, enter the owner entity's FEIN. Do not use the disregarded entity's FEIN.
- For all other entities including LLC that is taxed as a corporation or partnership, estates/trusts (with FEINs), enter the entity's FEIN.

Social Security Number (SSN) or Individual Tax Identification Number (ITIN)

_____ - _____ - _____

OR**Federal Employer Identification Number (FEIN)**

_____ - _____ - _____

Section 4 – Payee Residency Status (See instructions)☐ **CALIFORNIA RESIDENT** – Qualified to do business in California or maintains a permanent place of business in California.☐ **CALIFORNIA NONRESIDENT** – Payments to nonresidents for services may be subject to state income tax withholding.☐ No services performed in California☐ Copy of Franchise Tax Board waiver of state withholding is attached.**Section 5 – Certification*****I hereby certify under penalty of perjury that the information provided on this document is true and correct.******Should my residency status change, I will promptly notify the state agency below.*****NAME OF AUTHORIZED PAYEE REPRESENTATIVE****TITLE****E-MAIL ADDRESS****SIGNATURE****DATE****TELEPHONE** (include area code)**Section 6 – Paying State Agency****Please return completed form to:****STATE AGENCY/DEPARTMENT OFFICE**

California Correctional Health Care Services (CCHCS)

UNIT/SECTION

Direct Care Contracts Section/Contract Support Team

MAILING ADDRESS

P.O. Box 588500

FAX

N/A

TELEPHONE (include area code)

(916) 691-0698

CITY

Elk Grove

STATE

CA

ZIP CODE

95758

E-MAIL ADDRESS

m_ContractSupport@cdcr.ca.gov

PAYEE DATA RECORD

(Required when receiving payment from the State of California in lieu of IRS W-9 or W-7)

STD 204 (Rev. 03/2021)

GENERAL INSTRUCTIONS

Type or print the information on the Payee Data Record, STD 204 form. Sign, date, and return to the state agency/department office address shown in Section 6. Prompt return of this fully completed form will prevent delays when processing payments.

Information provided in this form will be used by California state agencies/departments to prepare Information Returns (Form 1099).

NOTE: Completion of this form is optional for Government entities, i.e. federal, state, local, and special districts.

A completed Payee Data Record, STD 204 form, is required for all payees (non-governmental entities or individuals) entering into a transaction that may lead to a payment from the state. Each state agency requires a completed, signed, and dated STD 204 on file; therefore, it is possible for you to receive this form from multiple state agencies with which you do business.

Payees who do not wish to complete the STD 204 may elect not to do business with the state. If the payee does not complete the STD 204 and the required payee data is not otherwise provided, payment may be reduced for federal and state backup withholding. Amounts reported on Information Returns (Form 1099) are in accordance with the Internal Revenue Code (IRC) and the California Revenue and Taxation Code (R&TC).

Section 1 – Payee Information

Name – Enter the name that appears on the payee's federal tax return. The name provided shall be the tax liable party and is subject to IRS TIN matching (when applicable).

- Sole Proprietor/Individual/Revocable Trusts – enter the name shown on your federal tax return.
- Single Member Limited Liability Companies (LLCs) that is disregarded as an entity separate from its owner for federal tax purposes - enter the name of the individual or business entity that is tax liable for the business in section 1. Enter the DBA, LLC name, trade, or fictitious name under Business Name.
- Note: for the State of California tax purposes, a Single Member LLC is not disregarded from its owner, even if they may be disregarded at the Federal level.
- Partnerships, Estates/Trusts, or Corporations – enter the entity name as shown on the entity's federal tax return. The name provided in Section 1 must match to the TIN provided in section 3. Enter any DBA, trade, or fictitious business names under Business Name.

Business Name – Enter the business name, DBA name, trade or fictitious name, or disregarded LLC name.

Mailing Address – The mailing address is the address where the payee will receive information returns. Use form STD 205, Payee Data Record Supplement to provide a remittance address if different from the mailing address for information returns, or make subsequent changes to the remittance address.

Section 2 – Entity Type

If the Payee in Section 1 is a(n)...	THEN Select the Box for...
Individual • Sole Proprietorship • Grantor (Revocable Living) Trust disregarded for federal tax purposes	Sole Proprietor/Individual
Limited Liability Company (LLC) owned by an individual and is disregarded for federal tax purposes	Single Member LLC-owned by an individual
Partnerships • Limited Liability Partnerships (LLP) • and, LLC treated as a Partnership	Partnerships
Estate • Trust (other than disregarded Grantor Trust)	Estate or Trust
Corporation that is medical in nature (e.g., medical and healthcare services, physician care, nursery care, dentistry, etc.) • LLC that is to be taxed like a Corporation and is medical in nature	Corporation-Medical
Corporation that is legal in nature (e.g., services of attorneys, arbitrators, notary publics involving legal or law related matters, etc.) • LLC that is to be taxed like a Corporation and is legal in nature	Corporation-Legal
Corporation that qualifies for an Exempt status, including 501(c) 3 and domestic non-profit corporations.	Corporation-Exempt
Corporation that does not meet the qualifications of any of the other corporation types listed above • LLC that is to be taxed as a Corporation and does not meet any of the other corporation types listed above	Corporation-All Other

Section 3 – Tax Identification Number

The State of California requires that all parties entering into business transactions that may lead to payment(s) from the state provide their Taxpayer Identification Number (TIN). The TIN is required by R&TC sections 18646 and 18661 to facilitate tax compliance enforcement activities and preparation of Form 1099 and other information returns as required by the IRC section 6109(a) and R&TC section 18662 and its regulations.

Section 4 – Payee Residency Status**Are you a California resident or nonresident?**

- A corporation will be defined as a "resident" if it has a permanent place of business in California or is qualified through the Secretary of State to do business in California.
- A partnership is considered a resident partnership if it has a permanent place of business in California.
- An estate is a resident if the decedent was a California resident at time of death.
- A trust is a resident if at least one trustee is a California resident.
 - For individuals and sole proprietors, the term "resident" includes every individual who is in California for other than a temporary or transitory purpose and any individual domiciled in California who is absent for a temporary or transitory purpose. Generally, an individual who comes to California for a purpose that will extend over a long or indefinite period will be considered a resident. However, an individual who comes to perform a particular contract of short duration will be considered a nonresident.

For information on Nonresident Withholding, contact the Franchise Tax Board at the numbers listed below:

Withholding Services and Compliance Section: 1-888-792-4900

E-mail address: wscs.gen@ftb.ca.gov

For hearing impaired with TDD, call: 1-800-822-6268

Website: www.ftb.ca.gov

Section 5 – Certification

Provide the name, title, email address, signature, and telephone number of individual completing this form and date completed. In the event that a SSN or ITIN is provided, the individual identified as the tax liable party must certify the form. Note: the signee may differ from the tax liable party in this situation if the signee can provide a power of attorney documented for the individual.

Section 6 – Paying State Agency

This section must be completed by the state agency/department requesting the STD 204.

Privacy Statement

Section 7(b) of the Privacy Act of 1974 (Public Law 93-579) requires that any federal, state, or local governmental agency, which requests an individual to disclose their social security account number, shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it. It is mandatory to furnish the information requested. Federal law requires that payment for which the requested information is not provided is subject to federal backup withholding and state law imposes noncompliance penalties of up to \$20,000. You have the right to access records containing your personal information, such as your SSN. To exercise that right, please contact the business services unit or the accounts payable unit of the state agency(ies) with which you transact that business.

All questions should be referred to the requesting state agency listed on the bottom front of this form.



ATTACHMENT 10
SUPPLEMENT VENDOR PAYEE DATA RECORD FORM

Form to be completed by Vendor.

LEGAL NAME OF BUSINESS

DBA

FEIN OR SSN NUMBER

BUSINESS PHYSICAL ADDRESS

STREET

CITY

STATE

ZIP

REMIT TO INFORMATION

(WHERE YOU WANT YOUR PAYMENTS SENT. ADDRESS MUST MATCH REMIT TO ADDRESS ON INVOICE.)

COMPANY NAME

STREET(P.O. Box)

CITY

STATE

ZIP

CONTACT INFORMATION

SALES CONTACT PERSON

ACCOUNTING CONTACT PERSON

TITLE

TITLE

PHONE

PHONE

FAX

FAX

SALES E-MAIL ADDRESS

WEB-SITE ADDRESS:

PURCHASING INFORMATION

☐

SERVICE

TYPE OF SERVICE PROVIDED:

☐

COMMODITY

TYPE OF PRODUCT PROVIDED:



SUPPLEMENT VENDOR PAYEE DATA RECORD FORM

BUSINESS DESIGNATION (Fill out only if registered with the Dept. of General Services)

☐ SMALL BUSINESS (SB)	CERTIFICATION # -	EXPIRATION DATE
☐ MICRO BUSINESS (MB)	CERTIFICATION # -	EXPIRATION DATE
☐ DVBE BUSINESS	CERTIFICATION # -	EXPIRATION DATE
☐ SMALL BUSINESS PUBLIC WORK	CERTIFICATION # -	EXPIRATION DATE
☐ NP VETERAN SERVICE AGENCY	CERTIFICATION # -	EXPIRATION DATE
☐ NON-PROFIT RECOGNITION	CERTIFICATION # -	EXPIRATION DATE

TAX INFORMATION (Fill out if you expect a 1099 at the end of the year)

WITHHOLDING TAX INFORMATION	TYPE OF RECIPIENT (PLEASE SELECT ONE/ SHOULD MATCH SECTION 3 OF STD 204)
☐ RENTS	☐ CORPORATION (REGULAR)----- (SELECT "ALL OTHERS" ON 204)
☐ ROYALTIES	☐ MEDICAL CORPORATION----- (SELECT "MEDICAL" ON 204)
☐ OTHER INCOME (PRIZED, AWARDS)	☐ LEGAL CORPORATION----- (SELECT "LEGAL" ON 204)
☐ FISHING BOAT PROCEEDS	☐ NON-PROFIT CORP.----- (SELECT "EXEMPT(N. PROF)" ON 204)
☐ MEDICAL AND HEALTHCARE PAYMENTS	☐ LLC C-CORPORATION ----- (SELECT "ALL OTHERS" ON 204)
☐ NONEMPLOYEE COMPENSATION	☐ LLC S-CORPORATION----- (SELECT "ALL OTHERS" ON 204)
☐ SUBSTITUTE PAYMENTS (DIVIDENDS/INTEREST)	☐ LLC PARTNERSHIP ----- (SELECT "PARTNERSHIP" ON 204)
☐ DIRECT SALES	☐ SINGLE MEMBER LLC ----- (SELECT "SOLE PROP, INDIV LLC" ON 204)
☐ CROP INSURANCE PROCEEDS	☐ TAX EXEMPT ORG. ----- (OTHER THAN NON PROFIT CORP.)
☐ EXCESS GOLDEN PARACHUTE PAYMENTS	☐ INDIVIDUAL/ SOLE PROP-- (SELECT "SOLE PROP, INDIV LLC" ON 204)
☐ GROSS PROCEEDS PAID TO AN ATTORNEY	☐ ESTATE----- (SELECT "ESTATE" ON 204)
☐ STATE TAX WITHHELD	☐ QUALIFIED INTERMEDIARY
	☐ ARTIST OR ATHLETE
	☐ GOVERNMENT OR INT. ORGANIZATION
	☐ NOMINEE
	☐ FIDUCIARY
	☐ AUTHORIZES FOREIGN AGENT
	☐ TYPE OF RECIPIENT UNKNOWN
	☐ PRIVATE FOUNDATION

STOP! Only fill out this section if your company has sold their receivables to another company

FACTORING VENDOR (WHEN A VENDOR SELLS RECEIVABLES TO A THIRD PARTY) ATTACH COPY OF THE LETTER FROM VENDOR NOTIFYING CDCR OF THE ASSIGNMENT

COMPANY NAME	
DBA	
STREET(P.O. Box)	
CITY	
STATE	ZIP

ATTACHMENT 11
CERTIFICATE OF GOOD STANDING

Provide a copy of your organization's Certificate of Good Standing from the California Secretary of State.

Generative Artificial Intelligence (GenAI) Disclosure & Factsheet

Bidder/Proposer/Offeror Information

Solicitation Number	Bidder ID/Vendor ID (optional)		
Business Name	Business Telephone Number		
Business Address	City	State	Zip Code

GenAI Disclosure & Factsheet

Will you be using or offering GenAI technology, model, or service (collectively, “system”)? ☐ Yes ☐ No (If No, skip to Signature section of this form.)

If yes, provide details regarding the GenAI system”). See *GenAI Disclosure & Factsheet Definitions* at the end of this form for more information.

Failure to disclose GenAI to the State and submit the detailed description may result in disqualification and may void any resulting contract.

1. GenAI Model Name, Version (including number of parameters)	
2. Model Owner	
3. Overview	
4. Purpose	
5. Intended Domain	
6. Model Training Data	
7. Model Information	

8. Input and Outputs	
9. Performance Metrics	
10. Optimal Conditions	
11. Poor Conditions	
12. Bias	
13. Test Data	
14. Risk Categorization for Vendor Solutions (High, Medium, Low)	
15. Ownership of AI system-generated data and/or content (Vendor or Agency)	

Explain below how you are ensuring the GenAI system is not adversely affecting “decisions that materially impact access to, or approval for, housing or accommodations, education, employment, credit, health care, and criminal justice.” (AB 302, Department of Technology: High-Risk automated decision systems: inventory).

Signature

By signing this document, I certify that I have identified and disclosed, if any, all GenAI components in the proposed solution or service.

GenAI Disclosure & Factsheet Definitions

Please use the following definitions to complete the GenAI Disclosure and Factsheet:

1. Model Name, Version & Number of Parameters:

- Definition: The unique identifier or name assigned to the specific GenAI model or service.
- Purpose: Allows users to refer to and distinguish between different GenAI models.

2. Model Owner

- Definition: The name of the organization or entity responsible for creating or deploying the GenAI model or service.
- Importance: Helps identify the source and accountability for the GenAI system.

3. Overview:

- Definition: A concise summary of the GenAI model's purpose, functionality, and key characteristics.
- Role: Provides a high-level understanding for users and stakeholders.

4. Purpose:

- Definition: The intended use or goal of the GenAI model (e.g., image recognition, natural language processing, text summarization).
- Significance: Helps users assess whether the GenAI model aligns with their needs.

5. Intended Domain:

- Definition: The context, subject matter or domain for which the GenAI model is designed to operate effectively.
- Importance: Helps users determine if the GenAI model is suitable for their specific use case.

6. Training Data:

- Definition: Information used to train the GenAI model (e.g., labeled images, text corpora).
- Role: Influences the GenAI model's behavior and performance.

7. Model Information:

- Definition: Details about the architecture, parameters, and configuration of the GenAI model.
- Relevance: Provides insights into how the GenAI model functions.

8. Inputs and Outputs:

- Definition:
 - Inputs: The data or features provided to the model for prediction (e.g., images, text).
 - Outputs: The GenAI model's predictions or results (e.g., class labels, probabilities).
- Understanding: Crucial for integrating the GenAI model into applications.

9. Performance Metrics:

- Definition: Quantitative measures (e.g., accuracy, F1-score) used to evaluate the GenAI model's performance.
- Assessment: Determines how well the GenAI model meets its intended purpose.
- Continuous Monitoring Plan: Establishes a plan for continuous monitoring and evaluation of the GenAI model's performance.

10. Optimal Conditions:

- Definition: The ideal environment or context for the GenAI model to perform optimally.
- Contextual Guidance: Helps users achieve the best results.

11. Poor Conditions:

- Definition: Scenarios or conditions where the GenAI model's performance may degrade.
- Risk Awareness: Alerts users to potential limitations.

12. Bias:

- Definition: Any systematic error or unfairness in the GenAI model's predictions due to biased training data or design.
- Mitigation: Addressing bias is crucial for ethical and unbiased GenAI.

13. Test Data:

- Definition: Independent data used to evaluate the GenAI model's performance after training.
- Validation: Ensures the GenAI model generalizes well to unseen examples.



ATTACHMENT 13 - CUSTOMER REFERENCE QUESTIONNAIRE

PROPOSER'S NAME:

The California Department of Corrections and Rehabilitation, California Correctional Health Care Services (CDCR/CCHCS) is conducting a solicitation for _____. It is the proposer's responsibility to furnish a letter of reference with each copy of the Customer Reference Questionnaire. The Customer Reference Questionnaires and letters of reference will be used to evaluate the proposer's past performance. In order for a proposer to receive consideration, the CCHCS Direct Care Contracts Section Proposal Representative must receive the completed Customer Reference Questionnaires and accompanying letters of reference on or before the date included in the solicitation.

Note: If two Customer Reference Questionnaires and two letters of reference are not received by the proposal deadline, the proposal will be rejected from further consideration.

Customer Reference

Agency/Company Name:
Address:
Contact Person/Title:
Telephone Number:

1. Please list the services the proposer provided to your company:

2. Were there any issues or concerns that needed to be addressed regarding the proposer's performance?
☐ Yes ☐ No
If yes, what were they and how were they resolved?

3. How long has the proposer performed services for your company? _____
4. Approximately how many people are employed by your company? _____
5. Please rate the proposer's ability to respond to requests in a timely manner.
☐ Excellent ☐ More than Adequate ☐ Adequate ☐ Barely Adequate ☐ Inadequate
6. Please rate the proposer's accessibility, responsiveness, and overall quality of customer service and support.
☐ Excellent ☐ More than Adequate ☐ Adequate ☐ Barely Adequate ☐ Inadequate



7. Please rate the proposer's overall accuracy, timeliness, and reliability of providing services.

☐ Excellent ☐ More than Adequate ☐ Adequate ☐ Barely Adequate ☐ Inadequate

8. Please rate the proposer's overall accuracy, completeness, and timeliness of invoicing.

☐ Excellent ☐ More than Adequate ☐ Adequate ☐ Barely Adequate ☐ Inadequate

9. Please rate the proposer's quality of training provided to your staff (including written instructions).

☐ Excellent ☐ More than Adequate ☐ Adequate ☐ Barely Adequate ☐ Inadequate

Reference Signature: _____ Date: _____

Please return the completed Customer Reference Questionnaire and accompanying letter of reference to the CCHCS Direct Care Contracts Section Proposal Representative.

ATTACHMENT 14

CONFLICT OF INTEREST COMPLIANCE CERTIFICATE

1. CCHCS intends to avoid conflicts of interest or the appearance of conflicts of interest on the part of the proposer/contractor, subcontractors, or any of their stakeholders. Thus, CCHCS reserves the right to determine, in its sole discretion, whether any information received from any source indicates the existence of a conflict of interest.
 - a. Conflict of interest include, but is not limited to:
 - (1) An instance where the proposer/contractor, subcontractors, or any of their stakeholders has an interest, financially or for any purpose that is contrary to the goals and objectives of the Agreement, whereby the use or disclosure of information obtained while performing service under the Agreement would allow for private or personal benefit.
 - (2) Where pursuant to the Political Reform Act (Government Code Section §87100-87505), no public official at any level shall make, participate in making, or in any way attempt to use their official position to influence a governmental decision in which he or she knows or has reason to know he or she has a financial interest.
 - (3) Where pursuant to Government Code Section §1090 et seq., CCHCS officials shall not be financially interested or participate in the making of an Agreement with the proposer/contractor.
2. CCHCS' determination of a suspected or potential conflict of interest will be based on all of the proposers/contractor's business affiliations and contractual relationships.
3. If CCHCS is aware of a known or suspected conflict of interest, the proposer/contractor will be given the opportunity to submit additional information to resolve the conflict. A proposer/contractor with a suspected conflict of interest will have five (5) working days from the date of notification by CCHCS to provide complete information regarding the suspected conflict. If a conflict of interest is determined to exist by CCHCS and cannot be resolved to the satisfaction of CCHCS, before or after the award of the Agreement, the conflict will be grounds for the proposal to be deemed non-responsive and/or termination of the Agreement.
4. The proposer/contractor shall place this certificate in the Appendix Section of its narrative proposal response to this Request for Proposal (RFP). This Certificate shall contain the original signature of an official or employee of the proposer/contractor who is authorized to bind the proposer/contractor.
5. This Certificate will be incorporated into the Agreement, if any, awarded from this IFB. It is understood that this requirement shall be in effect for the entire term of the Agreement. The proposer/contractor shall obtain a completed Certificate from any proposed subcontractor and submit it to CCHCS prior to approval of the subcontractor by CCHCS.
6. The proposer/contractor and each subcontractor shall notify CCHCS, Direct Care Contracts Section, at P.O. Box 588500 Elk Grove, CA 95758 within ten (10) working days of any change to the information provided on this Certificate.

7. If the proposer/contractor has a suspected or potential conflict of interest, the proposer shall attach a description of the relationship, a plan for ensuring that such a relationship will not adversely affect CCHCS, and procedures to guard against the existence of an actual conflict of interest.

The undersigned hereby affirms that: (check one)

- ☐ The statements above have been read and that no conflict of interest exists.
- ☐ A suspected or potential conflict of interest does exist, and additional information (as described in Paragraph 7 above) is attached along with a plan to address the possible conflict of interest.

Signed: _____

Title: _____

Date: _____

Type or Print Name of
Authorized Representative:



ATTACHMENT 15 - CONFIDENTIALITY AGREEMENT FORM

As an authorized representative and/or corporate officer of the company named below, or as a subcontractor participating in this project, I warrant my company and its employees will exercise a reasonable degree of care not to disclose any documents, diagrams, information, and information storage media made available to us by the State for the purpose of responding to **RFP Number:** and marked as confidential. I warrant that only those employees who are authorized and required to use such materials for the purpose of responding to **RFP Number:** will have access to them. If it is necessary for subcontractors, affiliates, or other related entities to view any marked confidential documents for the purpose of responding to **RFP Number:**, I warrant that they will not have access to any marked confidential documents until they have signed this confidentiality statement and submitted it to the State.

I further warrant that all materials provided by the State and marked as confidential will be returned promptly after use and that all copies or derivations of the materials will be physically and/or electronically destroyed. I will include with the returned materials a letter attesting to the complete return of materials and documenting the destruction of copies and derivations. Failure to comply may subject this company to liability, both criminal and civil, including all damages to the State and third parties.

Signature of Proposer or Authorized Representative

Date

Name of Proposer or Authorized Representative

Title of Proposer or Authorized Representative

Name of Company

**ATTACHMENT 16
RATE SHEET**

Fee Per Claim Cost Summary

- A. RFP #SD25-00019 Proposed Fixed Fee Per Claim for all claims for the 5-year initial term of the contract.

Provider Network and Prior Authorization: \$ _____

Please provide a breakdown of the fee per claim identified above:

- i. Provider Network Access
 - a. Cost per claim – Non-Laboratory \$ _____
 - b. Cost per claim – Laboratory \$ _____
- ii. Prior Authorization System—cost per claim¹
- iii. Pricing Adjustment: Existing providers within current rates \$ _____
- iv. Implementation Costs Per Claim \$ _____

Total Implementation Costs \$ _____

Provide a breakdown of the Total Implementation Cost separately.

The implementation costs will be paid separately based on agreed upon deliverables. However, for evaluation purposes, the implementation costs will be spread over five years and added to the cost per claim. Therefore, the vendor must use the same claim counts for calculating each category of costs per claim.²

Total Cost Per Claim for Evaluation Purposes³ \$ _____

- B. Cost Per Claim for the Five-Year Extension⁴ \$ _____

¹ To be assessed on if Prior Authorization option is exercised.

² For example, the claims that CCHCS processed in calendar year 2025 were 989,797. Therefore, if the implementation costs totaled \$2,000,000, then the implementation costs per claim would be calculated as follows: Evaluation Cost per Claim = \$2,000,000 divided by 5 years divided by 989,797.

³ Note: Travel and any other expenses of the Contractor shall not be paid.

⁴ Proposer must agree that this cost will not increase by more than the Consumer Price Index for each of the 5 years.

Provide the **Performance Guarantees** (the at-risk fees) you are proposing for the following based on Attachment 17. The Fixed Fee per Claim in item A. above will be reduced by this amount if the guarantees in Attachment 17 are not met:

C. Provider Network

- i. Network Change Notification \$ _____
- ii. Individual Facility Network Access \$ _____
- iii. Performance Guarantees below Standard \$ _____
- iv. Pricing Guarantees: New Providers outside of Penal Code \$ _____

D. Provider Network Implementation (If not fully implemented within six months) \$ _____

The proposed fee per claim shall remain valid for a minimum of one hundred eighty (180) days after Contract award.

Name of Proposing Firm:

Signature of Proposer's Authorized Representative

Date

ATTACHMENT 17
PERFORMANCE GUARANTEES

Provider Networks

Guarantee Name	Standard	Guarantee Definition / Measure	Calculation, Payment and Frequency	Report or Risk Sharing	Agree / Deviate / No	Explanation
Network Change Notification	Within 1 week	Notify client of significant network changes within one week (or as soon as reasonably possible). Vendor should regularly remind providers of their obligation to provide notice of withdrawal from network or practice closure.	Annually	Amount of Fixed Fee per Claim at risk. This amount is entered as item C.(i) on Attachment 16		
Individual CDCR Institution or REPS Facility Provider Network Access	92% or higher	Upon completed implementation of the provider network, Contractor guarantees during the term of the contract to maintain a minimum level of 97% or higher for each individual CDCR institution or REPS facility to access individual medical services outlined in the RFP.	Quarterly listing Month, Institution, Service type, Gap, and Percentage.	Amount of Fixed Fee per Claim at risk. This amount is entered as item C.(ii) on Attachment 16		
Provider Credentials / Board Certification	95% or higher	On average for the year, the percentage of all physicians in the network who are board certified. No sanctioned providers (by State	Annually	Report Only		

Guarantee Name	Standard	Guarantee Definition / Measure	Calculation, Payment and Frequency	Report or Risk Sharing	Agree / Deviate / No	Explanation
		Board of Medical Examiners, HCFA, medical societies, etc.) in network. Credentialing performed in accordance with NCQA: Non-delegated performed by plan and, if delegated, plan performs rigorous oversight of delegated functions.				
Provider Satisfaction	≥85%	For the population subset that responds to a satisfaction survey, percentage who answer with response that indicates satisfaction (i.e., 8-10 on a scale of 1-10)	Annually	Report Only		
Hospital Quality	NCQA accreditation. HEDIS Quality Standards. Min. 50%. Preferred 75%.	Requires standardized data collection and validation methods to ensure accuracy, consistency, and compliance with regulatory expectations. Must use defined metrics, reliable data sources, and routine reporting cycles to monitor performance, identify gaps, and trigger corrective action when benchmarks are not met. Continuous quality improvement processes ensure that findings drive system-level improvements, accountability, and transparent reporting.	Annually	Report Only		
Provider Quality	NCQA accreditation. HEDIS Quality	Consistent methods for evaluating clinical quality, professional practice, and patient outcomes using validated, evidence-based metrics. Requiring reliable data collection,	Annually	Report Only		

Guarantee Name	Standard	Guarantee Definition / Measure	Calculation, Payment and Frequency	Report or Risk Sharing	Agree / Deviate / No	Explanation
	Standards. Min. 50%. Preferred 75%.	regular reporting cycles, and structured peer-review processes to identify performance gaps and ensure physicians meet established competency and quality benchmarks. Findings are used to guide professional development, corrective actions, and system-level improvements that promote safe, high-quality, and accountable medical care.				
Patient Quality	Contractor to Propose		Annually	Report Only		

Network Implementation

Guarantee Name	Standard	Guarantee Definition / Measure	Calculation, Payment and Frequency	Report or Risk Sharing	Agree / Deviate / No	Explanation
Network Implementation	80% within 6 months of the effective date of the contract	Network must be 80% implemented within 6 months of the effective date of the contract	Six months from contract execution and monthly thereafter.	Amount of Fixed Fee per Claim at risk. This amount is entered as item D on Attachment 16		
Compliance with Service Delivery Timeframes	≥80% of higher	Meet all required timeframes identified throughout this Agreement – including but not limited to, scheduling, documentation, reporting, pick-up turnaround times, corrective action timeframes, notification requirements, credentialing/privileging deadlines, and all other time-sensitive service obligations.	Monthly listing each required timeframe, number of instances timeframe applied, number of instances timeframe met, calculated compliance percentage for each category and overall.	Report and Amount of Fixed Fee per Claim at risk. This amount is entered as item C.(iii) on Attachment 16.		

Pricing Guarantees

Guarantee Name	Standard	Guarantee Definition / Measure	Calculation, Payment and Frequency	Report or Risk Sharing	Agree / Deviate / No	Explanation
Pricing Adjustment	Within Current Contract Rates	Existing providers enter into contracts at rates equal to or below current contract	Monthly	Percentage or fixed incentive per claim. This amount is entered as item A.(iii) on Attachment 16		
Pricing Guarantee	Within Penal Code	New providers enter into contracts at rates equal to or below penal code	Annually	Amount of Fixed Fee per Claim at risk. This amount is entered as item C.(iv) on Attachment 16		

Liquidated Damages

Liquidated Damages	Standard	Definition / Measure	Calculation, Payment and Frequency	Liquidated Damage Calculation	Agree / Deviate / No
Mobile Radiology Imaging – Cancellations	Three (3) clinic cancellations	If mobile imaging provider cancels a scheduled clinic without twenty-four (24) hour notice three (3) times in the same month, they will incur a cancellation fee payable to CCHCS. The Contractor shall be responsible to enforce this provision with the selected mobile imaging vendor.	Monthly	The cancellation fee shall be the cost of one mobile service for 5 patients scheduled to be performed for MRI or CT.	
Mobile Gastroenterology – Cancellations	48 Hours Notice	If mobile gastroenterology provider cancels a scheduled clinic without forty-eight (48) hour notice, they will incur a cancellation fee payable to CCHCS. The Contractor shall be responsible to enforce this provision with the selected mobile gastroenterology vendor.	Monthly	The cancellation fee shall be no less than equal to the negotiated cancellation fee the Providers are permitted to charge CDCR/CCHCS for late notice cancellations.	
Reciprocal Cancellation/No Show Fees	24 Hours Notice	If the Provider cancels a scheduled onsite or offsite clinic or appointment with less than twenty-four (24) hours' notice, CDCR/CCHCS may assess a cancellation fee. The Contractor shall be responsible to enforce this provision with the contracted Providers.	Monthly	The cancellation fee shall be no less than equal to the negotiated cancellation fee the Providers are permitted to charge CDCR/CCHCS for late notice cancellations.	

BACKGROUND SECURITY CLEARANCE APPLICATION**CONFIDENTIAL - FOR OFFICIAL USE ONLY**

Page 1 of 1

CDCR 2311 (06/22)

For Staff Use Only

Requester: RICARDO LOPEZ Department: MEDICAL Extension: 4760
Division Head Authorization: STEFANIE KEENAN Date: 03/16/2026
Purpose of Entry: CCHCS STAFF - POTENTIAL HEALTHCARE PROVIDER - VENDOR
Date(s): 4/16/26 - 4/30/2026 Time: 6AM - 3:30PM Duration: MONDAY-FRIDAY
Escort: RICARDO LOPEZ
Type of Authorization Requested (Check One): ☒ Gate Clearance ☐ State ID Card (Contractor)

Last Name, First Name, MI: _____

Other names you have been known by: _____

Date of Birth (Month, Day, Year): _____

Gender: ☒ Male ☐ Female ☐ Non-Binary

Social Security Number (SSN): _____ - _____ - _____

Contact Telephone Number: (_____) _____ State Bar #: _____

State ID # or Driver's License #: _____ State: _____

Passport # (if no State ID/Driver's License): _____

Have you ever visited or had a personal relationship with any California Department of Corrections and Rehabilitation inmate or parolee for non-work related reasons? No: ☐ Yes: ☐*(If yes, please complete the CDCR Form 2189 Incarcerated/Paroled Relative/Associate Notification.)*Are you a former California State Prison inmate? No: ☐ Yes: ☐Have you ever been restricted or denied access to a State Prison? No: ☐ Yes: ☐*(If yes, please provide an attachment listing the institutions and the reason for the restriction/denial.)*Have you ever been convicted of a felony? No: ☐ Yes: ☐*(If yes, please list the dates, counties & violations.)*Are you currently on probation/parole? No: ☐ Yes: ☐Do you have any pending or outstanding charges? No: ☐ Yes: ☐

By signing this application, I attest that all of the information provided is true and correct. I acknowledge that prior written consent from the supervising agency is required for any parolee, probationer, or formerly incarcerated person to enter prison grounds. I further understand that, if approved, access is restricted to the designated area(s) and shall be under state employee escort unless otherwise authorized.

In accordance with the Privacy Act of 1974 (PL93-579), providing a SSN is optional. However, any omission of falsification may be cause for denial of access.

Signature of Applicant: _____ Date: _____

☐ APPROVE ☐ DENY

Hiring Authority Signature: _____ Date: _____

Memorandum

Date : July 1, 2021

To : All Folsom State Prison Employees
All Official Visitors

Subject : **APPROPRIATE ATTIRE AND ALLOWABLE PERSONAL PROPERTY FOR
EMPLOYEES AND OFFICIAL VISITORS**

The purpose of this memorandum is to reiterate the appropriate attire and allowable personal property policy for employees and official visitors entering Folsom State Prison, Folsom Minimum Support Facility, and the Folsom Women's Facility. This memorandum supersedes any and all past memorandums regarding attire and personal property items. Official visitors are considered to be individuals that are not associated with the inmate-visiting program. This directive begins with the reminder that we work in a prison and strict adherence to this policy is necessary for the safety of staff, inmates, and visitors.

Pursuant to Department Operations Manual (DOM), Section 33020.4, non-uniformed employees shall wear clothing that is clean and neat, in good repair, and fits properly. All clothing and jewelry should project a professional and positive image. In order to insure compliance with this policy and to provide a general guideline, the following clothing/attire items are prohibited for employees and official visitors:

PROHIBITED CLOTHING/ATTIRE ITEMS:

- Tight clothing that hugs the contour of any body parts or exposes the outline of the wearer's undergarments.
- See-through articles of clothing, other than hosiery undergarments, shall not be worn. Sheer blouses and open-weave sweaters shall only be worn with a camisole or slip underneath. No cleavage shall be revealed and women will wear upper undergarments at all times.
- Sleeveless, spaghetti straps, tank tops, plunging necklines, backless garments, and/or clothing that exposes the midriff.
- All types of leggings, tights, and/or leotards, i.e., lycra, spandex, cotton, etc., shall not be worn as an outer garment.
- Jeggings or skinny-type pants that show the contour of the body shall only be worn with a loose outer garment such as a blazer, jacket, or blouse, that is of a minimum length down the leg to extend to the end of individual's fingertip.
- Capris or cropped-style pants must have hemmed edge no less than four (4) inches below the knee.
- Exercise sweatpants, jogging suits, and/or workout attire, such as yoga pants or tight fitting compression shirts.
- Skirts and culottes shall not be worn above the kneecap, regardless of leg wear.
- Shorts of all types shall not be worn.

- Any clothing that resembles inmate attire, i.e., blue denim, chambray blue, solid lime green, or solid orange.
- Camouflage fatigue pants, shirts, or outer garments shall not be worn (except for law enforcement in an official capacity or active duty military personnel).
- Clothing (including hats) containing emblems, printing, lettering, or pictures pertaining to sex, profanity, drugs, alcohol, violence, gangs, illegal behavior, or anything that would affect the safety and the security of the institution are not permitted.
- Shoes:
 - Rubber thong footwear, shower shoes, house slippers, and backless shoes are not allowed.
 - Heel height shall not exceed three (3) inches.
 - A wider base heel is recommended.
 - Open toe and sandal-type shoes are discouraged inside of the secured perimeter, Warehouse, and/or Valley Trades areas.

PERSONAL PROPERTY ITEMS:

All containers (brief/attaché cases, lunchboxes, purses, bags, etc.) and their contents shall be thoroughly inspected upon entering and exiting the institution's security perimeter. To expedite the processing through the security perimeter, all bags and containers shall be opened prior to approaching the gate and all compartments shall be opened for inspection. All items entering the institution are subject to inspection. Staff may bring in one handbag/purse/tote bag; or one lunchbox, igloo type cooler; or one backpack, with the following limitations:

- The above items shall be plastic or soft sided, the dimensions shall not exceed 16" long, 14" wide, 12" high, and shall not exceed four storage compartments (a storage compartment is anything that has to be unzipped, unbuttoned, or otherwise opened to inspect).

Additionally, staff may bring in one of the following items:

- Thermos/beverage container/hydration pack with one gallon maximum capacity and no storage compartments. Additional drinking water must be in clear plastic containers; each no larger than one gallon. Containers larger than one gallon will require the written authorization from the Warden.
- Personal brief/attaché cases are only permitted for managers, supervisors, and professional classifications i.e., Correctional Counselors, Physicians and Job Stewards, etc. and shall not exceed 18" long, 6" wide, 14" high. State-issued brief/attaché cases are excluded.
- All containers (brief/attaché cases, lunchboxes, purses, bags, etc.) and their contents will be thoroughly inspected upon entering and/or exiting the Institution's security perimeter.
- Umbrellas must be compact models and will not be restricted during inclement weather. Golf/beach umbrellas and/or pointy-ended umbrellas will not be permitted. Umbrellas shall be stored in such a manner to preclude loss, theft, or access by inmates and shall not be used by custody staff while on duty.

The following items are not authorized within the security perimeter or on any job site:

- Cellular telephones and/or wireless communications devices (except as approved by the Warden per DOM, Section 12070.18, for documented, verifiable reasons and for a specific timeframes).
- iPod/MP3-type players, DVD players, movies, and portable gaming/media devices.
- Tobacco and electronic smoking device products.
- Personal tools (i.e., multi-tools, knives, metal utensils, glass containers, scissors)
- Non-State issued computers or computer storage drives (i.e., thumb drives, etc.) except as approved by the Warden.
- Duffle bags and wheeled suitcases/briefcases (exceptions: e.g., Administrative Officer of the Day, Physician on call, Psychiatric doctor on call, and as approved by the Warden).
- Extra clothing (excluding rain gear, jackets, and/or coats).
- Photographic, video, or audio equipment (official visitors/media with prior approval from the Warden will be under escort when in possession of photographic/recording equipment).

If you have any questions or require additional information regarding this policy, please contact your supervisor, your division manager, or J. Kiaser, Employee Relations Officer, at extension 3017.



RICK M. HILL
Warden
Folsom State Prison

Memorandum

Date : February 16, 2016

To : Associate Directors, Division of Adult Institutions
Wardens

Subject: TOBACCO BAN REMINDER

This memorandum is to reiterate current regulation and policy surrounding the ban of tobacco products on California Department of Corrections and Rehabilitation (CDCR) institution/facility grounds.

The tobacco ban was enacted to provide a healthful, comfortable, and productive work environment for employees. Since July 1, 2005, the possession of tobacco products and smoking has been prohibited in all institutions/facilities under the jurisdiction of the California Department of Corrections and Rehabilitation.

The California Code of Regulations (CCR), Title 15, Article 8. Tobacco, Section 3188, defines tobacco products as any product that contains tobacco, the prepared leaves of any plant belonging to the nicotiana family, which shall include, but not limited to, cigarettes, loose tobacco, cigars, snuff, chewing tobacco, or any other preparation of tobacco, tobacco substitutes, smoking paraphernalia, and all other items developed or processed for the primary purpose of facilitating the use of possession of tobacco or tobacco related products as well as packaging material.

Tobacco cessation products such as a patch, inhaler, or lozenges are permitted for use by staff, and must be for immediate personal use only.

All employees shall adhere to and enforce this policy. All supervisors shall ensure this policy is enforced in its entirety and no smoking or tobacco possession occurs at any institution/facility that houses or detains inmates except for residential staff housing when inmates are not present. Employees shall not use or possess tobacco products in the presence of inmates.

Staff possession or use of smoking or tobacco products as defined in the policy, shall be subject to the progressive disciplinary process.

Security Overview & Laws, Rules, and Regulations Regarding Conduct and Association with Patients

The goal of the Correctional Institution is to keep the public safe by keeping persons committed to custody confined and to afford those individuals with rehabilitative activities.

The following is a summary of security regulations and information that generally apply to all institutions. Upon starting at your institution, be sure to obtain more specific information and training applicable to your work site.

Basic Rules

- No alcohol, drugs, weapons, explosives, tear gas, or tear gas weapons may be brought onto prison property.
- Use of tobacco or tobacco products on the grounds that house or detain patients is prohibited and must be secured off grounds.
- No cell phones, personal electronic devices, glass bottles/containers, or metal utensils may be brought into security perimeter.
- All vehicles must be secured; have ignition switches in locked position, keys must not be left in any vehicle, windows must be rolled up and doors locked while on institution or community correctional facility grounds.

Grooming

Employees and contractors shall adhere to grooming standards as prescribed in DOM, Chapter 3, Article 21. Items not specifically addressed in DOM, Chapter 3, Article 21, are considered unauthorized.

- Hair shall be styled in a fashion which shall not impair vision or create a safety hazard in the work area. Employees shall keep hair, beards, and mustaches clean and neatly groomed.
- Fingernails shall be neat, well-trimmed, and enhance a professional image. Fingernail length and polish shall be appropriate for the specific assignment or task being performed. Acrylic/artificial nails are not allowed due to infection risks.

In addition, contractors may be required to complete fit testing to evaluate the fit of a respirator. Contractors who are required to wear tight-fitting respirators shall not have facial hair that comes between the sealing surface of the face piece and the skin, or any condition that interferes with the face-to-face piece seal or valve function. Some types of facial hair may be acceptable, if it does not interfere with the face piece seal. NIOSH provides a chart that depicts what type of facial hair may work with a tight-fitting respirator.

Dress & Attire

Appropriate attire is clothing that does not present a safety hazard to employees or contractors while performing their duties and is suitable in the presence of patients. Clothing must be neat, conservative, and consistent with the type of work being performed and the setting in which work is conducted:

- Do not wear clothing that resembles the clothing worn by patients.
 - No blue denim pants, shorts, shirts or jackets.
 - No blue chambray shirts, jackets or pants.
 - No blue sweatshirts.
 - No orange (Reception Center) pants, shirts, jumpsuits or shorts.
 - No yellow rain coats or rain pants.
 - No light gray, white, or off-white
 - No fabric made in such a manner to resemble blue denim material or state-issued patient clothing.
- Do not wear clothing that resembles custodial staff uniforms.

- No forest green pants.
- No tan shirts.
- No camouflage.
- Dress conservatively and modestly.
 - No transparent clothing.
 - No tank tops, tube tops, spaghetti straps, strapless, off the shoulder, or bare midriff clothing.
 - No open-toed shoes, or shoes without backs or a heel strap.
 - Tights are an acceptable alternative to hosiery for wear under dresses or skirts; however, tights and spandex type materials will not be worn in lieu of slacks. Skirts may be worn, but shall not be more than three inches above the knee.
 - No sweatpants or sweat suits.
 - No apparel containing images or inscriptions of alcohol, drugs, gang content, or any other non-professional attire.
 - Commercial lettering on clothing is acceptable; however, wording or prints depicting offensive, sexual, racial, or derogatory remarks will not be permitted.

For additional information regarding dress code, please contact the local Public Information Officer (PIO), as certain institutions may have additional restrictions.



Identification Cards

Every contractor is required to have valid picture identification such as: California Driver's License, Identification Card, or Passport. Always keep your CDCR picture ID securely on your person. Present your picture ID promptly to any Custody officer who requests it. A lost CDCR personnel identification card is considered a very serious breach of security and you are to report it immediately to a Custody supervisor. Please check with your institution for additional policies in regards to CDCR identification cards.

Institution-Issued Equipment

Always keep your institution-issued equipment, laptop, cell phone, etc. secured on your person or locked in a safe place as directed by prison staff. Lost equipment is a very serious breach of security. If you lose equipment, report it immediately to a Custody supervisor.

Personal Possessions

Contractors are only required to present photo identification (i.e. state driver's license and/or state-issued identification card) for prison access. Unless necessary, leave all other personal possessions in a locked vehicle out of sight (i.e. trunk). If items are brought inside the prison, contractors must maintain control over them at all times, especially keys, purses, lunches, wallets, and briefcases. In the event of a lost personal or state-issued item, the contractor's supervisor, or nearest custody staff member, shall be notified immediately. These items may be searched upon entry. Valuables and large sums of money are best left at home, or in a locked car in the parking lot. Obtain permission before bringing medications on grounds. Display medications openly. Limit the amount to what is needed while inside the prison.

Personal cell phones are not allowed. If your institution-issued cell phone has camera capability, you may not under any circumstances take pictures on prison grounds without express permission from the Warden or his/her designee. Doing so is cause to have your camera/phone confiscated and your further access to the prison denied. Remember that no personal electronic equipment is allowed on grounds.

Parking

Park in designated marked spots only. Failure to properly park may result in losing the privilege of parking on institutional grounds.

Contraband

Contraband is anything not approved by the institution for patients to have in their possession. Some items are obvious, like guns, alcohol, knives, etc., while others are not as obvious such as, magazines, pointed end umbrellas, glass containers, electronic devices, personal tools, duffle bags, and wheeled suitcases. If in doubt, it is recommended that contractors seek the guidance of a supervisor, the PIO, or any uniformed custody supervisor. Materials specific to the job must be cleared by the Warden, or designee, in advance of scheduled work.



Gates and Security

Officers assigned gates are responsible for identifying and clearing all persons passing through their area. Additionally, these officers are also responsible for searching and clearing all vehicles, packages, and purses that move through their respective security area. When an officer at the gate is processing a line of patients through the gate, do not distract or otherwise interrupt him/her during the performance of vital security functions.

Keys

Keys are very important in an institutional setting. Patients are never to handle your keys. A lost key is considered a very serious breach of security, and you are to report it immediately to a Custody supervisor. Please check with your institution for more information on policies for tool and key control.

Sign-In/Sign-Out Policy

Contractors must sign in and sign out upon entry and exit of the facility. Signing in and out is a critical safety component of ensuring staff accountability. At the end of each shift, the list of contractors is checked to account for all individuals who have entered the institution. Failure to sign out may result in an unnecessary missing persons search.

Emergencies

Contractors are required to obey any order, command, direction, or instruction given by a uniformed custody officer. This is for the contractor's protection, the protection of others, and the security of the institution. Upon the sounding of an alarm, all patients will be directed to "GET DOWN" over the Public Address (PA) System and/or upon the arrival of Custody staff, orders will be given to the patients to "GET DOWN." You are to remain standing, and to be as still as possible, which is done so Custody can quickly determine who the combatants are, and their location. You should quickly position yourself in a safe location, out of the way (do not run) to allow the custody staff to quell the disturbance. If you are inside and

Design Discrete Microbiology Inbound

Reference Pages

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Overview

The CPM ESI server (CPM_SrvESI.exe) accepts discrete microbiology results. These results are sent in a Health Level 7 (HL7) standard ORU message. The purpose of this document is to define how ESI processes these messages, where and how they are posted in the database, as well as provide installation requirements and troubleshooting hints.

The Message

It is necessary to make certain assumptions about the message being sent from the external system. These assumptions center on identifying a message as a microbiology message, distinguishing between organism and susceptibility results, and fields that are either required by HL7 or are needed by ESI to successfully process the message.

Identifying a Microbiology Message

A microbiology result that is sent from an external system has the same structure as any other result being sent in an ORU message. It is therefore necessary to determine the type of result based on the content of the message. This is accomplished by examining the contents of the Diagnostic Service Section field (OBR-24). If this field is valued to MB or MA, or if this field contains an alias to the Microbiology event class code, CDF meaning MBO on Code Set 53, ESI treats the message as a microbiology result.

Cultures, Organisms, and Susceptibilities

A Discrete Microbiology result consists of three parts: 1) the culture, 2) organisms, and 3) susceptibilities. Each of these sections is explained below along with the ORU message components that differentiate them.

Cultures

The culture is sample of organic matter (for example, sputum or wound) taken from a patient. This culture is then incubated to promote the growth of organisms within the culture. Microbiology results can be viewed as a hierarchy with the culture as the root or base.

A Culture OBR not only contains information about the culture, but also contains information about the reports created about the culture, and information about the various organisms growing in the culture. A Culture OBR is identified as such by establishing that the ORU message represents a microbiology result as explained above, and that the OBR does not represent a susceptibility (explained below). The requirements for this section of the OBR are the same as the requirements for a general laboratory result.

The reports associated with the culture are contained in child OBX segments. The reports are identified by having an Observation ID (OBX-3.1) not equal to ORGANISM. Beyond this requirement, they are treated just as any other document would be.

Culture Statuses

It is appropriate to associate a status, usually positive, or negative, with the culture. This indicates whether an organism has been identified.

The CPM ESI servers mechanism for identifying this status is a culture status OBX. The CPM ESI Server identifies a culture status OBX as follows. It has its Observation ID (OBX-3.1) aliased to a code value on Code Set 18089 with a CDF meaning of CULTSTAT. When a culture status OBX is identified, ESI looks first in OBX-5 Observation Value for a

string. If nothing is found in OBX-5, ESI looks in OBX-8 Abnormal Flag. The value found is used as an alias to Code Set 52 to populate the NORMALCY_CODE field on the Culture clinical event (see the Clinical Event Representation of Microbiology Results).

Report-Level Comments

Comments related to the microbiology result in general can be stored at the culture report level. One or more NTE segments following the culture OBR are used to create such a comment. This is a CE_EVENT_NOTE attached to the Culture Clinical Event. The note type defaults to order comment, although any note type can be specified. See the Universal Interface Specifications [Results Inbound](#) for details on the NTE segment.

Organisms

An organism, or isolate, is a single bacterial entity growing within the culture. Once the organism has been identified, tests can be run on it to determine what kills it. Organism information can be sent either as an OBX on a culture message, or as part of the OBR on a susceptibility message.

If the organisms are sent as OBX segments attached to a Culture OBR, multiple organisms can be sent in a single ORU message. It is required that each Organism OBX have its Observation Id (OBX-3.1) set to the literal ORGANISM. If this field is not set to the literal, it is treated as a culture report. Also, the Observation Value field needs to be set to the name of the organism. An additional requirement is that the Observation Sub Id field of the OBX be incremented for each additional organism. This field is used to identify the specific organism in subsequent updates.

The requirements for organisms specified in a Susceptibility OBR are defined in the Susceptibility section.

Susceptibilities

A susceptibility is measurement of whether an antibiotic effectively kills an organism. A given organism is normally interpreted as either susceptible or resistant to an antibiotic. This is known as an Interpretation result. Additionally, a susceptibility can also have a numeric result associated with the interpretation. This is described as the Numeric result. Susceptibilities are represented in the OBX segments attached to a Susceptibility OBR.

A Susceptibility OBR is defined as follows:

- It is a microbiology result. This is determined in the same manner as it is for Culture OBRs.
- The Universal Service ID (OBR-4.1) is an alias to a Susceptibility Type (Code Set 65). This code set is not added to on the fly, so if it is not found, the OBR is considered to represent a culture.
- The Parent Observation Id (OBR-26.1.1) must be filled out.

The Parent Observation Id is assumed to be the same as the Universal Service Id of the Culture OBR. Additionally, either the Parent Filler Id (OBR-29.2.1) and the Parent Filler App Id (OBR-29.2.2), or the Filler Order Number Id (OBR-3.1) and the Filler Order Number App Id (OBR-3.2) must be filled out. The parent fields are checked first. If they are not valued, the Filler Order Number fields are used. Whichever set of fields ends up being used, they need to be the same as the Filler Order Number fields in the Culture OBR.

These three fields (Parent Filler Id, Parent Filler App ID (or Filler Order Number Id and Filler Order Number App Id), and the Parent Observation Id are concatenated together to create the base reference number. By further adding the character 1 to the base reference number, the reference number for the culture is constructed. Using this number the culture and any associated organisms can be found in the database.

Now that it has been explained how the associated culture is found, it is necessary to explain how the associated organism is found. Organism information can be included in the OBR or be attached to the OBR in an OBX segment.

If the organism information is going to be included in the OBR, minimally, its Observation Sub Id must be included in the Parent Result Observation Sub Id (OBR-26.2) field. If the organism was included in the Culture message, this is all that is needed to find the organism; however, if the organism was not included in the Culture message, the Parent Result Observation Result Id must be valued so that the organism can be created in the database.

If the organism information is being sent in an OBX:

- Its Observation Id (OBX-3.1) must be set to the literal ORGANISM. Additionally, it must be the only OBX with this field set to ORGANISM.
- Its Observation Sub Id (OBX-4) must be set.
- The name of the organism should be in the Observation Value (OBX-5) field.

If the organism can be found in the database, it is updated with any changes. If it was not found, it is created.

The susceptibility itself is constructed using the non-organism OBX segments attached to the Susceptibility OBR. Of note here is that the Interpretation result (susceptible, resistant) is taken from the Abnormal Flag (OBX-8) field, while the Numeric result (the numeric result found when applying the antibiotic to the organism) is taken from the Observation Value (OBX-5.1). While neither field is required, it does not make sense to have sent the OBX segment without one or the other. The name of the antibiotic is assumed to be in the Observation ID (OBX-3.1) field.

Suppressing the Charting of Susceptibilities

It is possible to store susceptibility details that are not to be displayed with the result. This is done, for example, when a panel of antibiotics are sent but some on the panel are not actually able to be used.

Suppression of a susceptibility is accomplished as follows: On the OBX for the susceptibility that should not be charted, send a string in OBX-13 User Access Checks. This string should be aliased to the code value on code set 18089 with CDF meaning of NOSUSCHART. If this is sent, the susceptibility is still posted but the chartable flag is turned off.

Susceptibility Footnotes

Susceptibility footnotes provide a mechanism to store information about a specific susceptibility result. A susceptibility footnote is created from an NTE segment that follows a susceptibility detail OBX.

Note

Susceptibility footnotes are currently available only when using list replace Option 3. See the section for details on list replacement.

Clinical Event Representation of Microbiology Results

The Clinical Event Data Model stores the microbiology results in a hierarchical form, which is consistent with the general nature of microbiology results.

In the above model, two child Clinical Event structures are available. These are the Culture Report Clinical Events. There can be any number of these reports, only two are shown for simplicity. Each of these Clinical Event structures has sub-structures that contain various information about the documents and the contents of the documents themselves.

Also hanging off the Culture Clinical Event are two CE Microbiology structures. These represent the organisms found in the culture. These are differentiated from each other primarily by the micro sequence number.

Attached to each of the CE Microbiology structure are several CE Susceptibility structures (in this case consists of three each, but have no rules governing a minimum or maximum). Each of these susceptibility structures identify the organism they are associated with by storing the Micro Sequence Number of the organism to which they belong. The susceptibilities are differentiated from each other by Susceptibility Sequence Number, Susceptibility Test Type (for example, MIC (Mean Inhibitory Concentration), KB (Kirby Bauer)), and the Antibiotic Code. Also of note is the fact that the Interpretive and Numeric results are stored in separate instances of the structure. This is because the Microbiology Team is posting Interpretation and Numeric results as separate entries, but they are treating Numeric results as code values. It is neither appropriate nor desirable for ESI to translate numeric data to code values. Therefore, ESI posts separate entries for each, but places the result itself in different fields depending on whether it is an Interpretation (as a code value in the RESULT_CD field) or Numeric result (as a string in the RESULT_TXT_VALUE).

Installation Requirements

Certain data needs to be present for discrete microbiology results to be correctly processed by ESI. These data requirements are in the form of code values with specific CDF Meanings, aliases that are not added on the fly, and code value extensions.

CDF Meanings

Code values must exist with certain CDF Meanings. The CDF Meanings themselves should exist in the database, but code values may have to be added by the user. Below is a table of these code values, code sets and CDF Meanings.

Code Set	Code Set Description	CDF Meaning	Description
13	Comment Source	UNKNOWN	Unknown Entry Method
14	Comment Type	ORD COMMENT	Order Comment
14	Comment Type	RES COMMENT	Result Comment
14	Comment Type	UNKNOWN	Unknown Comment Type
21	Event Action	PERFORM	Personnel action of perform
21	Event Action	VERIFY	Personnel action of verify
21	Event Action	AUTHOR	The personnel who authored the text/document
21	Event Action	COMPLETED	The personnel who completed the result

Code Set	Code Set Description	CDF Meaning	Description
21	Event Action	UNKNOWN	The action the personnel performed is unknown
23	Document Format	AH	ASCII text with hard carriage returns
24	Event Relation	ROOT	Root/Parent Clinical Event
24	Event Relation	CHILD	Child Clinical Event
48	Record Status	ACTIVE	Indicates an active record
53	Event Class	MBO	Microbiology Event
53	Event Class	DOC	Document Event
53	Event Class	GRP	Group Event
53	Event Class	TXT	Text Event
53	Event Class	NUM	Numeric Event
63	Succession Type	UNKNOWN	Unknown succession type
87	Confidence Level	ROUTCLINICAL	Routine Clinical Confidence
120	Compression Type	NOCOMP	No Compression/ not compressed
1004	Detail Susceptibility	GENERICINT	Generic/default interpretation detail susceptibility type
1004	Detail Susceptibility	GENERICNUM	Generic/default numeric detail susceptibility type
1901	Suscep Status	CORRECTED	Corrected Susceptibility
1901	Suscep Status	VERIFIED	Verified Susceptibility
1901	Suscep Status	PERFORMED	Performed Susceptibility

Code Set	Code Set Description	CDF Meaning	Description
18089	OBX Processing	CULTSTAT	CulturePositive/Negative
18089	OBX Processing	NOSUSCHART	Dont chart susceptibility
18089	OBX Processing	ORGOCCUR	Organism Occurrence

Aliases

ESI can map values sent from foreign systems to code values within the Oracledata model. Additionally, ESI can add many code values, along with their aliases, as they are sent. This ability is commonly described as Add on the Fly (AOF). However, certain code sets to which AOF does not apply. All code values aliased by ESI through the processing of discrete microbiology results are listed in [Appendix A](#).

Code Value Extensions

ESI uses code value extensions to obtain the Detail Susceptibility Tests associated with a certain Susceptibility Test. The Susceptibility Test is resolved using the passed in value as an alias to Code Set 65. If the alias does not exist, it is not created by ESI and is treated as a culture.

Two extension field names are defined for this code set: 1) INTERP and 2) NUMERIC. Both are used to resolve the Detail Susceptibility Test code value in the same manner, the former is for interpretation results while the latter is used for numeric test results.

Once the code value has been resolved for the Susceptibility Test, the CODE_VALUE_EXTENSION table is queried for rows with that code value. A Detail Susceptibility Test code value is resolved, in turn, by querying the CODE_VALUE table for code set 1004 for a row with a DISPLAY_KEY equal to the field value for the code value extension entry.

Note

For processing multiple interp Detail susceptibility Tests, the extension INTERP is not used. See the [Multiple Interpretive Detail Processing](#) section for details on setting up multiple interp processing. The extension NUMERIC is used in any case.

Example

A susceptibility message is being sent in specifying a Susceptibility Test of MIC. Additionally, the message has an OBX segment specifying that the organism is susceptible to ampicillin and that the diluent factor was 12.

ESI would query the CODE_VALUE_ALIAS table for code set 65 with an alias of MIC. Lets say that this query returned a code value of 500. Using this code value (500), the CODE_VALUE_EXTENSION table is queried for rows, which have their CODE_VALUE equal to 500. Since the OBX has an interpretation result, a row returned from the query of the code value extension table with a FIELD_NAME of INTERP is searched for. If it is found, its FIELD_VALUE field (MICINTERP, for example) is used to query the CODE_VALUE table. Specifically, the CODE_VALUE table is queried for rows which have both a Code Set of 1004 and a DISPLAY_KEY equal to the field value field from the code value extension (for example, MICINTERP). Whatever code value happens to have that display key is used as the Detail Susceptibility Test. If a code value extension row is not found for this type of result, the code value with a CDF

Meaning of GENERICINT is used. The processing for numeric results is the same, except for replacing the FIELD_NAME with NUMERIC rather than INTERP and defaulting to a code value with a CDF Meaning of GENERICNUM.

Note

The functionality described in the following two sections, List Replace Option for Microbiology and Susceptibility rows and Multiple Interpretive Detail Processing, are exclusive options. That is, it is not currently possible to set up a feed to do both options at once. The plan for future functionality is to allow both options.

List Replace Option for Microbiology and Susceptibility Rows

List replace functionality gives the ability to replace the CE_MICROBIOLOGY (organism) and CE_SUSCEPTIBILITY rows with a new set sent in as an update, rather than simply updating the existing rows. This is necessary if it is intended to remove a susceptibility result or organism. Note that the sending system must be able to send all unchanged pieces as well since the existing rows are deleted. This section describes the steps to set up this functionality and the options for how much is replaced.

Setup

This option is set at the contributor system level using the ESI Configuration Tool (ESIConfigTool.exe). Currently, the tool does not have the necessary functionality, so it is necessary to use an update statement in Discern Explorer(CCL) to set the intended value on the CONTRIBUTOR_SYSTEM table. The statement is similar to the following:

```
update into contributor_system set micro_list_replace_flag =
where contributor_system_cd =go
```

The contributor system code can be determined using the ESI_CONFIG_AUDIT program to display the contributor system information. Check to ensure that only the intended row was changed and then perform a commit go. The value of <setting> in the Discern Explorer(CCL) statement varies depending on the specific replace option to be used.

Replace Options

Four replace options are available:

Option 0, that is, <setting> = 0 in the Discern Explorer(CCL) statement, is the default processing which does not replace any rows. This updates only existing rows with changed results or adds new rows.

Option 1 causes ESI to replace all CE_SUSCEPTIBILITY rows that have the same organism and susceptibility test type as the message being processed. For example, if a culture has organisms of E. Coli and Staph and the message is sending Kirby Bauer susceptibility results for Staph, all previous Kirby Bauer susceptibility results for the Staph organism are deleted and replaced by the results in the message. Any results for the E. Coli, or for other test methods on the Staph are not affected. Obviously this means that the sending system must then send all intended results, including those that have not changed, for Staph and Kirby Bauer method if one needs to be updated.

Option 2 causes ESI to replace all CE_SUSCEPTIBILITY rows that have the same organism, regardless of susceptibility test type. From the example, if the Staph had both MIC and Kirby Bauer results, option 2 deletes all

susceptibility results for the Staph organism and replaces them with the results in the message. So the sending system in this case must resend in the same message all results related to the Staph organism including all susceptibilities for both the MIC and Kirby Bauer methods.

Option 3 causes ESI to replace all CE_MICROBIOLOGY rows and all CE_SUSCEPTIBILITY rows for a culture. For the example, all CE_MICROBIOLOGY rows and all CE_SUSCEPTIBILITY rows are deleted and replaced with the results on the message. This means that the sending system must be able to resend all of the organism information and all of the susceptibility results for each organism. The format to send all of this information in one message is somewhat unique, so an example has been provided in [Appendix B](#).

Multiple Interpretive Detail Processing

If the Susceptibility Tests being used can have multiple interpretive results, follow this section to set up the database for processing. The CPM ESI server still uses OBX-8 Abnormal Flag to determine the result. This section describes how to set up the database and the message to tell the CPM ESI server which Susceptibility Detail Test to use for a given result.

The first step is to indicate that the feed is processing multiple interpretations.

See multiple interpretive result section in [ESI Special Configuration](#) for configuring the contributor_system to support multiple interpretive results.

The second step is to create an interp detail (Code Set 1004) for every interp result that can be sent. For example, if a given method can have results of BLOOD, BLOOD:IV, and BLOOD:IM, each one of these must be a separate code value on Code Set 1004.

The last step is to create the aliases that are sent in OBX-8. Unlike single interps, where the alias only indicates the value of the interp result, for multiple interp processing the alias is used to indicate which Detail Susceptibility test to use and the value of the interp result. The aliases sent point to Code Set 1004. For each Susceptibility Detail identified in step two, there must be an alias that includes each possible interp result that can be sent for that Detail. For example, for the Susceptibility Result, BLOOD, if a possible interp value is Susceptible, there must be an alias of BLOOD:S or something similar to differentiate that result from a value of Resistant, BLOOD:R. In addition, each alias must have an alias type meaning that is itself an alias to the interp result value Code Set 64. So continuing the example, if the interp result of Susceptible has an alias of S the alias row BLOOD:S would have an alias type meaning of S. For an interp result of Resistant with an alias of R, the alias row BLOOD:R would have an alias type meaning of R.

Then to send a group of results for BLOOD the message should have either separate OBX segments each with one of the aliases built above in OBX:8, or a single OBX segment with each alias in a repeating field on OBX:8. Note that when sending an update to an existing result, it is necessary to send all Susceptibility Details associated with the Susceptibility test for the organism and antibiotic in question. For example, if Susceptibilities of BLOOD:Resistant and URINE:Sensitive have been sent for a Susceptibility test of KB for the antibiotic Amikacin on an organism of Staph, to change the result from BLOOD:Resistant to BLOOD:Susceptible, the sending system must send URINE:Sensitive again as well, or that detail is removed from the list of results. Any other Susceptibility method, organism and antibiotic combinations are unaffected.

See [Appendix C](#) for examples of OBX segments for multiple interp processing.

Processing

This section contains an overview of the processing ESI performs on the discrete microbiology result messages. It is broken down by message type and by the clinical event table being built.

Culture Message

A culture message is characterized by having the culture specified in the OBR. It is identified as a culture by failing to identify it as a susceptibility message. Additionally, it has OBX segments which represent the various documents, or parts of documents, written about the culture and optionally, organisms growing within the culture.

This type of message produces information to create the parent CLINICAL_EVENT entry, x child CLINICAL_EVENT entries, y CE_MICROBIOLOGY entries, CE_EVENT_PRSNL entries, and a CE_SPECIMEN_COLL entry: where x is the number of document OBX segments and y is the number of organism OBX segments.

Parent Clinical Event

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
clinical_event_id						Sequence number-system generated.
event_id						Sequence number-system generated.
valid_until_dt_tm					12/31/1200 00:00:00	Maximum date.
view_level					1	Hard-coded.
order_id						Not used.
person_id					person_id from ADT processing	
encntr_id					encntr_id from ADT processing	
accession_nbr					OBR:FillerField2	
contributor_system_cd	89	Y	N			Resolved through general ESI processing.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
reference_number					OBR:FillerOrderId + OBR:FillerOrderAppld + OBR:UniversalServiceId + view_level	This field, minus the view_level, comprises the base reference number.
parent_event_id					event_id	It is a root event, so the parent_event_id and event_id are equal.
event_reln_cd	24	N	N	ROOT		Hard-coded.
valid_from_dt_tm					Today	Hard-coded to current date and time.
event_class_cd	53	N	N	MBO		Hard-coded.
event_cd	72	Y	Y		OBR:UniversalServiceId	
event_tag					OBR:UniversalServiceText	Defaults to OBR:UniversalServiceId.
result_val						Not used.
result_units_cd						Not used.
result_time_units_cd						Not used.
event_start_dt_tm					OBR:ObservationDateTime	Defaults to OBR:ObservationEndDateTime.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
event_end_dt_tm					OBR:ObservationEndTime	Defaults to OBR:ObservationDateTime.
event_end_dt_tm_os						Not used.
catalog_dept_cd						Not used.
catalog_type_cd						Not used.
catalog_cd						Not used.
series_ref_nbr						Not used.
task_assay_cd						Not used.
record_status_cd	48	N	N	ACTIVE		
result_statuses_cd	8	Y	N	ACTIVE, ANTICIPATED, AUTH, CANCELLED, IN ERROR, IN LAB, IN PROGRESS, MODIFIED, NOT DONE, SUPERCEDED, TRANSCRIBED, UNAUTH, UNKNOWN	OBR:ResultStatus	Defaults to first ORC segment with its OrderStatus field filled out. If none of these fields are found, terminate processing of this message and post an error.
authentic_flag					1	Hard-coded.
publish_flag					1	Hard-coded.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
qc_review_cd						Not used.
normalcy_cd						Not used.
normalcy_method_cd						Not used.
inquire_security_cd	87	N	N	ROUTCLINICAL		Hard-coded.
resource_group_cd						Not used.
resource_cd						Not used.
verified_dt_tm						Denormalized from ce_event_prsnl row with action of VERIFY.
verified_prsnl_id						Denormalized from ce_event_prsnl row with action of VERIFY.
performed_dt_tm						Denormalized from ce_event_prsnl row with action of PERFORMED.
performed_prsnl_id						Denormalized from ce_event_prsnl row with action of PERFORMED.
normal_high						Not used.
normal_low						Not used.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
critical_high						Not used.
critical_low						Not used.
expiration_dt_tm						Not used.
subtable_bit_map					logical or of subtables pre-assigned hex value	

CE Event Personnel

There can be any number of personnel associated with the parent/root clinical event.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
ce_event_personnel_id						Sequence - system generated.
event_personnel_id						Sequence - system generated.
valid_until_dt_tm					12/31/2100 00:00:00	Maximum date.
person_id					ClinicalEvent---person_id	
valid_from_dt_tm					today	Current date and time.
action_type_cd	21	N	N	VERIFY, PERFORM, MODIFY, TRANSCRIBE, SIGN, COSIGN	Under modification	

Field	Code Set	Translate	A OF	CDF Meaning	Set to.../Using...	Comments
request_dt_tm						Not used.
request_prsnl_id						Not used.
request_prsnl_ft						Not used.
request_comment						Not used.
action_dt_tm					Under modification	
action_prsnl_id					person_id of person found through person management processing of the aliases	Is blank in situations in which we are not ensuring personnel; use the action_prsnl_ft (free-text personnel).
action_prsnl_ft					free-text identifier of personnel	Used when action_prsnl_id cannot be found.
proxy_prsnl_id						Not used.
proxy_prsnl_ft						Not used.
action_status_cd	103					Not used.
action_comment						Not used.
change_since_action_flag						Not used.

CE Specimen Collect

This table contains information about the specimen. It is not built unless the one of the following fields is valued:

1. SpecimenSource - SpecimenNameCode --Identifier (OBR-15.1.1)
2. SpecimenSource - SpecimenNameCode --text (OBR-15.1.2)
3. SpecimenSource - CollectionMethod (OBR-15.3)

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
valid_until_dt_tm					12/31/2100 00:00:00	Maximum date.
valid_from_dt_tm					today	Current date.
specimen_id						Not used.
container_id						Not used.
container_type_cd	2051	Y	Y		OBR:SpecSource---Additives	
specimen_status_cd	61					Not used.
collect_dt_tm					Under modification	
collect_method_cd	2053	Y	N		OBR:SpecSource---CollectionMethod	
collect_loc_cd	220					Not used.
collect_prsnl_id					OBR:CollectorId	Defaults to the prsnl_id of the contributor system.
collect_volume					OBR:CollectVolume---Quantity	
collect_unit_cd	54	Y	Y		OBR:CollectVolume---Unit	

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
collect_priority_cd	2054	Y	Y		OBR:Priority	
source_type_cd	60 & 2052	Y	N/Y		OBR:SpecimenSource - SpecimenName - Identifier	Check for an alias on cs60. If it does not exist, check for an alias on cs2052. If alias does not exist on cs2052, add it on cs2052.
source_text					OBR:SpecimenSource - SpecimenName - Text	Defaults to OBR:SpecimenSource - SpecimenName - Identifier.
body_site_cd	60	Y	Y		OBR:SpecimenSource - SpecimenName - Identifier	
danger_cd	59	Y	Y		OBR:DangerCode--Identifier	
positive_ind						Not used.

CE Microbiology

Each organism is stored in a row on the CE_MICROBIOLOGY table.

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
event_id					ClinicalEvent---EventId	
micro_seq_nbr					OBX:Observation SubId	Should uniquely identify this organism within its associated culture. Its name can change, but this number must always stay the same.

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
valid_until_dt_tm					12/31/2100 00:00:00	Maximum date.
valid_from_dt_tm					today	Current date.
organism_cd	1021	Y	Y		OBX:Observation Value[1]---Value1	If this field is not valued on the OBX, terminate processing of this message and post an error.
organism_occurrence_nbr					1	Hard-coded.
organism_type_cd	-----					Not used.
observation_prsnl_id						Not used.
biotype						Not used.
positive_ind					1	Hard-coded.
probability						Not used.

Child, Document Clinical Event

If the OBX value type field translates into an event class of TEXT or DOCUMENT, a child document is created.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
clinical_event_id						Sequence number-system generated.
event_id						Sequence number-system generated.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
valid_until_dt_tm					12/31/1200 00:00:00	Maximum date.
view_level					0	Hard-coded.
order_id						Not used.
person_id					from Parent Clinical Event	
encntr_id					from Parent Clinical Event	
accession_nbr						Not used.
contributor_system_cd	89	Y	N			Resolved through general ESI processing.
reference_nbr					BaseReferenceNbr + OBX:ObservationId ---Identifier + OBX:ObservationSubId + ViewLevel	BaseReferenceNbr = OBR:FillerOrderId + OBR:FillerOrderAppld + OBR:UniversalServiceId
parent_event_id					from Parent Clinical Event	Ties this clinical event to the root.
event_reln_cd	24	N	N	CHILD		Hard-coded.
valid_from_dt_tm					from Parent Clinical Event	
event_class_cd	53	N	N	DOC		Hard-coded.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
event_cd	72	Y	Y		OBX:ObservationId ---Identifier	
event_tag					OBX:ObservationId ---Identifier	
result_val						Not used.
result_units_cd						Not used.
result_time_units_cd						Not used.
event_start_dt_tm					OBX:ObservationDate Time	Defaults to OBR:StatusChanged ateTime. If neither are valued, terminates processing of this message and posts an error message.
event_end_dt_tm					OBX:ObservationDate Time	Defaults to OBR:StatusChanged ateTime. If neither are valued, terminates processing of this message and posts an error message.
event_end_dt_tm_os						Not used.
catalog_dept_cd						Not used.
catalog_type_cd						Not used.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
catalog_cd						Not used.
series_ref_nbr						Not used.
task_assay_cd						Not used.
record_status_cd	48	N	N	ACTIVE		
result_statuses_cd	8	Y	N	ACTIVE, ANTICIPATED, AUTH, CANCELLED, IN ERROR, IN LAB, IN PROGRESS, MODIFIED, NOT DONE, SUPERCEDED, TRANSCRIBED, UNAUTH, UNKNOWN	OBR:ResultStatus	Defaults to Parent Clinical Event.
authentic_flag					1	Hard-coded.
publish_flag					1	Hard-coded.
qc_review_cd						Not used.
normalcy_cd						Not used.
normalcy_method_cd						Not used.
inquire_security_cd	87	N	N	ROUTCLINICAL		Hard-coded.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
resource_group_cd						Not used.
resource_cd						Not used.
verified_dt_tm						Denormalized from ce_event_prsnl row with action of VERIFY.
verified_prsnl_id						Denormalized from ce_event_prsnl row with action of VERIFY.
performed_dt_tm						Denormalized from ce_event_prsnl row with action of PERFORMED.
performed_prsnl_id						Denormalized from ce_event_prsnl row with action of PERFORMED.
normal_high						Not used.
normal_low						Not used.
critical_high						Not used.
critical_low						Not used.
expiration_dt_tm						Not used.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
subtable_bit_map					logical or of subtables pre-assigned hex value	

CE Event Personnel

This section is similar to the Parent Clinical Events personnel rows.

CE Blob Result

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
event_id					from Parent Clinical Event	
valid_until_dt_tm					12/31/2100 00:00:00	Maximum date.
valid_from_dt_tm					today	Current date.
checksum					calculated by event ensure	
succession_type_cd	63	Y	N	ADDENDUM, CUM, CUM AMEND, CUM INT, CUTOFF, FINAL, INTERIM, PERIODIC, PRELIM INT, REPL, SPLIT CUM, UNKNOWN	OBX:ResultStatus	Defaults to a code value with a CDF meaning of UNKNOWN.
sub_series_ref_nbr						Not used.
storage_cd	25	N	N	BLOB		
area_cd						Not used.

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
format_cd	23	N	N	AH		
blob_handle						Not used.
blob_attributes						Not used.

CE Blob

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
event_id					from Parent Clinical Event	
valid_until_dt_tm					12/31/2100 00:00:00	Maximum date.
blob_seq_num					0	Hard-coded.
valid_from_dt_tm					today	Current date.
blob_length					size, in bytes, of OBX:ObservationValue[1]---Value1	
compression_cd	120	N	N	N	0	Hard-coded.
blob_contents					OBX:ObservationValue[1]---Value1	

Susceptibility Message

A Susceptibility OBR is defined as follows:

1. It is a microbiology result. This is determined in the same manner as it is for Culture OBRs.
2. The Universal Service ID (OBR-4.1) is an alias to a Susceptibility Type (Code Set 65). This code set is not added to on the fly, so if it is not found, the OBR is considered to represent a culture.

3. The Parent Observation ID (OBR-26.1.1) must be filled out.

Once a message has been identified as a susceptibility, the reference number for its parent is reconstructed and used to query the database. From here two paths are applicable, which can be traveled, and the one traveled is determined by the outcome of the query (success = the parent Clinical Event was found, failure = the parent Clinical Event was not found). Both paths are explained after the explanation of the query.

Query for the Parent Clinical Event

The manner in which the query request is valued is listed below.

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
query_mode					QUERY_SINGLE	Restricts the query to only the Clinical Event node specified, children of that node are not returned in the reply.
event_id						Not used.
contributor_system_cd	89				contributor system which was resolved by normal ESI processing	
reference_number					OBR:ParentNumber - FillerOrderNumber - Id + OBR:ParentNumber - FillerOrderNumber - Appld + 1(view_level)	If the Parent Order Numbers are not filled out, use the OBR:FillerOrderNumber - Id and OBR:FillerOrderNumber - Appld fields instead.
subtable_bit_map					CE_MICROBIOLOGY	CE_SUSCEPTIBILITY Tells the query to return only CE_MICROBIOLOGY and CE_SUSCEPTIBILITY sub-tables.
valid_from_datetime						Not used.
decode_flag						Not used.

Successful Query

By definition, a successful query means the Clinical Event row was found. It, however, does not imply that any microbiology or susceptibility rows were found. On a successful query, the query reply is copied to the Event Ensure request (they have exactly the same structure). The Clinical Event structure found in this query is not changed for the Event Ensure request.

Finding the Organism

The OBR segment is then examined to be determined whether it contains the organism information. The OBR segment is determined to contain organism information if the ParentResult - ObservationResult - Identifier (OBR-26.3.1) and the ParentResult - ObservationSubId (OBR-26.2) are valued. If these fields are not valued, the list of OBX segments attached to the OBR are searched for one which has an ObservationId of ORGANISM. If an Organism OBX is found it is used instead of the fields from the OBR. If the OBR does not have organism information and an Organism OBX cannot be found, processing of this transaction terminates and an error is posted.

In either case, the purpose is to identify the organism sequence number and the organism name. If the organism information is in the OBR, the number comes from the ParentResult - ObservationSubId (OBR-26.2) and the name comes from the ParentResult - ObservationResult - Identifier (OBR-26.3.1), otherwise the number comes from the ObservationSubId from the OBX (OBX:4) and the name comes from the ObservationValue[1] - Value1 (OBX-5.1): Wherever they come from, they are described as the *Number* and the *Name* from this point forward. The *Number* is used to search through the list of CE Microbiology structures attached to the Clinical Event found in the query. If an attached CE Microbiology structure has a Micro Sequence Number (MICRO_SEQ_NBR) equal to the *Number*, it is kept as part of the Event Ensure request while all the other CE Microbiology structures are removed from the request. The remaining CE Microbiology structure has its Organism Code (ORGANISM_CD, Code Set 1021) updated with the code value found by translating the *Name*. If the appropriate CE Microbiology structure is not found, it is created using either the information from the OBR or the OBX. See the field mappings under the section [Unsuccessful Query](#). The rest of this section assumes that the CE Microbiology exists, whether through finding it in the query or creating it from scratch.

Finding the Susceptibilities

Now that the CE Microbiology structure has been found or created, the susceptibilities can be processed. One last bit of information is needed from the OBR segment which applies to all the OBX segments: this information is the Susceptibility Test Code (Code Set 65). The UniversalServiceId (OBR-4.1) is translated on Code Set 65 to obtain this information (it is already known that the alias exists because the message would not be considered a susceptibility message if it did not see the Susceptibilities section). Using the Susceptibility Test Code, the Detail Susceptibility Test Codes is determined as described in the Code Value Extensions section. The Detail Susceptibility Test Codes are described as the Numeric Detail Susceptibility Test and the Interpretive Detail Susceptibility Test. With these code values in hand, processing of the susceptibilities can begin.

It is assumed that all OBX segments attached to the OBR represent a susceptibility, unless the ObservationId (OBX-3.1) is equal to the literal ORGANISM or the literal PREV ORGANISM (some sending systems include the prior name of the organism in a separate OBX segment if the name has changed). For each susceptibility OBX segment, the Antibiotic Code is found. The Antibiotic Code (Code Set 1011) is determined by translating the ObservationId (OBX-3.1) and adding it on the fly if necessary. The OBX is then checked for *Numeric* and *Interpretive* data. The OBX is considered to have *Numeric* data if its ObservationValue[1] - Value1 (OBX-5.1) is filled out. The OBX is considered to have *Interpretive* data if its AbnormalFlag[1] - AbnormalFlag (OBX:8.1) is valued. If the OBX has *Numeric* data, all CE Susceptibility structures attached to the CE Microbiology structure searching for a structure, which has:

1. Antibiotic Code equal to the Antibiotic code found for this OBX.
2. Susceptibility Test Code equal to that found from the OBR.

3. Detail Susceptibility Test Code equal to the Numeric Detail Susceptibility Test.

If one is found, it is updated as though it had never existed; with the exception of the Susceptibility Sequence Number field, which is not updated. If it is not found, a new CE Susceptibility structure is attached to the CE Microbiology structure and its fields valued. See the [CE Susceptibility](#) section.

It may seem odd to go through the trouble of searching for a matching susceptibility from the query results only to overlay its information, but it is necessary to find the Susceptibility Sequence Number. If it is not found, a new sequence number is created without deleting the one which is supposed to be replaced.

Unsuccessful Query

In this section, it is assumed that the Clinical Event row was not found. Therefore, the creation of the entire request from a Susceptibility OBR is illustrated.

Clinical Event

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
clinical_event_id						Sequence number-system generated.
event_id						Sequence number-system generated.
valid_until_dt_tm					12/31/1200 00:00:00	Maximum date.
view_level					1	Hard-coded.
order_id						Not used.
person_id					person_id from ADT processing	
encntr_id					encntr_id from ADT processing	
accession_nbr					OBR:FillerField2	This is currently not being done. It needs to be fixed.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
contributor_system_cd	89	Y	N			Resolved through general ESI processing.
reference_nbr					OBR:ParentFillerId + OBR:ParentFillerAppId + OBR:ParentObservationId + view_levelOBR:FillerOrderId + OBR:FillerOrderAppId + OBR:ParentObservationId + view_level	Option 2 is used only when the Parent Filler fields are not valued. This field, minus the view_level, comprises the base reference number.
parent_event_id					event_id	It is a root event, so the parent_event_id and event_id are equal.
event_reln_cd	24	N	N	ROOT		Hard-coded.
valid_from_dt_tm					Today	Hard-coded to current date and time.
event_class_cd	53	N	N	MBO		Hard-coded.
event_cd	72	Y	Y		OBR:ParentObservationId	
event_tag					OBR:ParentObservationId	
result_val						Not used.
result_units_cd						Not used.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
result_time _units_cd						Not used.
event_start _dt_tm					OBR:ObservationDate Time	Defaults to OBR:ObservationEnd DateTime.
event_end_ dt_tm					OBR:ObservationEnd DateTime	Defaults to OBR:ObservationDat eTime.
event_end_ dt_tm_os						Not used.
catalog_de pt_cd						Not used.
catalog_ty pe_cd						Not used.
catalog_cd						Not used.
series_ref_ nbr						Not used.
task_assay _cd						Not used.
record_stat us_cd	48	N	N	ACTIVE		
result_stat us_cd	8	Y	N	ACTIVE, ANTICIPATED, AUTH, CANCELLED, IN ERROR, IN LAB, IN PROGRESS, MODIFIED, NOT DONE, SUPERCEDED, TRANSCRIBED, UNAUTH, UNKNOWN	AUTH	Hard-coded. This needs to be changed to be done in a way similar to the Culture OBR.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
authentic_flag					1	Hard-coded.
publish_flag					1	Hard-coded.
qc_review_cd						Not used.
normalcy_cd						Not used.
normalcy_method_cd						Not used.
inquire_security_cd	87	N	N	ROUTCLINICAL		Hard-coded.
resource_group_cd						Not used.
resource_cd						Not used.
verified_dt_tm						Denormalized from ce_event_prsnl row with action of VERIFY.
verified_prsnl_id						Denormalized from ce_event_prsnl row with action of VERIFY.
performed_dt_tm						Denormalized from ce_event_prsnl row with action of PERFORMED.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
performed_prsnl_id						Denormalized from ce_event_prsnl row with action of PERFORMED.
normal_high						Not used.
normal_low						Not used.
critical_high						Not used.
critical_low						Not used.
expiration_dt_tm						Not used.
subtable_bit_map					logical <i>or</i> of subtables pre-assigned hex value	

CE Microbiology

Because this structure can be built using either an OBR or an OBX segment, the OBR options are written in *italic*.

Field	Code Set	Translate	A O F	CDF Meaning	Set to.../Using...	Comments
event_id					ClinicalEvent---EventId	
micro_seq_number					OBX:ObservationSubId <i>OBR:ParentResult---ObservationSubId</i>	Uniquely identifies this organism within its associated culture. Its name can change, but this number must always stay the same.

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
valid_until_dt_tm					12/31/2100 00:00:00	Maximum date.
valid_from_dt_tm					today	Current date.
organism_cd	1021	Y	Y		OBX:ObservationValue[1] - Value1- OBR:ParentResult - ObservationResult - Identifier	If this field is not valued on the obx, terminate processing of this message and post an error.
organism_occurrence_nbr					1	Hard-coded.
organism_type_cd	-----					Not used.
observation_p_rsnl_id						Not used.
biotype						Not used.
positive_ind					1	Hard-coded.
probability						Not used.

CE Susceptibility

Potentially, there can be two CE Susceptibility rows created for each OBX segment: one for the numeric result and one for the interpretive result. The Detail Susceptibility Test Code is determined as described in the Code Value Extensions section of this document. This structure is illustrated once. It specifies how both the numeric field and the interpretive field are filled out, but the reader should bear in mind that the two fields are not both filled out on the same instance of this structure. If there is both a numeric and interpretive result for a given OBX, the only difference between the two structures is the Susceptibility Sequence Number and which result field is filled out.

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
event_id					ClinicalEvent---EventId	

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
micro_seq_nbr					CeMicrobiology---MicroSequenceNbr	
valid_until_dt_tm					12/31/2100 00:00:00	Maximum date.
suscep_seq_nbr						Generated by the Event Ensure.
valid_from_dt_tm					Today	Current date.
susceptibility_test_cd	65	Y	N		OBR:UniversalServiceId	
detail_susceptibility_cd	1004	Y	N		See section on Code Value Extensions	Defaults to a code value with a Display Key of GENERICINT or GENERICNUM.
panel_antibiotic_cd						Not used.
antibiotic_cd	1011	Y	Y		OBX:ObservationId	
diluent_volume						Not used.
result_cd	64	Y	Y		OBX:AbnormalFlag[1]---AbnormalFlag	This is filled out if this is an Interpretive Result.
result_text_value					OBX:ObservationValue[1]---Value1	This is filled out if this is a Numeric Result.
result_numeric_value						Not used.
result_unit_cd						Not used.

Field	Code Set	Translate	AO F	CDF Meaning	Set to.../Using...	Comments
nomenclature_id						Not used.
result_dt_tm					OBX:ObservationDateTIme	
result_prsnl_id					OBX:ResponsibleObserver	Defaults to the personnel id associated with the contributor system.
susceptibility_status_cd	8	Y	N		If the SusceptibilityStatusCd already exists, change it to MODIFIED, otherwise set it to VERIFIED.	
abnormal_flag						Not used.
chartable_flag						Not used.
antibiotic_note						Not used.

Appendix A — Code Values

Listed below are the Code Value Aliases used by ESI in processing Discrete Microbiology Results to OCF. The AOF column indicates whether the code value and the alias are Added on the Fly (AOF). The CDF Meaning column indicates whether the alias needs to map to a code value with a pre-existing CDF meaning. The Translation Source Field column indicates the field, and context (Culture or Susceptibility, OBR or OBX, or Organism or Susceptibility) of the field being used as the alias.

Note

For some of the following code sets you are unable to update the code set directly in corecodebuilder.exe and must use the appropriate build tool identified below.

Code Set	Code Set Description	CDF	CDF Meaning	Translation Source Field	Database Build Tool
8	Auth Status	NO	YES	Report OBX, ObservationResultStatus (OBX:11) (defaults to that of the root-level Clinical Event if not found)	
Code Set	Code Set Description	AOF	CDF Meaning	Translation Source Field	Database Build Tool
8	Auth Status	NO	YES	Culture OBR, ResultStatus (OBR:25) or Culture ORC, OrderStatus (ORC:5)	
63	Succession Type	NO	YES	Culture OBR, ResultStatus (OBR:25) - Used for Report OBX segments when the succession type could not be resolved at the OBX level.	
64	Suscep Interp	YES	NO	Susceptibility OBX, AbnormalFlag[1]--- AbnormalFlag (OBX:7.1)	MIC DB: Susceptibility: Susceptibility Results
65	Suscep Type	NO	NO	Susceptibility OBR, UniversalServiceId--- Identifier (OBR:4.1)	MIC DB: Susceptibility: Susceptibility Procedures
72	Event Code	YES	NO	Report OBX, ObservationId--- Identifier (OBX:3.1)	
72	Event Code	YES	YES	Culture OBR, UniversalServiceId--- Identifier (OBR:4.1)	
72	Event Code	YES	NO	Susceptibility OBR, ParentResult - ObservationId - Identifier (OBR:26.1.1)	
1011	Antibiotic Code	YES	NO	Susceptibility OBX, ObservationId---Identifier (OBX:3.1)	MIC DB: Susceptibility: Antibiotics

Code Set	Code Set Description	AOF	CDF Meaning	Translation Source Field	Database Build Tool
1021	Isolate / Organism	YES	NO	Susceptibility OBR, ParentResult - ObservationId - Identifier (OBR:26.1.1)	MIC DB: Organism
1021	Isolate / Organism	YES	NO	Organism OBX, ObservationId---Identifier (OBX:3.1)	MIC DB: Organism
1021	Isolate / Organism	YES	NO	Susceptibility OBR, ParentResult - ObservationResult - Identifier (OBR:26.3.1)	MIC DB: Organism
1901	Suscep Status	NO	YES	Susceptibility OBX, ObservationResultStatus (OBX:11)	
2051	Container Type	YES	NO	Culture OBR, SpecimenSource---Additives (OBR:15.2)	Collections DB: Specimen Containers

Appendix B — List Replace Examples

The following example shows the format for transactions using list replace option 3 to replace all CE_MICROBIOLOGY and CE_SUSCEPTIBILITY rows on a result.

```
MSH|^~\&|
PID
OBR|1||TCRORD02-051299|KB|||199905121200|||MB|P|C
WOUND^1^STAPH
OBX|1|ST|CIPRO||4.0||R||P||199905121330
OBX|2|ST|CARB||6.0||S||P||199905130930
OBX|3|ST|BACIT||12||S||P||199905131230
OBR|2||TCRORD02-051299|KB|||199905130945|||MB|P|C
WOUND^2^KLEOXY
OBX|1|ST|CIPRO||3.5||R||P||199905151000
OBX|2|ST|CARB||5.2||S||P||199905131015
```

This example shows a result with two organisms, aliased as STAPH and KLEOXY, and a few susceptibility results for each. So when using Option 3, any existing organisms and susceptibility results associated with C WOUND with filler number TCRORD02-051299 are removed and replaced with these two organisms and associated results.

Appendix C — Multiple Interp Examples

The following examples list the two ways to send the OBX segments for multiple interp results. The first has multiple interps in a single OBX and the second has multiple interps in separate OBXs.

Example 1:

```
MSH|^~\&|
PID
ORC|RE
OBR|1||887654321|MIC||||199703060800|||||||MB|
OBX|1|CE|ORGANISM|1|Staph||||F|||199703061300
OBX|2|NM|AMP^Ampicillin|1|5.2||||F|||199703061300
OBX|3|TX|AMP^Ampicillin|1|||BLOOD:IM:R~BLOOD:IV:S~BLOOD:P0:S|||F|||
199703061300
```

Example 2:

```
MSH|^~\&|
PID
ORC|RE
OBR|1||887654321|MIC||||199703060800|||||||MB|
OBX|1|CE|ORGANISM|1|Staph||||F|||199703061300
OBX|2|NM|AMP^Ampicillin|1|5.2||||F|||199703061300
OBX|3|TX|AMP^Ampicillin|1|||BLOOD:IM:R|||F|||199703061300
OBX|4|TX|AMP^Ampicillin|1|||BLOOD:IV:S|||F|||199703061300
OBX|5|TX|AMP^Ampicillin|1|||BLOOD:P0:S|||F|||199703061300
```

Unit 09i - Order Message Processing Inbound Specifications

Reference Pages

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Overview

The Millennium Platform Universal Interface (UI) accepts real-time order messages from a non-Oracle system using the Health Level Seven (HL7) Order Entry (ORM) message. In response to receipt of an order message, the UI can send an asynchronous order response message to a non-Oracle system using the HL7 ORR message.

If Oracle is the order management system, Oracle is defined in this specification as the HL7 placer system. When an external order management system sends orders to an Oracle clinical system, such as, Laboratory or RadNet, Oracle is defined in this specification as the HL7 filler system. In addition, a Millennium Platform clinical system is considered the placer system when sending orders to a supporting external system, such as, a reference laboratory system or dictation system.

The Millennium Platform UI responds to all ORM messages with an ACK General Acknowledgment message (protocol-level acknowledgment). The UI also can respond to an ORM message with an asynchronous ORR response message. The UI sends the ORR response message based on the HL7 Order Control Code (ORC-1).

This Reference Page describes HL7 order messages, order control codes, and order segments accepted by the Millennium Platform UI. It also describes HL7 order response messages and order control codes supported by the Millennium Platform UI.

This Reference Page does not include information about pharmacy, dietary, or supply orders. It also does not include information about repository-only orders transmitted to OCF.

Order Event Summary

The ORC-1 (Order Control Code) field determines the function of the order segment. The Millennium Platform UI considers the ORC-1 field as the trigger event identifier for order messages. The codes and subsequent Millennium Platform interface processing overall are divided into the following three categories:

1. **Event Request:** Codes such as NW (New Order) and CA (Cancel Order Request) are used to start an event.
2. **Event Acknowledgment:** Codes such as OK (Order Accepted) and CR (Cancel as Requested) are used to reply to the event request.
3. **Event Notification:** Codes such as OC (Order Canceled) and OD (Order Discontinued) are used to notify other applications that an event has occurred. No application reply is necessary or is sent.

The Millennium Platform UI accepts ORM messages and returns ORR response messages with the event codes and order control codes displayed on the table below. The following originator abbreviations are used:

- **C:** The UI conditionally accepts and processes the event as described later in this unit.
- **F:** Messages originate from the filler application but can be sent to applications other than the placer.
- **N:** The UI does not accept and process (or return) this event type.
- **P:** Messages originate from the placer or other application with placer privileges.
- **Y:** The UI accepts and processes (or returns) this event type.

Order Control Code	Message Type	Event Code	Description	Originator ¹	Accepted by Millennium Platform	Response From Millennium Platform ²
NW	ORM	O01	New Order	P,F	Y	Not applicable

OK	ORR	O02	Order Accepted and OK	F	N	N
UA	ORR	O02	Unable To Accept	F	N	N
CA	ORM	O01	Cancel Order Request	P	C	Not applicable
OC	ORM	O01	Order Canceled	F	Y	Not applicable
CR	ORR	O02	Canceled as Requested	F	N	N
UC	ORR	O02	Unable To Cancel	F	N	N
DC	ORM	O01	Discontinue Order Request	P	C	Not applicable
OD	ORM	O01	Order Discontinued	F	Y	Not applicable
DR	ORR	O02	Discontinue as Requested	F	N	N
UD	ORR	O02	Unable to Discontinue	F	N	N
HD	ORM	O01	Hold Order Request	P	C	Not applicable
OH	ORM	O01	Order Held	F	Y	Not applicable
HR	ORR	O02	On Hold as Requested	F	N	N
UH	ORR	O02	Unable To Put Order On Hold	F	N	N
RL	ORM	O01	Release Previous Hold	P	Y	Not applicable

OR	ORR	O02	Released as Requested	F	N	N
UR	ORR	O02	Unable To Release	F	N	N
OE	ORM	O01	Order Released	F	N	N
RP	ORM	O01	Order Replace Request	P	N	Not applicable
RU	ORM	O01	Replaced Unsolicited	F	N	Not applicable
RO	ORM	O01	Replacement Order	P,F	N	Not applicable
RQ	ORR	O02	Replaced as Requested	F	N	N
UM	ORR	O02	Unable To Replace	F	N	N
PA	ORM	O01	Parent Order	P,F	N	Not applicable
CH	ORM	O01	Child Order	P,F	N	Not applicable
XO	ORM	O01	Change Order Request	P	C	Not applicable
XX	ORM	O01	Order changed, Unsol	F	C	Not applicable
UX	ORR	O02	Unable To Change	F	N	N
XR	ORR	O02	Change as Requested	F	N	N
DE	ORM	O01	Data Errors	P,F	C	Not applicable

RE	ORM	O01	Observations To Follow	P,F	Y (ORU)	Not applicable
CN	ORM	O01	Combined Results	F	Y (ORU)	Not applicable
SS	ORM	O01	Send Order Status Request	P	N	Not applicable
SC	ORM	O01	Status Change	P,F	Y	Not applicable
SN	ORM	O01	Send Order Number	F	Y	Not applicable
NA	ORR	O02	Number Assigned	P	N	Y to SN
RR	ORR	O02	Request Received	P,F	N	N
SR	ORR	O02	Response To Send Order Status	F	N	N
RF	ORM	O01	Refill Order Request	P,F	Not applicable	Not applicable
FU	ORM	O01	Order Refilled Unsolicited	F	Not applicable	Not applicable
AF	ORR	O02	Order Refill Request Approval	P	Not applicable	Not applicable
DF	ORR	O02	Order Refill Request Denied	P	Not applicable	Not applicable
OF	ORR	O02	Order Refilled as Requested	F	Not applicable	Not applicable
UF	ORR	O02	Unable To Refill	F	Not applicable	Not applicable

¹ The UI does not determine processing based on a definition of the originator as a placer or a filler system. The designation of an application as the placer, filler, or auxiliary (interested party) system is, however, an important concept in understanding the message flow, trigger events, and overall interface design and implementation.

² The message control ID and response flag are included in the Orders Miscellaneous List. This list is used for outbound processing to determine if an ORR response is needed and to format the appropriate ORR response. This functionality is not configurable and requires scripting in the ESO_GET_ORDER_SELECTION script. Initial implementations can require outbound communications client scripting.

Orders to Millennium Platform - Message Definition and Processing

Message definition and processing for orders inbound are described in the sections below.

General ORM Message Definition

The UI accepts order messages using the OBR order detail segment with the following ORM message format:

Order	ORM Segment	Segment Name	Additional Information
1	MSH	Message Header	None.
2	[[NTE]]	Notes and Comments (for Header)	This segment is accepted for mapping purposes only.
3	[	Not applicable	None.
4	PID	Patient Identification	None.
5	[PD1]	Additional Demographics	None.
6	[[NTE]]	Notes and Comments	This segment contains encounter comments. It is inserted only with new orders when an encounter is created on the initial receipt of an order.

7	[PV1	Patient Visit	This segment is required to create a new usable encounter (order-admit logic) on receipt of an ORM message before or in lieu of an Admit, Discharge, and Transfer (ADT) message, or to validate existing encounter identification based on visit identifiers, such as the PV1-19 or PV1-50 values. The UI creates a shell encounter without a PV1 value, but data expected or required by specific applications is missing.
8	[PV2]]	Patient Visit Additional	None.
9	[GT1]	Guarantor	None.
10	[{ IN1	Insurance	None.
11	[IN2]	Insurance Additional Info	None.
12	[IN3]	Insurance Add'l Info - Cert.	None.
13	}]	Not applicable	None.
14	[{ AL1 }]	Allergy	None.
15	]	Not applicable	None.
16	{	Not applicable	None.
17	ORC	Common Order	None.
18	[	Not applicable	None.

19	OBR	Observation Request	This segment is not required for a simple control message (ORM-1 - Order Control CA, OC, DC, OD, HD, and RL) if the placer or filler order number (ORC-2 or ORC-3 value) is the Millennium Platform order identifier or otherwise uniquely identifies the order in a sending system. Oracle recommends sending the OBR segment, even with simple control messages.
21	[[NTE]]	Notes and Comments	This segment contains order-level comments.
22	[{ DG1 }]	Diagnosis	This segment is variable as defined in order accept format. Note The DG1 segment in an ORM message is processed as an order detail.
23	[	Not applicable	None.
224	{	Not applicable	None.
25	OBX	Observation/ Result	This segment is variable as defined in order accept format.
26	[{NTE}]	Notes and Comments	This segment is accepted with limited use cases. See the OBX Segment Processing Notes - Appropriate Use Criteria (AUC) section.
27	}	Not applicable	None.
28	]	Not applicable	None.
29	[[ZCT]]	Container Tracking	This is a Oracle-defined Z segment for container tracking information.
30	]	Not applicable	None.
31	{ [CT1] }	Clinical Trial Identification	This is a HL7 v2.3 segment and is not accepted.

32	[BLG]	Billing segment	This segment is accepted but not used.
33	}	Not applicable	None.

See [Unit 08i - ADT Message Processing Inbound - HL7 Segments Specifications](#) for information on mapping and processing the following segments:

- **AL1:** Allergy
- **DG1:** Diagnosis
- **GT1:** Guarantor
- **IN1:** Insurance
- **IN2:** Insurance Additional Info
- **IN3:** Insurance Additional Info - Cert.
- **PD1:** Additional Demographics
- **PV2:** Patient Visit - Additional Info

ORM Additional Use Information

The UI accepts multiple orders (ORC or OBR pairs) for each ORM message. Ensure that all new orders per message apply to the same person (PID) and encounter (PV1).

The UI requires a unique identifier for each order transmitted from an external system. Ensure that this order identifier is constant, unique, never reused, and is provided when Millennium Platform first receives the order message. Oracle provides a configurable parameter to define which HL7 field contains the unique order identifier of the external system or sending application. The order identifier from the external system is stored as a Millennium Platform order alias. The UI provides a configurable parameter to determine the level of validation or uniqueness. Levels of validation are by the system (alias pool), person, and encounter.

General ORR Order Response Message Definition

The UI can return an asynchronous order response message using the following HL7 ORR message format:

Order	ORR Segment	Segment Name	Additional Information
1	Not applicable	Message Header	None.
2	Not applicable	Message Acknowledgment	None.
3	[	Not applicable	None.
4	Not applicable	Patient Identification	None.
5	{{	Not applicable	None

6	Not applicable	Order Control	This segment is required when an OBR is returned.
7	[	Not applicable	None.
8	Not applicable	Order Detail	None.
9	]	Not applicable	None.
10	}]	Not applicable	None.
11	]	Not applicable	None.

The UI can return an ORR positive response. The UI contains an initial release of logic to return an ORR negative response. Currently, ORR processing, selection, and message format are not configurable and require scripting in the External System Outbound (ESO) Communication server client (COM client). Therefore, Oracle recommends using ORR processing for only the SN order control code.

ORR Use Information

The UI returns the ORR response for event request order control codes (ORC-1 [Order Control] - NW, CA, DC, HD, RL, XO, or SN) when the ORC-6 (Response Flag) field is valued as described on the table below.

The UI does not return the ORR response message for event notification order control codes (ORC-1 [Order Control] - OC, OD, or OH).

Order Control	Response Flag	Millennium Platform Processing	Additional Information
CA, DC, HD, RL, NW	E, R	Exceptions only	None
CA, DC, HD, RL, NW	D	Exceptions only	None
CA, DC, HD, RL, NW	F	Confirmations and exceptions	None
CA, DC, HD, RL, NW	N	Confirmations and exceptions	None
CA, DC, HD, RL	Null or empty	Exceptions only	None
NW	Null or empty	No ORR response	None

SN	E, R, N	Confirmations and exceptions	None
SN	D, F, null	Confirmations and exceptions	None

New Orders (O01/NW or SN)

The UI accepts new orders originating in a foreign system using HL7's ORM message with an event code of O01. The ORC-1 (Order Control Code) field contains the value NW or SN to indicate a new order event. Ensure that the transmitted value in the ORC-1 field is aliased to the Millennium Platform order action code value (Code Set 6003) of ORDER.

The UI accepts one or more orders in an ORM message. Ensure that the message consists of a single PID segment, optional associated ADT and financial segments, and multiple ORC/OBR pairs, each with a New Order (NW) control code or Send Order Number (SN) order control code.

The UI accepts either one-time orders or continuous orders. If the original order is transmitted to Millennium Platform as a continuous order, the instances are managed by Millennium Platform processing until the order is discontinued. To prevent duplicates, the sending system must send either the parent order or its instances; the sending system must never send both the parent active order and its instances.

The UI processes an add-on to an existing order as a new order. The UI has no special processing for add-on orders (OBR-11 [Specimen Action Code A]).

The UI accepts specific order prompts and order details using OBX segments.

Millennium Platform Order Grouping Functionality

UI processing includes logic to hold and group orders before assigning an accession number or releasing the order to the SCS Netting server (SCP 131) for completion of immediate accessioning and label processing. Orders held for grouping can be received in different interface messages over a configurable time period. Usually this time period is 30 to 120 seconds. Before grouper processing, the Order server first processes all orders and determines which orders are eligible for grouping. Orders eligible for immediate accessioning are then held by the FSI Order Grouper server (SCP 255) for n seconds or n orders before release to the SCS Netting server. An order is eligible for immediate accessioning if it is not scheduled for a collection list or future draw date and time. The grouper functionality allows STAT interface orders received in different messages to receive the same accession number before label printing.

The grouper time and the maximum number of orders to the group are configurable at the system level, with the CPM ESI server (SCP 250) properties, and at the contributor system level through configuration in the ESI Configuration Tool or SI_Manager (SI_Manager.exe). If the grouper time or the maximum number of orders to a group are configured at the contributor system level, the FSI Order Grouper server uses that setting; if not, the FSI Order Grouper uses the system-wide CPM ESI server setting. See [Configure ESI with SI_Manager](#) for more information on making contributor system-level configurations in SI_Manager.

As mentioned above, the grouper time is configurable at the system level. The CPM ESI server uses the GROUPE_TIME property to determine the time in seconds allowed for potential grouping. If the property is not set, the time defaults to 90 seconds. Orders are held for 90 or n seconds. The n second clock starts with the system date and time when the grouper is passed an order for an encounter causing the grouper to create a new hold thread. One hold thread can exist at any given time in a contributor system for each encounter. The grouper clock does not

restart when a subsequent order eligible for an existing hold thread is received. At the end of n seconds, all orders in the hold thread at that time are released to the SCS Netting server.

The number of orders held in a thread before release from the grouper is also configurable at the system level. The CPM ESI server uses the GROUPER_NBR property to determine the maximum number of orders to hold for potential grouping. If the property is not set, the number of orders defaults to 10. The grouper releases all orders in the hold thread to the netting server at the end of n seconds or when n orders are received, whichever condition is met first.

The Millennium Platform order grouping functionality is needed only when the initiating system sends a single order per ORM message. When multiple orders are transmitted in a single ORM message, additional interface grouping (ESI Grouper) is not required; instead, these orders can be grouped as transmitted and released as a group to the SCS Netting server.

Note

ESI Grouper functionality is available only for Laboratory or specimen orders. The order grouping functionality is an aid to netting orders onto the same accession. It is not a guarantee. Ensure that the Laboratory technologists monitor the Laboratory Pending Inquiry to find outstanding orders missed due to the grouper time elapsing.

The SCS Netting server uses configurable criteria to group orders for accessioning. When the SCS Netting server receives a group of ESI orders, they are grouped onto the same accession number when the orders have the same accession class and collection date and time. The SCS Netting server uses the NETTING.collect_dt_tm that must be identical to the ORDERS.current_start_dt_tm. The SCS Netting server also performs look-ahead/back logic and groups pending orders (previously received orders in a pending status) when the collection date and time are in the look-ahead/back time window defined for the server. The SCS Netting server groups orders with the same collection priority to the earliest collection date and time. The SCS Netting server groups orders with different collection priorities only when the COLLECTION_PRIORITY.group_with_other_flag is set. When orders are grouped in a time window, the above-the-line (ORDERS) and below-the-line (PENDING_COLLECTION) tables are updated to reflect the new collection date and time.

The SCS Netting server processes both manual and interface orders.

The SCS Collections server (SCP 132) also performs the accession grouping when pending orders are printed on collection lists. It uses the same logic for the accession class, the requested collection date and time, and the look-ahead window.

Millennium Platform Duplicate Checking

Oracle recommends that each system implements duplicate checking to prevent users from entering duplicate orders. In addition to duplicate checking provided by a sending application, the CPM ESI server also provides duplicate checking at the interface level (true duplicates). The Order server provides duplicate checking at the procedure (Order Catalog) level. The CPM ESI server identifies a true duplicate when an order is received from a sending application for a previously ordered procedure with an identical catalog code and the same order number. The CPM ESI server assumes that this order is the result of a duplicate transmission and does not process the order or return a cancel message to the sending application.

Duplicate checking criteria at the procedure level is configurable by the servicing department and can be set to warn with override or reject when the same procedure is ordered n minutes before or after an existing order. Because the Order server performs procedure-level duplicate checking, the Order server first accepts and commits the order, providing documentation that the order was received. Then the Order server cancels the order as a system duplicate cancel. The duplicate cancel triggers an ORM message from Millennium Platform with an Order Canceled (OC) order control code and a cancel reason indicating system duplicate. The CPM ESI server uses only reject-duplicate-checking criteria to perform a system duplicate cancel. When an order with a reject-duplicate-

cancel condition is identified, the interface processing returns an ORM message with an OC order control code, and a cancel reason code indicating a system duplicate. The CPM ESI server continues to process an ordered procedure when duplicate checking criteria identify a warning condition.

Note

The requested date and time for routine specimen orders eligible for a collection list become the date and time for the next available collection list. The requested time from a foreign system is not used unless the collection priority is defined as a time study or the order is identified as a nurse collect. If the order management system simultaneously releases multiple recurring orders for the same day but for different times (such as today at 6 a.m., 12 p.m., and 6 p.m.), the collection priority must be defined as a time study for the interface to use the transmitted requested times and assign the orders to different collection lists. System duplicate cancels occur if the priority is routine because Millennium Platform processing assigns each recurring order to the same collection list.

Millennium Platform Order Admit - Quick Admit

Millennium Platform order-admit or quick-admit logic allows Millennium Platform interface processing to add a new person or new encounter and post an order on receipt of an ORM message. A separate ADT message is not required. When an ORM message is received and CPM ESI server processing cannot validate an existing person or encounter row, the CPM ESI server does not reject the order, but instead inserts a new person or encounter row. Configurable parameters (defined in SI_Manager or the ESI Configuration Tool) determine if a sending application inserts authenticated or unauthenticated rows, and if a sending application can add and update (or only add) new person and encounter rows.

Constraints

Ensure that all data elements in the PID and PV1 segments required for an ADT A01, A04, or A05 message are transmitted in the ORM message. The following data elements are required:

- Alias to the client or patient servicing organization
- Birth date
- Financial number
- Medical record number
- Name
- Patient location
- Patient type
- Sex
- Other primary encounter identifiers
- Other primary person identifiers

Encounters created using order-admit logic often includes only limited patient information. In addition to the required data, Oracle's recommended data elements include the admission date and time, admission or attending physician, and admission diagnosis.

Encounters created using order-admit logic can create unwanted active encounters that require manual combine (CMB) processing to reconcile.

Person and encounter rows created using order-admit logic are typically unauthenticated active encounters and may require manual processing to reconcile or authenticate.

Millennium Platform Accept Foreign Accessioning

Millennium Platform can allow the foreign system to assign the Millennium Platform accession number for Laboratory orders when you use the ALLOWFRANACCN ESI special configuration option. This option is used when a foreign system is acting as the collections system, such as a central collection point, and Laboratory is performing the tests and recording the results. See [Configure ESI Special Configurations](#) for more information.

When using this option, you can configure the Millennium Platform internal accession number to be sent in the following fields:

- ORC/OBR-2 (Placer Order ID)
- ORC/OBR-3 (Filler Order ID)
- OBR-18 (Placer Field 1)
- OBR-19 (Placer Field 2)
- OBR-20 (Filler Field 1)
- OBR-21 (Filler Field 2)

The sent accession number must be formatted as a Millennium Platform, unformatted, 18-character accession, including the zeros, to fill the leading of the site prefix and sequence segments. If it is not in the correct format, the transaction errors out, and a message is written to the log files. The following formats are accepted:

- Julian date formats consisting of a site prefix from one to five digits, a two-digit or four-digit year, a three-digit Julian date, and a sequence up to six digits. The Julian date is stored as SSSSYYYYJJNNNNNN, where SSSSS is the site prefix, YYYY is the four-digit year, JJJ is the Julian date, and NNNNNN is the sequence number.
- Alpha-prefix formats consisting of a site prefix from one to five digits, a two-character prefix, a two-digit or four-digit year, and a sequence up to seven digits. The alpha prefix is stored as SSSSAAYYYNNNNNNN, where SSSSS is the site prefix, AA is the alpha prefix, YYYY is the four-digit year, and NNNNNNN is the sequence number.

When configuring this functionality, the internal accession number is captured as an order identifier. Because the accession number identifies a group of orders, ensure that you configure additional criteria for order match for individual orders in the group. The interface also validates whether the accession exists for another person or encounter.

Also, the accession must be unique to the person and encounter in the message, but the interface allows multiple orders associated with the same encounter to use the same accession number. Due to this functionality, all of these orders pass through the grouper server, but the SCS Netting server knows to accept the accession sent instead of assigning a Millennium Platform accession. When multiple orders using the same accession are associated with the same encounter, Millennium Platform is expecting the foreign collection system to use the correct containers because container information is not captured with these orders.

When using this functionality, the internal accession number posts to the ACCESSION_ORDER_R table.

Order Number Assigned (O02/NA) Response From Millennium Platform

On receipt and processing of an ORM message with the Send Order Number (SN) order control code, the UI returns an asynchronous response using the ORR message. If the CPM ESI server successfully processes the new order, the UI returns an ORR message with a Number Assigned (NA) number, an assigned order control code, and the unique Millennium Platform order number. By default, the Millennium Platform order number is returned in the ORC-2 (Placer Order Number) field. If the CPM ESI server is unable to process the new order, Millennium Platform generates an error, and no response is sent.

Order Number Assigned in Foreign System (O02/NA)

For Millennium Platform initiated orders, when the foreign system is defined as the placer and always assigns the order number, an Order Notification transaction is necessary for the ESI server to insert an order alias valued with the foreign order number.

The UI accepts an ORR message with an event code of O02 and with the ORC-1 (Order Control) field valued as NA (Number Assigned). The transmitted value in the ORC-1 field is aliased to the Millennium Platform order action code value (Code Set 6003) of ADD ALIAS. The HL7 fields used to provide the placer and filler order identifiers are configurable. The external system, however, must return the Millennium Platform order identifier exactly as valued in the Millennium Platform initiated order message (ORM^O01 message with SN order control code).

If the external system does not accept Millennium Platform initiated orders, the NA order control code is not used.

If the external system accepts Millennium Platform initiated orders using a Millennium Platform assigned order number, the NA order control code event is not used.

The UI can add a new order alias with any order action.

Cancel Order Request from a Foreign System (O01/CA)

The UI accepts an ORM message with an O01 event code and a request to cancel (CA) the order control code.

Field Considerations

F i e l d	Desc ription	Notes
O R C - 1	Order Control Code	The field is aliased to the Millennium Platform order action code value (Code Set 6003) of CANCEL.
O R C - 9	Transaction Date and Time	The cancel date and time is the date and time provided in the field. The Order Entry Field Meaning is STOPDTTM.

O R C - 1 0	Entered By	The UI identifies who entered the cancel from the personnel identifier transmitted in the field. Alternatively, the UI uses a default personnel identifier assigned to this contributing system.
O R C - 1 6	Order Control Reason Code	The UI accepts a cancel reason code provided in the field. Ensure that the cancel reason code is a valid alias to a Millennium Platform cancel code value. If the cancel code reason code is not valued, the UI uses the default value built in the order accept format. Currently, the order accept format tool does not provide an option to define generic textual cancel comments in the cancel accept format. Therefore, free-text cancel comments must be provided in an OBX segment and built as a user-defined order detail.
O B R - 4	Universal Service ID	The field is aliased to the appropriate Order Catalog (Code Set 200).

Cancel as Requested (O02/CR) and Unable To Cancel (O02/UR) Response From Millennium Platform

If the cancel request is allowed and the level of response is defined to return confirmations, the UI returns an ORR response message with the Cancel as Requested (CR) order control code. If the cancel request is rejected, the UI returns an ORR response message with the Unable to Cancel (UR) order control code.

See the following example:

The radiology filler department allows the interface, from the placer order management system, to cancel a procedure up until the exam has been started. Radiology uses a start exam function to status the order. After the exam is started, an interface cancel is not allowed. After the exam is started, only departmental personnel can cancel the procedure.

Note

Laboratory (Order Server LabShare) rejects a cancel request when the order status (Code Set 6004) or department status (Code Set 14281) is in-process. A department status for in-process can be any one of the following statuses:

- INPATHOLOGY
- LABFINAL
- LABINPROCESS
- LABPRELIM
- LABSTAIN
- LABSUS

The department status code set (Code Set 14281) has the following four extensions that applications can use to determine when an order with this status can be canceled:

- **DCP_ALLOW_CANCEL_IND:** used by PowerChart as the order management system
- **DEPT_ALLOW_CANCEL_IND:** used by Millennium Platform departmental systems
- **ESI_ALLOW_CANCEL_IND**
- **ECO_ALLOW_CANCEL_IND**

The UI does not use these extensions to reject an interface cancel message. Additionally, the common Order server processing does not reject cancel messages using these extensions. This functionality is provided by each application.

Order Canceled in Foreign System - 001/OC

When an order is canceled in the foreign system and an application-level response is not expected, the UI accepts an event notification ORM message with the Order Control field of the ORC segment valued at OC (Order Canceled). The ORC-1 (Order Control Code) field is aliased to the Millennium Platform order action code value (Code Set 6003) of CANCEL.

Using the same logic described for the Cancel Order Request (CA), the cancel is processed successfully or rejected. If the cancel is rejected, the UI logs an error message (ESI_LOG table), but does not return an unable to cancel response to the sending system.

See the [Cancel Order Request From a Foreign System \(001/CA\)](#) section for more information on UI values cancel ID, cancel date and time, and cancel code reason.

Discontinue Request From a Foreign System - 001/DC

For active continuous orders, the UI accepts an ORM message with an 001 event code and a Discontinue Request (DC) order control code. The transmitted value in the ORC-1 field is aliased to the Millennium Platform order action code value (Code Set 6003) of DISCONTINUE. The UI returns an asynchronous ORR response message with an 002 event code and either a Discontinue as Requested (DR) or an Unable to Discontinue (UD) order control code. See the [General ORR Order Response Message Definition](#) section for more information on how UI determines the level of the ORR response from the ORC-6 (Response Flag) field.

The UI identifies who entered the discontinue request from the personnel identifier transmitted in the ORC-10 (Entered By) field. Alternately, the UI uses a default personnel identifier assigned to this contributing system.

The UI accepts a discontinue reason code provided in the OR-16 (Order Control Reason Code) field. Ensure that the discontinue reason code is a valid alias to a Millennium Platform discontinue code value. If the discontinue code reason code is not valued, the UI uses the default value defined in the order accept format. Currently, the Order Accept Format tool does not provide an option to define generic textual comments in the Discontinue Accept format. Therefore, free-text comments must be provided in an OBX segment and built as a user-defined order detail.

The discontinue date and time is the date and time provided in the ORC-9 (Transaction Date and Time) field.

Discontinue as Requested (002/DR) and Unable To Discontinue (002/UD) Response

When the UI discontinues the order and the level of response is defined to return confirmations, the UI returns an ORR response message with the Discontinued as Requested (DR) order control code. If the UI is unable to discontinue the order, the discontinue request is rejected and the UI returns an ORR response message with the Unable to Discontinue (UD) order control code.

Order Discontinued in Foreign System - 001/OD

When an active, continuous order is discontinued in the foreign system and an application-level response is not expected, the UI accepts an event notification ORM message with the Order Control field of the ORC segment valued at OD (Order Discontinued). The transmitted ORC-1 (Order Control Code) field is aliased to the Millennium Platform order action code (Code Set 6003) of DISCONTINUE.

The UI discontinues the order and does not return a confirmation ORR response. If unable to discontinue the order, the UI logs an error message, but does not return an unable to discontinue response to the sending system.

See the [Discontinue Request From a Foreign System \(001/DC\)](#) section for more information on UI values discontinue personnel, discontinue date and time, and discontinue code reasons.

Hold Order Request from a Foreign System - 001/HD

For active continuous orders, the UI accepts an ORM message with an 001 event code and a Hold Order Request (HD) order control code. The transmitted ORC-1 (Order Control Code) field is aliased to the Millennium Platform order action code (Code Set 6003) of SUSPEND. The UI returns an asynchronous ORR response message with an 002 event code and either a Held as Requested (HR) or Unable to Hold (UH) order control code. The UI determines the level of the ORR response from the ORC-6 (Response Flag) as described in [General ORR Order Response Message Definition](#).

The UI identifies who entered the hold request from the personnel identifier transmitted in the ORC-10 (Entered By) field. Alternately, the UI uses a default personnel identifier assigned to this contributing system.

The UI accepts a hold or suspend reason code provided in the ORC-16 (Order Control Reason Code) field. Ensure that the suspend reason code is a valid alias to a Millennium Platform suspend code value. If the suspend reason code is not valued, the Millennium Platform UI uses the default reason built in the order accept format. The Order Accept Format tool does not have an option to define generic textual comments in the Suspend Accept format. Therefore, free-text hold comments must be provided in an OBX segment and built as a user-defined order detail.

The suspend date and time is the date and time provided in the ORC-9 (Transaction Date and Time) field.

Held as Requested (002/HR) and Unable To Hold (002/UH) Response From Millennium Platform

When the UI suspends an order and the level of response is defined to return confirmations, the UI returns an ORR response message with the Held as Requested (HR) order control code. If the UI cannot suspend an order, the hold request is rejected, and the UI returns an ORR response message with the Unable to Hold (UH) order control code.

Order Held in Foreign System - 001/OH

When an active continuous order is held or suspended in the foreign system and an application-level response is not expected, the UI accepts an event notification ORM message with the Order Control field of the ORC segment valued at OH (Order Held). The transmitted ORC-1 (Order Control Code) field is aliased to the order action code (Code Set 6003) of SUSPEND.

The UI suspends the order and does not return a confirmation ORR response. If unable to suspend the order, the UI logs an error message, but does not return an unable to hold response to the sending system.

See the [Hold Order Request from a Foreign System - 001/HD](#) section for more information on UI values suspend personnel, suspend date and time, and suspend code reason.

Release Request From a Foreign System - 001/RL

For continuous orders currently suspended, the UI accepts an ORM message with an 001 event code and a Release Request (RL) order control code. The transmitted ORC-1 (Order Control Code) field is aliased to the Millennium Platform order action code (Code Set 6003) of RESUME or RENEW. The UI returns an asynchronous ORR response message with an 002 event code and either a Released as Requested (OR) or Unable to Release (UR) order control code. The UI determines the level of the ORR response from the ORC-6 (Response Flag) field as described in [General ORR Order Response Message Definition](#).

The UI identifies who entered the release request from the personnel identifier transmitted in the ORC-10 (Entered By) field. Alternately, the UI uses a default personnel identifier assigned to this contributor system.

The UI accepts a release reason code provided in the ORC-16 (Order Control Reason Code) field. Ensure that the release reason code is a valid alias to a Millennium Platform release code value. If the release code reason code is not valued, the UI uses the default release reason built in the order accept format.

The release date and time are the date and time provided in the ORC-9 (Transaction Date and Time) field.

Released as Requested (002/OR) and Unable To Release (002/UR) Response From Millennium Platform

When the Millennium Platform UI resumes a suspended order and the level of response is defined to return confirmations, the UI returns an ORR response message with the Release as Requested (OR) order control code. If the UI is unable to resume the order, the release request is rejected, and the UI returns an ORR response message with the Unable to Release (UR) order control code.

Order Released in Foreign System - 001/OE

When a suspended order is resumed in the foreign system and an application-level response is not expected, the UI accepts an event notification ORM message with the Order Control field of the ORC segment valued at OE (Order Released). The transmitted ORC-1 (Order Control Code) field is aliased to the Millennium Platform order action code (Code Set 6003) of RESUME or RENEW.

The UI resumes the order and does not return a confirmation ORR response. If unable to resume the order, the UI logs an error message, but does not return an unable to release response to the sending system.

See the [Release Request From a Foreign System - 001/RL](#) section for more information on UI values resumed personnel, resumed date and time, and resume code reason.

Change Order Request From Foreign System - 001/XO

The UI accepts an ORM message with an 001 event code and a Change Order Request (XO) order control code. The transmitted ORC-1 (Order Control Code) field is aliased to the Millennium Platform order action code (Code Set 6003) of MODIFY. The UI returns an asynchronous ORR response message with an 002 event code and either a Change as Requested (XR) or Unable to Change (UR) order control code. The UI determines the level of the ORR response from the ORC-6 (Response Flag) field as described in the [General ORR Order Response Message Definition](#) section.

The UI identifies who entered the modify request from the personnel identifier transmitted in the ORC-10 (Entered By) field. Alternately, the UI uses a default personnel identifier assigned to this contributor system.

The UI accepts change comments or notes provided in an NTE segment. A modify reason code is not posted.

The modify date and time are the date and time provided in the ORC-9 (Transaction Date and Time) field.

Note

The ORM Order Write Sync (SCP 101) for the FSI server allows only selected order data elements to be changed. Configurable order-accept parameters also allow users to further define or restrict data elements eligible for change. The UI can change only eligible data elements. The ORM Order Write Sync for the FSI server expects the change order request to contain all order details associated with this order that must remain active and viewable after the change message is processed. The ORM Order Write Sync for the FSI server assumes that order details not retransmitted no longer are associated with this order. See [Order Write Sync \(SCP 101\)](#) and [Order Write Sync for FSI \(SCP 107\)](#) for more information.

Some departmental applications (such as Laboratory) do not allow any order modifications and automatically reject any attempted modification.

Changed as Requested (O02/XR) and Unable To Change (O02/UX) Response From Millennium Platform

When the UI modifies an order and the level of response is defined to return confirmations, the UI returns an ORR response message with the Changed as Requested (XR) order control code. If the UI is unable to change the order, the change request is rejected, and the UI returns an ORR response message with the Unable to Change (UX) order control code.

Order Changed in Foreign System - O01/XX

When an order is changed in the foreign system and an application-level response is not expected, the UI accepts an event notification ORM message with the Order Control field of the ORC segment valued at XX (Order Changed). The transmitted ORC-1 (Order Control Code) field is aliased to the Millennium Platform order action code (Code Set 6003) of MODIFY.

The UI changes eligible data elements associated with the order and does not return a confirmation ORR response. If unable to change the order, the UI logs an error message, but does not return an Unable to Change (UX) response to the sending system.

See the [Change Order Request From Foreign System \(O01/XO\)](#) section for more information on how UI values are modified by personnel, modify date and time, and modify reason code.

Status Changed From Foreign Filler System - O01/SC

Oracle requires the completion of every order, either using a specific event request (Cancel or Discontinue) or a nonspecific status change notification.

When Oracle is defined as the placer system, the UI accepts status change notifications originating in a foreign filler system using HL7s ORM message with an event code of O01. The Order Control Code field (ORC-1) contains the value SC to indicate a status change notification. When Oracle is defined as the filler system, the type of status-change messages accepted or rejected can vary by application.

The ORC-5 (Order Status) field contains the order status known to the sending system at the time that the message is sent. The UI uses the order control code and transmitted order status value to determine the order action (Complete or Status Change), order status, and departmental order status. It can contain a more discrete departmental order status known to the sending system at the time the message is sent.

To indicate a status change other than Complete, the ORC-1 (Order Control Code) field is aliased to the Millennium Platform order action code value (Code Set 6003) of STATUSCHANGE.

HL7 does not provide an order control code that represents an order complete event. To indicate the UI to update the order to Complete, the ORC-5 (Order Status) value that indicates the order is complete and aliased to the Millennium Platform order action code value (Code Set 6003) of COMPLETE.

To value the order status, the ORC-5 (Order Status) field is aliased to the appropriate order status code value (Code Set 6004). Order status codes valid for the STATUSCHANGE action are ORDERED or INPROCESS.

Note

Internally, many Millennium Platform department applications reserve the order status of INPROCESS to indicate that a result is available and use the departmental order status to indicate that departmental activity (such as specimen received or exam complete) has occurred.

To value the department order status, either the ORC-16 (Order Control Reason Code) field or the ORC-5 (Order Status) field is aliased to the appropriate departmental order status (Code Set 14281). For specimen orders that are transmitted as collected (OBR-7 [Observation Date/Time] is valued), the UI sets the COLLECTEDYN order detail to the value 1. The Order server automatically updates the departmental order status to COLLECTED.

Note

Although the Collected departmental code value has a CDF meaning of LABCOLLECT, this status indicates that the specimen is collected by anyone, not just the laboratory. The NURSECOLLECT order detail indicates if the specimen was nurse-collected or lab-collected.

Implementation Notes for Result Processing

The UI provides a configurable option to update the order status to In-Process or Complete based on the OBR-25 (Result Status) field in an ORU result message or a ZDM document message that includes the OBR segment.

The ESI Configuration Tool contains a row for the Ensure Tab with the order-ensure column set to ORU Update Order to Complete. This row enables the UI to perform an order match during result processing, stamp the order ID on the clinical event rows, and update the order to In-Process or Complete.

To implement the complete action, the OBR-25 (Result Status) field that indicates complete is aliased to the order action (Code Set 6003) of COMPLETE.

To implement the ability to update the order or department status to a value other than Complete, the OBR-25 (Result Status) field is aliased to an Order Status (Code Set 6004), a Department Status (Code Set 14281), or both. When the transmitted order status is different from the current order status, or the transmitted department status is different from the current department status, the UI passes an order action of STATUSCHANGE to the order server.

HL7 Segment Layouts

This section defines the HL7 data segments supported by this Millennium Platform UI. The segment definition tables are populated as displayed in the following table:

Heading	Contents	Values
Sequence	HL7 Field Sequence	Begins with 01 for each segment.
HL7 Format	HL7 maximum bytes	The format is defined by HL7. Values are comma delimited, such as 20,ST,R. The data type in parentheses indicates the type used by Millennium Platform. The following values are required: • R: Required • C: Conditional • O or empty: Optional • r#: Repeat, where r indicates repeat and # is the number of instances. The r without a number indicates that a field can repeat an indefinite number of times.
HL7 Element	HL7 Field identifier	The element is defined by HL7 and is unique identifier.
Name	HL7 field name	The name is defined by HL7.
Oracle Table	Millennium Platform table	The abbreviated table name. A plus sign (+) denotes that the attribute is stored on multiple tables. A v denotes that the attribute is stored on various tables depending on the event and other values.
Oracle Attribute	Millennium Platform column or attribute	The attribute name. Not applicable indicates that the transmitted element is not stored.
Code Set	Millennium Platform Code Set	The code set number. An E before the code set number indicates an extendable code set, which is a code set that has non-aliased values, added on-the-fly (AOF).

R/O	Field required by Millennium Platform	The following values are available: • R: Required to process the message. • C: Conditionally required. • O: Optional. • N: Not supported. • B: Backward compatibility. Use new field defined. • r#: Indicates a repeat and # is the number of instances. An r without a number indicates that a field can repeat an indefinite number of times.
HL7 Version	HL7 version number	The HL7 version in which the field was first supported.
Additional Information	Millennium Platform Field Usage Comments	Additional Information.

Note

This section defines HL7 order-entry data segments supported in the Orders (ORM) interface from Millennium Platform applications to an external system. For convenience, the common PID and PV1 segment definitions are included. See [Unit 08i - ADT Message Processing Inbound Specifications](#) for mapping and processing of the following segments:

- AL1
- DG1
- GT1
- IN1
- IN2
- IN3
- PD1
- PV2nm

The segment definition tables contain code meanings listed as valid values represent Common Data Foundation (CDF) meanings. The actual transmitted code from the external system does not have to match the code meaning but maps to a code meaning through the CODE_VALUE_OUTBOUND table. Also, unless specifically identified with a size limit, Millennium Platform can accept values considerably larger than the HL7 maximum size. For example, the maximum size of a code value alias built by a site is 255 characters.

Diagnosis Codes for Orders

The interface provides a special configuration for inbound orders to use identifier codes as display values while processing a procedure code (DG1-3). In other cases when the configuration is disabled, Millennium Platform uses a text value from the DG1-3.2 field as a display value while processing a procedure code (DG1-3).

The interface provides a special configuration for inbound orders to use the source string from the nomenclature table as a display value while processing procedure code (DG1-3). In other cases when the configuration is disabled,

Millennium Platform uses a text value from the DG1-3.2 field as a display value while processing the procedure code (DG1-3).

Control Segments - HL7 Chapter 2

The control segments are described in the sections below.

MSH Segment

The Message Header (MSH) segment defines the characteristics of the message. The sending and receiving applications are identified, and the encoding characters are used as delimiters for the message. The MSH message type is used to indicate the type of message being transmitted. In the MSH of the ACK response, the values of the Sending Application, Sending Facility, Receiving Application, and Receiving Facility are the reverse of the values in the original message.

MSH Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	HL7 Version	Additional Information
01	1,ST,R	00001	Field Separator	Not applicable	Not applicable	Not applicable	R	2.3	This is a field separator. It must be a printable character that is never included in transmitted data. Oracle recommends using a vertical bar value () - ASCII(124). Values other than the recommended value can be configured by interface connection.

02	4,ST,R	00002	Encoding Char	Not applicable	Not applicable	Not applicable	R	2.3	This is used to separate data field components, repeating data elements, and text control characters. It must contain printable characters that are never included in transmitted data. Oracle recommends the following values: • Pos 1: Component Separator (^) - ASCII(94) • Pos 2: Repetition Separator (~) - ASCII(126) • Pos 3: Escape (), ASCII(92) • Pos 4: Sub-Component (&)- ASCII(38) Values other than the recommended values can be configured by an interface connection.

03	227,HD ,O	00003	Send Applicatio n	Not applica ble	Contribu tor_syst em_cd Contribu tor_sour ce_cd	89 73	R	2.3	This value is the site-defined description of the sending application. Ensure that the description is unique. In messages sent to Millennium Platform, it is used to determine what action that the server takes for records already in the database. The CONTRIBUTOR_SOURCE_CD is a derived value configurable in SI_Manager for each contributing system.
04	227,HD ,O	00004	Send Facility	Not applica ble	Not applicab le	Not applica ble	R	2.3	This value is the site-defined description of the sending facility. In messages sent to Millennium Platform, it is the default facility. Additionally, there is a configurable option to use this value to derive the encounter organization. For Blood Bank Inventory, the Oracle table is BB_EDN_ADMIN, and the Oracle attribute is source_org_id.

05	227,HD ,O	00005	Receive Applicatio n	Not applica ble	Not applicab le	15769	O	2.3	This value is the site-defined description of the receiving application. In messages sent to Millennium Platform, value RLI for Laboratory Reference Laboratory interfaces. Accept Attachments: Valued with MSH-3 (Sending Application) value.
06	227,HD ,O	00006	Receiving Facility	Not applica ble	Not applicab le	Not applica ble	O	2.3	The site-defined description of the receiving facility. In messages sent to Millennium Platform, there is a configurable option to use this value to derive the encounter organization. Accept Attachments: Valued with the MSH-4 (Sending Facility) value. For Blood Bank Inventory, the Oracle table is BB_EDN_ADMIN and the Oracle attribute is destination_loc_cd.

07	26,TS, O	00007	D/T of Message	Not applica ble	Not applicab le	Not applica ble	O	2.3	This field contains the system date and time that the message is formatted in the sending system.
08	40,ST, O	00008	Security	Not applica ble	Not applicab le	Not applica ble	N	2.3	This field is not supported by Millennium Platform.
09	15,MSG ,R	00009	Message Type	Not applica ble	Not applicab le	Not applica ble	R	2.3	This field contains the specific HL7 message type and event that trigger the message.
09.1	Not applica ble	Not applica ble	Type	Not applica ble	Not applicab le	Not applica ble	R	2.3	HL7 Table 0076: ORU segment.
09.2	Not applica ble	Not applica ble	Event	Not applica ble	Not applicab le	Not applica ble	R	2.3	HL7 Table 0003: R01, R03, ZB1, and ZB2 segments.
09.3	Not applica ble	Not applica ble	Structure	Not applica ble	Not applicab le	Not applica ble	N	2.3.1	This field is not supported by Millennium Platform.

10	20,PT,R	00010	Message Control ID	Not applicable	Not applicable	Not applicable	R	2.3	A unique initiator is generated. The responder returns a sender value in the ACK message in the MSA-2 field. With acknowledgment messages, the MSH-10 value can be identical to the original sender value or can be a new unique value assigned by the acknowledging system. In messages sent to Millennium Platform, the UI does not reject a message when the MSH-10 field is not unique; however, non-unique values hinder or limit troubleshooting options.

11	01,ID,R	00011	Processing ID HL7 2.3 Processing id^mode	Not applicable	Not applicable	Not applicable	R	2.3	This field contains the status of the interface. The following values from the HL7 0103 table are valid for Millennium Platform applications: • T: Training/ Testing Environment • P: Production Environment Cross-environment processing is not supported. With HL7 v2.3, the MSH-11.2 field determines the processing mode. The following values from the HL7 0207 table are valid: • A: Archive • I: Initial load • R: Restore from archive This field allows different priorities to be given to different processing modes. The interface does not support MSH-11.2 (ProcessingMode).

12	08,ID,R	00012	Version ID	Not applicable	Not applicable	Not applicable	R	2.3	This value is the HL7 version. Set to 2.3. In messages sent to Millennium Platform, set to 2.1, 2.2, or 2.3. Functionality is based on the HL7 v2.3 fields. Components and segments are available only if the HL7 v2.3 standard is used. The interface, however, has not defined processing parameters that reject a message due to the absence of an HL7 v2.3-only field or component.
13	15,NM,O	00013	Sequence Number	Not applicable	Not applicable	Not applicable	N	2.3	This field is not supported by Millennium Platform. It contains the HL7 sequence number protocol.
14	180,ST,O	00014	Continuation Pointer	Not applicable	Not applicable	Not applicable	N	2.3	This field is not supported by Millennium Platform. Contains a value indicating a single logical message transmitted using more than one physical message.
15	2,ID,O	00015	Accept ACK Type	Not applicable	Not applicable	Not applicable	N	2.3	None.

16	2,ID,O	00016	Application ACK type	Not applicable	Not applicable	Not applicable	N	2.3	None.
17	2,ID,O	00017	Country Code	Not applicable	Not applicable	Not applicable	N	2.3	This field is not supported by Millennium Platform.
18	ID	00692	Character Set	Not applicable	Not applicable	Not applicable	N	2.4	This field is not supported by Millennium Platform.
19	CE	00693	Language of Message	Not applicable	Not applicable	Not applicable	N	2.4	This field is not supported by Millennium Platform.
20	20,ID,O	01317	Alternate character set handling scheme	Not applicable	Not applicable	Not applicable	N	2.4	This field is not supported by Millennium Platform. HL7 User Table 0356.
21	427,El,O,r	01598	Message Profile Identifier	Not applicable	Not applicable	Not applicable	N	2.4	This field is not supported by Millennium Platform.

MSH Segment Processing Notes

Alias the MSH-5 field to a code value (Code Set 15769) with a CDF meaning that is OCFORDER for repository display only orders.

MSH Example Messages

Original Message

```
MSH|^~\&|PM|CHLD|OCF|OCF|19960214134522||ORU^R01|A13345.78|P|2.2<CR>
```

Acknowledgment

```
MSH|^~\&|OCF|OCF|PM|CHLD|19960214134530|ACK|A13345.78|P|2.2<CR>
```

MSA Segment

The Message Acknowledgment (MSA) segment is returned as part of an MSH, MSA pair in the ACK message type.

MSA Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	HL7 Version	Additional Information
01	2,ID,R	00018	Acknowledge Code	Not applicable	Not applicable	Not applicable	R	2.3	The following values are valid: - AA = ACK = message stored - AE = ACK = message stored with error noted - AR = NAK = message rejected Note AE is not supported by the standard UI communications options. Custom scripting is required.

02	20,ST, R	00019	Message Control ID	Not applica ble	Not applica ble	Not applica ble	R	2.3	Echo the MSH segment control ID (MSH-10) of the message being acknowledged.
03	80,ST, B	00020	Text Message	Not applica ble	Not applica ble	Not applica ble	N	Not applica ble	None.
04	15,NM, O	00021	Expected Seq #	Not applica ble	Not applica ble	Not applica ble	N	2.3	This field is not supported by Millennium Platform.
05	W	00022	Delayed ACK Type	Not applica ble	Not applica ble	Not applica ble	N	2.3	This field is not supported by Millennium Platform.
06	250,CE ,B	00023	Error Conditio n	Not applica ble	Not applica ble	Not applica ble	N	2.3	None.

MSA Examples

Original Message

```
MSH|^~\&|PM|CHLD|OCF|OCF|19960214134522||ORU^R01|A13345.78|P|2.2<CR>
```

Acknowledgment (Immediate Original Processing Rules)

```
MSH|^~\&|OCF|OCF|PM|CHLD|19960214134530||ACK|A13345.78|P|2.2<CR> MSA|AA|A13345.78<CR>
```

ADT Segments - HL7 Chapter 3

The ADT segments are described in the sections below.

PID Segment

The Patient Identification (PID) segment identifies the person and usually the encounter associated with the message. Millennium Platform requires at least one primary patient or person Identifier. Other patient demographic information is also provided. The following Millennium Platform tables are referenced from the PID segment:

- EA - ENCTR_ALIAS
- EN - ENCOUNTER
- P - PERSON
- PA - PERSON_ALIAS
- PP - PERSON_PATIENT
- PH - PHONE
- PN - PERSON_NAME

PID Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R/O	HL7 Version	Additional Information
01	4,SI,O	00104	Set ID-PID	Not applicable	Not applicable	Not applicable	O	Not applicable	Starts at the value 1 and is incremented by 1.
02	20,CX,B	00105	External Patient ID	Not applicable	Not applicable	Not applicable	O	Not applicable	This field contains the he identifier, such as a referring medical record number (MRN), assigned by another system.
02.1	ST,O	Not applicable	Patient ID	PA	Alias	Not applicable	O	Not applicable	None.
02.2	ST,O	Not applicable	Check Digit	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. If it is transmitted separately, the value is stored separately.

02.3	ID,O	Not applicable	Check Digit Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. HL7 Table 0061.
02.4	HD	Not applicable	Assigning Authority	PA	Authority and type used to derive alias_pool_cd	263	O	Not applicable	Translation configured in the ESI configuration that determines the ALIAS_POOL_CD and PERSON_ALIAS_TYPE_CD. If it is transmitted, this value must match exactly with the value entered in SI_Manager, which in turn must match exactly with an organization alias with a type that is ESI Assign Authority.
02.5	ID,O	Not applicable	Identifier Type	Not applicable	Person_alias_type_cd	4	O	Not applicable	Translation configured in SI_Manager. If it is transmitted, the value must match exactly with the value entered in SI_Manager.
03	20,CX,R,r	00106	Internal Patient ID	Not applicable	Not applicable	Not applicable	C,r	Not applicable	This is a repeating field. Millennium Platform requires at least one primary, unique person alias. Millennium Platform requires one person map to Millennium Platform MRN type. Any configurable person identifier field (PID-2, PID-3, or PID-4) can be used. Although the PID-19 (Social Security Number) field is an option, Oracle does not recommend using this field as the primary, unique person identifier.
03.1	ST	Not applicable	Patient ID	PA	Alias	Not applicable	C	Not applicable	The identifier can be numeric or alphanumeric. It is an alias usually stored without leading zeros or formatting characters. ESO masks determine transmit format.
03.2	ST	Not applicable	Check Digit	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. If it is transmitted separately, the value is stored separately.

03.3	ID	Not applicable	Check Digit Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. HL7 Table 0061.
03.4	HD	Not applicable	Assigning Authority	PA	Authority and type used to derive alias_pool_cd	263	C	Not applicable	If this field is not valued and there is only one instance, it contains the translation configured in SI_Manager that determines the ALIAS_POOL_CD and PERSON_ALIAS_TYPE_CD. If it is transmitted, this value must match exactly with the value entered in SI_Manager, which in turn must match exactly with an organization alias with a type that is ESI Assign Authority. If multiple identifier instances with different assigning authorities are transmitted, Millennium Platform requires a valid value in this field.

03.5	ID	Not applicable	Identifier Type	Not applicable	Person_alias_type_cd	4	C	Not applicable	This is a configurable option. Oracle recommends sending an alias of MRN type in this field. The following identifiers are also valid: • CMRN: Community Medical Record Number, • NHIN: National Health Insurance Number, • SHIN: State/province Health Insurance Number, • MILITARYID • PASSPORT • HNAPERSONID: HNA This value is the classic patient system ID from a feeder HNA system. If multiple identifier instances with different alias types are transmitted, Millennium Platform requires a valid translation value in this field. For encounter-level processing, ensure that only one alias type is of MRN type. During person-level processing, ESI supports multiple aliases with an MRN type. Any configurable field (PID-2, PID-3, and PID-4) can contain the MRN alias.
04	20,C X,O, r	001 07	Alternate Patient ID	PA	Alias	Not applicable	C,	Not applicable	The translation configured in SI_Manager that determines ALIAS_POOL_CD and PERSON_ALIAS_TYPE_CD. Processing and configuration are identical to the PID-4 field. The UI supports multiple instances.

05	250, XPN, R,r	00108	Patient Name family ^ given ^ middle ^ suffix ^ prefix ^ degree ^ type code	PN	Name_last_key Name_first_key Name_middle_key Name_full_formatted Name_phonetic Name_last Name_first Name_middle Name_suffix Name_prefix Name_degree Name_type_cd	213	R	Not applicable	Oracle recommends a delimited name. If it is a single string, the interface does its best-guess attempt to split it into components. ESI uses a comma to parse the last name from the rest of the name. No other parsing attempts are performed. The formatted name is stored as the last suffix, first middle. All names on the NAME table have a name type code. The UI supports only one instance. The name type is always CURRENT. If the transmitted name does not match the existing name, ESI updates the existing name with a type of PREVIOUS. HL7 v2.3 Table 0200. The following <i>HL7</i> name type codes are valid: • L: Legal • M: Maiden • C: Adopted • A: Alias
06	30,ST,O	00109	Mother's Maiden Name	P	Mother_maiden_name	Not applicable	O	Not applicable	This value is treated as a person attribute and not an alias.
07	26,TS,O	00110	Date of Birth	P	Birth_datetime	Not applicable	O	Not applicable	None.
08	01,LD,O	00111	Sex	P	Sex_cd	57	O	Not applicable	Valid values are M, F, or U. Default is U. HL7 Table 0001.

09	48,X PN, O,r	001 12	Patient Alias XPN.7- type code	PA PN	Alias Name_ty pe_cd	213	O, r	Not ap plic abl e	The following Millennium Platform name type code meanings are valid: • ADOPTED • ALTERNATE • LEGAL • MAIDEN • OTHER • PREFERRED ESI supports multiple instances; however, ESI supports only one instance per name type. ESI flexes the name type based on the transmitted value in the PID-9.7 field aliased to Code Set 213. If the type is not provided, ESI defaults to ALTERNATE NAME_TYPE_CD.
10	01,I D,O	001 13	Race	P	Race_cd	282	O	Not ap plic abl e	HL7 User table 0005.
11	106, XAD ,,r	001 14	Patient Address	AD	Not applicabl e	Not ap plic abl e	O	Not ap plic abl e	If a type is not sent, the UI uses the default type of Home.
11.1	Not app lica ble	Not app lica ble	Address Line 1	AD	Street_ad dr	Not ap plic abl e	O	Not ap plic abl e	None.
11.2	Not app lica ble	Not app lica ble	Address Line 2	AD	Street_ad dr2	Not ap plic abl e	O	Not ap plic abl e	None.
11.3	Not app lica ble	Not app lica ble	City	AD	City	Not ap plic abl e	O	Not ap plic abl e	None.

1 1. 4	Not applicable	Not applicable	State	AD	State_cd	62	O	Not applicable	None.
1 1. 5	Not applicable	Not applicable	ZIP Code	AD	Zipcode	Not applicable	O	Not applicable	None.
1 1. 6	Not applicable	Not applicable	Country	AD	Country_cd	15	O	Not applicable	HL7 User Table 0171.
1 1. 7	Not applicable	Not applicable	Type	AD	Address_type_cd	212	O	Not applicable	The following codes are available: • B: Business • C: Current or Temporary • F: Country of Origin • H: Home • M: Mail • P: Permanent Valid Millennium Platform codes also include BIRTH and EMAIL (Internet). HL7 User Table 0190.
1 1. 8	ST, O	Not applicable	Other Geographic Design	AD	Street_address3	Not applicable	O	Not applicable	None.
1 1. 9	IS,O		County / Parish	AD	County_cd	74	O	Not applicable	None.
1 2	04,LD,O	00115	County Code	AD	County_cd	74	N	Not applicable	Do not use this field. Instead, use the PID-11.9 field. This field is retained only as a placeholder for backward compatibility only.

1 3	40, XTN ,O,r	001 16	Home Phone Number TN^ use code ^ equip type ^ email address ^ country ^ area/city^ phone number^ extension ^ text	PH	Phone_ty pe_cd Phone_n um extension Call_instr uction	43	O		This values has the Millennium Platform default type HOME. For HL7 v2.3, if the data type XTN is sent, the UI can flex the phone type with a value provided in the data type XTN.2 (HL7 Use Code) or the data type XTN.3 (HL7 Equipment Type) aliased to a Millennium Platform phone type. The UI posts the data type XTN.1 as a single string and does not parse it into discrete fields. The UI posts the data type XTN.8 (Extension) and data type XTN.9 (Text). See Unit 03 - Concepts and Definitions.
1 4	40, XTN ,O,r	001 17	Business Phone Nbr	PH	Phone_ty pe_cd Phone_n um extension Call_instr uction	43	O	Not ap plic abl e	The Millennium Platform default type is BUSINESS. For HL7 v2.3, if the data type XTN is sent, translate the HL7 Use Code (Table 0201) and HL7 Equipment Type (Table 0202) to the Millennium Platform phone type. See the PID-13 field for additional information.
1 5	25,S T,O	001 18	Language - Patient	P	Language _cd	36	O	Not ap plic abl e	None.
1 6	01,I D,O	001 19	Marital Status	P	Marital_t ype_cd	38	O	Not ap plic abl e	HL7 User Table 0002.
1 7	03,I D,O	001 20	Religion	P	Religion_ cd	49	O	Not ap plic abl e	HL7 User Table 0006.

18	20, CX, O	001 21	Patient Account Nbr	Not applicable	Not applicable	Not applicable	C	Not applicable	This value is the financial or billing number.
18.1	,ST	Not applicable	Patient Account #	EA	Alias	Not applicable	C	Not applicable	None.
18.2	,NM	Not applicable	Check Digit	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. The value is stored separately if it is transmitted separately.
18.3	,ID	Not applicable	Check Digit Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	HL7 0061. This field is not supported by Millennium Platform.
18.4	,HD	Not applicable	Assigning Authority	Not applicable	Authority and Type used to derive alias_pool_cd	263	C	Not applicable	A configurable mapping in SI_Manager. A valid translation value is required when different assigning authorities (alias pools) are associated with the same contributing system.
18.5	,ID	Not applicable	Identifier Type	Not applicable	Encntr_alias_type_cd	319	C	Not applicable	A configurable mapping in SI_Manager. The type meaning financial identification number is used as the billing number for this encounter and for a charge interface from Millennium Platform. A valid translation value is required when different types are associated with the same contributing system.
19	16,ST,O	001 22	SSN - Patient	PA	Alias	Not applicable	O	Not applicable	The person alias type code is SSN.

20	25,CM,O	00123	Driver's License Nbr	PA	Alias	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
21	20,CK,O	00124	Mother's Identifier	PP	Mother_identifier	Not applicable	O	Not applicable	This value is the attribute of the person in this PID segment. ESI does not use this value to create a person_person_reln between baby and mother.
22	1,ID,O	00125	Ethnic Group	P	Ethnic_group_cd	27	O	Not applicable	HL7 User Table 0189. This value further defines ancestry.
23	25,ST,O XAD	00126	Birth Place	AD	Street_address	Not applicable	O	Not applicable	The address type is BIRTH. The Millennium Platform extension defines the field as a XAD type. If it is transmitted as ST, the value posts as defined to STREET_ADDR. If it is transmitted as AD, the values post to Millennium Platform address components as listed in PID-11 field.
24	2,ID,O	00127	Multiple Birth Ind	PP	Birth_multiple_cd	335	O	Not applicable	HL7 defines this as a Yes and No indicator.
25	2,NM,O	00128	Birth Order	PP	Birth_order	Not applicable	O	Not applicable	This value is a number indicating birth order.
26	3,ID,O,r	00129	Citizenship	P	Citizenship_cd	14650	O	Not applicable	HL7 User Table 0171. Millennium Platform uses two instances.

27	60,CE,O	00130	Veterans Military Stat	P	Vet_military_status_cd	14651	O	Not applicable	HL7 User Table 0172.
28	2,ID,O	00739	Nationality	P	Nationality_cd	14652	O	Not applicable	HL7 User Table 0212.
29	26,TS,O	00740	Patient Death dt_tm	P	Deceased_dt_tm	Not applicable	O	Not applicable	None.
30	1,ID,O	00741	Patient Death Ind	P	Deceased_cd	268	O	Not applicable	HL7 Table 0136 - Yes/No indicator.

PV1 Segment

The Patient Visit (PV1) segment provides visit-specific or encounter-specific information. The following Millennium Platform tables are referenced from the PV1 segment:

- BED - Bed
- EA - ENCNR_ALIAS
- ED - ENCNR_DOMAIN
- EL - HENCNR_LOC_HIST
- EN - ENCOUNTER
- EPRL - RENCNR_PSNL_RELTN
- PRL - PERSNL
- PRLA - PERSNL_ALIAS

PV1 Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R/O	HL7 Version	Additional Information
01	04,SI	00131	Set ID-PV1	Not applicable	Not applicable	Not applicable	C	Not applicable	It starts at the value 1 and is incremented by 1.

02	01, I D, R	0013 2	Patient Class	EN	Encntr_class _cd (documenta tion only) Encntr_type _class_cd (derived from PV1-18)	321 69	R	Not appl icab le	Millennium Platform uses the PV1 segment to derive the HNA visit_class (Code Set 69) stored as the ENCINTR_TYPE_CLASS_CD. Millennium Platform uses the ENCINTR_TYPE_CLASS_CD (Code Set 69) to define patient encounter processing parameters. The UI captures the transmitted class for documentation only. Millennium Platform does not use the ENCINTR_CLASS_CD to define any internal processing options.
03	12, PL, R	0013 3	Patient Locati on	EN	Not applicable	Not appl icab le	C	Not appl icab le	This value is the current patient location. The Millennium Platform location is hierarchical (facility-building point of service location-room-bed).
03. 1	4, ID	Not appl icabl e	Point of Servic e Locati on	Not applicable	Loc_nurse_u nit_cd Location_cd	220	C	Not appl icab le	All location codes have an entry on Code Set 220 with different location types, such as nurse unit and ambulatory location.
03. 2	4, ID	Not appl icabl e	Patient Room	Not applicable	Loc_room_c d	220	C	Not appl icab le	This value is a Millennium Platform location with the type as ROOM.
03. 3	2, ID	Not appl icabl e	Patient Bed	Not applicable	Loc_bed_cd	220	C	Not appl icab le	This value is the Millennium Platform location type with the type as BED.

03.4	6,ID	Not applicable	Facility ID	Not applicable	Loc_facility_cd	220	C	Not applicable	If this field is not valued, use the MSH-4 (Sending Facility) value. Ensure that it is unique across all facilities at a site. It is a location with the type as FACILITY. Millennium Platform locations defined as FACILITY also have a corresponding entries on the ORGANIZATION table with type FACILITY.
03.5	,ID	Not applicable	Bed Status	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
03.6	,ID	Not applicable	Location Type	Not applicable	Location_type_cd	222	O	Not applicable	This field defines the point-of-service location type that include the following types: • AMBLOC • CLIENT • CLINIC • DOCOFFICE • NURSEUNIT Note This value is ignored by the ESI server. Instead, the ESI server finds the existing location only of types NURSEUNIT or AMBLOC.
03.7	,ID	Not applicable	Building	Not applicable	Loc_building_cd	Not applicable	O	Not applicable	This value is the Millennium Platform location with the type as BUILDING. If it is not valued, the ESI server uses the default building code identical to the transmitted facility code.

03.8	,ST	Not applicable	Floor	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
04	02,LD,O	00134	Admission Type	EN	Admit_type_cd	3	O	Not applicable	HL7 User Table 0007, such as accident, emergency, routine, and labor and delivery.
05	20,ST,O	00135	Pre-Admit Number	EN	Preadmit_nbr	Not applicable	O	Not applicable	None.
06	12,CM,O	00136	Prior Patient Location	ELH	Not applicable	Not applicable	O	Not applicable	Millennium Platform creates a historical record of prior locations during internal processing. The UI ignores the transmitted value.

07	60, XCN ,O	0013 7	Atten ding Docto r	EPRLR	Encntr_prsnl _reltn_cd Prsnl_alias_t ype_cd	N33 3 N32 0	O	Not appl icab le	HL7 User Table 0010. The code meaning ATTEND doctor relationship for this patient visit. Millennium Platform allows only one active relationship of this type. The following Millennium Platform type code meanings are valid: • DOCNBR • DOCCNBR • DOCDEA • DOCUPIN • PRSNLID The type code is not a direct CVA mapping to the PRSNL_ALIAS_TYPE_CD but is configured in SI_Manager as described below. The UI can use the data type XCN.13 as an alias to Code Set 333 to flex the ENCINTR_PRSNL_RELTN_CD. The personnel processing described for the PV1-7 field applies to all encounter personnel fields supported by the UI.
07.1	ID	Not appl icabl e	Physic ian Id	PRLA	Alias	Not appl icabl e	C	Not appl icabl e	The personnel alias mapped to an alias pool for this contributing system in SI_Manager.

07.2-7	name	Not applicable	Name components	PN	HL7 PN data type. Unit 3: Concepts and Definitions . See the PID-5 field.	Not applicable	C	Not applicable	Each non-free-text clinical staff has a row on both the PERSON and PRSNL tables, and all available name components on a row on the PERSON_NAME table. Add-on-the-fly (AOF) personnel and their corresponding name components are written to both the PERSON and PRSNL tables.
07.8	,ID	Not applicable	Source table	Not applicable	Facility or other source. Source, authority, or type used to derive Alias_pool_cd.	Not applicable	C	Not applicable	The translation is configured in SI_Manager, which determines the ALIAS_POOL_CD and PRSNL_ALIAS_TYPE_CD, such as UPIN. If it is transmitted, the value must match exactly the value entered in the tool.
07.9	,HD	Not applicable	Assigning Authority	PRLA	Authority, source, or type used to derive Alias_pool_cd.	263	C	Not applicable	The translation is configured in SI_Manager. If transmitted, the value must match exactly with the value entered in the tool. The value entered in the tool also can be defined as an organization alias to flex the list of available alias pool codes.
07.10	,ID	Not applicable	Name Type	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
07.11	,NM	Not applicable	Check Digit	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
07.12	,ID	Not applicable	Check Digit Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

07.13	,ID	Not applicable	Identifier Type	Not applicable	Authority, source, or type used to derive Alias_pool_cd. Flex: Encntr_prsnl_reltn_cd.	333	O	Not applicable	The translation is configured in SI_Manager. If it is transmitted, the value must match exactly with the value entered in the tool. The value entered in the tool also can be defined as an organization alias to flex the list of available alias pool codes. The UI also can use the Identifier Type to flex the relationship type when the transmitted value is an alias to RELTN_CD (Code Set 33).
08	60, XCN, O	00138	Referring Doctor	EPRLR	Encntr_prsnl_reltn_cd	333	O	Not applicable	This value is the code meaning REFERDOC physician relationship for this patient visit. If the personnel processing option is configured as free text, a relationship row is the only table for this physician. Millennium Platform allows only one active relationship of this type.
09	60, XCN, r	00139	Consulting Doctor	EPRLR	Encntr_prsnl_reltn_cd	333	O	Not applicable	This value is the code meaning CONSULTDOC for this visit. The UI supports multiple instances of this field and this relationship type. As described in the PV1-7 field, the data type XCN.13 (Identifier Type) can be used to flex the encounter relationship (Code Set 333). The UI does not end the relationship of a consulting physician even if missing on a subsequent update.

10	03,I D,C	0014 0	Hospital Service	EN	Med_service _cd	34	O	Not appl icab le	HL7 User Table 0069. It is a required field by HL7 with the following trigger events: • A01 • A02 • A14 • A15 This field is not required by Millennium Platform.
11	12, PL, O	0014 1	Temp orary Locati on	EN	Loc_temp_c d	220	N	Not appl icab le	This field is not supported by Millennium Platform.
12	02,I D,O	0014 2	Pre- Admit Test Ind	EN	Preadmit_te sting_cd	366	O	Not appl icab le	HL7 User Table 0087. This field indicates that re-admit testing is required before admission.
13	02,I D,O	0014 3	Re- Admis sion Ind	EN	Readmit_cd	47	O	Not appl icab le	HL7 User Table 0092. This field indicates that the patient is readmitted or has recurring visits.
14	03,I D,O	0014 4	Admis sion Sourc e	EN	Admit_src_c d	2	O	Not appl icab le	HL7 User Table 0023. This value is where the patient came from before admission, such as transfer from another hospital, home, or nursing home.
15	02,I D,O, r	0014 5	Ambul atory Status	EN	Ambulatory_ cond_cd	5	O	Not appl icab le	HL7 User Table 0009. Millennium Platform uses only one instance. It indicates a transient or permanent limitation on arrival, such as disoriented, coma, or pregnant.

16	02,I D,O	0014 6	VIP Indica tor	EN	Vip_cd	67	O	Not appl icab le	HL7 User Table 0099. This field indicates that this patient needs to be treated with special consideration during this visit. See the ZPI segment for the related confidentiality fields.
17	60, XCN ,O	0014 7	Admit ting Docto r	EPRLR	Encntr_prsnl _reltn_cd	333	O	Not appl icab le	HL7 User Table 0010. The code meaning ADMITDOC physician relationship for this visit. Millennium Platform allows only one active relationship of this type.
18	02,I D,O	0014 8	Patient Type	EN	Encntr_type _cd	71	R	Not appl icab le	HL7 User Table 0018. Categorize patient populations in groups more specific than patient class. Millennium Platform uses this field to define patient encounter processing options. Each type is configured to belong to an ENCINTR_TYPE_CLASS_CD (Code Set 69).
19	15,C X,O	0014 9	Visit Numb er	EA	Alias		O	Not appl icab le	An encounter alias with the type as VISIT. It is configurable in SI_Manager as a primary or secondary identifier to validate and update existing encounter or force the insertion of a new encounter.
20	50,C M,O, r	0015 0	Finan cial Class Class^ effecti ve date	EN	Financial_cl ass_cd	354	O	Not appl icab le	HL7 User Table 0067. This value is the he primary class assigned to patients for the purpose of identifying sources of reimbursements. Millennium Platform uses only one instance. The effective date is ignored.

21	02,I D,O	0015 1	Charge Price Indica t	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
22	02,I D,O	0015 2	Court esy Code	EN	Courtesy_cd	16	O	Not appl icab le	HL7 User Table 0045. This field provides special considerations for this patient (such as express discharge).
23	02,I D,O	0015 3	Credit Rating	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform. HL7 User Table 0046.
24	02,I D,O, r	0015 4	Contr act Code	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform. HL7 User Table 0044.
25	08,D T,O, r	0015 5	Contr act Effecti ve dt	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
26	12,N M,O, r	0015 6	Contr act Amou nt	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
27	03,N M,O, r	0015 7	Contr act Perio d	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
28	02,I D,O	0015 8	Intere st Code	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform. HL7 User Table 0073.
29	01,I D,O	0015 9	Tran to Bad Debt Cd	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform. HL7 User Table 0110.

30	08,D T,O	0016 0	Tran to Bad Debt Dt	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
31	10,I D,O	0016 1	Bad Debt Agenc y Cd	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform. HL7 User Table 0021.
32	12,N M,O	0016 2	Bad Debt Trans Amt	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
33	12,N M,O	0016 3	Bad Debt Rcov Amt	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
34	01,I D,O	0016 4	Delete Accou nt Ind	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform. HL7 User Table 0111.
35	08,D T,O	0016 5	Delete Accou nt Date	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
36	03,I D,O	0016 6	Disch arge Dispo sitn	EN	Disch_dispo sition_cd	19	O	Not appl icab le	HL7 User Table 0112.
37	25,C M,O	0016 7	Disch To Locati on	Not applicable	Not applicable	Not appl icab le	O	Not appl icab le	None.
37. 1	,ID	Not appl icabl e	Code	EN	Disch_to_loc tn_cd	20	O	Not appl icab le	HL7 User Table 0113. This value is the facility to which the patient is discharged, such as another hospital or nursing home.

37.2	,ST	Not applicable	Description	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. The UI uses code and ignores description.
38	02,LD,O	00168	Diet Type	EN	Diet_type_cd	18	O	Not applicable	HL7 User Table 0114. This field indicates that the patient is on a special diet.
39	02,LD,O	00169	Servicing Facility	EN OA	Loc_facility_cd	220	C	Not applicable	Note The UI does not use this value to determine the LOC_FACILITY_CD. If the PD1-3.4 (Facility) field is not valued, UI uses the MSH-4 (Sending Facility) value. Configurable in SI_Manager as the ESI encounter organization alias that determines the ORGANIZATION_ID for this encounter row. The encounter organization is used to determine internal processing parameters (such as billing) and values (such as client code). The following fields are available to determine this organization: • MSH-4 (Sending Facility) • MSH-6 (Receiving Facility) • PV1-3.4 (Facility) • Default organization from SI_Manager

40	01,I D,O	0017 0	Bed Status	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
41	02,I D,O	0017 1	Accou nt Status	EN	Encntr_statu s_cd	N26 1	O	Not appl icab le	HL7 User Table 0117. The following code meanings are included: • CANCELLED • COMPLETE • CTIVE • PRELIM • TEMP
42	12,C M,O	0017 2	Pendi ng Locati on	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
43	12,C M,O	0017 3	Prior Temp Locati on	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
44	26,T S,O	0017 4	Admit Date/ Time	EN	Arrive_dt_t m	Not appl icab le	C	Not appl icab le	This value is the time that registration or admission is performed. Millennium Platform requires this value for A01, A04 and any other event used to create a new encounter row.
45	26,T S,O	0017 5	Disch arge Date/ Time	EN	Disch_dt_tm	Not appl icab le	O	Not appl icab le	This value is the actual time the patient was discharged from the facility. Ensure that patient types that do not always receive a discharge or other event to close an encounter are defined in Millennium Platform to automatically discharge.
46	12,N M,O	0017 6	Curre nt Pat Balan ce	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.

47	12,N M,O	0017 7	Total Charg es	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
48	12,N M,O	0017 8	Total Adjust ment	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
49	12,N M,O	0017 9	Total Paym ents	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
50	20, CX	0018 0	Altern ate Visit ID	EA	Alias	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform.
51	1,IS, O	0122 6	Visit Indica tor	Not applicable	Not applicable	Not appl icab le	N	Not appl icab le	This field is not supported by Millennium Platform. HL7 User Table 0326. It specifies the level on which data is sent. The following HL7 values are valid: • A: Account • V: Visit
52	60,X CN,, r	0122 4	Other Healt hcare Provid ers	EPLR	Encntr_prsnl _reltn_cd	333	O, r	Not appl icab le	This field contains other healthcare providers, such as nurse practitioners, midwives, and physician assistants. The UI supports multiple instances. Alias pool code, alias type, and flex ENCNTR_PRSNL_RELTN_C D determined as described in the PV1-7 field.

Order Entry Segments - HL7 Chapter 4

Data fields mapped to the Millennium Platform ORDER_DETAIL (OD) table are identified with the OE_FIELD_MEANING in uppercase letters (such as CANCELREASON). An order entry format defines the order details that can be associated with each orderable. If an order detail in the order entry format is required, and it is not valued through the interface, the order entry format must supply a default value. For example, if the specimen type

is not valued, but it is marked as required, the code value for blood can be inserted in the default field of the order entry format for specimen type. When the order detail is defined as a code value type and the transmitted value is an alias to an existing code value, the UI values the order detail fields with the actual code value and code value display. When the order detail is defined as a code value type and the transmitted value is not an alias to an existing code value, the UI does not apply add-on-the-fly logic. Instead, the UI uses the transmitted value to value the order detail display field. The UI uses the code set defined in the order entry format field. The UI determines how to map ORC and OBR fields based on the OE_FIELD_MEANING of the order detail. Therefore, the code set listed in the ORC and OBR segments in this unit is the suggested or Millennium Platform standard code set but can vary depending on the site-specific implementation of the orders application and other Millennium Platform solutions. Some Millennium Platform applications do not allow alternate code sets and always require the standard code set.

Each order detail populates the ORDER_DETAIL table and other Millennium Platform tables. The order detail display field is limited to 255 characters, regardless of the HL7 defined format size. These additional tables vary by many order parameters including activity type (such as general laboratory or radiology), specimen versus nonspecimen order, collected versus noncollected, and laboratory versus nonlaboratory personnel to collect. This specification does not list these additional tables and elements.

ORC Segment

The Common Order (ORC) segment is used to transmit fields that are common to all orders and services requested. The ORC segment is required in the Order (ORM) message. The ORC segment is mandatory in the Order Response (ORR) message if an order detail segment, such as, OBX, is present. An ORC segment always must precede any order detail segment.

The following Millennium Platform tables are referenced from the ORC segment:

- O - ORDERS
- OAC - ORDER_ACTION
- OAL - ORDER_ALIAS
- OCM - ORDER_COMMENT
- OD - ORDER_DETAIL
- PRL - PRSNL
- PRLA: - PRSNL_ALIAS

ORC Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R/O	HL7 Version	Additional Information

01	02,ID, R	00215	Order Control	OAC	action_ty pe_cd	6003	R	Not applic able	HL7 Table 0119. This field is used to derive the action_type_cd required by the Order server to process an order. With the exception of SC actions, the Order server defaults the appropriate order and departmental order status. For the order control code of SC, ESI uses the ORC-5 Order Status Code field to derive the action type before it uses the Order Control field. This option allows the contributor system to send an SC message to trigger a cancel or complete action.

02	75,CM, C	00216	Placer Order Number	Not applic able	Not applicabl e	Not applic able	C	Not applic able	This value is required in the ORC segment if it is not present in the OBR segment. If this field is valued in both the ORC and the OBR segment, the values must be identical. The UI provides a configurable option by order control code to define one primary order alias from an external system and one primary internal order identifier (currently only internal_order_id). The UI always uses the Millennium Platform order_id if it is provided in the message. If the Millennium Platform order_id is not provided, the UI uses the primary unique external order identifier. This functionality improves the ability of the UI to handle downtime and SN/NA scenarios for sending systems that do not have hold logic functionality.

The specific HL7 field that contains the primary order identifier is configurable. Additional fields can be mapped to contain an order identifier, but these additional identifiers are considered to store and forward fields and are not used during order match. You can use the following HL7 fields:

- ORC/OBR-2
- ORC/OBR-3
- OBR-18
- OBR-19
- OBR-20
- OBR-21

02.1	Not applicable	Not applicable	Unique Placer ID	OAL O	alias order_id	Not applicable	C	Not applicable	This value is assigned by the placer system. For the UI to use this field to uniquely identify an order among all orders from this ordering application, you must configure a row in ESI Configuration Tool. Uniqueness must continue over time; however, the level of uniqueness is configurable by the system (alias pool), person, or encounter. In addition, the UI always validates the order during order match using both the primary identifier and the ordered procedure if provided in the message. This allows the sending system to use order sets during new order creation and to use a specific component during subsequent order activity (such as cancel). This implies that the OBR segment always is present.

02.2	Not applicable	Not applicable	Placer Application ID	Not applicable	Not applicable	Not applicable	C	Not applicable	This value is unique in a group of intercommunicating systems. ESI Configuration Tool can use this field to derive the order alias type and alias pool code. This field can be used in ESI Configuration Tool as a simple literal match or as an alias to an assigning authority organization.
03	75,CM,C	00217	Filler Order Number	Not applicable	Not applicable	Not applicable	C	Not applicable	This value is required in the ORC segment if it is not included in the OBR segment. If this field is valued in both the ORC and the OBR segment, the values must be identical. See the ORC-2 field for common processing associated with all order identifiers.

03.1	Not applicable	Not applicable	Unique Filler ID	OAL O	<i>alias order_id</i>	Not applicable	C	Not applicable	This value is assigned by the filler system. For the UI to use this field to uniquely identify an order among all orders from this filler application, ensure that a row is configured in the ESI Configuration Tool. Uniqueness must persist over time; however, the level of uniqueness is configurable by the system (alias pool), person, or encounter.
03.2	Not applicable	Not applicable	Filler Application ID	Not applicable	Not applicable	89	C	Not applicable	This value is unique in a group of intercommunicating systems. ESI Configuration Tool can use this field to derive the order alias type and the alias pool code. This field can be used in ESI Configuration Tool as a simple literal match or as an alias to an assigning authority organization.
04	75,CM	00218	Placer Group Number	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported for OCF-only results.

05	02,ID	00219	Order Status	O O	order_status_cd dept_status_cd	6004 14281	C	Not applicable	HL7 Table 0038. This field drives the order_status_cd on the Orders table (Code Set 6004). If the transmitted value is not aliased to an order status code, with the exception of the SC action, the order server determines the most appropriate status. The Order server rejects an inappropriate order status, for example, if the status of Canceled is not allowed for a new order action. In addition to the order status, this field also can be used to derive the department status. If the ORC-16 order control reason code is aliased to the dept_status_cd, the ORC-16 translation overrides the ORC-5 translation. If the ORC-1 order control contains an SC, the ORC-5 field can be used to derive the order action. If aliased to Code Set 6003, ESI uses that code value as the order action.

06	01,ID	00220	Response Flag	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
07	200,TQ	00221	Quantity/ Timing	Not applicable	Not applicable	Not applicable	O	Not applicable	The interface values this field if the OBR-27 quantity/timing field is not valued. If both the ORC and OBR segments are valued, the values must be identical.
07.1	CQ	Not applicable	Quantity Component Quantity & Units	OD	QUANTITY	Not applicable	O	Not applicable	Quantity & Units. This field defines the quantity of service that must be provided at each service interval.
07.2	CM	Not applicable	Interval Component	OD	FREQ	4003	Not applicable	Not applicable	None.
07.3	Not applicable	Not applicable	Duration	OD	DURATION DURATION UNIT	54	Not applicable	Not applicable	None.

07.4	TS	Not applicable	Start Date/Time	OD O	REQSTAR TDTTM current_start_dt_tm	Not applicable	O	Not applicable	This field contains the earliest requested date and time for this service. It is used for future, continuous, and timed orders. It also is used as the current_start_dt_tm. The OBR-7 (Observation Date and Time) or the OBR-8 (Observation End Date and Time) fields takes precedence as the current_start_dt_tm.
07.5	TS	Not applicable	End Date/Time	OD	STOPDTT M	Not applicable	O	Not applicable	This field contains the latest date and time that the service should be performed. For continuous orders, the stop date is the earliest date and time specified by either this field or the duration. For one-time orders, the end date and time equals the start date and time.

07.6	ID	Not applicable	Priority	OD	COLLPRI REPPRI PRIORITY	2054 1905 1304	O	Not applicable	For general laboratory, if two TQ instances are sent, the first maps to COLLPRI and the second to REPPRI. If only one instance is sent, it maps to both collection and reporting. Oracle recommends the following HL7 values: • A: ASAP • C: Callback • P: Preop • PRN: As Needed • R: Routine • S: Stat • T: Timing Critical For radiology and non-specimen orders, the first instance is used for the priority order detail.
07.7	ST	Not applicable	Condition Component	OD	SPECINX	Not applicable	O	Not applicable	Per HL7 standard, the presence of text in this field implies that human review is needed to determine how or when this drug should be given, for example, PRN for pain or to keep blood pressure below 110. This field is concatenated to the OBR-13 (Relevant Clinical Information) field.

07.8	TX	Not applicable	Text Component	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
07.9	ID	Not applicable	Conjunction Component	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
07.10	CM	Not applicable	Sequence Component	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
08	200,CM	00222	Parent	Not applicable	Not applicable	Not applicable	O	Not applicable	This field is not supported by Millennium Platform. Use OBR value. See OBR-29 (Parent) field.
09	26,TS	00223	DT of Transaction	OAC O	order_dt_tm orig_order_dt_tm (new order)	Not applicable	O	Not applicable	If this field is not valued, the date and time associated with the order event is either the ORC-15 (Effective Date/Time) value or the Millennium Platform system date and time. The Millennium Platform order_dt_tm indicates when the action or order event was initiated.

10	80, XCN	00224	Entered By	OAC PRLPR LA	action_p ersonnel_ id	Not applic able	O	Not applic able	A row must be configured on the Personnel Alias tab of ESI Configuration Tool. ESI uses the ESI Alias Field code of All Personnel. If the personnel is not found, ESI inserts the default personnel for the feed.
11	80, XCN	00225	Verified By	Not applic able	Not applicabl e	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
12	80, XCN	00226	Orderin g Clinical Staff	O OAC	last_upda te_provid er_id order_pro vider_id	Not applic able	O	Not applic able	A row must be configured on the Personnel Alias tab of ESI Configuration Tool. ESI uses the ESI Alias Field code of Ordering Provider. This field is required in the ORC if it is not present in the OBR. If this field is valued in both the ORC and the OBR segment, ensure that the values are identical.
13	80,CM	00227	Enterer' s Locatio n	OAC	order_loc _cd	220	O	Not applic able	Aliased to the nurse unit code.
14	40, XTN ,O ,r2	00228	Call Back Phone Nbr	Not applic able	Not applicabl e	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.

15	26,TS	00229	Order Effective DT	OAC	order_dt_tm	Not applicable	O	Not applicable	This value is used if the ORC-9 date and time of transaction is not valued.
16	200,CE	00230	Order Cntrl Cd Reason	Not applicable	Not applicable	Not applicable	O	Not applicable	This field is not supported by Millennium Platform.
16.1	Not applicable	Not applicable	Identifier	OD OAC	CANCEL REASON DCREASON RESUME REASON SUSPEND REASON dept_status_cd	1309 14281	O	Not applicable	The Reason Code is a code value alias to the code set associated with the order action. The code set varies with the order control code and action. This field can be aliased to the dept_status_cd. This option usually is only appropriate for the SC order control code. For other order control codes, the order server defaults to the appropriate department status.
16.2	Not applicable	Not applicable	Text	OD	oe_field_display_value	Not applicable	O	Not applicable	If the reason code is not valued, the UI uses the description as a free-text display for this order action.
17	60,CE	00231	Entering Organization	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

18	60,CE	00232	Entering Device	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
19	80,XCN	00233	Action By	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

OBR Segment

The Observation Request (OBR) segment is used to transmit information specific to an order for a diagnostic study or observation, physical exam, or assessment. The OBR segment defines the attributes of a particular request for diagnostic services, such as, laboratory, radiology, or EKG, or clinical observations, such as, a physical exam. For laboratory tests, the information in the OBR segment usually applies to a single specimen; however, a specimen and tests ordered do not share a one-to-one relationship between them. Each test battery requires its own OBR segment, even when they can be performed on a single specimen. Therefore, the specimen information must be duplicated in each OBR segment.

OBR Field Definitions

Millennium Platform does not perform any validation based on the sending system unless stated in the specification.

Per the HL7 standard, the placer does not create the items with a plus sign (+). They are created by the filler and valued as needed when the OBR segment is returned as part of a report (ORU message). Therefore, on a new order sent to the filler, they are not valued. There is an exception when the filler starts the order. In that case, the filler order number is valued and the placer order number may be blank.

The starred (/*) items are relevant only when an observation is associated with a specimen. The placer values only when the placer obtains the specimen. Otherwise, the filler values when the filler obtains the specimen.

The following Millennium Platform tables are referenced from the OBR segment:

- O - ORDERS
- OAC - ORDER_ACTION
- OAL - ORDER_ALIAS
- OD - ORDER_DETAIL

OBR Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R/O	HL7 Version	Additional Information
01	04,SI,C	00237	Set ID - OBR	Not applicable	Not applicable	Not applicable	C	Not applicable	Always the value 1.

02	75,El, C	00216	Placer Order Number	O	Not applica ble	Not applic able	C	Not applic able	This value is required in the ORC segment if it is not present in the OBR segment. If this field is valued in both the ORC and the OBR segment, the values must be identical. The UI provides a configurable option by order control code to define one primary order alias from an external system and one primary internal order identifier (currently only internal order_id). The UI always uses the Millennium Platform order_id if provided in the message. If the Millennium Platform order_id is not provided, the UI uses the primary unique external order identifier. This functionality improves the ability of the UI to handle downtime, and SN and NA scenarios for sending systems that do not have hold logic functionality.

								The specific HL7 field that contains the primary order identifier is configurable. Additional fields can be mapped to contain an order identifier but these additional identifiers are considered to store and forward fields and are not used during order match. You can use the following HL7 fields: • ORC/OBR-2 • ORC/OBR-3 • OBR-18, • OBR-19 • OBR-20 • OBR-21

02.1	Not applicable	Not applicable	Unique Placer Order ID	OAL O	Alias or Order_id	Not applicable	C	Not applicable	This value is assigned by the placer system. For the UI to use this field to uniquely identify an order among all orders from this ordering application, a row must be configured in ESI Configuration Tool. Uniqueness must continue over time; however, the level of uniqueness is configurable by the system (alias pool), person, or encounter. In addition, the UI always validates the order during order match using both the primary identifier and the ordered procedure if provided in the message. This allows the sending system to use order sets during new order creation and to use a specific component during subsequent order activity (such as cancel). This implies that the OBR segment always is present.

02.2	Not applicable	Not applicable	Placer Application ID	Not applicable	Not applicable	Not applicable	C	Not applicable	This value is unique in a group of intercommunicating systems. SI_Manager or the ESI Configuration Tool can use this field to derive the order alias type and alias pool code. This field can be used in ESI Configuration Tool as a simple literal match or as an alias to an assigning authority organization.

03	75,*EI, *C	00217	Filler Order Number +	Not applic able	Not applica ble	Not applic able	C	Not applic able	This value is required in the ORC segment if it is not present in the OBR segment. If this field is valued in both the ORC and OBR segments, the values must be identical. See the ORC-3 field for common processing associated with all order identifiers. Note

OCF result processin g uses the OBR-3 field as the basis for the clinical event reference number. The field is not configura ble. Ensure that the reference number is persisten t and unique over time across the system for this contribut or system. The level of unique ness is not configura ble. This fact must be considere d during the design of an order and results interface.

03.1	Not applicable	Not applicable	Unique Filler Order ID	OAL O	Alias or Order_id	Not applicable	C	Not applicable	This value is assigned by the filler system. For the UI to use this field to uniquely identify an order among all orders from this filler application, a row must be configured in SI_Manager or ESI Configuration Tool. Uniqueness must continue over time; however, the level of uniqueness is configurable by the system (alias pool), person, or encounter.
03.2	Not applicable	Not applicable	Filler Application ID	Not applicable	Not applicable	Not applicable	C	Not applicable	This value is unique in a group of intercommunicating systems. SI_Manager or ESI Configuration Tool can use this field to derive the order alias type and the alias pool code. This field can be used in SI_Manager or ESI Configuration Tool as a simple literal match or as an alias to an assigning authority organization.
04	200,CE,R	00238	Universal Service ID	Not applicable	Not applicable	Not applicable	R	Not applicable	None.

04.1	Not applicable	Not applicable	Test Code	O	Catalog _cd	200	R	Not applicable	This field contains the unique Order Catalog alias for this contributor_source_cd.
04.2	Not applicable	Not applicable	Test Description	O	Ordered _as_mnemonic	Not applicable	O	Not applicable	For documentation and troubleshooting, the UI stores the transmitted description as the ordered_as_mnemonic. If the description is not valued, the UI stores the code provided in OBR-4.1 field. Otherwise, the UI does not use this field during order processing. Instead, the UI uses the primary mnemonic from the Order Catalog.

04.3	Not applicable	Not applicable	Coding System	Not applicable	Contributor_source_cd	Not applicable	C	Not applicable	The UI requires the coding system if the coding system for the Universal Service ID does not match the coding system configured for this sending application. The UI uses the contributor_source_cd configured for the sending application (contributor system as defined in MSH-3 field) if it is aliased on Code Set 73; otherwise, it uses the default contributor_source_cd for the feed.
04.4	Not applicable	Not applicable	Alternate Test Code	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
04.5	Not applicable	Not applicable	Alternate Test Description	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
04.6	Not applicable	Not applicable	Alternate Coding System	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
05	02,ID,B	00239	Priority	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. Instead, use OBR-27.6 field.

06	26,TS, B	00240	Requested Date/Time	Not applic able	Not applica ble	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. Instead, use the OBR-27.4 field.
07	26,TS, C	00241	Observatio n Date/ Time. The clinically significant date and time.	OD O	REQSTA RTDTT M COLLEC TEDYN Current _start_ dt_tm	Not applic able	C	Not applic able	If the order control code is NW, SN, SC, or XO, and the service requested is a specimen-associated study, this field represents the date and time the specimen was collected. The UI sets the COLLECTEDYN detail to Y. Also used as the current_start_dt_tm. This field is required for all report (ORU) messages. For services not associated with a specimen, this field represents the physiologically relevant date and time.
08	26,TS, C	00242	Observatio n End Dt	OD O	REQSTA RTDTT M COLLEC TEDYN Current _start_ dt_tm	Not applic able	C	Not applic able	If the order control code is NW, SN, SC, or XO, and the service requested is a specimen-associated study, this field represents the date and time that the specimen was collected. The UI sets the COLLECTEDYN detail to Y.

09	20,CQ, C	00243	Collection Volume	C	Not applica ble	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
10	60,CN	00244	Collector Identifier	OD	COLLBY	Not applic able	Not applic able	Not applic able	A row must be configured on the Personnel Alias tab in ESI Configuration Tool. ESI uses the ESI Alias Field code of All Personnel. If the personnel is not found, ESI inserts the default personnel for the feed.
11	01,ID	00245	Spec Action Code	OD	NURSE COLLEC T	Not applic able	O	Not applic able	HL7 Table 0065. When the transmitted value is O or P, ESI sets the NURSECOLLECT order detail to Y. Otherwise, ESI defaults NURSECOLLECT to N.
12	60,CE	00246	Danger Code	OD	SPECPR ECAUTI ON	59	O	Not applic able	None.
13	300,S T	00247	Relevant Clinical Info	OD	SPECIN X LBLCM NT	Not applic able	O	Not applic able	For the special instructions detail, the ORC-7-7 field or the OBR-27-7 (Condition Component) is valued is concatenated to this field.

14	26,TS	00248	Spec Received DT	OD	SPECRE CDDATE TIME	Not applicable	Not applicable	Not applicable	None.
15	300,CM	00249	Specimen Source	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	This value is the site where the specimen is obtained or the service is performed.
15.1	CE	Not applicable	Source Code	OD	SPECIM EN TYPE	2052	C	Not applicable	This value is required for laboratory orders. If it is not provided in the message, the order accept format must include a default source.
15.2	ST	Not applicable	Additives	—	Not applicable	Not applicable	N	Not applicable	This value is not supported by Millennium Platform.
15.3	ST	Not applicable	Source Description Freetext	OD	SOURC ECMNT SPECIM ENDESC	Not applicable	O	Not applicable	Only one of these order details should be defined in an order entry format; however if both are defined, the UI values both order details with the same value.
15.4	CE	Not applicable	Body Site	OD	BODYSITE	E1028	O	Not applicable	None.
15.5	CE	Not applicable	Site Modifier	Not applicable	Not applicable	Not applicable	N	Not applicable	This value is not supported by Millennium Platform.

15.6	CE	Not applicable	Collect Method Modifier	OD	COLLMETHOD	E2058	O	Not applicable	None.
16	60,XCN	00226	Ordering Provider	O OAC	Last_update_provider_id Order_provider_id	Not applicable	Not applicable	Not applicable	Ensure that a row is configured on the Personnel Alias tab of ESI Configuration Tool. ESI uses the ESI Alias Field code of Ordering Provider. The UI can use either the ORC-12 or OBR-16 fields.
17	40,TN	00250	Ord Call Back Phone #	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
18	60,ST	00251	Placer Field #1	Not applicable	Not applicable	Not applicable	O	Not applicable	This field is configurable and is used to insert rows on the ORDER_ALIAS table, such as, filler system specimen or accession number. Also, see ORC-3 field for common processing associated with all order identifiers.

19	60,ST	00252	Placer Field #2	Not applicable	Not applicable	Not applicable	O	Not applicable	This field is configurable and is used to insert rows on the ORDER_ALIAS table such as, filler system specimen or accession number. See the ORC-3 field for common processing associated with all order identifiers.
20	60,ST	00253	Filler Field #1 +	Not applicable	Not applicable	Not applicable	O	Not applicable	This field is configurable and is used to insert rows on the ORDER_ALIAS table such as, filler system specimen or accession number. See the ORC-3 field for common processing associated with all order identifiers.

21	60,ST	00254	Filler Field #2 +	Not applicable	Not applicable	Not applicable	O	Not applicable	This field is configurable and is used to insert rows on the ORDER_ALIAS table (such as filler system specimen or accession number). See the ORC-3 field for common processing associated with all order identifiers. During ORU result processing, the UI uses this field as the default value for the clinical event accession number. The field used for the accession number during result processing is configurable. This fact needs to be considered in an integrated order and result interface.
22	26,TS, C	00255	Result Report/ Status Change Date/Time +	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
23	40,CM	00256	Charge to Practice +	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

24	10,ID	00257	Diagnostic Service Section ID	OD	PERFORMLOC	220	O	Not applicable	The Order Catalog defines the catalog_type_cd (diagnostic service); however, when the service area is RAD or LAB, alias the transmitted value to location code (Code Set 220) with a CDF meaning of SRVAREA to override the default service resource routing.
25	01,ID,C	00258	Result Status +	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
26	200,CM	00259	Parent Result +	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
26.1	CE	Not applicable	Parent Order ID	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
26.2	ST	Not applicable	Parent Sub ID	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
26.3	CE	Not applicable	Parent Results	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

27	200,T Q,r	00221	Quantity/ Timing	Not applic able	Not applica ble	Not applic able	O	Not applic able	The UI values this field if the OBR-27 quantity/timing field is not valued. If both the ORC and OBR segments are valued, the values must be identical.
27.1	CQ	Not applic able	Quantity Componen t Quantity & Units	OD	QUANTI TY	Not applic able	O	Not applic able	The Quantity and Units field defines the quantity of service that is provided at each service interval.
27.2	CM	Not applic able	Interval Componen t	OD	FREQ	4003	O	Not applic able	This field defines the frequency explicit time interval.
27.3	Not applic able	Not applic able	Duration	OD	DURATI ON DURATI ONUNIT	54	O	Not applic able	None.
27.4	TS	Not applic able	Start Date/ Time	ODO	REQSTA RTDTT M; Current _start_ dt_tm	Not applic able	O	Not applic able	This field contains the earliest requested date and time for this service. It is used for future, continuous, and timed orders. It also is used as the current_start_dt_tm. The OBR-7 (Observation Date and Time) or the OBR-8 (Observation End Date and Time) field takes precedence as the current_start_dt_tm.

27.5	TS	Not applicable	End Date/Time	OD	STOPDT TM	Not applicable	O	Not applicable	This field contains the latest date and time that the service has to be performed. For continuous orders, the stop date is the earliest date and time specified by either this field or the duration. For one-time orders, the end date and time equals the start date and time.
27.6	ID	Not applicable	Priority	OD	COLLPRI REPPRI PRIORITY	2054 1905 1304	O	Not applicable	For general laboratory, if two TQ instances are sent, the first maps to COLLPRI and the second to REPPRI. If only one instance is sent, it maps to both collection and reporting. The following HL7 values are suggested: • A: ASAP • C: Callback • P: Preop • PRN: As Needed • R: Routine • S: Stat, • T: Timing Critical For radiology and non-specimen orders, the first instance is used for the priority order detail.

27.7	ST	Not applicable	Condition Component	OD	SPECINX	Not applicable	O	Not applicable	Per HL7 standard, the presence of text in this field implies that human review is needed to determine how or when this drug is to be given, for example, PRN for pain or to keep blood pressure below 110. This field is concatenated to the OBR-13 (Relevant Clinical Information) field.
27.8	TX	Not applicable	Text Component	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
27.9	ID	Not applicable	Conjunction Component	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
27.10	CM	Not applicable	Sequence Component	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
28	150,CN	00260	Result Copies To	OD	CONSULTDOC	Not applicable	O	Not applicable	This posts a Consulting Physician detail to the order.
29	150,CM	00261	Parent Number	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. Use in ORM messages is to be determined.

29.1	CM	Not applicable	Parent Placer Order #	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
29.2	CM	Not applicable	Parent Filler Order #	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
30	20,ID	00262	Transportation Mode	OD	TRANSPORTMODE	10300	O	Not applicable	None.
31	255,CE	00263	Reason For Study	Not applicable	Not applicable	Not applicable	O	Not applicable	None.
31.1	Not applicable	Not applicable	Reason ID	OD	REASONFOREXAM	Y	O	Not applicable	None.
31.2	Not applicable	Not applicable	Reason Text	OD	REASONFOREXAM	Y	O	Not applicable	This field is used if the OBR-31.1 field is not valued.
31.3	Not applicable	Not applicable	Coding Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
31.4	Not applicable	Not applicable	Alternate Reason ID	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
31.5	Not applicable	Not applicable	Alternate Reason Text	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
31.6	Not applicable	Not applicable	Alternate Coding Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

32	60,CM	00264	Main Reslt Interpret +	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
33	60,CM ,,r	00265	Assist Result Interpreter +	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
34	60,CM ,,r	00266	Technician +	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
35	60,CM ,,r	00267	Transcripti onist +	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
36	26,TS	00268	Sched Date/Time +	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
37	4,NM, O	01028	Nbr of Containers \	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
38	60,CE, O,r	01029	Transport Logistics of Specimen\	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
39	200,C E,,r	01030	Collector comments \	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
40		01031	Transport Arrangmnt Responsibility	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

41	30,ID, O	01032	Transport Arranged	Not applic able	Not applica ble	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. HL7 Table 0224. The following values are valid: • A: Arranged • N: Not Arranged • U: Unknown
42	1,ID,O	01033	Escort Required	Not applic able	Not applica ble	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. HL7 Table 0225. The following values are valid: • N: Not Required • R: Required • U: Unknown
43	200,C E,,r	01034	Plannd Patient Transport Comment	Not applic able	Not applica ble	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.

OBR Segment Processing Notes

For ORM messages, the OBR segment serves as the primary carrier of information specific to a clinical order. The OBR defines the attributes of the service or procedure to be performed including order identification, the specific exam, or service requested, when the service is requested, when the results are expected, and when the person who is responsible for collecting a specimen or data for a specimen has already collected. When subsequent order activity (status, cancel, and results) occurs in either the placer or filler system, the OBR is again the primary carrier of status and clinical observations specific to the ordered procedure.

Although HL7 provides the option to omit the OBR segment for simple order action events (cancel, discontinue, and suspend), Oracle recommends including the OBR segment in all ORM messages for services associated with the OBR detail segment.

NTE Segment

The Notes and Comments (NTE) segment is used for accepting textual notes and comments. The comment applies to the segment preceding the NTE segment. The Millennium Platform OCOM-ORDER_COMMENT and LONG - LONG_TEXT tables referenced from the NTE segment.

NTE Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	HL7 Version	Additional Information
01	4,SI,O	00096	Set ID - NTE	Not applicable	Not applicable	Not applicable	O	2.3	It is sequential. It starts at 1 and is incremented by one for each set (order, result).
02	8,ID	00097	Source of Comment	OCOM	Comment_type_cd	14	R	2.3	In HL7 v2.3 processing, Millennium Platform uses Code Set 14 for the Comment type. Special processing exists in SI_Manager for notes and comments processing. See NTE Message Process Notes below.
03	32k,FT, R,r	00098	Comment	LONG	LONG_TEXT	Not applicable	R ,r	2.3	Millennium Platform accepts notes up to 32,000.

NTE Message Processing Notes

The NTE segment is used to send textual comments. The UI accepts comments as multiple NTE segments in which each NTE segment represents a hard carriage return or new line. The UI also accepts comments as a single NTE segment in which each instance of the NTE-3 (Comment) field separated by the repeat delimiter represents a new line.

If provided, the UI uses the NTE-2 (Source of Comment) value as an alias to both the note type and entry method. If a code value alias does not exist, the UI defaults a note type and entry method as described below.

By default, the UI determines the type of comment (NOTE_TYPE_CD on Code Set 14) from the HL7 message type, event, and segment immediately preceding the NTE segment. The UI defaults the source of note (ENTRY_METHOD_CD on Code Set 13) to the ancillary and owner application. The UI defaults the person who entered the note (NOTE_PRSNL_ID, foreign key to the PRSNL table) to the person who verified the event on the contributor system.

The interface provides a special configuration to split the source of the NTE-2, which allows aliasing of the same value received in NTE-2 (Source of Comment) field to two different code values on Code Set 14. The code values are distinguished from one another based on whether the NTE segments follow an OBR segment or an OBX segment in the ORU message. See [Configure ESI Special Configurations](#) to properly configure the option.

BLG Segment - Not Used

The Billing (BLG) segment is used to provide billing information on the ordered service to the filling application. The UI currently does not use this segment. The Millennium Platform OSR - Order Server Request table is referenced from the BLG segment.

BLG Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	HL7 Version	Additional Information
01	15,CM,O	00234	When To Charge	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. HL7 Table 0100. The following values are valid: • D: On discharge. • O: On receipt of order. • R: At time service is completed. • S: At time service is started. • T: At designated time. Not used.

02	50,ID, O	00235	Charge Type	OSR	NoCharge Ind BillOnlyInd	Not applica ble	N	Not applica ble	This field is not supported by Millennium Platform. HL7 Table 0122. It identifies someone other than the patient to be billed for services. The following HL7 values are valid: • CH: Charge • CO: Contract • CR: Credit • DP: Department • GR: Grant • NC: No charge • PC: Professional • RS: Research Use Code Set 18229 (FSI yes/no indicator).
03	100,CK ,O	00217	Account ID	OD	RSRCHAC CT	Not applica ble	N	Not applica ble	This field is not supported by Millennium Platform.

Observation Reporting Segments - HL7 Chapter 7

The observation reporting segments are described in the sections below.

OBX Segment

The Observation/Result (OBX) segment is used to transmit a single observation. In an ORM message, the OBX segment is used to communicate values for specific order details or order prompts. OBX segments contain observations available at the time of order entry or other order event trigger activity. The following Millennium Platform tables are referenced from the OBX segment:

- O - ORDERS
- OD - ORDER_DETAIL
- OSR - Order Server Request

OBX Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R/O	HL7 Version	Additional Information
01	04,SI	00569	Set ID - OBX	Not applicable	Not applicable	Not applicable	R	Not applicable	This value is sequential under OBR.
02	02,LD,R	00570	Value Type	Not applicable	Not applicable	Not applicable	R	Not applicable	The following literals are supported for HL7 Date processing: • DT - Date • DTM - Date and Time
03	80,CE,R	00571	Observation Identifier	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	None.

03.1	ID	Not applicable	Procedure ID	OD	Order Detail or Prompt Test	16449	R	Not applicable	Method 1: Laboratory only. This field contains an alias to an oe_field_id that defines a discrete task assay (prompt test) or an order detail (such as diet start date and time or label printer). In some cases, two order details combine to define one entity, such as WEIGHT and WEIGHUNIT, and these values can be sent in the OBX-5 (Observation Value) field and the OBX-6 (Units) field, respectively. Two code value alias rows need to be configured where the alias matches the OBR-3.1 (Procedure ID) value (and the alias_type_meaning is blank for the value order detail), and UNIT for the unit order detail.

									Method 2: For order details (not prompt tests), this field can contain the oe_field_meaning string on the OE_FIELD_MEANING table (such as PREGNANT or PRINTLBL) instead of an alias to an oe_field_id on Code Set 16449. In cases, when two order details combine to define an entity, ESI allows the values for WEIGHT, VOLUME, and STENGTH to be passed in the OBX-5 (Observation Value) field, and the value for WEIGHTUNIT, VOLUMEUNIT, and STRENGTHUNIT to be passed in the OBX-6 (Unit) field. Method 3: Posting of the Yes/No indicator needs only value_1 (OBX-5.1) to be populated and aliased on 18229.
03.2	ST	Not applicable	Procedure Description	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
03.3	ID	Not applicable	Coding Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

03.4	ID	Not applicable	Alternate Procedure ID	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
03.5	ST	Not applicable	Alternate Description	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
03.6	ID	Not applicable	Alt Coding Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
04	20,ST	00572	Observation Sub-ID	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
05	Varies,R	00573	Observation Value	Not applicable	Not applicable	Not applicable	R	Not applicable	This field contains the value of the order detail. See the OBX Segment Processing Notes section for additional details.

06	60,CE	00574	Units	Not applicable	Not applicable	Not applicable	C	Not applicable	Some order details are defined in pairs, where one defines the value and the other defines the units, such as VOLUME and VOLUMEUNIT, WEIGHT and WEIGHTUNIT, and STRENGTH and STRENGTHUNIT. For more information, see the Additional Information column for the OBX-3.1 (Procedure ID) field.
07	60,ST	00575	Reference Range	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
08	10,LD,r5	00576	Abnormal Flags	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
09	05,NM	00577	Probability	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
10	05,LD	00578	Nature of Abn Test	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

11	02,I D,R	005 79	Observer Result Status	Not applicable	Not applicable	Not app lica ble	N	No t ap pli ca bl e	This field is not supported by Millennium Platform.
12	26,T S	005 80	Date Last Observer Normal Values	Not applicable	Not applicable	Not app lica ble	N	No t ap pli ca bl e	This field is not supported by Millennium Platform.
13	20,S T	005 81	User Access Checks	Not applicable	Not applicable	Not app lica ble	N	No t ap pli ca bl e	This field is not supported by Millennium Platform.
14	26,T S	005 82	DT of the Observation	Not applicable	Not applicable	Not app lica ble	N	No t ap pli ca bl e	This field is not supported by Millennium Platform.
15	60,C E	005 83	Producer's ID	Not applicable	Not applicable	Not app lica ble	N	No t ap pli ca bl e	This field is not supported by Millennium Platform.
15.2	Not appl icabl e	Not app lica ble	Producer ID Text	Not applicable	Not applicable	Not app lica ble	N	No t ap pli ca bl e	This field is not supported by Millennium Platform.

15.3	Not applicable	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
15.4	Not applicable	Not applicable	Alt Producer ID Code	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
15.5	Not applicable	Not applicable	Alt Producer ID Text	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
15.6	Not applicable	Not applicable	Alternate Coding System	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
16	60, CN	00584	Responsible Observer	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

OBX Segment Processing Notes

The UI supports multiple Order Entry Field Types, see [Configure Order Entry Fields and Formats](#) for available Field Type. The maximum number of displayable characters is 255, limited by the OE_FIELD_DISPLAY_VALUE from ORDER_DETAIL.

Personnel Field Type Processing Notes

The observation value field components (OBX-5.1 through 5.14) should be populated according to their corresponding components when the value type in the OBX-2 field is an XCN datatype. Component 7 through Component 14 are conditional to the SI Manager configuration for Personnel Alias Translation. The following mapping is used:

Seq	Component Name	Data Type	Description
1	ID Number	ST	Identifier for the person
2	Family Name	FN	Person's last name / surname
3	Given Name	ST	First name
4	Second and Further Given Names or Initials Thereof	ST	Middle names or initials
5	Suffix	ST	Name suffix (e.g., Jr, III)
6	Prefix	ST	Name prefix/title (e.g., Dr, Mr)
7	Degree	IS	Academic or professional degree
8	Source Table	IS	Table used as source for identifier
9	Assigning Authority	HD	Organization assigning the identifier
10	Name Type Code	ID	Type of name (legal, alias, etc.)
11	Identifier Check Digit	ST	Check digit for identifier
12	Code Identifying the Check Digit Scheme Employed	ID	Algorithm used for check digit
13	Identifier Type Code	IS	Type of identifier (e.g., NPI, UPIN)
14	Assigning Facility	HD	Facility assigning the identifier

Physician or Provider Field Type Processing Notes

See the [Personnel Field Type Processing Notes](#) section for more information.

OBX Segment Processing Notes - Appropriate Use Criteria (AUC)

For systems sending information on diagnostic imaging orders regarding an AUC consultation event performed by an ordering provider with a Clinical Decision Support Mechanism (CDSM), or an exemption (that is, No Internet Connection Available), the interface can be configured as described below.

To indicate that AUC information is present and available to process in the message using the AUC Information Component profile, MSH-21 (Message Profile Identifier) must be valued as follows:

|AUC_Information_Component^^1.3.6.1.4.1.19376.1.1.1.39.2^ISO|

When present, ESI looks for an order-level OBX segment, and optional NTE segments in HL7 v2.9 format capturing the required data elements.

AUC Consultation Event Layout

HL7 Field	Description	Code Set	Additional Information
OBX-2	Value Type	Not applicable	The literal value of ST. The AUC messaging profile does not place a constraint on the type of CDSM score (numeric or alphabetic) contained in OBX-5.
OBX-3	Observation Identifier	Not applicable	The OBX-3.1 field contains 76515-6. The OBX-3.2 field can contain Requested Procedure is Appropriate. The OBX-3.3 field contains LN for the LOINC coding system.
OBX-5	Observation Value	Not applicable	This field contains the score assigned by CDSM for the order placed. It is captured in the AUCSCORE Order Detail in Millennium Platform.
OBX-8	Interpretation Codes	17769	This field contains the applicability of the score given to the order by the CDSM. It is captured in the AUCORDERADHERENCE Order Detail in Millennium Platform.

OBX-11	Observation Result Status	Not applicable	The literal value of O, indicating the order detail description.
OBX-15	Producer's ID Reference	4650020	This field contains the G-Code Identifier of the CDSM used in the consultation event. It is captured in the QCDSMUTILIZED Order Detail in Millennium Platform.
OBX-19	Date/Time of Observation	Not applicable	This field contains the date and time when the AUC consultation event occurred and the score was issued by the CDSM. HL7 standard DTM datatype format required (in other words, YYYYMMDDHHMM). It is captured in the AUCCONSULTDTTM Order Detail in Millennium Platform.
OBX-29	Observation Type	Not applicable	The literal value of SCI, indicating supporting clinical information.

Exemption Event Layout

HL7 Field	Description	Code Set	Additional Information
OBX-3	Observation Identifier	Not applicable	The OBX-3.1 field contains 76515-6. The OBX-3.2 field can contain Requested Procedure is Appropriate. The OBX-3.3 field contains LN for the LOINC coding system.
OBX-11	Observation Result Status	Not applicable	The literal value of O, indicating order detail description.
OBX-29	Observation Type	Not applicable	The literal value of SCI, indicating supporting clinical information.

OBX-32	Observation Value Absent Reason	17769	This field contains the codified exemption reason for not consulting with a CDSM. (that is, No Internet Connectivity). When OBX-32 is valued, OBX-2, OBX-5, OBX-8, and OBX-19 are required to be empty. It is captured in the AUCEXCEPTIONREASON Order Detail in Millennium Platform.

An optional NTE segment at the OBX segment level may be sent as described in the following table:

HL7 Field	Description	Code Set	Additional Information
NTE-2	Source of Comment	Not applicable	The literal value of O indicating other systems.
NTE-3	Comment	Not applicable	This field contains comments specific to the AUC consultation event between the ordering physician and the CDSM, or textual information regarding the exemption. In Millennium Platform, up to 255 characters can be stored in the order detail model. It is captured in the AUCCONSULTCOMMENT Order Detail in Millennium Platform.

Millennium Platform-Defined Z Segments

The Millennium Platform user-defined Z segments are described below.

ZCT Segment

The optional Container Tracking (ZTC) segment contains container information for an order received in Millennium Platform (Laboratory). This segment is used with (Laboratory) interfaces to accept container tracking information from the foreign system. The ZCT segments follow the last OBX segment for an ORC and OBR pair. The ZCT segment can repeat. The Millennium Platform C - CONTAINER and CA - CONTAINER_ACCESSION tables are referenced from the ZCT segment.

ZCT Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	HL7 Version	Additional Information

01	4,SI	ZCT01	Set Id	Not applicable	Not applicable	Not applicable	R	Not applicable	It is sequential under the OBR segment. It starts at the value 1 and is incremented by 1.
02	EI	ZCT02	Container Identifier	Not applicable	Not applicable	Not applicable	N	Not applicable	This value is the unique identifier for a container. Millennium Platform does not process this information.
03	NM	ZCT03	Accession Container Number	CA	ACCESSION_CONTAINER_NBR	Not applicable	R	Not applicable	This value is a number uniquely identifying a particular container on an accession number.
04	CE	ZCT04	Container Type Code	C	SPEC_CONTAINER_CD	2051	R	Not applicable	This value is the type of container the specimen is in.
05	CE	ZCT05	Specimen Type Code	Not applicable	Not applicable	Not applicable	N	Not applicable	This value is the type of specimen in the container. Millennium Platform does not process this information.
06	CE	ZCT06	Collection Class Code	Not applicable	Not applicable	Not applicable	N	Not applicable	This value defines a collection class used to group collection requirements. Millennium Platform does not process this information.

07	CE	ZCT07	Special Handling Code	Not applicable	Not applicable	Not applicable	N	Not applicable	This field contains any special handling for the container. Millennium Platform does not process this information.
08	NM	ZCT08	Collection Volume	C	VOLUME	Not applicable	R	Not applicable	This value is the total volume of the container.
09	CE	ZCT09	Collection Volume Units Code	C	UNITS_CD	54	R	Not applicable	This value is the units in which the container is measured.
10	TS	ZCT10	Drawn Date and Time	Not applicable	Not applicable	Not applicable	N	Not applicable	This value is the date and time the specimen is collected. Millennium Platform does not process this information.
11	NM	ZCT11	Parent Accession Container Number	CA	ACCESSION_CONTAINER_NBR	Not applicable	O	Not applicable	This value is the container accession number pertaining to the parent container that the aliquot came from.
12	ST	ZCT12	Container Barcode Accession	CA	BARCODE_ACCESSION	Not applicable	R	Not applicable	This value is the string is printed on the container label to uniquely identify the specimen. This string is the accession number truncated.

13	CE	ZCT1 3	Container Alias Code	Not applica ble	Not applicable	Not applica ble	N	Not applica ble	This value is an alias for the container suffix. Millennium Platform does not process this information.

Additional Resources

- [Configure ESI Special Configurations](#)
- [Configure ESI with SI_Manager](#)
- [Unit 03 - Concepts and Definitions](#)
- [Unit 08i - ADT Message Processing Inbound Specifications](#)
- [Unit 08i - ADT Message Processing Inbound - HL7 Segments Specifications](#)

Unit 09o - Order Message Processing Outbound Specifications

Reference Pages

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Overview

This Reference Page describes the Health Level Seven (HL7) order messages, order control codes, and order segments that are transmitted from the Millennium Platform Universal Interface (UI). This Reference Page also describes how the UI processes each order control code. This page does not discuss the following:

- Pharmacy Encoded Orders (RDE) messages with Pharmacy Treatment Encoded Order (RXE) segments
- Order Entry (ORM) messages with Dietary Orders, Supplements, and Preferences (ODS) segments
- ORM messages with the Requisitioned Detail (RQD) segments

The Millennium Platform UI transmits real-time order messages to an external system using the HL7 Order Entry (ORM) message. The Millennium Platform UI transmits new orders (NW) with send order numbers (SN) initiated in Millennium Platform applications and also includes the following applications:

- Enterprise Document Management
- Multiple Laboratory applications, including Anatomic Pathology, Blood Bank Transfusion, General Laboratory, and Microbiology
- Radiology Management
- Other departmental applications

For each of the Millennium Platform applications listed above, the UI transmits Millennium Platform-initiated status and cancel messages using the order status updates (SC), order canceled (OC), and change order (XX) control events. The Millennium Platform activity that triggers an order status update varies by order activity type and the Millennium Platform solutions installed.

For continuing orders only, the UI transmits discontinue (DC), suspend (OH), and release from hold (RL) messages.

When the UI sends an ORM message with the SN order control code, the UI expects an immediate acknowledgment (ACK) response and a deferred order acknowledgment (ORR) response message with the number-assigned (NA) order-control code.

Constraints

The UI does not accept ORR response messages for any other order control code except the NA code.

The UI sends the ORR response using an interface connection that is different from the channel used to receive the original ORM message from the external system. The UI accepts an ORR response from an external system using an interface connection that is different from the channel used to send the Millennium Platform initiated ORM message to the external system. For example, if an order interface to Millennium Platform exists, that connection is used to receive the ORR response.

When Millennium Platform is the order management system, Oracle is defined in this specification as the HL7 placer system. When an external system is the order management system sending orders to a Millennium Platform departmental system, for example, Laboratory, Radiology Management, or Surgical Management, then Oracle is defined in this specification as the HL7 filler system. In addition, a Millennium Platform departmental system is considered as the placer system when sending orders to a supporting external system, for example, a reference laboratory or dictation system.

Patient Identification

Millennium Platform systems require at least one primary identifier to uniquely identify a patient's medical record number (MRN) or other primary person aliases, and one primary identifier to uniquely identify an encounter financial number or other primary encounter aliases. The UI provides one or more person identifiers and one or more encounter identifiers in the ORM message.

Configuration Option	Additional Information
System Level	All valid identifiers and alias pools. Not configurable. Used for all messages from Millennium Platform. See the patient identification (PID) and patient visit (PV1) segment definitions.
Encounter Organization Level	Identifiers and assigning authorities transmitted can vary with the organization associated with an encounter. Currently not configurable. Custom scripting is required to implement flexing identifiers by the organization.
Receiving System - Interface Level	Configurable list of valid identifiers using alias pool code or code value outbound (CVO) by contributor source code. See the PID and PV1 segment definitions.

Selection Criteria

The UI provides configurable selection criteria to select populations and order activity eligible for transmission to external systems.

The UI provides configurable selection at the trigger or system level or at the interface level (Communications server [Comserver] by contributor source code).

At the trigger or macro level, the options selected collectively determine the universe of messages transmitted from Millennium Platform. The UI always transmits at the highest level. You can configure order selection at the macro trigger level using any combination of the following variables:

- Activity type (for example, general laboratory, microbiology, or radiology)
- Order action (for example, order, modify, or complete)
- Contributor system (either original order or order action)
- Order status (either order or department)
- Order type

The following are examples of order type variables:

- AP Special
- Bill only
- Care set child
- Care set parent
- Continuing order instance
- Continuing order parent
- Interval child
- Interval parent
- Super group parent
- Super group child

Note

Macro-level order selection currently requires both a back-end CCL session (eso_init_outbound) and the eso_get_order_selection script. The eso_get_order_selection script includes a standard area to set order variables and indicators that are used to suppress specific order activity. This script includes a custom area to implement additional site-specific macro-level suppression options. By default, all order activity is transmitted unless specifically suppressed in the custom area.

Setting a code value outbound alias to the literal SKIPMSG for specific fields causes the External System Outbound (ESO) Comserver to skip this message and continue immediately to the next message. The skipped message is not logged or sent to the receiving system or engine. The SKIPMSG option is used when filtering at the ESO server level is either not available or not appropriate. Currently, the ESO Run Time Library (ESORTL) processes the SKIPMSG indicator string if it is valued in the following HL7 fields:

- PV1-2 (Patient Class)
- PV1-3.1 (Patient Location Point Of Care)
- PV1-3.4 (Patient Location Facility)
- PV1-18 (Patient Type)
- OBR-24 (Diagnostic Service Section ID)

You can use this literal-based convention for skipping messages to configure order selection at the interface level (contributor system or Comserver) by contributor source code. Although you can use the literal SKIPMSG to value other fields, the logic to skip the message requires customization.

Setting a code value outbound alias to the literal DONOTSEND causes ESORTL to send an empty field or component, for example, ||. In addition, ESORTL suppresses specific segments when specific fields include the DONOTSEND literal. ESORTL suppresses NTE segments if the DONOTSEND string is sent in the NTE-2 (Source Of Comment) field. ESORTL also suppresses an entire ORM message Observation/Result (OBX) group (the OBX segment and related NTE segments) if the OBX-3.1 (ObservationId) field is populated with DONOTSEND. ESORTL also suppresses an entire ORM message Observation Request (OBR) group, which includes the OBR segment and related OBX and NTE segments, if the DONOTSEND string is populated in the ORC-1 (Order Control), OBR-4.1 (Universal Service ID), or OBR-24 (Diagnostic Service Section ID) fields.

Patient Selection

The UI supports the configurable selection of patient populations eligible for interface activity from Millennium Platform. You can configure selection at the interface level using the literal-based SKIPMSG convention as described above.

Order Activity Selection: Hold Logic

The Millennium Platform interface holds the logic delays transmission of result activity until the foreign system is ready to accept the transaction. Hold rules can flex by the following items:

- Encounter Organization
- Event Class
- Interface Trigger
- Interface Type
- Order Activity Type
- Order and Procedure Code (for example, catalog code or event code, and single or grouped)
- Patient type

The available transmit or hold release levels include the following levels:

- Transmit immediately (no hold).
- Hold and transmit upon receipt of identifiers per hold rule configurations.

- Transmit now and hold for later transmission.

The configuration holds the options for HL7 order messages include the following options:

- By one or more person identifiers (alias pool code and assigning authority).
- By one or more encounter identifiers (alias pool code and assigning authority).
- By one or more order identifiers (alias pool code).

Code Value Selection

Millennium Platform allows multiple external systems to send coded data elements of variable length. Each coded value from the contributor source is mapped as an alias to a Millennium Platform data item. More than one code value alias can point to the same Millennium Platform data item.

Identification of which code value outbound alias is used for interface activity from Millennium Platform is configurable at the interface level by the contributor system and outbound alias process code (Code Set 14875). Process codes determine how ESORTL selects outbound aliases from the code value outbound (CVO) table. The following options are valid:

- CVO Decode, Use Primary Source
- CVO Decode, Use Prim/Secondary Source
- No CVO Decode

When the use primary source option is configured, ESORTL decodes a code value using the primary or only contributor source code (Code Set 73) to find the code value outbound alias. When the Use Prim/Secondary Source option is configured, ESORTL identifies the outbound alias by first searching for a CVO with the primary contributor source code. If ESORTL does not find a CVO with the primary contributor source code, ESORTL uses the alternate or secondary contributor source code to select a CVO alias. Use the Prim/Secondary option to define a common set of CVO aliases used by all interfaces (the generic or secondary) and an interface-specific set of CVO aliases used by a single interface (the specific or primary). ESORTL always selects and uses the interface-specific CVO alias before selecting and using the common or secondary alias.

Ordered Procedure Selection

Order activity is eligible for transmission based first on the system selection options described earlier in this unit. The UI provides additional options to suppress messages at the interface level by ordered procedures (order catalog). The following options are available for ordered procedure selection:

- Do not send an order message if outbound code value alias (Code Set 200) DONOTSEND.
- Do not send an order message if outbound code value alias (Code Set 200) SKIPMSG. Custom scripting is required to implement.
- Do not send a message if outbound alias (Code Set 200) does not exist. This is configurable using a back-end CCL session (eso_init_outbound) and defining code set interface SKIP_MSG rule for Code Set 200. Because procedures can inappropriately be skipped, Oracle does not recommend this option.

Once the ordered procedure is selected as eligible for transmission, the UI sends an ORM message using an order control code based on the Millennium Platform trigger event or order action.

Order Identification

Millennium Platform identifies every order with a unique internally assigned order_id. Other order identifiers vary with the Millennium Platform application, orderable procedure activity type, and interface processing.

Result Identifier	Description
Millennium Platform Order Identifier	This identifier is a unique internally assigned number. Order_id. For care sets or supergroups, a different unique order_id is assigned to the parent orderable procedure and to each child ordered component.
Order Alias Identifiers	These identifiers are from an external system that point to a Millennium Platform order. More than one alias per contributing system can be available.
Millennium Platform Accession Number	This identifier is a unique specimen or case identifier that is internally assigned. They are not always available with the initial order. More than one order_id is allowed per accession number. The accession number is not available with all Millennium Platform applications. This is used when one of the following applications is implemented: • Millennium Platform Collections • Laboratory: General Laboratory, Blood Bank Donor, Microbiology, Anatomic Pathology • RadNet
Millennium Platform Radiology PACS ID	This identifier is a RadNet internal number assigned to the initial radiology ordered exam. If the original exam is replaced by cancellation or new a order, the new exam has a new Millennium Platform order_id but has the same Radiology PACS ID.

The following options are available for order identifiers:

Option	Description
System Level	All valid identifiers and alias pools per UI specifications. This option is not configurable and is used for all order and result messages from Millennium Platform. See the OBR segment definition for more information.
Receiving System - Interface Level	A configurable set of identifiers using alias pool code, or CVO by contributor source code. See the OBR Segment definition for more information.

Order Event Summary

The Millennium Platform UI can send ORM message and accept ORR response messages with the following *HL7* event codes and order control codes:

Description	Message Type	Event Code	Order Control Code	Originator [1]	Transmitted From Millennium Platform	Response From Millennium Platform [2]
New Order	ORM	O01	NW	P,F	Yes	Not Found

Order Accepted and OK	ORR	O02	OK	F	No	No
Unable to accept	ORR	O02	UA	F	No	No
Cancel Order Request	ORM	O01	CA	P	No	Not Found
Order Canceled	ORM	O01	OC	F	Yes	Not Found
Canceled as Requested	ORR	O02	CR	F	No	No
Unable to Cancel	ORR	O02	UC	F	No	No
Discontinue Order Request	ORM	O01	DC	P	No	Not Found
Order Discontinued	ORM	O01	OD	F	Yes	Not Found
Discontinue as Requested	ORR	O02	DR	F	No	No
Unable to Discontinue	ORR	O02	UD	F	No	No
Hold Order Request	ORM	O01	HD	P	No	Not Found
Order Held	ORM	O01	OH	F	Yes	Not Found
On Hold as Requested	ORR	O02	HR	F	No	No
Unable to Put Order on Hold	ORR	O02	UH	F	No	No

Release Previous Hold	ORM	O01	RL	P	Yes	Not Found
Released as Requested	ORR	O02	OR	F	No	No
Unable to Release	ORR	O02	UR	F	No	No
Order Released	ORM	O01	OE	F	No	No
Order Replace Request	ORM	O01	RP	P	No	Not Found
Replaced Unsolicited	ORM	O01	RU	F	No	Not Found
Replacement Order	ORM	O01	RO	P,F	No	Not Found
Replaced as Requested	ORR	O02	RQ	F	No	No
Unable to Replace	ORR	O02	UM	F	No	No
Parent Order	ORM	O01	PA	P,F	No	Not Found
Child Order	ORM	O01	CH	P,F	No	Not Found
Change Order Request	ORM	O01	XO	P	No	Not Found
Order Changed, Unsol	ORM	O01	XX	F	Yes	Not Found
Unable to Change	ORR	O02	UX	F	No	No
Change as Requested	ORR	O02	XR	F	No	No

Data Errors	ORM	O01	DE	P,F	No	Not Found
Observations to Follow	ORM	O01	RE	P,F	Yes (ORU)	Not Found
Combined Results	ORM	O01	CN	F	Yes (ORU)	Not Found
Send Order Status Request	ORM	O01	SS	P	No	Not Found
Status Change	ORM	O01	SC	P,F	Yes	Not Found
Send Order Number	ORM	O01	SN	F	Yes	Not Found
Number Assigned	ORR	O02	NA	P	Yes	Yes to SN
Request Received	ORR	O02	RR	P,F	No	No
Response to Send Order Status	ORR	O02	SR	F	No	No
Refill Order Request	ORM	O01	RF	P,F	Not applicable	Not Found
Order Refilled Unsolicited	ORM	O01	FU	F	Not applicable	Not Found
Order Refill Request Approval	ORR	O02	AF	P	Not applicable	Not applicable
Order Refill Request Denied	ORR	O02	DF	P	Not applicable	Not applicable
Order Refilled as Request	ORR	O02	OF	F	Not applicable	Not applicable

Unable to Refill	ORR	O02	UF	F	Not applicable	Not applicable

The UI does not determine processing based on a definition of the originator as a placer or a filler system. The designation of an application as the placer, filler, or auxiliary (interested party) system is, however, an important concept for understanding the message flow, trigger events, and overall interface design and implementation.

The message control ID and response flag are included on the Orders Miscellaneous List. This list is used for outbound processing to determine if an ORR response is needed and to format the appropriate ORR response. This functionality is not configurable and requires scripting in the `eso_get_order_selection` script. Initial implementations can also require outbound communications client scripting.

Orders from Millennium Platform: Message Definition and Processing

The orders from Millennium Platform-message definition and processing are described in the sections below.

General Order Message Definition (ORM^O01)

The UI sends order messages using the OBR order detail segment with the following ORM message format:

Order	ORM Segment	Segment Name	Additional Information
1	MSH	Message Header	None
2	[{ NTE }]	Notes and Comments (for Header)	This segment is not supported by Millennium Platform.
3	[	Not applicable	None
4	PID	Patient Identification	None
5	[{ NTE }]	Notes and Comments (for Visit ID)	None
6	[PD1]	Additional Demographics	None
7	[{ NTE }]	Notes and Comments (for Patient ID)	This segment is not supported by Millennium Platform.
8	[	Not applicable	None
9	PV1	Patient Visit	None

10	[PV2]	Patient Visit - Additional Info.	None
11	[ZVI]	Additional Visit Information	None
12	]	Not applicable	None
13	[{	Not applicable	None
14	IN1	Insurance	None
15	[IN2]	Insurance Additional Info	None
16	[ZNI]	Additional Insurance Information	None
17	[ZN2]	Additional Insurance Information	None
18	[	Not applicable	None
19	IN3	Insurance Additional Info - Cert.	None
20	[ZN3]	Additional Insurance Information	None
21	]	Not applicable	None
22	[ZEI]	Additional Employment Information - Ins.	None
23	}}	Not applicable	None
24	[GT1]	Guarantor	None
25	[ZGI]	Additional Guarantor Information	None
26	[{	Not applicable	None
27	AL1	Allergy Information	None

28	[ZAL]	Additional Allergy Information	None
29	[[NTE]]	Notes and Comments (for Allergies)	The NTE segment is not included in the standard <i>HL7</i> Order message. The Millennium Platform UI uses the NTE segment for free-text allergy comments.
30	}}	Not applicable	None
31	]	Not applicable	None
32	{	Not applicable	None
33	ORC	Common Order	None
34	[	Not applicable	None
35	OBR	Observation Request	None
36	[[NTE]]	Notes and Comments (for OBR)	This segment contains nonspecific, order level comments.
37	[[DG1]]	Diagnosis	None
38	[[	Not applicable	None
39	OBX	Observation/Result	None
40	[[NTE]]	Notes and Comments (for OBX)	This segment is not supported by Millennium Platform.
41	}}	Not applicable	None
42	[[ZCT]]	Container Tracking	This segment is the Oracle defined Z segment for container tracking. It is used only with the Millennium Platform Collections module.
43	[ZBR]	Additional Order Information	None

44	]	Not applicable	None
45	[[CTI]]	Clinical Trial Identification	This segment is not supported by Millennium Platform.
46	[BLG]	Billing Segment	This segment is not supported by Millennium Platform.
47	}	Not applicable	None

See [Unit 8o: ADT Message Processing Outbound](#) for information on mapping and processing the following segments:

- IN1
- IN2
- IN3
- GT1
- PV2
- ZVI
- PID level NTE
- PD1

ORM Additional Use Notes

The UI sends orders with a single Common Order (ORC) and OBR pair per ORM message.

Note

The SCS_NET trigger in ESO sends multiple ORC and OBR pairs when the order status message is triggered outbound by the SCS Netting server (SCP 131). One is sent for each order that is linked to the accession.

Oracle provides a unique identifier for each order transmitted to an external system. This order identifier is constant and unique, is never reused, and is provided when the order message is first initiated from Millennium Platform. The Millennium Platform order identifier or a unique alias must be returned in all order or result activity later transmitted back to Millennium Platform from an external system.

The UI provides a configurable option at the system level using the `eso_init_outbound` CCL program to suppress the following segments:

- PV2
- ZVI
- IN1/IN2/IN3
- GT1
- AL1/ZAL
- ZCT
- PID level NTE
- PD1

Site-specific scripting is required for suppression at an interface-specific (Comserver) level.

Pharmacy and Treatment Order Message Definition (ORM^O01)

The UI sends Medication order messages using the RXO pharmacy treatment order segment with the following ORM message format:

O r d e r	ORR Segm ent	Segment Name	Additional Information
1	MSH	Message Header	None
2	{{ NTE }}	Notes and Comments (for Header)	This segment is not supported by Millennium Platform.
3	[	Not applicable	None
4	PID	Patient Identification	None
5	[PD1]	Additional Demographics	None
6	{{ NTE }}	Notes and Comments (for Patient ID)	This segment is not supported by Millennium Platform.
7	[	Not applicable	None
8	PV1	Patient Visit	None
9	[PV2]	Patient Visit - Additional Info	None
1 0	[ZVI]	Additional Visit Information	None
1 1	]	Not applicable	None

1 2	[[	Not applicable	None
1 3	IN1	Insurance	None
1 4	[IN2]	Insurance Additional Info	None
1 5	[ZN1]	Additional Insurance Information	None
1 6	[ZN2]	Additional Insurance Information	None
1 7	[	Not applicable	None
1 8	IN3	Insurance Additional Info - Cert.	None
1 9	[ZN3]	Additional Insurance Information	None
2 0	]	Not applicable	None
2 1	[ZE1]	Additional Employment Information - Ins.	None
2 2	}}	Not applicable	None
2 3	[GT1]	Guarantor	None
2 4	[[	Not applicable	None

2 5	AL1	Allergy Information	None
2 6	[ZAL]	Additional Allergy Information	None
2 7	{{ NTE }}	Notes and Comments (for Allergies)	The NTE segment is not included in the standard HL7 Order message. The Millennium Platform UI uses the NTE segment for free-text allergy comments.
2 8	}}	Not applicable	None
2 9	]	Not applicable	None
3 0	{	Not applicable	None
3 1	ORC	Common Order	None
3 2	[	Not applicable	None
3 3	RXO	Pharmacy/ Treatment Order	None
3 4	{{ NTE }}	Notes and Comments (for RXO)	None
3 5	{ RXR }	Pharmacy/ Treatment Route (for RXO)	None
3 6	[	Not applicable	None

37	{ RXC }	Pharmacy/ Treatment Component (for RXO)	None
38	{{ NTE }}	Notes and Comments (for RXC)	This segment is not supported by Millennium Platform.
39	]	Not applicable	None
40	{{	Not applicable	None
41	OBX	Observation/ Result	None
42	{{ NTE }}	Notes and Comments (for OBX)	This segment is not supported by Millennium Platform.
43	}}	Not applicable	None
44	]	Not applicable	None
45	[BLG]	Billing Segment	This segment is not supported by Millennium Platform.
46	}	Not applicable	None

Pharmacy and Treatment ORM Additional Use Notes

The UI sends pharmacy and treatment orders with a single ORC and RXO pair per the ORM message.

Pharmacy and Treatment ORM messages are generated when the medication order does not include ORDER_PRODUCT information. Messages that include ORDER_PRODUCT information are transmitted as RDE events, which are not covered in this reference page.

General Order Response Message Definition (ORR^O02)

The UI can send an asynchronous order response message using the following HL7 ORR message format:

Order	ORR Segment	Segment Name	Additional Information
1	MSH	Message Header	None
2	MSA	Message Acknowledgment	None
3	[ERR]	Error	None
4	[[NTE]]	Notes and Comments (for Header)	This segment is not supported by Millennium Platform.
5	[	Not applicable	None
6	[	Not applicable	None
7	PID	Patient Identification	None
8	[[NTE]]	Notes and Comments (for Patient ID)	This segment is not supported by Millennium Platform.
9	]	Not applicable	None
10	{	Not applicable	None
11	ORC	Order Control	None
12	[	Not applicable	None
13	OBR	Order Detail	None
14	[[NTE]]	Notes and Comments (for OBR)	This segment is not supported by Millennium Platform.
15	[[DG1]]	Diagnosis	This segment is not supported by Millennium Platform.
16	[[	Not applicable	None

17	OBX	Observation/Result	This segment is not supported by Millennium Platform.
18	[[NTE]]	Notes and Comments (for OBX)	This segment is not supported by Millennium Platform.
19	}}	Not applicable	None
20	]	Not applicable	None
21	[[CTI]]	Clinical Trial Identification	This segment is not supported by Millennium Platform.
22	}	Not applicable	None
23	]	Not applicable	None

ORR Additional Use Notes

The Millennium Platform UI can send an ORR message with the ORC-1-Order Control-NA. The NA is in response to the original ORM message sent with ORC-1-Order Control-SN.

The ORR response message format requires scripting at the interface-specific (Comserver) level to value the Message Acknowledgment (MSA) segment.

Orders Generated in Millennium Platform (O01/NW)

The Millennium Platform UI sends new orders originating in Millennium Platform using HL7's ORM message with an event code of O01. The UI uses the code value outbound alias to the Millennium Platform order action (Code Set 6003) to determine whether to send new orders using the NW order control code or the SN order control code described later on this page. If the receiving system transmits the Millennium Platform order number as the order identifier for subsequent order or result activity, the ORC-1 (Order Control Code) field includes the value NW to indicate a new order event.

The UI can send one-time orders, continuous orders, or instances of a continuing order.

The UI can send new orders entered as order sets or supergroups at the component procedure level, orderable procedure level, or both. The UI cannot send the parent and child components in the same message.

As previously discussed in this unit, site-specific options to suppress order activity are defined in the `eso_get_order_selection` script.

The UI sends specific order prompts or details using OBX segments. The UI can send an unlimited number of order comment lines using NTE segments.

The UI can send Bill Only procedures. However, these procedures are defined in the Millennium Platform Order Catalog as Bill Only procedures and can be included and excluded in the orders interface based on the selection options described earlier in this unit.

Note

The purpose and function of the Universal orders interface is to send clinical order information to external systems, giving health providers immediate access to reliable, accurate, and up-to-date clinical data. The orders interface is not designed to function as a charge interface. Millennium Platform applications provide many opportunities to create and modify charges that are not and cannot be related directly to an order, cancel, or order status message. Examples include the following functions:

- Add-on charges
- Blood bank product dispenses or returns
- Charge and credit only orders that never have results, and repeats
- Crossmatches for compatible and noncompatible activity
- No-charge orders that have results
- Susceptibility orders in microbiology

Oracle does not recommend using this interface as the only way to capture charges. Lost charges and inappropriate charges can occur.

Orders Generated in Millennium Platform (O01/SN)

You can pass orders originating in Millennium Platform to a foreign system using *HL7* s ORM message with an event code of O01. If the foreign system assigned the primary order identifier, then the ORC-1 (Order Control) field of the ORC segment includes the SN value to indicate that the foreign system must provide a placer order number.

Note

Options and issues discussed in the NW paragraph apply to new orders transmitted using the SN order control.

Special Considerations

The Order Identifier value transmitted in the Placer Order Number (ORC-2 / OBR-2), Filler Order Number (ORC-3 / OBR-3), or other available fields must be returned with the ORR order notification transaction (NA message). This feature allows the UI to map the external systems order number to the appropriate order on the Millennium Platform system. The UI inserts the external systems order number as a Millennium Platform Order Alias.

Following successful processing of the NA message, subsequent activity transmitted from Millennium Platform includes both the Millennium Platform and the external systems order number. Following successful processing of the NA message, if the external order number is unique, constant, and never reused, then the UI can use the external systems order number as the primary order identifier for order and result activity to Millennium Platform.

Order Number Notification (O02/NA) to Millennium Platform

As described above, for Millennium Platform initiated orders where the foreign system must assign the order number, the NA response message is necessary for Millennium Platform to update its order with the foreign order number. Requirements for the ORR message returned to Millennium Platform are as follows:

- The ORC-1 (Order Control) field must be valued with the NA order control code.
- The foreign order number must be in the ORC-2.1 (Placer Order Number), ORC-2.1, or other available configurable fields.

- The external system must return the Millennium Platform Order Identifier in the OBR-3.1 (Filler Order ID) field exactly as transmitted with the Millennium Platform-initiated order ORM message with the SN order control code.
- The Millennium Platform Order Identifier value and its HL7 field returned from the foreign system must equal the Millennium Platform Order Identifier and its HL7 field transmitted by the UI to the foreign system in the SN message.

Note

The HL7 fields listed above are the default fields. The data values, which include the foreign order number and Millennium Platform order number, are always required in the NA message; however, the HL7 fields used to provide these data elements are configurable. The Millennium Platform UI provides configurable options to accept these elements in alternative HL7 fields.

Order Canceled in Millennium Platform (O01/OC)

When an order is canceled in a Millennium Platform application and an application-level response is not expected, the UI sends an event notification ORM message with the Order Control field of the ORC segment valued as Order Canceled (OC).

The Millennium Platform UI provides the cancel personnel identifier in the ORC-10 (Entered By) field.

The Millennium Platform UI provides a Cancel Reason code in the ORC-16.1 (Order Control Reason Code) field. The Millennium Platform UI provides free-text cancel comments in an NTE segment.

The cancel date and time are the date and time provided in the ORC-9 (Transaction Date and Time) field.

Order Discontinued in Millennium Platform (O01/OD)

When an active continuous order is discontinued in Millennium Platform and an application-level response is not expected, the UI sends an event notification ORM message with the Order Control field of the ORC segment valued Order Discontinued (OD).

The Millennium Platform UI provides a discontinue personnel identifier in the ORC-10 (Entered By) field.

The Millennium Platform UI provides a Discontinue Reason Code in the ORC-16.1 (Order Control Reason Code) field. The UI provides free-text discontinue comments in an NTE segment.

The discontinue date and time are the date and time provided in the ORC-9 (Transaction Date and Time) field.

Order Held in Millennium Platform (O01/OH)

When an active continuous order is held or suspended in Millennium Platform and an application-level response is not expected, the Millennium Platform UI sends an event notification ORM message with the Order Control field of the ORC segment valued Order Held (OH).

The Millennium Platform UI Provides the Suspend Personnel Identifier in the ORC-10 (Entered By) Field.

The Millennium Platform UI provides a Suspend (Hold) Reason Code in the (ORC-16.1) field. The Millennium Platform UI provides free-text suspend comments in an NTE segment.

The suspend date and time are the date and time provided in the ORC-9 (Transaction Date and Time) field.

Order Released in Millennium Platform (O01/OE)

When a suspended order is resumed in Millennium Platform and an application-level response is not expected, the Millennium Platform UI sends an event notification ORM message with the Order Control field of the ORC segment valued Order Released (OE).

The Millennium Platform UI provides the release personnel identifier in the ORC-10 (Entered By) field.

The Millennium Platform UI provides a Resume Reason Code in the ORC-16.1 (Order Control Reason Code) field. The Millennium Platform UI provides free-text release comments in an NTE segment.

The resume date and time are the date and time provided in the ORC-9 (Transaction Date and Time) field.

Order Changed in Millennium Platform (O01/XX)

When an order is changed in Millennium Platform and an application-level response is not expected, the UI sends an event notification ORM message with the Order Control field of the ORC segment valued Order Changed (XX).

The Millennium Platform UI provides the modify personnel identifier in the ORC-10 (Entered By) field.

The Millennium Platform UI provides a Modify Reason Code in the ORC-16.1 (Order Control Reason Code) field. The Millennium Platform UI provides free-text modify comments in an NTE segment.

The modify date and time are the date and time provided in the ORC-9 (Transaction Date and Time) field.

Note

Not every auxiliary system can accept order modifications. Millennium Platform provides two configurable modify privileges that can be turned ON and OFF by user position. You can set the privileges below to include and exclude by catalog type, activity type, or orderable procedure.

- **Modify Order privilege:** You can modify active orders. Disable this privilege when the receiving auxiliary system cannot accept order modifications.
- **Modify On-Hold privilege:** You can modify future (orders with no encounter), incomplete, and medical student orders. You can also activate future orders.

Status Changed in Millennium Platform (O01/SC)

When Oracle is defined as the filler system, the UI can send status change messages using HL7 's ORM message with an event code of O01. When Oracle is defined as the placer system, the UI can also trigger status change messages. However, these actions usually do not apply to interfaced departments and are suppressed by orderable procedure activity type.

The ORC-1 (Order Control Code) field includes the SC value to indicate a status change notification. The ORC-5 (Order Status) field includes the status of the order known at the time that the message is formatted for transmission. Millennium Platform orders have both an order status (Code Set 6004) and a department order status (Code Set 14281). When the Millennium Platform order action is a status change, the UI values the ORC-5 field with the department order status.

The UI can send the following items:

Millennium Platform Order Status	ORC-5 (Order Status)	Additional Information
Ordered	O: Ordered Note The transmitted value of the order status is configurable as a CVO alias.	Events that trigger SC messages vary by activity type, for example, department or discipline. This indicates that the departmental activity has occurred but results are not available. Not all disciplines trigger a departmental order status change. Laboratory: In laboratory. RadNet Exam Started, Exam Completed, and Exam Replaced.
In Process	IP: In process, Unspecified	This status indicates that results are available. Not all disciplines or orders have in-process triggers.
Completed	CM: Order is completed	This status indicates that all pending results are completed or signed.

HL7 Segment Layouts

This section defines the HL7 data segments supported by the Millennium Platform UI. The segment definition tables are populated as displayed on the following table:

Heading	Contents	Values
Sequence	HL7 Field Sequence	Begins with 01 for each segment.
HL7 Format	HL7 maximum bytes	Defined by HL7. Values are comma delimited, such as 20,ST,R. The data type in parentheses indicates the type used by Millennium Platform. The following values are required: • R: Required • C: Conditional • O: Or empty - Optional • r#: Repeat, where r indicates repeat and # is the number of instances. The r without a number indicates that a field can repeat an indefinite number of times.
HL7 Element	HL7 Field identifier	A unique identifier defined by HL7.
Name	HL7 field name	Defined by HL7.

Oracle Table	Millennium Platform table	The abbreviated table name. A plus sign (+) denotes that the attribute is stored on multiple tables. A v denotes that the attribute is stored on various tables depending on the event and other values.
Oracle Attribute	Millennium Platform column or attribute	The attribute name. A value of not applicable denotes that the transmitted element is not stored.
Code Set	Millennium Platform Code Set	The code set number. An E before the code set number indicates an extendible code set, which is a code set that has nonaliased values, added on-the-fly (AOF).
R/O	Field required by Millennium Platform	The following values are required: • R: Required to process the message. • C: Conditionally required. • O: Optional. • N: Not supported. • B: Backward compatibility. Use new field defined. • r#: Repeat, where r indicates repeat and # is the number of instances. The r without a number indicates that a field can repeat an indefinite number of times.
HL7 Version	HL7 version number	The HL7 version in which the field was first supported.
Additional Information	Millennium Platform Field Usage Information	Additional information.

Note

This section defines *HL7* order entry data segments supported in the ORM interface from Millennium Platform applications to an external system. For convenience, the common PID and PV1 segment definitions are included in this unit. See [Unit 08o - ADT Message Processing Outbound Specifications](#) for information on mapping and processing the following segments:

- GT1
- IN1
- IN2
- IN3
- PV2

Note

Code meanings listed as valid values represent Common Data Foundation (CDF) meanings. The actual transmitted code from the external system does not have to match the code meaning but maps to a code meaning using the CODE_VALUE_OUTBOUND table. Unless specifically identified with a size limit, Millennium Platform can accept values larger than the HL7 maximum size. For example, the maximum size of a code value alias built by a user is 255 characters.

Control Segments (HL7 Chapter 2)

The Control Segments are described in the sections below.

MSH Segment

The Message Header (MSH) segment defines the characteristics of the message. The sending and receiving applications are identified, and the encoding characters used as delimiters for the message are also identified. The MSH message type is used to indicate the type of message being transmitted. In the MSH segment of the ACK response, the values of the Sending Application, Sending Facility, Receiving Application, and Receiving Facility are the reverse of the values in the original message. The Millennium Platform OFP - Outbound Field Processing table is referenced from the MSH segment.

MSH Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	Additional Information
01	1,ST,R	00001	Field Separator	Not applicable	Not applicable	Not applicable	R	A field separator that can be a printable character that is never included in transmitted data. The recommended value is a vertical bar () (ASCII code 124). The interface uses the recommended value.

02	4,ST,R	00002	Encoding Char	Not applicable	Not applicable	Not applicable	R	This is used to separate data field components, repeating data elements, and text control characters. It be printable characters that are never included in transmitted data. The following values are recommended values: • Pos 1: Component Separator (^) (ASCII code 94) • Pos 2: Repetition Separator (~) (ASCII code 126) • Pos 3: Escape () (ASCII code 92) • Pos 4: Sub-Component (&) (ASCII code 38) The interface uses the recommended values.
03	227,HD,O	00003	Send Application	OFP	Null_string	Not applicable	R	This field contains a site-defined description of sending application. It must be unique., and is configurable in ESO_INIT_OUTBOUND. HL7 User Table 0361.

04	227,HD, O	00004	Send Facility	OFP	Null_string	Not applicable	R	This field contains a site-defined description of sending facility. It is configurable in ESO_INIT_OUTBOUND. HL7 User Table 0362.
05	227,HD, O	00005	Receive Application	OFP	Null_string	Not applicable	C	This field contains a site-defined description of receiving application. It is configurable in ESO_INIT_OUTBOUND. HL7 User Table 0361.
06	227,HD, O	00006	Receiving Facility	OFP	Null_string	Not applicable	C	This field contains a site-defined description of receiving facility. It is configurable in ESO_INIT_OUTBOUND. HL7 User Table 0362.
07	26,TS,O	00007	D/T of Message	Not applicable	Not applicable	Not applicable	R	This field contains the system date and time that the message was formatted in the sending system. Release Considerations This field became a requirement with HL7 v2.4.
08	40,ST,O	00008	Security	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.

09	15,MSG, R	00009	Message Type	Not applicab le	Not applicab le	Not applicab le	R	This field contains the specific HL7 message type and event triggering the message.
09.1	Not applicab le	Not applicab le	Type	Not applicab le	Not applicab le	Not applicab le	R	HL7 table 0076.
09.2	Not applicab le	Not applicab le	Event	Not applicab le	Not applicab le	Not applicab le	R	HL7 table 003.
09.3	Not applicab le	Not applicab le	Structure	Not applicab le	Not applicab le	Not applicab le	O	HL7 table 0354.

10	20,PT,R	00010	Message Control ID	Not applicable	Not applicable	Not applicable	R	A unique initiator is generated. The responder returns the sender value in an ACK message in the MSA-2 field. With acknowledgment messages, the MSH-10 value can be identical to the original sender value or it can be a new unique value assigned by the acknowledging system. Note The Control ID consists of at least the QUEUE_ID and TRIGGER_ID of the transaction. The QUEUE_ID immediately follows the Q. The TRIGGER_ID immediately follows the T.

11	3,PT,R	00011	Processing ID <i>HL7 2.3</i> Processing id^mode	Not applicable	Not applicable	Not applicable	R	In HL7 v2.3.1, this value is derived from the back-end CCL session. Oracle recommends the following values: • A: Archive • R: Restore from archive • I: Initial load, not present for Not present • T: Current processing or transmitted at intervals
12	60,VID,R	00012	Version ID	Not applicable	Not applicable	Not applicable	R	HL7 version. Set the value to 2.3, 2.4, or 2.5.1 as appropriate.
13	15,NM,O	00013	Sequence Number	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. It contains the HL7 sequence number protocol.
14	180,ST,O	00014	Continuation Pointer	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. It contains a value indicating a single logical message transmitted using more than one physical message.
15	2,ID,O	00015	Accept ACK Type	Not applicable	Not applicable	Not applicable	O	The default value is AL.
16	2,ID,O	00016	Application ACK type	Not applicable	Not applicable	Not applicable	O	The default value is NE.

17	3,ID,O	00017	Country Code	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. It contains the country of origin for international format and default options. HL7 recommends codes from ISO 3166. HL7 User table 0399.
18	16,ID,O,r3	00692	Character Set	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. HL7 Table 0211.
19	250,CE,O	00693	Language of Message	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. Codes from ISO 639.
20	20,ID,O	01317	Alternate character set handling scheme	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. HL7 User table 0356.
21	427,El,O,r	01598	Message Profile Identifier	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.

MSH Segment Processing Notes

Original Message Example:

```
MSH|^~\&|HNA Millennium|CHLD|CMRN|STL|19960214134522||ORU^R01|Q13345T6659|P|2.2<CR>
```

Acknowledgment Example:

```
MSH|^~\&|CMRN|STL|HNA Millennium|CHLD|19960214134530|ACK|A13345.78|P|2.2<CR>
```

MSA Segment

The Message Acknowledgment (MSA) segment is returned as part of an MSH, MSA pair in the ACK message type. The MSA segment also is returned in response messages to an original mode or enhanced mode query.

MSA Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R/O	Additional Information
01	2,ID,R	00018	Acknowledge Code	Not applicable	Not applicable	Not applicable	R	The following values are valid: - A = ACK = message stored - AE = ACK = message stored with error noted - AR = NAK = message rejected HL7 User Table 0008.
02	20,ST,R	00019	Message Control ID	Not applicable	Not applicable	Not applicable	R	This field contains the echo MSH segment control ID (MSH-10) of the message being acknowledged.
03	80,ST,B	00020	Text Message	Not applicable	Not applicable	Not applicable	O	None
04	15,NM,O	00021	Expected Seq #	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
05	W	00022	Delayed ACK Type	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.

06	250,CE ,B	00023	Error Condition	Not applicabl e	Not applicabl e	Not applicabl e	N	This field is not supported by Millennium Platform. HL7 User Table 0357. The following error codes are valid: • 204: Unknown key identifier • 205: Duplicate key identifier • 207: Application internal error

MSA Segment Processing Notes

Original Message Example

```
MSH|^~\&|HNA Millennium|CHLD|CMRN|STL|19960214134522||ORU^R01|Q13345T6659|P|
2.2<CR>
```

Acknowledgment Example (Immediate Original Processing Rules)

```
MSH|^~\&|CMRN|STL|HNA Millennium|CHLD|19960214134530|ACK|A13345.78|P|
2.2<CR>MSA|AA|Q133459T6659<CR>
```

NTE Segment

The Notes and Comments (NTE) segment is used for sending textual notes and comments for information transmitted in other segments. The comment applies to the segment preceding the NTE segment. The following Millennium Platform tables are referenced from this NTE segment:

- CENT - CE_EVENT_NOTE
- LBLOB - LONG_BLOB
- LONG - LONG_TEXT
- OCOM - ORDER_COMMENT

NTE Sequen ce	HL7 Format	HL7 Element	Name	Oracle T able	Oracle A ttribute	Code Set	R / O	Additional Information

01	4,SI,O	00096	Set ID - NTE	Not applicable	Not applicable	Not applicable	O	This is sequential. It starts at one and is incremented by one for each set (order, result).
02	8,ID,O	00097	Source of Comment	OCOM CENT CENT CENT	Comment_type_cd Note_type_cd Entry_method_cd Entry_method	14 14 13	O	In HL7 2.3 processing, Millennium Platform uses Code Set 14 to send the Comment type. The interface sends a code value that has a CDF meaning of MISSINGATTCH to indicate that the transmitted document has an attachment in Millennium Platform that cannot be sent. In HL7 v2.3.1 and later, this field uses Code Set 13 as the Source of Comment. HL7 User Table 0105.
03	64k,FT,O,r	00098	Comment	LONG LBLOB CENT	Note_Text Long_blob Event_title_text	Not applicable	R	Each \.br\ represents a hard carriage return. 32,000. When an attachment is missing or exceeds the designated size limit, the interface includes error text, and the value of EVENT_TITLE_TEXT from the CE_EVENT_NOTE table. You can view the text in the source interface.

04	250,CE, O	01318	Comment Type	Not applicabl e	Not applicabl e	Not applicabl e	O	In HL7v2.3.1, the interface populates this field with a code value with a CDF meaning of MISSINGATTACH. HL7 User Table 0364.
04.1	ST	Not applicabl e	Identifier	OCOM CENT	Commen t_type_c d Note_typ e_cd	14 14	O	In HL7 v2.3.1, the recommended values include: • 1R: Primary Reason • 2R: Secondary Reason • AI: Ancillary Instructions • DR: Duplicate/ Interaction Reason • GI: General Instructions • GR: General Reason • PI: Patient Instructions • RE: Remark Orders: When processing at the order level, the interface sends the COMMENT_TYPE_CD attribute from the ORDER_COMMENT table. Results: When processing at the result level, the interface sends the NOTE_TYPE_CD attribute from the CE_EVENT_NOTE table.
04.2	ST	Not applicabl e	Text	CV	Display	Not applicabl e	O	None

04.3	ST	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	O	In HL7 v2.3.1, the interface sends the contributor source that is associated with the alias for this system.

NTE Message Processing Notes

The NTE segment is used to send textual comments. The interface supports both order and result comments. Order comments follow the OBR segment; result comments follow the OBX segment. The type of comment is further defined by the value provided in the NTE-2 (Source of Comment) field.

The interface also provides a configurable option, Use ESI Default Alias to populate the NTE-2 field for Encounter Comments, to allow the sending of encounter-level comments under the PID segment of the ORM message.

The interface sends comments as a single NTE segment as the default processing. The text in the NTE-3 (Comment) field contains the HL7 formatted text carriage return escape sequence \.br\. Each escape sequence represents a hard carriage return. Millennium Platform does not have a limit to the number of characters per line. The interface provides options to send result NTEs using the HL7 repeat delimiter symbol (~) or multiple NTEs to represent the hard carriage return or the configured line length. An option is also provided to configure the line length of each comment line for NTE included in an ASCII discrete result.

ADT Segments (HL7 Chapter 3)

The Admit, Discharge, and Transfer (ADT) Segments are described in the sections below.

PID Segment Layout

The Patient Identification (PID) segment identifies the person and, usually, the encounter associated with the message. Patient demographic information is also provided. Millennium Platform requires at least one primary Patient or Person Identifier. Millennium Platform associates one person alias of the MRN type with each encounter. By default, the interface sends all identifiers and provides an identifier type and source as described in the PID segment. The following Millennium Platform tables are referenced from the PID segment:

- AD - ADDRESS
- EN - ENCOUNTER
- EA - ENCOUNTER_ALIAS
- P - PERSON
- PA - PERSON_ALIAS
- PH - PHONE
- PN - PERSON_NAME
- PP - PERSON_PATIENT

P I D S e q u e n c e	HL 7 For ma t	HL 7 Ele me nt	Name	Oracle Table	Oracle Attribute	Code Set	R / O	Additional Information
01	4,SI,O	00104	Set ID-PID	Not applicable	Not applicable	Not applicable	C	It starts at one and is incremented by one.
02	20,CX,B	00105	External Patient ID	Not applicable	Not applicable	Not applicable	O	ESO values with the alias of MRN type associated with this encounter. Not valued for person-level events.
02.1	ST,O	Not applicable	Patient ID	EA	Alias	Not applicable	O	In HL7 v2.3, The alias usually is stored without leading zeros or formatting characters. ESO mask determines transmit format. In HL7 v2.3.1 this type of information is now supported in the PID-3 field.
02.2	ST,O	Not applicable	Check Digit	EA	Check_digit	Not applicable	O	None
02.3	ID,O	Not applicable	Check Digit Scheme	EA	Check_digit_method_code	266	O	HL7 Table 0061.

02.4	HD, O	Not applicable	Assigning Authority	EA	Alias_pool_cd	263	O	This field contains the outbound alias for this alias pool code.
02.5	ID, O	Not applicable	Identifier Type	EA	Person_aliases_type_cd	4	O	This field contains the outbound alias.
02.6	HD	Not applicable	Assigning Facility	EA	Contributor_system_cd	89	O	This field contains the outbound alias for the contributor system code.
03	250, CX, R, r	00106	Internal Patient ID	Not applicable	Not applicable	Not applicable	R	In HL7 v2.3, the list of all person aliases of type includes MRN, CMRN, INTERIMPID, or, when configured, MILITARY ID. This is a repeating field. In HL7 v2.3.1, the ENCTR_MRN alias is in the first occurrence followed by all other unique types.
03.1	ST, O	Not applicable	Patient ID	PA	Alias	Not applicable	R	The identifier can be numeric or alphanumeric. The alias is usually stored without leading zeros or formatting characters. ESO mask determines the transmit format.
03.2	ST, O	Not applicable	Check Digit	PA	Check_digit	Not applicable	O	None

03.3	ID, O	Not applicable	Check Digit Scheme	PA	Check_digit_method_cd	266	O	HL7 Table 0061.
03.4	HD, O	Not applicable	Assigning Authority	PA	Alias_pool_cd	263	O	This field contains the outbound alias for the alias pool code.
03.5	ID, O	Not applicable	Identifier Type	PA	Person_aliases_type_cd	4	O	This field contains the outbound alias.
03.6	HD	Not applicable	Assigning Facility	PA	Contributor_system_cd	89	O	This field contains the outbound alias for the contributor system code.
04	20, CX, B,r	00107	Alternate Patient ID	PA	Alias	Not applicable	O	In HL7 v2.3, other person aliases with a type is not MRN, CMRN, Temporary ID, or, when configured, Military ID. The following types are also possibilities: • NHIN: National Health Insurance Number • SHIN: State/Province Health Insurance Number • PASSPORT: Passport Number • FEDPRINCIPAL: Federated Person Principal • HNAPERSONID: Cerner Classic patient sys ID from feeder Millennium Platform system In HL7 v2.3.1, this type of information is now supported in the PID-3 field. When configured, historical aliases can be sent.

05	250,XP N,R,r	00108	Patient Name Family^ Given^ Middle^ Suffix^ Prefix^D egree^ Type Code	PN	5.1, Name_last 5.2, Name_first 5.3, Name_mid dle 5.4, Name_suffi x 5.5, Name_prefi x 5.6, Name_degr ee 5.7, Name_type _cd	213	R	The interface sends the NAME from the PERSON_NAME table with the type that is CURRENT in the first occurrence then alternate names, using standard HL7 format. Last^First^middle^suffix^prefix^degree^type. Note All names on the name table have a name type code. The following Millennium Platform name type code meanings are valid: • ADOPTED • ALTERNATE • CURRENT • LEGAL, MAIDEN • OTHER • PREFERRED • PREVIOUS When the current name changes, the new name becomes the new CURRENT name and the previous current name is retained as the previous name. HL7 2.3 Table 0200. HL7 name type codes include the following codes: • L: legal • M: Maiden • C: Adopted • A: Alias.
06	250,XP N,O,r	00109	Mother's Maiden Name	P	Mother_mai den_name	Not applicable	O	This value is treated as a person attribute and not as an alias. See the PID-5 field for the layout.

07	26, TS, O	00110	Date Of Birth	P	Birth_dt_tm	Not applicable	O	None
08	01, IS, O	00111	Sex	P	Sex_cd	57	O	Valid values are M, F, or U, and the default is U. HL7 Table 0001.
09	250, XP, N, B, r	00112	Patient Alias	PN		Not applicable	O	In HL7 v2.3, with the exception of CURRENT, the interface sends a list of all other name types. See the PID-5 field for the layout. HL7 User table 0200. In HL7 v2.4, this type of information is supported in the PID-5 field. HL7 User table 0200.
10	250, CE, O, r	00113	Race	Not applicable	Not applicable	Not applicable	O	HL7 User table 0005.
10.1	ST	Not applicable	Identifier	P	Race_cd	282	O	None
10.2	ST	Not applicable	Text	CV	Display	Not applicable	O	None
10.3	ID	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	O	In HL7 v2.3.1, the interface sends the contributor source that is associated with the alias for this system.

1 1	250 ,XA D,O ,r	00 11 4	Patient Address	AD	Not applicable	No t ap pli ca ble	O	Multiple instances are provided. The number of instances captured in Millennium Platform can vary by application. The interface itself has no limit to the number of instances.
1 1 . 1	SA D,O	No t ap pli ca ble	Address Line 1	AD	Street_addr	No t ap pli ca ble	O	None
1 1 . 2	ST, O	No t ap pli ca ble	Address Line 2	AD	Street_addr 2	No t ap pli ca ble	O	None
1 1 . 3	ST, O	No t ap pli ca ble	City	AD	City	No t ap pli ca ble	O	None
1 1 . 4	ST, O	No t ap pli ca ble	State	AD	State_cd	62	O	None
1 1 . 5	ST, O	No t ap pli ca ble	ZIP Code	AD	Zipcode	No t ap pli ca ble	O	None

1 1 . 6	ID, O	No t ap pli ca ble	Country	AD	Country_cd	15	O	HL7 User table 0289.
1 1 . 7	ID, O	No t ap pli ca ble	Type	AD	Address_ty pe_cd	21 2	O	The following values are valid: • C: Current or Temporary • P: Permanent • M: Mail • B: Business • H: Home • F: Country of Origin. Valid Millennium Platform codes also include BIRTH and EMAIL (Internet) HL7 User table 0190.
1 1 . 8	ST, O	No t ap pli ca ble	Other Geograp hic Designat ion	AD	Street_addr 3	No t ap pli ca ble	O	None
1 1 . 9	IS, O	No t ap pli ca ble	County / Parish	AD	County_cd	74	O	None
1 2	04,I S,B	00 11 5	County Code	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform. Instead, use the PID-11.9 field. HL7 User table 0289.
1 3	250 ,XT N, O,r	00 11 6	Home Phone Number	Not applicable	Not applicable	No t ap pli ca ble	O	Millennium Platform supports the Home Phone Number type.

1 3 . 1	ST, O	No t ap pli ca ble	Home Phone Number	PH	Phone_num	No t ap pli ca ble	O	The interface sends the PHONE_NUM attribute from the PHONE table when a PHONE_TYPE_CD is available in the list of Home or Personal numbers.
1 3 . 2	ID, O	No t ap pli ca ble	Telecom municati on Use Cd	PH	Phone_type _cd	43	O	HL7 User table 0201.
1 3 . 3	ID, O	No t ap pli ca ble	Telecom municati on Equipme nt Type	PH	Modem_ca pability_cd	27 5	O	HL7 User table 0202.
1 3 . 4	ST, O	No t ap pli ca ble	Email Address	PH	Phone_num	No t ap pli ca ble	O	In HL7 v2.3.1, the interface sends the PHONE_NUM attribute from the PHONE table when an ADDRESS_TYPE_CD of EMAIL or CONTACT_METHOD_CD of MAILTO is available.
1 3 . 5	NM ,O	No t ap pli ca ble	Country Code	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform.
1 3 . 6	NM ,O	No t ap pli ca ble	Area/ City Code	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform.

1 3 . 7	NM ,O	No t ap pli ca ble	Phone Number	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform.
1 3 . 8	NM ,O	No t ap pli ca ble	Extensio n	PH	Extension	No t ap pli ca ble	O	None
1 3 . 9	ST, O	No t ap pli ca ble	Any Text	PH	Description	No t ap pli ca ble	O	None
1 4	250 ,XT N, O,r	00 11 7	Business Phone Nbr	PH	Not applicable	No t ap pli ca ble	O	See the PID-13 field for the layout.
1 5	250 ,CE ,O	00 11 8	Languag e - Patient	Not applicable	Not applicable	No t ap pli ca ble	O	None
1 5 . 1	ST, O	No t ap pli ca ble	Identifie r	P	Language_c d	36	O	HL7 User table 0296.

1 5 . 2	ST	No t ap pli ca ble	Text	CV	Display	No t ap pli ca ble	O	None
1 5 . 3	ID	No t ap pli ca ble	Coding System	Not applicable	Not applicable	No t ap pli ca ble	O	In HL7 v2.3.1, the interface sends the contributor source that is associated with the alias for this system.
1 6	250 ,CE ,O	00 11 9	Marital Status	Not applicable	Not applicable	No t ap pli ca ble	O	None
1 6 . 1	ST, O	No t ap pli ca ble	Identifie r	P	Marital_typ e_cd	38	O	HL7 User table 0002.
1 6 . 2	ST	No t ap pli ca ble	Text	CV	Display	No t ap pli ca ble	O	None
1 6 . 3	ID	No t ap pli ca ble	Coding System	Not applicable	Not applicable	No t ap pli ca ble	O	In HL7 v2.3.1, the interface sends the contributor source that is associated with the alias for this system.

1 7	250 ,CE ,O	00 12 0	Religion	Not applicable	Not applicable	No t ap pli ca ble	O	Examples include Baptist, Catholic, and Methodist.
1 7 . 1	ST, O	No t ap pli ca ble	Identifie r	P	Religion_cd	49	O	HL7 User table 0006.
1 7 . 2	ST	No t ap pli ca ble	Text	CV	Display	No t ap pli ca ble	O	None
1 7 . 3	ID	No t ap pli ca ble	Coding System	Not applicable	Not applicable	No t ap pli ca ble	O	In HL7 v2.3.1, the interface sends the contributor source that is associated with the alias for this system.
1 8	250 ,CX ,O	00 12 1	Patient Account Nbr	Not applicable	Not applicable	No t ap pli ca ble	C	This field contains the financial and Billing number.
1 8 . 1	ST, O	No t ap pli ca ble	Patient Account #	EA	Alias	No t ap pli ca ble	C	None

1 8 . 2	NM, O	No t ap pli ca ble	Check Digit	EA	Check_digit	No t ap pli ca ble	O	None
1 8 . 3	ID, O	No t ap pli ca ble	Check Digit Scheme	EA	Check_digit _method_cd	26 6	O	HL7 table 0061.
1 8 . 4	HD, O	No t ap pli ca ble	Assignin g Authorit y	EA	Alias_pool_ cd	26 3	O	The valid translation value required when different assigning authorities, or alias pools, are associated with the same contributing system.
1 8 . 5	ID, O	No t ap pli ca ble	Identifie r Type	EA	Encntr_alia s_type_cd	31 9	O	The type meaning is FIN NBR.
1 8 . 6	HD	No t ap pli ca ble	Assignin g Facility	EA	Contributor _system_cd	89	O	The outbound alias for the contributor system code.
1 9	16, ST, B	00 12 2	SSN - Patient	PA	Alias	No t ap pli ca ble	O	In HL7 v2.3, the Person alias type code is SSN. In HL7 v2.3.1, this type of information is supported in the PID-3 field.

20	25, DL N,B	00123	Driver's License Nbr	PA	Alias	Not applicable	O	In HL7 v2.3, the Person alias type code is DRLIC. In HL7 v2.5, this type of information is supported in the PID-3 field.
21	250,CX,O,r	00124	Mother's Identifier	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
22	250,CE,O,r	00125	Ethnic Group	Not applicable	Not applicable	Not applicable	O	This value further defines the patient's ancestry. HL7 User table 0189.
22.1	ST,O	Not applicable	Identifier	P	Ethnic_group_cd	27	O	None
22.2	ST	Not applicable	Text	CV	Display	Not applicable	O	None
22.3	ID	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	O	In HL7 v2.3.1, the interface sends the contributor source that is associated with the alias for this system.

23	250,ST,O	00126	Birth Place	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
24	1,LD,O	00127	Multiple Birth Ind	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. HL7 User table 0136.
25	2,NM,O	00128	Birth Order	PP	Birth_order	Not applicable	N	This field contains a number indicating birth order.
26	250,ID,O,r	00129	Citizenship	Not applicable	Not applicable	Not applicable	O	Millennium Platform uses one instance. HL7 User table 0171.
26.1	ST,O	Not applicable	Identifier	P	Citizenship_cd	14650	O	None
26.2	ST	Not applicable	Text	CV	Display	Not applicable	O	None

26.3	ID	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	O	In HL7 v2.3.1, the interface sends the contributor source that is associated with the alias for this system.
27	250,CE,O	00130	Veterans Military Stat	Not applicable	Not applicable	Not applicable	O	HL7 User table 0172.
27.1	ST,O	Not applicable	Identifier	P	Vet_military_status_cd	14651	O	None
27.2	ST	Not applicable	Text	CV	Display	Not applicable	O	None
27.3	ID	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	O	In HL7 v2.3.1, the interface sends the contributor source that is associated with the alias for this system.
28	250,CE,B	00739	Nationality	Not applicable	Not applicable	Not applicable	O	HL7 User table 0212.

28.1	ST, O	No t ap pli ca ble	Identifie r	P	Nationality_ cd	14 65 2	O	None
28.2	ST	No t ap pli ca ble	Text	CV	Display	No t ap pli ca ble	O	None
28.3	ID	No t ap pli ca ble	Coding System	Not applicable	Not applicable	No t ap pli ca ble	O	In HL7 v2.3.1, the interface sends the contributor source that is associated with the alias for this system.
29	26, TS, O	00 74 0	Patient Death dt_tm	P	Deceased_d t_tm	No t ap pli ca ble	O	None
30	1,I D,O	00 74 1	Patient Death Ind	P	Deceased_c d	26 8	O	HL7 User table 0136.
31	1,I D,O	01 53 5	Identity Unknow n Ind	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform. HL7 User table 0136.
32	20,I S,O ,r	01 53 6	Identity Reliabilit y Code	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform. HL7 User Table 0445.

3 3	26, TS, O	01 53 7	Last Update Date Time	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform.
3 4	241 ,HD ,O	01 53 8	Last Update Facility	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform.
3 5	250 ,CE ,C	01 53 9	Species Code	Not applicable	Not applicable	No t ap pli ca ble	O	HL7 User Table 0446.
3 5 . 1	ST	No t ap pli ca ble	Identifie r	P	Species_cd	22 6	O	None
3 5 . 2	ST	No t ap pli ca ble	Text	CV	Display	No t ap pli ca ble	O	None
3 5 . 3	ID	No t ap pli ca ble	Coding System	Not applicable	Not applicable	No t ap pli ca ble	O	In HL7 v2.3.1, the interface sends the contributor source that is associated with the alias for this system.

36	250 ,CE ,C	01 54 0	Breed Code	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform. HL7 User Table 0447.
37	80, ST, O	01 54 1	Strain	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform.
38	250 ,CE ,O,r 2	01 54 2	Producti on Class Code	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform. HL7 User Table 0429.
39	250 ,C WE ,O,r	01 84 0	Tribal Citizens hip	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform. HL7 User Table 0171.

NTE Segment Layout

The NTE segment is used for sending textual notes and comments for information transmitted in other segments. The comment applies to the segment preceding the NTE segment. The following Millennium Platform tables are referenced from this NTE segment:

- EI - ENCOUNTER_INFO
- LONG - LONG_TEXT

NT E Se qu en ce	HL7 Format	HL7 Element	Nam e	Oracle Tabl e	Oracle Attri bute	Co de Se t	R/ O	HL7 Version	Additio nal Inform ation

01	4,SI,R	00096	Set ID - NTE	None	None	No ne	O	2.3	It is sequential. It starts at 1 and is incremented by 1 for each set.
02	8,ID,O	00097	Source of Comment	EI	CONTRIBUTOR_SYSTEM_CD	89	O	2.3	Alias Type Meaning of NTECOMMENT .
03	64k,FT,O,r	00098	Comment	LONG	LONG_TEXT	No ne	R	2.3	All encounter comments are transmitted.

PV1 Segment Layout

The Patient Visit (PV1) segment provides visit-specific or encounter-specific information. This segment is optional. The following Millennium Platform tables are referenced from the PV1 segment:

- BED - BED
- EA - ENCNR_ALIAS
- ED - ENCNR_DOMAIN
- ELH - ENCNR_LOC_HIST
- EN - ENCOUNTER
- EPRLR - ENCNR_PRSNL_RELTN
- PRL - PRSNL
- PRLA - PRSNL_ALIAS

PV 1 Se qu en ce	HL7 For mat	HL7 Ele men t	Nam e	Oracle Tab le	Oracle Attr ibute	Cod e Set	R/ O	Additional Information
01	04,SI ,O	0013 1	Set ID- PV1	Not applicable	Not applicable	Not appl icab le	C	It starts at one and is incremented by one.
02	01,ID ,R	0013 2	Patie nt Class	EN	Encntr_type_class_cd encntr_class_cd	N69 321	R	HL7 User Table 0004. ENCNTR_CLASS_CD is sent if ENCNTR_TYPE_CLASS_CD is not populated on the encounter.
03	80,P L,O	0013 3	Patie nt Locat ion	Not applicable	Not applicable	Not appl icab le	C	This field contains the current patient location. Millennium Platform location is hierarchical. Facility^building^point of service location^room^bed.
03. 1	ID	Not appl icab le	Point of Servi ce Locat ion	EN	Loc_nurse_unit_cd Location_cd	E22 0	C	All location codes have an entry on Code Set 220 with different location types, for example, nurse unit and ambulatory location.
03. 2	ID	Not appl icab le	Patie nt Room	EN	Loc_room_cd	E22 0	C	This field contains the Millennium Platform location with type ROOM.
03. 3	ID	Not appl icab le	Patie nt Bed	EN	Loc_bed_cd	E22 0	C	This field contains the Millennium Platform location with type BED.
03. 4	ID	Not appl icab le	Facili ty ID	EN	Loc_facility_cd	E22 0	C	This field contains the Millennium Platform location with type FACILITY.

03.5	ID	Not applicable	Bed Status	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. The following values are required: • C: Closed • H: Housekeeping • I: Isolated • K: Contaminated • O: Occupied • U: Unoccupied
03.6	ID	Not applicable	Location Type	EN	Location_type_cd	N222	O	This field defines point-of-service location type which includes the following values: • AMBLOC • CLIENT • CLINIC • DOCCOFFICE • NURSEUNIT
03.7	ID	Not applicable	Building	EN	Loc_building_cd	Not applicable	O	This field contains the Millennium Platform location with the type BUILDING. If it is not valued, the CPM ESI server (SCP 250) uses the default building code identical to the transmitted facility code
03.8,	ST	Not applicable	Floor	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
04	02,ID,O	00134	Admission Type	EN	Admit_type_cd	E3	O	HL7 User Table 0007.
05	250,CX,O	00135	Pre-Admit Number	EN	Preadmit_nbr	Not applicable	O	This field contains the encounter alias of type HNAENCNBR. It applies only to interfaces involving a Millennium Platform platform.
06	80,PL,O	00136	Prior Patient Location	ELH	Not applicable	Not applicable	C	This value is only provided for ADT A03 transfer messages.

07	250, XCN, O,r	00137	Attending physician	EPRLR	Encntr_prsnl_reltn_cd	E333	O	Code meaning ATTEND for physician relationship for this patient visit. Millennium Platform allows only one active relationship of this type. HL7 User Table 0010. For messages from Millennium Platform, by default, the interface sends a list of all available alias types for this provider, for example, UPIN, DOCNBR, and USERID. The interface provides a common routine available from a Communications server client (COM client) script to filter the alias list. If the code value outbound alias value for the alias pool code (Code Set 263) is set as DONTSEND, the personnel alias is deleted from the list.
07.1	ID	Not applicable	Physician ID	PRLA	Alias	Not applicable	C	None
07.2-07.7	Not applicable	Not applicable	Name components	PN	HL7 PN data type. See the PID-5 field.	Not applicable	C	In HL7 v2.5, the degree is now sent in the PV1-7.21 (Professional Suffix) field.
07.8	ID	Not applicable	Source table	Not applicable	Facility or Other source	N320	C	None
07.9	HD	Not applicable	Assigning Authority	EPRLR	Alias_pool_cd	N263	C	Set alias value to DONTSEND to prevent the interface from sending this personnel alias.
07.10-12	Not applicable	Not applicable	Not applicable	person_name	name_type_cd	Not applicable	NO	This field is not supported by Millennium Platform. Supported as per FSI_API.

07.13	ID		Identifier Type	EPRLR	Prsnl_alias_type_cd	N320	O	The following Millennium Platform type code meanings are valid: • DOCCNBR • DOCDEA • DOCNBR • DOCUPIN • PRSNLID
07.14-20	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
7.21	ST	Not applicable	Professional Suffix	PN	Degree	Not applicable	O	In HL7 v2.5, the interface sends the degree in this field.
08	250, XCN, O,r	00138	Referring physician	EPRLR	Encntr_prsnl_reltn_cd	E333	O	This field contains the code meaning REFERDOC for physician relationship for this patient visit. Millennium Platform allows only one active relationship of this type. See the PV1-7 field. HL7 User Table 0010. In HL7 v2.5, the degree is sent in the PV1-21 (Professional Suffix) field.
09	250, XCN, B,r	00139	Consulting physician	EPRLR	Encntr_prsnl_reltn_cd	E333	O	This field contains the code meaning CONSULTDOC for this visit. See the PV1-7 field for more information. HL7 User Table 00100. In HL7 v2.5, the degree is sent in the PV1-9.21 (Professional Suffix) field.
10	3,IS,O	00140	Hospital Service	EN	Med_service_cd	E34	C	The following fields are required fields by HL7 with trigger events: • A01 • A02 • A14 • A15 HL7 User Table 0069.

11	80,P L,O	0014 1	Temp orary Locat ion	EN	Loc_temp_ cd	E22 0	O	Do not send this value unless the patient is appropriately and timely removed from the temporary location. The location type is TEMP.
12	2,IS, O	0014 2	Pre- Admi t Test Ind	EN	Preadmit_t esting_cd	E36 6	O	This value indicates that pre-admit testing required before admission. HL7 User Table 0087.
13	2,IS, O	0014 3	Re- Admi ssion Ind	EN	Readmit_c d	47	O	HL7 User Table 0092. The patient is readmitted or has recurring visits.
14	6,IS, O	0014 4	Admi ssion Sourc e	EN	Admit_src_ cd	E2	O	HL7 User Table 0023.
15	2,IS, O,r	0014 5	Ambu latory Statu s	EN	Ambulator y_cond_cd	E5	O	Millennium Platform uses only one instance. HL7 User Table 0009.
16	2,IS, O	0014 6	VIP Indic ator	EN	Vip_cd	E67	O	This value indicates that this person or encounter may need to be treated with special consideration during this visit. HL7 User Table 0099.
17	60,X CN,O ,r	0014 7	Admi tting physi cian	EPRLR	Encntr_prs nl_reln_cd	E33 3	O	This field contains the code meaning ADMITDOC for physician relationship for this visit. Millennium Platform allows only one active relationship of this type. HL7 User Table 0010. In HL7 v2.5, the degree is sent in the PV1-17.21 (Professional Suffix) field.
18	2,IS, O	0014 8	Patie nt Type	EN	Encntr_typ e_cd	E71	R	Categorize patient populations in groups more specific than patient class. Millennium Platform uses this field to define patient encounter processing options. HL7 User Table 0018.

19	250, CX,O	00149	Visit Number	EA	Alias	Not applicable	O	This field contains the encounter alias of type VISITID.
20	50,FC,O,r	00150	Financial Class Class effective date	EN	Financial_class_cd	E354	O	This field contains the primary class assigned to the patient for the purpose of identifying sources of reimbursements. Millennium Platform uses only one instance. The effective date is not valued. HL7 User Table 0064.
21	2,ISO	00151	Charge Price Indicator	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. HL7 User Table 0032.
22	2,ISO	00152	Courtesy Code	EN	Courtesy_cd	E16	O	Special considerations for this patient such as express discharge. HL7 User Table 0045.
23	2,ISO	00153	Credit Rating	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. HL7 User Table 0046.
24	2,ISO,r	00154	Contract Code	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. HL7 User Table 0044.
25	8,DT,O,r	00155	Contract Effective dt	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
26	12,NM,O,r	00156	Contract Amount	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.

27	3,NM ,O,r	0015 7	Contr act Perio d	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.
28	2,IS, O	0015 8	Intere st Code	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform. HL7 User Table 0073.
29	4,IS, O	0015 9	Tran to Bad Debt Cd	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform. HL7 User Table 0110.
30	8,DT, O	0016 0	Tran to Bad Debt Dt	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.
31	10,IS ,O	0016 1	Bad Debt Agen cy Cd	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform. HL7 User Table 0021.
32	12,N M,O	0016 2	Bad Debt Trans Amt	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.
33	12,N M,O	0016 3	Bad Debt Reco ver Amt	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.
34	1,IS, O	0016 4	Delet e Acco unt Ind	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform. HL7 User table 0111.

35	8,DT, O	0016 5	Delet e Acco unt Date	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.
36	3,IS, O	0016 6	Disch arge Dispo sition	EN	Disch_disp osition_cd	E19	O	HL7 User table 0112.
37	47,D LD,O	0016 7	Disch arge To Locat ion	EN	Disch_to_l octn_cd	E20	O	HL7 User table 0113.
38	250, CE,O	0016 8	Diet Type	EN	Diet_type_ cd	E18	O	This field indicates patient is on a special diet. HL7 User table 0114.
39	2,IS, O	0016 9	Servi cing Facili ty	EN	Loc_facility _cd	Not appl icab le	O	Millennium Platform uses the PV1-3 field. HL7 User Table 0115.
40	1,IS, B	0017 0	Bed Statu s	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform. HL7 User Table 0116.
41	2,IS, O	0017 1	Acco unt Statu s	EN	Encntr_sta tus_cd	N26 1	O	The following code meanings are valid: • ACTIVE • BILLED • CANCELLED • COMPLETE • PREADMIT • PRELIM • PURGE • TEMP HL7 User Table 0117.

42	80,P L,O	0017 2	Pendi ng Locat ion	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.
43	80,P L,O	0017 3	Prior Temp Locat ion	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.
44	26,T S,O	0017 4	Admi t Date/ Time	EN	Reg_dt_tm	Not appl icab le	C	This field contains the time that registration or admission was performed. Millennium Platform requires this field for A01 and A04 and any other event used to create a new encounter row.
45	26,T S,O,r	0017 5	Disch arge Date/ Time	EN	Disch_dt_tm	Not appl icab le	O	This field contains the actual time the patient was discharged from the facility. Patient types that do not always receive a discharge or other event to close an encounter must be defined in Millennium Platform to automatically discharge.
46	12,N M,O	0017 6	Curre nt Pat Balanc e	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.
47	12,N M,O	0017 7	Total Charg es	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.
48	12,N M,O	0017 8	Total Adjus tmen t	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.
49	12,N M,O	0017 9	Total Paym ents	Not applicable	Not applicable	Not appl icab le	N	This field is not supported by Millennium Platform.

50	250, CX,O	00180	Alternate Visit ID	Not applicable	Not applicable	Not applicable	O	This field contains the encounter alias with the alias type OTHER.
50.1	ST	Not applicable	Identifier	EA	Alias	Not applicable	O	Uniquely identify patient visits at the time of admission.
50.2	NM	Not applicable	Check Digit	Not applicable	Not applicable	Not applicable	O	The interface stores this value separately if it is sent separately.
50.3	ID	Not applicable	Check Digit Scheme	Not applicable	Not applicable	Not applicable	O	HL7 Table 0061.
50.4	HD	Not applicable	Assigning Authority	EA	Alias_pool_cd	263	O	None
50.5	ID	Not applicable	Identifier Type cd	EA	Encntr_aliases_type_cd	319	O	HL7 User Table 0203.
50.6	HD	Not applicable	Assigning Facility	EA	Not applicable	Not applicable	O	None
51	1,IS,O	01226	Visit Indicator	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. It specifies the level on which data is sent. HL7 User Table 0326. The following HL7 values are valid: • A: Account • V: Visit

52	250, XCN, B,r	01274	Other healthcare providers	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform. It is used for other healthcare providers, such as a nurse practitioner, midwife and physician assistant. HL7 User Table 0010.

AL1 Segment Layout

The Patient Allergy (AL1) segment contains patient allergy information of various types. Each AL1 describes a single patient allergy. The following Millennium Platform tables are referenced from the AL1 segment:

- ALL-ALLERGY
- REACT-REACTION
- NOM-NOMENCLATURE
- NOM_OB - NOMENCLATURE_OUTBOUND

AL1 Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R/O	Additional Information
01	4,SI,R	00203	Set ID - Allergy	Not applicable	Not applicable	Not applicable	R	It starts at one and is incremented sequentially.
02	2,IS	00204	Allergy Type/Category	ALL	Substance_type_cd	12020	O	HL7 User Table 0127, such as FA - Food Allergy.
03	60,CE,R	00205	Allergy Code	Not applicable	Not applicable	Not applicable	R	This field is used to identify a coded or free-text allergy. For documentation, both the code and description are transmitted as stored on the ALLERGY table.
03.1	IS	Not applicable	Identifier	NOM	source_identifier	NOM	C	This field is not valued for free-text allergies that are not written to the Nomenclature table.

03.2	S	Not applicable	Description	NOM ALL	Source_string_substance_ftdesc	NOM	C	For coded allergies, this field contains the source_string from Nomenclature table. For free-text allergies that are not written to the Nomenclature table, it contains the substance_ftdesc from the Allergy table.
03.3	IS	Not applicable	Coding scheme	NOM	Source_vocabulary_cd	400	C	This field is not valued for free-text allergies that are not written to the Nomenclature table.
03.4	ST	Not applicable	Alternate identifier	NOM_OB	ALIAS or Call to Service SingleTargetConceptAssociation	Not applicable	C	The system may display the CWE-4 field with the source_identifier returned from Service SingleTargetConceptAssociation (Request 4174040) for the target vocabulary code configured by the user. If no concept is returned by the service, the system can display the CWE-4 field from the NOMENCLATURE_OUTBOUND table, in the ALIAS column for the source_vocabulary_cd matching the target vocabulary cd configured by the user. The system can populate the CWE-4 field from the NOMENCLATURE_OUTBOUND table when the SingleTargetConceptAssociation is not enabled.

03.5	ST	Not applicable	Alternate description	NOM	SOURCE_STRING or Call to Service SingleTargetConceptAssociation	Not applicable	C	The system can display the CWE-5 field with the source_string returned from Service SingleTargetConceptAssociation (Request 4174040) for the target vocabulary code configured by the user. If no concept is returned by the service, and the alias is located on the NOMENCLATURE_OUTBOUND table for the target vocabulary code and nomenclature_id, the system can display the CWE-5 field from the SOURCE_STRING column on the NOMENCLATURE table. The system can display the CWE-5 field from the NOMENCLATURE_OUTBOUND table when the SingleTargetConceptAssociation is not enabled.
03.6	IS	Not applicable	Alternate coding scheme	NOM_OB	SOURCE_VOCABULARY_CD or Call to Service SingleTargetConceptAssociation	Not applicable	C	Standard Alias Content field, alias type meaning is HL7 0396. The system can value the CWE-6 field with the alias for the target vocabulary code for the Service SingleTargetConceptAssociation (Request 4174040). If no concept is returned by the service, and the alias is located on the NOMENCLATURE_OUTBOUND table for the target vocabulary code and nomenclature_id, the system can display the CWE-6 field with the alias for the source vocabulary from the SOURCE_VOCABULARY_CD (Code Set 400) column on the NOMENCLATURE_OUTBOUND table. The system can display the CWE-6 field from the NOMENCLATURE_OUTBOUND table when the SingleTargetConceptAssociation is not enabled.

04	2,IS	00206	Allergy Severity	ALL	Severity_cd	12022	O	HL7 User Table 0128, such as SV-Severe.
05	15,ST	00207	Allergy Reaction	NOM REACT	Source_identifier reaction_ftdesc	Not applicable	O	For coded reactions, the value is the source_identifier from the Nomenclature table. For free-text reactions, the value is the reaction_ftdesc from the Reaction table.
06	8,TS	00208	Identification Date	ALL	Onset_datetime	Not applicable	O	None

AL1 Segment Processing Notes

Allergy codes are maintained on the NOMENCLATURE table with a principle type code (Code Set 401) of ALLERGY. Allergy codes must be unique in a source vocabulary. A source vocabulary can be preloaded from a Millennium Platform standard reference database, for example, Multum, or locally defined and manually entered during the implementation process. After the code entry is complete, you can manually map codes from different source vocabularies to the Oracle standard allergy coding systems by manually creating nomenclature concepts. This page does not describe nomenclature concepts.

Allergies are processed and stored on the ALLERGY table at the person-level. The encounter and contributor are also stored and support interface updates, authentication, and combine processing.

When order processing is configured to send allergy information, the UI sends a snapshot of all patient allergy information with every order action. It can send either coded allergies or free-text allergies. When a free-text allergy is codified, only the codified allergy is sent unless the activity date of the free-text is more current than the codified allergy row.

To provide a mapping between the various source vocabularies, for example, Multum and Medicom, you can maintain a NOMENCLATURE_OUTBOUND table. Oracle and Multum provide a .CSV file to create the mapping between Multum and Medicom drug codes that are uploaded to the outbound table. A one-to-one mapping for drug-to-drug and class-to-class is available. The user maintains any other Reference Drug Database and corresponding NOMENCLATURE_OUTBOUND table entries. If a mapping is not found on the NOMENCLATURE_OUTBOUND table, then the allergy is sent as a free-text.

Financial Segments (HL7 Chapter 6)

The Financial Segments are described below.

DG1 Segment Layout

The Diagnosis (DG1) segment contains patient diagnosis information associated with this order. This segment is displayed when either the DG1 or ENCNR_DG1 External System Outbound (ESO) Routine Arguments, is enabled. See [Configure ESO Routine Arguments](#) for more information. The following Millennium Platform tables are referenced from the DG1 segment:

- DIAG - DIAGNOSIS
- OD - ORDER_DETAIL
- NER - NOMEN_ENTITY_RELTN (future)

D G 1 S e q u e n c e	HL 7 F o r m a t	HL 7 E l e m e n t	Name	Oracle Table	Oracle Attribute	Co de Set	R / O	Additional Information
0 1	4,S I,R	003 75	Set ID - Diagnosis	Not applicable	Not applicable	Not app lica ble	R	This is a sequence number that identifies a segment in the message.
0 2	2,I D, R	003 76	Diagnosis Coding Method	NOM	Source_vocabulary _cd	400	R	HL7 User Table 0053, for example, ICD9.
0 3	60, CE	003 77	Diagnosis Code Code^desc^ source^ altcode^alt desc^altsou rce	NOM NOM NOM OD NER	Source_identifier^ Source_string^ Source_vocabulary _cd Derived from:Field_value or Nomenclature_id	NO M 400	R	The OD field meaning is ICD9. When the diagnosis is free-text, the DG1-3.1 and DG1-3.3 fields are empty. The DG1-3.2 field is valued with diagnosis.diag_ftdesc
0 3 . 1	ST	Not app lica ble	Identifier	NOM	source_identifier	Not app lica ble	O	None

03.2	ST	Not applicable	Text	NOM	source_identifier	Not applicable	O	None
03.3	ID	Not applicable	Name of Coding System	NOM	source_vocabulary_cd	Not applicable	O	None
04	40, ST, B	00378	Diagnosis Description	OD NOM DIAG	Field_display_value (ICD9)Source_identifier+ Source_string Diag_ftdesc	NOM	O	For backward compatibility when NER logic is implemented, the DG1-4 field is derived by concatenating the source_identifier and source_string.
05	26, TS	00379	Diagnosis Date and Time	DIAG	diag_dt_tm	Not applicable	O	This field is configurable. See the ENCINTR_DG1 routine display on the Configure ESO Routine Arguments page for more information.
06	2, I S, R	00380	Diagnosis Type	OD NER, DIAG	Oe_field_id (ICD9) Reltn_type_cd >diag_type_cd	164 49 235 49 17	R	HL7 User Table 0052, such as admit, discharge, final. Interface filters encounter-level diagnosis information from the ORM message based on the DONTSEND alias value on the DG1-6 (Diagnosis Type) field from Code Set 17.
07	60, CE	00381	Major Diagnostic Category	Not applicable	Not applicable	Not applicable	N	This field is not used.

08	4, I S	003 82	Diagnostic Related Group	Not applicable	Not applicable	Not app lica ble	N	This field is not used.
09	2, I D	003 83	DRG Approval Indicator	Not applicable	Not applicable	Not app lica ble	N	This field is not used.
10	2, I S	003 84	DRG Grouper Review Code	Not applicable	Not applicable	Not app lica ble	N	This field is not used.
11	60, CE	003 85	Outlier Type	Not applicable	Not applicable	Not app lica ble	N	This field is not used.
12	3, N M	003 86	Outlier Days	Not applicable	Not applicable	Not app lica ble	N	This field is not used.
13	12, N M	003 87	Outlier Cost	Not applicable	Not applicable	Not app lica ble	N	This field is not used.
14	4, S T	003 88	Grouper Version and Type	Not applicable	Not applicable	Not app lica ble	N	This field is not used.
15	2, N M	003 89	Diagnosis Priority	DIAG	diag_priority	Not app lica ble	O	This field is configurable. See the ENCINTR_DG1 routine display on the Configure ESO Routine Arguments page for more information.

16	60, xc n,, r	00390	Diagnosing Clinician	DIAG	diag_prsnl_id	Not applicable	O	This field is configurable. See the ENCINTR_DG1 routine display on the Configure ESO Routine Arguments page for more information.
16.1	ID	Not applicable	Personnel ID	DIAG	diag_prsnl_id	Not applicable	O	None
16.2	ST	Not applicable	Personnel Name	DIAG	diag_prsnl_name	Not applicable	O	None
17	3, I S, O	00766	Diagnosis Classification	DIAG	diag_class_cd	Not applicable	O	This field is configurable. See the ENCINTR_DG1 routine display on the Configure ESO Routine Arguments page for more information.
18	1, I D, O	00767	Confidential Indicator	DIAG	confid_level_cd	Not applicable	O	This field is configurable. See the ENCINTR_DG1 routine display on the Configure ESO Routine Arguments page for more information.
19	26, TS, O	00768	Attestation Date/Time	DIAG	attestation_dt_tm	Not applicable	O	This field is configurable. See the ENCINTR_DG1 routine display on the Configure ESO Routine Arguments page for more information.

DG1 Segment Processing Notes

Millennium Platform order processing originally captured diagnosis codes associated with an order using the ICD9 order detail. The NOMEN_ENTITY_RELTN table provides a common, more robust way to capture relationships between clinical activity and standard nomenclature codes. Common order processing uses both the ICD9 order detail and the NOMEN_ENTITY_RELTN table. The order server posts the diagnosis codes requested using the ICD9 order detail to both the ORDER_DETAIL table and the NOMEN_ENTITY_RELTN table. The order server posts diagnosis codes requested in a nomenclature relationship area only to the NOMEN_ENTITY_RELTN table.

The UI transmits order-level diagnosis information from the NOMEN_ENTITY_RELTN table when the parent entity is ORDERS, the child entity is DIAGNOSIS or NOMENCLATURE, and the reltn_type_cd is ORDERDIAG or ORDERICD9. Some Millennium Platform applications allow users to enter either free-text diagnoses or coded diagnoses.

IN1 Segment Layout

The Insurance Information (IN1) segment contains insurance policy coverage information necessary to produce prorated patient and insurance bills.

The following Millennium Platform tables are referenced from the IN1 segment:

- AD - ADDRESS
- HP - HEALTH_PLAN
- O - ORGANIZATION
- P - PERSON
- PH - PHONE
- PPLR - PERSON_PLAN_RELTN

IN1 Sequence	HL7 Format	HL7 Element	Name	OracleTable	Oracle Attribute	Code Set	R/O	Additional Information
1	04,SI,R	426	Set ID Insurance	Not applicable	Not applicable	Not applicable	R	Set ID - IN1.
2	60,CE,R	427	Insurance Plan ID	Not applicable	Not applicable	Not applicable	R	HL7 User Table 0072. This field contains the unique identifier for the insurance plan.
2.1	Not applicable	Not applicable	Code	HP	Health_plan_id	Not applicable	O	None

2 . 2	Not applicable	Not applicable	Text	HP	Plan_name	Not applicable	O	None
2 . 3	Not applicable	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
2 . 4	Not applicable	Not applicable	Alt Code	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
2 . 5	Not applicable	Not applicable	Alt Text	HP	PLAN_DESC	Not applicable	O	None
3	59,CX,R,r	00428	Insurance Company ID identifier ^ check dig ^ check scheme ^ assign auth ^ type assign fac.	PPLR	Organization_id	Not applicable	R	This field contains the unique identifier for the insurance company.

4	130,XON,r	00429	Insurance Company Name ^ name type ^ identifier ^ check digit ^ check scheme ^ assign auth ^ identifier type ^ assign fac	O	org_name	Not applicable	O	None
5	106,XAD,r	430	Insurance Company Address	AD	Not applicable	Not applicable	O	None
5 . 1	ST	Not applicable	Street Address	Not applicable	Street_addr	Not applicable	O	None
5 . 2	ST	Not applicable	Other Designation	Not applicable	Street_addr 2	Not applicable	O	None
5 . 3	ST	Not applicable	City	Not applicable	City	Not applicable	O	None
5 . 4	ST	Not applicable	State	Not applicable	State_cd, state	N62	O	The STATE_CD is used if it is valued; otherwise, the free-text state is sent.

5 . 5	ST	Not applicable	ZIP Code	Not applicable	Zipcode	Not applicable	O	None
5 . 6	ID	Not applicable	Country	Not applicable	Country_cd Country	E15	O	HL7 User table 171. The Country_Cd is used if it is valued; otherwise, the free-text country is sent.
5 . 7	ID	Not applicable	Address Type	Not applicable	Address_type_cd	E212	O	HL7 table 0190. The following values are included: • B: Business • C: Current or Temporary • F: Country of Origin • H: Home • M: Mail • P: Permanent BIRTH and EMAIL (Internet) are also valid Millennium Platform codes.
5 . 8	ST	Not applicable	Other Geographic Designation	Not applicable	Street_address	Not applicable	O	None
5 . 9	IS	Not applicable	County or Parish	Not applicable	County_cd	E74	O	The COUNTY_CD is used if it is valued; otherwise, the free-text county is used.

6	48,XPN,r	431	Insurance Company Contact Person	PH	Contact	Not applicable	O	This field contains the contact for this plan.
6 . 1	Not applicable	Not applicable	Last Name	PH	Contact	Not applicable	Not applicable	This field contains the last name from PHONE. The contact for the respective phone numbers is populated in the IN1-7 field.
7	40,xtn,r	433	Insurance Comp Phone Nbr	PH	Not applicable	Not applicable	O	None
7 . 1	ST	Not applicable	Phone Number	PH	Phone_num	Not applicable	O	If the PHONE_FORMAT_CD value is not in US format or the PHONE_NUM field already contains formatting, then the phone number is sent out as stored on the PHONE table. Otherwise, the phone number is sent out as (###)###-####.
7 . 2	ID	Not applicable	Telecommunication Use Code	PH	Not applicable	Not applicable	O	None

7 . 3	ID	Not applicable	Telecom municati on Equipme nt Type	PH	Not applicable	Not appli cable	O	None
7 . 4	ST	Not applicable	Email Address	PH	Not applicable	Not appli cable	O	None
7 . 5	Not applicable	Not applicable	Country	Not applicable	Not applicable	Not appli cable	N	This field is not supported by Millennium Platform.
7 . 6	Not applicable	Not applicable	Area Code	Not applicable	Not applicable	Not appli cable	N	This field is not supported by Millennium Platform.
7 . 7	Not applicable	Not applicable	Phone Number	Not applicable	Not applicable	Not appli cable	N	This field is not supported by Millennium Platform.
7 . 8	NM	Not applicable	Extensio n	PH	extension	Not appli cable	O	None
7 . 9	ST	Not applicable	Text	PH	Contact Call_instruct ion	Not appli cable	O	None

ZGI Segment

The Additional Guarantor Information (ZGI) segment is an Oracle proprietary segment containing additional guarantor level information that is not available in the standard HL7 data model.

The following Millennium Platform tables are referenced from the ZGI segment:

- ADDRESS
- PERSON_ORG_RELTN
- PERSON_PERSON_RELTN
- ENCINTR_PERSON_RELTN

ZGI Segment Layout

ZGI Se qu en ce	HL7 Format	HL7 Element	Name	Millennium Platform Table	Millennium Platform Attribute	C o d e S e t	R / O	Additional Information
01	,ZAE,,r	ZGI01	Address Effective	None	None	N o n e	O	None
01. 01	,CE,	ZGI0101	Address Type	ADDRESS	ADDRESS_TY PE_CD	2 1 2	O	The UI sends all the active and effective alternate addresses, CDF_MEANING of ALTERNATE.
01. 02	,DT,	ZGI0102	Address Effective Start	ADDRESS	BEG_EFFECTI VE_DT_TM	N o n e	O	None
01. 03	,DT,	ZGI0103	Address Effective End	ADDRESS	END_EFFECTI VE_DT_TM	N o n e	O	None
02	,DTM,	ZGI02	Retire Date	PERSON_ORG _RELTN	EMPL_RETIRE _DT_TM	N o n e	O	The UI sends the retirement date for the person's employer organization, CDF_MEANING of EMPLOYER.

03	,IS,	ZGI03	Patient Relationship	PERSON_PERSON_RELTN ENCNTR_PERSON_RELTN	RELATED_PERSON_RELTN_CD	4 0	O	The UI only supports the default guarantor relationship type, CDF_MEANING of DEFGUAR. See ZGI Processing Notes for more information.

ZGI Processing Notes

When an encounter is in context of the message, then the UI retrieves the relationship information based on the encounter; otherwise, the relationship information is based on the person in context.

Order Entry Segments (HL7 Chapter 4)

The order entry segments are described in the sections below.

ORC Segment Layout

The ORC segment is used to transmit fields that are common to all orders and services requested. The ORC segment is required in the ORM message. ORC is mandatory in the ORR message if an order detail segment, for example, OBR, is present. An ORC segment must always precede any order detail segment.

Many of the data elements in the ORC segment are duplicated in the OBR. By default, the UI sends most duplicated fields only in the OBR. However, if duplicated fields are valued in both the ORC and the OBR, the values are identical.

The following Millennium Platform tables are referenced from the ORC segment:

- O - ORDERS
- OA - ORDER_ACCESSION
- OAC - ORDER_ACTION
- OAL - ORDER_ALIAS
- OCM - ORDER_COMMENT
- OD - ORDER_DETAIL
- PRL - PRSNL
- PRLA - PRSNL_ALIAS

O R C S e q u e n c e	HL 7 For ma t	HL 7 Ele me nt	Name	Oracle Table	Oracle Attribute	Co de Set	R / O	Additional Information
0 1	02,LD,R	00215	Order Control	OAC	Action_type_cd	6003	R	HL7 Table 119. Determines the function of the order message.
0 2	75,EL,C	00216	Placer Order Number	Not applicable	Not applicable	Not applicable	C	By default, the UI sends the Millennium Platform unique order_id.
0 2 . 1	Not applicable	Not applicable	Unique Placer ID	O	Order_id	Not applicable	C	This value is assigned by the placer system. It uniquely identifies an order among all orders from this ordering application. Uniqueness must persist over time.
0 2 . 2	Not applicable	Not applicable	Placer Application ID	Not applicable	Literal is <i>HNAM_ORDERID</i>	Not applicable	C	This value is unique in a group of intercommunicating systems. This may not always match the MSH sending or receiving application. By default, UI values HNAM_ORDERID.
0 3	75,EL,C	00217	Filler Order Number	Not applicable	Not applicable	Not applicable	C r	The UI exposes a list of all order aliases associated with this order. The Comserver script filters, formats, and maps to the correct OBR field.

03.1	Not applicable	Not applicable	Unique Filler ID	OAL	Alias	Not applicable	C	This value is assigned by the filler system. It uniquely identifies an order among all orders in a particular filling application. Uniqueness must persist over time.
03.2	Not applicable	Not applicable	Filler Application ID	OAL	Alias_pool_cd	263	C	This value is unique in a group of intercommunicating systems.
04	75, CM	00218	Placer Group Number	Not applicable	Not applicable	Not applicable	N	This field is not used.
04.1	Not applicable	Not applicable	Placer Group Id	Not applicable	Not applicable	Not applicable	N	This field is no used.
04.2	Not applicable	Not applicable	Placer Application Id	Not applicable	Not applicable	Not applicable	N	This field is no used.
05	02, ID	00219	Order Status	O	Order_status_cd Dept_status_cd (SC only)	600414281	O	HL7 Table 0038. This field contains the Millennium Platform status after this order action is completed.
06	01, ID	00220	Response Flag	Not applicable	Not applicable	Not applicable	N	This field is not used.

07	200, TQ, r	00221	Quantity/Timing	Not applicable	Not applicable	Not applicable	N	This field is not used. The UI uses a comparable OBR field. See the OBR-27 (Quantity/Timing) field.
08	200, CM	00222	Parent	Not applicable	Not applicable	Not applicable	N	This field is not used. The UI uses a comparable OBR field. See the OBR-29 (Parent) field.
09	26, TS	00223	DT of Transaction	OAC	Order_dt_tm	Not applicable	O	This field contains the date and time this order action occurred.
10	80, XC N	00224	Entered By	OAC	Action_personnel_id	Not applicable	O	This field contains the personnel member who entered this order action.
11	80, XC N	00225	Verified By	Not applicable	Not applicable	Not applicable	O	This field is not used.
12	80, XC N	00226	Ordering Provider	OAC	Order_provider_id	Not applicable	O	This field contains the provider who requested this order action.
13	80, PL	00227	Enterer's Location	OAC	Order_loc_cd	220	O	None

14	40, XT N,O ,r2	00 22 8	Call Back Phone Nbr	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not used.
15	26, TS	00 22 9	Order Effecti ve DT	OAC	Effective_dt_tm	No t ap pli ca ble	O	None
16	200 ,CE	00 23 0	Order Cntrl Cd Reason	Not applicable	Not applicable	No t ap pli ca ble	O	None
16.1	Not ap plic abl e	No t ap pli ca ble	Reason Code	OD	CANCELREASON DCREASON RESUMEREASON SUSPENDREASON	13 09 Y Y Y	O	The reason code is a code value outbound alias to the code set associated with the order action. The code set varies with the order control code and action (order accept format).
16.2	Not ap plic abl e	No t ap pli ca ble	Descri ption	Not applicable	Not applicable	No t ap pli ca ble	O	None
17	60, CE	00 23 1	Enteri ng Organ ization	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not used.

18	60, CE	00232	Entering Device	OAC	Communication_type_cd	6006	N	This field is not used. It contains the physical device used to enter the order. Future Direction (in process): Millennium Platform maps to the type of device or communication used to enter this order action. The following values are valid: • FAX • PERPROTOCOL • PHONE • REQUISITION • VERBAL
19	80, XC N	00233	Action By	OAC	Action_personnel_id	Not applicable	O	None

OBR Segment Layout

The OBR segment is used to transmit information specific to an order for a diagnostic study or observation, physical exam, or assessment. The OBR segment defines the attributes of a particular request for diagnostic services, such as laboratory, radiology and EKG, or clinical observations, for example, physical exam. For laboratory tests, the information in the OBR segment usually applies to a single specimen. However, the relationship between the specimen and the tests ordered is not one-to-one. Each test battery requires its own OBR segment even when performed on a single specimen; as a result, the specimen information must be duplicated in each OBR segment.

OBR Field Definitions

- The items with a plus sign (+) are not created by the placer. The filler creates these items and they are valued as needed when the OBR segment is returned as part of a report (ORU message). Therefore, on a new order sent to the filler, they are not valued. An exception is when the filler starts the order. In that case, the filler order number is valued and the placer order number may be blank.
- The items with an asterisk (*) items are only relevant when an observation is associated with a specimen. The placer completes these items when the placer obtains the specimen. The filler completes these items when it obtains the specimen.

The following Millennium Platform tables are referenced from the OBR segment:

- O - ORDERS
- OA - ORDER_ACCESSION
- OAC - ORDER_ACTION
- OAL - ORDER_ALIAS
- OD - ORDER_DETAIL
- Laboratory - Laboratory script (path_get_eso_fields)
 - VS - V500_SPECIMEN
 - OL - ORDER_LABORATORY

- C - CONTAINER
- CL - COLLECTION_LIST
- CLC - COLLECTION_LIST_CONTAINER
- RadNet - RadNet script (rad_get_interface_info)
 - OR - ORDER_RADIOLOGY
 - OCAT - ORDER_CATALOG
 - SD - SERVICE_DIRECTORY

OB R Se qu en ce	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R/ O	Additional Information
01	04,SI,C	00237	Set ID - OBR	Not applicable	Not applicable	Not appli cable	C	Always one.
02	75,EI,C	00216	Placer Order Number	O	Not applicable	Not appli cable	C	By default, the UI sends the Millennium Platform unique order_id.
02. 1	Not applicable	Not applicable	Unique Placer Order ID	O	Order_id	Not appli cable	C	This value is assigned by the placer system. Uniquely identifies an order among all orders from this ordering application. Uniqueness must persist over time.

02.2	Not applicable	Not applicable	Placer Application ID	Not applicable	Literal <i>HNAM_ORDERID</i>	Not applicable	C	This value is unique in a group of intercommunicating systems. It may not always match the MSH sending or receiving application. By default, the UI values HNAM_ORDERID.
03	75,EI,C	00217	Filler Order Number +	Not applicable	Not applicable	Not applicable	Cr	The UI exposes a list of all order aliases associated with this order. The Comserver script filters, formats, and maps to the correct OBR field.
03.1	Not applicable	Not applicable	Unique Filler Order ID	OAL	Alias	Not applicable	C	This value is assigned by the filler system. Uniquely identifies an order among all orders in a particular filling application. Uniqueness must persist over time.
03.2	Not applicable	Not applicable	Filler Application ID	OAL	Alias_pool_cd	263	C	This value is unique in a group of intercommunicating systems.

04	200,CE,R	00238	Universal Service ID	Not applicable	Not applicable	Not applicable	R	None
04.1	Not applicable	Not applicable	Text Code	O	Catalog_cd	200	R	Unique Order catalog alias for this contributor_source_cd.
04.2	Not applicable	Not applicable	Text Description	O	Order_mnemonic	Not applicable	O	None
04.3	Not applicable	Not applicable	Coding System	Not applicable	Contributor_source_cd	Not applicable	O	None
04.4	Not applicable	Not applicable	Alternate Text Code	Not applicable	Not applicable	Not applicable	O	None
04.5	Not applicable	Not applicable	Alternate Text Description	Not applicable	Not applicable	Not applicable	N	This field is not used.
04.6	Not applicable	Not applicable	Alternate Coding System	Not applicable	Not applicable	Not applicable	N	This field is not used.
05	02,ID,B	00239	Priority	Not applicable	Not applicable	Not applicable	N	This field is not used. Instead, use the OBR-27.6 field.
06	26,TS,B	00240	Requested Date/Time	Not applicable	Not applicable	Not applicable	N	This field is not used. Instead, use the OBR-27.4 field.

07	26,TS,C	00241	Observation Date/ Time The clinically significant date/ time.	O Laboratory OR	Current_start_dt_tm Collected_dt_tm Start_dt_tm	Not applicable	C	For specimen orders, this field represents the collected date and time. For services not associated with a specimen, this field represents the physiologically relevant date and time. It may not be available for new orders.
08	26,TS,C	00242	Observation End Dt	OR	Complete_dt_tm	Not applicable	O	For point-in-time services, the start and end dates are identical.
09	20,CQ,C	00243	Collection Volume *	Laboratory	Volume^volume_units	Not applicable	O	None
10	60,CN	00244	Collector Identifier *	OD Laboratory	COLLBY	Not applicable	Not applicable	None

11	01,ID	00245	Spec Action Code *	OD, OD, Laboratory	NURSECOLLE CT COLLECTEDY N	Not appli cabl e	O	HL7 Table 0065. The following HL7 values are valid: • A: Add order to existing specimen. • G: Generated or reflex order. • L: Lab to obtain specimen. • O: Specimen obtained by service other than laboratory. • P: Pending specimen. Order sent before delivery. • R: Revised Order. • S: Schedule tests specified below. The Millennium Platform UI derives a specimen action code that can include the following values: • A • L • O • P

12	60,CE	00246	Danger Code	OD Laboratory • VS	ISOLATIONC ODE Laboratory • Specimen_danger_cd	7059	O	None
13	300,ST	00247	Relevant Clinical Info	OD Laboratory • VS	SPECINX LBLCMNT Laboratory • Specimen_comment	Not applicable	O	The UI sends appropriate order detail value associated with the order. The order detail can vary by Millennium Platform catalog type, activity type, or other format flex option.
14	26,TS	00248	Spec Received DT *	OD Laboratory • VS	SPECRECDDA TETIME Laboratory • Received_dt_tm	Not applicable	O	None
15	300,CM	00249	Specimen Source *	Not applicable	Not applicable	Not applicable	C	This field is the site where the specimen should be obtained or the service should be performed. All Laboratory specimen orders have a source defined.

15.1	CE	Not applicable	Source Code	OD Laboratory • VS	SPECIMEN TYPE Laboratory • Specimen_type_cd	2052	C	CodeandDescription.
15.2	ST	Not applicable	Additives	Not applicable	Not applicable	Not applicable	N	This field is not used by the UI. It is found on SPECIMEN_CONTAINER.additive with Code Set 2050. Millennium Platform allows multiple containers per specimen. Each can have different additives.
15.3	ST	Not applicable	Source Description Freetext	OD	SOURCECMN T SPECIMENDESC	Not applicable	O	Usually, only one order detail is defined. However, if both are present, values are concatenated and separated by a semicolon.

15.4	CE	Not applicable	Body Site	OD Laboratory • VS Radiology Management • SD	BODYSITE Laboratory • Body_site_cd Radiology Management • Rad_organ_id	1028	O	Radiology Management Rad_organ_Id(cd) ^description. Note

Organ is not a code value and cannot be aliased. When Radiology Management adds logic to convert the ID to a code value, the UI alias logic can be used. In the meantime, the description may need to include the required PACS organ code and custom scripting is required.

15.5	CE	Not applicable	Site Modifier	Not applicable	Not applicable	Not applicable	N	This field is not used.
15.6	CE	Not applicable	Collect Method Modifier	OD	COLLMETHOD Collection_method_cd	2058	Not applicable	This field contains the collection method.
16	60,XCN	00226	Ordering Provider	OAC	Order_provider_id	Not applicable	O	This field contains the valid personnel alias of the type ORGDOC or the personnel alias defined for the target application.
17	40,TN	00250	Ord Call Back Phone #	Not applicable	Not applicable	Not applicable	Not applicable	This field is not used.
18	60,ST	00251	Placer Field #1	Not applicable	Not applicable	Not applicable	O	This field is defined in Millennium Platform as a repeating composite field. The format is Value^type^subtype^appid.
19	60,ST	00252	Placer Field #2	Not applicable	Not applicable	Not applicable	O	None

20	60,ST	00253	Filler Field #1 +	Radiology Management	Accession Accession_id Rad_pacs_id	Not appli cabl e	O	The field is defined in Millennium Platform as a repeating composite field: Value^type^su btype^appid. Millennium Platform types are valued with the following literal: • Accession- HNA_ACCN, • Accession_i d- HNA_ACCNI D • Rad_pacs_i d- HNA_PACSI D When the SNDSHRTACCN argument is enabled, the short accession number is populated in the OBR-20 field.

20.1	Not applicable	Not applicable	Value	Not applicable	Not applicable	Not applicable	O	For noncardiovascular orderable procedure's short accession format defined as, for example, 17-254-000017. For cardiovascular orderable procedure's short accession format defined as, for example, 00000CV170000117.
20.2	Not applicable	Not applicable	Field Type	Not applicable	Not applicable	Not applicable	O	For noncardiovascular orderable procedure's string value is defined as HNA_SHRT_ACCN. For cardiovascular orderable procedure's short accession format is defined as HNA_CV_ACCN.
21	60,ST	00254	Filler Field #2 +	Radiology Management	Service_resource_cd	221	O	None
22	26,TS,C	00255	Result Report/ Status Change Date/ Time +	OAC	Action_dt_tm	Not applicable	C	None

23	40,CM	00256	Charge to Practice +	Not applicable	Not applicable	Not applicable	Not applicable	This field is not used
24	10,ID	00257	Diagnostic Service Section ID	Default: O Radiology Management : OCAT	Default: Activity_type_cd Radiology Management : Activity_subtype_cd	Default: N106 Radiology Management: N5801	C	HL7 Table 0074. The UI sends the alias to the activity type cd (Code Set 106). The Catalog_type_cd (Code Set 6000) is not used for messages from Millennium Platform. For Radiology Management, modality is used with the activity_subtype_cd (Code Set 5801).
25	01,ID,C	00258	Result Status +	Not applicable	Not applicable	Not applicable	N	This field is not used with ORM messages.
26	200,CM	00259	Parent Result +	Not applicable	Not applicable	Not applicable	O	This field is valued when OBR is a child component of a care set, order set, or supergroup.
26.1	CE	Not applicable	Parent Order ID	Not applicable	Not applicable	Not applicable	C	Parent catalog_cd^parent_order_mnemonic.

26.2	ST	Not applicable	Parent Sub ID	Not applicable	Not applicable	Not applicable	N	This field is not used with ORM messages.
26.3	CE	Not applicable	Parent Results	Not applicable	Not applicable	Not applicable	N	This field is not used with ORM messages.
27	200,TQ,r	00221	Quantity Timing	Not applicable	Not applicable	Not applicable	C	This field is always valued with the NW and SN order control codes.
27.1	CQ	Not applicable	Quantity Component Quantity and Units	OD	QUANTITY	Not applicable	C	This field contains the quantity and units. The default value is 1. It is the quantity of service to be provided at each service interval.
27.2	CM	Not applicable	Interval Component	OD	FREQ	4003	O	This field contains the frequency and explicit time interval. The default is ONCE. If this field is empty or null, it is also equivalent to ONCE.

27.3	Not applicable	Not applicable	Duration	OD	DURATION DURATIONUNIT	54	O	The default value is INDEF. It is only used when Frequency is other than ONCE. ESO UI script converts to HL7 format for the following units: • Seconds • Minutes • Hours • Days • Weeks • Months • Doses
27.4	TS	Not applicable	Start Date/Time	OD, O	REQSTARTDT TM Current_start_dt_tm 2 nd instance Current_start_dt_tm (parent)	Not applicable	RC	For one-time future or timed orders, this field contains the earliest requested date and time for this service. When this OBR is a component of a care set, order set, interval order, or supergroup, the UI values the second instance with the parent's start date and time.
27.5	TS	Not applicable	End Date/Time	Not applicable	Not applicable	Not applicable	N	This field is not used.

27.6	ID	Not applicable	Priority	OD	COLLPRI (1 st) PRIORITY (1 st) REPPRI (2 nd instance)	2054 1304 1905	O	The first TQ instance provides the order or collection priority. The second TQ instance includes the reporting priority. Oraclerecomm ends the following HL7 values: • A: ASAP • C: Callback • P: Preop • PRN: As Needed • R: Routine • S: Stat • T: Timing Critical
27.7	ST	Not applicable	Condition Component	OD	SPECINX	Free text	O	For example, PRN Pain, or to keep blood pressure below 110. The presence of text in this field implies human review is needed to determine how or when this drug should be given.
27.8	TX	Not applicable	Text Component	Not applicable	Not applicable	Not applicable	N	This field is not used.

27.9	ID	Not applicable	Conjunction Component	Not applicable	Not applicable	Not applicable	Not applicable	Literal C to indicate the second TQ instance provides a report priority different from the order priority. Oracle does not support S-Synchronous or A-Asynchronous conjunction codes.
27.10	CM	Not applicable	Sequence Component	Not applicable	Not applicable	Not applicable	N	This field is not Used.
28	150,XCN,r	00260	Result Copies To	OD	CONSULTDOC	Not applicable	O	Each order entry field with the field type meaning of Consulting Physician is referenced when building the repeats of personnel aliases for the field's respective personnel. See Consulting Physician from Design PowerOrders for more information.

29	150,CM	00261	Parent Number	Not applicable	Not applicable	Not applicable	O	This field is valued when OBR is a child component of a care set, order set, interval order, or supergroup. By default, the UI always uses the Millennium Platform order_id as the parent placer order number.
29.1	CM	Not applicable	Parent Placer Order #	O	Order_id	Not applicable	C	Parent Order_id^HNA M_ORDERID.
29.2	CM	Not applicable	Parent Filler Order #	OA	Alias	Not applicable	C	Parent Alias^alias_pool_cd.
30	20,ID	00262	Transportation Mode	OD	TRANSPORT MODE	10300	O	None
31	300,CE	00263	Reason For Study	Not applicable	Not applicable	Not applicable	O	This field is not used. This is not a repeating field in Oracle HL7, but it allows for 300 characters. Multiple reasons can be concatenated to be sent in the single 31.2 field.
31.1	Not applicable	Not applicable	Reason ID	Not applicable	Not applicable	Not applicable	N	Not used.

31.2	Not applicable	Not applicable	Reason Text	OD RadNet	REASONFOR EXAM REASON_FOR_EXAM	Free text	O	Multiple REASONFOREX AM can be collected. A codified one, which is one from a list of pre-built values, and a textual value. The OBR-31.2 field can contain a concatenated string of the multiple REASONFOREX AM for the procedure. See Configure ESO Routine Arguments for more information.
31.3	Not applicable	Not applicable	Coding Scheme	Not applicable	Not applicable	Not applicable	N	This field is not used.
31.4	Not applicable	Not applicable	Alternate Reason ID	Not applicable	Not applicable	Not applicable	N	This field is not used.
31.5	Not applicable	Not applicable	Alternate Reason Text	Not applicable	Not applicable	Not applicable	N	This field is not used.
31.6	Not applicable	Not applicable	Alternate Coding Scheme	Not applicable	Not applicable	Not applicable	N	This field is not used.

32	60,CM	00264	Main Reslt Interpret +	Not applicable	Not applicable	Not applicable	N	This field is not used. Transmitted with ORU Result and Report Messages only.
33	60,CM,,r	00265	Assist Result Interpreter +	Not applicable	Not applicable	Not applicable	N	Not used. Transmitted with ORU Result and Report Messages only.
34	60,CM,,r	00266	Technician +	Not applicable	Not applicable	Not applicable	N	Not used. Transmitted with ORU Result and Report Messages and with ORM status messages for non-specimen services, for example, Chest X-Ray. Not used with specimen orders.
35	60,CM,,r	00267	Transcriptionist +	Not applicable	Not applicable	Not applicable	N	Not used. Transmitted with ORU Result and Report Messages.
36	26,TS	00268	Sched Date/ Time +	OD	SCHEDDTM	Not applicable	O	Date and time filler scheduled an observation. Date and time transmitted vary by activity type.

37	4,NM,O	01028	Nbr of Containers	Not applicable	Not applicable	Not applicable	N	Not used.
38	60,CE,O,r	01029	Transport Logistics of Specimen	Not applicable	Not applicable	Not applicable	N	Not used.
39	200,CE,,r	*01030	Collector comments	Not applicable	Not applicable	Not applicable	N	Not used.
40	Not applicable	01031	Transport Arrangement Responsibility	Not applicable	Not applicable	Not applicable	N	Not used.
41	30,ID,O	01032	Transport Arranged	Not applicable	Not applicable	Not applicable	N	Not used.
42	1,ID,O	01033	Escort Required	Not applicable	Not applicable	Not applicable	N	Not used.
43	200,CE,,r	01034	Planned Patient Transport Comment	Not applicable	Not applicable	Not applicable	N	Not used.
46	CE	Not applicable	Placer Supplemental Service Information	Not applicable	Not applicable	Not applicable	O	None

46.1	ST	Not applicable	Identifier	Not applicable	Not applicable	Not applicable	O	When the NO_OBR24_FL D argument is not enabled, then the OBR-46.1 field is populated with the alias value of catalog type cd from Code Set 6000.
46.2	ST	Not applicable	Text	Not applicable	Not applicable	Not applicable	O	When the NO_OBR24_FL D argument is not enabled, then the OBR-46.2 field is populated with the display value of catalog type cd from Code Set 6000.
46.3	ST	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	O	None

46.4	ST	Not applicable	Alternative Identifier	Not applicable	Not applicable	Not applicable	O	For radiology, the orderable procedure's field is populated with the display value of activity type cd from Code Set 106. For nonradiology, the orderable procedure's field is populated with the display value of sub-activity type cd from Code Set 5801.
46.5	ST	Not applicable	Alternative Text	Not applicable	Not applicable	Not applicable	O	For radiology, the orderable procedure's field is populated with the display value of activity type cd from Code Set 106. For nonradiology, the orderable procedure's field is populated with the display value of sub-activity type cd from Code Set 5801.
46.6	ST	Not applicable	Alternative Coding System	Not applicable	Not applicable	Not applicable	O	None

OBR Segment Processing Notes

With ORM messages supported by the Millennium Platform UI, the OBR segment serves as the primary carrier of information specific to a clinical order. The OBR defines the attributes of the service or procedure to be performed and includes the following attributes:

- Order identification
- Specific exam or service requested
- Date and time the service is requested
- Date and time the results are expected
- Person responsible for collecting a specimen or data for a specimen already collected

When subsequent order activity, for example, status, cancel, and results, occurs in either the placer or filler system, the OBR is again the primary carrier of status and clinical observations specific to the ordered procedure. The UI supports sending add-on orders outbound to a foreign system. The add-on orders are sent using a reflex order from a Discern EKM rule or from an existing accession and container. This is identified in the OBR-11 field. The parent order identifier is sent in the OBR-29 and ORC-8 field.

Although HL7 provides the option to omit the OBR segment for simple order action events, for example, cancel, discontinue, or suspend, Oracle includes the OBR segment in all ORM messages for services associated with the OBR detail segment.

Pharmacy/Treatment Order Segments (*HL7 Chapter 4*)

The Pharmacy/Treatment order segments are described in the sections below.

RXO Segment Layout

The Pharmacy/Treatment (RXO) segment is used to transmit fields that are not specific to components or additives. Unlike the OBR, it does not contain status fields or other data that is results-only. It can be used for any type of pharmacy order.

The following Millennium Platform tables are referenced from the RXO segment:

- O - ORDERS
- OD - ORDER_DETAIL
- OI - ORDER_INGREDIENT

R X O S e q u e n c e	HL 7 Fo rm at	HL 7 Ta ble	HL 7 Ele me nt	Name	Oracle Table	Oracle Attribute	Co de Se t	R/ O	Additional Information

01	100, CE, C	Not applicable	00292	Requested Give Code	Not applicable	Not applicable	Not applicable	R	For single ingredient orders or the compound parent ingredient for a multi-ingredient order, you can configure and send an alias for the orderable procedure. Otherwise, if Multum logic is enabled on the outbound contributor system in SI_Manager (SI_Manager.exe) (CDF_MEANING="SNDMULTUM_IDS", Code Set 14874), and if the Multum cache contains a mapping for the orderable procedure, the following layout is used: • CE-1: Multum DNUM or MMDC value for the orderable procedure. • CE-2: Orderable Mnemonic. • CE-3: Coding System indicator for Multum DNUM or MMDC (Code Set 29495). • CE-4: Multum CNUM value for the order catalog synonym. • CE-5: Order Catalog Synonym Mnemonic, if available, or Ordered As Mnemonic if no OCS Mnemonic. • CE-6: Coding System indicator for Multum CNUM (Code Set 29495).

									For multi-ingredient orders where the ingredient described is not a compound parent ingredient, set to "RXCUST_" + CDF_MEANING for the medication order type (Code Set 18309). For Additive Frequency (AF) orders, set to "RXCUST_" + CDF_MEANING for the medication order type (Code Set 18309) + "AF".
01.1	Not applicable	Not applicable	Not applicable	Identifier	O	CATALOG_CD	200	Not applicable	None
01.2	Not applicable	Not applicable	Not applicable	Text	O	HNA_ORDER_MNEMONIC	Not applicable	Not applicable	None
01.3	Not applicable	Not applicable	Not applicable	Name of Coding System	Not applicable	Not applicable	Not applicable	Not applicable	None
01.4	Not applicable	Not applicable	Not applicable	Alternate Identifier	Not applicable	Not applicable	Not applicable	Not applicable	None

01.5	No t ap pli ca ble	No t ap pli ca ble	No t ap pli ca ble	Alternate Text	O	ORDERED_AS_M NEMONIC	No t ap pli ca ble	No t ap pli ca ble	None
01.6	No t ap pli ca ble	No t ap pli ca ble	No t ap pli ca ble	Name of Alternate Coding System	Not applicable	Not applicable	No t ap pli ca ble	No t ap pli ca ble	None
02	20, NM ,C	No t ap pli ca ble	00 29 3	Request ed Give Amount - Minimu m	OI or OD	STRENGTH or VOLUME or OE_FIELD_VALU E	No t ap pli ca ble	C	For single ingredient orders, send the ingredient strength or ingredient volume. Otherwise, send the value of the TOTALVOLUME order detail. Free-text amounts are available in the RXO-4.5 field.
03	20, NM ,O	No t ap pli ca ble	00 29 4	Request ed Give Amount - Maximu m	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform.
04	60, CE, C	No t ap pli ca ble	00 29 5	Request ed Give Units	Not applicable	Not applicable	No t ap pli ca ble	C	None
04.1	No t ap pli ca ble	No t ap pli ca ble	No t ap pli ca ble	Identifier	OI	STRENGTH_UNIT or VOLUME_UNIT	No t ap pli ca ble	No t ap pli ca ble	For single ingredient orders, send the ingredient strength units or ingredient volume units.

04.2	No t ap pli ca ble	No t ap pli ca ble	No t ap pli ca ble	Text	OI	FREETEXT_DOSE	No t ap pli ca ble	No t ap pli ca ble	Millennium Platform true free-text dose amount.
04.3	No t ap pli ca ble	No t ap pli ca ble	No t ap pli ca ble	Name of Coding System	Not applicable	Not applicable	No t ap pli ca ble	No t ap pli ca ble	None
04.4	No t ap pli ca ble	No t ap pli ca ble	No t ap pli ca ble	Alternate Identifier	Not applicable	Not applicable	No t ap pli ca ble	No t ap pli ca ble	None
04.5	No t ap pli ca ble	No t ap pli ca ble	No t ap pli ca ble	Alternate Text	Derived	Not applicable	No t ap pli ca ble	No t ap pli ca ble	This field contains derived free-text value consisting of strength + strength units, "/", volume + volume units.
04.6	No t ap pli ca ble	No t ap pli ca ble	No t ap pli ca ble	Name of Alternate Coding System	Not applicable	Not applicable	No t ap pli ca ble	No t ap pli ca ble	None
05	60, CE, O	No t ap pli ca ble	00296	Request ed Dosage Form	OD	OE_FIELD_VALU E	4002	O	This field contains the DRUGFORM order detail.

06	200, CE, O, Y	Not applicable	00297	Provider's Pharmacy/ Treatment Instructions	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
07	200, CE, O, Y	Not applicable	00298	Provider's Administration Instructions	OD	OE_FIELD_DISPLAY_VALUE	Not applicable	O	This field contains the SPECINX order detail.
08	200, CM, O	Not applicable	00299	Deliver-To Location	Not applicable	Not applicable	Not applicable	N	Not supported by Millennium Platform.
09	1, ID, O	Not applicable	00300	Allow Substitutions	OD	OE_FIELD_VALUE or OE_FIELD_DISPLAY_VALUE	Not applicable	O	If the value of the Dispense As Written (DAW) Order Detail is one, indicate yes (CDF_MEANING=DAWYES, Code Set 19172). If there is a coded DAW response order detail, transmit the code is selected. Otherwise, if it is not coded, transmit the textual instruction of the DAW response order detail.
10	100, CE, O	Not applicable	00301	Requested Dispense Code	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.

1 1	20, NM ,O	No t ap pli ca ble	00 30 2	Request ed Dispense Amount	OD	OE_FIELD_VALU E	No t ap pli ca ble	O	This field contains the DISPENSEQTY order detail.
1 2	60, CE, O	No t ap pli ca ble	00 30 3	Request ed Dispense Units	OD	OE_FIELD_VALU E	54	O	This field contains the DISPENSEQTYUNIT order detail.
1 3	3, NM ,O	No t ap pli ca ble	00 30 4	Number Of Refills	OD	OE_FIELD_VALU E	No t ap pli ca ble	O	This field contains the NBRREFILLS order detail.
1 4	60, XC N, C, Y	No t ap pli ca ble	00 30 5	Ordering Provider' s DEA Number	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform.
1 5	60, XC N, C, Y	No t ap pli ca ble	00 30 6	Pharmac ist/ Treatme nt Supplier' s Verifier ID	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform.
1 6	1, ID, O	01 36	00 30 7	Needs Human Review	Not applicable	Not applicable	No t ap pli ca ble	N	This field is not supported by Millennium Platform.

17	20, ST, C	Not applicable	00308	Requested Give Per (Time Unit)	OD	OE_FIELD_VALUE	Not applicable	O	Per HL7, the format is Unit<Value as Integer>. For example, H1 - 1 Hour or M30 - 30 minutes. Millennium Platform values from INFUSEOVER and INFUSEOVERUNIT order details. Valid infuse over unit mapping in Millennium Platform is as follows: If infuse over unit CDF meaning (Code Set 54) is: DOSES: X SECONDS: S MINUTES: M HOURS: H DAYS: D WEEKS: W MONTHS: L If the outbound contributor system is enabled in SI_Manager for sending whole integer values for the infuse over (CDF_MEANING=NOTIMINGRND, Code Set 14874), the infuse over information is sent with a whole number integer, for example, H1. Otherwise, the infuse over information is sent as stored in the INFUSEOVER order detail, for example, H0.5.
18	20, NM, O	Not applicable	01121	Requested Give Strength	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.

19	60, CE, O	Not applicable	01122	Requested Give Strength Units	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
20	20, CE, O, Y	Not applicable	01123	Indication	OD	OE_FIELD_DISPLAY_VALUE	Not applicable	O	This field contains the INDICATION order detail.
21	6, ST, O	Not applicable	01218	Requested Give Rate Amount	OD	OE_FIELD_VALUE	Not applicable	O	This field contains the RATE order detail.
22	60, CE, O	Not applicable	01219	Requested Give Rate Units	OD	OE_FIELD_VALUE	54	O	Send the mL/hr coded unit of measure if the give rate is valued in the RXO-21 field. If there is no given rate in the RXO-21 field and the TITRATEIND order detail is enabled, send the literal value TITRATE.
23	10, CQ, O	Not applicable	00329	Total Daily Dose	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.

NTE Segment Layout

The Notes and Comments for the RXO grouping (NTE) segment is used to transmit order-level comments specific to the medication order.

The Millennium Platform OC - ORDER_COMMENT and LT - LONG_TEXT tables are referenced from the RXO segment.

NTE Sequence	HL7 Format	HL7 Table	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	Additional Information
01	4, SI, O	Not applicable	00096	Set ID - NTE	Not applicable	Not applicable	Not applicable	O	None
02	8, ID, O	0105	00097	Source of Comment	OC	COMMENT_TYPE_CD	14	O	None
03	64k, FT, O, Y	Not applicable	00098	Comment	LT	LONG_TEXT	Not applicable	R	None
04	60, CE, O	0364	01318	Comment Type	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.

RXR Segment Layout

The Pharmacy/Treatment Route for RXO (RXR) segment is used to transmit fields that contain the alternative combination of route, site, administration device, and administration method that are prescribed.

The Millennium Platform O - ORDERS and OD - ORDER_DETAIL tables are referenced from the RXR segment.

RXR Sequence	HL7 Format	HL7 Table	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	Additional Information
01	60, CE, R	0162	00309	Route	OD	OE_FIELD_VALUE	4001	R	This field contains the RXROUTE order detail.
02	60, CE, O	0163	00310	Site	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.

03	60, CE, O	0164	0031 1	Administr ation Device	O	MED_OR DER_TYP E_CD	18309	O	This field is valued only if the order is a Patient- Controlled Analgesia (PCA) medication order.
04	60, CE, O	0165	0031 2	Administr ation Method	O	MED_OR DER_TYP E_CD	18309	O	None
05	60, CE, O	Not applica ble	0131 5	Routing Instructio n	Not applica ble	Not applicabl e	Not applica ble	N	This field is not supported by Millennium Platform.

RXC Segment Layout

The Pharmacy/Treatment Component for RXO (RXC) segment is used to transmit the components, which are the base and additives, when the drug ordered in the RXO is a compound drug or IV solution and does not have a single code representing the components collectively.

The following Millennium Platform tables are referenced from the RXC segment:

- OI - ORDER_INGREDIENT
- OP - ORDER_PRODUCT
- MI - MED_IDENTIFIER
- TNF - TEMPLATE_NONFORMULARY

RXC Sequ ence	HL7 Forma t	HL7 Table	HL7 Eleme nt	Name	Oracle Table	Oracle Attribu te	Code Set	R/O	Additional Information

01	1, ID, R	0166	00313	RX Compone nt Type	OI	INGRED IENT_T YPE_FL AG	Not applic able	R	The following values are required: • 0: Not Set (RxMask Build incomplete) • 1: Medication • 2: Base • 3: Additive • 4: Compound Parent • 5: Compou nd Child The RXC-1 field is only valued for type flag values of 2 (B) or 3 (A).
02	100, CE, R	Not applic able	00314	Compone nt Code	Not applic able	Not applica ble	Not applic able	R	None
02.1	Not applic able	Not applic able	Not applic able	Identifier	MI	VALUE_ KEY	Not applic able	Not applic able	For order product item information associated with the ingredient or for template nonformulary information, if an identifier_type_cd is enabled on the outbound contributor system in SI_Manager (CDF_MEANING="ENABLE_ITEM" and CDF_MEANING="RX_IDEN_TYPE", Code Set 14874), the interface sends the item identifier built in the formulary.

02.2	Not applicable	Not applicable	Not applicable	Text	MI TNF	VALUE DESCRIPTION	Not applicable	Not applicable	None
02.3	Not applicable	Not applicable	Not applicable	Name of Coding System	MI	MED_IDENTIFIER_TYPE_CD	11000	Not applicable	None
02.4	Not applicable	Not applicable	Not applicable	Alternate Identifier	Not applicable	Not applicable	Not applicable	Not applicable	None
02.5	Not applicable	Not applicable	Not applicable	Alternate Text	OI	ORDER_AS_MNEMONIC	Not applicable	Not applicable	None
02.6	Not applicable	Not applicable	Not applicable	Name of Alternate Coding System	Not applicable	Not applicable	Not applicable	Not applicable	None
03	20, NM, R	Not applicable	00315	Component Amount	OP	DOSE_QUANTITY	Not applicable	R	None
04	60, CE, R	Not applicable	00316	Component Units	OP	DOSE_QUANTITY_UNIT_CD	54	R	None
05	20, NM, O	Not applicable	01124	Component Strength	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.
06	60, CE, O	Not applicable	01125	Component Strength Units	Not applicable	Not applicable	Not applicable	N	This field is not supported by Millennium Platform.

Observation Reporting Segments (HL7 Chapter 7)

The Observation Reporting Segments are described below.

OBX Segment Layout

The OBX segment is used to transmit a single observation. In an ORM message, the OBX segment is used to communicate values for specific order comments or order prompts. OBX segments include observations available at the time of order entry or other order event trigger activity. OBX segments include observations available at the time of order entry or other order event trigger activity.

The following Millennium Platform tables are referenced from the OBX segment:

- CE - CLINICAL_EVENT
- O - ORDERS
- OD - ORDER_DETAIL
- PROP - PROMPT_RESULT (Laboratory)
- SREQ - SERVER REQUEST

OBX Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	Additional Information
01	04,SI	00569	Set ID - OBX	Not applicable	Not applicable	Not applicable	R	It is sequential under OBR.
02	02,ID,R	00570	Value Type	Not applicable	Not applicable	Not applicable	R	The following values are valid: • CE • HD • ID • IS • NM • ST • TS • TX • XCN The value is determined by ESO processing based on the type of value for a given order detail.

03	80,CE,R	00571	Observation Identifier	Not applicable	Not applicable	Not applicable	R	Not applicable
03.1	ID	Not applicable	Procedure ID	ODPROP	OE_field_meaning or Task_assay_cd	16449 14003	R	Alias to an order detail field meaning or Laboratory prompt test. A prompt test is also a Laboratory discrete task assay (Code Set 14003).
03.2	ST	Not applicable	Procedure description	CV	Display	Not applicable	O	Not applicable
03.3	ID	Not applicable	Coding scheme	CVO	Contributor_source_cd	Not applicable	O	Not applicable
03.4	ID	Not applicable	Alternate Procedure ID	Not applicable	Not applicable	Not applicable	N	This field is not used.
03.5	ST	Not applicable	Alternate Description	Not applicable	Not applicable	Not applicable	N	This field is not used.
03.6	ID	Not applicable	Alt Coding Scheme	Not applicable	Not applicable	Not applicable	N	This field is not used.
04	20,ST	00572	Observation Sub-ID	Not applicable	Not applicable	Not applicable	O	This field is not used with order prompts or order details.
05	64k,R	00573	Observation Value	OD SREQ PROP	Varies	Not applicable	O	This field contains the value of the order detail.

06	60,CE	00574	Units	OD SREQ PROP	Varies	Not applicab le	C	Some order details are defined in pairs, where one defines the value and the other defines the units (for example, WEIGHT and WEIGHTUNIT).
07	60,ST	00575	Reference Range	CE	normal_low normal_high	Not applicab le	O	This field is used with ORM order details.
08	10,ID,,r5	00576	Abnormal Flags	Not applicab le	Not applicable	Not applicab le	N	This field is not used with ORM order details.
09	05,NM	00577	Probability	Not applicab le	Not applicable	Not applicab le	N	This field is not used.
10	05,ID	00578	Nature of Abn Test	Not applicab le	Not applicable	Not applicab le	N	This field is not used.
11	02,ID,R	00579	Observ Result Status	CE	result_stat us_cd	Not applicab le	O	This field is used with ORM order details.
12	26,TS	00580	Date Last Observe Normal Values	Not applicab le	Not applicable	Not applicab le	N	This field is not used.
13	20,ST	00581	User access checks	Not applicab le	Not applicable	Not applicab le	N	This field is not used.
14	26,TS	00582	Observatio n Date Time	Not applicab le	Not applicable	Not applicab le	O	This field is used with ORM order details.

15	60,CE	00583	Producer's ID	Not applicable	Not applicable	Not applicable	N	This field is not used.
15.2	Not applicable	Not applicable	Producer ID Text	Not applicable	Not applicable	Not applicable	N	This field is not used.
15.3	Not applicable	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	N	This field is not used.
15.4	Not applicable	Not applicable	Alt Producer ID Code	Not applicable	Not applicable	Not applicable	N	This field is not used.
15.5	Not applicable	Not applicable	Alt Producer ID Text	Not applicable	Not applicable	Not applicable	N	This field is not used.
15.6	Not applicable	Not applicable	Alternate Coding System	Not applicable	Not applicable	Not applicable	N	This field is not used.
16	60,XCN	00584	Responsible Observer	CE	verified_prsnl_id	Not applicable	O	This field is used with ORM order details.
16.1	ID	Not applicable	ID Number	Not applicable	Not applicable	Not applicable	O	None
16.2	ST	Not applicable	Last Name	Not applicable	Not applicable	Not applicable	O	None
16.3	ST	Not applicable	First Name	Not applicable	Not applicable	Not applicable	O	None
16.4	ST	Not applicable	Middle Name	Not applicable	Not applicable	Not applicable	O	None

16.5	ST	Not applicable	Suffix	Not applicable	Not applicable	Not applicable	O	None
16.6	ST	Not applicable	Prefix	Not applicable	Not applicable	Not applicable	O	None
16.7	ST	Not applicable	Degree	Not applicable	Not applicable	Not applicable	O	None
16.9	HD	Not applicable	Assigning Authority	Not applicable	Not applicable	Not applicable	O	None
16.10	ID	Not applicable	Name Type Code	Not applicable	Not applicable	Not applicable	O	None
16.11	ST	Not applicable	Check Digit	Not applicable	Not applicable	Not applicable	O	None
16.12	ID	Not applicable	Check Digit Scheme	Not applicable	Not applicable	Not applicable	O	None
16.13	ID	Not applicable	ID Type	Not applicable	Not applicable	Not applicable	O	None
16.14	HD	Not applicable	Assigning Facility	Not applicable	Not applicable	Not applicable	O	None

OBX Segment Processing Notes - Appropriate Use Criteria

For downstream systems expecting to receive information on diagnostic imaging orders regarding an Appropriate Use Criteria (AUC) consultation event performed by an ordering provider with a Clinical Decision Support Mechanism (CDSM), or an exemption, for example, No Internet Connection Available, the interface can be configured to transmit the ORM message using the AUC Information Component profile. See [Configure ESO Routine Arguments](#) for information on the AUC routine argument.

When enabled, the ORM message contains the following information:

HL7 Field	Description	Code Set	Additional Information
MSH-21	Message Profile Identifier	4652006	This field contains the Foreign System Interfaces Profile for AUC. The following aliases are recommended aliases for the MSH-21.1 field: • MSH-21.1: AUC_Information_Component • MSH-21.3: 1.3.6.1.4.1.19376.1.1.1.39.2 • MSH-21.4: ISO
OBX-2	Value Type	Not applicable	This field contains the literal value of ST. The field is empty if AUC Exemption occurs. The AUC messaging profile does not place a constraint on the type of CDSM score (numeric or alphabetic) contained in the OBX-5 field.
OBX-3	Observation Identifier	4652007	This field contains Foreign System Interfaces LOINC Concepts for AUC. The following aliases are recommended for the OBX-3.1 field: • OBX-3.1: Contains 76515-6. • OBX-3.2: May contain Requested Procedure is Appropriate. • OBX-3.3: Contains LN for the LOINC coding system.
OBX-5	Observation Value	Not applicable	This field contains the score assigned by CDSM for the order placed. The field is empty if AUC Exemption occurs. It is transmitted from the AUCSCORE Order Detail in Millennium Platform.
OBX-8	Interpretation Codes	17769	This field contains the applicability of the score given to the order by the CDSM. The field is empty if AUC Exemption occurs. It is transmitted from the AUCORDERADHERENCE Order Detail in Millennium Platform.
OBX-11	Observation Result Status	Not applicable	This field contains the literal value of the letter O, indicating order detail description.

OBX-15	Producer's ID Reference	4650020	This field contains the G-Code Identifier of the CDSM used in the consultation event. The field is empty if AUC Exemption occurs. It is transmitted from the QCDSMUTILIZED Order Detail in Millennium Platform.
OBX-19	Date/Time of Observation	Not applicable	This field contains the date and time when the AUC consultation event occurred and score issued by the CDSM. HL7 standard DTM datatype format is required, for example, YYYYMMDDHHMM. The field is empty if AUC Exemption occurs. It is transmitted from the AUCCONSULTDTM Order Detail in Millennium Platform.
OBX-29	Observation Type	Not applicable	This field contains the literal value of SCI, indicating supporting clinical information.
OBX-32	Observation Value Absent Reason	17769	This field contains the codified exemption reason for not consulting with a CDSM, or No Internet Connectivity. When the OBX-32 field is valued, the OBX-2, OBX-5, OBX-8, and OBX-19 fields are required to be empty. This field is transmitted from the AUCORDERADHERENCE Order Detail in Millennium Platform. It is populated from the ORDER_DETAIL table, in column OE_FIELD_VALUE (Code Set 17769) for the order detail with OE_FIELD_MEANING of AUCORDERADHERENCE, and OE_FIELD_VALUE has CODE_VALUE_EXTENSION flexing with FIELD_NAME as "ACCEPTANCE_IND" and FIELD_VALUE = 0 for AUC Abnormal Modifiers of "MA", "MB", "MC", "MD", "MH", or "QQ".
NTE-2	Source of Comment	Not applicable	This field contains the literal value of the letter O indicating another system.

NTE-3	Comment	Not applicable	table comments specific to the AUC consultation event between the ordering physician and the CDSM, or textual information regarding the exemption. In Millennium Platform, store up to 255 characters in the order detail model. It is transmitted from the AUCCONSULTCOMMENT Order Detail in Millennium Platform.

Because activation occurs at the ESO server level, individual Comserver suppression is available when diagnostic orders are routed to multiple interfaces, but not all receiving systems expect to receive AUC information. Use the literal value DONOTSEND for the MSH Profile Identifier (Code Set 4652006) and Foreign System Interfaces LOINC Concept (Code Set 4652007) to remove the information from both the profile list and the OBX and NTE segment grouping before transmitting to a foreign system.

OBX Segment Processing Notes - Provider Fields

The UI supports Order Entry fields that are configured as Provider type fields. The UI generates an OBX segment for each distinct order entry field on the order and transmits all the providers that are recorded for that order entry field within their corresponding segments. If multiple different providers are all recorded within the same order entry field through multi select, then the corresponding OBX segment for that order entry field transmits all the identifiers for those providers in the OBX segment for that order entry field. See [Configure Order Entry Fields and Formats](#) for information on the field types.

The following order is an example of only one order entry field for the field type provider with a single provider selected:

```
OBX|1|XCN|CC Provider^CC Provider||1234^Doe^John^^^^^^K^^^PRSNL PRIMARY
ID^""~5678^Doe^John^^^^^^K^^^PRSNL ID NUMBER^""|
```

The following order is an example of only one order entry field for the field type provider with multiple different providers selected:

```
OBX|1|XCN|CC Provider^CC Provider||1234^Doe^John^^^^^^K^^^PRSNL PRIMARY
ID^""~5678^Doe^John^^^^^^K^^^PRSNL ID
NUMBER^""~1724^Doe^Jane^^^^^^K^^^PRSNL PRIMARY
ID^""~2025^Doe^Jane^^^^^^K^^^PRSNL PRIMARY ID^""|
```

The following order is an example of multiple order entry fields for the field type provider with a single provider selected:

```
OBX|1|XCN|CC Provider^CC Provider||1234^Doe^John^^^^^^K^^^PRSNL PRIMARY
ID^""~5678^Doe^John^^^^^^K^^^PRSNL ID NUMBER^""|
OBX|2|XCN|CC Provider 1^CC Provider 1||1724^Doe^Jane^^^^^^K^^^PRSNL PRIMARY
ID^""~2025^Doe^Jane^^^^^^K^^^PRSNL PRIMARY ID^""|
```

The following order is an example of multiple order entry fields for the field type provider, each with multiple providers selected:

```
OBX|1|XCN|CC Provider^CC Provider||1234^Doe^John^^^^^^K^^^PRSNL PRIMARY
ID^""~5678^Doe^John^^^^^^K^^^PRSNL ID
NUMBER^""~1724^Doe^Jane^^^^^^K^^^PRSNL PRIMARY
ID^""~2025^Doe^Jane^^^^^^K^^^PRSNL PRIMARY ID^""|
OBX|2|XCN|CC Provider1^CC Provider1||1234^Doe^John^^^^^^K^^^PRSNL PRIMARY
ID^""~5678^Doe^John^^^^^^K^^^PRSNL ID
NUMBER^""~1724^Doe^Jane^^^^^^K^^^PRSNL PRIMARY
ID^""~2025^Doe^Jane^^^^^^K^^^PRSNL PRIMARY ID^""|
```

Millennium Platform Defined Z Segments

ZCT Segment Layout

The optional Container Tracking (ZCT) segment includes container information for a Laboratory order, which is an ordered procedure in an accession number. This segment is used with Laboratory interfaces when the receiving laboratory system uses container tracking. The ZCT segments follow the last OBX segment for an ORC and OBR pair. The ZCT segment can repeat as needed. See [Configure ESO Routine Arguments](#) for the ZCT routine argument.

The Millennium Platform C - CONTAINER and CA - CONTAINER_ACCESSION tables are referenced from the ZCT segment.

ZCT Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	Additional Information
01	4,SI	ZCT01	Set Id	Not applicable	Not applicable	Not applicable	R	It is sequential under this OBR. Starts at one and is incremented by one.

02	EI	ZCT02	Container Identifier	C	Container_id^ HNAME_CONTAINERID	Not applicable	R	This field contains a system-generated number that uniquely identifies a container.
03	NM	ZCT03	Accession Container Number	CA	Accession_container_number	Not applicable	R	This field contains a number uniquely identifying a particular container on an accession number.
04	CE	ZCT04	Container Type Code	C	Spec_cntr_cd	2051	R	This field contains the type of container the specimen is in.
05	CE	ZCT05	Specimen Type Code	C	Specimen_type_cd	2052	R	This field contains the type of specimen in the container.
06	CE	ZCT06	Collection Class Code	C	Coll_class_cd	231	R	This field defines a collection class used to group collection requirements.
07	CE	ZCT07	Special Handling Code	C	Spec_hndl_cd	230	O	This field contains any special handling for the container.
08	NM	ZCT08	Collection Volume	C	Volume	Not applicable	R	This field contains the total volume of the container.
09	CE	ZCT09	Collection Volume Units Code	C	Units_cd	54	R	This field contains the units in which the container is measured.

10	TS	ZCT10	Drawn Date and Time	C	Drawn_dt_tm	Not applicable	O	This field contains the date and time the specimen was collected.
11	NM	ZCT11	Parent Container Number	CA	ACCESSION_CONTAINER_NBR	Not applicable	O	This field contains the container accession number pertaining to the parent container that the aliquot came from.
12	ST	ZCT12	Container Barcode Accession	CA	BARCODE_ACCESSION	Not applicable	R	This field contains the string printed on the container label uniquely identifies the specimen. This string is the accession number truncated.
13	CE	ZCT13	Container Alias Code	Not applicable	Not applicable	Not applicable	O	This field contains an alias for the container suffix. Note This field is supported for client custom scripts pertaining to Millennium Helix orders.

ZBR Segment Layout

The Additional Orders Information (ZBR) segment includes additional order information not available in the standard HL7 segments. The ZBR segment can repeat as needed.

The Millennium Platform O - ORDERS and DF - DM_FLAGS tables are referenced from the ZBR segment.

ZBR Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	Additional Information
01	CWE	ZBR01	Orders Table Flags	Not applicable	Not applicable	Not applicable	O	The Orders Table Flag values allow enterprise interface engines to route the parent and child orders as needed without querying the orders table for the flag values.
01.1	ID	Not applicable	Identifier	O	cs_flag template_order_flag orderable_type_flag	Not applicable	O	Iteration 1: The ZBR-1.1 field is displayed from the cs_flag attribute on the ORDERS table, concatenated with the description displayed from the DM_FLAGS table. Iteration 2: The ZBR-1.1 field is displayed from the template_order_flag attribute on the ORDERS table, concatenated with the description displayed from the DM_FLAGS table. Iteration3: The ZBR-1.1 field is displayed from the orderable_type_flag attribute on the ORDERS table, concatenated with the description displayed from the DM_FLAGS table.

01.2	TX	Not applicable	Text Description	DF	cs_flag template_order_flag orderable_type_flag	Not applicable	O	Iteration 1: The ZBR-1.2 field is displayed from the cs_flag attribute on the DM_FLAGS table. Iteration 2: The ZBR-1.2 field is displayed from the template_order_flag on the DM_FLAGS table. Iteration3: The ZBR-1.2 field is displayed from the orderable_type_flag on the DM_FLAGS table.

ZBR Segment Processing Notes

If any Order Table Flags are not displayed in the database, and therefore are not valued in their respective base iteration order, the system sorts all remaining iterations up in order, not leaving an empty iteration of the ZBR-1 field.

For example, if the CS Flag is not valued, but Template Order Flag and Orderable Type Flag are valued, the ZBR-1 value is displayed as [flag_value] - [description of the data]^TEMPLATE_ORDER_FLAG~[flag_value] - [flag_description]^ORDERABLE_TYPE_FLAG.

Additional Resources

- [Configure ESO Routine Arguments](#)
- [Unit 8o: ADT Message Processing Outbound](#)
- [Design PowerOrders](#)

Unit 10i - Result and Document Processing Inbound Specifications

Reference Pages

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Overview

This Reference Page describes the Health Level Seven (HL7) event codes, messages, and segments that are supported in the Millennium Platform Universal Interface (UI) to transfer discrete results (ORU) and display-only (ZDM) message records from an external system to Open Clinical Foundation (OCF). This page explains the detailed requirements for these messages and also describes how the UI processes these messages.

This page describes the transfer of information when the Millennium Platform system is not the primary ancillary system used to perform, enter, control, and monitor departmental orders, results, and clinical and management reports. As a result, this page does not consider issues related to the following topics:

- Bidirectional orders interface
- Exam requisitions
- Labeling and accessioning
- Medical device instruments
- Other discipline-specific topics
- Reference laboratory interfaces
- Specimen collections

General Description

The Millennium Platform UI supports the receipt of ORU messages from an external system for storage of results and pending results in OCF. OCF does not provide full support for the receipt of orders from an external system. A subset of a separate order record can be de-normalized for storage in OCF as a pending result event.

The UI supports the receipt of ZDM messages for display documents with optional endorsements from an external system for storage in OCF. The UI can also use ZDM or ORU messages to store reference pointers to documents stored in an external system.

The UI responds to all ORU and ZDM messages with an immediate, general acknowledgment (ACK) message.

Trigger Events

The UI accepts the following message types, events, and order control codes for transferring results and documents from an external system directly to OCF:

Event	Message	Code	Description
R01	ORU	RE	Discrete results
ZB1	ORU	RE	Discrete Blood Bank Transfusion crossmatch results (specimen/product)
ZB2	ORU	RE	Blood product transfused event
R03	ORU	RE	Document or display results
R03	ZDM	Not applicable	Display-only Documents with optional endorsements

R01	ORU	CN	Radiology Management results (linked)

The following constraints apply to the messages on the table above:

- Documents provided in ZDM messages are not suitable for Message Center workflows. See [Unit 12i - Medical Document Management Inbound Specifications](#) for more information.
- The ability to accept and process pending results activity to OCF varies by discipline and service area. Before sending pending results, the external system must assign and send unique order identifiers, for example filler order number or accession number, and must guarantee that these same identifiers are used when sending discrete results. In addition, to effectively match pending result records to actual results without creating an excessive number of extra inactive clinical event rows, a relatively stable start, or observation date and time must be available. The date and time used must be clinically significant. For example, for specimen orders, use the collected date and time; for exam orders, use the exam-completed date and time.
- The discrete Blood Bank Transfusion events (ZB1 and ZB2) enable the UI to capture a snapshot of the Blood Bank Transfusion product at the time the message is received. The UI cannot use these messages to provide Blood Bank Transfusion product inventory tracking or product availability.
- The UI does not accept multiple patients, multiple visits, or multiple encounters, on a single transaction.
- To view pending results at the discrete level, the sending system must send Order Detail (OBX) segments for only the required detailed procedures. Only send OBX segments for nonrequired details with a performed or verified observation value.

ORU Message Definition - Unsolicited Discrete Results

The ORU message definition for unsolicited discrete results is described below.

Unsolicited Discrete Results (R01) and Display Results (R03)

The UI accepts ORU messages for both discrete and display results using the following HL7 V 2.2 message format. The CPM External System Inbound (ESI) server (SCP 250) processes the following messages:

Order	ORU Segment	Segment Name	Additional Information
1	MSH	Message Header	MSH-9 valued ORU^R01 or ORU^R03. For the R01 event, this segment contains discrete results. For the R03 event, this segment contains display document results.
2	PID	Patient Identification	None.
3	[PV1]	Patient Visit	None.
4	{	No applicable	None.
5	ORC	Order Common	This segment is required as a placeholder.

6	OBR	Observation Report	None.
7	{{ NTE }}	Notes and Comments	This segment contains order-level comments.
8	{{ZDS}}	Not applicable	None.
9	{{	Not applicable	None.
10	OBX	Observation/Result	None.
11	{{NTE}}	Notes and Comment	This segment contains observation-level comments. Footnotes and interpretive data. For R03 display results, NTE segments follow the last OBX segment.
12	{{ZDS}}	Not applicable	None.
13	}}	Not applicable	None.
14	}	Not applicable	None.

The UI accepts ORU messages for discrete or display results using the HL7 v2.5.1 message format listed below. The ESI server processes these messages.

O r d e r	ORU Segment	Segment Name	Additional Information
1	MSH	Message Header	MSH-9 valued ORU^R01 For the R01 event, this segment contains discrete results.
2	{{SFT}}	Software Segment	This segment is not supported.
3	{	-- PATIENT_RESULT begin	None.
4	[	-- PATIENT begin	None.

5	PID	Patient Identification	None.
6	[PD1]	Additional Demographics	This segment is not supported.
7	[[NTE]]	Notes and Comments	None.
8	[[NK1]]	Next of Kin/Associated Parties	This segment is not supported.
9	[	-- VISIT begin	None.
10	PV1	Patient Visit	None.
11	[PV2]	Patient Visit - Additional Info	This segment is not supported.
12	]	-- VISIT end	None.
13	]	-- PATIENT end	None.
14	{	-- ORDER_OBSERVATION begin	None.
15	[ORC]	Order Common	This segment is not supported.
16	OBR	Observation Request	None.
17	[[NTE]]	Notes and Comments	None.
18	[{	-- TIMING_QTY begin	None.
19	TQ1	Timing/Quantity	None.
20	[[TQ2]]	Timing/Quantity Order Sequence	This segment is not supported.

2 1	}}	-- TIMING_QTY end	None.
2 2	[CTD]	Contact Data	This segment is not supported.
2 3	{{	-- OBSERVATION begin	None.
2 4	OBX	Observation related to OBR	None.
2 5	{{NTE}}	Notes and Comments	None.
2 6	}}	-- OBSERVATION end	None.
2 7	{{FT1}}	Financial Transaction	This segment is not supported.
2 8	{{CTI}}	Clinical Trial Identification	This segment is not supported.
2 9	{{	-- SPECIMEN begin	None.
3 0	SPM	Specimen	None.
3 1	{{OBX}}	Observation related to Specimen	None.
3 2	}}	-- SPECIMEN end	None.
3 3	}	-- ORDER_OBSERVATION end	None.
3 4	}	-- PATIENT_RESULT end	None.

3 5	[DSC]	Continuation Pointer	This segment is not supported.
3 6	[ZDS]	Document Endorsements	None.

Discrete Blood Bank Specimen - Product (Crossmatch) Results - (ZB1)

The UI accepts ORU messages for discrete Blood Bank Transfusion specimen-product results using the message format listed below. The UI does not require the ZB1 event to process this type of result but the message structure defined below is required. The event is defined to clarify the distinction between discrete Blood Bank Transfusion specimen results, discrete specimen product results, and the Blood Bank Transfusion status event.

Order	ORU Segment	Segment Name	Additional Information
1	MSH	Message Header	For the ZB1 event, this segment contains the Blood Bank Transfusion specimen-product result. For the R01 event, this segment contains discrete results.
2	PID	Patient Identification	None.
3	[PV1]	Patient Visit	None.
4	{	Not applicable	None.
5	ORC	Order Common	This segment is required as a placeholder.
6	OBR	Observation Report	None.
7	[{ NTE }]	Notes and Comments	This segment contains order-level comments.
8	[[	Not applicable	None.
9	OBX	Observation/ Result	Use this segment if you are sending specimen-only results, for example, RH, in the same message as specimen-product results.

10	[[NTE]]	Notes and Comment	This segment contains observation-level comments. Footnotes and Interpretive data.
11	}}	Not applicable	None.
12	[[	Not applicable	None.
13	ZBP	BPU Information	This segment contains blood product unit information.
14	OBX	Observation	This segment contains the specimen-product result, for example, crossmatch.
15	[{NTE}]	Notes and Comments	None.
16	}}	Not applicable	None.
17	}	Not applicable	None.

Discrete Blood Bank Transfused Event - (ZB2)

The UI accepts ORU messages for a discrete Blood Bank Transfusion transfused (ZB2) event using the message format listed below. The UI does not require the ZB2 event to process this type of result but the message structure as defined below is required. The ZB2 event is defined to clarify the distinction between discrete Blood Bank Transfusion specimen results, discrete specimen product results, and the Blood Bank Transfusion status event.

Order	ORU Segment	Segment Name	Additional Information
1	MSH	Message Header	For the ZB2 event, this segment contains the Blood Bank Transfusion Status Event.
2	PID	Patient Identification	None.
3	[PV1]	Patient Visit	None.

4	{	Not applicable	None.
5	ORC	Order Common	This segment is required as a placeholder.
6	OBR	Observation Report	None.
7	[[NTE]]	Notes and Comments	This segment contains order-level comments.
8	ZBP	BPU Information	This segment contains blood product unit information. An OBX segment cannot follow the ZBP segment during transfused status processing.
9	}	Not applicable	None.

ORU Message Processing

ORU message processing is described in the sections below.

Ordered Procedure and OBR Segment

The Observation Report (OBR) segment corresponds to an ordered procedure. The UI uses the OBR segment to create a parent CLINICAL_EVENT row. The UI uses the OBX segments to create the detail CLINICAL_EVENT rows with a PARENT_EVENT_ID that reference this CLINICAL_EVENT group.

The UI also inserts additional child rows into the appropriate CLINICAL_EVENT tables, based on the event code and event code parameters defined on the V500_EVENT_CODE table, the service area associated with the event, and other data values available in the ORU message. Examples of service areas associated with the event are Microbiology, Anatomic Pathology, and Radiology Management.

The UI expects data in the OBR segment even when equivalent fields may be available in the ORC segment. These OBR fields include, but are not limited to the following fields:

- Placer order number (OBR-2)
- Filler order number (OBR-3)
- Ordering clinical staff (OBR-16)

Oracle Event Codes

The identifier in the OBR-4 (Universal Service ID) or OBX-3 (Observation Identifier) field is used as an alias to a Oracle Event Code (Code Set 72). As needed, the UI creates new, unauthenticated event codes with an active status using the first component as the event code and the second component as the event code description. New event codes added by the UI are included in an OTHER RESULT event set. Manual intervention is then required to assign the new event codes to appropriate event sets.

Alternatively, the OBR-4.1 field can also be an alias to the Order Catalog code (Code Set 200) and the OBX-3.1 field can be an alias to the Discrete Task Assay (Code Set 14003). When SI_Manager (SI_Manager.exe) is configured to use this option and an alias is found, the UI uses the Order Catalog code value or Discrete Task Assay code value to indirectly identify the event code from the CODE_VALUE_EVENT_R table. When the option is configured and an alias is not located, the UI returns to the default event code alias processing described in the previous paragraph.

The OBR-4.2 and OBX-3.2 description components are not stored in the CLINICAL_EVENT record but can be used in creating a new active event code and primitive event set if an existing event code is not found.

Ensure that the sending system values the OBR-4 and OBX-3 fields using the first three components:

```
|code^description^coding scheme\|
```

Note

By default, the UI does not use the last three components of the OBR-4 or OBX-3 fields. For the OBR-4 field, this includes the OBR-4.4, 4.5, and 4.6 fields. For the OBX-3 fields, this includes the OBX-3.4, 3.5, and 3.6 fields. The UI also ignores the transmitted coding system provided in the OBR-4.3 and OBX-3.3 fields, rather using the primary and alternate contributor sources defined in SI_Manager for a given contributing system (MSH-3 Sending Application).

The UI provides configurations to accept the primary contributor source in the OBX-3.3 or OBX-3.6 fields with or without the add-on-the-fly functionality. The UI aliases the configured OBX-3.3 or OBX-3.6 field on the Code Set 73 contributor source code. It uses that contributor source code to search for the code value alias using the OBX-3.1 or OBX-3.4 fields. If the alias is not found and the add-on-the-fly option is selected, the UI creates a new, unauthenticated event code as defined above. Alternate contributor source processing occurs as needed on the non-primary triplet of the OBX-3 CE data type.

Examples

```
|8012345^Potassium|           (where '8012345' is a code value alias on the
primary or alternate contributor source defined for the contributor system)
|8012345^Potassium^99HP|      (where the ESI SPECIAL SOURCE FLAG is configured
to accept the Primary contributor source for OBX-3 field processing in the
first triplet of the CE data type,
```

```
          '99HP' is a code value alias on code set 73 for
the primary contributor source and '8012345' is a code value alias on the
primary contributor source)
```

```
|8012345^Potassium^^12814-0^Potassium^LN|    (where the ESI SPECIAL SOURCE
FLAG is configured to accept the Primary contributor source for OBX-3 field
processing in the second triplet
```

```
of the CE data type, "LN" is a
code value alias on code set 73 for the primary (LOINC) contributor source,
and 12814-0 is a code value
```

```
alias on the LOINC contributor
```

source)

LOINC Assignment

The UI accepts LOINC identifiers from inbound ORU Result messages and posts them to the REF_CD_MAP_HEADER and REF_CD_MAP_DETAIL tables to assign the LOINC to the associated clinical event being written.

When processing General Laboratory results, if the OBX-3.3 or OBX-3.6 field is an alias to the LOINC code value on Code Set 400 (Source Vocabulary), then the UI assigns the associated OBX-3.1 or OBX-3.4 field to the result clinical event.

When processing Microbiology stain reports, if the OBX-3.3 or OBX-3.6 field is an alias to the LOINC code value on Code Set 400, then the UI assigns the associated OBX-3.1 or OBX-3.4 field to the stain report clinical event.

When processing Microbiology susceptibility results, if the OBR-26.3 (Parent Result Code System) field or OBR-26.6 (Parent Result Alternate Code System) field is an alias to the LOINC code value on Code Set 400, then the UI assigns the associated OBR-26.1 or OBR-26.4 field to the identified organism.

When processing Microbiology susceptibility results, if the OBX-3.3 or OBX-3.6 field is an alias to the LOINC code value on Code Set 400, then the UI assigns the associated OBX-3.1 or OBX-3.4 field to the antibiotic susceptibility result.

When processing a Microbiology organism linked to stain reports or susceptibility, if the OBX-3.3 (Observation Identifier Code System) or OBX-3.6 (Observation Identifier Alternate Code System) field is an alias to the LOINC code value on Code Set 400, then the interface assigns the associated OBX-3.1 or OBX-3.4 field to the stain report clinical event.

SNOMED CT Code Assignment

The UI accepts SNOMED CT identifiers from inbound ORU Result messages and posts them to the REF_CD_MAP_HEADER and REF_CD_MAP_DETAIL tables to assign the SNOMED code to the associated clinical event that is written.

When processing Microbiology laboratory results, the system performs one of the following searches to support SNOMED CT codes:

1. The system first performs a search to determine if the OBX-5.3 (Observation Value Code System) field or OBX-5.6 (Observation Value Alternate Code System) field is an alias to the SNOMED code value on Code Set 400 and supports concepts. Vocabularies support concepts when the field_name attribute equals DEFAULT_CONCEPT_SOURCE_MEAN and the field_value attribute is populated on the CODE_VALUE_EXTENSION table. If concepts are supported, the UI assigns the associated OBX-5.1, Identifier or OBX-5.4, and Alternate Identifier to the result clinical event, and constructs the concept_cki, for example, SNOMED!116680003, using the source vocabulary and concept_identifier from the CMT_CONCEPT table. The system also maps the concept_identifier from OBX-5.1 or 5.4 to the concept_identifier on the CMT_CONCEPT table and then establishes a link to concept_cki on the NOMENCLATURE table. The interface uses the Observation Date and Time (OBR-7) field as the effective date of the concept, and uses that date to perform a search on the concept-based nomenclatures. The search operation also fails to use the current date as the effective date of the concept when OBR-7 is either empty or invalid.
2. The system performs a direct search on the NOMENCLATURE table using the OBX-5.1 (Identifier) field and the OBX-5.3 (Name of Coding) fields when the vocabulary aliased by the OBX-5.3 and OBX-5.6 fields does not support concepts and no concept_cki is constructed in this case. When processing Microbiology susceptibility results using the ESI server, if the OBX-5.3 or OBX-5.6 field is an alias to the SNOMED CT code value on Code Set 400, then the UI assigns the OBX-5.1 Identifier or OBX-5.4 field to the stain report clinical

event on the MBO row. The SNOMED CT codes are linked to rows on the CE_MICROBIOLOGY table that stores the non-stain report's linked organism. The related SNOMED CT codes are stored on the REF_CD_MAP_HEADER and REF_CD_MAP_DETAIL tables and rows are written from the MBO rows. When processing Microbiology susceptibility results using the ESI server, if the Parent Result Code System (OBR-26.3) or Parent Result Alternate Code System (OBR-26.6) field is an alias to the SNOMED code value on Code Set 400, then the UI assigns the associated OBR-26.1 or OBR-26.4 field to the organism identified.

3. When processing a Microbiology organism linked to stain reports, if the OBX-5.3 or OBX-5.6 field is an alias to the SNOMED CT code value on Code Set 400 (Source Vocabulary), then the interface assigns the associated OBX-5.1 or OBX-5.4 field to the stain report clinical event on the MBO row.

Clinical Event Class

The Clinical Event Class indicates the type or category of an event. The event_class_cd (Code Set 53) determines how the ESI server processes and stores an event, for example ORU or ZDM, which clinical event tables and subtables are written to, and how the reference number and other derived event attributes are valued. The event class, along with other event attributes, also determines how results and documents are retrieved and are displayed by other Millennium Platform applications.

Before inserting a row on the CLINICAL_EVENT table, the UI first determines the appropriate event_class_cd from the values provided in the HL7 message.

To determine the event class for detail or child events, the OBX-2 (Value Type) field can be an alias to the event_class_cd. If an alias does not exist, the ESI server uses default processing, such as an alias is not required, for the following HL7 value types:

- CE
- ED
- NM
- RP
- ST
- TX

Oracle recommends using default processing. To override the default processing, Oracle users must create an alias to the appropriate event_class_cd.

To determine the parent event class, the OBR-24 (Diagnostic Service Section) field can be an alias to the event_class_cd. If an alias does not exist, the ESI server determines a default group event class.

The table below lists the Oracle-defined (CDF) meaning of event class codes available for processing by the UI. The table also includes suggested HL7 value types appropriate for each event class code.

Parent Event Class Codes for Grouping

Event Class (Code Set 53)	Description	Additional Information

GRP	Group event	This is a generic parent or root event class used to group one or more children detail events under the same clinically significant date and to capture specimen-level or group-level data and comments. This event class is used only when a more specific parent event class, for example, RAD, is not appropriate. The event code alias corresponds to the ordered procedure provided in the OBR-4 field (Universal Service ID). The CLINICAL_EVENT row is inserted with a default view level of the numeral 0. ESI uses GRP as the default parent event class when unable to determine a more specific grouping class.
MDOC	Master document	This is a group clinical event representing a master document composed of multiple textual sections where each section is itself a clinical event row with a DOC event class. The view level for the MDOC clinical event row is variable. When the parent clinical event has a RAD class, the view level of the MDOC clinical event is zero. When the parent clinical event has an AP class, the view level of the MDOC clinical event is one. The MDOC event class is the parent or root clinical event when the OBR-24 (Diagnostic Service) field is an alias to the event_class_cd with an MDOC meaning. When the parent clinical event has an MDOC class, the view level is one.
MBO	Microbiology result	This is a parent group clinical event designating a Microbiology result composed of one or more reports or report sections, and zero or more isolates with zero or more susceptibility results. The UI identifies a Microbiology result (MBO event class) when the OBR-24 (Diagnostic Service) value is MA, MB, or is an alias to the event_class_cd with an MBO meaning.
RAD	Radiology Management result	This is the parent group clinical event row designating a Radiology Management report that contains one or more report sections, each with a DOC event class. The UI identifies a Radiology Management report (RAD event class) when the OBR-24 (Diagnostic Service) value is RAD or an alias to the event_class_cd with a RAD meaning.
AP	Anatomic Pathology result	This is the parent group clinical event row designating an Anatomic Pathology case composed of one or more documents and associated SNOMED codes. Each document has its own grouper clinical event row with an MDOC event class and one or more child clinical event rows for report sections each with a DOC event class. One or more CE_CODED_RESULT rows containing SNOMED codes can be associated with each document or document section. The UI identifies an Anatomic Pathology case (AP event class) when the OBR-24 (Diagnostic Service) field is an alias to the event_class_cd with an AP meaning.

Detail or Child Event Class Codes

Event Class (Code Set 53)	Description	Additional Information

NUM	Numeric event	This is a detailed event with a result value that is numeric. The event code alias corresponds to the OBX-3 (Observation Identifier) field. The suggested OBX-2 (Value Type) value is NM. The result value is stored on the CE_STRING table. Oracle recommends that appropriate aliasing exist for the OBX-6 (Units) field to store the units of measure for the numeric result. The CLINICAL_EVENT row is inserted with a default view level of one.
TXT	String event	This is a detailed event with a result value that is a short, alphanumeric string limited to a size of 255 bytes. The event code alias is provided as the OBX-3 (Observation Identifier) field. The OBX-2 (Value Type) value is ST or ID. The result value is stored on the CE_STRING table. The CLINICAL_EVENT row is inserted with a default view level of one.
DOC	Long text or document event	This is a detailed clinical event with a result value that is usually a long, textual result or document. For ORU messages, the event code alias corresponds to OBX-3 (Observation Identifier) field. The OBX-2 (Value Type) value is TX or RP. For ZDM messages, the event code alias corresponds to the ZDC-1 (Document Type Code) field. The document header information is stored on the CE_BLOB_RESULT table. The document text is stored on the CE_BLOB table. The CLINICAL_EVENT row is inserted with a default view level of one unless the document is a section of a master document. When the text result is a section of a master document, the DOC view level is zero.
Attachment	Attachment event	This is a detailed clinical event with a result value that is an image or image document. For ORU messages, the event code alias corresponds to the OBX-3 (Observation Identifier) field. The OBX-2 (Value Type) value is ED. The image or image document is stored on the LONG_BLOB table or in the CareAware MultiMedia archive.

Event Reference Numbers

Reference numbers are used to identify and associate specific clinical events. The event reference number designates a unique CLINICAL_EVENT record for the purposes of inserting and updating. Reference numbers are derived by the UI from unique values provided in the transmitted message. The reference number must be unique in each contributing system (MSH-3 [Sending Application]).

Do not set the Person ensure to Exist so that a person or encounter is always supplied for event processing of the message. The UI commits updates to an existing event only when the person of the transmitted message matches the person of the existing event. The Clinical Event For ESI server (SCP 205) offers a configuration to determine if updates to an existing event are allowed when the encounter of the transmitted message does not match the encounter of the existing event.

In each contributing system, the combination of the unique transmitted identifier provided as the filler order number (OBR-3.1), application ID (OBR-3.2), and other values designate a unique CLINICAL_EVENT record. Determination of each reference number is not configurable, but instead, is a derived algorithm by message type.

The UI derives the reference number for ORU messages by concatenating the following values:

Sequence	Description	Source
1	Filler Order Number	OBR-3.1 and 3.2 root and child

2	Ordered Procedure Code	OBR-4.1 (Universal Service Code) root and child
3	Detail Procedure Code	OBX-3.1 (Observation Identifier) child
4	Detail Sub-Identifier	OBX-4 (Sub-Identifier) child
5	View Level	0 or 1

Event Reference Number Example

If the value of the OBR-3.1 field is 1224, the value of the OBR-4.1 field is CHEM7, and the value of the OBX-3 field is NA, then the reference number for the parent or root CHEM7 is 1224CHEM70 (0 is the view level), and the reference number for the child NA is 1224CHEM7NA1 (1 is the view level).

The maximum size of the reference number stored in Millennium Platform is 100 characters. This is the size after the value is derived by the UI. Oracle recommends limiting the size of the OBR-3 field to fewer than 60 characters.

The default for defining document reference numbers is described later in this unit.

Standard Detail Events and OBX Segments

Unless specified below in a separate paragraph, the UI processes OBX segments as standard detail results.

Except for some coded results, the UI cannot process a detailed event associated with more than one value type, due to the unique constraint for event codes and their reference numbers. For example, the UI cannot process two OBX segments with the same observation identifier where one OBX segment has an NM value type and the second OBX segment has an ST or TX value type.

Event notes or NTE segments can be associated with either group or detail events, depending on whether the NTE segment occurs after the OBR or OBX segments respectively.

Numeric Results

The UI accepts numeric detail results (OBX-2 (Value Type) of NM) and inserts them on the CE_STRING_RESULT table using an event class code (Code Set 53) with a meaning of NUM. Oracle recommends that OBX-6 (Units) are accompanied with every numeric detail result. If the intake output configuration is enabled, these are written to the CE_INTAKE_OUTPUT_RESULT table.

String Results

The UI accepts string results (OBX-2 [Value Type] of ST or ID) and inserts them on the CE_STRING_RESULT table using an event class code (Code Set 53) with a meaning of TXT. The maximum string result size is 255 characters.

The UI does not reject string results that are larger than 255 characters. Instead, the UI changes the event class code to DOC and inserts the results on the CE_BLOB_RESULT table.

Oracle recommends reserving the ST value type for short text strings, which are fewer than 80 characters, and using the text (TX) value type for longer textual results.

Coded Results

The UI accepts coded results (OBX-2 (Value Type) of CE) and inserts them on the CE_CODED_RESULT (CECR) table. Coded results are the child of a root, parent, or other child events that include one of the following Millennium Platform event classes:

- AP
- DOC
- GRP
- MBO
- MDOC
- RAD
- TXT

Coded results must always follow, and never precede, an associated noncoded result. For example, the OBX segment for an AP diagnosis containing textual results (TX value type) must precede the OBX segment for an AP diagnosis containing SNOMED coded results (CE value type).

The UI accepts multiple instances of a coded result value (OBX-5 [Observation Value]) in a single OBX segment where each instance is separated by a repeat delimiter. To allow grouping of multiple coded values as a unit, the UI uses the OBX-4 (Observation Sub ID) field as the CECR.group_nbr.

The UI also accepts multiple CE results provided as multiple OBX segments where each segment contains a single coded result. To allow grouping of multiple coded values as a unit, the UI uses the OBX-4 field as the CECR.group_nbr.

For purposes of replacement or inactivation, the UI treats coded results as a unit when multiple coded results are provided in the same OBX segment separated by repeat delimiter or when multiple coded results have the same OBX-3 and OBX-4 field. The UI assumes that multiple codes are fragments that construct a single independent observation. The sending system must send all coded results for an observation. The UI inactivates all existing coded result rows and inserts all new coded result rows.

Each instance of the result value is provided using the HL7 format for the CE data type. The UI processes coded results using the first three components of the CE data type. If the first three components are not valued, the UI uses the last three components. The transmitted or configurable coding system must be a valid alias to a nomenclature source vocabulary code (Code Set 400).

```
| Code^Description^Coding System^Alt Code^Alt Description^Alt Coding Scheme
|
```

Acceptable CE result values include the following item:

```
| POS^POSITIVE^99HH|
| POS^POSITIVE^99HH~CONF^Confirmed^99HH|
| ^^^POS^POSITIVE^99HH|
| ^^^POS^POSITIVE^99HH~^^^CONF^Confirmed^99HH|
| POS^^99HH|
| ^POSITIVE| /* No Code. Process as string result with TXT event class */
```

```
|POS|          /* No Coding System.  Process as string result with TXT event
class*/
```

The CE-3 (Coding System) component must be an alias to a valid-Millennium Platform source vocabulary code (Code Set 400). For coded alphabetic results, the CE-3 (Coding System) field also can be an alias to a Millennium Platform principle type (Code Set 401) with a meaning that is ALPHA RESPON or any other valid principle type. The UI defaults to a principle type of OTHER. The UI does not validate or match using the principle type. ESI requires the principle type only to add nomenclature rows on-the-fly.

The transmitted CE-1 (Code) field matches an entry (source_identifier) on the NOMENCLATURE table. The source_identifier must be unique in each source vocabulary. Nomenclature identifiers from different source vocabularies that have the same meaning can be linked manually using the concept_identifier and concept_source_cd.

For local-source vocabulary codes, if the transmitted code does not match an existing nomenclature identifier for the transmitted source vocabulary, the UI inserts a new unauthenticated nomenclature row and posts a coded result. The UI defines a local-source vocabulary as one that begins with 99.

For standard-source vocabulary codes, if the transmitted code does not match an existing nomenclature identifier for the transmitted source vocabulary, the UI inserts a new unauthenticated nomenclature row and posts a coded result. The UI defines a standard-source vocabulary as having a code value with a CDF meaning.

For protected-source vocabulary codes, if the transmitted code does not match an existing nomenclature identifier for the transmitted source vocabulary, the UI fails to post all results included in the transaction.

If the transmitted description does not match the source_string on the NOMENCLATURE table, the UI does not update an authenticated or unauthenticated nomenclature row with the new description. If the transmitted code does not match an existing nomenclature identifier, the UI processes the result as a string result using the CE-2 (Description) field as the result value. If the CE-2 (Description) field is not valued, the UI instead uses the CE-1 - Code field as the result value.

For coded alphabetic results when the CE result is a single instance, the UI values the CE.result_val as follows: Use the transmitted description if valued or use the short_string from the nomenclature row. For coded alphabetic results when the CE result contains multiple instances, the UI values the CE.result_val as follows: Use each description delimited by a comma, for example, Positive, Confirmed. For coded alphabetic results, when the CE-3 (Coding System) field is an alias to a vocabulary source code (Code Set 400) with a meaning that is FREETEXT, the UI processes the result as a string result (TXT event class) using the transmitted description as the result value. The UI inserts a row on the CE_CODED_RESULT and NOMENCLATURE tables. The Clinical Event server determines the value for the CE.result_tag based on the class and status of the clinical event row.

When the coded result OBX (CE value type) segment immediately follows an OBX segment with the same observation ID but with a different value type, for example TX, the ESI server inserts CECR rows with the other value type clinical event row as the CECR.event_id. The coded result (CECR) is a child of the parent clinical event row that has an event class that is determined by the other value type.

The UI identifies a coded alphabetic result or coded independent observation when the coded result OBX (CE value type) segment does not immediately follow an OBX segment with the same observation ID and non-CE value type. The ESI server inserts a parent clinical event row with an event class that is TXT and a child CECR row. A coded alphabetic result does not have a parent CE_STRING_RESULT row. Therefore, the normal range is denormalized and added to the CLINICAL_EVENT table.

When the coded result OBX segment has an observation ID that is valued with CASE or an alias to APCASE, the ESI server inserts CECR rows with the OBR event class, for example DOC or MDOC, clinical event row as the parent (CECR.event_id). For example, an AP surgical pathology report (MDOC class) with multiple sections is available. An OBX segment with a CE value type with an event code that matches the MDOC surgical pathology report can have a

CECR row inserted with the event_id of the MDOC clinical event row. An OBX segment with a CE value type that follows an OBX segment with a TX value type where both OBX segments have the same diagnosis event code can have a CECR row inserted with the event_id of the diagnosis DOC clinical event row.

Free-Text Modifiers

Each OBX segment can contain multiple instances of coded results where one or more instances do not include a code. In this situation, each instance is not independent, but a fragment of the whole observation. For example,

```
|428.0^Congestive Heart Failure^I9C~^Massive Heart|
```

The UI formats one or more consecutive free-text modifiers immediately following a valid code using a carriage return line feed in the 255-character CECR.descriptor field. For coded alphabetic results, the UI converts all descriptions, both coded and free-text, to a comma-separated list for use as the CE_result_val.

For generic ORU processing, each OBX segment can contain multiple instances of coded results where all instances contain only the description component. If all instances of the coded result value are transmitted with only a description component and without a code component, the UI converts the result to a string result (TXT event class). The UI formats the actual result value using a comma to separate each description.

Group Number

If the sending application sends multiple codes with the same observation ID and observation sub-ID, these codes are not independent but are fragments or pieces that must be used together to construct the entire observation. The UI uses the transmitted sub-ID as the CECR_group_nbr. This allows coded results with the same observation ID and sub-ID to be treated as a unit.

If the sending application sends multiple OBX segments with the same observation ID and different observation sub-ID, the UI uses the transmitted sub-ID as the CECR.group_nbr. This allows coded results with the same observation ID but different sub-IDs to be treated as independent observations.

For example, the specimen is the observation identifier and multiple specimens exist. Multiple OBX segments are transmitted as a CE result with the same observation identifier but with different sub-IDs. One clinical event row is inserted with the event code of the observation identifier. Multiple CECR rows are inserted with a group_nbr equal to the observation sub-ID.

A configurable option by event class and other attributes determines if results are updated using the following ensures:

- **Replace:** Ensures that updates are made to an existing row exactly to match the transmitted event. Attributes valued in the database but not valued in the message are nulled in the database.
- **ReplaceRow:** Replaces all existing rows for this event or all rows on a specified child table with data exactly as transmitted in the message.
- **Update:** Ensures that updates are made to an existing value in an event row only if that attribute is valued in the transmitted message. Attributes that are valued in the database, but not in the message, remain unchanged in the database.

Text Results

The UI accepts text discrete results (OBX-2 (Value Type) of TX) and inserts them on the CE_BLOB_RESULT table using an event class code (Code Set 53) with a meaning of DOC.

The text result may be the only result transmitted as a single display document using an ORU message and the event class. These are inserted with an event class of DOC.

The text result can be an observation sent in addition to other result types. For example, the sending system transmits a group of results with five OBX segments. Four results have an NM value type; the last result is an interpretation transmitted as a TX value type. The UI posts isolated detail tests transmitted in an ORU message and a TX value type using an event class of DOC.

Detail results that consist of multiple lines of text can be provided as multiple OBX segments where each OBX segment represents a line of text. Each OBX segment must have the same OBX-3 (Observation) and OBX-4 (Observation Sub ID) value. The UI concatenates lines for storage as a blob result.

Alternatively, detailed text results can be provided as multiple OBX segments where each OBX segment represents text data with word wrap. The sending system inserts a hard carriage return only when entered by a user. Essentially, each OBX segment equals a paragraph of text data with a hard carriage return. Each OBX segment must have the same OBX-3 and OBX-4 field.

The UI also accepts text results provided as a single OBX segment with a repeat delimiter separating instances of the OBX-5 (Observation Value) field. Each repeat delimiter represents an implied hard carriage return. Each instance equals a paragraph of text data.

Text Results - Master Document

For some diagnostic service sections, for example, Radiology Management or Anatomic Pathology, a discrete result transmitted in an ORU message represents a document consisting of one or more sections. Each OBX segment is a section of the document. The UI inserts each text section with an event class of DOC and a view level of zero.

The UI also inserts a header row on the CLINICAL_EVENT table with an event class of MDOC and a view level of zero or one. The view level is zero when the parent clinical event is a Radiology Management RAD event. The view level is one when the parent clinical event is an Anatomic Pathology AP event. The viewer applications display all sections of the document as a single document. The user is unaware that the document sections are stored separately.

The UI uses the OBR-24 field (Code Set 53) to identify service departments with results that include the MDOC event class. As described later in this document, the UI also inserts a CLINICAL_EVENT row with a grouper event class for Anatomic Pathology and Radiology Management results.

When the OBX value type is TX and the event class is MDOC, the UI identifies the event code for each section of a composite document from the OBX-3.1.1 (Observation Identifier) Code and OBX-3.1.2 (Observation Identifier Code Suffix) fields. The code suffix also is used to uniquely identify coded and other nontextual observations associated with a report. The suffix is a subcomponent of the OBX-3.1 (Observation Identifier) field transmitted using the subcomponent delimiter. The UI concatenates the code and its suffix, deriving the event code alias for each section, for example,

```
Identifier&Suffix^Description^Coding System|
```

Acceptable observation identifiers for report sections include the following example:

```
|&IMP|\t\tIMP is an alias to a generic Impression Section for all reports
|CH2V&IMP|\tCH2VIMP is an alias to a specific Impression Section for CH2V
|CH2V&IMP|\tCH2VIMP is an alias to an Impression Section grouped by modality
|CHEST&IMP|\tCHESTIMP is an alias to a Impression section grouped by
modality
|CH2V I| \tCH2V I is an alias to an Impression section grouped by modality
CH1V I| \tCH1V I is an alias to the same Impression section grouped by
modality.|
```

Note

The suffix value also can be used for coded observations (OBX with a CE value type) associated with specific report sections instead of the entire document. For example, SNOMED codes transmitted with an Anatomic Pathology report for an anatomic site can be transmitted with an &ANT suffix.

Also, with the MDOC event class, the interface can accept images or image documents, for example, PDF) when using the ED data type. See [Unit 12i: Medical Document Management Inbound](#) for more information on this processing.

Reference Pointer (RP) Data

The UI accepts a reference pointer or handles data stored on an external system using the ORU message with an OBX segment with a value type that is RP.

The UI accepts reference pointer data (OBX-2 [Value Type of RP]) and inserts it on the CE_BLOB_RESULT (CEBR) table using a default event class code (Code Set 53) with a meaning of DOC. The external application is known to Millennium Platform for which a Oracle-defined document storage code (Code Set 25) and document format code (Code Set 23) is established.

The HL7 Reference Pointer (RP) data type provides information about data stored on another system using the following format:

Components:

Pointer (ST) ^ Application ID (HD) ^ Type of Data (ID) ^ Subtype (ID)

Subcomponents of application ID:

Namespace (IS) & Universal ID (ST) & Universal ID Type (ID)

The following constraints and requirements are necessary:

- Both Code Set 23 and 25 are nonextendable code sets, with only one code value row allowed for each CDF meaning. Multiple code value aliases can point to the same code value.
- Oracle supports only the OBX-2.1 (ApplicationID.Namespace) subcomponent and ignores the Universal ID and Universal ID Type subcomponents.
- The UI does not use or validate the OBX-3 (Type of Data) value.
- The maximum size of the Pointer value is 255 bytes. The pointer value is a unique key assigned by the system that stores the data. Oracle recommends that the blob handle does not include physical location information. The UI stores the OBX-1 (Pointer) value in CEBR.blob_handle. The UI cannot accept and store binary pointer values.
- The OBX-2.1 (ApplicationID.Namespace) field is an alias to a document storage code (Code Set 25) with a valid Oracle-defined meaning for remote storage. The UI stores the document storage code value in CEBR.storage_cd. To meet the requirements of imaging systems that require the return of their exact

application ID, the UI also stores the Namespace value as a tag to the transmitted blob handle in CEBR.blob_handle. The UI separates the Namespace value from the Pointer value with a delimiter string of Millennium Platform.

Note

A space precedes and follows the literal HNAM.

If you don't want the HNAM, set the STRIPHNAMIND to 1 on the Code set extension tab of code set 25.

- The OBX-4 (Subtype) field is an alias to a document format code (Code Set 23). The UI stores the document format code in CEBR.format_cd.
- The UI can accept and post a reference pointer before the ability of a Millennium Platform application to access or view the remote data. The list and status of imaging systems supported by Millennium Platform are available on request.

The Millennium Platform document storage codes for Code Set 25 are listed on the table below. This table provides a list of document storage codes that are supported using the reference pointer functionality, except for CareAware MultiMedia, which is used to support posting images to Millennium Platform.

Value	Description
BLOB	DB Blob Table
DICOM_SIUID	DICOM Study Instance UID
DICT	Dictation System
LVTC	LanVision Document Imaging System
MMF	CareAware MultiMedia
OTG	OTG
PACS_FOLDER	PACs Folder
ROQ1	IMNet Imaging System
RVS	Remote Viewer
URL	Standard Web Address

The following table contains the Millennium Platform document storage codes for Code Set 23:

Value	Description

LONG_BLOB	Long_Blob
LONG_TEXT	Long_Text
NONE	None
PACS	PACS Folder ID
PTIFF	Proprietary TIFF (IMNET)
RTF	Rich Text Formats
TIFF	Tagged Image File Format
WINBMP	Windows BMP
HTML	Hypertext Markup Language
JPEG	Joint Photographic Experts Group
XML	Extensible Markup Language
URL	Uniform Resource Locator
GIF	Graphics Interchange Format
PDF	.PDF document
MSWORD	Word document

Example

2.2 example where CEBR.blob_handle = 1234A321634 HNAM EFC
 Message contains |1234A321634^EFC^SD|. The "1234A321634" is the handle, the "EFC" is a code value alias to code value (cs 25) whose meaning is ROQ1, and the "SD" is a code value alias to code value (cd 23) whose meaning is PTIFF.

2.3 example where CEBR.blob_handle = 1234A321634 HNAM IMNET
 Message contains |1234A321634^IMNET^Image^PTIFF|. The "1234A321634" is the handle, the "IMNET" is code value alias to code value (cs 25) whose meaning

is RQ01, the "PTIFF" is code value alias to code value (cs 23) whose meaning is PTIFF. If .4 component not valued (i.e. example is missing PTIFF in message) then the .3 component "Image" is alias (cs 23) to PTIFF.

2.3 example where CEBR.blob_handle = 123BXF265 HNAM 3665

Message contains |123BXF3265^3665^Image^RTF|. The "123BXF3265" is the handle, the "3665" is code value alias to code value (cs 25) whose meaning is DHT, and the "RTF" is code value alias to code value (cd 23) whose meaning is RTF.

Encapsulated Data

The UI accepts encapsulated data using the ORU message with an OBX segment with a value type that is ED. This includes accepting .RTF documents and with *Cerner Millennium* 2007.19, accepting images or image documents sent to CareAware MultiMedia using the PowerChart paper clip functionality.

The UI accepts encapsulated data (OBX-2 [Value Type of ED]) and inserts it on the CE_BLOB_RESULT (CEBR) table using a default Millennium Platform event class code (Code Set 53) with a meaning of DOC when processing .RTF documents. When using the logic to post images to CareAware MultiMedia, the UI uses an event class code (Code Set 53) with a meaning of ATTACHMENT to post the image.

The HL7 Encapsulated Data (ED) data type supports ASCII MIME-encoding of binary data that includes the following components: Source Application (HD) ^ Type of Data (ID) ^ Data Subtype (ID) ^ Encoding (ID) ^ Data (ST)

The following table provides an explanation of how each component is used in the message:

HL7 Component	Description	ORU Mapping
OBX-5.1 - Source Application	A unique name that identifies the system that was the source of the data.	Not applicable.
OBX-5.2 - Type of Data	An ID data type that declares the general type of data.	This component is used to determine if the data in the OBX-5.5 field is an image, text, or application type of data. This is a required field when posting images to CareAware MultiMedia and aliased on Code Set 16092.
OBX-5.3 - Data Subtype	An ID data type declaring the format for the data.	This component is used to determine the MIME type of the data in the OBX-5.5 field. This is a required field and aliased on Code Set 23 (format_cd). The interface accepts encoded data of Base64, Hex, and ASCII. The interface defaults to ASCII if this value is not aliased on Code Set 16090. This field is not used when sending a basic RTF report, but is used when processing images to CareAware MultiMedia.

OBX-5.4 - Encoding	An ID data type declaring the encoding system used for the data.	The interface accepts encoded data of Base64, Hex, and ASCII. The interface defaults to ASCII if this value is not aliased on Code Set 16090. This field is not used when sending a basic .RTF report, but is used when processing images to CareAware MultiMedia.
OBX-5.5 - Data	A string type providing the actual encoded data.	This component contains the actual text or encoded image to be posted.

See [Unit 12i: Medical Document Management Inbound](#) for examples of ORU messages with OBX segments using the ED data type.

Date Results

Release Note

Date Result processing is available as of System Integration 2018.10.

The UI accepts date results (OBX-2 [Value Type]) of DT, TM, TS, or DTM) and inserts them on the CLINICAL_EVENT and CE_DATE_RESULT table using an event class code (Code Set 53) with a meaning of DATE. If the required format is not satisfied but Date Result processing is requested, the system falls back to processing as a TXT event class. Value Types must be aliased.

Value Type	Required Format	Processing Notes
DT	YYYYMMDD	Date Only.
TM	HHMMSS	Time Only. The system defaults date to 18000101.
TS	YYYYMMDDHHMMSS	Full Time Stamp.
DTM	YYYYMMDDHHMMSS	Date and Time.

Examples

Date Only:

```
OBX|1|DT|<EVENTCD ALIAS>||20220110|||F||202201101541|
```

Time Only:

```
OBX|1|TM|<EVENTCD ALIAS>||235959|||F||202201101541|
```

Full Time Stamp:

```
OBX|1|TS|<EVENTCD ALIAS>||20220110235959|||F|||202201101541|
```

Date and Time:

```
OBX|1|DTM|<EVENTCD ALIAS>||20220110235959|||F|||202201101541|
```

Blood Bank Transfusion Results

The UI accepts the following types of Blood Bank Transfusion results or events for storage on the Clinical Event tables:

- Product transfused event
- Specimen result
- Specimen-product result

All Blood Bank Transfusion results for storage must be associated with a patient. The Clinical Event model cannot accept Blood Bank Transfusion product-only results.

Specimen Result

The UI defines a specimen result as a Blood Bank Transfusion result performed only on the patient specimen, for example Type and Rh. This type of Blood Bank Transfusion result does not require blood product information to uniquely identify the result.

The UI processes a Blood Bank Transfusion specimen result as a standard detail event. The contributor system provides each result detail in an OBX segment with an ST, NM, ID, or CE result type (OBX-2 [Value Type]).

Specimen-Product Results

The UI defines a specimen-product result, for example, crossmatch, as a Blood Bank Transfusion result performed on a mixture of samples from the patient specimen and a sample from a specific blood product unit. This type of Blood Bank Transfusion result requires both patient specimen information and blood product information to uniquely identify the result. Patient specimen information includes the following examples:

- Filler order ID
- Observation identifier
- Universal service identifier

Blood product information includes the following examples:

- Blood product type
- Unique product identifier
- Unit number

Specimen and order information is provided in the OBR segment. Product data is provided in the Oracle-defined ZBP segment.

Note

The UI inserts product information only when the product is directly linked to a patient, either as a part of the specimen-product result or as a part of the product transfused event. Product information must be provided for each patient and event. If a product is crossmatched to more than one patient, a separate ORU message with a ZBP segment is required for each patient. The product CLINICAL_EVENT row is a child of the parent event row inserted for the patient specimen. Product information on the CE_PRODUCT table is a snapshot of product information when the event occurred.

The UI processes specimen-product results in an ORU message as follows. The ORU message is formatted as described for the ZB1 event.

- Required ORC and OBR segment pair provide information about the order and patient specimen.
- Optional OBX segments containing specimen results, such as the OBX-4 (Observation Sub ID) field, are not valued. For example, if the ordered procedure is a Type and Crossmatch, then an OBX segment for the ABO result and an OBX segment for the RH result may follow the ORC and OBR segment pair.
- Required ZBP segments include product-unit-specific data for storage on the CE_PRODUCT table, including the product type, product unit number, and unique product reference number. The product reference number is the same as the OBX-4 (Observation Sub ID) value for all specimen-product results associated with a given product. ZBP segments must precede related OBX segments.
- OBX segments containing specimen-product results, such as the OBX-4 (Observation Sub-ID) value, match the unique product reference number from the preceding ZBP segment.

The HL7 fields are described in the following table:

HL7 Field	Value, Description, and Additional Information
ORC-1 - Order Control Code	RE.
OBR-3 - Filler Order Number	This field contains the order and specimen reference number, and must be unique.
OBR-4 - Universal ID	Alias to the event code that identifies the parent orderable procedure. It is the event class of parent clinical event - GRP.
OBR-15 - Specimen Source	This value is not an alias to BPU (blood product unit) - Code Set 2052. The specimen source cannot translate to the source of blood product unit.
ZBP Blood Product Segment	This field is a Oracle standard Z segment containing product information considered clinically significant for the electronic health record. The presence of ZBP identifies a specimen-product result.
OBX segments: Specimen-Product Results	None.
OBX-2 - Value Type	ST or CE.

OBX-3 - Observation ID	This field contains the detail events for crossmatch, for example, XM INTERP.
OBX-4 - Observation Sub-ID	This value is a unique product identifier that matches the ZBP segment.
OBX-13 - User-Defined Access Check	Literal NONPUB to set the publish_flag to zero (non-publishable). Future Direction: The transmitted value is the code value alias with a CDF meaning or extension parameters that cause the ESI server to set the publish_flag to zero (non-publishable).

Blood Bank Transfusion Product Transfused Event

The UI accepts and posts a third type of Blood Bank Transfusion event called the blood product transfused event. The ORU message is formatted as described for the ZB2 event. The UI identifies a transfused event when the OBR-4 (Universal Service Identifier) field is an alias to the code value with a CDF meaning that is TRANSFUSE (Code Set 16089, ESI Result Processing).

Field	Description	Value
OBR-3	Filler order ID	This value is the permanent unique identifier for the event.
OBR-4	Universal service ID	Alias to the appropriate event_cd (such as Transfused) and aliased to Code Set 16089 with TRANSFUSE as the meaning.
OBR-7	Observation date and time	This field contains the date and time the products in this message are assumed transfused. This date is the clinically significant date.
OBR-25	Result status	Assumed Transfused Status: Alias to Unauthenticated for transfused status. The UI always uses a value of TRANSFUSED for the result tag. Returned Event: Alias to INERRORNOMUT to inactivate the current row and alter the reference number so it is no longer available for match or updates.

The UI also accepts a transfused event not directly linked to an order or specimen-product result, for example, fresh-frozen plasma.

The sending system must value the OBR-3 field with a permanent unique identifier for the event. The UI derives the transfused event reference number from the Filler Order ID and view level.

The sending Blood Bank Transfusion application must have a trigger to send the transfused event and triggers to send any corrections or returns. OCF does not update or change the product status until a message with the new status is transmitted from a sending system.

Example - Specimen-Only Result with Specimen-Product Result

```
MSH
PID
ORC|RE
OBR|1|869807^E|887654321^L1|8012347^TXM|||199703060800|||
00BB97000123|||BLB
OBX|1|ST|8012344^ABO||A||||F||1997030613000BX|1|ST|8012344^RH|POS||||
F||199703061300
ZBP|1|0156PC|0156||PC^Packed Cells|XM|199703061300||A|POS|K+~I|IRRAD |
^^AMRC^^^BBSUPL||||255|255
OBX|1|ST|8012345^XM|0156PC|COMPATIBLE||||F||199703061300
ZBP|2|L01568PC|L01568||PC^Packed Cells|TRNSF|199703061300||A|POS||||Y||
210
OBX|1|ST|8012345^XM|L01568PC|COMPATIBLE||||F||199703061300
ZBP|1|0157PC|0156||PC^Packed Cells|XM|199703061300||A|POS|K+~I|IRRAD |
^^AMRC^^^BBSUPL||||255|255
OBX|1|ST|8012345^XM|0157PC|NONCOMPATIBLE||||F||199703061300
```

Example - Transfused Event

```
MSH
PID
ORC|RE
OBR|1|869807^ES|887654321^L1|TRANSFUSE STATUS|||199703061500|||
00BB97000123|||BLBTRAN
ZBP|1|0156PC|0156||PC^Packed Cells|TRNSF|199703061500||A|POS|K+~I|IRRAD |
^^AMRC^^^BBSUPL||||255|255
```

Microbiology Results

Microbiology results include culture reports and sensitivity results. Microbiology results can be viewed as a hierarchy that includes the following items:

- Culture
- Organisms or isolates
- Panels or individual antibiotics
- Sensitivity type

To be clinically useful, all Microbiology results must reference the ordered culture using the parent orderable procedure OBR-4 (Universal Service ID) field and the parent reference numbers OBR-3 (Filler Order Number) field. The UI identifies a microbiology result when the OBR-24 (Diagnostic Service Section) field is set to MB or MA or is an alias to the Microbiology Event Class (Code Set 53) with a meaning that is MBO.

Microbiology text reports associated with the culture must be sent as a standard result ORU message with one or more OBX segments with a TX value type. Microbiology systems frequently identify culture as positive or negative.

Microbiology text reports often are generated from coded phrases. The UI does not accept coded Microbiology phrases and only accepts the actual report text.

Organism identification is coded and provided as a separate OBX segment in the report ORU message as described in the following table and the interface accepts SNOMED CT codes in the OBX-5 field:

Field	Description	Value
OBX-2	Value Type	CE.
OBX-3	Observation Identifier	Literal ORGANISM.
OBX-4	Observation Sub-ID	Isolate sequence number. Does not change for this culture.
OBX-5	Observation Value (Isolate OBX)	Organism Code^Description^Name of Coding System.

The UI also accepts Organism Identification as a separate OBX segment in the ORU sensitivity result message, and an OBX segment in an ORU report message. In addition, if a separate isolate OBX segment is not provided previously, the UI can identify an organism using the OBR parent fields as described in the [Susceptibility Results](#) section.

Example - Parent Culture Report (General Report Type)

```
MSH
PID
OBR|1|269807^ES|987654321^LAB1|5012345^C URINE|||||||||
00MA95000123|||MB
OBX|1|TX|5012345^C URINE||Paragraph 1 or line 1 of general micro report.
\tOBX|2|TX|5012345^C URINE||Paragraph 2 of line 2 of general MB report\t
OBX|3|CE|ORGANISM|1|EC^Escherichia Coli \t\t
OBX|4|CE|ORGANISM|2|GPC^Gram Positive Cocci
```

Example - Parent Culture Report (Alternate Format Using Specific Report Types)

```
MSH
PID
OBR|1|269807^ES|987654321^LAB1|5012345^CURINE|||||||00MA95000123||||
MB
OBX|1|TX|5000415^GRAM ST||Paragraph 1 or line 1 of MB stain report\t
OBX|2|TX|5000417^PRE||Paragraph 1 or line 1 of MB prelim report~paragraph or
line 2 \t
OBX|4|CE|ORGANISM|1|EC^Escherichia Coli\t\t
OBX|5|CE|ORGANISM|2|GPC^Gram Positive Cocci
```

Susceptibility Results

Sensitivity results report the response of specific organisms in a culture to different antibiotics and antibiotic strengths. Each isolate is assigned to an isolate sequence number for the culture. Organism names can change; therefore, both the sending and receiving system must key on the isolate sequence number and not the organism name. The UI accepts the isolate sequence number in the OBX-4 (Observation Sub ID) field.

The UI can accept sensitivity results before or after transmission of any culture report, including the Final Report; however, the appropriate reference numbers must be available in the sensitivity message.

The UI makes the following assumptions when posting sensitivity results:

- Susceptibility messages can contain results for a single or multiple isolates, and a single or multiple susceptibility type codes.
- The OBR-24 (Diagnostic Service Section) field is set to MB or MA or a code value.
- The OBR-26 (Linked Results) field contains the parent culture and organism information formatted as follows:

```
|
CultureProcedureCd&CultureProcAbbrev^OrgSeqNo.^OrganismCode&OrganismAbb
r|
```

- The Parent Accession No. (OBR-29) field contains the culture's placer and filler order number and follows the following format:

```
|PlacerOrdNo&AppId^FillerOrdNo&AppId|
```

- The same antibiotic can be ordered as more than one type of susceptibilities, for example, MIC and a Kirby Bauer, on the same organism in a culture. The ordered procedure (OBR-4) for the sensitivity ORU is translated to the susceptibility type code.
- The sensitivity result for an antibiotic can have multiple interpretations or an interpretation only with no result value.

Example - Susceptibility Messages

```

MSH      (one message)
PIDOBR|1|269807^ES|987654321^LAB1|5500010^MIC|||||||00MA95000123|||
MB|
    |5012345&C URINE^2^SAUR&Staph Aureus||269807&ES^987654321&LAB1|
OBX|1|ST|551001^AMPICILLIN|2|1.0||R|
OBX|2|ST|551011^PENICILLIN|2|16.0||S|

MSH      (another message)
PID
OBR|1|269807^ES|987654321^LAB1|5500011^KB|||||||00MA95000123|||MB|
    |5012345&C URINE^1^EC&E Coli||269807&ES^987654321&LAB1|
OBX|1|ST|551001^AMPICILLIN|1|||R|
OBX|2|ST|551011^PENICILLIN|1|||S|
MSH      (one message with multiple isolates)
PID
OBR|1|269807^ES|987654321^LAB1|5500011^KB|||||||00MA95000123|||MB|
    |5012345&C URINE^1^EC&E Coli||269807&ES^987654321&LAB1|
OBX|1|ST|551001^AMPICILLIN|1|||R|
OBX|2|ST|551011^PENICILLIN|1|||S|
OBR|2|269807^ES|987654321^LAB1|5500010^MIC|||||||00MA95000123|||MB|
    |5012345&C URINE^2^SAUR&Staph Aureus||269807&ES^987654321&LAB1|
OBX|1|ST|551001^AMPICILLIN|2|1.0||R|
OBX|2|ST|551011^PENICILLIN|2|16.0||S|
OBR|3|269807^ES|987654321^LAB1|5500011^KB|||||||00MA95000123|||MB|
    |5012345&C URINE^2^SAUR&Staph Aureus||269807&ES^987654321&LAB1|
OBX|1|ST|551001^AMPICILLIN|2||R|
OBX|2|ST|551011^PENICILLIN|2||S|

OBR|1|| 5008726072.00|MIC|||20120827|20120827|AV018400|||20120815|BLD|
AV018400||00000DX20120000954|||20120827|MB|AL|CBL00D^2
OBX|1|CE|ORGANISM^^^14735-5^Hgb Ag Tiss Ql ImStn^LN|2|
99746000^^SNOMED^99758000^^SNOMED

```

Anatomic Pathology Reporting

The UI accepts discrete Anatomic Pathology results using the HL7 ORU message format. The UI accepts both discrete text report sections and coded SNOMED codes. The UI accepts the initial signed report and, if the parent accession or case is identified, the UI accepts an addendum report to the original. The UI identifies and processes an Anatomic Pathology discrete result as follows:

- The MSH-9.1 (Message Type) field of ORU.
- The OBR-24 (Diagnostic Service Section) field is an alias to the Anatomic Pathology Event Class (Code Set 53).

- For the original report, the case identifier, unique report identifier, or both are provided in the OBR-3 (Filler Order Number) field. The ESI server uses this value with other values in the message to determine both a reference number and a series reference number.
- The document identifier or report type is provided in the OBR-4 (Universal Service ID) field.
- The AP case or accession number can be provided in the OBR-21 (Filler Field No. 2) field. If not valued, the OBR-3 (Filler Order Number) is used as the AP case or accession number. An addendum transmitted as a separate report type always has the same common case or accession number.
- Future Direction: When the addendum case or accession number is different from the original, for the addendum to be a child of the original AP case, the original AP case identifier is provided in the OBR-26.1 (Parent Number) field, OBR-29.2 (Parent Filler Order) field, or both, such as the original case number - AP19970000336; or the addendum case number - AP19970000336A, AP19970000336A1, or AP19970000336.
- Each report section is provided in separate OBX segments with a TX value type.
- SNOMED codes are provided in OBX segments with a CE value type and a source code aliased to the appropriate Millennium Platform SNOMED source vocabulary code.
- Other coded results or observations for special processing is provided in OBX segments. The value type varies with the observation.

The UI inserts the parent or root case grouper clinical event row with an AP event class and a view level of 0 and a generic AP event code. The UI formats the reference number for the parent row using the OBR-3 (Filler Order Number) field and the view level.

For each report, the UI inserts a document grouper clinical event row with an MDOC event class and a view level of one. The OBR document identifier or report type OBR-4 (Universal Service ID) is an alias to the event code for the MDOC row. The UI formats the reference number for the MDOC row concatenating the OBR-3 (Filler Order Number) field, the report type identifier, and the view level.

Each document or report section is provided as a separate OBX segment. For each report section, the UI inserts a clinical event row with a DOC event class and a view level of 0. See [Text Results](#) and [Text Results---Master Document](#) earlier in this document. This section describes how the UI identifies a report section. The UI formats the reference number for each DOC row concatenating the OBR-3 (Filler Order Number) field with the OBR report identifier, OBX report section identifier, and view level.

SNOMED codes are provided as a separate OBX segment following the associated report section. See [Coded Results](#).

Non-SNOMED and nonreport section OBX segments also provide observations that require special ESI server processing. The OBX-3 (Observation Identifier) field is an alias to an ORU Special Processing code set with a Common Data Foundation (CDF) meaning. In addition to special processing requirements, each observation can be an alias to an event code. Special processing observations with CDF meanings for Anatomic Pathology reports currently include the following items:

- CASE NORM defines the normal or abnormal code for the case level event class rows.
- OBX-3 (Observation ID) value is not an alias to an event code.
- OBX-8 (Abnormal Flag) value is an alias to the normalcy_cd (Code Set 52).

The electronic signature is provided as an NTE segment following the appropriate report section. The NTE-2 (Source of Comment) value is an alias to the entry_method_cd (Code Set 13) with a recommended CDF meaning that is P and an alias to the note_type_cd (Code Set 14) with a meaning that is SIGN LINE. The UI inserts a CE_EVENT_NOTE row.

Genomic Results

With *Cerner Millennium 2007.18*, the UI accepts discrete, historical, molecular-diagnostic, genomic results using the HL7 ORU message format. The results accepted can be numeric, string, or textual data. These results are stored on the clinical event and are only for viewing purposes. Calculations or reporting is not provided for these results.

As part of genomic testing, many numeric result values and reference ranges use scientific notation. The interface accepts result values and reference ranges using the following scientific notation format: 1.23E+10, where:

- 1.23 is the value.
- E indicates that exponential information is available.
- +/- indicates whether the exponent is + or - (large or small number).
- 10 is the exponential value in the base of 10.

If a system cannot send the scientific notation in this format, the UI posts the result as a string result.

Radiology Management Diagnostic Reporting

The UI accepts discrete Radiology Management results using the HL7 ORU message format. The UI accepts one or more discrete text sections with the initial report and one or more addendum sections attached to the same report.

Note

For information on departmental integration into Radiology Management, see [Unit 12i - Medical Document Management Inbound Specifications](#).

Result Processing

The UI identifies and processes a Radiology Management discrete result as follows:

- The MSH-9.1 (Message Type) field of ORU and the MSH-9.2 (Message Event) field of R01.
- The OBR-24 (Diagnostic Service Section) value is an alias to the Radiology Management RAD Event Class (Code Set 53).
- The clinically significant date is provided in the OBR-7 (Observation Date and Time) field, OBR-8 (Observation End Date and Time) field, or both.
- Free-text Reason for Exam is provided in an NTE segment following the OBR segment. The maximum size of the reason text is 32,000.
- The unique report identifier, such as accession number, is provided in the OBR-3 (Filler Order Number) field.
- The document identifier is provided in the OBR-4.1 (Universal Service ID) field. The document description or report title is provided in the OBR-4.2 (Service ID Description) field.
- An addendum is added as a section to the original report. The original report identifier, or filler order number, is provided in the OBR-29.2 (Parent Filler Order Number) and the original document identifier, or universal service ID, in OBR-26.1 (Parent). Valuing parent fields is a requirement only when the original report identifier or the original document identifier does not match the addendum report identifier or addendum document identifier, such as the addendum is transmitted as a separate document, not a section added to the original document.
- Each report section is provided in a separate OBX segment with a TX value type.

Image Link Processing

Image links (URLs) are commonly accompanied with Radiology diagnostic reports. Oracle recommends that image links do not accompany the Radiology diagnostic report in the same ORU R01 HL7 message. An image link is not considered to be a clinically significant update to the Radiology diagnostic report.

Reference Number Processing

The UI inserts the parent grouper clinical event row with a RAD event class and a view level of 1. The UI uses the OBR-4.1 (Universal Service ID) report identifier as the event code alias for this parent row. The UI formats the reference number for the RAD parent row by concatenating the report identifier OBR-3 (Filler Order Number), the document identifier (OBR-4.1 [Universal Service ID]), and the view level 1.

The UI inserts a document grouper clinical event row with an MDOC event class and a view level of 0. The UI uses the generic event code RADRPT for the MDOC clinical event row. The UI formats the reference number for the MDOC row by concatenating RADRPT to the RAD reference number value, changing the view level of the RAD reference number value from 1 to 0.

Each document or report section is provided as a separate OBX segment. For each report section, the UI inserts a clinical event row with a DOC event class and a view level of 0. See [Text Results](#) and [Text Results---Master Document](#) earlier in this document. This section describes how the UI identifies a report section.

The UI formats the reference number for each DOC row concatenating the MDOC reference number, OBX report section identifier, and section view level.

The electronic signature is provided as an NTE segment following the appropriate report section. NTE-2 (Source of Comment) is an alias to the entry_method_cd (Code Set 13) and an alias to the note_type_cd (Code Set 14). The UI inserts a CE_EVENT_NOTE row as a child of the sections DOC clinical event row. For proper display in Millennium Platform applications, the electronic signature follows the Impression and Addendum sections.

Personnel Processing

The UI identifies personnel associated with the Radiology Management report and inserts CE_EVENT_PRSNL rows using HL7 data elements provided in the OBR, OBX, or ZDS segments. For proper display in Millennium Platform view applications, the event personnel rows are children of the Impression or Addendum clinical event row.

HL7 Field	OBR or OBX Result Status	CEPRSNL Action Type (Code Set 21)	CEPRSNL Action Status (Code Set 103)	Additional Information
OBR-32 - Main Result Interpreter	R	PERFORM	COMPLETE	This field contains the results transcribed but not signed. Use the OBR-22 (Report of Dt) field.
OBR-33 - Assistant Result Interpreter	F or C	ASSIST	COMPLETE	None.

OBR-34 - Technician (repeats)	R, F, or C	ASSIST	None	None.
OBR-35 - Transcriptionist	R, F, or C	TRANSCRIBE	COMPLETE	If the status is R, use the OBR-22 (Report of Dt) field. If the status is F or C, the transcribed date is unknown.
OBX-16 - Responsible Observer	R	None	None	None.
OBX-16 - Responsible Observer	I or R	PERFORM	COMPLETE	In-Process or Transcribed.
OBX-16 - Responsible Observer	P or F	VERIFY	COMPLETE	Preliminary or Final results.
OBX-16 - Responsible Observer	C	MODIFY	COMPLETE	Corrected results.

Note

If the OBX-14 (Observation Date and Time) field is provided with a report section, the UI posts as the Millennium Platform action date and time. If not valued, the UI uses the date and time provided in the OBR-22 (Report Date and Time) field.

Result Status Processing

Document Result Status

The UI determines the overall document authentication status from the OBR-25 (Result Status) field. This status applies to the parent RAD and MDOC event class rows, which are also referenced as the grouper clinical event rows.

The below table lists suggested Millennium Platform result statuses. The actual status is determined using the code value alias translation.

OBR Status (HL7 0123)	Millennium Platform Result Status (Code Set 8)	Additional Information

O,S	ANTICIPATED	This status is not applicable to ORU^R01 or R03 messages.
I	IN PROGRESS IN LAB	This status indicates that the exam is complete, but no results are available. This status is only applicable for results from a LIS laboratory system.
R	TRANSCRIBED	This status indicates that there are stored results that are not verified.
P	UNAUTH	This status indicates that the results are thought to be accurate but are still preliminary.
A	UNAUTH	This status indicates that the results are known to be accurate but not all the results are available, verified, or incomplete.
F	AUTH	This status indicates that the results are authenticated (signed, verified, complete).
C	MODIFIED	This indicates that the results are corrected, changed, added to, or replaced after authenticated.
X	CANCELED	This status indicates that the results are canceled. An update to this status is allowed only before result authentication.
E*	INERROR	This status indicates that the results are in error but viewable.
W*	INERRORNOVIEW	This status indicates that the results are in error and not viewable from PowerChart. It can be updated to a valid result.
D*	INERRORNOMUT	This status indicates that the results are in error. It is not modifiable. The reference number is modified during processing, so applications and interface are unable to retrieve or update this row.

Note

An asterisk (*) identifies values that are used as an extension to the HL7 standard values.

Document Section Result Status

The UI determines the discrete result status (Code Set 8) and succession type (Code Set 63) for each document section (DOC event class) from OBX-11 (Observation Result Status) or OBR-25 (Result Status) field.

The ESI server sets the series reference number for the DOC event class equal to the reference number. When these two values are equal, the succession logic required for complex document-based Code Set 63 does not apply. When these two values are equal, result succession follows standard result succession logic. The receipt of a new Unauthenticated result, or any result with a status that is not Authenticated or Modified, updates or replaces an existing Unauthenticated result. The previous Unauthenticated result is ended and not viewable from normal applications, for example, PowerChart. The receipt of a new Authenticated or Modified result replaces the previous result as the active result.

OBX Status (HL7 0085)	Millennium Platform Event Status (Code Set 8)	Succession Type (Code Set 63)	Succession Class (Code Set 92)	Additional Information
I	IN PROGRESS IN LAB	I	Replace	This status indicates that the exam is complete, but no results are available. It applies only to results from LIS. Pending results, interface only.
R	TRANSCRIBED	I	Replace	This status indicates that there are stored results that are not verified.
P	UNAUTH	I	Replace	This status indicates that the results are preliminary with verified or non-verified results.
F	AUTH	F (Final)	Replace	This status indicates that the results are authenticated (signed, verified, complete).
C	MODIFIED	CA (Cum-amendment)	Replace	This indicates that the results are corrected, changed, added to, or replaced after authenticated. All results are included.
A	MODIFIED	A (Amend)	Append	This status is not used with ORU results.

D	INERRORNOMUT	Not applicable	Not applicable	This status indicates that the results are in error. It is not modifiable.
W	INERRORNOVIEW	Not applicable	Not applicable	This status indicates that the original result was wrong. For example, the original result was posted on the wrong patient.
E	INERROR	Not applicable	Not applicable	This status indicates that the results are in error but viewable.
U	AUTH	Not applicable	Not applicable	Future: Change status to final, no new results.
X	CANCELED	Not applicable	Not applicable	Future: Cancel only. Allowed for unauthenticated results.

Radiology Management Linked Accessions

The UI accepts linked reports in and between accessions. Linked accessions are used extensively for Radiology Management reporting when multiple ordered exams and accessions are read by the radiologist at the same time and have one impression. Only one record of the actual text is stored. All other linked accessions are completed but have no individual result record.

The UI accepts linked results using the HL7 ORU transaction with an event code of R01 (discrete). The message contains multiple ORC and OBR pairs with a CN combined order control code. Each pair identifies a linked accession. The first pair is the primary accession in the link. For updates to an existing linked document, the same primary accession is always the first accession, or first ORC and OBR pair, in the message. The report data follows the last ORC and OBR pair and has an RE results-to-follow order control code.

Order	ORU Segment	Segment Name	Additional Information
1	MSH	Message Header	None.
2	PID	Patient Identification	None.
3	[PV1]	Patient Visit	None.
4	{	Not applicable	None.

5	ORC	Order Common - CN or RE	The first ORC segment has a CN order control code. All middle ORC segments have a CN order control code. The last ORC segment has an RE order control code. The UI does not reject a linked result message when ORC segments are not sent. Current or future functionality based on values in the ORC segment, for example, as the order status, however, requires the ORC and CN order control code.
6	OBR	Observation Report	None.
7	[{ NTE }]	Notes and Comments	This segment contains order-level comments.
8	}	Not applicable	None.
9	{	Not applicable	None.
10	OBX	Observation/Result	None.
11	[{ NTE }]	Notes and Comment	None.
12	}	Not applicable	None.

To break a linked result for a nonprimary accession, the sending system sends an ORU message that includes the accession no longer in the original link with its new results. The new message can include only one accession or can include multiple ORC and OBR pairs to establish a new linked result. Oracle does not require a second ORU update message that includes accessions remaining in the original linked result.

To break a linked result for the primary accession, the sending system sends at least two ORU messages in any sequence. One message contains the original primary accession as a single result, as a secondary accession in another link, or as a primary accession in a new linked result. Another message must contain the remaining accessions in the original link with a new primary accession. Both messages must include text results.

Confidential Label Inheritance

See [Understand Confidential Interoperability Program](#) for information on confidentiality and confidentiality labels.

When processing solicited results, the UI retrieves the confidentiality label from the related order and stores the inherited label on the CLINICAL_EVENT_SEC_LBL table. A solicited result is one in which there is a related order. See [Configure ESI with SI_Manager](#) for information on configuring the Complete for ORU Message Order Ensure Parameter and the Configure Order Match options that determine how the system identifies the related order for a result.

HL7 Segment Layouts

This section defines the HL7 data segments supported by this Millennium Platform UI. The segment definition tables are populated as shown below. Shaded rows in the segment tables denote fields currently not supported by Millennium Platform.

Heading	Contents	Values
Sequence	HL7 Field Sequence	It begins with 01 for each segment.
HL7 Format	HL7 maximum bytes	The format is defined by HL7. Values are comma delimited, such as 20,ST,R. The data type in parentheses indicates the type used by Millennium Platform. The following values are required: • R: Required • C: Conditional • O: Or empty - Optional • r#: Repeat, where r indicates repeat and # is the number of instances. The r without a number indicates that a field can repeat an indefinite number of times.
HL7 Element	HL7 Field identifier	This is a unique identifier that is defined by HL7.
Name	HL7 field name	The name is defined by HL7.
Oracle Table	Millennium Platform table	This is the abbreviated table name. A plus sign (+) denotes that the attribute is stored on multiple tables. A v denotes that the attribute is stored on various tables depending on the event and other values.
Oracle Attribute	Millennium Platform column or attribute	This is the attribute name. Not applicable denotes that the transmitted element is not stored.
Code Set	Millennium Platform Code Set	This is the code set number. An E before the code set number indicates an extendible Code Set, which is a Code Set that has non-aliased values, added on-the-fly (AOF).

R/O	Field required by Millennium Platform	The following values are required: • R: Required to process the message. • C: Conditionally required. • O: Optional. • N: Not supported. • B: Backward compatibility. Use new field defined. • r#: Repeat, where r indicates repeat and # is the number of instances. The r without a number indicates that a field can repeat an indefinite number of times.
HL7 Version	HL7 version number	This is the HL7 version in which the field was first supported.
Additional Information	Millennium Platform Field Usage Comments	Additional Information.

Note

Code meanings listed as valid values represent Oracle-defined (CDF) meanings. The actual transmitted code from the external system does not have to match the code meaning but maps to a code meaning using the CODE_ALIAS table. Unless specifically identified with a size limit, Millennium Platform can accept values considerably larger than the HL7 maximum size. For example, the maximum size of a code value alias built by a user is 255 characters. Because the code value display is 40 characters, add-on-the-fly code values are limited to 40 characters.

Control Segments (HL7 Chapter 2)

The control segments are described in the sections below.

MSH Segment

The Message Header (MSH) segment defines the characteristics of the message. The sending and receiving applications are identified, and the encoding characters used as delimiters for the message are also identified. The MSH message type is used to indicate the type of message being transmitted. In the MSH of the Acknowledgment (ACK) response, the values of the Sending Application, Sending Facility, Receiving Application, and Receiving Facility are the reverse of the values in the original message.

MSH Segment Layout

MS H Seq uen ce	HL7 Format	HL7 Element	Name	Oracle T able	Oracle A ttribute	Cod e Set	R/ O	HL7 Version	Additional Information
01	1,ST,R	00001	Field Separato r	Not applicab le	Not applicabl e	Not app lica ble	R	2.3	This is a field separator. It must be a printable character that is never included in transmitted data. The recommended value is a vertical bar () - ASCII(124). Values other than the recommended value can be configured by interface connection.

02	4,ST,R	00002	Encoding Char	Not applicable	Not applicable	Not applicable	R	2.3	This field is used to separate data field components, repeating data elements, and text control characters. It must be printable characters that are never included in transmitted data. Oracle recommends the following values: • Pos 1: Component Separator (^) - ASCII(94) • Pos 2: Repetition Separator (~) - ASCII(126) • Pos 3: Escape (), ASCII(92) • Pos 4: Sub-Component (&) - ASCII(38) Values other than the recommended values can be configured by interface connection.

03	227,HD, O	00003	Send Applicati on	Not applicab le	Contribu tor_syste m_cd Contribu tor_sour ce_cd	89 73	R	2.3	This field contains a site-defined description of sending application, which must be unique. When sending messages to Millennium Platform, it determines what action the server initiates for records already in the database. Note that CONTRIBUTOR_SOURCE_CD is a derived value configurable in the SI_Manager for each contributing system.

04	227,HD, O	00004	Send Facility	Not applicab le	Not applicabl e	Not app lica ble	R	2.3	This field contains a site-defined description of sending facility. In messages sent to Millennium Platform, it is used as the default facility. There is a configurable option to use this value to derive the encounter organization. For Blood Bank Transfusion Inventory, the following information applies: • Oracle Table: BB_EDN_ADMI N • Oracle Attribute: source_org_id
05	227,HD, O	00005	Receive Applicati on	Not applicab le	Not applicabl e	157 69	O	2.3	This field contains a site-defined description of receiving application. For messages sent to Millennium Platform, value RLI for Laboratory Reference Laboratory interfaces. Accept Attachments: Valued with the MSH-3 (Sending Application) field.

06	227,HD, O	00006	Receivin g Facility	Not applicab le	Not applicabl e	Not app lica ble	O	2.3	This field contains a site-defined description of receiving facility. When sending messages to Millennium Platform, there is a configurable option to use this value to derive the encounter organization. Accept Attachments: Valued with the MSH-4 (Sending Facility) field. For Blood Bank Transfusion Inventory, the following information applies: • Oracle Table: BB_EDN_ADMI N • Oracle Attribute: destination_lo c_cd
07	26,TS,O	00007	D/T of Message	Not applicab le	Not applicabl e	Not app lica ble	O	2.3	This field contains the system date and time that the message was formatted in the sending system.
08	40,ST,O	00008	Security	Not applicab le	Not applicabl e	Not app lica ble	N	2.3	This field is not supported by Millennium Platform.

09	15,MSG, R	00009	Message Type	Not applicab le	Not applicabl e	Not app lica ble	R	2.3	This field contains the specific HL7 message type and event triggering the message.
09. 1	Not applicab le	Not applicab le	Type	Not applicab le	Not applicabl e	Not app lica ble	R	2.3	HL7 Table 0076: ORU segment.
09. 2	Not applicab le	Not applicab le	Event	Not applicab le	Not applicabl e	Not app lica ble	R	2.3	HL7 Table 0003: R01, R03, ZB1, and ZB2 segments.
09. 3	Not applicab le	Not applicab le	Structur e	Not applicab le	Not applicabl e	Not app lica ble	N	2.3.1	This field is not supported by Millennium Platform.

10	20,PT,R	00010	Message Control ID	Not applicable	Not applicable	Not applicable	R	2.3	A unique initiator is generated. The responder returns the sender value in an ACK message in the MSA-2 field. With acknowledgment messages, the MSH-10 value can be identical to the original sender value or can be a new unique value assigned by the acknowledging system. For messages sent to Millennium Platform, the UI does not reject a message when the MSH-10 field is not unique; however, non-unique values hinder or limit troubleshooting options.

11	01,ID,R	00011	Processing ID HL7 2.3 Processing id^mode	Not applicab le	Not applicabl e	Not app lica ble	R	2.3	This field contains the status of the interface. The following values from the HL7 0103 table are valid for Millennium Platform application: • T: Training and Testing Environment • P: Production Environment. Cross-environment processing is not supported. With HL7 v2.3, the MSH-11.2 field determines the processing mode. The following values from the HL7 0207 table are valid: • A: Archive. • I; Initial load. • R: Restore from archive. This field allows different priorities to be given to different processing modes. The interface does not support the MSH-11.2 (Processing Mode) field.

12	08,ID,R	00012	Version ID	Not applicable	Not applicable	Not applicable	R	2.3	HL7 version. Set to 2.3. For messages sent to Millennium Platform, set the value to 2.1, 2.2, or 2.3. Functionality is based on HL7 v2.3 fields. Components and segments are available only if the HL7 v2.3 standard is used. The interface, however, has not defined processing parameters that reject a message due to the absence of an HL7-v2.3-only field or component.
13	15,NM,O	00013	Sequence Number	Not applicable	Not applicable	Not applicable	N	2.3	This field is not supported by Millennium Platform. It contains the HL7 sequence number protocol.
14	180,ST,O	00014	Continuation Pointer	Not applicable	Not applicable	Not applicable	N	2.3	This field is not supported by Millennium Platform. It contains a value indicating that a single logical message is transmitted using more than one physical message.
15	2,ID,O	00015	Accept ACK Type	Not applicable	Not applicable	Not applicable	N	2.3	None.

16	2,ID,O	00016	Applicati on ACK type	Not applicab le	Not applicabl e	Not app lica ble	N	2.3	None.
17	2,ID,O	00017	Country Code	Not applicab le	Not applicabl e	Not app lica ble	N	2.3	This field is not supported by Millennium Platform.
18	ID	00692	Characte r Set	Not applicab le	Not applicabl e	Not app lica ble	N	2.4	This field is not supported by Millennium Platform.
19	CE	00693	Languag e of Message	Not applicab le	Not applicabl e	Not app lica ble	N	2.4	This field is not supported by Millennium Platform.
20	20,ID,O	01317	Alternat e characte r set handling scheme	Not applicab le	Not applicabl e	Not app lica ble	N	2.4	This field is not supported by Millennium Platform. HL7 User table 0356.
21	427,El,O, r	01598	Message Profile Identifier	Not applicab le	Not applicabl e	Not app lica ble	N	2.4	This field is not supported by Millennium Platform.

MSH Segment Processing Notes

Alias the MSH-5 field to a code value (Code Set 15769) with a CDF meaning that is OCFORDER for repository display only orders.

Example - Original Message:

```
MSH|^~\&|PM|CHLD|OCF|OCF|19960214134522||ORU^R01|A13345.78|P|2.2<CR>
```

Example - Acknowledgment:

```
MSH|^~\&|OCF|OCF|PM|CHLD|19960214134530|ACK|A13345.78|P|2.2<CR>
```

MSA Segment

The Message Acknowledgment (MSA) segment is returned as part of the MSH, MSA pair in the ACK message type.

MSA Segment Layout

MSA Sequen ce	HL7 Forma t	HL7 Eleme nt	Name	Oracle T able	Oracle A ttribute	Code Set	R / O	HL7 Versio n	Additional Information

01	2,ID,R	00018	Acknowledge Code	Not applicable	Not applicable	Not applicable	R	2.3	The following values are valid: AA = ACK = message stored AE = ACK = message stored with error noted AR = NAK = message rejected. Note AE is not supported by the standard UI communications options. Custom scripting is required.
02	20,ST,R	00019	Message Control ID	Not applicable	Not applicable	Not applicable	R	2.3	Echo the MSH segment control ID (MSH-10) of the message being acknowledged.
03	80,ST,B	00020	Text Message	Not applicable	Not applicable	Not applicable	N		None.
04	15,NM,O	00021	Expected Seq #	Not applicable	Not applicable	Not applicable	N	2.3	This field is not supported by Millennium Platform.

05	W	00022	Delayed ACK Type	Not applicable	Not applicable	Not applicable	N	2.3	This field is not supported by Millennium Platform.
06	250,CE,B	00023	Error Condition	Not applicable	Not applicable	Not applicable	N	2.3	None.

MSA Segment Processing Notes

Example - Original Message

```
MSH|^~\&|PM|CHLD|OCF|OCF|19960214134522||ORU^R01|A13345.78|P|2.2<CR>
```

Example - Acknowledgment (Immediate Original Processing Rules)

```
MSH|^~\&|OCF|OCF|PM|CHLD|19960214134530||ACK|A13345.78|P|2.2<CR>
MSA|AA|A13345.78<CR>
```

NTE Segment

The Notes and Comments (NTE) segment is used for accepting textual notes and comments. The comment applies to the segment preceding the NTE segment. The following Millennium Platform tables are referenced from the NTE segment:

- CENT - CE_EVENT_NOTE
- LBLOB - LONG_BLOB
- LONG - LONG_TEXT
- OCOM-ORDER_COMMENT

NTE Message Layout

NTE Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	HL7 Version	Additional Information

01	4,SI,O	00096	Set ID - NTE	Not applicable	Not applicable	Not applicable	O	2.3	It is sequential. It starts at the value 1 and increment by one for each set (order, result).
02	8,ID	00097	Source of Comment	CENT CENT	Note_type_cd Entry_method_cd	14 13	O	2.3	In HL7 v2.3 processing, Millennium Platform uses Code Set 14 for the Comment type. Special processing is available in SI_Manager for notes and comments processing. In HL7 v2.3.1 and later, this field uses Code Set 13 as the Source of Comment.
03	64k,FT ,R,r	00098	Comment	LONG LBLOB CENT	Note_Text Long_blob Event_title_text	Not applicable	R ,r	2.3	Millennium Platform accepts notes up to 64K.
04	250,CE ,O	01318	Comment Type	Not applicable	Not applicable	Not applicable	O	2.3.1	HL7 User Table 0364.

04.1	ST	Not applicable	Identifier	CENT	Note_type_cd	14	O	2.3.1	In HL7 v2.3.1, Oracle recommends the following values: • PI: Patient Instructions • AI: Ancillary Instructions • GI: General Instructions • 1R: Primary Reason • 2R: Secondary Reason • GR: General Reason • RE: Remark • DR: Duplicate/Interaction Reason. When processing at the result level, the interface uses the NOTE_TYPE_CD attribute on the CE_EVENT_NOTE table.
04.2	ST	Not applicable	Text	CV	Display	Not applicable	O	2.3.1	None.
04.3	ST	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	O	2.3.1	None.

NTE Message Processing Notes

The NTE segment is used to send textual comments. The UI accepts comments as multiple NTE segments in which each NTE segment represents a hard carriage return or new line. The UI also accepts comments as a single NTE segment in which each instance of the NTE-3 (Comment) field separated by the repeat delimiter represents a new line.

If provided, the UI uses the NTE-2 (Source of Comment) as an alias to both the note type and entry method. If a code value alias does not exist, the UI defaults a note type and entry method as described below.

By default, the UI determines the type of comment (NOTE_TYPE_CD on Code Set 14) from the HL7 message type, event, and segment immediately preceding the NTE segment. The UI defaults the source of note (ENTRY_METHOD_CD on Code Set 13) to the ancillary and owner application. The UI defaults the person who entered the note (NOTE_PRSNL_ID, foreign key to the PRSNL table) to the person who verified the event on the contributor system.

The interface provides a special configuration to split the source of NTE-2, which allows aliasing of the same value received in NTE-2 (Source of Comment) to two different code values on Code Set 14. The code values are distinguished from one another based on whether the NTE segments follow an OBR segment or an OBX segment in the ORU message. See [Configure ESI Special Configurations](#) to properly configure the option.

Patient and Visit Segments (HL7 Chapter 3)

The patient and visit segments are described below.

PID Segment

The Patient Identification (PID) segment identifies the person and usually the encounter associated with the message. Millennium Platform requires at least one primary patient or person Identifier. Other patient demographic information also is provided. The following Millennium Platform tables referenced from the PID segment:

- EA - ENCTR_ALIAS
- EN - ENCOUNTER
- P - PERSON
- PA - PERSON_ALIAS
- PP - PERSON_PATIENT
- PH - PHONE
- PN - PERSON_NAME

PID Segment Layout

PID Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R/O	HL7 Version	Additional Information
01	4,SI,O	00104	Set ID-PID	Not applicable	Not applicable	Not applicable	O	Not applicable	It starts at the value 1 and is incremented by one.

02	20,C X,B	00 10 5	External Patient ID	Not applicable	Not applicable	Not applicable	O	N ot ap pli ca bl e	This value is an identifier, such as the medical record number (MRN), which is assigned by another system.
02 .1	ST,O	No t ap pli ca ble	Patient ID	PA	Alias	Not applicable	O	N ot ap pli ca bl e	None.
02 .2	ST,O	No t ap pli ca ble	Check Digit	Not applicable	Not applicable	Not applicable	N	N ot ap pli ca bl e	This field is not supported by Millennium Platform. If it is transmitted separately, the value is stored separately.
02 .3	ID,O	No t ap pli ca ble	Check Digit Scheme	Not applicable	Not applicable	Not applicable	N	N ot ap pli ca bl e	This field is not supported by Millennium Platform. HL7 Table 0061.
02 .4	HD	No t ap pli ca ble	Assigning Authority	PA	Authority and type used to derive alias_pool _cd	263	O	N ot ap pli ca bl e	The translation is configured in the ESI configuration, and determines the alias_pool_cd and person_alias_type_cd. If it is transmitted, this value must match exactly the value entered in SI_Manager, which in turn must match exactly with an organization alias with a type that is ESI Assign Authority.

02.5	ID,O	Not applicable	Identifier Type	Not applicable	Person_alias_type_cd	4	O	Not applicable	The translation is configured in SI_Manager. If this field is transmitted, the value must match exactly the value entered in SI_Manager.
03	20,CX,R,r	00106	Internal Patient ID	Not applicable	Not applicable	Not applicable	C,r	Not applicable	This is a repeating field. Millennium Platform requires at least one primary, unique person alias. Millennium Platform requires one person map for the Millennium Platform medical record number type. Any configurable person identifier field (PID-2, PID-3 or PID-4) can be used. Although the PID-19 (SSN) field is an option, Oracle does not recommend using this field as the primary, unique person identifier.
03.1	ST	Not applicable	Patient ID	PA	Alias	Not applicable	C	Not applicable	The identifier can be numeric or alphanumeric. The alias is usually stored without leading zeros or formatting characters. ESO masks determine the transmit format.
03.2	ST	Not applicable	Check Digit	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. If it is transmitted separately, the value is stored separately.
03.3	ID	Not applicable	Check Digit Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. HL7 table 0061.

03.4	HD	Not applicable	Assigning Authority	PA	Authority and type used to derive alias_pool_cd	263	C	Not applicable	If this field is not valued and there is only one instance, the translation is configured in SI_Manager, and determines the ALIAS_POOL_CD and PERSON_ALIAS_TYPE_CD. If it is transmitted, this value must match exactly with the value entered in SI_Manager, which in turn must match exactly with an organization alias with a type that is ESI Assign Authority. If multiple identifier instances with different assigning authorities are transmitted, Millennium Platform requires a valid value in this field.
03.5	ID	Not applicable	Identifier Type	Not applicable	Person_alias_type_cd	4	C	Not applicable	This is a configurable option. Oracle recommends sending the alias of MRN type in this field. The following types are also valid: • CMRN: Community Medical Record Number • NHIN: National Health Insurance Number • SHIN: State/province Health Insurance Number • MILITARYID • PASSPORT • HNAPERSONID: HNA This value is the classic patient system ID from the feeder Millennium Platform system. If multiple identifier instances with different alias types are transmitted, Millennium Platform requires a valid translation value in this field. For encounter-level processing, only one alias type can be of MRN type. During person-level processing, ESI supports multiple aliases of MRN type. Any configurable field (PID-2, PID-3, and PID-4) can contain the MRN alias.

03.8	26,T S,O	No t ap pli ca ble	Deprecat ed EDI PI	Not applicable	end_effecti ve_dt_tm	Not app lica ble	O	N ot ap pli ca ble	These are related to the DoD DEERS Processing.
04	20,C X,O,r	00 10 7	Alternate Patient ID	PA	Alias	Not app lica ble	C, r	N ot ap pli ca ble	The translation is configured in SI_Manager, and determines the ALIAS_POOL_CD and PERSON_ALIAS_TYPE_CD. The processing and configuration are identical to the PID-4 field. The UI supports multiple instances.
05	250, XPN, R,r	00 10 8	Patient Name family ^ given ^ middle ^ suffix ^ prefix ^ degree ^ type code	PN	Name_last _key Name_first _key Name_mid dle_key Name_full _formatted Name_pho netic Name_last Name_first Name_mid dle Name_suffi x Name_pref ix Name_deg ree Name_typ e_cd	213	R	N ot ap pli ca ble	Oracle recommends using a delimited name. If it is a single string, the interface does its best-guess attempt to split into components. ESI uses a comma to parse the last name from the rest of the name. No other parsing attempts are performed. The formatted name is stored as the last suffix, first middle. All names on the NAME table have a name type code. The UI supports only one instance. The name type always is CURRENT. If the transmitted name does not match the existing name, ESI updates the existing name with a type of PREVIOUS. HL7 v2.3 Table 0200. The following HL7 name type codes are valid: • L: legal • M: Maiden • C: Adopted • A: Alias.

06	30,ST,O	00109	Mother's Maiden Name	P	Mother_maiden_name	Not applicable	O	Not applicable	This value is treated as a person attribute and not an alias.
07	26,TS,O	00110	Date of Birth	P	Birth_dt_tm	Not applicable	O	Not applicable	None.
08	01,LD,O	00111	Sex	P	Sex_cd	57	O	Not applicable	Valid values are M, F, or U. The default value is U. HL7 Table 0001.
09	48,XPN,O,r	00112	Patient Alias XPN.7-type code	PAPN	Alias_Name_type_cd	213	O,r	Not applicable	The following Millennium Platform name type code meanings are valid: • ADOPTED • ALTERNATE • LEGAL • MAIDEN • OTHER • PREFERRED ESI supports multiple instances; however, ESI supports only one instance per name type. ESI flexes the name type based on the transmitted value in PID-9.7 field aliased to Code Set 213. If type is not provided, ESI defaults to ALTERNATE NAME_TYPE_CD.

10	01,I D,O	00 11 3	Race	P	Race_cd	282	O	N o t a p p l i c a b l e	HL7 User table 0005
11	106, XAD, ,r	00 11 4	Patient Address	AD		Not app lica ble	O	N o t a p p l i c a b l e	If the type is not sent, the UI uses Home as the default type.
11 .1	Not appl icabl e	No t ap pli ca ble	Address Line 1	AD	Street_add r	Not app lica ble	O	N o t a p p l i c a b l e	None.
11 .2	Not appl icabl e	No t ap pli ca ble	Address Line 2	AD	Street_add r2	Not app lica ble	O	N o t a p p l i c a b l e	None.
11 .3	Not appl icabl e	No t ap pli ca ble	City	AD	City	Not app lica ble	O	N o t a p p l i c a b l e	None.
11 .4	Not appl icabl e	No t ap pli ca ble	State	AD	State_cd	62	O	N o t a p p l i c a b l e	None.

11.5	Not applicable	Not applicable	Zip Code	AD	ZIP Code	Not applicable	O	Not applicable	None.
11.6	Not applicable	Not applicable	Country	AD	Country_cd	15	O	Not applicable	HL7 User Table 0171.
11.7	Not applicable	Not applicable	Type	AD	Address_type_cd	212	O	Not applicable	The following values are valid: • C: Current or Temporary • P: Permanent • M: Mail • B: Business • H: Home • F: Country of Origin. Millennium Platform codes also include BIRTH and EMAIL (Internet). HL7 User table 0190.
11.8	ST,O	Not applicable	Other Geographic Design	AD	Street_address	Not applicable	O	Not applicable	None.
11.9	IS,O	Not applicable	County / Parish	AD	County_cd	74	O	Not applicable	None.

11.1.3	26,TS,O	Not applicable	Address Begin Date	Not applicable	beg_effective_dt_tm	Not applicable	O	2.3	This field is only sent when it is configured.
11.1.4	26,TS,O	Not applicable	Address End Date	Not applicable	end_effective_dt_tm	Not applicable	O	2.3	This field is only sent when it is configured.
12	04,LD,O	00115	County Code	AD	County_cd	74	N	Not applicable	Do not use this field. Instead, use the PID-11.9 field. This field is retained as a placeholder for backward compatibility only.
13	40,XTN,O,r	00116	Home Phone Number TN^ use code ^ equip type ^ email address ^ country ^ area/city^ phone number^ extension ^ text	PH	Phone_type_cd Phone_number extension Call_instruction	43	O	Not applicable	Millennium Platform default type HOME. HL7 v2.3. If the data type XTN segment is sent, the UI can flex the phone type with a value provided in data type XTN.2 (HL7 Use Code) or data type XTN.3 (HL7 Equipment Type) aliased to Millennium Platform phone type. The UI posts the data type XTN.1 as a single string and does not parse it into discrete fields. The UI posts the data type XTN.8 (Extension) and data type XTN.9 (Text). See Unit 03 - Concepts and Definitions.

14	40,XTN,O,r	00117	Business Phone Nbr	PH	Phone_type_cd Phone_number extension Call_instruction	43	O	Not applicable	Millennium Platform default type BUSINESS. For HL7 v2.3, if the data type XTN is sent, translate the HL7 Use Code (Table 0201) and HL7 Equipment Type (Table 0202) to the Millennium Platform phone type. See the PID-13 field for additional discussion.
14.2	01,LD,O	Not applicable	Phone Type Code	Not applicable	phone_type_cd	43	O	Not applicable	These are related to the DoD DEERS Processing.
14.3	01,LD,O	Not applicable	Email Contact Method Code	Not applicable	contact_method_cd	23056	O	Not applicable	These are related to the DoD DEERS Processing.
14.18	ID,O	Not applicable	Phone Type Sequence	Not applicable	phone_type_seq	Not applicable	O	2.6	These are related to the DoD DEERS Processing.
15	25,ST,O	00118	Language - Patient	P	Language_cd	36	O	Not applicable	None.
16	01,LD,O	00119	Marital Status	P	Marital_type_cd	38	O	Not applicable	HL7 User Table 0002.

17	03, I D, O	00 12 0	Religion	P	Religion_cd	49	O	Not ap pli ca ble	HL7 User Table 0006.
18	20, CX, O	00 12 1	Patient Account Nbr	Not applicable	Not applicable	Not app lica ble	C	Not ap pli ca ble	This field contains the financial or billing number.
18 .1	,ST	Not ap pli ca ble	Patient Account #	EA	Alias	Not app lica ble	C	Not ap pli ca ble	None.
18 .2	,NM	Not ap pli ca ble	Check Digit	Not applicable	Not applicable	Not app lica ble	N	Not ap pli ca ble	This field is not supported by Millennium Platform. It is stored separately if it is transmitted separately.
18 .3	,ID	Not ap pli ca ble	Check Digit Scheme	Not applicable	Not applicable	Not app lica ble	N	Not ap pli ca ble	HL7 0061. This field is not supported by Millennium Platform.
18 .4	,HD	Not ap pli ca ble	Assigning Authority	Not applicable	Authority and Type used to derive alias_pool _cd	263	C	Not ap pli ca ble	Configurable mapping in SI_Manager. A valid translation value is required when different assigning authorities (alias pools) are associated with the same contributing system.

18.5	,ID	Not applicable	Identifier Type	Not applicable	Encntr_alias_type_cd	319	C	Not applicable	Configurable mapping in SI_Manager. The type meaning of the financial identification number (FIN) is used as the billing number for this encounter and for a charge interface from Millennium Platform. A valid translation value is required when different types are associated with the same contributing system.
19	16,ST,O	00122	SSN - Patient	PA	Alias	Not applicable	O	Not applicable	The person alias type code is SSN.
20	25,CM,O	00123	Driver's License Nbr	PA	Alias	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
21	20,CK,O	00124	Mother's Identifier	PP	Mother_identifier	Not applicable	O	Not applicable	This field contains the attribute of the person in this PID segment. ESI does not use it to create the person_person_reln between baby and mother.
22	1,ID,O	00125	Ethnic Group	P	Ethnic_group_cd	27	O	Not applicable	HL7 User Table 0189. This field further defines that patient's ancestry.

23	25,ST,O XAD	00 12 6	Birth Place	AD	Street_address	Not applicable	O	Not applicable	The Address Type is BIRTH. The Millennium Platform extension defines the field as an XAD type. If it is transmitted as ST, the value posts as defined to the STREET_ADDR. If it is transmitted as AD, the values post to the Millennium Platform address components as listed in the PID-11 field.
24	2,ID, O	00 12 7	Multiple Birth Ind	PP	Birth_multiple_cd	335	O	Not applicable	HL7 defines this value as a Yes or No indicator.
25	2,N M,O	00 12 8	Birth Order	PP	Birth_order	Not applicable	O	Not applicable	This field contains a number indicating birth order.
26	3,ID, O,r	00 12 9	Citizenship	P	Citizenship_cd	146 50	O	Not applicable	HL7 User Table 0171. Millennium Platform uses two instances.
27	60,C E,O	00 13 0	Veterans Military Stat	P	Vet_military_status_cd	146 51	O	Not applicable	HL7 User Table 0172.

28	2,ID, O	00 73 9	Nationalit y	P	Nationality _cd	146 52	O	N ot ap pli ca bl e	HL7 User Table 0212.
29	26,T S,O	00 74 0	Patient Death dt_tm	P	Deceased_ dt_tm	Not app lica ble	O	N ot ap pli ca bl e	None.
30	1,ID, O	00 74 1	Patient Death Ind	P	Deceased_ cd	268	O	N ot ap pli ca bl e	HL7 Table 0136: Yes or No indicator.

PV1 Segment

The Patient Visit (PV1) segment provides visit-specific or encounter-specific information. The following Millennium Platform tables are referenced from the PV1 segment:

- BED - Bed
- EA - ENCNR_ALIAS
- ED - ENCNR_DOMAIN
- EL - HENCNR_LOC_HIST
- EN - ENCOUNTER
- EPRL - RENCNR_PRSNL_RELTN
- PRL - PERSNL
- PRLA - PERSNL_ALIAS

PV1 Segment Layout

PV1 Sequ ence	HL7 Form at	HL7 Eleme nt	Name	Oracle Table	Oracle Attri bute	Code Set	R / O	HL7 Versio n	Additional Information

01	04,SI	00131	Set ID-PV1	Not applicable	Not applicable	Not applicable	C	Not applicable	It starts at the value of 1, and is incremented by one.
02	01,ID,R	00132	Patient Class	EN	Encntr_class_cd (documentation only) Encntr_type_class_cd (derived from PV1-18)	32169	R	Not applicable	Millennium Platform uses the PV1-18 (Patient Type) field to derive the HNA visit_class (Code Set 69) stored as encntr_type_class_cd. Millennium Platform uses the ENCNR_TYPE_CLASS_CD (Code Set 69) to define the patient encounter processing parameters. The UI captures the transmitted class for documentation only. Millennium Platform does not use ENCNR_CLASS_CD to define any internal processing options.
03	12,PL,R	00133	Patient Location	EN	Not applicable	Not applicable	C	Not applicable	This field contains the current patient location. The Millennium Platform location is hierarchical (Facility-building point of service location-room-bed).

03.1	4,ID	Not applicable	Point of Service Location	Not applicable	Loc_nurse_unit_cd Location_cd	220	C	Not applicable	All location codes have an entry on Code Set 220 with different location types, such as nurse unit and ambulatory location.
03.2	4,ID	Not applicable	Patient Room	Not applicable	Loc_room_cd	220	C	Not applicable	This field contains the Millennium Platform location with ROOM as the type.
03.3	2,ID	Not applicable	Patient Bed	Not applicable	Loc_bed_cd	220	C	Not applicable	This field contains the Millennium Platform location type with BED as the type.
03.4	6,ID	Not applicable	Facility ID	Not applicable	Loc_facility_cd	220	C	Not applicable	If this field is not valued, use the MSH-4 (Sending Facility) field. It must be unique across all facilities at a site. It contains the Location with FACILITY as the type. Millennium Platform locations defined as FACILITY also have a corresponding entry on the ORGANIZATION table with type FACILITY.
03.5	,ID	Not applicable	Bed Status	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

03.6	,ID	Not applicable	Location Type	Not applicable	Location_type_cd	222	O	Not applicable	This field defines the point-of-service location type AMBLOC, NURSEUNIT, CLINIC, DOCOFFICE, and CLIENT. Note This field is ignored by the ESI server. Instead, the ESI server finds an existing location with only the NURSEUNIT or AMBLOC as the type.
03.7	,ID	Not applicable	Building	Not applicable	Loc_building_cd	Not applicable	O	Not applicable	This field contains the Millennium Platform location BUDILING as the type. If it is not valued, the ESI server uses the default building code identical to the transmitted facility code.
03.8	,ST	Not applicable	Floor	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

04	02,ID, O	00134	Admission Type	EN	Admit_type_ cd	3	O	Not applicable	HL7 User Table 0007, such as accident, emergency, routine, and labor and delivery.
05	20,ST ,O	00135	Pre-Admit Number	EN	Preadmit_nb r	Not applicable	O	Not applicable	None.
06	12,C M,O	00136	Prior Patient Loctn	ELH	Not applicable	Not applicable	O	Not applicable	Millennium Platform creates a historical record of prior locations during internal processing. The UI ignores the transmitted value.

07	60, XCN, O	00137	Attending Doctor	EPRLR	Encntr_prsnl _reltn_cd Prsnl_alias_t ype_cd	N333 N320	O	Not applic able	Millennium Platform HL7 User Table 0010. This field contains the code meaning of ATTEND as the doctor relationship for this patient visit. Only one active relationship of this type is allowed. The following Millennium Platform type code meanings are valid: • DOCNBR • DOCCNBR • DOCDEA • DOCUPIN • PRSNLID Type code is not a direct CVA mapping to PRSNL_ALIAS_TYPE_CD but is configured in the SI_Manager as described below. The UI can use data type XCN.13 as an alias to Code Set 333 to flex the ENCNR_PRSNL_RELTN_CD. The personnel processing described for the PV1-7 field applies to all encounter personnel fields that are supported by the UI.

07.1	ID	Not applicable	Physician Id	PRLA	Alias	Not applicable	C	Not applicable	This field contains the personnel alias mapped to an alias pool for this contributing system in the SI_Manager.
07.2-7	name	Not applicable	Name components	PN	HL7 PN data type. Unit 03 - Concepts and Definitions . Also, see PID-5.	Not applicable	C	Not applicable	Each non-free-text clinical staff has a row on both the PERSON and PRSNL tables, and all available name components on a row on the PERSON_NAME table. Add-on-the-fly (AOF) personnel and their corresponding name components are written to both the PERSON and PRSNL tables.
07.8	,ID	Not applicable	Source table	Not applicable	Facility or other source. Source, authority, or type used to derive Alias_pool_cd.	Not applicable	C	Not applicable	The translation is configured in SI_Manager, which determines the ALIAS_POOL_CD and PRSNL_ALIAS_TYPE_CD, such as UPIN. If it is transmitted, the value must match exactly with the value entered in the tool.

07.9	,HD	Not applicable	Assigning Authority	PRLA	Authority, source, or type used to derive Alias_pool_cd.	263	C	Not applicable	The translation is configured in SI_Manager. If it is transmitted, the value must match exactly the value entered in the tool. The value entered in the tool also can be defined as an organization alias to flex the list of available alias pool codes.
07.10	,ID	Not applicable	Name Type	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
07.11	,NM	Not applicable	Check Digit	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
07.12	,ID	Not applicable	Check Digit Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

07.13	,ID	Not applicable	Identifier Type	Not applicable	Authority, source, or type used to derive Alias_pool_cd. Flex: Encntr_prsnl_reltn_cd.	333	O	Not applicable	The translation is configured in SI_Manager. If it is transmitted, the value must match exactly with the value entered in the tool. The value entered in the tool also can be defined as an organization alias to flex the list of available alias pool codes. The UI also can use the Identifier Type to flex the relationship type when the transmitted value is an alias to RELTN_CD (Code Set 33).
08	60, XCN, O	00138	Referring Doctor	EPRLR	Encntr_prsnl_reltn_cd	333	O	Not applicable	This field contains the code meaning of REFERDOC for the physician relationship for this patient visit. If the personnel processing option is configured as free text, a relationship row is the only table for this physician. Millennium Platform allows only one active relationship of this type.

09	60, XCN,, r	00139	Consulting Doctor	EPRLR	Encntr_prsnl _reltn_cd	333	O	Not applic able	This field contains the code meaning of CONSULTDOC for this visit. The UI supports multiple instances of this field and this relationship type. As described in the PV1-7 field, data type XCN.13 (Identifier Type) can be used to flex the encounter relationship (Code Set 333). The UI does not end the relationship of a consulting physician even if missing on a subsequent update.
10	03,ID, C	00140	Hospital Service	EN	Med_service _cd	34	O	Not applic able	HL7 User Table 0069. Required field by HL7 with trigger events A01, A02, A14, and A15. This field is not required by Millennium Platform.
11	12, PL,O	00141	Tempora ry Location	EN	Loc_temp_c d	220	N	Not applic able	This field is not supported by Millennium Platform.
12	02,ID, O	00142	Pre- Admit Test Ind	EN	Preadmit_te sting_cd	366	O	Not applic able	HL7 User Table 0087. This field indicates that pre-admit testing is required before admission.

13	02,ID, O	00143	Re- Admissio n Ind	EN	Readmit_cd	47	O	Not applic able	HL7 User Table 0092. This field indicates that the patient is readmitted or has recurring visits.
14	03,ID, O	00144	Admissio n Source	EN	Admit_src_cd	2	O	Not applic able	HL7 User Table 0023. This field describes where the patient came from before admission, such as a transfer from another hospital, home, or nursing home.
15	02,ID, O,r	00145	Ambulat ory Status	EN	Ambulatory_ cond_cd	5	O	Not applic able	HL7 User Table 0009. Millennium Platform uses only one instance. This field describes any transient or permanent limitation on arrival, such as disoriented, coma, or pregnant.
16	02,ID, O	00146	VIP Indicator	EN	Vip_cd	67	O	Not applic able	HL7 User Table 0099. This field indicates that special consideration may be required for this patient during this visit. Also, see the ZPI segment for the related confidentiality field.

17	60, XCN, O	00147	Admittin g Doctor	EPRLR	Encntr_prsnl _reltn_cd	333	O	Not applic able	HL7 User Table 0010. Code meaning ADMITDOC physician relationship for this visit. Millennium Platform allows only one active relationship of this type.
18	02,ID, O	00148	Patient Type	EN	Encntr_type _cd	71	R	Not applic able	HL7 User Table 0018. Categorize patient populations in groups more specific than patient class. Millennium Platform uses this field to define the patient encounter processing options. Each type is configured to belong to an ENCNTR_TYPE_CL ASS_CD (Code Set 69).
19	15,CX ,O	00149	Visit Number	EA	Alias	Not applic able	O	Not applic able	This field contains the encounter alias type of VISIT. It is configurable in SI_Manager as a primary or secondary identifier to validate and update existing encounter or force the insertion of a new encounter.

20	50,C M,O,r	00150	Financial Class Class^eff ective date	EN	Financial_cl ass_cd	354	O	Not applic able	HL7 User Table 0067. This field contains the primary class assigned to a patient for the purpose of identifying sources of reimbursements. Millennium Platform uses only one instance. The effective date is ignored.
21	02,ID, O	00151	Charge Price Indicat	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
22	02,ID, O	00152	Courtesy Code	EN	Courtesy_cd	16	O	Not applic able	HL7 User Table 0045. This field contains special considerations for this patient (such as express discharge).
23	02,ID, O	00153	Credit Rating	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. HL7 User Table 0046.
24	02,ID, O,r	00154	Contract Code	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. HL7 User Table 0044.
25	08,DT ,O,r	00155	Contract Effective dt	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.

26	12,N M,O,r	00156	Contract Amount	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
27	03,N M,O,r	00157	Contract Period	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
28	02,ID, O	00158	Interest Code	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. HL7 User Table 0073.
29	01,ID, O	00159	Tran to Bad Debt Cd	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. HL7 User Table 0110.
30	08,DT ,O	00160	Tran to Bad Debt Dt	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
31	10,ID, O	00161	Bad Debt Agency Cd	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. HL7 User Table 0021.
32	12,N M,O	00162	Bad Debt Trans Amt	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
33	12,N M,O	00163	Bad Debt Rcov Amt	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.

34	01,ID, O	00164	Delete Account Ind	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. HL7 User Table 0111.
35	08,DT ,O	00165	Delete Account Date	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
36	03,ID, O	00166	Discharg e Dispositi on	EN	Disch_dispo sition_cd	19	O	Not applic able	HL7 User Table 0112.
37	25,C M,O	00167	Disch To Location	Not applic able	Not applicable	Not applic able	O	Not applic able	None.
37.1	,ID	Not applic able	Code	EN	Disch_to_loc tn_cd	20	O	Not applic able	HL7 User Table 0113. This field contains the facility to which the patient was discharged, such as another hospital or nursing home.
37.2	,ST	Not applic able	Descripti on	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. The UI uses the code and ignores the description.
38	02,ID, O	00168	Diet Type	EN	Diet_type_c d	18	O	Not applic able	HL7 User Table 0114. This field indicates that the patient is on a special diet.

39	02,ID, O	00169	Servicing Facility	EN OA	Loc_facility_ cd	220	C	Not applic able	Note The UI does not use to determine LOC_FACILITY_CD. If PD1-3.4 (Sending Facility). This field is configurable in SI_Manager as the ESI encounter organization alias that determines the ORGANIZATION_ID for this encounter row. The encounter organization is used to determine internal processing parameters (such as billing) and values (such as client code). The fields available for determining this organization include MSH Facility, and the default organization from SI_Manager.
40	01,ID, O	00170	Bed Status	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.

41	02,ID, O	00171	Account Status	EN	Encntr_statu s_cd	N261	O	Not applic able	HL7 User Table 0117. The following code values are valid: • TEMP • PRELIM • ACTIVE • CANCELED • COMPLETE
42	12,C M,O	00172	Pending Location	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
43	12,C M,O	00173	Prior Temp Location	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
44	26,TS ,O	00174	Admit Date/ Time	EN	Arrive_dt_tm	Not applic able	C	Not applic able	This field contains the time that registration or admission was performed. Millennium Platform requires this field for the A01, A04, and any other event used to create a new encounter row.
45	26,TS ,O	00175	Discharg e Date/ Time	EN	Disch_dt_tm	Not applic able	O	Not applic able	This field contains the actual time that the patient is discharged from the facility. Patient types that do not always receive a discharge or other event to close an encounter must be defined in Millennium Platform to automatically discharge.

46	12,N M,O	00176	Current Pat Balance	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
47	12,N M,O	00177	Total Charges	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
48	12,N M,O	00178	Total Adjustm ent	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
49	12,N M,O	00179	Total Payment s	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
50	20, CX	00180	Alternate Visit ID	EA	Alias	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
51	1,IS,O	01226	Visit Indicator	Not applic able	Not applicable	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. HL7 User Table 0326. This field specifies the level on which data is sent. The following HL7 values are valid: • A: Account • V: Visit.

52	60,XC N,,r	01224	Other Healthca re Provider s	EPLR	Encntr_prsnl _reltn_cd	333	O ,r	Not applic able	This field contains other healthcare providers, for example, nurse practitioners, midwives, and physician assistants. The UI supports multiple instances. Alias pool code, alias type, and flex ENCNR_PRSNL_R ELTN_CD determined as described in the PV1-7 field.

General Order Segments (HL7 Chapter 4)

The general order segments are described below.

ORC Segment

Common Order (ORC) segments are optional for ORU result messages in the UI for results and other events to OCF.

Many of the data elements in the ORC segment are duplicated in the OBR. The UI assumes that the values of duplicated fields are identical and always use the value from a specific segment (such as OBR). Therefore, if the sending system does not value ORC and OBR equivalent fields with identical values, the OBR value overrides the ORC value.

The Millennium Platform CE - CLINICAL_EVENT and CEPRL - CE_EVENT_PRSNL tables are referenced from the ORC segment.

ORC Segment Layout

ORC Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	HL7 Version	Additional Information
01	02,ID,R	00215	Order Control	Not applicable	Used by program.	Not applicable	C	Not applicable	ORU^R01: RE - result. ORU^O01: NW, SC, OC.

02	75,CM,C	00216	Placer Order Number	Not applicable	Not applicable	Not applicable	C	Not applicable	Use with medications. For all others, use the OBR value.
02.1	Not applicable	Not applicable	Unique Placer ID	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not used for OCF-only results processing.
02.2	Not applicable	Not applicable	Placer Application ID	Not applicable	Not applicable	Not applicable	C	Not applicable	None.
03	75,CM,C	00217	Filler Order Number	Not applicable	Not applicable	Not applicable	C	Not applicable	Use the OBR value.
03.1	Not applicable	Not applicable	Unique Filler ID	CE	Reference_nbr	Not applicable	C	Not applicable	None.
03.2	Not applicable	Not applicable	Filler Application ID	CE	Source_app_cd	89	C	Not applicable	None.
04	75,CM	00218	Placer Group Number	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported for OCF-only results. For the orders interface, an order alias can be created with this value.
05	02,ID	00219	Order Status	CE	Result_status_cd	8	C	Not applicable	This field is required for medications. For all others, use the comparable field in OBR: IP - In Process or CM - Complete.

06	01,ID	00220	Response Flag	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
07	200,TQ	00221	Quantity/ Timing	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
08	200,CM	00222	Parent	Not applicable	Not applicable	Not applicable	O	Not applicable	Use the OBR value.
09	26,TS	00223	DT of Transaction	Not applicable	Not applicable	Not applicable	C	Not applicable	Use the comparable field in the OBR segment.
10	80,XCN	00224	Entered By	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
11	80,XCN	00225	Verified By	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
12	80,XCN	00226	Ordering Clinical Staff	CEPRL	Action_prsnl_id	Not applicable	C	Not applicable	Use the OBR value.
13	80,CM	00227	Enterer's Location	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
14	40, XTN ,O, r2	00228	Call Back Phone Nbr	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

15	26,TS	00229	Order Effective DT	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
16	200,CE	00230	Order Cntrl Cd Reason	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
17	60,CE	00231	Entering Organization	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
18	60,CE	00232	Entering Device	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
19	80,XCN	00233	Action By	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

OBR Segment

In the reporting of clinical data, the Order Detail (OBR) segment serves as the report header. It identifies the observation set represented by the following atomic observations. It includes the relevant ordering information when that applies. It contains many of the attributes that usually apply to all of the included observations.

The following Millennium Platform tables are referenced from the OBR segment:

- CE - CLINICAL_EVENT
- CECOL - CE_SPECIMEN_COLL
- CEMB - CE_MICROBIOLOGY
- CENT - CE_EVENT_NOTE
- CEPRL - CE_EVENT_PRSNL
- CESPR - CE_SPECIMEN_TRANS
- LB - LONG_BLOB

OBR Segment Layout

O B R S e q u e n c e	HL7 Forma t	HL7 Eleme nt	Name	Oracle Table	Oracle Attribu te	C o d e S e t	R / O	HL7 Versio n	Additional Information
0 1	04,SI	00237	Set ID - OBR	Not applica ble	Not applica ble	N o t a p p l i c a b l e	O	Not applica ble	Start at the value of 1 and increment by one

02	75,CM	00216	Placer Order Number	Not applicable	Not applicable	Not applicable	C	Not applicable	The UI provides a configurable option to match a result to an existing order. If a match is located, the Millennium Platform ORDER_ID is valued on the clinical event rows. Any of the following fields can be configured to provide the primary unique order identifier: • OBR-2 • OBR-3 • OBR-18 • OBR-20 • OBR-21 The primary order identifier can be an external order alias or the internal Millennium Platform ORDER_ID. The OBR-19 (Placer Field2) field is reserved for inter-communication between the order and result module. The interface can be configured to update the order status to In-Process or Complete using the OBR-25 (Result Status) field. See the OBR-25 field.
02.1	Not applicable	Not applicable	Unique Placer Order ID	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	This value is assigned by the placer system.

02.2	Not applicable	Not applicable	Placer Application ID	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	None.
03	75,CM	00217	Filler Order Number	CE	Reference_nbr	Not applicable	R	Not applicable	This field contains a permanent, unique identifier for this result. The value stored is derived from the transmitted value and thus is larger than the transmitted value. The stored reference number field is 100 characters.
03.1	Not applicable	Not applicable	Unique Filler Order ID	CE	Reference_nbr	Not applicable	R	Not applicable	3.1 and 3.2 concatenated. Oracle recommends that the transmitted value does not exceed 50-60 characters.

03.2	Not applicable	Not applicable	Filler Application ID	Not applicable	Not applicable	Not applicable	O	Not applicable	None.
04	200,CE,R	00238	Universal Service ID	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	None.
04.1	Not applicable	Not applicable	Test Code	CE	Event_cd (alias) Event_set_cd	E72	R	Not applicable	The size of the Millennium Platform alias field is 255 characters; however, the functional size of this alias for clinical event processing is limited. ESI uses the transmitted test code to derive the unique reference number. The stored reference number field is 100 characters. Oracle recommends limiting the test code to 10 to 12 characters. See the OBR-3 and OBX-3 fields.

04.2	Not applicable	Not applicable	Test Description	CE	Event_title_text	Not applicable	C	Not applicable	This field is used as the document title when the OBR-4.5 field is not valued.
04.3	Not applicable	Not applicable	Coding System	Not applicable	Not applicable	Not applicable	N	Not applicable	This value is the coding system derived from MSH sending application.
04.4	Not applicable	Not applicable	Alternate Test Code	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

04.5	Not applicable	Not applicable	Alternate Test Description	CE	Event_title_text	Not applicable	O	Not applicable	Documents only. This value is used when OBR event class has a view level of one (MDOC, RAD, and AP).
05	02,ID	00239	Priority	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	This field is not supported by Millennium Platform. Instead, use the OBR-27.6 field.
06	26,TS	00240	Requested Date/Time	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	This field is not supported by Millennium Platform. Instead, use the OBR-27.4 field.

07	26,TS,C	00241	Observation Date/Time.	CECOLCE	Collect_dt_tm Event_start_dt_tm	N o t a p p l i c a b l e	C	Not applicable	The clinically significant date and time. For specimen orders, this value is when the specimen is collected. An ESI special configuration can be used to specify the OBR-7 field instead of the OBR-8 field. For Radiology Management, this value is the date that the exam was performed. For therapy or study, this value is the date that the therapy or study was performed. This field is required if the OBR-8 field is not valued. If this field is not not valued, it defaults to the observation end date and time.
08	26,TS,C	00242	Observation End Dt	CECOLCE	collect_dt_tm Event_end_dt_tm	N o t a p p l i c a b l e	C	Not applicable	This field contains the date when the specimen is collected. The OBR-8 field is used by default. This field is required if the OBR-7 field is not valued. If this field is not valued, it defaults to the event start date and time.
09	20,CQ,C	00243	Collection Volume	CECOL	Collect_volume ^ Collect_unit_cd	E 5 4	O	Not applicable	This value is the Volume^units. The default unit is ML.

10	60,CN	00244	Collector Identifier	CECOL	Action_prsnl_id	Not applicable	O	Not applicable	This value is for specimen procedures only. The ACTION_TYPE_CD is COLLECT.
11	01,ID	00245	Specimen Action Code	CECOL	Specimen_status_cd	E61	O	Not applicable	HL7 Table 0065. Use this field with specimen procedures only. The following HL7 values are valid: • A: Add-on • G: Generated reflex order • L: Lab to collect • O: Other department to collect • P: Pending specimen • R: Revised order • S: Schedule the tests specified below
12	60,CE	00246	Danger Code	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	None.
12.1	Not applicable	Not applicable	Danger Code	CECOL	Danger_cd	E59	O	Not applicable	None.

1 2 . 2	Not applicable	Not applicable	Danger Text	Not applicable	Not applicable	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applicable	None.
1 2 . 3	Not applicable	Not applicable	Coding System	Not applicable	Not applicable	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applicable	None.
1 3	300,ST	00247	Relevant Clinical Info	Not applicable	Not applicable	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applicable	This field is not supported by Millennium Platform.

14	26,TS	00248	Specimen Received Dt	CESPR	Receivd_dt_tm	Not applicable	Not applicable	Not applicable	This field is for specimen procedures only.
15	300,CM	00249	Specimen Source	CECOL	Not applicable	Not applicable	C	Not applicable	This field is required to create the specimen CECOL row.
15.1	CE	Not applicable	Source Code	CECOL	Source_type_cd	E2052	Not applicable	Not applicable	None.

1 5 . 2	ST	Not applica ble	Additive s	CECOL	Contain er_type _cd	E 2 0 5 1	N o t a p p l i c a b l e	Not applica ble	None.
1 5 . 3	ST	Not applica ble	Source Descript ion	CECOL	Source_ text	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applica ble	This field is a free-text source or method of collection description.
1 5 . 4	CE	Not applica ble	Body Site	CECOL	Body_si te_cd	E 1 0 2 8	N o t a p p l i c a b l e	Not applica ble	None.

16	60,CN	00226	Ordering Clinical Staff	CEPRL	Action_prsnl_id	Not applicable	Not applicable	Not applicable	With an ACTION_TYPE_CD of ORDER.
17	40,TN	00250	Ord Call Back Phone No.	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	This field is not supported by Millennium Platform.
18	60,ST	00251	Placer Field No.1	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	This field is configurable as the primary order identifier, accession number, or both.

19	60,ST	00252	Placer Field No.2	Not applicable	Not applicable	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applicable	Field is defaulted as the internal order_id when complete for ORU is enabled and is not assigned an ESI alias translation for order match.
20	60,ST	00253	Filler Field No.1	Not applicable	Not applicable	N o t a p p l i c a b l e	O	Not applicable	This field is configurable as the primary order identifier, accession number, or both.
21	60,ST	00254	Filler Field No.2	CE	Accession_nbr	N o t a p p l i c a b l e	O	Not applicable	The accession number is configurable to one of the following fields: • OBR-2 • OBR-3 • OBR-18 • OBR-20 If this field is not configured, the UI uses the OBR-21 field as the default.

2 2	26,TS, C	00255	Result Report or Status Change Date/ Time	CEPRL	Action_ dt_tm	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applica ble	This field contains the most recent verification or status change. It s used when more specific date and time fields are not appropriate. Its use varies with the message, order control code, and event code.
2 3	40,CM	00256	Charge to Practice	Not applica ble	Not applica ble	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applica ble	This field is not supported by Millennium Platform.
2 4	10,ID	00257	Diagnos tic Serv Sect ID	CE	Event_ lass_cd	5 3	N o t a p p l i c a b l e	Not applica ble	HL7 Table 0074. The UI uses this field to determine the grouper event class, for example, AP, MBO, MDOC, or RAD. When the following values exist for historical uploads, the ORUs process as a PROCEDURE event class code: • CTH: Cardiac catheterization • CUS: Cardiac ultrasound • EC: Electrocardiac • EN: Electroneuro • VUS: Vascular ultrasound • CV: Cardiovascular (Oracle-defined value)

25	01,ID,C	00258	Result Status. Represents status of results at the order level. Comparable to Order Status (ORC-5).	CE	Result_status_cd	N 8 If D O C : N 6 3	C	Not applicable	HL7 Table 0123. This field is required for the ORU segment. The following HL7 values are valid: • A: Order in process. Not complete. • C: Contains corrected result. • F: Final or Complete. • I: Specimen received. No results. • O: Order received. No specimen. No results. • P: Preliminary with verified results. • R: Stored results not verified (such as Transcribed). • S: Procedure scheduled but not done. No results. The UI provides a configurable option to update the order status to In-Process or Complete. The result status is aliased to one or more of the following code sets: Order action (Code Set 6003); order status (Code Set 6004), department order status (Code Set 14281), or both. The complete result status is aliased to the order action (Code Set 6003) of COMPLETE. Any result status that could trigger an order status change to INPROCESS is aliased to the order status code value (Code Set 6004).

26	200,CM	00259	Parent	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Use this field with Microbiology susceptibility results.
26.1	CE	Not applicable	Parent Order ID	Not applicable	Not applicable	Not applicable	C	Not applicable	This field contains the ordered Culture ID from the OBR-4 field or OBX-3 field of the parent. When the OBR-26.1.3 field is aliased to the LOINC code value on Code Set 400, the LOINC identifier in the OBR-26.1.1 field is assigned to the organism.
26.2	ST	Not applicable	Parent Sub-ID	Not applicable	Not applicable	Not applicable	C	Not applicable	This field contains the isolate number from the OBX-4 value of the parent.
26.3	CE	Not applicable	Parent Results	CEMB	Organism_Code	E1021	C	Not applicable	This field contains the isolate ID from the OBX-5 value of the parent.

27	200,TQ	00221	Quantity Timing.4 - Start Date..6 - Priority (r1)..6 - Priority (r2).	CEPRL CECOL CE	Request _dt_tm Collect_ priority _cd Event_p riority_ cd	E 2 0 5 4	N o t a p p l i c a b l e	Not applica ble	 ^^^^yyyymmddhhmm^^R T^^C~^^^^^ST This field contains the requested date and time, ACTION_TYPE_CD of ORDER. Order and collection priority. Report priority (only if different from order).
28	150,XC N,O,r	00260	Result Copies To	Not applica ble	Not applica ble	N o t a p p l i c a b l e	O	2.2	This field is supported for for the following results: • Anatomic Pathology • Blood Bank Transfusion • Human Leukocyte Antigen • General Laboratory • Microbiology The personnel Alias configuration in SI_Manager for the OBR-28 field (Result Copies To) is required for the field processing. The personnel is posted to the viewable clinical event row or rows. When the the OBR-16 field is populated and processed, the value received in the OBR-16 field is posted to the request_prsnl_id and the request_prsnl_ft attributes of the REVIEW CE_EVENT_PRSNL rows. When the OBR-16 field is not populated and processed, the personnel id associated with the contributor system is posted to the request_prsnl_id attribute of the REVIEW ce_event_prsnl rows.

2 8 . 1	ST	Not applica ble	ID Number	CEPRL	action_ prsnl_id action_ status_ cd	2 1 1 0 3	N o t a p p l i c a b l e	Not applica ble	The value received in this field is posted to the action_prsnl_id attribute with an action_type_cd of REVIEW on Code Set 21, with an action_status_cd of REQUESTED on Code Set 103.
2 9	150,CM	00261	Parent Accessio n No.	Not applica ble	Not applica ble	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applica ble	Use this field with Microbiology susceptibility results.
2 9 . 1	CM	Not applica ble	Parent Placer Order No.	Not applica ble	Not applica ble	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applica ble	This field contains the culture's placer order number and application ID.

29.2	CM	Not applicable	Parent Filler Order No.	CE	Reference_nbr	Not applicable	Not applicable	Not applicable	This field contains the culture's filler order number and application ID.
30	20,ID	00262	Transportation Mode	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	This field is not used with the ORU segment, for example, Radiology Management transportation mode.
31	300,CE	00263	Reason for Study	CENT	Actual contents stored on the LONG_BLOB table.	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

3 1 . 1	Not applicable	Not applicable	Reason ID	Not applicable	Not applicable	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applicable	This field is not supported by Millennium Platform.
3 1 . 2	Not applicable	Not applicable	Reason Text	LB	Long_blob	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applicable	None.
3 2	60,CM	00264	Main Result Interpreter	CEPRL	Action_prsnl_id	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applicable	ACTION_TYPE_CD - PERFORM.ACTION_DT_TM - Default time stamp.ACTION_STATUS_CD - Complete.

33	60,CM,, r	00265	Assist Result Interpre ter	CEPRL	Action_ prsnl_id	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applica ble	ACTION_TYPE_CD - ASSIST.ACTION_DT_TM - Default time stamp. ACTION_STATUS_CD - Complete. Translated through the PRSNL_ALIAS table, PERSNL_ALIAS_TYPE_CD, and FACILITY_CD.
34	60,CM,, r	00266	Technici an	CEPRL	Action_ prsnl_id	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applica ble	ACTION_TYPE_CD - ASSIST.
35	60,CM,, r	00267	Transcri ptionist	CEPRL	Action_ prsnl_id	N o t a p p l i c a b l e	N o t a p p l i c a b l e	Not applica ble	ACTION_TYPE_CD - TRANSCRIBE.

36	26,TS	00268	Scheduled Date/Time	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
37	4,NM,O	01028	Number of Containers	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
38	60,CE, O,r	01029	Transport Logistics of Specimen	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

39	200,CE,,r	01030	Collectors Comments	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
40	60,CE,O	01031	Transport Arrangement Responsibility	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
41	30,ID,O	01032	Transport Arranged	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. HL7 Table 0136 - Yes/no indicator.

4 2	1,ID,O	01033	Escort Require d	Not applica ble	Not applica ble	N o t a p p l i c a b l e	N	Not applica ble	This field is not supported by Millennium Platform. HL7 Table 0136 - Yes/no indicator.
4 3	200,CE ,,r	01034	Planned Patient Transpo rt Comme nt	Not applica ble	Not applica ble	N o t a p p l i c a b l e	N	Not applica ble	This field is not supported by Millennium Platform.

OBX Segment

The Order Detail (OBX) segment is used to transmit a single observation or observation fragment. It represents the smallest indivisible unit of a report. Its principal mission is to carry information about observations in report messages.

The following Millennium Platform tables are referenced from the OBX segment:

- BLOB - CE_BLOB
- CE - CLINICAL_EVENT
- CEMB - CE_MICROBIOLOGY
- CEPRL - CE_EVENT_PRSNL
- CEST - CE_STRING_RESULT
- CESUS - CE_SUSCEPTIBILITY
- CDR - CE_DATE_RESULT
- CE_INTAKE_OUTPUT_RESULT
- CV - CODE_VALUE

OBX Segment Layout

OBX Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R/O	HL7 Version	Additional Information
01	10,SI,O	00569	Set ID - OBX	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	This is sequential under the OBR segment, and is for compatibility with American Society for Testing and Materials (ASTM).

02	02,ID,R	00570	Value Type	CE	Event_class_cd	N53	R	Not applicable	The following values are valid and do not require event class alias but have default processing: • CE • NM • RP • ST • TX The following values are valid and must be aliased to an event class: • DT • ID • TM, • TS These value types should be aliased to the TXT event class and are processed as ST (string) results. The FT value type is not supported. Use the value RP for remotely stored documents.

									Use the value ED for RTF and images stored in CareAware MultiMedia. See POST_MEDIA, ATTACHMENT and EDDOCSTORG options in Configure ESI Special Configurations. With the exception of the CE value type, the UI cannot process an event (same reference number and event code) that is associated with more than one value type, such as NM and TX or NM and ST.
03	80,CE,R	00571	Observation Identifier	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Of the detail.

03.1	ID	Not applicable	Procedure ID	CE	Event_cd	E72	R	Not applicable	Of the detail. The size of the Millennium Platform alias field is 255 characters; however, the functional size of this alias for clinical event processing is limited. ESI uses the transmitted procedure ID to derive the unique reference number. The stored reference number field is 100 characters. See the discussion in this unit related to the derivation of the reference number. Oracle recommends limiting the Procedure ID to 10 to 12 characters. See the OBR-3, OBR-4, and OBX-4. fields. For laboratory result processing, if the OBX-3.3 field is aliased to the LOINC code value on Code Set 400, the LOINC identifier in the OBX-3.1 field is assigned to the clinical event.

03.2	ST	Not applicable	Procedure description	CE	Event_title_text	Not applicable	O	Not applicable	For document processing, this field is used as the document title when the OBX-5.5 field is not valued.
03.3	ID	Not applicable	Coding scheme	CV	contributor_source_cd	73	O	Not applicable	When configured to use the first triplet as the primary source for the clinical event alias, this is an alias to Code Set 73 to determine the primary contributor source to alias the OBX-3.1 field on Code Set 72 (Clinical Event).

03.4	ID ST	Not applic able	Alternate Procedure ID	CE	event_c d	E72	O	Not applic able	For laboratory result processing, if the OBX-3.6 field is aliased to the LOINC code value on Code Set 400, the LOINC identifier in the OBX-3.4 field is assigned to the clinical event. When configured to use the second triplet as the primary source for the clinical event alias, this alias is used with the contributor source identified in the OBX-3.6 field to derive the clinical event.
03.5	ST	Not applic able	Alternate Description	Not applic able	Event_ti tle_text	Not applic able	O	Not applic able	For document processing, this value is used as the document title when the OBX event class has a view level of one.

03.6	ID	Not applicable	Alt Coding Scheme	CV	Event_Title_Text contributor_source_cd	1808973	C	Not applicable	This field requires a Contributor System ESI Special Configuration. For document processing, this is an alias to Code Set 18089 to allow the UI to value section titles from the event code display, description, or definition. If it is not aliased, the UI uses the OBX-3.2 or OBX-3.5 field. For laboratory result processing, when configured to use the second triplet as the primary source for the clinical event alias, this is an alias to Code Set 73 to determine the primary contributor source to alias the OBX-3.4 field on Code Set 72 (Clinical Event).

04	20,ST	00572	Observation Sub-ID	Not applicable	Not applicable	Not applicable	C	Not applicable	This value is an additional ID for results with the same Observation ID, such as isolate ID or Blood Bank Transfusion unit number. For updates to properly occur, the value must be persistent in a reference number and event. When appropriate for a value type, such as CE, ST, or TX, the UI treats multiple OBX segments with the same identifier (OBX-3) and sub ID (OBX-4) as a unit. It is also used as part of the stored reference number derived from the OBR-3, OBR-4, OBX-3, and OBX-4 fields.

05	64k,R,,r Length is variable based on OBX-2-Value Type.	00573	Observation Value table and attribute varies with OBX-2—Value Type and Service Discipline (event class).	CEST CEMB CESUS BLOB CIOR CDR	CEST.String_result_text CEMB.Organism_cd CESUS.Result_numeric_value BLOB.Blob_contents CDR.RESULT_DT_TM	Not applicable	C	Not applicable	This field contains the actual observed results of the value type OBX-2. The table and column vary by type and service area. Microbiology susceptibility results can have an interpretation in the OBX-8 field but have no actual result value. This field may repeat for CE and TX. The UI does not support FT. The components for this field vary based on the data type in the OBX-2 field.
06	60,CE,O	00574	Units	CEST CESUS	Unit_of_measure_cd Result_unit_cd	E54	O	Not applicable	See the Detail or Child Event Class Codes section on this specification for recommendations related to numeric results.

07	60,ST,O	00575	Reference Range	CE	Normal_low Normal_high	Not applicable	O	Not applicable	UI extension: format range as low-high^low ^high such as 35-80^35 ^80

07.1	ST	Not applicable	Range	CE	Normal_low Normal_high	Not applicable	Not applicable	Not applicable	The ESI server attempts to parse and use this range for normal_low and normal_high, if the low and high components are empty. See the following examples: • 35-80 range parses to normal_low of 35, normal_high of 80. • <73 range parses to normal_low of empty, normal_high of 73. • >-24 range parses to normal_low of 24, normal_high of empty.
07.2	ST	Not applicable	Low	CEST	Normal_low	B	Not applicable	Not applicable	This field is included for the backward capability to Cerner Classic.
07.3	ST	Not applicable	High	CEST	Normal_high	B	Not applicable	Not applicable	This field is included for the backward capability to Cerner Classic.

08	10,ID,,r5	00576	Abnormal Flags	CE CESU S	Normalc y_cd Result_c d	E52 E64 E1902	O	Not applic able	HL7 Table 0078. Multiple instances are ignored except for susceptibilities. For a Reference Lab Interface (RLI) see the Abnormal Flags Processing Notes section.
09	05,NM,O	00577	Probability	CEST CEMB	Feasible _ind Probabil ity	Not applic able	N	Not applic able	This field is not supported by Millennium Platform.
10	05,ID,O,r	00578	Nature of Abn Test	CE	Normalc y_metho d_cd	E50	O	Not applic able	HL7 Table 0080.

11	02,ID,R	00579	Observation Result Status	CE	Result_status_cd (Auth_status_cd)	N8	R	Not applicable	The following values from the HL7 Table 0085 are valid: • I: Specimen in the laboratory, results pending. • P: Preliminary. • R: Transcribed or results entered, not verified. • S: Partial results. • F: Verified result or final report. • C: Corrected. • D: Delete this OBX. • U: Status change to final. The value defaults to the parent's result_status_cd .
12	26,TS	00580	Date Last Observe Normal Values	CEST	Last_norm_dt_tm	Not applicable	O	Not applicable	This field contains the effective date and time for the reference range in this OBX segment
13	20,ST	00581	User access checks	Not applicable	Not applicable	N18089	C	Not applicable	This field is used as necessary for specific interface configurations.

14	26,TS	00582	Date/Time of the Observation	CEPRL	Action_dt_tm	Not applicable	R	Not applicable	This field contains the actual verification date and time.
15	60,CE	00583	Producer's ID	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	This is a composite field. Use it when a service is performed by the organization other than the sending facility, such as results performed at a reference laboratory. See PROC SVCRES15 details on Configure ESI Special Configurations.
15.1	Not applicable	Not applicable	Producer ID Code	CEPRL	Action_prsnl_id	Not applicable	O	Not applicable	This field contains the unique ID of a producing service or performing personnel. With action_type_cd of PERFORM. In the U.S., HL7 recommends using the Medicare number of the producing service. If it is not valued, the UI assumes service performed as sending facility.

16	60, XCN,O	00584	Responsible Observer	CEPR L	Action_ prsnl_id	Not applic able	Not applic able	Not applic able	This field contains the observer verifying results, with the action_type_cd of VERIFY.
17	60,CE,O	00936	Observation Method	CE	device_ ree_txt	Not applic able	O	Not applic able	This field contains the Information about the external device that performs the test.

OBX Segment Processing Notes

For textual results, the UI accepts multiple OBX segments where each OBX segment represents a line of text. For textual results, a single OBX segment can also be transmitted where each OBX segment represents a paragraph of text up to 2,000 characters with word wrap but with no hard carriage returns. The UI does not accept textual results defined as HL7 FT formatted text value type. The UI also accepts the observation value formatted using the repeat delimiter to indicate a hard carriage return representing either a new line or a new paragraph.

Abnormal Flags Processing Notes

For the Reference Laboratory Interface (RLI), the alias provided will first be processed through individual character code lookups and then alternative alias type meaning lookups for the following alias type meanings: NORMAL, CRITICAL, and REVIEW.

While processing individual characters, each character will be checked individually against an alias to a code value on code set 1902.

A matching code for the single character will be interpreted according to the following report flags:

Report Flag	Matched Code CDF_MEANING (1902)
Normal	NORMAL_LOW
Normal	NORMAL_HIGH
Normal	WITHIN_RANGE
Normal	ALP_NORMAL
Normal	ALP_ABNORMAL

Report Flag	Matched Code CDF_MEANING (1902)
Critical	CRITICAL
Critical	ALP_CRITICAL
Review	REVIEW
Review	ALP_REVIEW

For Alias Type Meaning processing, the literal uppercase alias type meaning is required and the following alias type meaning to report flag correlation exists:

Report Flag	Alias Type Meaning
Normal	NORMAL
Critical	CRITICAL
Review	REVIEW

Recommendation for the HL7 Table 0078 adherence to code set 1902:

Table 0078 Value	CDF_MEANING (1902)	Alias Type Meaning
L	NORMAL_LOW	None
H	NORMAL_HIGH	None
N	ALP_NORMAL	None
A	ALP_ABNORMAL	None
C	CRITICAL	None
LL	ALP_CRITICAL	CRITICAL
HH	ALP_CRITICAL	CRITICAL

See Configure Alpha Details on the [Configure Oracle Health General Laboratory Result Processing](#) page for further details on how the flags from 1902 correlate to code set 52.

Blood-Bank-Product-Specific Segment

The blood-bank-product-specific segment is described below.

ZBP (Blood Product Unit) Segment

The Oracle-defined ZBP Blood Product unit segment is used to communicate blood product unit information that can be posted to the Clinical Event tables. The ZBP segment also is required to post Blood Bank Transfusion patient-product events, for example, Crossmatched and Transfused. The ZBP segment occurs after an OBR segment and can occur after OBX segments containing non-product-related Blood Bank Transfusion results. During real-time Blood Bank Transfusion result processing, the ZBP segment must occur immediately before an OBX segment (or segments) containing a result or event associated with this product. The ZBP segment can repeat.

The ZBP segment also is required during history upload processing to upload transfused, transfused product information, and nontransfused product information to Millennium Platform blood-bank-specific tables. During history upload processing, the ZBP segment must occur immediately before the ZB2 segment and before OBX segments containing a result or event associated with this product. See [Unit 20B Oracle Health Blood Bank History Upload](#) for information about the definition of the ZB2 segment and specific information related to history uploads.

The Millennium Platform CEPA - CE_PRODUCT_ANTIGEN and CEPR - CE_PRODUCT tables are referenced from the ZBP segment. Mapping to blood-bank-specific tables is to be determined and is provided by the Blood Bank solution team.

ZBP Segment Layout

ZBP Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	HL7 Version	Additional Information
01	4,SI	ZBP01	ZBP Set Id	Not applicable	Program use	Not applicable	R	Not applicable	It starts at the value 1 and is incremented by one.

02	40,ST	ZBP02	BPU Unique Identifier	Not applicable	Program use	Not applicable	R	Not applicable	The sending system must format to exactly match an OBX-4 (Observation Sub-Id) field for any OBX segment associated with this product. Uniquely identifies the unit. Frequently created by concatenating the Unit Number, Sub Unit Number, and Product Type Code. When processing patient-product results to the Clinical Event tables, the UI uses this value concatenated with the OBR-3.1 (Filler Order Number) field to format a unique, detail, clinical event reference number. The maximum size of the event reference number is 60 bytes.
03	20,ST	ZBP03	BPU Unit or Lot Number	CEPR	Product_nbr	Not applicable	R	Not applicable	This field contains the combination of Unit Number, Sub Unit Number, and Product that uniquely identifies a blood product unit. When a product is a manufactured product, the number is the product's lot number.

04	5,ST	ZBP04	BPU Sub Unit Number	CEPR	TBD.	Not applicable	C	Not applicable	This field is required if the subunit number is required to uniquely identify a blood product unit.
05	CE	ZBP05	BPU Product	CEPR	Product_cd	1604	R	Not applicable	Alias to the blood product code.
06	IS	ZBP06	BPU Status	CEPR	Product_status_cd	1610	R	Not applicable	Alias to the product status. The following Millennium Platform statuses are valid: • Destroyed • Pooled • Transferred • Transfused
07	TS	ZBP07	BPU Status Date and Time	CEPR	TBD.	Not applicable	O	Not applicable	This field contains the date and time that the product is updated to this status. If it is not valued, the UI uses the OBR-22 (Status Change Date and Time) field. If not valued, the UI uses the MSH-7 (Message Date and Time) field.
08	TS	ZBP08	BPU Expire Date and Time	CE	Expiration_dt_tm	Not applicable	O	Not applicable	This field contains the expiry date of the product at the time that the status event occurred. It is not applicable to a Blood Bank Transfusion history upload.

09	CE	ZBP09	BPU ABO	CEPR	Abo_cd	1641	O	Not applicable	Alias to the ABO codes.
10	CE	ZBP10	BPU RH	CEPR	Rh_cd	1642	O	Not applicable	Alias to the RH codes.
11	CE,O,r	ZBP11	BPU Antigen	CEPA	Antigen_cd	1612	O	Not applicable	Alias to the Antigen Code, Special Testing Code Value (Code Set 1612). Multiple instances are allowed.
12	CE,O,r	ZBP12	BPU Attributes	CEPAC EPA	Antigen_cd + TBD (such as Attribute_ind)	1612	O	Not applicable	Alias to Attribute Code, Special Testing Code Value (Code Set 1612) with a CDF meaning of SPTYP. Multiple instances allowed.
13	XON	ZBP13	BPU Supplier	Not applicable	Not applicable	Not applicable		Not applicable	Organization alias to BPU Supplier or Manufacturer. Organization name type. Uploads only.
13.1	,ST	Not applicable	Organization Name	Not applicable	Not applicable	Not applicable	O	Not applicable	Documentation only. The UI does not add Blood Bank Transfusion organizations.
13.2	,IS	Not applicable	Organization Name Type	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.

13.3	,ST	Not applicable	Organization Identifier	ORGAC EPR	Alias TBD.	Not applicable	C	Not applicable	Organization alias to a Blood Bank Transfusion Supplier or Manufacturer. This field is required if the blood product is from an external organization.
13.4	,NM	Not applicable	Check Digit	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
13.5	,ID	Not applicable	Check Digit Scheme	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
13.6	,HD	Not applicable	Assigning Authority	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform.
13.7	,IS	Not applicable	Identifier Type Code	ORGA	Org_alias_type_cd	278	C	Not applicable	Alias to a code value (Code Set 278) with a meaning of BBSUPL (Blood Bank Transfusion Supplier) or BBMANUF (Blood Bank Transfusion Manufacturer).
14	1,ID	ZBP14	Directed Indicator	CEPR	Not applicable	18229	N	Not applicable	This field is not supported by Millennium Platform. HL7 Table 0111: Yes or No indicator.

15	1,ID	ZBP15	Autologous Indicator	CEPR	Not applicable	18229	N	Not applicable	This field is not supported by Millennium Platform. HL7 Table 0111: Yes or No indicator.
16	1,ID	ZBP16	Donated by Relative Ind	CEPR	Not applicable	18229	N	Not applicable	This field is not supported by Millennium Platform. HL7 Table 0111: Yes or No indicator.
17	1,ID	ZBP17	Pooled Product Indicator	CEPR	Not applicable	18229	N	Not applicable	This field is not supported by Millennium Platform. HL7 Table 0111: Yes or No indicator. This field is used only for Blood Bank Transfusion history uploads.
18	16,N M	ZBP18	Original Volume	CEPR	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. It contains the original volume (mL). This field is used only for Blood Bank Transfusion history uploads.
19	16,N M	ZBP19	Assumed Transfused Volume	CEPR	Not applicable	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. It contains the total assumed transfused volume (mL).

20	16,N M	ZBP20	Assumed Transfused Total Internatio nal Units	Not applic able	Not applicabl e	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. It contains the total assumed transfused international units. It is not used in either blood uploads or discrete results.
21	16,N M	ZBP21	Assumed Transfused Quantity	CEPR	Not applicabl e	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. It contains the total assumed transfused quantity or vials. It is only used for Blood Bank Transfusion History uploads.
22	5,ST	ZBP22	BPU Supplier Prefix	BB	Not applicabl e	Not applic able	N	Not applic able	This field is not supported by Millennium Platform. It is only used for Blood Bank Transfusion History uploads.
23	ID	ZBP23	Volume Units of measure	BB	Not applicabl e	54	N	Not applic able	This field is not supported by Millennium Platform. It is only used for Blood Bank Transfusion History uploads to provide units for the volume in the ZBP-18 and ZBP-19 fields.

ZBP Segment Processing Notes

An assumption is that the Product Number, Sub Unit Number, and Product Code uniquely identify this unit or product.

A value of TBD represents data elements that are added to the CEPR table for the alphabetic implementation of discrete Blood Bank Transfusion results. The name of the data element is to be determined.

When the ZBP segment is transmitted in an ORU message for real-time discrete Blood Bank Transfusion results, the information posted to the clinical event tables represents a snapshot of product data known at the time of the event and is not intended to replace product data stored permanently in the Blood Bank Transfusion clinical information system. The transfused data elements (status, volume, and units) are only assumed.

Actual transfusion events are inserted on the Clinical Event tables based on a true administration event, for example, CE_BLOOD_TRANSFUSE.

Oracle-defined Document Segment

The Oracle-defined document segment is described below.

ZDS Segment

The Document Endorsements (ZDS) segment is used to communicate document endorsement information that is related to actions that are performed or are yet to be performed. The ZDS segment is optional and can repeat.

ZDS Segment Layout

ZDS Seque nce	HL7 Forma t	HL7 Eleme nt	Name	Oracle Table	Oracle Attribut e	Code Set	R / O	HL7 Version	Additional Information

01	12,ID	ZDS01	Action Code	CEPRL	Action_type_cd	21	R	Not applicable	This field contains the action that is executed to be completed. The following example alias action type codes are valid: • A: Author • O: Order • T: Transcribe • V: Verify • S: Sign • C: Cosign • R: Review • CA: Cancel (correct, start administration, stop administration, insert, and review).
02	60,CN	ZDS02	Clinical Staff	CEPRL	Action_prsnl_id	Not applicable	R	Not applicable	This field contains the code and name of the person responsible for performing the specified action.
03	TS	ZDS03	Action Date and Time	CEPRL	Action_dt_tm	Not applicable	R	Not applicable	This field contains the date and time that the action is completed.

04	1,ID	ZDS04	Action Status	CEPRS	Action_status_cd	103	R	Not applicable	This is not user-extendible. This field contains the resultant status of the action. The following alias codes are examples: • E: Expected and Requested • C: Completed • X: Canceled • R: Refused • D: Deleted
05	2,ID	ZDS05	Action Priority Code	Not applicable	Not applicable	Not applicable	N	Not applicable	This field is supported by Millennium Platform. It contains the priority of expected action.
06	60,CN	ZDS06	Requesting Provider	CEPRL	Request_prsnl_id	Not applicable	N	Not applicable	This field is not supported by Millennium Platform. It contains the code and name of the provider who requested that the action be completed. It is not used.

07	120,ST	ZDS07	Action Comment	CEPRL	Action_ comment	Not applicable	O	Not applicable	This field contains a comment or annotation describing the reason for the action or its status.
08	60,XCN	ZDS08	Proxy Personnel	CEPRL	Proxy_p rsnl_id	Not applicable	O	Not applicable	This field contains the code and name of the person who carried out the action of the action_prsnl_id.

ZUI Segment

The optional ZUI segment is used to communicate the UUID field. The ZUI segment can repeat. The Millennium Platform CEU-CE_UUID and CE-CLINICAL_EVENT tables are referenced from the ZUI segment.

ZUI Segment Layout

ZUI Sequence	HL7 Format	HL7 Element	Name	Oracle Table	Oracle Attribute	Code Set	R / O	HL7 Version	Additional Information
01	NM	ZUI 01	Not applicable	Not applicable	Not applicable	Not applicable	R	2.3	It starts at the value 1 and is incremented by one in cases where multiple ZUI segments are received
02	ST	ZUI 02	Not applicable	CEU	Event_ uuid	Not applicable	R	2.3	Not applicable.

03	CE	ZUI 03	Not applicable	CE	Event_classification_cd	Not applicable	R	2.3	This field is used for some messages to determine which clinical event in the result structure the event_uuid is associated.

ZEH Segment

The Millennium Platform database maintains an event hierarchy documenting event set names and the permissible event codes in each event set. The purpose of the Millennium Platform -defined Event Hierarchy (ZEH) segment is to define the event hierarchy structure for event codes.

ZEH Segment Layout

ZEH Sequence	HL7 Format	HL7 Element	Name	R/O	Additional Information
01	ST	ZEH01	Event Set Name	O	The event set names are separated by a repetition separator.

ZEH Segment Example

```
ZEH|ALL OCF EVENT SETS~ALL RESULT SECTIONS~ALL SERVICE
SECTIONS~LABORATORY~BLOOD GASES~
```

Additional Resources

- [Configure ESI Special Configurations](#)
- [Unit 03 - Concepts and Definitions](#)
- [Unit 12i - Medical Document Management Inbound Specifications](#)
- [Unit 20B Oracle Health Blood Bank History Upload](#)

Configure ESI Special Configurations

Reference Pages

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Overview

This Reference Page describes the functionality for each External System Inbound (ESI) special configuration, the way it is used, and how it is set up in the Special Configurations section in SI_Manager (SI_Manager.exe). Special processing identifies different configurations that can be used for interfaces. Some of these configurations identify the interface type, for example, immunization history, while others provide additional functionality for an interface. Special processing is configured in the Special Configurations section in SI_Manager under the ESI Configuration section.

Special processing options are configured by setting aliases to various code values. The Special Configurations section of SI_Manager drives the creation of these aliases automatically, based on your selections, instead of requiring configurations to be made using other alias building tools. In Special Configurations, the following two main options are available to configure:

1. If the alias value is the contributor system name, select the **Active** checkbox, and then select the **Alias** box. The Alias box populates with the contributor system name, and the Alias Type Meaning box is populated, if appropriate.
2. If the alias value is from a specific box in the HL7 message, complete the following steps to complete the configuration:
 - a. Select the **Active** checkbox to open the Multi-Select Values window.
 - b. Enter the value from the HL7 message in the Add Item box and select **Add**. If multiple values are included, add them as well.
 - c. After entering all appropriate values, select **Done** to close the Multi-Select Values window. The Alias box is populated with your entries, and the Alias Type Meaning box is automatically populated with the correct alias type meaning, if appropriate.

If the configuration does not fit into one of these configuration options, the configuration setup is described with an explanation of the options.

The sections below contain tables with a list of related special configuration options. The tables include the code set, CDF meaning, alias type meaning, description, and server version. The Server Version column identifies which server(s) support the special configuration. It also contains either an Old, New, Both, or Blank designation, which reflects how the value is displayed in SI_Manager. The following table contains the list of values and their corresponding servers:

SI_Manager Value	Server
Blank	CPM ESI Server (SCP 250)
Old	CPM ESI Server (SCP 250)
New	Foreign System Interface Server (SCP 385)
Both	Foreign System Interface Server (SCP 385) CPM ESI Server (SCP 250)

Work Step Summary

Order	Task
Step 1	Configure Charges
Step 2	Configure Comment Processing
Step 3	Configure HIM
Step 4	Configure Orders
Step 5	Configure Person and Encounter Processing
Step 6	Configure Pharmacy Administration
Step 7	Configure Pharmacy History Retail
Step 8	Configure Pharmacy History Inpatient
Step 9	Configure Pharmacy Orders
Step 10	Configure Results CLIA Performing Location
Step 11	Configure Results Clinical Event AP
Step 12	Configure Results Clinical Event General
Step 13	Configure Results Clinical Event HLA History
Step 14	Configure Results Clinical Event Microbiology
Step 15	Configure Results Clinical Event RadNet
Step 16	Configure Results Clinical Event Millennium Platform Laboratory BB History
Step 17	Configure Results Microbiology History Abstract
Step 18	Configure Results Cerner Millennium Laboratory RLI
Step 19	Configure Results RadNet Mammography

Step 20	Configure Scheduling
Step 21	Configure X12 835 Remittances
Step 22	Configure Unmatched Message Management
Step 23	Configure Special Contributor System Properties
Step 24	Configure Referral Management

Configure Charges

Configure charges according to the following table:

Configuration Option	Code Set	CDF Meaning	Alias Type Meaning	Description	Server Version
To check the error statuses in the RUG literals, check active box.	15769	RUGINERR OR	None	The interface accepts Resource Utilization Grouping (RUG) codes transmitted to Millennium Platform from a skilled nursing coding system. The interface posts RUG codes to Cerner Patient Accounting-specific tables to be validated and included on a skilled nursing claim. This option determines whether the RUG literal (ZUG-3) is an error. If you select this option and the display code value equals the RUG literal in the message, it is considered an error.	Old (CPM ESI Server)
To post charge modifiers from the FT1 transaction code, check active box.	15769	CHARGEM OD	FT1_7	If a charge modifier is sent in the FT1-07 (Transaction Code) field, selecting this option processes it as a charge modifier.	Old (CPM ESI Server)

Are DFT messages sent with these triggers: ZM1, ZM2, ZF1, and ZF2 triggers?	15769	ZM2NOPR OFIT	ZM2CODING	If a ZM2 or ZF2 trigger is used, the diagnosis is final. If the ZM1 or ZF1 trigger is used, the diagnosis is preliminary. If Cerner Patient Accounting is installed, Cerner Patient Accounting is notified when a diagnosis is sent. This configuration is related to the ZM2NOPROFIT configuration, and except messages are sent to Cerner Patient Accounting. Release Consideration As of Millennium 2018.10 Innovation Release, this functionality is retired. Configuration from Front End applications is no longer used. Configuration Setup: In this configuration, you must first determine if Cerner Patient Accounting is installed by selecting the appropriate checkbox. You can then indicate if the DFT messages are sent with these triggers.	Old (CPM ESI Server)

Configure Comment Processing

Configure comment processing according to the following table:

Configuration Option	Code Set	CDF Meaning	Alias Type Meaning	Description	Server Version

To distinguish the HL7 2.2 NTE-2 comment type code aliases b/n OBR & OBX Alias Type Meanings on Code Set 14, check active box.	16089	SPLTSRCC MNT	SPLTSRCCM NT	When this configuration is enabled, the comment type in the NTE-2.2 field flexes between OBR NTE segments and OBX NTE segments. This allows the same alias to be sent in the NTE-2.2 field while flexing it between multiple code sets.	Old (CPM ESI Server)

Configure Health Information Management

Configure Health Information Management (HIM) according to the following table:

Configuration Option	Code Set	CDF Meaning	Alias Type Meaning	Description	Server Version
To indicate this is an Abstract OBX segment, enter the OBX-13 value.	18089	ABSTRACT	None	When an OBX-13 (User Access Checks) value is entered as the alias value for this option, the OBX segment is identified as containing Health Information Management abstract data. Each OBX segment is considered as a name and value pair, where the name or field label is provided in the OBX-3 (Observation Identifier) field and the value is provided in the OBX-5 (Observation Value) field. The Universal Interface (UI) processes abstract field OBX segments as a unit, using replace-ensure logic. The sending system must include all abstract OBX segments in each message. The UI inactivates and re-creates the abstracting and ABSTRACT_DATA rows for each transaction containing OBX abstract data. The UI creates the parent abstracting row when the first ADT message for an encounter is received with abstract data OBX segments.	Old (CPM ESI Server)

Configure International Cerner Administratif

Release Considerations

As of October 1, 2024, Oracle no longer provides support for the Program for Medicalization of Information Systems (PMSI) or for Cerner Administratif.

Configure International Cerner Administratif according to the following table:

Configuration Option	Code Set	CDF Meaning	Alias Type Meaning	Description	Server Version
To send processed ADT information to Cerner Administratif, check active box.	15769	SENDTOAD MNST	None	This option is used exclusively by France to track patient movement and the length of stay for billing purposes. The segments specifically carrying movement information are processed into user-defined OBX segments. Release Considerations This functionality is intended for customers in France.	Old (CPM ESI Server)

Configure International eReferrals

Configure International eReferrals according to the following table:

Configuration Option	C o d e S e t	C D F M e a n i n g	A l i a s T y p e M e a n i n g	Description	Server Version

If this is the UK eReferrals system, enter the literal CABACK as the alias value.	1 5 7 6 9	MC CIP RO C	None	This option is used exclusively by the UK eReferrals program to identify the UK eReferrals system.	Old (CPM ESI Server)

Release Considerations

This functionality is intended for customers in the United Kingdom.

Configure Master File Notification

Configure Master File Notification (MFN) according to the following table:

Configuration Option	C o d e S e t	CD F M e a n i n g	Alia s T y p e M e a n i n g	Description	Serve r Versi on
To identify as a personnel username, enter the identifier type from the STF-2.5 field.	1 5 7 6 9	US ER NA ME	No ne	This option allows the personnel alias, which is the value in the STF-2.1 field, to be posted as the username on the PRSNL table.	Old (CPM ESI Server)
To identify that the physician indicator should not be updated on personnel, enter the identifier from the MFI-1.1 field.	1 5 7 6 9	NO PH YSI ND UP T	No ne	This option allows the PHYSICIAN_IND to be set initially on the value in the MFI-01 (Master File Identifier) field in the initial MFN^M02 message; however, it is not updated based on the MFI-01 value in subsequent messages.	Old (CPM ESI Server)

Configure Orders

Configure orders according to the following table:

Configuration Option	C o d e S e t	CD F M e a n i n g	Ali as T y p e M e a n i n g	Description	Server Versio n

To post OCF display-only orders, enter the MSH-5 value.	1 5 7 6 9	OC FO RDE R	No ne	- The orders on this feed are treated as display-only orders that are viewed in PowerChart (PowerChart.exe). This option is used only when all of the following conditions are met: Millennium Platform is accepting inbound medication orders from the Reporting Day End (RDE) message - PharmNet is not installed - Computerized Provider Order Entry (CPOE) is not implemented. The UI attempts to match the transmitted ordered procedure or medication to a Millennium Platform Order Catalog item. If a match is found, the Order Catalog code value is used. If no match is found, the interface posts only the description (RDE-2.2 [Give Code Description]) as transmitted from the sending system. For other order attributes that are usually coded, the interface attempts to match the transmitted value to a code value alias. If a match is not found, the interface posts the transmitted code as the order detail display.	Old (CPM ESI Server)
To end order aliases when cancel is received, check active box.	1 5 7 6 9	EN DO RD ALI AS	No ne	When a sending system reuses order aliases, Oracle recommends that you select this configuration option. The ORDER_ALIAS row is end-effective when an order is canceled or discontinued. After the cancel is received for the first order, the same order alias identifier is sent again and associated with a different order.	Old (CPM ESI Server)
To indicate that the order grouper server can release the orders it is holding, enter the OBR-4 value.	1 5 7 6 9	LAS TO RDI ND	No ne	You can use this option when the system cannot send multiple orders in one message, and it takes a lengthy amount of time for all the orders that need to be grouped under one accession to come into Millennium Platform. The sending system sends an identifier in the OBR-4 segment to convey to Millennium Platform to release all the orders it is holding for the given patient and encounter. Note If you select this option, ensure that you set the following option in the Special Contributor System section to Yes: When using Order Grouping, will orders be grouped based on a last test indicator? See the Millennium Platform Order Grouping Functionality section on the Unit 09i - Order Message Processing Inbound Specifications page for more information.	Old (CPM ESI Server)

To allow only new orders, check active box.	1 5 7 6 9	AD DO NLY	AD DO NL Y	Only new orders are processed. If the order already exists in Millennium Platform, the transaction fails. Select this option when a bidirectional-order interface is not available. Changes ideally should occur only in Millennium Platform, but users of the sending system can still modify any active order. To prevent unexpected modifications to Millennium Platform orders that would overlay earlier Millennium Platform modifications, ensure that you monitor these errors using ESI log reports, and that you manually reconcile any modifications.	Old (CPM ESI Server)
To prevent cancellations for certain statuses, enter the configuration identified above.	1 5 7 6 9	USE CA NC ELI ND	No ne	Sometimes an order that is in a certain departmental status should not be canceled. The ORM Order Sync for the FSI server (SCP 107) or the appropriate departmental share detects this information. Occasionally, however, a workflow requires that the status is earlier in the process than when the ORM Order Sync for the FSI server or departmental share stops it. For these cases, you can indicate that a cancellation should not occur if an order is in a certain status before the ORM Order Sync for the FSI server or departmental share stops it. If this option does not allow a cancellation, the cancellation message is not sent to the ORM Order Write Sync server and a warning message is logged to ESI_LOG. Configuration Setup: Complete the following steps to allow cancellations for specific statuses: 1. Select Cancel Config on the Special Configurations toolbar. The Cancel Configuration window opens. 2. In the Cancel Configuration grid, clear the departmental statuses for which you want to prevent cancellations for a given configuration. The grid allows multiple configurations, for example Configuration 1 and Configuration 2, in case different interfaces need different configurations. Once you have completed the configurations, close the Cancel Configuration window. 3. Enter the MSH-4 (Sending Facility) value in the Alias box. 4. In the Alias Type Meaning box, select the appropriate configuration, for example Configuration 1 and Configuration 2, that you configured in the Cancel Configuration grid.	Old (CPM ESI Server)
To fail an order if it is missing required order details, check active box.	1 5 7 6 9	FAI L_R EQ_ DET	FAI L	This option validates whether required order details, as defined in the order entry format, are missing. If a required order detail is missing, the interface fails the order. Select this option for historical order uploads where departmental use of the order may later be compromised if required order details are missing.	Old (CPM ESI Server)

To process container information in a ZCT segment, check active box.	1 5 7 6 9	PR OC ZCT	PR OC ZC T	This option allows specimen container information for collections occurring outside Millennium Platform to be received in the Oracle-defined ZCT segments of HL7 messages. This option is effective only if a foreign system is allowed to assign the accession number for such collections.	Old (CPM ESI Server)
To allow a foreign system to assign the Millennium Platform accession number, check active box.	1 5 7 6 9	ALL OW FRN ACC N	FR NA CC N	This option is designed for Laboratory systems where collections are occurring outside of Millennium Platform. If you enable this option, another system can assign the Millennium Platform accession. The foreign system must format the accession sent into the Millennium Platform standard accession format. Configuration Setup: You are prompted to have the ESI ALIAS TRANS and Order Match rows automatically configured for the internal accession number. You can select which field in the HL7 message includes the Millennium Platform accession number. The following options are available: • ORC/OBR-2 Placer Order Id • ORC/OBR-3 Filler Order Id • OBR-18 Placer Field 1 • OBR-19 Placer Field 2 • OBR-20 Filler Field 1 • OBR-21 Filler Field 2	Old (CPM ESI Server)
To skip ESI order status validation and allow a canceled status to change back to ordered status, check active box. First evaluate the impact on downstream processing, such as charges.	1 5 7 6 9	OR DST AT USV AL	SKI PV AL	With this option, the status of an order can go backward, such as from Complete to Ordered or In-Process. If you select this option, Oracle recommends that you evaluate the impact on downstream systems. Note This option has the potential of creating duplicate charges, depending on how and if charging is occurring in Millennium Platform, and other serious side effects. Use this option only in an appropriate use case.	Old (CPM ESI Server)

To set effective dates for resume, suspend, and end state actions with the ORC-9 and ORC-15 fields, check active box.	1 5 7 6 9	OR DEF FDA TE	OR DE FF DA TE	When this configuration is enabled, the system uses the dates found in the ORC or OBR segments when processing specific Order Actions for specific Order Entry fields. For the Stop Date and Time (STOPDTTM) order entry field, the following rules apply: - The system supports the following Order Action Types: DISCONTINUE, CANCEL, COMPLETE, and DELETE. - The system uses the first field in the following sequence that contains a date and time: a. ORC-9 b. ORC-15 c. OBR-27.5 For the Requested Start Date and Time (REQSTARTDTTM) order entry field, the following rules apply: - The system supports the following Order Action Types: DISCONTINUE, SUSPEND, and RESUME. - The system uses the first field in the following sequence that contains a date and time: a. ORC-9 b. ORC-15 c. OBR-27.5	Old (CPM ESI Server)
To use source_string from nomenclature as a display value for the DG1-3 field, check active box.	1 5 7 6 9	DG 13D ISP LAY	No ne	None.	Old (CPM ESI Server)
To use the identifier code instead of the display for the DG1-3 field, check active box.	1 5 7 6 9	ICD 9DI SPL AY	No ne	None.	Old (CPM ESI Server)

Configure Person and Encounter Processing

Configure person and encounter processing according to the following table:

Configuration Option	Code Set	CDF Meaning	Alias Type Meaning	Description	Server Version
To post the Canadian health card province and version, enter the value in the PID-2.5, 3.5, or 4.5 field.	15769	PROVANDVER	None	You can set the HEALTH_CARD_VER_CODE from the Check Digit field, and the HEALTH_CARD_PROVINCE from the Assigning Authority field of the CX data type.	Old (CPM ESI Server)
To post person-level insurance for encounter events, check active box.	15769	ENSPERSR	None	If a system does not send insurance at the person level, but rather sends it at the encounter level, this option allows the encounter-level transaction to synchronize the person-level and the encounter-level insurance. The encounter-level insurance transaction posts person-person relations between the member and insured person, and it maintains the priority sequence on the person-plan relations for the member, or for the insured if it is SELF. Note This configuration is not supported for A28 and A31.	Old (CPM ESI Server)
To preserve person-plan information with encounter-level changes, check active box.	15769	PERSPNEL	None	If a system sends insurance at both the person level and the encounter level, this option prevents the encounter-level insurance transactions from purging person-level insurance. Note This configuration is not supported for A28 and A31. This configuration is not processed if the ENSPERSR configuration is active on the contributor system. This configuration does not prevent person-level insurance additions or updates, but rather the removal of the person-level insurance when processing encounter-level insurance.	Old (CPM ESI Server)

To enable Enterprise Master Person Index pass through, check active box.	1 5 7 6 9	EM PIP ASS THRU	Non e	ESI updates the transaction with the appropriate community medical record number (CMRN) and then routes the transaction outbound.	Old (CPM ESI Server)
To post an IN1-6 contact name with an address, check active box.	1 5 7 6 9	ADD RES SCONT	IN1 6	The contact name of the insurance company posts with the insurance company's address.	Old (CPM ESI Server)
To post an IN1-6 contact name with a phone number, check active box.	1 5 7 6 9	NO PH ON ECONT	IN1 6	The contact name of the insurance company does not post with the insurance company's phone number.	Old (CPM ESI Server)
To indicate this is a Person Info OBX segment, enter the OBX-13 value	1 8 0 8 9	PER SO N_I NF O	Non e	When an OBX-13 value is entered as the alias value for this option, the OBX segment is identified as one containing person information data for Block Reconcile. Each OBX segment is considered as a name and value pair, where the name or field label is provided in the OBX-3 field and the value is provided in the OBX-5 field. The OBX -3 field must be an alias to Code Set 355 for BLOCKRCNLFL, and the OBX-5.1 field must be the numerical value 0 or 1.	Old (CPM ESI Server)
To ignore all AL1 reactions and post only ZAL reactions, check active box.	1 5 7 6 9	ZAL REA CD ON LY	ZAL REA CD ON LY	The interface posts only those reactions that are in the ZAL segment. It ignores any reaction sent in the AL1 segment. This allows for the sending of multiple reactions.	Old (CPM ESI Server)
To disable person_info and encntr_info posting for blank NTE comments, check active box.	1 5 7 6 9	NO _IN FO_ POS T	BLA NK NTE	The interface does not post blank NTE comments when posting comments to the PERSON_INFO and ENCINTR_INFO tables. Therefore, if a blank NTE segment is sent with no other NTE segments for comments, that NTE segment is stripped and no comments are posted.	Old (CPM ESI Server)

To allow a default facility location to be assigned when not provided for new encounters, check active box.	1 5 7 6 9	ALL OW DEF _FA C	Non e	The interface defaults to the facility for new encounters when the PV1 segment is not in the message or the PV1 (Patient Location) field is not valued. This processing is used only when ESI adds a new encounter. The interface uses a hierarchy of capturing this data if this option is on. The hierarchy is the MSH-4 (Sending Facility) field, then the MSH-6 (Receiving Facility) field, and then the encounter organization's facility. If none of those fields are populated, the interface uses the facility assigned to the contributor system of the feed.	Old (CPM ESI Serve r)
To enable HL7 null ("") processing for personnel relations, check active box.	1 5 7 6 9	PRS NLR LTN NUL	DEL ETE _RE LTN	The interface uses the HL7 null ("") to remove encounter-personnel and person-personnel relationships. This occurs when the data type XCN-1 (ID) field contains double quotation marks ("") and the XCN-2 (Family Name) field through the XCN-7 (Degree) field contain double quotation marks ("") or are empty. This option applies to all personnel fields that use the XCN data type.	Old (CPM ESI Serve r)
To begin an outbound query when an unrecognized person is posted, check active box.	1 5 7 6 9	ADT TO QB P	ADT TO QB P	With this configuration, the system can send a query to a Master Person Index (MPI) system if the inbound order contains a person not found in the system.	Old (CPM ESI Serve r)
To store unsolicited CDA documents for data reconciliation, check active box.	1 5 7 6 9	UN SOL CDA REC	Non e	With this configuration, the system can store unsolicited Clinical Document Architecture (CDA) documents for data reconciliation. The CPM ESI server (SCP 250) stores the CDA document to CareAware MultiMedia with a content type of XDOC_CDA when the Active checkbox is selected. If the Active checkbox is cleared, the ESI server stores the CDA document to CareAware MultiMedia with the content type of CCD and it is not stored for data reconciliation.	New (Forei gn Syste m Interf ace Serve r)
To enable the historical C-CDA document content type when processing unsolicited C-CDA documents, check active box.	1 5 7 6 9	UN SOL CCD AMI G	Non e	With this configuration, the system can store unsolicited CDA documents to CareAware MultiMedia with a content type of MIGR_CCDA for Historical CDA data migration workflows.	New (Forei gn Syste m Interf ace Serve r)

To prevent free-text person creation for the NK1 segment of the AUTHREP relation type, check active box.	1 5 7 6 9	VLD AUT HRE P	Non e	This option allows an authorized representative who has been granted permission to directly access the patient's medical record.	Old (CPM ESI Server)
To allow auto-conversion of allergies to free text when processing RxNorm codes, check active box.	1 5 7 6 9	RXN FRE ETX TAL	Non e	With this configuration, the system can store a free-text allergy in the event an <i>RxNorm</i> code is supplied in the interface and a matching nomenclature cannot be found to store the allergy. If the Active checkbox is selected, the allergy is stored as a free-text allergy only when a matching nomenclature cannot be found for the supplied <i>RxNorm</i> code. If the Active checkbox is cleared and a matching nomenclature cannot be found to store the allergy, the interface writes an unauthenticated nomenclature and stores the allergy with the unauthenticated nomenclature ID.	Old (CPM ESI Server)
To match on person alias only when processing unsolicited CDA documents, check active box.	1 5 7 6 9	UN SOL CDA AM CH	Non e	This configuration enables the ESI server to match the person alias only when processing unsolicited CDA documents. The ESI server does not use the date of birth and gender values to person match when the Active checkbox is selected.	New (Foreign System Interface Server)
To post IN1-2 health plan information, check active box.	1 5 7 6 9	ENS HLT HPL AN	Non e	This applies to query responses only. If a health plan exists in the IN1-2 field, the plan is stored on the HEALTH_PLAN and HEALTH_PLAN_ALIAS tables.	Old (CPM ESI Server)
To check for a texting permission code value, check active box.	1 5 7 6 9	TXT CDL OO KU P	Non e	When processing phone numbers, the XTN-9 field is an alias to Code Set 280 and stored as a code value in texting_permission_cd. If this configuration is not set, text in the XTN-9 field is stored in call_instruction.	Old (CPM ESI Server)

To post phone or email information using the XTN-3 equipment type code, check active box.	1 5 7 6 9	CO NTC TM ETH CD	Non e	This option uses the equipment type code in the XTN-3 field to determine if the value received is an email address or phone number. The CDF meaning MAILTO on Code Set 23056 indicates email address. If an email address is indicated, the value in the XTN-4 field is processed as the email address. If the XTN-4 field is not valued, then the XTN-1 field is processed as the email address.	Old (CPM ESI Serve r)
To process insurance plan profiles, check active box.	1 5 7 6 9	PLA NP ROF ILE	Non e	This option processes insurance plan profiles. This is only supported in query responses, and the IN-12 (Special Configuration) field must also be set in order for plan profiles to be processed.	Old (CPM ESI Serve r)
To post a verify status from the IN1-45 field using Code Set 14665, check active box.	1 5 7 6 9	INS PLN VER	Non e	This option processes the verification status for person-plan relationships.	Old (CPM ESI Serve r)
To indicate this is a Birth Sex OBX segment, enter the OBX-3.1 value.	1 8 0 8 9	BRT H_S EX_ OBX	Non e	This option processes the patient's sex that was assigned at birth.	Blank (CPM ESI Serve r)
To prevent the ENCOUNTER.arrive_dt_tm (when valued) from being overwritten from the PV1-44 field, check active box.	1 5 7 6 9	ARR IVE DTT M	Non e	Do not overwrite arrive_dt_tm if it is displayed on the ENCOUNTER table.	Old (CPM ESI Serve r)
To queue up unmatched person information for review, check active box.	1 5 7 6 9	UN MA TCH ED	Non e	This option queues unmatched person information.	Old (CPM ESI Serve r)

To perform Address Snapshot processing, check active box.	1 5 7 6 9	ADD RES SSN AP	Non e	Select this option to update the patient's address information in snapshot mode. Note See Understand External System Inbound (ESI) Address and Phone Snapshot Processing for additional details related to snapshot processing.	Both (CPM ESI Serve r and F oreig n Syste m Interf ace Serve r)
To perform Phone Snapshot processing, check active box.	1 5 7 6 9	PH ON ESN AP	Non e	Select this option to update the patient's phone information in snapshot mode. Note See Understand External System Inbound (ESI) Address and Phone Snapshot Processing for additional details related to snapshot processing.	Both (CPM ESI Serve r and F oreig n Syste m Interf ace Serve r)
To perform Name Snapshot processing, check active box.	1 5 7 6 9	NA ME SNA P	Non e	Select this option to update the patient's name information in snapshot mode.	New (Forei gn Syste m Interf ace Serve r)

To default that the encounter type code for new encounters when one has not been aliased, check active box and select an encounter type from the Encounter Type list.	1 5 7 6 9	ENC NTR TYP E	Non e	This option posts a default value to the ENCOUNTER.encntr_type_cd row.	New (Foreign System Interface Server)
To indicate that the sending system sends the inverse relationship in the NK1-3 (Relationship) field and the GT1-11 (Guarantor Relationship) field, check active box.	1 5 7 6 9	RLT DPE RRE LTN	Non e	This option posts the NK1 and GT1 relationships to the related_person_reltn_cd field instead of the person_reltn_cd field for the established relationship row.	Old (CPM ESI Server)
To stop posting ADT STATISTICS to the ESI_STATISTIC table, check active box.	1 5 7 6 9	STO PST ATS LOG	Non e	This option stops ESI STATISTICS data from posting to the ESI_STATISTIC table.	Old (CPM ESI Server)

Configure Pharmacy Administration

Configure pharmacy administration according to the following table:

Configuration Option	Code Set	CD Meaning	Alias Type Meaning	Description	Server Version

Select which field contains the actual administration date and time, if it is not in the RXA-3 field.	2 0 3 8 9	AD MIN DT	Non e	The default processing uses the RXA-3 (Date/Time Start of Administration) field to set the administration start date and time value, and the RXA-4 (Date/Time End of Administration) field to set the administration end date and time value. In this situation, if only one of those two values is sent, it populates both fields. For this option, the administration date is not sent in this default field. Instead, it is sent in the ORC-9 (Date/Time of Transaction), ORC-15 (Order Effective Date/Time), or RXA-22 (System Entry Date/Time) field. If you are selecting one of these fields for the date, keep in mind that the start and end dates are the same. Configuration Setup: For the Alias field, select the appropriate HL7 field from the list if the actual administration date and time are not sent in the RXA-3 field.	Old (CPM ESI Server)
To calculate the administration dose for continuous orders using the total volume, check active box.	2 0 3 8 9	CN TD OSE ME TH1	CNT DO SE ME TH	The administration dose for continuous orders is calculated using the total volume. The default processing uses the ingredient dose in the calculation.	Old (CPM ESI Server)
To calculate the administration dose for continuous orders using the ordered dose, check active box.	2 0 3 8 9	CN TD OSE ME TH2	CNT DO SE ME TH	The administration dose for continuous orders is calculated using the ordered dose. The default processing uses the ingredient dose in the calculation.	Old (CPM ESI Server)
To calculate the administration dose for intermittent orders using the total volume, check active box.	2 0 3 8 9	INT DO SE ME TH1	INT DO SE ME TH	The administration dose for intermittent orders is calculated using the total volume. The default processing uses the ingredient does in the calculation.	Old (CPM ESI Server)

To calculate the administration dose for intermittent orders using the ordered dose, check active box.	2 0 3 8 9	INT DO SE ME TH2	INT DO SE ME TH	The administration dose for intermittent orders is calculated using the ordered dose. The default processing uses the ingredient dose in the calculation.	Old (CPM ESI Server)
Select which field contains the scheduled date and time, if it is not the ORC-15 field.	2 0 3 8 9	SC HE DD T	SCH EDD T	The default processing uses the ORC-15 (Order Effective Date/Time) field to find the scheduled date and time for the transmitted administration. For this option, the scheduled date and time are not sent in this default field. Instead, they are sent in the ORC-9 (Date/Time of Transaction), RXA-3 (Date/Time Start of Administration), or RXA-22 (System Entry Date/Time) field. Configuration Setup: For the Alias field, select the appropriate HL7 field from the list, if it is not the ORC-15 field.	Old (CPM ESI Server)
If the sending system allows linking and unlinking of an administration to an order, check active box.	2 0 3 8 9	SU PP OR TLI NK	SUP PO RTL INK	Use this option to allow linking of ad hoc medications. Link and unlink are special actions available on some external systems, for example, Bridge Midpoint, to associate an administration with an order.	Old (CPM ESI Server)
Select which field contains the system entry date and time, if it is not the RXA-22 field.	2 0 3 8 9	SYS ENT RYD T	SYS ENT RYD T	The default processing uses the RXA-22 (System Entry Date/Time) field to set the system entry date and time. For this option, the system entry date and time are not sent in this default field but in the ORC-9 (Date/Time of Transaction), ORC-15 (Order Effective Date/Time), or RXA-3 (Date/Time Start of Administration) fields. Configuration Setup: For the Alias field, select the appropriate HL7 field from the list, if it is not the RXA-22 field.	Old (CPM ESI Server)

Configure Pharmacy History - Retail

Configure retail pharmacy history according to the following table:

Configuration Option	C o d e S e t	CD F Me an in g	Alia s Typ e Mea nin g	Description	Serve r Versi on
If the sending system uses zero to indicate the initial fill, enter the literal RXD1 as an alias value.	1 5 7 6 9	FIL LN BR SU B1	Non e	The value in the RXD-1 field is treated as such that the fill number starts with the numeral 0, rather than 1.	Old (CPM ESI Server)
If this is a retail history upload, enter the MSH-5 value.	1 5 7 6 9	RX HX RE TAI L	Non e	This option identifies this feed as the one used to capture historical retail pharmacy orders.	Old (CPM ESI Server)
To allow a departmental status of incomplete, select the Active checkbox.	2 0 3 8 9	HX IN CM PL TO K	Non e	The interface posts basic prescription orders (RDE) with an incomplete pharmacy departmental status. By default, the CPM ESI server (SCP 250) fails orders with an Incomplete pharmacy status.	Old (CPM ESI Server)
To call the Retail PharmNet item identifier script, enter the alias value from the coding scheme.	2 0 3 8 9	RE TAI L	Non e	This option uses the retail script to determine the formulary item identifier.	Old (CPM ESI Server)

Configure Pharmacy History - Inpatient

Configure inpatient pharmacy history according to the following table:

Configuration Option	C o d e S e t	CD F M e a n i n g	Ali as Ty pe Me ani ng	Description	Server Version

To identify as an inpatient pharmacy history upload, enter the MSH-5 value.	1	R	No	The interface processes all the messages on this feed using the logic for an inpatient pharmacy history upload. With this option, end-state (Discontinued, Complete, or Canceled) orders can be uploaded to Millennium Platform using an RDE message.	Old (CPM ESI Server)
	5	X	ne		
	7	H			
	6	XI			
	9	N P A T			

Configure Pharmacy Orders

Configure pharmacy orders according to the following table:

Configuration Option	C o d e S e t	CDF Meani ng	Alias Type Meaning	Description	Serv er Versi on
To set the titrate indicator, enter the value from the ORC, RXO, or RXE segment.	2 0 3 8 9	TITRAT E	None	This value identifies the order type as a titrate. The CPM ESI server checks the following boxes for the titrate value: • RXO-17 (Give per Time Unit) • RXO-22 (Requested Give Rate Units) • RXE-24 (Give Rate Units) • RXE-22 (Give per Time Unit) • TQ-7 (Condition) (ORC or RXE)	Old (CPM ESI Server)

Enter a display value to append to free-text notes.	2 0 3 8 9	ADHOC	None	A customized value can be appended to a free-text note for ad hoc frequencies where the transmitted frequency code is not aliased to a valid Millennium Platform frequency. Configuration Setup: When this value is entered, it updates the display for the code value. Due to processing in the Code Cache Manager, a delay occurs in the tool updating to display the new display value.	Old (CPM ESI Server)
To identify continuous frequency, enter the alias value from the ORC-7.2.1 or RXE-1.2.1 field.	2 0 3 8 9	CONTI NUEFR EQ	None	Millennium Platform does not include a frequency type that defines a continuous frequency. In addition, the logic used in the frequency database tool to build and maintain frequency prevents the use of a CDF meaning to identify a continuous frequency. To meet the requirements of both the external systems and Millennium Platform, the CPM ESI server uses an ESI Quantity and Timing or this option to identify a continuous frequency (CDF meaning of CONTINUEFREQ).	Old (CPM ESI Server)
Enter a display value to append to the duration value.	2 0 3 8 9	DURAT ION	None	If the duration unit does not map to a code value, it is appended as a free-text note. This option enables you to customize the value that is appended to a free-text note. Configuration Setup: This value updates the display for the code value. Due to processing in the Code Cache Manager, a delay occurs in the tool updating to display the new display value.	Old (CPM ESI Server)

Enter a display value to be append to the frequency value.	2 0 3 8 9	FREQ	None	If the frequency does not map to a code value, it is appended as a free-text note. This option enables you to customize the value that is appended to a free-text note. Configuration Setup: This value updates the display for the code value. Due to processing in the Code Cache Manager, a delay occurs in the tool updating to display the new display value.	Old (CPM ESI Server)
To identify an indefinite duration, enter the alias value from the ORC-7.3 or RXE-1.3 fields.	2 0 3 8 9	INDEFINITE	None	This option is used to identify a duration that should not be mapped to the Duration order detail.	Old (CPM ESI Server)
Enter a display value to append to the Infuse Over value.	2 0 3 8 9	INFUSE OVER	None	If the Infuse Over unit does not map to a code value, it is appended as a free-text note. This option enables you to customize the value that is appended to a free-text note. Configuration Setup: This value updates the display for the code value. Due to processing in the Code Cache Manager, a delay occurs in the tool updating to display the new display value.	Old (CPM ESI Server)
To set the PRN from the ORC-7.6 field, enter the ORC-7.6 value.	2 0 3 8 9	PRN	None	When the value is entered as the alias value for this option, the order is identified as a PRN.	Old (CPM ESI Server)

Enter a display value to append to the rate value.	2 0 3 8 9	RATE	None	If the rate does not map to ML and HR, it is appended as a free-text note. This option enables you to customize the appended value to a free-text note. Configuration Setup: This value updates the display of the code value. Due to processing in the Code Cache Manager, a delay occurs in the tool updating to display the new display value.	Old (CPM ESI Server)
To indicate the RXO or RXE segment is a multi-ingredient placeholder, enter the value from the RXO-1.1 or RXE-2.1 field.	2 0 3 8 9	RXCCU STIV	None	This option indicates that the first ingredient is in the RXC segment rather than the parent segment (RXO/RXE).	Old (CPM ESI Server)
If this is an RDE pharmacy orders interface, select the Active checkbox.	2 0 3 8 9	RDE	None	The interface uses the OEOCFRDE001 TDB, rather than the OEOCFRDERDE TDB.	Old (CPM ESI Server)
To obtain a catalog code and synonym ID from a transmitted NDC, enter the value from the Give Code coding scheme.	2 0 3 8 9	MULT MCOD E	None	This option is used if the code in the RXO-1.1 or RXE-2.1 field is a valid National Drug Code (NDC). Multum maps NDC codes to Multum identifiers, DNUM (Order Catalog level), and CNUM (Order Synonym level). Based on this DNUM and CNUM mapping and the standard medication Order Catalog configuration, the interface translates the transmitted NDC into the appropriate Millennium Platform Order Catalog and Order Catalog synonym. The manual configuration of a code value alias to the Order Catalog item (Code Set 200) is not required.	Old (CPM ESI Server)

To allow orders to process with a nonordered status when no order exists, check active box.	2 0 3 8 9	ACCEP TNON NW	ACCEPTNONNW	If an order status other than ORDERED is sent, this option assumes that an order exists already in Millennium Platform. If an order does not exist, a new order is placed and then updated with the transmitted status. Otherwise, the transaction fails.	Old (CPM ESI Server)
To always set the print indicator for a DEA number, check active box.	2 0 3 8 9	DEAPR INT	PRINTDEANBR	The print DEA-number order detail is always set.	Old (CPM ESI Server)
To only set the print indicator for a DEA number when it is sent in the RXO-14 field, check active box.	2 0 3 8 9	DEAPR INTIFR XO	PRINTDEANBR	The print DEA-number order detail is set only if the RXO-14 (Ordering Provider) DEA number is valued	Old (CPM ESI Server)
To use the Give Code description with the give code in parentheses () for ordered as mnemonic, check active box.	2 0 3 8 9	OAFLE XR XO1 _1	OAMNEMFLEX	The ordered as mnemonic is the Give Code description (RXO-1.2 or RXE-2.1), with the give code (RXO-1.1 or RXE-2.1) from the message in parentheses. The value for the give code identifier is used as the display. For other options available to populate the ordered as mnemonic, see the options with the alias type meaning of OAMNEMFLEX.	Old (CPM ESI Server)
To use the value returned from the Pharmacy-mapping script for ordered as a mnemonic, check active box.	2 0 3 8 9	OAFLE XSCRIP T	OAMNEMFLEX	The interface uses the value returned from the pharmacy-mapping scripts for the ordered as a mnemonic. For other options available to populate the ordered as mnemonic, see the options with the alias type meaning of OAMNEMFLEX.	Old (CPM ESI Server)

To override the order catalog and always use the primary pharmacy order entry format, check active box.	2 0 3 8 9	PHM_ OE_FM TID	PHMOEFMTID	The interface always uses the primary pharmacy order entry format instead of the order entry format associated with the Order Catalog item.	Old (CPM ESI Server)
To use the health plan name from the database on the RDE segment, check active box.	2 0 3 8 9	DB_HL TH_PL AN	DBHLTHPLAN	With this option, the health plan name from the database can be used when using the new RDE processing with a ZX1 segment.	Old (CPM ESI Server)
To use the Give Code alternate text for the ordered as mnemonic, check active box.	2 0 3 8 9	OAFLE XR XO1 _5	OAMNEMFLEX	With this option, the ordered as mnemonic from the give-code alternate-text field can be used. For other options available to populate the ordered as mnemonic, see the options with the alias type meaning of OAMNEMFLEX.	Old (CPM ESI Server)
To use the Multum identifiers on all orders, check active box.	1 5 7 6 9	MULT M_IDE NT	MULTM_IDENT	This option applies to any pharmacy order to use the Multum, CNUM, or DNUM for the order. To determine the type of Multum identifier sent in the message, alias the value in the give-code coding scheme (RXO-1.3 or RXE-2.3) to Code Set 29495.	Old (CPM ESI Server)
To override and post the current start date and time from the RXE-1.4 field, check active box.	1 5 7 6 9	CURST RTDTT M	CURSTRDTTMM	This option forces the current start date and time based on the RXE-1.4 field, instead of allowing the order server to derive it. This option applies only to the new RDE order processing.	Old (CPM ESI Server)
To allow for non-free text dose fields for TNF orders, check active box.	2 0 3 8 9	ALLOW TNFDO SE	ALLOWTNFDOSE	You can use the dose fields for TNF orders instead of using free text. This option is available for any pharmacy order.	Old (CPM ESI Server)

To set the ingredient type for the RDE multi-ingredient continuous order, check active box and select an option from Alias Type Meaning.	2 0 3 8 9	CNT_I NGTPF LG	1, 2, 3	This option provides flexibility on how the ingredient type is set for RDE multi-ingredient continuous orders. If the alias type meaning is the value 1, the server first views what is in the message. If it is not available, it uses the Order Catalog synonym. Also, the medication orders server automatically uses option 1. If the alias type meaning is the value 2, the server uses the first ingredient, then the message, and then the Order Catalog. If the alias type meaning is the value 3, the server uses the value sent in the message, then the Order Catalog, and then the last ingredient.	Old (CPM ESI Server)
To use the ESI_MED, ESI_CONT, and ESI_INTERMITTENT order entry formats for RDE messages, check active box.	2 0 3 8 9	FLEX_ MED_F MT	FLEX_MED_FMT	For RDE processing, this option flexes the order format by medication order type. With this option, the interface can set required fields and defaults by medication type without impacting the manual workflow and front-end applications. The names of the type-specific, order entry formats must exactly match the ESI_MED, ESI_CONT, and ESI_INTERMITTENT values.	Old (CPM ESI Server)

To set which diluents are clinically significant for intermittent orders, check active box, and select an option from Alias Type Meaning.	2	INTCL	1, 2, 3	When processing diluents, one must be set as clinically significant on intermittent orders. This option flexes which diluent is marked as the clinically significant one. If the alias type meaning is the value 1, the server checks the RX mask. If that does not provide the clinically significant diluent, it does not mark one as clinically significant. If the alias type meaning is the value 2, the server checks the RX mask. If that does not provide the clinically significant diluent, it marks the first diluent as the clinically significant one. If the alias type meaning is the value 3, the server checks the RX mask. If that does not provide the clinically significant diluent, it marks all the diluents as clinically significant. With final processing, if no diluents have been marked as clinically significant, the server sets the first ingredient as the clinically significant one.	Old (CPM ESI Server)
	0	NSIGFL			
	3	G			
	8				
	9				

To set the ingredient type for RDE multi-ingredient intermittent order, check active box, and select an option from Alias Type Meaning.	2 0 3 8 9	INT_IN GTPFL G	1, 2, 3	This option flexes the ingredient type for RDE, multi-ingredient, and intermittent orders. If the alias type meaning is the value 1, the server first searches for the information in the message. If it is not available, it uses the Order Catalog synonym. Also, the medication orders server automatically uses option 1. If the alias type meaning is the value 2, the server uses the first ingredient, then the message, and then the Order Catalog. If the alias type meaning is the value 3, the server uses the value sent in the message, then the Order Catalog, and then the last ingredient.	Old (CPM ESI Server)
To identify the field containing the total volume for the RXE-2 multi-ingredient placeholder, check active box, and select an option from Alias Type Meaning.	2 0 3 8 9	TOTVO LLOC	RXE-3 Give Amount Minimum, RXE-10 Dispense Amount	For the multi-ingredient placeholder orders, this option determines which field contains the total volume. The options include the RXE-3 (Give Amount Minimum) or RXE-10 (Dispense Amount) field.	Old (CPM ESI Server)
To disallow auto-conversion from defaulting to TNF orderable, check active box.	2 0 3 8 9	NOAUT OTOTN F	NOAUTOTOTNF	This option applies to all pharmacy orders and does not automatically convert the default TNF orderable as defined by the pharmacy applications.	Old (CPM ESI Server)
To ignore unaliased values without failing the message, check active box.	1 6 0 8 9	MISSIN GVAOK	None	While processing coded fields, if an alias does not correspond to a code value, the transaction continues processing. Otherwise, the transaction fails.	Old (CPM ESI Server)

To obtain the catalog code and synonym ID from a transmitted RxNorm code, check active box.	2 0 3 8 9	RXNCO DE	None	With this configuration, <i>RxNorm</i> codes can be supplied for inbound medication orders. If the Active checkbox is selected and an <i>RxNorm</i> code is supplied, the interface finds the corresponding Multum code and the Order Catalog synonym to write the order to Millennium Platform.	Old (CPM ESI Server)
Select the IVR Format that will be used for the RX Query.	2 0 3 8 9	IVR_FO RMA T	DEF, IVR_FORMA T_1, IVR_FORMA T_2	With this configuration, you can select the level of detail in the response message to an IVR Rx Query. The options include Default, AudioCare IVR Format, and VA Only IVR Format. See Unit 13i - IVR Queries Inbound Specifications for more information on the level of detail between configurations.	Old (CPM ESI Server)
Enter the Pool_ID for IVR Renewal Inbox routing.	2 0 3 8 9	POOLI DRNW L	None	Use this option to configure the Message Center routing of IVR Renewal requests. A pool identifier is required for processing IVR Renewal requests that are found on the PRSNL_GROUP_POOL table as the prsnl_group_id.	Old (CPM ESI Server)
To process an ORC-3 value as Proof of Prescription, check active box.	2 0 3 8 9	RECIPE	RECIPE	Use this option to store the Belgium Recip-e Prescription ID from the ORC-3 field in the RX Proof of Prescription Order detail.	Old (CPM ESI Server)

Configure Results - CLIA Performing Location

Configure Clinical Laboratory Improvement Amendments (CLIA) Performing Location results according to the following table:

Configuration Option	Code Set	CDF Meaning	Alias Type Meaning	Description	Server Version
To define the parent service resource code that performing laboratories should be added to, check active box and select the code value from the Code Value list.	15769	DEPT SVCR ES	DEPA RTME NT	Use this configuration to set a default department-level service resource code for a feed. This is used as the base of the service resource hierarchy if a performing location service resource must be added on the fly.	Both (CP M ESI Server and Foreign System Interface Server)

To process CLIA information from the OBX-15 field, check active box.	16089	PRO CSVC RES15	PROC SVCR ES15	Use this configuration to indicate whether the OBX-15 field should be processed as the performing location for a result. If this configuration is enabled, the OBX-15 field is expected to contain a Clinical Laboratory Improvement Amendments (CLIA) number, the address of the performing laboratory, and the name of the laboratory's medical director. For this special configuration, the OBX-15.2 field contains the below components, using HL7 escapes. The field separator used is a vertical bar () (ASCII CHAR 124). <pre>OBX Producer ID Code^Organization Name\F\Street Address, Other Designation, Other Geographic Designation\F\City\F\State\F\Zip Code\F\Given Name, Further Names, Family Name, Suffix </pre> When enabled, three of the delimited pieces of the OBX-15.2 field are used for Code Value Alias search to a Service Resource Code (CS221) using a contributor source with a CDF meaning of CLIANBR: • Piece 1: Organization Name • Piece 2: Street Address, Other Designation, Other Geographic Designation • Piece 3: ZIP Code The Code Value Alias search requires that the vertical bar () (ASCII CHAR 124) is included as part of the alias. For example, the Code Value Alias for the above example would be "Organization Name Street Address, Other Designation, Other Geographic Designation Zip Code".	Old (CP M ESI Ser ver)

Configure Results - Clinical Event AP

Configure Clinical Event AP results according to the following table:

Configuration Option	C o d e S e t	C D F M e a n i n g	Ali as Ty pe Me ani ng	Description	Server Version
To identify the AP Case results, enter the OBX-3 value.	1608ASE	AP	None	When the value in the OBX-3 field is entered as the alias value for this option, the OBX segment is processed as an AP case OBX.	Old (CPM ESI Server)

Configure Results - Clinical Event General

Configure Clinical Event general results according to the following table:

Configuration Option	Co de Set	CDF Mea ning	Alias Type Meani ng	Description	Serve r Versio n
To avoid posting the perform date, check active box.	16089	NOP ERF DATE	None	A perform date is not posted for the performing personnel.	Old (CPM ESI Server)
To identify a transfused result, enter the OBR-4 value.	16089	TRANSFUSED	None	This option identifies a transfused result when it is sent using the ZB2 event. The sending blood bank application must have a trigger to send the transfused event and triggers to send any corrections or returns. Millennium Platform does not update or change the product status until a message with the new status is transmitted from the sending system.	Old (CPM ESI Server)

*To set the event title from the code value definition, enter the OBX-3.6 value.	18089	EDE F	None	With this option, the event title on results can be set from the code value description. The default processing sets the event title from the alternate text, text, or ID from the appropriate box in the HL7 message. These fields are selected in the order indicated, and the first one found populated is used to populate the event title text. Note Only use one of the three configuration options on this table with an asterisks. Note that even though the Configuration Option is the same, they all have different CDF meanings.	Both (CPM ESI Server and F oreign Syste m Interfa ce Server)
*To set the event title from the code value definition, enter the OBX-3.6 value.	18089	EDE SC	None	With this option, the event title on results can be set from the code value description. The default processing sets the event title from the alternate text, text, or ID from the appropriate box in the HL7 message. These fields are selected in the order indicated, and the first one found populated is used to populate the event title text. Note Only use one of the three configuration options on this table with an asterisks. Note that even though the Configuration Option is the same, they all have different CDF meanings.	Both (CPM ESI Server and F oreign Syste m Interfa ce Server)

*To set the event title from the code value definition, enter the OBX-3.6 value.	18089	EDISP	None	With this option, the event title on results can be set from the code value description. The default processing sets the event title from the alternate text, text, or ID from the appropriate box in the HL7 message. These fields are selected in the order indicated, and the first one found populated is used to populate the event title text. Note Only use one of the three configuration options on this table with an asterisks. Note that even though the Configuration Option is the same, they all have different CDF meanings.	Both (CPM ESI Server and Foreign System Interface Server)
To have subfields used to set the code value descriptions when an event code is AOF, check active box.	15769	AOF EVD NTD ESC	AOFEV ENTDE SC	The text subfield is used for add on-the-fly descriptions rather than the identifier subfield.	Both (CPM ESI Server and Foreign System Interface Server)
If immunization history uploads, enter the MSH-5 value.	15769	IMM UNH IST	None	This option identifies the feed as the one that is sending immunization history information. You can view immunization history on the immunization schedule in PowerChart or PowerChart Office and identifies an individual's immunization history and when the individual is due for the individual's next immunization. This interface does not work with the previous model; it works only with the immunization schedule.	Old (CPM ESI Server)

If the specimen collection date and time is sent in the OBR-7 segment instead of the OBR-8 segment, check active box.	160 89	OBR 07D T	OBR07 DT	The specimen collection date and time is retrieved from the OBR-7 (Observation Date/Time) field, rather than the OBR-8 (Observation End Date/Time) field.	Old (CPM ESI Server)
To make the OBR-22 field the source of the date and time for the OBR-32 or OBR-33 field, check active box and select an option in the grid.	160 89	OBR 22D T	None	When this option and the OBR-22 column are selected for a selected personnel, the date is generated from the OBR-22 box. Configuration Setup: Complete the following steps to configure this option: 1. Select the Active checkbox and then select the Alias box. The Set OBR Dates for Special Configurations dialog box opens. 2. Select the element that the appropriate date is sent in. 3. Select Save. The system automatically populates the Alias and Alias Type Meaning boxes.	Old (CPM ESI Server)
To make the field's End Date and Time the source of the date and time for the OBR-32, OBR-33, OBR-34, or OBR-35 field, check active box and select an option in the grid.	160 89	OBR NNE NDD T	None	When this option and the OBR box's end-date column are selected for a selected personnel, the date is generated from the OBR-33.16 box. Configuration Setup: Complete the following steps to configure this option: 1. Select the Active checkbox and then select the Alias box. The Set OBR Dates for Special Configurations dialog box opens. 2. Select the element that the appropriate date is sent in. 3. Select Save. The system automatically populates the Alias and Alias Type Meaning boxes.	Old (CPM ESI Server)

To make the field's Start Date and Time, the source of the date and time for the OBR-32, OBR-33, OBR-34 or OBR-35 field, check active box and select an option in the grid.	160 89	OBR NNS TAR TDT	None	When this option and the OBR box's start date column are selected for a selected personnel, the date is generated from the OBR-33.15 box. Configuration Setup: Complete the following steps to configure this option: 1. Select the Active checkbox and then select the Alias box. The Set OBR Dates for the Special Configurations dialog box is displayed. 2. Select the element that the appropriate date is sent in. 3. Select Save. The system automatically populates the Alias and Alias Type Meaning boxes.	Old (CPM ESI Server)
To auto-build signature lines for documents, check active box.	160 89	BLD SIGN LINE	None	The user can view the signature line on the document before signing. This is provided by the Clinical Event server (SCP 200) generating the signature line event note when the result is posted, instead of waiting to post it until after the user signs. Previously, the signature lines were displayed to the user only after someone completed a sign or review action on the document. With this functionality, the user now can view the signature line before and after the document has been signed.	Old (CPM ESI Server)
To post all Encapsulated Data (ED) OBX segments as attachments, enter the MSH-5 value.	157 69	POS T_M EDIA	POST MEDIA	With this configuration, the system can post documents and images to the Multimedia Archive and display the document as an attachment in PowerChart, if the MSH-5 value on the message matches the value entered by the user. Use this option instead of the ATTACHMENT option for a stand-alone document.	Old (CPM ESI Server)
To indicate that an OBX segment contains an attachment, enter the OBX-13 value.	180 89	ATT ACH MEN T	None	This configuration works with Paperclip functionality. If this option is set, then the value in the OBX-3 field is associated with the image or document sent with the OBX segment. Use this option instead of the POST_MEDIA option when a text document is sent in a separate OBX segment with the attachment sent in an OBX segment with the OBX-13 field valued as configured.	Old (CPM ESI Server)

To send an OBX segment to provide text when sending images or image documents, enter the OBX-3 value.	16089	TEXT OBX	None	This configuration works with Paperclip functionality. If this option is set, then the value in the OBX-3 field is associated with the image or document sent with the OBX segment.	Old (CPM ESI Server)
If the sending system cannot send text OBX segments when sending images, enter the text value to be viewed with the link.	16091	DOC TEXT	None	With this configuration, you can define the text that is associated with an image or a document. This text is used to alert the user to an action to view the image or document. Note Because this configuration is saved using a code value display, it is common to all inbound interfaces. Changing it for one contributor system impacts all others.	Old (CPM ESI Server)
To skip the OBR-28 field processing for result messages, check active box.	16089	SKIP OBR 28	None	With this configuration, you can skip processing the OBR-28 field in the result message.	Old (CPM ESI Server)
To skip the TXA-23 field processing for result message, check active box.	16089	SKIP TXA2 3	None	With this configuration, you can skip processing the TXA-23 field in the result message.	Old (CPM ESI Server)
To store the ED-based OBX segment as the main document to CareAware MultiMedia, check active box.	15769	EDD OCS TOR G	None	With this configuration, you can store encapsulated data (ED)-based OBX segments as the main document to CareAware MultiMedia. Release Considerations With Millennium 2018.10 Innovation Release, this configuration overrides the POST_MEDIA and ATTACHMENT special configuration options.	Old (CPM ESI Server)

Configure Results - Clinical Event HLA History

Configure Clinical Event Human Leukocyte Antigen (HLA) history results according to the following table. See the HL7 UI specifications on [Unit 20H - Human Leukocyte Antigen \(HLA\) History Upload](#) for more information.

Configuration Option	C o d e S e t	CD F M e a n i n g	Ali as Ty pe M e a n i n g	Description	Server Versio n
To identify an HLA antibody result, enter the OBX-3 value.	1 6 0 8 9	HL AA NTI BO DY	No ne	In the Human Leukocyte Antigen (HLA) history upload, many of the HLA results are sent using a name and value pair with the OBX segments. To identify the type of HLA result in the OBX segment, ensure that you set the OBX-3 value as an alias to the type of HLA result. Each HLA antibody result must be transmitted in a separate OBX segment. HLA antibody results are posted to the CLINICAL EVENT and HLA tables.	Old (CPM ESI Server)
To identify an HLA B Cell PRA result, enter the OBX-3 value.	1 6 0 8 9	HL AB PR A	No ne	In the HLA history upload, many of the HLA results are sent using a name and value pair with the OBX segments. To identify the type of HLA result in the OBX segment, ensure that you set the the OBX-3 value as an alias to the type of HLA result. HLA B cell PRA results are a numeric result and the units are a percentage. HLA B cell PRA results are posted to the CLINICAL EVENT and HLA tables.	Old (CPM ESI Server)
To identify an HLA dilution result, enter the OBX-3 value.	1 6 0 8 9	HL ADI LU TIO N	No ne	In the HLA history upload, many of the HLA results are sent using a name and value pair with the OBX segments. To identify the type of HLA result in the OBX segment, ensure that you must set the OBX-3 value as an alias to the type of HLA result. Frequently, the HLA dilution is the second OBX segment in the series. HLA dilutions are posted to the CLINICAL EVENT and HLA tables.	Old (CPM ESI Server)
To identify an HLA methodology result, enter the OBX-3 value.	1 6 0 8 9	HL AM ET HO D	No ne	In the HLA history upload, many of the HLA results are sent using a name and value pair with the OBX segments. To identify the type of HLA result in the OBX segment, ensure that you must set the OBX-3 value as an alias to the type of HLA result. This OBX segment identifies the coded HLA methodology. HLA methodology is posted to the CLINICAL EVENT and HLA tables.	Old (CPM ESI Server)

To identify an HLA reaction result, enter the OBX-3 value.	1 6 0 8 9	HL AR EA CTI ON	No ne	In the HLA history upload, many of the HLA results are sent using a name and value pair with the OBX segments. To identify the type of HLA result in the OBX segment, ensure that you must set the OBX-3 value as an alias to the type of HLA result. This OBX segment identifies the coded quick screen reaction result. HLA quick screen reaction results are posted to the CLINICAL EVENT and HLA tables.	Old (CPM ESI Server)
To identify an HLA T Cell PRA result, enter the OBX-3 value.	1 6 0 8 9	HL AT PR A	No ne	In the HLA history upload, many of the HLA results are sent using a name and value pair with the OBX segments. To identify the type of HLA result in the OBX segment, ensure that you must set the OBX-3 value as an alias to the type of HLA result. HLA T cell PRA results are a numeric result and the units are a percentage. HLA T cell PRA results are posted to the CLINICAL EVENT and HLA tables.	Old (CPM ESI Server)
To identify the start of a new group of HLA antibody results, enter the OBX-13 value.	1 8 0 8 9	HL AB EGI NA B	No ne	This option identifies the first OBX segment in a series or set of HLA screen OBX segments that is used to value one PERSON_HLA_AB_SCREEN row and its children. This applies only to the HLA-specific tables, not to clinical event processing.	Old (CPM ESI Server)
To identify that an HLA has been stored, enter the OBX-13 value.	1 6 0 8 9	HL AS PE CS TO R	No ne	This option sets the STORAGE_IND on the PERSON_HLA_AB_SCREEN row to the value 1. This applies only to the HLA-specific tables, not to clinical event processing.	Old (CPM ESI Server)
To post an additional HLA person event on an ADT event, enter the OBX-13 value.	1 8 0 8 9	HL AE VE NT	No ne	This option is used when additional HLA person events are captured from an ADT message using the OBX segments. This information is stored only on the HLA PERSON_HLA_EVENT table.	Old (CPM ESI Server)
To identify an HLA possible antibody result, enter the OBX-3 value.	1 6 0 8 9	HL AP OS SIB LA B	No ne	This option provides a list of possible antibodies. The possible antibodies OBX segment is a string data type. The maximum size of the list is 255 characters.	Old (CPM ESI Server)

To identify an HLA Optical Density Ratio, enter the OBX-3 value.	1 6 0 8 9	OD _R ATI O	No ne	This option posts the HLA optical density (OD) ratio when performing an HLA history upload. The OD ratio is the OD value obtained by the reaction of the patient's serum with the testing substrate divided by the negative control serum. Because the OD value is more dependent on each run, you can use the OD ratio to normalize data across runs.	Old (CPM ESI Server)
To identify an HLA Optical Density value, enter the OBX-3 value.	1 6 0 8 9	OD _V AL UE	No ne	This option posts the HLA Optical Density (OD) value when performing an HLA history upload. The OD value is the absorbance. Absorbance is defined as the ability of a solution or layer of a substance to absorb radiation that is expressed mathematically as the negative common logarithm of the transmittance of the substance or solution. In other words, it is the blocking of light transmission through a substance. It is used in antibody screening by ELISA testing to indicate that a positive reaction is present due to the OD reaching a threshold value. The later the OD, the later the reactivity or positivity.	Old (CPM ESI Server)

Configure Results - Clinical Event Microbiology

Configure the Clinical Event Microbiology results according to the following table:

Configuration Option	C o d e S e t	CD F M e a n i n g	Ali as Ty pe Me a n i n g	Description	Serv er Vers ion

To identify a culture status, enter the OBX-3 value.	1 8 0 8 9	CU LTS TA T	No ne	When this value is sent in the OBX-3 field, the culture status is identified first by searching for the value in the OBX-5 box for a string. If nothing is found in the OBX-5 field, the CPM ESI server searches in the OBX-8 (Abnormal Flag) field. The value found is used as an alias to Code Set 52 to populate the NORMALCY_CODE box on the culture clinical event.	Both (CP M ESI Serv er and Forei gn Syst em Inter face Serv er)
To prevent a susceptibility from displaying on the chart, enter the OBX-13 value.	1 8 0 8 9	NO SU SC HA RT	No ne	If you set this option and this OBX-13 value is sent, the CPM ESI server posts the susceptibility, but the chartable flag is turned off.	Both (CP M ESI Serv er and Forei gn Syst em Inter face Serv er)
To identify an organism occurrence OBX segment, enter the OBX-3 value.	1 8 0 8 9	OR GO CC UR	No ne	This option identifies an OBX segment that contains the occurrence number of an organism when multiple organisms of the same type are sent in the message. The OBX segment specifying the organism occurrence must follow the OBR or OBX segment that contains the organism information.	Old (CP M ESI Serv er)

To identify an event tag, enter the OBX-3 value.	1 8 0 8 9	MB OT AG	No ne	This option identifies an OBX segment containing a string that should be used as the event tag for the microbiology result.	Both (CP M ESI Serv er and Forei gn Syst em Inter face Serv er)
To post verified information on all discrete microbiology results, check active box.	1 5 7 6 9	MIC OV RD VE RF	No ne	This option controls whether verified information carried at the OBX level in the message is copied to the microbiology orderable level for charting purposes.	Both (CP M ESI Serv er and Forei gn Syst em Inter face Serv er)
When sending susceptibility OBR segments with organism OBX-3, OBX-4 and OBX-5 information in the OBR-26 field, check active box.	1 6 0 8 9	OP TMI CR EF NB R	No ne	Setting this configuration affects how the interface populates the CLICINCAL_EVENT Reference_nbr attribute for Microbiology results. See the Microbiology Results section in the Results Inbound documentation for a further explanation.	Old (CP M ESI Serv er)

Configure Results - Clinical Event RadNet

Configure the Clinical Event RadNet results according to the following table:

Configuration Option	C o d e S e t	CDF Meanin g	Alias Type Meani ng	Description	Serve r Versio n
To post transcription messages integrated with RadNet orders, enter the MSH-5 value.	16089	RADTRANSPROC	None	This option identifies whether the feed is used for processing transcription messages.	Old (CPM ESI Server)
To identify the Parent Reference Pointer, enter the OBX-13 value.	18089	RPPARENT	None	This option indicates that the reference pointer carried by the OBX segment should be attached to the parent event for the result. Otherwise, the reference pointer is attached at the same level as other document sections. Note Do not enable this option if you are processing both a Radiology diagnostic report and an image URL in the same HL7 transaction. Oracle recommends sending the image URL as its own HL7 transaction that is processed through its own Contributor System.	Old (CPM ESI Server)
To identify as a DICOM SIUID interface, check active box.	16089	CALLPVW	PVSWITCH	This option identifies a Digital Imaging and Communications in Medicine (<i>DICOM</i>) SIUID interface for Cerner ProVision Web. Results from this interface are expected to be in the form of <i>DICOM</i> study instance UIDs.	Old (CPM ESI Server)
To identify as a PENRAD interface, enter the MSH-5 value.	16089	MAMMOGRAPHY	None	This option identifies a PENRAD interface.	Old (CPM ESI Server)

If the date and time for the Radiologist dictated report is sent in the OBR-32 start date and time field, check active box.	16 08 9	PERFOR MDTTM	PERFO RMDTT M	The perform date is sent in the OBR-32 (Start Date/Time) field.	Old (CPM ESI Server)
If the OBX-33 value (Assist Result Interpreter) is the Radiologist, enter the OBR-33.8 value.	16 08 9	RADIOL OGIST	None	This option identifies the personnel in the OBR-33 field as a radiologist.	Old (CPM ESI Server)
If RadNet is the RIS and this is a DICOM SIUID interface, enter the MSH-5 value.	16 08 9	RADPV WPROC	None	This option indicates that RadNet is the ordering Radiology Information System (RIS) when processing Cerner ProVision Web DICOM SIUID transactions. This setting determines how the incoming transaction is associated with the RadNet order and subsequent result document.	Old (CPM ESI Server)
If the OBR-33 Assist Result Interpreter is the Resident, enter the OBR-33.8 value.	16 08 9	RADRES	None	This option identifies the personnel in the OBR-33 field as a resident.	Old (CPM ESI Server)
If the date and time the Radiologist signed the report is sent in the OBR-32 end date and time field, check active box.	16 08 9	VERIFYD TTM	VERIFY DTTM	The verify date and time are sent in the OBR-32 (End Date/Time) field.	Old (CPM ESI Server)
To identify PENRAD transactions that are to complete the exam only, enter the OBR-25 value.	16 08 9	CMPRA DEXAM	None	This option identifies transactions in a PENRAD interface that only complete the exam. The transaction does not post any result documents for the exam.	Old (CPM ESI Server)

To use the RadNet preference to display addendums at the top of the report, check active box.	16 08 9	RADADD MPREF	None	RadNet provides a preference to select how addendums display in its applications. This option enables the interface to recognize this preference and post the addendum reports as the application posts them. The default processing always post the addendum report after the original report.	Old (CPM ESI Server)
To integrate radiology reports and PACS Study Instance UUIDs from external systems when RadNet is not the RIS, enter the MSH-5 value.	16 08 9	INTGRE PORT	INTGRE PORT	For the Millennium Platform 2008 release, you can link a radiology report from a foreign RIS system with the PACS study instance UID using the Millennium Platform order ID. The foreign RIS and PACS systems store the Millennium Platform order ID and return it to Millennium Platform with the report or image using their respective feeds. If this option is not used, the radiology report from the foreign RIS system and the radiological image from the PACS system cannot be linked together and, therefore, must be viewed separately in Millennium Platform. To use this option, you also must select the following option for the contributor system that is receiving the PACS SIUID: To identify as a <i>DICOM</i> SIUID interface, select the Active checkbox.	Old (CPM ESI Server)
To send the Interpreting Location name in the OBX-15 field, check active box.	16 08 9	INTRPL OCNAME	None	The place of service, or performing location, where the radiologist created the report can be sent in the OBX-15 field. See Configure Optional Features in Cerner Imaging Database Tools for details on the RadNet configuration required when setting the special configuration option.	Old (CPM ESI Server)
To Post the Normalcy_cd from the Child Clinical_Event row to the Parent row, check active box.	15 76 9	NORMA LCY_CD	None	This option uses a hierarchy for the normalcy values from Critical, Abnormal, to Normal. The highest value found from child results is reported at the report level.	Old (CPM ESI Server)

Configure Results - Laboratory Blood Bank Transfusion History

Configure the Laboratory Blood Bank Transfusion history results according to the table below. For more information on these options, see the HL7 UI specifications on [Unit 20B Oracle Health Blood Bank History Upload](#).

Configuration Option	C o d e S e t	C D F M e a n i n g	Ali as Ty pe Me a n i n g	Description	Serv er Versi on
To identify an ABORh, enter the OBX-3 value.	1 6 0 8 9	A B O R H	No ne	This option identifies which OBX-3 value is used to identify the value in the OBX-5 field as an ABORh. Ensure that you set the OBX-5 values as aliases on Code Set 1643.	Old (CPM ESI Serv er)
To identify an Antibody, enter the OBX-3 value.	1 6 0 8 9	A N T I B O D Y	No ne	This option identifies which OBX-3 value is used to identify the value in the OBX-5 field as an antibody. Ensure that you set the OBX-5 values as aliases on Code Set 1613.	Old (CPM ESI Serv er)
To identify an Antigen, enter the OBX-3 value.	1 6 0 8 9	A N T I G E N	No ne	This option identifies which OBX-3 value is used to identify the value in the OBX-5 field as an antigen. Ensure that you set the OBX-5 values as aliases on Code Set 1612.	Old (CPM ESI Serv er)
To identify a transfusion requirement, enter the OBX-3 value.	1 6 0 8 9	T R A N S R E Q	No ne	This option identifies which OBX-3 value is used to identify the value in the OBX-5 field as a transfusion requirement. Ensure that you set the OBX-5 values as aliases on Code Set 1611.	Old (CPM ESI Serv er)
To identify the beginning NTE segment for a comment, enter the NTE-2 value.	1 6 0 8 9	B B N T E B E G I N	No ne	The interface posts product comments transmitted in an NTE segment following the ZB2 segment for both the ZBT and ZBP events. By default, the interface appends comments to the end of an existing comment. You can append comments to the beginning of an existing comment.	Old (CPM ESI Serv er)

To identify an observation identifier to be ignored by history processing, enter the OBX-3 value.	1 6 0 8 9	D O N O TP O ST	No ne	This option allows certain OBX-3 values to be ignored during processing. Enter all the OBX-3 values that you do not want to post to the Millennium Platform database.	Old (CPM ESI Serv er)

Configure Results - Microbiology History Abstract

Configure the Microbiology history abstract results according to the table below. For more information on these options, see the HL7 UI specifications on [Unit 20M – Microbiology Abstract History Upload](#).

Configuration Option	Co de Se t	CDF Meani ng	Alias Type Meanin g	Description	Server Versio n
To identify a Stain report, enter the OBR-24 value.	28 32 0	MBRP T1	None	This option identifies a report child set that is a microbiology report type of Stain. The interface posts report data to the MIC_STAT_TASK and MIC_STAT_REPORT_RESPONSE tables.	Old (CPM ESI Server)
To identify a Preliminary Microbiology report, enter the OBR-24 value.	28 32 0	MBRP T8	None	This option identifies a report child set that is a microbiology report type of Preliminary. The interface posts report data to the MIC_STAT_TASK and MIC_STAT_REPORT_RESPONSE tables.	Old (CPM ESI Server)
To identify a Final Micro report, enter the OBR-24 value.	28 32 0	MBRP T9	None	This option identifies a report child set that is a microbiology report type of Final. The interface posts report data to the MIC_STAT_TASK and MIC_STAT_REPORT_RESPONSE tables.	Old (CPM ESI Server)
To identify a Corrected/ Addendum Micro report, enter the OBR-24 value.	28 32 0	MBRP T10	None	This option identifies a report child set that is a microbiology report type of Corrected/ Addendum. The interface posts report data to the MIC_STAT_TASK and MIC_STAT_REPORT_RESPONSE tables.	Old (CPM ESI Server)

To identify an organism observation, enter the OBR-24 value.	28 32 0	MBOR G101	None	This option identifies an organism observation child set. The interface posts organism tasks (organism identification) to the MIC_STAT_TASK table and organism observations to the MIC_STAT_ORG_OBSERVATION table.	Old (CPM ESI Server)
To identify a Group biochemical, enter the OBR-24 value.	28 32 0	MBBI O3	None	This option identifies a biochemical child set where the biochemical type is Group. The interface posts biochemical data to the MIC_STAT_TASK and MIC_STAT_BIOCHEMICAL tables.	Old (CPM ESI Server)
To identify a Detail biochemical, enter the OBR-24 value.	28 32 0	MBBI O4	None	This option identifies a biochemical child set where the biochemical type is Detail. The interface posts biochemical data to the MIC_STAT_TASK and MIC_STAT_BIOCHEMICAL tables.	Old (CPM ESI Server)
To identify a susceptibility method, enter the OBR-24 value.	28 32 0	MBSU S5	None	This option identifies a susceptibility child set. The interface posts susceptibility data to the MIC_STAT_TASK and MIC_STAT_SUSCEPTIBILITY tables.	Old (CPM ESI Server)
To identify a catalog sequence, enter the OBX-3 value.	28 32 0	CATAL OGSE Q	None	This option sets the catalog sequence. The value 1 is the only valid value.	Old (CPM ESI Server)
To identify a collection location, enter the OBX-3 value.	28 32 0	COLLE CTLO C	None	This option identifies the collection location where the OBX-5.1 value is the Nursing Station and the OBX-5.4 value is the Facility. If this OBX segment is not used, ESI uses the ordering location provided in the ORC-13 (Enterer's Location) field.	Old (CPM ESI Server)
To identify a nosocomial, enter the OBX-3 value.	28 32 0	NOSO COMIA L	None	This option identifies a nosocomial result. When sent, the result in the OBX-5 field is an alias to MBPOSITIVE or MBNEGATIVE. If this OBX segment is not present, the default value is the numeral 0 or negative.	Old (CPM ESI Server)

To identify a culture status, enter the OBX-3 value.	28 32 0	CULT POSN EG	None	This option identifies whether a culture is positive or negative. When sent, the result in the OBX-5 field is an alias to MBPOSITIVE or MBNEGATIVE. If this OBX segment is not present, the default value is the numeral 0 or negative.	Old (CPM ESI Server)
To identify a purge date and time, enter the OBX-3 value.	28 32 0	PURG EDTT M	None	This option identifies the date and time in HL7 format that the medical abstract information for the order is purged offline.	Old (CPM ESI Server)
To identify a positive result, enter the OBX-5 or OBX-8 value.	28 32 0	MBPO SITIVE	None	This option identifies a result that is positive.	Old (CPM ESI Server)
To identify a negative result, enter the OBX-5 or OBX-8 value.	28 32 0	MBNE GATIV E	None	This option identifies a result that is negative.	Old (CPM ESI Server)
To ignore errors, enter the alias value.	28 32 0	IGNOR E	None	This option specifies result values that, if found in the transaction, are ignored if not configured as an alias, rather than causing an error for the transaction.	Old (CPM ESI Server)
To allow free-text values, enter the alias value.	28 32 0	FREET EXT	None	This option indicates whether report responses sent are coded or textual. If set, CE type OBX segments are allowed to contain free-text or noncoded response values.	Old (CPM ESI Server)
To identify an abnormal result, enter the OBX-8 value.	28 32 0	MBAB NORM AL	None	This option identifies a result as abnormal. If one of the OBX-8 instances are not valued or not set as an alias, ESI defaults to the numeric value 0 or normal.	Old (CPM ESI Server)
To identify a duplicate response, enter the OBX-13 value.	28 32 0	DUPR ESPO NSE	None	If this option is set and this OBX-13 value is sent, the CPM ESI server sets the DUP_RESPONSE_IND to the value 1; otherwise, it sets it to the numeric value 0.	Old (CPM ESI Server)

To identify statistics, enter the OBX-13 value.	28 32 0	STATF LAG	None	This option identifies an OBX segment that is a statistic.	Old (CPM ESI Server)
To identify a media code, enter the OBX-3 value.	28 32 0	MEDIA	None	This option identifies the media that the organism is on.	Old (CPM ESI Server)
To identify a quantitation, enter the OBX-3 value.	28 32 0	QUAN TITATI ON	None	This option identifies the quantitation of the organism.	Old (CPM ESI Server)
To identify an observation, enter the OBX-3 value.	28 32 0	OBSE RVATI ON	None	This option identifies the observation of the organism.	Old (CPM ESI Server)
To convert an observation value to a numeric result, select the Active checkbox.	28 32 0	OBX5 CETO NM	OBX5CE TONM	If the OBX-2 (Value Type) value is not an alias to Code Set 1025, you can configure ESI to validate for numeric and post to MIC_STAT_SUSCEPTIBILITY.result_numeric. If it is not aliased and not numeric, ESI fails the transaction with an error message.	Old (CPM ESI Server)
To suppress charts, enter the NTE-2 value.	28 32 0	MBSU PPRES S	None	If this NTE-2 (Source of Comment) value is sent, ESI sets the CHARTABLE_IND value to the numeric value 0 to note this is not chartable. Otherwise, ESI values the CHARTABLE_IND value with a 1 (chartable).	Old (CPM ESI Server)
To allow antibiotic comments to be charted, enter the NTE-2 value.	28 32 0	MBCH ART	None	If this NTE-2 value is sent, ESI sets the CHARTABLE_IND value to the value 1 to note this is chartable. If not valued, ESI defaults to the value 1 or chartable.	Old (CPM ESI Server)
To identify if a microbiology abstract is uploaded, enter the MSH-5 value.	15 76 9	MBHIS TORY	None	This option identifies whether the feed is sending microbiology abstract report, organism, biochemical, and susceptibility information. The purpose of this feed is to upload historical microbiology information to Microbiology.	Old (CPM ESI Server)

To identify a normal result, enter the OBX-8 value.	28 32 0	MBNO RMAL	None	This option identifies whether a result is normal. If one of the OBX-8 instances is not valued or aliased, ESI defaults to the numeric value 0 or normal.	Old (CPM ESI Server)
To identify duplicate antibiotics, enter the OBX-13 value.	28 32 0	DUPA NTIBI OTC	None	If this option is set and this OBX-13 value is sent, the CPM ESI server sets the DUP_ANTIBIOTIC_IND to 1; otherwise, it sets it to the numeric value 0.	Old (CPM ESI Server)

Configure Results - Laboratory RLI

Configure the Laboratory Reference Laboratory Interface (RLI) results according to the below table.

See [FLASH17-0240-3](#) for additional considerations when configuring the RLI.

Configuration Option	C o d e S e t	CDF Mea ning	Alias Type Mean ing	Description	Serv er Vers ion
To identify if this is a reference Laboratory interface, enter the MSH-6 value.	15 76 9	REF LAB	None	This option identifies whether this is a reference laboratory interface so that the CPM ESI server processes appropriately and posts the information to the Laboratory tables.	Old (CP M ESI Serv er)
To post a DNR result, enter the OBX-5 value.	15 76 9	RLIP OST DNR	None	A reference laboratory can send a Do Not Report (DNR) result to the ordering system. This is a result that was not reported but is posted as DNR so that the order can be completed. To identify a result as a DNR, enter the result value (OBX-5 [Observation Value]) sent from the reference laboratory. The result display value of the assay posted is DNR. For additional information about assays not resulted, see All About Reference Laboratory Interface .	Old (CP M ESI Serv er)

To post a TNP result, enter the OBX-5 value.	15 76 9	RLIP OST TNP	None	A reference laboratory can send a Test Not Performed (TNP) result to the ordering system. This occurs when a reference laboratory is unable to perform a test due to, for example, not enough specimen or a broken specimen container, and is posted as TNP so that the order is completed. To identify a result as a TNP, enter the result value (OBX-5, Observation Value) sent from the reference laboratory. The result display value of the assay posted is TNP. For additional information about assays that do not have a result entered, see All About Reference Laboratory Interface .	Old (CP M ESI Serv er)
To skip DTAs, enter the OBX-5 value.	15 76 9	RLIS KIP DTA	None	When interfacing with a reference laboratory, the laboratory may have discrete task assays (DTAs) that it performs that are not reported on the ordering system. For these DTAs, you can identify them by entering the OBX-5 value, and these DTAs are skipped.	Old (CP M ESI Serv er)
To use inclusive reference ranges, check active box.	15 76 9	INC LRE FRA NGE	INCL REFR ANGE	Reference ranges can be defined to be exclusive or inclusive. The default processing for the reference laboratory interface ensures that the ranges are exclusive (>3 stays >3) for passivity. You can make the reference ranges inclusive (>3 changes to >=3), which is how Laboratory handles reference ranges.	Old (CP M ESI Serv er)
To use the OBX-3 field as the source for the microbiology report type alias (cs1000), check active box.	15 76 9	MIC RLIT ASK	MICR LIOB X3	This option provides the report type or task ID from the OBX-3 field. The default processing retrieves this information from the OBR-4 (Universal Service ID) field.	Old (CP M ESI Serv er)
To prevent unaliased coded entry observations (OBX-5.1) to post as free text from the OBX-5.2 field, check active box.	15 76 9	NOT XTD EF	NOTX TDEF	Do not default to text response for a coded response.	Old (CP M ESI Serv er)

To validate an accession person/ encounter with the PID person/ encounter, check active box.	15 76 9	RLIP RSN ENS	RLIPR SNEN S	This option validates an accession person with the PID person. This special configuration is only applicable to the General Laboratory Reference Lab Interface (RLI) processing. Micro RLI processing does not support this configuration.	Old (CP M ESI Serv er)
To process the accession encounter when the PID encounter is not available, check active box.	15 76 9	RLIE NCN TRE NS	RLIE NCNT RENS	This option processes accession encounters when PID encounters are absent. This special configuration is only applicable to the General Laboratory RLI processing. Micro RLI processing does not support this configuration.	Old (CP M ESI Serv er)
To ignore coded organism OBX segments when building the report text, check active box.	15 76 9	NOC EOR GIN REP	NOCE ORGI NREP	This option ignores the coded organism OBX segments when building the report text.	Old (CP M ESI Serv er)
To enable an indirect person/ encounter match by accession for reference Laboratory add-on orders (non-micro ORM), check active box.	15 76 9	RLIA DDO NOR M	LABO RDER S	This option finds the person or encounter based on the accession sent in the message, instead of performing a full person or encounter match. This allows a match for add-on orders to function in the same manner as it functions for the results that are received from the reference laboratory.	Old (CP M ESI Serv er)

Configure Results - RadNet Mammography

Configure the RadNet Mammography results according to the following table:

Configuration Option	C od e S e t	CDF Meanin g	Alias Type Meani ng	Description	Serv er Versi on

To send Mammography BI-RAD codes, enter the MSH-5 value.	16 08 9	BIRAD	BIRAD	This option is used with the RadNet-integrated transcription MDM interface to allow the capture of mammography BI-RAD coding data for mammography reports. Certain BI-RAD codes are required to close out a mammography report, and this option enables the data to be entered in the transcription system and sent to Millennium Platform.	Old (CPM ESI Server)
To indicate this is a BI-RAD OBX segment, enter the OBX-13 value.	18 08 9	BIRADO BX	None	If a feed is set up to send in mammography BI-RAD codes, this option sets the value of the OBX-13 field. The OBX-13 field is used by the interface to identify the OBX segments containing BI-RAD codes and to differentiate the codes from the report.	Old (CPM ESI Server)
To identify an assessment, enter the OBX-3 value.	28 32 1	ASSESS MENT	None	An assessment is a type of BI-RAD code. Each mammography report is required to have one assessment value assigned to it. This is used to identify the value sent in the OBX-3 field to identify that this OBX segment contains the assessment code.	Old (CPM ESI Server)
To identify an Exclude From the Audit flag, enter the OBX-3 value.	28 32 1	EXCLUD EAUDIT	None	The Exclude From Audit flag is a RadNet-defined field used with the mammography BI-RAD coding. This flag enables you to flag reports that you do not want to include in the mammography audit reports. This option identifies the value sent in the OBX-3 field to identify that this OBX segment contains the Exclude From Audit flag.	Old (CPM ESI Server)
To identify no follow-up is required, enter the OBX-3 value.	28 32 1	NO_FOL LOW_U P	None	The No Follow-Up indicator is a RadNet-defined field used with the mammography BI-RAD coding. This indicator allows the transcriptionist or radiologist that is entering the codes on the foreign system can use this flag to identify a report that does not require follow-up by the patient. Identifies the value sent in OBX-3 to identify that this OBX contains the No Follow-Up indicator.	Old (CPM ESI Server)

To identify a notification letter, enter the OBX-3 value.	28 32 1	NOTIFYL ETTER	None	When completing BI-RAD coding, a notification letter of the results must be sent to the patient. RadNet can set up custom notification letters. This option enables you to identify which notification letter should be sent to the patient. It identifies the value sent in the OBX-3 field to identify that this OBX segment contains the notification letter.	Old (CPM ESI Server)
To identify a recall date, enter the OBX-3 value.	28 32 1	RECALL _DT	None	After a mammography procedure, the patient typically requires a follow-up at a certain date or interval. This BI-RAD code identifies a specific recall date of when the patient needs to return for follow-up. The sending system can send a recall date, recall interval, or the no follow-up indicator. This option identifies the value sent in the OBX-3 field to identify that this OBX segment contains a recall date.	Old (CPM ESI Server)
To identify a recall interval, enter the OBX-3 value.	28 32 1	RECALL _INVL	None	After a mammography procedure, the patient typically requires a follow-up at a certain date or interval. This BI-RAD code identifies a recall interval of when the patient needs to return for follow-up. The sending system can send a recall date, recall interval, or the no follow-up indicator. This option identifies the value sent in the OBX-3 field to identify that this OBX segment contains a recall interval.	Old (CPM ESI Server)
To identify a recommendation, enter the OBX-3 value.	28 32 1	RECOM MEND	None	A recommendation is a type of BI-RAD code used to recommend what action should be taken for the patient based on the assessment. For each assessment of a mammography procedure, multiple recommendation codes can be sent. This option identifies the value sent in the OBX-3 field to identify that this OBX segment contains one or more recommendations.	Old (CPM ESI Server)
To use the OBX-5 field only for mammography field aliasing, check active box.	15 76 9	OBX5ON LY	MAMM O_HIS T	This option allows for the mammography-field aliasing to be based on the value of the OBX-5 only. The default processing for mammography-field aliasing takes a concatenation of the OBX-3 and OBX-5 fields.	Old (CPM ESI Server)

To send Mammography history data, enter the MSH-5 value.	15 76 9	MAMMO_HIST	None	This option identifies an interface that is sending mammography history data. The mammography history upload allows any discrete mammography data to be uploaded to the RadNet mammography module.	Old (CPM ESI Server)
To identify a case status code, enter the OBX-3 value.	28 32 1	CASE_STATUS	None	This option identifies the OBX segment that contains the case status code associated with the mammography case.	Old (CPM ESI Server)
To identify an indicator for Breast Density Statement, enter the OBX-3 value.	28 32 1	DENSITY_STMT	None	The Breast Density Statement indicator is a Radiology Management-defined field used with the mammography BI-RAD coding. This indicator allows the transcriptionist or radiologist to print the breast density statement on a patient notification letter. The default behavior is for no breast density statement to be included on the notification letter. To allow for the notification letter to include a breast density statement, the OBX-5 field needs to be an alias to Code Set 18229 for the YES or NO CDF meanings. See the following information about each CDF meaning: • YES: The Dense statement is added to the patient notification letter. • NO: The Non-Dense statement is added to the patient notification letter.	Old (CPM ESI Server)

Configure Scheduling

Configure scheduling according to the following table:

Configuration Option	Code Set	CDF Meaning	Alias Type Meaning	Description	Server Versions

To check for the existing schedule event using aliases, enter the MSH-5 value and check active box.	15769	SCHED	None	This option identifies that the feed is receiving display-only scheduling transactions. For more information, see the Millennium Platform Display-Only Scheduling specification.	Old (CPM ESI Server)
To send General Scheduling resources in the AIL and AIP segments, check active box.	15769	SCH GEN RES	None	If you enable this option, the AIL and AIP segments can send General Scheduling resources.	New Foreign System Interface Server
To process Procedure Orders in SIU transactions, check active box.	15769	SCH PROCORD	None	This option is available for processing AIS and ZBX fields for Procedures Orders associated with Surgical Schedules. Configuration Options: Consider the following steps when configuring Procedure Orders for Surgical Schedules: 1. In SI_Manager, for the target contributor system, expand ESI Contributor System > Special Configurations and select Scheduling. 2. Select To process 'Procedure Orders' within SIU transactions check active box. 3. Save the change and confirm the Response column contains the name of the Contributor System while the Alias Type Meaning contains SCHPROCORD. 4. In SI_Manager, expand ESI Contributor System > ESI Alias Translation and configure an alias translation row for ZBX-05 Order Alias for Scheduling.	Old (CPM ESI Server)

Configure X12 835 Remittances

Configure X12 835 remittances according to the following table:

Configuration Option	Code Set	CDF Meaning	Alias Type Meaning	Description	Server Version
To process X12 835 5010 Remittance messages in smaller pieces and process larger size batch files, check active box.	15777	835 CHU NK	None	If you enable this option, the Open Engine ESI batch Communications server (Comserver) can post the 835 remittance message in Millennium Platform in groups of claims instead of the entire transaction at once. By chunking the 835 claims, it reduces the overall memory used by the Comserver to process the message, allowing it to handle larger messages than would otherwise be possible. Note When the 835 Chunking setting is activated, 835 remittances may fail to be available in Revenue Cycle for posting. This issue is under investigation and Oracle does not recommend 835 Chunking logic.	Old (CPM ESI Server)
To allow expanded Remittance Name processing to include the BPR-16, TRN-2, and TRN-3 fields when identifying Remittances, check active box.	15777	ADD _TR N2_ID	None	Enabling this option allows the use of check number, originating company ID, and posting date in addition to the interchange number, functional group identifier, and transaction set identifier to create a unique value used for duplicate checking while posting the 835 Remittance.	Old (CPM ESI Server)

Configure Unmatched Message Management

You can configure unmatched message management using the following configuration option: **To queue up unmatched person information for review, select the Active checkbox.** This option sends unmatched messages to a queue for later manual review in an Access Management tool. See [Configure ESI with SI_Manager](#) for more information.

Configure Special Contributor System Properties

Configure the special contributor system properties according to the following table:

Configuration Question	Table	Options	Description

For Clinical Event Processing, are you mapping events directly to the event code or directly through the order catalog?	CONTRIB UTOR_SY STEM	Event Code Order Catalog	The default option is Event Code (Code Set 72). For department-specific uploads, and occasionally for other result interfaces, the alternate option is Order Catalog code (Code Set 200). When you use the alternate option, Code Set 14003 for the task assay codes is used for the OBX level. Also, ESI does default back to searching for the EVENT_CD by alias if the CATALOG_CD or TASK_ASSAY_CD cannot be found. This includes possible AOF. ESI does not try to find the EVENT_CD by alias if the CATALOG_CD or TASK_ASSAY_CD was found but did not have a CODE_VALUE_EVENT_R row.
Do you want to post Input and Output results to the I&O Tables?	None	None	Select Yes as the answer.

What category of documents is being received on this feed?	CONTRIBUTOR_SYSTEM	The following options are available: • Generic MDM Documents (Default): Group event class. • Generic and Departmental MDM Documents: Indicates the need to check Code Set 72. • Integrated Radiology MDM Documents: Indicates the need to check by feed (radiology event class).	Additional Information is provided for the following options: • Generic MDM Documents (Default): This option applies only to transcription interfaces using the HL7 MDM (document management) message type. This option sets the transcription event class used when posting the documents to the CLINICAL EVENT table. If the default processing is used, the transcription messages post using the GRP event class. This option is used when posting transcription messages that are not department-specific. • Generic and Departmental MDM Documents: This option posts both generic or non-departmental and departmental transcription documents on the same feed. The CPM ESI server reads the V500_EVENT_CODE row to find the DEF_EVENT_CLASS_CD to determine the appropriate event code. Therefore, the DEF_EVENT_CLASS_CD must be defined for all event codes. Note Oracle recommends this option. • Integrated Radiology MDM Documents: This option is for integrated radiology MDM documents. This option is used when the feed is for radiology transcription and RadNet is in place. This defines the event class as RAD.

On the Discrete Microbiology results, how should the interface process updated organisms and susceptibilities?	CONTRIBUTOR_SYSTEM	The following options are available: • Default - no list replace • Replace susceptibilities for same type and organism • Replace all susceptibilities for organism • Replace all organisms and susceptibilities	This option indicates how updates to existing microbiology results should be handled. Information on the following four replacement options is provided: • Default - no list replace: This option updates only existing rows with changed results or adds new rows. • Replace susceptibilities for same type and organism: ESI replaces all CE_SUSCEPTIBILITY rows that have the same organism and susceptibility test type as the message that is processed. For example, if a culture has organisms of <i>Escherichia coli</i> and <i>Staphylococcus</i> and the message is sending Kirby Bauer susceptibility results for <i>Staphylococcus</i>, all previous Kirby Bauer susceptibility results for the <i>Staphylococcus</i> organism are deleted and replaced by the results in the message. Any results for the <i>E. coli</i>, or for other test methods on the <i>Staphylococcus</i> organism, are not affected. This means that the sending system must then send all wanted results, including those that have not changed, for <i>Staphylococcus</i> and the Kirby Bauer method, if one must be updated. • Replace all susceptibilities for organism: ESI replaces all CE_SUSCEPTIBILITY rows that have the same organism, regardless of the susceptibility test type. From the previous example, if the <i>Staphylococcus</i> organism had both MIC and Kirby Bauer results, option 2 deletes all susceptibility results for the <i>Staphylococcus</i> organism and replaces them with the results in the message. The sending system in this case must resend the same message with all results related to the <i>Staphylococcus</i> organism, including all susceptibilities for both the MIC and Kirby Bauer methods.

			• Replace all organisms and susceptibilities: ESI replaces all CE_MICROBIOLOGY rows and all CE_SUSCEPTIBILITY rows for a culture. From the example above, all CE_MICROBIOLOGY rows and all CE_SUSCEPTIBILITY rows are deleted and replaced with the results on the message. This means that the sending system must resend all of the organism information and all of the susceptibility results for each organism.

Can Discrete Microbiology susceptibility tests have multiple interpretive results?	CONTRIB UTOR_SY STEM	None	This option indicates whether susceptibility results can have multiple interpretive results. The CPM ESI server still uses the OBX-8 field to determine the result. This section describes how to set up the database and the message to tell the CPM ESI server which susceptibility detail test to use for a given result. If the susceptibility tests that are used can have multiple interpretive results, complete the following steps to set up the database for processing: 1. Indicate that the feed is processing multiple interpretations. 2. Create an interpretive detail (Code Set 1004) for every interpretive result that can be sent. For example, if a given method can have results of BLOOD, BLOOD:IV, and BLOOD:IM, each one of these must be a separate code value on Code Set 1004. 3. Create the aliases that are sent in the OBX-8 field. Unlike single interpretives, where the alias indicates only the value of the interpretive result, for multiple interpretive processings, the alias indicates which details the susceptibility test to use and the value of the interpretive result. The aliases sent point to Code Set 1004. For each susceptibility detail identified in Step 2, there must be an alias that includes each possible interpretive result that can be sent for that detail. For example, for the susceptibility result, BLOOD, if a possible interpretive value is Susceptible, there must be an alias of BLOOD:S or something similar to differentiate that result from a value of Resistant, BLOOD:R. In addition, each alias must have an alias type meaning that is itself an alias to the interpretive result value on Code Set 64. So, continuing the example, if the interpretive result of Susceptible has an alias of S, the alias row BLOOD:S would have an alias type meaning of S. For an interpretive result of Resistant with an alias of R, the alias row BLOOD:R would have an alias type meaning of R.

To send a group of results for BLOOD, the message should have either separate OBX segments, each with one of the aliases built above in the OBX-8 field, or a single OBX segment with each alias in a repeating field on OBX-8.

Note

When sending an update to an existing result, you must send all susceptibility details associated with the susceptibility test for the organism and antibiotic in question. For example, if susceptibilities of BLOOD:Resistant and URINE:Sensitive are sent for a susceptibility test of KB for the antibiotic *Amikacin* on an organism of *Staphylococcus*, to change the result from BLOOD:Resistant to BLOOD:Susceptible, the sending system must send URINE:Sensitive again as well or that detail is removed from the list of results. Any other susceptibility method, organism, and antibiotic combination is unaffected.

When using Order Grouping, will orders be grouped based on a last test indicator?	CONTRIB UTOR_SY STEM	None	The FSI Order Grouper server (SCP 255) receives a last order indicator. The value of the last order indicator, which is sent in the OBR-4 field, must be defined in the Orders Special Processing options. When the last order indicator is received, the FSI Order Grouper server releases everything in the queue associated with the encounter. Order grouping is performed only on laboratory orders. Note If you set this option to Yes, you also must activate the following option in the Orders section and enter the following OBR-4 value: To indicate that the order grouper server can release the orders it is holding, enter the OBR-4 value. See the Millennium Platform Order Grouping Functionality section on the Unit 09i - Order Message Processing Inbound Specifications page for more information.
What is the maximum number of seconds to hold laboratory orders before grouping?	CONTRIB UTOR_SY STEM	None	The number of seconds you want the FSI Order Grouper server to wait before sending the orders in its queue. If you set this option to 0, the system server uses the CPM ESI server GROUPER_TIME property, which is set in the Server Control Panel (SCP). This option serves the same function as the GROUPER_TIME property, only it is specific to a contributor system. Order grouping is performed only on laboratory orders. See the Millennium Platform Order Grouping Functionality section on the Unit 09i - Order Message Processing Inbound Specifications page for more information.

What is the maximum number of laboratory orders to hold before grouping?	None	None	This is the maximum number of orders that you want the FSI Order Grouper server to hold. If you set this option to 0, the system uses the GROUPER_NBR property, which is set in SCP. This option has the same function as the GROUPER_NBR property, only it is specific to a contributor system. Order grouping is performed only on laboratory orders. See Millennium Platform Order Grouping Functionality section on the Unit 09i - Order Message Processing Inbound Specifications page for more information.

Configure Referral Management

Configure Referral Management options according to the below table:

Configuration Option	C o d e S e t	CD F Me ani ng	Alia s Typ e Me ani ng	Description	Serv er Versi ons
To link Solicited Documents to the Referral Case, check active box.	1 5 7 6 9	RE FD OC LIN K	REF DO CLI NK	If you enable this configuration, the Observation Result (ORU) HL7 messages can be linked to a referral case when Complete for ORU messages are enabled as the Order Ensure parameter on the contributor system. Only Clinical Documents (MDOC/DOC) events are supported. See Configure ESI with SI_Manager for information on Complete for ORU messages. See Overview of Referral Management for information on referral cases.	Old (CPM ESI Serv er)
To use Facility Location relationship to Practice Site for Referred To Practice order entry field for Order Messages (ORM), check active box.	1 5 7 6 9	RE FT OP RC TIC E	REF TOP RCT ICE	If you enable this configuration, the General Order (ORM) HL7 messages can perform a search for Referral Management Practice Site based on the Encounter Facility location code in the PV1-3.4 field. See Unit 09i - Order Message Processing Inbound Specifications for more information. Only the Referred To Practice order entry field for Referral Management orders is supported. See Configure Referral Orders for Referral Management for more information.	Old (CPM ESI Serv er)

Configuration Option	C o d e S e t	CD F M e a n i n g	Alia s T y p e M e a n i n g	Description	Serv er Versi ons
To link Unsolicited Documents to the Referral Case, check active box.	1 5 7 6 9	RE FU NS RE SL NK	REF UN SRE SLN K	If you enable this configuration, the Observation Result (ORU) HL7 messages can be linked to a referral case when the ESI alias translation for the OBR-20 field is configured for Oracle's Internal Referral ID. See Configure ESI with SI_Manager for information on Complete for ORU messages. See Overview of Referral Management for information on referral cases.	Old (CPM ESI Serv er)

Additional Resources

- [Configure Reference Laboratory Interface](#)
- [Configure Application-Level Acknowledgements](#)
- [Configure ESI with SI_Manager](#)
- [Configure Optional Features in Cerner Imaging Database Tools](#)
- [Configure Referral Orders for Referral Management](#)
- [Overview of Referral Management](#)
- [Referral Management Help](#)
- [Unit 09i - Order Message Processing Inbound Specifications](#)
- [Unit 13i - IVR Queries Inbound Specifications](#)
- [Unit 20B Oracle Health Blood Bank History Upload](#)
- [Unit 20H - Human Leukocyte Antigen \(HLA\) History Upload](#)
- [Unit 20M – Microbiology Abstract History Upload](#)

REASON FOR REQUEST (STATEMENT OF CHIEF MEDICAL OFFICER)

DESCRIPTION OF CONDITION SUGGESTING REMOVAL

DESCRIPTION OF EXAMINATION OR THERAPY RECOMMENDED

NATURE AND IMMEDIACY OF SERVICE: ☐ MANDATORY ☐ EMERGENCY ☐ ELECTIVE

NAME OF HOSPITAL, CLINIC, OFFICE OR OTHER PLACE RECOMMENDED

WHY CAN'T THE PROCEDURE BE DONE INTRAMURALLY?

PRECAUTION INSTRUCTIONS (DEFINED ON REVERSE): ☐ UNIVERSAL ☐ RESPIRATORY ☐ ENTERIC

ESTIMATED TIME AWAY FROM FACILITY (NOT MORE THAN 3 DAYS)

SIGNATURE OF CHIEF MEDICAL OFFICER

CUSTODIAL STATUS (STATEMENT OF ASSOCIATE WARDEN)

OFFENSE	TERM	RELEASE DATE	CUSTODIAL CLASSIFICATION ☐ MAXIMUM ☐ MEDIUM ☐ MINIMUM
COMMITTED FROM	DATE RECEIVED	CONDUCT DURING INCARCERATION	ESCAPE RISK
REMARKS			

SIGNATURE OF ASSOCIATE WARDEN

DATE SIGNED

UNDER THE PROVISIONS OF SECTION 2690 OF THE PENAL CODE, AUTHORIZATION IS GIVEN FOR THE TEMPORARY REMOVAL OF INMATE IDENTIFIED BELOW FROM THE FACILITY IN WHICH HE/SHE IS NOW CONFINED IN ORDER THAT HE/SHE MAY RECEIVE MEDICAL TREATMENT IN ACCORDANCE WITH THE ABOVE RECOMMENDATIONS.

REQUEST: ☐ APPROVED ☐ DENIED	CDC NUMBER, NAME (LAST, FIRST, MI) AND DATE OF BIRTH		
SPECIAL CONDITIONS:			
WARDEN'S SIGNATURE		DATE SIGNED	FACILITY
REQUEST FOR AUTHORIZATION OF TEMPORARY REMOVAL FOR MEDICAL TREATMENT			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

DATE SIGNED

REQUEST FOR AUTHORIZATION OF TEMPORARY REMOVAL FOR MEDICAL TREATMENT
CDC 7252 (3/93)

PRECAUTION INSTRUCTION DEFINITIONS**UNIVERSAL PRECAUTIONS:**

Precautions that should be adhered to at all times. Universal precautions were developed to protect individuals from exposure to non-intact skin and other mucous membranes (e.g., mouth, eyes) from body fluids known to harbor infectious agents, such as HIV or Hepatitis.

Procedure: Wear protective barriers such as gloves, gowns, masks or face shields when blood and other body fluids are present. Examples of body fluids considered to be infectious include blood, bloody body secretions, semen, vaginal secretions, tissue, spinal fluid, and joint fluid.

Example: Wear gloves when assisting a patient with a bleeding finger.

RESPIRATORY PRECAUTIONS:

Precautions that should be adhered to when patients with air borne illnesses are being transported. Persons acquire air borne illnesses by breathing air that has been contaminated with an infectious germ, such as Tuberculosis, Measles, Chicken Pox, etc.

Procedure: Respiratory precautions include placement of patients in respiratory isolation room with special ventilation characteristics. When the patient must leave the room, other precautions must be followed. The patient and all others in the same room must wear Particulate Respirator (PR) masks. PR masks are specifically designed to filter out small particles. PR masks must fit tightly around the face for a proper seal.

Example: A patient with Tuberculosis may require transportation to an outside hospital. The transport team and the patient must all wear PR masks.

ENTERIC PRECAUTIONS:

Enteric precautions are indicated when patients are infected with germs transmitted into the stool.

Procedure: Gloves and gowns must be worn when in contact with stool material from a person on enteric precautions.

FOR ANY QUESTIONS CONCERNING ABOVE PRECAUTIONS, CONTACT THE MEDICAL DEPARTMENT.

California Penal Code Section 5023.5

5023.5. (a) Notwithstanding any other law, the Department of Corrections and Rehabilitation may contract with providers of health care services and health care network providers, including, but not limited to, health plans, preferred provider organizations, and other health care network managers. Hospitals that do not contract with the department for emergency health care services shall provide these services to the department on the same basis as they are required to provide these services pursuant to Section 489.24 of Title 42 of the Code of Federal Regulations. The department may only reimburse a noncontract provider of hospital or physician services at a rate equal to or less than the amount payable under the Medicare Fee Schedule, regardless of whether the hospital is located within or outside of California.

(b) An entity that provides ambulance or any other emergency or nonemergency response service to the department, and that does not contract with the department for that service, shall be reimbursed for the service at the rate payable under the Medicare Fee Schedule, regardless of whether the provider is located within or outside of California.

(c) Until regulations or emergency regulations are adopted in accordance with subdivision (g), the department shall not reimburse a contract provider of hospital services at a rate that exceeds 130 percent of the amount payable under the Medicare Fee Schedule, a contract provider of physician services at a rate that exceeds 110 percent of the amount payable under the Medicare Fee Schedule, or a contract provider of ambulance services at a rate that exceeds 120 percent of the amount payable under the Medicare Fee Schedule. The maximum rates established by this subdivision shall not apply to reimbursement for administrative days, transplant services, services provided pursuant to competitively bid contracts, or services provided pursuant to a contract executed prior to September 1, 2009.

(d) The maximum rates set forth in this section shall not apply to contracts entered into through the department's designated health care network provider, if

any. The rates for those contracts shall be negotiated at the lowest rate possible under the circumstances.

(e) The department and its designated health care network provider may enter into exclusive or nonexclusive contracts on a bid or negotiated basis for hospital, physician, and ambulance services contracts.

(f) The Secretary of the Department of Corrections and Rehabilitation may adopt regulations to implement this section. During the existence of the receivership established in United States District Court for the Northern District of California, Case No. C01-1351 TEH, Plata v. Schwarzenegger, the adoption, amendment, or repeal of a regulation authorized by this section is hereby exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(g) The secretary may change the maximum rates set forth in this section by regulation or emergency regulation, adopted in accordance with the Administrative Procedure Act, but no sooner than 30 days after notification to the Joint Legislative Budget Committee. Those changes may include, but are not limited to, increasing or decreasing rates, or adding location-based differentials such as those provided to small and rural hospitals as defined in Section 124840 of the Health and Safety Code. The adoption, amendment, repeal, or readoption of a regulation authorized by this section is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the secretary is hereby exempted for this purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code.

(h) During the existence of the receivership established in United States District Court for the Northern District of California, Case No. C01-1351 TEH, Plata v. Schwarzenegger, references in this section to the "secretary" shall mean the receiver appointed in that action.

CHAPTER 3

Health Care Transfer Process

I. POLICY

The California Department of Corrections and Rehabilitation (CDCR) shall utilize a standardized process to transfer inmate-patients.

II. PURPOSE

To ensure continuity of care is maintained and medically necessary health care is received by each inmate-patient. The completion of the CDC Form 7371 does not apply to emergency transfers to outside hospitals or other medical facilities.

III. PROCEDURE

A. General Requirements

- The Unit Health Record (UHR) and transfer envelope shall accompany each inmate-patient when transferring from institution to institution. The CDCR transportation staff shall not accept any inmate-patients for transfer without his/her UHR and a transfer envelope when transferring within CDCR.
- The UHR shall accompany every inmate-patient transferring from one CDCR institution to another CDCR institution including but not limited to Out-To-Court, placement into an Inpatient bed or Outpatient Housing Unit.
- For transfers from a CDCR institution to another correctional or law enforcement entity a medication profile shall be printed and provided in a transfer envelope.
- The CDCR Form 7371, Confidential Medical/ Mental Health Information Transfer, shall be used to communicate health care information to facilitate access to and continuity of care for inmate-patients. The CDCR Form 7371A, Confidential Medical/ Mental Health Information Transfer Summary (front), shall be attached to the outside of each transfer envelope.
- The Receiving and Release (R&R) health care staff at the receiving institution shall immediately contact the Health Records staff at the sending institution if any documentation is missing from the transfer envelope for newly arrived inmate-patients. The sending institution shall fax the necessary information immediately.
- The R&R Registered Nurse (RN) at the receiving institution shall record the date, time, and contact person at the sending institution on the CDCR Form 7277, Initial Health Screening.
- The CDCR Form 7221, Physician Order, and CDCR Form 7321A, Outpatient Medication Administration Record (MAR) shall be honored at the receiving institution to ensure continuity of administration of medication transferred with the inmate-patient until the inmate-patient is evaluated by a Primary Care Provider (PCP) and/or Psychiatrist at the receiving institution.
- Medical interviews shall be performed in a manner that protects the privacy of the inmate-patient's health care information, subject to the safety and security concerns of the institution.
- At the request of the receiving agency (e.g., local jail), medical staff shall provide the requesting entity with a faxed copy of a completed CDCR Form 7371.

B. Sending Institution Transfer Procedure

1. The Classification and Parole Representative (C&PR) or designee shall provide a transfer list to Health Records no later than Thursday PM regarding any inmate-patients scheduled to transfer the following week. The transfer list shall include the inmate-patient name, CDCR number, endorsed institution, and the date and approximate time of transfer. Any modifications to the transfer list shall be handled via telephone contacts between the C&PR office and the Health Records transfer desk.
2. Health Records staff shall notify the R&R RN of the transfer. The R&R RN shall notify the pharmacy of the impending transfer and shall complete the CDCR Form 7371. The R&R RN shall also notify clinic staff to flag all MARs and current Directly Observed Therapy (DOT) and Nurse-Administered medications (excluding narcotics) to be sent to R&R after the last medication dose is administered and prior to transfer.
3. For institutions that utilize bulk medications, the Pharmacy shall be required to send three days worth of DOT and Nurse Administered medication with the inmate-patient upon transfer to another CDCR facility.
4. The R&R RN shall provide the Specialty Clinic scheduler(s) with a list of inmate-patients scheduled for transfer. The Specialty Clinic scheduler(s) (including on-site, off-site and telemedicine) shall advise the R&R RN if an inmate-patient scheduled for transfer has any pending specialty appointments including any outstanding requests for service pending approval or approved requests pending completion of appointment. If the R&R RN identifies an inmate-patient who requires a Medical Hold, the HCM/CMO shall be notified. (Refer to *Medical Hold*.)
5. The R&R RN shall check to see if the inmate-patient is designated as high-risk and if so, that the endorsed institution is appropriate for the inmate-patient's high-risk designation. If the endorsed institution is not a high-risk designated institution, the R&R RN shall refer the UHR to the CMO with a recommendation to place a medical hold on the inmate-patient's transfer. The R&R RN will also advise the C&PR of the recommendation to place a medical hold on the inmate-patient's transfer.
6. If the inmate-patient's UHR contains a CDCR Form 7410, Comprehensive Accommodation Chrono, the R&R RN shall make a copy and enclose the copy in the transfer envelope.
7. Upon notification by the R&R RN, the sending institution's pharmacist shall print and provide to the R&R RN, at least one business day prior to the transfer date, a current pharmacy medication profile for each inmate-patient scheduled for transfer. In order to achieve a proper prescription transfer, the pharmacist shall also provide the following information, which must be exchanged and documented between both the sending and receiving institutions' pharmacists:
 - a. Identification of transferring pharmacists information
 - b. Name and identification code or address of the pharmacy from which the prescription was received, or to which the prescription was transferred, as appropriate
 - c. Original date and last dispensing date
 - d. Number of refills and date originally authorized
 - e. Number of refills remaining but not dispensed
 - f. Number of refills transferred

- g. Identification of medication prescriber, including California prescriber license number and, if applicable, the Federal Drug Enforcement Administration prescriber permit number

The sending institution's pharmacist shall keep a record of prescriptions that are transferred.

8. The R&R RN shall place the CDCR Form 7371 in the transfer envelope and shall indicate on the CDCR Form 7371A if the inmate-patient requires nitroglycerin tablets and/or inhalers during transport or if there are any other special transportation instructions. The R&R RN shall make copies of all active CDCR Form 7221's from UHR and place them in the transfer envelope.
9. The Supervising Registered Nurse (SRN) at the sending institution shall ensure the health care staff at the sending institution include from the UHR, copies of all active CDCR Form 7221s, the original MAR, pharmacy medication profile, the original CDCR Form 7371, and all current DOT and Nurse-Administered medications (excluding narcotics) in the transfer envelope. A copy of the MAR and the CDCR Form 7371 shall be kept in Medical Records for forty-eight (48) hours after transport in the event that the receiving institution calls to reference information on the MAR or the CDCR Form 7371.
10. On the date of departure, custody staff shall instruct inmate-patients scheduled for transfer to take his/her Self-Administered medications to the R&R area. The R&R RN or designated health care staff, upon receipt of the inmate-patient's medications, shall verify the inmate-patient is current with all doses of his/her medications prior to transport. Over-the-counter medications purchased by the inmate-patient shall be packed in the inmate-patient's personal property. Medication no longer in the original container that cannot be identified shall be confiscated and a CDCR Form 1083, Inmate Property Inventory, shall be provided to the inmate-patient. Custody staff shall seal the transfer envelopes in a transport container, which shall accompany the en route Central Files and Unit Health Records.
11. Institution custody staff shall deliver the transfer envelope to county or other law enforcement staff that pick up inmate-patients who are transferring to the custody of another law enforcement entity.
12. The R&R and transportation staff shall allow inmate-patients to keep their nitroglycerin tablets and/or inhalers on their person during transfer. For inmate-patients who pose a security risk if allowed to carry medications during transportation, alternate methods, as determined by health care staff, may be used to transport the medication while allowing the inmate-patient access to the medication.
13. For en route stops or layovers, the RN/MTA/LPT assigned to R&R shall obtain medication from the transfer envelope, the night locker, or the pharmacy for each inmate-patient. The RN/MTA/LPT shall administer the medication and shall document the administration of each medication on the MAR. Self-Administered medications shall be documented on the MAR or on a CDCR Form 7230. The MAR shall be signed and dated by the RN/MTA/LPT and replaced in the transfer envelope.

C. Receiving Institution Transfer Procedure

Licensed health care staff shall complete the screening process for each inmate-patient. The screening process is not necessary for same-day returns to an institution unless the inmate-patient has been out-to-court.

1. Licensed health care staff shall review and sign the CDCR Forms 7371.
2. Licensed health care staff shall review the CDCR Form 7410, Comprehensive Accommodation Chrono, as applicable, and notify custody staff of necessary accommodations. The reasonable accommodations listed on the CDCR Form 7410 shall remain in force at the receiving institution unless a physician at the receiving institution re-evaluates the inmate-patient and determines that the accommodation is no longer required.
3. While completing the CDCR Form 7277, licensed health care staff shall conduct a face-to-face interview with the inmate-patient to confirm relevant data contained on the CDCR Form 7371. A CDCR Form 7277A, Supplemental Initial Health Screening-Female Inmates, shall be completed upon arrival for each female inmate-patient for obstetric and gynecological conditions.
4. For those inmate-patients on prescribed medication, the licensed health care staff shall document on the CDCR Form 7277 if the medication was received with the inmate-patient.
5. Licensed health care staff shall obtain blood pressure, pulse, and weight for inmate-patients with a history of hypertension or diabetes, or for any inmate-patient who shows signs of acute medical conditions. In addition, finger stick blood glucose shall be obtained for inmate-patients with a history of diabetes. The licensed health care staff shall document the vital signs on a CDCR Form 7277.
6. The MTA/LPT shall contact an RN for assessment and disposition of those inmate-patients who answered “yes” to any questions on the CDCR Form 7277 or CDCR Form 7277A. The contact with the RN shall be documented on a CDCR Form 7230, Interdisciplinary Progress Note, or on the CDCR Form 7277.
7. All inmate-patients shall be screened for TB. (Refer to Volume 10, *Tuberculosis Program Overview*.)
8. Licensed health care staff shall verify current medications by reviewing all health care information received from the sending facility/agency.
9. The sending institution’s CDCR Form 7221 or MAR shall be honored for continuity of administration of medication transferred with the inmate-patient, until the inmate-patient is evaluated by a PCP and/or a Psychiatrist at the receiving institution or until the medication order expires.
10. The Pharmacist at the receiving institution shall make medications available and gather information necessary for a proper prescription transfer by reviewing the CDCR Form 7221, MAR, current pharmacy medication profile, and other information provided by the sending institution.
11. Should the Pharmacist at the receiving institution require verification of prescriber, prescription or administration information beyond the documentation provided, they shall call or fax a request for the necessary information to the sending institution. If no

- response is provided within eight (8) hours, the Pharmacist shall contact a local institution physician for a medication order to ensure medication continuity.
12. Based on RN review of all relevant data, a disposition, including time frame and referral to an appropriate provider, shall be recorded on the CDCR Form 7277. Referrals shall be forwarded to scheduling as appropriate. Dispositions which warrant a referral include, but are not limited to, the following procedural requirements:
 - a. Inmate-patients with acute symptoms or who appear to be in need of urgent treatment shall be escorted to the Triage and Treatment Area (TTA) for further evaluation.
 - b. Inmate-patients who are identified as potential high-risk (HR) who are not enrolled in the HR program shall be referred to an appropriately credentialed provider for a HR intake evaluation within 30 days of arrival.
 - c. Inmate-patients who are identified chronic care and are not enrolled in the CCP will be referred to and seen by a Primary Care Provider within 30 days of arrival.
 - d. If the inmate-patient has been enrolled in the CCP or high-risk program a referral for follow-up will occur based on the orders for follow-up from the previous visit.
 - e. The R&R RN shall review all inmate-patients and determine if the acuity or complexity of their problems requires more urgent referral than 14 days. (e.g., high-risk inmate-patients).
 - f. Inmate-patients for whom laboratory tests and diagnostic studies were ordered at the sending institution and no results are recorded in the UHR.
 - g. Inmate-patients with a scheduled consult pending shall be referred to scheduling to ensure their appointment is completed within the Specialty Services time frame, which shall not exceed 150 days. (Refer to Volume 4, *Specialty Services*).
 - h. Inmate-patients shall be referred immediately to Mental Health Services for evaluation if he/she exhibits any characteristics indicative of mental illness (i.e., abnormal behavior, evidence of hallucinations), suicidal ideations, or evidence of self-harm.
 - i. Inmate-patients enrolled in the Mental Health Services Deliver System (CCCMS or EOP) upon arrival shall be referred to mental health staff.
 13. The health care staff in the R&R area shall maintain the Receiving and Release Tracking System for the R&R area.
 14. Health Records staff at the receiving institution shall file the inmate-patient's MAR used during transport and the CDCR Form 7371, CDCR Form 7277, and the CDCR Form 7277A in the UHR.

D. Medical Hold

The Medical Hold process shall be utilized when an inmate-patient requires medically necessary health care services, and it is medically prudent to provide these services at the CDCR institution where the inmate-patient is currently housed.

1. The RN shall immediately notify the PCP and the HCM/Chief Medical Officer (CMO) when it appears that an inmate-patient should be placed on a Medical Hold.
2. The PCP and/or HCM/CMO shall review the UHR and verify that the inmate-patient's condition warrants a Medical Hold. The following conditions require a Medical Hold for an inmate-patient:

- a. An appointment is scheduled that has been marked as “urgent or high priority” on the CDCR Form 7243, Physician Request for Services.
- b. A major medical procedure or Specialty Consult scheduled within the next two weeks that the receiving institution is unable to reschedule within thirty (30) days of arrival. Specific procedures may include the following: surgery, ongoing medical treatments (i.e., chemotherapy or radiation), coronary angiogram, biopsy, or biopsy with referral pending.
- c. A transfer is scheduled and the inmate-patient has had a relapse or is otherwise temporarily medically unable to transfer to the endorsed location (i.e., recuperating from surgery or serious illness).
- d. An involuntary medication or competency determination process is in progress. However, if the inmate-patient decompensates to a level that requires Mental Health Crisis Bed (MHCB) placement, the inmate-patient shall be transferred as “psych and return” to an appropriate MHCB location.
- e. If the Specialty consult has been scheduled with a provider, the HCM/CMO must contact the potential receiving institution’s HCM/CMO to ascertain whether the Specialty Consult can be rescheduled within the policy time frames if the inmate-patient is transferred. (Refer to Volume 4, Chapter 8, *Outpatient Specialty Services* for policy time frames). If the Specialty consult cannot be re-scheduled within policy time frames a Medical Hold shall be placed on the inmate-patient.
- f. When it is determined that continuity requires the current consulting specialist to perform the follow up visit.

3. The HCM/CMO or the PCP shall generate a CDCR 128-C3, Chrono—Medical, Dental, Psychiatric, to initiate a Medical Hold. The CDCR Form 128-C3 shall be sent to the C&PR/Correctional Counselor III (CCIII). The C&PR shall contact R&R staff regarding the modification to the transfer list due to a Medical Hold.

4. Following completion of the procedure or treatment, the HCM/CMO or PCP shall complete another CDCR Form 128-C3 releasing the inmate-patient for transfer. The CDCR Form 128-C3 shall be forwarded to the C&PR/CCIII who shall arrange transportation.

E. Medical and Return

The Medical and Return process shall be utilized when an inmate-patient requires medically necessary health care services which are only accessible at or via a CDCR institution other than where the inmate-patient is housed. Medical and Return requires an overnight stay at the receiving institution.

The specific date, time, and location of off-site appointments shall not be shared with inmate-patients prior to the service being provided.

The HCM/CMO at both the sending and receiving institutions has overall responsibility for the Medical and Return process.

The HCM/CMO, or designee, at the sending institution shall contact the Health Care Placement Unit (HCPU) if there is not an agreement regarding the inmate-patient’s medical

and return. The sending institution's HCM/CMO, or designee, shall provide the HCPU with a verbal overview of the inmate-patient's diagnosis, current medical condition, and current medical needs. The sending institution's HCM/CMO, or designee, shall also provide hard copies (i.e., facsimile) of the inmate-patient's medical documentation (including recent progress notes and other applicable forms). The HCPU shall coordinate review of the pertinent medical documentation with the UM, DCHCS. The impacted Regional Medical Directors shall make the final clinical determination regarding the placement of the inmate-patient. The Regional Medical Directors shall notify the sending and receiving institution's HCM/CMO and the receiving institution's C&PR regarding the placement of the inmate-patient. The HCM/CMO, or designee, at the sending institution shall contact the HCM/CMO, or designee, at the receiving institution to initiate the transport of the inmate-patient.

1. Sending Institution

- a. When a HCM/CMO or designee determines, after reviewing the CDCR Form 7243, that an inmate-patient requires a Medical and Return, the HCM/CMO, or designee, shall contact the institution's HCM/CMO where the service is available.
- b. The sending institution's HCM/CMO, or designee, shall schedule the appointment with the designated hub institution or with the outside provider and shall coordinate the date of the transfer and the date of the return with the receiving institution's HCM/CMO, or designee.
- c. If necessary, the sending institution's HCM/CMO, or designee, may contact the HCPU, DCHCS, and/or Utilization Management (UM) staff at DCHCS for assistance and/or recommendations of possible institutions for transfer.
- d. If there is a conflict between the sending and receiving institution regarding the inmate-patient's return, the final clinical determination regarding the placement of the inmate-patient shall be made by the impacted Regional Medical Directors who shall notify the HCM/CMO at the institution to which the inmate-patient is to be sent and the receiving institution's C&PR regarding the placement of the inmate-patient. The HCM/CMO, or designee, at the sending institution shall contact the HCM/CMO, or designee, at the receiving institution to initiate the transport of the inmate-patient.
- e. The C&PR shall forward any security concerns regarding the inmate-patient's transfer to the appropriate Warden(s). Security issues that cannot be resolved by the Warden(s) shall be forwarded to the Regional Administrators, DCHCS and the Associate Directors and Classification Services Unit, Division of Adult Institutions, for resolution.
- f. The sending institution's HCM/CMO or designee shall document the HCM/CMO to HCM/CMO agreement on a CDCR Form 128-C3. The CDCR Form 128-C3 shall include documentation, as required by *Department Operations Manual*, Section 62080.15.2.
- g. The sending institution's HCM/CMO shall forward the CDCR Form 128-C3 to the receiving institution's HCM/CMO. Copies of the CDCR Form 128-C3 shall also be forwarded to the sending institution's UM Nurse, C&PR/CCIII, Medical Records, and the R&R RN.
- h. The sending institution's C&PR/CCIII shall forward the CDCR Form 128-C3 to the receiving institution's C&PR/CCIII.

- i. The R&R RN shall complete the CDCR Form 7371 and shall include the date, time, and location of the appointment. The R&R RN shall place the CDCR Form 7371 in the transfer envelope.
 - j. The UM staff at each institution shall maintain a Medical and Return tracking system.
- 2. Receiving Institution
 - a. The receiving institution shall accept all inmate-patients as determined by the impacted Regional Medical Directors.
 - b. Upon arrival of the inmate-patient at the receiving institution, the designated health care staff shall review the CDCR Form 7371 in the R&R area and identify Medical and Return inmate-patients.
 - c. The R&R custody and clinical staff shall determine appropriate housing.
 - d. The R&R RN shall notify the UM Nurse, the Specialty Clinic Nurse, and the HCM/CMO of the Medical and Return inmate-patient's arrival and appointment date and time. (Refer to Volume 4, *Specialty Services*, for additional information regarding inmate-patients receiving specialty services.)
 - e. The HCM/CMO is responsible for ensuring necessary follow-up is completed prior to the return of the inmate-patient to the sending institution. Upon completion of necessary follow-up, the inmate-patient shall be returned to the sending institution as soon as possible.
 - f. The receiving institution's HCM/CMO, or designee, shall notify the sending institution's HCM/CMO, or designee, of any additional follow-up and shall discuss the inmate-patient's treatment plan. If future transfers are necessary to achieve long-term follow-up at the receiving institution, the receiving institution HCM/CMO shall notify the sending institution's HCM/CMO. The discussion between the HCM/CMO shall be documented on a CDCR Form 128-C3 and placed in the UHR.
 - g. If follow-up care which requires the inmate-patient to remain at the receiving institution for longer than thirty (30) days is necessary, the inmate-patient shall be seen by a PCP at the receiving institution within fourteen (14) calendar days of completion of the service/procedure. The PCP shall continue to see the patient every thirty (30) days to evaluate the status of and treat clinical conditions. The PCP may discontinue the 30-day follow-up consults when the PCP determines that the consultation is no longer needed. (Refer to Volume 4, *Specialty Services*, for additional information).
 - h. If a permanent transfer to another institution or retention at the current location is necessary to achieve longer-term or ongoing care, the HCM/CMO at the receiving institution shall forward to the C&PR a CDCR Form 128-C3 indicating the need for a permanent endorsement for transfer or retention.
 - i. When an inmate-patient is cleared for return to the sending institution, the receiving institution's HCM/CMO, or designee, shall ensure a CDCR Form 128-C3 is completed and forwarded to the C&PR/CCIII, Medical Records, UM Nurse, and the R&R RN. The receiving institution's HCM/CMO shall forward the CDCR Form 128-C3 to the sending institution's HCM/CMO.
 - j. The receiving institution's C&PR shall forward the CDCR Form 128-C3 to the sending institution's C&PR.

- k. The R&R RN shall complete the CDCR Form 7371 and shall specify any necessary follow-up. The R&R RN shall place the CDCR Form 7371 and any additional medical documentation in the transfer envelope.
3. Return to Sending Institution
 - a. The Medical and Return inmate-patient shall be seen by the R&R RN at the sending institution immediately following return. The R&R RN shall immediately forward a copy of the CDCR Form 7371 and any additional documentation to the HCM/CMO and to the UM Nurse.
 - b. Within fourteen (14) calendar days of an inmate-patient's return to the sending institution from a Medical and Return appointment, the inmate-patient shall be seen by the PCP to ensure necessary follow-up is accomplished.

F. Psychiatric and Return Policy

1. The process to transfer an inmate-patient from a CDCR institution to a Department of Mental Health (DMH) bed or to a Mental Health Crisis Bed (MHCB) is described in the CDCR Mental Health Program Guides. This section addresses the return of those inmate-patients to a CDCR institution at a lower Level of Care (LOC).
2. DMH or MHCB staff shall document that the inmate-patient has been clinically discharged from the inpatient DMH or MHCB LOC and shall designate the inmate-patient's current LOC on a CDCR Form 128-C. A copy of the CDCR Form 128-C shall be forwarded to the institution's C&PR. The C&PR shall make arrangements for the inmate-patient's transfer to the appropriate institution, based on the following policy.
3. Upon discharge from DMH or MHCB, inmate-patients endorsed and transferred as "Psych and Return" will be returned to their originating institution as soon as possible. Inmate-patients who are discharged to a LOC that is not available at the originating institution cannot be returned to that institution, except inmate-patients who are going through the Reception Center (RC) process.
4. RC inmate-patients discharged from DMH or MHCB at the EOP level of care shall be transferred back to the originating RC to complete the RC processing. The RC staff shall expedite the transfer to comply with the 30-day timeline as required per the Mental Health Program Guides. If the inmate-patients LOC is CCCMS, the transfer shall occur within 60-days as required by the Mental Health Program Guides.
5. If the inmate-patient is discharged as an EOP who is an Administrative Segregation Unit (ASU) case, the inmate-patient shall be transferred to the originating institution's EOP ASU hub.
6. The transporting of ASU-EOP inmate-patients to the ASU-EOP hub institution is the responsibility of the receiving ASU-EOP hub institution. The receiving institution shall coordinate the transfer with the Classification Services Unit and Transportation Unit in headquarters to ensure the inmate-patient is not scheduled on regular CDCR buses and that a bed is available at the receiving hub institution.

G. Return from a Correctional Treatment Center (CTC), General Acute Care Hospital (GACH), or Community Hospital

1. The UM Nurse shall notify the HCM or designee that an inmate-patient is ready to be discharged from a GACH, CTC, or community hospital.

2. In order to expedite the return of the inmate-patient, the UM Nurse shall request the sending location to fax discharge documents (Active problems, medication, comprehensive treatment plans, equipment needs and follow up).
3. Transfers within the CDCR: The sending UM Nurse shall advise the receiving institution HCM/CMO or designee of the clinical condition/needs of the inmate-patient and obtain a decision as to accept or reject the inmate-patient. If the receiving HCM/CMO denies the return of the inmate-patient, the HCM/CMO must have a discussion with the sending physician and the sending physician must document this discussion in the UHR.
4. Transfers from Community Hospitals: The UM Nurse shall obtain the relevant clinical information and arrange a linkage for a conference call between the HCM/CMO, treating physician and the UM Nurse. During the call, the HCM/CMO or designee shall determine acceptance or rejection of the inmate-patient returning to the institution.
5. The UM Nurse shall coordinate the transfer of the inmate-patient with the appropriate staff.
6. Inmate-patients accepted to return, must be reviewed at the five-day follow-up visit to determine if they need to be evaluated for Chronic Care, high-risk enrollment or any other medical needs.
7. The UM Nurse shall identify medical equipment needs and applicable training issues and shall notify the SRN or designee of transfer and health care needs of the inmate-patient. The SRN or designee shall obtain necessary equipment and shall coordinate required training. The inmate-patient shall be educated regarding necessary medical equipment.
8. Prior to transfer of the inmate-patient, the CTC/GACH staff shall complete an assessment and document the discharge diagnosis and instructions (as required by *California Code of Regulations*, Title 22). The discharge documentation shall indicate any additional health care needs of the inmate-patient. The discharge summary and any other relevant medical documentation shall be transferred with the inmate-patient.
9. Upon return from the GACH/CTC/community hospital, the inmate-patient shall be processed through the TTA. The TTA RN shall review the discharge plan and any other medical documentation.
10. The TTA RN shall complete an assessment for inmate-patients returning from a community hospital and shall ascertain any additional health care needs of the inmate-patient. The assessment shall be documented on a CDCR Form 7230 and filed in the UHR.
11. The TTA RN shall notify the PCP or physician on call (POC) if after hours, that the patient has returned to the institution. The PCP or POC shall indicate orders for appropriate housing.
12. The TTA RN shall forward a referral for the inmate-patient to scheduling, indicating that the referral is follow-up needed after an inpatient stay.
13. The inmate-patient shall receive a follow-up appointment with his/her PCP within five (5) calendar days of discharge from a GACH/CTC/community hospital to provide follow-up and evaluate the need for chronic care/high-risk enrollment or other medical needs.

State of California
California Code of Regulations
Title 15. Crime Prevention and Corrections



Division 3
Rules and Regulations of
Adult Institutions, Programs and Parole
Department of Corrections and Rehabilitation

Updated through January 1, 2011

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Information and updates available online at:
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DIVISION 3. ADULT INSTITUTIONS, PROGRAMS AND PAROLE

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DIVISION 3. ADULT INSTITUTIONS, PROGRAMS AND PAROLE

CHAPTER 1. RULES AND REGULATIONS OF ADULT OPERATIONS AND PROGRAMS

HISTORY:

1. Change without regulatory effect repealing preface filed 10-29-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 6).

Article 1. Behavior

3000. Definitions.

The following are definitions of terms as used in these regulations:

Accessory means a person who, after a felony has been committed, harbors, conceals or aids a principal in such felony, with the intent that the principal may avoid punishment, and has knowledge that said principal committed the felony.

Administrative Officer of the Day (AOD) means an administrative staff member possessing managerial experience and authority to make decisions in the absence of an Institution Head.

Adverse Witness means a person who has given or will give information against a prisoner or parolee. For the purpose of conducting parole revocation hearings, adverse witness means a person whose expected testimony supports the violation charged.

Appeal means a formal request for, or the act of requesting, an official change of a decision, action, or policy.

Appeal Form means Inmate/Parolee Appeal Form, CDC Form 602 (Rev. 12/87).

Architectural and Engineering Services means those services procured outside of the State's Civil Service procedures and which are rendered by an architect or engineer, but may include ancillary services logically or justifiably performed in connection therewith.

Asylum State means the state other than California in which a parolee-at-large is in custody.

Attempted Escape means an unsuccessful effort to breach a secured perimeter or the use of force against a person to attempt access into an unauthorized area. Some progress toward implementing an escape must be made to implement a plan. This includes, but is not limited to the following overt acts: acquiring unauthorized clothing or identification, preparing a hiding place in an unauthorized area, lying in wait for a potential hostage, attempting access to a perimeter that was unsupervised, unlawfully obtaining tools to aid in an escape, manufacturing a likeness of a person in order to substitute for the inmate's presence, or receiving assistance from other conspirators who acted upon an escape plan, e.g. a plan to escape uncovered from verbal, telephone or mail communication.

Behavior Management Unit is alternate general population housing and programming which is designed to reduce inmates' continuing involvement in disruptive behavior, violence, or noncompliance with CDCR rules and regulations, allowing non-disruptive inmates in the general population the opportunity to program without continual interruption due to the behavior of a smaller, more disruptive segment of the inmate population.

Board of Parole Hearings (Board) means the state agency which is responsible for the administration of paroles for those persons committed to the department under Penal Code section 1168 and those committed under Penal Code section 1170 who also meet the criteria found in Penal Code section 2962.

California Agency Parolee means a person released from department facility to parole supervision in a California community who

subsequently is within the custody of any California agency, or subdivision thereof, except the department.

California Agency Prisoner means a prisoner who has been transferred from the custody of the department to the custody of any other California agency or subdivision thereof.

California Concurrent Parolee means a person on parole for a California sentence and a sentence of another jurisdiction who is being supervised in a California community pursuant to the Uniform Act for Out-of-State Parole Supervision (Penal Code sections 11175–11179).

California Out-of-State Correctional Facility (COCF). The COCF is a program through which male CDCR inmates are transferred to out-of-state correctional facilities that have contracted with the CDCR to provide housing, security, health care and rehabilitative programming services to CDCR inmates.

Case Conference means a documented conference between a parole agent and his/her supervisor to discuss a parolee's behavior.

Case records file means the file which contains the information concerning an inmate which is compiled by the department pursuant to Penal Code Section 2081.5 and includes such components as the central file, education file, visiting file and parole field file.

Central File (C-File) means a master file maintained by the department containing records regarding each person committed to its jurisdiction.

Central Office Calendar means the calendar which is composed of administrative hearing officers as designated by the deputy director, parole hearings division. They are authorized to make decisions regarding matters reported to the parole hearings division, including the decision to order a hearing scheduled.

Central Office Hearing Coordinator means the parole hearings division employee at headquarters who is responsible for hearing schedules, attorney appointments, and other hearing-related services.

Certification means that a business concern has obtained verification that it meets the definition of disabled veteran business enterprise pursuant to Military and Veterans Code section 999(g) from an agency that has been authorized by law to issue such certification.

Chaplain means an individual duly designated by a religious denomination to discharge specified religious duties, including a native American Indian spiritual leader.

Child means a person under the age of 18 years.

Chronological History means a CDC Form 112 (Rev. 9/83), Chronological History, prepared for each inmate, upon which significant dates and commitment information affecting the inmate are logged.

Classification and Parole Representative (C&PR) means the department employee designated at each institution to be that institution's liaison with releasing boards and parole staff.

Collateral Contact means any communication between a Division of Adult Parole Operations staff and another person concerning a parolee.

Concurrent Parolee means a person on parole for a California sentence and a sentence of another jurisdiction who is being supervised in a state other than California pursuant to the Uniform Act for Out-of-State Parole Supervision (Penal Code sections 11175–11179).

Conditions of Parole mean the specific conditions under which a prisoner is released to parole supervision.

Confinement to Quarters (CTQ) means an authorized disciplinary hearing action whereby an inmate is restricted to their assigned quarters for a period not to exceed five days for administrative rule violations and ten days for serious rule violations.

Contraband means anything which is not permitted, in excess of the maximum quantity permitted, or received or obtained from an unauthorized source.

Control Service means the middle supervision category of a person on parole.

Controlled Substance means any substance, drug, narcotic, opiate, hallucinogen, depressant, or stimulant as defined by California Health and Safety Code section 11007. Also included are prescribed medications containing any of the substances identified in the H&SC section above.

Cooperative Parolee means a person on parole for a California sentence who is under parole supervision in a state other than California pursuant to the Uniform Act for Out-of-State Parole Supervision (Penal Code sections 11175–11179).

Course of conduct means two or more acts over a period of time, however short, evidencing a continuity of purpose.

Court Order means a custody determination decree, judgment, or order issued by a court of competent jurisdiction, whether permanent or temporary, initial or modified, that affects the custody or visitation of a child, when issued in the context of a custody proceeding. An order, once made, shall continue in effect until it expires, is modified, is rescinded, or terminates by operation of law.

Criminal Identification and Investigation (CI&I) Report means the report defined by Penal Code section 11105, commonly referred to as “Rap Sheet”.

Cumulative Case Summary means the cumulative summary of specific portions of the record maintained by the department regarding each prisoner from reception to discharge.

Custody of the department means the inmate is in the physical custody of the department. The inmate would be considered out of the custody of the department when; out to court and housed in a County or Federal facility, escaped and not returned to departmental custody, in a non-departmental mental health facility, and in a medical facility under non-departmental supervision.

Dangerous contraband means materials or substances altered from their original manufactured state or purpose and which could be fashioned into a weapon. Examples would include, but not be limited to, metal, plastic, wood, or wire. Also included are: sharpened objects such as scissors or other tools not authorized to be in the inmate’s possession, as well as poison, caustic substances, or flame producing devices i.e. matches or lighters.

Deadly weapon means any weapon identified in Penal Code section 4502. Any item or substance not readily identified as a weapon becomes a deadly weapon when used in a manner that could reasonably result in serious bodily injury or death.

Department means the California Department of Corrections and Rehabilitation.

Deputy Regional Parole Administrator means the department’s administrator within a Division of Adult Parole Operations region.

Designated Level II Housing means a housing facility encompassed by a facility security perimeter and constructed to provide celled housing for inmates with Level II classification scores.

Detainer means a written document received from an official representing a district attorney office, court, or correctional or law enforcement agent which indicates that an inmate is wanted by that office and the basis for the detainer.

Determinate Sentencing Law (DSL) Prisoner means a person sentenced to prison under Penal Code section 1170 for a crime committed on or after July 1, 1977.

Direct and Constant Supervision means an inmate shall be monitored and observed by CDC staff, either custody staff or work supervisor as indicated in these regulations, sufficiently to account for the specific whereabouts of the inmate at all times.

Director means the director of the department of corrections.

Disabled Veteran Business Enterprise means a business concern as defined in Military and Veterans Code section 999(g).

Disabled Veteran Business Enterprise focus paper means a publication that meets all of the following criteria: (1) has an orientation relating to the disabled veteran business enterprise; (2) is known and utilized by members of the disabled veteran business enterprise community; (3) primarily offers articles, editorials (if any), and advertisements of business opportunities aimed at disabled veteran business enterprises; and (4) is readily available within the geographical area for which the advertisement is placed and for which the services are to be performed.

Disabled Veteran Business Enterprise focus paper and trade paper means a publication that meets all of the criteria of a disabled veteran business enterprise focus paper and all of the criteria of a trade paper.

Disciplinary Detention means a temporary housing status which confines inmates so assigned to designated rooms or cells for prescribed periods of time as punishment for serious rule violations.

Disciplinary Free means without any finding of guilt of a disciplinary infraction filed on a CDC Form 115, Rule Violation Report, classified as either administrative or serious.

Disciplinary Free Period means the period that commences immediately following the date and time an inmate is identified (date of discovery of information leading to the charge) as committing a rules violation classified as serious.

Disruptive Behavior means behavior which might disrupt orderly operations within the institutions, which could lead to violence or disorder, or otherwise endangers facility, outside community or another person as defined in sections 3004(b), 3005(a) and 3023(a).

Disruptive Group 1 means any gang, other than a prison gang.

Distribution means the sale or unlawful dispersing, by an inmate or parolee, of any controlled substance; or the solicitation of or conspiring with others in arranging for, the introduction of controlled substances into any institution, camp, contract health facility, or community correctional facility for the purpose of sales or distribution.

District Administrator means the department’s administrator of a Division of Adult Parole Operations unit, district, or geographical area.

Drug paraphernalia means any device, contrivance, instrument, or paraphernalia intended to be used for unlawfully injecting or consuming into the human body a controlled substance as identified in Health and Safety Code section 11007.

Drugs means substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease, and as defined in Health and Safety Code section 11014.

Effective communication means providing the inmate, to the extent possible, the means to understand and participate in the disciplinary process to the best of their ability. This may be accomplished through reasonable accommodation or assignment of a staff assistant. If the inmate’s Test of Adult Basic Education (TABE) score is 4.0 or lower, employees are required to query the inmate to determine whether or not assistance is needed to achieve effective communication. The employee is required to document on appropriate CDCR forms his/her determination of whether the inmate appeared to understand, the basis for that determination and how it was made. For contacts involving due process, employees shall give priority to the inmate’s primary means of communication, which may include but is not limited to; auxiliary communication aids, sign language interpreter, and bilingual interpreter.

Escape History refers to any reliable information or inmate self-admission in the central file to an escape, attempted escape, walkaway, or plan to escape. The available information describing the circumstances of the escape or attempted escape shall be

evaluated in determining the level of risk to correctional safety and security posed by the inmate.

Examinee means a person who voluntarily takes a polygraph examination.

Exceptional Circumstances means circumstances beyond the control of the department or the inmate that prevent the inmate or requested witnesses from participating in the disciplinary hearing within established time limitations. Examples of this as applied to an inmate would include a serious temporary mental or physical impairment verified in writing by a licensed clinical social worker, licensed psychologist, psychiatrist, or physician. Some examples of exceptional circumstances preventing staff witnesses, to include the reporting employee, from attending the disciplinary hearing would be extended sick leave, bereavement leave, personal emergency, or extended military duty. Exceptional circumstances, as described above, would allow for suspension of time limitations pending resolution of the instances.

Ex-Offender means a person previously convicted of a felony in California or any other state, or convicted of an offense in another state which would have been a felony if committed in California.

Execution Type Murder describes the circumstances or manner of a fatal offense in which the victim is bound, cuffed, gagged, blindfolded, or forced to assume a position from which the victim is unable to resist or flee; the victim is shot at close range; or the manner of death demonstrates that the victim had no opportunity to defend himself or herself nor to flee.

Face-to-Face Contact means an in-person contact with a parolee by Division of Adult Parole Operations staff.

Facility means any institution; community-access facility or community correctional facility; or any camp or other subfacility of an institution under the jurisdiction of the department.

Facility Security Perimeter is any combination of living unit, work area and recreation area perimeters that is set aside to routinely restrict inmate movement based on custody level. This perimeter will contract and expand depending upon the weather, lighting conditions and hours of operation.

Federal Consecutive Prisoner means a California prisoner who is also under sentence of the United States and is confined in a federal correctional facility, and whose California term shall commence upon completion of the United States' sentence.

Felony means a crime which is punishable with death or by imprisonment in the state prison. Every other crime or public offense is a misdemeanor except those offenses that are classified as infractions.

Field Contact means face-to-face contact by Division of Adult Parole Operations staff with a parolee away from the parole office or office parking area.

Firm means any individual, firm, partnership, corporation, association, joint venture or other legal entity permitted by law to practice the professions of architecture, landscape architecture, engineering, environmental services, land surveying or construction project management.

Force, as applied to escape or Attempted Escape, refers to physical contact or threat of physical harm against a person to enable or attempt the escape.

Frequent and Direct Supervision means that staff supervision of an inmate shall be sufficient to ensure that the inmate is present within the area permitted.

Friendly Witness means any witness who is not an adverse witness.

Gang means any ongoing formal or informal organization, association or group of three or more persons which has a common name or identifying sign or symbol whose members and/or associates, individually or collectively, engage or have engaged, on

behalf of that organization, association or group, in two or more acts which include, planning, organizing threatening, financing, soliciting, or committing unlawful acts or acts of misconduct classified as serious pursuant to section 3315.

General Chrono means a CDC Form 128-B (Rev. 4-74) which is used to document information about inmates and inmate behavior. Such information may include, but is not limited to, documentation of enemies, records of disciplinary or classification matters, pay reductions or inability to satisfactorily perform a job, refusal to comply with grooming standards, removal from a program, records of parole or social service matters.

General Conditions of Parole mean general rules regarding behavior required or prohibited during parole for all parolees.

Goal means a numerically expressed disabled veteran business enterprise objective as set out in Public Contract Code section 10115(c), that awarding departments and contractors are required to make efforts to achieve.

Good Cause means a finding based upon a preponderance of the evidence that there is a factual basis and good reason for the decision made.

Good Faith Effort means a concerted effort on the part of a potential contractor to seek out and consider disabled veteran-owned and operated business enterprises as potential contractors, and/or subcontractors in order to meet the program participation goals.

Great bodily injury (GBI) means any bodily injury that creates a substantial risk of death.

Grievance means a complaint about a decision, action, or policy which an inmate, parolee or staff wish to have changed.

Harassment means a willful course of conduct directed at a specific person, group, or entity which seriously alarms, annoys, or terrorizes that person, group, or entity and which serves no legitimate purpose.

Hearing Committee means a panel of three certified Senior Hearing Officers comprised of: one Correctional Lieutenant or Correctional Counselor II, one Facility/Correctional Captain or Correctional Counselor III, and one staff member at the level of Associate Warden or above, or any combination thereof.

High Control means the highest supervision category of a person on parole.

High Notoriety describes an inmate who must be treated as a significant escape risk due to the unusual level of public panic that his or her escape would likely cause. The risk of public panic is based upon the nature or circumstance of the inmate's crime, the inmate's criminal history, the inmate's behavior in custody, and extensive or prolonged media coverage of the crime beyond the closest large city and its surrounding communities. A High Notoriety inmate is one who is perceived by the public to have criminal influence or access to significant amounts of money or drugs or power that may enable the inmate to escape, trigger a public disturbance, or victimize any person or a witness to their conviction offense. Bases for the High Notoriety designation include, but are not limited to, Execution Type Murder, Multiple Murders, mutilation of victims, an original sentence of Death, a sentence of Life Without the Possibility of Parole, a total term of 100 years or more.

Hold means to retain an inmate or parolee, who is under the Secretary's jurisdiction, in custody at an institution or a local detention facility in response to the legal request of a law enforcement or correctional agency representative.

Immediate Family Members means legal spouse; registered domestic partner, natural parents; adoptive parents, if the adoption occurred and a family relationship existed prior to the inmate's incarceration; step-parents or foster parents; grandparents; natural, step, or foster brothers or sisters; the inmate's natural and adoptive children; grandchildren; and legal stepchildren of the inmate.

Aunts, uncles and cousins are not immediate family members unless a verified foster relationship exists.

Incarcerating Jurisdiction means the jurisdiction where an Interstate or Western Interstate Corrections Compact, federal contract, federal concurrent, or concurrent prisoner is incarcerated.

Indecent Exposure means every person who willfully and lewdly, either: exposes his or her person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or, procures, counsels, or assists any person so to expose him or her self or take part in any model artist exhibition, or to make any other exhibition of him or her self to public view, or the view of any number of persons, such as is offensive to decency, or is adapted to excite to vicious or lewd thoughts or acts.

Indeterminate Sentence Law (ISL) means a person sentenced to prison for a crime committed on or before June 30, 1977, who would have been sentenced under Penal Code section 1170 if he/she had committed the crime on or after July 1, 1977.

Indigent Inmate means an inmate who is wholly without funds at the time they were eligible for withdrawal of funds for canteen purchases.

Inmate means a person under the jurisdiction of the Secretary and not paroled. Inmate and prisoner are synonymous terms.

Inmate Match means a one-on-one match of a citizen volunteer and an inmate who receives few or no visits to establish a relationship which encourages positive inmate behavior and programming.

Institution means a large facility or complex of subfacilities with a secure (fenced or walled) perimeter headed by a warden.

Institution Head means a warden, regional parole administrator, or designated manager of a facility housing inmates.

Interstate Unit means the office of the parole and community services division which coordinates the supervision of California cooperative parolee and the return of parolees-at-large from asylum states. The unit is responsible for Interstate and Western Interstate Corrections Compacts, federal contrast, federal concurrent, and consecutive prisoners and multijurisdiction parolees incarcerated in the prison of another jurisdiction.

Intoxicant not identified as a controlled substance means toluene or any bi-product i.e. paint thinners, paint, fingernail polish, lacquers, gasoline, kerosene, adhesives or other substance that markedly diminishes physical and/or mental control.

Joint Venture Employer (JVE) means any public entity, nonprofit or for profit entity, organization, or business which contracts with the director for the purpose of employing inmate labor.

Joint Venture Program (JVP) means a contract entered into between the director and any public entity, nonprofit or for profit entity, organization, or business for the purpose of employing inmate labor.

Laboratory means any toxicological or forensic laboratory which has been recognized by the state, other certifying agency, or which is accepted by any local, county, or state prosecuting authority to provide evidence as to the presence of controlled substances in human body fluids or confirm that a substance is or contains any controlled substance.

Legal process means a writ, summons, warrant or mandate issued by a court.

Legal Status Sheet (LSS) means a CDC Form 188, Legal Status Summary, containing the commitment and release status of an inmate.

Life Prisoner means a prisoner serving a sentence of 15- or 25-years-to-life.

Lockdown means that a portion of the facility is affected by suspension of required programs or services, and inmates are not released except as determined by the facility administration on

an individuals, case-by-case basis. As determined by the facility administration, under such circumstances only critical inmate workers in the affected housing units/sub-facilities will be permitted to attend to work assignments under escort, and all but essential functions are suspended in those affected housing units or sub-facilities, e.g., yard, canteen draws, religious services, and visiting.

Lockout means any refusal by an employer to permit any group of five or more employees to work as a result of a dispute with such employees affecting wages, hours or other terms or conditions of employment of such employees.

Management Concern means a behavior observed or documented in the inmate's criminal history that demonstrates to a classification committee that the inmate has a propensity towards violence against self or others; has a history of inciting or pressuring others toward criminal behavior; preys on more vulnerable members of society; or portrays a level of criminal sophistication and/or access to large amounts of drugs, money, or power. This may include disruptive groups and prison gang members or affiliates.

Manuscript means any written, typed or printed articles of fiction and nonfiction; poems; essays; gags; plays; skits; paintings; sketches; drawings; or musical compositions created by an inmate.

Material Evidence means evidence which has a substantial bearing on matters in dispute and legitimate and effective influence on the decision of a case.

Minimum Eligible Parole Date (MEPD) means the earliest date on which an Indeterminate Sentence Law or life prisoner may legally be released on parole.

Multijurisdiction Parolee means any concurrent, California concurrent, California agency, or cooperative parolee.

Multijurisdiction Prisoner means any federal contract, federal concurrent, federal consecutive, concurrent, consecutive, California agency, Interstate or Western Interstate Corrections Compact prisoner.

Multiple Murders means the inmate killed or was involved in killing more than one victim during the commission of the crime for which the inmate is currently serving a Life term. This does not necessarily include an inmate who has killed more than one person during his or her criminal career.

Non-Revocable Parole is a form of unsupervised community release pursuant to the provisions of Penal Code section 3000.03, wherein the parolee is not subject to placement of a parole hold, revocation, or referral to the Board of Parole Hearings for violation of any condition of parole.

Our Hold Only (OHO) means a parolee is in custody under a Penal Code section 3056 parole hold and has no other charges or detainers pending.

Out-to-Court means an inmate is temporarily removed from a facility to be brought before a court to be tried for an offense, to be examined by a grand jury or magistrate, or for any other court proceedings.

Parole Agent means an employee and his/her supervisors in the department who are assigned to supervise those persons released from incarceration to the supervision of the Division of Adult Parole Operations.

Parolee means an offender placed on supervised or non-revocable parole by the department.

Parolee Field File means a file maintained by a parole unit office containing information about a parolee and his or her current parole.

Parole Hearings Division means the division of the department which is responsible for the department's administration of paroles for those persons committed to the department under Penal Code section 1170, except those who also meet the criteria of Penal Code section 2962.

Parole Hold means authorization by a departmental employee to hold a parolee in custody pursuant to section 3056 of the Penal Code.

Parole Violation means conduct by a parolee which violates the conditions of parole or otherwise provides good cause for the modification or revocation of parole.

Parole Violation Extension means an extension of return-to-custody time for a parolee in revoked status.

Parole Violator means a parolee who is found to have violated parole and who may be returned to custody pursuant to Penal Code section 3057.

Parolee means a felon or civil addict commitment released from confinement in state prison to supervision in the community.

Parolee-at-Large means an absconder from parole supervision, who is declared a fugitive by releasing authority action suspending parole.

Polygraph Examination means the procedure by which a polygraph examiner renders an opinion as to the veracity of statements made by an examinee.

Polygraph Examiner means a person who purports to be able to determine the truthfulness of statements through the use of a polygraph instrument.

Preprison Credit means credit for time in custody as certified by the court and provided for in Penal Code section 2900.5.

Principal means any person involved in the commission of a crime, felony or misdemeanor, whether they directly commit the act constituting the offense, or aid and abet in its commission, or not being present, have advised and encouraged its commission, or who, by threats, menaces, command or coercion, compel another to commit any crime.

Prison Gang means any gang which originated and has its roots within the department or any other prison system.

Prisoner means a person in custody of the Secretary and not paroled. Prisoner and inmate are synonymous terms.

Probation Officer's Report means a CDC Form 174 (Rev. 3/87), Probation Officer's Report, prepared by the probation officer in the county where the offense was committed.

Program failure means any inmate who generates a significant disciplinary history within the last 180 days from the current date. A guilty finding for two serious Rules Violation Reports or one serious and two administrative Rules Violation Reports within that 180 day time period is reasonable evidence of a significant disciplinary history and may be considered a program failure.

Project, as used in sections 3475 through 3478, means a proposal of something to be done for which a contract has not yet been awarded.

Public Interest Case is a case identified by a Classification Staff Representative as involving a High Notoriety inmate who requires exceptional placement.

Public official means any person identified in Penal Code Section 76. CDCR staff are considered the staff of an exempt appointee of the Governor.

Received Date means the date an inmate is initially received into a facility of the department.

Receiving State means the state which supervises a cooperative parolee or a concurrent parolee.

Regional Parole Administrator means the department's administrator of a Division of Adult Parole Operations region.

Relevant Evidence means evidence which tends to prove or disprove an issue or fact in dispute.

Religious Artifact means any bag, cross, medallion, totem, bible, pipe, or other item in which the possessor places religious or spiritual significance.

Religious Review Committee (RRC) means a committee formed and maintained at each institution that reviews and reaches a decision regarding requests for reasonable accommodation and/or access to religious services.

Residence means one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

Responsible Bidder means, in addition to other State contracting requirements, a bidder who has either met the disabled veteran business enterprise goal or who has demonstrated that a good faith effort was made to meet the goal.

Restricted or controlled inmate movement means that the affected inmates are not permitted normal release schedules and that all or specified movement may require a greater degree of supervision than normal. Such restriction may include, but is not limited to controlled feeding, a section at a time, rather than the entire unit or sub-facility being released. Such restrictions do not constitute a State of Emergency as determined in Section 3383.

Review means formal investigation into facts related to appeal allegations, and documentation of the findings and the decision to grant or deny the appeal.

Room and Board means all that the department provides for the inmate's care, housing and retention.

Screening means evaluation by staff to ascertain that specified requirements or criteria are met.

Secure Perimeter means the largest Security Perimeter that physically retains inmates in custody on facility property.

Security Perimeter means any unbroken physical barrier or combination of physical barriers that restricts inmate movement to a contained area without being processed through a door, gate, or sallyport.

Senate Bill (SB) 618 Participant means an adult inmate who is deemed eligible and agrees to participate in a SB 618 Program, as defined in section 3000, which includes that prior to reception by the California Department of Corrections and Rehabilitation, the inmate will be assessed and classified at the county in which he or she is adjudged to have committed his or her crime.

Senate Bill (SB) 618 Program means a program developed for nonviolent felony offenders pursuant to SB 618 (2005/2006 session), which added Penal Code section 1203.8, which provides in part that programs shall be available for inmates, including vocational and educational programs that are designed to prepare nonviolent felony offenders for successful reintegration back into the community.

Serious bodily injury (SBI) means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring suturing; and disfigurement.

Serious Offense, for the purpose of conducting parole revocation hearings, refers to any felony listed in section 1192.7 (c) of the Penal Code.

Sexual Activity means any behavior of a sexual nature between an inmate and a visitor including, but not limited to:

- (1) Sexual intercourse, oral copulation, or masturbation.
- (2) The rubbing or touching of breast(s), buttock(s) or sexual organ(s) for the purpose of arousing, appealing to, or gratifying lust, passions, or sexual desires.
- (3) Exposure of breast(s), buttocks or sexual organ(s) for the purpose of arousing, appealing to, or gratifying lust, passions, or sexual desires.

Sexual Disorderly Conduct means every person who touches, without exposing, his or her genitals, buttocks or breasts in a manner that demonstrates it is for the purpose of sexual arousal, gratification, annoyance, or offense, and that any reasonable person would consider this conduct offensive.

Small Business Firm means a business in which the principal office is located in California and the officers of such business are domiciled in California which is independently owned and operated and which is not dominant in its field of operation. The maximum dollar volume that a small business may generate shall vary from industry to industry to the extent necessary to reflect differing characteristics of such industries.

Special Assignment means a departmentally-approved special program, temporary or short-term assignment for departmental convenience, or medical or psychiatric treatment category with exceptional credit-earning provisions.

Special Conditions of Parole means conditions of parole placed by the Board of Parole Hearings or Division of Adult Parole Operations and restricted to the individual.

Street gang refers to a gang as defined herein except that it is not a prison gang.

Strike means any concerted act of more than 50 percent of the bargaining unit employees in a lawful refusal of such employees under applicable state or federal law to perform work or services for an employer, other than work stoppages based on conflicting union jurisdictions or work stoppages unauthorized by the proper union governing body.

Subcontractor means any person or entity that enters into a subcontract with a prime contractor for work, materials, supplies and/or labor.

Sweat Lodge means a native American Indian ceremonial hut.

Terminal illness means an incurable disease process with progression unresponsive to medical intervention where a medical doctor estimates that death will occur within a six-month period.

Time Computation means the department's uniform method for calculating an inmate's term and minimum and maximum release dates as governed by law.

Time Served means that time an inmate is imprisoned with the department between their received date and a given date.

Trade Paper means a publication that meets all of the following criteria: (1) has a business orientation relating to the trade or industry for which the advertisement is being placed; (2) is known and utilized by members of that trade or industry; (3) primarily offers articles, editorials (if any), and advertisements of business opportunities aimed at that trade or industry; and (4) is readily available within the geographical area for which the advertisement is placed and for which the services are to be performed.

Transitional Housing Unit is a general population program designated for the observation phase of the Prison Gang Debriefing process. This program houses those inmates that are in the second phase of the debriefing process.

Under the influence of alcohol, any drug, controlled substance, toluene or any combination thereof means being in a condition that he/she is unable to exercise care for his/her safety or the safety of others pursuant to Penal Code 647(f) and confirmed by a positive test from a departmentally approved testing method, to include field sobriety testing.

Unit Supervisor means a supervisor of case-carrying parole agents in the Division of Adult Parole Operations.

Unusual Violence describes the circumstances of an offense wherein the inmate acted to torture the victim over a period of time or intentionally made the victim endure great pain and suffering. A single act of stabbing, shooting, or beating of a victim does not necessarily qualify.

Vexatious Litigant means a person who does any of the following: (1) in the immediately preceding seven-year period has commenced, prosecuted, or maintained in propria persona at least five litigations other than in a small claims court that have been (a) finally determined adversely to the person or; (b) unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing; (2) after a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate in propria persona either; (a) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or; (b) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined; (3) in any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay; (4) has previously been declared to be a vexatious litigant by any state or federal court of record in any actions or proceeding based upon the same or substantially similar facts, transaction, or occurrence. Pursuant to *In re Bittaker*, Writs of Habeas Corpus are not included under vexatious litigation.

Violent Offense, for the purpose of conducting parole revocation hearings, refers to any felony listed in section 667.5 (c) of the Penal Code.

Work Change Area means a portal controlled by staff and/or locking gates that is used to control access and includes the area where staff search inmates prior to permitting inmates in or out of adjacent areas such as Prison Industry Authority yards.

Worktime Credit means credit towards a prisoner's sentence for satisfactory performance in work, training or education programs.

Writ means a court order in writing, requiring the performance of a specified act, or giving authority to have it done.

NOTE: Authority cited: Sections 2717.3, 3000.03, 5058 and 5058.3, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code. Reference: Sections 186.22, 243, 314, 530, 532, 646.9, 653m, 832.5, 1203.8, 1389, 2080, 2081.5, 2600, 2601, 2700, 2717.1, 2717.6, 2932.5, 4570, 5009, 5054, 5068, 7000 et seq. and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; and Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Section 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *In re Bittaker*, 55 Cal.App. 4th 1004, 64 Cal. Rptr. 2d 679; Section 11007, Health and Safety Code; and *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH).

HISTORY:

1. Amendment of subsection (a)(19) filed 12-1-78 as an emergency; designated effective 1-1-79 (Register 78, No. 48). For prior history, see Register 77, No. 40.
2. Certificate of Compliance filed 2-22-79 (Register 79, No. 8).
3. Amendment filed 11-20-79 as an emergency; designated effective 1-1-80 (Register 79, No. 47). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 3-20-80.
4. Certificate of Compliance filed 2-15-80 (Register 80, No. 7).
5. Amendment filed 3-2-83: effective thirtieth day thereafter (Register 83, No. 12).
6. Change without regulatory effect repealing and adopting new section filed 10-29-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 6).
7. Amendment filed 11-28-90 as an emergency; operative 11-28-90 (Register 91, No. 6). A Certificate of Compliance must be transmitted to OAL by 3-28-91 or emergency language will be repealed by operation of law on the following day.

8. Amendment adding definitions of “disruptive group,” “gang,” and “prison gang” filed 5-20-91; operative 6-19-91 (Register 91, No. 26).
9. Amendment adding definition for “Media representative” filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4).
10. Amendment adding definitions for “Disciplinary Free,” “Inmate Match,” and “Special Assignment” and amending Note filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
11. Amendment adding definition for “Case records file” and amendment of Note filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
12. Amendment adding definition for “Detainer” and amendment of Note filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
13. Amendment adding definitions for “Received Date,” “Time Computation,” and “Time Served” filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
14. Editorial correction of “Firm” and “Grievance” filed 12-20-91; operative 12-20-91 (Register 92, No. 4).
15. Amendment adding definition for “Terminal illness” filed 5-20-92; operative 5-20-92 (Register 92, No. 21). A Certificate of Compliance must be transmitted to OAL 9-17-92 or emergency language will be repealed by operation of law on the following day.
16. Editorial correction of printing error restoring inadvertently deleted definitions originally filed 12-20-91 (Register 92, No. 24).
17. Certificate of Compliance as to 12-20-91 order adding definition for “case records file” transmitted to OAL 4-15-92 and filed 5-27-92 (Register 92, No. 24).
18. Certificate of Compliance as to 12-29-91 order adding definitions for “Disciplinary Free,” “Inmate Match,” and “Special Assignment” transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
19. Certificate of Compliance as to 12-19-91 order adding definition of “Detainer” transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
20. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
21. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 6-2-92 (Register 92, No. 24).
22. Certificate of Compliance as to 5-20-92 order transmitted to OAL 9-9-92; disapproved by OAL and order of repeal of 5-20-92 order filed on 10-22-92 (Register 92, No. 43).
23. Amendment adding definition for “Terminal illness” refiled 10-23-92 as an emergency; operative 10-22-92 pursuant to Government Code section 11346.1(h) (Register 92, No. 43). A Certificate of Compliance must be transmitted to OAL 2-23-93 or emergency language will be repealed by operation of law on the following day.
24. Amendment adding “Cumulative case summary,” “Chronological history,” “Legal status sheet,” “Probation officer’s report” and “Criminal identification and investigation report” and amendment of Note filed 11-5-92; operative 12-7-92 (Register 92, No. 45).
25. Change without regulatory effect amending “Immediate Family Members” filed 1-26-93 pursuant to section 100, title 1, California Code of Regulations (Register 93, No. 5).
26. Certificate of Compliance as to 10-23-92 order transmitted to OAL 12-18-92 and filed 2-3-93 (Register 93, No. 6).
27. Amendment adding “Harassment” and amendment of Note filed 7-29-93 as an emergency; operative 7-29-93 (Register 93, No. 31). A Certificate of Compliance must be transmitted to OAL 11-26-93 or emergency language will be repealed by operation of law on the following day.
28. Amendment filed 9-3-93; operative 9-3-93 pursuant to Government Code section 11346.2(d) (Register 93, No. 36).
29. Amendment of “Good Faith Effort,” “Minority Business Enterprise,” “Responsible Bidder” and “Women Business Enterprise” and Note and new definitions “Disabled Veteran Business Enterprise,” “Goal,” “Minority and/or Women and/or Disabled Veteran Business Enterprise focus paper,” “Minority and/or Women and/or Disabled Veteran Business Enterprise focus paper and trade paper,” “Project,” “Subcontractor,” and “Trade Paper” filed 10-18-93 as an emergency; operative 10-18-93 (Register 93, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-15-94 or emergency language will be repealed by operation of law on the following day.
30. Definitions added for “Chaplain,” “Religious Artifact,” and “Sweat Lodge” and amendment of Note filed 11-1-93; operative 12-13-93 (Register 93, No. 45).
31. Amendment adding “Ex-Offender” filed 11-30-93; operative 12-30-93 (Register 93, No. 49).
32. Certificate of Compliance as to 7-29-93 order transmitted to OAL 11-18-93 and filed 12-31-93 (Register 94, No. 1).
33. Certificate of Compliance as to 10-18-93 order transmitted to OAL 2-15-94 and filed 3-16-94 (Register 94, No. 11).
34. Amendment of “Inmate”, new definition “Serious injury”, and amendment of Note filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
35. Amendment of “Institution Head” filed 9-13-96 as an emergency; operative 9-13-96. A Certificate of Compliance must be transmitted to OAL by 2-24-97 or emergency language will be repealed by operation of law on the following day.
36. Amendment adding definition of “Certification” filed 11-22-96 as an emergency; operative 11-22-96 (Register 96, No. 47). A Certificate of Compliance must be transmitted to OAL by 5-1-97 pursuant to Penal Code section 5058(e) or emergency language will be repealed by operation of law on the following day.
37. Certificate of Compliance as to 9-13-96 order transmitted to OAL 11-22-96 and filed 1-6-97 (Register 97, No. 2).
38. Certificate of Compliance as to 11-22-96 order, including amendment of definition of “Certification,” transmitted to OAL 3-20-97 and filed 5-1-97 (Register 97, No. 18).
39. Amendment adding definitions of “Lockdown” and “Restricted or controlled inmate movement” filed 10-16-97; operative 11-15-97 (Register 97, No. 42).
40. Amendment adding definition of “Program failure” filed 10-16-97 as an emergency; operative 10-16-97 (Register 97, No. 42). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 3-25-98 or emergency language will be repealed by operation of law on the following day.
41. Amendment adding definition of “Vexatious Litigant” and amending Note filed 11-12-97 as an emergency; operative 11-12-97 (Register 97, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-13-98 or emergency language will be repealed by operation of law on the following day.
42. Editorial correction of definition of “Vexatious Litigant” and Histories 40 and 41 (Register 98, No. 18).
43. Amendment adding definition of “Vexatious Litigant” and amending Note refiled 4-29-98 as an emergency; operative 4-29-98 (Register 98, No. 18). A Certificate of Compliance must be transmitted to OAL by 10-6-98 or emergency language will be repealed by operation of law on the following day.
44. Certificate of Compliance as to 10-16-97 order, including removal of definition of “Program failure” to section 3062(n), transmitted to OAL 3-23-98 and filed 5-4-98 (Register 98, No. 19).
45. Certificate of Compliance as to 4-29-98 order, including further amendment of definition of “Vexatious Litigant” and Note, transmitted to OAL 6-12-98 and filed 7-21-98 (Register 98, No. 30).
46. Amendment adding new definitions of “Controlled Medication,” “Controlled Substance,” “Distribution” and “Laboratory” and amendment of Note filed 8-27-98 as an emergency; operative 8-27-98 (Register 98, No. 35). A Certificate of Compliance must be transmitted to OAL by 2-3-99 or emergency language will be repealed by operation of law on the following day.
47. Amendment filed 11-13-98 as an emergency; operative 11-13-98 (Register 98, No. 46). A Certificate of Compliance must be trans-

- mitted to OAL by 3-15-99 or emergency language will be repealed by operation of law on the following day.
48. Amendment adding new definitions of “Controlled Medication,” “Controlled Substance,” “Distribution” and “Laboratory” and amendment of Note refiled 2-3-99 as an emergency; operative 2-3-99 (Register 99, No. 6). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 7-13-99 or emergency language will be repealed by operation of law on the following day.
 49. Certificate of Compliance as to 11-13-98 order transmitted to OAL 2-10-99 and filed 3-8-99 (Register 99, No. 11).
 50. Certificate of Compliance as to 2-3-99 order transmitted to OAL 5-12-99 and filed 6-24-99 (Register 99, No. 26).
 51. Amendment filed 3-27-2000 as an emergency; operative 3-27-2000 (Register 2000, No. 13). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 9-5-2000 or emergency language will be repealed by operation of law on the following day.
 52. Amendment of definition of “Chronological History” filed 8-28-2000; operative 9-27-2000 (Register 2000, No. 35).
 53. Certificate of Compliance as to 3-27-2000 order transmitted to OAL 9-5-2000; disapproval and order of repeal and deletion reinstating section as it existed prior to emergency amendment by operation of Government Code 11346.1(f) filed 10-18-2000 (Register 2000, No. 42).
 54. Amendment filed 10-19-2000 deemed an emergency pursuant to Penal Code section 5058(e); operative 10-19-2000 (Register 2000, No. 42). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 3-27-2001 or emergency language will be repealed by operation of law on the following day.
 55. Amendment adding definition of “General Chrono” filed 11-16-2000; operative 12-16-2000 (Register 2000, No. 46).
 56. Certificate of Compliance as to 10-19-2000 order, including further amendment of definitions of “Execution Type Murder,” “High Notoriety” and “Public Interest Case,” transmitted to OAL 3-27-2001 and filed 5-3-2001 (Register 2001, No. 18).
 57. Amendment of definitions of “Firm” and “Small Business Firm” and amendment of Note filed 7-12-2002; operative 8-11-2002 (Register 2002, No. 28).
 58. Amendment adding definition of “Street gang” and amendment of Note filed 8-27-2002 as an emergency; operative 8-27-2002 (Register 2002, No. 35). Pursuant to Penal Code section 5058.3 a Certificate of Compliance must be transmitted to OAL by 2-4-2003 or emergency language will be repealed by operation of law on the following day.
 59. Certificate of Compliance as to 8-27-2002 order transmitted to OAL 1-21-2003 and filed 3-6-2003 (Register 2003, No. 10).
 60. Amendment adding definitions of “Program failure” and “Significant work related disciplinary history” filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.
 61. Amendment adding definitions of “Program failure” and “Significant work related disciplinary history” refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.
 62. Certificate of Compliance as to 6-17-2004 order transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).
 63. New definition of “Religious Review Committee (RRC)” filed 1-17-2006 as an emergency; operative 1-17-2006 (Register 2006, No. 3). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-26-2006 or emergency language will be repealed by operation of law on the following day.
 64. Amendment of definition of “Program failure” filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
 65. Certificate of Compliance as to 1-17-2006 order transmitted to OAL 6-22-2006 and filed 7-27-2006 (Register 2006, No. 30).
 66. Change without regulatory effect amending division heading and chapter heading filed 12-4-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 49).
 67. New definitions of “Indecent Exposure” and “Sexual Disorderly Conduct” and amendment of Note filed 2-23-2007 as an emergency; operative 2-23-2007 (Register 2007, No. 8). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 8-2-2007 or emergency language will be repealed by operation of law on the following day.
 68. Certificate of Compliance as to 2-23-2007 order transmitted to OAL 7-27-2007 and filed 9-5-2007 (Register 2007, No. 36).
 69. New definitions of “Non-serious offender” and “Non-violent offender” filed 10-1-2007 as an emergency; operative 10-1-2007 (Register 2007, No. 40). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-10-2008 or emergency language will be repealed by operation of law on the following day.
 70. Amendment of definition of “Immediate Family Members” and amendment of Note filed 10-16-2007; operative 11-15-2007 (Register 2007, No. 42).
 71. New definitions of “Non-serious offender” and “Non-violent offender” refiled 2-25-2008 as an emergency; operative 2-25-2008 (Register 2008, No. 9). A Certificate of Compliance must be transmitted to OAL by 5-26-2008 or emergency language will be repealed by operation of law on the following day.
 72. Reinstatement of section as it existed prior to 10-1-2007 emergency amendment by operation of Government Code section 11346.1(f) (Register 2008, No. 22).
 73. New definitions of “Behavior Management Unit” and “Disruptive Behavior” filed 7-8-2008 as an emergency; operative 7-8-2008 (Register 2008, No. 28). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 12-15-2008 or emergency language will be repealed by operation of law on the following day.
 74. Amendment filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).
 75. Repealer of definition of “Media representative” filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).
 76. New definition of “California Out-of-State Correctional Facility” and amendment of Note filed 10-30-2008 as an emergency; operative 10-30-2008 (Register 2008, No. 44). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-8-2009 or emergency language will be repealed by operation of law on the following day.
 77. Amendment filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).
 78. New definitions of “Behavior Management Unit” and “Disruptive Behavior” refiled 12-15-2008 as an emergency; operative 12-15-2008 (Register 2008, No. 51). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 3-16-2009 or emergency language will be repealed by operation of law on the following day.
 79. New definitions of “Senate Bill (SB) 618 Participant” and “Senate Bill (SB) 618 Program” and amendment of Note filed 2-5-2009 as an emergency; operative 2-5-2009 (Register 2009, No. 6). This filing contains a certification that the operational needs of the Department required filing of these regulations on an emergency basis and were deemed an emergency pursuant to Penal Code section 5058.3. A Certificate of Compliance must be transmitted to OAL by 7-15-2009 or emergency language will be repealed by operation of law on the following day.
 80. Certificate of Compliance as to 12-15-2008 order transmitted to OAL 2-23-2009 and filed 4-2-2009 (Register 2009, No. 14).
 81. Certificate of Compliance as to 10-30-2008 order transmitted to OAL 4-1-2009 and filed 5-12-2009 (Register 2009, No. 20).
 82. Certificate of Compliance as to 2-5-2009 order transmitted to OAL 6-25-2009 and filed 7-28-2009 (Register 2009, No. 31).
 83. New definition of “Sexual Activity” filed 10-6-2009; operative 10-6-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 41).
 84. New definition of “Transitional Housing Unit” filed 12-29-2009; operative 1-28-2010 (Register 2010, No. 1).

85. New definition of "Non-Revocable Parole," amendment of definition of "Parolee" and amendment of Note filed 1-25-2010 as an emergency pursuant to Penal Code section 5058.3(a)(2); operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
86. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-17-2010 and filed 7-13-2010 (Register 2010, No. 29).
87. New definitions of "Administrative Officer of the Day," "Facility," "Great Bodily Harm" and "Institution" and amendment of definition of "Serious Bodily Injury" and Note filed 8-19-2010; operative 8-19-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 34).

3000.5. Rules of Construction.

The following rules of construction apply to these regulations, except where otherwise noted:

- (a) The enumeration of some criteria for the making of discretionary decisions does not prohibit the application of other criteria reasonably related to the decision being made.
- (b) The order in which criteria are listed does not indicate their relative weight or importance.
- (c) "Shall" is mandatory, "should" is advisory, and "may" is permissive.
- (d) The past, present, or future tense includes the others.
- (e) The masculine gender includes the feminine gender; the singular includes the plural.
- (f) The time limits specified in these regulations do not create a right to have the specified action taken within the time limits. The time limits are directory, and the failure to meet them does not preclude taking the specified action beyond the time limits.

NOTE: Authority cited: section 5058 and Stats. 1992, ch. 695, sec. 45. Reference: Sections 3000 and 5054, Penal Code.

HISTORY:

1. New section filed 9-3-93; operative 9-3-93 pursuant to Government Code section 11346.2(d) (Register 93, No. 36).

3001. Subject to Regulations.

Regardless of commitment circumstances, every person confined or residing in facilities of the department is subject to the rules and regulations of the Secretary, and to the procedures established by the warden, superintendent, or regional parole administrator responsible for the operation of that facility. Persons on parole or civil addict outpatient status are subject to such Secretary's rules, regulations and parole region procedures as may be applicable to such persons.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

HISTORY:

1. Amendment of section and new Note filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3001.5. Assignment to Caseworker.

Upon reception at a facility, each inmate shall be assigned a caseworker.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

HISTORY:

1. New section filed 10-15-92; operative 11-16-92 (Register 92, No. 42).

3002. Notice of Program, Behavioral, and Participation Expectations.

(a) Within 14 days of reception by the Department of Corrections or upon return to confinement in a departmental institution or facility, every inmate or parolee shall be issued a copy of the Rules

and Regulations of the Director of Corrections and copies of all rule changes that have occurred since the last complete reprinting and reissue of the rules and regulations. Each inmate and parolee shall sign a receipt for the rules. The receipt shall be filed as a permanent record in the inmate's central file. In addition:

(1) Spanish language copies of the rules and regulations of the director shall be maintained at each reception center, institution and facility where inmates are confined. Notice shall be given in Spanish that a Spanish version of the rules is available for inspection. These rules shall be made available for review by Spanish speaking inmates who cannot read English.

(2) Within 14 days of transfer to another departmental institution or facility, the new arrival shall be given a written summary of local procedures governing the conduct and activities of inmates confined at that location and a summary of the range of work and training programs offered by and available at that institution or facility. The summary or summaries shall also include: procedures governing mail and visiting, the inmate's right to appeal and appeal procedures, the facility's basic daily schedule, and where and how additional procedural information of interest may be obtained. New arrivals shall also be given verbal staff instructions regarding the procedures.

Staff instructions shall also be given to newly received inmates regarding the possibility of receiving a one-third reduction of their sentence or minimum eligible parole date for refraining from acts or activities of misbehavior and by participating in assigned work and program activities.

(b) During regularly scheduled institution and reception center inmate orientation sessions each inmate or parolee shall be advised of the following:

(1) The ability to earn credits by participating in assigned work and program activities; and,

(2) The availability of work and program activities; and,

(3) The possible loss of credits resulting from acts or activities of misbehavior; and,

(4) The availability of and procedures for access to health care including daily sick call procedures.

(5) Reception centers shall incorporate the inmate's acknowledgement of the receipt of the summary of reception center work and program activities in the same form used as a receipt for issue of the rules and regulations to the inmate.

(6) When inmates are placed in specialized housing with specialized or limited program options and opportunities to participate, the initial classification committee shall explain the options and opportunities available to the inmate within that specialized unit. A copy of the committee's chrono reflecting the discussion shall be given to the inmate and a copy placed in the inmate's central file.

(7) The facility location where Board of Prison Terms' Rules may be reviewed by the inmate.

(8) Available institution social services.

(c) The issuance of rules and regulations and program information, summaries, and the inmate's receipt for same is required in order to comply with Sections 2080 and 2930 of the Penal Code. An inmate's refusal to sign a receipt for the issue of rules and regulations, work and program summaries, or work and program agreements or understandings, shall be noted by staff, and the receipt shall be filed in the inmate's central file. Refusal or failure to acknowledge the receipt of information shall not relieve the inmate from any responsibility to behave and participate as expected nor from the consequence for misbehavior or refusal or failure to participate.

(d) Each institution and reception center shall provide a means of advising inmates who cannot read English of the expectations contained in this section. The provisions shall include communica-

tion of the expectations to those inmates who also have impaired hearing.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2080, 2930, 2931 and 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
3. Amendment filed 5-4-83; designated effective 6-1-83 pursuant to Government Code section 11346.2(d) (Register 83, No. 19).
4. Amendment of subsections (a), (b) and new subsection (d) filed 2-8-88; operative 3-9-88 (Register 88, No. 7).
5. Editorial correction of printing errors in subsections (a)(1) and (b)(3) (Register 92, No. 5).
6. New subsections (b)(7)–(8) filed 10-15-92; operative 11-16-92 (Register 92, No. 42).

3003. Threats Against Public Officials.

Any inmate away from a secure perimeter facility or parolee who makes a written or verbal threat against the life of any official specified in Penal Code section 76 with the intent and apparent ability to carry out the threat shall immediately be placed in custody at a jail or secure perimeter facility pending disposition of the charges.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 76, 3056, 5054, and 6253, Penal Code.

HISTORY:

1. New section filed 10-18-93; operative 11-17-93 (Register 93, No. 43). For prior history, see Register 89, No. 41.

3004. Rights and Respect of Others.

(a) Inmates and parolees have the right to be treated respectfully, impartially, and fairly by all employees. Inmates and parolees have the responsibility to treat others in the same manner. Employees and inmates may use first names in conversation with each other when it is mutually acceptable to both parties.

(b) Inmates, parolees and employees will not openly display disrespect or contempt for others in any manner intended to or reasonably likely to disrupt orderly operations within the institutions or to incite or provoke violence.

(c) Inmates, parolees and employees will not subject other persons to any form of discrimination because of race, religion, nationality, sex, political belief, age, or physical or mental handicap.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment of subsection (a) filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
3. New subsection (c) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).

3005. Conduct.

(a) Inmates and parolees shall obey all laws, regulations, and local procedures, and refrain from behavior which might lead to violence or disorder, or otherwise endangers facility, outside community or another person.

(b) Obeying Orders. Inmates and parolees must promptly and courteously obey written and verbal orders and instructions from department staff, and from employees of other agencies with authorized responsibility for the custody and supervision of inmates and parolees.

(c) Refusing to Accept Assigned Housing. Inmates shall not refuse to accept a housing assignment such as but not limited to, an integrated housing assignment or a double cell assignment, when case factors do not preclude such.

(d) Force or Violence.

(1) Inmates shall not willfully commit or assist another person in the commission of an assault or battery to any person or persons, nor attempt or threaten the use of force or violence upon another person.

(2) Inmates shall not, with the intent to cause a riot, willfully engage in conduct that urges a riot, or urges others to commit acts of force or violence at a time and place under circumstances that produce a clear and present and immediate danger of acts of force or violence or the burning or destroying of property.

(3) Inmates shall not participate in a riot, rout, or unlawful assembly.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 242, 295–300.3, 404–409, 2931 and 5054, Penal Code.

HISTORY:

1. Repealer and new section (b) filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. New subsection (c) filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
3. Amendment of subsection (c) filed 6-30-77 as an emergency; effective upon filing (Register 77, No. 27).
4. Amendment of subsection (c) filed 9-29-77 as an emergency; effective upon filing. Certificate of Compliance included (Register 77, No. 40).
5. Amendment filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).
6. Change without regulatory effect amending subsection (a) filed 6-5-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 31).
7. Amendment of subsection (c) filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
8. Amendment of Note filed 9-20-99 as an emergency; operative 9-20-99 (Register 99, No. 39). Pursuant to Penal Code section 5058(e) a Certificate of Compliance must be transmitted to OAL by 2-28-2000 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 9-20-99 order transmitted to OAL 1-14-2000 and filed 2-22-2000 (Register 2000, No. 8).
10. Amendment of subsection (c) and amendment of Note filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.
11. Amendment of subsection (c) and amendment of Note refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 6-17-2004 order transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).
13. New subsection (c) and subsection relettering filed 12-28-2007; operative 12-28-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 52).
14. Amendment of subsection (d), new subsections (d)(1)–(3) and amendment of Note filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3006. Contraband.

Inmates may possess only the personal property, materials, supplies, items, commodities and substances, up to the maximum amount, received or obtained from authorized sources, as permitted in these regulations. Possession of contraband as defined in section 3000 may result in disciplinary action and confiscation of the contraband.

(a) Dangerous Property. Inmates may not possess or have under their control any weapons, explosives, explosive making material, poisons or any destructive devices, nor shall they possess or assist in circulating any writing or voice recording which describes the making of any weapons, explosives, poisons, or destructive devices.

(b) Money. Inmates may not possess money. If an inmate finds money and voluntarily surrenders it, and the rightful owner does not claim it within 30 days, it will be credited to the inmate's trust account.

(c) Except as authorized by the institution head, inmates shall not possess or have under their control any matter which contains or concerns any of the following:

(1) Any matter of a character tending to incite murder; arson; riot; or any form of violence or physical harm to any person, or any ethnic, gender, racial, religious, or other group.

(2) Blackmail or extortion.

(3) Contraband, or sending or receiving contraband.

(4) Plans to escape or assist in an escape.

(5) Plans to disrupt the order, or breach the security, of any facility.

(6) Plans for activities which violate the law, these regulations, or local procedures.

(7) Coded messages.

(8) A description of the making of any weapon, explosive, poison or destructive device.

(9) Illustrations, explanations, and/or descriptions of how to sabotage or disrupt computers, communications, or electronics.

(10) Diskettes.

(11) Catalogs, advertisements, brochures, and material whose primary purpose is to sell a product(s) or service(s) and when taken as a whole, lacks serious literary, artistic, political, educational, or scientific value.

(12) Maps depicting any area within a ten mile radius of a facility.

(13) Gambling or a lottery.

(14) Markings on the envelope which are obscene in nature as described in subsection (15) below.

(15) Obscene material and mail containing information concerning where, how, or from whom obscene material may be obtained.

(A) Obscene material means material taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest; and is material which taken as a whole, depicts or describes sexual conduct; and which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(B) When it appears from the nature of the matter or the circumstances of its dissemination, distribution, or exhibition that it appeals to deviant sexual groups.

(C) Material subject to the tests in paragraphs (A) or (B) includes, but is not limited to material that:

(1) Depicts, displays, or describes penetration of the vagina or anus, or contact between the mouth and the genitals.

(2) Depicts, displays, or describes bestiality, sadomasochism, or an excretory function including urination, defecation, or semen.

(3) Portrays the nudity of a minor, or person who appears to be under 18 years old.

(4) Portrays conduct which appears to be non-consensual behavior.

(5) Portrays conduct which is or appears to be forceful, threatening, or violent.

(6) Portrays conduct where one of the participants is a minor, or appears to be under 18 years old.

(16) Material that is reasonably deemed to be a threat to legitimate penalological interests.

(17) Sexually explicit images that depict frontal nudity in the form of personal photographs, drawings, magazines, or other pictorial format.

(A) Sexually explicit material shall be defined as material that shows the frontal nudity of either gender, including the exposed female breast(s) and/or the genitalia of either gender.

(B) The following sexually explicit material shall be allowed:

1. Departmentally purchased or acquired educational, medical/scientific, or artistic materials, such as books or guides purchased by the department for inclusion in institution libraries and/or educational areas; or

2. Educational, medical/scientific, or artistic materials, including, but not limited to, anatomy medical reference books, general practitioner reference books and/or guides, National Geographic, or artistic reference material depicting historical, modern, and/or post modern era art, purchased or possessed by inmates and approved by the institution head or their designee on a case-by-case basis.

(18) Any tobacco product, or tobacco cessation product, that contains nicotine.

(19) Cellular telephone or other electronic communications device.

(d) Anything in the possession of an inmate which is not contraband but will, if retained in possession of the inmate, present a serious threat to facility security or the safety of inmates and staff, shall be controlled by staff to the degree necessary to eliminate the threat.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601, 2772, 2790, 4574, 5030.1, 5054 and 5057, Penal Code.

HISTORY:

1. Amendment of subsection (a) filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).
2. Change without regulatory effect amending section filed 10-29-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 6).
3. Editorial correction of printing error in subsection (a) (Register 92, No. 5).
4. New subsection (c) and subsection relettering, renumbering and amendment of former subsections 3136 (a)–(h) to subsections 3006(c)(1)–(8), new subsections 3006(c)(9)–(15), and amendment of newly designated subsection (d) and Note filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
5. New subsection (c) and subsection relettering, renumbering and amendment of former subsections 3136(a)–(h) to subsections 3006(c)(1)–(8), new subsections 3006(c)(9)–(15), and amendment of newly designated subsection (d) and Note refiled 6-13-95 as an emergency; operative 6-13-95 (Register 95, No. 24). A Certificate of Compliance must be transmitted to OAL by 11-20-95 or emergency language will be repealed by operation of law on the following day.
6. Reinstatement of section as it existed prior to emergency amendment filed 12-27-95 by operation of Government Code section 11346.1(f). Certificate of Compliance as to 6-13-95 order transmitted to OAL 11-9-95; disapproved by OAL and order of repeal as to 6-13-95 order filed on 12-27-95 (Register 95, No. 52).
7. Amendment of section and Note filed 12-27-95 as an emergency pursuant to Government Code section 11346.1; operative 12-27-95 (Register 95, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-25-96 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 12-27-95 order including amendment of subsections (c), (c)(3), and (c)(9), new subsection (c)(10) and subsection renumbering, amendment of newly designated subsections (c)(11), (c)(14) and (c)(15), new subsections (c)(15)(A)–(c)(15)(C), amendment of newly designated subsections (c)(15)(C)(1) and subsection renumbering, amendment of subsection (d) and Note transmitted to OAL 4-25-96 and filed 6-6-96 (Register 96, No. 23).
9. New subsections (c)(17)–(c)(17)(B)2. filed 9-30-2002 as an emergency pursuant to Penal Code section 5058.3; operative 9-30-2002 (Register 2002, No. 40). A Certificate of Compliance must be transmitted to OAL by 3-10-2003 pursuant to Penal Code section 5058.3

or emergency language will be repealed by operation of law on the following day.

10. Certificate of Compliance as to 9-30-2002 order transmitted to OAL 2-3-2003 and filed 3-18-2003 (Register 2003, No. 12).
11. Amendment of first paragraph filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).
13. New subsection (c)(18) and amendment of Note filed 7-7-2005 as an emergency; operative 7-7-2005 (Register 2005, No. 27). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 12-14-2005 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 7-7-2005 order transmitted to OAL 12-13-2005 and filed 1-26-2005 (Register 2006, No. 4).
15. New subsection (c)(19) filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3007. Sexual Behavior.

Inmates may not participate in illegal sexual acts. Inmates are specifically excluded in laws, which remove legal restraints from acts between consenting adults. Inmates must avoid deliberately placing themselves in situations and behaving in a manner, which is designed to encourage illegal sexual acts.

Comment: Former DR-1105, sexual behavior.

3008. Obscenity.

Inmates shall not openly or publicly display photographs, pictures, drawings, or other pictorial representations of persons engaged in sexual acts, actual or simulated, masturbation, excretory functions or lewd exhibitions of the genitals which are obscene as defined in Section 311 of the Penal Code.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).
2. Certificate of Compliance as to 12-27-95 order including amendment of section and Note transmitted to OAL 4-25-96 and filed 6-6-96 (Register 96, No. 23).
3. Amendment filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3009. Gambling.

Inmates shall not participate in any form of gambling or bookmaking. Comment: Former DR-1107, gambling and bookmaking.

HISTORY:

1. Amendment filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3010. Gifts and Gratuities.

Inmates may not ask for or accept any gift of money, property, material or substance from institution visitors, employees or other persons, and may not give any person a gift or promise of one, except as provided for by law, approved institution procedures, or as specifically authorized by the warden or superintendent. Institution procedures established under this section should be directed toward control of property, safety of persons and institution security.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).

3011. Property.

Inmates shall not intentionally destroy, damage, or deface, state property or another person's property. To do so shall be cause for

disciplinary action and the inmate may be charged for the cost of repair or replacement, including materials. Intentional destruction of property may result in a credit loss as specified in Section 3323(c)(3), 3323(d)(6), or 3323(g)(1) of these regulations. Intentional damage to property valued at four hundred dollars or more may result in criminal prosecution and an additional term of imprisonment in addition to any credit loss resulting from the disciplinary action. Intentional damage to property valued at less than four hundred dollars may result in a misdemeanor conviction in addition to any credit loss resulting from the disciplinary action.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 594(a), 2932, 4600 and 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 12-1-78 as an emergency; designated effective 1-1-79 (Register 78, No. 48).
3. Certificate of Compliance filed 2-22-79 (Register 79, No. 8).
4. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).
5. OAL Notice of Erroneous Filing filed 7-29-85; purported Order of Repeal of Section 3011(a) filed in error on 6-3-85 is null and void and text of subsection (a) as filed with Secretary of State on 12-1-78 remains in effect uninterrupted (Register 85, No. 31).
6. Amendment filed 12-16-88; operative 1-15-89 (Register 88, No. 53).
7. Change without regulatory effect amending section filed 11-19-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 47).
8. Amendment of section and Note filed 9-25-2000; operative 10-25-2000 (Register 2000, No. 39).
9. Amendment of section and Note filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3012. Theft.

Inmates shall not obtain anything by theft, fraud or dishonesty. Comment: Former DR-1110, stealing and dealing.

HISTORY:

1. Amendment filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3013. Unlawful Influence.

Inmates shall not attempt to gain special consideration or favor from other inmates, employees, institution visitors or any other person by the use of bribery, threat or other unlawful means. Comment: Former DR-1111, improper influence.

HISTORY:

1. Amendment filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3014. Calls and Passes.

Inmates must respond promptly to notices given in writing, announced over the public address system, or by any other authorized means.

Comment: Former DR-1113, answering calls and passes.

HISTORY:

1. Repealer of section 3014 and renumbering of section 3015 to section 3014 filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40). For former section 3014, see Register 77, No. 9.

3015. Unauthorized Areas and Facility Boundaries.

(a) Every area of a facility which is out of bounds to inmates or which is only out of bounds at specified times shall be clearly designated. Inmates shall not enter such areas unless specifically authorized to do so by staff.

(b) Inmates assigned to a work detail or project off their facility's property shall not go beyond the geographical limits established by their staff escort.

(c) Except as provided in sections 3080 through 3083, Title 15, California Code of Regulations, inmates shall not travel past the boundaries of a facility unless escorted by authorized staff. Inmates shall not be escorted from a facility except in an emergency or when authorized for the purpose of a work or project assignment, transfer to another facility, or temporary community leave or removal.

(d) Inmates shall not escape, attempt to escape or conspire with others to escape from the custody of the department. Inmates shall not solicit or coerce others to aid or assist in an escape.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Renumbering of Section 3016 to Section 3015 filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
2. Amendment of section heading and newly designated subsection (a), new subsection (b), renumbering and amendment of former section 3444 to new subsection (c), and new Note filed 10-27-93; operative 11-26-93 (Register 93, No. 44).
3. New subsection (d) filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3016. Controlled Substances, Drug Paraphernalia, and Distribution.

(a) Inmates shall not inhale, ingest, inject, or otherwise introduce into their body; use, possess, manufacture, or have under their control any controlled substance, medication, or alcohol, except as specifically authorized by the institution's/facility's health care staff.

(b) Inmates shall not possess, exchange, manufacture, or have under their control any paraphernalia as defined by Health and Safety Code section 11014.5, or device related to the use, injection, or manufacture of any controlled substance, except as specifically authorized by the institution's/facility's health care staff.

(c) Inmates shall not distribute, as defined in section 3000, any controlled substance.

(d) Inmates shall not possess medication in quantities exceeding the dosage specifically authorized by the institution's/facility's health care staff, nor may an inmate possess medication prescribed to another inmate.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2931, 4573, 4573.6 and 5054, Penal Code; and Sections 11014.5, 11350-11383, Health and Safety Code.

HISTORY:

1. Renumbering of Section 3017 to Section 3016 filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
2. Amendment filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).
3. Amendment filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
4. Amendment refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
5. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
6. Amendment filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted

to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 2-21-96 order including amendment of section heading and section transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).
8. Amendment of section heading, section and Note filed 8-27-98 as an emergency; operative 8-27-98 (Register 98, No. 35). A Certificate of Compliance must be transmitted to OAL by 2-3-99 or emergency language will be repealed by operation of law on the following day.
9. Amendment of section heading, section and Note refiled 2-3-99 as an emergency; operative 2-3-99 (Register 99, No. 6). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 7-13-99 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 2-3-99 order transmitted to OAL 5-12-99 and filed 6-24-99 (Register 99, No. 26).
11. Amendment filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3017. Responsibility for Counts.

Inmates must be present at designated times and places for counts, and must present themselves for count in the manner set forth in institution procedures.

Comment: Former DR-1116, responsibility for count.

HISTORY:

1. Renumbering of section 3018 to section 3017 filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).

3018. Telephones.

Inmates may not use institution telephones or public coin operated telephones located on institution property except as specifically authorized and as described in section 3282. An inmate must identify himself or herself as an inmate when answering or making an interinstitution telephone call.

Comment: Former DR-1117, use of telephones.

HISTORY:

1. Renumbering of section 3019 to section 3018 filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).

3019. Identification.

Inmates must carry on their person any identification and privilege card issued for identification purposes, in accordance with institution procedures. Inmates must not mutilate or destroy such cards nor possess the card of another inmate. An inmate must surrender his or her identification card or cards at the request of any employee. Unless a card is being officially recalled, the card(s) will be promptly returned to the inmate when staff's use of the card has been accomplished. An inmate may be charged for replacement of a deliberately mutilated, lost or destroyed card in accordance with section 3011. An inmate may also be charged for replacement of a card if a physical change in the inmate's appearance is a matter of his or her own choice and the change occurs within six months of the issue of a new or replacement card. An inmate will not be charged for replacement of a card because of a physical change in the inmate's appearance over which the inmate has no control.

HISTORY:

1. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Renumbering of section 3020 to section 3019 filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).

3020. Inmate Activity Groups.

(a) Inmates may not establish or participate in the establishment or activities of any inmate club, inmate activity group, or any association or organization of inmates within the institution except as

specifically approved by the warden or superintendent, as provided in Sections 3233–3235.

(b) Inmate participation in an approved activity group will not be cause to deny or restrict regular correspondence and visitation rights with persons who are approved to attend and participate in such inside inmate group activities.

Comment: Former DR-1119, unauthorized organizations.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2079 and 5054, Penal Code.

HISTORY:

1. Amendment of subsection (a) filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Renumbering of section 3021 to section 3020 filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
3. Amendment of subsection (a) filed 2-22-79; effective thirtieth day thereafter (Register 79, No. 8).
4. Amendment of subsection (b) filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).

3021. Falsification of Records or Documents.

Inmates and parolees must not intentionally enter or introduce false information into or upon any record or document maintained by the Department of Corrections. Inmates and parolees must not destroy, delete, remove or otherwise intentionally cause any record or document maintained by the Department of Corrections to be a false or incomplete record or document by reason of such action.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Renumbering of section 3022 to section 3021 filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).

3022. Equality of Inmates.

No inmate or group of inmates will be given or be permitted to assume control over other inmates. This does not preclude the use of inmates as aides or lead persons on work and training assignments when the activity is directed and supervised by responsible employees.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).

3023. Gang Activity.

(a) Inmates and parolees shall not knowingly promote, further or assist any gang as defined in section 3000.

(b) Gangs, as defined in section 3000, present a serious threat to the safety and security of California prisons.

(c) For the purpose of specific gang participant identification, the department categorizes gangs into prison gangs and disruptive groups as defined in section 3000.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 186.22 and 5054, Penal Code.

HISTORY:

1. New section filed 5-20-91; operative 6-19-91 (Register 91, No. 26).
2. New subsection (b) and subsection relettering filed 1-21-99 as an emergency; operative 1-21-99 (Register 99, No. 4). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-30-99 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-21-99 order transmitted to OAL 6-30-99 and filed 8-12-99 (Register 99, No. 33).

3024. Business Dealings by Inmates.

(a) Inmates shall not engage actively in a business or profession except as authorized by the institution head or as provided in Section 3104. For the purpose of this section, a business is defined as any revenue generating or profit making activity. An inmate who is engaged in a business or profession prior to commitment to the department shall assign authority for the operation of such business or profession to a person in the community.

(b) Inmate mail may be rejected by an institution head or designee for reasons, which include, but are not limited to, the mail relates the direction of an inmate's business or profession. This does not, however, prohibit mail necessary to enable an inmate to protect property and funds that were legitimately the inmate's at the time of commitment.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600 and 5054, Penal Code; *Turner v. Safley* 482 US 78 (1987).

HISTORY:

1. New section filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
2. Repealed by operation of Government Code section 11346.1(g) (Register 95, No. 30).
3. New section filed 7-25-95 as an emergency; operative 7-25-95 (Register 95, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-95 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7-25-95 order including amendment of section transmitted to OAL 11-17-95 and filed 1-3-96 (Register 96, No. 1).

Article 1.5. DNA and Forensic Identification

3025. Department of Justice DNA and Forensic Identification Database and Data Bank Program.

(a) All inmates and parolees, including juveniles, committed to the custody of the department after having been convicted of, found guilty of, having pled guilty or no contest to, or having been found not guilty by reason of insanity for, any offense listed in Penal Code (PC) section 296(a), or whose records indicate a prior conviction for such an offense, shall provide all of the following required specimens, to be forwarded to the Department of Justice (DOJ) as soon as administratively practicable:

- (1) Buccal Swab Samples.
- (2) Right Thumbprint Impressions.
- (3) Full Right and Left Palm Print Impressions.
- (4) Writer's Palm Print Impression.
- (5) Any Blood Specimens or other Biological Samples required.

(b) The listed specimens shall be provided under the following circumstances, unless the inmate's central file or other records indicate that all required specimens have already been obtained:

(1) Whether or not the offense predated the enactment of the DNA and Forensic Identification Database and Data Bank Act of 1998, or any amendments to it; including the DNA, Fingerprint, Unresolved Crime and Innocence Protection Act.

(2) Whether or not the court advised the convicted person of this requirement;

(3) If the inmate or parolee was convicted of a state or federal offense in another state which would constitute an offense as listed in PC section 296(a);

(4) If notification is received from the DOJ that an inmate's or parolee's specimens already taken for any purpose are not usable for any reason.

(c) DOJ DNA laboratory may obtain blood specimens from qualifying persons as defined in PC section 296(a) when it is de-

terminated that such specimens are necessary in a particular case or would aid the DOJ in obtaining an accurate forensic DNA profile for identification purposes. Cases requiring blood specimens include, but are not limited to, buccal swab samples that cannot be properly identified or analyzed by DOJ, or if the inmate refuses to submit to DNA buccal swab collection, and/or print impressions.

(d) Newly committed inmates and persons returned to custody based upon a violation of parole, furlough or any other type of release, who meet the criteria established in PC section 296(a), shall, provide the required specimens, samples and print impressions during the reception center process or reasonably promptly after their transfer to an institution/facility.

(e) Parolees identified as meeting the criteria established in PC section 269(a) for present and past qualifying offenses, shall provide the required specimens, samples and print impressions within five days of notification by the court, or by parole unit staff at a collection location designated in accordance with PC section 296.1(a)(3)(B).

(f) Only medical staff trained and certified to do so shall draw blood for collection of specimens; in accordance with standard medical practices. The specimens, samples, and print impressions collected pursuant to Penal Code, Part 1, Title 9, Chapter 6, Articles 1 through 7 (sections 295 et seq.), shall be forwarded promptly to the DOJ. The collection kit, including all blood specimen vials, buccal swab collectors, mailing tubes, labels and instructions for the collection shall be provided by the DOJ. A right thumbprint, a full palm print impression of each hand, and the writers palm print impression shall be taken on forms prescribed by the DOJ. The palm print forms shall be forwarded to and maintained by the Bureau of Criminal Identification and Information of the DOJ. If a blood specimen is necessary pursuant to subsection (c), right thumbprints shall be taken at the time of the collection of samples and specimens, and shall be placed on the samples and specimen containers and forms as directed by DOJ. The samples, specimens and forms shall be forwarded to and maintained by the DNA Laboratory of the DOJ.

(g) Only trained, designated medical, custody, parole staff and/or local law enforcement shall handle forms or specimens after their collection.

(h) If a person has been convicted of a state or federal offense which would constitute an offense as listed in PC section 296(a) and is transferred or paroled from another state into California, an agreement to provide these specimens shall be made a condition of acceptance for supervision in this state.

(i) Any inmate or parolee who refuses to provide any or all of the following; blood specimens, buccal swab samples, or thumb or palm print impressions as required by Penal Code, Part 1, Title 9, Chapter 6, Articles 1 through 7 (sections 295 et seq.), after he or she has received written notice that he or she is required to provide specimens, samples, and print impressions is guilty of a misdemeanor. An inmate who refuses shall also be subject to progressive discipline pursuant to California Code of Regulations, Title 15, Division 3, Chapter 1, Subchapter 4, Article 5 (section 3310 et seq.).

(j) The use of reasonable force, as defined in section 3268(a)(1), shall not be authorized without the prior written authorization at the level of Facility/Correctional Captain or higher, or the administrative officer on duty. The authorization shall include information that reflects the fact that the offender was asked to provide the requisite specimen, sample, or impressions as required by law, and that he or she refused to do so.

(k) The use of reasonable force, as defined in section 3268(a)(1), shall be preceded by efforts to secure voluntary compliance.

(l) If the use of reasonable force to obtain DNA includes a cell extraction, the extraction shall be videotaped. The videotap-

ing shall depict all correctional personnel directly involved and the advisement to the inmate that the requisite specimen, sample or impressions is required. All incidents that required the use of reasonable force to obtain DNA samples shall be tracked and maintained by the institutional DNA coordinator and forwarded to the assistant director, Law Enforcement Investigative Unit (LEIU).

(m) Any person described in section 3025(a), pursuant to PC section 298.2, who engages or attempts to engage in any of the following acts is guilty of a felony:

(1) Knowingly aids in the wrongful collection of a required specimen, sample, or print impression, with the intent to deceive as to the origin of a DNA profile.

(2) Knowingly tampers with any specimen, sample, print impressions, or the collection container, with the intent to deceive as to the identification of the person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 295–300.3 and 5054, Penal Code.

HISTORY:

1. New article 1.5 (section 3025) and section filed 9-20-99 as an emergency; operative 9-20-99 (Register 99, No. 39). Pursuant to Penal Code section 5058(e) a Certificate of Compliance must be transmitted to OAL by 2-28-2000 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 9-20-99 order transmitted to OAL 1-14-2000 and filed 2-22-2000 (Register 2000, No. 8).
3. Amendment filed 10-4-2002 as an emergency pursuant to a certificate of operational necessity under Penal Code section 5058.3; operative 10-4-2002 (Register 2002, No. 40). Pursuant to Penal Code section 5058.3, this filing is deemed an emergency and a Certificate of Compliance must be transmitted to OAL by 3-13-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 10-4-2002 order, including further amendment of subsections (e) and (i), transmitted to OAL 3-12-2003 and filed 4-8-2003 (Register 2003, No. 15).
5. Amendment filed 8-23-2005; operative 8-23-2005. Submitted to OAL for printing only pursuant to Penal Code section 295(h)(2) (Register 2005, No. 34).

Article 2. State-Issued Inmate Clothing and Linen

3030. Issuance and Possession of State Clothing and Linen.

(a) Each inmate shall be provided state clothing and linen pursuant to this section. Each item issued shall remain state property for which the inmate shall be accountable. State items shall be recalled and exchanged as directed by the institution head.

(b) Inmates shall possess only those items of state clothing and linen issued to them. Below are the standard inmate issues:

(1) Each inmate shall be issued:

(A) Work shoes, one pair.

(B) Sheets, two.

(C) Pillow case, one.

(D) Towels, two.

(E) Blankets, two.

(F) The distinctive, protective and/or extra clothing required by the climate and/or the inmate's job assignment.

(2) In addition to the items in (1) above, each male inmate shall be issued:

(A) Jeans, blue denim, three pair.

(B) Shirts, blue chambray, three.

(C) Undershirts, white, four.

(D) Socks, six pair.

(E) Undershorts, white, four pair.

(F) Jacket, blue denim, one.

(G) Belt, web, one.

(3) In addition to the items in (1) above, each female inmate shall be issued:

- (A) Blouses/T-shirts, three.
- (B) Slacks, three pair.
- (C) Bras, three each six months.
- (D) Dress, muumuu, robe or duster; one.
- (E) Coat, one.
- (F) Panties, five pair each six months.
- (G) Nightgown, one.
- (H) Socks, six pair.
- (I) Pregnant inmates shall be issued one additional, larger pair of shoes.

(c) Inmates shall possess only those items of personal clothing specifically authorized by the institution head and acquired pursuant to these regulations.

(d) During interdepartmental transportation, male inmates shall wear a red, one-piece outer garment and female inmates shall wear an orange, two-piece outer garment; and all shall wear state-issued shoes, socks, and underclothes; and may possess one handkerchief.

(e) Inmates transported for appearance in court shall wear clean state-issued clothing, unless otherwise ordered by the court.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2084 and 5054, Penal Code.

HISTORY:

1. Amendment of article heading, section heading, and newly designated subsection (a), renumbering and amendment of former subsection 3032(a) to 3030(b), renumbering and amendment of former subsection 3032(b) to 3030(c), and new subsections (d) and (e) and Note filed 7-9-92; operative 8-10-92 (Register 92, No. 28).
2. Amendment of subsections (b)(3)(C)–(D) and new subsection (b)(3)(I) filed 3-6-2008; operative 4-5-2008 (Register 2008, No. 10).

3031. Neatness and Laundry Exchange.

Inmates shall be appropriately clothed at all times, consistent with the specific unit, work or program activities and as directed by staff. Inmate clothing shall be worn in the manner in which it was manufactured to be worn.

(b) Each inmate shall maintain issued clothing and linen as neat and clean as conditions permit. Weekly laundry exchange shall be provided on a one-for-one basis limited as follows:

- (1) Shirts or blouses, two.
- (2) Jeans or slacks, two pair.
- (3) Undershirts, three.
- (4) Undershorts, or panties, three pair.
- (5) Sheets, two.
- (6) Pillow case, one.
- (7) Socks, three pair.
- (8) Towels, two.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment of section heading, section and new Note filed 7-9-92; operative 8-10-92 (Register 92, No. 28).

3032. Alteration of Clothing.

(a) Inmates shall not alter or dispose of damaged or worn out personal or state-issued clothing or linen in any manner without specific authority to do so. If the regular issue of clothing or linen does not meet an inmate's special physical/health needs, the chief medical officer may authorize a special issue to that inmate based upon a medical necessity as defined in section 3350(b)(1). Upon staff verification, a state-issued item, which is lost or damaged through no fault of the inmate, shall be replaced without charge to the inmate.

(b) An inmate shall not alter personally owned clothing in any manner that would change its characteristics or style from that originally approved by the institution head.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Renumbering and amendment of former subsection 3032(a) to 3030(b), and former 3032(b) to 3030(c), and renumbering and amendment of former section 3033 to 3032 filed 7-9-92; operative 8-10-92 (Register 92, No. 28).
2. Amendment of subsection (a) filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (a) refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
4. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
5. Amendment of subsection (a) filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-21-96 order including amendment of subsection (a) transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).

3033. Alteration.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Editorial correction of printing error (Register 92, No. 5).
2. Renumbering of former section 3033 to 3032 filed 7-9-92; operative 8-10-92 (Register 92, No. 28).

Article 3. Work and Education

3040. Participation.

(a) Every able-bodied person committed to the custody of the Secretary of the Department of Corrections and Rehabilitation is obligated to work as assigned by department staff and by personnel of other agencies to whom the inmate's custody and supervision may be delegated. Assignment may be up to a full day of work, education, or other programs, or to a combination of work and education or other programs.

(b) Inmates assigned to a physical fitness program as part of a work incentive program shall be held to the same obligations/participation requirements governing other vocational, educational, or work assignments.

(c) Except as provided in section 3040(e), a classification committee shall assign each inmate to an appropriate work, education, vocation, therapeutic or other institution program, taking into account the:

- (1) Inmate's expressed desires and needs.
- (2) Inmate's eligibility for and availability of the desired work or program activity.
- (3) Institution's security and operational needs.
- (4) Safekeeping of the inmate.
- (5) Safety of persons and the general public.

(d) Despite an inmate's assignment to a program mutually agreed upon in a classification committee hearing, or pending such a hear-

ing, or pending assignment to a designated program, or during any period when the designated program is temporarily suspended, or in the absence of the inmate's agreement to participate in any programs, any able-bodied inmate may be assigned to perform any work deemed necessary to maintain and operate the institution and its services in a clean, safe and efficient manner. Operational needs may always override a program assignment.

(e) Inmates assigned to clerical duties and office work positions, requiring an extensive amount of staff/inmate interaction, such as clerks and teachers' aides, shall be rotated at regular intervals to other positions within the institution even though that may result in lower pay, or no pay at all, to the inmate being rotated out of the position. The institution head shall determine the rotation schedule based upon security needs of the institution. Assignments to such positions shall not exceed a two-year period. Routine rotation shall not affect the inmates' work/training group designation, although it may divest the inmate of a paid position.

(f) Any staff request for removal of an inmate from a program shall be submitted to the inmate's correctional counselor on a CDC General Chrono Form. The counselor shall refer the request to a classification committee for consideration and action. If a request is for cause, defined as behavior that would result in loss of participation credit pursuant to section 3043.2(a), the inmate may be temporarily relieved of the position and denied pay (if a paid position), pending classification committee action.

(g) Work assignments, in lieu of enrollment and participation in education, vocational, therapeutic or other institution program assignments, may be made with or without the inmate's consent by a classification committee, a staff member designated as an inmate assignment lieutenant, or by any staff member responsible for the supervision of an unassigned inmate.

(h) Inmates who have a history of computer fraud or abuse, including documented institutional disciplinary action involving computer fraud or abuse, shall not be placed in any vocational or work assignment that provides access to a computer.

(i) A job description shall be developed for each inmate work/training position, establishing the minimum standards of acceptable participation and performance and the possible consequences of failure or refusal to meet the standards. The inmate shall sign a copy of the job description, indicating acceptance of the conditions of employment, and shall receive a copy.

(j) The allocation of paid inmate work/training assignments on an institution-specific basis shall be made by the institution's inmate pay committee. Each institution shall administer an inmate pay program consistent with the budget allotted for such assignments. As directed and in accordance with section 3380, Department and institutional inmate pay committees shall administer inmate rate and wage matters subject to these regulations.

(k) An inmate's assignment to a paid position is a privilege dependent on available funding, job performance, seniority and conduct. These factors shall be criteria considered in determining an inmate's eligibility for pay earning status and rate of pay.

(l) The following inmate assignments shall not be considered paid work/training assignments.

(1) Inmate advisory council members (except the chairperson and secretary).

(2) Vocational student assignments (however, exceptions may be made where the inmate is enrolled in a bona fide apprenticeship program or performs work that provides a benefit to the institution and/or public).

(3) Academic student assignments.

(4) Substance abuse or therapeutic program assignments.

(5) Any other specific work/training assignment deemed "non-pay" by the inmate pay committee of the institution/facility.

NOTE: Authority cited: Sections 2700, and 5058, Penal Code. Reference: Section 1182, Labor Code; and Sections 502, 2079, 2702, 2933, 5054 and 5068, Penal Code.

HISTORY:

1. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment filed 5-4-83; designated effective 6-1-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 19).
3. New subsection (e) filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
4. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
5. New subsection (e) filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
6. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
7. New subsection (e) filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
8. Editorial correction of HISTORY 7. only changing Register 88, No. 16 to Register 88, No. 24 (Register 88, No. 34).
9. Certificate of Compliance as to 6-2-88 order transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
10. Amendment of subsection (b), new subsection (d) and subsection renumbering filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL by 4-20-92 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
12. Renumbering and amendment of former section 3220.2 to subsection 3040(b) and subsection redesignation filed 6-30-95 as an emergency; operative 7-1-95 (Register 95, No. 26). A Certificate of Compliance must be transmitted to OAL by 12-7-95 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 6-30-95 order transmitted to OAL 11-22-95 and filed 1-8-96 (Register 96, No. 2).
14. New subsection (g), subsection relettering, and amendment of Note filed 3-24-99; operative 4-23-99 (Register 99, No. 13).
15. New subsection (e) and subsection relettering filed 2-13-2001; operative 3-15-2001 (Register 2001, No. 7).
16. Amendment of subsections (a)–(c), (d)–(f) and (i), new subsections (j)–(l)(5) and amendment of Note filed 5-3-2004; operative 6-2-2004 (Register 2004, No. 19).
17. Amendment of subsections (a), (c) and (e) filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
18. Amendment of subsections (a), (c), (d) and (g) filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
19. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3040.1. Substance Abuse Programs for Inmates.

(a) Prisons may establish substance abuse programs (SAP) to provide addiction and recovery treatment services to qualifying inmates. SAP is not intended to provide medical or mental health treatment. Available services and duration of programs may vary, as determined by CDCR Adult Program staff consistent with institutional security and available resources.

(b) A classification committee shall consider inmates who have a documented history of substance abuse for assignment to a SAP; assignment may be voluntary or involuntary.

(c) Inmates with the following case factors shall not be placed in an SAP:

(1) Inmates who have been housed in a Security Housing Unit at any time during the preceding 12 months as a result of a guilty finding in a disciplinary action for assault and/or battery with force sufficient to cause serious injury or other rule violations classified as Division A-1, as listed in Section 3323(b);

(2) Inmates who have been housed in a Protective Housing Unit at any time during the preceding 12 months;

(3) Inmates who are currently members or associates of a prison gang, as certified by a Institution Gang Investigator;

(4) Inmates who have active or potential felony holds from any jurisdiction which could result in an increase in sentence length;

(5) Inmates who have active or potential United States Immigration and Naturalization Service holds;

(6) Inmates who are enrolled in Inpatient or Enhanced Outpatient Program (EOP) services.

(d) Inmates who meet the initial screening requirements for placement in an SAP shall be identified in the department's data processing system record by the placement of an "S" in the Eligibility Identifier field of the database.

(e) Final consideration prior to assignment to an SAP:

(1) Inmate's classification score and administrative determinants, established in accordance with section 3375, shall be appropriate to the facility where the SAP is located;

(2) Inmate's remaining time to serve shall be within the minimum length of participation required for the SAP as established at that institution.

(f) Inmates assigned to an SAP are subject to the program participation requirements listed in Section 3040, and the performance requirements of section 3041, and shall be placed in a work/training incentive group consistent with the provisions of section 3044. Inmates who fail to comply with program participation and/or performance requirements shall be subject to the methods of discipline defined in section 3312.

(g) Inmates who participate in an SAP shall not be eligible for placement in a Community Correctional Reentry Facility unless that facility provides a continuation of SAP activities.

(h) Inmates eligible for SAP placement who are housed in Conservation Camps or Minimum Support Facilities shall participate in an SAP only if one is available at that facility.

(i) A community services plan shall be developed by SAP staff for each inmate being paroled from an SAP.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 8-28-98 as an emergency; operative 8-28-98 (Register 98, No. 35). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 2-4-99 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-28-98 order, including amendment of section, transmitted to OAL 2-2-99 and filed 3-18-99 (Register 99, No. 12).
3. Amendment of subsection (c)(3) filed 5-25-2006; operative 5-25-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).
4. Amendment of subsections (a) and (b) filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3040.2. Bridging Education Program. [Repealed]

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933 and 5054, Penal Code.

HISTORY:

1. New section filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
2. Repealer filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3041. Performance.

(a) Inmates must perform assigned tasks diligently and conscientiously. Inmates must not pretend illness, or otherwise evade attendance or avoid performance in assigned work, education and programs, or encourage others to do so.

(b) Inmates must report to their place of assignment at the time designated by the institution's schedule of activities and as instructed by their assignment supervisor. Inmates may not leave an assignment without permission to do so.

(1) Time and payroll credits for paid inmate workers shall be documented on timekeeping logs maintained by work supervisors in accordance with section 3045.

(2) The duration of an unauthorized absence from a compensated assignment shall be documented and under no circumstances shall an inmate be paid under the authority of section 3041.2 for time not worked.

(c) Inmates must perform their work and program assignments in a safe manner, using safety equipment as instructed by their assignment supervisor.

(d) Inmates assigned to educational, vocational, or other training programs must cooperate with the instructor or the person in charge, and must comply with instructions, and all requirements for participation in the assigned activity.

(e) Inmates in assignments where they will type, file, or otherwise handle any nonconfidential information pertaining to another inmate shall comply with all state Information Practices Act (Civil Code Sections 1798, et seq.) requirements.

(1) For purposes of this section inmates in such assignments are designated "special agents" of the Department of Corrections as defined in Civil Code Section 2297, for the limited purposes of typing, filing, and handling information under the supervision of employees of the Department, and for no other purpose.

(2) Pursuant to Civil Code Section 2318 inmate "special agents" are specifically deprived of the authority to disobey instructions as described in Civil Code Section 2320.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 2297, 2318, 2320 and 1798 et seq., Civil Code.

HISTORY:

1. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. New subsections (e)–(e)(2) and Note filed 2-22-95; operative 3-24-95 (Register 95, No. 8).
3. Amendment of subsection (a) and new subsections (b)(1)–(2) filed 5-3-2004; operative 6-2-2004 (Register 2004, No. 19).
4. Amendment of subsection (b)(1) filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
5. Amendment of subsection (a) filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3041.1. Paid Inmate Work/Training Assignment Criteria.

(a) Inmate work/training supervisors, in accordance with section 3040(d), shall fill vacant paid inmate assignments based on the following criteria:

(1) Skill level evidenced by the inmate's technical expertise, ability, and knowledge.

(2) Behavior and relationships with others evidenced by the inmate's ability to deal with staff and other authority figures, work/training supervisors, and other inmates.

(3) Attitude and adaptability evidenced by the inmate's willingness to learn and to take directions.

(4) Work/training habits evidenced by the inmate's punctuality, dependability, care of equipment, and safety practices.

(5) Formal education and training evidenced by the inmate's preparation for the assignment and ability to read, write, and speak effectively.

(6) Mission and physical plant of the institution/facility.

(7) Ethnic balance. Ethnic balance is achieved by having the facility's White, Black, Hispanic, American Indian, and other identified ethnicities in the inmate population proportionately represented in the number of paid assignments at the facility.

(b) Each institution/facility shall establish an application process for selection of skilled workers to fill paid positions.

(c) Inmates assigned to paid positions will be paid from the fund or allotment of the institution's/facility's support budget.

(d) All paid work/training assignments shall be ranked in sequential order of technical skill required. The United States Department of Labor Dictionary of Occupational Titles (DOT) shall be used to maintain consistency throughout the Department when determining skill levels.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 2-28-95; operative 3-30-95 (Register 95, No. 9).
2. Amendment filed 5-3-2004; operative 6-2-2004 (Register 2004, No. 19).

3041.2. Inmate Pay Rates, Schedule and Exceptions.

(a) Pay rates at each facility for paid inmate assignments shall be commensurate with the level of skill and productivity required and shall be set with the assistance of the Institutional Inmate Pay Committee. Pay rates shall be in accord with the Following general pay schedule adopted and revised by the Director pursuant to the Administrative Procedures Act.

(1) Pay Schedule

<i>Skill Level</i>	<i>Minimum/Maximum Hourly</i>	<i>Minimum/Maximum Monthly</i>
Level 1		DOT Skill Level 9
Lead Person	\$0.32–\$0.37	\$48–\$56
Level 2		DOT Skill Levels 7–8
Special Skill	\$0.19–\$0.32	\$29–\$48
Level 3		DOT Skill Levels 5–6
Technician	\$0.15–\$0.24	\$23–\$36
Level 4		DOT Skill Levels 3–4
Semi-Skilled	\$0.11–\$0.18	\$17–\$27
Level 5		DOT Skill Levels 1–2
Laborer	\$0.08–\$0.13	\$12–\$20

(2) Monthly rates shall apply to full time employment in the job classifications and shall be paid from the support budget or inmate welfare funds. Hourly rates shall apply to half time and partial full time paid employment.

(b) Exceptions to the above schedule may be made in extraordinary circumstances. A wage comparable to that paid to inmates in the Prison Industry Authority inmate pay program may be paid for special projects or assignments that require a high degree of skill or expertise. Other exceptions may also be made in order to fill positions when recruitment or retention of inmate workers is a problem. Any exceptions based upon this subsection shall require approval, review and justification on an annual basis by the institution head or designee.

(c) Pay increases shall not be automatic or based on the inmate's longevity in an assignment. Increases or reductions in the pay rate shall be based on the work/training supervisor's recommendation, the inmate's work/training performance reports, subject to review and approval of the inmate assignment authority.

(d) Inmates may receive a pay increase only on a quarterly basis and only until the maximum pay rate for that assignment is obtained.

(e) Inmate performance rating and total hours in job categories shall be reviewed when changes in job classifications are being considered. Inmates approved for advancement to a higher skill classification shall enter the new classification at a pay grade equal or greater to their previous pay grade in the lower skill, unless the new assignment is to a non-paid position.

(f) The reason for any reduction in an inmate's pay rate, including either removing the pay status or decreasing the pay level from an assigned position or reassigning the inmate to a non-paid or lower paid position, shall be documented in the inmate's central file as follows:

(1) When the reason for a pay reduction is misconduct, including the inmate's willful refusal or failure to work as directed, the matter shall be reported in accordance with Sections 3314 and 3315 as appropriate.

(2) When the reason for a pay reduction is not the fault of the inmate, including their inability to satisfactorily perform the required duties after a reasonable effort to do so, the matter shall be documented on a CDC General Chrono.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2079, 2811 and 5054, Penal Code.

HISTORY:

1. New section filed 2-28-95; operative 3-30-95 (Register 95, No. 9).
2. Amendment of section heading, section and Note filed 5-3-2004; operative 6-2-2004 (Register 2004, No. 19).
3. Change without regulatory effect amending subsection (e) filed 12-4-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 49).
4. Amendment filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3041.3. Inmate/Parolee Access to Computers.

(a) Inmates shall not access any computer outside of their authorized work, vocational, or educational assignment, or as needed for legal research on the Law Library Electronic Delivery System, except as authorized by the department's Information Security Officer (ISO).

(b) Inmates shall not access any computer connected to a local area network (LAN), except as approved by the ISO; nor shall inmates access any computer which has any type of direct, outside communication capability, except as provided in section 3370(b).

(c) Only those computer programs developed by inmates that are written in a programming language approved by the ISO shall be authorized for use.

(1) The use of inmates as programmers and system experts shall be prohibited where there is a risk to the information assets of the department or the public, as determined by the institution head or the ISO. Inmates shall not be used as programmers or system experts for departmental business applications, systems, and data.

(2) Inmates assigned to one computer for work, vocation or education shall not be assigned to, or permitted to use, any other computer, except as approved by the ISO.

(d) Areas where inmates are authorized to work on computers shall be posted as such. Each computer in a facility shall be labeled to indicate whether or not inmates are authorized access to that computer.

(e) Inmates shall not access any computer that contains or is capable of accessing sensitive or confidential information or is connected to, other computers containing sensitive or confidential information, except as provided in section 3370(b).

(f) Inmates shall not use or be informed of any computer password, except when issued by the supervising staff. The supervising staff and not the inmate must always retain the ability to change the password.

(g) Inmates shall not have access to diskettes or any other electronic storage media, except within an area approved by the institution head.

(h) Inmates shall not possess a computer as part of their personal property.

(i) Inmates shall not access or use any computer-based tool or program that is capable of destroying or corrupting stored data, except as provided in sections 3041.3(m) and 3370(c).

(j) Inmates who have a record of computer fraud or abuse shall not have access to a computer.

(k) No external communication capabilities; e.g., telephone lines with connectivity outside the inmate facility, data lines, data punch panels, or telephone access punch panels, shall be permitted in any area where inmates are allowed to access computers, except as approved in writing by the ISO. The local Information Security Coordinator must keep a copy of the written exception on file for post audit.

(l) Inmates shall not directly access or alter any computer's operating system, except as provided in sections 3041.3(m) and 3370(b), or authorized by the ISO.

(m) Inmate refurbishing of computers shall be permitted only as part of a program that has been approved, and subject to all requirements established, by the institution head and ISO. An unclothed body search shall be conducted on each inmate prior to their exiting any area where a computer refurbishing program exists.

(n) Each parole office shall ensure the security of computers, LANs, and modems or other communication devices used in that office from unauthorized access by parolees. The unit supervisor of each parole office shall be responsible for enforcement of this subsection.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 502, 502.7 and 2702, Penal Code.

HISTORY:

1. New section filed 3-24-99; operative 4-23-99 (Register 99, No. 13).
2. Amendment of section heading and new subsection (n) filed 1-31-2002; operative 3-2-2002 (Register 2002, No. 5).
3. Change without regulatory effect amending subsection (b) filed 5-6-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 19).
4. Amendment of subsection (n) filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

5. Amendment of subsections (a), (d)–(f) and (k) filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

Article 3.5. Credits

3042. Penal Code 2933 Credits.

(a) Except where otherwise prohibited by law, effective January 25, 2010, for every six months of continuous incarceration from the date of sentencing to the Department of Corrections and Rehabilitation, an eligible inmate shall be awarded six months reduction in term of imprisonment. A lesser amount of credit based on this ratio shall be awarded for any lesser period of continuous imprisonment. Under no circumstances shall any inmate receive more than six-months credit reduction for any six-month period under this section.

(1) Inmates who have waived their right to credits under Penal Code section 2931, as provided in Penal Code section 2934, may, pursuant to PC section 2933, be eligible for a reduction in their term of imprisonment from the date of reception by the department on the effective date of the waiver.

(2) Inmates who have received involuntary civil commitment for narcotic addiction for an offense perpetrated on or after January 1, 1983 are not entitled to PC 2933 credits. Time shall be calculated in accordance with the entire sentence imposed by the court including any pre-sentence or post-sentence credits which have been granted.

(3) Civil Addict Commitments received prior to August 31, 1995 who are confined at California Rehabilitation Center (CRC) or a branch of CRC and are within 90 days of reaching their Custody Expiration Date (CED) which precedes their Program Expiration Date (PED); outpatients who are returned to CRC or a branch of CRC; and outpatient violators received prior to August 31, 1995 who have not previously elected to continue participation in the Civil Addict program shall be given two options:

(A) Remain in the Civil Addict Program, or

(B) Request exclusion from the Civil Addict Program and referral to the committing court for the vacating of Civil Addict Commitment and further proceedings on the criminal charges.

(4) The inmate's choice shall be indicated and signed utilizing the CDC Form 1840 (Rev. 12/95).

(5) PC 2933 Credits awarded may be denied or forfeited due to disciplinary action.

(b) Credits for interstate transfer inmates. The Western Interstate Corrections Compact and the Interstate Corrections Compact Agreement enable the Department to transfer and exchange prisoners with other states.

(1) Inmates who agree to serve their term in another state or a federal institution, or who are serving a concurrent term in another jurisdiction, shall be eligible to earn credits as authorized under the provisions of Penal Code sections 2933 and 2933.05.

(2) Before such credit can be awarded, the inmate's credits must be verified by a delegated official of the host institution and reported to the department.

(c) Life-term inmates.

(1) Pursuant to PC section 2933, credits shall be applied to reduce the minimum terms of life inmates sentenced only under PC sections 191.5(d), 217.1(b), 667.7(a)(1) and PC 667.75.

(2) Inmates sentenced to life terms with determinate sentence law (DSL) enhancements or with a consecutive DSL term shall, except where otherwise prohibited by law, be eligible to receive credits on such terms pursuant to PC section 2933.

(d) Case records staff shall process and calculate inmate credits and release dates based upon information provided by the courts and program staff.

(1) Any classification or inmate appeal action affecting an inmate's release date, including a change in work group status or

credit forfeitures and restorations, shall be forwarded to case records staff. Inmates shall be provided a copy of any change in their release dates.

(2) Case records staff shall compute credits. The resultant new legal status summary (LSS) shall be forwarded to the inmate.

NOTE: Authority cited: Sections 2700 and 5058, Penal Code. Reference: Sections 2931, 2933, 2933.05, 2935, 5054, 6260, 11189 and 11190, Penal Code; Section 3201, Welfare and Institutions Code; *In re Monigold*, 205 Cal. App. 3d 1224; and *People v. Jones*, 44 Cal. Rptr. 2d 164 (Cal. 1995).

HISTORY:

1. New section filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 88, No. 38.
2. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3043. Credit Earning.

Pre-sentence. Credit for time served on a term prior to sentencing shall be awarded by the sentencing court pursuant to sections 2900.1, 2900.5 and 4019 of the Penal Code.

(a) Behavior. All inmates serving a determinate term of imprisonment for a crime committed before January 1, 1983, who have not waived the time credit provisions of Penal Code section 2931, shall be credited with a one-fourth reduction on their term of imprisonment, unless all or part of such good behavior credit is denied or forfeited as the result of disciplinary action in the amounts listed in section 3323. Such credit shall be calculated from July 1, 1977 or the date of reception by the department, whichever is later.

(1) Except where otherwise prohibited by law, inmates sentenced under Penal Code section 190 to an indeterminate term of 15 years-to-life or 25 years-to-life and received by the department on or after May 27, 1987 shall be credited with a one-fourth reduction on their minimum eligible parole date, unless all or part of such good behavior credit is denied or forfeited as the result of disciplinary action in the amounts listed in section 3323.

(b) Participation. All inmates described in subsection (a) shall be credited with a one-twelfth reduction on their term unless all or part of such participation credit has been denied or forfeited as the result of disciplinary action for failure or refusal to participate and perform work and/or program assignments as ordered or directed.

(c) Milestone completion credits.

(1) Milestone means the achievement of a distinct objective of a rehabilitative program as established by CDCR in the Milestone Completion Credit Schedule (see 3043(c)(6)). If an inmate is eligible for program credits pursuant to PC section 2933.05, reaching a milestone allows for awarding of such credits.

(2) In addition to any credit awarded pursuant to section 3042, credit reductions to reduce an eligible inmate's term of confinement may be awarded in increments of not less than one week, but no more than six weeks in a twelve-month period for achievement of specific program performance milestones concluding with the successful completion of in-prison rehabilitative programs approved and listed by CDCR on the Milestone Completion Credit Schedule (see 3043(c)(6)). One week is equivalent to 7 calendar days.

(3) Inmates who have received involuntary civil commitment for narcotic addiction for an offense perpetrated on or after January 1, 1983 are not entitled to milestone completion credits as defined in subsection 3043(c)(1).

(4) For the purposes of this section, in-prison rehabilitative programs shall include, but are not limited to academic programs, vocational training programs, substance abuse programs and other core programs such as anger management and social life skills.

(5) Each program milestone shall identify the applicable credit reduction, and shall specify the performance measurement necessary for attainment. Performance measurements include the mastery/understanding of course curriculum demonstrated by completion of assignments, instructor evaluation and standardized testing.

(6) Specific milestone completions and credits awarded are established by Adult Programs on the Milestone Completion Credit Schedule (12/09), which is hereby incorporated by reference. All changes to the Milestone Completion Credit Schedule shall be adopted in accordance with rulemaking requirements of the Administrative Procedures Act (Government Code sections 11340 through 11364).

(7) Program milestones earned in excess of six weeks within a twelve-month period shall be applied at the beginning of the next twelve-month period of continuous incarceration.

(A) For the purposes of this section, the 12-month period shall begin on the date when the first milestone completion credits are completed and verified by the Inmate Assignment Lieutenant.

(B) Within 3 business days of completion of an approved performance milestone, the approved program instructor will certify completion of a milestone via a CDC Form 128-B (Rev. 4/74), General Chrono and forward the document to the Inmate Assignment Office.

(C) Upon receipt of General Chrono, within 3 business days, the inmate assignment lieutenant or custody staff member not less than the rank of lieutenant will verify the inmate's eligibility for milestone completion credits and complete a CDC Form 128-G (Rev. 10/89), Classification Chrono to Case Records.

(8) No milestone completion credits shall be awarded for incomplete performance milestones under any circumstances.

(9) Milestone completion credits awarded may be denied or forfeited due to disciplinary action.

(10) Inmates shall not be eligible for program milestone completion credits that result in an inmate being overdue for release.

(11) Upon parole or discharge, any program milestone completion credits unapplied shall be voided.

(d) Inmates assigned to the Western Interstate Corrections Compact or the Interstate Corrections Compact Agreement are eligible to earn Milestone Completion Credits in accordance with section 3042(b).

(e) Jail confinement. A reentry inmate who is confined in a local jail pending an investigation or disciplinary action, shall be classified and placed in an appropriate work group pursuant to section 3045.1.

(f) Return from work furlough. An inmate returned to an institution due to disciplinary action or refusal to participate in assigned work, education or vocational assignment shall be placed in work group A-2, or to work group C (non-credit earning) by a reentry classification committee.

(g) Heroic acts and exceptional assistance. Up to 12 months reduction of sentence may be awarded for the following acts:

(1) Acts preventing loss of life or injury to the public, staff, or other inmates.

(2) Acts preventing significant loss or destruction of property.

(3) Providing sworn testimony in judicial proceedings involving prosecution of a felony offense which occurred within the prison.

(h) Case records staff shall process and calculate inmate Milestone Completion Credits in accordance with subsection 3042(d).

NOTE: Authority cited: Sections 2700 and 5058, Penal Code. Reference: Sections 2931, 2933, 2933.05, 2935, 5054, 6260, 11189 and 11190, Penal Code; Section 3201, Welfare and Institutions Code; *In re Monigold*, 205 Cal. App. 3d 1224, and *People v. Jones*, 44 Cal. Rptr. 2d 164 (Cal. 1995).

HISTORY:

1. Change without regulatory effect amending subsections (a), (c) (1) and NOTE pursuant to section 100, title 1, California Code of Regulations filed 12-28-89 (Register 90, No. 1). For prior history, see Register 88, No. 50.
2. Amendment of subsection (c) and redesignated subsection (e), new subsection (d) and subsection renumbering filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of printing errors (Register 92, No. 4).
4. Certificate of Compliance as to 12-20-91 order including amendment of subsection (d)(2) transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
5. Editorial correction of subsection (c)(2)(A) (Register 95, No. 42).
6. New subsections (c)(1)–(3) and subsection renumbering, and amendment of Note filed 2-20-96 as an emergency; operative 2-20-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 7-29-96 pursuant to Penal Code Section 5058(e) or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 2-20-96 order transmitted to OAL 6-17-96 and filed 7-23-96 (Register 96, No. 30).
8. Amendment of subsections (a)(1), (c)(4), (c)(5), (c)(5)(B), (d)(1), (g) and (g)(1) filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
9. Amendment filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3043.1. Waiver.

(a) Inmates serving a determinate term of imprisonment may waive the right to receive credit and thereafter be eligible to earn milestone completion credits in the amounts provided for in section 3043 (c).

(1) Inmates serving an indeterminate term of imprisonment of 15 years-to-life, or 25 years-to-life shall not be entitled to waive their right to behavior and participation credits to earn Penal Code section 2933 worktime credits to reduce their minimum eligible parole dates.

(2) Inmates sentenced under Penal Code section 190 to an indeterminate term of imprisonment of 15 years-to-life or 25 years-to-life received by the department prior to May 27, 1987, who waived their right to behavior and participation credits shall not be entitled to earn Penal Code section 2933 worktime credits after February 15, 1989 to reduce their minimum eligible parole date.

(b) All credit attributable to the portion of the inmate's sentence served prior to the effective date of the waiver shall be retained by the inmate unless such credit has been forfeited for a disciplinary offense. This credit includes all pre-sentence custody and good behavior credit; credit granted under Penal Code Section 4019; post-sentence credit; actual days in custody from date of reception and behavior and participation credit attributable to that actual custody.

(c) Eligible inmates wishing to receive credits pursuant to PC sections 2933 and 2933.05 shall present a signed, CDCR Form 916 (Rev. 09/09), Time Credit Waiver, which is hereby incorporated by reference, to their caseworker who shall:

- (1) Verify the qualifying program.
- (2) Enter the effective date of the waiver upon the credit waiver form.
- (3) Forward the form to the facility's records office for placement into the inmate's central file.

(d) The credit waiver shall be effective on January 1, 1983 if signed on or prior to that date. If signed at a later date, such waiver shall be effective on the date the inmate's assignment to a credit qualifying program is verified. In instances where any inmate serving a sentence prior to January 1, 1983 was not provided with an opportunity to sign a credit waiver, the waiver shall be effective on the date the inmate would otherwise have been eligible because of a qualifying work/training assignment. Accepted waivers shall be irrevocable.

(e) A waiver shall not be accepted from an inmate within 30 days of their release date or if the waiver is retroactive and recomputation of sentence credits would make the inmate overdue for release, or if granting the credit waiver will prevent notification to local law enforcement officials of the release of inmates described in section 3327(c)(2) in the 45-day time frame required by law.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 273a, 273ab, 273d, 667.5, 832.5, 2933, 2933.05, 2933.6, 2934, 3058.6, 3058.9 and 5054, Penal Code.

HISTORY:

1. Certificate of Compliance including amendments transmitted to OAL, 3-22-83 and filed 4-27-83 (Register 83, No. 18).
2. Amendment of subsection (c) and new subsection (d) filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed 12-7-87.
3. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 83, No. 16).
4. Amendment of subsection (c) and new subsection (d) filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
5. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
6. Amendment of subsection (c) and new subsection (d) filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
7. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
8. Change without regulatory effect of subsection (a) pursuant to section 100, title 1, California Code of Regulations filed 12-28-89 (Register 90, No. 1).
9. New subsection (c), amendment of redesignated (d) and subsection renumbering filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
10. Editorial correction of printing errors (Register 92, No. 4).
11. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
12. Amendment of subsection (e) and Note filed 5-22-2006; operative 5-22-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).
13. Amendment of subsections (a), (c) and (e) and Note filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3043.2. Loss of Participation Credit.

(a) Any inmate who accumulates participation credit as described in Section 3043(b) may be denied or may forfeit such credit for failure or refusal to perform assigned, ordered, or directed work or program activities, as described in section 3040. Any serious disciplinary offense committed while participating in such prison work or program activities shall be deemed a failure to participate.

(b) Not more than 30 days of participation credit may be denied or forfeited for any single failure or refusal to participate, which occurred on or after January 1, 1983.

(c) Failure to work or participate in program activities for reasons, which are beyond the inmate's control, shall not be cause for denial or forfeiture of participation credit. Such circumstances may include but are not limited to:

(1) The inmate has not been given instructions or an order or an assignment to perform or participate in work or program activities.

(2) The inmate's work or program assignment has been temporarily suspended or permanently terminated, and no other work or program assignment has been ordered.

(3) The inmate is medically excluded or restricted from work or program activities, either on a temporary basis because of illness or injury, or on a permanent basis because of medically diagnosed physical or mental inability to participate.

(4) The inmate has failed to perform or participate after demonstrating a reasonable effort in the specified activity.

(5) The inmate is restricted from reporting to or participating in an assigned work or program activity by an order or action of institution staff.

NOTE: Authority cited: Sections 2931 and 5058, Penal Code. Reference: Sections 2931 and 5054, Penal Code.

HISTORY:

1. Certificate of Compliance including amendments transmitted to OAL 3-22-83 and filed 4-27-83 (Register 83, No. 18).

3043.3. Loss of Behavior, PC 2933, or PC 2933.05 Credit.

(a) As used in these regulations, forfeiture of credits means loss of credits previously earned or to be earned. Behavior, PC 2933 or PC 2933.05 credit may be denied or forfeited for the commission of any felony or misdemeanor, whether prosecuted or not, serious rule violation committed after January 1, 1983, or court judgment pursuant to Penal Code sections 2932.5 and 2933(c).

(1) Not more than 360 days of credit shall be denied or forfeited for any act specified as a division A-1 offense in section 3323(c), of these regulations.

(2) Not more than 180 days shall be denied or forfeited for any act specified as a division A-2 offense in section 3323(d) of these regulations or for any other felony not cited in subsection (a) (1).

(3) Not more than 90 days shall be denied or forfeited for commission of any misdemeanor.

(4) Not more than 30 days shall be denied or forfeited for any single act described as a serious rule violation in these regulations, unless such act is a misdemeanor or felony offense.

(5) An inmate found by a court to be a vexatious litigant as defined in section 3000 shall be denied or lose 30 days of credit.

(b) No behavior credit attributable to any portion of a sentence served prior to January 1, 1983 shall be forfeited for any criminal or disciplinary offense occurring on or after January 1, 1983.

(c) Credit loss shall be assessed in accordance with the schedule provided in section 3323. The inmate shall be notified of the change in his or her anticipated release date due to the denial or forfeiture of credits.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932, 2932.5 and 5054, Penal Code.

HISTORY:

1. Certificate of Compliance including amendments transmitted to OAL 3-22-83 and filed 4-27-83 (Register 83, No. 18).
2. Amendment of subsection (a) filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
3. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).

4. Amendment of subsection (a) filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
5. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
6. Amendment of subsection (a) filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
7. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
8. Editorial correction of printing error in History 1. (Register 92, No. 5).
9. Amendment of subsection (a), new subsection (a)(5) and amendment of Note filed 11-12-97 as an emergency; operative 11-12-97 (Register 97, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-13-98 or emergency language will be repealed by operation of law on the following day.
10. Editorial correction of History 9 (Register 98, No. 18).
11. Amendment of subsection (a), new subsection (a)(5) and amendment of Note refiled 4-29-98 as an emergency; operative 4-29-98 (Register 98, No. 18). A Certificate of Compliance must be transmitted to OAL by 10-6-98 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 4-29-98 order transmitted to OAL 6-12-98 and filed 7-21-98 (Register 98, No. 30).
13. Amendment of subsection (a)(4) filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
14. Amendment of section heading and subsections (a) and (a)(5) filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
15. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3043.4. Non-Credit Earning.

An inmate eligible to earn credit who refuses a full-time qualifying assignment, or is placed on non-credit earning status (Work Group C) by a classification committee for frequent work/training violations due to serious disciplinary infractions, shall not receive earned credit.

(a) Inmates placed in SHU, PSU, BMU, or ASU for misconduct due to a serious disciplinary infraction are ineligible to earn credits for a period not to exceed the number of disciplinary credits forfeited.

(b) An inmate who is placed in SHU, PSU, or ASU for misconduct described in subsection (c) or upon validation as a prison gang member or associate is ineligible to earn credits pursuant to section 2933 or 2933.05 during the time he or she is in the SHU, PSU, or ASU for that misconduct.

(c) The following offenses shall exclude an inmate from earning credit:

(1) Murder, attempted murder, and solicitation of murder. For purposes of this paragraph, solicitation for murder shall be proven by the testimony of two witnesses, or of one witness and corroborating circumstances.

(2) Manslaughter.

(3) Assault or battery causing serious bodily injury.

(4) Assault or battery on a peace officer or other non-prisoner which results in physical injury.

(5) Assault with a deadly weapon or caustic substance.

(6) Rape, attempted rape, sodomy, attempted sodomy, oral copulation, or attempted oral copulation accomplished against the victim's will.

(7) Taking a hostage.

(8) Escape or attempted escape with force or violence.

(9) Escape from any departmental prison or institution other than a camp or reentry facility.

(10) Possession or manufacture of a deadly weapon or explosive device.

(11) Arson involving damage to a structure.

(12) Possession of flammable, explosive material with intent to burn any structure of property.

(13) Solicitation of assault with a deadly weapon or assault by means of force likely to produce great bodily injury, arson, or a forcible sex act.

(14) Intentional destruction of state property in excess of four hundred dollars (\$400) during a riot or disturbance.

(d) If a Rules Violation Report (RVR) finding of the misconduct is not guilty or dismissed, or if the inmate is criminally prosecuted for the misconduct and is found not guilty, the inmate may remain eligible for credit earning.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2931, 2932, 2933, 2933.05, 2933.6, 5054 and 5068, Penal Code.

HISTORY:

1. Certificate of Compliance including amendments transmitted to OAL 3-22-83 and filed 4-27-83 (Register 83, No. 18).
2. Amendment filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
3. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
4. Amendment filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
5. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
6. Amendment filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
7. Certificate of Compliance transmitted to OAL 9-26-88; operative 10-26-88 (Register 88, No. 50).
8. Amendment filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
9. Amendment of section and Note filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3043.5. Special Assignments.

(a) Special assignments include:

(1) Inmate advisory council. The positions of chairperson and secretary of an institution's inmate advisory council may be full-time positions in Work Group A-1.

(2) Prerelease program. Assignment to an approved full time prerelease program shall qualify as full time assignment in Work Group A-1.

(b) Medical/psychiatric inpatient hospitalization (29 calendar days or less). Inmates determined by medical/psychiatric staff to need short-term inpatient care shall retain their existing credit earning category. Inmates requiring longer periods of inpatient care shall be referred by the attending physician/psychiatrist to a classification committee. The classification committee shall confirm the inmate's unassigned inpatient category and change the inmate's work/training group status as follows:

(1) General population inmates shall be placed in Work Group A-2, effective the thirtieth day of unassignment.

(2) Segregation inmates who are in Work Group A-1 or B shall be placed in Work Group D-1, effective the first day of placement into Administrative Segregation.

(3) Segregation inmates in Work Group D-1 or D-2 shall retain their Work Group status.

(c) Long term medical/psychiatric unassigned status. In cases where the health condition necessitates that the inmate becomes medically unassigned for 30 calendar days or more, the physician shall specify an anticipated date the inmate may return to work. The classification committee shall review the inmate's medical or psychiatric unassigned status and change the inmate's Work Group status as follows:

(1) An inmate in the general population shall be changed to Work Group A-2, involuntary unassigned, to be effective the thirtieth day of unassignment.

(2) An inmate in a lockup unit who is in Work Group A-1 or B shall be changed to Work Group D-1 to be effective the first day of placement into Administrative Segregation.

(3) An inmate in a lockup unit who is in Work Group D-1 or D-2 shall be retained in their respective Work Group.

(d) Medical/psychiatric health care status determination:

(1) When an inmate has a disability that limits his/her ability to participate in a work, academic, vocational or other such program, medical/psychiatric staff shall document the nature, severity, and expected duration of the inmate's limitations on a CDC Form 128-C (Rev. 1/96), Chrono-Medical, Psychiatric, Dental. The medical/psychiatric staff shall not make program assignment recommendations or decisions on the form. The CDC Form 128-C shall then be forwarded to the inmate's assigned correctional counselor who will schedule the inmate for a classification committee review. The classification committee shall have the sole responsibility for making program assignment and work group status decisions. Based on the information of the CDC Form 128-C and working in conjunction with staff from the affected work area, academic/vocational program, and the Inmate Assignment Lieutenant, the classification committee shall evaluate the inmate's ability to participate in work, academic, vocational, or other programs and make a determination of the inmate's program assignment and work group status.

(2) Only when the inmate's documented limitations are such that the inmate, even with reasonable accommodation, is unable to perform the essential functions of any work, academic, vocational or other such program, will the inmate be placed in one of the two following categories by a classification committee:

(A) Temporary medical/psychiatric unassignment. Except as provided in section 3043.5(e)(2)(A), when a disabled inmate is unable to participate in any work, academic, vocational or other program, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to last for less than six months, the classification committee shall place the inmate on temporary medical/psychiatric unassignment. Inmates on temporary medical/psychiatric unassignment status shall be scheduled for classification review any time there is a change in his/her physical/mental impairment or no less than every six months for reevaluation. The credit earning status of an inmate on temporary medical/psychiatric unassignment for less than six months shall be in accordance with section 3044(b)(3), Work Group A-2. If the inmate's condition lasts six months and the classification committee still cannot assign the inmate due to his/her impairment, the credit earning status shall be changed to be in accordance with section 3044(b)(2), Work Group A-1 and appropriate privilege group retroactive to the first day of the temporary medical/psychiatric unassignment.

(B) Medically disabled. When an inmate is unable to participate in any assigned work, academic, vocational, or other such program activity, even with reasonable accommodation, because of a medically determinable physical or mental impairment that is expected to result in death or last six months or more, the classification committee shall place the inmate on medically disabled status. The inmate credit earning status shall be in accordance with section 3044(b)(2), Work Group A-1 and Privilege Group A.

(e) Medical/psychiatric special assignments:

(1) Light duty: Inmates determined to have long-term medical or psychiatric work limitations shall be processed in the following manner:

(A) A medical or psychiatric evaluation of the inmate shall be made to determine the extent of disability and to delineate capacity to perform work and training programs for either a full or partial workday. If the inmate is deemed capable of only a partial work program, full credit shall be awarded for participation in such a program.

(B) A classification committee shall review the evaluation and determine the inmate's assignment.

1. A committee concurring with an evaluation's light duty recommendation shall refer the matter to the facility's assignment office which shall attempt to provide an assignment within the inmate's capabilities. Inmates assigned to such light duty shall be scheduled for semi-annual review.

2. A committee disagreeing with an evaluation's light duty recommendation shall refer the matter back to the medical department, describing the difference of opinion or rationale for requesting a second medical evaluation. If the committee disagrees with the second medical evaluation it shall refer the matter to the institution classification committee for final determination.

(2) Short-term medical/psychiatric lay-in or unassignment. Inmates who are ill or otherwise require a medical/psychiatric lay-in or unassignment for 29 days or less shall be processed in the following manner:

(A) Only designated medical/psychiatric staff are authorized to approve such lay-ins and unassignments. Reasons for the approval and the expected date of return to their regular assignment shall be documented by the medical/psychiatric staff making the decision.

(B) Inmates shall notify their work or training supervisor of their lay-in or unassignment status. The work or training supervisor shall record each day of the inmate's approved absence as an "E".

(C) Medical/psychiatric staff determining an inmate should continue on lay-in or unassigned status for more than 29 days shall refer the case to a classification committee.

(D) The inmate shall continue to use ETO time while on short-term medical/psychiatric lay-in or unassigned status.

(f) On-the-job injuries. The chief medical officer shall document inmate injuries occurring on the job. With the exception of inmates assigned to Work Group F, such injured inmates shall retain their existing work group status until medically approved to return to their work assignment. Inmates assigned to Work Group F shall revert to Work Group A-1 effective on the date the chief medical officer determines the on-the-job injury excludes the inmate from conservation camp placement providing the chief medical officer's exclusion determination is within 29 days following the date of the inmate's removal from the conservation camp assignment. If the chief medical officer's exclusion determination is not within 29 days following the date of the inmate's removal from the conservation camp assignment, the inmate shall revert to Work Group A-1 effective the 30th day following the date of the inmate's removal from the conservation camp assignment.

(g) Medical or psychiatric treatment categories "H", "I", and "N". An inmate assigned to category "H", "I", or "N" is not ca-

pable of performing a work or training assignment and shall, except where otherwise prohibited by law, be placed in Work Group A-1.

(h) Department of Mental Health (DMH) Penal Code (PC) sections 1364, 2684 and 2690 placements. An inmate transferred to DMH pursuant to PC sections 1364, 2684 or 2690 shall be placed in a work group as provided in section 3043.6(b).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

HISTORY:

1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. New section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Amendment of subsection (b), repealer of subsection (c)(4), and new subsections (d)-(g) filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
8. Editorial correction of subsection (a)(2) (Register 92, No. 4).
9. Certificate of Compliance as to 12-20-91 order including amendment of subsection (f) transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
10. Amendment of subsection (c) filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
11. Amendment of subsection (c) refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
12. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
13. Amendment of subsection (c) filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 2-21-96 order transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).
15. Amendment of subsection (e) and amendment of Note filed 10-23-2003 as an emergency; operative 10-23-2003 (Register 2003, No. 43). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-1-2004 or emergency language will be repealed by operation of law on the following day.
16. Certificate of Compliance as to 10-23-2003 order transmitted to OAL 3-19-2004 and filed 5-3-2004 (Register 2004, No. 19).
17. Amendment of subsection (a)(1) filed 5-3-2004; operative 6-2-2004 (Register 2004, No. 19).
18. Amendment filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
19. Amendment of section heading, repealer of subsection (a)(3) and amendment of subsection (d)(1) and Note filed 1-25-2010 as an

emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.

20. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3043.6. Impact of Transfer on Credit Earning.

(a) Non-adverse transfers.

(1) A non-adverse transfer is movement of an inmate to a less restrictive institution or program where the security level is the same or lower, movement to a secure perimeter from a non-secure camp or Level 1 (Minimum Support Facility) setting by order of the prison administration for non-adverse reasons or transfers from reception centers.

(2) With the exception of inmates assigned to Work Group F, an inmate transferred for non-adverse reasons shall retain their work and privilege group status. Inmates assigned to Work Group F shall revert to Work Group A-1 effective the date removed from camp or institution fire fighter assignment.

(3) An inmate in a vocational/training program, educational program, or SAP at the sending institution shall be assigned the same or similar program, if eligible, at the receiving institution unless the program has no vacancy or the program is unavailable. If the receiving institution's program is full or unavailable, the inmate shall be placed on any existing waiting list. If eligible, inmates on waiting lists at sending institutions shall be merged into the receiving institution's waiting list based on credit earning status, release date, and the length of time they have spent on the sending institution's waiting list. Inmates who are day-for-day eligible per Penal Code section 2933 shall be given priority for assignment with the exception of Senate Bill (SB) 618 Participants who, as defined in section 3000, pursuant to the provisions of subsection 3077.3(b)(1), and subject to the provisions of 3077.3(f), shall be placed at the top of an institution's waiting list and given priority for assignment. Inmates shall be merged into the receiving institution's waiting list in the following manner:

(A) First, SB 618 Participants. Those SB 618 Participants having the earliest release date shall be given first priority.

(B) Second, those inmates who are day-for-day credit eligible, approved for the program and are not assigned Work Group A-2. Inmates eligible to earn credits per Penal Code section 2933 shall be given second priority for placement on waiting lists and the inmate with the earliest release date shall be given priority.

(C) Third, inmates who are day-for-day credit eligible and are already designated Work Group A-1. Inmates eligible to earn credits per Penal Code section 2933 shall be given next priority for placement on waiting lists and the inmate with the earliest release date shall be given priority.

(D) Fourth, those inmates who are not Penal Code section 2933 day-for-day credit eligible and are already designated Work Group A-1. Inmates will be placed on waiting lists based upon the work group effective date.

(E) Fifth, those inmates who are not Penal Code section 2933 day-for-day credit eligible and are not assigned Work Group A-2. Inmates will be placed on waiting lists based upon the work group effective date.

(b) Transfers to Department of Mental Health (DMH).

(1) Penal Code (PC) sections 2684 and 2690 transfers. An inmate transferred to the DMH pursuant to PC sections 2684 and 2690 is not capable of performing a work or training assignment. Such an inmate shall be classified by the sending facility before the transfer and placed in Work Group A-1.

(2) Penal Code section 1364 transfers. An inmate transferred to DMH to participate in the voluntary experimental treatment pro-

gram pursuant to Penal Code section 1364 shall participate in a full-time credit qualifying work/training assignment in order to earn full worktime credit.

(c) Adverse transfers.

(1) Adverse transfers are defined as a transfer resulting from any in-custody documented misbehavior or disciplinary that may or may not have resulted in an inmate's removal from current program.

(2) If an inmate is removed from a program for adverse reasons and is subsequently exonerated of the charges, the credit earning status shall be designated as though the inmate had not been removed from the assignment.

(3) Effective on the date of transfer an inmate in Work Group A-1 or F who receives an adverse transfer shall be reclassified to Work Group A-2 by the sending institution. The inmate shall remain in Work Group A-2 until reclassified by the receiving institution.

(4) An inmate in Work Group A-2, C or D at the time of transfer shall be retained in that group status until reclassified at the receiving institution.

(d) Reception center or layover status.

(1) Inmates being processed in reception centers, who are ineligible to earn day-for-day credits per Penal Code section 2933, can be assigned to half-time assignments. Inmates on layover (en route) status in any institution shall only be assigned to half-time assignments. Exception to this policy requires approval from the director, division of adult institutions.

(2) An inmate's participation in a full or half-time assignment while undergoing reception center processing shall be recorded on timekeeping logs. The inmate's timekeeping log shall be completed by the work supervisor on a daily basis. A copy shall be issued to the inmate upon written request.

(e) Special housing unit transfers.

(1) Inmates found guilty of a credit loss offense which could result in a security housing unit (SHU) determinate term shall be evaluated for SHU assignment by a classification committee.

(2) Inmates placed in a SHU, PSU, or in ASU for reasons specified in section 3043.4 shall be placed in Work Group D-2. All other inmates in SHU, PSU, or ASU shall be placed in Work Group D-1. BMU inmates shall be placed in the appropriate work group, as designated by committee. The effective date of both work groups shall be the first day of placement into SHU, PSU, BMU or ASU.

(f) Community Correctional Center (CCC) transfers. Transfers of inmates approved for a CCC program are considered non-adverse. With the exception of inmates assigned to Work Group F, inmates shall retain their current work group status while en route to a program. Inmates assigned to Work Group F shall revert to Work Group A-1 effective the date removed from the camp or institution fire fighter assignment.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.8, 1364, 2684, 2690, 2933, 2933.05, 2933.3, 2933.6, 5054 and 5068, Penal Code.

HISTORY:

1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. New section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted

- to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
 7. New subsection (a)(4), amendment of subsection (b)(1) and new subsections (e)–(f) filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
 8. Certificate of Compliance as to 12-20-91 order including amendment of subsection (b)(1) transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
 9. Change without regulatory effect amending subsection (c)(1) filed 2-5-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 6).
 10. Amendment of section and Note filed 10-23-2003 as an emergency; operative 10-23-2003 (Register 2003, No. 43). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-1-2004 or emergency language will be repealed by operation of law on the following day.
 11. Certificate of Compliance as to 10-23-2003 order transmitted to OAL 3-19-2004 and filed 5-3-2004 (Register 2004, No. 19).
 12. Amendment filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
 13. Amendment of subsection (a)(3), new subsection (a)(3)(A), subsection relettering, amendment of newly designated subsections (a)(3)(C)–(E) and amendment of Note filed 2-5-2009 as an emergency; operative 2-5-2009 (Register 2009, No. 6). This filing contains a certification that the operational needs of the Department required filing of these regulations on an emergency basis and were deemed an emergency pursuant to Penal Code section 5058.3. A Certificate of Compliance must be transmitted to OAL by 7-15-2009 or emergency language will be repealed by operation of law on the following day.
 14. Certificate of Compliance as to 2-5-2009 order transmitted to OAL 6-25-2009 and filed 7-28-2009 (Register 2009, No. 31).
 15. Amendment of section and Note filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
 16. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3043.7. Impact of 45-Day Notification on Credit Earnings.

Inmates shall not be placed in a greater credit earning category if it prevents notification to local law enforcement officials of the release of inmates described in Section 3327(c)(2) in the 45-day time frame, as required by Penal Code Sections 3058.6 and 3058.9.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3058.6, 3058.9 and 5054, Penal Code.

HISTORY:

1. New section filed 5-22-2006; operative 5-22-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).

3044. Inmate Work Groups.

- (a) Full-time and half-time defined.
 - (1) Full-time work/training assignments normally mean eight (8) hours per day on a five day per week basis, exclusive of meals.
 - (2) Half-time work/training assignments normally mean four (4) hours per day on a five day per week basis, exclusive of meals.
- (b) Consistent with the provisions of section 3375 of these regulations, all assignments or reassignments of an inmate to a work group shall be by a classification committee action in accordance with this section.
 - (1) Work Group F: Full-time conservation camp worker, or correctional institution inmate firefighter who has completed training for an assignment to a conservation camp or correctional institution inmate firefighter. Inmates eligible to earn day-for-day credits

under Penal Code section 2933 shall be awarded two days credit for each day of qualifying performance. An inmate's ability to earn two-for-one credit shall not begin until he/she has completed conservation camp training or is assigned as an institutional firefighter. Pursuant to Penal Code section 2933.3, effective July 1, 2009, inmates eligible and assigned as institutional firefighters shall receive two-for-one credit. Conservation camp and correctional institution firefighter inmates eligible for two-for-one credit, as defined in this section, may be eligible for Work Group F credit during temporary removals from the conservation camp or correctional institution inmate firefighter setting. Inmates who become ineligible for continued conservation camp placement or as a correctional institution inmate firefighter for any reason shall be removed from Work Group F and assigned to an appropriate Work Group consistent with the remaining provisions of this section.

(2) Work Group A-1: Full-time assignment. Inmates eligible to earn Penal Code section 2933 credits shall be awarded one day credit for each day assigned to this work group. The work day shall not be less than 6.5 hours of work participation and the work week no less than 32 hours of work participation, as designated by assignment. Those programs requiring an inmate to participate during other than the normal schedule of eight-hours-per-day, five-days-per-week (e.g., 10-hours-per-day, four-days-per-week) or programs that are scheduled for seven-days-per-week, requiring inmate attendance in shifts (e.g., three days of 10 hours and one day of five hours) shall be designated as "special assignments" and require departmental approval prior to implementation. "Special assignment" shall be entered on the inmate's timekeeping log by the staff supervisor.

(A) Full-time substance abuse programs (SAP), educational and training program. SAP, educational and vocational training programs shall not be less than 3 hours of work participation per day and no less than 15 hours of work participation per week, as designated by assignment.

(B) Combination programs qualifying as full-time. Any combination of half-time work, educational or training program resulting in full-time assignment requires the same minimum participation as a regular full-time work assignment. Each combination half-time assignment requires the same minimum participation as a half-time work assignment.

(C) A full-time college program may be combined with a half-time work or vocational training program equating to a full-time assignment. The college program shall consist of 12 units in credit courses only leading to an associate degree in two years or a bachelor's degree in four years.

(D) An inmate diagnosed by a physician and/or psychiatrist as totally disabled and therefore incapable of performing an assignment, shall remain in Work Group A-1 throughout the duration of their total disability.

(E) An inmate when diagnosed by a physician and/or psychiatrist as partially disabled shall be assigned to an assignment within the physical and/or mental capability of the inmate as determined by the physician and/or psychiatrist, unless changed by disciplinary action.

(3) Work Group A-2: Involuntarily unassigned.

An inmate willing but unable to perform in an assignment shall be placed in Work Group A-2. Inmates eligible to earn Penal Code section 2933 credits shall be awarded one day credit for each day assigned to this work group, in the following status:

(A) The inmate is placed on a waiting list pending availability of an assignment.

(B) An unassigned inmate awaiting adverse transfer to another institution.

(4) Work Group B: Half-time assignment. Half-time programs shall normally consist of an assignment of four hours per work-day, excluding meals, five-days-per-week, or full-time enrollment in college consisting of 12 units in credit courses leading to an associate or bachelor's degree. Inmates eligible to earn Penal Code section 2933 credits shall be awarded one day credit for each day assigned to this work group. The work day shall be no less than three hours and the work week no less than 15 hours.

(5) Work Group C: Disciplinary unassigned. Zero credit.

(A) Any inmate who refuses to accept or perform in an assignment, or who is deemed a program failure as defined in section 3000, shall be placed in Work Group C for a period not to exceed the number of disciplinary credits forfeited due to the serious disciplinary infraction.

(B) An inmate shall remain in zero credit earning status, not to exceed the amount of disciplinary credits forfeited, and shall revert to his/her previous work group upon completion of the credit forfeiture. Inmates shall be returned to a classification committee for placement on an appropriate waiting list.

(6) Work Group D-1: Lockup status. Inmates assigned to a segregated housing program, except for reasons specified within section 3043.4, shall be awarded one day credit for each day assigned to this work group. Segregated housing shall include, but not be limited to, the following:

(A) Administrative Segregation Unit (ASU).

(B) Security Housing Unit (SHU).

(C) Psychiatric Services Unit (PSU).

(7) Work Group D-2: Lockup Status. Inmates placed in SHU, PSU, or ASU for misconduct described in Penal Code section 2933.6 or upon validation as a prison gang member or associate are ineligible to earn credits during placement in SHU, PSU, or ASU. Inmates placed in SHU, PSU, or ASU due to any other serious disciplinary infraction are ineligible to earn credits for a period not to exceed the number of disciplinary credits forfeited. Zero credit.

(A) An inmate assigned to a determinate SHU term which included a forfeiture of credits shall not be placed in a credit earning assignment during the period of credit forfeiture or 180 days, whichever is less, starting from the date of change in custodial classification. An inmate confined in a secure housing unit for a division A-1 offense, as designated in section 3323(c) of these regulations, and which included great bodily injury on a non-prisoner shall not receive participation or work-time credits for up to 360 days. Upon completion of the period of credit forfeiture, the inmate shall be re-evaluated by a classification committee.

(B) An inmate's status in Work Group D-2 may be extended, in up to six-month increments, by a classification committee in unusual cases where no credit qualifying program can be assigned the inmate without causing a substantial risk of physical harm to staff or others. At the end of the designated period (six months or less), the determination shall be reviewed by an institution classification committee.

(C) If the administrative finding of the misconduct is overturned or if the inmate is criminally prosecuted for the misconduct and is found not guilty, credit earning status shall be restored to the inmate's previously-designated work group at the time of placement into segregated housing.

(8) Work Group U: Unclassified. An inmate undergoing reception center processing is in this status from the date of their reception until classified at their assigned institution. Inmates eligible to earn Penal Code section 2933 credits shall be awarded one day credit for each day assigned to this work group.

(c) Privileges. Privileges for each work group shall be those privileges earned by the inmate. Inmate privileges are administratively authorized activities and benefits required of the secretary, by

statute, case law, governmental regulations, or executive orders. Inmate privileges shall be governed by an inmate's behavior, custody classification and assignment. A formal request or application for privileges is not required unless specified otherwise in this section. Institutions may provide additional incentives for each privilege group, subject to availability of resources and constraints imposed by security needs.

(1) To qualify for privileges generally granted by this section, an inmate shall comply with rules and procedures and participate in assigned activities.

(2) Privileges available to a work group may be denied, modified, or temporarily suspended by a hearing official at a disciplinary hearing upon a finding of an inmate's guilt for a disciplinary offense as described in sections 3314 and 3315 of these regulations or by a classification committee action changing the inmate's custody classification, work group, privilege group, or institution placement.

(3) Disciplinary action denying, modifying, or suspending a privilege for which an inmate would otherwise be eligible shall be for a specified period not to exceed 30 days for an administrative rule violation or 90 days for a serious rule violation.

(4) A permanent change of an inmate's privilege group shall be made only by classification committee action under provisions of section 3375. Disciplinary or classification committee action changing an inmate's privileges or privilege group shall not automatically affect the inmate's work group classification.

(5) No inmate or group of inmates shall be granted privileges not equally available to other inmates of the same custody classification and assignment who would otherwise be eligible for the same privileges.

(6) Changes in privilege group status due to the inmate's placement in lockup:

(A) An inmate housed in an ASU, SHU, or PSU shall be designated Privilege Group D.

(B) An inmate removed from the general population for disciplinary or administrative reasons shall surrender their privilege card to staff.

(7) An inmate in a re-entry furlough assignment shall be eligible for available privileges subject to working eight-hours-per-day and shall not require a privilege group designation. A re-entry inmate placed in a county facility shall be entitled to the same privileges accorded county prisoners and provided for under terms of the department's contract with the county facility.

(8) An inmate's privileges shall be conditioned upon each of the following:

(A) The inmate's compliance with procedures governing those privileges.

(B) The inmate's continued eligibility and possession of the appropriate privilege card.

(C) The inmate's good conduct and satisfactory participation in an assignment.

(9) Inmates returned to custody from parole may be eligible to receive privileges based upon their satisfactory participation in an assignment.

(d) Privilege Group A:

(1) Criteria:

(A) Full-time assignment as defined in section 3044(a).

(B) An inmate diagnosed by a physician and/or psychiatrist as totally disabled shall remain in Privilege Group A unless changed by disciplinary action.

(C) An inmate designated by a physician and/or psychiatrist as partially disabled pursuant to section 3044(a) shall remain in Privilege Group A unless changed by disciplinary action.

(2) Any inmate classified and assigned to Privilege Group A shall receive a red CDC 130 Privilege Card with photo.

(3) Privileges for Privilege Group A are as follows:

(A) Family visits limited only by the institution/facility resources, security policy, section 3177(b), or other law.

(B) Visits during non-work/training hours, limited only by availability of space within facility visiting hours, or during work hours when extraordinary circumstances exist as defined in section 3045.2(e)(2).

(C) Maximum monthly canteen draw as authorized by the secretary.

(D) Telephone access during the inmate's non-work/training hours limited only by institution/facility telephone capabilities.

(E) Access to yard, recreation and entertainment activities during the inmate's non-working/training hours and limited only by security needs.

(F) Excused time off as described in section 3045.2.

(G) The receipt of four personal property packages, 30 pounds maximum weight each, per year; exclusive of special purchases.

(e) Privilege Group B:

(1) Criteria, any of the following:

(A) Half-time assignment as defined in section 3044(a) or involuntarily unassigned as defined in section 3044(a) or involuntarily unassigned as defined in section 3044(b).

(B) A hearing official may temporarily place an inmate into the group as a disposition pursuant to section 3314 or 3315.

(2) Any inmate in Privilege Group B shall not be issued a privilege card.

(3) Privileges for Privilege Group B are as follows:

(A) One family visit each six months, unless limited by section 3177(b) or other law.

(B) Visits during non-work/training hours, limited only by availability of space within facility visiting hours, or during work hours when extraordinary circumstances exist, as defined in section 3045.

(C) One-half the maximum monthly canteen draw as authorized by the secretary.

(D) One personal telephone access period per month.

(E) Access to yard, recreation, and entertainment activities during the inmate's non-working/training hours and limited only by institution/facility security needs.

(F) Excused time off as described in section 3045.2.

(G) The receipt of four personal property packages, 30 pounds maximum weight each, per year, exclusive of special purchases.

(f) Privilege Group C:

(1) Criteria, any of the following:

(A) The inmate who refuses to accept or perform in an assignment or is deemed a program failure as defined in section 3000.

(B) A hearing official may temporarily place an inmate into the group as a disposition pursuant to section 3314 or 3315.

(C) A classification committee action pursuant to section 3375 places the inmate into the group. An inmate placed into Privilege Group C by a classification committee action may apply to be removed from that privilege group no earlier than 30 days from the date of placement. Subsequent to the mandatory 30 days placement on Privilege Group C, if the inmate submits a written request for removal, a hearing shall be scheduled within 30 days of receipt of the written request to consider removal from Privilege Group C.

(2) Any inmate in Privilege Group C shall not be issued a privilege card.

(3) Privileges and non-privileges for Privilege Group C are as follows:

(A) No family visits.

(B) One-fourth the maximum monthly canteen draw as authorized by the secretary.

(C) Telephone calls on an emergency basis only as determined by institution/facility staff.

(D) Yard access limited by local institution/facility security needs. No access to any other recreational or entertainment activities.

(E) No personal property packages.

(g) Privilege Group D:

(1) Criteria: Any inmate housed in a special segregation unit, voluntarily or under the provisions of sections 3335–3345 of these regulations who is not assigned to either a full-time or half-time assignment.

(2) An inmate in Privilege Group D shall not be issued a privilege card.

(3) Any inmate removed from the general population due to disciplinary or administrative reasons, shall forfeit their privilege card and privileges within their general population privilege group pending review by a classification committee.

(4) Privileges and non-privileges for Privilege Group D are as follows:

(A) No family visits.

(B) One-fourth the maximum monthly canteen draw as authorized by the secretary.

(C) Telephone calls on an emergency basis only as determined by institution/facility staff.

(D) Yard access limited by local institution/facility security needs. No access to any other recreational or entertainment activities.

(E) The receipt of one personal property package, 30 pounds maximum weight, per year, exclusive of special purchases as provided in Section 3190. Inmates shall be eligible to acquire a personal property package after completion of one year of Privilege Group D assignment.

(h) Privilege Group U:

(1) Criteria: Reception center inmates under processing.

(2) An inmate in this category shall not be issued a privilege card.

(3) Privileges and non-privileges for Privilege Group U are:

(A) No family visits.

(B) Canteen Purchases. One-half of the maximum monthly canteen draw as authorized by the secretary.

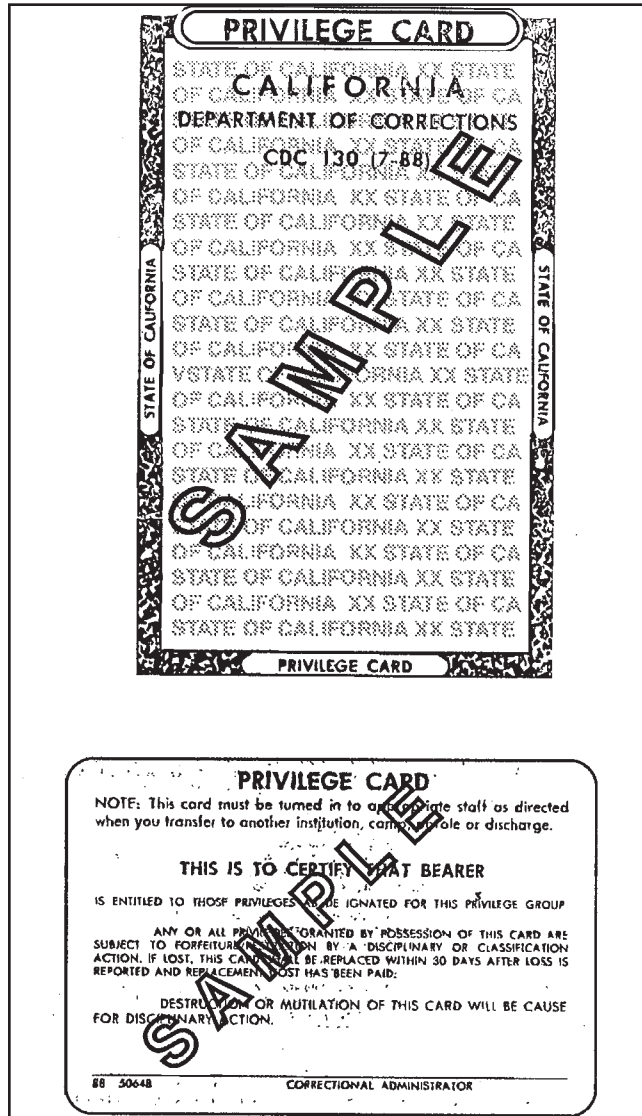
(C) Telephone calls on an emergency basis only as determined by institution/facility staff.

(D) Yard access, recreation, and entertainment limited by local institution/facility security needs.

(E) Excused time off as described in section 3045.2.

(F) No personal property packages.

(i) Inmates shall retain in their possession any privilege card issued them for eligibility to receive designated privileges. Each inmate shall present the card upon staff request in order to receive or participate in an authorized privilege, and may be denied the privilege if the card is not presented.



NOTE: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.05, 2933.3, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal.App.3d 1224 (1988).

HISTORY:

- Change without regulatory effect of subsection (c)(1) and NOTE pursuant to section 100, title 1, California Code of Regulations filed 12-28-89 (Register 90, No. 1). For prior history, see Register 88, No. 50.
- Relocation of (a) to section 3045, amendment of redesignated (c)(4)–(f), new subsections (c)(8)–(9) and (i) and subsection renumbering filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
- Editorial correction of printing errors (Register 92, No. 4).
- Editorial correction of printing error in subsection (b)(1) (Register 92, No. 5).
- Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
- Amendment of subsections (d)(3)(A) and (e)(3)(A) filed 2-27-95 as an emergency; operative 5-30-95 (Register 95, No. 9). A Certificate of Compliance must be transmitted to OAL by 11-6-95 or emergency language will be repealed by operation of law on the following day.
- New subsections (f)(3)(H), (g)(4)(H) and (h)(3)(H) and amendment of Note filed 6-30-95 as an emergency; operative 7-1-95 (Register 95, No. 26). A Certificate of Compliance must be transmitted to OAL by 12-7-95 or emergency language will be repealed by operation of law on the following day.
- Amendment of subsections (d)(3)(A) and (e)(3)(A) refiled 11-7-95 as an emergency; operative 11-6-95 (Register 95, No. 45). A Certificate of Compliance must be transmitted to OAL by 4-14-96 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 6-30-95 order transmitted to OAL 11-22-95 and filed 1-8-96 (Register 96, No. 2).
- Editorial correction of History 8 (Register 96, No. 21).
- Reinstatement of subsections (d)(3)(A) and (e)(3)(A) as they existed prior to emergency amendment filed 5-30-95 pursuant to Government Code section 11349.6(d) (Register 96, No. 21).
- Amendment of subsections (d)(3)(A) and (e)(3)(A) filed 6-7-96 as an emergency; operative 6-7-96 (Register 96, No. 23). A Certificate of Compliance must be transmitted to OAL by 10-7-96 or emergency language will be repealed by operation of law on the following day.
- Change without regulatory effect amending subsection (e)(2) filed 7-16-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 29).
- Certificate of Compliance as to 6-7-96 order transmitted to OAL 10-3-96 and filed 11-18-96 (Register 96, No. 47).
- Repealer of subsections (f)(3)(H), (g)(4)(H) and (h)(3)(H) and amendment of Note filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-11-98 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 1-2-98 order transmitted to OAL 6-9-98 and filed 7-21-98 (Register 98, No. 30).
- Repealer of printed inmate time card, new subsection (b)(1), subsection renumbering and amendment of Note filed 10-23-2003 as an emergency; operative 10-23-2003 (Register 2003, No. 43). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-1-2004 or emergency language will be repealed by operation of law on the following day.
- Change without regulatory effect amending subsections (d)(3)(A) and (e)(3)(A) filed 12-1-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 49).
- Amendment of section and Note filed 12-30-2003 as an emergency; operative 1-1-2004 (Register 2004, No. 1). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 6-9-2004 or emergency language will be repealed by operation of law on the following day.
- Amendment filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.
- Certificate of Compliance as to 10-23-2003 order transmitted to OAL 3-19-2004 and filed 5-3-2004 (Register 2004, No. 19).
- Withdrawal and repeal of 12-30-2003 amendments filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 9-24-2004 or emergency language will be repealed by operation of law on the following day.
- Amendment of section and Note, including relocation of former subsection 3044(g)(4)(G) to new section 3190(i)(3), filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
- Amendment of section, including further amendments, refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.

25. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).
26. Certificate of Compliance as to 6-17-2004 order, including further amendment of subsection (b)(5)(B), transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).
27. Amendment filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
28. Amendment of section and Note filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
29. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3045. Timekeeping and Reporting.

(a) Inmate timekeeping logs. The attendance and/or participation of each assigned inmate shall be recorded on an approved timekeeping log. If the assignment began or ended during the reporting month, the date(s) of such activity shall be recorded on the timekeeping log. Only the symbols designated on the timekeeping log shall be used to document the inmate's attendance. The symbol(s) and applicable hours for each day shall be recorded in the space corresponding to the calendar day. This log shall be the reference for resolving complaints or appeals and shall be retained at a secure location designated by the facility management for a period of 4 years from the date of completion.

(1) Staff shall record the work or training time and absences of each inmate assigned to their supervision as they occur. At intervals designated by the institution head, the supervisor shall:

(A) Enter the totals, hours worked and ETO hours used in the designated columns of timekeeping log.

(B) Sign the log to authenticate the information.

(C) Forward the log to the division head for review and approval.

(2) Mismanagement or falsification of an inmate timekeeping log may result in adverse action and/or prosecution.

(b) Security of timekeeping logs. Inmates shall not have unauthorized access to any timekeeping logs.

NOTE: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.05, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal. App. 3d 1224.

HISTORY:

1. New section filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
2. Repealer and new section filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).
3. Amendment of subsection (c), repealer and new subsection (e) and new subsection (i) filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
4. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
5. Amendment of subsection (c), repealer and new subsection (e) and new subsection (i) filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
6. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
7. Amendment of subsection (c), repealer and new subsection (e) and new subsection (i) filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
8. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).

9. Renumbering and amendment of former section 3045 to section 3045.2, relocation and amendment of former section 3044(a) and adoption of subsections (b) and (c) filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
11. Editorial correction deleting language previously transferred to section 3045.2 (Register 93, No. 50).
12. Amendment filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
13. Amendment of subsections (a)–(a)(1) and Note filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3045.1. Timekeeping for Inmates in Administrative Segregation.

(a) A classification committee shall evaluate the reasons for an inmate's administrative segregation (ASU) placement to ensure appropriate credits are awarded the inmate. If the placement was for:

(1) A disciplinary infraction for which the finding was not guilty or pending an investigation where the inmate was released, the inmate shall retain their work group status at the time of their placement in ASU unless otherwise impacted by a classification or disciplinary action.

(2) A disciplinary infraction for misconduct described in section 3043.4 for which the finding was guilty and a SHU term assessed, the inmate shall remain in Work Group D-2 for the period of the credit loss assessment effective the date of their placement in ASU.

NOTE: Authority cited: Sections 2700, 2701 and 5058, Penal Code. Reference: Sections 2932, 2933, 2933.05, 2933.6, 2935, 5005, 5054 and 5068, Penal Code; and *In re Monigold*, 205 Cal. App. 3d 1224.

HISTORY:

1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. New section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Renumbering and amendment of former section 3045.1 to section 3045.3 and adoption of new section 3045.1 filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 12-20-91 order including amendment of subsection (a)(2) transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
9. Repealer of subsection (b) filed 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.

10. Certificate of Compliance as to 6-17-2004 order transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).
11. Amendment of subsection (a)(1) filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
12. Amendment of section and Note filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3045.2. Excused Time Off (ETO).

(a) It is the policy of the California Department of Corrections and Rehabilitation that inmates assigned to work groups A-1 and B may use excused time off (ETO) during approved absences from their assignment in the manner set forth in this article.

(b) ETO shall be authorized by the work supervisor/employer in no less than 15-minute increments. The inmate shall not be required to use excused time off for any service that the department requires. An inmate who is ill and requires a medical lay-in or is short term medically unassigned for 29 days or less shall use ETO.

(c) Inmates who are ill may use ETO, but will be responsible for notifying the work/training supervisor. Sick time must be approved/authorized by the appropriate institution medical authority. Upon becoming capable of performing medically unrestricted work activities the inmate will be given priority to resume his/her previous assignment. If the assignment is not immediately available, the inmate will be placed in an assignment in his/her previous work group category.

(d) Authorized uses of ETO. Excused time off may be approved by work/training supervisors only for the below stated reasons. A proposal to use ETO for any other reason requires approval by the secretary.

(1) Family visiting. An inmate scheduled for a family visit may be permitted to visit in the visiting room (regular visit) on the first day of a family visit while awaiting processing, and on the last day of the family visit.

(2) Regular visiting under extraordinary circumstances. Following are extraordinary circumstances for which use of ETO is authorized:

(A) Out-of-state visitors. Upon substantiation that the visitor(s) resides out-of-state and is in California for a temporary stay of 30 days or less, and the visitor(s) has not visited with the particular inmate for four months. No more than two such visits shall be permitted for each such occurrence.

(B) Excessive distance. When a visitor must travel a distance of 250 miles or more, and has not visited the inmate within the last 30 days.

(C) Weddings. When an inmate marries, the inmate may, with five working days prior approval, use ETO for a visit on the wedding day.

(D) Handicapped. When a visitor is handicapped as defined by California law and must rely on special transportation to the institution. Approval is required five working days prior to the visit.

(E) Family emergencies. When death, serious illness or injury occurs to an inmate's immediate family member as defined in Section 3000, clergymen, family members or close friends may visit the inmate to offer condolences or inform the inmate of the occurrence.

(F) Infrequent visits. When a visitor unexpectedly arrives who has not visited in the last six months, the visit will be considered an infrequent visit.

(G) Visiting during authorized absence. An inmate shall be permitted to visit using ETO during approved periods away from

assignment involving circumstances beyond the inmate's control. (Refer to section 3045.3 of these regulations.)

(H) Work assignment conflicts. When the inmate has not received a visit in the last 30 days and would otherwise be prohibited from visiting because of a conflict in work, training, or education assignment.

(3) Temporary community leave.

(4) Attendance at approved religious services or approved religious functions. For routine religious services, the use of ETO shall be limited to instances where it is unduly burdensome to change the conflicting work/education assignment.

(5) Non-routine recreation and entertainment activities.

(6) Emergency telephone access.

(e) Excused time off applies only to authorized time away from an assignment.

(f) An inmate shall receive pay only for actual hours worked, and not for excused time off.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601, 2620, 2621, 2931, 2933 and 5054, Penal Code.

HISTORY:

1. New section filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
2. Repealer and new section filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).
3. Amendment of subsection (c), repealer and new subsection (e) and new subsection (i) filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
4. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
5. Amendment of subsection (c), repealer and new subsection (e) and new subsection (i) filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
6. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
7. Amendment of subsection (c), repealer and new subsection (e) and new subsection (i) filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
8. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
9. Renumbering of former section 3045 to section 3045.2 and amendment of subsections (b) and (f) filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
11. Change without regulatory effect amending subsection (e)(2)(G) filed 11-27-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 48).
12. Amendment of subsection (e)(2)(F) and new subsection (e)(2)(H) filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).
13. Amendment of subsection (a), repealer of subsections (b), (f) and (g), subsection relettering and amendment of newly designated subsections (b)-(d) filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
14. Amendment of subsection (d)(2)(E) filed 10-16-2007; operative 11-15-2007 (Register 2007, No. 42).
15. Repealer and new subsection (d)(4) filed 10-14-2009; operative 11-13-2009 (Register 2009, No. 42).
16. Amendment of subsections (a), (c) and (e) filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be

transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.

17. Certificate of Compliance as to 1-25-2010 order, including further amendment of subsection (a), transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3045.3. "S" Time.

(a) "S" time shall be noted on timekeeping documents for an authorized absence from the inmate's assignment by order of the prison administration. The inmate shall receive sentence-reducing credit commensurate with their designated work group. Inmates who are removed from their assignment for the reasons noted below, shall retain their existing work group status unless otherwise impacted by a classification committee or disciplinary action.

(b) "S" time shall be authorized only for the following:

- (1) Institutional lockdown.
- (2) Emergency recall.
- (3) Attorney visits.
- (4) Fog or inclement weather conditions.
- (5) Work/training supervisor's absence when no relief supervisor is provided.
- (6) Removed to out-to-court status.
- (7) Three working days prior to transfer to another institution.
- (8) Ten working days prior to parole or discharge, including institution base camps. Conservation camp inmates shall receive 15 days "S" time prior to release.
- (9) Thirty working days prior to parole or discharge of an inmate serving a term in another jurisdiction.
- (10) Appearances at classification hearings or casework interviews which cannot be reasonably conducted during the inmate's off-duty hours.
- (11) Staff interviews with inmates regarding a death or emergency involving a member of their immediate family as defined in section 3000.
- (12) Emergency or life-threatening medical or dental treatment.
- (13) A temporary interruption or delay in the inmate's assignment which is no fault of the inmate.
- (14) Medical consultant appointments with other than state employees.
- (15) Inmate match job development and initial screening interview.
- (16) Interviews with representatives of other governmental agencies.
- (17) Interviews with representatives of other governmental agencies.
- (18) Delay in reporting to an assignment because of delayed meal schedule, unlocks, and clearing of the institutional count.
- (19) Interview for staff preparation of a Penal Code Section 1170(d) report to the court.
- (20) Temporary leave processing for a family emergency.
- (21) A serious disciplinary hearing if overtime would be required for a staff witness to attend the hearing.
- (22) Authorizations for any reason not listed in this section shall be considered on a case-by-case basis and require approval of the secretary or their designee.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 673, 1170, 2690, 2933, 2933.05, 2933.6 and 5054, Penal Code.

HISTORY:

1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).

3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. New section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Renumbering and amendment of former section 3045.1 to section 3045.3 filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
9. Amendment of subsections (a) and (b), repealer of subsection (b)(4), subsection renumbering and amendment of newly designated subsection (b)(22) filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
10. Amendment of subsections (a), (b)(13) and (b)(18) and Note filed 1-25-2010 as an emergency; operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-23-2010 and filed 8-4-2010 (Register 2010, No. 32).

3046. Workers' Compensation for Inmates.

Inmates are eligible for workers' compensation benefits for injuries sustained while performing assigned work while imprisoned. They are not eligible for benefits for injuries resulting from an assault in which the inmate was found to be the aggressor; an intentional act of self-inflicted injury; nor injuries sustained while assigned to academic and vocational education programs. The department is not liable for injuries sustained while a person is on parole or escape status.

(a) Inmates should immediately report any injury to their supervisor so that prompt medical attention can be given if needed, and for the supervisor's information and initiation of necessary reports.

(b) Inmates will have access to, and be given a copy upon request, of the department's guidelines covering workers' compensation for inmates. Such guidelines will be available at each institution's inmate assignment office or the office of the official responsible for inmate assignments; the inmate law libraries; each camp; and at or near the inmate's work location through the inmate's work supervisor.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2601(i), 5054 and 5069, Penal Code; and Sections 3370 and 3351, Labor Code.

HISTORY:

1. New section filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8). For prior history, see Register 78, No. 33.

3047. Unemployment Compensation and Disability Benefits.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code; and Sections 1480-1481, Unemployment Insurance Code.

HISTORY:

1. New section filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8). For prior history, see Register 78, No. 33.
2. Change without regulatory effect repealing section 3047 (Register 87, No. 24).

Article 4. Food Services

3050. Regular Meals.

(a) Each inmate shall be provided a wholesome, nutritionally balanced diet. Nutrition levels shall meet the Recommended Dietary Allowances and Dietary Reference Intakes as established by the Food and Nutrition Board of the Institute of Medicine, National Academy of Science.

(1) Inmates confined in segregated housing shall be served food representative of that being served to general population inmates. Food shall not be withheld nor standard menu varied as a disciplinary sanction for any inmate.

(2) Inmates shall be provided three meals each day, two of which shall be served hot. Variations to the two hot meals per day requirement may be allowed to accommodate religious observances, religious meal programs, and institution emergencies. The breakfast meal shall be served not more than 14 hours following the previous day's evening meal.

(3) Pregnant inmates shall receive two extra eight ounce cartons of milk or a calcium supplement if lactose intolerant, two extra servings of fresh fruit, and two extra servings of fresh vegetables daily. A physician may order additional nutrients as necessary.

(b) Facility menus shall be prepared at least one week in advance and posted in locations accessible to all general population inmates. Inmates in segregation housing shall, upon request, be provided a weekly menu.

NOTE: Authority cited; Section 5058, Penal Code. Reference: Sections 2084 and 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 2-8-88; operative 3-9-88 (Register 88, No. 7).
3. Amendment of article heading and section filed 12-18-91 as an emergency; operative 12-18-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-16-92 or emergency language will be repealed by operation of law on the following day.
4. Editorial correction of History 2. (Register 92, No. 4).
5. Certificate of Compliance as to 12-18-91 order transmitted to OAL 4-15-92 and filed 5-26-92 (Register 92, No. 22).
6. Amendment of subsection (a)(2) filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).
7. Amendment of subsection (a) and new subsection (a)(3) filed 3-6-2008; operative 4-5-2008 (Register 2008, No. 10).

3051. Use of Pork or Pork Derivatives.

(a) Pork or Pork derivatives may be part of meals within camp settings outside Institutions.

(b) Each menu food item containing pork or prepared in or seasoned with a pork derivative (including use of a shortening containing a pork product) shall be identified on the menu with a "P". Unless it can be determined with certainty that a food item does not contain pork or a pork derivative, that item shall be identified with an asterisk (*). A pork-free protein alternate shall be offered to those inmates who do not eat pork because of religious reasons.

NOTE: Authority cited; Section 5058, Penal Code. Reference: Sections 2084 and 5054, Penal Code.

HISTORY:

1. Amendment of section filed 12-18-91 as an emergency; operative 12-18-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-16-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-18-91 order transmitted to OAL 4-15-92 and filed 5-26-92 (Register 92, No. 22).
3. Editorial correction of subsection (c) (Register 95, No. 42).

4. Amendment of section and Note filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).

3052. Health and Safety Standards.

(a) Standards for sanitation shall meet the requirements set forth in Health and Safety Code (H&SC) Sections 113945 through 114259.4 (California Retail Food Code (CFC)).

(b) An inspection of the food service area of each institution/camp shall be conducted at least once a year by the Department Food Administrator, Central Office, and/or a Department of Health Services' Environmental Health Specialist.

(c) The institution head or their designee shall conduct sanitation inspections of the institution/camp kitchens at least once a month to ensure compliance with the standards set forth in this section.

(d) Cooks and culinary officers shall conduct daily sanitation inspections of all workers who handle food to ensure cleanliness, proper attire, and the absence of open sores or any condition that may contaminate food.

(e) No person shall be assigned to handle food until instructed on the standards for sanitation as set forth in CFC, and on all requirements of this section.

(f) Food handlers shall keep their hands and fingernails clean, wear nets or caps entirely covering their hair, wear clean garments, and conform to and comply with CFC. A hand washing requirement sign shall be posted in each restroom used by on-duty food service workers.

(g) No inmate shall be assigned to the food service area until medically cleared to handle food.

(h) An inmate food handler with any condition which may contaminate food shall be referred to the medical department for examination and shall not return to work in the food service area until medically cleared.

NOTE: Authority cited; Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 113945 through 114259.4, Health and Safety Code.

HISTORY:

1. Amendment of section filed 12-18-91 as an emergency; operative 12-18-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-16-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-18-91 order transmitted to OAL 4-15-92 and filed 5-26-92 (Register 92, No. 22).
3. Amendment of section heading, section and Note filed 9-12-95; operative 10-12-95 (Register 95, No. 37).
4. Amendment of subsections (a)–(c) and (e)–(f) and Note filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).
5. Change without regulatory effect amending subsections (a), (e) and (f) and amending Note filed 12-18-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 51).

3053. Food for Religious Events.

(a) Inmate religious groups shall not be permitted more than two events each year where foods with religious significance are provided by the institution in place of the regularly planned meal. These event meals must be approved and sponsored by a Chaplain. For the purposes of this article, Chaplain means a local Institution Chaplain, or their designee representing the religious group.

(b) A Chaplain shall decide the two religious events when religious meals are provided. The religious group's request for ceremonial foods shall be directed to the institution head, or designee by the Chaplain at least 30 days, but no more than 90 days before the event, and shall include the following:

- (1) Date and location of the event.
- (2) Proposed menu.

- (3) Number of inmates and/or guest to be served.
- (4) Specific ceremonial foods.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Renumbering and amendment of former section 3053 to section 3055 and adoption of new section 3053 filed 12-18-91 as an emergency; operative 12-18-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-16-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-18-91 order transmitted to OAL 4-15-92 and filed 5-26-92 (Register 92, No. 22).
3. Amendment of section heading and section filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).

3054. Religious Diet Program.

(a) Each institution shall make reasonable efforts, as required by law, to accommodate those inmates who have been determined, pursuant to CCR, Title 15, subsection 3054.4(b)(1), to require a religious diet.

(b) Each institution shall provide ongoing religious awareness training for custody and food service staff, and anyone involved in the Religious Diet Program.

(c) Within an institution, religious meals shall not be restricted from inmates, based on their classification or housing placement. Inmates who are transferred shall have the ability to continue participating in their current Religious Diet Program at the receiving institution, barring medical needs or other extraordinary circumstances.

- (d) Medical diets shall take precedence over religious diets.
- (e) There shall be at least three distinct religious diet options:
 - (1) Vegetarian.
 - (2) Jewish kosher.
 - (3) Religious meat alternate.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009 and 5054, Penal Code.

HISTORY:

1. New section filed 12-18-91 as an emergency; operative 12-18-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-16-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-18-91 order transmitted to OAL 4-15-92 and filed 5-26-92 (Register 92, No. 22).
3. Editorial correction of History Note 1 (Register 95, No. 9).
4. Renumbering of former section 3054 to new section 3056 and new section filed 9-12-95; operative 10-12-95 (Register 95, No. 37).
5. Amendment of section heading, section and Note filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).
6. Amendment of subsections (a), (c) and (e) and new subsection (e)(3) filed 2-2-2010; operative 2-2-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 6).

3054.1. Vegetarian Diet.

Vegetarian meals shall be available at all institutions. Inmates with determined religious, personal, or ethical dietary needs and showing a CDCR Form 3030-B (09/05), Religious Diet Card, which is incorporated by reference, shall be provided with an approved vegetarian protein alternative(s), often from that same day's scheduled meal.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009 and 5054, Penal Code.

HISTORY:

1. New section filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).

2. Change without regulatory effect amending section filed 12-18-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 51).
3. Amendment section heading and section filed 2-2-2010; operative 2-2-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 6).

3054.2. Jewish Kosher Diet.

(a) Jewish kosher meals shall be available at designated institutions. Jewish inmates may participate in the program, as determined by a Jewish Chaplain.

(b) Jewish inmates with unmet kosher dietary needs may, when classification is appropriate, be considered for transfer to another institution that can provide the Jewish inmate with a kosher diet.

(c) Jewish inmates shall not give away, trade, or sell a sack meal. Doing so may result in a compliance violation of the Religious Diet Program Agreement.

(d) All institutions will adhere to standardized departmental Jewish kosher diet program menus and approved procedures for purchasing, preparing, and serving kosher meals.

(e) Observance of Passover constitutes a single religious event, requiring kosher for Passover foods to be provided during the eight days of observance.

(f) Each institution shall arrange for ongoing and appropriate training for all inmate workers, and custody and food service employees involved in the supervising, ordering, preparation, and serving of kosher meals.

(g) The Jewish kosher diet program shall be administered in accordance with the provisions of this Article. A Jewish Chaplain shall:

- (1) Determine inmate entry into the Jewish kosher diet program, oversee the program, and determine Jewish inmate compliance violations.
- (2) Review each institution's Jewish kosher diet program annually and provide results of the review to the Correctional Food Manager (CFM).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009 and 5054, Penal Code.

HISTORY:

1. New section filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).
2. Amendment of subsection (g)(2) filed 2-2-2010; operative 2-2-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 6).

3054.3. Religious Meat Alternate Program.

(a) Religious meat alternates (meat that has been certified as halal) shall be available at all institutions. Muslim inmates may participate in the program, as determined by a Muslim Chaplain or designee Chaplain. Non-Muslim inmates with a religious dietary need may seek participation in the program by submitting to any appropriate Chaplain a CDCR Form 3030 (Rev. 08/09), Religious Diet Request, which is incorporated by reference, for determination by the Religious Review Committee (RRC).

(b) All institutions will adhere to standardized departmental halal meat alternates, and approved procedures for procuring and serving halal meats.

(c) Each institution shall arrange for ongoing and appropriate training for all inmate workers, custody, and food service employees involved in the supervising, ordering, and serving of halal meats.

(d) The religious meat alternate program shall be administered in accordance with the provisions of this Article. A designee Chaplain shall:

- (1) Oversee the program and determine inmate compliance violations.

(2) Review each institution's religious meat alternate program annually and provide results of the review to the Correctional Food Manager (CFM).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 383c, 5009 and 5054, Penal Code.

HISTORY:

1. New section filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).
2. Renumbering of former section 3054.3 to section 3054.4 and new section 3054.3 filed 2-2-2010; operative 2-2-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 6).

3054.4. Participation in a Religious Diet Program.

(a) Any inmate who claims to require a religious diet shall be responsible for completing a CDCR Form 3030, Religious Diet Request, and submitting it to the appropriate institution's Chaplain. No more than 30 calendar days shall pass from the day the Chaplain receives the completed CDCR Form 3030, Religious Diet Request, which results in a determination of program eligibility, to the day an accepted inmate begins receiving the religious meals requested.

(b) The Chaplain shall:

(1) Interview the inmate to explain the three religious diet options, including what the meals consist of.

(2) Determine the inmate's religious diet eligibility, except that the RRC shall determine the eligibility of a non-Muslim inmate to participate in the religious meat alternate program. When a non-Muslim inmate seeks the religious meat alternate program, the Chaplain shall forward the CDCR Form 3030, Religious Diet Request, to the RRC for consideration.

(3) When religious diet program eligibility is determined, explain the department's Religious Diet Program Agreement.

(4) When applicable, have the inmate sign the CDCR Form 3030-A (Rev. 08/09), Religious Diet Program Agreement, which is incorporated by reference, the CDCR Form 3030, Religious Diet Request, and the CDCR Form 3030-D (Rev. 08/09), Religious Diet Program Cancellation Request, which is incorporated by reference. Document an inmate's refusal to sign any religious diet departmental forms.

(5) Complete and distribute the CDCR Form 3030, Religious Diet Request and/or the CDCR Form 3030-A, Religious Diet Program Agreement, within two working days.

(6) Notify the inmate of the decision in writing by copy of their CDCR Form 3030, Religious Diet Request.

(7) Enter pertinent information for each inmate approved to participate in a religious diet program onto a religious diet participant list within 24 hours of approval. Maintain, update the list every 30 days, and provide the CFM with a copy of the list of those inmates who have been determined eligible to receive a religious diet, and which diet they will receive.

(8) Regularly monitor the religious diet lists with Food Service staff to ensure that all inmate religious diet program participants are served their religious dietary meals with minimal delay.

(9) Coordinate with the CFM to determine which dining area will provide the inmate his/her meals.

(10) Provide each approved inmate with a CDCR Form 3030-B, Religious Diet Card. Collect Religious Diet Cards that are no longer valid.

(11) Meet with inmates, giving them the opportunity to respond to allegation(s) of Religious Diet Program Agreement compliance violations, prior to making a determination of continuing eligibility.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 383b, 5009 and 5054, Penal Code.

HISTORY:

1. New section filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).
2. Renumbering of former section 3054.4 to section 3054.5 and renumbering and amendment of section 3054.3 to section 3054.4 filed 2-2-2010; operative 2-2-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 6).

3054.5. Monitoring for Religious Diet Program Inmate Compliance.

Any incident of an alleged inmate Religious Diet Program Agreement compliance violation shall be reported using CDC Form 128-B, General Chrono, citing CCR, Title 15, section 3054. All reports shall be sent to the appropriate Chaplain, who shall consult with the inmate, make the final determination of continuing eligibility, and complete a CDCR Form 3030-C (09/05), Religious Diet Program Agreement-Notice of Non-Compliance, which is incorporated by reference. A copy of the completed CDCR Form 3030-C shall be provided to the inmate.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code.

HISTORY:

1. New section filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).
2. Renumbering of former section 3054.5 to section 3054.6 and renumbering of section 3054.4 to section 3054.5 filed 2-2-2010; operative 2-2-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 6).

3054.6. Meals Served to Non-Inmates.

The meal charge for state employees and persons other than official guests in state-operated dining rooms maintained and operated for inmates shall be \$1.00 plus sales tax. The meal charge for institution-operated employee dining rooms shall be in accordance with this article.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 4-24-2006; operative 4-24-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 17).
2. Renumbering of former section 3054.6 to section 3054.7 and renumbering and amendment of section 3054.5 to section 3054.6 filed 2-2-2010; operative 2-2-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 6).

3054.7. Reimbursement for State Purchased Food.

Outside guests attending inmate banquets, luncheons, or other special events where state-purchased food is provided shall be charged a minimum of \$1.00 plus sales tax per meal, per guest. Funds collected in excess of \$1.00 plus sales tax, for the event shall be accompanied by a statement, signed by a non-inmate representative of the group, which reads: "We donate the sum of \$_____ to the Inmate Welfare Fund." If the cost of the meals exceeds the allowance of \$1.00 per meal, an additional charge to the inmate group's trust account shall be made in accordance with this article.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Renumbering and amendment of former section 3054.6 to new section 3054.7 filed 2-2-2010; operative 2-2-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 6).

3055. Use of Food.

Inmates shall not steal, waste, or contaminate food or equipment used in preparing, processing or serving food. Inmates shall not

remove any food from the dining room, kitchen, or food storage areas except as specifically authorized by facility staff.

NOTE: Authority cited: section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Renumbering and amendment of former section 3053 to section 3055 filed 12-18-91 as an emergency; operative 12-18-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-16-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-18-91 order transmitted to OAL 4-15-92 and filed 5-26-92 (Register 92, No. 22).

3056. Meals Served to Non-Inmates.

Guests at an inmate banquet, luncheon or other special event shall be charged for state-purchased food. If funds collected from the guests for a meal are not the same as the allowed cost per meal, any excess shall be donated to the Inmate Welfare Fund; any deficiency shall be charged to the inmate group's trust account.

NOTE: Authority cited: section 5058, Penal Code. Reference: Section 5054, Penal Code; and Section 19822, Government Code.

HISTORY:

1. Renumbering of former section 3054 to new section 3056 filed 9-12-95; operative 10-12-95 (Register 95, No. 37).

Article 5. Personal Cleanliness

3060. Means.

Institutions will provide the means for all inmates to keep themselves and their living quarters clean and to practice good health habits.

Comment: Former DP-1501, policy, general.

3061. Personal Hygiene.

Inmates must keep themselves clean, and practice those health habits essential to the maintenance of physical and mental well-being.

Comment: Former DR-1501, personal hygiene.

3062. Inmate Grooming Standards.

(a) An inmate's hair shall be clean, neatly styled, and groomed, as specified in these regulations, when he/she is away from the immediate area of his/her quarters.

(b) An inmate's hair shall have no lettering, numbering, or designs of any kind cut, shaved, dyed, painted or in any way placed in the hair or on the scalp or face of the inmate.

(c) An inmate shall not alter the appearance of his/her hair by changing its natural color.

(d) An inmate shall not possess a wig or hairpiece unless deemed medically necessary by the Chief Medical Officer and authorized, in writing, by the appropriate division of adult institutions' associate director.

(e) An inmate's hair may be any length but shall not extend over the eyebrows, cover the inmate's face or pose a health and safety risk. If hair is long, it shall be worn in a neat, plain style, which does not draw undue attention to the inmate.

(f) An inmate may possess and use approved hair holding devices based on Section 3190.

(g) An inmate with hairstyles, including but not limited to braids, cornrows, ponytails, or dreadlocks, shall be required to unbraid, undo, or take down their hair, as applicable for thorough inspections, as instructed by custody staff to ensure hair is free of contraband.

(h) Facial hair, including short beards, mustaches, and sideburns are permitted for male inmates and shall not extend more than one-half inch in length outward from the face.

(i) An inmate who is assigned to work in food preparation, processing or serving areas, and/or around machinery, or in high fire hazard areas, may be required, for safety and sanitation reasons, to further limit his/her grooming in order to properly wear such health and safety equipment as is deemed necessary by staff, including but not limited to, hair nets, safety head coverings, etc.

(j) An inmate's fingernails shall not extend more than 1/4 inch beyond the tips of the fingers. Nails shall be neat and clean. Female inmates may be permitted to wear only clear nail polish.

(k) An inmate may not pierce any part of his/her body for the purpose of wearing an earring or other jewelry. A male inmate may not possess or wear earrings. A female inmate may wear authorized earrings with only one matching earring worn in each ear. An inmate shall not possess or wear any type of jewelry or other object intended to be worn as a body piercing adornment.

(l) A female inmate may wear cosmetics that blend with or match the natural, non-ruddy skin tone. False eyelashes are not permitted.

(m) An inmate who fails to comply with these grooming standards may be deemed a program failure, pursuant to Section 3062, subject to progressive discipline and classification committee review for appropriate housing and program placement. Physical force shall not be used to enforce compliance with these regulations, except as permitted by existing law or with a court order.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code, *Warsoldier v. Woodford*, Case No.: 04-55879, DC No. CV-04-02233-RSWL, (July 2005); and *In re Corey Williams*, Case No.: SC133840A, (February 2004).

HISTORY:

1. Amendment of section heading and section and new Note filed 10-16-97 as an emergency; operative 10-16-97 (Register 97, No. 42). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 3-25-97 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of subsection (e) (Register 98, No. 19).
3. Certificate of Compliance as to 10-16-97 order, including amendment of subsection (m) and relocation and amendment of definition of "Program failure" from section 3000 to new subsection (n), transmitted to OAL 3-23-98 and filed 5-4-98 (Register 98, No. 19).
4. Amendment of subsection (h)(2) filed 8-25-2000; operative 9-24-2000 (Register 2000, No. 34).
5. Repealer of subsection (n) filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.
6. Repealer of subsection (n) refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 6-17-2004 order transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).
8. Amendment of section and Note filed 1-17-2006 as an emergency; operative 1-17-2006 (Register 2006, No. 3). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-26-2006 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 1-17-2006 order transmitted to OAL 6-22-2006 and filed 7-27-2006 (Register 2006, No. 30).

3063. Tattoos.

Inmates shall not tattoo themselves or others, and shall not permit tattoos to be placed on themselves. Inmates shall not remove or permit removal of tattoos from themselves or others.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 653 and 2082, Penal Code.

HISTORY:

1. Amendment filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).
2. Amendment filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment filed 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
4. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
5. Amendment filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-21-96 order including amendment of section transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).

3064. Quarters.

Inmates must keep their quarters and surroundings neat, clean and sanitary. Inmates may not alter their quarters or equipment without specific authorization to do so.

Comment: Former DR-1504, care of quarters.

Article 6. Camp Assignment

3070. Regulations and Procedures.

HISTORY:

1. Repealer of article 6 (Sections 3070–3073) and section filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

3071. Camp Limits.

HISTORY:

1. Repealer filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

3072. Public Contact.

HISTORY:

1. Renumbering and amendment of former section 3072 to section 3266, and repealer of former section 3072 filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

3073. Vehicles.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054, 6202, 6204 and 6206, Penal Code.

HISTORY:

1. Renumbering and amendment of former section 3073 to section 3294.1 and repealer of former section 3073 filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

Article 6.1. Alternative Sentencing Program

3074. Alternative Sentencing Program Establishment.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 1173, et seq., and 5054, Penal Code; Chapter 1063, Statutes of 1992, section 4.

HISTORY:

1. New article heading and section filed 10-30-92 as an emergency; operative 10-30-92 (Register 92, No. 44). A Certificate of Compliance

must be transmitted to OAL 3-1-93 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 10-30-92 order transmitted to OAL 2-9-93 and filed 3-12-93 (Register 93, No. 11).
3. Repealer filed 1-8-2002; operative 2-7-2002 (Register 2002, No. 2).

Article 6.3. The Family Foundations Program

3074.3. The Family Foundations Program.

(a) The Family Foundations Program (FFP) is a 12-month residential substance abuse treatment program for pregnant and/or parenting female inmates who have been determined by the court to benefit from participation, recommended by the court for placement, and are accepted by the Department to participate. Female inmates in the program will be placed in a Family Foundations facility in the community as an alternative to serving their prison term in a State prison institution.

(b) Eligibility. To be eligible, a female inmate shall be sentenced to serve a term of not more than 36 months and be recommended by the court to participate, must have an established history of substance abuse, and be either pregnant or the parent of a child under the age of six years. Medical/dental and mental health evaluations shall be performed prior to placement to determine the existence of health care conditions that would affect participation in the program or require a reasonable accommodation be provided to the participant.

(c) Ineligibility. Female inmates who have been convicted of violent crimes and other offenses enumerated in Penal Code section 1174.4 are excluded from the program. In addition, a woman is ineligible for the program if she has an active or potential United States Immigration and Naturalization hold; felony hold; her child is a dependent of the court and it has been determined by the representative of the appropriate county agency that it is not in the best interest of the child; she is determined by the Department to pose an unreasonable risk to the public; a staff physician or psychiatrist has determined that the inmate's medical or psychiatric condition is likely to cause an adverse effect upon the inmate or upon other persons if the inmate is placed in the program; or she is not willing to sign a CDC Form 1890, Voluntary Placement Agreement, (4/99), which is incorporated by reference, and outlines the obligations and responsibilities of program participants.

(d) Credit earnings and losses, including pre-sentence, behavioral, participation and work time credits shall not be applied while a woman is in the program. Participants who fail to complete the 12-month residential program shall have credit earnings and losses applied for time served in the program. Participants who fail the program for reasons identified in (e) below, shall be delivered to State prison where they shall serve the remainder of their original sentences. A classification committee hearing shall precede a participant's delivery to State prison.

(e) Adverse reasons for failure to complete the program include:

- (1) Program participant fails to participate in programming activities; or,
- (2) Program participant fails to comply with facility rules as presented in orientation; or,
- (3) Program participant fails to participate in vocational/educational activities; or,
- (4) Program participant fails urinalysis/drug or alcohol testing; or,

(5) Program participant demonstrates violent or disruptive behavior.

(f) Program participants may be removed from the program because of a health care condition that cannot be adequately managed in the FFP facility. Behavioral credit loss shall not be applied in such cases.

(g) Individualized treatment plans shall be developed for each participant and her child. The treatment plan shall be formulated as a result of an individual assessment performed by a program counselor. Each plan shall address the specific treatment needs of the participant and child including the treatment needs necessary for transitioning the participant to parole and/or another treatment program, and shall describe treatment goals for both mother and child and specific activities and services to achieve these goals. Changes to this plan may occur throughout the course of treatment and must be relevant to the participant's progress toward treatment goals. Individualized treatment plans shall address a full range of problems including those directly and indirectly related to:

- (1) Substance abuse.
- (2) Physical and mental health.
- (3) Social services.
- (4) Parenting skills.
- (5) Vocational and educational skills.
- (6) Long-term treatment goals.
- (7) Treatment methods and resources.

(h) Early childhood care and development plans shall be developed for each child and shall address issues including, but not limited to:

- (1) Immunizations and communicable diseases.
- (2) Pediatric medical care.
- (3) Nutrition.
- (4) Psychological interventions.
- (5) Communication skills.
- (6) Motor skill development.
- (7) Play therapies.
- (i) Each participant shall be provided all of the following:
 - (1) Intensive substance abuse education classes and relapse prevention counseling.
 - (2) Classes, as appropriate, on topics such as domestic violence, incest survivors, family relationships, co-dependency, living with AIDS, child custody issues, and legal issues.
 - (3) Individual counseling sessions.
 - (4) Group counseling.
 - (5) HIV-AIDS counseling for pre- and post-HIV testing.
 - (6) Classes on parenting skills.
 - (7) Early childhood care and development services.
 - (8) Educational, vocational, and life skills training.
 - (9) Medically necessary health services pursuant to section 3350 et seq.
- (j) Each participant shall be assigned a case manager and casework team, comprised of a social worker, facility manager, counselor, child development specialist, child care worker, nurse, and departmental custody staff person. The casework team will manage the participant's intake, orientation and treatment program for the duration of the 12 months.

(k) Transition planning for the participant's release from the facility to parole, shall begin in the first six months of the program with a written Transition Services Plan for each participant to be developed no later than the seventh month. Each participant's Transition Services Plan shall be initiated after nine months of participation in the program. Transition Services Plans shall consist of, but are not limited to, transitional housing, job placement or assistance, identification of available social services, etc.

(l) An outpatient transitional services program shall be developed for each participant and shall include a twelve-month period of intensive parole supervision pursuant to Penal Code Section 1174.2.

(m) The FFP shall maintain a zero tolerance for drugs and/or alcohol use. Frequent and random urine testing shall be conducted to detect any illegal drug use.

(n) Each facility shall maintain a library containing a variety of reference, fiction, self-help and children's books for use by participants and their children.

(o) Facilities shall accommodate requests for voluntary participation in religious programs.

(p) Facilities shall post visiting hours and conditions in English and Spanish and maintain a weekly visiting schedule for six hours on Saturday and six hours on Sunday of each week.

NOTE: Authority cited: Sections 1174.8(a) and 5058, Penal Code. Reference: Sections 1174–1174.9 and 5054, Penal Code.

HISTORY:

1. New article 6.3 (section 3074.3) and section filed 8-18-99 as an emergency; operative 8-18-99 (Register 99, No. 34). A Certificate of Compliance must be transmitted to OAL by 1-25-2000 pursuant to Penal Code section 5058(e) or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-18-99 order, including further amendment of subsection (1) and Note, transmitted to OAL 12-2-99 and filed 1-13-2000 (Register 2000, No. 2).

Article 6.5. Intake, Release and Discharge of Inmates

3075. Initial Intake.

(a) Inmates received by the department shall be accompanied by either a copy of the minute order or an abstract of the judgment certified by the clerk of the court or judge. The inmate's identity shall be verified by staff to prevent inadvertent acceptance of a person not legally committed to the department.

(b) Upon staff's receipt of an inmate's cash, personal securities and property, a CDC Form 104 (Rev. 4/77), Inmate Property and Cash Receipt—Arrival, shall be completed.

(c) Each inmate shall be photographed and an identification card prepared. The identification photo shall be updated every five years or when there is a distinct change in the inmate's physical appearance. An inmate who noticeably changes his/her appearance will be charged for the cost of the updated identification photo/card, if the distinct change occurs anytime within the five year period.

(d) Each inmate shall be informed of the departmental grooming standards and afforded an opportunity to comply prior to being photographed. Each inmate will be advised that failure to comply with departmental grooming standards may result in the issuance of an administrative rule violation report and that a repeated pattern of administrative rule violations, may result in the inmate being deemed a program failure pursuant to Section 3000. The processing officer will document on a CDC 128-B, General Chrono, the inmate's refusal to comply with the departmental grooming standards. The CDC 128-B will be forwarded to records for the inmate's initial classification committee review.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1216, 2081.5, 2901, 3058.5, 4537 and 5054, Penal Code.

HISTORY:

1. Article 6.5 heading and new section filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-20-91 order including amendment of Note transmitted to OAL 4-15-92 and filed 5-28-92 (Register 92, No. 22).
3. New subsection (d) filed 10-16-97 as an emergency; operative 10-16-97 (Register 97, No. 42). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 3-25-97 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 10-16-97 order, including further amendment of subsection (d), transmitted to OAL 3-23-98 and filed 5-4-98 (Register 98, No. 19).

DEPARTMENT OF CORRECTIONS

DISTRIBUTION

STATE OF CALIFORNIA

ORIG: Inmate (White)

CC: Property File (Canary)

Trust Office (Pink)

Central File (Green)

PROPERTY AND CASH RECEIPTS -- ARRIVAL

INMATE'S NAME			NUMBER			CASH PLACED IN INMATE'S ACCOUNT		
DISPOSITION CODE: K=KEPT IN POSSESSION (WATCHES, RINGS, AND METALS VALUED LESS THAN \$30)								
M=MAIL			D=DONATED			S=HELD IN SAFE		
						V=VAULT		
QUANTITY	ARTICLES	DISP.	QUANTITY	ARTICLES	DISP.	QUANTITY	ARTICLES	DISP.
	BELT			SUIT			IDENTURES	
	BLOUSE			SWEATER			DRIVER'S LICENSE	
	CAP			TANK TOP			EYEGLASSES	
	COAT			UNDERWEAR			KEYS	
	DRESS							
	HANDKERCHIEF							
	HAT			LEGAL PAPERS			MEDICAL ID	
	JACKET			LETTERS			MISC. ID	
	NECKTIE/SCARF			PHOTOS			MARR. CERT.	
	OVERCOAT			PURSE			BIRTH CERT.	
	PAJAMAS			BILLFOLD			SEL. SER. CARD	
	PANTS/SLACKS			BOOKS			SOC. SEC. CARD	
	SHIRT			BIBLE			RELIGIOUS MEDALS	
	SHOES			DICTIONARY			RING	
	SHORTS						SUNGLASSES	
	SKIRT						WATCH	
	SLIPPERS			COIN				
	SOCKS			CURRENCY				
	STOCKINGS			CANTEEN DUCAT				

DESCRIPTION OF ITEMS ALLEGED BY INMATE TO HAVE A VALUE OVER \$30

DESCRIPTION OF ITEMS "TO BE DESTROYED"

ARTICLES LISTED AS "MAIL" ABOVE ARE TO BE FORWARDED TO:

ADDRESS

CITY

STATE AND ZIP CODE

CLAIM AND RELEASE

I relinquish all claim to the articles listed above as "Donated", and hereby acknowledge receipt of articles listed as "Kept in Possession". The above is a correct inventory of personal property in my possession at the time of admission.

SIGNATURE OF INMATE

DATE

WITNESSING OFFICER

I hereby authorize destruction of articles listed above as "To be Destroyed".

SIGNATURE OF INMATE

DATE

WITNESSING OFFICER

I hereby acknowledge receipt of the articles listed above as "Held in Safe" which was given to me upon my release from the institution.

SIGNATURE OF INMATE

DATE

WITNESSING OFFICER

5. Amendment of subsection (c) filed 1-17-2006 as an emergency; operative 1-17-2006 (Register 2006, No. 3). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-26-2006 or emergency language will be repealed by operation of law on the following day.
6. Amendment of subsection (d) filed 6-9-2006; operative 7-9-2006 (Register 2006, No. 23).
7. Certificate of Compliance as to 1-17-2006 order transmitted to OAL 6-22-2006 and filed 7-27-2006 (Register 2006, No. 30).

3075.1. Intake Processing.

(a) A CDC Form 188-L (Rev. 3/89), Cumulative Case Summary, shall be prepared for each inmate committed to the department and shall include:

- (1) CDC Form 188, Legal Status Summary.
 - (2) CDC Form 112 (Rev. 9/83), Chronological History.
 - (3) CDC Form 174 (Rev. 3/87), Probation Officer's Report (POR).
 - (4) Criminal Identification and Investigation (CI&I) Report.
 - (5) A psychiatric/psychological evaluation, when completed pursuant to (c) below.
 - (6) The Institutional Staff Recommendation Summary (ISRS) described in (h) below.
 - (7) CDC Form 816 (Rev. 2/03), Reception Center Readmission Summary.
 - (8) A summary of the inmate's social factors regarding the inmate's: religion; driver's license number; social security number; and the names, birthdays, addresses and occupations of parents and siblings; dates and status of marriages; names, birthdays and custody of children; and family arrest history.
- (b) Information affecting an inmate's conditions of confinement or parole and sentence shall be solicited from sources outside the department, with or without the inmate's consent, and shall include California Youth Authority commitment history within the last five years and history of any federal, state or local commitment.
- (c) A psychiatric or psychological evaluation shall be prepared for each inmate whose behavior or background information causes staff to believe a serious mental problem may exist.
- (d) Casework information and documents important to the placement and supervision of the inmate shall include:
- (1) CDC Form 127 (Rev. 5/00), Notification in Case of Inmate Death, Serious Injury, or Serious Illness.
 - (2) CDC Form 128-O (8/92), Document Receipt.
 - (3) CDC Form 345 (Rev. 5/95), Authorization for the Director to Maintain Trust Account.
- (e) All questionable information shall be verified to the extent possible.
- (f) Information obtained from other documents shall indicate the source. Unverified information affecting an inmate's conditions of confinement or parole and sentence shall be noted as unverified.

(g) Each inmate shall before initial classification be provided a copy of their CDC Form 188-L from which the CI&I Report and CDC Form 112 have been removed.

(h) An ISRS shall be prepared for each person committed with or returned as a parole violator with a new life term.

(1) The ISRS shall state the sources of information used and summarize the inmate's history of or status concerning: type of confidential information on file; holds or detainers; medical and dental requirements or limitations; results of a psychiatric or psychological referral; work experiences and skills; narcotics, drugs and alcohol use; escapes; arson offenses; sex-related offenses; academic and vocational needs or interests; necessary casework follow-up; the counselor's evaluation of the inmate; reentry plans if the inmate has six months or less to release; classification score and custody designation suffix; community correctional facility eligibility; and recommended facility placement.

(2) An ISRS prepared for a Penal Code section 1203.03 (referred to as a presentence diagnostic) case shall:

(A) Address the inmate's past criminal behavior.

(B) Include in the counselor's evaluation of the inmate a sentencing recommendation to the court.

(C) If the court commits the inmate to the department, include a supplemental report of any changes affecting the inmate's conditions of confinement or parole and sentence since the presentence summary and a recommended facility placement.

(i) A CDC Form 816, Reception Center Readmission Summary, shall be completed for parole violators who are returned to custody with new terms other than a life sentence.

(j) Information affecting an inmate's conditions of confinement or parole and sentence and received after completion of the ISRS or CDC Form 816 shall be incorporated into the inmate's file.

(1) If the information is received after a transfer recommendation endorsement, or the nature of the information indicates a proposed classification action inappropriate, the case shall be referred to a classification committee for reconsideration.

(2) Information received after the inmate has been transferred shall be forwarded to the inmate's new facility.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 1203.01, 1203.03, 2930, 3002, 5054, and 5068, Penal Code.

HISTORY:

1. New section filed 11-5-92; operative 12-7-92 (Register 92, No. 45).
2. Change without regulatory effect amending subsection (d)(3) and adding new form filed 6-28-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 26).
3. Amendment of subsections (a), (a)(2) and (d)(1) filed 8-28-2000; operative 9-27-2000 (Register 2000, No. 35).
4. Change without regulatory effect amending subsection (a)(7) filed 8-21-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 34).

AUTHORIZATION FOR THE DIRECTOR TO MAINTAIN TRUST ACCOUNT

Pursuant to Penal Code Sections 5008 and 5057, I understand that by signing this form, I authorize the Director of the California Department of Corrections to maintain a trust fund account in my name, thus enabling me to make purchases from the canteen. I understand that I am not required to sign this form. I also understand that if I do not complete and sign this form, my canteen privileges will be lost.

PLEASE MARK YOUR CHOICE

- ☐ I hereby authorize the Director of Corrections to maintain a trust account in my name. I also authorize any interest earned on monies held for me in such trust shall be deposited into the Inmate Welfare Fund.
- ☐ I choose **not** to authorize the Director of Corrections to maintain a trust account in my name. I acknowledge that it shall be my responsibility to ensure that any funds in my trust account are appropriately disbursed. I understand I shall have no canteen access. I shall notify my family and friends to refrain from sending me future monetary contributions.

Signed and delivered in the presence of:

SIGNATURE OF WITNESS

TITLE

SIGNATURE OF INMATE

CDC NUMBER

Executed at _____, California

this _____ day of _____, _____
DAY MONTH YEAR

3075.2. Releases.

(a) Day of release. Inmates, except as otherwise provided by applicable law and regulations, shall be released on their scheduled release date. Inmates shall not be retained beyond their discharge date.

(b) Release Instructions.

(1) Notification of registration requirements:

(A) An inmate required to register pursuant to Penal Code sections 290 or 457.1 or Health and Safety Code section 11590 shall be notified of the requirement before being released from custody.

(B) Such inmates shall complete a SS Form 8047, Notice of Registration Requirement, acknowledging notification of the requirement.

(2) Reporting instructions, except for inmates released to non-revocable parole as provided in section 3505:

(A) The CDC Form 611 (Rev. 9/91), Release Program Study; CDC Form 1515 (Rev. 3/92), P&CSD Notice and Conditions of Parole; CDC Form 1570 (Rev. 12/89), Guidelines for Parole; and reporting instructions shall be explained to the inmate at least 45 days before their scheduled release to parole or, if less than 45 days remain as a result of a change in the inmate's legal status, as soon as possible.

(B) The CDC Form 611 shall specify a date, time, place and official to whom a newly released inmate shall report.

(C) Authorized delay in reporting. Any delay in reporting shall be in writing. The assigned parole agent may authorize a delay in reporting of no more than seven days from the parolee's scheduled reporting date. A delay of more than seven days shall require the authorization of a unit supervisor or higher staff. Parolees designated as high control cases shall not be granted a delay in reporting to their assigned parole agent.

(3) Notice and conditions of parole requirements, except for inmates released to non-revocable parole.

(A) The CDC Form 1515 shall be interpreted or otherwise communicated to any parolee who does not understand or read English.

(B) A unit supervisor or higher level staff may place an inmate or parolee refusing to sign the CDC Form 1515 into custody pending a revocation hearing.

(C) Any special conditions of parole imposed by the department shall be related to the inmate's commitment offense or to conduct that may reasonably lead to future criminal behavior.

(D) When a department-imposed special condition no longer applies to a parolee, a unit supervisor or higher level staff may remove or modify any but the following department-imposed special conditions:

1. A prohibition on the use of alcoholic beverages pursuant to Penal Code section 3053.5 and 15 CCR 3901.9.4(b).

2. A requirement to participate in psychiatric treatment, unless parole outpatient clinic staff have recommended, in writing, that the treatment be discontinued.

(E) Within five days after verbally requiring or prohibiting specific behavior of a parolee, staff shall give the parolee written confirmation of such instructions.

(4) Notice of non-revocable parole requirements:

(A) Inmates who are approved for non-revocable parole shall have a CDCR Form 1515-A (01/10), Notification of Non-Revocable Parole Requirements, which is incorporated by reference, effectively communicated to them at least 45 days prior to their scheduled release to parole, or as soon as possible if less than 45 days prior to release remain. The CDCR Form 1515-A shall document the offender's understanding of requirements including, but not limited to, the following:

(1) Return to the county of last legal residence prior to incarceration pursuant to Penal Code 3003(a).

(2) Obligation to register with local law enforcement as ordered by law.

(3) Obligation to pay outstanding restitution balances while on non-revocable parole.

(4) Search and seizure requirements pursuant to Penal Code section 3067.

(B) Inmates and parolees who refuse to sign the CDCR Form 1515-A shall be denied non-revocable parole pursuant to the provisions of Penal Code section 3000.03.

(C) Parolees on non-revocable parole are not assigned to a parole agent and have no requirement to report to a parole office upon release.

(c) Release Clearances.

(1) Before release, an inmate shall be provided a CDC Form 162 (Rev. 1/66), Inmate Release Clearance, to obtain the signature indicating the release clearance of the facility officials as designated thereon, and return the form to the facility's receiving and release office.

(2) The original CDC Form 122 (Rev. 12/85), Property Receipt-Release, which is completed by receiving and release staff, shall be provided to the inmate before release.

(3) At time of release, the inmate shall sign a CDC Form 102 (Rev. 5/92), Release Statement and Clothing Authorization, acknowledging receipt of any cash, checks, and clothing.

(d) Release Allowances. A release allowance is a sum of money intended for the rehabilitative purpose of assisting in an inmate/parolee's reintegration into society, and shall only be provided to an inmate who is released from prison to the direct supervision of a parole agent in the community, is placed on non-revocable parole, or is discharged from the jurisdiction of the Department of Corrections and Rehabilitation. Except as stipulated below, inmates with six months or more served on a sentence or parole violation shall be given \$200, less the costs of clothing and public transportation provided by the facility in connection with their release. Parolees who willfully abscond shall forfeit any remaining release allowance otherwise due them.

(1) A release allowance shall not be provided to an inmate released to the custody of the federal government or another state unless the inmate is released from custody and available for parole supervision in California or a state under the interstate compact (Article 3 (commencing with Section 11175) and Article 3.5 (commencing with Section 11180) of Chapter 2 of Title 1 of Part 4 of the Penal Code)). Inmates released to the custody and supervision of the U.S. Immigration and Naturalization Service and awaiting a deportation hearing date are not entitled to receive a release allowance.

(2) Inmates who are released to the custody of local law enforcement as a result of a detainer or hold are ineligible to receive a release allowance until the inmate is released from custody to direct parole supervision in the community. This includes a detainer or hold pursuant to commitment proceedings as a sexually violent predator (Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare & Institutions Code)). If the local custody detainer or hold results in a new commitment, the inmate will be ineligible for release funds for the prior prison term(s).

(3) Work furlough inmates:

(A) Work furlough inmates may receive an advance of up to \$100 of their release allowance.

(B) A work furlough inmate subject to Penal Code section 1168 and returned to the institution and whose parole date is rescinded shall receive \$200 if six months or more has been served since rescission, or up to \$200, as determined by the assigned parole agent, if less than six months has been served.

(C) A work furlough inmate subject to Penal Code section 1170 and returned to the institution for administrative reasons shall receive \$200 upon release, less any amount previously advanced during work furlough.

(D) Release funds shall not be used to repay facility program costs.

(4) Parole violators returned-to-custody and serving:

(A) Six consecutive months or more shall receive \$200.

(B) Less than six consecutive months shall receive \$1.10 for each day or fraction thereof in custody or revocation status up to a maximum of \$200.

(C) A local concurrent sentence exceeding the Board of Prison Terms' ordered revocation time shall receive funds only upon completion of the local concurrent term and after their release from jail.

(5) California Youth Authority wards confined in department facilities, and released:

(A) Within the state shall be given up to \$10 cash in addition to transportation expenses and, if necessary, clothing which shall not exceed \$20 in value.

(B) To independent placement may receive no more than \$25 cash.

(6) Upon release from a revocation unit, parolees or civil addict parolees shall be provided bus transportation to their residence area plus \$10 cash if the distance to their residence is less than 200 miles or \$15 cash if such distance is 200 miles or more, if release is for one of the following reasons:

(A) Charges against the parolee were dismissed.

(B) Charges against the parolee were not substantiated.

(C) The parolee was continued on parole and a revocation term was not assessed.

(7) Inmates or parole violators transferred to the custody and supervision of the Department of Mental Health shall not be provided a release allowance until they are released to the community and are either under the direct supervision of a parole agent, or discharged to the community and no longer under the jurisdiction of the Department of Corrections.

(e) Transportation Arrangements.

(1) An inmate's transportation upon release shall be arranged by the facility, unless a private party has contacted the facility at least three days before the inmate's scheduled release, has offered to provide transportation, and the facility has approved the arrangement.

(2) Any transportation costs paid by the state shall be deducted from the inmate's release allowance.

NOTE: Authority cited: Sections 2713.1, 3000.03 and 5058, Penal Code. Reference: Sections 290, 457.1, 1168, 1170, 2713.1, 2901, 2962, 3053.5, 5054, 11175, 11176 and 11180, Penal Code; Section 11592, Health and Safety Code; and Sections 6601 and 6604, Welfare and Institutions Code.

HISTORY:

1. New section filed 6-27-94; operative 7-27-94 (Register 94, No. 26).
2. Amendment of subsections (d) and (d)(1), new subsections (d)(2) and (d)(7), repealer of subsection (d)(4), subsection renumbering, amendment of newly designated subsection (d)(3)(C) and amendment of Note filed 1-21-2003; operative 2-20-2003 (Register 2003, No. 4).
3. Amendment of section and Note filed 1-25-2010 as an emergency pursuant to Penal Code section 5058.3(a)(2); operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-17-2010 and filed 7-13-2010 (Register 2010, No. 29).

3075.3. Discharge Certificates.

(a) CDCR Form 163 (Rev. 10/06), Certificate of Discharge, which is incorporated by reference, shall be issued to each person who has completed their commitment to the department.

(b) Such certificate shall be issued to the inmate before release and mailed to parolees after their discharge date.

(c) Parolees on non-revocable parole, as provided in section 3505, must submit a written request to the department upon or after their discharge date to receive a CDC Form 163 (Rev. 10/06), Certificate of Discharge.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.03 and 5054, Penal Code.

HISTORY:

1. New section filed 6-27-94; operative 7-27-94 (Register 94, No. 26).
2. Amendment of subsection (a) filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).
3. New subsection (c) and amendment of Note filed 1-25-2010 as an emergency pursuant to Penal Code section 5058.3(a)(2); operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-17-2010 and filed 7-13-2010 (Register 2010, No. 29).

3075.4. Earned Discharge From Parole. [Repealed]

NOTE: Authority cited: Section 5058.3, Penal Code. Reference: Sections 667.5(c), 1192.7 and 5054, Penal Code.

HISTORY:

1. New section filed 10-1-2007 as an emergency; operative 10-1-2007 (Register 2007, No. 40). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-10-2008 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 2-25-2008 as an emergency; operative 2-25-2008 (Register 2008, No. 9). A Certificate of Compliance must be transmitted to OAL by 5-26-2008 or emergency language will be repealed by operation of law on the following day.
3. Repealed by operation of Government Code section 11346.1(g) (Register 2008, No. 22).

3076. Recall of Commitment Recommendation Circumstances.

The director may recommend at any time to the sentencing court the recall of an inmate's commitment pursuant to Penal Code section 1170(d) for one or more of the following reasons:

(a) The inmate is terminally ill and is not condemned or sentenced to life without possibility of parole.

(b) It is evident from the inmate's exceptional behavior that is so extraordinary beyond simply complying with all regulations and procedures during incarceration that they have changed as a person and would be a positive asset to the community.

(c) Information which was not made available to the court in pronouncing the inmate's sentence is brought to the attention of the director, who deems the information would have influenced the sentence imposed by the court.

(d) The director deems that circumstances have changed to the extent that the inmate's continued incarceration is not in the interest of justice.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 1170(d) and 5054, Penal Code.

HISTORY:

1. New section filed 5-20-92 as an emergency; operative 5-20-92 (Register 92, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-17-92 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 5-20-92 order transmitted to OAL 9-9-92; disapproved by OAL and order of repeal of 5-20-92 order filed on 10-22-92 (Register 92, No. 43).
3. New section refiled 10-23-92 as an emergency; operative 10-22-92 pursuant to Government Code section 11346.1(h) (Register 92, No. 43). A Certificate of Compliance must be transmitted to OAL 2-23-93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 10-23-92 order including amendment of first paragraph and subsection (b) transmitted to OAL 12-18-92 and filed 2-3-93 (Register 93, No. 6).

3076.1. Recall of Commitment Consideration Criteria.

For inmates meeting one or more of the eligibility requirements of section 3076, the classification and parole representative shall consider the following criteria as may be applicable before recommending recall of commitment consideration for an inmate:

- (a) The inmate is or is not terminally ill or, if diagnosed as having an illness, which results in death, the inmate has more than an estimated six months to live.
- (b) The inmate's commitment offense is for one or more of the following felonies: murder, attempted murder, voluntary manslaughter, mayhem, rape with force or violence, sodomy with force or violence, oral copulation with force or violence, lewd acts on a child under 14 years of age, arson, and/or other felonies punishable by imprisonment for life.
- (c) The inmate is or is not designated as a high notoriety case by the classification staff representative or their placement has or has not been ordered by the departmental review board because of an unusual threat to the safety of persons or public interest in the inmate's case.
- (d) The court was aware of the inmate's imminent terminal status at the time of sentencing.
- (e) The inmate's prior criminal history reflects a pattern of convictions for violent acts against persons pursuant to Penal Code section 667.5(c).
- (f) The inmate has no prior criminal convictions preceding the commitment offense.
- (g) There exists a documented victim or next of kin of the commitment offense in the community who would suffer fear from the release of the inmate back into the community.
- (h) The inmate's documented institutional behavior reflects an ongoing, serious pattern of force, violence, assault, arson or predatory sexual behavior.
- (i) The inmate is terminally ill and there are or are not verifiable community resources appropriate, sufficient, and immediately available to provide support and sustenance and to meet the inmate's medical and/or psychological needs upon release.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 1170(d), 3043 and 5054, Penal Code.

HISTORY:

1. New section filed 5-20-92 as an emergency; operative 5-20-92 (Register 92, No. 21). A Certificate of Compliance must be transmitted to OAL 9-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-20-92 order transmitted to OAL 9-9-92; disapproved by OAL and order of repeal of 5-20-92 order filed on 10-22-92 (Register 92, No. 43).
3. New section refiled 10-23-92 as an emergency; operative 10-22-92 pursuant to Government Code section 11346.1(h) (Register 92, No. 43). A Certificate of Compliance must be transmitted to OAL 2-23-93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 10-23-92 order including amendment of first paragraph and subsection (c) transmitted to OAL 12-18-92 and filed 2-3-93 (Register 93, No. 6).

3076.2. Recall of Commitment Processing.

- (a) Recall of Commitment Processing for Terminally Ill Inmates.
 - (1) Requests for a determination that an inmate is terminally ill and that they be considered for recall of commitment which are initiated by the facility at any time or by the sentencing court more than 120 days after the date of commitment shall be referred to the inmate's caseworker, who shall inform the inmate's treating physician or the facility's chief medical officer of the request.
 - (2) For the purpose of this regulation, the facility's chief medical officer must also concur with the treating physician's prognosis of the inmate.
 - (3) Within three working days of the caseworker advising the chief medical officer or the inmate's treating physician of the request or of a medical staff member's discovery of a medical condition appropriate for eligibility review, the chief medical officer shall determine if the inmate is terminally ill. This determination shall be documented on a CDC Form 128-C, Chrono-Medical-Psych-Dental, which shall include a description of the inmate's illness, physical condition, estimated life expectancy and desire to participate in a recall consideration, and which shall be submitted to the classification and parole representative.
 - (4) The classification and parole representative shall review the report and the inmate's central file and consider the criteria listed in section 3076.1 before recommending recall of commitment consideration for the inmate.
 - (5) If the classification and parole representative recommends against further recall consideration, the reasons shall be documented on a CDC Form 128-B, Chrono-General (Rev. 4/74), which shall be countersigned by the warden or chief deputy warden within three working days of receipt of the CDC Form 128-C. The original CDC Form 128-B shall be filed in the inmate's central file and a copy, excluding any confidential material as defined in section 3321, sent to the inmate.
 - (6) If the classification and parole representative determines that the case warrants recall consideration, the CDC Form 128-C shall be submitted to the inmate's caseworker, who shall investigate and evaluate the inmate's suitability for recommendation of recall and document their evaluation in a report, with the following attachments:
 - (A) The CDC Form 128-C.
 - (B) The inmate's cumulative case summary.
 - (C) A list of any victim notification or other special notification requirements.
 - (7) The institution's evaluation and recommendation for a Penal Code section 1170(d) recall of a terminally ill inmate, if in favor of recall or equivocal, or in all cases if the evaluation was originally requested by the sentencing judge or if the inmate's term of imprisonment is under the jurisdiction of the Board of Prison Terms pursuant to Penal Code section 1170.2, shall be signed by the warden or chief deputy warden and forwarded within twelve working days from the date of the CDC Form 128-C to department headquarters, and if the inmate's term of imprisonment is under the jurisdiction of the Board of Prison Terms pursuant to Penal Code section 1170.2, to the Board of Prison Terms.
- (b) Recall of Commitment Processing for Non-Terminally Ill Inmates.
 - (1) Requests for consideration for recall of commitment which are initiated by the facility at any time or by the sentencing court more than 120 days after the date of commitment shall be referred to the classification and parole representative via the inmate's caseworker.
 - (2) Upon receipt of the request, the classification and parole representative shall consider the criteria listed in section 3076.1 and

the inmate's central file before recommending recall of commitment consideration for the inmate.

(3) If the classification and parole representative recommends against further recall consideration, the reasons shall be documented on a CDC Form 128-B, Chrono—General (Rev. 4/74), which shall be countersigned by the warden or chief deputy warden. The original CDC Form 128-B shall be filed in the inmate's central file and a copy, excluding any confidential material as defined in section 3321, sent to the inmate.

(4) If the classification and parole representative determines that the inmate's case warrants recall consideration, the classification and parole representative's findings shall be submitted to the inmate's caseworker, who shall investigate and evaluate the inmate's suitability for recommendation of recall and document their evaluation in a report, with the following attachments:

(A) The inmate's cumulative case summary.

(B) A list of any victim notification or other special notification requirements.

(5) The institution's evaluation and recommendation for a Penal Code section 1170(d) recall of the inmate, if in favor of recall or equivocal, or in all cases if the evaluation was originally requested by the sentencing judge or if the inmate's term of imprisonment is under the jurisdiction of the Board of Prison Terms pursuant to Penal Code section 1170.2, shall be signed by the warden or chief deputy warden and forwarded to department headquarters, and if the inmate's term of imprisonment is under the jurisdiction of the Board of Prison Terms pursuant to Penal Code section 1170.2, to the Board of Prison Terms.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 1170(d), 3043 and 5054, Penal Code.

HISTORY:

1. New section filed 5-20-92 as an emergency; operative 5-20-92 (Register 92, No. 21). A Certificate of Compliance must be transmitted to OAL 9-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-20-92 order transmitted to OAL 9-9-92; disapproved by OAL and order of repeal of 5-20-92 order filed on 10-22-92 (Register 92, No. 43).
3. New section refiled 10-23-92 as an emergency; operative 10-22-92 pursuant to Government Code section 11346.1(h) (Register 92, No. 43). A Certificate of Compliance must be transmitted to OAL 2-23-93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 10-23-92 order including amendment of subsections (a)(1), (a)(3)–(5) and (b)(2) transmitted to OAL 12-18-92 and filed 2-3-93 (Register 93, No. 6).

3076.3. Victim Notification for Recall of Commitment Recommendations.

When informed that an inmate's commitment has been recommended for recall to the court, the inmate's classification and parole representative shall notify any victim of a crime committed by the inmate, or the victim's next of kin if the victim has died, provided that the victim or the victim's next of kin has requested notice of any hearing to review or consider the parole suitability or the setting of a parole date for the inmate, and the requesting party has kept the department or the Board of Prison Terms apprised of their current mailing address. The notification shall include the name and address of the court that will consider recall.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 1170(d), 3043 through 3043.3 and 5054, Penal Code.

HISTORY:

1. New section filed 5-20-92 as an emergency; operative 5-20-92 (Register 92, No. 21). A Certificate of Compliance must be transmitted to OAL 9-17-92 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 5-20-92 order transmitted to OAL 9-9-92; disapproved by OAL and order of repeal of 5-20-92 order filed on 10-22-92 (Register 92, No. 43).
3. New section refiled 10-23-92 as an emergency; operative 10-22-92 pursuant to Government Code section 11346.1(h) (Register 92, No. 43). A Certificate of Compliance must be transmitted to OAL 2-23-93 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 10-23-92 order transmitted to OAL 12-18-92 and filed 2-3-93 (Register 93, No. 6).

Article 6.7. Transfer of Inmate Assessment Responsibility

3077. County Assessment Program.

The California Department of Corrections and Rehabilitation (CDCR), pursuant to the provisions in sections 3375 through 3379, provides upon reception, an assessment and classification process to each person committed to the custody of the CDCR. Exception to this are Senate Bill (SB) 618 Participants, as defined in section 3000, who will be participating in a SB 618 Program, as defined in section 3000. Pursuant to the authority and process as described in this section, SB 618 Participants, prior to reception by the CDCR, shall be assessed by the county in which the offender is adjudged to have committed his or her crime.

(a) Assessment transfer authority. Pursuant to Penal Code (PC) section 1203.8, the CDCR is authorized to enter into an agreement with up to three counties in the State of California to carry out the assessment of nonviolent felony offenders and to develop a multi-agency plan (MAP).

(1) The MAP shall be developed at the participating county and subject to the approval of the CDCR, will be the general plan and agreement permitting the transfer of the assessment responsibility to the county. The MAP shall be developed by and have the concurrence of the following local county representatives or their designees, which shall include:

- (A) The presiding judge.
- (B) The chief probation officer.
- (C) The district attorney.
- (D) The county defense agency.
- (E) The local custodial agency (e.g. sheriff).

(2) The MAP shall be submitted to the Board of Supervisors for approval.

(b) Inmate eligibility. An eligible offender may voluntarily participate in a SB 618 Program. To be eligible, the offender must meet the following criteria:

- (1) Is convicted in the current case of a non-violent felony.
- (2) Must be in custody to participate with no convictions under PC section 667.5(c) except as provided in subsection 3077(d)(1).
- (3) Is a legal resident of the participating county at the time of his or her conviction (county of last legal residence).
- (4) Is sentenced to a state prison for a period of 7 and 72 months with time to serve remaining to permit commencement and completion of programming of no more than 36 months or less than 4 months.
- (5) Is able to live independently in the General Population (GP) of the participating institution independent of housing designation.
- (6) Has a classification score below 52 points.
- (c) Exclusionary criteria. An offender is excluded from participating in the SB 618 Program if he or she:
 - (1) Is a documented and validated prison gang, or disruptive group member or associate.
 - (2) Has a prior conviction where the offender's victim(s) suffered death, disability, or serious injury.

(3) Has any history of sex or arson offenses subject to registration pursuant to PC sections 290 and 457.1.

(4) Has a United States Immigration and Customs Enforcement hold from countries without immigration treaties.

(5) Possesses outstanding or active felony holds from other jurisdictions.

(6) Qualifies for participation in a drug treatment program as defined in PC section 1210(b).

(7) Repeat offenders with a new sentence and who are offered a probationary sentence are not automatically excluded from consideration for participation in the SB 618 Program upon approval of the court.

(d) Discretionary factors. The following are discretionary factors that will be taken into consideration when determining on a case-by-case basis, SB 618 Program eligibility:

(1) Prior convictions for PC section 667.5(c). Where a defendant has been out of custody for no less than five years and has committed no other violent felony as defined under Penal Code section 667.5(c), prior convictions for violent felonies under Penal Code section 667.5(c) that do not involve death, great bodily injury or permanent disability will be screened for SB 618 eligibility on a case-by-case basis.

(2) Repeat offenders as described in 3077(d)(1) with a new offense who pick up a new prison term are not automatically excluded from consideration for participation in the SB 618 Program upon recommendation of the court with concurrence of CDCR.

(3) Parole violators with a new term, who before parole were SB 618 Participants, are automatically excluded from consideration for participation in the SB 618 Program.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 667.5(c), 1203.8 and 5054, Penal Code.

HISTORY:

1. New article 6.7 (sections 3077–3077.4) and section filed 2-5-2009 as an emergency; operative 2-5-2009 (Register 2009, No. 6). This filing contains a certification that the operational needs of the Department required filing of these regulations on an emergency basis and were deemed an emergency pursuant to Penal Code section 5058.3. A Certificate of Compliance must be transmitted to OAL by 7-15-2009 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-5-2009 order transmitted to OAL 6-25-2009 and filed 7-28-2009 (Register 2009, No. 31).

3077.1. Senate Bill 618 Program Participant Determination, Assessment, and Processing.

(a) When an offender is arrested and charges filed, the participating county district attorney (DA) will conduct preliminary screening for Senate Bill (SB) 618 Program eligibility utilizing the criteria provided in subsections 3077(b), (c) and (d). If the offender is identified as a possible SB 618 Participant, as defined in section 3000, the DA, defense attorney, and court shall affirm eligibility for the SB 618 Program, as defined in section 3000. If eligibility for participation is approved by the court, the offender will be petitioned to voluntarily participate in the SB 618 Program. If the offender agrees, the court will refer the case to county probation for pre-sentence investigation, multidisciplinary assessment, and the development of a Life Plan, as described in subsection 3077.1(b). Within 3 working days of the court referral, the offender will be transported to a predetermined county site for assessment by a Multi-Disciplinary Team (MDT).

(1) The MDT shall include the following:

(A) County Probation Officer.

(B) Community Case Manager (CCM) who will assist the SB 618 Participant in the community to which he/she is released and will help to develop a community reentry plan with the SB 618

Participant, his/her family, treatment and social service providers, and community support persons.

(C) Correctional Counselor (CC) I. The CCI shall make appropriate placement recommendations to a primary California Department of Corrections and Rehabilitation (CDCR) institution/facility and an alternate CDCR institution/facility. The Participant's Life Plan and available Substance Abuse Treatment programs, and Academic and Vocational programs to advance the Participant's Life Plan, shall be used in consideration of the institution/facility recommendation.

(D) Prison Case Manager (PCM). The PCM shall be a licensed Clinical Social Worker, or other professional social work classification such as a Bachelor or Master's degree in Social Work. The PCM will work with the SB 618 Participant from time of assessment at the county facility to parole release. The PCM is a member of the CDCR institution's Multidisciplinary Team.

(2) The MDT may also include the following:

(A) An education specialist who is a subject matter expert on educational and vocational assessment, testing and programs.

(B) A licensed mental health clinician who is a subject matter specialist on mental health and substance abuse screenings, assessments and treatments.

(C) Medical staff, which will include but not be limited to, doctors, nurse practitioners, nurses, dentists, optometrists, and medical technical assistants. Medical staff may perform medical assessments pursuant to the provisions of section 3077.2.

(b) The Life Plan. The SB 618 Participant's Life Plan will be a plan based on the assessed needs of the offender which shall outline the inmate's specific programming needs and act as a guide for the SB 618 Participant from sentence and incarceration through release on supervised parole. The Life Plan, which may be referenced differently at each participating county (e.g. Case Plan, Participant Plan, etc.), shall be developed by and have the concurrence of the participating county's MDT.

(1) The Life Plan shall:

(A) Include, but not be limited to, the SB 618 Participant's court recommended behavioral health treatment, education literacy, and vocational needs.

(B) Include a recommendation for completion while in state prison, all programs to address those needs identified in the assessment.

(2) The CDCR, to the extent feasible, shall provide to the SB 618 Participant, all programs pursuant to the Life Plan recommendations.

(c) Within 23 days of the court referral, the following will occur:

(1) The SB 618 Participant's Life Plan, as described in subsection 3077.1(b), shall be developed.

(2) The county probation officer will include the Life Plan with the pre-sentence report and return it to the court.

(d) Within 28 working days post conviction, the court will affirm the Life Plan recommendations and sentence the Participant to state prison.

(e) Within 14 working days after sentencing, the SB 618 Participant shall be transported to the appropriate CDCR institution for placement.

(f) All SB 618 Participants in substance abuse programs will be subject to random drug testing pursuant to the provisions of section 3290.

(g) Upon the SB 618 Participant's arrival at the institution's reception center (RC), the SB 618 RC CCI will review the SB 618 Participant's Life Plan, complete the casework and recommend endorsement for placement into the General Population. The case will be presented to a Classification Staff Representative for endorsement with the SB 618 Participant in RC status.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 667.5(c), 1203.8 and 5054, Penal Code.

HISTORY:

1. New section filed 2-5-2009 as an emergency; operative 2-5-2009 (Register 2009, No. 6). This filing contains a certification that the operational needs of the Department required filing of these regulations on an emergency basis and were deemed an emergency pursuant to Penal Code section 5058.3. A Certificate of Compliance must be transmitted to OAL by 7-15-2009 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-5-2009 order, including amendment of subsections (a)(1)(C) and (d), transmitted to OAL 6-25-2009 and filed 7-28-2009 (Register 2009, No. 31).

3077.2. Senate Bill 618 Participant Medical, Dental, and Mental Health Assessments.

(a) For each county participating in the Senate Bill (SB) 618 Program, as defined in section 3000, and pursuant to California Department of Corrections and Rehabilitation (CDCR) and Division of Correctional Health Care Services medical, dental, and mental health court or Receiver ordered requirements, regulations, policies and procedures, the following assessments may be performed at an appropriate county facility for each SB 618 Participant, as defined in section 3000:

(1) Medical assessments. As permitted by the Medical Care Receiver, all applicable medical tests and assessments, including tuberculosis and other tests as necessary relating to communicable diseases and other medical conditions, may be performed by one or more of the following:

- (A) CDCR medical staff.
- (B) County medical staff.
- (C) County contract medical staff.

(2) Dental screening, as permitted by the court, may be performed by one or more of the following:

- (A) CDCR dental staff.
- (B) County dental staff.
- (C) County contract dental staff.

(3) Dental training. The CDCR Dental Quality Management Assessment Team staff or designee shall schedule and provide any necessary training for county dental staff or county contract dental staff on-site at the appropriate county correctional facility. Any necessary materials or supplies, as needed, shall also be provided to county dental staff or county contract dental staff.

(4) Mental health evaluations, as permitted by the court, may be performed by one or more of the following:

- (A) CDCR mental health staff.
- (B) County mental health staff.
- (C) County contract mental health staff.

(b) After the arrival of the SB 618 Participant at the appropriate CDCR institution's reception center, CDCR medical staff shall:

- (1) Complete as necessary, the medical history and physical exam.
- (2) Complete all required medical, dental, and mental health assessments within mandatory time frames.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 667.5(c), 1203.8 and 5054, Penal Code; Title 15, CCR, Section 3350(b) (1); Title 15, CCR, Article 8, Medical and Dental Services; Title 15, CCR, Article 9, Mental Health Services; *Coleman v. Schwarzenegger* (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; *Plata v. Schwarzenegger* (No. C01-1351 TEH), U.S. District Court, Northern District of California; and Settlement Agreement, *Perez v. Tilton, et al.*, Case No. C05-5241 JSW, U.S. District Court, Northern District of California.

HISTORY:

1. New section filed 2-5-2009 as an emergency; operative 2-5-2009 (Register 2009, No. 6). This filing contains a certification that the operational needs of the Department required filing of these regula-

tions on an emergency basis and were deemed an emergency pursuant to Penal Code section 5058.3. A Certificate of Compliance must be transmitted to OAL by 7-15-2009 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 2-5-2009 order, including amendment of Note, transmitted to OAL 6-25-2009 and filed 7-28-2009 (Register 2009, No. 31).

3077.3. Senate Bill 618 Participant Institutional Programming.

(a) The Senate Bill (SB) 618 Participant, as defined in section 3000, shall be delivered to a Departmental RC as arranged between the respective county Sheriff's personnel and CDCR's Transportation Unit. The RC shall expedite the RC processing of the SB 618 Participant and present the Participant's case to the Classification Staff Representative (CSR) within 30 days of arrival at the RC. The CSR shall endorse the case for placement at an appropriate institution/facility in consideration of the SB 618 Participant's Life Plan. The Departmental Transportation Unit shall expedite movement of SB 618 Participants to the endorsed institution/facility utilizing existing resources when possible. Within 14 days from the time the Senate Bill (SB) 618 Participant, as defined in section 3000, arrives at the endorsed institution, the SB 618 Participant shall be seen by the Initial Classification Committee to ensure that the SB 618 Participant is assigned to appropriate programming according to his or her Life Plan as described in subsection 3077.1(b).

(b) Upon completion of the Initial Classification Committee, the Inmate Assignment Office shall assign the SB 618 Participant into assignments that correspond with his or her Life Plan.

(1) If there are no vacancies available in appropriate work/training assignments, the SB 618 Participant shall be placed at the top of the waiting list for assignment. SB 618 Participants having the earliest release date shall be given priority.

(2) A Classification Committee action shall be required to place SB 618 Participants onto a waiting list or remove them from a waiting list.

(c) A Classification Committee shall review the SB 618 Participant's progress and case factors at least once a year.

(d) The Prison Case Manager (PCM), as described in subsection 3077.1(a)(1)(D), shall:

(1) Monitor, track, record, and evaluate the SB 618 Participant's participation and completion in the assigned programs.

(2) Attend the SB 618 Advisory Committee meetings to report program status and to make any recommendations for changes in the SB 618 Participant's Life Plan, if appropriate.

(3) Assist the SB 618 Participant in meeting their Life Plan needs and goals.

(e) Six months prior to release, the PCM, the SB 618 Participant, parole representative, and the CCM will meet and revise the Life Plan with an emphasis on the community reentry plan for housing, transportation, and immediate enrollment in community support programs which include, but are not limited to, substance abuse and mental health services, work readiness training and placement.

(f) A SB 618 Participant who no longer wishes to participate in the SB 618 Program or is no longer eligible for retention at the SB 618 programming institutions, will be seen by an SB 618 Advisory Group in the institution or while on parole in the community. Reasons for being determined ineligible while in the program may include, but are not limited to, rule violations in prison with a guilty finding, archive information which if known prior to entry into the program, such as past violence, would have precluded the SB 618 Participant from the program, not following program requirements, and parole violations subsequent to parole. The respective Advisory Group will make a determination regarding the SB 618 Participant's continued participation in the SB 618 Program.

(1) The Advisory Group at the institution shall include:

- (A) Associate Warden or designee.
- (B) Classification representative or designee.
- (C) PCM Coordinator or designee.
- (D) SB 618 Participant's assigned PCM or designee.
- (E) Division of Community Partnership (DCP) analyst or designee.

(2) The Advisory Group in the parole community shall include:

- (A) SB 618 Participant.
- (B) SB 618 Participant's assigned:
 1. Parole Agent or designee.
 2. Community Case Manager or designee.
- (C) DCP analyst or designee.

(3) The respective Advisory Group's findings shall be documented on a CDC Form 128-B, (4/74) General Chrono, as described in section 3000 under General Chrono, with a copy placed in the SB 618 Participant's Central File.

(4) An SB 618 Participant who is determined to no longer be eligible for the SB 618 Program, may appeal the Advisory Group decision by utilizing the inmate appeal process as provided in the California Code of Regulations, Title 15, Chapter 1, Article 8, sections 3084 through 3085.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 667.5(c), 1203.8 and 5054, Penal Code.

HISTORY:

1. New section filed 2-5-2009 as an emergency; operative 2-5-2009 (Register 2009, No. 6). This filing contains a certification that the operational needs of the Department required filing of these regulations on an emergency basis and were deemed an emergency pursuant to Penal Code section 5058.3. A Certificate of Compliance must be transmitted to OAL by 7-15-2009 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-5-2009 order, including amendment of subsections (a) and (c), transmitted to OAL 6-25-2009 and filed 7-28-2009 (Register 2009, No. 31).

3077.4. Senate Bill 618 Participant Community Services.

(a) To meet the objective of providing a state and local response that will support and sustain the Senate Bill (SB) 618 Participant, as defined in section 3000, with his or her rehabilitative efforts, community services, which may be subject to available state and local funding, may be made available to the SB 618 Participant.

(b) The community services which are designed to maintain the SB 618 Participant through discharge from parole or 18 months from release from parole, whichever is the longest period of time, may include, but are not limited to:

- (1) Transitional or step-down housing.
- (2) Occupational development and job placement.
- (3) Outpatient mental health services.
- (4) Substance abuse treatment services.
- (5) Education.
- (6) Life skills counseling.
- (7) Restitution and community services.
- (8) Case management.
- (9) Intermediate sanctions for technical violations of conditions of parole.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.8 and 5054, Penal Code.

HISTORY:

1. New section filed 2-5-2009 as an emergency; operative 2-5-2009 (Register 2009, No. 6). This filing contains a certification that the operational needs of the Department required filing of these regulations on an emergency basis and were deemed an emergency pursuant to Penal Code section 5058.3. A Certificate of Compliance must

- be transmitted to OAL by 7-15-2009 or emergency language will be repealed by operation of law on the following day.
- 2. Certificate of Compliance as to 2-5-2009 order transmitted to OAL 6-25-2009 and filed 7-28-2009 (Register 2009, No. 31).

Article 7. Furloughs and Temporary Leave

3080. Administration.

Institution and parole division staff will administer inmate work and educational furloughs and temporary community release programs in a prudent manner, and in keeping with the basic need for public protection.

Comment: Former DP-1701, policy, general.

3081. Compliance.

Inmates who are granted a furlough or temporary leave must comply with all departmental rules and regulations governing such programs; with any conditions for approval; and, with all applicable laws; and must meet eligibility requirements in accordance with departmental procedures and Sections 2690, 2691, 6250 et seq., 6263 of the Penal Code and Section 3306 of the Welfare and Institutions Code.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 6250–6253 and 6260, Penal Code; and Section 3306, Welfare and Institutions Code.

HISTORY:

1. Amendment filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).

3082. Temporary Leaves.

Temporary leaves will be granted only for inmates who meet the criteria for such leaves, as prescribed in guidelines established by the director, for the following reasons:

(a) Family Emergency. Emergency leaves will normally be considered only for attendance at services for deceased members of the inmate's immediate family, and for visits to critically ill members of the inmate's immediate family. Immediate family members are defined in section 3000.

(b) Prerelease Planning. Prerelease planning leaves may be considered for the purpose of employment interviews, making residential plans and for other reasons closely connected to release programs. A prerelease leave will not normally be granted earlier than 63 days before the inmate has an established or reasonably anticipated release date nor any earlier than is required to accomplish the purpose of a prerelease leave.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2690 and 5054, Penal Code.

HISTORY:

1. Amendment filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
3. Amendment of subsection (b) filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
4. Change without regulatory effect amending subsection (a) filed 12-2-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 49).

3083. Court Hearing on Inmate's Children.

Upon a court order, inmates will be released to the custody of the sheriff for appearance in court in actions concerning termination of parental rights of an inmate or other parental or marital rights.

HISTORY:

1. Editorial correction of printing error (Register 92, No. 5).

Article 8. Appeals

3084. Definitions.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 5-18-89 as an emergency; operative 5-18-89 (Register 89, No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-15-89.
2. Certificate of Compliance as to 5-18-89 order transmitted to OAL 9-7-89 and filed 10-10-89 (Register 89, No. 41).
3. Change without regulatory effect repealing section filed 10-29-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 6).

3084.1. Right to Appeal.

(a) Any inmate or parolee under the department's jurisdiction may appeal any departmental decision, action, condition, or policy which they can demonstrate as having an adverse effect upon their welfare. The decisions of the Departmental Review Board which serve as the director's level decision are not appealable and conclude the inmate's or parolee's departmental administrative remedy pursuant to section 3376.1.

(b) Institution staff shall provide the assistance necessary to ensure that inmates who have difficulty communicating in written English have access to the appeal process.

(c) The department shall ensure departmental appeal forms and forms prescribed by the Board of Parole Hearings, the Narcotic Addict Evaluation Authority, the Prison Industry Authority, and the Joint Venture Program for appeal of decisions, actions, or policies within their jurisdictions, are readily available to all inmates and parolees.

(d) No reprisal shall be taken against an inmate or parolee for filing an appeal. This shall not prohibit appeal restrictions against an inmate or parolee abusing the appeal process as defined in section 3084.4.

(e) An appeal alleging misconduct by a departmental peace officer as defined in section 3291(b) shall be accompanied by a Rights and Responsibility Statement as shown in section 3391(d). Failure to submit this form will be cause for rejecting the appeal, in accordance with section 3084.3(c)(5).

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 148.6, 832.5 and 5054, Penal Code, *Chaker v. Crogan* (9th Cir 2005) 428 F. 3d 1215.

HISTORY:

1. New section filed 5-18-89 as an emergency; operative 5-18-89 (Register 89, No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-15-89. For prior history, see section 3003.
2. Certificate of Compliance as to 5-18-89 order including a clarifying change of subsection (b) transmitted to OAL 9-7-89 and filed 10-10-89 (Register 89, No. 41).
3. Amendment of subsection (a) filed 1-16-92; operative 2-17-92 (Register 92, No. 13).
4. Amendment of subsections (a) and (d), new subsection (e), and amendment of Note filed 12-23-96 as an emergency; operative 12-23-96 (Register 96, No. 52). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-2-97, or emergency language will be repealed by operation of law on the following day.
5. Amendment of subsections (a) and (d), new subsection (e), and amendment of NOTE: refiled 5-29-97 as an emergency; operative 6-2-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-30-97 or emergency language will be repealed by operation of law on the following day.
6. Editorial correction of History 5 (Register 97, No. 24).

7. Certificate of Compliance as to 5-29-97 order, including amendment of subsections (a) and (e), transmitted to OAL 9-25-97 and filed 11-7-97 (Register 97, No. 45).

8. Amendment of subsection (c) filed 9-13-2005; operative 9-13-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 37).

9. Amendment of subsection (e) and amendment of Note filed 11-3-2006 as an emergency; operative 11-3-2006 (Register 2006, No. 44). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-12-2007 or emergency language will be repealed by operation of law on the following day.

10. Certificate of Compliance as to 11-3-2006 order transmitted to OAL 3-12-2007 and filed 4-19-2007 (Register 2007, No. 16).

3084.2. Appeal Preparation.

(a) Form requirement. The appellant shall use a CDC Form 602 (rev. 12-87), Inmate/Parolee Appeal Form, to describe the problem and action requested. Initial requests or grievances based on a disability as defined in Title 42, U.S.C. section 12102 shall be filed pursuant to section 3085.

(1) A limit of one continuation page, front and back, may be attached to the appeal to describe the problem and action requested in Sections A and B of the form.

(2) Only supporting documentation necessary to clarify the appeal shall be attached to the appeal.

(b) Informal attempt prerequisite. The inmate or parolee shall attempt to resolve the grievance informally with the involved staff, unless excepted by sections 3084.5(a)(3) and 3084.7.

(c) Place of filing. At the formal levels, the appeal shall be forwarded to the appeals coordinator within the time limits prescribed in section 3084.6.

(d) Appellant submittal. An inmate or parolee shall not submit an appeal on behalf of another inmate or parolee, except as provided in subsection (f). An inmate, parolee or other person may assist another inmate or parolee with preparation of an appeal unless the act of providing such assistance would create an unsafe or unmanageable situation.

(e) Limit of system. The department's appeal procedure shall not be used to appeal the decisions or actions of other agencies, except as provided by section 3084.7.

(f) Group appeal. If a group of inmates intend to appeal a decision, action, or policy affecting all members of the group, one appeal form with the name and departmental identification number of the inmate who prepared the appeal shall be submitted.

(1) A legible list of the participating inmates' names, signatures, departmental identification numbers, and housing shall be attached to the appeal.

(2) The inmate submitting the appeal shall be responsible for sharing the written response with the inmates who signed the appeal attachment.

(3) If the inmate submitting the appeal is transferred or released, responses shall be directed to the first or next inmate on the appeal list attachment, who shall be responsible for sharing the response with the other inmates identified on the attachment.

(g) Multiple appeals of the same issue. If more than one appeal regarding the same issue is received.

(1) All such appeals shall be logged.

(2) A written response shall be given to the original appellant.

(3) A copy of the response, with the original appellant's name and number removed, shall be given to each of the other appellants.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 832.5 and 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; and section 35.107, Title 28, Code of Federal Regulations.

HISTORY:

1. New section filed 5-18-89 as an emergency; operative 5-18-89 (Register 89, No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-15-89.
2. Certificate of Compliance as to 5-18-89 order transmitted to OAL 9-7-89 and filed 10-10-89 (Register 89, No. 41).
3. New subsection (g) filed 5-6-92 as an emergency; operative 5-6-92 (Register 92, No. 19). A Certificate of Compliance must be transmitted to OAL 9-3-92 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-6-92 order transmitted to OAL 8-31-92 and filed 10-7-92 (Register 92, No. 41).
5. Amendment of subsection (a) and Note filed 4-7-95 as an emergency pursuant to Penal Code section 5058; operative 4-7-95 (Register 95, No. 14). A Certificate of Compliance must be transmitted to OAL by 9-14-95 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 4-7-95 order transmitted to OAL 6-26-95 and filed 7-25-95 (Register 95, No. 30).
7. Amendment of subsections(a)(1), (a)(2), (c) and (f)(1) filed 12-23-96 as an emergency; operative 12-23-96 (Register 96, No. 52). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-2-97, or emergency language will be repealed by operation of law on the following day.
8. Amendment of subsections (a)(1), (a)(2), (c) and (f)(1) refiled 5-29-97 as an emergency; operative 6-2-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-30-97 or emergency language will be repealed by operation of law on the following day.
9. Editorial correction of History 8 (Register 97, No. 24).
10. Certificate of Compliance as to 5-29-97 order, including amendment of subsection (c), transmitted to OAL 9-25-97 and filed 11-7-97 (Register 97, No. 45).

3084.3. Screening Appeals.

(a) Appeals coordinator. Each institution head and parole region administrator shall designate an appeals coordinator, at a staff position level no less than correctional counselor II or parole agent II, who shall prior to acceptance for review screen and categorize each appeal originating in their area for compliance with these regulations, and shall coordinate the processing of appeals.

(b) Unclear appeal issue.

(1) When a group appeal is received, one or more of the participating inmates shall be interviewed to clarify the issue under appeal.

(2) When multiple appeals of the same issue are received, the original appellant and, as needed for clarification of issues, one or more of the other appellants shall be interviewed.

(3) When an appeal indicates the appellant has difficulty describing the problem in writing or has a primary language other than English, the appeals coordinator shall arrange an interview with the appellant to provide assistance in clarifying or completing the appeal.

(c) Rejection criteria. An appeal may be rejected for any of the following reasons:

(1) The action or decision being appealed is not within the jurisdiction of the department.

(2) The appeal duplicates the appellant's previous appeal upon which a decision has been rendered or is pending.

(3) The appeal concerns an anticipated action or decision.

(4) The appellant has not included evidence of attempt to resolve the grievance at the informal level, unless the informal level is waived by these regulations.

(5) The appeal is incomplete or necessary supporting documents are not attached.

(6) Time limits for submitting the appeal are exceeded and the appellant had the opportunity to file within the prescribed time constraints.

(7) The appeal is filed on behalf of another inmate or parolee, except as provided in section 3084.2(f).

(8) The appeal constitutes an abuse of the appeal process pursuant to section 3084.4.

(d) Written rejection. When rejecting an appeal, the appeals coordinator shall complete an Appeals Screening Form, CDC Form 695 (rev. 5-83), explaining why the appeal is unacceptable. If rejection is based on improper documentation, the form shall provide clear instructions regarding further action the inmate must take to qualify the appeal for processing.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 832.5 and 5054, Penal Code.

HISTORY:

1. New section filed 5-18-89 as an emergency; operative 5-18-89 (Register 89, No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-15-89.
2. Certificate of Compliance as to 5-18-89 order transmitted to OAL 9-7-89 and filed 10-10-89 (Register 89, No. 41).
3. Amendment of subsection (b) and new subsections (b)(1)–(2) filed 5-6-92 as an emergency; operative 5-6-92 (Register 92, No. 19). A Certificate of Compliance must be transmitted to OAL 9-3-92 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-6-92 order transmitted to OAL 8-31-92 and filed 10-7-92 (Register 92, No. 41).
5. Amendment of subsection (a) filed 12-23-96 as an emergency; operative 12-23-96 (Register 96, No. 52). Pursuant to Penal Code section 5058(e), a Certificate must be transmitted to OAL by 6-2-97, or emergency language will be repealed by operation of law on the following day.
6. Amendment of subsection (a) refiled 5-29-97 as an emergency; operative 6-2-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-30-97 or emergency language will be repealed by operation of law on the following day.
7. Editorial correction of History 6 (Register 97, No. 24).
8. Certificate of Compliance as to 5-29-97 order transmitted to OAL 9-25-97 and filed 11-7-97 (Register 97, No. 45).

3084.4. Appeal System Abuse.

(a) Excessive filings. One appellant's submission of more than one non-emergency appeal within a seven-calendar-day period shall be considered excessive.

(1) When an appellant submits excessive appeals, the first appeal received shall be processed normally and all subsequent non-emergency appeals filed within the seven-calendar-day period by that individual shall be suspended.

(2) The appeals coordinator shall consult with the chief, inmate appeals, who shall determine further action to be taken on the suspended appeals.

(3) Upon determination of abuse, the chief, inmate appeals, shall authorize the appeals coordinator to prepare a notice restricting the inmate to one appeal per month for six consecutive months.

(4) Any subsequent violations of the appeal restriction shall result in an extension of the restriction for an additional six-month period.

(b) Inappropriate statements. An appeal containing false information, or profanity or obscene language shall be rejected.

(c) Excessive verbiage. Appeals in which the grievance or problem cannot be understood or is obscured by pointless verbiage or voluminous unrelated documentation shall be rejected, except as provided in sections 3084.1(b) and 3084.3(b).

(d) Lack of cooperation. An appellant's refusal to be interviewed or cooperate with the reviewer shall result in cancellation of the appeal.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 832.5 and 5054, Penal Code.

HISTORY:

1. New section filed 5-18-89 as an emergency; operative 5-18-89 (Register 89, No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-15-89.
2. Certificate of Compliance as to 5-18-89 order including a clarifying change of subsections (a) and (b) transmitted to OAL 9-7-89 and filed 10-10-89 (Register 89, No. 41).
3. Amendment of subsections (a), (a)(1) and (a)(3), repealer and new subsection(a)(4), and amendment of subsections(b) and (d) filed 12-23-96 as an emergency; operative 12-23-96 (Register 96, No. 52). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-2-97, or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsections (a), (a)(1) and (a)(3), repealer and new subsection (a)(4), and amendment of subsections (b) and (d) refiled 5-29-97 as an emergency, operative 6-2-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-30-97 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction of History 4 (Register 97, No. 24).
6. Certificate of Compliance as to 5-29-97 order, including amendment of subsection (d), transmitted to OAL 9-25-97 and filed 11-7-97 (Register 97, No. 45).

3084.5. Levels of Appeal Review and Disposition.

(a) Informal level. The informal level is that at which the appellant and staff involved in the action or decision attempt to resolve the grievance informally.

(1) Unless excepted pursuant to subsection (3) evidence of an attempt to obtain informal level review is required before an appeal may be accepted for formal review.

(2) When an appellant attempts to resolve an appeal at the informal level, the employee contacted by the appellant shall review and if practical resolve the grievance. The employee shall report the action taken in the response space provided on the appeal form, and shall sign and date the form.

(3) The informal level shall be waived for appeal of:

- (A) Classification committee actions.
- (B) Serious disciplinary infractions.
- (C) Classification staff representative actions.
- (D) Departmental regulations, policies, or operational procedures.
- (E) Exceptional circumstances defined in section 3084.7.
- (F) Any action, which the appeals coordinator determines, cannot be resolved informally.
- (G) Alleged misconduct by a departmental peace officer.
- (H) The denial of disabled inmate or parolee requests for reasonable modification or accommodation filed on CDC Form 1824 (1/95), Reasonable Modification Or Accommodation Request, pursuant to section 3085.

(b) First formal level. All appeals shall be initially filed and screened at the first level. The appeals coordinator may bypass the first formal level for appeal of:

- (1) A policy or procedure implemented by the institution head.
 - (2) A policy, procedure or regulation implemented by the department.
 - (3) An issue, which cannot be resolved at the division head's level; e.g., appeal of a regular transfer.
 - (4) Serious disciplinary infractions.
- (c) Second formal level. Second level is for review of appeals denied at first level or for which first level is otherwise waived by

these regulations. The second formal level, with the exception provided in section 3084.7(d)(4)(B), shall be completed prior to the appellant filing at the third formal level.

(d) Third formal level. Third level is for review of appeals not resolved at second level with the exception provided in section 3084.7(d)(4)(B).

(e) Appeal review. Formal appeals shall not be reviewed by a staff person who participated in the event or decision being appealed, or who is of lower administrative rank than any participating staff, or who participated in review of a lower level appeal refiled at a higher level.

(1) Second level review shall be conducted by the institution head or regional parole administrator, or their designee. Institution heads and regional parole administrators are not prohibited from reevaluating their own decisions or actions at the second level, and shall respond to appeals filed against them personally for allegations of peace officer misconduct.

(2) Third level review constitutes the director's decision on an appeal, and shall be conducted by a designated representative of the director under supervision of the chief, inmate appeals.

(f) Interview requirements. A personal interview shall be conducted with the appellant at the first level of review unless:

(1) First level was waived. In such case a personal interview shall be conducted with the appellant at the second level.

(2) The reviewer has decided, before interviewing the appellant, to grant the appeal.

(3) The appellant is not present at the institution where the appeal was filed. In such case, a telephone interview with the appellant shall meet the interview requirement.

(A) If the appeal concerns a disciplinary action, the telephone interview may be waived if the appeals coordinator determines an interview would not provide additional facts.

(B) If the appellant is not available for telephone interview, the reviewers shall request the caseworker in the jurisdiction where the appellant is located to complete the interview and provide a written report.

(g) Written response. At each level of review not waived, the original appeal shall be returned to the appellant with a written response stating the appeal issue and reasons for the decision.

(h) Disciplinary appeals. When procedural or due process requirements provided inmates in disciplinary proceedings have been violated, one of the following remedies shall be considered:

(1) The original disposition shall be vacated and the charges dismissed if the reviewer determines that the findings of the disciplinary hearing were not supported by the evidence presented at the hearing and any of the following circumstances are evident:

(A) The charge was based on information later determined to be false or unsubstantiated.

(B) A new hearing would not likely produce additional information.

(C) Elapsed time makes it unlikely the accused can present an adequate defense.

(D) Witnesses whose absence would prevent the accused from presenting an adequate defense are no longer available.

(2) The original disposition shall be vacated and a new hearing ordered if the reviewer determines that any of the following requirements were not met:

(A) The accused was not given copies of required documents within specified time limits before the hearing and did not waive the time limits.

(B) The charges were based on confidential information and the accused was not given a copy of the CDC Form 1030 (Rev. 12/86), Confidential Information Disclosure.

(C) Confidential information was used and the disciplinary findings did not address the reliability of the source and the validity of the information.

(D) The accused was denied witnesses, or when security was an issue, denied statements of witnesses, which would, in the opinion of the reviewer, have contributed significant information.

(E) The accused was not allowed to speak or present documentation in their own defense.

(F) The accused was not assigned a staff assistant or interpreter if required.

(G) An investigative employee was not assigned if required, or if assigned, the investigative employee did not adequately perform their task and it appears that such an investigation would have assisted the accused or hearing officials.

(3) When a disciplinary charge is ordered reheard, a new CDC Form 115 shall be written and processed. The disciplinary time constraints shall begin on the date the new CDC Form 115 is written except when an inmate is being returned to a facility for a disciplinary rehearing, the time constraints shall begin upon the inmate's return to that facility.

(i) Delay in Disposition. An administrator may delay for up to 90 days the implementation of a decision affecting an appellant when such delay will not threaten institution security, the safety of any person, or create a serious operational problem.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 832.5 and 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; and Section 35.107, Title 28, Code of Federal Regulations.

HISTORY:

1. New section filed 5-18-89 as an emergency; operative 5-18-89 (Register 89, No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-15-89. For prior history, see section 3003(a) and (b).
2. Certificate of Compliance as to 5-18-89 order including amendment of subsections (a) and (g) transmitted to OAL 9-7-89 and filed 10-10-89 (Register 89, No. 41).
3. New subsection (a)(3)(F), amendment of subsection (b), new subsections (g) and (h), and relettering of subsection (g) to (i) filed 5-6-92 as an emergency; operative 5-6-92 (Register 92, No. 19). A Certificate of Compliance must be transmitted to OAL 9-3-92 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 5-6-92 order transmitted to OAL 8-31-92 and filed 10-7-92 (Register 92, No. 41).
5. New subsection (a)(3)(G) filed 2-1-93 as an emergency; operative 2-1-93 (Register 93, No. 6). A Certificate of Compliance must be transmitted to OAL 6-1-93 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-1-93 order transmitted to OAL 5-20-93 and filed 6-8-93 (Register 93, No. 24).
7. New subsection (a)(3)(H) and amendment of Note filed 4-7-95 as an emergency pursuant to Penal Code section 5058; operative 4-7-95 (Register 95, No. 14). A Certificate of Compliance must be transmitted to OAL by 9-14-95 or emergency language will be repealed by operation of law on the following day.
8. New subsection (b)(4) filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
9. Certificate of Compliance as to 4-7-95 order transmitted to OAL 6-26-95 and filed 7-25-95 (Register 95, No. 30).
10. Amendment of subsections (c), (d) and (e)(1) filed 12-23-96 as an emergency; operative 12-23-96 (Register 96, No. 52). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-2-97, or emergency language will be repealed by operation of law on the following day.
11. Amendment of subsections (c), (d) and (e)(1) refiled 5-29-97 as an emergency; operative 6-2-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-30-97 or emergency language will be repealed by operation of law on the following day.

12. Editorial correction of History 11 (Register 97, No. 24).

13. Certificate of Compliance as to 5-29-97 order transmitted to OAL 9-25-97 and filed 11-7-97 (Register 97, No. 45).

3084.6. Appeal Time Limits.

(a) Commencement. Time limits for submitting or reviewing appeals shall commence upon the date of receipt of the appeal document by the appeals coordinator or the appellant.

(b) Departmental response. Appeals shall be responded to and returned to the appellant by staff within the following time limits:

(1) Informal level responses shall be completed within ten working days.

(2) First level responses shall be completed within 30 working days.

(3) Second level responses shall be completed within 20 working days, or 30 working days if first level is waived pursuant to section 3084.5(a)(3).

(4) Third level responses shall be completed within 60 working days.

(5) Exception is authorized in the event of:

(A) Unavailability of the appellant, or staff or inmate witnesses.

(B) Complexity of the decision, action, or policy.

(C) Necessary involvement of other agencies or jurisdictions.

(6) Except for the third formal level, if an exceptional delay prevents completion of the review within specified time limits, the appellant shall be informed in writing of the reasons for the delay and the estimated completion date.

(c) Inmate or parolee response. An appellant must submit the appeal within 15 working days of the event or decision being appealed, or of receiving an unacceptable lower level appeal decision.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 832.5 and 5054, Penal Code; Sections 19572, 19583.5 and 19635, Government Code; and *Brown v. State Personnel Board* (1985, 3d Dist), 166 Cal App 3d 1151, 213 Cal Rptr 53.

HISTORY:

1. New section filed 5-18-89 as an emergency; operative 5-18-89 (Register 89, No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-15-89.
2. Certificate of Compliance as to 5-18-89 order including amendment of subsection (b) transmitted to OAL 9-7-89 and filed 10-10-89 (Register 89, No. 41).
3. Amendment of subsections (b)(1)–(5), repealer and new subsection (b)(6)(D), amendment of subsections (b)(7) and (c), and repealer of subsections (c)(1) and (c)(2) filed 12-23-96 as an emergency; operative 12-23-96 (Register 96, No. 52). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-2-97, or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsections (b)(1)–(5), repealer and new subsection (b)(6)(D), amendment of subsections (b)(7) and (c), and repealer of subsection (c)(1) and (c)(2) refiled 5-29-97 as an emergency; operative 6-2-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-30-97 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction of History 4 (Register 97, No. 24).
6. Certificate of Compliance as to 5-29-97 order, including amendment, transmitted to OAL 9-25-97 and filed 11-7-97 (Register 97, No. 45).

3084.7. Exceptions to the Regular Appeals Process.

(a) Emergency Appeals. Usual time limits for staff response shall not apply to emergency appeals, which shall be resolved in the shortest practical time.

(1) When circumstances are such that the regular appeal time limits may result in a threat to the appellant's safety or cause other serious and irreparable harm, the appeal shall be processed as an

emergency appeal. Such circumstances include, but are not limited to:

- (A) Need for protective custody.
- (B) Decision was made to transfer the appellant to an institution housing an enemy.
- (C) The appellant was scheduled for parole within 15 calendar days and is appealing a serious disciplinary action resulting in credit loss extending the release date.

(2) The appeal shall be submitted directly to the appeals coordinator and include substantiation of circumstances warranting emergency processing of the appeal.

(A) If the appeals coordinator determines emergency processing is unwarranted, the inmate shall be notified and the appeal shall be processed as a regular appeal.

(B) If emergency processing is warranted, the first level shall be waived and the second level review shall be completed within five working days.

(C) If dissatisfied with the second level response, the appellant may resubmit the appeal to the appeals coordinator who shall telefax it to the chief, inmate appeals, for a third level review which shall be completed within five working days.

(b) Disciplinary Appeals.

(1) A second level review shall constitute the department's final action on appeals of disciplinary actions classified as "administrative" pursuant to section 3314; and Custodial Counseling Chronos, CDC Form 128-A (rev. 4-74), documenting minor disciplinary infractions pursuant to section 3312(b).

(2) Appeals of disciplinary actions classified as "serious" pursuant to section 3315, where credit loss is a sanction, may be appealed through the third level. Within 15 working days of receipt of the department's third level denial of a disciplinary credit loss appeal, the appellant may demand a Board of Prison Terms review. The appellant shall submit the written demand for such review, with a copy of the department's final decision, to the institution's classification and parole representative or the parole region's appeals coordinator who shall within five working days forward the material to the Board.

(c) Combined Disciplinary and Parole Rescission Hearing Appeals.

(1) When the outcome of a pending disciplinary hearing may impact a Board of Prison Terms' parole rescission hearing on the same individual, a combined hearing may be held wherein the evidence is considered by both departmental and Board staff in arriving at their separate decisions.

(2) When any aspect of a combined disciplinary and parole rescission hearing is appealed, first and second level review shall be waived. The appeal shall be forwarded to the chief, inmate appeals, for a combined review by the department and the Board of Prison Terms.

(d) Transfer Appeals. A decision for transfer to another institution may be appealed by the affected inmate after endorsement by the classification staff representative.

(1) Filing of an appeal of a transfer decision shall not normally be cause to stay or delay a transfer.

(2) Regular transfer appeals:

(A) Informal and first level of appeal shall be waived.

(B) If the appeal is granted at second level, the appellant's case shall be presented to a second classification staff representative for reconsideration.

(C) If the second classification staff representative disagrees with second level appeal response, the institution head may submit the case to the departmental review board for final decision.

(D) If the appeal is denied at second level or the institution head does not refer the case to the departmental review board, the appellant may appeal at the third level.

(3) Reception center transfer appeals:

(A) The informal level shall be waived.

(B) First level review shall be conducted by the reception center's correctional administrator.

(C) If the appeal is granted, the appellant may be retained at the reception center until the case is presented to a second classification staff representative for reconsideration.

(D) If the second classification staff representative disagrees with the first level appeal decision, the appellant may resubmit the appeal for second level review.

(E) Second level review shall be conducted by the institution head, who may retain the appellant at the reception center as a second level re-view action and refer the appeal to the departmental review board for resolution. The board's decision shall constitute final review.

(F) If the appeal is denied at first or second level, the appellant may appeal at the third level.

(4) Involuntary transfer to the California Medical Facility or Atascadero State Hospital:

(A) Following a hearing on the psychiatric need for an involuntary transfer to the California Medical Facility or Atascadero State Hospital, the inmate shall be provided with a copy of the written decision pursuant to Section 3379(d).

(B) The inmate may appeal the written decision, directly to the third level, within 30 calendar days of receipt of the decision.

(C) A copy of the hearing decision shall be attached to the appeal.

(e) Lost or damaged personal property appeals.

(1) All property loss or damage arising from the same event or action shall be included in one appeal.

(2) Replacement or restoration of property.

(A) An attempt shall be made by staff to use local resources to substitute for, or replace lost property at no cost to the state, or to repair the item at institution expense.

(B) An appellant's refusal to accept repair, replacement, or substitution of like items and value shall be cause to deny the appeal.

(3) The document denying a property claim appeal at the third level shall inform the appellant of the right to file a claim directly with the board of control, and shall provide instructions for such filing.

(4) Reimbursement for loss. The reimbursement shall not exceed the limit imposed by property procedures and regulations (Subchapter 2, Article 9, Personal Property).

(A) Reimbursements for \$100 or less shall require endorsement at either the second or third level of review.

(B) Reimbursements for more than \$100 shall require both third level endorsement and Board of Control approval.

(C) Before payment of any granted claim, the appellant shall sign an Inmate/Parolee Board of Control Release Form, CDC Form 813 (rev. 2-86), discharging the state from further liability for the claim pursuant to Government Code section 965. The appellant shall be provided with a copy of the completed form.

(f) Re-Entry or Work Furlough Placement and Parole to County of Commitment Appeals. An inmate pending release to the community and dissatisfied with a parole staff decision regarding the release program or the location of placement may submit an appeal requesting administrative review of the decision.

(1) Re-entry or work furlough placement appeals.

(A) The informal level. Appeal of denial of placement into specific re-entry or work furlough locations shall be submitted by the appellant to the institution caseworker who prepared Section A

of the Release Program Study, CDC Form 611 (rev. 10-88). The caseworker shall compare the assigned parole region's reasons for denial with the facts contained in the inmate's central file, interview the inmate, and record all information obtained on a CDC Form 128-B (rev. 4-74).

(B) The first level appeal shall be submitted to the appeals coordinator of the parole region where the denial of placement was made. A copy of the CDC Form 128-B (rev. 4-74) shall be attached to the appeal.

(C) The supervisor of the staff person who denied placement shall conduct the first level review and the regional parole administrator or designee shall conduct the any second level review.

(2) Return to county of commitment appeals.

(A) An appeal concerning parole to county of commitment shall not be accepted until the Release Program Study, CDC Form 611 (rev. 10-88), has been completed and returned to the institution.

(B) The appeal shall be sent to the appeals coordinator of the parole region where such study was completed. The informal level of review shall be waived.

(C) The assistant regional parole administrator shall provide the first level review and the regional parole administrator shall provide the second level review, if any.

(D) The inmate may appeal to third level if dissatisfied with second level response.

(g) Conditions of Parole Appeals. An inmate dissatisfied with conditions of parole imposed by departmental staff may submit an appeal requesting removal or change of the conditions.

(1) Within 15 working days following receipt of the decision outlining conditions of parole, the appellant shall submit the appeal form directly to the appeals coordinator of the parole region where the case is assigned.

(2) The informal and first level reviews shall be waived. The appeals coordinator shall forward the appeal to the regional parole administrator for second level review.

(3) An appellant dissatisfied with second level review decision, may file the appeal at third level.

(4) An appellant dissatisfied with a third level review decision may submit the appeal to the Board of Prison Terms pursuant to 15 CCR sections 2525 and 2526.

(h) Parole Period and Term Computation Appeals.

(1) Informal level review.

(A) The appellant shall submit the appeal to the records office for research and documenting of the relevant case facts. The appellant shall be provided a copy of the findings.

(B) The document recording denial of an appeal shall be hand-delivered to the appellant, who shall sign and date an Acknowledgement of Receipt, CDC Form 1031 (rev. 8-88).

(2) Formal appeal.

(A) The appellant may then submit to the appeals coordinator an appeal requesting a computation review hearing.

(B) First level review shall be waived. The computation review hearing shall constitute the second level of review.

(C) The case records manager or supervisor shall conduct a computation review hearing within 15 days following receipt of the appeal.

1. The inmate/parolee shall be notified at least 24 hours prior to the hearing via the CDC Form 1032 (Rev. 12/86), Notice of Time, Date and Place of Computation Review Hearing.

2. The hearing shall be held during the inmate's nonassigned hours.

(D) Upon staff determination an error exists which the department lacks authority to change, the appeal shall be granted and the appeal referred to the appropriate agency for disposition.

(E) The appellant shall be provided a copy of the Computation Review Hearing Decision, CDC Form 1033 (rev. 8-88), at the conclusion of the hearing.

(F) The appellant may submit the appeal to third level if dissatisfied with second level response.

(i) Prison Industry Authority Health and Safety Grievances.

(1) An appellant who believes a health or safety hazard exists in a prison industry operation shall submit the written grievance to the prison industry safety committee.

(2) If an industrial safety appeal is denied at the third level, the inmate may file an appeal with the labor commissioner as prescribed by the Division of Industrial Safety.

(3) If the inmate believes any act of reprisal resulted from the grievance, an appeal of the alleged reprisal may be filed through the department's normal appeal process.

(j) Civil Addict or Releasee Appeal.

(1) Civil addicts or releasees may appeal a staff recommendation for exclusion from the civil addict program, unless the recommendation is based on a commitment to prison, deportation or releasee-at-large status.

(2) If an appeal is not received prior to the end of the 15th calendar day from an appellant's receipt of written notice of the recommendation to exclude, all prepared documentation shall be forwarded to the committing court.

(3) The second level review shall be the final review.

(4) Time constraints for releasee appeals are:

(A) The assistant regional parole administrator shall complete the first level review within ten working days.

(B) The regional parole administrator shall complete the second level review within 15 working days.

(k) Disability Grievances. An inmate or parolee with a permanent disability who is requesting a reasonable modification or accommodation who has a discrimination complaint or grievance based on a permanent disability shall follow the procedures described in section 3085. For the purpose of this section, permanent disability shall mean a disability/condition that is expected to last longer than six months.

(l) Movie/Video Selection or Exclusion Appeals.

(1) Movies/videos which have been given a rating of other than "G," "PG," or "PG-13" by the Motion Picture Association of America shall not be approved for general inmate viewing, and will not be accepted for appeal.

(2) The informal and first level of appeal shall be waived for appeals related to the selection or exclusion of a "G," "PG," or "PG-13" rated or non-rated movie/video for viewing.

(3) An appellant dissatisfied with the second level review decision may file the appeal at third level.

(m) Joint Venture Program Employer Related Grievances.

(1) Any current or former Joint Venture Program inmate-employee who believes he/she has a grievance regarding a wage and hour or retaliation claim against a Joint Venture Employer shall submit the written grievance to the Joint Venture Program Chief.

(2) The Joint Venture Program Chief shall attempt to resolve all complaints.

(3) Time frames for filing grievances will be governed by the Division of Labor Standards Enforcement's (DLSE) statutes of limitations, including but not limited to Labor Code Section 98.7 and Code of Civil Procedure Sections 337, 338 and 339, for the appropriate type of complaint.

(4) If the inmate is dissatisfied with the Joint Venture Program Chief's decision, the inmate may file a complaint with the Labor Commissioner.

NOTE: Authority cited: Section 5058 and 10006(b), Penal Code. Reference: Sections 832.5, 5054 and 10006(b), Penal Code; Section

19583.5, Government Code; *Wolff v. McDonnell* (1974) 418 U.S. 539, 558–560; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Section 35.107, Title 28, Code of Federal Regulations; Section 98.7, Labor Code; and Sections 337, 338 and 339, Code of Civil Procedure.

HISTORY:

1. New section filed 5-18-89 as an emergency; operative 5-18-89 (Register 89, No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-15-89. For prior history, see section 3325(c).
2. Certificate of Compliance as to 5-18-89 order including amendment of subsections (a) and (d) transmitted to OAL 9-7-89 and filed 10-10-89 (Register 89, No. 41).
3. Editorial correction of printing errors in subsections (f)(1)(B) and (g)(2) (Register 92, No. 5).
4. Amendment of subsection (e)(4) and new subsections (h)(3), (i)(2)(c)1. and 2., and (k) filed 5-6-92 as an emergency; operative 5-6-92 (Register 92, No. 19). A Certificate of Compliance must be transmitted to OAL 9-3-92 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 5-6-92 order including amendment of subsections (e)(4) and (i)(2)(C)1. transmitted to OAL 8-31-92 and filed 10-7-92 (Register 92, No. 41).
6. New subsection (l) and amendment of Note filed 4-7-95 as an emergency pursuant to Penal Code section 5058; operative 4-7-95 (Register 95, No. 14). A Certificate of Compliance must be transmitted to OAL by 9-14-95 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 4-7-95 order transmitted to OAL 6-26-95 and filed 7-25-95 (Register 95, No. 30).
8. New subsections (m)–(m)(3) and amendment of Note filed 6-28-96 as an emergency; operative 6-28-96 (Register 96, No. 26). A Certificate of Compliance must be transmitted to OAL by 1-6-97 or emergency language will be repealed by operation of law on the following day.
9. Editorial correction of subsection (m)(3) (Register 96, No. 51).
10. New subsections (m)–(m)(3) and amendment of Note refiled 12-19-96 as an emergency; operative 12-19-96 (Register 96, No. 51). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 5-28-97 or emergency language will be repealed by operation of law on the following day.
11. Repealer of subsection (a)(1)(D), amendment of subsections (a)(2)(A), (b)(2), (d)(4), (d)(4)(A) and (e)(1), repealer of subsections (h) and (h)(1), renumbering of old subsections 3084.7(h)(2) and (h)(3) to new subsections 3391(b) and (c), subsection relettering, and amendment of newly designated subsection (k) filed 12-23-96 as an emergency; operative 12-23-96 (Register 96, No. 52). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-2-97, or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 12-19-96 order, incorporating relettering from 12-23-96 order and further amending section and Note, transmitted to OAL 4-14-97 and filed 5-23-97 (Register 97, No. 21).
13. Repealer of subsection (a)(1)(D), amendment of subsections (a)(2)(A), (b)(2), (d)(4), (d)(4)(A) and (e)(1), repealer of subsections (h) and (h)(1), renumbering of old subsections 3084.7(h)(2)

and (h)(3) to new subsections 3391(b) and (c), subsection relettering, and amendment of newly designated subsection (k) refiled 5-29-97 as an emergency; operative 6-2-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-30-97 or emergency language will be repealed by operation of law on the following day.

14. Editorial correction of subsection (j)(1) and History 13 (Register 97, No. 24).
15. Certificate of Compliance as to 5-29-97 order, including amendment of subsections (b)(2) and (k), transmitted to OAL 9-25-97 and filed 11-7-97 (Register 97, No. 45).
16. New subsections (m)–(m)(4) and amendment of Note filed 9-13-2005; operative 9-13-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 37).

3085. Americans With Disabilities Act.

No qualified inmate or parolee with a disability, as defined in Title 42, U.S.C. section 12102 shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of the department, or be subjected to discrimination.

(a) CDC Form 1824 (1/95), Reasonable Modification Or Accommodation Request. If otherwise qualified or eligible, inmates or parolees with disabilities as defined in Title 42, U.S.C. section 12102 may request reasonable modification or accommodation to achieve access to a program, service, or activity offered by the facility, or may grieve an issue of alleged discrimination based on disability, by completing a CDC Form 1824. The inmate or parolee shall complete the front side of the form and forward it to the appeals coordinator's office. The form shall be screened in accordance with section 3084.3 screening criteria and, if it meets the initial screening criteria, is logged in the CDC Form 645 (7/77), Inmate/Parolee Appeals Log, with the status of a first level of review.

(b) If dissatisfied with the decision rendered on the CDC Form 1824, the appellant may, within 15 days of receipt of the decision, appeal to the second level of review by attaching the original request form, CDC 1824, to a CDC Form 602 (rev. 12-87), Inmate/Parolee Appeal Form, and completing section "F" of the CDC Form 602.

(c) Other provisions pertaining to inmate or parolee appeals not addressed in this section shall apply.

NOTE: Authority cited: section 5058, Penal Code. Reference: Section 5054, Penal Code; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; and Sections 35.107 and 35.130, Title 28, Code of Federal Regulations.

HISTORY:

1. New section and forms filed 4-7-95 as an emergency pursuant to Penal Code section 5058; operative 4-7-95 (Register 95, No. 14). A Certificate of Compliance must be transmitted to OAL by 9-14-95 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 4-7-95 order transmitted to OAL 6-26-95 and filed 7-25-95 (Register 95, No. 30).

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**REASONABLE MODIFICATION OR
ACCOMMODATION REQUEST**

CDC 1824 (1/95)

INSTITUTION/PAROLE REGION:

LOG NUMBER:

CATEGORY:

18. ADA

NOTE: THIS FORM IS TO BE USED ONLY BY INMATES/PAROLEES WITH DISABILITIES

In processing this request, it will be verified that the inmate/parolee has a disability which is covered under the Americans With Disabilities Act.

INMATE/PAROLEE'S NAME(PRINT)	CDC NUMBER	ASSIGNMENT	HOURS/WATCH	HOUSING

In accordance with the provisions of the Americans With Disabilities Act (ADA), no qualified individuals with a disability shall, on the basis of disability, be excluded from participation in, or be denied the benefits of the services, activities, or programs of a public entity, or be subjected to discrimination.

You may use this form to request specific reasonable modification or accommodation which, if granted, would enable you to participate in a service, activity or program offered by the Department/institution/facility, for which you are otherwise qualified/eligible to participate.

Submit this completed form to the institution or facility's Appeals Coordinator's Office. A decision will be rendered within 15 working days of receipt at the Appeals Coordinator's Office and the completed form will be returned to you.

If you do not agree with the decision on this form, you may pursue further review. The decision rendered on this form constitutes a decision at the FIRST LEVEL of review.

To proceed to SECOND LEVEL, attach this form to an Inmate/Parolee Appeal Form (CDC 602) and complete section "F" of the appeal form.

Submit the appeal with attachment to the Appeals Coordinator's Office within 15 days of your receipt of the decision rendered on this request form.

If you are not satisfied with the SECOND LEVEL review decision, you may request THIRD LEVEL review as instructed on the CDC 602.

MODIFICATION OR ACCOMMODATION REQUESTED

DESCRIPTION OF DISABILITY:

WHAT VERIFICATION DO YOU HAVE OF YOUR DISABILITY?

DESCRIBE THE PROBLEM

WHAT SPECIFIC MODIFICATION OR ACCOMMODATION IS REQUESTED?

INMATE/PAROLEE'S SIGNATURE

DATE SIGNED

REASONABLE MODIFICATION OR ACCOMMODATION REQUEST
CDC 1824 (1/95)

PAGE 2

REVIEWER'S ACTION

DATE ASSIGNED TO REVIEWER:
DATE DUE:

TYPE OF ADA ISSUE

- ☐ PROGRAM, SERVICE, OR ACTIVITY ACCESS (Not requiring structural modification)
- ☐ Auxiliary Aid or Device Requested
- ☐ Other _____
- ☐ PHYSICAL ACCESS (requiring structural modification)

DISCUSSION OF FINDINGS:

DATE INMATE/PAROLEE WAS INTERVIEWED

PERSON WHO CONDUCTED INTERVIEW

DISPOSITION

☐ GRANTED ☐ DENIED ☐ PARTIALLY GRANTED

BASIS OF DECISION:

NOTE: If disposition is based upon information provided by other staff or other resources, specify the resource and the information provided. If the request is granted, specify the process by which the modification or accommodation will be provided, with time frames if appropriate.

DISPOSITION RENDERED BY (NAME)

TITLE

INSTITUTION/FACILITY

APPROVAL

ASSOCIATE WARDEN'S SIGNATURE

DATE SIGNED

DATE RETURNED TO INMATE/PAROLEE

SUBCHAPTER 2. INMATE RESOURCES

Article 1. Canteens

3090. Inmate Canteen Establishment and Draw Limits.

(a) Each facility shall establish an inmate canteen pursuant to Penal Code section 5005 enabling inmate purchases of approved merchandise. Facility staff shall consult with representatives of the inmate population when determining items to be stocked in the canteen for resale to the inmates.

(b) The maximum monthly canteen draw authorized by the Secretary is \$220.00. An inmate's regular canteen purchase shall not exceed the limits specified in section 3044 or the inmate trust account balance, whichever is less.

(c) Inmates shall be permitted to deduct from their trust accounts for canteen purchases by signing a canteen sales receipt.

(d) An inmate's trust account deductions for canteen purchases shall not be restricted beyond limits established by the director for all inmates in like work/training incentive groups, except by formal disciplinary action for a violation involving canteen or the intentional or negligent destruction, damage, or misuse of state property.

(e) Trust account statements showing current balances shall be issued to those inmates submitting written requests, provided 90 days have elapsed since their previous request.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5005 and 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
3. Amendment filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
4. Amendment of subsections (a) and (c) filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).
5. Amendment of section heading, text and Note filed 10-14-93; operative 11-15-93 (Register 93, No. 42).
6. Amendment of subsection (b) filed 3-8-2001; operative 4-7-2001 (Register 2001, No. 10).
7. Amendment of subsections (b) and (c) filed 5-25-2010; operative 6-24-2010 (Register 2010, No. 22).

3091. Inmate Canteen Operation.

(a) A current list of approved available merchandise, the price of each item, and the canteen operating hours shall be conspicuously posted at each canteen. Copies shall be made available to inmates denied direct access to the canteen.

(b) Canteen draw schedules shall:

- (1) Be published at least once every six months.
- (2) Be posted in each housing unit at each facility and camp.

(3) Include no less than three canteen draw dates each month based on the last two digits of the inmate's department identification number.

(4) Each inmate shall be entitled to no less than one draw each month.

(c) Inmates who do not present their privilege card when purchasing IWF Forms 22, Canteen Yard Cards (Rev. 8/90), or merchandise shall be limited to one-fourth the maximum monthly draw.

(d) When purchasing merchandise, inmates shall be required to:

- (1) Complete an itemized order list prior to purchasing canteen items.
- (2) Place a clear thumbprint or three fingerprints on the canteen sales receipt.

(3) Sign the canteen sales receipt to authorize the Trust Account withdrawal and verify the amount purchased.

(4) Segregated inmates shall sign the approved canteen shopping list prior to submitting it to the segregation unit staff authorizing the Trust Account withdrawal, and upon receipt of the merchandise, shall sign the approved institution distribution forms to verify the amount purchased and received.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5005, 5006 and 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment of section heading, text and Note filed 10-14-93; operative 11-15-93 (Register 93, No. 42).
3. Repealer of subsection (b)(2), subsection renumbering, amendment of newly designated subsection (b)(3), new subsection (b)(4), amendment of subsections (d)(2)–(3) and repealer and new subsection (d)(4) filed 5-25-2010; operative 6-24-2010 (Register 2010, No. 22).

3092. Special Inmate Canteen Purchases.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5006 and 5054, Penal Code.

HISTORY:

1. Amendment of section heading and text and new Note filed 10-14-93; operative 11-15-93 (Register 93, No. 42).
2. Amendment relocating former section 3092 to section 3190(e)–(f) filed 12-30-2003 as an emergency; operative 1-1-2004 (Register 2004, No. 1). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 6-9-2004 or emergency language will be repealed by operation of law on the following day.
3. Withdrawal and repeal of 12-30-2003 amendment filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 9-24-2004 or emergency language will be repealed by operation of law on the following day.
4. Amendment relocating former section 3092 to section 3190(h) and (p) filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

3093. Canteen Yard and Cash Register Cards.

(a) Facilities may issue IWF Form 22, Canteen Yard Cards (Rev. 8/90), for inmate use in making canteen purchases. Inmates shall not alter such card, nor possess or control another inmate's card or other approved means of canteen purchase.

(b) A transferring inmate's IWF Form 22 shall be returned to the canteen cancelled and its value credited to the inmate's trust account.

(c) Annually on May 31, IWF Form 22 of a color different from that currently used shall be issued and the previous color no longer honored. The facility shall post, in conspicuous locations available to every inmate, a written notice of the IWF Form 22 exchange. Inmates may, before June 30, exchange their old IWF Form 22 for new or for credit to their trust account. Exception: IWF Form 22 of the previous color may be exchanged after June 30 for inmates who were out-to-court or in any inpatient medical or mental health facility during the exchange period.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5005, 5006 and 5054, Penal Code.

HISTORY:

1. Repealer and new section filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
2. Amendment of section heading, text and Note filed 10-14-93; operative 11-15-93 (Register 93, No. 42).
3. Amendment of subsections (b) and (c) filed 5-25-2010; operative 6-24-2010 (Register 2010, No. 22).

3094. Exceeding Inmate Canteen Limits.

Inmates shall not possess canteen items and IWF Form 22, Canteen Yard Card (Rev. 8/90), with a combined value exceeding the monthly canteen limits established in section 3044. Excess canteen items and IWF Form 22 shall be confiscated and stored in a secure area pending a disciplinary hearing and resolution of any appeal of the matter.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5005, 5006 and 5054, Penal Code.

HISTORY:

1. Amendment of section heading and text and new Note filed 10-14-93; operative 11-15-93 (Register 93, No. 42).

3095. Nonroutine Canteen Draws.

(a) A newly arrived inmate may within 30 days of arrival be permitted to make purchases at the canteen during any scheduled draw. Such exceptions shall not be made for the inmate's subsequent draws.

(b) Conservation camp inmates shall submit their request for canteen draw to the camp lieutenant or designee.

(c) Segregated inmates shall not be permitted to go to the canteen and shall submit their canteen shopping list to the segregation unit staff.

(d) Infirmary patients shall submit their requests for canteen purchases to the infirmary unit staff.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5005 and 5054, Penal Code.

HISTORY:

1. Repealer and new section filed 10-14-93; operative 11-15-93 (Register 93, No. 42).
2. Amendment of subsections (a)–(c) filed 5-25-2010; operative 6-24-2010 (Register 2010, No. 22).

Article 1.5. Inmate Wages and Deductions**3097. Inmate Restitution Fine and Direct Order Collections.**

(a) When an inmate owes any obligation pursuant to a direct order of restitution imposed by a court, the department shall deduct 30 percent or the balance owing, whichever is less, from the inmate's wages and trust account deposits, regardless of the source of such income, subject to the exemptions enumerated in subsection (j). In addition, an administrative fee of 10 percent of the deduction shall be deducted to reimburse the department for its administrative costs, for a maximum deduction of 33 percent. A maximum deduction of 33 percent shall remain in effect through December 31, 2004 at which time subsection (b) shall take effect.

(b) Effective January 1, 2005, when an inmate owes any obligation pursuant to a direct order of restitution imposed by a court, the department shall deduct 40 percent or the balance owing, whichever is less, from the inmate's wages and trust account deposits regardless of the source of such income, subject to the exemptions enumerated in subsection (j). In addition, an administrative fee of 10 percent of the deduction shall be deducted to reimburse the department for its administrative costs, for a maximum deduction of 44 percent. A maximum deduction of 44 percent shall remain in effect through December 31, 2006 at which time subsection (c) shall take effect.

(c) Effective January 1, 2007 and thereafter, when an inmate owes any obligation pursuant to a direct order of restitution imposed by a court, the department shall deduct 50 percent or the balance owing, whichever is less, from the inmate's wages and trust account deposits regardless of the source of such income, subject to the exemptions enumerated in subsection (j). In addition, an administrative fee of 10 percent of the deduction shall be deducted to reimburse the department for its administrative costs, for a maximum deduction of 55 percent.

(d) When an inmate owes any obligation pursuant to a restitution fine imposed by a court, the department shall deduct 30 percent or the balance owing, whichever is less, from the inmate's wages and trust account deposits, regardless of the source of such income, subject to the exemptions enumerated in subsection (j). In addition, an administrative fee of 10 percent of the deduction shall be deducted to reimburse the department for its administrative costs, for a maximum deduction of 33 percent. The amount deducted, less the administrative fee, shall be transferred to the California Victim Compensation and Governing Claims Board for deposit in the Crime Victims' Restitution Fund in the State Treasury. The inmate shall be credited for the amount deducted, less the administrative fee, against the amount owing on the fine. A maximum deduction of 33 percent shall remain in effect through December 31, 2004 at which time subsection (e) shall take effect.

(e) Effective January 1, 2005, when an inmate owes any obligation pursuant to a restitution fine imposed by a court, the department shall deduct 40 percent or the balance owing, whichever is less, from the inmate's wages and trust account deposits regardless of the source of such income subject to the exemptions enumerated in subsection (j). In addition, an administrative fee of 10 percent of the deduction shall be deducted to reimburse the department for its administrative costs, for a maximum deduction of 44 percent. The amount deducted, less the administrative fee, shall be transferred to the California Victim Compensation and Government Claims Board for deposit in the Crime Victims' Restitution Fund in the State Treasury. The inmate shall be credited for the amount deducted, less the administrative fee, against the amount owing on the fine. A maximum deduction of 44 percent shall remain in effect through December 31, 2006 at which time subsection (f) shall take effect.

(f) Effective January 1, 2007 and thereafter, when an inmate owes any obligation pursuant to a restitution fine imposed by a court, the department shall deduct 50 percent or the balance owing, whichever is less, from the inmate's wages and trust account deposits regardless of the source of such income subject to the exemptions enumerated in subsection (j). In addition, an administrative fee of 10 percent of the deduction shall be deducted to reimburse the department for its administrative costs, for a maximum deduction of 55 percent. The amount deducted, less the administrative fee, shall be transferred to the California Victim Compensation and Government Claims Board for deposit in the Crime Victims' Restitution Fund in the State Treasury. The inmate shall be credited for the amount deducted, less the administrative fee, against the amount owing on the fine.

(g) When an inmate owes both a restitution fine and a direct order of restitution from a sentencing court, the department shall collect on the direct order(s) of restitution first. Upon satisfaction of the direct order(s) of restitution, collection of any unsatisfied restitution fine(s) shall commence until paid in full.

(h) Fines and direct orders of restitution shall be collected from inmates/parolees who owe restitution while the inmate/parolee remains under the jurisdiction of the department, with certain exceptions, set out in subsection (j).

(i) Fines and direct orders of restitution may be collected from inmates and parole violators housed in a Reception Center, Community Correctional Center, Community Correctional Facility, Community Correctional Reentry Center, Restitution Community Correctional Center or Return to Custody Substance Abuse Treatment Facility. Fines and direct orders of restitution may also be collected from inmates in the Community Prisoner Mother and Family Foundations Programs.

(j) Joint Venture Program deposits, funds designated to pay the costs of a family visit ("family visit funds"), Temporary Community Leave funds, federal disability payments, veteran benefits, any reimbursement to an inmate as a result of a claim for lost or damaged property, or money reimbursed to an inmate due to a failed attempt to purchase merchandise are exempt from deductions for fines and direct orders of restitution enumerated in subsections (a), (b), (c), (d), (e), and (f).

(k) Family visit funds and Temporary Community Leave funds shall be so designated by the sender on Form 1839 (Rev. 5/97), Exemption of Family Visit/Temporary Community Leave Funds From Restitution Fines/Orders, to be completed in its entirety and returned to staff with the appropriate funds. Any funds received for either of these two purposes that are not accompanied by the prescribed form, properly completed, shall be deposited in the inmate's trust account and shall be subject to a deduction for restitution pursuant to subsections (a), (b), (c), (d), (e), and (f).

(l) Existing funds from the inmate's trust account can be used to pay for a family visit or a Temporary Community Leave. Upon the inmate's request, a hold will be placed on a specified portion of these funds to pay for the upcoming family visit or Temporary Community Leave. The inmate shall not use these designated funds for any other purpose other than the planned family visit or Temporary Community Leave. Should the family visit or Temporary Community Leave not take place then the hold previously placed on the funds shall be removed and no restitution deduction shall be made.

(m) If the family visit does not occur, then the funds designated for the family visit on Form 1839 (Rev. 5/97), shall have a permanent hold placed on them in the inmate's trust account for a future family visit or until the inmate is released on parole. Should the inmate transfer to another institution, the hold shall be removed, the funds deposited into the inmate's trust account, and no restitution deduction shall be made.

(n) If the Temporary Community Leave does not occur, then the funds designated for the leave on Form 1839 (Rev. 5/97), shall be refunded to the sender.

(o) Any remaining balance on the Temporary Community Leave fund for a Temporary Community Leave that took place shall be refunded to the sender.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2085.5 and 5054, Penal Code.

HISTORY:

1. New section filed 9-16-92 as an emergency; operative 9-16-92 (Register 92, No. 38). A Certificate of Compliance must be transmitted to OAL 1-14-93 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 9-16-92 order transmitted to OAL 12-24-92 and filed 2-8-93 (Register 93, No. 7).
3. Amendment of section filed 10-17-95 as an emergency pursuant to Penal Code section 5058(e); operative 10-17-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 3-25-96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance, including amendment of section, as to 10-17-95 order transmitted to OAL 3-15-96 and filed 4-24-96 (Register 96, No. 17).

5. Editorial correction of subsection (a) (relettered to subsection (b)) (Register 98, No. 9).
6. Amendment of section heading, new subsections (a), (c), and (e), subsection relettering, and amendment of newly designated subsections (b), (d), and (f)–(j) filed 2-26-98 as an emergency pursuant to Penal Code section 5058(e); operative 2-26-98 (Register 98, No. 9). A Certificate of Compliance must be transmitted to OAL by 8-5-98 or emergency language will be repealed by operation of law on the following day.
7. Amendment of section heading, new subsections (a), (c) and (e), subsection relettering, and amendment of newly designated subsections (b), (d) and (f)–(j) refiled 8-11-98 as an emergency pursuant to Penal Code section 5058(e); operative 8-11-98 (Register 98, No. 33). A Certificate of Compliance must be transmitted to OAL by 1-19-99 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 8-11-98 order, including further amendment of subsections (a) and (b), transmitted to OAL 9-25-98 and filed 11-4-98 (Register 98, No. 45).
9. Amendment of section and Note filed 5-27-2003; operative 7-1-2003 (Register 2003, No. 22).
10. Amendment of section and Note filed 6-18-2004 as an emergency; operative 6-18-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-29-2004 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 6-18-2004 order transmitted to OAL 11-16-2004 and filed 12-30-2004 (Register 2004, No. 53).

3099. Inmate Trust Account Interest.

(a) Beginning January 1, 2009, interest earned on Inmate Trust Account deposits shall be distributed to qualifying inmates' trust accounts based upon the average daily balance in their trust account. A qualifying inmate is one who has provided a Social Security Account Number or a Taxpayer ID Number and that number has been validated with either the Social Security Administration or Internal Revenue Service.

(b) Interest will be distributed in whole penny increments. (Interest will not be rounded up to the next penny).

(c) Inmate Trust Account funds shall be deposited into an interest bearing account within the California State Treasury.

(d) The State Treasury account bears interest quarterly. Operational costs shall be deducted from the interest earned on that account prior to disbursement of the remainder to qualifying inmate trust accounts on a monthly basis. The interest rate paid to inmates will be determined by reducing the rate earned to a rate that will allow maximum distribution of available interest to qualifying inmates. The rate paid will not exceed the rate earned.

(e) Inmates with validated U. S. Social Security Account numbers or validated Tax ID numbers shall be eligible to receive interest.

(f) Inmates who have received \$10 or more interest during a tax year shall have a Form 1099INT filed by CDCR.

(g) Interest distribution shall occur monthly and be subject to all normal debts and obligations including restitution.

(h) Costs for providing interest such as charges by Social Security Administration for validation of Social Security Numbers, cost of forms for reporting, and mailing costs will be deducted from the interest earned prior to distribution to inmates.

(i) The balance of the interest earned is the amount remaining after distribution of whole penny increments plus interest earned on non-qualifying inmate trust accounts less cost of providing interest. The balance of interest earned remaining at the end of a fiscal year shall be deposited into the Inmate Welfare Fund for the benefit of all inmates.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5008 and 5054, Penal Code.

HISTORY:

1. New section filed 12-16-2008 as an emergency; operative 12-16-2008 (Register 2008, No. 51). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 5-26-2009 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-16-2008 order transmitted to OAL 5-22-2009 and filed 6-17-2009 (Register 2009, No. 25).

Article 2. Handicraft

3100. Handicraft Program Participation.

(a) Each institution or their designee may establish a handicraft program based on, but not limited to, the following conditions:

- (1) possible threat to facility security,
- (2) space availability,
- (3) sufficient staffing, and
- (4) available funding.

(b) Only those inmates in Privilege Groups A and B are eligible to apply for participation in the handicraft program and must submit CDC Form 165 (Rev. 7/95), Application for Handicraft Privilege.

(c) Approval may be granted to those inmates whom, in the judgement of the institution head or their designee, intend serious participation and have the skills or the potential and an interest to develop the skills required for the craft.

(d) The reason(s) for denying an inmate handicraft privileges shall be documented on Form 165 (Rev. 7/95), Application for Handicraft Privilege, and returned to the inmate with their application.

(e) An inmate's right to own, sell or convey personal property, including all written and artistic material produced or created by that inmate shall be governed by Section 2601 of the Penal Code.

(f) Handicraft projects or tools necessary for completion of handicraft projects shall be restricted to the extent necessary to provide for the reasonable security of the facility and the protection of persons and shall be subject to review by the institution head or their designee.

(g) Only those items approved by the institution head or their designee shall be manufactured. A project shall not be approved under any one or more of the following circumstances:

- (1) The size of the materials would exceed the limits established pursuant to section 3101.
- (2) The proposed quantities of the finished item for sale would exceed probable demands.
- (3) The inmate's loan request for the cost of materials exceeds the limit established by the institution head or their designee.

(h) Handicraft projects, tools, and materials within a designated handicraft area, shall be controlled by staff and may be stored in a designated secured storage area of the facility, dependant upon space availability at the institution/facility.

(i) Inmates shall not work on a project or participate in any other handicraft activity during their scheduled work/training assignment hours.

(j) Supplies and materials for a project shall not be ordered until the project is approved by the institution head or their designee.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2079, 2600, 2601, 5006 and 5054, Penal Code.

HISTORY:

1. Repealer and new section filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
2. Amendment of section heading, section and Note filed 3-20-96; operative 4-19-96 (Register 96, No. 12).
3. Amendment of subsection (h) filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to

OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

3101. Volume.

Inmates assigned to handicraft programs may possess handicraft articles and materials in their quarters/living area. Any authorized handicraft items in excess of six cubic feet of space shall be confiscated and disposed of in accordance with Section 3191(c).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

HISTORY:

1. Amendment of section and new Note filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

3102. Suspension or Termination.

(a) Violation of institution handicraft procedures may result in the inmate being denied participation in the program. Such denial through disciplinary action will be for a specific period of time in keeping with the seriousness of the violation. Participation in handicraft programs or in specific handicraft projects may be terminated or suspended as a result of classification committee action which changes the inmate's custodial classification, housing, or other circumstances which preclude handicraft or specific kinds of handicraft activity.

(b) Upon suspension or termination of handicraft through disciplinary action, classification committee action, or upon the inmate's voluntary termination of handicraft activity, all personally owned handicraft tools and materials will be placed in institution storage, or at the inmate's option and own expense, shipped to any person designated by the inmate. If placed in institution storage, tools and materials will be returned to the inmate no later than the time of release from the institution.

Comment: Former DP-2203, suspension of privilege.

3103. Gifts.

Inmates may give gifts of handicraft items produced by themselves to any correspondent or visitor, subject to institution procedures for doing so. No limitation will be placed upon the number of gifts or estimated value of gifts that may be given in total or to any one person, except that no gift may be given to or be accepted by an employee of the Department of Corrections.

Comment: Former DP-2204, handicraft gifts.

3104. Inmate Handicraft Sales.

(a) Handicraft items may be sold to the public only at the facility and as otherwise may be specifically authorized by the institution head.

(b) The sale price of handicraft items shall be set by the inmate. An additional 10 percent mark up shall be added to the price of all articles placed for sale.

(1) One percent of the mark up shall be given to the inmate for the purpose of refunding duplicate sales tax paid on raw materials used in the handicraft articles sold.

(2) Nine percent of the mark up shall be deposited into the Inmate Welfare Fund for the purpose of offsetting administrative costs.

(c) Inmate handicraft items shall not be sold or given to other persons for the purpose of resale, except as provided in subsection (a).

Comment: Former DP-2205, dealing with handicraft.

Former DP-2206, sales of handicraft.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600, 2812, and 2813, Penal Code.

HISTORY:

1. Editorial correction of printing error in subsection (b) (Register 92, No. 5).
2. Amendment of section heading and subsection (a), new subsection (b), subsection relettering, and amendment of newly designated subsection (c) filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
3. Reinstatement of section as it existed prior to emergency amendment filed 7-25-95 by operation of Government Code section 11346.1(f) (Register 95, No. 30).
4. Amendment of section heading and subsection (a), new subsection (b), subsection relettering and amendment of newly designated subsection (c) filed 7-25-95 as an emergency; operative 7-25-95 (Register 95, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-25-95 order transmitted to OAL 11-17-95 and filed 1-3-96 (Register 96, No. 1).
6. Amendment of subsection(b), new subsections (b)(1)–(2) and amendment of Note filed 5-6-2002; operative 6-5-2002 (Register 2002, No. 19).

3105. Handicraft Program Assistance to Indigent Inmates.

The institution head or their designee may authorize loans from the inmate welfare fund (IWF) to help indigent inmates purchase materials for their initial or continued participation in the handicraft program. The institution head or their designee shall establish a limit on the dollar amount of IWF loans. A hold for the amount of the loan shall be placed on the trust account of such an inmate until the loan is fully repaid.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2079, 2813, 5006, and 5054, Penal Code.

HISTORY:

1. Amendment of section heading, section and new Note filed 3-20-96; operative 4-19-96 (Register 96, No. 12).

3106. Materials.

Inmates must use only materials purchased from their own funds or approved for their use by the institution's designated supervisor of the handicraft program in the manufacture of handicraft articles.

Comment: Former DR-2201, source of handicraft materials.

3107. Donating Items to the Institution.

Inmates may donate handicraft items, articles, tools, and materials to the institution for use by other inmates who are properly enrolled in approved handicraft programs. Such donations shall be recorded by the institution's supervisor of handicraft programs.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

HISTORY:

1. Amendment of section heading and section and new Note filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

3108. Subcontracting.

(a) Inmates may not employ another inmate or inmates in the manufacture of any handicraft article.

(b) Inmates may collaborate in the manufacture of handicraft articles only with the prior and specific approval of the institution's designated supervisor of the handicraft program. All inmates involved in such joint productions or creations shall be given recognition if the article is disposed of as a gift by or through the institution. If sold, all inmates involved in its production or creation are to share in any profit as determined by the institution's supervisor of the handicraft program.

Comment: Former DR-2203, subcontracting handicraft production.

HISTORY:

1. Amendment of subsection (b) filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).

3109. Business Dealings.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600 and 2812, Penal Code.

HISTORY:

1. Repealer and new section filed 10-7-82, effective thirtieth day thereafter (Register 82, No. 41).
2. Editorial correction filed 2-19-85 (Register 85, No. 8).
3. Repealer filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
4. Reinstatement of section as it existed prior to emergency repeal filed 7-25-95 by operation of Government Code section 11346.1(f) (Register 95, No. 30).
5. Repealer filed 7-25-95 as an emergency; operative 7-25-95 (Register 95, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-95 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 7-25-95 order transmitted to OAL 11-17-95 and filed 1-3-96 (Register 96, No. 1).

Article 3. Library

3120. Inmate Library Requirements.

(a) Each warden shall ensure a library, law library and related services are maintained for the benefit of all inmates in their facility, including those inmates confined to segregated housing units. A library access schedule shall be approved by the warden and posted throughout the facility.

(b) Material that contains any of the characteristics listed in sections 3006(a) and (c) shall be prohibited from inmate libraries unless specifically authorized by the institution head.

(c) To check out material from a library, each inmate shall:

- (1) Present photo identification (state identification or privilege card) as required.
- (2) Sign a trust account withdrawal order.
- (3) Display the materials to staff when leaving the library.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054, 2600 and 2601, Penal Code; *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); and *Bounds v. Smith*, 97 S.Ct. 1491 (1977), 430 U.S. 817.

HISTORY:

1. Repealer and new section filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
2. Amendment filed 6-30-93; operative 7-30-93 (Register 93, No. 27).
3. Certificate of Compliance as to 12-27-95 order including amendment of subsection (b) and Note transmitted to OAL 4-25-96 and filed 6-6-96 (Register 96, No. 23).

3121. Library Restrictions and Penalties.

(a) No books or other reference material shall be removed from an inmate library without the librarian's authorization.

(b) Books or other library material checked out to an inmate shall not be loaned to or borrowed by another inmate, and shall be returned to the library as required.

(c) Inmates whose checked out library material is lost, damaged, or stolen shall be subject to disciplinary actions and may also be charged for the costs of repair or replacement of the material and may be denied or have restrictions placed upon their library privileges.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendments filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
2. Editorial correction of printing error in Note (Register 92, No. 5).
3. Renumbering and amendment of former section 3122 to section 3121 and renumbering and amendment of former section 3121 to section 3122 filed 6-30-93; operative 7-30-93 (Register 93, No. 27).

3122. Inmate Law Library.

(a) Each facility shall provide legal materials through its law library to provide inmates with meaningful access to the courts.

(b) Inmates who have established court deadlines may apply for Priority Legal User (PLU) status to the prison law libraries. Inmates who are granted PLU status based on their application shall receive higher priority to prison law library resources than other inmates. All inmates who are not on PLU status are on General Legal User (GLU) status.

(1) An established court deadline may be either a court imposed deadline for an active case or a statutory deadline. Inmates who apply for PLU status based on a court imposed deadline must show documentation from the court to verify that deadline. Inmates who apply for PLU status based on a statutory deadline must identify the legal rule that compels the deadline.

(2) An inmate who is represented by an attorney for a case shall not be eligible for PLU status for any established court deadline pertaining to that case. An inmate with attorney representation for the established court deadline shall be entitled to GLU status only.

(3) Inmates shall complete and sign a CDCR Form 2171 (Rev. 9/09), Priority Library User (PLU) Request and Declaration, which is incorporated by reference, to apply for PLU status. The Form 2171 shall include check boxes for inmates to designate their established court deadlines. The Form 2171 shall also include a check box for inmates to confirm that they do not have attorney representation for their listed deadline.

(4) Except under extraordinary circumstances beyond staff control, law library staff shall have seven calendar days after receipt of the completed and signed Form 2171 to process an inmate's application for PLU status and make a decision to approve or disapprove the application. Staff members who disapprove an inmate's application shall provide the reasons for their disapproval on the form and shall provide a copy of that document to the inmate.

(5) An inmate who is found to have provided false information on his or her application for PLU status shall be guilty of an administrative rule violation and shall not be able to obtain PLU status based on that application.

(6) An inmate may receive PLU status within 30 calendar days of his or her established court deadline unless the inmate can demonstrate need for a longer period of PLU status based on extraordinary circumstances beyond the inmate's control.

(7) PLU status is intended to assist inmates to do legal work in a quiet law library setting. An inmate on PLU status who, while in the law library, is observed by staff to act in an unreasonably disruptive manner or to engage in non-legal work shall be removed from the PLU list and shall be dismissed from the library for that day. Inmates who are removed from the PLU list for these reasons

shall be ineligible to reapply for PLU status for 30 calendar days, but may continue to use the law library on GLU status.

(c) Inmates may not in any way trade, transfer, or delegate their PLU status to other inmates. An inmate who assists another inmate in the preparation of legal documents, as described in section 3163, may not use the PLU status of the inmate being assisted.

(d) An inmate in a facility without a law library and requesting access to such resources shall be transferred to a facility with a law library of departmental choosing for the period of time needed to complete legal work.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore v. Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint v. McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; and *Toussaint v. Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko v. Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis v. Casey*, 518 U.S. 343 (1996).

HISTORY:

1. Amendment filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
2. Renumbering and amendment of former section 3121 to section 3122 and renumbering and amendment of former section 3122 to section 3121 filed 6-30-93; operative 7-30-93 (Register 93, No. 27).
3. Amendment of subsection (a), new subsections (b)-(c), subsection relettering and amendment of Note filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

3123. Access to Law Libraries.

(a) Physical law library access means physical entry into a facility law library for the purpose of using its legal resources. A facility law library includes, but is not limited to, a print law library or the Law Library Electronic Delivery System (LLEDs) with any necessary print supplements.

(b) All inmates, regardless of their classification or housing status, shall be entitled to physical law library access that is sufficient to provide meaningful access to the courts. Inmates on PLU status may receive a minimum of 4 hours per calendar week of requested physical law library access, as resources are available, and shall be given higher priority to the law library resources. Inmates on GLU status may receive a minimum of 2 hours per calendar week of requested physical law library access, as resources are available.

(c) When unable to physically access the law library, an inmate may request access to legal material through delivery of those materials to the inmate by library staff. This process is referred to as law library paging. An inmate shall not be limited to law library paging for access to legal materials except under extraordinary circumstances including, but not limited to, the following:

- (1) The inmate is directly under a prison lockdown.
- (2) The inmate is under restricted movement due to his or her medical status.
- (3) The inmate has been suspended from physical access to the law library pending investigation of a serious rule violation.
- (d) Inmates who are limited to law library paging due to a lockdown shall, whenever possible, have their law library access restored within 16 calendar days unless a high security risk continues to exist to prohibit physical law library access.

(e) When inmates are limited to law library paging for any reason as described in section 3123(c), law library staff must deliver the requested legal material to their cells as soon as possible, but no later than 16 calendar days from the date of the paging request.

(f) Disciplinary action for an inmate who is found to be guilty of a serious rule violation pertaining to law library resources, facilities, or staff may include a suspension of all physical law library access for up to 90 calendar days. This action does not preclude an inmate from pursuing legal research through the reasonable use of

law library paging, beginning three calendar days after the date of suspension until the suspension period ends.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore v. Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint v. McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint v. Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko v. Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis v. Casey*, 518 U.S. 343 (1996).

HISTORY:

1. New section filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

3124. Content of Law Libraries.

(a) Each institution shall maintain at least one law library for the use of inmates, in print and/or by means of the Electronic Law Library Delivery System with any necessary print supplements. Except for items that are out of print, the law library collection shall include, but shall not be limited to, the following current and updated legal materials or their equivalents from other publishers:

- (1) West's Annotated California Codes.
- (2) West's California Digest (latest edition).
- (3) West's California Reporter, volumes 1 to 286.
- (4) West's California Reporter, Second Series, volumes 1 to 135.
- (5) West's California Reporter, Third Series, volumes 1 to date.
- (6) Witkin and Epstein, California Criminal Law (latest edition).
- (7) Continuing Education of the Bar, California Criminal Law Procedure and Practice (latest edition).
- (8) Continuing Education of the Bar, Appeals and Writs in Criminal Cases (latest edition).
- (9) United States Code Annotated.
- (10) West's Federal Practice Digest (latest edition).
- (11) Supreme Court Reporter, volumes 70 to date.
- (12) Federal Reporter, Second Series, volumes 176 to 999.
- (13) Federal Reporter, Third Series, volumes 1 to date.
- (14) Federal Supplement, volumes 180 to 999.
- (15) Federal Supplement, Second Series, volumes 1 to date.
- (16) United States Law Week (newspaper), one year backfile.
- (17) Shepard's United States Citations.
- (18) Shepard's Federal Citations.
- (19) Shepard's California Citations.
- (20) A recognized law dictionary, such as Black's or Ballantine's (latest edition).

(b) Each institution shall also make supplemental legal materials available to inmates from an outside source. Except for items that are out of print, the supplemental legal materials shall include, but shall not be limited to, the following legal materials or their equivalents from other publishers:

- (1) Federal Supplement, volumes 1 to 179.
- (2) United States Supreme Court Reports, Lawyers' Edition, First Series, volumes 1 to 93.
- (3) California Reports, First Series.
- (4) California Reports, Second Series.
- (5) California Appellate Reports, First Series.
- (6) Federal Rules Decisions.
- (7) Corpus Juris Secundum.
- (8) California Jurisprudence (latest edition).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore v. Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint v. McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint v. McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint v. Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko v. Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis v. Casey*, 518 U.S. 343 (1996).

HISTORY:

1. New section filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

Article 4. Mail

3130. General Policy.

The California Department of Corrections and Rehabilitation (CDCR) encourages correspondence between inmates and persons outside the correctional facility. The sending and receiving of mail by inmates shall be uninhibited except as specifically provided for in this article. The Regulations contained in this article shall provide for the orderly processing of inmate mail and to give direction to staff, inmates, and their correspondents concerning facility mail requirements. Mail shall be delivered to inmates, regardless of housing, unless it is contraband pursuant to section 3006, or is disturbing or Offensive Correspondence pursuant to section 3135.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601(d) and 5054, Penal Code; and *Procurier v. Martinez*, 416 U.S. 396.

HISTORY:

1. Repealer of Article 4 (Sections 3130–3143) and new Article 4 (Sections 3130–3147) filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41). For prior history, see Registers 78, No. 33; 78, No. 12; 77, No. 40; 77, No. 20; 77, No. 9 and 76, No. 31.
2. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3131. Plan of Operation.

Each warden or head of a correctional facility shall prepare and maintain a plan of operation for the sending and receiving of mail for all inmates housed in the facility. Procedures of the correctional facility shall conform to the policies, regulations and the provisions of law made reference to and shall apply to all inmates of the facility. Correctional staff shall promptly inform each newly received inmate of all department regulations and local procedures governing inmate mail.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2080, Penal Code; and *Procurier v. Martinez*, 416 U.S. 396.

HISTORY:

1. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3132. Responsibility and Compliance.

(a) Correspondents are personally responsible for the content of each item of mail they send into or out of a correctional facility. All persons corresponding with inmates must comply with existing laws, regulations and local rules. Any violation of laws governing mail will be referred to postal authorities and to appropriate criminal authorities. Violations of law, the policies and regulations set forth in this article, or of approved facility mail procedures may result in the temporary suspension or denial of correspondence between the persons involved.

(b) Departmental employees, inmates and persons corresponding with inmates must comply with the regulations set forth in this article and with approved facility mail procedures. Failure to do so may result in legal or administrative measures against the person or persons involved.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601, 2930, 5054 and 5058, Penal Code; and *Procurier v. Martinez*, 416 U.S. 396.

HISTORY:

1. Amendment of subsection (a) filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3133. Definitions and Disposition of Mail.**(a) Definitions:**

(1) First-Class Mail is all mail wholly or partly in writing or typewriting, all actual and personal correspondence, all bills and statements of account, and all matter sealed or otherwise closed against inspection. The maximum weight for a First-Class letter is 13 ounces. All First-Class Mail shall be delivered to the inmate as soon as possible, but not later than seven calendar days from receipt of the mail at the facility mailroom.

(2) Standard Mail, formerly called Bulk Mail, is used for advertising mail, catalogues, and newsletters of a non-personal nature that are not required to be mailed as First-Class Mail. The maximum weight for Standard Mail is 16 ounces.

(3) Periodicals are a class of mail consisting of magazines, newspapers or other publications formed of printed sheets that are published at least four times a year at regular, specified intervals from a known office of publication. The known office of publication must be a public office for transacting the business of the publication during normal business hours, and must also be the office where the publication's circulation records are available for USPS examination.

(4) Package Services are Parcel Post, bound Printed Matter, Media Mail, and Library Mail. With the exception of parole clothes and third party special purchase health appliances, inmates shall not be allowed to receive package services directly from personal correspondents. Packages containing parole clothes or third party special purchase health care appliances must be clearly marked with either "Parole Clothes" or "Health Care Appliance" on the outside of the package. Personal correspondents do not include the Courts, Law Firms, County, State and Federal Agencies, Publishers, Bookstores, Book Distributors, Religious Organizations that provide written materials only, etc.

(5) For purposes of this article, the definition of indigent inmate is an inmate who has \$1.00 or less in their Inmate Trust Account for 30 consecutive days.

(b) All incoming and outgoing mail shall be handled in accordance with the following:

(1) All incoming mail shall be properly addressed. Appropriately addressed mail shall include the inmate's name and department identification number. The mail should also include the address designated by the institution for inmate mail. The receiving institution is required to update any mail piece that does not reflect accurate housing or institutional location. Standard Mail must be addressed to an individual inmate, showing their name, CDCR number and the address for the applicable institution.

(2) All outgoing mail shall be properly addressed, and shall be marked indicating that it originated from a California State Correctional Facility. If addressed to an inmate, it must contain the sender's name, department identification number and the return address designated by the institution for inmate mail, including housing. It shall also contain the recipient's name, address, city, state, and zip code.

(3) All incoming packages and non-confidential mail addressed to an inmate will be opened and inspected before delivery to the inmate. The purpose of inspection will be to receive or receipt any funds enclosed for deposit to the inmate's trust account, to verify and record the receipt of permitted personal property, and to prevent the introduction of contraband. All non-confidential inmate mail, incoming or outgoing, is subject to being read in its entirety by designated staff. All non-confidential inmate mail that is "returned to sender" shall be opened and inspected before being returned to the inmate.

(4) Facilities shall not require incoming books, magazines or newspapers to have an institution pre-approved "vendor approved"

label affixed to the packaging. A departmentally approved vendor is any publisher, book store, or book distributor, that does mail order business. Books, periodicals or other publications that are mailed from a religious organization shall be considered as coming from an authorized vendor.

(c) Confidential Mail with Inmate Trust Account Withdrawals. Inmate confidential mail submitted with a CDC Form 193, Inmate Trust Withdrawal (Rev. 1/88), to pay for filing fees or other costs may be left unsealed so that the voucher (check) can be enclosed after the trust account withdrawal has been processed. Inmates who do not wish to forward this type of mail unsealed should attach a stamped, appropriately addressed envelope to the confidential mail so the check can be enclosed and forwarded in the extra envelope.

(d) Undelivered Mail. All undelivered letters and packages returned to a facility by the post office shall be opened and inspected before being returned to the inmate. This inspection is to determine if the content originated with the inmate sender identified on the letter or package, and to prevent the transmission of contraband, material, substances, and property that an inmate is not authorized to possess in the correctional facility. The inspection of returned mail includes regular mail and letters that were mailed as confidential correspondence. In the case of returned confidential correspondence, the envelope shall be opened in the presence of the inmate. It shall be examined and read to the degree necessary to determine if it was sent by the inmate and opened or tampered with before its return to the facility. Upon completion of this examination, the returned correspondence shall be given to the inmate. Any contraband found in the returned correspondence shall be confiscated and processed, and appropriate disciplinary action taken.

(e) Unmailed Correspondence. If any First-Class Mail is not accepted for mailing, or is accepted for mailing but is not properly mailed, the inmate shall be notified in writing of the reason for refusal to accept or to promptly mail the item(s). When the delay in mailing exceeds 5 business days, the notice shall be sent and include the disposition of such mail. Unless retention of such mail is required in administrative, legal, or disciplinary proceedings against the inmate or other persons, it shall be promptly mailed or returned to the inmate.

(f) Forwarding Mail. Mail received for an inmate who has been transferred from the facility where the mail is received shall be immediately forwarded to the facility or agency that has current custody of the inmate. Mail addressed to an inmate who has been transferred or released shall not be returned to the sender as "Addressee Unknown" unless the individual has been discharged from CDCR. First-Class Mail and Periodicals addressed to an inmate who has been transferred within the CDCR shall have a label affixed with the current address and shall be forwarded via the USPS. For inmates who have paroled, the affixed label shall state "Paroled Region #____", and shall show that Parole Regions' address. Standard Mail with a "Mailer Endorsement" that was appropriately addressed, but is undeliverable because the inmate is no longer housed at the facility, shall be returned to the USPS for processing. Mailroom staff shall affix a label to the Standard Mail piece showing the correct address before returning it to the USPS for processing. For inmates who have paroled, the label affixed to the Standard Mail piece shall state "Paroled Region #____" and shall show that Parole Regions' address. The Mailer Endorsement will appear either near the address block or below the return address in the top left corner of the mail piece. A Mailer Endorsement may read "Address Service Requested", or "Forwarding Service Requested", or "Change Service Requested", or "Return Service Requested". Staff may dispose of any Standard Mail piece that does not have a Mailer Endorsement, and is undeliverable because the inmate is not currently housed at the institution. Daily newspapers

that are delivered by courier will not be forwarded nor will they be held for an inmate who is temporarily away from the facility for longer than 72 hours. Exceptions will be made when the absence results from the inmate's participation in facility approved activities such as a community release program, firefighting or other disaster control assignments. Newspapers that are delivered by the USPS will have a forwarding address affixed and shall be returned to the USPS for processing.

(g) Forwarding Confidential Correspondence. All confidential correspondence for inmates that must be forwarded will be done on a daily basis. If delivery of confidential correspondence from the courts is impeded because the addressee's name and CDCR number do not conform to each other, the mailroom will contact the Litigation Coordinator who will telephone the court to clarify the identification of the addressee in order to expedite delivery of confidential correspondence. Staff will document their efforts to identify the addressee when confidential correspondence from the courts cannot be delivered.

(h) Temporary Absence. Mail shall be held for an inmate who is temporarily away from the facility when the inmate's return is anticipated within one week.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procurier v. Martinez*, 416 U.S. 396; and *Bell v. Wolfish*, 99 S. Ct. 1861.

HISTORY:

1. Repealer of former section 3133 and renumbering of former section 3147 to new section 3133, including amendment of section heading and repealer and new section, filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3134. General Mail Regulations.

(a) First-Class Mail can have the following items enclosed, including but not limited to:

- (1) Photographs, with the exception of photographs with attached backing, framed photographs that cannot be searched, Polaroid's, negatives, and slides.
- (2) Calendars.
- (3) Blank greeting cards (No 3-dimensional attachments or stamps).
- (4) Postage embossed envelopes, up to forty.
- (5) Blank envelopes.
- (6) Writing paper/tablets (white or yellow lined only—no cotton paper).
- (7) Typing paper (no cotton paper).
- (8) Legal paper, to include colored paper required by court rules (no cotton paper).
- (9) Children's drawings.
- (10) Newspaper clippings, Internet downloaded articles, photocopies of clippings/articles, or electronic mail (e-mail). Prior to issuance they shall be reviewed to ensure that they comply with sections 3006 and 3135.

(11) Forty postage stamps. If there is a rate change, then forty stamps at the old rate, and 40 stamps at the amount needed to equal the new rate. No personalized postage stamps will be allowed. The weight limit for First-Class Mail is 13 ounces, and for Standard Mail is 16 ounces. Photo albums can be obtained by the inmate from the canteen and the Vendor Package Program. Any unacceptable mail shall be immediately returned to the sender with the envelope annotated "Unauthorized Mail, Return to Sender". Inmates shall be noticed pursuant to section 3136.

(b) Metered Envelopes. Metered reply envelopes sent in with correspondence must adhere to the following conditions:

- (1) The postage amount must be enough to prepay the postage in full.

(2) Indicia may be printed directly on the mail piece or on a label and must be positioned appropriately.

(3) Indicia used to prepay reply postage must not show the date.

(4) The words "NO POSTAGE STAMP NECESSARY POSTAGE HAS BEEN PREPAID BY" must be printed above the address.

(c) Inspection of Incoming and Outgoing Packages will occur as follows:

(1) Facilities will establish and make available to all inmates procedures for shipping packages to their correspondents.

(2) Facilities will make available to all inmates local procedures for the receipt of packages from their correspondents in accordance with limits set for their assigned inmate work/training incentive group. A facility may refuse to deliver the package if the inmate is not qualified to receive it. If the package is in excess of the 30-pound limit, or is damaged, the package shall be returned to the vendor at the vendor's expense.

(3) All incoming packages addressed to an inmate shall be opened and inspected in the presence of the inmate. The contents of the package are inspected to record authorized personal property, and to prevent the introduction of contraband.

(4) Delivery by staff of packages, special purchases, and all publications, shall be completed as soon as possible but not later than 15 calendar days, except during holiday seasons such as Christmas, Easter, and Thanksgiving, and during lockdowns of affected inmates.

(5) All packages shall be processed and issued from a designated distribution area. All outgoing packages shall be inspected for contraband prior to being sealed and mailed.

(d) Contests. Inmates shall not participate in any contest when a financial obligation is involved or when such participation shall result in expense to the facility beyond the cost of processing mail. If lottery tickets, lottery scratchers, or other contest materials, are discovered in incoming mail, the entire envelope and its contents shall be returned to sender with a pre-printed notice to the sender which states: "Unauthorized item".

(e) Inmate Manuscripts. Manuscripts include, but are not limited to, written, typed or printed articles of fiction and nonfiction, poems, essays, gags, plays, skits, paintings, sketches, drawings, or musical compositions created by an inmate. Any manuscript remains the property of the inmate who created it. It may be retained in the inmate's possession, unless it violates sections 3006 or 3135. If unauthorized state materials have been used in the creation of a manuscript, the item shall be confiscated pending disciplinary action and reimbursement by the inmate for the state materials. Incoming and outgoing manuscripts shall be processed as regular mail in accordance with the provisions of this article.

(f) There shall be no limitations placed on the number of persons with whom an inmate may correspond.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procurier v. Martinez*, 416 U.S. 396; and *Bell v. Wolfish*, 99 S. Ct. 1861.

HISTORY:

1. Change without regulatory effect amending section filed 10-29-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 6).
2. Editorial correction deleting duplicate sentence (Register 91, No. 11).
3. Editorial correction of printing error in Note (Register 92, No. 5).
4. Amendment filed 11-18-96; operative 12-18-96 (Register 96, No. 47).
5. Renumbering of former section 3134 to section 3138 and renumbering of former section 3138 to section 3134, including repealer and new section, filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3134.1. Processing of Publications.

(a) Publications. Inmates may subscribe to, purchase, or have items sent in to them such as newspapers, periodicals, magazines or books. If subscriptions or books are purchased for the inmate by a third party or donated to an inmate, they must be mailed directly from a book store, book distributor, or publisher. Personal correspondents cannot mail books, periodicals, or other publications directly to inmates and state that they are a donation. There shall be no "Approved Vendor Lists" for any publications.

(b) Processing and Inspection of Incoming Magazines and Newspapers. All magazines and newspapers shall be inspected prior to issuance to ensure that they comply with sections 3006, 3134, and 3135. Attached free CD's and packaged samples of perfume, lotion, moisturizers, stickers, or any item deemed to be contraband, contained in magazines shall be removed; notification of such to the inmate is not required. No other items shall be removed from a magazine or other publication in order to issue it to an inmate.

(c) Processing and Inspection of Incoming Books. All incoming paperback and hardback books and any enclosures within them shall be inspected prior to issuance to ensure they comply with sections 3006, 3134, and 3135. For hardback books staff shall allow the inmate to determine whether to accept the book with the cover removed or, if that option is declined, decide how the book is to be disposed of per section 3191(c). If the inmate chooses to accept the book, staff shall insure the book does not violate any other departmental regulation, and then shall remove the entire cover in front of the inmate. Should such removal render the book unstable, staff shall take measures to ensure the book remains intact.

(d) Notification to Publisher for Disapproval of Publication. When incoming books, magazines, or publications to an inmate are withheld or disallowed, a letter shall be sent by the institution to the publisher explaining why the item was denied. A book, magazine, or publication denied to an inmate(s) based on a violation of departmental regulation or policy, and that has not previously been included on a centralized list of banned publications pursuant to subsection 3134.1(e), shall only require one notification letter per institution to be sent to the publisher. At a minimum the letter must include the reason why the book, magazine, or publication was denied, the names and CDCR number for all inmates, the applicable CCR section that the publication violates, and a notice to the Publisher of their right to appeal per section 3137(c). The letter must be sent within 15 calendar days of the determination to disallow the book, magazine or publication, with a copy of the notification letter and supporting documents to be retained by the facility for a minimum of seven years. The institution shall also notice the Division of Adult Institutions to request inclusion of the disallowed publication on the centralized list of banned publications. When incoming or outgoing publications addressed to or being sent by an inmate are withheld or disallowed, the inmate shall be informed via CDC Form 1819, Notification of Disapproval-Mail/Packages/Publications (Rev. 06/98) of the reason, disposition, name of official disallowing the publication, and the name of the official to whom an appeal can be directed.

(e) Centralized List Of Disapproved Publications. The Division of Adult Institutions shall distribute to each institution a centralized list of disapproved publications that are prohibited as contraband. Examples of publications that would be included on the centralized list would include, but not be limited to, publications that contain sexual content or nudity, warfare or weaponry, bomb making instructions, etc. Publications that are enumerated on this centralized list are not allowed in any institution. Local institutions may not add items to the centralized list. When a publication is placed on the centralized list, the Division of Adult Institutions shall send a letter to the publisher explaining why the publication was excluded.

At a minimum, the letter must include the reason why the publication is excluded, the applicable CCR section that the publication violates, and a notice to the Publisher of its right to appeal per CCR subsection 3137(c). The letter must be sent within 15 calendar days of the determination to disapprove the publication, with a copy of the notification letter and supporting documents to be retained by the facility for a minimum of seven years.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procurier v. Martinez*, 416 U.S. 396; and *Bell v. Wolfish*, 99 S. Ct. 1861.

HISTORY:

1. New section filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3135. Disturbing or Offensive Correspondence.

(a) Non-confidential correspondence may be disallowed if the text of such correspondence presents a danger, or a threat of danger, to any person. The authority to disallow such correspondence shall not be delegated below the staff level of Correctional/Facility Captain.

(b) Disagreement with the sender's or receiver's morals, values, attitudes, veracity, or choice of words will not be cause for correctional staff to disallow mail. Correctional staff shall not challenge or confront the sender or receiver with such value judgments.

(c) Certain correspondence, including but not limited to the following, is disallowed, regardless of values or morals, in order to ensure the safety and security of the institution/facility:

(1) Any mail of a character tending to incite murder, arson, a riot, or any form of violence or physical harm to any person, or any ethnic, gender, racial, religious, or other group.

(2) Threatens blackmail or extortion.

(3) Contraband, or sending or receiving contraband.

(4) Concerns plans to escape or assist in an escape.

(5) Concerns plans to disrupt the order, or breach the security, of any institution/facility.

(6) Concerns plans for activities which violate the law, these regulations or local procedures.

(7) Contains coded messages.

(8) Describes the making of any weapon, explosive, poison, or destructive device.

(9) Contains illustrations, explanations, and/or descriptions of how to sabotage or disrupt computers, communications, or electronics.

(10) Contains maps depicting any area within a ten-mile radius of an institution/facility.

(11) Contains gambling or lottery information or paraphernalia.

(12) Contains material obscene in nature.

(13) Contains human or animal hair, substances, or fluids.

(d) Inmates shall not possess or have under their control obscene material and/or mail containing information concerning where, how, or from whom obscene material may be obtained. Obscene material means catalogs, advertisements, brochures, and/or material taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest. It is material which taken as a whole, depicts or describes sexual conduct, and lacks serious literary, artistic, political, or scientific value. Additionally, material is considered obscene when it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition that it appeals to deviant sexual groups. Material subject to the test of the above includes, but is not limited to:

(1) Portrays sexually explicit materials, which are defined as materials that show frontal nudity including personal photographs, drawings, and magazines and pictorials that show frontal nudity.

(2) Portrays, displays, describes, or represents penetration of the vagina or anus, or contact between the mouth and genitals.

(3) Portrays, displays, describes, or represents bestiality, sadomasochism, or an excretory function, including urination, defecation, or semen.

(4) Portrays, displays, describes, or represents the nudity of a minor, or person who appears to be under 18 years old.

(5) Portrays, displays, describes, or represents conduct that appears to be non-consensual behavior.

(6) Portrays, displays, describes, or represents conduct that appears to be forceful, threatening, or violent.

(7) Portrays, displays, describes, or represents sexual conduct where one of the participants is a minor, or appears to be under 18 years old.

(e) If the receiver of any mail, confidential or nonconfidential, directs a written complaint to administrative staff of the department or to facility officials, consideration will be given to any reasonable remedy sought by the individual. This may include discussion of the complaint with the inmate in an attempt to resolve the matter, reading of all mail, including confidential mail, addressed to the individual, and either disallowing only that which appears to perpetuate the problem, or disallowing all mail to the individual. Complaints and requests for actions which would, if approved, restrict an inmate's correspondence, and any action taken in response to such complaints or requests, will be fully documented on a CDC Form 128B (Rev. 4-74). The inmate shall receive a copy of the documentation and the original shall be placed in the inmate's C-file.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code; and *Procurier v. Martinez*, 416 U.S. 396.

HISTORY:

1. Change without regulatory effect amending subsection (a) filed 8-6-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 32).
2. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3136. Disapproval of Inmate Mail.

(a) Disapproval of inmate mail that is in clear violation of CCR sections 3006 or 3135 shall be referred to staff not below the level of Correctional/Facility Captain for determination and appropriate action. Disapproval of inmate mail that is not in clear violation of CCR sections 3006 or 3135 shall be referred to the Warden, but not lower than the Chief Deputy Warden, for determination and appropriate action. When incoming or outgoing mail/packages/publications addressed to or being sent by an inmate are withheld or disallowed, the inmate shall be informed via CDC Form 1819, Notification of Disapproval-Mail/Packages/Publications (Rev. 06/98) of the reason, disposition, name of official disallowing the mail/package/publication, and the name of the official to whom an appeal can be directed.

(b) When inmate mail is disapproved based on the criteria established in this section, a copy of the CDC Form 1819 and the supporting document(s) shall be retained by each facility for a minimum of seven years.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601(d), Penal Code.

HISTORY:

1. Amendment of section heading and section, and redesignation of former subsections 3136(a)–(h) to subsections 3006(c)(1)–(8) filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of History1 (Register 95, No. 24).

3. Amendment of section heading and section, and redesignation of former subsections 3136(a)–(h) to subsections 3006(c)(1)–(8) refiled 6-13-95 as an emergency; operative 6-13-95 (Register 95, No. 24). A Certificate of Compliance must be transmitted to OAL by 11-20-95 or emergency language will be repealed by operation of law on the following day.

4. Reinstatement of section as it existed prior to emergency amendment filed 12-27-95 by operation of Government Code section 11346.1(f). Certificate of Compliance as to 6-13-95 order transmitted to OAL 11-9-95; disapproved by OAL and order of repeal as to 6-13-95 order filed on 12-27-95 (Register 95, No. 52).

5. Amendment filed 12-27-95 as an emergency pursuant to Government Code section 11346.1; operative 12-27-95 (Register 95, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-25-96 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 12-27-95 order including amendment of subsection (b) transmitted to OAL 4-25-96 and filed 6-6-96 (Register 96, No. 23).

7. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3137. Appeals Relating to Mail and Correspondences.

(a) Inmates, their correspondents, and publishers may appeal departmental rules, regulations, policies, approved facility procedures and their application relating to mail and correspondence.

(b) Inmates shall use the established inmate appeal procedures as provided in section 3084.1, et seq. An inmate's submittal of an appeal within 15 days of a notice that mail is being designated as undelivered will postpone any disposition of the mail until an appeal decision is made at the third level of appeal review. If the inmate's appeal is denied at the third level of appeal review, the item of mail shall be disposed of as provided in subsection 3191(c).

(c) Persons other than inmates should address any appeal relating to department policy and regulations to the Director of the Division of Adult Institutions (DAI). Appeals relating to a specific facility procedure or practice should be addressed in writing to the Warden, or Associate Director of the facility where the appeal issue arises. A written response shall be provided within 15 working days. Appeals that are not satisfactorily resolved at this level may be forwarded in writing to the Director of the DAI who shall provide a written response within 20 working days.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601, Penal Code; and *In re Muszalski*, 52 Cal App. 3rd 500.

HISTORY:

1. Amendment of section heading, renumbering and amendment of former subsection 3147(a)(5)(C) to section 3137 subsection (b), and amendment of Note filed 6-6-96; operative 6-6-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 23).
2. Amendment of section heading and section filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3138. Indigent Inmates.

(a) Upon an indigent inmate's request, writing paper, envelopes, a writing implement, and the postage required for five 1-ounce First-Class letters per week shall be supplied. Inmates are not allowed to trade, transfer, or swap indigent inmate supplies with another inmate.

(b) Except as provided in subsection 3138(h) for mail to the courts or to the Attorney General, indigent inmates may request to mail any type of correspondence that weighs more than one ounce. Indigent inmates must relinquish the appropriate number of indigent envelopes to either their assigned Correctional Counselor or housing unit staff with the item to be mailed. If the item to be mailed weighs more than five ounces, the indigent inmate must relinquish all five indigent envelopes. Staff must forward the indigent envelopes with the item to be mailed to the mailroom with the

notation that it is to be mailed for the indigent inmate. In order to facilitate this mailing, if requested, staff shall provide the indigent inmate with one appropriately sized envelope.

(c) Foreign mail requiring postage in excess of the minimum required for First-Class Mail shall be limited to two of the five letters.

(d) Indigent envelopes issued to an inmate become their property. The inmate shall be allowed to utilize the envelopes regardless of current financial status. A charge shall not be placed against future deposits to the inmate's trust account to recover the cost of materials and postage provided, while the inmate was indigent as defined in subsection 3133(a)(5).

(e) All inmate requests for indigent envelopes shall be authorized by the Institutional Inmate Trust Account Office.

(f) Any inmate attempting to use a State issued envelope intended for another inmate who is indigent shall receive progressive discipline pursuant to CCR section 3312.

(g) Indigent inmates desiring to correspond with their attorney or any other confidential correspondent shall be required to utilize their weekly allotment of indigent supplies to send such correspondence.

(h) In addition to indigent writing supplies and postage for the five (5) one (1) ounce letters per week, indigent inmates shall have free and unlimited mail to any court or the Attorney General's Office.

(1) Upon request, institutions shall also provide indigent inmates free copying of the legal documents limited to the number of copies of a document required by the court, plus one copy for the opposing party and one copy for the inmate's records.

(2) If the case is accepted by the court, the need for future copies of legal documents and necessary postage will be evaluated on a case-by-case basis.

(3) A charge shall not be placed against future deposits to the inmate's trust account to recover the cost of materials, copying and postage provided, while the inmate was indigent.

(i) Each institution shall establish local procedures for the issuance of writing supplies to indigent inmates.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; and *Procunier v. Martinez*, 416 U.S. 396; and *Bell v. Wolfish*, 99 S. Ct. 1861.

HISTORY:

1. Amendment filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
2. Reinstatement of section as it existed prior to emergency amendment filed 7-25-95 by operation of Government Code section 11346.1(f) (Register 95, No. 30).
3. Amendment of subsections (a)–(c) filed 7-25-95 as an emergency; operative 7-25-95 (Register 95, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-95 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7-25-95 order transmitted to OAL 11-17-95 and filed 1-3-96 (Register 96, No. 1).
5. Renumbering of former subsections 3147(a)(9)(G) through (a)(9)(J) to newly designated subsections 3138(d) through (g), amendment of newly designated subsections (d)(1), (f)(1)–(f)(2), (g) and Note filed 6-6-96; operative 6-6-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 23).
6. Amendment of subsection (d)(1) filed 12-30-2003 as an emergency; operative 1-1-2004 (Register 2004, No. 1). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 6-9-2004 or emergency language will be repealed by operation of law on the following day.
7. Withdrawal and repeal of 12-30-2003 amendment filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance

must be transmitted to OAL by 9-24-2004 or emergency language will be repealed by operation of law on the following day.

8. Amendment of subsection (d)(1) and Note filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).
10. Renumbering of former section 3138 to section 3134 and renumbering of former section 3134 to new section 3138, including repealer and new section, filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3139. Correspondence Between Inmates, Parolees, and Probationers.

Inmates shall obtain written authorization from the Warden/Regional Parole Administrator or their designee/assigned probation officer, person in charge of the County Jail and/or other State Correctional Systems, at a level not less than Correctional Captain/Facility Captain or Parole Agent III, to correspond with any of the following:

(1) Inmates under the jurisdiction of any county, state or federal, juvenile or adult correctional agency.

(2) Persons committed to any county, state or federal program as a civil addict.

(3) Persons on parole or civil addict outpatient status under the jurisdiction of any county, state or federal, juvenile or adult correctional agency.

(4) Persons on probation.

(b) Inmates may initiate requests to correspond with the above by contacting their Correctional Counselor I (CCI). Parolees may initiate request by contacting their Parole Agent (PA).

Inmates may be allowed to correspond with the persons described in subsections 3139(a)(1) through (4) provided those persons meet the criteria of approval of no known gang affiliation, or involvement with a known terrorist group or racketeering enterprise.

(c) The CCI/PA shall interview the inmate/parolee and/or review their C-file/Field File to obtain the information required to process an inmate's Request for Correspondence Approval, CDC Form 1074 (Rev. 08/87). If an inmate's request to correspond with another inmate/parolee is denied, the CCI/PA shall advise the inmate in writing.

(1) When reviewing the initiating inmates C-file, staff shall ascertain whether prior approval exists. If prior approval exists, a copy of the previously approved CDC Form 1074 shall be forwarded to both institutional mailrooms.

(2) When an initiating inmate's request to correspond with another inmate meets the criteria for approval per section 3139(b), and no prior approval exists, the CCI/PAI shall ensure that a CDC Form 1074 is completed.

(3) If the request is approved, staff shall retain the fifth page in the C-File/Field File at the requesting institution/parole office. The remaining four pages shall be forwarded, intact, to the institution/parole office/probation office/other county, state or federal facility where the other requested correspondent is housed. Neither a photocopy of the CDC Form 1074, nor the fifth page, shall be forwarded to the C-File or mailroom while the correspondence approval is pending.

(4) If the request to correspond is denied at the institution/parole office/probation office/other state correctional facility, the reason for denial shall be annotated on the CDC Form 1074, and it shall be returned, in its entirety, to the sending institution/parole office.

(5) Copies/photocopies shall not be delivered to the requested inmate, the receiving institutions mailroom, or the housing unit.

(6) Upon receipt of the disapproved CDC 1074, staff at the sending institution/field office shall ensure that the 2nd page is returned to the initiating inmate.

(7) If correspondence is approved at the institution/parole office, staff shall ensure that the CDC Form 1074 is completed. They shall retain the third and fourth pages for distribution. If the third page and fourth pages are not legible, the CCI/PAI shall make photocopies of the first page prior to forwarding the completed CDC Form 1074 to the sending institution. The approved CDC Form 1074 will be distributed as directed on the form.

(8) Photocopies of the CDC Form 1074 shall not be made for the housing unit(s). The housing units shall not keep records of approved correspondents.

(9) The mailroom supervisor shall establish and maintain a record of approved CDC Form 1074s.

(10) When a CDCR inmate requests to correspond with an inmate in a county, state, or federal facility, or if the request is from a county, state, or federal inmate, the CCI shall ensure that a CDC Form 1074 is completed along with a cover letter that thoroughly explains the need for the CDC Form 1074. If the request is denied, the CCI shall ensure that a letter is forwarded to the requesting agency thoroughly explaining the denial.

(d) There shall be no limits set on the number of times approved inmates/parolees/probationers can correspond with one another unless revoked. The approval to correspond may be revoked due to disciplinary violations involving correspondence between the inmates/parolees or as a result of a classification action based on safety and security. Any such restriction, or revocation of approval, shall be communicated to inmate(s)/parolee(s) and to the warden(s)/parole administrator(s) of the institution/facility where the inmate(s)/parolee(s) are housed.

(e) Wardens at institutions where there are segregated housing units such as, but not limited to, Security Housing Units (SHU), Administrative Segregation Units (ASU), and Psychiatric Services Units (PSU), shall outline in their local procedure any further restrictions on correspondence due to safety and security concerns, limited to those specific housing units.

(f) The most restrictive a facility can be with respect to inmate mail privileges is to limit correspondence between inmates to only the following:

- (1) Immediate Family Members as defined in section 3000.
- (2) Co-litigants on active cases, until the case is resolved.
- (3) Incarcerated natural parent of the inmate's child.

A facility may not restrict mail privileges between an inmate and any of the above three types of correspondents, unless the inmate or the correspondent violates section 3006 or other CCR section.

(g) Approval to correspond shall remain in effect upon transfer to another departmental facility or another parole office.

(h) If an inmate's transfer is based on case factors that create security concerns, such as, but not limited to, placement in SHU, ASU, or PSU, a reexamination by committee of all approved correspondence shall be conducted. The CCI shall review and recommend to committee whether to continue approval of the correspondence.

(i) If an institution/parole office receives mail from an unapproved inmate/parolee correspondent, staff shall mark the envelope with "Not an Approved Correspondent" or equivalent language and return it to the sender.

(j) Inmates confined in departmental facilities may correspond with former inmates. Prior approval of the warden, superintendent, or person in charge of the correctional facility is required if the person was discharged from a facility within the past twelve months.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 4570, Penal Code; *Procurier v. Martinez*, 416 U.S. 396; and *Bell v. Wolfish*, 99 S. Ct 1861.

HISTORY:

1. Change without regulatory effect amending first paragraph and subsection (b) filed 4-4-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 14).
2. Amendment of section heading and section, including renumbering and amendment of former section 3140 to new subsection 3139(j), filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3140. Funds Enclosed in Correspondence.

(a) Funds may be mailed to an inmate in the form of a money order, certified check, personal check, or any other negotiable means except cash and Travelers Checks.

(1) The check or money order shall be made payable to the California Department of Corrections and Rehabilitation with the inmate's last name and departmental identification number. This information shall be on the face of the check or money order.

(2) Funds from other inmates/parolees shall be only accepted from approved correspondents, pursuant to section 3139, who are members of the same family, or the parent of the inmate's child(ren).

(3) Funds received in the mail shall be removed from the envelope by mailroom staff, and the envelope shall be imprinted with a stamp that reads "Funds Enclosed." The date, amount, and initials of the person processing the funds shall be recorded on the envelope before it is forwarded to the inmate. The stamped envelope is the inmate's receipt for the funds.

(4) Cash received in incoming mail will be returned to the sender. Mailroom staff shall notify the inmate in writing, informing them that cash was received and will be returned to sender. The envelope containing the cash and two copies of the memo will be forwarded to the Inmate Trust Office to be returned to the sender.

(5) Mailroom staff shall arrange the day's remittances in numerical order. The remittances shall be listed in sequence on the report of collections. This report shall include each inmate's name, departmental identification number, type of payment amount and the total received.

(b) Generally, inmates are not eligible to receive Supplemental Security Income (SSI) checks from the Social Security Administration, Veteran Affairs Benefits, or Welfare checks from the California Department of Social Services/County Welfare agencies. Depending upon eligibility, inmates may be allowed to receive tax refund checks.

(1) A facility representative shall be appointed by the Associate Warden, Business Services, to assist outside agencies in determining an inmate's eligibility.

(2) Mailroom staff shall deliver all received SSI, Veteran Affairs Benefits, and/or welfare and/or tax refund checks to the Inmate Trust Office. The Accounting Officer shall notify the facility representative that checks are being held pending determination of eligibility of the inmates to receive the checks. The facility representative shall notify the appropriate agency.

(3) Unauthorized checks shall be returned to the appropriate agency.

(c) When a U.S. Government check is received for an inmate who is deceased or discharged from CDCR, the check and envelope shall be returned to the sending agency with the necessary information shown as to the inmate being deceased or discharged.

(1) If an inmate has been transferred to another facility, the check shall be forwarded including a note requesting the inmate to notify the state or federal agency of their change of address.

(2) Mail received for inmates who have been paroled shall be forwarded to the office of the parole region to which the inmate was released, or if unable to locate the parolee, the check should be returned to the originating state or federal agency.

(d) Funds not in the form of money orders or certified checks shall not be released for spending by the inmate until the funds

have cleared the bank upon which they were drawn. When personal checks are received, the face of the envelope in which the check was received shall be imprinted with a stamp that reads that the personal check has been accepted at this time.

(e) No foreign currency shall be accepted. If foreign currency is received, the entire envelope and its contents shall be returned to sender with a pre-printed notice to the sender which states it is unauthorized.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

HISTORY:

1. Renumbering of former section 3140 to subsection 3139(j) and new section 3140 filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3141. Confidential Correspondence.

(a) Confidential correspondence is a right guaranteed by law. Using confidential correspondence for personal non-business correspondence, the transmission of contraband items, or the smuggling of letters and other communications to be forwarded to persons not listed in subsection (c) is an abuse of this right and such proven abuse may be subject to disciplinary action as described in Sections 3314 and 3315.

(b) Confidential mail will not be limited to First Class mail standards. Mail received from confidential correspondents will be processed regardless of weight or postage class.

(c) Persons and employees of persons with whom inmates may correspond confidentially and from whom inmates may receive confidential correspondence include:

- (1) All state and federal elected officials.
- (2) All state and federal officials appointed by the governor or the President of the United States.
- (3) All city, county, state and federal officials having responsibility for the inmate's present, prior or anticipated custody, parole or probation supervision.
- (4) County agencies regarding child custody proceedings, as clearly identified in the communication and listed on the envelope.
- (5) All state and federal judges and courts.
- (6) An attorney at law, on active status or otherwise eligible to practice law, listed with a state bar association.
- (7) All officials of a foreign consulate.
- (8) The Secretary, Undersecretary, Chief Deputy Secretaries, Executive Director, Assistant Secretaries, Division Directors, Deputy Directors, Associate Directors, the Chief, Inmate Appeals, and the Lead Ombudsman's Office of the Department.
- (9) A legitimate legal service organization that consists of an established group of attorneys involved in the representation of offenders in judicial proceedings including, but not limited to:
 - (A) The American Civil Liberties Union.
 - (B) The Prison Law Office.
 - (C) The Young Lawyers Section of the American Bar Association.
 - (D) The National Association of Criminal Defense Lawyers.
 - (E) California Appellate Project.

(d) All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office. Institution mailroom staff shall contact the CDCR Office of Legal Affairs Division at Headquarters if there is any question regarding the legitimacy of a legal service organization.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 5054, Penal Code; and *In re Jordan*, 12 CA 3rd 575 (1974); and *King v. Borg*, USDC-ED Case No. CIV. S-87-0519 LKK/PAN/P.

HISTORY:

1. Editorial correction of subsection (a) filed 2-19-85 (Register 85, No. 8).
2. Change without regulatory effect adopting new subsection (c)(8) and amending Note filed 8-19-93; operative 8-19-93 (Register 93, No. 34).
3. Repealer of subsection (c)(6) and subsection renumbering filed 4-8-96 as an emergency; operative 4-8-96 (Register 96, No. 15). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 9-15-96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-8-96 order transmitted to OAL 9-13-96 and disapproved 10-28-96 (Register 96, No. 44).
5. Repealer of subsection (c)(6) and subsection renumbering filed 10-28-96 as an emergency; operative 10-28-96 (Register 96, No. 44). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 4-6-97 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 10-28-96 order transmitted to OAL 3-3-97 and filed 4-14-97 (Register 97, No. 16).
7. New subsection (c)(4), subsection renumbering, and amendment of Note filed 7-28-97 as an emergency; operative 7-28-97 (Register 97, No. 31). Pursuant to Penal Code 5058(e), a Certificate of Compliance must be transmitted to OAL by 1-5-98 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 7-28-97 order, including further amendment of subsection (c)(4), transmitted to OAL 12-2-97 and filed 1-15-98 (Register 98, No. 3).
9. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3142. Processing of Outgoing Confidential Mail.

In order to be accepted and processed as confidential correspondence, an inmate's letter shall comply with the following requirements:

(a) The letter must be addressed to a person or to the office of a person listed in Section 3141. The address of an attorney must match the address listed with the State Bar.

(b) The inmate's full name, department identification number, and the address of the facility shall be included in the return address appearing on the outside of the envelope.

(c) The word "confidential" shall appear on the face of the envelope. Failure to do this will result in the letter being processed as regular mail or being returned to the inmate if for any reason the mail cannot be processed as regular mail.

(d) Inmates shall post confidential mail by presenting the mail unsealed to designated staff. In the presence of the inmate, the staff shall remove the contents of the envelope upside down to prevent reading of the contents. Staff shall remove the pages and shake them to ensure there is no prohibited material, consistent with these regulations. If no prohibited material is discovered, the contents shall be returned to the envelope and sealed. Staff shall place their signature, badge number and date across the sealed area on the back of the envelope. Staff shall then deposit the confidential mail in the appropriate depository.

(e) If prohibited material is found in the confidential mail, the prohibited material shall be confiscated; however, the letter may be returned to the inmate or mailed following the process outlined above. If the prohibited material indicates a violation of the law or intent to violate the law, the matter may be referred to the appropriate authorities for possible prosecution. Administrative and/or disciplinary action shall also be taken against all parties involved.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

HISTORY:

1. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3143. Processing Incoming Confidential Mail.

Incoming letters must show the name, title, return address and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar. A notice or request for confidentiality is not required on the envelope. Correspondence that is appropriately addressed with a return address that indicates it may be confidential shall be processed and treated as confidential correspondence whether or not it is stamped as such.

(a) Designated staff shall open the letter in the presence of the addressed inmate at a designated time and place. Staff shall not read any of the enclosed material. Staff shall remove the pages and shake them to ensure the absence of prohibited material.

(b) Inmates shall sign for all confidential mail at the time of delivery. This shall be accomplished by use of a permanent log-book or use of receipts. If receipts are used, the receipts shall be forwarded to the mailroom for filing. The log book at a minimum must record the date of delivery, the inmates name and departmental identification number, and the senders name and address.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

HISTORY:

1. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3144. Inspection of Confidential Mail.

Confidential mail will be opened and inspected for contraband in the presence of the inmate addressee. Inspecting correctional officials will not read any of the contents of the confidential mail. Confidential mail may be further inspected, for cause only.

(a) Cause may include, but is not limited to, the reasonable belief by correctional officials that the letter is not addressed to or is not from an official or office listed in Section 3141 or when other means of inspection indicates the presence of physical contraband in the envelope. In such instances the mail will be opened in the presence of the inmate for determination.

(b) Administrative action may be taken to restrict, for cause, the confidential mail privileges afforded to an attorney pursuant to this Article.

(1) A first offense of a non-serious mail rule violation of the department's mail regulations shall result in a written warning or up to a six-month suspension of the attorney's confidential mail privileges. A non-serious mail violation means a violation of the inmate regulations that is not chargeable as a felony but is nevertheless unlawful, such as an enclosure of contraband into the confidential mail, or a misrepresentation of the sender or addressee's identity.

(2) A second offense of a non-serious mail rule violation shall result in modification/suspension of confidential mail privileges for a period of up to twelve months.

(3) A third offense of a similar nature and/or a first offense that could be charged as a felony that jeopardizes the safety of persons, or the security of the facility, shall result in confidential mail privileges being suspended from one year up to an indefinite period of time.

(4) The attorney must petition the Warden or Director of the Division of Adult Services (DAI) for reinstatement of confidential mail privileges.

The confidential mail privilege may be a statewide suspension for any offense that could be prosecuted as a felony. Only the Director of the DAI or designee shall issue a statewide suspension of confidential mail privileges.

(c) Upon determining that the envelope contains prohibited material or that there is a misrepresentation of the sender's or the

addressee's identity the letter and any enclosures may be examined and read in its entirety to determine the most appropriate of the following actions:

(1) When the prohibited material or misrepresentation of identity indicates a violation of the law or an intent to violate the law, the matter will be referred to the appropriate criminal authorities for possible prosecution. Any case referred to criminal authorities will be reported to the Director of the DAI. When a case is referred to criminal authorities and the determination is made not to prosecute, the fact of the referral and the determination made will be reported to the inmate and to the inmate's correspondent. The Director of the DAI will be informed of the outcome of all referrals to criminal authorities.

(2) When an inmate's action or complicity indicates a violation of law; the regulations set forth in this article; or approved facility mail procedures; the matter may also be handled by appropriate disciplinary action.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code; and *Wolff v. McDonald*, 94 S. Ct. 2963 (1974).

HISTORY:

1. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3145. Enclosures in Confidential Mail.

When the inspection of confidential correspondence discloses written or printed enclosures, the enclosures will be treated in the same manner as confidential correspondence. The inmate will not be given the enclosures or be allowed access to the enclosures except as authorized in the following subsections:

(a) The inmate may consent to an immediate examination of the enclosure by staff who issues mail. Such examination will be limited to the extent necessary to determine if the enclosure may be safely admitted into the facility under the standards of Penal Code Section 2601. The conclusion of the examiner will be written on the enclosure, and be dated and signed by the examiner. If the enclosure can be safely admitted into the facility, it will be given to the inmate. If in the examiner's opinion the enclosure does not meet the standards of Penal Code Section 2601 and cannot be safely admitted into the facility, it will be referred to staff at not less than the Correctional/Facility Captain level, for final determination. If not released to the inmate at this level, the inmate will be allowed access to the enclosure only as authorized in subsection (b).

(b) The inmate may decline to consent to examination of enclosures in confidential mail by any staff. When this occurs, the enclosure will be immediately placed in a separate envelope and the envelope will be sealed in the presence of the inmate. The separate envelope will, at the inmate's choosing, be returned to the sender with the mailing cost charged to the inmate's trust account, or disposed of pursuant to section 3191(c). The inmate is entitled to keep the letter or correspondence and the envelope it came in.

(c) Any person who examines the content of mail under the authority of this article or in connection with an appeal by an inmate of a ruling under this article, must keep the content of the material which was examined in strict confidence. No original, copy, excerpt, or summary of personal correspondence to or from an inmate shall be made or be placed in an inmate's C-file unless such correspondence is or has been the subject of:

(1) Legal, disciplinary, criminal investigation, or casework determination and actions affecting the inmate.

(2) When the recipient of an inmate's disturbing or offensive mail corresponds with the facility and requests administrative action, subject to section 3135.

(3) If an inmate requests that a copy of personal correspondence be placed in their C-file and the inmate's caseworker deems it ap-

propriate to do so based on the relationship of the correspondence to the inmates incarceration.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2600, Penal Code; and *In re Jordan*, 12 CA 3rd 575 (1974).

HISTORY:

1. Change without regulatory effect amending subsection (a) filed 4-3-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 14).
2. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3146. Mail in Languages Other Than English.

Mail may be subject to a delay for translation of its contents by staff. When such delay exceeds normal mail processing by five business days, the inmate shall be notified in writing of the delay, the reason for the delay, and subsequent determinations and actions regarding that item of mail. If staff are unable to translate the letter and its contents within 20 business days of notice to the inmate, then the letter shall be delivered to the inmate untranslated.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 2601, Penal Code.

HISTORY:

1. Amendment filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
2. Amendment refiled 6-13-95 as an emergency; operative 6-13-95 (Register 95, No. 24). A Certificate of Compliance must be transmitted to OAL by 11-20-95 or emergency language will be repealed by operation of law on the following day.
3. Reinstatement of section as it existed prior to emergency amendment filed 12-27-95 by operation of Government Code section 11346.1(f). Certificate of Compliance as to 6-13-95 order transmitted to OAL 11-9-95; disapproved by OAL and order of repeal as to 6-13-95 order filed on 12-27-95 (Register 95, No. 52).
4. Amendment filed 12-27-95 as an emergency pursuant to Government Code section 11346.1; operative 12-27-95 (Register 95, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-25-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 12-27-95 order including amendment of section transmitted to OAL 4-25-96 and filed 6-6-96 (Register 96, No. 23).
6. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3147. Definition and Disposition of Mail.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2080, 2600, 2601, 4570 and 5054, Penal Code; *Procurier v. Martinez*, (1974) 416 U.S. 396; *Bell v. Wolfish*, (1979) 99 S. Ct. 1861; *Thornburgh v. Abbott* (1989) 109 S. Ct. 1874; *Turner v. Safely* (1987) 107 S. Ct. 2256; and Sections C031.3.0 and C031.5.4, Domestic Mail Manual, issue 46 7/1/93, U.S. Postal Regulations.

HISTORY:

1. Amendment of subsection (a)(9)(G) filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).
2. Editorial correction of subsection (a)(9)(G) filed 2-17-83 (Register 83, No. 8).
3. Editorial correction of printing error in subsection (a)(5)(A) (Register 92, No. 5).
4. Amendment of subsection (a)(2) and Note filed 6-17-94 as an emergency; operative 6-17-94 (Register 94, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-15-94 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6-17-94 order transmitted with amendments to OAL 10-17-94 and filed 12-1-94 (Register 94, No. 48).

6. Amendment of subsection (a)(9)(I) and Note filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
7. Amendment of subsections (a)(9)(I)1.-5. and Note refiled 6-13-95 as an emergency; operative 6-13-95 (Register 95, No. 24). A Certificate of Compliance must be transmitted to OAL by 11-20-95 or emergency language will be repealed by operation of law on the following day.
8. Reinstatement of section as it existed prior to emergency amendment filed 12-27-95 by operation of Government Code section 11346.1(f). Certificate of Compliance as to 6-13-95 order transmitted to OAL 11-9-95; disapproved by OAL and order of repeal as to 6-13-95 order filed on 12-27-95 (Register 95, No. 52).
9. Amendment filed 12-27-95 as an emergency pursuant to Government Code section 11346.1; operative 12-27-95 (Register 95, No. 52). A Certificate of Compliance must be transmitted to OAL by 4-25-96 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 12-27-95 order including amendment of subsections (a)(5) and (a)(5)(A), relocation of former subsection (a)(5)(C) to section 3137(b), redesignation and amendment of former subsection (a)(6) to subsection (a)(5)(B), repealer of former subsections (a)(6)(A) through (a)(6)(D) and subsection renumbering, amendment of newly designated subsections (a)(6), (a)(7), (a)(8)(C) through (a)(8)(E), and relocation of former subsections (a)(9)(G) through (a)(9)(J) to section 3138(d) through (g) transmitted to OAL 4-25-96 and filed 6-6-96 (Register 96, No. 23).
11. Renumbering of former section 3147 to new section 3133 filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

Article 5. Inmate Manuscripts

3150. Definitions.

HISTORY:

1. Change without regulatory effect repealing section filed 10-29-90 pursuant to section 100, Title 1, California Code of Regulations (Register 91, No. 6).

3151. Possession.

Any manuscript as defined in section 3000 remains the property of the inmate who created it. It may be retained in the inmate's possession except as otherwise described in section 3152.

Comment: Former DP-2502, possession of manuscripts.

HISTORY:

1. Change without regulatory effect amending section filed 10-29-90 pursuant to section 100, Title 1, California Code of Regulations (Register 91, No. 6).

3152. Unauthorized or Dangerous Material.

(a) If unauthorized state materials have been used in the creation of a manuscript, the item may be impounded pending disciplinary action and reimbursement by the inmate for materials used.

(b) An inmate will not be permitted to retain in his or her personal possession manuscripts, which violate the provisions of Section 3006. Any such manuscript will be confiscated and disposed of in accordance with the provisions of Section 3006(c), or providing there is no conflict with the regulations governing mail and handicraft as set forth in Subchapter 1, Articles 2 and 4 of these regulations, the manuscript and related material may be sent to a person outside the correctional facility as designated by the inmate.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600, 2601 and 5054, Penal Code.

HISTORY:

1. Repealer and new subsection (b) filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).

3153. Mailing.

Incoming and outgoing manuscripts will be processed as regular mail in accordance with the provisions of Sections 3136 and 3138.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5054 and 5055, Penal Code.

HISTORY:

1. Repealer and new section filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).

Article 6. Legal Documents**3160. Inmate Access to Courts.**

(a) Inmate access to courts shall not be obstructed. Staff shall assist illiterate inmates or those physically incapable of preparing forms adopted under rules of the United States courts and the Judicial Council of California for petitions for habeas corpus or modification of custody if such an inmate requests assistance. Staff shall not in any way retaliate against or discipline any inmate for initiating or maintaining a lawsuit.

(b) In addition to any other court costs, filing fees, or procedures, an inmate initiating a state civil action shall pay a three-dollar (\$3) filing fee to the Department.

(1) Civil actions are defined as any non-criminal actions. For the purposes of this regulation, habeas corpus actions are not considered civil actions.

(2) The filing fee shall be charged against the inmate's trust account.

(3) If the inmate is without sufficient funds at the time of the charge, the civil action shall be allowed to be transmitted to the courts, and the inmate shall not be charged for any remaining balance of the filing fee.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5054 and 2601, Penal Code.

HISTORY:

1. Amendment of section heading and text and new Note filed 10-19-93; operative 11-18-93 (Register 93, No. 43).
2. Newly designated subsection (a), new subsections (b)–(b)(2) and amendment of Note filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
3. Reinstatement of section as it existed prior to emergency amendment filed 7-25-95 by operation of Government Code section 11346.1(f) (Register 95, No. 30).
4. New emergency amendment filed 7-25-95; operative 7-25-95 (Register 95, No. 30). A Certificate of Compliance must be transmitted to OAL by 11-22-95 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 7-25-95 order transmitted to OAL 9-7-95 and filed 10-16-95 (Register 95, No. 42).

3161. Inmate-Owned Legal Materials.

Inmate-owned legal materials/documents, law books and papers shall be limited to the availability of space authorized by section 3190(b) for personal property in the inmate's quarters/living area except as specified in this section. Inmates may possess up to one cubic foot of legal materials/documents related to their active cases, in excess of the six cubic feet of allowable property in their assigned quarters/living area. Legal materials/documents, law books and papers in excess of this limitation shall be disposed of pursuant to section 3191(c). Inmates may request the institution/facility store excess legal materials/documents related to their active cases(s) when such materials/documents exceed this one cubic foot additional allowance. Inmate-owned law books in excess of the additional allowance shall not be stored by the institution/facility.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section heading and text and new Note filed 10-19-93; operative 11-18-93 (Register 93, No. 43).
2. Amendment filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

3162. Legal Forms and Duplicating Services.

(a) For purposes of this article, an indigent inmate means an inmate who currently has and for the previous 30 consecutive days has maintained \$1.00 or less in his or her inmate trust account.

(b) Legal duplication services may be provided to inmates for the purposes of initiating or maintaining a court action. The printed forms required by state and federal courts shall be made available to inmates. An inmate shall be required to pay for the duplication of printed forms and other written or typed materials, and for any special paper and envelopes required for mailing to the courts so long as the inmate has more than \$1.00 in his or her trust account or the inmate has attorney representation for the court action. An inmate who is indigent and is without attorney representation for the court action may receive legal duplicating services without charge subject to subsection (d).

(c) A legal document to be duplicated for any inmate, including all exhibits and attachments, shall be limited to the maximum number of pages needed for the filing, not to exceed 50 pages in total length, except when necessary to advance litigation. The inmate shall provide to designated staff a written explanation of the need for excess document length.

(d) Subject to the length requirements of subsection 3123(c), an indigent inmate who does not have attorney representation may receive duplication services without charge for the following legal documents to a court:

- (1) Petition for a writ of habeas corpus.
- (2) Traverse, Reply Pleading, and other documents in support of a petition for writ of habeas corpus, as authorized by the court or as required by statute or court rule.
- (3) Appeal from the denial of a writ of habeas corpus.
- (4) Summons and Complaint for a civil action.
- (5) Documents in support of a civil action, as authorized by the court or as required by statute or court rule.
- (6) Petition for a hearing in an appellate court.
- (7) Appellant's Brief, Reply Brief, and other documents in support of an appeal, as authorized by the court or as required by statute or court rule.
- (8) Petition for a writ of certiorari to the Supreme Court.
- (9) Motion to proceed in forma pauperis (as an indigent person).
- (10) Additional documents that are necessary to advance litigation. The inmate shall provide to designated staff a written explanation of the need for additional documents.

(e) The authority to place restrictions on duplication services for any reason as described in this section shall not be delegated to staff below the level of correctional captain. The reasons for any restrictions on the services provided an inmate shall be documented on a CDC Form 128-B (Rev. 4.74), General Chrono, and placed in the inmate's central file.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
2. Amendment filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).
3. Amendment of section heading and text filed 10-19-93; operative 11-18-93 (Register 93, No. 43).
4. Amendment filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

3163. Assisting Other Inmates.

One inmate may assist another in the preparation of legal documents, but shall not receive any form of compensation from the inmate assisted. Legal papers, books, opinions and forms being used by one inmate to assist another may be in the possession of either inmate with the permission of the owner. All papers must be returned to the respective owners when either inmate is transferred to another institution or when other administrative action prevents direct communications between the inmates. An inmate may be barred from giving legal assistance to other inmates when violations of regulations and established procedures relate directly to such activities. An inmate will not be barred from giving or receiving legal assistance for violations of regulations and procedures which are unrelated to providing or receiving legal assistance. However, no otherwise prohibited contacts or access to prohibited areas will be permitted because of this regulation.

NOTE: Authority cited: section 5058, Penal Code. Reference: *Johnson v. Avery*, 89 S. Ct. 747 (1969).

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).

3164. Administrative Segregation.

(a) Inmates confined in administrative segregation for any reason will not be limited in their access to the courts.

(b) During a period of disciplinary detention, as described in Section 3330, legal resources may be limited to pencil and paper which will be provided upon request for correspondence with an attorney or the preparation of legal documents for the courts. Other legal material in the inmate's personal property may be issued to an inmate in disciplinary detention if litigation was in progress before the inmate's placement in disciplinary detention and legal due dates are imminent.

(c) Inmates who are housed in any restricted unit and who are not serving a period of disciplinary detention may possess and have access to any legal resource material available to the general population and may assist each other in their legal work to the extent compatible with institution security. For the purpose of this subsection, restricted units include reception centers, institution reception or orientation units, controlled housing and security housing units.

(d) An inmate in a restricted housing unit may have access to an inmate law library subject to the provisions of section 3123.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
2. Repealer and new subsection (d) filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

3165. Mailing Legal Documents.

(a) The mailing of legal documents to courts and claims to the Board of Control (BOC) is the inmate's responsibility. Mail designated by the inmate as legal mail will be delivered to the facility

mail room for inspection, pursuant to Sections 3144 and 3145, and mailing in accordance with local facility mail procedures. The mail room shall maintain a current address list of federal, state, county, appellate, and district courts. The mail room will send mail out each working day.

(b) With each transmittal of mail to a court or claim filed with the BOC requiring the addition of postage, the inmate must submit a signed CDC Form 193, Trust Account Withdrawal Order. The mail room will remove the trust account withdrawal order, enter the amount of postage required, and forward the order to the trust office for processing. Mail addressed to a court or claims addressed to the BOC will be posted on the inmate's CDC Form 119, Mail Record.

(c) Notarization of legal documents is not normally required by the courts and will not be provided as a free service to any inmate, indigent or not. Inmates must pay the established notary fee for such service.

(d) The cost of postage for mailing documents to the courts will be charged against an inmate's trust account unless the inmate was indigent, as defined in subsection 3162(a), at the time the documents were submitted for mailing.

NOTE: Authority cited: Section 5058, Penal Code. Reference: *In re Jordan*, 7 Cal. 3rd 930 (1972).

HISTORY:

1. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
2. New subsection (d) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).
3. Amendment filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
4. Amendment of subsections (a) and (b) and amendment of Note filed 11-18-96; operative 12-18-96 (Register 96, No. 47).
5. Amendment of subsection (d) filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

Article 7. Visiting**3170. General Visiting.**

(a) These regulations are made in recognition and consideration of the value of inmate visitation as a means of increasing safety in prisons, maintaining family and community connections, and preparing inmates for successful release and rehabilitation. It is the intent of these regulations to establish a visiting process in the institutions/facilities of the department that is conducted in as accommodating a manner as possible, subject to the need to maintain order, the safety of persons, the security of the institution/facility, and required prison activities and operations.

(b) The privacy of inmates and their visitors shall be respected subject to the need to verify the identity of an inmate or visitor; enforce laws, regulations, and procedures; and/or ensure the safety of persons and institution/facility security. Video-recording devices may be utilized in visiting areas, excluding family visiting units or confidential attorney consultation areas.

(c) Visits with inmates may, without prior notification, be terminated, temporarily suspended, or modified in response to an institution/facility emergency as determined by the institution head or designee. Emergency modifications of the visiting schedule shall be posted at the institution/facility as soon as practical and will be included in the automated telephonic visiting information system.

(d) Devices that do not allow physical contact between inmates and visitors shall not normally be used, except as provided in section 3170.1 or as necessary in the following circumstances:

(1) Physical contact with a visitor(s), or with other inmates, will seriously endanger the safety of persons or the security of the institution/facility,

(2) As a temporary measure for willful failure or refusal to abide by visiting regulations.

(e) Each inmate and visitor is responsible for his or her own conduct during visits. Any violation of laws, regulations, or local procedures governing visits may result in termination, suspension, revocation, or denial of visiting with the person or persons involved, as described in section 3176. Such violation may also result in exclusion from the facility, as described in section 3176.3.

(f) Reasonable accommodation shall be afforded visitors and inmates with disabilities to facilitate their full participation in contact, non-contact, or family visiting as provided in these rules.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600, 5054 and 6400, Penal Code; and *In re French*, 164 Cal Rptr. 800 (1980).

HISTORY:

1. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
2. Amendment filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
3. Amendment of subsection (d) filed 8-23-82; effective thirtieth day thereafter (Register 82, No. 35).
4. Amendment of subsections (a), (c) and (e) filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).
5. Editorial correction of printing error restoring subsection (g) (Register 94, No. 2).
6. Repealer of former article 7 (sections 3170–3179) and new article 7 (sections 3170–3179) and repealer and new section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).
7. Change without regulatory effect amending subsection (e) filed 5-22-2003 pursuant to section 100, Title 1, California Code of Regulations (Register 2003, No. 21).

3170.1. General Visiting Guidelines.

(a) Visiting is permitted only in designated areas and at designated times.

(b) Inmates shall not be permitted to visit during the hours of their assignment to work, training, vocational and/or academic education, except as provided in section 3045.2.

(c) No limitations shall be placed on the number of visitors approved to visit an inmate. However, limitations on the length and frequency of visits may be imposed to avoid overcrowding or the inequitable allocation of visiting time or for other reasons as provided in section 3176.

(1) An inmate shall not be permitted a contact visit with more than five persons, including minors, at the same time. Groups of visitors in excess of five may be accommodated only once per visit by means of rotation through the visiting area. Such rotation shall be considered a single visit in the event it is necessary to terminate a visit in progress in accordance with 3176(a)(9) and (10).

(2) An inmate shall not be permitted a non-contact visit with more than three persons, including minors, at the same time. Groups of visitors in excess of three may be accommodated only one per visit by means of rotation through the visiting area. Such rotation shall be considered a single visit in the event it is necessary to terminate a visit in progress in accordance with 3176(a)(9) and (10).

(d) Visiting with more than one inmate at the same time, shall require that both inmates are approved to visit in the same visiting room, and that either:

(1) The visitors and inmates are immediate family members as defined in Section 3000; or

(2) The visitor(s) has prior written approval from the institution/facility head or designee.

(e) Inmates undergoing reception center processing shall be limited to non-contact visiting. If non-contact visiting cannot be accommodated because of physical plant limitations, the institution

head shall take such limitations into account in establishing an alternative visiting plan. Inmates with disabilities, who remain at the reception center for extended stays (exceeding 60 days) due to their disability, shall be authorized regular visiting privileges.

(f) Inmates assigned to Administrative Segregation and Security Housing Units shall be eligible for non-contact visits only. On a case-by-case basis, the institution head or designee may allow contact visits for administratively segregated inmates. Visitors who have made appointments in advance for non-contact Administrative Segregation and Security Housing Unit visits shall be given priority. Non-contact visits shall be scheduled in one-hour increments and may be extended based on space availability. When overcrowding occurs, those who have visited at least one-hour and who have been visiting for the longest time may have their visits terminated as outlined in sections 3176(a)(9) and (10).

(g) During contact visits, the inmate and visitor may pass, exchange, or examine any items of property or consume any items of food or beverage that either party is permitted to bring into or purchase in the visiting area, except for items that are contraband under section 3006. Neither the inmate nor the visitor shall take any property items out of the visiting area that were passed or exchanged from the other party, except for legal documents as provided in section 3178 and photographs that were taken during the visit. Neither the inmate nor the visitor shall take any food or beverage items out of the visiting area.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601(c)(2), 4570 and 5054, Penal Code.

HISTORY:

1. New section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).
2. Change without regulatory effect amending subsection (c)(1) and amending Note filed 5-22-2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 21).
3. Amendment of subsection (d)(1) filed 10-16-2007; operative 11-15-2007 (Register 2007, No. 42).
4. Amendment of subsection (g) filed 5-25-2010; operative 6-24-2010 (Register 2010, No. 22).

3170.5. Child Victim Visiting Restrictions.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 1202.05, 5054 and 5054.2, Penal Code; and section 362.6, Welfare and Institutions Code.

HISTORY:

1. New section filed 8-12-93; as an emergency; operative 8-12-93 (Register 93, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-10-93 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-12-93 order including amendments transmitted to OAL 11-20-93 and filed 1-11-94 (Register 94, No. 2).
3. Repealer filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3171. Visiting Procedures.

(a) The institution head shall maintain visiting procedures for inmate visiting at each institution/facility. All local visiting procedures must conform to and shall not conflict with the rules and regulations set forth in this article. The degree of informality of inmate visiting will be consistent with the security requirements of each institution/facility.

(b) Inmates shall be informed of local visiting procedures and shall be given a written summary of all rules, regulations and procedures governing visiting at the institution/facility. Additional copies shall be readily available for inmates to give or send to their visitors. The written summary shall include the institution/facility visiting schedule. This same summary will be conspicuously dis-

played in all public entrances to the institution/facility and will be available to any interested person. Institutions/facilities shall have the visiting days and hours, as well as appropriate dress standards, clearly published in the visiting centers and in the visitor processing area.

(c) Inmates may refuse to see a visitor. Such refusal shall not result in removal of the visitor from the inmate's visitor list. To remove a visitor from their approved visitor list, inmates shall submit a written request to the visiting staff. After six months, the inmate may make a written request to have the visitor placed back on their approved visitor list. At this time, the visitor shall reapply for approval to visit by submitting a visiting questionnaire.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2080, 2086, 2930, and 5054, Penal Code.

HISTORY:

1. Amendment of subsection (b) filed 8-27-82; effective thirtieth day thereafter (Register 82, No. 35).
2. Repealer and new section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).
3. Change without regulatory effect amending Note filed 5-22-2003 pursuant to section 100, Title 1, California Code of Regulations (Register 2003, No. 21).

3172. Applying to Visit an Inmate.

(a) It is the inmate's responsibility to forward a visiting questionnaire to any prospective visitor.

(b) All adults seeking to visit an inmate shall provide a completed visiting questionnaire and obtain institution/facility approval before they may be permitted to visit with an inmate.

(1) An emancipated minor shall apply as an adult visitor, and shall provide a certified copy of the court order granting emancipation.

(2) A minor legal spouse of an inmate may apply to visit the inmate as an adult visitor with a certified copy of their marriage license.

(c) Minor visitors shall have prior written approval from a parent or legal guardian unless the minor applies as an adult as provided in (b) above. Except when prior approval has been obtained from the institution head or designee for an inmate to visit with his or her unchaperoned minor children or siblings, visitors under 18 years of age shall be accompanied by an adult who is also approved to visit.

(d) It is a felony for any former prison inmate to come on institution/facility property for any reason, without prior approval of the institution head or designee. Requests must be made in writing and include a visiting questionnaire and a Certificate of Discharge. Parolees and prospective visitors under probation or civil addict outpatient supervision shall provide written proof of permission to make such a visit from their case supervisor.

(e) The visiting approval application process shall include an inquiry of personal, identifying, and the arrest history information of the prospective visitor sufficient to complete a criminal records clearance applicant and a decision by the institution/facility designated staff to approve or disapprove based upon the information provided. This information is subject to periodic review by designated staff. Any change in the visitor's name, address, telephone number, or arrest history must be reported and may require submission of an updated questionnaire in order to retain the status of an approved visitor.

(f) Previously approved visitors shall submit a new visiting questionnaire prior to visiting any inmate who has been returned to an institution/facility from parole or admitted into a substance abuse treatment control unit while on parole. The visitor shall not be allowed to visit prior to obtaining the institution/facility approval.

(g) The applicant shall return the completed questionnaire to the institution/facility via common carrier or personal delivery (except

as provided in subsection (d) above) addressed to the attention of "Visiting". Any questionnaire received by the visiting office directly from an inmate shall be disapproved. Approved visitors required to update information in accordance with (e) above, shall, absent information which would warrant immediate disapproval, be allowed to continue to visit pending review and approval/disapproval of the questionnaire.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 4570.5 and 5054, Penal Code.

HISTORY:

1. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
2. Repealer and new section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).
3. Change without regulatory effect amending Note filed 5-22-2003 pursuant to section 100, Title 1, California Code of Regulations (Register 2003, No. 21).

3172.1. Approval/Disapproval of Prospective Visitors.

(a) The authority to approve or disapprove prospective visitors may be delegated by the institution head. This authority shall not be delegated below the level of a correctional sergeant or parole agent II.

(b) Reasons for disapproving a prospective visitor include but are not limited to the following:

(1) The prospective visitor has outstanding arrests/warrants including a Department of Motor Vehicles Failure to Appear notice with no disposition from the court.

(2) The prospective visitor has one felony conviction within the last three years or two felony convictions within the last six years or three or more felony convictions during the last ten years.

(3) The prospective visitor has any one conviction of the following types of offenses:

(A) Distributing a controlled substance into or out of a state prison, correctional institution/facility or jail.

(B) Transporting contraband (weapons, alcohol, escape and drug paraphernalia, etc.) in or out of a state prison, correctional institution/facility or jail.

(C) Aiding or attempting to aid in an escape or attempted escape from a state prison, correctional institution/facility or jail.

(D) The prospective visitor is a co-offender of the incarcerated inmate.

(4) The prospective visitor is a former prison inmate who has not received the prior written approval of the institution head or designee. After one year from the date of a former inmate's discharge from an institution/facility, or after discharge from parole or outpatient status, the institution head will only deny visiting by a former prison inmate for reasons that would apply to any other person as set forth in this article.

(5) The prospective visitor is a supervised parolee, probationer, or on civil addict outpatient status and has not received written permission of his or her case supervisor and/or the prior approval of the institution head.

(6) The identity of the prospective visitor or any information on the visiting questionnaire, is omitted or falsified.

(A) If the prospective visitor has omitted information, the request to visit shall be reconsidered when the information is provided.

(B) If the applicant has falsified information no other request to visit shall be considered until six months after the date of disapproval.

(C) When positive identity cannot be established or clearing the criminal history of the prospective visitor is not possible due to inadequate or conflicting information, the visiting request will be reconsidered when positive identity is established.

(c) The documentation of the approval or disapproval of an application to visit shall be in writing.

(1) If the application is approved, the inmate shall be notified in writing and is responsible for informing their prospective visitor(s) of the institution/facility decision to approve the application.

(2) If disapproved, the prospective visitor and inmate shall both be notified in writing. The prospective visitor's notification shall include the specific reason(s) for disapproval and instructions regarding the process for reconsideration.

(d) The prospective visitor may appeal the disapproval by following the established visitor appeal process described in section 3179.

(e) Approval to visit an inmate is conditioned upon compliance with all laws, regulations, and procedures governing visitor conduct on institution/facility property.

(f) There are no restrictions on the number of inmates that a visitor may be approved to visit at one or more institution/facility.

(g) Any visitor approved for visiting at one institution/facility shall be approved to visit the same inmate upon transfer to another institution/facility provided the visitor's approval status remains unchanged.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3172.2. Minimum Visiting Days and Hours.

(a) Each institution/facility shall provide visiting for no less than 12 hours per week. Any reduction of an institution/facility visiting schedule below 12 hours shall require the prior approval of the director or designee. Regular visiting days shall be consecutive and include Saturday and Sunday.

(b) Each institution head shall develop an operational supplement that includes the respective visiting schedules as follows:

(1) Regular Visiting Days: Four days (Thursday through Sunday); or Three days (Friday through Sunday); or Two days (Saturday and Sunday); and

(2) Holiday Visiting Days: New Year's Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.

(3) Visiting Appointments: The institution/facility shall specify procedures and criteria for scheduling visiting appointments for non-contact visits in accordance with the provisions of this article.

(c) When a holiday listed in (b)(2) occurs on a day not regularly scheduled for visiting, each institution/facility shall provide the same number of hours of visiting on that holiday as for any single regularly scheduled visiting day.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600 and 5054, penal code. *In re French*, 164 Cal.Rptr. 800 (1980).

HISTORY:

1. New section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3173. Processing of Approved Visitors.

(a) Approved visitors shall complete a visitor pass upon their arrival at the institution/facility visitor processing center and their approval to visit shall be verified.

(b) All adult visitors shall present picture identification before being permitted to visit. For each minor, a certified record of birth (official birth certificate, or county embossed abstract of birth) shall be presented during each visit.

(c) Acceptable proof of picture identification for visitors may be, but is not restricted to, the following valid documents:

- (1) Driver's license with picture,

(2) Department of Motor Vehicles identification card with picture,

(3) Picture passport,

(4) Armed forces identification card with picture,

(5) Picture identification cards issued by the United States Department of Justice—Immigration and Naturalization Service, or

(6) Picture identification issued by the Mexican Consulate.

(d) Minors may be allowed to visit an inmate subject to the restrictions of section 3173.1. If the accompanying adult is not the parent or legal guardian of the minor, a notarized written consent shall be required from a person with legal custody of the minor, authorizing the minor to visit while accompanied by a designated adult.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 4570.5 and 5054, Penal Code.

HISTORY:

1. Amendment of subsections (h) and (p) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34). For prior history, see 78, No. 33, 78, No. 30; 78, No. 12; 77, No. 40; 77, No. 20, and 77, No. 9.
2. Amendment of subsection (m) filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
3. Amendment of subsections (b), (g) and (k) filed 8-23-82; effective thirtieth day thereafter (Register 82, No. 35).
4. Amendment of subsection (f) filed 8-27-82; effective thirtieth day thereafter (Register 82, No. 35).
5. Change without regulatory effect amending section filed 10-29-90 pursuant to section 100, Title 1, California Code of Regulations (Register 91, No. 6).
6. Editorial correction of printing errors in subsections (f), (g) and (h) (Register 92, No. 5).
7. New subsections (p) and (q) filed 2-11-98 as an emergency; operative 2-11-98 (Register 98, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-11-98 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 2-11-98 order transmitted to OAL 5-4-98 and filed 6-16-98 (Register 98, No. 25).
9. Change without regulatory effect amending subsection (f) filed 12-18-98 pursuant to section 100, Title 1, California Code of Regulations (Register 98, No. 51).
10. Repealer and new section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).
11. Change without regulatory effect amending Note filed 5-22-2003 pursuant to section 100, Title 1, California Code of Regulations (Register 2003, No. 21).

3173.1. Visiting Restrictions with Minors.

(a) For inmates convicted of Penal Code (PC) Section(s) 261, 264.1, 266c, 269, 285, 286, 288, 288a, 288.5, or 289 when the victim is a minor, visitation with the minor victim shall be prohibited, except as authorized by an order of the juvenile court pursuant to Welfare and Institutions Code Section 362.6. Visitation pursuant to such an order shall be limited to non-contact status.

(b) For inmates convicted of PC Section(s) 261, 264.1, 266c, 285, 286, 288, 288a, 288.5, or 289 when the victim is a minor, visitation with any minor who is not the victim of the crime shall be limited to non-contact status except as authorized by the Institution Classification Committee.

(c) For inmates convicted of PC Section(s) 273a, or 273d, visitation with the minor victim shall be limited to non-contact status.

(d) For inmates convicted of violating PC Section(s) 187, 269, 273a, 273ab, or 273d, when the victim is a minor, visitation with any other minor shall be limited to non-contact status except as authorized by the Institution Classification Committee.

(e) When an inmate has been arrested, but not convicted, of any crime involving a minor victim included in this Section, a clas-

sification committee shall determine whether all visitation with a minor(s) is to be limited to non-contact status.

Unless otherwise prohibited, the inmate's visiting status shall be unrestricted until a classification committee has done the following:

(1) Made a case-by-case determination whether the inmate poses a threat of harm to minor visitors in contact visitation.

(2) Considered the circumstances of the misconduct involving a minor victim in determining whether the inmate poses a threat of harm to minor visitors in contact visitation. In making its determination, the classification committee shall consider, but is not limited to, arrest reports, probation officer reports, court transcripts, parole revocation transcripts.

(f) If a classification committee, when making a decision regarding the visiting status of an inmate described in (e) above, determines that the inmate will pose a threat of harm to minor visitors in contact visitation, it will order all the inmate's visitation with minors be restricted to non-contact visiting status.

(g) If an inmate disagrees with the decision of a classification committee, the inmate may file an inmate grievance via the CDC Form 602 appeal process as outlined in sections 3084.1 through 3085.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1202.05, 5054 and 5054.2, Penal Code; Section 362.6, Welfare and Institutions Code; and *People v. Glass* (2004) 114 Cal. App. 4th 1032.

HISTORY:

1. New section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).
2. Repealer and new section and amendment of Note filed 12-5-2005 as an emergency; operative 12-5-2005 (Register 2005, No. 49). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 5-15-2006 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 12-5-2005 order, including amendment of subsections (f) and (g), transmitted to OAL 4-24-2006 and filed 6-6-2006 (Register 2006, No. 23).
4. Amendment of subsections (a)–(c) and amendment of Note filed 10-6-2009; operative 10-6-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 41).

3173.2. Searches and Inspections.

(a) Any person coming onto the property of an institution/facility shall be subject to inspection as necessary to ensure institution/facility security including prevention of the introduction of contraband. Inspections may include a search of the visitor's person, personal property and vehicle(s) when there is reasonable suspicion to believe the visitor is attempting to introduce or remove contraband or unauthorized items or substances into, or out of, the institution/facility.

(b) Visitors shall not be forcibly searched unless institution/facility officials possess a court issued warrant to conduct the search, or are being detained for unlawful actions or activities in accordance with section 3292.

(c) Visitors shall be required to submit to contraband and/or metal detection device(s), and a thorough search of all personal items, including inspection of a wheelchair, implant, prosthesis or assistive device, prior to being allowed to visit with an inmate.

(d) Visitors with medically implanted or prosthetic devices:

(1) Visitors with temporary or permanent medically implanted or prosthetic device(s) who cannot clear the metal detection device and/or visitors who require the use of a wheelchair or other assistive devices for mobility impairment shall present a letter of verification signed by their physician, physiatrist, prosthetist, or orthotist. The letter must confirm the mobility impairment, and/or the nature of the medically implanted or prosthetic device and its specific location in/on the body, and the need for any assistive device.

(2) Visitors with a temporary medically implanted or prosthetic device(s) shall be required to renew the verification letter, as described in subsection 3173.2(d)(1), every two years.

(3) Visitors with a permanent medically implanted or prosthetic device(s) shall be required to update the verification letter, as described in subsection 3173.2(d)(1), to coincide with any changes to the device(s).

(e) Visitors who require the use of a wheelchair shall temporarily transfer to a designated institution/facility wheelchair, when available, while visiting staff conduct an inspection of the visitor's wheelchair. Visitors who present a letter signed by their physician that confirms the need for using a battery powered or custom designed wheelchair shall be exempt from the requirement of transferring from their personal wheelchair. In such cases, the visitor shall permit an inspection of the personal wheelchair and allow a hand held metal detection device to be used.

(f) Except as provided in subsection (b), if the search of any visitor's person, property or vehicle exceeds that which is normally required for all visitors, the visitor shall be informed in writing of the reason for the search and the name of the official ordering the search. Consent shall be obtained from the visitor prior to the search.

(g) A visitor who refuses to be searched shall be denied visiting for that day.

(1) The inmate and the visitor who refused to be searched shall be notified in writing as described in section 3176(a)(3).

(2) Future visits may be conditioned upon the visitor's willingness to submit to a search prior to each visit for as long as institution/facility officials have reasonable suspicion to believe that the visitor will attempt to introduce contraband or unauthorized substances into the institution/facility.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).
2. Amendment of subsections (a) and (g)(2) filed 4-7-2008; operative 5-7-2008 (Register 2008, No. 15).
3. Amendment of subsection (d) and new subsections (d)(1)–(3) filed 5-25-2010; operative 6-24-2010 (Register 2010, No. 22).

3174. Standards of Dress for Inmate Visitors.

(a) Visitors are expected to dress appropriately and maintain a standard of conduct during visiting that is not offensive to others. Consistent with the goal of making visiting a safe, positive, constructive time for families and staff, the following standards shall apply:

(1) Visitors shall remain fully clothed at all times in the visiting room.

(2) Appropriate attire includes undergarments; a dress or blouse/shirt with skirt/pants/or shorts; and shoes or sandals.

(3) For security reasons, no brassiere will have metal underwires.

(b) Prohibited attire consists of:

(1) Clothing that resembles state-issued inmate clothing (blue denim or blue chambray shirts and blue denim pants);

(2) Clothing that resembles law enforcement or military-type clothing, including rain gear;

(3) Clothing or garments that:

(A) Expose the breast/chest area, genitals or buttocks;

(B) By design, the manner worn, or due to the absence of, excessively allows the anatomical detail of body parts or midriff to be clearly viewed;

(C) Are sheer, transparent or excessively tight;

(D) Expose more than two inches above the knee, including slits when standing.

(E) Undergarments shall be worn beneath translucent clothing, under all circumstances.

(4) Clothing or accessories displaying obscene or offensive language, drawings or objects.

(5) Gloves, head coverings (except clear, see-through rain gear), and readily removable wigs or hairpieces. The institution head or designee may grant an exception for a visitor to wear gloves, head coverings, and/or readily removable hairpieces or wigs, based upon verification of need. Written approval shall be required prior to visiting and subject to staff inspection during any visit. The institution head or designee may also grant a general exception allowing visitors to wear gloves and head coverings based upon weather conditions at the institution/facility.

(6) Any other clothing, garment or accessory when worn in a manner that would be prohibited in (b)(1) through (5) above.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment of subsection (d) filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment of subsection (e) filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
3. Amendment filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
4. Amendment of subsection (e) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
5. Amendment of subsection (e) filed 8-23-82; effective thirtieth day thereafter (Register 82, No. 35).
6. New subsection (f) filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).
7. Change without regulatory effect amending section filed 10-29-90 pursuant to section 100, Title 1, California Code of Regulations (Register 91, No. 6).
8. New subsections (e)(1)–(2) and amendment of Note filed 2-27-95 as an emergency; operative 5-30-95 (Register 95, No. 9). A Certificate of Compliance must be transmitted to OAL by 11-6-95 or emergency language will be repealed by operation of law on the following day.
9. New subsections (e)(1)–(2) and amendment of Note refiled 11-7-95 as an emergency; operative 11-7-95 (Register 95, No. 45). A Certificate of Compliance must be transmitted to OAL by 4-14-96 or emergency language will be repealed by operation of law on the following day.
10. Editorial correction of History 9 (Register 96, No. 21).
11. Repealer of subsections (e)(1) and (e)(2) and reinstatement of Note as it existed prior to emergency amendment filed 5-30-95 pursuant to Government Code section 11349.6(d) (Register 96, No. 21).
12. New subsections (e)(1) and (e)(2) and amendment of Note filed 6-7-96 as an emergency; operative 6-7-96 (Register 96, No. 23). A Certificate of Compliance must be transmitted to OAL by 10-7-96 or emergency language will be repealed by operation of law on the following day.
13. Editorial correction of subsection (e)(2) (Register 96, No. 40).
14. Change without regulatory effect amending Note filed 10-1-96 pursuant to section 100, Title 1, California Code of Regulations (Register 96, No. 40).
15. Certificate of Compliance as to 6-7-96 order transmitted to OAL 10-3-96 and filed 11-18-96 (Register 96, No. 47).
16. Editorial correction of History 9 (Register 99, No. 4).
17. Repealer and new section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3175. Standards of Conduct for Inmates and Their Visitors.

(a) Inmates and visitors shall comply with all laws, regulations, and institution/facility procedures. Any violation may result in denial, termination, suspension, restriction, or revocation, of visiting as described in section 3176.

(b) Accompanying adults shall ensure that minors remain under their constant control and supervision.

(c) Nursing mothers shall be discreet and covered when breastfeeding their child in the visiting area. Failure to do so shall result in termination of visiting for that day.

(d) Inmates and their visitors may hold hands.

(e) At the beginning and end of each visit, inmates and their visitors may briefly embrace and/or kiss.

(f) An inmate may hold his or her minor children. Inmates may also hold minor children accompanied by an adult.

(g) Except as provided in this section, no other bodily contact shall be permitted.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment of subsections (h) and (i) filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
2. Amendment filed 8-23-82; effective thirtieth day thereafter (Register 82, No. 35).
3. Amendment of subsection (g)(1) filed 2-7-83 as an emergency; effective upon filing (Register 83, No. 7).
4. Order of Repeal of 2-7-83 emergency order filed 2-10-83 by OAL pursuant to Government Code section 11349.6 (Register 83, No. 7).
5. Repealer and new section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3176. Denial, Restriction, Suspension, Termination or Revocation of Visits and Exclusion of a Person.

The terms “approve,” “disapprove,” “deny,” “restrict,” “suspend,” “terminate,” “revoke,” and “reinstate” as used in this article apply to actions which may be taken by the institution head or designee for the administration of visiting. The director or institution head may, for cause, exclude a person from entering institutions/facilities of the Department. All such actions are subject to the provisions set forth in this article.

(a) The official in charge of visiting may deny an approved visitor access to an institution/facility, terminate, or restrict a visit in progress for the following reasons:

(1) The visitor appears to be under the influence of alcohol, drugs or other substance to the extent that his or her presence in the institution/facility would pose an undue threat to his or her safety or the safety of others, or to the security of the institution/facility.

(2) The visitor does not provide the identification and/or documentation required as set forth in these regulations.

(3) The visitor refuses to submit to a search and inspection of his/her person or vehicles and property brought onto the institution/facility grounds.

(A) Visitors who refuse to submit to an unclothed body search, where probable cause exists, shall have their visiting privileges denied for that day. Future visits may be conditioned upon the visitor's willingness to submit to an unclothed body search prior to being allowed to visit. Such searches may be repeated on subsequent visits for as long as institution/facility officials have probable cause to believe that the visitor will attempt to introduce contraband or unauthorized substances or items into the institution/facility.

(B) The willingness or unwillingness of the visitor to submit to a search shall not affect conditions or restrictions placed on an inmate's visiting privileges by a disciplinary or classification committee unless the inmate is found in a subsequent disciplinary hearing to have been a conspirator to smuggle contraband into or out of the institution/facility.

(4) Conduct in violation of institution/facility procedures, including excessive physical contact, refusal to follow staff instructions, disruption of the visiting/processing area, destruction/alteration of visiting documents, or any other behavior that would

constitute a misdemeanor or felony or repetition of less serious violations and disregard for a warning about such violations.

(5) The visitor is not appropriately dressed.

(6) The visitor is under 18 years of age and the conditions prescribed in section 3173(b) have not been met.

(7) The visitor has a medically implanted or prosthetic device, cannot clear the contraband or metal detection devices, and does not provide the written verification required in section 3173.2(d).

(8) The visitor requires the use of a wheelchair or other assistive device(s) for mobility impairment, but does not provide the written verification as required in section 3173.2(e), or refuses to temporarily transfer to a designated institution/facility wheelchair while the visitor's personal wheelchair is being inspected.

(9) The maximum capacity of the visiting area has been reached and to allow others to visit it is necessary to terminate the visits of those persons who have been visiting for the longest period of time. Exceptions shall include, but are not limited to the following:

(A) Excessive Distance: The visitor has traveled a distance of 250 miles or more, and has not visited within the last 30 days. This exception applies to two consecutive days of visiting.

(B) Weddings: When an inmate and the visitor's marriage ceremony occurred on that day.

(C) Disabled: A disabled visitor who must rely on special transportation to the institution/facility.

(D) Family Emergencies: When death, serious illness or injury occurs to an inmate's immediate family as defined in Section 3000. Clergy or approved visitors may visit the inmate to offer condolences or inform the inmate of the occurrence.

(E) Infrequent Visits: When the visitor has not visited the inmate in the last six months.

(10) When the overcrowding situation persists, visits of those remaining will be terminated as necessary.

(b) Written notification shall be provided to the visitor when action is taken by the official in charge of visiting to deny, terminate or restrict a visit. The written notification shall contain information instructing the visitor how to appeal the action as outlined in section 3179.

(c) The institution head or designee may revoke or suspend an approved visitor's future visits for a specified period of time for the following reasons:

(1) Information, which would have resulted in disapproval of visits in section 3172.1, becomes known after approval to visit has been granted.

(2) The visitor has been involved in a serious violation or multiple less serious violations of CDC regulations.

(3) Visitors who participate in Sexual Activity in a visiting room may have their access to the visiting program suspended for up to 6 months. A second violation may result in a suspension of up to one year. A third or subsequent violation may result in exclusion.

(d) The ranking custody officer on duty or the official in charge of visiting may restrict visits, but may not deny visiting, as a temporary security measure when an inmate is scheduled for a hearing on a serious rules violation or for classification on an order for placement in administrative segregation. Subsequent disciplinary or classification committee action will supersede any such temporary action.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Editorial correction of printing error in subsection (c) (Register 92, No. 5).
2. Repealer and new section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3. Amendment of subsection (a)(9)(D) filed 10-16-2007; operative 11-15-2007 (Register 2007, No. 42).

4. New subsection (c)(3) filed 10-6-2009; operative 10-6-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 41).

3176.1. Visitor Violation Process.

Any person seeking entry into an institution/facility for the purpose of visiting an inmate shall be subject to all applicable laws, rules and regulations. Any person violating a law, rule or regulation while visiting shall be subject to warning, termination, suspension, and/or revocation of their visiting privileges as described below:

(a) Warning. Visitors may be verbally warned about violations of applicable law, rules, regulations or of local procedures governing visits. When a verbal warning achieves corrective action, a written report of the misconduct or warning is not necessary.

(b) Termination. When verbal warnings and/or restrictions fail to achieve compliance, or fail to deter conduct by a visitor that if committed by an inmate would constitute a serious rules violation, the visit shall be terminated and documented in writing.

(c) Suspension up to six months. For serious or repeated violations of the rules, regulations, or procedures, and/or upon belief of the visitor's involvement in a criminal act and pending the outcome of an investigation, the official in charge of visiting may impose a suspension of the visitor's access to the visiting program for up to 6 months. The length of suspension shall be commensurate with the seriousness of the violation.

(d) Suspension up to 12 months. The institution head or designee may impose a suspension of visiting for up to 12 months when a visitor is involved in criminal activity on institution/facility property, which constitutes a misdemeanor.

(e) Suspension up to 24 months. The director or designee may impose a suspension of visiting privileges up to 24 months when a visitor is involved in criminal activity on institution/facility property, which constitutes a felony.

(f) Revocation. Subsequent discovery of information that would have resulted in disapproval or disqualifying conduct are grounds for revocation of the previously granted permission to visit an inmate.

(g) The visitor and the inmate shall be notified in writing of all formal warnings, terminations, suspensions and revocations. The notice shall clearly state the reason for the action and length of time any sanction will apply. The notification shall also include the signature of the official taking the action and advise the visitor of the right to appeal in accordance with section 3179. The notification shall be provided to the visitor at the time of the action or mailed to the visitor's last known address within five working days of the action.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3176.2. Violation of State Law on Institution/Facility Property.

Any violation of state law, misdemeanor, or felony committed on institution/facility grounds or property by a visitor may be referred to prosecuting authorities.

(a) Upon determination by the official in charge of visiting that a violation of state law has occurred, the visitor's access to the visiting program shall be suspended pending investigation, prosecution, and service of any sentence by the court.

(1) If the individual is not prosecuted, or upon completion of any court ordered sentence, approval to visit shall be reconsidered upon the visitor's written request.

(2) If a court finds the individual not guilty, a prior approval to visit shall be reinstated upon written request of the visitor.

(b) Regardless of the outcome of any referral to prosecuting authorities, future visits are subject to restrictions as provided in section 3176.1.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3176.3. Exclusion of a Person from Institutions/Facilities.

(a) The term “exclusion” as used in this article describes an administrative action by the director or institution head to bar, for cause, a person from entering institutions/facilities of the department, when that person would otherwise be permitted to enter. The director may delegate the authority for exclusion no lower than the rank of deputy director. The institution head may delegate the exclusion authority not lower than the chief deputy warden. Any person, including employees of the department, attorneys, attorney representatives, representatives of the news media, and delivery persons, may be excluded. The exclusion of a person is effected by issuance of an exclusion order.

(b) Exclusion orders shall be issued only when the director or institution head determines one or more of the following:

(1) The person’s presence in the institution/facility presents a serious threat to security.

(2) The person is charged with a felony.

(3) The person is under investigation for a felony committed on institution/facility property.

(4) The person’s purpose for entering an institution/facility is no longer valid or has been lawfully terminated.

(5) The person has committed any offense described in subsection 3178(s)(3) for which exclusion is an appropriate penalty.

(6) The person has violated subsection 3176(c)(3) for which exclusion is an appropriate penalty.

(c) A temporary exclusion may be ordered pending investigation and/or verification of the cause for exclusion.

(d) The director or designee may exclude a person from any or all institutions/facilities. An institution head or designee may issue an order to exclude a person only from the institution/facility within his/her jurisdiction.

(e) When the institution head’s exclusion order affects an inmate’s attorney, or when the matter may have department wide significance, an immediate telephone report will be made to the director. In all instances of exclusion a written report will be made to the director or designee within two working days of the effective date of the order.

(f) The person excluded shall be provided with written notification of the action taken. The notification shall advise the person that, upon request, a meeting with the official who ordered the exclusion may be arranged at the convenience of both parties, and that he/she may bring other persons to the meeting, including an attorney, and any information or evidence to support his/her position. Following the meeting, the person shall be provided the official’s written decision within 20 working days.

(1) If the exclusion is modified to permit the person’s entry only under special conditions, the reasons shall be given.

(2) If an institution head ordered the exclusion, the person shall also be informed that the decision may be appealed to the director.

(3) A copy of the letter to the person shall be forwarded to the director or designee and a copy shall be retained in the institution/facility files.

(4) If the exclusion letter is rescinded in full, notice of the rescission will be given in writing to the person, with a copy to the director or designee.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).
2. Change without regulatory effect amending subsection (b)(5) filed 3-27-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 13).
3. New subsection (b)(6) filed 10-6-2009; operative 10-6-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 41).

3176.4. Restriction, Revocation or Suspension of an Inmate’s Visits.

(a) Designated staff, not below the rank of correctional lieutenant or parole agent II, may temporarily impose non-contact visiting restrictions as a necessary security measure for an inmate who is pending a serious disciplinary hearing for the distribution and/or possession/control of a controlled substance, possession of money or other dangerous contraband that has been introduced into the institution/facility, or for other violations related to visiting.

(b) Pursuant to section 3314, a hearing officer conducting an administrative rules violation hearing may restrict an inmate’s visiting privileges for up to 30 days when the inmate is found guilty of visiting related misconduct.

(c) Upon a finding of guilt of a drug related offense, as described in subsections 3323(c)(7) and/or 3323(d)(6), the official conducting a disciplinary hearing, shall suspend and restrict an inmate’s visiting privileges pursuant to subsections 3315(f)(5)(H) and 3315(f)(5)(I).

(d) Pursuant to section 3315, the official conducting a disciplinary hearing may suspend or restrict an inmate’s visiting privileges for up to 90 days, when the inmate is found guilty of any of the following serious rule violations:

(1) Possession of \$5.00 or more without authorization.

(2) Visiting related violations presenting a threat as described in section 3315(a)(2).

(3) Serious or repeated violations of visiting regulations or procedures.

(e) Suspension and or restriction of visiting may be imposed by a classification committee for a specific period of time when there is substantial reason(s) to believe that the inmate poses a threat to the security of the institution/facility and or safety of persons.

(1) Separate from the disciplinary authority of the senior hearing officer as provided in section 3315, a classification committee may suspend and restrict the visiting privileges of an inmate found guilty of multiple visiting related violations as described in section 3176.4(d). The committee may impose the following suspensions and restrictions:

(A) Suspension of visiting privileges for up to 90 days, to be followed by non-contact visiting for up to 180 days for any second offense which occurs within two years from the date of a previous offense.

(B) Suspension of visiting privileges for up to 180 days, to be followed by non-contact visiting for up to 180 days for any third offense which occurs within two years from the date of a first offense.

(2) A classification committee may impose a loss of visits for 180 days, to be followed by non-contact visits for 180 days, for escape or attempted escape when the inmate is found guilty by a disciplinary hearing officer or court.

(f) When the inmate’s visiting privilege status has been modified or changed, the inmate shall be responsible for promptly notifying his or her visitor(s) of the action taken.

(g) Any suspensions under this section shall not apply to attorney visits including visits by attorney representatives.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2086, 2772, 2790, 4502, 4535, 4571, 4573, 4573.5, 4573.6 and 5054, Penal Code; and *In re French*, 106 Cal.App.3d 74 (1980).

HISTORY:

1. New section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3177. Family Visiting (Overnight).

Institution heads shall maintain family visiting policies and procedures. Family visits are extended overnight visits, provided for eligible inmates and their immediate family members as defined in Section 3000, commensurate with institution security, space availability, and pursuant to these regulations. Each institution shall provide all necessary accommodations, except for food, at no cost to the inmates and their visitors. Institutions shall require eligible inmates to purchase all food for the family visit through the institution family visiting coordinator. Each institution family visiting menu shall provide a balanced variety of nutritional selections. At all CDC conservation camps, the visitors shall be required to bring all food for the visit.

Only those immediate family members as defined in Section 3000, including registered domestic partners, are authorized for family visits.

(a) When a bona fide and verified foster relationship exists between an inmate and another person, by virtue of being raised in the same foster family, the person may be approved for family visiting with the prior approval of the institution head or designee.

(b) Family visiting is a privilege. Eligibility for family visiting shall be limited by the assignment of the inmate to a qualifying work/training incentive group as outlined in section 3044.

(1) Family visits shall not be permitted for inmates convicted of a violent offense involving a minor or family member or any sex offense, which includes but is not limited to the following Penal Code sections: 187 (when the victim is a family member as defined in Section 3000 or minor); 192 (when the victim is a family member or minor); 243.4; 261; 261.5; 262; 264.1; 266c; 266j; 273a; 273d; 273.5; 273.6; 285; 286; 288; 288a; 288.2; 288.5; 289; 289.5; 311.1; 311.2; 311.3; 311.4; 313.1; 314; or 647.6.

(A) Inmates may be prohibited from family visiting where substantial documented evidence or information of the misconduct described in section 3177(b)(1) exists, without a criminal conviction. The evidence or information appropriate for the purpose of this regulation shall include rule violation reports as well as the standard described in section 3173.1.

(B) Family visiting shall be restricted as necessary to maintain order, the safety of persons, the security of the institution/facility, and required prison activities and operations, pursuant to section 3170.

(2) Family visits shall not be permitted for inmates who are in any of the following categories: sentenced to life without the possibility of parole; sentenced to life, without a parole date established by the Board of Prison Terms; designated Close A or Close B custody; designated a condemned inmate; assigned to a reception center; assigned to an administrative segregation unit; assigned to a security housing unit; designated "C" status; guilty of one or more Division A or Division B offense(s) within the last 12 months; or guilty of narcotics distribution while incarcerated in a state prison.

(3) Family visits shall be permitted only in CDC institutions and conservation camps.

(c) Unescorted minors of the inmate's immediate family shall not participate in family visits. Exceptions include an inmate's legal spouse, the inmate's children or legal stepchildren and the in-

mate's own brothers or sisters when the institution head or designee approves such unchaperoned visits.

(d) Inmates shall not be eligible for a family visit while any action that restricts, suspends, or denies their contact with a visitor or visitors during regular visiting is in effect. Family visits may be revoked or suspended without such action affecting an inmate's eligibility for contact or non-contact visits.

(e) Each inmate shall be subject to disciplinary action, which may include suspension or exclusion from participation in the family visiting program, for any willful damage of the unit and/or furnishings or for failure to maintain the cleanliness of the family visiting program unit.

(f) Visitors failing to report to the visitor processing area by 11:00 a.m. without the notification and approval of the family visiting coordinator are subject to cancellation of the visit and suspension of family visiting program privileges for six months.

(g) Inmates with a disability requiring an accommodation for family visits shall give 72 hours notice of any request for accommodation.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 297.5, Family Code; and Section 5054, Penal Code.

HISTORY:

1. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment of subsection (c) filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
3. Amendment of subsection (c)(4) and new subsection (c)(13) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
4. Amendment of subsection (c)(11)(C) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).
5. Amendment of subsection (c)(10)(C) filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
6. Amendment of subsections (c)(11)(B) and (c)(12) filed 8-23-82; effective thirtieth day thereafter (Register 82, No. 35).
7. Amendment of subsection (c)(3) filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).
8. Change without regulatory effect amending subsection (c)(9)(C) filed 9-26-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 39).
9. New subsections (c)(11)(D) and (E) and subsection relettering filed 2-11-98 as an emergency; operative 2-11-98 (Register 98, No. 7). A Certificate of Compliance must be transmitted to OAL by 6-11-98 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 2-11-98 order transmitted to OAL 5-4-98 and filed 6-16-98 (Register 98, No. 25).
11. Repealer and new section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).
12. Change without regulatory effect amending subsection (b)(1) filed 12-4-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 49).
13. Amendment of first two paragraphs, subsection (b)(1) and Note filed 10-16-2007; operative 11-15-2007 (Register 2007, No. 42).

3178. Attorney Visitations and Consultation.

(a) The provisions of this section apply to any attorney or legal service organization as identified in section 3141(c)(8) authorized to practice law in California, another state, or the District of Columbia.

(b) A private consultation between an inmate and his or her attorney or attorney representative is known as an attorney visit. Attorney visits shall be conducted in a confidential area specified by the institution/facility. Attorney visiting shall normally be accommodated during the institution/facility regularly scheduled visiting days and hours. Where regular visiting is scheduled on both weekdays and weekends, the scheduling preference will be on weekdays

because of the personnel and resources needed for the greater volume of weekend visits by friends and relatives.

(1) When an institution/facility visiting schedule only provide(s) for visiting on weekends an attorney visit shall be scheduled during normal weekday business hours upon written request of the attorney or attorney representative.

(2) The institution head or the official in charge of visiting has the discretion to authorize a contact attorney visit for an inmate on non-contact visiting status.

(3) If an attorney, or attorney representative, does not desire private accommodations, the attorney or attorney representative may visit the inmate on any scheduled visiting day and shall be provided the same accommodations including the schedule, as a regular visitor.

(c) An attorney or court may designate other persons to act on their behalf as attorney representatives.

(1) Attorney representatives must be one of the following:

(A) A private investigator licensed by any state and sponsored by the attorney or appointed by the court.

(B) An investigator who is employed by a government agency, public agency or public institution.

(C) A law student sponsored by the attorney.

(D) A legal para-professional sponsored by the attorney or appointed by the court.

(E) An employee of an attorney, legitimate legal service organization, or licensed private investigator who is sponsored by the attorney or licensed private investigator.

(2) Personnel retained by an attorney or attorney representative, including, but not limited to certified sign language interpreters, certified language interpreters and court reporters may accompany the attorney or attorney representative during the private consultation and are required to provide the information requested in (c)(3) below. Licensed mental or medical health care professionals may also serve as attorney representatives and do not have to be accompanied by the attorney.

(3) The designation shall be in writing and signed by the attorney and/or judge, and shall contain the following:

(A) The designee's name and position of employment or title.

(B) The designee's date of birth, driver's license and social security number.

(C) Certification, in the form of a license that the representative is a licensed private investigator retained by the attorney or appointed by the court; or valid identification that the investigator is employed by a government agency, public agency, or public institution; or a letter in the form of a declaration, that the attorney representative is being sponsored by the attorney and that the attorney accepts responsibility for all actions taken by the attorney representative.

(D) The name and CDC number of the inmate(s) to be visited.

(E) The designation shall be presented by the representative at the time of their visit and shall be subject to verification by institution/facility staff.

(4) Attorney representatives shall be afforded the same accommodations and services and are subject to the same rules and regulations, as an attorney providing all other requirements of this article are met.

(d) An attorney who wishes to consult in person with an inmate shall contact the institution/facility at which the inmate is housed. The request shall be made by calling or writing (including via facsimile) the staff designated (usually the litigation coordinator) in the institution/facility operational supplement. In order to obtain approval/clearance, the attorney shall provide the following personal and professional information in writing (including via facsimile): name; mailing address; date of birth, valid driver's license

or state-issued identification card number; proof of current registry and good standing with a governing bar association; and indication of the jurisdiction(s) licensed to practice law. Requesting attorneys must also report any prior felony convictions, explain any prior suspension or exclusion from a correctional facility and declare one or more of the following:

(1) They are the inmate's attorney either by appointment by the court or at the inmate's request;

(2) They have been requested by a judge to interview a named inmate for purposes of possible appointment as counsel by the same court;

(3) They are requesting to visit an inmate who may be a witness directly relevant to a legal process, purpose, or proceeding;

(4) They are seeking to interview a named inmate, at the request of the inmate, for the purpose of representation of the inmate in a legal process, for a legal purpose or in a legal proceeding.

(5) They have been requested by a third party to consult with the inmate when the inmate cannot do so because of a medical condition, disability, or other circumstance.

(e) Any false statement or deliberate misrepresentation of facts specific to the information requested in subsection (d) above shall be grounds for denying the request and/or cause for subsequent suspension or exclusion from all institutions/facilities administered by the department.

(f) Upon receipt of the information specified in (d) above, a California Law Enforcement Telecommunications System check of the attorney through the Department of Justice and verification of the attorney's credential through the governing state bar will be conducted. Once the clearance and state bar verification have been obtained and approved, the attorney shall be contacted to schedule the initial in-person visit with the specified inmate(s). Attorneys and attorney representatives must report any change in personal or professional information, arrest history and declarations made in subsections (c) and (d) above to retain their approval/clearance.

(g) While five days notice to schedule an attorney visit is requested an approved attorney or approved attorney representative shall provide the institution/facility with no less than two business days notice to schedule a private consultation with an inmate. In an emergency, appointment requests may be cleared through the institution head or designee.

(h) Upon arrival at the institution/facility, the approved attorney shall be processed into the institution/facility in the same manner and under the same restrictions as regular visitors. Attorneys shall also be required to present their state bar card or other similar documentation that the attorney is currently registered in good standing with a state bar association.

(i) To follow-up on information obtained during a private consultation with an inmate, attorneys or attorney representatives may request to visit inmates other than those already formally represented. Such requests shall be considered subject to reasonable operational limitations. If the request imposes an unreasonable burden on staffing or unduly disrupts an institutional function, e.g., interferes with count or feeding, it will be deemed unreasonable and the request will be denied.

(j) When there is cause to believe an attorney or a legal service organization is abusing the privilege of private consultation with the inmate, the institution head is authorized to:

(1) Require proof that the inmate and attorney are involved in active litigation or have a legitimate legal reason for contact.

(2) Initiate an investigation of the facts and circumstances of the situation.

(k) An attorney request for the deposition of an inmate shall be made in writing to the institution head. The request shall include:

(1) The name and CDC number of the inmate.

(2) The name and other identifying information of the court reporter.

(3) The specific date and time requested for taking the deposition.

(l) Not more than two attorneys or attorney representatives may visit privately with an inmate or witness at the same time. Exceptions may be authorized by the official in charge of visiting commensurate with space and staff availability.

(m) Conversations between an inmate and an attorney and/or attorney representative shall not be listened to or monitored, except for that visual observation by staff, which is necessary for the safety and security of the institution/facility.

(n) All items, including legal documents permitted into the security area, shall be inspected for contraband and/or unauthorized items or substances. The inmate may retain and take from the visiting area any legal documents given to him or her by the attorney or attorney representative, providing the inmate consents to staff examination of the documents for contraband or unauthorized items or substances.

(1) Staff may open and inspect but shall not read any part of written or printed materials without the expressed consent of the attorney/attorney representative and inmate.

(2) Any and all items including written and printed material that an inmate and an attorney wish to exchange during the visit must be presented to the official in charge of visiting for inspection before it is brought into the visiting area. The purpose of this inspection is to ensure the contents pose no threat to the security or safety of the institution/facility, including the introduction of unauthorized drugs, controlled substances, and contraband as defined in section 3006.

(3) If the inmate does not consent to an inspection of the contents of a document given to the inmate by the attorney/attorney representative, it shall be returned to the attorney/attorney representative.

(o) After proper inspection, written and printed material may be exchanged. The attorney or attorney representative may retain and take from the visiting area and from the institution/facility any legal written or printed documents given to them by the inmate and not otherwise prohibited by law or these regulations.

(p) An attorney or attorney representative may be permitted, with the inmate's consent, to audio record the inmate's interview.

(1) The institution/facility shall make audio recording equipment available for such use. The interviewer may use personal recording equipment providing the equipment can be thoroughly inspected by staff before entry into the institution/facility.

(2) The attorney or attorney representative must provide a factory sealed audiocassette/compact disc(s).

(q) The institution head or designee may authorize video recording of inmate interviews, with the inmate's consent.

(1) Video recording equipment provided by the attorney shall be thoroughly inspected by staff before entry into the institution/facility and searched for contraband.

(2) If the attorney's or attorney representative's video equipment cannot be thoroughly searched without an undue risk of damage, the equipment shall be permitted only if the attorney or attorney representative agrees to pay for staff to escort and control the equipment while inside the institution/facility. The pay for such staff escorts shall be at the state established hourly wage, including rates for overtime when necessary.

(3) The attorney or attorney representative must provide factory sealed videotape(s).

(r) Attorneys shall not be permitted to attend or participate in any conference or committee meeting of staff and the inmate concerned, except as may be authorized in these regulations.

(s) Administrative action may be taken by the institution/ facility head or designee to restrict, where cause exists, the confidential

privileges, including confidential visiting, mail and/or telephone privileges, and/or normal visiting privileges afforded an attorney or attorney representative based upon the schedule contained in this section:

(1) A written warning notifying the attorney or attorney representative that the offender's confidential legal privileges are subject to modification/suspension and that the offender will be subject to exclusion for a minimum of six months. Written warnings are appropriate for minor infraction or violations of the institution/facility regulations, i.e., violations that cannot be prosecuted as either a misdemeanor or felony.

(2) Modification, suspension, or exclusion of visiting privileges for a period of at least six months shall occur in the event that the written warning above fails to deter or correct the offending behavior.

(3) Committing an act that jeopardizes the life of a person, violates the security of the facility, constitutes a misdemeanor or a felony, or is a reoccurrence of previous violations shall result in a one-year to lifetime exclusion depending on the severity of the offense in question. Exclusions shall be made in accordance with section 3176.3 and the appeal process in section 3179.

(t) The director or designee shall be notified in writing within 48 hours when administrative action is taken to restrict visiting privileges of an attorney or attorney representative.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2601, 4570.5 and 5054, Penal Code; and *Procurier v. Martinez*, 94 S. Ct. 1800 (1974).

HISTORY:

1. Amendment filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Repealer and new section filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
3. Amendment filed 8-23-82; effective thirtieth day thereafter (Register 82, No. 28).
4. Change without regulatory effect amending subsection(a) filed 1-12-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 3).
5. Repealer and new section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3179. Appeals Relating to Visiting.

(a) Inmates, and approved inmate visitors, and visiting applicants may appeal in writing department policies, staff decisions, and institution/facility procedures relating to visiting.

(1) Inmates shall use the established inmate appeal procedures as provided in section(s) 3084 through 3085.

(2) All appeals by approved inmate visitors and visiting applicants related to visiting shall be submitted to the institution head.

(b) Visitor appeals related to institution/facility procedures or staff decisions shall be addressed to the institution head. A written response shall be provided within 15 working days from receipt of the appeal. If dissatisfied with the institution/facility response or action, the appellant may refer their appeal, with a copy of the institution/facility decision, to the director or designee.

(c) Appeals related to visiting shall be addressed to the director. A written response to appeals addressed to the director shall be provided within 20 working days from the date of receipt.

(d) All subsequent decisions made, as the result of an appeal and the reasons for the decisions shall be documented with a copy to the appellant and/or inmate. Visiting privileges shall be promptly approved or restored when an investigation concludes that no violation of rules, regulations, or procedures took place.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Change without regulatory effect renumbering former section 3182 to section 3179 filed 6-28-95 pursuant to section 100, Title 1, California Code of Regulations (Register 95, No. 26).
2. Repealer and new section filed 2-18-2003; operative 3-20-2003 (Register 2003, No. 8).

3182. Minimum Visiting Days and Hours.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600, 2601 and 5054, Penal Code. *In re French*, 164 Cal. Rptr. 800 (1980).

HISTORY:

1. New section filed 1-13-93 as an emergency; operative 1-13-93 (Register 93, No. 3). A Certificate of Compliance must be transmitted to OAL 5-13-93 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-21-93 as an emergency; operative 5-21-93 (Register 93, No. 21). A Certificate of Compliance must be transmitted to OAL by 9-20-93 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-21-93 order transmitted to OAL 9-14-93; disapproved by OAL on 10-13-93 (Register 93, No. 42).
4. New section refiled 10-14-93 as an emergency; operative 10-14-93 (Register 93, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-11-94 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction adding History 2 (Register 93, No. 42).
6. New section refiled 3-9-94; operative 3-9-94 (Register 94, No. 10).
7. Change without regulatory effect renumbering former section 3182 to Section 3179 filed 6-28-95 pursuant to Section 100, Title 1, California Code of Regulations (Register 95, No. 26).

Article 8. Tobacco

3180. General Policy.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 308a and 5054, Penal Code.

HISTORY:

1. Amendment filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).
2. Repealer and new section filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
3. Repealer filed 2-6-90; operative 3-8-90 (Register 90, No. 6).

3181. Quantity.

1. Repealer of article 8 and section filed 10-29-90; operative 11-28-90 (Register 91, No. 6).

3187. Smoking Policy.

(a) The terms below are defined for the purposes of this section:

(1) Smoke or Smoking means the inhaling, exhaling, burning, or carrying of any lit cigarette, cigar, pipe, or smoking paraphernalia used for consuming the smoke of tobacco or any other burning product.

(2) Use means the use of any tobacco product.

(3) Residential Space means the private living areas of staff. Residential Space does not include the living areas of inmates or family visiting areas. Residential space includes, but is not limited to, residential areas at institutions, correctional training academies, and conservation camps.

(4) Facility means any building, areas of any building, or group of buildings owned, leased, or utilized by the Department. This shall include, but not be limited to, institutions, conservation camps, community correctional facility, and reentry furlough, and restitution centers.

(b) No person shall smoke within 20 feet of any operative window of, entrance/exit to, or within the interior of any state owned or state occupied building, with the following exceptions:

(1) Residential spaces of staff excluding correctional training academies, Bachelor Officer Quarters (BOQ) at conservation camps, and designated non-smoking housing on institutional grounds. For these excluded areas, smoking will be permitted for staff in designated areas at designated times.

(2) In areas designated by each institution head for the purpose of approved inmate religious ceremonies as specified.

(c) In addition to (b), no person shall smoke in any area that may pose a safety or security risk, e.g., within any fire hazardous areas.

(d) Signs shall be posted at entrances of all areas designated no smoking and, as necessary, any other outside areas of a facility not designated for smoking, along with a citation of the authority requiring such prohibition.

(e) No person shall smoke in any vehicle that is state-owned or -leased by the state.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5030.1 and 5054, Penal Code; Sections 7596-7598 and 19994.30-19994.32, Government Code.

HISTORY:

1. Renumbering of former section 3188 to new section 3187, including amendment of section and Note, filed 7-7-2005 as an emergency; operative 7-7-2005 (Register 2005, No. 27). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 12-14-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 7-7-2005 order transmitted to OAL 12-13-2005 and filed 1-26-2005 (Register 2006, No. 4).

3188. Tobacco Products.

(a) The terms below are defined for the purposes of this section:

(1) Advertise means the display or posting of any poster, sign, or other written or visual material that serves to communicate commercial information or images to the public.

(2) Tobacco product means any product that contains tobacco, the prepared leaves of any plant belonging to the nicotiana family, which shall include, but not be limited to, cigarettes, loose tobacco, cigars, snuff, chewing tobacco, or any other preparation of tobacco, tobacco substitutes, smoking paraphernalia, and all other items developed or processed for the primary purpose of facilitating the use or possession of tobacco or tobacco related products as well as packaging material. Packaging material includes, but is not limited to, snuff or cigarette containers.

(b) No tobacco product shall be advertised in any department-owned or -occupied facility with the exception of advertisements contained in a program, leaflet, newspaper, magazine, or other written material lawfully sold, bought, or distributed within a facility.

(c) Staff shall not use or possess tobacco products in the presence of inmates. No person shall possess or use tobacco products on the grounds of any institution/facility that houses or detains inmates, under the jurisdiction of the Department, except for the following:

(1) The use of tobacco products may be departmentally approved in inmate religious ceremonies.

(2) Tobacco products for personal use off facility grounds are permitted when secured in a locked private vehicle.

(3) Tobacco products for personal use are permitted in residential spaces of staff where inmates are not present. Use of tobacco products in residential space at correctional training academies, and in BOQ's at conservation camps, will be permitted only in designated areas with designated times to be determined by local operational procedures.

(4) Tobacco cessation products such as a patch, inhaler, or lozenges are permitted for use by staff, and must be for immediate personal use only.

(d) On July 1, 2005 and thereafter, smoking, possession, or use of tobacco products by inmates under the jurisdiction of the Department, or any other persons where inmates are housed or detained, except as provided in (c), is prohibited and tobacco products will be considered contraband in accordance with section 3006.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5030.1 and 5054, Penal Code; Section 19994.35, Government Code.

HISTORY:

1. New section filed 8-18-94 as an emergency; operative 8-18-94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-16-94 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-18-94 order, including amendment of subsections (b) and (d), and amendment of Note transmitted to OAL 12-16-94 and filed 1-26-95 (Register 95, No. 4).
3. Editorial correction of Reference cite (Register 95, No. 32).
4. Amendment of section and Note filed 1-14-97 as an emergency pursuant to Penal Code section 5058(e); operative 1-14-97 (Register 97, No. 3). A Certificate of Compliance must be transmitted to OAL by 6-23-97 pursuant to Penal Code section 5058(e) or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 1-14-97 order transmitted to OAL 4-22-97 and filed 5-27-97 (Register 97, No. 22).
6. Amendment of subsection (a)(3) filed 12-1-98 as an emergency; operative 12-1-98 (Register 98, No. 49). Pursuant to Penal Code 5058(e), a Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 12-1-98 order transmitted to OAL 5-7-99 and filed 6-4-99 (Register 99, No. 23).
8. Renumbering of former section 3188 to new section 3187 and renumbering of former section 3189 to section 3188, including amendment of section and Note, filed 7-7-2005 as an emergency; operative 7-7-2005 (Register 2005, No. 27). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 12-14-2005 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 7-7-2005 order transmitted to OAL 12-13-2005 and filed 1-26-2005 (Register 2006, No. 4).

3189. Inmate Violations and Cessation Assistance.

(a) Inmates violating the provisions of sections 3187 and/or 3188 on July 1, 2005 and thereafter shall be subject to the inmate disciplinary methods, administrative and serious rule violation provisions of sections 3312, 3314 and 3315.

(b) Tobacco use cessation assistance may include, but is not limited to the following:

- (1) Tobacco use cessation classes,
- (2) Distribution of printed tobacco cessation material.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5030.1 and 5054, Penal Code.

HISTORY:

1. New section filed 8-18-94 as an emergency; operative 8-18-94 (Register 94, No. 33). A Certificate of Compliance must be transmitted to OAL by 12-16-94 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-18-94 order transmitted to OAL 12-16-94 and filed 1-26-95 (Register 95, No. 4).
3. Amendment of section heading and new subsection (c) filed 12-1-98 as an emergency; operative 12-1-98 (Register 98, No. 49). Pursuant to Penal Code 5058(e), a Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 12-1-98 order transmitted to OAL 5-7-99 and filed 6-4-99 (Register 99, No. 23).
5. Renumbering of former section 3189 to section 3188 and new section 3189 filed 7-7-2005 as an emergency; operative 7-7-2005 (Register 2005, No. 27). Pursuant to Penal Code section 5058.3, a

Certificate of Compliance must be transmitted to OAL by 12-14-2005 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 7-7-2005 order transmitted to OAL 12-13-2005 and filed 1-26-2005 (Register 2006, No. 4).

Article 9. Personal Property

3190. General Policy.

(a) Inmates shall be permitted to possess in their quarters/living area, state-issued property items, and authorized personal property items based upon privileges in section 3044 and/or assigned security level and/or institution mission, and subject to disciplinary provisions in sections 3314 and 3315.

(b) Specific items of personal property shall be established by a consensus of individual facilities within each of five mission-based regions of the Division of Adult Institutions. A list of allowable property shall be developed and updated by each mission-based region no more frequently than twice yearly. Local exceptions to the individual mission-based property lists shall also be identified. All changes to the Authorized Personal Property Schedule shall be adopted in accordance with the rulemaking requirements of the Administrative Procedure Act (Government Code Sections 11340 through 11364).

The following five mission-based regional property lists are incorporated by reference:

(1) Authorized Personal Property Schedule—Reception Centers (Rev. 2/1/08). This personal property schedule applies to the following facilities:

(A) California Institution for Men—Reception Center and Administrative Segregation Unit Housing only.

(B) Deuel Vocational Institution—Reception Center and Administrative Segregation Unit Housing only.

(C) North Kern State Prison—Reception Center and Administrative Segregation Unit Housing only.

(D) Richard J. Donovan Correctional Facility—Reception Center and Administrative Segregation Unit Housing only.

(E) San Quentin State Prison—Reception Center and Administrative Segregation Unit Housing only.

(F) Wasco State Prison—Reception Center and Administrative Segregation Unit Housing only.

(G) California Correctional Institution—Reception Center Housing only.

(H) California State Prison, Los Angeles County—Reception Center Housing only.

(I) High Desert State Prison—Reception Center Housing only.

(2) Authorized Personal Property Schedule—Levels I, II, III, Male Conservation Camps, California Out Of State Facilities (COCF) and Community Correctional Facilities (Rev. 2/1/08). This personal property schedule applies to the following facilities:

(A) Avenal State Prison—Levels I and II General Population and Administrative Segregation Unit Housing.

(B) California Correctional Center—Levels I, II, III General Population, Administrative Segregation Unit Housing and Male Conservation Camps.

(C) California Institution for Men—Level I General Population Housing only.

(D) California Rehabilitation Center—Levels I and II General Population and Administrative Segregation Unit Housing.

(E) California State Prison, Solano—Levels II and III General Population and Administrative Segregation Unit Housing.

(F) Correctional Training Facility—Levels, I, II, and III General Population and Administrative Segregation Unit Housing.

(G) Chuckawalla Valley State Prison—Levels I and II General Population and Administrative Segregation Unit Housing.

(H) Deuel Vocational Institution—Levels I and II General Population Housing only.

(I) Folsom State Prison—Levels I, II, and III General Population and Administrative Segregation Unit Housing.

(J) Ironwood State Prison—Levels I and II General Population and Administrative Segregation Unit Housing.

(K) Pleasant Valley State Prison—Level I General Population Housing only.

(L) California Substance Abuse Treatment Facility and State Prison, Corcoran—Levels I and II General Population Housing only.

(M) North Kern State Prison—Levels I and II General Population Housing only.

(N) Richard J. Donovan Correctional Facility—Levels I and III General Population Housing only.

(O) San Quentin State Prison—Levels I and II General Population Housing only.

(P) Sierra Conservation Center—Levels I, II and III General Population, Administrative Segregation Unit Housing and Male Conservation Camps.

(Q) Wasco State Prison—Levels I and III General Population Housing only.

(R) Calipatria State Prison—Level I General Population Housing only.

(S) Centinela State Prison—Level I General Population Housing only.

(T) California Men's Colony—Levels I and II General Population Housing only.

(U) California Medical Facility—Levels I and II General Population Housing only.

(V) California State Prison, Los Angeles County—Level I General Population Housing only.

(W) Mule Creek State Prison—Levels I and II General Population Housing only.

(X) California Correctional Institution—Levels I and II General Population Housing only.

(Y) Corcoran State Prison—Level I General Population Housing only.

(Z) High Desert State Prison—Levels I and II General Population Housing only.

(AA) California State Prison, Sacramento—Levels I and II General Population Housing only.

(BB) Pelican Bay State Prison—Level I General Population Housing only.

(CC) Kern Valley State Prison—Level I General Population Housing only.

(DD) Salinas Valley State Prison—Levels I and II General Population Housing only.

(3) Authorized Personal Property Schedule—Levels III and IV (Rev. 2/1/08). This personal property schedule applies to the following facilities:

(A) Calipatria State Prison—Level IV General Population and Administrative Segregation Unit Housing only.

(B) Centinela State Prison—Level III General Population and Administrative Segregation Unit Housing only.

(C) California Men's Colony—Level III General Population and Administrative Segregation Unit Housing only.

(D) California Medical Facility—Level III General Population and Administrative Segregation Unit Housing only.

(E) California State Prison, Los Angeles County—Level IV General Population and Administrative Segregation Unit Housing only.

(F) Mule Creek State Prison—Levels III and IV General Population and Administrative Segregation Unit Housing only.

(G) Pleasant Valley State Prison—Levels III and IV General Population and Administrative Segregation Unit Housing only.

(H) California Substance Abuse Treatment Facility and State Prison, Corcoran—Levels III and IV General Population and Administrative Segregation Unit Housing only.

(I) Richard J. Donovan Correctional Facility—Level IV General Population Housing only.

(4) Authorized Personal Property Schedule—High Security and Transitional Housing (Rev. 2/1/08). This personal property schedule applies to the following facilities:

(A) California Correctional Institution—Level IV General Population, Administrative Segregation Unit and Security Housing Unit Housing only.

(B) Corcoran State Prison—Levels III and IV General Population, Administrative Segregation Unit and Security Housing Unit Housing only.

(C) High Desert State Prison—Levels III and IV General Population, and Administrative Segregation Unit Housing only.

(D) Kern Valley State Prison—Level IV General Population and Administrative Segregation Unit Housing only.

(E) Pelican Bay State Prison—Level IV General Population, Administrative Segregation Unit and Security Housing Unit Housing only.

(F) California State Prison, Sacramento—Level IV General Population and Administrative Segregation Unit Housing only.

(G) Salinas Valley State Prison—Levels III and IV General Population and Administrative Segregation Unit Housing only.

(5) Authorized Personal Property Schedule—Female Offenders Programs (Rev. 2/1/08). This personal property schedule applies to the following facilities:

(A) Central California Women's Facility—Levels I, II, III and IV General Population, Administrative Segregation Unit and Reception Center Housing.

(B) California Institution for Women—Levels I, II and III General Population, Administrative Segregation Unit and Reception Center Housing.

(C) Valley State Prison for Women—Levels I, II, III and IV General Population, Reception Center, Administrative Segregation Unit and Security Housing Unit Housing.

Facilities are subject to the Authorized Personal Property Schedule exemptions that have been granted to particular institutions and which are identified at the beginning of each of the property lists referenced in subsections 3190(b)(1) through 3190(b)(5) above.

(c) The combined volume of state-issued and allowable personal property items shall not exceed six cubic feet, except as specifically allowed in these regulations.

(d) Upon an inmate's transfer between institutions of the department, the sending institution shall inventory the inmate's property and, pursuant to section 3191 ensure the proper disposition of property not allowed at the receiving institution as a result of privilege group, and/or security level, and/or institution mission changes.

(e) Inmates may acquire authorized personal property packages based upon their privilege group, pursuant to section 3044. Personal property packages shall be ordered by inmates or their correspondents via a departmentally-approved vendor. All packages shall be shipped to the inmate's institution/facility by the departmentally-approved vendor in a sealed container.

(f) Inmates may possess allowable food and personal care/hygiene items, and personal clothing in their quarters/living areas, subject to section 3190(a), unless otherwise prohibited by these regulations. The total volume of canteen merchandise retained in possession of an inmate shall be pursuant to section 3094. Inmates shall be required to maintain their purchase receipt to verify purchases until such items are expended.

(g) Inmates shall be restricted to only clear (see-through) personal care/hygiene items encased in clear containers or tubing based upon industry availability. An exemption shall be authorized by the institution's health care manager or chief medical officer when an exemption to the clear item and/or clear case requirement is deemed medically necessary by a physician. Such exemption shall not exceed one (1) year. If the condition persists, the inmate shall submit another exemption request.

(h) Inmates shall only be permitted to possess state-issued clothing and authorized personal clothing subject to section 3190(a).

(i) Inmates shall be allowed special purchases of authorized personal property items from locally-approved special purchase vendors (except as provided for publications (including books and subscriptions to periodicals) in Sections 3190(i)(2) and 3190(i)(7) below). The institution head or designated staff shall ensure approved vendor catalogs and order forms are available to inmates who qualify. Special purchases shall only include the following:

(1) Health Care Appliances, subject to prescription by health care staff and approval by designated custody staff, shall be excluded from the six cubic foot limitation of section 3190(c).

(2) Legal Material, including legal reference material, books, and legal pads not available in the institution canteen, pursuant to section 3161. There shall be no "Approved Vendor Lists" for any legal publications. Inmates may receive legal publications from any publisher, book store or book distributor that does mail order business.

(3) Correspondence Courses, subject to approval by supervisor of correctional education programs and designated custody staff.

(4) Religious Items, subject to approval by institutional chaplain and designated custody staff.

(5) Handicraft Material, subject to approval by handicraft manager and designated custody staff.

(6) Entertainment Appliances and Musical Instruments, subject to qualifying privilege group and/or security level/institution mission.

(7) All publications, including books and subscriptions to periodicals, subject to section 3006. There shall be no "Approved Vendor Lists" for any publications. Inmates may receive publications from any publisher, book store or book distributor that does mail order business.

(j) Inmates may be allowed to possess appliances and one musical instrument as follows:

(1) Inmates assigned to Privilege Groups A or B may possess up to three approved appliances in their quarters/living area and shall not exceed the six cubic feet maximum limitation. One musical instrument with case not exceeding 46" x 24" x 12" may be substituted as one of the three appliances.

(2) Inmates assigned to Privilege Group C may not possess entertainment appliances and/or a musical instrument. Inmates placed on Privilege Group C pursuant to a classification committee action, shall be required to dispose of the entertainment appliance(s) and/or musical instrument in accordance with section 3191(c).

(3) Inmates assigned to Security Housing Unit/Psychiatric Services Unit (SHU/PSU) may possess or acquire one television or one radio or one television/radio combination unit. Inmates assigned to Privilege Group D shall not possess a musical instrument.

(4) Inmates assigned to Privilege Group U shall not possess any appliances or musical instruments.

(5) Inmates housed at conservation camps shall not possess a television or television/radio combination.

(k) All appliances shall be sealed by staff by covering exterior pieces of the appliance that may be used to access the interior of the appliance with hotglue.

(l) Inmates who break or tamper with the seal of an appliance(s) may be subject to disciplinary action and confiscation of the item.

(m) Inmates ordering new or replacement appliances shall be required to purchase clear-case appliances, as they become available.

(n) Inmate correspondents shall be permitted to purchase appliances for qualifying inmates, including health care and entertainment appliances and/or musical instruments from a locally-approved vendor, pursuant to section 3044.

(o) In addition to the six cubic feet limitation of authorized property, inmates who participate in institution academic or vocational educational programs shall be allowed to possess, in their quarters/living area, state provided textbooks/materials necessary to complete their education requirements. In accordance with section 3011, inmates who do not return state textbooks in serviceable condition, may be charged a replacement fee, as determined by the supervisor of correctional education programs.

(p) Inmates may acquire and possess correspondence course materials, including textbooks, in their quarters/living area as approved by the supervisor of correctional education programs and designated custody staff pursuant to limitations in section 3190(b). Correspondence courses requiring tools, construction kits, or other materials that may pose a threat to the institution's security or the safety of persons shall not be allowed.

(q) The amount charged an inmate for a special purchase or personal property package shall include normal taxes and a 10% service charge based upon the purchase price. Service charges shall be deposited in the inmate welfare fund. Exception: The 10% service charge shall not be added to purchases of health care appliances, correspondence courses, nonfiction books, religious items, and legal materials.

(r) Inmates shall not possess any membership cards, identification cards, or service-type cards other than those issued by the department.

(s) All allowable inmate property shall be inventoried, documented, and stored for inmates transferred Out-to-Medical or Out-to-Court, or placed in segregated housing, a Correctional Treatment Center, or an Outpatient Housing Unit, until the inmate returns.

(t) Privilege Group A or B inmates placed in administrative segregation (AD SEG) shall have their property inventoried and stored pending the outcome of Initial Classification Committee review. If the inmate is released to general population and maintains their Privilege Group A or B assignment, all allowable property shall be returned. If the inmate is retained in AD SEG, all allowable property as determined by current departmental regulations shall be reissued to the inmate. If the inmate received a SHU term, the inmate shall be required to dispose of unallowable property due to privilege group and/or security level and/or institution mission change in accordance with section 3191(c).

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2086, 2601, 5006 and 5054, Penal Code; *In re Alcalá*, Marin County Superior Court, No. 117925, December 20, 1984 and *Armstrong v. Davis Court Ordered Remedial Plan*, Amended January 3, 2001; *In re Armstrong*, N.D. Cal, No. C 94-02307, March 20, 1998.

HISTORY:

1. Amendment filed 3-6-85 as an emergency; effective upon filing (Register 85, No. 12). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 7-3-85. For prior history, see Register 84, No. 47.
2. Order of Repeal of 3-6-85 emergency order filed 8-1-85 by OAL pursuant to Government Code Section 11349.6(b) (Register 85, No. 31).
3. Amendment filed 8-2-85 as an emergency; effective upon filing (Register 85, No. 31). A Certificate of Compliance must be trans-

mitted to OAL within 120 days or emergency language will be repealed on 12-2-85.

4. Certificate of Compliance transmitted to OAL 12-2-85 and filed 12-23-85 (Register 85, No. 52).
5. Amendment of subsections (a) and (c), new subsection (d), relocation and amendment of former section 3092(a) to section 3190(e), new subsections (e)(1)–(7), relocation and amendment of former section 3092(b) to section 3190(f) and amendment of Note filed 12-30-2003 as an emergency; operative 1-1-2004 (Register 2004, No. 1). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 6-9-2004 or emergency language will be repealed by operation of law on the following day.
6. Withdrawal and repeal of 12-30-2003 amendments filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 9-24-2004 or emergency language will be repealed by operation of law on the following day.
7. Amendment of section and Note, including relocation and amendment of former subsection 3092(a) to section 3190(h), relocation and amendment of former section 3044(g)(4)(G) to section 3190(i)(3) and relocation and amendment of former section 3092(b) to section 3190(p), filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).
9. Amendment of section and Note filed 8-13-2007 as an emergency; operative 8-13-2007 (Register 2007, No. 33). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 1-22-2008 or emergency language will be repealed by operation of law on the following day.
10. Amendment of section and Note refiled 1-23-2008 as an emergency; operative 1-23-2008 (Register 2008, No. 4). A Certificate of Compliance must be transmitted to OAL by 4-22-2008 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 1-23-2008 order, including further amendment of section and Note, transmitted to OAL 4-22-2008 and filed 6-4-2008 (Register 2008, No. 23).
12. Amendment filed 5-12-2009; operative 5-12-2009 (Register 2009, No. 20).

3191. Property Registration and Disposition.

(a) Registerable personal property must be registered under the inmate's name and number in the institution's inmate property records.

(b) Inmates are required upon request by institution staff to properly account for all registerable personal property registered in their name and number. An inmate's failure to possess or properly account for personal property registered in the inmate's name and number, or possession of property which is not registered in the inmate's name and number will be cause for disciplinary action, including confiscation of the unregistered property. In all instances of confiscation, every reasonable effort will be made to determine the rightful owner of the property. The property will be returned to its rightful owner unless, as the result of disciplinary action for misuse of property, the inmate's approval to possess the property is rescinded.

(c) Inmate personal property not meeting the criteria in section 3190, shall be disposed of in accordance with this section. An inmate shall select one of the methods listed in sections 3191(c)(1) through 3191(c)(5) below for disposing of non-allowable personal property which is unauthorized pursuant to subsection (b) and section 3190. If the inmate makes no selection or has insufficient funds, staff shall document that fact and determine the method of disposition. Property that is considered contraband pursuant to section 3006(a) or (c) shall be retained by staff as may be required by ongoing investigation or court order. Following the completion of

all disciplinary, investigative, or court requirements, the contraband property shall be disposed of according to institutional/facility procedures.

(1) Mail the item to an address of an individual willing to accept the personal property, provided by the inmate, via USPS or common carrier at the inmate's expense. This option is not available for inmates with insufficient trust account funds.

(2) Return the item to the sender via USPS or common carrier at the inmate's expense. This option is not available for inmates with insufficient trust account funds.

(3) Donate the item to a charitable organization as designated by the institution/facility.

(4) Donate the item to the institution/facility.

(5) Render the item useless and dispose of it according to institution/facility procedures.

(d) Inmates shall not send personal property to any state agency or agent of the state. Failure to comply may result in disciplinary action, and confiscation and/or disposal of the property.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

HISTORY:

1. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
2. Amendment filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
3. New subsection (c) and Note filed 6-26-92; operative 7-27-92 (Register 92, No. 26).
4. Amendment of section and Note filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).
6. Amendment of subsection (c) and amendment of Note filed 8-13-2007 as an emergency; operative 8-13-2007 (Register 2007, No. 33). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 1-22-2008 or emergency language will be repealed by operation of law on the following day.
7. Amendment of subsection (c) and amendment of Note refiled 1-23-2008 as an emergency; operative 1-23-2008 (Register 2008, No. 4). A Certificate of Compliance must be transmitted to OAL by 4-22-2008 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 1-23-2008 order, including further amendment of subsection (c), transmitted to OAL 4-22-2008 and filed 6-4-2008 (Register 2008, No. 23).

3192. Possession and Exchange.

An inmate's right to inherit, own, sell or convey real and/or personal property does not include the right to possess such property within the institutions/facilities of the department. An inmate may not exchange, borrow, loan, give away or convey personal property to or from other inmates. Violation(s) of this rule may result in disciplinary action, and confiscation and/or disposal of the personal property.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code.

HISTORY:

1. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
2. Amendment of section and new Note filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

3193. Liability.

(a) In permitting inmates to possess items of personal property while they are incarcerated, the department does not accept liability for the theft, loss, damage or destruction of such property resulting from the intentional or careless act or activities of any inmate. The department does not accept liability for the loss or destruction of personal property in the inmate's possession or control at the time of any willful act by the inmate, such as escape, which exposes such property to loss or theft before it can be recovered and controlled by staff.

(b) The department shall accept liability for the loss or destruction of inmate personal property when it is established that such loss or destruction results from employee action. Inmates shall utilize the inmate appeal process if unable to resolve a personal property claim pursuant to section 3084.1. Upon acceptance of liability, the department shall provide similar items of equal or greater value to the inmate when such items are available via donated property items consistent with sections 3084.7(e) and 3191(c). If donated items are not available, monetary compensation to the inmate for such loss shall not exceed either the dollar value assigned to the item or items at the time the inmate received authorization to possess the property; the cost of the item, verified by receipt; or the replacement value for the item or a similar item, as determined by the department. Staff recommendations to the Victim Compensation and Government Claims Board regarding monetary reimbursement will be made accordingly.

(c) The department shall not assume responsibility for property abandoned by an escapee until such time as the escape is discovered and the property is inventoried. Inventoried property shall be stored and final disposition of the property shall be pursuant to Penal Code 5062 and 5063.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2085, 2600, 2601, 5062 and 5063, Penal Code.

HISTORY:

1. New section filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
3. Amendment filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
4. Repealer and new section filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
5. Amendment of section and Note filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

3194. Extradition Inmate Property.

(a) Inmates or parolees requiring extradition transport from any state or territory of the United States are personally responsible for the disposition of their personal property. Inmates shall arrange with the holding agency for the disposal or storage or mailing of personal property prior to being transported by California state agents. State agents shall not be responsible for personal property remaining at the sending agency/institution. At no time shall inmate personal property be checked onto airplanes or transported in the aircraft's baggage compartment. The only exception shall be wheelchairs or other health care appliances.

(b) Inmates extradited to the custody of the department shall not retain any property on their person except prescribed eyeglasses or health care appliances. Only authorized property that can fit into a 10" x 12" clasp envelope, including, but not limited to prescription medication, jewelry, wallet, watch, family pictures, or printed

material, shall be allowed to be transported. Inmate property shall be inventoried, recorded, and secured in the agent's carry-on baggage or secured compartment in a transportation vehicle. Inmates may wear his/her own clothing and shoes if deemed appropriate for transport purposes by the assigned state agents.

(c) Inmates extradited or transferred from the department to other jurisdictions, states or territories of the United States may be allowed to retain all or a portion of their property as determined by the transporting extradition agent. In cases where the transportation of personal property is not permitted, inmates shall dispose of the property pursuant to subsection 3191(c)(3) through (5) or be provided the opportunity to select from the following options for the disposition of property:

(1) Inmates permanently transferring to the custody of another agency shall be provided the opportunity to send all property to an address of their choosing via USPS or common carrier at the inmate's expense.

(2) Indigent inmates permanently transferring to the custody of another agency may send their personal property to an individual willing to accept the personal property at the expense of the department.

(3) Inmates temporarily transferring out-of-court or other temporary transfers out-of-state shall have property stored at the institution/facility pending their return to custody, parole or discharge. Disposition of unclaimed property shall be in accordance with PC 5062, 5063 and 5064.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054, 5062, 5063 and 5064, Penal Code.

HISTORY:

1. New section filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

3195. Release Clothing.

Inmates scheduled for parole or awaiting discharge may receive a release clothing package via U.S. Postal Service or common carrier no earlier than 30 days prior to their scheduled parole or discharge date. Inmate release clothing packages, limited to one set of clothing, shall be retained in a secure location by the department until their release.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 5-27-2004 as an emergency; operative 5-27-2004 (Register 2004, No. 22). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-3-2004 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 5-27-2004 order transmitted to OAL 10-28-2004 and filed 12-14-2004 (Register 2004, No. 51).

Article 10. Inmate Privileges

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New Article 10 (section 3195) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
2. Amendment of subsections (d)–(f) filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
3. Repealer of Article 10 (section 3195) filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).

SUBCHAPTER 3. INMATE ACTIVITIES

3200. General Policy.

HISTORY:

1. Repealer filed 6-29-93; operative 7-29-93 (Register 93, No. 27).

Article 1. Religious Program

3210. Establishment of Religious Programs.

(a) Institution heads shall make every reasonable effort to provide for the religious and spiritual welfare of all interested inmates, including, but not limited to, affording inmates a reasonable accommodation to attend a scheduled Religious Service if they are unable to do so due to conflicting work/education assignments. Reasonable accommodation may include, but is not limited to, modified work schedule, use of accrued time or allowable breaks, granting of a job/assignment change, changes of regular days off, etc. Use of reasonable accommodation shall in no way adversely impact an inmate's credit earning status.

(b) Depending upon the number of inmates of the various faiths, chaplains may be employed or their services may be accepted on a nonpaid volunteer basis. When feasible, separate space for services of the faith groups represented by a substantial number of inmates shall be provided. However, in some facilities, such as camps, it shall be necessary for the various faith groups to share such space as is available for religious services.

(c) Reasonable time and accommodation shall be allowed for religious services in keeping with facility security and other necessary institutional operations and activities. Insofar as possible, other facility activities shall be planned so as not to conflict with or disrupt scheduled religious services.

(d) A request for a religious service accommodation that requires a specific time, location and/or item(s) not otherwise authorized, will be referred to a Religious Review Committee (RRC) for review and consideration. The RRC shall be comprised of designated chaplains, and a correctional captain or their designee. Accommodation for religious services that are not granted, shall be for reason(s) which would impact facility/unit safety and security, and orderly day to day operations of the institution.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code; and Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C.ss 2000cc, et seq.

HISTORY:

1. Amendment filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
2. Editorial correction of NOTE filed 8-16-82 (Register 82, No. 34).
3. Amendment of article heading, section heading, text, and Note filed 11-1-93; operative 12-1-93 (Register 93, No. 45).
4. Amendment of section and Note filed 1-17-2006 as an emergency; operative 1-17-2006 (Register 2006, No. 3). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-26-2006 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 1-17-2006 order transmitted to OAL 6-22-2006 and filed 7-27-2006 (Register 2006, No. 30).

3211. Inmate Ministers.

(a) When a chaplain of a particular faith cannot be obtained to conduct services within a facility housing inmates of that faith, the institution head may at their discretion and subject to such controls reasonably required for facility security, designate a qualified inmate to minister to the religious needs of inmates for that specific faith. In determining the qualifications of an inmate to conduct such services, the institution head will, whenever possible, seek the advice and counsel of outside religious leaders of that faith.

(b) An inmate shall not be assigned as a minister on a full-time basis in lieu of a regular inmate work/training incentive program assignment, be considered as a state employee, or be paid by the state for their services.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code.

HISTORY:

1. Amendment filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
2. Editorial correction of Note filed 8-16-82 (Register 82, No. 34).
3. Amendment of section heading, text, and Note filed 11-1-93; operative 12-1-93 (Register 93, No. 45).

3212. Scheduled Services.

Information received by chaplains when performing their duties shall be privileged except when the nondisclosure of such information to facility staff would jeopardize the safety of any person or the security of the facility.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code; and Sections 912, 917 and 1030-1034, Evidence Code.

HISTORY:

1. Amendment of section heading and text, and addition of Note filed 11-1-93; operative 12-1-93 (Register 93, No. 45).

3213. Stipulations Regarding Religious Artifacts, Sanctuaries, and Sacramental Wine.

(a) Prior written approval of the institution head or their designee shall be required for the following:

- (1) For any person to bring sacramental wine or any religious artifact into a facility.
- (2) For an inmate to be provided any religious artifact.
- (3) For an inmate to wear or carry an approved religious artifact at any time other than during their regular religious or sweat events, or facility-approved special events.

(b) Medicine bags shall be constructed of soft leather or other natural material without a lining and shall not exceed 1-1/2 inches in diameter. The bag shall, in the presence of staff, either be closed with a drawstring or sewn shut in such a manner as to permit subsequent searches of the bag's contents by staff.

(c) All religious artifacts shall be subject to searches by staff.

(d) Sanctuaries, sweat lodges, and other areas designated for religious or spiritual use shall be subject to searches by staff.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5009 and 5054, Penal Code. Section 1996, Title 42, United States Code.

HISTORY:

1. Amendment of section heading, repealer of text, and new subsections (a)-(d) and Note filed 11-1-93; operative 12-1-93 (Register 93, No. 45).

Article 1.5. Inmate Marriages

3216. Marriages.

(a) Inmate marriages shall be permitted in accordance with the provisions of law and these regulations.

(b) The inmate's marriage request shall be processed by the inmate's caseworker or other staff person designated by the institution head who shall provide all necessary information to the office of the county clerk or clergyperson.

(c) Inmate marriages shall be solemnized at the institution/facility by an individual authorized to solemnize marriages, as designated in Family Code Sections 400 and 402.

(d) For the purpose of this section, a chaplain shall mean those persons defined in section 3000. Institution/facility chaplains

may solemnize inmate marriages. Institution/facility chaplains, if designated, shall be required to process the request or facilitate a marriage. Institution/facility chaplains shall establish religious criteria to be met by the inmates and this criteria shall be provided by the chaplains to their supervisors.

(e) Attendance at a marriage ceremony shall be limited to the bride, groom, two inmate guests, the official solemnizing the ceremony, and ten non-inmate guests. Inmate guests may attend only if their Inmate Work Incentive Program schedules are not interrupted.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2601(f) and 5054, Penal Code; and Sections 300, 350–359, 400–402, and 500, Family Code.

HISTORY:

1. New article 1.5 (section 3216) and section filed 1-11-99; operative 2-10-99 (Register 99, No. 3).

Article 2. Recreational and Physical Education Programs

3220. Recreational and Physical Education Program Participation.

(a) Interested inmates shall be provided an equal opportunity to participate in constructive recreational and physical education programs under safe and secure conditions, consistent with the inmate's custodial classification, work/training assignment, privilege group and security requirements.

(b) The recreation program may operate seven days a week with specific program, gymnasium and/or yard schedules established by the institution head. Notices of tournaments and special events shall be posted in locations accessible to all inmates.

(c) Employees shall not participate in inmate contests, except as a coach, instructor or official, unless authorized to do so by the institution head.

(d) Prizes and trophies may be purchased using inmate welfare funds and awarded to inmates participating in activities and contests. An award, prize, trophy or certificate of participation in a recreation or physical education event shall be delivered to the participant inmate as soon as possible following approval by the coordinator of the activity or event involved.

(e) Competition between outside public teams and inmate teams may be permitted only within the facility and under the direct supervision of staff.

(f) Inmates may voluntarily participate only in those contests, games, and/or athletic activities, which have been specifically authorized by the institution head or the institution head's designee.

(g) Inmate weight lifting programs and equipment shall not be permitted at departmental institution/facilities. Exceptions shall be permitted as specifically authorized by the director, in compliance with Penal Code Section 5010.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5010 and 5054, Penal Code.

HISTORY:

1. Amendment filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
2. Amendment filed 6-29-93; operative 7-29-93 (Register 93, No. 27).
3. Amendment of subsection (b), renumbering and amendment of former section 3220.3 to new subsection 3220(f) and amendment of Note filed 6-30-95 as an emergency; operative 7-1-95 (Register 95, No. 26). A Certificate of Compliance must be transmitted to OAL by 12-7-95 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 6-30-95 order transmitted to OAL 11-22-95 and filed 1-8-96 (Register 96, No. 2).
5. New subsection (g) filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). Pursuant to Penal Code section 5058(e), a

Certificate of Compliance must be transmitted to OAL by 6-11-98 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 1-2-98 order transmitted to OAL 6-9-98 and filed 7-21-98 (Register 98, No. 30).
7. Amendment of article heading, section heading and subsections (a) and (d) filed 7-24-2002; operative 8-23-2002 (Register 2002, No. 30).

3220.1. Recreation and Physical Education Program Safety.

(a) Grudge fights, games, contests or other recreation or physical education activities, which involve unusual danger or potential for injury, are prohibited.

(b) Inmates shall not be allowed to participate in the boxing program without written medical clearance.

(c) Martial arts may be practiced only with specific approval from the institution head and under the direct supervision of staff.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Renumbering and amendment of former section 3221 to section 3220.1 filed 6-29-93; operative 7-29-93 (Register 93, No. 27).
2. Designation of subsections (a)–(c), new subsections (d)–(e) and amendment of Note filed 6-30-95 as an emergency; operative 7-1-95 (Register 95, No. 26). A Certificate of Compliance must be transmitted to OAL by 12-7-95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6-30-95 order transmitted to OAL 11-22-95 and filed 1-8-96 (Register 96, No. 2).
4. Repealer of subsections (d) and (e) and amendment of Note filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-11-98 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 1-2-98 order transmitted to OAL 6-9-98 and filed 7-21-98 (Register 98, No. 30).
6. Amendment of section heading and subsection (a) filed 7-24-2002; operative 8-23-2002 (Register 2002, No. 30).

3220.2. Academic Standards.

All academic recreation, physical education and physical fitness training programs provided at departmental institutions/facilities shall be based upon curriculum frameworks adopted by the Board of Education. Lesson plans, competency testing, standards, course outlines, teacher/inmate enrollment ratios, instructional specialization and all related academic and educational requirements shall be in accordance with the appropriate curriculum framework.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 60200–60206, Education Code; section 5054, Penal Code.

HISTORY:

1. New section filed 7-24-2002; operative 8-23-2002 (Register 2002, No. 30). For prior history see Register 98, No. 30.

3220.3. Conservation Camp Programs.

Conservation camps shall provide recreation and physical education program opportunities for their respective inmate populations. These opportunities shall be compatible with camp operations, staffing and the geographic location of the camp.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 7-24-2002; operative 8-23-2002 (Register 2002, No. 30). For prior history, see Register 96, No. 2.

3220.4. Movies/Videos for Inmate Viewing.

(a) Only movies/videos approved by the institution head or his/her designee (reviewer) may be scheduled for viewing by inmates.

(b) Only those movies/videos which have been given a rating of “G,” “PG,” or “PG-13” by the Motion Picture Association of America (MPAA) or that have been placed on the department’s discretionary showing list may be considered for viewing. Movies/videos which have been given a rating of other than “G,” “PG,” or “PG-13” by the Motion Picture Association of America shall not be approved for general inmate viewing. Regardless of their rating or listing, movies/videos, which, in the opinion of the reviewer, glorify violence or sex, or are inflammatory to the climate of the facility shall not be shown.

(c) The selection or exclusion of a movie/video by a facility may be challenged by members of the public by writing to the director, appealed by inmates by following the appeal process as stated in section 3084.1 et seq., and grieved by staff by pursuing grievance procedures in accordance with their collective bargaining unit’s contract and/or memorandum of understanding.

(d) At the discretion of the director, a movie/video review shall be done by the movie review committee, composed of staff named by the director. Movies may be submitted for consideration as follows:

(1) Movies/videos, which have not been rated, may be submitted to the director for the committee’s consideration for general inmate viewing.

(2) Movies/videos which have an MPAA rating of other than “G,” “PG,” or “PG-13,” or have not been rated by the MPAA, may be submitted to the director by the facility reviewer or a contract vendor for the committee’s consideration for specified limited inmate viewing purposes (e.g., education or contracted service vendor programs).

(3) Movies which are challenged by the public, appealed by inmates, and grieved by staff pursuant to subsection (c) of this section shall be reviewed by the committee at the director’s discretion.

(e) The committee may determine a movie/video to be unacceptable for inmate viewing, acceptable for general inmate viewing, or acceptable for specified limited inmate viewing purposes.

(f) The committee will place movies/videos on a statewide “discretionary showing list” under the category of “approved for all purposes,” or under the category of “approved for specified limited inmate viewing purposes” (specifying the limited or special purpose for which the movie is being approved), or under the category of “unacceptable for inmate viewing.” A movie/video’s placement on the list as approved will not require that it be shown by a facility.

NOTE: Authority cited: Sections 5058 and 10006(b), Penal Code. Reference: Sections 2601(c), 5054, and 10006(b), Penal Code.

HISTORY:

1. New section filed 6-29-93; operative 7-29-93 (Register 93, No. 27).
2. Amendment of newly designated subsections (a) and (b), new subsections (c)–(d)(4) and amendment of Note filed 6-28-96 as an emergency; operative 6-28-96 (Register 96, No. 26). A Certificate of Compliance must be transmitted to OAL by 1-6-97 or emergency language will be repealed by operation of law on the following day.
3. Amendment of newly designated subsections (a) and (b), new subsections (c)–(d)(4) and amendment of Note refiled 12-19-96 as an emergency; operative 12-19-96 (Register 96, No. 51). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 5-28-97 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 12-19-96 order, including further amendment of section, transmitted to OAL 4-14-97 and filed 5-23-97 (Register 97, No. 21).

3220.5. State-Owned Television Sets.

(a) State-owned television sets provided for inmate viewing shall be moved only by designated staff.

(b) Except to change the channel to a scheduled program, television channel changes and receiver adjustments shall be made only by staff.

(c) The viewing schedule for each state-owned television set shall be determined under the supervision of staff by a vote of the inmates using the set. Program viewing schedules shall be displayed next to the television set and shall be removed or changed only by staff.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 6-29-93; operative 7-29-93 (Register 93, No. 27).

3221. Safety.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
2. Renumbering and amendment of former section 3221 to section 3220.1 filed 6-29-93; operative 7-29-93 (Register 93, No. 27).

3222. Physical Fitness.

HISTORY:

1. Renumbering and amendment of former section 3222 to section 3220.2 filed 6-29-93; operative 7-29-93 (Register 93, No. 27).

3223. Unauthorized Activity.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
2. Renumbering and amendment of former section 3223 to section 3220.3 filed 6-29-93; operative 7-29-93 (Register 93, No. 27).

Article 3. Inmate Councils, Committees, and Activity Groups

3230. Establishment of Inmate Advisory Councils.

(a) Each warden shall establish an inmate advisory council, which is representative of that facility’s inmate ethnic groups. At the discretion of the warden, subcommittees of the council may also be established to represent subfacilities or specialized segments of the inmate population.

(1) Council members shall serve to advise and communicate with the warden and other staff those matters of common interest and concern to the inmate general population.

(2) The council shall operate only under the constitution and by-laws as prepared by the council’s inmate representatives, with the advice and guidance of designated staff and approved by the warden.

(3) Local exceptions to this regulation may be permitted with the approval of the director.

(b) An inmate’s eligibility for nomination, election and retention as an inmate advisory council representative shall be limited only by the inmate’s ability to effectively function in that capacity as determined by the warden.

(1) Upon the inmate’s request, that inmate shall be provided, in writing, the reasons for the determination of ineligibility.

(2) A disciplinary infraction shall not necessarily bar an inmate from serving as a council representative unless the infraction is determined by the warden to be detrimental to the council’s effectiveness.

(3) A representative's misbehavior while conducting council business or acting under the guise of conducting council business shall be cause for disciplinary or other action.

(4) The membership of representatives or the activities of the entire council may be suspended when the warden determines that the representative or council presents a threat to facility security or the safety of persons, or that the representative's or council's actions are counterproductive to the best interest and welfare of the general inmate population. If a council's activities are suspended, the warden shall notify the general inmate population of that action and the reasons therefor.

(c) Only inmates shall nominate and elect inmate advisory council representatives.

(1) Each inmate shall have an equal vote in the election of their council representatives.

(2) When an election is by written ballot, the election shall be conducted under the direct supervision of staff who shall distribute and collect the ballots and tabulate the results.

(3) All written ballots shall be retained for 30 days after the close of the election.

(4) If it is determined that any coercion, duress, threats of reprisal or other irregularities were present in an election, the warden may declare the election invalid and require a new ballot.

(5) Only council representatives shall elect a temporary representative to fill a vacancy for up to a maximum of 30 days.

(d) Inmate advisory council representatives shall not, as a council representative, become involved with inmate appeals unless the matter affects the general inmate population and such involvement is authorized by the warden.

(1) No appeal concerning an employee shall be discussed by representatives with any employee below the level of correctional lieutenant.

(2) Representatives shall not attempt to influence the decisions of staff by threatening to seek review by a higher authority.

(3) Representatives shall not negotiate with nonsupervisory staff who do not have the authority to act on the specific matter.

(4) Representatives shall not attempt to directly enforce staff's compliance with any higher-level decisions.

(e) Each inmate advisory council shall maintain a permanent record of formal meetings, whether staff were present or not.

(1) The minutes of meetings shall contain the date and time of the meeting, names and titles of those present and absent, subjects discussed, decisions made and actions taken.

(2) Before being distributed, minutes of meetings and any other council material shall require the approval of the warden or designee.

(f) Inmate advisory council representatives may, through designated staff and with the approval of the wardens of both facilities, correspond and exchange copies of meeting agenda and minutes with councils at other department facilities. The warden denying such exchanges shall provide the originating council chairperson with written reasons for the denial.

(g) The inmate advisory council shall be provided, when available, adequate facilities, equipment and supplies to carry out its approved activities and functions.

(1) Each council shall be provided with the following:

(A) Office space and furniture.

(B) Access to a typewriter and duplicating equipment.

(C) Office supplies and stationery.

(D) Bulletin boards in locations frequented by the represented inmate population.

(E) Copies of Notices of Change to Director's Rules, Administrative Bulletins, and other nonconfidential directives and announcements which concern the general inmate population.

(2) A means for distributing approved council materials to the general inmate population shall be established. Wardens may permit such means to include the use of facility publications and radio systems.

(3) The council shall obtain staff's authorization before using any resources, which were not specifically provided for the council.

(h) A staff person at the level of a program administrator or higher shall be designated as the inmate advisory council coordinator.

(1) Facility Captains shall be directly involved in council activities within their respective programs and may delegate specific aspects of supervision, direction and responsibilities for council activities within their unit to subordinate unit supervisors.

(2) Other staff may, as deemed necessary by the warden, be involved with the council in resolving issues.

(3) The routine supervision and direction of council activities may be delegated to staff at the level of a correctional lieutenant or higher.

(4) Correctional lieutenants and sergeants in charge of inmate living areas on each watch shall work directly with council representatives on issues and concerns resolvable at their level of authority.

(i) The warden or their designate shall meet with the inmate advisory council representatives at least once each calendar month. Apart from the warden's meeting, coordinators shall also meet with council representatives at least once each calendar month.

(1) Proposed agenda items with a summary of the council's efforts to resolve the items at a lower level shall be submitted by the council to the warden and, when required by the coordinator, to the coordinator one week prior to their scheduled meeting.

(2) Emergency issues may be brought to the attention of the warden or coordinator without a prearranged agenda.

(3) The warden and staff delegated the authority to act on formal agenda items shall provide the council with a timely written response which shall indicate what action (including any referral and no action) was taken, the reasons for the action and, when applicable, the manner and approximate time of implementing the action.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 6-29-93; operative 7-29-93 (Register 93, No. 27).
2. Change without regulatory effect amending subsection (h)(1) filed 8-6-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 32).

3231. Special Inmate Committees.

An institution head may appoint committees of inmates or parolees representative of the inmate or parolee population to perform special services or act as a representative group for special purposes and under the conditions specified in the appointment document. Such committees, unless composed exclusively of inmate advisory council representatives, shall not be affiliated with a facility's inmate advisory council.

NOTE: Authority cited: Sections 5058 and 6252, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
2. Editorial correction of Note filed 8-16-82 (Register 82, No. 34).
3. Amendment filed 6-29-93; operative 7-29-93 (Register 93, No. 27).

3232. Inmate Participation in Committees.

Inmate participation as a council representative or special committee member shall be voluntary. Each inmate who volunteers for

such an assignment shall comply with all department and facility requirements governing such participation.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 6-29-93; operative 7-29-93 (Register 93, No. 27).

3233. Inmate Leisure Time Activity Groups.

Institution heads may permit the formation of inmate leisure time activity groups, which promote educational, social, cultural and recreational interests of participating inmates. Group activities, which violate or advocate violating the law, regulations, or local procedures are prohibited.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 6-29-93; operative 7-29-93 (Register 93, No. 27).

3234. Establishment of Inmate Leisure Time Activity Groups.

(a) Each institution head shall provide for the formation of inmate leisure time activity groups within the facility. No activity group shall be formed or operated without the written approval of the institution head or their designee.

(b) Inmates proposing to form an activity group shall submit a proposed plan of operation for the institution head's or designee's approval. The proposed plan of operation shall include the following:

- (1) The proposed name of the group, which shall reflect the general nature and interest of the group.
- (2) The purpose of the group with an explanation of the expected benefits to the inmate participants and to the facility, justifying the use of state resources to accommodate the group.
- (3) Membership criteria. Membership to an activity group shall not be denied on the basis of an inmate's race, creed, color, age, national origin, ancestry, gender, marital status, disability, religious or political affiliation, sexual orientation, or on the inmate's inability or refusal to pay membership fees, dues or donations to the group.
- (4) Frequency and type of meetings.
- (5) Limitations on number of members.
- (6) Outside affiliations.
- (7) Structure of the group's governing body.
- (8) Provision for annual update of bylaws for the institution head's or designee's approval.

(9) An agreement signed by an employee volunteer willing to serve as the group's sponsor. Only a permanent full-time employee shall serve as a group sponsor. Cosponsors may be required if the group cannot be controlled by a single volunteer.

(c) When the institution head or designee approves a group's proposed plan of operation, the plan shall constitute the group's bylaws and shall be so titled prior to distribution.

(1) Any change in bylaws shall require the institution head's or designee's written approval prior to implementation.

(2) Continuing operation of a group is contingent upon the institution head's or designee's annual review and reapproval of the bylaws.

(d) No activity group shall meet unless the group's sponsor or cosponsor is present for such meeting.

(e) Each approved group may be allowed one banquet per year subject to security considerations, availability of facilities and resources, and the group's ability to pay any additional costs incurred by the state.

(f) The institution head shall dispose of any undisbursed funds and property of a disbanded activity group and in determining the method of disposal shall consider all written requests by former group members and other interested persons.

- (1) Funds shall be disbursed by either of the following methods:
 - (A) Deposited into the inmate welfare fund account.
 - (B) Donated to a recognized charitable organization.

(2) Property shall be disposed of by any one or more of the following methods:

- (A) Placed on the inmate welfare fund property inventory.
- (B) Donated to another inmate activity group.
- (C) Sold to another inmate activity group. Proceeds of such sales shall be deposited into the inmate welfare fund account.
- (D) Donated to a recognized nonprofit organization.
- (E) Used for facility needs.

(g) The bylaws for any approved group shall be accessible to all inmates in the facility. A copy shall be given to any requesting member of the public.

NOTE: Authority cited: Sections 5058 and 6252, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
3. Editorial correction of Note filed 8-16-82 (Register 82, No. 34).
4. Repealer and new section heading, designation and amendment of subsection (a), new subsections (b)–(f)(2)(E), and redesignation and amendment of former subsection 3235(a) to new subsection (g) filed 10-13-94; operative 11-14-94 (Register 94, No. 41).

3235. Termination of an Inmate Leisure Time Activity Group.

(a) The activities of a group may be temporarily suspended or terminated by the official in charge of the facility, if either of the following conditions exist:

- (1) The group's activities threaten facility security or the safety of staff, inmates or the public.
 - (2) The group is violating these regulations, local procedures or its approved bylaws.
- (b) After review and evaluation of the reason for such action, the institution head shall either allow the group to continue or order termination of the group.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
3. Editorial correction of Note filed 8-16-82 (Register 82, No. 34).
4. Editorial correction of printing error in subsection (d)(1) (Register 92, No. 5).
5. Amendment for section heading, redesignation of former subsection (a) to subsection 3234(g), repealer of subsections (b)–(d)(3), redesignation and amendment of subsections, and amendment of Note filed 10-13-94; operative 11-14-94 (Register 94, No. 41).

3236. Attendance at Group Activities.

Attendance at a group's activities by inmates who are not members, by members who are not inmates, or by guests or spectators may be permitted if requested by the group's employee sponsor and approved by the institution head or designee. The number of such persons permitted to attend may be restricted for security reasons or if facility resources cannot accommodate the additional attendance.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Renumbering of former section 3236 to section 3237 and renumbering and amendment of former section 3237 to section 3236 filed 10-13-94; operative 11-14-94 (Register 94, No. 41). For prior history, see Register 81, No. 3.

3237. Inmate Membership in Outside Organizations.

(a) Inmates may obtain and retain membership in outside organizations and associations provided such membership does not threaten facility security or the safety of staff, inmates, or the public; and creates no financial burden on the state.

(b) An inmate's membership in an outside organization shall not entitle any member to conduct the organization's activities within a facility, or to represent inmate members in department or facility matters, except as specifically approved by the institution head or the director.

(c) Unless such an act would jeopardize facility security or safety of persons, inmate members of outside organizations shall be permitted to possess membership cards and to wear membership buttons and lapel pins of such organizations. The official denying such items shall provide the affected inmates with written notice of the reasons for the denial.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Renumbering of former section 3237 to section 3236 and renumbering and amendment of former section 3236 to section 3237 filed 10-13-94; operative 11-14-94 (Register 94, No. 41). For prior history, see Register 82, No. 29.

Article 4. Inmate Fund Raising Campaigns and the Inmate Welfare Fund

3240. Inmate Fund-Raising Campaigns.

(a) Institution heads may authorize for each approved inmate activity group up to three campaigns annually for one or more of the following:

- (1) Generally recognized nonprofit charitable causes.
- (2) General fund-raisers.

(b) Each approved inmate group may raise funds by soliciting inmate donations or selling approved products, commodities, or services to general population inmates.

(1) Only inmates shall be solicited for contributions unless the institution head approves solicitation of staff.

(2) Fund-raising activities shall be conducted only during inmate and staff sponsor off-duty time.

(c) No form of coercion shall be used on any inmate or parolee to participate in a campaign or fund-raiser, or to make a nonvoluntary donation.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
2. Amendment of article heading, section heading and text filed 10-13-94; operative 11-14-94 (Register 94, No. 41).

3240.1. Donations.

Inmates may with permission of the institution head make voluntary donations from their trust account funds for any approved reason or cause. Permission shall be denied if any of the following exist:

- (a) There is evidence of coercion.

(b) The inmate's trust account balance is less than the amount of the proposed donation.

(c) The inmate is mentally incompetent.

(d) The proposed amount of the donation is less than one dollar.

(e) The reason or cause advocated could jeopardize facility security or the safety of persons.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Renumbering and amendment of former section 3241 to section 3240.1 filed 10-13-94; operative 11-14-94 (Register 94, No. 41).

3240.2. Inmate Welfare Fund Processing Fees.

(a) Ten percent shall be deducted from inmate donations for deposit in the inmate welfare fund to offset trust office transaction processing costs.

(b) Monies collected from sales of products, commodities, or services shall be subject to the deduction based on gross sales.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 10-13-94; operative 11-14-94 (Register 94, No. 41).

3241. Donations.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
3. Renumbering of former section 3241 to section 3240.1 filed 10-13-94; operative 11-14-94 (Register 94, No. 41).

Article 5. Institution Publications

3250. Inmate Publications.

(a) As used in this article, an inmate publication means any journal, magazine, bulletin, newsletter, newspaper, or other material published by inmates.

(b) Inmates may participate in the publication and distribution of an inmate publication only with the institution head's specific approval.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Repealer of section 3250 and renumbering and amendment of former section 3251 to section 3250 filed 6-23-93; operative 7-23-93 (Register 93, No. 26).

3250.1. Material Prohibited from Inmate Publications.

(a) Inmate publications shall not contain material the institution head determines to be a threat to facility security or the safety of persons, or determines that it:

(1) Offends any race, gender, nationality, religious faith, or sexual preference.

(2) Is lewd, pornographic, sexually suggestive, libelous, has profane or vulgar terminology, or otherwise is prohibited pursuant to section 3006.

(3) Attacks any individual.

(4) Serves as a conveyance for individual complaints or substitute for the department's appeal process.

(b) The names or photographs of inmates or staff shall not be used without the individual's written permission.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code; *In re Williams* (1984) 159 C.A.3d 600, 205 Cal.Rptr. 903; *Bailey v. Loggins* (1982) 32 C.3d 907, 187 Cal.Rptr. 575; *Diaz et al. v. Watts* (1987) 189 Cal.App.3d 657, 234 Cal.Rptr. 334; and *Miller v. California* (1973) 413 U.S. 15, 93 S.Ct. 2607, reh'g. den 414 U.S. 881, 94 S.Ct. 26.

HISTORY:

1. New section filed 6-23-93; operative 7-23-93 (Register 93, No. 26).
2. Amendment of subsections (a), (a)(2), (a)(4) and (b) filed 6-6-96; operative 6-6-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 23).

3250.2. Inmate Publication Disclaimer and Editing Authority.

(a) Inmate publications shall include a disclaimer that the opinions expressed therein are the author's and do not necessarily represent the position of the facility or department.

(b) The institution head shall designate an administrative editor and a supervising editor who shall oversee the editorial correctness of the inmate publication and ensure compliance with relevant laws and regulations.

(c) The administrative editor shall be at the level of an associate warden or assistant regional parole administrator, public information officer, or administrative assistant.

(d) The supervising editor shall be an instructor in journalism or other qualified employee appointed by the institution head and shall approve or reject articles, illustrations, and layouts proposed for publication by the inmates.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 6-23-93; operative 7-23-93 (Register 93, No. 26).

3250.3. Resolution of Inmate Publication Editing Disagreements.

Disagreements about language, content, or acceptability of a proposed article or edition shall be resolved as follows:

(a) Any unresolved disagreement between the supervising editor and inmate publication staff shall be referred to the administrative editor for resolution. The administrative editor shall render a decision, which may include reasonable editorial changes, within three working days.

(b) If unable to effect a satisfactory resolution, the administrative editor shall forward the material to the institution head who may either make a decision or transmit the matter to the assistant director, communications, for a decision, within three working days of receipt of the disputed material.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 6-23-93; operative 7-23-93 (Register 93, No. 26).

3250.4. Termination of an Inmate Publication.

The termination of any inmate publication for other than the temporary suspension of publication during a lockdown or other declared emergency shall require the director's approval.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 6-23-93; operative 7-23-93 (Register 93, No. 26).

3251. Participation.

HISTORY:

1. Renumbering and amendment of former section 3251 to section 3250 filed 6-23-93; operative 7-23-93 (Register 93, No. 26).

SUBCHAPTER 4. GENERAL INSTITUTION REGULATIONS

Article 1. Public Information and Community Relations

3260. Public Access to Facilities and Programs.

Correctional facilities and programs are operated at public expense for the protection of society. The public has a right and a duty to know how such facilities and programs are being conducted. It is the policy of the department to make known to the public, through the news media, through contact with public groups and individuals, and by making its public records available for review by interested persons, all relevant information pertaining to operations of the department and facilities. However, due consideration will be given to all factors which might threaten the safety of the facility in any way, or unnecessarily intrude upon the personal privacy of inmates and staff. The public must be given a true and accurate picture of department institutions and parole operations.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment of section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3260.1. Public Records Duplication Services.

The Department shall charge a requester a fee of 12 cents per page, plus postage, to duplicate and mail a public record as defined in the California Public Records Act, Government Code Sections 6250, et seq.

NOTE: Authority cited: Sections 5058, Penal Code. Reference: Sections 5054, Penal Code, and section 6250, et seq., Government Code.

HISTORY:

1. New section filed 1-13-2003; operative 2-12-2003 (Register 2003, No. 3).

3261. Moviemakers, Broadcasters, Writers.

HISTORY:

1. Renumbering and amendment of former section 3261 to section 3261.1 filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3261.1. Media Access to Facilities.

(a) Access to a department facility or contract facility for a news media representative, as defined in subsection 3261.5(a)(1), shall require prior approval of either the institution head or the Assistant Secretary of Communications or designee. Access to a department facility for a non-news media representative, as defined in subsection 3261.5(a)(2), shall require prior approval of both the institution

head and the Assistant Secretary of Communications or their designees. For each request for access from a news media representative or a non-news media representative, the institution head or the Office of Public and Employee Communications shall provide an initial response back within two (2) working days. In order to deny an access request for a news media or a non-news media representative, the institution head shall secure advance authorization from the Secretary of the California Department of Corrections and Rehabilitation (CDCR) or designee.

(1) Facilities, on-duty staff, inmates or records under control of the department shall not be used in conjunction with film making, radio or television programs, or the writing of books, magazine articles or syndicated stories without prior approval of the Secretary of the CDCR or designee.

(2) Should any news media or non-news media representative(s) access to a facility constitute an immediate threat to safety and security, or generate serious operational problems, the institution head or designee may impose limitations on or set conditions for such access.

(b) Except as provided by subsection 3261.5(b), news media and non-news media representatives within a facility shall be under the direct supervision of the facility's or regional Public Information Officer or their designee as determined by the institution head.

(c) News media and non-news media representatives shall not enter condemned units, the execution chamber, or any area currently affected by an emergency situation without approval of the Secretary of the CDCR or designee.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and sections 1798.20, 1798.30 and 1798.40–42, Civil Code.

HISTORY:

1. Renumbering and amendment of former section 3261 to section 3261.1 filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
3. Editorial correction of Reference cite (Register 95, No. 14).
4. Amendment filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

3261.2. Authorized Release of Information.

(a) Only an employee designated by the institution head shall inform the media regarding a facility incident or newsworthy event.

(b) Except as provided by applicable federal and state law, no person shall disclose any protected health information that identifies an individual without a valid written authorization from the individual.

(c) Information pertaining to a Division of Juvenile Justice ward shall not be released to the media or the public, except as provided in subsection 3261.7(c)(3).

(d) Information derived from a person's Criminal Identification and Investigations Report shall not be provided to the media or to the public.

(e) Including the limitations of (c) and (d) above, the only inmate or parolee data which may be released without a valid written authorization from the inmate/parolee to the media or to the public includes the inmate's or parolee's:

- (1) Name.
- (2) Age.
- (3) Birthplace.
- (4) Place of previous residence.
- (5) Commitment information obtained from their adult probation officer's report.

(6) Facility assignments and behavior.

(7) General state of health, given in short and non-medical terms such as good, poor, or stable.

(8) Cause of death.

(9) Sentencing and release actions.

(f) The only employee data which may be released to the media or to the public by other than the employee concerning their involvement in a facility incident or newsworthy event includes:

- (1) Name.
- (2) Civil service classification.
- (3) Age.
- (4) Work assignment.
- (5) Length of service with the department and/or current division or unit.
- (6) Past work assignments.
- (7) Role or function in a newsworthy event.
- (g) Information endangering an employee or concerning an employee who is a crime victim shall not be released to the media.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Sections 56.10, 1798.20, 1798.30 and 1798.40–42, Civil Code; Sections 6250–6276.48, Government Code; and Code of Federal Regulations, Title 45, Parts 160 and 164.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
3. Amendment of section and Note filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

3261.3. Notifying Media of Escapes.

(a) In the event of an actual or suspected escape, the facility or regional public information officer, or off-duty hours designee, shall notify radio and television stations and newspapers in the surrounding communities and the missing inmate's home community.

(1) The missing inmate's physical description, estimated time of disappearance and other pertinent details shall be provided.

(2) The media shall be informed of the facility's search efforts and cooperation with local law enforcement agencies.

(b) When available, the missing inmate's identification photograph or short escape bulletin shall be furnished to the notified television stations and newspapers. If a photograph or short escape bulletin are not available for distribution, the media shall be informed that one is posted at the facility's front entrance where they will be permitted to take a picture of it for their use.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3261.4. Media Inquiries.

(a) Media inquiries shall be given high priority; facts shall be gathered as quickly as possible and provided to the inquirer. If the requested facts are not known or are otherwise unavailable, the inquirer shall be so informed and the reasons therefore.

(b) No information developed to answer a media person's inquiry nor the fact that an inquiry was made shall be volunteered to another media person.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
3. Amendment of subsection (a) filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

3261.5. Routine Media Interviews.

(a) Definitions.

(1) "News media representative" means a journalist who works for, or is under contract to, a newspaper, magazine, wire service, book publisher, or radio or television program or station or who, through press passes issued by a governmental or police agency, or through similar convincing means, can demonstrate that he or she is a bona fide journalist engaged in the gathering of information for distribution to the public.

(2) "Non-news media representatives" means individuals in the publishing and broadcasting media not included in subsection 3261.5(a)(1), and may include editorial researchers, freelance writers, authors of books and independent film makers involved with the production of broadcast or print endeavors including, but not limited to, features, documentaries, commercials, and pilots for proposed news, or entertainment programs.

(b) News media and non-news media representatives shall be allowed to interview inmates in person in accordance with the visiting requirements of sections 3170 through 3176.3.

(1) No inmate or parolee may have his or her visitation limited or revoked solely because of a visit or potential visit from a news media or non-news media representative, nor may an inmate or parolee be punished, reclassified, disciplined, transferred to another prison against his or her wishes, or otherwise retaliated against, solely for participating in a visit by, or communicating with, a news media or non-news media representative.

(2) During an interview conducted pursuant to subsection 3261.5(b), news media and non-news media representatives shall be allowed to bring up to three (3) pens, three (3) pencils and one (1) pad of paper into the facility. These items shall be searched to protect against an immediate and direct threat to the security of the institution.

(c) Inmate telephone calls to news media and non-news media representatives shall be allowed in accordance with section 3282 and may be recorded by the media representative with the inmate's consent.

(d) Except as provided by subsection 3261.5(b), access by news media and non-news media representatives to department institutions, contract facilities and equipment requires prior approval pursuant to the provisions in subsection 3261.1(a).

(1) Non-news media representatives must provide proof of employment by a bona fide publication or production company, or have evidence that such a company has contracted to purchase the completed project prior to approval.

(2) Non-news media representative requests for access to departmental facilities, on-duty staff or inmates shall include project and production details as necessary to determine security and operational impacts. (3) Non-news media representative film productions require a California Film Commission permit, along with evidence of financial responsibility and liability insurance of at least \$1 million indemnifying and defending the State of California, its offices, employees and agents against any lawsuits.

(e) News media and non-news media representatives may be allowed access to security housing units and administrative segregation with the prior approval of the institution head.

(1) Access to any secured area where lethal weapons are maintained requires the prior approval of the institution head.

(2) The institution head may allow access to an area outside the secure perimeter of a facility to news media representatives.

(f) News media and non-news media representatives may be permitted random face-to-face interviews with inmates or parolees housed in facilities under the jurisdiction of the department, and random or specific-person face-to-face interviews with staff. Such interviews shall be conducted as stipulated by the institution head, including restricting the time, place and duration of interviews, and size of technical crews.

(1) Random interviews of individuals involved in a specific activity or program, or encountered while covering a facility activity or event shall be limited to the time, areas and segments of the facility population designated by the institution head.

(2) Inmates may not participate in specific-person face-to-face interviews except as provided in subsection 3261.5(b).

(g) Use of cameras or recording equipment shall require prior approval of the institution head or designee. Photographs, films or video recording of inmates shall be allowed in accordance with section 3261.7.

(h) The news media and non-news media representatives or their organization(s) may be required to pay the security or escort costs provided for the interview.

(i) No inmate, parolee or staff shall be interviewed against their will.

(j) CDCR Form 146 (Rev. 06/08), Inmate Declaration To News Media Contact, shall be completed whenever an inmate is the subject of an interview, still photograph, motion picture or other recording intended for use by a television or radio station, or newspaper, magazine or other publication.

(k) One employee shall witness the inmate's signature on the completed CDCR Form 146.

(l) Inmates under 18 years of age shall not be photographed, filmed or video recorded.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601 and 5054, Penal Code, and *Pell v. Procnier*, 94 S.Ct. 2800 (1974).

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
3. Amendment of subsection (a), repealer and new subsection (a)(2), amendment of subsection (d), repealer of subsection (e)(1) and subsection relettering, new subsection (f) and amendment of Note filed 4-8-96 as an emergency; operative 4-8-96 (Register 96, No. 15). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 9-15-96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-8-96 order transmitted to OAL 9-13-96 and disapproved 10-28-96 (Register 96, No. 44).
5. Amendment of subsection (a), repealer and new subsection (a)(2), amendment of subsection (d), repealer of subsection (e)(1) and subsection relettering, new subsection (g) and amendment of Note filed 10-28-96 as an emergency; operative 10-28-96 (Register 96, No. 44). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 4-6-97 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 10-28-96 order transmitted to OAL 3-3-97 and filed 4-14-97 (Register 97, No. 16).

7. Amendment filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

3261.6. Seriously or Terminally Ill Inmate Media Interviews.

(a) Media interviews shall not be permitted with an inmate suffering from a mental illness when, in the opinion of a psychiatrist or psychologist, the inmate is not capable of giving informed consent or their condition may be worsened by such an interview.

(b) Controlled access may be permitted to seriously or terminally ill patients and their housing areas. Random interviews in such unit shall be closely monitored and shall be terminated if a majority of the unit's inmates object.

(c) No more than two visits per calendar month to a unit housing seriously or terminally ill inmates shall be allowed. Visits shall be on a first-come, first-served basis with a waiting list to be maintained by the facility's public information officer. A "pool" of no more than ten media persons per visit shall be permitted.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code; and Sections 1798.41 and 1798.42, Civil Code.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3261.7. Cameras and Other Audio or Visual Recording Devices.

(a) Staff cannot prohibit a person who is not on facility property from photographing, filming, videotaping or otherwise recording any department facilities, employees, inmates, parolees or equipment.

(b) Persons are prohibited from interrupting, interfering or communicating with an inmate being transported or working off facility grounds without prior authorization of the staff person in charge or institution head.

(c) Photographs, films or videotapes for other than department purposes which reveal an inmate's identity may be taken within a facility subject to the following conditions:

(1) A CDCR Form 146 (Rev. 06/08) shall be completed for each inmate before a photograph, film or videotape identifying the inmate may be taken.

(2) An inmate's consent is not required where individuals in such settings as an exercise yard or dining hall are not singled out or where the inmate's identity is not revealed; however, before such shots are taken, inmates shall be advised so those who do not want to be recognized may turn away or leave the area.

(3) Photographs, films or videotapes revealing the identity of an inmate committed to the Division of Juvenile Justice shall not be made available other than for official purposes such as an escape.

(d) Unless there is a specified threat of imminent danger to an inmate or parolee by releasing their departmental identification photograph, news media representatives as defined in subsection 3261.5(a)(1) and non-news media representatives as defined in subsection 3261.5(a)(2) shall be permitted access to photographs without the inmate's or parolee's consent.

(1) News media and non-news media representatives shall pay for the facility's cost to provide such requested departmental identification photographs.

(2) Current departmental identification photographs of escaped inmates and parolees at large shall be provided without charge.

(e) Possession of any camera or other recording device within a facility is prohibited unless specifically authorized by the institution head.

(f) No camera or other recording device shall be permitted within the execution chamber area.

(1) Photographs or any other audio or visual recordings of an execution are prohibited.

(2) Media photography, filming or videotaping of the execution chamber is prohibited; however, stock department photographs and videotapes of the area are available upon request.

(g) Before photographers and camera operators enter a facility, they shall be informed of any restrictions, including that photographs or recordings are prohibited of: persons without their consent; and procedures, equipment or structures which will compromise security.

(h) Any photographs, film, video tape or other recording taken within facilities in violation of these regulations shall be seized and placed undamaged, undeveloped and unviewed in a secure area. The news media or non-news media representative's supplies and equipment shall not be damaged.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 4570, 4570.1 and 5054, Penal Code.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).
3. Amendment filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

3262. Public Events.

Visitors may be permitted to attend athletic games and other types of entertainment held at facilities only under conditions that will not jeopardize facility security and the visitor's safety. Visitor attendance shall be by invitation only. Attendance of visitors shall not deprive inmates of attendance or adequate seating at such events. Admission fees shall not be charged.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment of section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3263. Group Visits.

Visits to a facility by interested groups may be permitted under conditions not jeopardizing facility security or the safety of persons. Visitors shall be escorted through the facility as specified by the institution head. Tours shall be conducted in a manner avoiding embarrassment of inmates or visitors, and disruption of normal activities.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment of section filed 12-18-91 as an emergency; operative 12-18-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-16-92 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of printing error (Register 92, No. 4).
3. Editorial correction of printing error (Register 92, No. 5).
4. Certificate of Compliance as to 12-18-91 order transmitted to OAL 4-15-92 and filed 5-26-92 (Register 92, No. 22).

3264. Employee Guests.

Employees requesting to bring visitors into a facility shall first obtain authorization from the institution head.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment of section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3265. Arts and Crafts Exhibits.

(a) The public may be permitted to attend displays of inmate-made articles provided:

- (1) Facility security shall not be jeopardized.
- (2) Adequate facilities and staff are available to control against unauthorized visiting and introduction of contraband.
- (3) The activity does not interfere with the normal facility operation.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Order of Repeal of subsection (b) filed 6-3-85 by OAL pursuant to Government Code section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).
2. Amendment of section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 12-19-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 24).

3266. Inmate Contacts with the Public.

Inmates shall not initiate any personal contact with the public except as specifically authorized. This does not preclude an inmate's courteous and appropriate response when contact is initiated by a member of the public.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 4570 and 5054, Penal Code.

HISTORY:

1. Renumbering of former section 3072 to new section 3266, including amendment of section heading and text, and new Note filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

3267. Access of Public Officials to Facilities.

(a) A public official, except as provided in (b) below, of another governmental department or agency who needs to interview staff or inmates or to conduct an inspection shall request permission of the institution head at least 24 hours before the date and time of their desired arrival, stating the purpose of the proposed visit. Upon their arrival, the official's access shall be subject to the following requirements:

- (1) The official shall be required to produce their picture identification and consent to a search.
- (2) The official shall be escorted by staff at all times within the facility's security area.
- (3) Any equipment required by the official shall be searched and under the control of staff while it is within the facility's security area.

(b) An elected state official's access may be denied only during an emergency with the approval of the Secretary of the California Department of Corrections and Rehabilitation. Access by the

guests or staff of such officials may be denied when they have not been previously approved by the institution head.

(c) In cases of immediate need, and upon notification by the Secretary in writing, any prohibitions regarding access to inmates by public officials, their guests or staff may be suspended to assist in the interest of public understanding of departmental operations and responsibilities.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 11-5-92; operative 12-7-92 (Register 92, No. 45).
2. Amendment of subsection (b) and new subsection (c) filed 8-29-2008; operative 9-28-2008 (Register 2008, No. 35).

Article 1.5. Use of Force and Restraining Devices**3268. Use of Force.**

The purpose of this Section is to set forth Department of Corrections and Rehabilitation (CDCR) policy governing the use of force. The policy has its foundation in California Penal Code statutes and relevant case decisions.

(a) Definitions.

(1) Reasonable Force:

The force that an objective, trained and competent correctional employee, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order.

(2) Unnecessary Force:

The use of force when none is required or appropriate.

(3) Excessive Force:

The use of more force than is objectively reasonable to accomplish a lawful purpose.

(4) Immediate Use of Force:

The force used to respond without delay to a situation or circumstance that constitutes an imminent threat to security or the safety of persons.

(5) Controlled Use of Force:

The force used in an institution/facility setting, when an inmate's presence or conduct poses a threat to safety or security and the inmate is located in an area that can be controlled or isolated.

(6) Non-Conventional Force:

Force that utilizes techniques or instruments that are not specifically authorized in policy, procedures, or training. Depending on the circumstances, non-conventional force can be necessary and reasonable; it can also be unnecessary or excessive.

(7) Non-Deadly Force:

Any use of force that is not likely to result in death.

(8) Deadly Force:

Any use of force that is likely to result in death. Any discharge of a firearm other than the lawful discharge during weapons qualifications, firearms training, or other legal recreational use of a firearm, is deadly force.

(9) Response Supervisor:

The Response Supervisor is the first line supervisor in an institution/facility responsible for the area where an incident occurs.

(10) Responding Supervisor:

The Responding Supervisor is the first line supervisor responsible for the employee involved in an incident.

(11) Incident Commander:

The Incident Commander is the second line supervisor in an institution/facility responsible for the area where an incident occurs or an allegation of excessive or unnecessary force is received.

(12) First Level Manager:

A First Level Manager in an institution/facility is a Facility Captain/Correctional Captain.

(13) First Line Manager:

A First Line Manager is a Parole Administrator, District Administrator, Special Agent-In-Charge, or Senior Special Agent.

(14) Second Level Manager:

A Second Level Manager in an institution/facility is an Associate Warden.

(15) Second Line Manager:

A Second Line Manager is a Deputy Regional Parole Administrator or Chief.

(16) Deadly Force Review Board (DFRB) means the board responsible for conducting a full and complete review of all incidents involving a use of deadly force (except those meeting the criteria set forth in 3268(a)(20)) and every death or great bodily injury that could have been caused by a staff use of force, regardless of whether the incident occurs in an institutional or community setting. The DFRB shall be composed of at least four members. Three shall be non-departmental law enforcement professionals. One shall be a Division, Parole Region, or Institution/Facility Manager (i.e. Associate Director, Division of Juvenile Justice (DJJ) Superintendent, Chief or designee) from outside the chain of command of the involved employee(s). Additional members may be designated by the Secretary or designee.

(17) Institutional Executive Review Committee (IERC):

The IERC is a committee of institution staff chaired by the respective Institution Head tasked with reviewing all uses of force and every allegation of excessive or unnecessary force.

(18) Department Executive Review Committee (DERC):

Department Executive Review Committee (DERC) is a committee of staff selected by, and including, the Associate Director who oversees the respective institution/facility Mission-based group. The DERC shall review all incidents involving deadly force, serious injury, great bodily injury or death. The DERC shall also review those incidents referred to the DERC by the IERC Chairperson or otherwise requested by the DERC.

(19) Field Executive Review Committee (FERC):

The FERC is a committee of field staff chaired by the respective Regional Parole Administrator, Assistant Secretary, or Chief tasked with reviewing all uses of force and every allegation of excessive or unnecessary force.

(20) Deadly Force Investigation Teams (DFIT):

DFIT is a team of trained department investigators that shall conduct criminal and administrative investigations into every use of deadly force and every death or great bodily injury that could have been caused by a staff use of force, except the lawful discharge of a firearm during weapons qualifications or firearms training, or other legal recreational uses of a firearm. Although defined as deadly force DFIT need not investigate the discharge of a warning shot inside an institution/facility if an Investigative Services Unit Sergeant or above, or an uninvolved Correctional Lieutenant or above confirms that the discharge of deadly force was a warning shot and that no injuries were caused by the shot. All warning shots shall be reported to the Office of Internal Affairs/DFIT and the Bureau of Independent Review (BIR).

(21) Joint Use Committee (JUC):

The JUC is a committee of field staff from the department tasked with reviewing and evaluating recommended revisions to the department's Use of Force Regulations and Procedures.

(22) Holding Cells:

A holding cell is a secure structure located within a building or sheltered area that is without running water, a toilet, or sleeping facilities, and is designed for the interim placement of one or more offenders.

(b) It is the policy of the Department of Corrections and Rehabilitation (CDCR) to accomplish the departmental functions with minimal reliance on the use of force. Employees may use reasonable force as required in the performance of their duties, but unnecessary or excessive force shall not be used.

(c) Use of Force Options. Use of Force options do not have to be utilized in any particular sequence, but should be the force option staff reasonably believes is sufficient. Whenever possible, verbal persuasion or orders shall be issued prior to resorting to force and are required to be provided before controlled force is used. The unresisted searching or escorting of a person and the unresisted application of authorized restraint equipment is not a use of force. Use of force options include but are not limited to:

(1) Chemical agents.

(2) Hand-held batons.

(3) Physical strength and holds. A choke hold or any other physical restraint which prevents the person from swallowing or breathing shall not be used unless the use of deadly force would be authorized.

(4) Less-lethal weapons: A less-lethal weapon is any weapon that is not likely to cause death. A 37mm or 40mm launcher and any other weapon used to fire less-lethal projectiles is a less-lethal weapon.

(5) Lethal weapons: A lethal weapon is any weapon that is likely to result in death. A firearm is a lethal weapon because it is used to fire lethal projectiles.

(d) The CDCR recognizes the sanctity of human life. Therefore, deadly force will only be used when it is reasonably necessary to:

(1) Defend the employee or other persons from an immediate threat of death or great bodily injury.

(2) Prevent an escape from custody.

(3) Stop acts such as riots or arson that constitute an immediate jeopardy to institutional security and, because of their magnitude, are likely to result in escapes, great bodily injury, or the death of other persons.

(4) Dispose of seriously injured or dangerous animals when no other disposition is practical.

(e) In facilities contracted to house CDCR inmates outside of California, the use of deadly force shall only be applied in accordance with applicable law in the state where the facility is located.

(f) A firearm shall not be discharged if there is reason to believe that persons other than the intended target will be injured.

(g) Firearms may be discharged as a warning only in an institutional/facility setting and only when deadly force is permitted under Section 3268(d).

(h) Immediate Use of Force. A verbal warning shall be given before force is used unless the circumstances requiring the immediate force preclude such a verbal warning.

(i) Controlled Use of Force. In an institution/facility setting, controlled use of force may be used when time and circumstances permit advance planning, staffing and organization. A controlled use of force requires authorization and the presence of a First or Second Level Manager, or during non-business hours, an AOD and must be documented on a CDCR Form 3037 (Rev. 6/09), Controlled Use of Force Manager/AOD Report, which is hereby incorporated by reference.

(j) Tactical Use of Force. In a field or community setting, the tactical use of force is part of an operation plan at a predetermined location with intended targets. All use of force options available shall be considered. The Tactical Use of Force shall require prior supervisory approval during the operation planning.

(k) Chemical Agents. Departmentally approved chemical agents include, but are not limited to the following: oleoresin capsicum

(OC), chloroacetophenone (CN), and orthochlorobenzalmalononitrile (CS).

(J) Decontamination from Chemical Agents. Any person exposed to a chemical agent shall be afforded an opportunity to decontaminate as soon as practical. If the person refuses to decontaminate, no other action is necessary. If an inmate was exposed in a cell and not removed from the cell where the exposure occurred, in-cell decontamination shall be afforded to the inmate, to include but not be limited to:

(A) Health care staff advising the inmate how to self decontaminate in the cell.

(B) Health care staff monitoring the in-cell inmate at least every 15 minutes for a period not less than 45 minutes.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 196, 835a, 2651, 2652 and 5054, Penal Code; Section 50, Civil Code; *Whitley v. Albers* (1985) 475 U.S. 312, 106 S.Ct. 1078; and *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH).

HISTORY:

1. New article 1.5 (sections 3268-3268.2) and section filed 3-12-99 as an emergency; operative 4-1-99 (Register 99, No. 11). A Certificate of Compliance must be transmitted to OAL by 9-8-99 or emergency language will be repealed by operation of law on the following day pursuant to Penal Code section 5058(e)(1).
2. Editorial correction of History 1 (Register 99, No. 24).
3. Certificate of Compliance as to 4-1-99 order, including amendment of first paragraph, transmitted to OAL 9-8-99 and filed 10-20-99 (Register 99, No. 43).
4. Amendment of section and Note filed 8-19-2010; operative 8-19-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 34).

3268.1. Reporting and Investigating the Use of Force for Institution/Facility Staff.

(a) Use of Force—Reporting Requirements. Every staff use of force is an incident that shall be reported.

(1) Any employee who uses force or observes a staff use of force shall report it to a supervisor as soon as practical and submit the appropriate documentation, prior to being relieved from duty. In an institution/facility setting the documentation shall be on a CDCR Form 837-A (Rev. 7/05), Crime/Incident Report Part A-Cover Sheet, CDCR Form 837-A1 (Rev. 7/05), Crime/Incident Report Part A1-Supplement, CDCR Form 837-B1 (Rev. 7/05), Crime/Incident Report Part B1-Inmate, CDCR Form 837-B2 (Rev. 7/05), Crime/Incident Report Part B2-Staff, CDCR Form 837-B3 (Rev. 7/05), Crime/Incident Report Part B3-Visitor/Other, CDCR Form 837-C (Rev. 7/05), Crime/Incident Report Part C-Staff Report, CDCR Form 837-C1 (Rev. 7/05), Crime/Incident Report Part C1-Supplement, CDCR Form 837-C2 (Rev. 7/05), Crime/Incident Report Part C2-Review Notice, which are hereby incorporated by reference.

(2) The supervisor shall document his or her review on a CDCR Form 3010 (Rev.6/09), Incident Commander's Review/Critique Use of Force Incidents, which is hereby incorporated by reference, and forward it with the employee's document through the designated chain of command, to the institution head for approval or follow-up action.

(b) Additional Reporting Requirements for Use of Deadly Force.

(1) An employee who intentionally or accidentally uses deadly force, whether on or off duty, shall ensure that a supervisory employee is notified of the incident without delay. This reporting is not required for the lawful discharge of a firearm during weapons qualifications, firearms training, or other legal recreational use of a firearm.

(2) The response supervisor shall ensure that the chain of command is notified and all necessary health and safety, medical and security measures are initiated.

(A) If the incident is in an institution/facility, the response supervisor shall obtain a public safety statement(s) (oral statement) from the staff employing deadly force and shall document the essence of the oral statement in writing and submit it to the incident commander. Providing a public safety statement does not relieve the staff of the responsibility to submit a written report in accordance with 3268.1(a), or within 24 hours after the incident.

(B) For incidents occurring in a community setting, the on-duty supervisor shall ensure local law enforcement is contacted.

(3) The incident commander shall notify the Office of Internal Affairs (OIA) and the Bureau of Independent Review (BIR) as soon as possible, but no later than one hour from the time the incident is discovered, of any use of deadly force and every death or GBI that could have been caused by a staff use of force.

(c) Any employee who observes a use of force that is unnecessary or excessive shall attempt to stop the violation. Any employee who becomes aware of an allegation of unnecessary or excessive use of force, whether it occurs during a reportable incident or not, shall verbally report the allegation to a custody supervisor as soon as possible, followed by the submission of the appropriate documentation.

(d) Video Recording Requirements.

(1) A video recording is required for all Controlled Uses of Force occurrences. A video recording of the inmate is also required following a use of force occurrence resulting in SBI or GBI to the inmate.

(2) A video recording of the inmate shall be made when the inmate has made an allegation of an unnecessary or excessive use of force and shall be documented on a CDCR Form 3013 (Rev. 02/10), Inmate Interview Guidelines and a CDCR Form 3014 (Rev. 6/09), Report of Findings—Inmate Interview, which are hereby incorporated by reference.

(e) Reviewing Use of Force Requirements.

(1) For reported incidents, a good faith effort must be made at all levels of review in order to reach a judgment whether the staff's actions prior to, during, and subsequent to the force used was in compliance with regulations, procedure and applicable law and determine if follow-up action is necessary.

(2) Use of Force levels of review include the following:

(A) Incident Commander Review, CDCR Form 3010 (Rev. 6/09), Incident Commander's Review/Critique Use of Force Incidents.

(B) First Level Manager Review, CDCR Form 3011 (Rev. 6/09), Manager's Review—First Level Use of Force Incidents, which is hereby incorporated by reference.

(C) Second Level Manager Review, CDCR Form 3012 (Rev. 6/09), Manager's Review—Second Level Use of Force Incidents, which is hereby incorporated by reference.

(D) Use of Force Coordinator Review. The Use of Force Coordinator shall normally schedule all logged use of force cases for review within 30 days of their logged occurrence. The Use of Force Coordinator shall document their review on a CDCR Form 3034 (6/09), IERC Allegation Review, and a CDCR Form 3036 (6/09), IERC Critique and Qualitative Evaluation, which are hereby incorporated by reference.

(E) Institutional Executive review Committee (IERC). Normally, the IERC is comprised of the following staff:

1. Institution Head or Chief Deputy Warden, as chairperson and final decision maker,
2. At least one other manager assigned on a rotational basis,
3. In-Service Training Manager,
4. One health care practitioner or clinician, and
5. A Use of Force Coordinator.

6. Other designated supervisors and rank and file staff may also attend, as determined by the Institution Head. A representative of the BIR may also attend and monitor IERC meetings.

7. The IERC shall meet to review its cases on at least a monthly basis, or on a schedule to ensure all cases are reviewed within 30 days. The IERC shall document their review on a CDCR Form 3035 (6/09), IERC Use of Force Review & Further Action Recommendation, which are hereby incorporated by reference.

(F) Department Executive Review Committee (DERC).

(f) Investigating Deadly Force and Any Use of Force that could have caused Death or Great Bodily Injury.

(1) Every use of deadly force (except those meeting the criteria set forth in 3268(a)(20)) and every death or great bodily injury that could have been caused by a staff use of force will be investigated by the Deadly Force Investigation Team (DFIT) and reviewed by the Deadly Force Review Board (DFRB).

(2) DFIT shall conduct criminal and administrative investigations of every death or great bodily injury that could have been caused by a staff use of force and every use of deadly force, except those meeting the criteria set forth in 3268(a)(20), the lawful discharge of a firearm during weapons qualifications or firearms training, or other legal recreational uses of a firearm.

(3) DFRB shall conduct a full and complete review of all incidents involving a use of deadly force (except those meeting the criteria set forth in 3268(a)(20)) and every death or great bodily injury that could have been caused by a staff use of force, regardless of whether the incident occurs in an institutional or community setting.

(g) Use of Force Joint Use Committee (JUC). The Use of Force JUC shall review and evaluate recommended revisions to the CDCR's Use of Force Regulations and Procedures. The JUC shall be comprised of the following field staff:

(1) At least one Institution Head, as chairperson,

(2) At least one staff member from each DAI mission based region, at the level of Lieutenant or Captain,

(3) At least one Use of Force Coordinator,

(4) At least three representatives from the California Correctional Peace Officer Association (CCPOA), as designated by the CCPOA,

(5) The Chief of BIR, or designee, and

(6) Others as needed and assigned by the Deputy Director, DAI.

The JUC shall meet quarterly as necessary, but not less than annually, to review recommended revisions.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 196, 835a, 2651, 2652 and 5054, Penal Code; Section 50, Civil Code; and *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH).

HISTORY:

1. New section filed 3-12-99 as an emergency; operative 4-1-99 (Register 99, No. 11). A Certificate of Compliance must be transmitted to OAL by 9-8-99 or emergency language will be repealed by operation of law on the following day pursuant to Penal Code section 5058(e)(1).
2. Editorial correction of History 1 (Register 99, No. 24).
3. Certificate of Compliance as to 4-1-99 order, including amendment of subsections (a)(1) and (b)(2), transmitted to OAL 9-8-99 and filed 10-20-99 (Register 99, No. 43).
4. Amendment of section heading, section and Note filed 8-19-2010; operative 8-19-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 34).

3268.2. Use of Restraints.

(a) Only state issued restraint gear and equipment that has been authorized by the CDCR for use at the discretion of staff shall be issued/assigned to an employee or carried/used by an employee while on duty. Any use of unauthorized restraint gear or equipment

or use of approved restraint gear or equipment in a manner other than specified in (b) shall require a pre-approval in writing by the Hiring Authority of the institution/facility/unit that is making the request.

(b) Mechanical means of physical restraint may be used only under the following circumstances:

(1) When transporting a person between locations.

(2) When a person's history, present behavior, apparent emotional state, or other conditions present a reasonable likelihood that he or she may become violent or attempt to escape.

(3) When directed by licensed health care clinicians, to prevent a person from attempting suicide or inflicting injury to himself or herself.

(c) Mechanical restraints shall not be:

(1) Used as punishment.

(2) Placed around a person's neck.

(3) Applied in a way likely to cause undue physical discomfort or restrict blood flow or breathing. e.g., hog-tying.

(4) Used to secure a person to a fixed object except, as a temporary emergency measure. However, a person who is being transported shall not be locked in any manner to any part of the transporting vehicle.

(5) Placed on an inmate during labor, including during transport to a hospital, during delivery, and while in recovery after giving birth, unless circumstances exist that require the immediate application of mechanical restraints to avoid the imminent threat of death, escape, or great bodily injury, and only for the period during which such threat exists.

(d) When mechanical restraint is required, handcuffs, alone or attached to a waist chain, will be the means of restraint normally used. However, additional mechanical restraint, including leg irons, additional chains, straight jackets, leather cuffs, or other specialized restraint equipment may be used when the circumstances indicate the need for the level of control that such devices will provide. The unresisted application of authorized restraint equipment is not a use of force.

(e) Use of mechanical restraints on persons confirmed, or suspected by health care staff to be pregnant shall be subject to the following requirements:

(1) No leg restraints or waist chains shall be applied.

(2) If handcuffs are applied, the person's arms shall be brought to the front of her body for application.

(3) When transporting a pregnant inmate off institutional grounds, the application of restraint gear shall be restricted to handcuffs to the front of the inmate only. If the pregnant inmate is in labor, the rules provided in subsection 3268.2(c)(5) shall also be followed.

(f) Use of restraint equipment by direction of licensed health care clinicians shall be fully documented in the medical file of the restrained inmate parolee.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 196, 835a, 2650, 2651, 2652, 2652.5, 3423, 5007.7 and 5054, Penal Code; and *Madrid v. Cate* (U.S.D.C. N.D. Cal. C90-3094 TEH).

HISTORY:

1. Renumbering of former section 3280 to new section 3268.2, including amendment of section heading, section and Note, filed 3-12-99 as an emergency; operative 4-1-99 (Register 99, No. 11). A Certificate of Compliance must be transmitted to OAL by 9-8-99 or emergency language will be repealed by operation of law on the following day pursuant to Penal Code section 5058(e)(1).
2. Editorial correction of History 1 (Register 99, No. 24).
3. Certificate of Compliance as to 4-1-99 order transmitted to OAL 9-8-99 and filed 10-20-99 (Register 99, No. 43).

4. New subsections (b)(5) and (d)(1)–(3), subsection relettering and amendment of Note filed 3-6-2008; operative 4-5-2008 (Register 2008, No. 10).
5. Amendment of section and Note filed 8-19-2010; operative 8-19-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 34).

3268.3. Reporting and Investigating the Use of Force for Field Staff.

(a) Use of Force-Reporting Requirements. Every staff use of force is an incident that shall be reported.

(1) Any employee who uses force or observes CDCR staff use of force in a community or field setting shall report it to a supervisor as soon as practical and submit the appropriate documentation, prior to being relieved from duty. The documentation shall be on a CDCR Form 1662-A (Rev. 9/09), Field Incident Report Part A-Cover Sheet, CDCR Form 1662-B (Rev. 9/09), Field Incident Report Part B-Summary Information, CDCR Form 1662-C (Rev. 9/09), Field Incident Report Part C-Employee Report, CDCR Form 1662-C1 (Rev. 9/09), Field Incident Report Part C1-Supplement Page, which are hereby incorporated by reference.

(2) Any employee not assigned to an institution/facility who uses force or observes CDCR staff use of force in an institution/facility environment, shall report it to a supervisor as soon as practical and follow up with appropriate documentation as required in section 3268.1(a)(1). A copy of the report shall be provided to the employee's supervisor and the original shall be retained by the institution/facility Incident Commander.

(3) The supervisor shall document his or her review on a CDCR Form 3010-A (Rev. 9/09), Field: Use of Force Incident—Supervisor Review/Critique, which is hereby incorporated by reference, and forward it with the employee's document through the designated chain of command, to the regional parole administrator for approval or follow-up action.

(b) Additional Reporting Requirements for Use of Deadly Force.

(1) An employee who intentionally or accidentally uses deadly force, whether on or off duty, shall ensure that a supervisory employee is notified of the incident without delay. This reporting is not required for the lawful discharge of a firearm during weapons qualifications, firearms training, or other legal recreational use of a firearm.

(2) A supervisor shall ensure that the chain of command is notified and all necessary health and safety, medical and security measures are initiated.

(A) The responding supervisor shall obtain a public safety statement(s) (oral statement) from the staff employing deadly force and shall document the essence of the oral statement in writing and submit it to the incident commander. Providing a public safety statement does not relieve the staff of the responsibility to submit a written report in accordance with 3268.3(a), or within 24 hours after the incident.

(B) The responding supervisor shall ensure local law enforcement is contacted.

(3) The incident commander or responding supervisor shall notify the Office of Internal Affairs (OIA) and the Bureau of Independent Review (BIR) as soon as possible, but no later than one hour from the time the incident is discovered, of any use of deadly force and every death or GBI that could have been caused by a staff use of force.

(c) Any employee who observes a use of force that is unnecessary or excessive shall attempt to stop the violation. Any employee who becomes aware of an allegation of unnecessary or excessive use of force, shall report the allegation verbally to a supervisor as soon as possible, followed by the submission of the appropriate documentation.

(d) Video Recording Requirements.

(1) A video recording is required for Uses of Force which result in serious bodily injury or great bodily injury, except when video recording is prohibited in a local jail or custody location.

(2) A video recording of a person shall be made when the person has made an allegation of an unnecessary or excessive use of force, except when video recording is prohibited in a local jail or custody location. All allegations shall be documented on a CDCR Form 3013-A (Rev. 02/10), Field: Supervisory Use of Force Interview Guide and a CDCR Form 3014-A (Rev. 9/09), Field: Supervisory Use of Force Interview Findings Report, which are hereby incorporated by reference.

(e) Reviewing Use of Force Requirements.

(1) For reported incidents, a good faith effort must be made at all levels of review in order to reach a judgment whether the staff's actions prior to, during, and subsequent to the force used was in compliance with regulations, procedure and applicable law and determine if follow-up action is necessary.

(2) Use of Force levels of review include the following:

(A) Incident Commander Review, CDCR Form 3010-A (Rev. 9/09), Field: Use of Force Incident—Supervisor Review/Critique.

(B) First Line Manager Review, CDCR Form 3011-A (Rev. 9/09), Field: Use of Force Incident—Manager Review/Critique, which is hereby incorporated by reference.

(C) Second Line Manager Review, CDCR Form 3012-A (Rev. 9/09), Field: Executive Review of Use of Force Critique and Qualitative Evaluation/Analysis, which is hereby incorporated by reference.

(D) Regional Use of Force Coordinator Review. The Use of Force Coordinator shall normally schedule all logged use of force cases for review within 30 days of their logged occurrence. The Regional Use of Force Coordinator shall document their review on a CDCR Form 3034-A (9/09), Field: Executive Review Committee—Use of Force/Misconduct Allegation, and a CDCR Form 3036-A (9/09), Field: Executive Review Committee Critique and Qualitative Evaluation/Analysis, which are hereby incorporated by reference.

(E) Field Executive Review Committee (FERC). Normally, the FERC is comprised of the following staff:

1. Regional Parole Administrator, Chief, or Assistant Secretary as chairperson and final decision maker,

2. At least one other manager,

3. Supervising Regional Training Coordinator,

4. A Use of Force Coordinator.

5. Other designated supervisors and rank and file staff may also attend, as determined by the Regional Parole Administrator. A representative of the BIR may also attend and monitor FERC meetings.

6. The FERC shall meet to review its cases on at least a monthly basis, or on a schedule to ensure all cases are reviewed within 30 days. The FERC shall document their review on a CDCR Form 3035-A (9/09), Field: Executive Review Committee/Further Action Recommendation-Use of Force/Misconduct Allegation, which is hereby incorporated by reference.

(F) Department Executive Review Committee (DERC).

(f) Investigating Deadly Force and Any Use of Force that could have caused Death or Great Bodily Injury

(1) Deadly Force Investigation Team (DFIT). The following instances shall be referred to the DFIT for investigation:

(A) Every use of deadly force; except the lawful discharge of a firearm during weapons qualifications or firearms training, or other legal recreational uses of a firearm.

(B) Every use of force incident that resulted in death.

(C) Every incident resulting in great bodily injury that could have been caused by a staff use of force.

(2) The Deadly Force Review board (DFRB) is responsible for conducting a full and complete review of all incidents involving a use of deadly force and every death or great bodily injury that could have been caused by a staff use of force, regardless of whether the incident occurs in an institutional or community setting.

(3) Every use of deadly force and every death or great bodily injury that could have been caused by a staff use of force will be investigated by the DFIT and reviewed by the DFRB.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 196, 835a, 2651, 2652 and 5054 Penal Code; and Section 50, Civil Code.

HISTORY:

1. New section filed 8-19-2010; operative 8-19-2010 pursuant to Government Code section 11343.4 (Register 2010, No. 34).

Article 1.6. Inmate Housing

3269. Inmate Housing Assignments.

Inmates shall accept Inmate Housing Assignments (IHAs) as directed by staff. It is the expectation that all inmates double cell, whether being housed in a Reception Center, General Population (GP), an Administrative Segregation Unit (ASU), a Security Housing Unit (SHU), or specialty housing unit. If staff determines an inmate is suitable for double celling, based on the criteria as set forth in this section, the inmate shall accept the housing assignment or be subject to disciplinary action for refusing. IHAs shall be made on the basis of available documentation and individual case factors. Inmates are not entitled to single cell assignment, housing location of choice, or to a cellmate of their choice.

(a) Upon arrival at an institution, facility, or program reception center, a designated custody supervisor shall screen an inmate for an appropriate housing assignment. The screening authority involved in the review and approval of an inmate's housing assignment must evaluate all factors to be considered, including but not limited to:

- Length of sentence.
- Enemies and victimization history.
- Criminal influence demonstrated over other inmates.
- Reason(s) for prior segregation.
- History of "S" suffix determination pursuant to CCR subsection 3371.1(c).
- History of in-cell assaults and/or violence.
- Prison gang or disruptive group affiliation and/or association.
- Nature of commitment offense.
- Documented reports from prior cellmate(s) that the inmate intimidated, threatened, forced, and/or harassed him or her for sex.
- Documentation that the cellmate(s) refused to return to a cell occupied by the inmate because of fear, threats, or abuse perpetrated by the inmate.
- Documentation that the inmate has been the victim of a sexual assault.
- Adjudicated Department Rules Violations Reports (RVR) where the inmate was found guilty as a perpetrator in an act of physical abuse, sexual abuse, sodomy, or other act of force against a cellmate.

(b) The screening authority shall complete a CDCR Form 1882 (rev. 2/07), Initial Housing Review, stating if the inmate is suitable for dorm/cell housing with or without special restrictions. Restrictions are any case factors which may limit the inmate's housing placement options such as, but not limited to:

- Security issues including ASU and SHU placement.
- Request for Protective Custody.
- Medical or mental health issues.

• Integrated Housing Code. Staff shall ensure that the housing policies regarding special category inmates covered under specific litigation remain in place during the housing assignment.

(c) Upon placement in an ASU or SHU, inmates shall be screened for an appropriate cell assignment using the same criteria as inmates being screened for housing in the general population. The reason for ASU or SHU placement shall also be taken into consideration.

Based on available information and the inmate interview, the screening authority shall determine if the inmate is suitable for single or double celled housing, and shall complete a CDC Form 114-A1 (rev. 10/98), Inmate Segregation Profile. Unless approved for single cell assignment, an inmate in ASU or SHU is expected to share a cell with another inmate.

(d) Single cell status shall be considered for those inmates who demonstrate a history of in-cell abuse, significant in-cell violence towards a cell partner, verification of predatory behavior towards a cell partner, or who have been victimized in-cell by another inmate. Staff shall consider the inmate's pattern of behavior, not just an isolated incident. An act of mutual combat in itself does not warrant single cell status. The following factors must be considered when evaluating single cell status, noting these factors are not exclusive of other considerations:

(1) Predatory behavior is characterized by aggressive, repeated attempts to physically or sexually abuse another inmate.

(2) Documented and verified instances of being a victim of in-cell physical or sexual abuse by another inmate.

(e) Should the screening authority determine that single cell designation is appropriate, the inmate's case factors shall be reviewed by a classification committee for determination of appropriate housing and designation for an "S" suffix. A classification committee may consider whether an inmate with single cell designation has since proven capable of being double-celled.

(f) In cases where single cell status is recommended by clinical staff due to mental health or medical concerns, a classification committee shall make the final determination of an inmate's cell assignment. The classification committee shall consider the clinical recommendations made by the evaluating clinician with assistance from the clinician who participates in the committee and review the inmate's case factors when determining the housing assignment. Single cell status based upon clinical recommendation is usually a temporary short-term measure and must be periodically reviewed, minimally at an inmate's annual review or more frequently at the inmate's/clinician's request.

(g) If an inmate refuses to be housed as determined to be appropriate to this section, the inmate shall be subject to the disciplinary process, with the potential to be housed in alternative and more restrictive housing. Refusal to participate will result in the issuance of a Rules Violation Report (RVR) for Conduct, subsection 3005(c), Refusing to Accept Assigned Housing, for the Specific Act of Willfully Resisting, Delaying, or Obstructing any Peace Officer in the performance of Duty (CCR subsection 3323(f)(6)). Subsequent acts of the above listed offense will result in the issuance of additional disciplinary reports and consideration for placement in more restrictive housing such as an ASU or a SHU.

NOTE: Authority cited: Section 5058, Penal Code. Reference: 5054, Penal Code.

HISTORY:

1. New section filed 3-18-2008 as an emergency; operative 3-18-2008 (Register 2008, No. 12). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 8-25-2008 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 3-18-2008 order, including amendment of subsection (f), transmitted to OAL 8-18-2008 and filed 9-15-2008 (Register 2008, No. 38).

3269.1. Integrated Housing.

An inmate's race will not be used as a primary determining factor in housing an institution's inmate population. Inmate housing assignments shall be made on the basis of available documentation and individual case factors to implement an Integrated Housing Policy (IHP). Individual case factors include, but are not limited to, such factors as:

- (1) History of racial violence.
- (2) Commitment offense/time to serve.
- (3) Classification score.
- (4) Custody level.
- (5) Education.
- (6) Disciplinary history.

The IHP is set forth in these regulations. Housing assignments will be determined in a manner that will ensure that the safety, security, treatment, and rehabilitative needs of the inmate are considered, as well as the safety and security of the public, staff and institutions. Upon adoption of these regulations in 2007, the department will begin to update a computer tracking system to include the assignment of an Integrated Housing Code (IHC) as set forth in subsection (b) that will be used to identify each inmate's ability to integrate. On January 1, 2008, actual implementation of the IHP will commence at designated facilities. On January 1, 2009, the IHP will begin to be implemented at all remaining institutions.

(a) The department's housing protocol will require male inmates to be housed in an appropriate bed, based on each inmate's Integrated Housing Code (IHC) and/or individual case factors. The department will utilize a computer tracking system to identify, track, and monitor an inmate's eligibility to integrate when being housed.

(b) Based on a review of an inmate's individual case factors and a personal interview with an inmate, an IHC will be assigned. The appropriateness of an inmate's IHC will be assessed at least at an inmate's Annual Review, or as case factors may change, and adjusted as necessary. An IHC that may be assigned are detailed as follows:

(1) RE, Racially Eligible. An inmate that has not been a victim or perpetrator of a racially motivated crime and can live with members of any race. It is the expectation of the department that all inmates will be coded RE, unless certain case factors dictate otherwise.

(2) RP, Restricted Partially. An inmate that may be considered ineligible to live with inmates of a particular race. Ineligibility to live with someone of another race could be based on a racially motivated incident, where racial beliefs or attitudes were the cause of the incident.

(3) RO, Restricted to Own (Race). An inmate that has been the victim and/or perpetrator of a racially motivated crime. Inmates who are coded RO Restricted to Own will not be precluded from integration in other aspects of institutional operation, such as a school or work assignment. Inmates coded as RO are not precluded from racially integrated housing for the entire duration of their sentence.

(4) RT, Restricted Temporarily by Custody. Inmates with insufficient information or documentation for the designated custody supervisor to make an objective determination shall be coded RT for Restricted Temporarily by Custody. This code may be used when conflicting information arrives with the inmate or when questionable statements or behavior by the inmate are observed that are not consistent with the inmate's claim of eligibility.

(5) RR, Restricted by Refusal. Inmate is otherwise eligible for integrated housing but refuses to participate. Refusal to accept an

integrated housing assignment, when all available documentation and information does not preclude such, shall result in disciplinary action with the potential to be housed in alternative and more restrictive housing, such as an Administrative Segregation Unit (ASU) or a Security Housing Unit (SHU).

(c) Inmates arriving in a facility Receiving and Release will be interviewed in accordance with the established process for intake. The designated custody supervisor will use the information provided during the interview as well as the supporting documents received to determine the inmate's eligibility for an integrated housing assignment.

(d) New arrivals at a facility or inmates who require a bed assignment change will be housed in the first available and appropriate bed, taking into consideration all relevant case factors. Staff will also consider other available information that would indicate or present an immediate risk or safety concern for the inmate such as, but not limited to:

- (1) Security issues including ASU placement.
- (2) SHU.
- (3) Request for Protective Custody.
- (4) Prison gang or disruptive group affiliation or association.
- (5) Medical or mental health issues.
- (6) Length of term.
- (7) Height, weight, and age.

Staff will continue to ensure that current housing policies regarding special category inmates covered under specific litigation remain in place during the housing process.

(e) If an inmate refuses to be housed in appropriately determined housing, he shall be subject to the disciplinary process, with the potential to be housed in alternative and more restrictive housing. Refusal to participate will result in the issuance of a Rules Violation Report (RVR) for Conduct, section 3005(c), Obeying Orders, for the Specific Act of Willfully Resisting, Delaying, or Obstructing any Peace Officer in the Performance of Duty (CCR subsection 3323(f)(6)), and shall be considered after the first RVR for placement in more restrictive housing such as an ASU or a SHU. At any time during this process the inmate may elect to participate in the IHP.

(f) Disciplinary restrictions will be applied as a result of a disciplinary process where inmates are afforded due process. The suspension of privileges based on a finding of guilt in a disciplinary hearing shall be assessed as set for the in CCR subsections 3315(f)(5)(M)1. and (M)2.

(g) In the event that facility management determines that a temporary suspension of assignments within a unit to integrated beds is warranted, the Warden or designee shall request approval from their mission based Associate Director for a temporary suspension of integrated housing assignments consistent with the lockdown and modified program. Regular housing assignment procedures shall be resumed in accordance with the Integrated Housing policy upon resolution of the incident.

NOTE: Authority cited: Section 5058, Penal Code. Reference: 5054, Penal Code; *Johnson v. California* (2005) 543 U.S. 499 [125 S. Ct. 1141], remand of *Johnson v. California*, (9th Cir. 2007) [Dock. No. CV 95-1192 CBM(BQR)].

HISTORY:

1. New article 1.6 (section 3269.1) and section filed 12-28-2007; operative 12-28-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 52).

Article 2. Security

3270. General Policy.

The primary objectives of the correctional institutions are to protect the public by safely keeping persons committed to the custody

of the Director of Corrections, and to afford such persons with every reasonable opportunity and encouragement to participate in rehabilitative activities. Consistent effort will be made to insure the security of the institution and the effectiveness of the treatment programs within the framework of security and safety. Each employee must be trained to understand how physical facilities, degree of custody classification, personnel, and operative procedures affect the maintenance of inmate custody and security. The requirement of custodial security and of staff, inmate and public safety must take precedence over all other considerations in the operation of all the programs and activities of the institutions of the department.

Comment: Former DP-4201, policy, general.

3270.1. Lethal Electrified Fences.

(a) For the purposes of this section, a lethal electrified fence is a high voltage fence installed for the lethal infliction of injury to escaping inmates.

(b) Safety precautions shall be instituted to prevent accidental electrocution. These precautions shall include, but are not limited to, the following:

(1) The posting of warning signs on the inner and outer perimeters of the facility informing staff, inmates, and the public of the presence of a lethal electrified fence.

(2) A visual inspection of the lethal electrified fence area at least once per shift.

(3) Regular inspections by an outside patrol of the perimeter areas.

(4) The presence of a staff person trained in energizing and deenergizing the fence prior to any authorized person entering the lethal electrified fence area.

(5) Inspections of lethal electrified fences as specified by a routine maintenance schedule.

(6) The insulation of lethal electrified fences between two security fences.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2052 and 5054, Penal Code.

HISTORY:

1. New section filed 12-15-93 as an emergency; operative 12-15-93 (Register 93, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-25-94 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 4-15-94 as an emergency; operative 4-25-94 (Register 94, No. 15). A Certificate of Compliance must be transmitted to OAL by 8-23-94 or emergency language will be repealed by operation of law on the following day.
3. Repealed by operation of Government Code section 11346.1(g) (Register 94, No. 37).
4. New section including amendments, refiled 9-15-94; operative 9-15-94 (Register 94, No. 37).

3271. Responsibility of Employees.

Every employee, regardless of his or her assignment, is responsible for the safe custody of the inmates confined in the institutions of the department.

Comment: Former DP-4202, responsibility of employees.

3272. Custody Classification.

The classification committee at each institution must assign a custodial classification to each inmate, in accordance with the custodial classifications prescribed by the department. The senior custodial officer on duty may temporarily increase the custodial classification of an inmate at any time he or she believes such action is necessary to protect the security and good order of the institution. Such action is subject to classification committee review at the next regular meeting. Any reduction of an inmate's custody classification must be by classification committee action.

Comment: Former DP-4203, custody classification.

3273. Acceptance and Surrender of Custody.

Wardens and superintendents must not accept or surrender custody of any prisoner under any circumstances, except by valid court order or other due process of law.

Comment: Former DP-4204, acceptance and surrender of custody.

3274. Inmate Count and Movement.

(a) Inmate count. Every institution head shall maintain a system to account at all times for inmates under their jurisdiction. A physical count of all inmates shall be taken at least four times during each calendar day unless otherwise authorized in writing by the director. No inmate activity shall be scheduled at a time which would disrupt a facility count.

(1) Standing count. At least one daily count shall be a standing count wherein inmates shall stand at their cell door or, in a dormitory, shall sit on their assigned bed during the designated count time.

(2) Emergency count. If staff determines an inmate may be missing, an emergency count shall be conducted to determine whether an escape has occurred and, if so, the identity of the escapee. When an emergency count is announced, inmates shall return to their assigned housing, except in a medical emergency or other exception specifically authorized by the official in charge.

(b) Inmate movement. Each facility shall establish a schedule of routine inmate movement to and from the facility's activities and assignments such as work and education, and the gym or exercise yard.

(1) Appointments. A CDC Form 129 (Rev. 7/88). Inmate Pass, shall be issued to an inmate approved for movement to a scheduled non-routine appointment. Medical service and casework appointments shall not be scheduled during an inmate's work or program hours unless an inmate cannot otherwise obtain the service or case work.

(2) Unscheduled movement. If unscheduled movement of an inmate is necessary, such movement shall not take place unless the inmate is escorted by staff, or a pass has been issued by staff authorizing the movement.

(3) Routine movement. A gate pass shall be maintained for each inmate assigned to work outside a facility's security area. The gate pass shall:

(A) Not be handled by any inmate.

(B) Include the inmate's identification photo, name, CDC number, housing assignment, custody designation, assignment requiring the gate pass, effective date of the pass, times the inmate is authorized to pass through the gate, and the signature of a facility official authorized to approve gate passes.

(C) Be rescinded by staff at the level of correctional lieutenant or higher, pending a classification committee review whenever:

1. A hold or detainer against an inmate's release, or notice thereof, is received by the facility.

2. Staff determines from the inmate's behavior that the inmate may require increased supervision.

3. Staff receives information indicating an inmate's increased escape potential.

(c) Lockdown. Facility procedures governing the restriction of inmate movement during a lockdown shall be established and updated daily during any lockdown.

(d) Limited visibility. When visibility at a facility is severely restricted or a state of emergency is declared, inmates shall be confined to their housing units, except as otherwise authorized by the official in charge. In such circumstances, all inmate movement shall be under the direct and constant supervision of staff.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2079 and 5054, Penal Code.

HISTORY:

1. Amendment filed 7-29-76; effective thirtieth day thereafter (Register 76, No. 31).
2. Amendment of section filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-17-92 and filed 6-1-92 (Register 92, No. 23).

3275. Weapons.

(a) Only such weaponry as has been approved by the director for department-wide use, or for use only by designated jurisdictions of the department, shall be issued/assigned to an employee or carried/used by an employee while on duty. For the purpose of this section, weaponry includes any offensive or defensive lethal or less lethal device. Employees assigned to facilities or work locations where inmates/parolees are located, or in the supervision of inmates/parolees in the community, shall not have accessible, carry or use any privately owned weaponry while on duty, except as authorized by the director.

(b) No weaponry of any kind shall be taken into the security areas of an institution where inmates/parolees are located except for emergency use as ordered by the official in charge, or for use in regularly armed posts as prescribed in local procedures or post orders.

(c) All necessary precautions shall be taken in the storage, use and movement of weaponry to prevent it from falling into the hands of inmates, parolees or other unauthorized persons.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 830.5, 4574, 5054, Penal Code.

HISTORY:

1. Amendment filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
2. Amendment filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (a) filed 3-28-95 as an emergency; operative 3-28-95 for 160 days pursuant to Penal Code Section 5058(e) (Register 95, No. 13). A Certificate of Compliance must be transmitted to OAL by 9-4-95 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to orders of 1-3-95 and 3-28-95 including amendment of subsection (a) and Note transmitted to OAL 6-12-95 and filed 7-24-95 (Register 95, No. 30).

3276. Firearms.

(a) Only peace officers who have satisfactorily completed firearms training and who are currently qualified in the firing of departmental firearms shall be assigned to armed posts or otherwise be authorized to possess, carry or use a departmental firearm. Exceptions are only authorized in extreme emergencies when peace officers are not available in sufficient numbers or in time to stop or control a situation which warrants the immediate use of force, as described in section 3268.

(b) An employee appointed to a peace officer position wherein the specifications of the position include the carrying and use of firearms shall be given a reasonable time to complete firearms training and to qualify in the firing of departmental firearms. Persistent failure or refusal to satisfactorily complete firearms training and to qualify in the firing of departmental firearms shall be cause for dismissal from employment as a peace officer.

(c) Employees shall not have accessible, carry or use privately owned firearms or ammunition while on duty, except as authorized

by the director or his/her designee. For the purpose of this section "on duty" means any time which is compensable as actual time worked.

(d) Employees who are ordered to carry a concealable firearm while on duty away from facilities where inmates/parolees are located shall keep the firearm concealed at all times except when use of the firearm is necessary. Employees on duty on the grounds of, and in, facilities where inmates/parolees are located shall not carry a concealed firearm unless ordered to do so by the official in charge.

(e) Each facility where inmates/parolees are located which maintains an unissued supply of firearms and ammunition, as described in Section 3275, shall provide for its long-term storage in a physically secure armory. Armories shall be located so as to be under 24-hour-a-day coverage of an armed post and away from areas that are open to traffic by unsupervised inmates/parolees and the public. Community Correctional Facility armories shall be exempt from the armed coverage requirement, but they shall be under 24-hour-a-day observation by staff directly, or by video surveillance, and shall be equipped with audible electronic alarms.

(f) Each facility where inmates/parolees are located shall provide a physically secure locked container, located outside the security areas, for the temporary storage of firearms, ammunition and other weaponry of employees and officials who must come on the grounds or enter the facility in the course of their employment or official business.

(g) Employees and others who live on the grounds of facilities where inmates/parolees are located, and any guests or visitors of such persons, shall not bring to, maintain, store or keep any firearms or ammunition in such residences at any time. Arrangements shall be made for the use of storage facilities described in subsections (e) and (f).

(h) Firearms and ammunition shall not be left in an unattended vehicle at any time upon the grounds of facilities where inmates/parolees are located. Exceptions are authorized only when the vehicle is securely locked and under the direct observation of staff who are aware that the vehicle contains firearms or ammunition, or when the vehicle is equipped with a departmentally approved secure container for such equipment. Merely out of sight storage such as in the spare tire well, trunk or glove box does not meet the requirements for a secure container.

(i) The loss or theft of departmentally issued/authorized firearms/duty weapons or related equipment shall be immediately reported to the responsible employee's supervisor, and through the supervisor to the administrator of the jurisdiction of employment, and/or to the attention of the administrator in which the loss or theft occurred, if in a different jurisdiction. Local law enforcement agencies shall be notified, and a written report shall be made to the deputy director/assistant director within whose jurisdiction the loss or theft occurred.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 830, 830.5, 4574, and 5054, Penal Code.

HISTORY:

1. Repealer and new section filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
2. Amendment of subsection (a)(6) filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
3. Amendment filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsections (b) and (b)(5) filed 3-28-95 as an emergency; operative 3-28-95 for 160 days pursuant to Penal Code s 5058(e) (Register 95, No. 13). A Certificate of Compliance must be transmitted to OAL by 9-4-95 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to orders of 1-3-95 and 3-28-95 including amendment of section and Note transmitted to OAL 6-12-95 and filed 7-24-95 (Register 95, No. 30).
6. Amendment filed 3-12-99 as an emergency; operative 4-1-99 (Register 99, No. 11). A Certificate of Compliance must be transmitted to OAL by 9-8-99 or emergency language will be repealed by operation of law on the following day pursuant to Penal Code section 5058(e)(1).
7. Editorial correction amending History 6 (Register 99, No. 26).
8. Certificate of Compliance as to 4-1-99 order transmitted to OAL 9-8-99 and filed 10-20-99 (Register 99, No. 43).
9. Amendment of subsections (c) and (i) filed 4-17-2002; operative 5-17-2002 (Register 2002, No. 16).
10. Amendment of subsection (e) filed 5-2-2007; operative 6-1-2007 (Register 2007, No. 18).

3277. Use of Tear Gas.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of Subsection (a) filed 5-28-76 as an emergency; designated effective 7-1-76 (Register 76, No. 19).
2. Certificate of Compliance filed 7-29-76 (Register 76, No. 31).
3. Amendment filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
4. Amendment of subsection (a) filed 8-7-80 as an emergency; effective upon filing (Register 80, No. 32). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-80.
5. Certificate of Compliance filed 12-5-80 (Register 80, No. 49).
6. Amendment of subsections (a)(1) and (a)(3), repealer of subsections (a)(4)–(a)(4)(F)5., amendment of subsections (b), (b)(1) and (b)(3)–(4), and repealer of subsection (c) filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-3-95 order including amendment of subsections (a)(3), (b)(1), (b)(3), and (b)(4) transmitted to OAL 6-12-95 and filed 7-24-95 (Register 95, No. 0).
8. Repealer filed 3-12-99 as an emergency; operative 4-1-99 (Register 99, No. 11). A Certificate of Compliance must be transmitted to OAL by 9-8-99 or emergency language will be repealed by operation of law on the following day pursuant to Penal Code section 5058(e)(1).
9. Editorial correction amending History 8 (Register 99, No. 26).
10. Certificate of Compliance as to 4-1-99 order transmitted to OAL 9-8-99 and filed 10-20-99 (Register 99, No. 43).

3278. Control of Inmates and Parolees.

Employees who supervise inmates or parolees must have training in physical controls, use of restraint equipment, and keep themselves in good physical condition. In addition, all employees who supervise inmates must have training designed to give them knowledge of emotional disturbances common to inmates and parolees, and understanding of their own feelings, and the use of such knowledge in ways, which will minimize the need for the use of physical force. Batons may be carried only as specifically authorized by the director.

Comment: Former DP-4209, control of inmates.

3279. Use of Force.

HISTORY:

1. Repealer filed 3-12-99 as an emergency; operative 4-1-99 (Register 99, No. 11). A Certificate of Compliance must be transmitted to OAL by 9-8-99 or emergency language will be repealed by operation of law on the following day pursuant to Penal Code section 5058(e)(1).
2. Editorial correction amending History 1 (Register 99, No. 26).
3. Certificate of Compliance as to 4-1-99 order transmitted to OAL 9-8-99 and filed 10-20-99 (Register 99, No. 43).

3280. Mechanical Restraint.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2650, 2652 and 5054, Penal Code.

HISTORY:

1. Amendment of subsections (a)(2) and (c) filed 5-28-76 as an emergency; designated effective 7-1-76 (Register 76, No. 19).
2. Certificate of Compliance filed 7-29-76 (Register 76, No. 31).
3. Amendment of subsection (b) filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
4. Amendment filed 2-8-88; operative 3-9-88 (Register 88, No. 7).
5. Editorial correction of printing errors in subsections (b) and (c) and History (Register 92, No. 5).
6. Change without regulatory effect amending subsection (a)(2) filed 1-20-93 pursuant to section 100, title 1, California Code of Regulations (Register 93, No. 4).
7. Renumbering of former section 3280 to new section 3268.2 filed 3-12-99 as an emergency; operative 4-1-99 (Register 99, No. 11). A Certificate of Compliance must be transmitted to OAL by 9-8-99 or emergency language will be repealed by operation of law on the following day pursuant to Penal Code section 5058(e)(1).
8. Editorial correction amending History 7 (Register 99, No. 26).
9. Certificate of Compliance as to 4-1-99 order transmitted to OAL 9-8-99 and filed 10-20-99 (Register 99, No. 43).

3281. Corporal Punishment.

HISTORY:

1. Repealer filed 3-12-99 as an emergency; operative 4-1-99 (Register 99, No. 11). A Certificate of Compliance must be transmitted to OAL by 9-8-99 or emergency language will be repealed by operation of law on the following day pursuant to Penal Code section 5058(e)(1).
2. Editorial correction amending History 1 (Register 99, No. 26).
3. Certificate of Compliance as to 4-1-99 order transmitted to OAL 9-8-99 and filed 10-20-99 (Register 99, No. 43).

3282. Use of Telephones by Inmates.

(a) For purposes of this section:

(1) An “emergency call” means a telephone call regarding the serious illness or injury, or the death of an inmate’s immediate family member.

(2) A “confidential call” means a telephone call between an inmate and his/her attorney which both parties intend to be private.

(3) An “inmate telephone” means a telephone designated solely to accommodate inmate-originated nonconfidential personal calls.

(4) An “intrafacility telephone” means a telephone which is not capable of direct-dial connections to telephones outside of the facility.

(5) A “prison telephone” means a telephone that is capable of outside access and is not monitored or recorded.

(b) Facilities shall provide inmate telephones for use by general population inmates. Inmates may place collect telephone calls to persons outside the facility at designated times and on designated telephones, as set forth in local procedures. Limitations may be placed on the frequency and length of such calls based on the inmate’s privilege group as outlined in section 3044, and to ensure equal access. Telephone calls requiring the use of a Telecommunication Device for the Deaf (TDD) or voice relay service shall have extended time scheduled due to the time delay which results from the TDD relay process.

(c) An inmate shall not:

(1) Use an intrafacility telephone except as specifically required or authorized by staff.

(2) Use a telephone capable of direct-dial connection with a public telephone system, except as authorized by staff.

(3) Charge a call to a credit card.

(4) Place a third party call.

(5) Ask the operator for an emergency interruption.

(6) Place a call to an “800,” “900,” “976,” “911,” “411,” or other special service number. Inmates that have a verified need to utilize the (1-800) TDD or relay service shall notify the correctional staff to facilitate the (1-800) TDD call.

(7) Place a call to an inmate at any other facility.

(8) Place calls to victims, peace officers, or other persons who have made an official written request not to receive telephone calls.

(9) Knowingly participate in a forwarded, transferred, or three-party call on an inmate telephone.

(d) Except as provided in this section, no limitation shall be placed on the identities or relationships of persons to whom an inmate may place a collect call.

(e) All inmate calls placed on intrafacility and inmate telephones may be subject to monitoring and recording at any time by institution staff.

(f) A conspicuous notice in English and Spanish shall be posted at each inmate telephone capable of recording and monitoring stating in both languages: All numbers dialed and conversations on this telephone may be recorded and may be monitored without any further notice. By using this telephone, you agree to the monitoring and recording. It is your responsibility to notify the person called that their conversation and telephone number may be monitored and will be recorded.” Staff who authorize an inmate to use an unposted telephone for a nonconfidential call shall inform that inmate before the call is made regarding the notice of monitoring/recording requirement.

(g) If staff designated by the institution head determine that an incoming call concerns an emergency or confidential matter, the caller’s name and telephone number shall be obtained and the inmate promptly notified of the situation. The inmate shall be permitted to place an emergency or confidential call either collect or by providing for the toll to be deducted from the inmate’s trust account. A confidential call shall not be made on an inmate telephone and shall not be monitored or recorded. If a call is determined to be an attorney/inmate confidential phone call, in order for the inmate to place or receive the call it must have already received approval/clearance in accordance with subsections (g)(1), (g)(2) and (g)(4).

(1) Confidential calls may be approved on a case-by-case basis by the institution head or designee, upon written request from an attorney on the attorney’s office letterhead stationery. The request shall be made by written request via U. S. Postal Service or facsimile to the Institution Litigation Coordinator or designee. To obtain approval/clearance, the attorney shall provide in writing the following personal and professional information:

(A) Name.

(B) Mailing address.

(C) Date of Birth.

(D) Valid driver’s license or state-issued identification card number.

(E) Proof of current registry and good standing with a governing bar association, and

(F) Indication of the jurisdiction(s) licensed to practice law. If the requesting attorney wishes to have a representative conduct the confidential phone call, the attorney representative must provide all applicable information listed above in addition to the attorney submitting their information. Refer to Title 15, subsection 3178(c)(1) for attorney representative criteria.

(2) Requesting attorney/attorney representative shall report any prior felony convictions or pending arrest dispositions, describe and explain any prior suspension or exclusion from a correctional facility, and declare under penalty of perjury one or more of the following:

(A) They are the named inmate’s attorney either by appointment by the court or at the inmate’s request.

(B) They have been requested by a judge to interview a named inmate for purposes of possible appointment as counsel by the same court.

(C) They are requesting to call a named inmate who may be a witness directly relevant to a legal process, purpose, or proceeding.

(D) They are seeking to interview a named inmate, at the request of the inmate, for the purpose of representation of the inmate in a legal process, for a legal purpose or in a legal proceeding, and

(E) They have been requested by a third party to consult with the named inmate when the inmate cannot do so because of a medical condition, disability or other circumstance.

(3) Any false statement or deliberate misrepresentation of facts specific to the information required in subsection (g)(2) shall be grounds for denying the request or cause for subsequent suspension or exclusion from all institutions/facilities administered by the department.

(4) Upon receipt of the information specified in (g)(1), a California law enforcement telecommunications system (CLETS) check of the attorney/attorney representative through the Department of Justice and verification of the attorney’s credential through the governing state bar will be conducted. Once the clearance and state bar verification have been obtained and approved the attorney shall be contacted to schedule the confidential telephone call with the specified inmate. Attorneys and attorney representatives shall immediately report to the Institution Litigation Coordinator any change in personal or professional information, arrest history and or pending dispositions and declarations made in subsections (g)(1) and (g)(2) to retain their approval/clearance. In addition, a CLETS check will be conducted at least annually and as needed based on changes provided to the above listed information or information from any source that such changes had occurred.

(5) The date, time, duration, and place where the inmate will make or receive the call, and manner of the call are within the discretion of the institution head, except as restricted herein. A confidential call from an inmate shall be placed as a collect call or by providing for the toll to be deducted from the inmate’s trust account and made from a prison telephone or, with appropriate authentication of the caller, may be received from an attorney.

(6) It is within the discretion of the institution head, or his/her designee, to approve or deny a confidential call. As long as the attorney/client communication privilege is not violated, a confidential call may be denied where the institution head, or his/her designee, determines that normal legal mail or attorney visits were appropriate means of communication and were not reasonably utilized by the inmate or attorney. Where demand for confidential calls seriously burdens institutional operations, the institution head, or his/her designee, shall prioritize confidential calls.

(7) Emergency calls on prison telephones between an inmate and clergy, other religious advisors, or health care professionals shall be approved or denied on a case-by-case basis by staff designated by the institution head.

(8) Inmates, approved attorneys/attorney representatives and pending approval confidential phone call applicants may appeal any departmental policies, staff decisions and institution/facility procedures related to confidential phone calls by following the appeals process as contained in Title 15, Section 3179. Appeals Related to Visiting. Title 15, Section 3179 applies in its entirety.

(h) Telecommunication Device for the Deaf (TDD) telephones shall be made available to inmates with a documented severe hearing impairment for personal, emergency, and confidential calls, which shall be subject to the provisions of this section.

(1) Assistive device telephones and additional time on telephones may be necessary to provide accommodations for inmates and their callers with disabilities.

(2) The facility shall provide for the procedures necessary to ensure effective telephone communications for inmates with disabilities and/or the disabled person(s) with whom they are communicating.

(i) All calls made on inmate telephones shall have an announcement before and at random intervals during the calls stating that the call is from an inmate at a California state correctional facility and is being recorded.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of subsection (d) filed 7-29-76; effective thirtieth day thereafter (Register 76, No. 31).
2. Amendment of subsection (c) filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).
3. Amendment filed 7-8-93; operative 8-9-93 (Register 93, No. 28).
4. New subsection (k) filed 6-17-94 as an emergency; operative 6-17-94 (Register 94, No. 24). A Certificate of Compliance must be transmitted to OAL by 10-15-94 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 6-17-94 order transmitted with amendments to OAL 10-17-94 and filed 12-1-94 (Register 94, No. 48).
6. Amendment filed 7-28-97 as an emergency; operative 7-28-97 (Register 97, No. 31). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 1-5-98 or emergency language will be repealed by operation of law on the following day.
7. Editorial correction of subsection (c)(6) (Register 98, No. 6).
8. Certificate of Compliance as to 7-28-97 order, including further amendments, transmitted to OAL 12-17-97 and filed 2-2-98 (Register 98, No. 6).
9. Amendment of subsections (g)–(g)(1), including renumbering of portion of subsection (g)(1) to new subsection (g)(5), new subsections (g)(1)(A)–(F), renumbering of former subsections (g)(2)–(3) to new subsections (g)(6)–(7) and new subsections (g)(2)–(4) and (g)(8) filed 1-8-2008; operative 2-7-2008 (Register 2008, No. 2).

3283. Unauthorized Persons.

Persons must not be permitted to be on institution grounds or in community correctional centers without a legitimate purpose for being there, nor shall persons be allowed to contact inmates without authorization to do so.

Comment: Former DP-4214, unauthorized persons.

3284. Unattended Vehicles.

Ignition switches must be locked and keys must not be left in any unattended vehicle on institution or community correctional center grounds. Under no circumstances may alcoholic beverages, drugs, firearms, toy guns, ammunition, or other items, which are illegal or threaten the security of the institution be left in any unattended vehicle on institution or community correctional center grounds.

Comment: Former DP-4215, unattended vehicles.

3285. Association with Inmates.

Persons who are not department employees, but who work with or near inmates are to be informed of the laws and regulations governing association with prison inmates. Such persons will be given, and be asked to read and acknowledge receipt of, Primary Laws, Rules, and Regulations Regarding Conduct and Association with State Prison Inmates, CDC Form 181.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).

2. Change without regulatory effect amending section and adding Note filed 5-7-98 pursuant to section 100, title 1, California Code of Regulations (Register 98, No. 19).

3286. Controlling and Reporting Fights.

When inmates fight, the participants must be separated at once. The participants will be placed in detention, unless in the judgment of a superior officer circumstances do not warrant such action. Employees who observe the fight will prepare a written report stating clearly everything they observed, and will submit this report to the disciplinary officer. The employee who renders the report should, if possible, state who was the aggressor. The report will include the time, place, names of participants, name(s) of aggressor(s), the reason for the fight if it can be ascertained, weapons used if any, names of witnesses, action taken if any, and recommendations to prevent further recurrences.

Comment: Former DP-4217, controlling and reporting fights.

3287. Cell, Property and Body Inspections.

(a) Insofar as possible, a cell, room, or dormitory bed area and locker will be thoroughly inspected immediately upon its vacancy and again, if there is a significant time lapse, before another inmate is assigned to the same cell, room or dormitory bed and locker. Such inspections are required and must be recorded for segregation, isolation and security housing unit cells. The purpose of such inspections is to fix responsibility or the absence of responsibility for security and safety hazards and serious contraband found in the cell, room or dormitory area.

(1) Occupied cells, rooms and dormitory areas, including fixtures and lockers, and any personal and state-issued property of the occupant will be inspected on an infrequent and unscheduled basis. More frequent inspections will be conducted in specialized housing units, depending upon the security requirements of the unit and the risk an individual inmate presents to that security.

(2) Cell and property inspections are necessary in order to detect and control serious contraband and to maintain institution security. Such inspections will not be used as a punitive measure nor to harass an inmate. Every reasonable precaution will be taken to avoid damage to personal property and to leave the inmate's quarters and property in good order upon completion of the inspection.

(3) An inmate's presence is not required during routine inspections of living quarters and property when the inmate is not or would not otherwise be present. During special inspections or searches initiated because the inmate is suspected of having a specific item or items of contraband in his or her quarters or property, the inmate should be permitted to observe the search when it is reasonably possible and safe to do so.

(4) The inmate will be given a written notice for any item(s) of personal and authorized state-issued property removed from his or her quarters during an inspection and the disposition made of such property. The notice will also list any contraband picked up or any breach of security noted during the inspection, and the follow-up action intended by the inspecting officer.

(b) An inmate is subject to an inspection of his or her person, either clothed or unclothed, when there is a reasonable suspicion to believe the inmate may have unauthorized or dangerous items concealed on his or her person, or that he or she may have been involved in an altercation of any kind. Such inspections may also be a routine requirement for inmate movement into or out of high security risk areas. Random or spot-check inspections of inmates may also be authorized by the institution head to prevent possession and movement of unauthorized or dangerous items and substances into, out of, or within the institution. Visual daily inspections of inmates shall be made to ensure compliance with departmental grooming standards. All such inspections shall be conducted in a professional

manner which avoids embarrassment or indignity to the inmate. Whenever possible, unclothed body inspections of inmates shall be conducted outside the view of others.

(1) Correctional employees, other than qualified medical staff, shall not conduct unclothed body inspections of inmates of the opposite sex except under emergency conditions with life or death consequences.

(2) Routine inspections of clothed male inmates may be performed by employees of either sex.

(3) Body inspection of clothed female inmates shall be conducted by female correctional employees only, except in emergency situations requiring the immediate search of inmates to avoid the threat of death, escape, or great bodily injury. In such emergency situations, male correctional employees may conduct clothed body inspections only until sufficient numbers of female correctional employees are available to assume critical body search duties.

(4) Male correctional employees shall not, under any circumstances, perform non-emergency body searches of female inmates.

(5) Any inspection of body cavities, other than visual or metal detector inspections, will be conducted in a medical setting under the direct supervision of a physician. Any physical intrusion into body cavities must be performed by a physician, and then only after all less obtrusive methods have failed to bring the inspection to a conclusion.

(c) Inspections of inmate cell or living areas, property, work areas, and body shall be conducted on an unannounced, random basis as directed by the institution head. Such inspections shall be conducted no more frequently than necessary to control contraband, recover missing or stolen property, or maintain proper security of the institution.

(d) A written record shall be maintained of the disposition of contraband and stolen or missing property confiscated as the result of cell, property, or body inspections.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Jordan v. Gardner*, 986 F.2d 1521.

HISTORY:

1. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment of subsection (a)(3) filed 2-22-79; effective thirtieth day thereafter (Register 79, No. 8).
3. Amendment of subsection (b)(1) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
4. Amendment of subsection (b) and new subsection (c) and (d) filed 2-8-88; operative 3-9-88 (Register 88, No. 7).
5. Editorial correction of printing error in subsection (b) (Register 92, No. 5).
6. Amendment of subsections (b) and (c) filed 10-16-97 as an emergency; operative 10-16-97 (Register 97, No. 42). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 3-25-97 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 10-16-97 order transmitted to OAL 3-23-98 and filed 5-4-98 (Register 98, No. 19).
8. Amendment of subsection (b)(1), new subsections (b)(2)–(4), subsection renumbering and amendment of Note filed 5-26-2005 as an emergency; operative 5-26-2005 (Register 2005, No. 21). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 11-2-2005 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 5-26-2005 order transmitted to OAL 9-28-2005 and filed 11-1-2005 (Register 2005, No. 44).
10. Amendment of subsection (b) filed 12-21-2009; operative 1-20-2010 (Register 2009, No. 52).

3288. Notice to Public.

(a) Warning signs will be posted at the entrance to all public and business roadways onto the grounds of institutions, camps and

other department facilities where inmates or parolees are housed, and at all sally ports and pedestrian entrances into such facilities. The signs will be in both English and Spanish and will, at a minimum, display the following information:

(1) The name of the institution, camp or facility, and the fact that it is a facility of the California Department of Corrections.

(2) The items that cannot be brought onto institution grounds. Model language: It is unlawful to bring alcohol, drugs, weapons, explosives, tear gas or tear gas weapons onto prison property.

(3) A warning that entrance on the property constitutes consent to be searched. Model language: By entering these grounds you consent to the search of your person, property and vehicle.

(b) Entrance roadway signs and the lettering will be of sufficient size to attract attention and be easily read by passing motorists. Smaller but conspicuous signs will be posted at sally ports and pedestrian entrances.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Amendment of subsection (a)(2) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).

3289. Trespass.

(a) All areas of institutions including buildings and grounds are closed to the general public, including employees of the department during their off-duty hours, at all times except for the purpose of conducting lawful business and engaging in activities authorized in advance by the warden, superintendent or official in charge. Entry on institution property for unauthorized purposes will be considered trespass as provided in section 602(j) of the Penal Code.

(b) Without regard for the reasons an individual or group may have entered institution property, refusal or failure to leave the property when requested to do so by the warden, superintendent, official in charge or by an official authorized to act for the warden, superintendent or official in charge, will be considered trespass as provided in section 602(p) of the Penal Code.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 8-1-78 as an emergency; effective upon filing (Register 78, No. 31).
2. Certificate of Compliance filed 11-21-78 (Register 78, No. 47).

3290. Methods for Testing of Controlled Substances or for Use of Alcohol.

(a) The department shall prescribe the products, equipment, and methods for testing suspected controlled substances or for the use of alcohol. "Field" or on-site testing shall be conducted only by trained personnel.

(b) Field tests may be performed on any suspected substance found on institution property or in the possession or under the control of any inmate, or in the possession or under the control of persons other than inmates who come on institution property.

(c) The securing of a urine sample from an inmate, for the purpose of testing for the presence of controlled substances or for use of alcohol may be done for the following reasons:

(1) When there is reasonable suspicion to believe the inmate has possessed, distributed, used, or is under the influence of a controlled substance or alcohol.

(2) When mandatory random testing is known to the inmate to be a condition for the inmate's participation in a specific program, assignment, or activity.

(3) As part of an authorized disposition of a disciplinary hearing.

(4) The inmate is selected by the institution's/facility's random drug testing selection process.

(d) Inmates must provide a urine sample when ordered to do so pursuant to these regulations, for the purpose of testing for the presence of controlled substances or the use of alcohol.

(e) Field testing of seized substances that are suspected of being a controlled substance shall be conducted for "screening" purposes only. Disciplinary action for possession of a controlled substance based solely on a field test shall not include the loss of work/behavior credits unless a laboratory has confirmed that the suspected substance is in fact a controlled substance, or the inmate has admitted to possessing the controlled substance, accepts the results of a field test, and waives the requirement of testing by a laboratory, and has signed a document to that effect.

(f) The positive test results from a urine sample submitted for testing for the presence of an unauthorized controlled substance or alcohol that has been confirmed as positive by a departmentally approved testing method may be considered as sufficient evidence to support a guilty finding for use of the controlled substance or alcohol.

(g) When evidence remaining after a field test or resulting from a field test is not suitable or sufficient for submission to a laboratory for confirmation of the field test, the field test results may be considered in a disciplinary hearing for possession of a controlled substance. Under such circumstances, a finding of guilty shall be based upon the preponderance of all evidence presented at the disciplinary hearing. Although no credit loss action may be taken when the only evidence being considered by the hearing official is the result from a field test, other authorized disciplinary actions may be taken pursuant to section 3315 for violations of 3016(a).

(h) The identification of unauthorized medication, to include any medication considered to be a controlled substance as described in section 3000, must be confirmed by a licensed pharmacist and that confirmation may be used as evidence in a disciplinary hearing. There shall be no requirement for laboratory testing of intact medications when identification of the controlled medication has been confirmed by a pharmacist. The pharmacist will indicate whether the medication contains any of the substances listed in Health and Safety Code (H&SC) section 11007 to enable the determination of the appropriate classification level pursuant to section 3323 relative to a disciplinary violation for unauthorized possession or distribution of the medication.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932, 4573.6 and 5054, Penal Code.

HISTORY:

1. Renumbering of former Section 3290 to Section 3295 and new Section 3290 filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
2. Amendment of subsections (a) and (e) and new subsection (h) filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
3. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
4. Amendment of subsections (a) and (e) and new subsection (h) filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
5. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
6. Amendment of subsections (a) and (e) and new subsection (h) filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
7. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
8. Amendment of subsections (c), (g), and (h) filed 6-2-95 as an emergency; operative 6-5-95 (Register 95, No. 22). A Certificate of Compliance must be transmitted to OAL by 11-12-95 pursuant to Penal Code section 5058(e)(1) or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 6-2-95 order transmitted to OAL 10-2-95 and filed 10-17-95 (Register 95, No. 42).
10. Amendment filed 8-27-98 as an emergency; operative 8-27-98 (Register 98, No. 35). A Certificate of Compliance must be transmitted to OAL by 2-3-99 or emergency language will be repealed by operation of law on the following day.
11. Amendment refiled 2-3-99 as an emergency, including further amendment of subsection (g); operative 2-3-99 (Register 99, No. 6). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 7-13-99 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 2-3-99 order transmitted to OAL 5-12-99 and filed 6-24-99 (Register 99, No. 26).
13. Amendment of section heading and section filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).
14. Amendment of subsection (c)(1) filed 12-21-2009; operative 1-20-2010 (Register 2009, No. 52).

3291. Employee Law Enforcement and Peace Officer Personnel.

(a) Law Enforcement Responsibility. All employees of the Department shall be responsible to enforce laws, regulations and procedures which govern the actions and activities of inmates, parolees and of persons who come into contact with inmates and parolees. Employees who are not designated as peace officers, whose normal assigned job duties do not require custody and supervision of inmates or parolees, or in situations where it would be inappropriate or unsafe to intervene in unauthorized actions or activities, shall notify or seek the assistance of other employees, including peace officer employees. In an emergency, all employees shall respond as directed by proper authority.

(b) Peace Officer Personnel. Peace officers are departmental employees holding peace officer positions as defined by law or as designated by the director of corrections. Non-peace officer employees temporarily assigned to perform only the administrative duties of positions held by peace officers shall not be designated as peace officers.

(c) The peace officer authority of employees in (b) extends only to the authority necessary to perform the duties assigned to them, and as specifically authorized by the director in state emergency and mutual aid agreements. Employees designated in subsection 3291(b) are peace officers when performing the duties of their employment within this State, and retain that status outside this State when they are transporting prisoners or apprehending of prisoners who have escaped.

(d) In addition to being designated peace officers as described in subsections 3291(b) and (c), parole agents' peace officer authority extends to the enforcement of conditions of parole imposed upon persons on parole in this state and to violations of any penal provisions of law which is discovered in the course of their employment.

(e) In addition to being designated peace officers as described in subsections 3291(b) and (c), the peace officer authority of agents of the Office of Correctional Safety peace officers extends throughout the state while performing their primary job duties, including the investigation and apprehension of parole violators and the investigation of the violation of any penal provisions of law which is discovered in the course of their employment, and to coordination of the Department's law enforcement activities with those of other law enforcement and criminal justice agencies.

(f) In addition to being designated peace officers as described in subsections 3291(b) and (c), the authority of peace officer members of the Office of Internal Affairs, who meet the training standards described in PC Section 830.2(d)(2), extends throughout the state while they are performing their primary job duties, including criminal investigations of departmental personnel and the coordination of those activities with other criminal justice agencies.

NOTE: Authority cited: Sections 830.5(f) and 5058, Penal Code. Reference: Sections 830.2(d) and 830.5(a) and (b), Penal Code.

HISTORY:

1. New section filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
2. Amendment of subsection (b) filed 12-18-80 as an emergency; effective upon filing (Register 80, No. 51). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 4-17-81.
3. Order of Repeal of 12-18-80 order filed 12-26-80 by OAL pursuant to Government Code Section 11349.6 (Register 80, No. 52).
4. Amendment of subsection (b) filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
5. Amendment of subsection (b) filed 10-27-82; effective thirtieth day thereafter (Register 82, No. 44).
6. Amendment of section heading, section and Note filed 2-14-2001; operative 3-16-2001 (Register 2001, No. 7).
7. Change without regulatory effect amending subsections (a)–(c) and (e) filed 4-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 16).

3292. Arrest and Detention.

(a) It is the policy of the department to arrest and detain civilians only when their unlawful actions or activities present an immediate and significant threat to the custody and control of inmates, parolees, employees and the public.

(b) It is the policy of the department to only effect the arrest and detention of a civilian when there is sufficient cause to believe that the individual's unlawful action or activity is deliberate and intended for a purpose described in (a). Suspicion of unlawful actions or activities will not be cause for the arrest and detention of an individual, but may be cause for ordering or escorting the individual off departmental property or institution grounds, and for referral to local authorities.

(c) Wardens, superintendents and administrators of institutions and facilities which house inmates or parolees will establish and maintain up-to-date local procedures reflecting the policies set forth in this section. Such local procedures will include provisions for informing individuals of their rights and for referral of cases to local authorities. Such procedures will be reviewed annually by the administrator, and will be made available for departmental audit and for inspection as a public record when requested.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).

3293. Polygraph Examinations.

(a) Polygraph examinations may be administered by departmental staff to inmates, parolees, and employees in the course of an investigation of official matters, under the following conditions:

- (1) The examinee has, without coercion, signed a written statement of consent to the examination.
- (2) The polygraph examiner is a Office of Correctional Safety staff member.
- (3) The Assistant Secretary or designee, Office of Correctional Safety, has approved the examination.

(b) Polygraph examinations shall not be used as an alternative to regulatory requirements for determining a person's guilt or innocence of charges in disciplinary matters.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 3307, Government Code; Section 5054, Penal Code; and *Long Beach City Employee's Association v. City of Long Beach* (1986) 41 Cal.3d 937, 227 Cal.Rptr. 90.

HISTORY:

1. New section filed 2-27-89; operative 3-29-89 (Register 89, No. 10).
2. Change without regulatory effect of subsections (a) and (b) pursuant to section 100, title 1, California Code of Regulations filed 2-21-90 (Register 90, No. 11).
3. Change without regulatory effect amending section filed 10-29-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 6).
4. Change without regulatory effect amending subsections (a)(2) and (a)(3) filed 4-18-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 16).

3294.1. Inmate Operation of a Motor Vehicle.

Notwithstanding provisions of the Vehicle Code, inmates shall not drive any vehicle on a public road except in extreme emergency, when taking a Department of Motor Vehicles' Driver's test, or when their use of a personal vehicle is specifically authorized. Inmates may drive a state vehicle on off highway work projects or on facility grounds only when specifically authorized by staff or by the inmate's work supervisor.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 4570 and 5054, Penal Code.

HISTORY:

1. Renumbering of former section 3073 to new section 3294.1, including amendment of section and section heading filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

3294.5. Inmate Name Change.

(a) All inmate or parolee requests for a legal name change shall initially be reviewed by the Warden or Regional Parole Administrator who shall either recommend approval for a legal name change or deny the request for a legal name change.

(b) If the request is denied, the Warden or Regional Parole Administrator shall respond to the inmate or parolee in writing with the reasons for denial. A copy of the denial shall be placed in the miscellaneous section of the inmate/parolee's central file.

(c) If the Warden finds reasons that exist to warrant an inmate's request for a name change, then the Warden shall forward the request to the Institutions Division Regional Administrator, along with a memorandum listing the reasons for recommending approval. A copy of the memorandum shall be placed in the miscellaneous section of the inmate's central file.

(d) If the regional parole administrator finds reasons that exist to warrant a parolee's request for a name change, then the regional parole administrator shall forward the request to the deputy director, Division of Adult Parole Operations (DAPO), along with a memorandum listing the reasons for recommending approval. A copy of the memorandum shall be placed in the miscellaneous section of the parolee's central file.

(e) If the Institutions Division regional administrator or the deputy director, DAPO, agrees with the recommendation to approve the request for a name change of an inmate or parolee, a letter shall be forwarded to the court explaining why the Department is recommending approval for a name change, along with the inmate/parolee's request. A copy of the letter shall be placed in the miscellaneous section of the inmate/parolee's central file.

(f) If the Institutions Division regional administrator or the deputy director, DAPO, denies the request for a name change of an

inmate or parolee, a letter shall be forwarded to the inmate or parolee with the reasons for denial. A copy of the letter shall be placed in the miscellaneous section of the inmate/parolee's central file.

(g) Upon receiving final approval from the court with the ordered name change and receiving departmental approval, the Correctional Case Records Manager shall notify the facility mailroom and visiting room of the name change if the offender is incarcerated; or shall notify the agent of record if the offender is on parole. The court order shall be placed in the miscellaneous section of the inmate/parolee's central file, along with other documents related to the request for a name change.

(h) The mailroom and visiting room staff of the facility shall update their records to reflect the additional name of the inmate.

(i) The original commitment name of the inmate or parolee shall remain on all departmental records and shall continue to be used on all departmental records.

(j) The new legal name change shall be entered into the Offender Based Information System (OBIS) under the section "Also Committed As."

(k) The inmate shall be notified to inform all persons who may visit or write him/her that they must use the inmate's departmental identification number when using the inmate's new name.

(l) If the court ordered name change is received without departmental approval, this clearly indicates that the inmate/parolee has not followed proper procedure to legally change his/her name. In this case, the warden or regional parole administrator shall notify the issuing court in writing that the name change cannot legally be changed without the Secretary's approval pursuant to the Code of Civil Procedure, Section 1279.5. A copy of the letter shall be placed in the miscellaneous section of the inmate/parolee's central file and a copy shall be provided to the inmate/parolee.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Section 1279.5, Code of Civil Procedure.

HISTORY:

1. New section filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-3-95 order including amendment of subsection (l) transmitted to OAL 5-3-95 and filed 6-14-95 (Register 95, No. 24).
3. Amendment of subsections (d)-(f) and (l) filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

Article 3. Escapes

3295. Duty of Employees to Prevent Escapes.

It is the duty of every employee to do everything possible to prevent the escape of an inmate.

Comment: Former DP-4301, duty of employees to prevent escapes.

HISTORY:

1. Renumbering of section 3290 to section 3295 filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).

3296. Escape Pursuit Plan.

Each warden and superintendent must have in effect at all times a plan of operations for the reporting of escapes, and for the pursuit and apprehension of escapees. Each employee must be instructed in the general and special procedures that he or she is to follow. Such plans must be in writing and be reviewed annually by the warden or superintendent.

Comment: Former DP-4302, escape pursuit plan.

HISTORY:

1. Renumbering of section 3291 to section 3296 filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).

3297. Air Space Management.

(a) Staff and inmates shall be notified and warning signs posted to indicate that any inmate who without authorization moves toward an aircraft on or near facility property may be fired upon to prevent an escape.

(b) If an aircraft enters a facility's air space for an apparent escape attempt, staff shall act to prevent any escape.

(1) Firearms shall not be used to bring down or disable an aircraft in flight.

(2) If the aircraft is on the ground on or near facility property, staff shall take any action necessary, including use of firearms, to disable the aircraft.

(3) Return fire may be directed at an attacker within an aircraft if no other means is available to save the lives of innocent or uninjured persons.

(4) Inmate failure to comply with orders to move away from any grounded aircraft shall be considered an attempt to escape.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 835a and 5054, Penal Code.

HISTORY:

1. New section filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.

Article 4. Disorders and Emergencies

3300. Prevention of Disorders.

It is the duty of every employee to do everything possible to prevent disorders. Each employee must be trained to be familiar with the procedures for handling disorders. Disorders and other emergencies must be reported to supervisory staff at the earliest possible moment. Whenever a disorder occurs, a prompt investigation will be made by the warden or superintendent.

Comment: Former DP-4401, prevention of disorders.

3301. Disturbance Control Plan.

Each warden or superintendent must have in effect at all times a plan, approved by the director, for meeting emergencies, such as riots, strikes, attacks upon inmates, visitors or staff, explosions or fires, suicides or attempted suicides, and accidental injuries to inmates or visitors or employees. This plan must include procedures for requesting assistance from outside the institution when circumstances warrant.

Comment: Former DP-4402, disturbance control plan.

3302. Emergency Preparedness Plan.

(a) Each warden and superintendent must have in effect at all times a plan approved by the director for meeting emergencies delineated and required by the California Emergency Services Act of 1970.

(b) This plan will include, as a minimum, emergency measures to be taken to prepare for and respond to the following types of emergency situations:

- (1) War.
- (2) Earthquakes.
- (3) Seismic sea waves;
- (4) Flood;
- (5) Fire;
- (6) Civil Disturbances;
- (7) Accident, transportation-industrial, and;
- (8) Pollution.

(c) A separate Employee Protection Plan will be developed in accordance with the California Emergency Services Act. Two copies of this plan will be attached to the emergency preparedness plan when that plan is submitted to the director for approval.

(d) Emergency preparedness plans and the employee protection plan will be revised and updated by the warden or superintendent and be submitted to the director for approval biennially.

HISTORY:

1. Amendment filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).

3303. Safety and Security.

Institution heads shall maintain procedures for controlling the following safety and security hazards within facilities:

(a) Fire prevention and suppression.

(1) Mattresses, cushions, and pads shall not be used in the living areas of departmental facilities unless they are certified by the manufacturer as meeting the bureau of home furnishings' Technical Information Bulletin Number 121.

(2) Noncombustible receptacles shall be provided in inmate living areas for disposal of such forms of refuse as cans, paper, and dust, and the disposal of flammable liquids and rags shall be in accordance with the uniform fire code.

(3) Facilities with female inmates shall have a complement of female firefighters assigned to its fire department.

(4) Staff and inmates shall be familiar with fire evacuation routes, exits, and procedures. An evacuation drill shall be conducted quarterly on each watch. Where such drill would jeopardize personal safety or facility security, staff shall conduct a walk-through of the procedures.

(5) A facility's mutual aid participation shall not jeopardize the facility or violate minimum safety standards.

(b) Control of harmful physical agents and toxic or hazardous substances.

(1) No staff member or inmate shall use or handle harmful physical agents and toxic or hazardous substances as defined in 8 CCR, subchapter 7, Sections 3204(c)(13) and 5194(c), until trained in the safe handling of and emergency procedures for the use and handling of such agents or substances.

(2) Except for authorized use of gasoline, inmates shall not, without direct staff supervision, have access to harmful physical agents and hazardous or toxic substances, or the inventories of such agents or substances.

(c) Control of tools.

(d) Control of armory and armaments, including firearms, ammunition, chemical agents, and any explosives under the institution's control.

(e) Control of keys and security locking devices.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment of subsection (b) and new subsections (b)(1)–(2) and Note filed 8-21-92; operative 9-21-92 (Register 92, No. 34).
3. Amendment of first paragraph and adoption of subsections (a)(1)–(5) and form filed 11-10-93; operative 12-22-93 (Register 93, No. 46).

3304. Hostages.

Employees must not permit inmates or others to use hostages to escape from custody or otherwise interfere with orderly institutional operations. Hostages will not be recognized for bargaining purposes. All inmates, visitors and staff will be informed of this regulation.

Comment: Former DP-4405, hostages.

Article 5. Inmate Discipline

3310. Definitions.

The following terms are defined for the purposes of this article:

(a) Camp means the type of subfacility of an institution which is normally located in a rural area and which has no secure (fenced or walled) perimeter. Camp inmates are generally assigned to conservation and/or road details.

(b) Community-access facility means a facility located in the community, administered by the Parole and Community Services Division, where inmates have access to the community for work or training and which has no secure (fenced or walled) perimeter.

(c) Community correctional facility means a facility located in the community, administered by the Parole and Community Services Division, where inmates do not have unsupervised access to the community and which has a secure (fenced) perimeter.

(d) Experienced means a permanent employee at the designated level, certified by the Chief Disciplinary Officer (CDO) or designee as competent to serve as a senior hearing officer or hearing officer, as specified. Requirements for certification shall include in-service or on-the-job training in disciplinary procedures and observation of five serious/administrative disciplinary hearings. A probationary, limited term, or training and development employee at the designated staff level may be certified as experienced. Acting staff whose permanent position is at a level lower than that required shall not be assigned senior hearing officer/hearing officer responsibility.

(e) Facility means any institution; community-access facility or community correctional facility; or any camp or other subfacility of an institution under the jurisdiction of the department.

(f) Institution means a large facility or complex of subfacilities with a secure (fenced or walled) perimeter headed by a warden.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054, 6252 and 6260, Penal Code.

HISTORY:

1. Amendment of article 5 heading, repealer and new section filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
2. Amendment of subsection (d) filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3311. Reporting Rule Violations.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment filed 2-15-80; effective thirtieth day thereafter (Register 80, No. 7).
2. Repealer filed 5-5-95; operative 6-5-95 (Register 95, No. 18).

3312. Disciplinary Methods.

(a) Inmate misconduct shall be handled by:

(1) Verbal Counseling. Staff may respond to minor misconduct by verbal counseling. When verbal counseling achieves corrective action, a written report of the misconduct or counseling is unnecessary.

(2) Custodial Counseling Chrono. When similar minor misconduct recurs after verbal counseling or if documentation of minor misconduct is needed, a description of the misconduct and counseling provided shall be documented on a CDC Form 128-A, Custodial Counseling Chrono. A copy of the completed form shall be provided to the inmate and the original placed in the inmate's central file. Disposition of any contraband involved shall be documented in the CDC Form 128-A.

(3) Rules Violation Report. When misconduct is believed to be a violation of law or is not minor in nature, it shall be reported on a CDC Form 115 (Rev. 7/88), Rules Violation Report.

DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF HOME FURNISHINGS

TECHNICAL BULLETIN NO. 121

FLAMMABILITY TEST PROCEDURE FOR MATTRESSES
FOR USE IN HIGH RISK OCCUPANCIES

I. Scope

1. This test procedure is designed to test mattresses for use in occupancies that are identified as high risk. Such facilities might include, but are not limited to, jails, prisons, penal institutions, correctional facilities, juvenile detention centers, nursing homes, and health care facilities.
2. This test procedure is not intended to be used for the evaluation of residential mattresses.

II. Test Facility

- (a) The described test procedure is a full-scale fire test. Small-scale fire test methods cannot be substituted for the described procedure.
- (b) The test burn room shall be 12 x 10 feet or a close approximation with an 8 foot ceiling height. The room shall have no openings other than a doorway opening approximately 38 x 81 inches, located as indicated in Figure 1.
- (c) The test room shall be instrumented to monitor temperature, carbon monoxide concentration, and mattress weight loss.
- (d) The test room shall be unfurnished except for a mattress support that shall closely resemble a penal institution mattress spring unit, approximately 31 x 77 inches.
- (e) The mattress spring unit shall be positioned as indicated in Figure 1.

III. Test Sample

The test sample shall consist of a typical institutional mattress, complete with cover, with approximate dimensions 30 x 76 inches and with thickness appropriate to the application.

IV. Test Conditioning

The test mattress and newsprint shall be conditioned for at least 48 hours prior to test at $70 \pm 5^\circ\text{F}$ and a relative humidity of less than 55%. Test materials shall be tested within 10 minutes of removal from such condition if test room conditions differ from the above.

V. Test Ignition Source

- (a) The test ignition source shall be a galvanized metal container with ten (10) double sheets of loosely wadded newspaper.
- (b) The dimensions of the metal container shall be approximately 10 inches high, 12-1/2 inches top diameter, and 9 inches bottom diameter.
- (c) Each newsprint double sheet shall have the dimensions of 23 x 28 inches and an approximate weight of 18.5 ± 0.5 grams.
- (d) The newsprint shall be positioned in the container so that it is approximately level with the top of the container.

VI. Test Procedure

- (a) Place a weighed, conditioned, complete mattress on the spring support in a flat horizontal position as indicated in Figure 1.
- (b) The entire mattress and support system shall be assembled on a device capable of monitoring the weight loss of the mattress during combustion.
- (c) Position a thermocouple directly over the geometric center of the horizontal mattress surface and 1 inch below the ceiling.
- (d) Place the newsprint filled metal container beneath the mattress and support such that the center of the container is at the geometric center of the bottom mattress surface.
- (e) The height of the mattress support shall be adjusted so that the bottom surface of the mattress is $3 \pm 1/4$ inches above the top of the metal container.
- (f) Start monitoring instrumentation. Ignite the newsprint with a match and allow combustion to continue until either:
 1. All combustion has ceased; or
 2. At least ten percent by weight of the mattress has been consumed.

VII. Test Criteria

A mattress fails to meet the requirements of this test procedure if any of the following criteria are exceeded:

1. Greater than ten (10) percent weight loss in the first ten (10) minutes of the test.
2. A temperature of 500°F or greater at the thermocouple above the test mattress at any time during the test.
3. Carbon monoxide concentration in excess of 1,000 p.p.m. at any point in the test room at any time during the test.

VIII. Caution

Full-scale fire tests can be dangerous. All tests should be supervised by experienced test personnel. Adequate fire suppression equipment and self-contained breathing devices must be available for test personnel. Products of combustion can be irritating and dangerous, therefore, test personnel must avoid exposure to smoke and gases produced during testing as much as possible. Full-scale fire tests should never be left unattended. Test personnel must be certain upon completion of the test that combustion is totally suppressed.

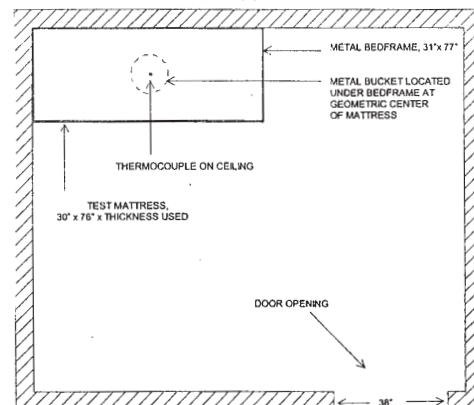


Figure 1

BURN ROOM FOR TESTING MATTRESSES
FOR HIGH RISK OCCUPANCIES

(A) Unless an inmate charged with serious misconduct requires temporary administrative segregation pursuant to section 3335(b) pending adjudication of the disciplinary charges, the inmate may be retained in regularly assigned housing, work, and program assignments.

(B) If the inmate is placed in segregated housing pending the disciplinary proceedings, the official making the housing decision shall ensure compliance with the provisions of article 7 of this subchapter.

(b) Chief Disciplinary Officer Review of Disciplinary Actions. All disciplinary methods and actions shall be reviewed by the chief disciplinary officer, who shall be the institution head or a designee not below the level of correctional administrator or parole administrator I.

(1) The chief disciplinary officer shall affirm, reverse or modify the disciplinary action and/or credit forfeiture. The chief disciplinary officer may order a different action, order a different method of discipline, dismiss a charge, order a rehearing of the charge, or combine any of these actions.

(2) Except upon discovery of information or evidence not available or reasonably discoverable at the time of a disciplinary action, an order for a different method of discipline or for rehearing of the charges shall not result in a greater penalty or more severe action than that originally taken.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

HISTORY:

1. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment of subsection (c) filed 2-15-80; effective thirtieth day thereafter (Register 80, No. 7).
3. Repealer of subsections (c) and (d) and new subsections (c), (d), (e), and (f) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).
4. Amendment of subsection (d) filed 5-4-83; designated effective 6-1-83 pursuant to Government Code section 11346.2(d) (Register 83, No. 19).
5. Amendment of subsection (b) filed 2-8-88; operative 3-9-88 (Register 88, No. 7).
6. Editorial correction of printing errors in CDC Forms 115 and 115-A and descriptive text (Register 92, No. 5).
7. Amendment including relocation of former subsections 3317(a)–(b)(2) to subsections 3312(a)(3)(A)–(B) filed 5-5-95; operative 6-5-95 (Register 95, No. 18).

3313. Classification of Rules Violation Report and Notice of Pending Charges.

(a) Each CDC Form 115 shall be classified by designated staff not below the level required to conduct serious disciplinary hearings. Exception: In facilities with only one individual at the rank of correctional lieutenant or higher, an experienced correctional sergeant may classify rule violations.

Reports shall be classified as administrative or serious pursuant to sections 3314 and 3315.

(1) A CDC Form 804 (Rev. 08/00), Notice of Pending CDC-115, shall be completed by the classifying official and forwarded, with a copy of the CDC Form 115 attached, to Case Records within 48 hours of the inmate being charged with a serious level offense (Division “F” through “A-1”). Case Records staff shall file the CDC Form 804 with an attached copy of the CDC Form 115 in the in-

mate’s Central File (C-File) within one working day of receipt in the Case Records office.

(A) For parole violators who are charged with any Division “A”, “B”, or “C” offense, or any inmate who refuses to sign general and/or special conditions of parole or any form required by the Department of Justice explaining his/her responsibility to register under Penal Code section 290, Case Records staff shall ensure that the C-File containing the CDC Form 804 and attached copy of CDC Form 115 be expedited to the Classification and Parole Representative to ensure revocation or revocation extension processes are initiated.

(b) Staff who review or classify a CDC Form 115 shall not serve as the disciplinary hearing official for that rule violation.

(c) The classification of a CDC Form 115 may be changed as follows:

(1) Before the disciplinary hearing, the official who initially classified a CDC Form 115 or staff at a higher level may change the classification of the CDC Form 115.

(2) During the disciplinary hearing, the official conducting the hearing may reduce a serious classification to administrative as a finding of the hearing if the reduced charge meets the criteria of an administrative violation as described in section 3314.

(3) After the disciplinary hearing, the chief disciplinary officer may reduce a serious classification to administrative if the reduced charge meets the criteria of an administrative violation as described in section 3314.

(4) After the disciplinary hearing, an administrative classification shall not be changed to serious unless the chief disciplinary officer or director orders a rehearing of the charges as a serious rule violation.

(A) When a rehearing is ordered by the chief disciplinary officer or director, the inmate shall be provided all rights and procedural safeguards of a serious rule violation hearing.

(B) An order for a rehearing shall be in writing and shall include the reasons for the order. A copy of the order shall be provided to the inmate.

(C) Time limitations relative to the re-issued CDC Form 115 shall commence on the date the chief disciplinary officer issues the order to re-hear pursuant to section 3320(a). Credit forfeiture will not be allowed if the time limitations were violated on the original CDC Form 115 that was ordered re-issued/re-heard.

(5) If the CDC Form 115 is reclassified from administrative to serious, the inmate shall receive written notice and shall be subject to the provisions of Section 3315 of these regulations.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2079, 2932 and 5054, Penal Code; *In re Hamilton* (1991) 230 Cal.App.3d 1592, 281 Cal. Rptr. 900.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
3. Repealer and new section filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).
4. Amendment of subsection (c) filed 5-4-83; designated effective 6-1-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 19).
5. Amendment of section heading, section and Note filed 5-5-95; operative 6-5-95 (Register 95, No. 18).

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER	INMATE'S NAME	RELEASE/BOARD DATE	INST	HOUSING NO	LOG NO
VIOLATED RULE NO(S)		SPECIFIC ACTS	LOCATION	DATE	TIME
CIRCUMSTANCES					

REPORTING EMPLOYEE (Typed Name and Signature)			DATE	ASSIGNMENT	RDO'S
REVIEWING SUPERVISOR'S SIGNATURE			DATE	☐ INMATE SEGREGATED PENDING HEARING	
			DATE	LOC	
CLASSIFIED	OFFENSE DIVISION	DATE	CLASSIFIED BY (Typed Name and Signature)		HEARING REFERRED TO
☐ ADMINISTRATIVE					☐ NO ☐ SHO ☐ SC ☐ FC
☐ SERIOUS					
COPIES GIVEN INMATE BEFORE HEARING					
☐ CDC 115	BY (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT	
☐ INCIDENT REPORT LOG NUMBER	BY (STAFF'S SIGNATURE)	DATE	TIME	BY (STAFF'S SIGNATURE)	DATE TIME
HEARING					

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA		
ACTION BY (Typed Name)	SIGNATURE	DATE TIME
REVIEWED BY (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE
☐ COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY (STAFF'S SIGNATURE)	DATE TIME

CDC 115 (7/88)

STATE OF CALIFORNIA
CDC 115 (7/88)

DEPARTMENT OF CORRECTIONS

SUMMARY OF DISCIPLINARY PROCEDURES
(See California Code of Regulations, Article 5 for details)

ADMINISTRATIVE VIOLATIONS

HEARING

A disciplinary hearing will normally be held within 30 days, but not less than 24 hours from the date you receive your copy of the CDC 115 violation report. You have the right to a fair hearing, but do not have the same procedural rights described for a serious rule violation. (CCR 3314 - 3320)

DISPOSITION

At the end of the hearing, you will be advised of the findings and disposition of the charge. Within five working days, following review of the CDC 115 by the Chief Disciplinary Officer, you will be given a copy of the completed rule violation report, which will contain a statement of the findings and disposition and the evidence relied upon to support the conclusions reached. (CCR 3320)

APPEAL

If you are dissatisfied with the process, findings or disposition, you may submit an inmate appeal, form CDC 602, within fifteen days following receipt of the finalized copy of the CDC 115. When filing your appeal, be sure to attach a copy of the finalized CDC 115 and any other pertinent documentation.

ABBREVIATIONS

HO - Hearing Officer; SC - Sub Committee; FC - Full Committee; SHO - Senior Hearing Officer; BPT Board of Prison Terms.

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

SERIOUS RULES VIOLATION REPORT

CDC NUMBER	INMATE'S NAME	VIOLATED RULE NO(S)	DATE	INSTITUTION	LOG NO.

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☐ NO**POSTPONEMENT OF DISCIPLINARY HEARING**

☐ I DO NOT REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE	DATE
☐ I REQUEST my hearing be postponed pending outcome of referral for prosecution.	INMATE'S SIGNATURE	DATE

DATE NOTICE OF OUTCOME RECEIVED DISPOSITION

☐ I REVOKE my request for postponement	INMATE'S SIGNATURE	DATE

STAFF ASSISTANT	STAFF ASSISTANT
☐ REQUESTED ☐ WAIVED BY INMATE	INMATE'S SIGNATURE

☐ ASSIGNED	DATE	NAME OF STAFF

☐ NOT ASSIGNED	REASON

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE	INMATE'S SIGNATURE	DATE
☐ REQUESTED ☐ WAIVED BY INMATE		

☐ ASSIGNED	DATE	NAME OF STAFF

☐ NOT ASSIGNED	REASON

EVIDENCE/INFORMATION REQUESTED BY INMATE

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)				
☐ REPORTING EMPLOYEE	☐ STAFF ASSISTANT	☐ INVESTIGATIVE EMPLOYEE	☐ OTHER	☐ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
	☐	☐		☐	☐
	☐	☐		☐	☐

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

INVESTIGATOR'S SIGNATURE	DATE

☐ COPY OF CDC 115-A GIVEN INMATE	BY (STAFF'S SIGNATURE)	TIME	DATE

CDC 115-A (7/88)

— If additional space is required use supplemental pages —

88 86095

SUMMARY OF DISCIPLINARY PROCEDURES AND INMATE RIGHTS
(See Title 15, California Code of Regulations for details)

A HEARING — A serious rule violation may result in the loss of credits. A hearing will normally be held within thirty (30) days but not less than 24 hours, from the date you receive a copy of the Rules Violation Report. An exception is provided in the California Code of Regulations when a case has been referred for possible prosecution and you have requested, in writing, and been granted, a postponement pending the outcome of such referral. Failure of staff to meet time constraints will usually act as a bar against denial or forfeiture of time credits, but will not bar against other authorized disciplinary actions (CCR 3320).

B INVESTIGATIVE EMPLOYEE/STAFF ASSISTANCE —

1 *General Information* — You may request to have an investigative employee and/or a staff assistant assigned to assist you in the investigation, preparation, or presentation of your defense at the disciplinary hearing if it is determined by staff that (1) you are illiterate, or (2) the complexity of the issues, or (3) your confinement status makes it unlikely that you will be able to collect and present the evidence necessary for an adequate comprehension of your case (CCR 3315, 3318).

2 *Staff Assistant* — A staff member will be assigned to assist you in the disciplinary process if you are deemed to be incapable of representing yourself. The assigned staff will assist you in preparing for the hearing and assist you at the hearing. The staff assistant will maintain any confidence you request about your past conduct (CCR 3318).

3 *Investigative Employee* — An investigative employee, if assigned, will gather information, question staff and inmates, screen witnesses, and complete and submit a written, non-confidential report to the disciplinary hearing officer. You have the right to receive a copy of the investigative employee's report 24 hours before a hearing is held (CCR 3318).

4 *Witnesses* — You may request the presence of witnesses at the hearing who can present facts related to the charges against you. You may also request the presence of the reporting employee and the investigative employee. You may, under the direction of the hearing officer, question any witness present at the hearing. The hearing officer may deny the presence of witnesses when specific reasons exist (CCR 3315).

5 *Personal Appearance* — A hearing on the charges will not normally be held without your presence, unless you refuse to attend (CCR 3320).

C REFERRAL FOR PROSECUTION — Referrals for prosecution will not delay a disciplinary hearing unless you submit a request in writing for postponement of the hearing pending the outcome of such referral. You may revoke such request in writing at any time prior to the filing of accusatory pleadings by the prosecuting authority. A disciplinary hearing will be held within 30 days of staff receiving your written revocation of your request to postpone the hearing or within 30 days of receiving a response from the prosecuting authority (CCR 3316, 3320).

You have the right to remain silent at a disciplinary hearing and no inference of guilt or innocence will be drawn from your silence. Any statements you do make may be used against you in criminal proceedings.

D DISPOSITION — At the end of the hearing, you will be advised of the findings and disposition of the charge. Within five working days, following review of the CDC 115 and CDC 115-A by the Chief Disciplinary Officer, you will be given a copy of the completed rule violation report, which will contain a statement of the findings and disposition and the evidence relied upon to support the conclusions reached (CCR 3320).

E APPEAL — If you are dissatisfied with the process, findings or disposition, you may submit an inmate appeal, form CDC 602, within fifteen days following receipt of the finalized copy of the CDC 115/CDC 115-A. When filing your appeal, be sure to attach a copy of the finalized CDC 115/CDC 115-A, if applicable, and any other pertinent documentation (CCR 3003).

F ABBREVIATIONS — HO Hearing Officer, SC-Sub Committee, FC-Full Committee, SHO-Senior Hearing Officer; BPT-Board of Prison Terms

6. Change without regulatory effect amending Note filed 11-10-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 46).
7. Editorial correction establishing correct hierarchy for subsection designators (Register 2000, No. 23).
8. Amendment of subsection (b) filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.
9. Amendment of subsection (b) refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 6-17-2004 order transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).
11. New subsections (a)(1) and (a)(1)(A), amendment of subsections (c)(2)–(3) and new subsection (c)(4)(C) filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3314. Administrative Rule Violations.

(a) Inmate misconduct reported on a CDC Form 115 shall be classified administrative if:

(1) The misconduct does not constitute a misdemeanor offense, except as provided in (3) below.

(2) It does not involve any of the following circumstances:

- (A) The use or threat of force or violence against another person.
- (B) A breach of or hazard to facility security.
- (C) A serious disruption of facility operations.
- (D) The introduction, use, or possession of controlled substances or alcohol.

(E) Possession of dangerous contraband.

(F) Continued failure to meet program expectations.

(G) Any felony offense.

(3) Administrative rule violations include but are not limited to:

(A) Possession of property, materials, items, or substances in excess of authorized limits, or possession of contraband other than controlled substances or dangerous contraband.

(B) Misuse of food.

(C) Out-of-bounds presenting no threat to facility security.

(D) Misuse of telephone privileges presenting no threat to facility security.

(E) Mail or visiting violations presenting no threat to facility security.

(F) Failure to meet work or program expectations within the inmate's abilities.

(G) Late for or absent without authorization from a work or program assignment.

(H) Use of vulgar or obscene language.

(I) Failure to follow an itinerary when on temporary community leave from a community-access facility.

(J) Under the influence (use) of alcoholic beverages, drugs, or intoxicants in a community-access facility.

(K) Failure to comply with departmental grooming standards.

(b) Administrative rule violations shall be heard by a disciplinary hearing official not below the level of a correctional lieutenant, or an experienced correctional counselor I, parole agent I or correctional sergeant.

(c) The inmate does not have the right to call witnesses or to have an investigative employee assigned.

(d) If deemed necessary by the hearing official, the hearing shall be suspended and the inmate shall be provided staff assistance pursuant to section 3318(b).

(e) The hearing official may find the inmate guilty and order one or more of the following dispositions:

(1) Counseling, with or without a reprimand.

(2) Suspension of privileges specified by the hearing official for no more than a 30-day period starting the date the rule violation report was adjudicated, except as authorized in section 3314(e)(10).

(3) Placement into privilege group B or C for no more than a 30-day period starting the date the rule violation report was adjudicated.

(4) Confinement to quarters pursuant to section 3333 for one or more weekends and/or holidays, not to exceed ten days and not to be imposed with subsection (6) or suspended confinement.

(5) Assignment to no more than 40 hours of extra duty.

(6) Confinement to quarters for a period not to exceed five consecutive days. Inmates serving confinement to quarters shall be released to attend work and program assignments.

(7) Placement of a restriction or hold on the inmate's trust account for rule violations involving state or personal property as described in section 3190 when the inmate refuses to pay for the repair or replacement of such property or canteen.

(8) Suspension of all or part of any disposition for up to 90 days based on the inmate's acceptance of and compliance with conditions specified for suspension of the disposition.

(9) Imposition of all or part of an existing suspended disposition when the current rule violation is also a violation of conditions imposed at the time of the suspension.

(10) Inmates placed in ASU, SHU, PSU, Privilege Group D, who are found guilty of any RVR deemed administrative per this section are subject to temporary loss of entertainment appliances as follows:

A. Thirty days for the first offense

B. Sixty days for the second offense.

C. Ninety days for the third offense.

(f) The hearing official may find the inmate guilty of the charge but, in the interest of justice or because of extenuating circumstances, dismiss the formal rule violation charge and report the misconduct as a custodial counseling on a CDC Form 128-A pursuant to section 3312. In such cases the CDC Form 115 shall be processed pursuant to section 3326.

(g) The hearing official may find the inmate not guilty and dismiss the charges.

(h) The hearing official may designate the rule violation serious if it is determined in the fact-finding phase of an administrative violation hearing that the misconduct is a serious rule violation. The disciplinary hearing official shall terminate the hearing and issue a serious CDC Form 115 to the inmate.

(i) Classification Committee Review. When the hearing official determines that an inmate is a program failure, as defined in section 3000, the hearing official shall refer the administrative disciplinary action for possible review by a classification committee to affirm or modify the inmates program, work/privilege group, or housing assignment.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).

2. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).

3. Amendment of subsection (d)(2) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).

4. Amendment of subsections (a) and (d)(5) filed 5-4-83; designated effective 6-1-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 19).

5. Amendment filed 5-5-95; operative 6-5-95 (Register 95, No. 18).

6. New subsection (a)(3)(L) filed 10-16-97 as an emergency; operative 10-16-97 (Register 97, No. 42). Pursuant to Penal Code section

- 5058(e), a Certificate of Compliance must be transmitted to OAL by 3-25-97 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 10-16-97 order transmitted to OAL 3-23-98 and filed 5-4-98 (Register 98, No. 19).
 8. Amendment filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.
 9. Amendment of section, including further amendment of subsection (e)(4), refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.
 10. Certificate of Compliance as to 6-17-2004 order transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).
 11. Amendment of subsections (c)(2)(D)–(E), new subsections (c)(2)(F)–(G), repealer of subsection (c)(3)(A), subsection relettering, amendment of subsection (e)(2) and new subsections (e)(10)–(e)(10)C. filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3315. Serious Rule Violations.

(a) Inmate misconduct reported on a CDC Form 115 shall be classified serious if:

- (1) It is a serious disciplinary offense not specified as administrative in section 3314(a)(3), an offense punishable as a misdemeanor, whether or not prosecution is undertaken, or is a felony, whether or not prosecution is undertaken.
- (2) It involves any one or more of the following circumstances:
 - (A) Use of force or violence against another person.
 - (B) A breach of or hazard to facility security.
 - (C) A serious disruption of facility operations.
 - (D) The introduction, distribution, possession, or use of controlled substances, alcohol, or dangerous contraband.
 - (E) An attempt or threat to commit any act listed in (A) through (D), coupled with a present ability to carry out the threat or attempt if not prevented from doing so.
- (3) Serious rule violations include but are not limited to:
 - (A) Misconduct reportable to the inmate's releasing authority.
 - (B) Theft, embezzlement, destruction, or damage to another's personal property or state property amounting to more than \$50.
 - (C) Hideout, preparation to escape, or possession of escape paraphernalia.
 - (D) Tattooing or possession of tattoo paraphernalia.
 - (E) Manufacture of alcohol or possession of any controlled substance, unauthorized drug, intoxicant, or illegal substance.
 - (F) Being under the influence or use of alcoholic beverages, controlled substances, unauthorized drugs or intoxicants in an institution, community correctional facility, or camp.
 - (G) Possession of five dollars or more without authorization.
 - (H) Acts of disobedience or disrespect which by reason of intensity or context create a potential for violence or mass disruptive conduct.
 - (I) Willfully inciting others to commit an act of force or violence.
 - (J) Refusal to perform work or participate in a program as ordered or assigned.
 - (K) Recurring failure to meet work or program expectations within the inmate's abilities when lesser disciplinary methods failed to correct the misconduct.
 - (L) Participation in a strike or work stoppage.
 - (M) A repeated pattern of administrative rule violations for the same offense.
 - (N) Mail or visiting violations presenting a threat as described in (2) above.

(O) Harassment of another person, group, or entity either directly or indirectly through the use of the mail or by any other means.

(P) Throwing any liquid or solid substance on a nonprisoner.

(Q) Unauthorized possession of departmental records or documents which could affect any inmate's release status.

(R) Refusal to submit to a test for controlled substances or alcohol.

(S) Refusal to provide blood specimens, a saliva sample, and palm and thumb print impressions pursuant to Penal Code, Part 1, Title 9, Chapter 6, Articles 1 through 7 (sections 295 et seq.), after receiving written notification that such specimens and samples must be provided.

(T) Participation in gambling.

(U) Late return or failure to return from a temporary community release or leave.

(V) Unauthorized possession of materials or substances which have been modified or altered from their original manufactured state or purpose with their potential to be made, or in the process of being made, into a weapon; explosive or explosive-making materials; poison, caustic substance; or any destructive device.

(W) Self mutilation or attempted suicide for the purpose of manipulation.

(X) Involvement in a conspiracy or attempt to do any of the above.

(b) In addition to the disciplinary hearing, the inmate may be subject to segregation from the general population pursuant to sections 3312 and 3335 through 3345; and referral for prosecution when the misconduct is a criminal offense.

(c) Hearing. Serious rule violations shall be heard at the Senior Hearing Officer (SHO) or higher level. A SHO shall not be below the level of a facility captain, correctional captain, correctional counselor III, parole agent III, or an experienced correctional lieutenant, correctional counselor II, or parole agent II.

(d) An inmate shall be assigned an employee to assist in the investigation of matters pertaining to a disciplinary action when the chief disciplinary officer or designee determines the necessity based on the following criteria.

(1) Investigative Employee.

(A) An investigative employee, as described in section 3318(a), shall be assigned when the staff designated to classify the serious rule violation determines that:

1. The complexity of the issues require further investigation.
2. The housing status makes it unlikely the charged inmate can collect and present the evidence necessary for an adequate presentation of a defense.
3. A determination has been made that additional information is necessary for a fair hearing.

(B) The inmate may choose to waive the assignment of an investigative employee as required by subsection (2) above. The inmate's request to waive assistance of an investigative employee under this subsection will be indicated in the "waived by inmate" checkbox on the CDC Form 115-A and signed and dated by the inmate. The classifying official may choose to un-assign the investigative employee based on the inmate's signed waiver on the CDC Form 115-A.

(C) Staff who witnessed or who will serve as a hearing official for a rule violation shall not serve as the investigative employee for that violation.

(D) The inmate may not select the investigative employee, but may object to the one assigned and provide, in writing to the classifying official, the reasons for the objection. The classifying official shall evaluate the inmate's objection(s) and, if determined to be reasonable, assign an alternate investigative employee to complete the investigation. If the classifying official determines that the inmate's

objections are not reasonable, the original investigative employee shall complete the investigation. The inmate's objection must be expressed prior to the beginning of the investigation. The classifying official shall note on the CDC Form 115-A his/her decision to deny or approve a request for an alternate investigative employee, and if denied, explain the reason(s) for denial.

(E) Assignment of an investigative employee shall not preclude the assignment of a staff assistant.

(2) Staff Assistant.

(A) The inmate shall be assigned a staff assistant, as described in section 3318(b), to assist in the preparation, and presentation of a defense at the disciplinary hearing if the classifying official determines:

1. The inmate is illiterate or non-English speaking.
2. The complexity of the issues are such that assistance is necessary so the inmate comprehends the nature of the charges or the disciplinary process.
3. The inmate's disability is such that staff assistance would be necessary for the inmate to participate in the disciplinary process.

(B) At any point prior to the disciplinary hearing, if it is discovered that the inmate may need a staff assistant, the classifying official or staff at an equal or higher rank, shall be advised in writing of the need, and if appropriate per section 3315(d)(2)(A), order the assignment of the staff assistant. If the need for staff assistance is discovered by the hearing official at the time of the disciplinary hearing, the hearing official shall postpone the hearing and order the assignment of the staff assistant. In either instance, the inmate shall be provided at least a 24 hour time period to allow for preparation with the assigned staff assistant prior to participating in the disciplinary hearing.

(C) An inmate may refuse to accept the first staff assistant at the time of assignment or at any time during the disciplinary process.

(D) If the inmate refuses the staff assistant at the time of initial assignment, a second staff assistant shall be assigned.

(E) If the inmate refuses to accept the second staff assistant or withdraws acceptance of an assigned staff assistant, the assignment of another staff assistant shall not be required unless the chief disciplinary officer or designee determines that a fair hearing cannot be held without staff assistance.

(1) Inmate participants in the Mental Health Services Delivery System at the level of Enhanced Outpatient Program, Mental Health Crisis Bed, Department of Mental Health, or Developmentally Disabled Program participants at the level of DD1-DD3 are ineligible to waive or refuse the assignment of a staff assistant. The staff assistant shall perform his/her required duties to the extent possible despite a waiver or refusal by the ineligible inmate to cooperate.

(F) Assignment of a staff assistant shall not preclude assignment of an investigative employee.

(1) When an inmate has been assigned a staff assistant and an investigative employee, the staff assistant must be present during any questioning by the investigative employee.

(e) Witnesses. An inmate may request that friendly and adverse witnesses attend the hearing.

(1) Requested witnesses shall be called unless the official conducting the hearing denies the request for one of the following reasons:

- (A) The appearance would endanger the witness.
- (B) The official determines that the witness has no relevant or additional information.
- (C) The witness is unavailable.
- (2) If an inmate's request for a witness is denied, the reasons shall be documented on the CDC Form 115.

(3) Whether or not the inmate requests a witness, witnesses may be called if the official conducting the hearing determines the witnesses may have information necessary to the finding of fact.

(4) The reporting employee shall attend the disciplinary hearing or be available for questioning via speakerphone if requested by the inmate.

(5) Under the direction of the official conducting the disciplinary hearing, the inmate has the right to ask questions of all witnesses called. The SHO will screen all questions to ensure they are relevant to the violation charged.

(6) Nothing in this section shall preclude making a witness available by speaker phone for a disciplinary hearing.

(f) Disposition. Upon completion of the fact-finding portion of the disciplinary hearing, the inmate may be found:

- (1) Not guilty and the charges dismissed.
- (2) Guilty of an administrative rather than a serious rule violation. In such case, the CDC Form 115 shall be reduced to an administrative level offense and the inmate may be assessed only a disposition authorized in section 3314.
- (3) Guilty as charged or guilty of an included serious rule violation and assessed a credit forfeiture pursuant to section 3323.

(4) If the violation included an act related to the use, possession, or distribution of controlled substances, controlled medication, drugs or drug paraphernalia; or if the inmate refused to submit to a test for controlled substances or drugs, the disposition shall include an order for the inmate to submit to mandatory random drug testing for one year from the date of the order.

(A) For the first offense, the inmate must provide a minimum of one random drug test per month for one year.

(B) For the second offense, the inmate must provide a minimum of two random drug tests per month for one year.

(C) For the third and all subsequent offenses, the inmate must provide a minimum of four random drug tests per month for one year.

(D) The inmate shall be informed that refusal to submit to a random test or any positive test result during the mandatory random drug testing period shall result in the issuance of a CDC Form 115 and a new mandatory drug testing order.

(5) The disposition may or when mandated shall include assessment of one or more of the following:

(A) Any combination of penalties authorized for administrative rule violations in section 3314(e).

(B) Suspension of privileges specified by the hearing official for no more than a 90-day period starting the date the rule violation report was adjudicated. The suspension of privileges for violations of subsections 3016(a), 3016(c), and 3290(d) shall be assessed as follows:

1. Thirty days for the first offense.
2. Sixty days for the second offense.
3. Ninety days for the third offense.

(C) Placement into privilege group B or C for no more than a 90-day period starting from the date the rule violation report was adjudicated.

(D) Disciplinary detention or confinement to quarters as provided in sections 3330 and 3333 for not more than a ten-day period. If facility security will not be jeopardized, the inmate shall be released to attend work and program assignments.

1. Second offense violations of subsections 3016(a), 3016(c), and 3290(d) shall result in confinement to quarters for five days.

2. Third and all subsequent offense violations of subsections 3016(a), 3016(c), and 3290(d) shall result in confinement to quarters for 10 days.

(E) Referral to a classification committee for consideration of placement in Work Group C.

(F) Suspension of all or part of dispositions other than credit forfeitures, ordered random drug testing and classification committee referrals, for up to six months based on the inmate's compliance with the conditions specified for suspension.

(G) Imposition of all or part of an existing suspended disposition when the current rule violation is a violation of conditions specified in a suspended disposition. Imposition of a suspended disposition shall not include confinement to quarters or disciplinary detention for a period exceeding ten days except as provided in section 3322.

(H) For a violation of subsection 3016(c), there shall be a loss of visits for one year to be followed by non-contact visits for two years.

(I) Loss of visits to be followed by non-contact visits for violations of subsection 3016(a) (with the exception of alcohol violations), or 3290(d) shall be as follows:

1. Loss of visits for 90 days, to be followed by non-contact visits for 90 days for the first offense.
2. Loss of visits for 90 days, to be followed by non-contact visits for 180 days for the second offense.
3. Loss of visits for 180 days, to be followed by non-contact visits for 180 days for the third offense.

(J) Violation of subsections 3016(a), 3016(c), and 3290(d) shall result in:

1. For the first offense, the inmate shall be required to attend Alcoholic Anonymous or Narcotic Anonymous meetings or assigned to a substance abuse education program to the extent such programs are available in the institution/facility.
2. For the second offense, the inmate shall be referred for endorsement to a substance abuse program, provided that program eligibility criteria is met.
3. For the third offense, the inmate shall be referred for endorsement to a substance abuse program, provided that program eligibility criteria is met, and mandatory treatment shall be a condition of parole.

(K) Violation of Indecent Exposure or Sexual Disorderly Conduct of sections 3007, 3323(d)(7), 3323(f)(5), and 3323(g)(8) shall result in:

1. First offense violation shall result in loss of any or all of the following for up to 90 days: canteen, appliances, vendor packages, telephone privileges, and personal property.
2. Second offense and subsequent offense violation(s) shall result in loss of any or all of the following for up to 180 days: canteen, appliances, vendor packages, telephone privileges, and personal property.

(L) Inmates placed in ASU, SHU, PSU, Privilege Group D, who are found guilty of any RVR deemed serious per this section are subject to temporary loss of entertainment appliances as follows:

1. Thirty days for the first offense.
2. Sixty days for the second offense.
3. Ninety days for the third offense.

(M) Violation of Refusing to Accept Assigned Housing of sections 3005(c) and 3269.1 shall result in:

1. First offense violation shall result in loss of any or all of the following for up to 90 days: canteen, appliances, vendor packages, telephone privileges, and personal property.
2. Second offense and subsequent offense violation(s) shall result in loss of any or all of the following for up to 180 days: canteen, appliances, vendor packages, telephone privileges, and personal property.

(N) Violation of Refusing to Accept an Inmate Housing Assignment of subsection 3005(c) shall result in:

1. First offense violation shall result in loss of any or all of the following for up to 90 days: canteen, appliances, vendor packages, telephone privileges, and personal property.

2. Second offense and subsequent offense violation(s) shall result in loss of any or all of the following for up to 180 days: canteen, appliances, vendor packages, telephone privileges, and personal property, and referral to a classification committee for review and determination for program failure. An inmate who is deemed a program failure by a classification committee is subject to having his/her personal property/appliances disposed of in accordance with Departmental procedure.

(O) Violation of subsection 3323(d)(8) shall result in a loss of visits for 180 days followed by non-contact visits permanently.

(P) Violation of subsection 3323(f)(6) shall result in:

1. Loss of visits for 90 days, to be followed by non-contact visits for 90 days for the first offense.
2. Loss of visits for 90 days, to be followed by non-contact visits for 180 days for the second offense.
3. Loss of visits for 180 days, to be followed by non-contact visits permanently for the third offense.

(g) Classification Committee Review. Any serious disciplinary action requiring reconsideration of an inmate's program, work group, or housing assignment, shall be referred to the next reasonably scheduled classification committee for review. This review shall not occur until the chief disciplinary officer's audit of the CDC Form 115 has been concluded. The classification committee shall affirm or modify the inmate's program, work group, or housing assignment.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 295–300.3, 314, 530, 532, 646.9, 647, 653m, 2931, 2932, 2933, 4573.6, 5054, 5068 and 12020, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
3. New subsection (g) filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).
4. Amendment of subsection (a)(3), renumbering of subsections (a)(16)–(a)(19) to (a)(18)–(a)(21) and new subsections (a)(16)–(a)(17) filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
5. Amendment of subsections (a)(3), (b)(4) and (b)(5) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
6. Amendment of subsection (d) filed 2-15-80; effective thirtieth day thereafter (Register 80, No. 7).
7. Amendment of subsection (b)(1) filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
8. Amendment of subsection (a)(19) filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).
9. Amendment of subsections (a), (b)(4), (f)(4) and repealer and new subsection (d) filed 5-4-83; designated effective 6-1-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 19).
10. Editorial correction of subsections (b) and (c) filed 2-19-85 (Register 85, No. 8).
11. Amendment of subsections (b), (c), (e) and (g) filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
12. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
13. Amendment of subsections (b), (c), (e) and (g) filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
14. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-30-88; disapproved by OAL (Register 88, No. 24).

15. Amendment filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
16. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
17. New subsection (a)(14), subsection renumbering, and amendment of Note filed 7-29-93 as an emergency; operative 7-29-93 (Register 93, No. 31). A Certificate of Compliance must be transmitted to OAL 11-26-93, or emergency language will be repealed by operation of law on the following day.
18. Certificate of Compliance as to 7-29-93 order transmitted to OAL 11-18-93 and filed 12-31-93 (Register 94, No. 1).
19. Amendment of section and Note filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
20. Amendment of subsection (f)(4) filed 7-1-96 as an emergency; operative 7-1-96 (Register 96, No. 27). A Certificate of Compliance must be transmitted to OAL by 12-8-96 or emergency language will be repealed by operation of law on the following day.
21. Certificate of Compliance as to 7-1-96 order transmitted to OAL 9-23-96 and filed 11-4-96 (Register 96, No. 45).
22. Change without regulatory effect amending subsection (f)(5)(A) filed 12-2-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 49).
23. Amendment of subsections (c), (f)(5)(D) and (g) filed 10-16-97 as an emergency; operative 10-16-97 (Register 97, No. 42). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 3-25-97 or emergency language will be repealed by operation of law on the following day.
24. Certificate of Compliance as to 10-16-97 order transmitted to OAL 3-23-98 and filed 5-4-98 (Register 98, No. 19).
25. Amendment filed 8-27-98 as an emergency; operative 8-27-98 (Register 98, No. 35). A Certificate of Compliance must be transmitted to OAL by 2-3-99 or emergency language will be repealed by operation of law on the following day.
26. Amendment of subsection (a)(3)(M) filed 12-1-98 as an emergency; operative 12-1-98 (Register 98, No. 49). Pursuant to Penal Code 5058(e), a Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
27. Amendment refiled 2-3-99 as an emergency, including further amendment redesignating former subsections (f)(5)(I)(1)–(3) as subsections (f)(5)(I)1.–3.; operative 2-3-99 (Register 99, No. 6). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 7-13-99 or emergency language will be repealed by operation of law on the following day.
28. Certificate of Compliance as to 12-1-98 order transmitted to OAL 5-7-99 and filed 6-4-99 (Register 99, No. 23).
29. Certificate of Compliance as to 2-3-99 order, including new subsection (f)(5)(H), subsection relettering and amendment of newly designated subsection (f)(5)(I), transmitted to OAL 5-12-99 and filed 6-24-99 (Register 99, No. 26).
30. New subsection (a)(3)(S), subsection relettering and amendment of Note filed 9-20-99 as an emergency; operative 9-20-99 (Register 99, No. 39). Pursuant to Penal Code section 5058(e) a Certificate of Compliance must be transmitted to OAL by 2-28-2000 or emergency language will be repealed by operation of law on the following day.
31. Certificate of Compliance as to 9-20-99 order transmitted to OAL 1-14-2000 and filed 2-22-2000 (Register 2000, No. 8).
32. Amendment of subsection (a)(3)(S) filed 10-4-2002 as an emergency pursuant to a certificate of operational necessity under Penal Code section 5058.3; operative 10-4-2002 (Register 2002, No. 40). Pursuant to Penal Code section 5058.3, this filing is deemed an emergency and a Certificate of Compliance must be transmitted to OAL by 3-13-2003 or emergency language will be repealed by operation of law on the following day.
33. Certificate of Compliance as to 10-4-2002 order, including further amendment of subsection (a)(3)(S), transmitted to OAL 3-12-2003 and filed 4-8-2003 (Register 2003, No. 15).
34. Amendment of subsection (f)(5)(B), new subsection (f)(5)(C) and subsection relettering filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.
35. Amendment of subsection (f)(5)(B), new subsection (f)(5)(C) and subsection relettering refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.
36. Certificate of Compliance as to 6-17-2004 order transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).
37. New subsections (f)(5)(L)–(f)(5)(L)2. and amendment of Note filed 2-23-2007 as an emergency; operative 2-23-2007 (Register 2007, No. 8). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 8-2-2007 or emergency language will be repealed by operation of law on the following day.
38. Certificate of Compliance as to 2-23-2007 order transmitted to OAL 7-27-2007 and filed 9-5-2007 (Register 2007, No. 36).
39. New subsections (f)(5)(M)–(f)(5)(M)2. filed 12-28-2007; operative 12-28-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 52).
40. New subsections (f)(5)(N)–(f)(5)(N)2. filed 3-18-2008 as an emergency; operative 3-18-2008 (Register 2008, No. 12). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 8-25-2008 or emergency language will be repealed by operation of law on the following day.
41. Amendment filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).
42. Certificate of Compliance as to 3-18-2008 order transmitted to OAL 8-18-2008 and filed 9-15-2008 (Register 2008, No. 38).
43. New subsections (f)(5)(O)–(f)(5)(P)3. filed 10-6-2009; operative 10-6-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 41).
44. Editorial correction restoring placement of subsections (f)(5)(N)1.–2. (Register 2010, No. 15).

3316. Referral for Criminal Prosecution.

(a) Except as provided in subsection (b), all criminal misconduct by persons under the jurisdiction of the department or occurring on facility property shall be referred by the institution head or designee to appropriate authorities for possible investigation and prosecution when there is evidence substantiating each of the elements of the crime to be charged.

(1) Referrals for investigation of inmate criminal misconduct shall be accompanied by a JUS Form 8715 (Rev. 6/88) Department of Justice, Disposition of Arrest and Court Action.

(2) The authority to whom a case is referred shall be asked to provide the institution head or designee with written notification within ten working days advising if prosecution shall be initiated.

(3) Inmates shall be notified in writing when misconduct is referred for possible prosecution.

(b) Notwithstanding evidence substantiating each of the elements of the crime to be charged, criminal misconduct shall not be referred to the local district attorney if the local district attorney has submitted written notification to the institution head including criteria determining that specified crimes shall not be prosecuted if the crime involved meets such criteria.

(c) Referral of an inmate's misconduct for prosecution shall not stay the time limits for a disciplinary hearing unless the inmate submits a written request to the chief disciplinary officer or signs and dates the CDC Form 115-A (Rev. 7/88), Serious Rules Violation Report, requesting postponement of the hearing pending the outcome of the referral.

(1) A postponed disciplinary hearing shall be held within 30 days after any one of the following events;

(A) The inmate has revoked a postponement request; an inmate may revoke a postponement request any time until the prosecuting criminal authority has filed an accusatory pleading against the

inmate. The request shall be submitted in writing to the chief disciplinary officer or designee who shall complete the CDC Form 115-A revoking the postponement request.

(B) Written notice is received from the institution head or designee that the inmate's misconduct will not be referred for prosecution pursuant to subsection (b).

(C) Written notice is received that the prosecuting authority does not intend to prosecute.

(D) Written notice is received that the criminal proceedings are terminated without an acquittal.

(2) A decision to not prosecute or a court's dismissal of criminal charges without acquittal shall not prohibit or alter a departmental disciplinary hearing on the rule violation charges.

(3) A court verdict of guilty or not guilty, resulting from a trial, shall be accepted as the finding of fact on the same charges in a disciplinary hearing. Should the court accept a plea agreement or negotiated settlement resulting in a conviction for a lesser offense than was originally charged, or if a court dismisses a charge prior to trial, the Department shall not be precluded from taking appropriate administrative action based on the facts contained in the original charge. If a court finds the inmate not guilty after a finding of guilty in a disciplinary hearing, the rule violation charges shall be dismissed.

(4) Any verdict of the court shall not prohibit or reverse the actions of a disciplinary hearing on any lesser offenses included in the criminal charge.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

HISTORY:

1. Amendment filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment filed 6-30-77 as an emergency; effective upon filing (Register 77, No. 27).
3. Amendment of subsection (d) filed 9-29-77 as an emergency; effective upon filing. Certificate of Compliance included (Register 77, No. 40).
4. Amendment of subsection (b) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
5. Amendment filed 11-1-79 as an emergency; effective upon filing (Register 79, No. 44). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 3-1-80.
6. Certificate of Compliance including amendment of subsection (c) filed 2-15-80 (Register 80, No. 7).
7. Amendment filed 12-1-80 as an emergency; designated effective 1-1-81 (Register 80, No. 49).
8. Order of Repeal of 12-1-80 order filed 12-5-80 by OAL pursuant to Government Code section 11349.6 (Register 80, No. 49).
9. Amendment filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
10. Amendment of subsection (e)(2) and (e)(3) filed 5-4-83; designated effective 6-1-83 pursuant to Government Code section 11346.2(d) (Register 83, No. 19).
11. Amendment filed 10-24-88; operative 11-23-88 (Register 88, No. 45).
12. Amendment filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
13. Amendment of subsection (c)(3) filed 11-3-97 as an operational emergency pursuant to Penal Code section 5058(e); operative 11-3-97 (Register 97, No. 45). A Certificate of Compliance must be transmitted to OAL by 4-13-98 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 11-3-97 order transmitted to OAL 2-3-98 and filed 3-12-98 (Register 98, No. 11).

3317. Mental Health Evaluations for Disciplinary Hearings.

Inmates in the Mental Health program or any inmate showing signs of possible mental illness may require a CDC 115 MH (Rev. 06/06), Rules Violation Report: Mental Health Assessment. All in-

mates at the EOP, MHC, and DMH level of care, who receive a CDC 115, Rules Violation Report shall be referred for a Mental Health Assessment. All inmates in CCCMS or non-MHSDS inmates who receive a CDC 115 Rules Violation Report, and who exhibit bizarre, unusual or uncharacteristic behavior at the time of the rules violation shall be referred for a Mental Health Assessment. An inmate shall be referred for a mental health evaluation prior to documenting misbehavior on a CDC Form 115, Rules Violation Report, in any case where the inmate is suspected of self mutilation or attempted suicide. If the mental health evaluation determines that it was an actual suicide attempt, a CDC Form 115 shall not be written and the behavior shall be documented on a CDC Form 128B (Rev. 4/74), General Chrono, for inclusion in the inmate's central file.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Repealer and new section filed 3-24-78 as an emergency; effective upon filing (Register 78, No. 12).
3. Certificate of Compliance filed 6-15-78 (Register 78, No. 24).
4. Repealer and new section filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
5. Relocation and amendment of former subsections 3317(a)-(b)(2) to subsections 3312(a)(3)(A)-(B) and new section filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
6. Editorial correction deleting formerly relocated text (Register 95, No. 34).
7. Amendment of section heading and subsection (a), and repealer of subsections (b)-(b)(2) filed 8-23-95 as an emergency; operative 8-23-95 (Register 95, No. 34). A Certificate of Compliance must be transmitted to OAL by 1-30-96 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 8-23-95 order transmitted to OAL 1-8-96 and filed 2-16-96 (Register 96, No. 7).
9. Amendment filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3318. Assistance to Inmates for Serious Rule Violations.

(a) Investigative employee. The investigative employee is designated to gather information for the senior hearing officer or disciplinary hearing committee as described in section 3315(d)(1)(A).

(1) The investigative employee shall:

(A) Interview the charged inmate.

(B) Gather information.

(C) Question all staff and inmates who may have relevant information.

(D) Screen prospective witnesses.

(E) Submit a written report to the senior hearing officer or disciplinary committee chairperson to include witness statements and a summary of the information collected specific to the violation charged.

(2) A copy of the investigative employee's report shall be provided to the inmate no less than 24 hours before a disciplinary hearing is held.

(3) When an investigative employee provides assistance to an inmate, in lieu of or in addition to that provided by a staff assistant, the investigative employee shall do so as a representative of the official who will conduct the disciplinary hearing rather than as a representative of the inmate.

(4) An investigative employee is not subject to the confidentiality provisions of subsection (b)(2)(A) and shall not withhold any information received from the inmate.

(b) Staff Assistant.

(1) The assigned staff assistant shall:

(A) Inform inmates of their rights and of the disciplinary hearing procedures.

(B) Advise and assist in the inmate's preparation for a disciplinary hearing, represent the inmate's position at the hearing, ensure that the inmate's position is understood, and that the inmate understands the decisions reached.

(C) Refrain from giving legal counsel or specifying the position the inmate should take in any disciplinary, classification or criminal proceeding.

(2) The inmate shall be informed that:

(A) The staff assistant shall keep confidential any information the inmate may disclose concerning the charges for which the staff assistant was assigned.

(B) All evidence and information obtained and considered or developed in the disciplinary process may be used in court if the violation has been or is to be referred for criminal prosecution.

(3) If the staff assistant becomes aware that the inmate is contemplating future criminal conduct, the staff assistant shall disclose this information if necessary to protect potential victims and prevent the contemplated crime.

(4) The staff assistant shall inform the inmate that all evidence and information obtained and considered or developed in the disciplinary process may be used in court if the same charges have been or are to be referred to the district attorney for possible criminal prosecution.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 8-17-79 as an emergency; effective upon filing (Register 79, No. 33). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 12-15-79.
3. New subsection (e) filed 11-1-79 as an emergency; effective upon filing (Register 79, No. 44). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 3-1-80.
4. Certificate of Compliance as to 8-17-79 order filed 12-14-79 (Register 79, No. 50).
5. Certificate of Compliance as to 11-1-79 order filed 2-15-80 (Register 80, No. 7).
6. Amendment filed 2-15-80; effective thirtieth day thereafter (Register 80, No. 7).
7. Amendment filed 5-4-83; designated effective 6-1-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 19).
8. Amendment of section heading and section filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
9. Amendment of subsections (a), (a)(1)(E) and (b)(2)(A)–(B) filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3319. Investigative Employees.

HISTORY:

1. Amendment of subsection (a) filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment filed 8-18-78; effective thirtieth day thereafter (Register 78, No. 33).
3. Repealer filed 5-4-83; designated effective 6-1-83 pursuant to Government Code section 11346.2(d) (Register 83, No. 19).

3320. Hearing Procedures and Time Limitations.

(a) A classified copy of the CDC Form 115 per section 3313(a), CDC Form 115-A (Rev. 07/88), and any additional/supplemental information documented via the CDC Form 115-C (Rev. 5/95) containing any elements of the violation charged shall normally be

provided to the inmate within 15 days from the date the information leading to the charges is discovered by staff or, in the case of an escapee, within 15 days after the escapee's return to the department's custody.

(1) Providing the inmate with a copy of the classified CDC Form 115, CDC Form 115-A, and CDC Form 115-C (if applicable) may be delayed beyond 15 days, but no more than an additional 30 days for a total of 45 days, and shall not prohibit forfeiture of credits as a penalty for the misconduct when all of the following criteria are met:

(A) The misconduct could be prosecuted as murder, attempted murder, or battery on staff.

(B) An investigation is continuing to identify others involved in the misconduct.

(C) Within 15 days of discovering the misconduct, a written request to delay the inmate's notification, including the reasons for the delay, is approved by the chief disciplinary officer.

(2) Time limitations for a re-issued CDC Form 115 shall commence on the date the chief disciplinary officer orders the re-hearing pursuant to Subsection 3320(a)(1) above.

(b) The charges shall be heard within 30 days from the date the inmate is provided a classified copy of the CDC Form 115 unless the charges were referred for possible prosecution and the inmate has been granted a request for postponement of the disciplinary proceedings pending the outcome of the referral, if exceptional circumstances exist pursuant to section 3000, or the inmate is transferred out of the custody of the department.

(1) The Hearing for a CDC Form 115 ordered re-issued/re-heard shall be conducted pursuant to Subsection 3320(b) above relative to the re-issued copy.

(c) A disciplinary hearing shall not be held until the inmate has been provided:

(1) A classified copy of the CDC Form 115 and all non-confidential reports containing information relative to the charge, including the investigative employee's report.

(2) At least 24 hours to review the material and prepare for the hearing. The hearing may be held earlier if the inmate waives the 24-hour period.

(d) A hearing may be postponed up to 30 days upon receipt of the inmate's written request to the CDO showing a reasonable need for postponement. The CDO will evaluate the request and approve or deny it based on its credibility. Postponement shall not bar any credit forfeiture.

(e) If a hearing is postponed for any reason, such reason shall be documented in the findings section of the CDC Form 115.

(f) The following events shall preclude denial or forfeiture of credits:

(1) The inmate was not provided a copy of the CDC Form 115 within 15 days after the discovery of information leading to the charges except as other provided in (a).

(2) The official conducting the hearing did not establish that the information or evidence was not reasonably discoverable within 30 days or sooner or when the inmate is not provided a copy of the CDC Form 115 within 15 days of the misconduct, unless (a) is applicable.

(3) The disciplinary hearing was not held within 30 days of the date the inmate was provided a classified copy of the CDC Form 115, unless the inmate requested and was granted a postponement of the hearing pending outcome of the referral pursuant to section 3316, exceptional circumstances as defined in Section 3000 exist, or if the inmate is transferred out of the custody of the department.

(4) A disciplinary hearing was not held within 30 days after the chief disciplinary officer was notified of the outcome of a prosecution referral or within 30 days of the inmate's revoked request

for postponement of the hearing, if an accusatory pleading was not filed against the inmate.

(5) The inmate was not provided a written explanation of the exceptional circumstances preventing a hearing within 30 days after the inmate was provided a copy of the CDC Form 115 and the official conducting the hearing did not establish in the findings of the hearing that the delay did not prejudice the inmate.

(g) The inmate shall normally be present at a disciplinary hearing. When a disciplinary hearing is held without the inmate present, the reason for the absence shall be documented during the hearing on the CDC Form 115. The inmate shall be present at a disciplinary hearing unless:

(1) A psychiatrist has determined that the inmate suffers from a serious mental disorder preventing the inmate's understanding of or participation in the hearing, and there is a compelling reason or need to proceed with the hearing.

(2) The inmate was convicted of escape in court and has not been returned to the facility or jurisdiction from which the escape occurred.

(3) The inmate has waived the right to be present in writing, or in the case of a refusal to sign a waiver, the refusal was witnessed by a custody officer, documented on a CDC Form 128-B (Rev. 4/74), and attached to the CDC Form 115 for review by the Senior Hearing Officer at the disciplinary hearing and by the Chief Disciplinary Officer following adjudication of the rules violation report.

(h) Staff who observed, reported, classified, supplied supplemental reports to, or investigated the alleged rule violation; who assisted the inmate in preparing for the hearing; or for any other reason have a predetermined belief of the inmate's guilt or innocence shall not hear the charges or be present during deliberations to determine guilt or innocence and disposition of the charges.

(i) An inmate witness shall not be transferred between facilities to testify at a hearing unless the chief disciplinary officer of the facility hearing the charges determines a fair and impartial hearing cannot be conducted unless the witness is present. When a witness is not available, the chief disciplinary officer of the facility where the witness is located shall be notified of the need to appoint an investigative employee to discuss the case with the investigative employee of the facility conducting the disciplinary hearing; to interview the witness, prepare a written investigative report, and forward the report to the facility where the hearing will be conducted.

(j) When an inmate whose rule violation charges are being adjudicated is ordered to leave the hearing room, all witnesses, including staff witnesses, shall also leave the room. The inmate has a right to be present when any witness is present at the hearing.

(k) When a serious rule violation occurs during transportation of an inmate, transporting staff witnesses shall be present at the hearing if requested, or shall be available for questioning by telephone during the disciplinary hearing.

(l) The inmate may present documentary evidence in defense or mitigation of the charges. Any finding of guilt shall be based upon determination by the official(s) conducting the disciplinary hearing that a preponderance of evidence submitted at the hearing substantiates the charge. At the conclusion of the disciplinary hearing, the inmate shall be informed of the findings and disposition of the charge and of the right to and procedure for appeal of the action. Within five working days following review of the CDC Form 115 and CDC Form 115-A by the chief disciplinary officer, the inmate shall be provided a copy of the completed CDC Form 115 containing the findings, disposition, and evidence relied upon in reaching the conclusions.

(m) When an inmate is charged with possession of unauthorized or dangerous items or substances, or when unauthorized or

dangerous items or substances are associated with commission of the charged rule violation, the hearing official shall record the disposition of the item or substance in the disposition section of the CDC Form 115.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

HISTORY:

1. Amendment of subsection (b) filed 12-1-80 as an emergency; designated effective 1-1-81 (Register 80, No. 49). For prior history, see Register 80, No. 16.
2. Order of Repeal of 12-1-80 order filed 12-5-80 by OAL pursuant to Government Code Section 11349.6 (Register 80, No. 49).
3. Amendment of subsection (c) filed 12-8-80; effective thirtieth day thereafter (Register 80, No. 50).
4. Amendment of subsection (b) filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
5. Amendment of subsections (a)–(d) filed 5-4-83; designated effective 6-1-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 19).
6. Amendment filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
7. New subsection (l) filed 2-8-88; operative 3-9-88 (Register 88, No. 7).
8. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
9. Amendment filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
10. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
11. Amendment filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
12. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
13. Amendment filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
14. Change without regulatory effect amending subsection (a)(1)(A) filed 5-7-96; operative 6-6-96 (Register 96, No. 19).
15. Amendment filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3320.1. Hearings for Transferred Inmates.

(a) An inmate's pending disciplinary hearing shall be conducted before the inmate is transferred to another facility unless any one of the following circumstances apply:

(1) An emergency transfer to a higher security level is necessary based on charges of involvement in a major disturbance or serious incident.

(2) The inmate is charged with escape from a Level I or II facility and will not be returned to the facility from which the inmate escaped.

(3) The inmate requires emergency medical or psychiatric treatment.

(b) When an inmate is transferred before a disciplinary hearing or a rehearing is ordered on the rule violation charges after the inmate's transfer, one of the following methods shall be used to facilitate the disciplinary hearing process:

(1) The inmate may be returned to the facility where the violation occurred.

(2) The institution head at the facility where the violation occurred may request the hearing be conducted by staff where the inmate is currently housed or staff from the facility where the violation occurred may conduct the hearing at the facility where the inmate is housed.

(A) Facility staff where the rule violation occurred may appoint an investigative employee to conduct an investigation and prepare a report as outlined in section 3318.

(B) If a staff assistant is appointed, the staff assistant shall be present at the disciplinary hearing.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2932, 5054 and 5068, Penal Code.

HISTORY:

1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. New section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Amendment filed 5-5-95; operative 6-5-95 (Register 95, No. 18).

3321. Confidential Material.

(a) The following types of information shall be classified as confidential:

(1) Information which, if known to the inmate, would endanger the safety of any person.

(2) Information which would jeopardize the security of the institution.

(3) Specific medical or psychological information which, if known to the inmate, would be medically or psychologically detrimental to the inmate.

(4) Information provided and classified confidential by another governmental agency.

(b) Uses of specific confidential material.

(1) No decision shall be based upon information from a confidential source, unless other documentation corroborates information from the source, or unless the circumstances surrounding the event and the documented reliability of the source satisfies the decision maker(s) that the information is true.

(2) Any document containing information from a confidential source shall include an evaluation of the source's reliability, a brief statement of the reason for the conclusion reached, and a statement of reason why the information or source is not disclosed.

(3) The documentation given to the inmate shall include:

(A) The fact that the information came from a confidential source.

(B) As much of the information as can be disclosed without identifying its source including an evaluation of the source's reliability; a brief statement of the reason for the conclusion reached; and, a statement of reason why the information or source is not disclosed.

(c) A confidential source's reliability may be established by one or more of the following criteria:

(1) The confidential source has previously provided information which proved to be true.

(2) Other confidential source have independently provided the same information.

(3) The information provided by the confidential source is self-incriminating.

(4) Part of the information provided is corroborated through investigation or by information provided by non-confidential sources.

(5) The confidential source is the victim.

(d) Filing confidential material.

(1) Only case information meeting the criteria for confidentiality shall be filed in the confidential section of an inmate's/parolee's central file.

(2) Proposed confidential documents shall be reviewed, signed, and dated by a staff person at the correctional counselor III, parole agent III, correctional captain, or higher staff level to indicate approval of the confidential designation and placement in the confidential section of the central file.

(3) Classification committee shall review the material filed in the confidential folder of each case considered. Any material not approved but designated confidential shall be removed from the folder and submitted to the designated staff person for review and determination.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1798.34, 1798.40, 1798.41 and 1798.42, Civil Code; Section 6255, Government Code; and Sections 2081.5, 2600, 2601, 2932, 5054 and 5068, Penal Code; and *Illinois v. Gates*, 462 U.S. 213 (1983).

HISTORY:

1. Repealer and new section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. Repealer and new section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. Repealer and new section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Amendment of subsection (c)(4) and Note filed 8-30-99 as an emergency; operative 8-30-99 (Register 99, No. 36). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 2-8-2000 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 8-30-99 order transmitted to OAL 2-7-2000 and filed 3-21-2000 (Register 2000, No. 12).

3322. Length of Confinement.

(a) No inmate shall be kept in disciplinary detention or confined to quarters more than ten days. The chief disciplinary officer may shorten time spent in disciplinary detention or confined to quarters if the inmate appears ready to conform and the facility disciplinary process will benefit by such an action. When the disciplinary detention or confined to quarters disposition has expired and continued segregation is deemed necessary, the inmate shall be processed pursuant to section 3335.

(b) Time spent in segregation pending a disciplinary hearing shall normally be credited toward any disciplinary detention or confined to quarters sentence imposed. Reasons for not granting credit shall be explained in the disposition section of the CDC Form 115.

(c) No inmate shall be confined to quarters or otherwise deprived of exercise as a disciplinary disposition longer than ten days unless, in the opinion of the institution head, the inmate poses such an extreme management problem or threat to the safety of others that longer confinement is necessary. The director's written approval is required for such extended confinement.

NOTE: Authority cited: Section 5058 Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section and new Note filed 5-5-95; operative 6-5-95 (Register 95, No. 18).

3323. Disciplinary Credit Forfeiture Schedule.

(a) Upon a finding of guilt of a serious rule violation, a credit forfeiture against any determinate term of imprisonment or any minimum eligible parole date for an inmate sentenced to an indeterminate sentence, as defined in section 3000 Indeterminate Sentence Law (ISL), shall be assessed within the ranges specified in (b) through (h) below:

(b) Division "A-1" offenses; credit forfeiture of 181–360 days.

(1) Murder, attempted murder, and solicitation of murder. Solicitation of murder shall be proven by the testimony of two witnesses, or of one witness and corroborating circumstances.

(2) Manslaughter.

(3) Battery causing serious injury.

(4) Assault or battery with a deadly weapon or caustic substance.

(5) Rape, attempted rape, sodomy, attempted sodomy, oral copulation, and attempted oral copulation against the victim's will.

(6) Taking a hostage.

(7) Escape with force or violence.

(8) Possession, manufacture, or attempted manufacture of a deadly weapon or explosive device.

(9) Solicitation to commit an offense listed in subsections (b)(3), (b)(4) or (b)(5) above.

(c) Division "A-2" offenses; credit forfeiture of 151–180 days.

(1) Arson involving damage to a structure or causing serious bodily injury.

(2) Possession of flammable, explosive, or combustible material with intent to burn any structure or property.

(3) Destruction of state property valued in excess of \$400 during a riot or disturbance.

(4) Any other felony involving violence or injury to a victim not specifically listed in this schedule.

(5) Attempted escape with force or violence.

(6) Introduction or distribution of any controlled substance, as defined in section 3000, in an institution/facility or contract health facility.

(7) Extortion by means of force or threat.

(8) Conspiracy to commit any Division "A-1" or "A-2" offense.

(9) Solicitation to commit an offense listed in subsections (c)(1), (c)(3), or (c)(8) above.

(d) Division "B" Offenses; credit forfeiture of 121–150 days.

(1) Battery on a peace officer not involving the use of a weapon.

(2) Assault on a peace officer by any means likely to cause great bodily injury.

(3) Battery on a non-prisoner.

(4) Threatening to kill or cause serious bodily injury to a public official, their immediate family, their staff, or their staff's immediate family.

(5) Escape from any institution or community correctional facility other than a camp or community-access facility.

(6) Theft, embezzlement, destruction, or damage to another's personal property, state funds, or state property valued in excess of \$400.

(7) Unauthorized possession of any controlled substance as defined in section 3000, including marijuana, in an institution/facility or contract health facility.

(A) Progressive disciplinary credit forfeiture for violations described in (7) above are as follows:

1. Credit forfeiture of 121–130 days for the first offense.

2. Credit forfeiture of 131–140 days for the second offense.

3. Credit forfeiture of 141–150 days for the third offense.

(8) Sexual Activity in a visiting room involving physical contact with a minor.

(9) Indecent Exposure with prior court conviction under PC 314 or PC 288.

(10) Any felony not involving violence or the use of a weapon not listed in this schedule.

(11) Conspiracy to commit any Division "B" offense.

(12) Solicitation to commit an offense as listed in subsections (d)(1) or (d)(2) above.

(e) Division "C" offenses; credit forfeiture of 91–120 days.

(1) Escape without force from a camp or community-access facility.

(2) Attempted escape without force from an institution or community correctional facility other than a camp or community-access facility.

(3) Furnishing equipment for or aiding and abetting an escape or escape attempt.

(4) Attempted extortion by means of threat.

(5) Bribery.

(6) Arson.

(7) Forgery, falsification, or alteration of any official record or document prepared or maintained by the department which could affect a term of imprisonment.

(8) Possession of any narcotic, drug, or controlled substance in a community-access facility.

(9) Unauthorized possession of drug paraphernalia as defined in Section 3000.

(10) The physical possession of alcohol in an institution/facility or contract health facility.

(11) Accessory to any felony offense.

(12) Conspiracy to commit any Division "C" offense.

(13) Solicitation to commit an offense listed in subsections (e)(5), (e)(6), or (e)(7) above.

(f) Division "D" offenses; credit forfeiture of 61–90 days.

(1) Use of a controlled substance (except marijuana or Barbiturates), as identified in H&SC 11007, based solely on a positive test result from an approved departmental testing method.

(2) Being under the influence of alcohol, any drug, controlled substance, or other intoxicant, as defined in section 3000 and unable to exercise care for personal safety or the safety of others.

(3) Participating in a riot, rout, or unlawful assembly.

(4) Inciting a riot.

(5) Indecent Exposure without a prior court conviction under PC 314 or PC 288.

(6) Sexual Activity in a visiting room with an adult.

(7) Willfully resisting, delaying, or obstructing any peace officer in the performance of duty.

(8) Late return from a temporary community leave.

(9) Assault or battery on a prisoner with no serious injury.

(10) Fighting.

(11) Assault of a peace officer by any means not likely to cause great bodily injury.

(12) Conspiracy to commit any Division "D" offense.

(13) Solicitation to possess, distribute or introduce an controlled substance into a institution or contract health facility.

(g) Division "E" offenses; credit forfeiture of 31–60 days.

(1) Theft, embezzlement, destruction, or damage to another's personal property, state funds or state property valued at less than \$400.

(2) Possession of alcoholic beverages or intoxicating substances in a community-access facility under the jurisdiction of CDCR.

(3) Consensual participation in sodomy or oral copulation.

(4) Forgery or falsification or alteration of any government document or record not affecting an inmate's term of imprisonment.

(5) Gambling in an institution, community correctional facility, or camp other than a community-access facility.

(6) Refusal to provide blood specimens, a saliva sample, or palm and thumb print impressions pursuant to Penal Code sections 295 through 300.3, after receiving written notification in accordance with PC section 298.1 that they must be provided.

(7) Sexual Disorderly Conduct.

(8) Commission of any misdemeanor offense not listed in this schedule.

(9) Conspiracy to commit any Division "E" offense.

(10) Solicitation to commit an offense listed in subsections (g)(4) or (g)(7) above.

(h) Division "F" offenses; credit forfeiture of 0–30 days.

(1) Gambling in a community-access facility.

(2) Late return to a community-access facility.

(3) Use of marijuana, barbiturates or alcohol based solely on a positive test result from an approved departmental testing method.

(4) Misuse, alteration, unauthorized acquisition, or exchange of personal property, state funds, or state property.

(5) Refusing to provide a urine specimen for the purpose of testing for the presence of controlled substance(s) or alcohol.

(6) The fermentation or distillation of materials in a manner consistent with the production of alcohol.

(7) Possession of dangerous contraband as identified in section 3000.

(8) Unauthorized possession or distribution of medication (not identified as a controlled substance in section 3000).

(9) Work related offenses:

(A) Refusal to work or perform assigned duties;

(B) Continued failure to perform assigned work or participate in a work/training program.

(10) Any other serious rule violation meeting the criteria listed in section 3315, not a crime, and not identified as administrative in section 3314.

(i) Nothing in this section shall prevent the department from seeking criminal prosecution for any conduct constituting a violation of the law or from imposing one or more of the authorized punitive, preventative, or control measures described in these regulations, in addition to forfeiture of credits.

(j) Inmates shall be provided written notice of any credit forfeited by disciplinary action, of anticipated release date changes based on credit forfeiture set aside through the departmental appeal process, or a Board of Prison Terms review.

(k) If an inmate is held beyond an established parole date because of a disciplinary or prosecution action, the number of days the inmate is overdue when released shall be deducted from their parole period when one or more of the following apply:

(1) The inmate is found not guilty of the charges.

(2) No credit is forfeited as a result of the disciplinary hearing.

(3) An inmate appeal results in reduction of the credit forfeiture ordered in the disciplinary hearing.

(4) A Board of Prison Terms review results in restoration of all or part of the credit forfeiture ordered in the disciplinary hearing.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 148, 243, 295–300.3, 314, 647, 2932, 2933, 4573.6, 4600, 5054 and 12020, Penal Code.

HISTORY:

1. Amendment of subsection (a)(3) and new subsection (a)(3)(E) filed 12-1-78 as an emergency; designated effective 1-1-79. For prior history, see Register 77, No. 40.
2. Certificate of Compliance filed 2-22-79 (Register 79, No. 8).
3. Amendment of subsection (a) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).

4. Amendment filed 11-20-79 as an emergency; designated effective 1-1-80 (Register 79, No. 47). A Certificate of Compliance must be filed within 120 days or emergency language will be repealed on 3-20-80.

5. Certificate of Compliance filed 2-15-80 (Register 80, No. 7).

6. Amendment filed 5-4-83; designated effective 6-1-83 pursuant to Government Code Section 11346.2(d) (Register 83, No. 19).

7. Amendment filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.

8. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).

9. Amendment filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.

10. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).

11. Amendment filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.

12. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).

13. Amendment of section heading, section and Note filed 5-5-95; operative 6-5-95 (Register 95, No. 18).

14. New subsection (c)(7), subsection renumbering, amendment of subsection (d)(6), new subsections (d)(6)(A)–(d)(6)(A)3., repealer of subsection (d)(7), subsection renumbering, and amendment of subsections (e)(11) and (f)(1) filed 8-27-98 as an emergency; operative 8-27-98 (Register 98, No. 35). A Certificate of Compliance must be transmitted to OAL by 2-3-99 or emergency language will be repealed by operation of law on the following day.

15. New subsection (c)(7), subsection renumbering, amendment of subsection (d)(6), new subsections (d)(6)(A)–(d)(6)(A)3., repealer of subsection (d)(7), subsection renumbering, and amendment of subsections (e)(11) and (f)(1) refiled 2-3-99 as an emergency; operative 2-3-99 (Register 99, No. 6). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 7-13-99 or emergency language will be repealed by operation of law on the following day.

16. Certificate of Compliance as to 2-3-99 order transmitted to OAL 5-12-99 and filed 6-24-99 (Register 99, No. 26).

17. New subsection (g)(6), subsection renumbering and amendment of Note filed 9-20-99 as an emergency; operative 9-20-99 (Register 99, No. 39). Pursuant to Penal Code section 5058(e) a Certificate of Compliance must be transmitted to OAL by 2-28-2000 or emergency language will be repealed by operation of law on the following day.

18. Certificate of Compliance as to 9-20-99 order transmitted to OAL 1-14-2000 and filed 2-22-2000 (Register 2000, No. 8).

19. New subsections (g)(7)–(g)(7)(C) and subsection renumbering filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.

20. New subsections (g)(7)–(g)(7)(C) and subsection renumbering refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.

21. Certificate of Compliance as to 6-17-2004 order transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).

22. New subsections (d)(7) and (g)(8), subsection renumbering, amendment of subsection (f)(5), and amendment of Note filed 2-23-2007 as an emergency; operative 2-23-2007 (Register 2007, No. 8). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 8-2-2007 or emergency language will be repealed by operation of law on the following day.

23. Certificate of Compliance as to 2-23-2007 order transmitted to OAL 7-27-2007 and filed 9-5-2007 (Register 2007, No. 36).
24. Amendment filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).
25. Change without regulatory effect amending subsection (d)(7)(A) filed 12-11-2008 pursuant to section 100, Title 1, California Code of Regulations (Register 2008, No. 50).
26. New subsections (d)(8) and (f)(6) and subsection renumbering filed 10-6-2009; operative 10-6-2009 pursuant to Government Code section 11343.4 (Register 2009, No. 41).

3324. Conduct Reportable to the Releasing Authority.

(a) Rules of the Board of Prison Terms and those of the Narcotic Addict Evaluation Authority require that specific acts of inmate conduct be reported to the appropriate releasing authority when the inmate has an established or anticipated release date on an indeterminate term or period of confinement. The applicable Board of Prison Terms and Narcotic Addict Evaluation Authority rules are set forth in Divisions 2 and 5 of Title 15, California Administrative Code, and are hereby incorporated by reference in the rules of the Director of Corrections.

(b) At the discretion of the appropriate releasing authority, a hearing for reconsideration of release may be held in conjunction with a disciplinary hearing for misconduct that is also reportable to the releasing authority.

(c) Releasing authority members and representatives may sit in the factfinding and disposition phase of a disciplinary hearing held in conjunction with a hearing by the releasing authority for release reconsideration. Releasing authority members and representatives will not act as factfinders or decision makers in the disposition of disciplinary charges against an inmate. However, the members and representatives of the releasing authority may participate in the factfinding phase of the disciplinary hearing as deemed necessary to bring out information which will aid in determining appropriate action relative to the inmate's scheduled or anticipated release.

(d) The scheduling of a combined departmental disciplinary hearing and a releasing authority hearing for reconsideration of an established or anticipated release date on an indeterminate term or period of confinement does not stay the time limits for a disciplinary hearing in which good time credit may be denied on a determinate term of imprisonment.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2931, 3060 and 5054, Penal Code; Section 3051, Welfare and Institutions Code.

HISTORY:

1. Repealer and new section filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Repealer and new section filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
3. Amendment filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
4. Editorial correction of subsection (a) filed 2-19-85 (Register 85, No. 8).
5. Editorial correction of printing errors in subsection (c) (Register 92, No. 5).

3325. Appeal of Disciplinary Actions.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932, 5054 and 5077, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Repealer and new section filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
3. Amendment of subsection (c) filed 9-30-77; effective thirtieth day thereafter (Register 77, No. 40).

4. Amendment of subsection (b) filed 2-22-79; effective thirtieth day thereafter (Register 79, No. 8).
5. Amendment of subsections (a) and (c) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).
6. Repealer of section 3325(a) and (b), and renumbering and amendment of former section 3325(c) to section 3084.7(c) filed 5-18-89 as an emergency; operative 5-18-89 (Register 89, No. 21). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-15-89.
7. Certificate of Compliance as to 5-18-89 order transmitted to OAL 9-7-89 and filed 10-10-89 (Register 89, No. 41).

3326. Records of Disciplinary Matters.

(a) Upon conclusion of disciplinary proceedings, all documents relating to the disciplinary process, findings and disposition shall be disposed of in the following manner:

(1) When an inmate is held responsible for the act charged, copies of all documents prepared for and used in the disciplinary proceedings shall be placed in the inmate's central file. A copy of the completed CDC Form 115 shall be provided to the inmate. A copy of the completed CDC Form 115 shall be filed in the Register of Institution Violations.

(2) When the inmate is found not guilty of the act charged or when the charge is dismissed for any reason, the documents prepared for and used in the disciplinary process shall not be placed in any file pertaining to the inmate. However, two copies of any CDC Form 115 used in the disciplinary process shall be completed as to findings and disposition. One copy of the completed report shall be filed in the Register of Institution Violations. The other completed copy shall be provided to the inmate. All other copies of the CDC Form 115 and all supplemental reports shall be destroyed.

(3) Unless information developed through the disciplinary process, such as enemy information, needs to be considered in future classification committee determinations affecting an inmate found not guilty of a rule violation or whose charges were dismissed, no other recording or document relating to the rule violation charge or disciplinary proceedings shall be placed in files pertaining to the inmate.

(b) Information developed through the disciplinary process, classification committee determinations affecting the inmate, or events requiring explanation shall be recorded by the disciplinary hearing officer on a CDC Form 128-B, Informative Chrono, and referred to the classification committee. Such information shall include but not be limited to the following:

(1) The reason for an inmate's placement in restricted housing prior to adjudication of the charges if that information has not been previously considered in a classification committee hearing;

(2) Any reason for retaining the inmate in restricted housing after a finding of not guilty or dismissal of charges; or

(3) Any program assignment or placement change which needs to be considered in view of other inmate or employee animosity toward the individual.

(4) The CDC Form 128-B shall be placed in the inmate's central file and a copy shall be provided to the inmate.

(c) Provisions of this section shall also apply when a finding of guilt on disciplinary charges is reversed or dismissed on appeal, or when information reported on a CDC Form 128-A, Custodial Counseling Chrono, is found on appeal to be incorrect or inappropriate.

(d) A finding of not guilty, dismissal, or reversal of a previous finding of guilt shall require an audit and updating of any documentation in the inmate's file reflecting a prehearing assumption of guilt or the original finding of guilt. Such documentation shall not be removed from the inmate's file, but shall be annotated with a cross-reference to the CDC Form 128-B documenting the most recent findings and action on the charge.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 2081, Penal Code.

HISTORY:

1. New section filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Amendment of subsection (a) filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
3. Amendment of section and new Note filed 5-5-95; operative 6-5-95 (Register 95, No. 18).

Article 5.5. Restoration of Forfeited Worktime Credits

3327. Restoration of Forfeited Credits.

(a) Forfeited credits shall at no time be restored as specified below:

(1) No credit shall be restored for any serious disciplinary offense punishable by a credit loss of more than 90 days. These offenses include Divisions A-1, A-2, B and C.

(2) No credit shall be restored if the inmate is found guilty of any subsequent rule violation that occurred within the required disciplinary-free periods provided in Section 3328.

(3) No credit shall be restored if the worktime credit denial or loss was ordered by court judgment unless the court rescinds or overturns the order.

(4) No credit shall be restored for the following disciplinary offenses:

(A) The inmate was found guilty of use of a controlled substance, marijuana, or alcohol, based on a positive test result from a departmentally approved testing method;

(B) The inmate was ordered to submit to a drug test pursuant to section 3290(c) and refused the test;

(C) The inmate was found guilty of fermentation or distillation of materials in a manner consistent with the production of alcohol in a prison or community access facility;

(D) The inmate was found guilty of unauthorized possession of dangerous contraband as defined in section 3000.

(b) Upon completion of a disciplinary-free period for Division D, E, and F offenses as provided in section 3328, an eligible inmate may apply to their caseworker for credit restoration by submitting a CDC Form 958 (Rev. 8/87), Application for Inmate's Restoration of Credits. A restoration hearing shall be conducted within 30 days of the inmate's application. The inmate has a right to be present at the hearing and to a written decision of the committee.

(1) A classification action resulting in restoration of worktime credit shall be documented and forwarded to the facility's case records staff for recalculation of the inmate's release date.

(2) When an inmate does not meet the criteria for a credit restoration hearing, the caseworker shall note the reasons on the CDC Form 958 and return it to the inmate.

(c) Credit shall be restored at the consideration hearing unless it is determined that the inmate has, since the disciplinary infraction leading to the credit forfeiture, refused or failed to perform in a work, training, or educational assignment during the required disciplinary-free period, or under extraordinary circumstances, as described in section 3329.

(1) Credit shall not be restored in an amount rendering the inmate overdue for release.

(2) An inmate who is a violent offender as defined in Penal Code (PC) Section 667.5(c), or who is serving a term upon conviction of child abuse pursuant to PC Sections 273a, 273ab, 273d, or any sex offense identified in statutes as being perpetrated against a minor victim, or who is an offender for whom such notification has been ordered by any court shall not be eligible for credit restoration

which would result in a notification being provided to local law enforcement in less than 45 days prior to the inmate's scheduled release date.

(3) The inmate shall be informed at the hearing that case records staff shall determine the actual release date which shall include a minimum of ten working days for release processing. However, if the inmate is a violent offender as defined in PC Section 667.5(c) or is serving a term upon conviction of child abuse pursuant to PC Section 273a, 273ab, 273d, or any sex offense identified in statutes as being perpetrated against a minor victim, or for whom such notification has been court ordered, the number of working days for release processing shall be sufficient to ensure that local law enforcement officials will be notified of the inmate's release in not less than the 45-day time frame required by law. A copy of the new legal status sheet reflecting the credit restoration shall be provided to the inmate.

(d) If less than 100 percent of restorable credits forfeited are restored by the classification committee, the inmate may make additional applications for restoration upon completion of additional disciplinary-free periods until all restorable credit is restored or the inmate is released from custody.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 273a, 273ab, 273d, 667.5, 2932, 2932.5, 2933, 3058.6, 3058.9 and 5054, Penal Code.

HISTORY:

1. New article 5.5 (sections 3327–3329) filed 5-4-83; designated effective 6-1-83 pursuant to Government Code section 1136.2(d) (Register 83, No. 19).
2. Amendment filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
3. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
4. Amendment filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
5. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
6. Amendment filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
7. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
8. Amendment of subsections (b) and (c) filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
10. Amendment of section heading, section and Note filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
11. Amendment of section pursuant to Penal Code section 5058(e) filed 3-20-96 as an emergency; operative 3-20-96 (Register 96, No. 12). A Certificate of Compliance must be transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 3-20-96 order transmitted to OAL 7-25-96 and filed 9-5-96 (Register 96, No. 36).
13. New subsection (a)(3) and amendment of Note filed 11-12-97 as an emergency; operative 11-12-97 (Register 97, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-13-98 or emergency language will be repealed by operation of law on the following day.
14. Editorial correction of History 13 (Register 98, No. 18).

15. New subsection (a)(3) and amendment of Note refiled 4-29-98 as an emergency; operative 4-29-98 (Register 98, No. 18). A Certificate of Compliance must be transmitted to OAL by 10-6-98 or emergency language will be repealed by operation of law on the following day.
16. Certificate of Compliance as to 4-29-98 order transmitted to OAL 6-12-98 and filed 7-21-98 (Register 98, No. 30).
17. Amendment of subsection (a)(3) filed 8-27-98 as an emergency; operative 8-27-98 (Register 98, No. 35). A Certificate of Compliance must be transmitted to OAL by 2-3-99 or emergency language will be repealed by operation of law on the following day.
18. Amendment of subsection (a)(3) refiled 2-3-99 as an emergency; operative 2-3-99 (Register 99, No. 6). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 7-13-99 or emergency language will be repealed by operation of law on the following day.
19. Certificate of Compliance as to 2-3-99 order, including further amendment of subsection (a)(3) and new subsection (a)(4), transmitted to OAL 5-12-99 and filed 6-24-99 (Register 99, No. 26).
20. Amendment of subsections (a)(2) and (c), new subsection (c)(2), subsection renumbering and amendment of newly designated subsection (c)(3) and Note filed 5-22-2006; operative 5-22-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).
21. Amendment of subsections (a)(2) and (a)(4) and new subsections (a)(4)(A)–(D) filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3328. Disciplinary-Free Periods.

(a) A disciplinary-free period shall commence immediately following the date and time an inmate is identified (date of discovery of information leading to the charge) as committing a rules violation.

(b) An inmate may apply for restoration of 100 percent of any credit forfeited for a Division “D” or “E” offense, not identified in section 3327, after remaining disciplinary free for 180 days.

(1) If less than 180 days remain before the inmate’s established release date, a one-time application may be made within 90 days of the established release date when the inmate has remained disciplinary free for a minimum of 60 days.

(2) Violent offenders as defined in PC Section 667.5(c) and offenders serving a term upon conviction of child abuse pursuant to PC Sections 273a, 273ab, 273d, or any sex offense identified in statutes as being perpetrated against a minor victim, or for whom such notification has been ordered by any court, shall be eligible for the one-time credit restoration application only if local law enforcement officials can be notified of the inmate’s release in not less than the 45-day time frame required by law.

(c) An inmate may apply for restoration of 100 percent of any credit forfeited for a Division “F” offense, not identified in section 3327, after remaining disciplinary free for 90 days.

(1) If less than 90 days remain before the inmate’s established release date, a one-time application may be made within 60 days of the established release date when the inmate has remained disciplinary free for a minimum of 30 days.

(2) Violent offenders as defined in PC Section 667.5(c) and offenders serving a term upon conviction of child abuse pursuant to PC Sections 273a, 273ab, 273d, or any sex offense identified in statutes as being perpetrated against a minor victim, or for whom such notification has been ordered by any court, shall be eligible for the one-time credit restoration application only if local law enforcement officials can be notified of the inmate’s release in not less than the 45-day time frame required by law.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 273a, 273ab, 273d, 667.5(c), 2932, 2933, 3058.6, 3058.9 and 5054, Penal Code.

HISTORY:

1. Amendment of section heading, section and Note filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
2. Repealer of subsections (b) and (c) and subsection relettering pursuant to Penal Code section 5058(e) filed 3-20-96 as an emergency; operative 3-20-96 (Register 96, No. 12). A Certificate of Compliance must be transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of second Exception (Register 96, No. 36).
4. Certificate of Compliance as to 3-20-96 order transmitted to OAL 7-25-96 and filed 9-5-96 (Register 96, No. 36).
5. Amendment filed 5-22-2006; operative 5-22-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).
6. Amendment of subsections (a), (b), (b)(1), (c) and (c)(1) filed 8-4-2008; operative 8-4-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 32).

3329. Extraordinary Circumstances.

(a) Extraordinary circumstances are significant factors which aggravate the seriousness of a rule violation. A finding of factors in aggravation shall be cause to postpone restoration for one additional disciplinary-free period.

(b) Extraordinary circumstances include:

(1) The victim was particularly vulnerable.

(2) Multiple victims were involved.

(3) The inmate induced others to participate in the act or occupied a position of leadership or dominance over the other participants.

(4) The inmate threatened witnesses, prevented or dissuaded witnesses from testifying, induced others to perjure themselves or in any way interfered in the investigation or adjudication of the act.

(5) The inmate’s misconduct included other acts which could have resulted in the forfeiture of additional credits.

(6) The plan, sophistication, or professionalism with which the act was carried out, or other facts indicating premeditation.

(7) The inmate involved nonprisoners in the act.

(8) The act involved a large quantity of contraband.

(9) The inmate took advantage of a position of trust or confidence.

(10) The inmate engaged in a pattern of violent conduct.

(11) The inmate’s record documents numerous acts of and/or increasingly serious misconduct.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2933, 4573.6, and 5054, Penal Code.

HISTORY:

1. New subsection (c)(13) filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).
3. Amendment of section and Note filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
4. Repealer of subsections (b)(1)–(2), (b)(10) and (b)(13), subsection renumbering, and amendment of newly designated subsection (b)(10) pursuant to Penal Code section 5058(e) filed 3-20-96 as an emergency; operative 3-20-96 (Register 96, No. 12). A Certificate of Compliance must be transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction of subsection (b)(7) (Register 96, No. 36).
6. Certificate of Compliance as to 3-20-96 order transmitted to OAL 7-25-96 and filed 9-5-96 (Register 96, No. 36).
7. Repealer of subsection (b)(10) and subsection renumbering filed 8-27-98 as an emergency; operative 8-27-98 (Register 98, No. 35). A Certificate of Compliance must be transmitted to OAL by 2-3-99 or emergency language will be repealed by operation of law on the following day.

8. Repealer of subsection (b)(10) and subsection renumbering refiled 2-3-99 as an emergency; operative 2-3-99 (Register 99, No. 6). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 7-13-99 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 2-3-99 order transmitted to OAL 5-12-99 and filed 6-24-99 (Register 99, No. 26).

Article 6. Disciplinary Detention

3330. Disciplinary Detention.

(a) An inmate may not be assigned to disciplinary detention as defined in section 3000 except on the order of a disciplinary committee or senior disciplinary hearing officer.

(b) Disciplinary detention may be ordered in a housing unit or section of a housing unit specifically designed for that purpose or in any room or cell which provides the necessary security, control, and restriction of the inmate's actions. When disciplinary detention is ordered in a housing unit other than a designed disciplinary detention unit, the conditions of detention will be the same as prescribed for disciplinary detention units.

(c) Disciplinary detention may be ordered as a continuous period of confinement or as intermittent confinement on holidays, weekends or days off from assigned work and program activities. When ordered as intermittent confinement, confinement shall not exceed 10 days during a 35-day period. The chief disciplinary officer shall review the treatment of an inmate confined in disciplinary detention and consider a modification of sentence when evidence indicates the inmate is ready to conform to the rules.

(d) Time served in disciplinary detention will be computed on the basis of full days in detention. The day of placement and the day of release will not count as a day of time served. Intermittent detention may extend from the end of the workday before the first full day of detention to the beginning of the workday following the last full day of detention.

(e) Continuous disciplinary detention of an inmate shall not exceed 10 full days without approval of the director or deputy director, institutions.

(f) If an extension beyond 10 days is approved, the warden/superintendent shall note that fact in the disposition section of the rule violation report stating the reasons for the extension and the additional amount of time the inmate shall be confined, and shall sign and date the notation.

(g) A request for the director's approval to retain an inmate in disciplinary detention for longer than 30 days shall be accompanied by a current psychological evaluation of the inmate's mental health. Such evaluation shall include a personal interview with the inmate.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2932 and 5054, Penal Code.

HISTORY:

1. Repealer of Article 6 (sections 3330–3337) and new Article 6 (sections 3330–3333) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16). For prior history see Registers 77, No. 20, 78, No. 12, 78, Nos. 24 and 25, 79, Nos. 18 and 31.
2. Amendment filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
3. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
4. Amendment filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
5. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).

6. Amendment filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
7. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
8. Change without regulatory effect amending section filed 10-29-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 6).
9. Editorial correction of printing error in History 1. (Register 92, No. 5).

3331. Conditions of Detention.

(a) Insofar as the safety and security of institution and for persons will permit, the physical facilities of designated disciplinary detention units will approximate those housing general population inmates.

(b) Quarters. Where adequate and secure facilities are available and the number of inmates assigned to designated disciplinary detention units permit, inmates so assigned will be housed in single occupancy quarters. When the use of multiple occupancy quarters is necessary, the number of inmates so assigned will not exceed the capacity of beds for which such quarters are equipped except as a temporary emergency measure. The office of the deputy director-institutions or the departmental duty officer will be notified when such an emergency exists for longer than 24 hours. Institution and department efforts will be coordinated as necessary to resolve the overcrowding situation as quickly as possible.

(c) Personal Items.

(1) Inmates will not be permitted to use or possess items of personally owned property, such as radios, television sets, tape players, musical instruments, and typewriters while undergoing disciplinary detention. Personal items necessary for health and hygiene may be used if such items are not available for issue by the institution.

(2) Inmates will not be permitted to purchase, use or possess edible or consumable canteen items while undergoing disciplinary detention.

(3) Inmates may be deprived of the use of personally owned clothing and footwear while undergoing disciplinary detention when adequate state clothing and footwear are issued. No inmate in disciplinary detention will be required to wear clothing that significantly differs from that worn by other inmates in the unit, except that temporary adjustments may be made for security reasons and for protection from self inflicted harm. No inmate will be clothed in any manner intended to degrade the inmate.

(d) Meals. Inmates in disciplinary detention shall be fed the same meal and ration as is provided for general population inmates. Meals served shall supply approximately 2500 calories per day.

(e) Mail. The sending and receiving of first class mail will not be restricted while an inmate is undergoing disciplinary detention. Delivery or issue of packages, publications and newspapers will be withheld during disciplinary detention.

(f) Visits. Inmates undergoing disciplinary detention retain the right to have personal visits. Privileges and amenities associated with visiting including physical contact with visitors may be suspended during the disciplinary detention period. When the number, length or frequency of visits are limited, the inmate will be permitted to choose who will visit from among persons approved to visit before the detention period began.

(g) Personal Cleanliness. Inmates undergoing disciplinary detention will be provided the means to keep themselves clean and well-groomed. Haircuts will be provided as needed. Showering and shaving will be permitted at least three times a week.

(h) Exercise. Inmates undergoing disciplinary detention will be permitted a minimum of one hour per day, five days per week,

of exercise outside their cells unless security and safety considerations preclude such activity.

(i) Reading Material. State supplied reading material will be provided for inmates undergoing disciplinary detention. Such material may be assigned to disciplinary detention units from the inmate library and will represent a cross section of material available to the general population. At the discretion of the warden or superintendent, inmates enrolled in educational programs who have textbooks in their personal property may be permitted to study such material while undergoing disciplinary detention.

(j) Legal Material. Inmates undergoing disciplinary detention will not be limited in their access to the courts. Legal resources may be limited to pencil and paper, which will be provided upon request, for correspondence with an attorney or preparation of legal documents for the courts. Other legal material in an inmate's personal property may be issued to an inmate in disciplinary detention if litigation was in progress before detention commenced and legal due dates are imminent.

(k) Privileges. All privileges generally associated with the inmate's work/training incentive groups status will be suspended during a period of disciplinary detention. This includes but is not limited to: personal nonemergency telephone calls, handicraft activities, use of recreational equipment, and the viewing of television, and other privileges.

(l) Restrictions. A written report by the administrator or supervisor in charge of a disciplinary detention unit will be submitted to the chief disciplinary officer whenever an inmate undergoing disciplinary detention is deprived of any usually authorized item, activity or privilege. A special report to the chief disciplinary officer and to a classification committee will be made when an inmate's circumstances indicate a continuing need for separation from general population or from specific persons.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5030.1 and 5054, Penal Code.

HISTORY:

1. Amendment of subsection (k) filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).
2. Amendment of subsection (d) filed 2-8-88; operative 3-9-88 (Register 88, No. 7).
3. Amendment of subsection (c)(2) and amendment of Note filed 7-7-2005 as an emergency; operative 7-7-2005 (Register 2005, No. 27). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 12-14-2005 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 7-7-2005 order transmitted to OAL 12-13-2005 and filed 1-26-2005 (Register 2006, No. 4).

3332. Administration and Supervision of Detention Units.

(a) Plan of Operation. Each warden and superintendent will establish and maintain a plan of operations for the disciplinary detention of inmates, whether in a unit or section of a unit designated for this specific purpose or in conjunction with other special purpose housing of inmates. Such plans will conform to the provisions of this article and will be updated as necessary to reflect current procedures and practices. A copy of the plan will be submitted to the director for review and approval annually, as scheduled for required plans.

(b) Administration and Supervision. The administration of disciplinary detention units may be delegated to a staff member at not less than the level of correctional captain. The supervision of disciplinary detention units may be assigned to a staff member at not less than the level of correctional sergeant.

(c) Visitation. Inmates assigned to disciplinary detention units will be visited daily by the supervisor in charge of the unit and by an institution physician, registered nurse or a medical technical

assistant. An inmate's request to be visited by other staff will be promptly referred to the staff member. A timely response should be given to such requests whenever reasonably possible.

(d) Supervisor's Responsibilities. The supervisor in charge of a disciplinary detention unit is responsible for the physical security of the unit, the control of contraband within the unit, and for safe, sanitary and decent working and living conditions within the unit. When any condition within the unit or the behavior, conduct or appearance of any inmate confined therein appears to warrant the attention of specific or specialized staff, the matter will be promptly brought to the attention of appropriate staff.

(e) Suicide Risks. Inmates undergoing disciplinary detention who are diagnosed by qualified medical staff as a suicide risk will be moved to a hospital setting, and medical staff will assume responsibility for such placement and for observation and supervision of the inmate. Such movement and supervision will be in cooperation and coordination with custody staff.

(f) Management Cases. An inmate who persists in unduly disruptive, destructive or dangerous behavior and who will not heed or respond to orders and warnings to desist from such activity, may be placed in a management cell on an order of the unit's administrator or, in his or her absence, an order of the watch commander. In addition to any necessary incident or disciplinary reports, the matter will be reported to the warden, superintendent, chief disciplinary officer or administrative officer of the day, one of whom will review management cell resident status daily. An inmate who requires management cell placement for longer than 24 hours will be considered for transfer to a psychiatric management unit or other housing appropriate to the inmate's disturbed state.

(g) Disciplinary Detention Records.

(1) A Disciplinary Detention Log, CDC Form 114, will be maintained in each designated disciplinary detention unit. Specific information required in this log will be kept current on a daily and shift or watch basis. A completed log book will be retained in the unit for as long as any inmate recorded on the last page of that log remains in the unit. Storage and purging of log books will be in accordance with department schedules. One disciplinary detention/segregation log may serve a disciplinary detention unit and other special purpose segregation units, which are combined and are administered and supervised by the same staff members.

(2) A separate record will be maintained on each inmate undergoing disciplinary detention. This record will be compiled on CDC Form 114-A, Detention/Segregation Record. In addition to the identifying information required on the form, all significant information relating to the inmate during the course of detention, from reception to release, will be entered on the form in chronological order.

NOTE: Authority cited: section 5058, Penal Code. Reference: Section 5054, Penal Code.

3333. Confinement to Quarters.

(a) Confinement to quarters may be ordered as a continuous period of confinement or as intermittent confinement on holidays, weekends or days off from assigned work and classified program activities. When ordered as intermittent confinement, confinement may not exceed 10 ten days during a 35-day period.

(b) Confinement to quarters may extend from the first full day of confinement to the beginning of the day following the last full day of confinement. Such partial days will not reduce the total number of full days of ordered confinement.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Change without regulatory effect amending section filed 10-29-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 6).

Article 6.5. Behavior Management Unit

3334. Behavior Management Unit.

(a) An inmate may not be assigned to a Behavior Management Unit (BMU), as defined in section 3000, except on the order of a Classification Committee.

(b) Inmates may be referred to a Classification Committee for placement into the BMU for one or more of the following reasons:

(1) Program Failure. The inmate is deemed a Program failure as defined by section 3000.

(2) Security Housing Unit (SHU) Offense as defined in section 3341.5(c)(9).

(A) If an inmate has been found guilty of an offense for which a determinate term of confinement has been assessed, whether imposed or suspended, and whose in-custody behavior reflects a propensity towards disruptive behavior, the inmate may be referred to a classification committee for placement in the BMU.

(B) Inmates currently serving a determinate SHU term whose in-custody behavior reflects a propensity towards disruptive behavior, which otherwise would not be eligible for additional SHU term assessment, shall be considered by the Institutional Classification Committee (ICC) for placement in a BMU upon completion or suspension of the SHU term.

(C) Inmates that have reached the Minimum Eligible Release Date (MERD) and have demonstrated an unwillingness to program in the general population may be reviewed by the Classification Committee for BMU placement consideration.

(3) Gang Related Activity

(A) Any pattern, which consists of two or more documented behaviors which indicates an individual's participation in gang related activity may be grounds for placement in the BMU. Gang related activity is defined as behavior which indicates an inmate's participation in a gang, prison gang, street gang or disruptive group as defined in section 3000.

(c) Inmates who meet the criteria for placement in the BMU program per section 3334(b) shall be reviewed by a Classification Committee after initial placement in the BMU program as outlined in section 3334(c)(3) below. The Classification Committee shall review, determine and assess the appropriate step, and if applicable approve a step change as outlined in section 3334(e) for each BMU inmate as recommended by BMU staff not less than every 30 days.

(1) Initial placement into the BMU shall be for a minimum of 90 days beginning on the date of reception into the BMU.

(2) Subsequent BMU placements shall be for a minimum of 180 days beginning on the date of reception into the BMU. Inmates who require subsequent placement will be monitored by BMU staff to ensure program compliance. If an inmate refuses to participate as required, the Classification Committee will review for possible program rejection.

(3) The Classification Committee will complete an initial assessment and develop an Individualized Training Plan (ITP) within 14 days of placement into BMU. The ITP will be based on each inmate's reason(s) for placement as outlined in section 3334(b).

(4) Inmates shall be expected to meet the requirements established by the Classification Committee as outlined in the ITP.

(5) Inmates must remain disciplinary free and complete the ITP as directed by the Classification Committee before being released from the BMU. The ITP may include, but is not limited to, participation in departmentally approved cognitive behavior programs, and/or participation in self help groups.

(6) The Classification Committee shall be responsible for providing the inmate with notification of the rules and intent of the BMU program. The CDC 128-G, Classification Chrono (Rev. 10/89), shall clearly state that the inmate was informed of the reason for placement, the length of placement, and any additional action the inmate must take to successfully complete the BMU program.

(d) In each case of BMU placement, release from the BMU is based upon completion of the ITP established by the Classification Committee.

(1) The Classification Committee will determine if the inmate has successfully completed their ITP requirements or failed to meet their requirements. Inmates who have met their ITP requirements shall be eligible to advance to the next step of the BMU program. Inmates who have not met their ITP requirements shall be reviewed for appropriate step placement.

(e) BMU Step Process: Work Group/Privilege Group designations

(1) All inmates placed into the BMU will be designated a Work Group (WG), consistent with section 3044, and as determined by the Classification Committee effective the date of placement. Regardless of the WG, the designated Privilege Group (PG), consistent with section 3044, for Step 1 and Step 2 shall be C. The designated PG for Step 3 shall be B. All Work/Program assignments for BMU inmates shall be restricted to and located in the BMU.

(A) Step 1: Initial Placement—WG A1, A2, B or C and PG C. If the inmate meets the goals of the ITP, he will advance to Step 2.

(B) Step 2: WG A1, A2, B, or C and PG C. If the inmate meets the goals of the ITP, he will advance to Step 3.

(C) Step 3: WG A1, A2, B and PG B. If the inmate meets the goals of the ITP, he will advance to Step 4.

(D) Step 4: Upon completion of the ITP, inmates will be returned to traditional general population housing.

(f) Failure to progress in the stepped process shall be grounds for rejection from the BMU program and a review by the Classification Committee for placement on WG C PG C status. Inmates who have been rejected from the program shall not be placed in any other general population work or program assignment until they have successfully completed their ITP in the BMU. Inmates who have been rejected from the BMU program must submit a written request to their Correctional Counselor I for readmission to the program and shall be reviewed by the Classification Committee.

(g) Authorized BMU Property

(1) Inmates shall possess only the listed items of personal property while assigned to the BMU:

(A) Ring (Wedding band, yellow or white metal only. Not to exceed \$100 maximum declared value, and may not contain a set or stone), one.

(B) Religious Medal and Chain (not to exceed \$100 maximum declared value, chain not to exceed 18" in length, obtainable as a set only. Chains may not be purchased separately from medal), one.

(C) Religious Items (as approved by the local religious review committees, e.g., kufi caps, yarmulkes, prayer rugs, etc.).

(D) Books, Magazines, and Newspapers (paperback or hardback with cover removed only. Limit does not apply to legal materials), ten.

(E) Prescription eyeglasses, clear lens only, one (as prescribed by a physician) pair.

(F) Tennis Shoes (no shades of red or blue, low, mid, or high tops are permitted. Must be predominantly white in color. Shoe laces white only. Not to exceed \$75.00. No hidden compartments, zippers, or laces that are covered or concealed. No metal components including eyelets), one pair.

(G) Shower shoes (foam or soft rubber, single layer construction, not exceeding 1" in thickness), one pair.

- (H) Briefs (white only), ten pairs.
- (I) Gloves (cold weather gloves upon approval of Warden, no zippers, pockets, or metal), one pair.
- (J) Watch Cap (no black, cold weather watch caps upon approval of Warden), one.
- (K) Rain Coat/Poncho (transparent only), one.
- (L) Socks (white only, any combination of short to knee-high), seven pairs.
- (M) Under Shirts (white only, any combination of crew neck, v-neck, long sleeve or sleeveless athletic tank-top. Turtle neck and mock turtle neck are not permitted), five pairs.
- (N) Dental Adhesive (for approved denture wearers only), two.
- (O) Dental Flossers/Gliders (no more than 3" in length, amount allowed in possession to be determined by local institutional procedure).
- (P) Dental Cleanser, one box.
- (Q) Dorant/Antiperspirant (stick or roll-on, must be clear and in clear container only), four.
- (R) Medications, Over-The-Counter (OTC) (only those OTC medications permitted by the Division of Correctional Health Care Services shall be stocked by institution canteens, OTC medications are not approved for inmate packages).
- (S) Mouthwash (non-alcoholic only), one.
- (T) Palm Brush/Comb (no handle, plastic only), one.
- (U) Razor, Disposable (not permitted in Level IV 180 design housing), five.
- (V) Shampoo, one.
- (W) Shaving Cream (non-aerosol), one.
- (X) Soap, Bar, six.
- (Y) Soap Dish (non-metal), one.
- (Z) Toothbrush (subject to local determination of maximum length, local facility is required to shorten if necessary, to meet local requirements), one.
- (AA) Toothbrush Holder (plastic only, may only cover head of toothbrush), one.
- (AB) Toothpaste/Powder (toothpaste must be clear and in clear container), one.
- (AC) Washcloths (white only), two.
- (AD) Address Book (paperback only, 3"x 5" maximum), one.
- (AE) Ballpoint Pens (non-metal, clear plastic only), one.
- (AF) Bowl (construction material to be approved by Division of Adult Institution (DAI), maximum of 8" in diameter), one.
- (AG) Can Opener (restricted from Level IV housing), one.
- (AH) Legal Pads/Tablets and Notebooks (no spiral bound), one.
- (AI) Envelopes, Blank and/or Pre-Stamped, forty.
- (AJ) Envelopes, Metered (indigent inmates only), five.
- (AK) Legal material, as authorized per section 3161.
- (AL) Photos/Portraits (maximum of 8"x 10"), fifteen.
- (AM) Reading Glasses-Non Prescription (magnifying glasses), one pair.
- (AN) Stamps (U.S. Postal only), forty.
- (AO) Stationary (for written correspondence, may be decorated and have matching envelopes), fifteen sheets.
- (AP) Tumbler (construction material to be approved by DAI, 16 ounce or less), one.
- (AQ) Health Care Appliance (Dr. Rx. Only. Not subject to the six-cubic foot limit).
- (AR) Canteen items, not to exceed one month's draw of assigned privilege group.
- (2) Inmates in the BMU shall possess personal property as authorized in section 3190(c) and 3334(g)(1).
- (3) Inmates assigned to the BMU upon the initial placement will have their personal property, not identified as authorized BMU property outlined in 3334(g)(1) and 3334(g)(2) stored, provided:

(A) Initial BMU placement is for no more than 90 days.

(B) Inmate participates in the BMU program and progresses to the next step at each 30 day review as outlined in section 3334(e).

(C) Inmate does not receive any property related disciplinary violations while in the BMU program.

(4) Should the inmate fail to comply with the provisions above, all unallowed personal property not identified as authorized BMU property outlined in 3334(g)(1) and 3334(g)(2) shall be disposed of as provided in section 3191(c).

(5) Inmates assigned to the BMU upon the second or subsequent placements shall have all personal property, not outlined in 3334(g)(1) and 3334(g)(2), disposed of as provided in section 3191(c).

(h) Canteen. BMU inmates will be allowed only one (1) draw per month. Canteen privileges shall be established by the Classification Committee as follows:

Step 1—One fourth the maximum monthly canteen draw as authorized in section 3044(f).

Step 2—One fourth the maximum monthly canteen draw as authorized in section 3044(f).

Step 3—One half the maximum monthly canteen draw as authorized in section 3044(e).

(i) Vendor packages are authorized for receipt by inmates housed within the BMU in accordance with their privilege group status as provided in section 3044(c).

(j) Mental Health Services. BMU inmates will be seen by the Mental Health Department in accordance with normal GP treatment expectations as outlined within the Mental Health Services Delivery System (MHSDDS). A Mental Health clinician shall attend the Classification Committee for all initial reviews in order to assess the appropriateness of BMU placement for an inmate included in the MHSDDS. Inmate's currently at the Enhanced Out Patient (EOP) level of care are not eligible for BMU placement.

(k) Visits. BMU inmates are permitted visits with their approved visitors. All visits for inmates at Step 1 and 2 will be non-contact, this includes attorney visits. Inmates at Step 3 will be afforded contact visits.

NOTE: Authority cited: Section 5058 and 5058.3, Penal Code. Reference: Sections 5054, Penal Code.

HISTORY:

1. New article 6.5 (section 3334) and section filed 7-8-2008 as an emergency; operative 7-8-2008 (Register 2008, No. 28). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 12-15-2008 or emergency language will be repealed by operation of law on the following day.
2. New article 6.5 (section 3334) and section refiled 12-15-2008 as an emergency; operative 12-15-2008 (Register 2008, No. 51). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 3-16-2009 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 12-15-2008 order, including amendment of section, transmitted to OAL 2-23-2009 and filed 4-2-2009 (Register 2009, No. 14).

Article 7. Segregation Housing

3335. Administrative Segregation.

(a) When an inmate's presence in an institution's general inmate population presents an immediate threat to the safety of the inmate or others, endangers institution security or jeopardizes the integrity of an investigation of an alleged serious misconduct or criminal activity, the inmate shall be immediately removed from general population and be placed in administrative segregation. Administrative segregation may be accomplished by confinement in a

designated segregation unit or, in an emergency, to any single cell unit capable of providing secure segregation.

(b) Temporary Segregation. Pending a classification committee determination of the inmate's housing assignment, which may include assignment to one of the segregation program units specified in section 3341.5 of these regulations or to the general inmate population, an inmate may be placed in a designated temporary housing unit under provisions of sections 3336–3341 of these regulations.

(c) An inmate's placement in segregation shall be reviewed by the Institutional Classification Committee (ICC) within 10 days of receipt in the unit and under provisions of section 3338(a) of these regulations. Action shall be taken to retain the inmate in segregation or release to general population.

(d) When, pursuant to this section, an ICC retains an inmate on segregation status, the case shall be referred to a Classification Staff Representative (CSR) for review and approval. Unless otherwise directed by the CSR, subsequent ICC reviews shall proceed in accordance with the following timelines until the inmate is removed from segregation status:

(1) At intervals of not more than 90 days until pending Division C, D, E, or F rules violation report is adjudicated. Upon resolution of such matters, an ICC shall review the inmate's case within 14 calendar days. At that time, if no further matters are pending, but continued segregation retention is required pending transfer to a general population, ICC reviews shall be within at least every 90 days until the transfer can be accomplished.

(2) At intervals of not more than 180 days until a pending Division A-1, A-2, or B rules violation report is adjudicated, a court proceeding resulting from a referral to the district attorney for possible prosecution is resolved, or the gang validation investigation process is complete. Upon resolution of such matters, an ICC shall review the inmate's case within 14 calendar days.

(3) At intervals of not more than 90 days until completion of the pending investigation of serious misconduct or criminal activity, excluding gang validation, or pending resolution of safety and security issues, or investigation of non-disciplinary reasons for segregation placement. Should the completed investigation result in the issuance of a Rules Violation Report and/or a referral to the district attorney for criminal prosecution, an ICC shall review the case in accordance with the schedule set forth in subsections (1), (2), or (3) above. Upon resolution of such matters, an ICC shall review the inmate's case within 14 calendar days. At that time, if no further matters are pending, but continued segregation placement is required pending transfer to a general population, ICC reviews shall be at least every 90 days until transfer can be accomplished.

(e) Inmate retention in administrative segregation beyond the initial segregation ICC hearing shall be referred for CSR review and approval within 30 days and then thereafter in accordance with subsection (d) above. In initiating such reviews an ICC shall recommend one of the following possible outcomes:

(1) Transfer to another institution in accordance with section 3379.

(2) Transfer to a Segregated Program Housing Unit in accordance with section 3341.5.

(3) Retention in segregation pending completion of an active investigation into an alleged violation of the rules/disciplinary process, an investigation of other matters, or resolution of criminal prosecution. In such instances an ICC shall offer a reasonable projection of the time remaining for the resolution of such matters.

(f) Subsequent to CSR approval of an extension of segregation retention, an ICC will schedule the case for future CSR review in a time frame consistent with the projection(s) made in accordance with subsection (d) above.

(g) Inmates in segregation who have approved Security Housing Unit (SHU) term status, but are still awaiting other processes (i.e., court proceedings, adjudication of other rule violation reports, gang validation, etc.), shall be reviewed by an ICC in accordance with the SHU classification process noted in subsection 3341.8.

(h) The need for a change in housing or yard status of any inmate segregated under the provisions of this article shall be reviewed at the next convened ICC hearing.

(i) All classification committee actions shall be documented, including a specific record of the inmate's participation, an explanation of the reason(s), and the information and evidence relied upon for the action taken. The inmate shall be provided copies of the completed forms relied upon in making the decisions affecting the inmate.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Wright v. Enomoto*, (1976) 462 F Supp 397; and *Toussaint v. McCarthy* (9th Cir. 1986) 801 F2d 1080, cert. denied, 481 U.S. 1069.

HISTORY:

1. Repealer of Article 7 (Sections 3340–3357) and new Article 7 (Sections 3335–3345) filed 4-18-80; effective thirtieth day thereafter (Register 80 No. 16). For prior history see Registers 76, No. 31; 77, No. 9; 78, No. 25; and 79, No. 34.
2. Amendment of subsection (b) filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).
3. Amendment filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
4. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
5. Amendment filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
6. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
7. Amendment filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
8. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
9. Amendment of article heading and subsection (c), repealer of subsections (c)(1)–(c)(1)(B), new subsections (d)–(i) and amendment of Note filed 6-15-2005 as an emergency pursuant to Penal Code section 5058.3; operative 6-15-2005 (Register 2005, No. 24). A Certificate of Compliance must be transmitted to OAL by 11-22-2005 or emergency language will be repealed by operation of law on the following day.
10. Editorial correction of subsection (d)(3) and History 9 (Register 2005, No. 50).
11. Certificate of Compliance as to 6-15-2005 order transmitted to OAL 10-31-2005 and filed 12-15-2005 (Register 2005, No. 50).
12. Change without regulatory effect amending subsection (d)(3) filed 5-4-2009 pursuant to section 100, title 1, California Code of Regulations (Register 2009, No. 19).

3336. Segregation Order.

Authority to order an inmate to be placed in administrative segregation, before such action is considered and ordered by a classification hearing, may not be delegated below the staff level of correctional lieutenant except when a lower level staff member is the highest ranking official on duty.

(a) The reasons for ordering an inmate's placement in administrative segregation will be clearly documented on a CDC Form 114-D (Order and Hearing on Segregated Housing) by the official ordering the action at the time the action is taken.

(b) In addition to explaining the reason and need for an inmate's placement in administrative segregation, the official ordering the action will determine if a staff member needs to be assigned to assist the inmate in presenting the inmate's position at a classification hearing on the need for retention in segregated housing. Staff assistance will be assigned and the assignment will be noted in the CDC Form 114-D if the inmate is illiterate or if the complexities of the issues make it unlikely that the inmate can collect and present evidence necessary for an adequate comprehension of the inmate's position at a classification hearing. If an inmate is not illiterate and the issues are not complex, staff assistance will not be assigned. The reason for not assigning staff assistance will be entered on the CDC Form 114-D.

(c) In assigning staff assistance, the official initiating the CDC Form 114-D will designate the inmate's caseworker by name, as the staff member to assist the inmate. If the assigned caseworker's name is not known or cannot be readily determined by the official initiating the CDC Form 114-D, the words "assigned caseworker" will be entered on the form.

(d) A copy of the CDC Form 114-D, with the "order" portion of the form completed, will if practical, be given to the inmate prior to placement in administrative segregation but not later than 48 hours after such placement. Copies of the CDC Form 114-D with the "order" portion completed will also be submitted to the warden or superintendent or designated staff for review and possible further action as described in section 3337. A copy of the CDC Form 114-D will also be routed to the records office as a notice of the inmate's current status and pending actions.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Change without regulatory effect amending first paragraph filed 3-22-2001 pursuant to section 100, Title 1, California Code of Regulations (Register 2001, No. 12).

3337. Review of Segregation Order.

On the first work day following an inmate's placement in administrative segregation, designated staff at not less than the level of correctional captain will review the order portion of the CDC Form 114-D. If retention in administrative segregation is approved at this review, the following determinations will be made at this level:

(a) Determine the appropriate assignment of staff assistance, if such assistance was deemed necessary by the official initiating the CDC Form 114-D. If the inmate's caseworker is not an appropriate assignment because of the caseworker's schedule, an alternate staff assistance assignment will be made. The inmate will be notified in writing of any change in the assignment of staff assistance. An inmate may decline to accept the assignment of his or her caseworker or the first person assigned. In such cases a different staff member will be assigned to assist the inmate.

(b) Determine the inmate's desire to call witnesses or submit other documentary evidence. If the inmate requests the presence of witnesses or submission of documentary evidence at a classification hearing on the reason or need for retention in segregated housing, an investigative employee will be assigned to the case. A request to call witnesses and the names of witnesses must be submitted in writing by the inmate.

(c) Determine if the inmate has waived the 72-hour time limit in which a classification hearing cannot be held, as indicated on the CDC Form 114-D, or if the inmate desires additional time to prepare for a classification hearing. A request and the reason for needing additional time to prepare for a hearing must be submitted in writing by the inmate. In the absence of an inmate's waiver of the 72-hour preparation period or an approved request for additional

preparation time, a classification hearing cannot be held earlier than 72 hours after the inmate's placement in segregated housing, but will be held as soon thereafter as it is practical to do so.

(d) Determine the most appropriate date and time for a classification hearing based upon the determination arrived at under (a)(b) and (c) and the time limitations prescribed in section 3338.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3338. Hearing on Segregated Housing Order.

(a) A classification hearing for consideration and determination of the need to retain an inmate in segregated housing, for the reasons set forth in a segregation order, CDC Form 114-D, will be held as soon as it is practical and possible to do so, but in no case longer than 10 days from the date the inmate was initially placed in segregated housing, except for the following reasons:

(1) The segregation order, CDC Form 114-D, has been withdrawn and the inmate has been returned to general population status pursuant to Section 3339.

(2) The inmate has been afforded the procedural safeguards of a disciplinary hearing for a serious rule violation and the case has been referred to a classification committee for review, as provided in Section 3315(g). In such cases the classification committee may rely upon the findings of the disciplinary hearing in determining the inmate's need for segregated housing and in ordering such placement. A separate order and hearing on segregated housing is not required in such cases.

(3) The inmate is retained in segregated housing for any Administrative reasons or purposes after acquittal or dismissal of disciplinary charges for which the inmate was segregated pending a disciplinary hearing. In such cases, a segregated housing order shall be initiated and a hearing shall be held on the order within the time limits and under the procedural safeguards set forth in section 3339(b).

(4) A continuing state of emergency exists within the institution, as described in Section 3383. Under such circumstances the hearing will be held as soon as it is safe and practical to do so.

(b) The hearing on an administrative segregation order, CDC Form 114-D, may be conducted by a single classification hearing officer (facility captain, correctional captain, correctional counselor III, or experienced correctional lieutenant, or correctional counselor II.) This does not preclude the use of classification committees or subcommittees of classification for such hearings if such committee hearings can be scheduled and conducted within the time constraints required for such hearings. This option is left to the discretion of each warden and superintendent.

(c) The inmate will be present at the initial hearing on an administrative segregation order except under the applicable conditions as described in section 3320(g) of the director's rules relating to disciplinary hearings. If the hearing is held without the inmate present, the reason will be documented on the segregation order form. Any staff member assigned to assist the inmate will also be present at the hearing.

(d) The primary purpose of the initial hearing on an administrative segregation order, CDC Form 114-D, is to determine the need for continued retention in administrative segregation pending criminal prosecution, disciplinary proceedings, the resolution of nondisciplinary issues or considerations, and reclassification by the institution's main classification committee for assignment to a specialized security housing unit, or an action on the main classification committee's recommendation for transfer to an institution with appropriate specialized security housing units.

(e) When the reason for an inmate's initial placement in administrative segregation is a disciplinary matter and likely to result in a formal report of violation of institution rules on a CDC Form 115,

or a referral to the district attorney for possible criminal prosecution, the hearing will assume the alleged misconduct or criminal activities to be factual as reported in the segregation order. The hearing will not consider evidence or information relating to the guilt or innocence of the inmate. The only determination to be made is whether the inmate needs to be retained in administrative segregation for the reasons given in subsection 3335(a) and in the segregation order, CDC Form 114-D, pending resolution or disposition of disciplinary issues. If the hearing decision is to retain the inmate in administrative segregation, the case will be referred to the next scheduled meeting of the institution's main classification committee for review. The main classification committee may review the case in absentia and continue the inmate in administrative segregation pending resolution of the disciplinary issues, or schedule the inmate for a personal appearance to consider placement in a specialized security unit based upon other nondisciplinary reasons necessitating such placement.

(f) When the reason for an inmate's placement in administrative segregation is for nondisciplinary reasons, the hearing will consider all available evidence or information relating to the validity of the reasons given for such placement as well as the need to retain the inmate in administrative segregation pending resolution of the situation or circumstances set forth in the administrative segregation order.

(g) All cases of nondisciplinary administratively segregated inmates referred to the institution's main classification committee in place of an initial hearing on a segregation order or for a review of an initial hearing decision, will require the inmate's personal appearance except under the applicable conditions for absentia hearings as described in section 3320(g) of the director's rules.

(h) Based upon the finding of the investigative employee, the initial hearing or the main classification committee will permit the inmate to present witnesses and documentary evidence at the hearing unless the initial hearing officer or the chairperson of the committee determines in good faith that permitting such evidence will be unduly hazardous to the institution safety or correctional goals. The reason for disallowing witnesses or evidence will be documented in the "hearing" portion of the segregation order, CDC Form 114-D, and in the classification committee's report (CDC Form 128-G) depending upon the hearing at which the presentation of such evidence or witnesses would have otherwise been presented.

(i) The determinations arrived at in the classification hearing will be documented in the hearing portion of the segregation order, CDC Form 114-D, and in the classification committee report, CDC Form 128-G, depending upon the hearing at which the need for segregated housing is resolved. Such documentation will include an explanation of the reason and the information and evidence relied upon for the action taken. A copy of the completed CDC Form 114-D and any CDC Form 128-G resulting from hearings will be routed to the inmate's central file. The inmate will also be given copies of all completed forms and of all other documents relied upon in the hearing except those containing confidential information.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Wright v. Enomoto*, 462 F Supp 397 (1976).

HISTORY:

1. Amendment of subsections (a)(2) and (a)(3) filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).
2. Change without regulatory effect amending subsections (c) and (g) filed 5-7-96; operative 6-6-96 (Register 96, No. 19).
3. Change without regulatory effect amending subsection (b) filed 7-30-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 31).

4. Change without regulatory effect amending subsection (b) filed 8-6-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 32).

3339. Release from Administrative Segregation and Retention in Administrative Segregation.

(a) Release: Release from segregation status shall occur at the earliest possible time in keeping with the circumstances and reasons for the inmate's initial placement in administrative segregation. Nothing in this article shall prevent the official ordering an inmate's placement in administrative segregation, or a staff member of higher rank in the same chain of command, from withdrawing an administrative segregation order before it is acted upon or prior to a hearing on the order after consulting with and obtaining the concurrence of the administrator of the general population unit to which the inmate will be returned or assigned. Release from segregated housing after such placement shall be effected only upon the written order of an equal or higher authority.

(b) Retention: Subsections (b)(1)–(b)(5) set forth procedural safeguards. These procedural safeguards apply to inmates retained for administrative reasons after the expiration of a definite term or terms of confinement for disciplinary reasons. Definite terms of confinement shall be set or reduced by classification or administrative action.

(1) A segregated housing order, CDC Form 114-D, shall be initiated, giving written notice of the reasons for such retention in sufficient detail to enable the inmate to prepare a response or defense. Except in case of a genuine emergency, a copy of the order shall be given to the inmate prior to the expiration of the determinate term or terms of confinement. In no case shall notice be given later than 48 hours after the expiration of the determinate term or terms.

(2) A fair hearing before one or more classification officials shall be held not more than 96 hours after the inmate is given a copy of the segregated housing order, unless the inmate requests, in writing, and is granted additional time to prepare a defense.

(3) Representation by a staff assistant shall be provided if institution officials determine that the inmate is illiterate or that the complexity of the issues make it unlikely that the inmate can collect or present the evidence necessary for an adequate comprehension of the case. The determination and designation is to be made at the time the segregated housing order is prepared and shall be included on the copy of the order given the inmate.

(4) The inmate shall be given a reasonable opportunity to present witnesses and documentary evidence unless institution officials determine in good faith that presentation of the evidence would be unduly hazardous to institutional safety or correctional goals. The reason for disallowing designated evidence will be explained in writing by the hearing body on the segregated housing order.

(5) A copy of the completed segregated housing order containing a written decision, including references to the evidence relied upon and the reasons for retention in segregated housing beyond the expiration of the expired term of confinement, if so retained, shall be given the inmate upon completion of the hearing.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and *Taylor v. Rushen* (N.D. Cal.) L-80-0139 SAW.

HISTORY:

1. Repealer and new section filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12).
2. Editorial correction of printing error in subsection (b)(2) (Register 92, No. 5).

3340. Exclusions.

Separation from general population for the reasons and under the circumstances described in this section is not considered ad-

ministrative segregation and is specifically excluded from the other provisions of this article.

(a) Medical. When an inmate is involuntarily removed from general inmate status for medical or psychiatric reasons by order of medical staff and the inmate's placement is in a hospital setting or in other housing as a medical quarantine, the inmate will not be deemed as segregated for the purpose of this article. When personnel other than medical staff order an inmate placed in administrative segregation for reasons related to apparent medical or psychiatric problems, that information will be immediately brought to the attention of medical staff. The appropriateness of administrative segregation or the need for movement to a hospital setting will be determined by medical staff. When medical and psychiatric reasons are involved, but are not the primary reasons for an inmate's placement in administrative segregation, administrative segregation status will be continued if the inmate is moved to a hospital setting and the requirements of this article will apply.

(b) Orientation and Lay-Over. Newly received inmates and inmates in transit or lay-over status may be restricted to assigned quarters for that purpose. Such restrictions should not be more confining than is required for institution security and the safety of persons, nor for a period longer than the minimum time required to evaluate the safety and security factors and reassignment to more appropriate housing.

(c) Disciplinary Detention. Placement in disciplinary detention as an ordered action of a disciplinary hearing is not subject to the provisions of this article except as provided in section 3338(a)(2) and (3).

(d) Confinement to Quarters. Confinement to quarters as an ordered action of a disciplinary hearing is not subject to the provisions of this article.

(e) Segregated Inmates. When an inmate has been classified for segregated housing in accordance with this article and commits a disciplinary offense while so confined, or is returned to segregated housing upon completion of a disciplinary detention sentence for an offense committed in a segregated unit, the provision of this article will not apply.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3341. Staff Assistance.

The duties and functions of a staff member assigned to assist an inmate in a classification hearing on a segregated housing order will be the same as described in section 3318 for a disciplinary hearing. When an inmate requests witnesses at a classification hearing on a segregation order and an investigative employee is assigned, the investigative employee's duties and functions will be essentially the same as described in section 3318 for predisciplinary hearing investigations. In screening prospective witnesses, the investigative employee will do so in accordance with the information to be considered in the classification hearing, as described in section 3338(e) and (f).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Editorial correction removing extraneous text (Register 97, No. 5).
2. Change without regulatory effect amending section filed 1-29-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 5).

3341.5. Segregated Program Housing Units.

Special housing units are designated for extended term programming of inmates not suited for general population. Placement into and release from these units requires approval by a classification staff representative (CSR).

(a) Protective Housing Unit (PHU). An inmate whose safety would be endangered by general population placement may be placed in the PHU providing the following criteria are met:

(1) The inmate does not require specialized housing for reasons other than protection.

(2) The inmate does not have a serious psychiatric or medical condition requiring prompt access to hospital care.

(3) The inmate is not documented as a member or an affiliate of a prison gang.

(4) The inmate does not pose a threat to the safety or security of other inmates in the PHU.

(5) The inmate has specific, verified enemies identified on CDC Form 812 likely to and capable of causing the inmate great bodily harm if placed in general population.

(6) The inmate has notoriety likely to result in great bodily harm to the inmate if placed in general population.

(7) There is no alternative placement which can ensure the inmate's safety and provide the degree of control required for the inmate.

(8) It has been verified that the inmate is in present danger of great bodily harm. The inmate's uncorroborated personal report, the nature of the commitment offense or a record of prior protective custody housing shall not be the sole basis for protective housing unit placement.

(b) Psychiatric Services Unit (PSU). A PSU provides secure housing and care for inmates with diagnosed psychiatric disorders not requiring inpatient hospital care, but who require placement in housing equivalent to Security Housing Unit (SHU), as described in subsection 3341.5(c), at the Enhanced Outpatient Program level of the mental health delivery system.

(c) Security Housing Unit (SHU). An inmate whose conduct endangers the safety of others or the security of the institution shall be housed in a SHU.

(1) Assignment criteria. The inmate has been found guilty of an offense for which a determinate term of confinement has been assessed or is deemed to be a threat to the safety of others or the security of the institution.

(2) Length of SHU Confinement. Assignment to a SHU may be for an indeterminate or for a fixed period of time.

(A) Indeterminate SHU Segregation.

1. An inmate assigned to a security housing unit on an indeterminate SHU term shall be reviewed by a classification committee at least every 180 days for consideration of release to the general inmate population. An investigative employee shall not be assigned at these periodic classification committee reviews.

2. Except as provided at section 3335(a), section 3378(d) and subsection (c)(5), a validated prison gang member or associate is deemed to be a severe threat to the safety of others or the security of the institution and will be placed in a SHU for an indeterminate term.

(B) Determinate SHU Segregation.

1. A determinate period of confinement in SHU may be established for an inmate found guilty of a serious offense listed in section 3315 of these regulations. The term shall be established by the Institutional Classification Committee (ICC) using the standards in this section, including the SHU Term Assessment Chart (see section 3341.5(c)(9)), Factors in Mitigation or Aggravation (see section 3341.5(c)(10)), SHU Term Assessment Worksheet CDC Form 629-A, Rev. 3/96, Assessment of Subsequent SHU Term Worksheet CDC Form 629-B, Rev. 9/90, and SHU Time Computation Table (see CDC Form 629-D, Rev. 7/88).

2. The term shall be set at the expected term for the offense in the absence of mitigating or aggravating factors. Deviation from

the expected term shall be supported by findings pursuant to subsection (c)(7).

3. The terms shall be recorded on CDC Form 629-A, SHU Term Assessment Worksheet, using the SHU Time Computation Table which incorporates one-fourth clean conduct credit in the term. The computation shall establish a maximum release date and a minimum eligible release date (MERD). A copy of the CDC Form 629-A shall be given to the inmate.

4. Serious misconduct while in SHU may result in loss of clean conduct credits or an additional determinate term for an inmate serving a determinate term. Such additional term may be concurrent or consecutive and shall be recorded on CDC Form 629-B with a copy given to the inmate. Such cases shall be referred to a CSR for approval; however, all release and retention requirements of section 3339 shall remain in effect pending CSR approval.

5. Up to 45 days of a SHU inmate's clean conduct credits may be forfeited for disciplinary infractions that are not serious enough to warrant the assessment of a subsequent or concurrent SHU term. Such forfeiture may be assessed against credits already earned or future credits.

6. Consecutive SHU terms shall be assessed only for offenses occurring after commencement of a prior determinate SHU term.

7. The ICC may commute or suspend any portion of a determinate term. Once commuted, the term shall not be reimposed. If suspended, the period of suspension shall not exceed the length of the original term imposed. When either action occurs, the case shall be referred to a classification staff representative (CSR) with a placement recommendation.

8. The Unit Classification Committee shall conduct hearings on all determinate cases at least 30 days prior to their MERD or during the eleventh month from the date of placement, whichever comes first.

(3) Release from SHU. An inmate shall not be retained in SHU beyond the expiration of a determinate term or beyond 11 months, unless the classification committee has determined before such time that continuance in the SHU is required for one of the following reasons:

(A) The inmate has an unexpired MERD from SHU.

(B) Release of the inmate would severely endanger the lives of inmates or staff, the security of the institution, or the integrity of an investigation into suspected criminal activity or serious misconduct.

(C) The inmate has voluntarily requested continued retention in segregation.

(4) A validated prison gang member or associate shall be considered for release from a SHU, as provided above, after the inmate is verified as a gang dropout through a debriefing process.

(5) As provided at section 3378(e), the Departmental Review Board (DRB) may authorize SHU release for prison gang members or associates categorized as inactive. The term inactive means that the inmate has not been involved in gang activity for a minimum of six (6) years. Inmates categorized as inactive who are suitable for SHU release shall be transferred to the general population of a Level IV facility for a period of observation that shall be no greater than 12 months. Upon completion of the period of observation, the inmate shall be housed in a facility commensurate with his or her safety needs. In the absence of safety needs, the inmate shall be housed in a facility consistent with his or her classification score. The DRB is authorized to retain an inactive gang member or associate in a SHU based on the inmate's past or present level of influence in the gang, history of misconduct, history of criminal activity, or other factors indicating that the inmate poses a threat to other inmates or institutional security.

(6) As provided at section 3378(f), an inmate categorized as inactive or validated as a dropout of a prison gang and placed in the general population may be returned to segregation based upon one reliable source item identifying the inmate as a currently active gang member or associate of the prison gang with which the inmate was previously validated. Current activity is defined as, any documented gang activity within the past six (6) years. The procedures described in this Article shall be utilized for the removal of the inmate from the general population, the review of the initial segregation order, and all periodic reviews of the indeterminate SHU term.

(7) Determinate SHU terms shall only be served in a departmentally approved SHU or a facility specifically designated for that purpose.

(8) When an inmate is paroled while serving a determinate term, the remaining time on the term is automatically suspended. When an inmate returns to prison, either as a parole violator or with a new prison commitment, ICC shall evaluate the case for reimposition of the suspended determinate term. If reimposed, the term shall not exceed the time remaining on the term at the time of parole.

(9) SHU Term Assessment Chart (fixing of determinate confinement to SHU).

OFFENSE	TYPICAL TERM (Mos)		
	Low	Expected	High
(A) Homicide:			
1. Murder, attempted murder, solicitation of murder, or voluntary manslaughter of a non-inmate.	(36)	48	60)
2. Murder, attempted murder, solicitation of murder, or voluntary manslaughter of an inmate.	(15)	26	36)
(B) Violence Against Persons:			
1. Assault on a non-inmate with a weapon or physical force capable of causing mortal or serious injury.	(09)	28	48)
2. Assault on an inmate with a weapon or physical force capable of causing mortal or serious injury.	(06)	15	24)
3. Assault on a non-inmate with physical force insufficient to cause serious injury.	(06)	12	18)
4. Assault on an inmate with physical force insufficient to cause serious injury.	(02)	03	06)
5. Throwing a caustic substance on a non-inmate.	(02)	03	04)
(C) Threat to Kill or Assault Persons:			
1. Use of non-inmate as hostage.	(18)	27	36)
2. Threat to a non-inmate.	(02)	05	09)
3. Threat to an inmate.	(02)	03	04)
(D) Possession of a Weapon:			
1. Possession of a firearm or explosive device.	(18)	27	36)
2. Possession of a weapon, other than a firearm or explosive device which has been manufactured or modified so as to have the obvious intent or capability of inflicting traumatic injury, and which is under the immediate or identifiable control of the inmate.	(06)	10	15)
(E) Trafficking in Drugs:			
Distributing controlled substances in an institution or camp or causing controlled substances to be brought into an institution or camp for the purpose of distribution.	(06)	09	12)
(F) Escape with Force or Attempted Escape with Force.	(09)	16	24)
(G) Disturbance, Riot, or Strike:			
1. Leading a disturbance, riot, or strike.	(06)	12	18)
2. Active participation in, or attempting to cause conditions likely to threaten institution security.	(02)	04	06)
(H) Harassment of another person, group, or entity either directly or indirectly through the use of the mail or other means.	(06)	12	18)
(I) Arson, Theft, Destruction of Property:			
Theft or destruction of State property where the loss or potential loss exceeds \$10,000 or threatens the safety of others.	(02)	08	12)
(J) Extortion and Bribery: extortion or bribery of a non-inmate.	(02)	06	09)
(K) Sexual Misconduct			
1. Indecent Exposure	(03)	06	09)
2. Sexual Disorderly Conduct (two or more offenses within a twelve month period)	(03)	06	09)

OFFENSE	TYPICAL TERM (Mos)		
	Low	Expected	High
(L) Refusal to Accept Assigned Housing	(03	06	09)
(M) Except as otherwise specified in this section, proven attempts to commit any of the above listed offenses shall receive one-half (1/2) of the term specified for that offense.			
(N) Any inmate who conspires to commit any of the offenses above shall receive the term specified for that offense.			
(10) Factors in mitigation or aggravation of SHU term. The SHU term shall be set at the expected range unless a classification committee finds factors exist which warrant the imposition of a lesser or greater period of confinement. The total period of confinement assessed shall be no less than nor greater than the lowest or highest months listed for the offense in the SHU Term Assessment Chart. In setting the term, the committee shall determine the base offense. If the term being assessed includes multiple offenses, the offense which provides for the longest period of confinement shall be the base offense. Lesser offenses may be used to increase the period beyond expected term. After determining the base offense, the committee shall review the circumstances of the disciplinary offense and the inmate's institutional behavior history using the factors below. The committee shall then determine that either no unusual factors exist or find that specific aggravating or mitigating factors do exist and specify a greater or lesser term. The reasons for deviation from the expected term shall be documented on a CDC 128-G, Classification Chrono, and SHU Term Assessment Worksheet, a copy of which shall be provided to the inmate.			
(A) Factors in Mitigation.			
1. The inmate has a minor or no prior disciplinary history.			
2. The inmate has not been involved in prior acts of the same or of a similar nature.			
3. The misconduct was situational and spontaneous as opposed to planned in nature.			
4. The inmate was influenced by others to commit the offense.			
5. The misconduct resulted, in part, from the inmate's fear for safety.			
(B) Factors in Aggravation.			
1. The inmate's prior disciplinary record includes acts of misconduct of the same or similar nature.			
2. The misconduct was planned and executed as opposed to situational or spontaneous.			
3. The misconduct for which a SHU term is being assessed resulted in a finding of guilty for more than one offense.			
4. The inmate influenced others to commit serious disciplinary infractions during the time of the offense.			
NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 314, 5054 and 5068, Penal Code; <i>Sandin v. Connor</i> (1995) 515 U.S. 472; <i>Madrid v. Gomez</i> (N.D. Cal. 1995) 889 F.Supp. 1146; <i>Toussaint v. McCarthy</i> (9th Cir. 1990) 926 F.2d 800; <i>Toussaint v. Yockey</i> (9th Cir. 1984) 722 F.2d 1490; and <i>Castillo v. Alameida, et al.</i> , (N.D. Cal., No. C94-2847).			
HISTORY:			
1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.			
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).			

3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. Amendment filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Editorial correction of printing errors in subsection (c)(2)(B)1 and CDC Forms 629-B and 629-D (Register 92, No. 5).
8. New subsection (c)(6)(H), subsection relettering, and amendment of Note filed 7-29-93 as an emergency; operative 7-29-93 (Register 93, No. 31). A Certificate of Compliance must be transmitted to OAL 11-26-93, or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 7-29-93 order transmitted to OAL 11-18-93 and filed 12-31-93 (Register 94, No. 1).
10. Amendment of subsection (c)(2)(B)1. and 4., new subsection (c)(2)(B)5. and subsection renumbering, repealer of form CDC 629-A, and new form CDC 629-A filed 2-8-96 as an emergency per Penal Code section 5058(e); operative 2-8-96 (Register 96, No. 6). A Certificate of Compliance must be transmitted to OAL by 7-18-96 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 2-8-96 order including amendment of form CDC 629-A transmitted to OAL 6-17-96 and filed 7-30-96 (Register 96, No. 31).
12. New subsection (c)(2)(A)1. designator, new subsections (c)(2)(A)2. and (c)(4) and subsection relettering filed 1-21-99 as an emergency; operative 1-21-99 (Register 99, No. 4). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-30-99 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 1-21-99 order transmitted to OAL 6-30-99 and filed 8-12-99 (Register 99, No. 33).
14. Amendment of subsections (c)(2)(A)1. and 2. and (c)(4), new subsections (c)(5) and (c)(6), subsection renumbering, amendment of newly designated subsection (c)(10) and amendment of Note filed 8-30-99 as an emergency; operative 8-30-99 (Register 99, No. 36). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 2-8-2000 or emergency language will be repealed by operation of law on the following day.
15. Certificate of Compliance as to 8-30-99 order transmitted to OAL 2-7-2000 and filed 3-21-2000 (Register 2000, No. 12).
16. Change without regulatory effect amending subsection (c)(2)(B)1. filed 10-16-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 42).
17. Amendment of subsection (c)(6) and Note filed 5-25-2006; operative 5-25-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).
18. Change without regulatory effect amending subsection (b) filed 6-27-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 26).
19. New subsections (c)(9)(K)–(c)(9)(K)2., subsection relettering and amendment of Note filed 2-23-2007 as an emergency; operative 2-23-2007 (Register 2007, No. 8). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 8-2-2007 or emergency language will be repealed by operation of law on the following day.
20. Certificate of Compliance as to 2-23-2007 order, including amendment of subsection (c)(9)(K)1.–2., transmitted to OAL 7-27-2007 and filed 9-5-2007 (Register 2007, No. 36).
21. New subsection (c)(9)(L) and subsection relettering filed 12-28-2007; operative 12-28-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 52).
22. Amendment of subsection (b) filed 9-29-2009; operative 10-29-2009 (Register 2009, No. 40).

STATE OF CALIFORNIA
SHU TERM ASSESSMENT WORKSHEET
 CDC 629-A (Rev 3/96)

DEPARTMENT OF CORRECTIONS

CDC NUMBER	NAME (LAST, FIRST, MI)	INSTITUTION	UNIT

1. RULE VIOLATION RESULTING IN SHU TERM ASSESSMENT

(If more than one SHU assessable offense and no SHU term has been established, use most serious as base term and less serious as aggravation.)

- a. Rule No. _____ Date Issued _____ Title _____
- b. Specific Act _____
 (Must be an offense on SHU Term Assessment Chart.)
- c. List range of months for the offense using SHU Time Computation Table.....
- | | | |
|-----|-----|------|
| LOW | EXP | HIGH |
|-----|-----|------|
- d. Enter "expected" (mid-range) years, months, days of confinement.....
- | | | |
|----|----|------|
| YR | MO | DAYS |
|----|----|------|

2. FACTORS IN MITIGATION AND AGGRAVATION

(Enter "NONE" for item 2c or indicate amount of time. Describe factors and document sources. Use only factors listed in the DOM 62050 or concurrent offenses.)

- a. Mitigating Factors. Time subtracted for mitigations.....
- | | | |
|----|----|------|
| YR | MO | DAYS |
|----|----|------|
- 1) _____
- 2) _____
- 3) _____
- b. Aggravating Factors. Time added for aggravations.....
- | | | |
|----|----|------|
| YR | MO | DAYS |
|----|----|------|
- 1) _____
- 2) _____
- 3) _____
- c. Total time added or subtracted.....
- | | | |
|----|----|------|
| YR | MO | DAYS |
|----|----|------|

3. TOTAL SHU CONFINEMENT TIME ASSESSED.....

(Subtract or add time for mitigation or aggravation to expected, item 1d plus or minus 2c)

YR	MO	DAYS

4. DATE OF ADMINISTRATIVE SEGREGATION CONFINEMENT/VIOLATION.....**5. MAXIMUM DATE OF RELEASE FROM SHU.....**

(Add total time assessed to date of confinement, item 3 plus 4)

YR	MO	DAY

6. MINIMUM SHU CONFINEMENT TIME TO SERVE.....

(Enter 75% of the total SHU time (item 3) using the SHU Time Computation Table)

- a. Date of confinement/violation (item 4).....
- | | | |
|----|----|------|
| YR | MO | DAYS |
|----|----|------|

7. MINIMUM ELIGIBLE RELEASE DATE (MERD).....

(Add the minimum SHU time to the date of confinement, item 6 plus 6a)

YR	MO	DAY

8. FORFEITURE OF GOOD CONDUCT CREDITS FOR SUBSEQUENT MISCONDUCT

(Enter "NONE" for item 8a or indicate the amount of time lost and describe and document the misconduct for which credit is being forfeited). SHU inmates may forfeit up to 45 days of clean conduct credits for each disciplinary infraction that is not serious enough to warrant the assessment of a subsequent or concurrent SHU term. Such forfeiture may be assessed against credits already earned or future credits.

- a. Time forfeited for CDC 115 - Dated: _____
- | | | |
|----|----|------|
| YR | MO | DAYS |
|----|----|------|
- 1) _____
- 2) _____

- b. ADJUSTED MERD Cannot Exceed MAXIMUM.....
- | | | |
|----|----|-----|
| YR | MO | DAY |
|----|----|-----|
- (Add the amount of time forfeited to the prior MERD, item 7 plus 8a)

NAME AND TITLE OF STAFF COMPUTING TERM	DATE SIGNED	DATE ICC ESTABLISHED TERM

DISTRIBUTION ORIGINAL - CENTRAL FILE, YELLOW - INMATE, PINK - AUDITOR

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

ASSESSMENT OF SUBSEQUENT OR REIMPOSED SHU TERM WORKSHEET

CDC 629-B (9/90)

CDC NUMBER	NAME (LAST, FIRST, MI)	INSTITUTION	UNIT

1. VIOLATION COMMITTED WHILE SECURITY HOUSING UNIT (SHU) TERM ACTIVE

- a Rule No _____ Date Issued _____ Title _____
- b Specific Act _____
(Must be an offense on SHU Term Assessment Chart)

2. CONSECUTIVE SHU TERM CALCULATIONS

- a Prior maximum SHU expiration date YR MO DAY
(SHU Term Assessment Worksheet, item 3c)
- b Enter total additional confinement time assessed YR MO DAYS
(Expected plus or minus Aggravation/Mitigation in years, months and days)
- c New maximum expiration of term date YR MO DAY
(Add additional time to expiration date, item 2a plus 2b)
- d New Minimum Eligible Release Date YR MO DAY
(Add 75% of additional time to prior maximum expiration date using the SHU Time Computation Table, item 2a plus 2b)

3. CONCURRENT SHU TERM CALCULATIONS

- a Date of new violation YR MO DAY
- b Enter total confinement time assessed YR MO DAYS
(Expected plus or minus Aggravation/Mitigation in years, months and days)
- c Expiration date of new violation YR MO DAY
(Add total assessed to violation date, item 3a plus 3b)
- d Controlling Maximum SHU Expiration Date YR MO DAY
(Enter prior or new expiration date whichever is later)
- e Controlling Minimum Eligible Release Date YR MO DAY
(Enter prior date or add 75% of assessed time to violation date if the new maximum is later, 75% of item 3b plus 3a)

4. REIMPOSITION OF SHU TERM FROM PAROLE/DISCHARGE

- a Maximum SHU expiration date when paroled/discharged YR MO DAY
- b Date paroled/discharged from SHU YR MO DAY
- c Maximum confinement time remaining when paroled/discharged YR MO DAYS
(Subtract date paroled from expiration date, item 4b from 4a)
- d Date of reconfinement in Administrative Segregation YR MO DAY
- e New maximum expiration date YR MO DAY
(Add time remaining to reconfinement date, item 4c to 4d)
- f Minimum release time remaining when paroled/discharged YR MO DAY
(Subtract date paroled, item 4b, from Prior Minimum Eligible Release Date)
- g New Minimum Eligible Release Date YR MO DAY
(Add minimum time remaining to date of reconfinement, item 4f plus 4d)

NAME AND TITLE OF STAFF COMPUTING TERM

DATE

DATE ICC ESTABLISHED TERM

DISTRIBUTION: ORIGINAL - CENTRAL FILE, YELLOW INMATE, PINK AUDITOR

STATE OF CALIFORNIA
CDC 629-D (Rev 7/88)

DEPARTMENT OF CORRECTIONS

SHU TIME COMPUTATION TABLE

SHU TERM MOS	MERD TERM	SHU TERM CREDIT	SHU TERM MOS	MERD TERM	SHU TERM CREDIT	SHU TERM MOS	MERD TERM	SHU TERM CREDIT
2	1-15	0-15	47	35-8	11-22	92	60-0	23-0
3	2-8	0-22	48	36-0	12-0	93	69-23	23-7
4	3-0	1-0	49	36-23	12-7	94	70-15	23-15
5	3-23	1-7	50	37-15	12-15	95	71-8	23-22
6	4-15	1-15	51	38-8	12-22	96	72-0	24-0
7	5-8	1-22	52	39-0	13-0	97	72-23	24-7
8	6-0	2-0	53	39-23	13-7	98	73-15	24-15
9	6-23	2-7	54	40-15	13-15	99	74-8	24-22
10	7-15	2-15	55	41-8	13-22	100	75-0	25-0
11	8-8	2-22	56	42-0	14-0	101	75-23	25-7
12	9-0	3-0	57	42-23	14-7	102	76-15	25-15
13	9-23	3-7	58	43-15	14-15	103	77-8	25-22
14	10-15	3-15	59	44-8	14-22	104	78-0	26-0
15	11-8	3-22	60	45-0	15-0	105	78-23	26-7
16	12-0	4-0	61	45-23	15-7	106	79-15	26-15
17	12-23	4-7	62	46-15	15-15	107	80-8	26-22
18	13-15	4-15	63	47-8	15-22	108	81-0	27-0
19	14-8	4-22	64	48-0	16-0	109	81-23	27-7
20	15-0	5-0	65	48-23	16-7	110	82-15	27-15
21	15-23	5-7	66	49-15	16-15	111	83-8	27-22
22	16-15	5-15	67	50-8	16-22	112	84-0	28-0
23	17-8	5-22	68	51-0	17-0	113	84-23	28-7
24	18-0	6-0	69	51-23	17-7	114	85-15	28-15
25	18-23	6-7	70	52-15	17-15	115	86-8	28-22
26	19-15	6-15	71	53-8	17-22	116	87-0	29-0
27	20-8	6-22	72	54-0	18-0	117	87-23	29-7
28	21-0	7-0	73	54-23	18-7	118	88-15	29-15
29	21-23	7-7	74	55-15	18-15	119	89-8	29-22
30	22-15	7-15	75	56-8	18-22	120	90-0	30-0
31	23-8	7-22	76	57-0	19-0	121	90-23	30-7
32	24-0	8-0	77	57-23	19-7	122	91-15	30-15
33	24-23	8-7	78	58-15	19-15	123	92-8	30-22
34	25-15	8-15	79	59-8	19-22	124	93-0	31-0
35	26-8	8-22	80	60-0	20-0	125	93-23	31-7
36	27-0	9-0	81	60-23	20-7	126	94-15	31-15
37	27-23	9-7	82	61-15	20-15	127	95-8	31-22
38	28-15	9-15	83	62-8	20-22	128	96-0	32-0
39	29-8	9-22	84	63-0	21-0	129	96-23	32-7
40	30-0	10-0	85	63-23	21-7	130	97-15	32-15
41	30-23	10-7	86	64-15	21-15	131	98-8	32-22
42	31-15	10-15	87	65-8	21-22			
43	32-8	10-22	88	66-0	22-0			
44	33-0	11-0	89	66-23	22-7			
45	33-23	11-7	90	67-15	22-15			
46	34-15	11-15	91	68-8	22-22			

NOTE: For purposes of computing remainder days, thirty (30) days constitute a month.

3342. Case Review.

(a) The case of every inmate assigned to a segregated housing unit will be continuously reviewed and evaluated by custodial and casework staff assigned to the unit. Staff will confer on each case no less frequently than once a week during the first two months of the inmate's segregated status. Such case reviews will not be necessary during any week in which the inmate's case is reviewed by a regular or special classification committee or by staff who are authorized to take classification actions. Any significant observations, determinations or recommendations, will be documented on the inmate's Detention/Segregation Record, CDC Form 114-A.

(b) Psychological Assessment. A psychological assessment of the inmate's mental health will be included in the case review and classification committee review of inmates assigned to segregated housing units. When any indication of psychiatric or psychological problems exists, the case will be referred to the institution's psychiatrist or psychologist for further evaluation and recommended classification committee actions, if any.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3343. Conditions of Segregated Housing.

(a) Living Conditions. In keeping with the special purpose of a segregated housing unit, and with the degree of security, control and supervision required to serve that purpose, the physical facilities of special purpose segregated housing will approximate those of the general population.

(b) Restrictions. Whenever an inmate in administrative segregation is deprived of any usually authorized item or activity and the action and reason for that action is not otherwise documented and available for review by administrative and other concerned staff, a report of the action will be made and forwarded to the unit administrator as soon as possible.

(c) Clothing. No inmate in administrative segregation will be required to wear clothing that significantly differs from that worn by other inmates in the unit, except that temporary adjustments may be made in an inmate's clothing as is necessary for security reasons or to protect the inmate from self-inflicted harm. No inmate will be clothed in any manner intended to degrade the inmate.

(d) Meals. Inmates assigned to administrative segregation including special purpose segregated housing, will be fed the same meal and ration as is provided for inmates of the general population, except that a sandwich meal may be served for lunch. Deprivation of food will not be used as punishment.

(e) Mail. Inmates assigned to administrative segregation, including special purpose segregated housing, will not be restricted in their sending and receiving of personal mail, except that incoming packages may be limited in number, and in content to that property permitted in the segregated unit to which an inmate is assigned.

(f) Visits. Inmates assigned to segregated housing, except for inmates assigned to security housing units in accordance with Section 3341.5, shall be permitted to visit under the same conditions as are permitted inmates of the general population. Inmates assigned to security housing units shall be prohibited from physical contact with visitors.

(g) Personal Cleanliness. Inmates assigned to administrative segregation, including special purpose segregated housing, will be provided the means to keep themselves clean and well-groomed. Haircuts will be provided as needed. Showering and shaving will be permitted at least three times a week. Clothing, bedding, linen and other laundry items will be issued and exchanged no less often than is provided for general population inmates.

(h) Exercise. Inmates assigned to special purpose segregation housing will be permitted a minimum of one hour per day, five days

a week, of exercise outside their rooms or cells unless security and safety considerations preclude such activity. When special purpose segregated housing units are equipped with their own recreation yard, the yard periods may substitute for other out of cell exercise periods, providing the opportunity for use of the yard is available at least three days per week for a total of not less than 10 hours a week.

(i) Reading Material. Inmates assigned to administrative segregation, including special purpose segregated housing, will be permitted to obtain and possess the same publications, books, magazines and newspapers as are inmates of the general population, except that the quantity may be limited for safety and security reasons. Library services will be provided and will represent a cross-section of material available to the general population.

(j) Telephones. Institutions will establish procedures for the making of outside telephone calls by inmates in administrative segregation. Such procedures will approximate those for the work/training incentive group to which the inmate is assigned, except that individual calls must be specifically approved by the supervisor in charge or the administrator of the unit before a call is made.

(k) Institution Programs and Services. Inmates assigned to segregated housing units will be permitted to participate and have access to such programs and services as can be reasonably provided within the unit without endangering security or the safety of persons. Such programs and services will include, but are not limited to: education, commissary, library services, social services, counseling, religious guidance and recreation.

(l) Visitation and Inspection. Inmates assigned to administrative segregation, including special purpose segregated units, will be seen daily by the custodial supervisor in charge of the unit and by a physician, registered nurse or medical technical assistant, and, by request, members of the program staff. A timely response should be given to such requests wherever reasonably possible.

(m) Management Disruptive Cases. Inmates assigned to segregated housing who persist in disruptive, destructive and dangerous behavior and who will not heed or respond to orders and warnings to desist, are subject to placement in a management cell, as provided in Section 3332(f).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2601(d) and 5054, Penal Code.

HISTORY:

1. Amendment of subsections (e), (f) and (j) filed 2-16-83; effective thirtieth day thereafter (Register 83, No. 8).
2. Amendment of subsection (f) filed 8-15-89; operative 9-14-89 (Register 89, No. 33).

3344. Administrative Segregation Records.

(a) An Administrative Segregation Log, CDC Form 114, will be maintained in each administrative segregation unit, including special purpose segregated units. One Disciplinary Detention/Segregation Log may serve two or more special purpose units which are administered and supervised by the same staff members.

(b) A separate record will be maintained for each inmate assigned to administrative segregation, including special purpose segregated units. This record will be compiled on CDC Form 114-A, Detention/Segregation Record. In addition to the identifying information required on the form, all significant information relating to the inmate during the course of segregation, from reception to release, will be entered on the form in chronological order.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3345. Officer in Charge.

The custodial officer in charge of a disciplinary detention, segregation or security housing unit where inmates are segregated for disciplinary or administrative purposes, will insure that nothing is passed in or out of such units unless it has been thoroughly inspected; that no unauthorized visitors are permitted in such units; that all laundry, shoes, clothing, or other materials and supplies going to or from the units are carefully inspected; that inmates needing medical attention receive it promptly; that all locks and bars are inspected and maintained in secure and proper working order; that proper precautions are taken in removing inmates from their cells and in passing them from place to place. The general welfare of inmates in segregated housing units and in all facilities therein will be properly maintained and regularly inspected to insure human decency and sanitation.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

Article 7.5. Administration of Death Penalty**3349. Method of Execution.**

(a) Inmates sentenced to death shall have the opportunity to choose to have the punishment imposed by lethal gas or lethal injection. Upon being served with the warrant of execution, the inmate shall be served with California Department of Corrections and Rehabilitation (CDCR) Form 1801-B (Rev. 06/10), Service of Execution Warrant, Warden's Initial Interview, which is incorporated by reference. The completed CDCR Form 1801-B shall be transmitted to the Warden.

(b) The inmate shall be notified of the opportunity for such choice and that, if the inmate does not choose either lethal gas or lethal injection within ten days after being served with the execution warrant, the penalty of death shall be imposed by lethal injection. The inmate's attestation to this service and notification shall be made in writing and witnessed utilizing the CDCR Form 1801 (Rev. 01/09), Notification of Execution Date and Choice of Execution Method, which is incorporated by reference. The completed CDCR Form 1801 shall be transmitted to the Warden.

(c) The inmate's choice shall be made in writing and witnessed utilizing the CDCR Form 1801-A (Rev. 01/09), Choice of Execution Method, which is incorporated by reference. The completed CDCR Form 1801-A shall be transmitted to the Warden.

(d) The inmate's choice shall be irrevocable, with the exception that, if the inmate sentenced to death is not executed on the date set for execution and a new execution date is subsequently set, the inmate again shall have the opportunity to choose to have the punishment imposed by lethal gas or lethal injection, according to the procedures set forth in subsections (a), (b), and (c) of this section.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3603, 3604 and 5054, Penal Code.

HISTORY:

1. New article 7.5 and section filed 12-22-92 as an emergency; operative 1-1-93 (Register 93, No. 1). A Certificate of Compliance must be transmitted to OAL 4-22-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-22-92 order transmitted to OAL 4-9-93 and filed 4-29-93 (Register 93, No. 18).
3. Amendment of section and repealer and new form CDC 1801 filed 12-10-98; operative 1-9-99 (Register 98, No. 50).
4. Amendment of article heading and section, repealer and incorporation by reference of new form CDC 1801 and amendment of Note filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.1.1. Definitions.

For the purpose of Subchapter 4, Article 7.5, the following definitions shall apply:

(a) Adjustment Center means one of four housing units at San Quentin State Prison that houses condemned inmates who are placed under administrative segregation based on their custodial behavior, notoriety and/or protective needs.

(b) Alienists means the physicians who treat mental disorders and who specialize in related legal matters.

(c) Assistant Secretary means one of several executive positions within the Department of Corrections and Rehabilitation.

(d) Assistant Team Leader means the individual who is the second line supervisor of the Lethal Injection Team.

(e) Associate Warden-Specialized Housing Division is the designated Correctional Administrator of the East Block Adjustment Center, North Segregation and Administrative Segregation units at San Quentin who reports to the Warden.

(f) Case Records Manager means the individual responsible for all inmate files at San Quentin.

(g) Chaplain means an individual duly designated by a religious denomination to discharge specified religious duties, including a Native American Indian spiritual leader.

(h) Correctional Food Manager means the individual manager responsible for all food service within San Quentin State Prison.

(i) Crisis Response Team Commander means the individual who supervises and coordinates all security for San Quentin on the day of the execution.

(j) East Block means one of four housing units at San Quentin State Prison that houses condemned inmates.

(k) East Gate means the east entrance into San Quentin State Prison.

(l) Emergency Operations Center means the command post established within San Quentin State Prison by the Chief Deputy Warden.

(m) Facility Captain means the custodial manager assigned to the specialized housing division.

(n) Infusion Control Room means the space allocated to accommodate the Infusion Sub-Team, designated members of the Intravenous Sub-Team, the Security Sub-Team and the chemical mixing area.

(o) Infusion Sub-Team means the Lethal Injection Team Members who are responsible for receiving the chemicals, mixing the chemicals, drawing the chemicals into syringes, labeling and color coding the syringes and infusing the Lethal Injection Chemicals.

(p) Intravenous Sub-Team means the Lethal Injection Team Members who are responsible for placing electronic monitoring sensors, inserting the intravenous catheters, performing a consciousness check, monitoring the intravenous lines, and crimping and uncoupling the intravenous lines.

(q) Lethal Injection Chemicals means the three chemicals used to perform an execution, Sodium Thiopental, Pancuronium Bromide and Potassium Chloride.

(r) Lethal Injection Facility means the dedicated structure consisting of three witness viewing rooms, one holding cell, an Infusion Control Room, Security Sub-Team areas, restrooms and Lethal Injection Room.

(s) Lethal Injection Facility Holding Area means the cell and associated area where the inmate is held prior to an execution.

(t) Lethal Injection Room means the room where the inmate is executed.

(u) Lethal Injection Team means the individuals that comprise the four sub-teams described in this article.

(v) Main Control Room means the area where the key control is maintained at San Quentin.

(w) Master Execution File means the permanent record of all documents related to an execution that is maintained in the Warden's office complex.

(x) North Segregation means one of four housing units at San Quentin State Prison that houses condemned inmates.

(y) Official Witness means any member of the public selected by the Warden to be present at the execution.

(z) Personnel Assignment Officer means the Lieutenant who is in charge of assigning correctional staff to individual duty positions within San Quentin.

(aa) Public Information Officer means the San Quentin staff member responsible for responding to media inquiries.

(bb) Record Keeping Sub-Team means the Lethal Injection Team members who are responsible for documenting each element of the lethal injection process and for assembling all documents pertaining to the lethal injection process for inclusion in the Master Execution File.

(cc) Selection Panel means the Warden, the Associate Director-Reception Centers, the Team Administrator, and the Team Leader.

(dd) Security Sub-Team means the Lethal Injection Team members who are responsible for ensuring the security of the Lethal Injection Facility, providing direct constant supervision of the inmate in the final hours prior to an execution, and restraining and escorting the inmate to the execution room.

(ee) Security Team Area means a location in the Lethal Injection Facility consisting of an observation post near the holding cell, a search area, a preparation area and a staff restroom.

(ff) Special Visiting Team means custody staff who are available to facilitate visiting.

(gg) Spiritual Advisor means a person who, by profession or practice, provides spiritual advice, assistance, or guidance.

(hh) Team Administrator means the Associate Warden who is responsible for providing managerial oversight and supervision of the Lethal Injection Team's training, preparation and performance during an execution.

(ii) Team Leader means the Lethal Injection Team member who is responsible for providing direct supervision of the Lethal Injection Team during training, preparation, and the implementation of the lethal injection procedure.

(jj) Visiting Lieutenant means the officer assigned to oversee inmate visiting at the institution.

(kk) Warden means the Warden of San Quentin State Prison.

(ll) West Gate means the west entrance into San Quentin State Prison (main entrance).

(mm) Witness Areas means the three separate viewing rooms for the official witnesses, media and all other witnesses to an execution.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3601, 3602, 3603, 3605, 3607, 3700, 3700.5, 3701, 3702, 3703, 3704 and 5054, Penal Code; *Baze v. Rees* (2008) 553 U.S. 35.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.1.2. Selection, Recruitment and Annual Review of Lethal Injection Team Members.

(a) Recruitment and Selection Process.

(1) With the assistance of the Director, Division of Adult Institutions (DAI), the Warden shall coordinate the recruitment and selection of Lethal Injection Team members from employees of San Quentin. The Lethal Injection Team shall consist of a minimum of 20 members, including the Team Leader who shall serve at the pleasure of the Warden. The total number of Lethal Injection Team members shall be determined by the Warden. Names of the members of the Lethal Injection Team shall remain confidential.

(2) Any vacancy of the Team Leader position shall be filled prior to the recruitment and selection of any other vacant team positions. The Warden shall also select an Associate Warden to serve as the Team Administrator. The Team Administrator is not a member of the Lethal Injection Team, but the factors set forth in subsections (b)(2) and (3) and (e)(1)-(7) shall apply. The Warden shall coordinate the recruitment and selection of potential candidates. The Warden, with the DAI's assistance, shall hold interviews of prospective candidates.

(3) In the event the Warden is unable to recruit and select a sufficient number of qualified Lethal Injection Team members from employees at San Quentin, the Warden shall contact the Director, DAI to coordinate the identification of additional potential candidates for team membership from other CDCR locations or outside of CDCR. Source locations for prospective team members shall be selected as determined appropriate by the Director, DAI.

(4) The hiring authorities from locations designated by the Warden shall select prospective team members from personnel assigned to their respective areas of responsibility consistent with the selection process established in this article. The hiring authorities shall forward the names and classifications of prospective team members to the Director, DAI.

(A) A Selection Panel comprised of the Warden, Associate Director—Reception Centers, the Team Administrator, and the Team Leader (Selection Panel) shall review qualifications, interview prospective candidates, and select the Lethal Injection Team members. The Warden shall chair the Selection Panel and be responsible for the selection of Lethal Injection Team members consistent with the criteria established in this article. After the Selection Panel selects the lethal injection team members, the Team Leader shall assign each member to a sub-team.

(B) If necessary, the Warden may contract with medical personnel to be members of the Lethal Injection Team, or to serve as the physician attending the execution.

(b) Screening of Lethal Injection Team Candidates.

(1) The Selection Panel shall screen all candidates to ensure that each candidate meets the criteria established for either that of the Team Leader or for membership on one of the four designated sub-teams as set forth in (e) and (f) below.

(2) The Selection Panel screening process shall include:

(A) Review of all the available candidate's performance evaluations.

(B) Review of the candidate's personnel, supervisory, and training files.

(C) Review of the candidate's current Criminal Investigation and Information (CI&I) Report from the California Department of Justice.

(3) As part of the screening process, the Selection Panel shall interview each candidate to determine the following:

(A) Personal history and background.

(B) Professional experience, including, but not limited to, the following:

1. Professional experiences that would aid the candidate in performing this duty.

2. Professional characteristics which made this individual a candidate for membership on the team.

(c) The Selection Panel shall identify and maintain a list of pre-qualified employees that meet the criteria for membership on the Lethal Injection Team. The Director, DAI shall ensure that a minimum number of 10 qualified employees will be maintained. It is the responsibility of the Warden to notify the Director, DAI of the necessity to fill vacancies.

(d) When appointing a person to fill a vacant position from the list of screened candidates, the Selection Panel shall review the person's background, qualifications and work performance to determine whether that person meets the required criteria, as described in subsections 3349.1.2(e) and (f), even if that person has previously been screened by the Selection Panel.

(e) Criteria for Lethal Injection Team membership. Each team member shall be selected based on their qualifications and expertise to effectively carry out the duties in one of the specialized functions. The following criteria shall be utilized in the selection of all Lethal Injection Team members:

- (1) Demonstrated professional job performance and demeanor.
- (2) Good attendance record.
- (3) No prior stress claims.
- (4) No corrective action in the past three years.
- (5) No sustained adverse action as reflected in the CDCR and State Personnel Board records and as substantiated by the candidate.
- (6) The most recent annual permanent employee performance evaluation meets or exceeds expected standards.
- (7) Must not be on probation in the candidate's current classification. This does not apply to promotions made subsequent to initial placement on the Lethal Injection Team.
- (8) Must agree that if selected to be a member of the Lethal Injection Team, they can no longer work or be assigned to any condemned housing unit, either full or part-time. This includes any overtime.

(f) In addition to the general selection criteria as described above in subsection 3349.1.2(e), each member in a specific Lethal Injection Team category, as follows, shall meet the following criteria:

(1) The Team Leader must be a Correctional Lieutenant or Captain and have:

- (A) Five years of supervisory experience.
 - (B) Proven ability to make sound decisions and effectively direct the actions of others.
 - (C) Demonstrated proficiency in the transportation of inmates and the application of restraints.
 - (D) Good physical condition.
- (2) The Assistant Team Leader must be a Sergeant or Lieutenant and have:

- (A) Three years of supervisory experience.
 - (B) Proven ability to make sound decisions and effectively direct the actions of others.
 - (C) Demonstrated proficiency in the transportation of inmates and the application of restraints.
 - (D) Good physical condition.
- (3) The Security Sub-Team members must be Correctional Officers or Sergeants and have:

- (A) Three years of line experience.
 - (B) Proven ability to make sound decisions.
 - (C) Demonstrated proficiency in the transportation of inmates and the application of restraints.
 - (D) Good physical condition.
- (4) Intravenous Sub-Team members have no rank requirement, but shall:

- (A) Maintain current certification and license to insert intravenous catheters into peripheral veins.
- (B) Maintain a current certification and license for placement of the Electrocardiogram (ECG) leads used during the lethal injection process.
- (C) Demonstrate ability to insert an intravenous catheter or catheters into an appropriate vein or veins of an inmate.
- (D) Demonstrate ability to set up intravenous lines and intravenous drip.

(E) Qualified in the appropriate placement of the ECG leads utilized during this process.

(F) Regularly set up intravenous lines in the performance of their job duties, unrelated to their duties on the Lethal Injection Team.

(G) Have a basic understanding of the effects of the three chemicals used in the lethal injection process.

(5) Infusion Sub-Team members have no rank requirement, but shall:

(A) Be able to follow the directions provided by the manufacturer in mixing the lethal injection chemicals.

(B) Possess the organizational skills necessary to appropriately label and color code the chemicals used during the lethal injection process.

(6) Record Keeping Sub-Team members have no rank requirement, but shall:

(A) Understand the critical need to keep accurate records during the lethal injection process.

(B) Demonstrate expertise in report writing and record keeping.

(g) Annual Review. In order to ensure that the Lethal Injection Team members maintain their qualifications pursuant to the selection criteria, an annual compliance review shall be conducted by the Warden. This shall be completed annually in the month of June. This review shall include, but not be limited to, the following:

(1) Review of the personnel, supervisory and training files.

(2) Review of the most recent performance evaluation.

(3) Review of the Criminal Investigation and Information (CI&I) Report from the California Department of Justice.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.1.3. Lethal Injection Team Duties.

(a) Duties performed by the Lethal Injection Team members may include, but not be limited to the following:

- (1) Security.
- (2) Intravenous Access.
- (3) Infusion of Lethal Injection Chemicals.
- (4) Record keeping.

(b) The Team Administrator shall ensure that the Lethal Injection Team is trained pursuant to section 3349.1.4 and prepared to carry out their specific duties.

(c) The Team Leader shall assign each of the Lethal Injection Team members to one of the following Sub-Teams:

(1) Security Sub-Team. The Security Sub-Team shall perform the following tasks:

- (A) Ensure the security of the Lethal Injection Facility.
- (B) Provide direct and constant supervision of the inmate in the final six hours prior to the scheduled execution.
- (C) Place the inmate in appropriate restraints and escort the inmate into the execution room prior to the scheduled execution.

(2) Intravenous Sub-Team. The Intravenous Sub-Team shall perform the following tasks:

- (A) Assist in preparing the inmate by placing the electronic monitoring on the inmate prior to the scheduled execution.
- (B) Insert the intravenous catheters into appropriate veins in the inmate as set forth in section 3349.4.5.
- (C) Perform consciousness checks as specified in section 3349.4.5.
- (D) Monitor the intravenous lines to ensure patency of the lines as required by section 3349.4.5.

(E) Crimp and uncouple the intravenous lines after the inmate has expired.

(3) Infusion Sub-Team. The Infusion Sub-Team shall perform the following tasks:

(A) Receive the Lethal Injection Chemicals from the Team Administrator and Team Leader after removal from the Lethal Injection Facility safe/refrigerator prior to the scheduled execution.

(B) Mix the Lethal Injection Chemicals in accordance with the manufacturer's instructions and draw the needed chemicals into the appropriate syringes.

(C) Label and color code the syringes.

(D) Infuse the Lethal Injection Chemicals in accordance with this article.

(4) Record Keeping Sub-Team.

(A) One member of the Record Keeping Sub-Team shall be assigned to, and keep records for, each of the following sub-teams:

1. Security Sub-Team.
2. Intravenous Sub-Team.
3. Infusion Sub-Team.

(B) One member of the Record Keeping Sub-Team shall be assigned to the Team Administrator and to the Team Leader to keep records for both.

(C) The Record Keeping Sub-Team shall perform the following tasks and shall document each element of the Lethal Injection process:

1. The Record Keeping Sub-Team member assigned to the Infusion Sub-Team shall complete the CDCR Form 2177 (01/09), San Quentin State Prison Execution Log Lethal Injection Infusion Sub-Team, which is incorporated by reference.

2. The Record Keeping Sub-Team member assigned to the Intravenous Sub-Team shall complete the CDCR Form 2179 (01/09), San Quentin State Prison Execution Log Lethal Injection Intravenous Sub-Team, which is incorporated by reference.

3. The Record Keeping Sub-Team member assigned to the Security Sub-Team shall complete the CDCR Form 2180 (01/09), San Quentin State Prison Execution Log Lethal Injection Security Sub-Team, which is incorporated by reference.

4. The Record Keeping Sub-Team members assigned to the Team Administrator and to the Team Leader shall complete the CDCR Form 2181 (01/09), San Quentin State Prison Execution Log Lethal Injection Team Administrator/Team Leader, which is incorporated by reference.

(D) Upon completion of the execution, the Record Keeping Sub-Team shall assemble all documents pertaining to the lethal injection process for inclusion in the Master Execution File.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.1.4. Lethal Injection Team Training.

(a) The Team Administrator shall have direct responsibility to ensure that relevant quality training is provided to each member of the Lethal Injection Team.

(b) Each Lethal Injection Team member, as described in subsection 3349.1.3(c), shall undergo specific training relevant to their assigned duties during an execution.

(c) Training for Lethal Injection Team members.

(1) Monthly training shall occur and shall include, but not be limited to, the following:

- (A) A simulation of an execution by lethal injection.

(B) Training on potential problems and recommendations for avoidance or resolution.

(2) Training for the Team Leader and the Security Sub-Team shall include, but not be limited to, the following:

(A) Application of restraints.

(B) Escort and transportation of inmates.

(C) Inmate/staff relations.

(D) Effective communication, as defined in section 3000.

(E) Appropriate methods of securing the inmate so the restraints do not interfere with the intravenous lines.

(F) Departmental Use of Force pursuant to section 3268 et seq. and use of force options.

(G) Potential problems and recommendations for avoidance or resolution.

(H) Security of the Lethal Injection Facility.

(I) Direct and constant supervision of the inmate.

(3) Intravenous Sub-Team training shall include, but not be limited to, the following:

(A) Use of an electronic monitor for vital signs.

(B) Setting up intravenous lines and intravenous drip.

(C) The different sizes of intravenous catheters and determination of the proper size of the catheter(s) to be used, dependent on the size of the vein.

(D) Potential problems and recommendations for avoidance or resolution.

(E) Performance of consciousness checks.

(F) Monitoring intravenous lines to ensure patency.

(G) Crimping and uncoupling intravenous lines.

(4) Infusion Sub-Team training shall include, but not be limited to, the following:

(A) Appropriate mixing of the chemicals used in the lethal injection process.

(B) Proper level and rate of infusion of the chemicals into the intravenous lines established by the Intravenous Sub-Team.

(C) Proper sequence of infusion of the three chemicals used in the lethal injection process and the physical effects each chemical can have on the inmate as they are administered.

(D) Numbering and color coding of the syringes used in the lethal injection process to ensure each chemical is administered in appropriate order.

(E) Proper handling and accountability of controlled substances.

(F) Potential problems and recommendations for avoidance or resolution.

(5) Record Keeping Sub-Team training shall include, but not be limited to, the following:

(A) Accurate record keeping.

(B) Report writing.

(C) Specific records used to document an execution.

(d) Periodic Training Requirements.

(1) Training shall be conducted monthly, as provided in subsection (c) of this section, for the Lethal Injection Team members. Specific training dates will be scheduled by the Team Leader and approved by the Warden.

(2) When a Death Warrant has been served on an inmate, the Team Leader shall schedule training in the 30 calendar days immediately preceding the scheduled execution date.

(3) Except for those Lethal Injection Team members described in subsection 3349.1.2(a)(4)(B), the Lethal Injection Team shall train at least once per month for a minimum of eight hours, and shall also attend additional training as directed by the Team Leader. Any team member described in subsection 3349.1.2(a)(4)(B) shall train with the Lethal Injection Team at least once every six months. All Lethal Injection Team members must attend all training, as specified, unless on approved vacation/sick leave.

(4) Except for those team members described in subsection 3349.1.2(a)(4)(B), the Lethal Injection Team members must attend at least six training sessions prior to being assigned duties during an execution. This includes a minimum of three training sessions in the six months immediately preceding a scheduled execution, and participation in each of the three daily training sessions immediately preceding the scheduled execution. Any team member described in subsection 3349.1.2(a)(4)(B) must attend at least one training session in the six months immediately preceding a scheduled execution, and participate in each of the three daily training sessions immediately preceding the scheduled execution.

(e) Training Documentation and Records.

(1) The Team Leader shall maintain a lethal injection process training file. This training file shall contain a record of all lethal injection process training sessions.

(2) Lethal injection process logs, CDCR Forms 2177, 2179, 2180, and 2181, as described in section 3349.1.3, shall be completed by the Team Leader or designee during each training session to document that appropriate training was conducted and a complete walk-through of the lethal injection process was conducted.

(3) In-Service Training sign-in sheets, the CDC Form 844 (Rev. 4/98), In-Service Training Sign-In Sheet, which is incorporated by reference, shall not be completed during training sessions and the names of the Lethal Injection Team members shall not be included in the training file.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.2.1. Execution Site Operation.

(a) Security. All staff entering the Lethal Injection Facility must have prior oral or written approval of the Warden, or acting Warden in the Warden's absence.

(b) The Infusion Control Room shall have sufficient space to accommodate the Infusion Sub-Team and designated members of the Intravenous Sub-Team and the Security Sub-Team. There shall be a mixing area located in the Infusion Control Room.

(c) The Lethal Injection Facility safe and refrigerator shall be permanently mounted within the Infusion Control Room.

(1) Combination numbers to the Infusion Control Room safe shall be known only by the Warden, Team Administrator and the Team Leader.

(2) The combination to the Infusion Control Room safe shall be changed after each execution to maintain quality control, accountability, and security of lethal injection chemicals.

(3) The refrigerator shall be secured within a lockable, heavy gauge, steel enclosure to prevent unauthorized access. Access to the keys for the enclosure shall be limited to the Warden, Team Administrator, and the Team Leader.

(4) The temperature of the refrigerator shall be monitored and documented to ensure that the storage temperature of the pancuronium bromide is maintained according to the manufacturer's directions.

(5) The refrigerator shall be connected to a power supply which is connected to the institution's back-up generator to ensure the integrity of the chemicals in the event of a power outage.

(d) Key Procedure.

(1) The keys for the Lethal Injection Facility shall be located in the San Quentin's Main Control Room, in a locked box secured under glass. All access must be approved by the Warden.

(2) Keys allowing access to the locked box shall only be issued to the Warden, Team Administrator, or the Team Leader.

(3) Each person authorized to draw these keys shall be required to sign the key control log noting the time, reason for entry into the Lethal Injection Facility, and time of return.

(4) Each person authorized to draw the keys to the Lethal Injection Facility shall personally return the keys to the Main Control Room to ensure that the keys are properly secured in the locked box under glass. Under no circumstances shall the keys be returned by someone other than the person authorized to draw the keys.

(5) Any emergency access to the Lethal Injection Facility shall be documented in a CDCR Form 837-A (Rev. 07/05), Crime/Incident Report Part A-Cover Sheet, which is incorporated by reference, and forwarded to the Warden as an unusual occurrence at the institution. The Warden (or Administrative Officer of the Day during weekends, holidays, and 1st and 3rd watches) shall be notified immediately of the reasons access to the Lethal Injection Facility was required.

(e) Maintenance.

(1) The Team Administrator, Chief of Plant Operations, and the Team Leader shall ensure that documented inspections of the Lethal Injection Facility are conducted on a monthly basis.

(2) The Team Administrator shall work with the Team Leader to complete documented security inspections of the Lethal Injection Facility.

(A) The Team Leader shall:

1. Inspect all keys, locking devices, security systems, sanitation, electrical, and other physical plant systems in the Lethal Injection Facility to ensure that the Lethal Injection Facility is fully operational at all times.

2. Immediately report any discrepancy to the Team Administrator.

3. Coordinate with the plant operations staff at San Quentin for the immediate repair of any noted discrepancies and for scheduled maintenance as needed.

4. Submit a written report to the Team Administrator after each monthly inspection attesting to the security readiness of the Lethal Injection Facility.

(B) The Chief of Plant Operations shall note any discrepancies, schedule immediate repairs as necessary, and shall report directly to the Warden the status of any repairs.

(3) Thirty calendar days prior to a scheduled execution, the Team Administrator shall schedule weekly inspections of the Lethal Injection Facility.

(A) The Team Administrator shall coordinate with the Team Leader to conduct weekly security inspections of the Lethal Injection Facility.

(B) The Team Leader shall follow the procedures identified in subsection (e)(2)(A) above for these weekly inspections.

(4) Five calendar days prior to a scheduled execution, the Team Administrator shall schedule daily inspections of the Lethal Injection Facility and shall ensure that daily inspections of the Lethal Injection Facility are conducted as identified in subsection (e)(2)(A) above.

(5) The Team Administrator shall confirm that all items (including but not limited to clothing, personal hygiene items, television, radio) needed to re-house the inmate in the Lethal Injection Facility Secured Holding Area are present prior to re-housing the inmate in the Lethal Injection Facility.

(6) On the morning before a scheduled execution, the Team Administrator, Chief of Plant Operations, and the Team Leader shall make a final inspection of the Lethal Injection Facility. All discrepancies and a plan of correction shall be reported directly to the Warden.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.2.2. Lethal Injection Record Keeping and Documentation.

(a) The Litigation Coordinator, shall be responsible for the security of all documents generated prior to, during, and after the lethal injection process. Each Associate Warden is responsible to ensure that all documents generated by staff are accurate, completed in a timely manner, and forwarded to the Litigation Coordinator. The Team Administrator shall ensure that all documents generated by the Lethal Injection Team are accurate, completed in a timely manner, and forwarded to the Litigation Coordinator. The Litigation Coordinator shall maintain the Master Execution File in the Warden's office complex. The Master Execution File shall serve as a permanent record of all documents related to the execution.

(b) Each procedure in the lethal injection process shall be documented by a staff member of the Record Keeping Sub-Team assigned to maintain records of the lethal injection process.

(c) A Correctional Counselor II shall collect and log all documents from the inmate on the Correctional Counselor's Pre-Execution Log. All documents received from the inmate as well as the Correctional Counselor's Pre-Execution Log will be forwarded to the Litigation Coordinator for inclusion in the Master Execution File.

(d) The Litigation Coordinator shall maintain a copy of and log all documents and notices transmitted between San Quentin State Prison and California Department of Corrections and Rehabilitation headquarters, or any other agency or organization, pertaining to a scheduled execution.

(e) The Team Leader shall ensure documentation of the following:

- (1) All training of the Lethal Injection Team.
- (2) All inspections of the Lethal Injection Facility.
- (3) All activities regarding the lethal injection process.
- (4) All inmate activities after the inmate is re-housed in the Lethal Injection Facility Holding Area.

(f) The Team Leader shall assign a member of the Record Keeping Sub-Team to the Team Administrator, Team Leader, the Security Sub-Team, the Intravenous Sub-Team, and to the Infusion Sub-Team to ensure that these teams' actions are documented without distracting the team members from their duties.

(g) Immediately following the execution, the Team Leader shall complete the CDCR Form 2182 (01/09), San Quentin State Prison Execution Report—Part A, which is incorporated by reference.

(1) Each team member shall complete a CDCR Form 2183 (01/09), San Quentin State Prison Execution Report—Part B, which is incorporated by reference, documenting their actions and observations during the execution.

(2) Team members shall use identifiers assigned to their specific position (duties), rather than their names and classifications, when completing the Execution Report—Part B.

(3) The Team Leader shall assemble the complete Execution Report for review by the Team Administrator. The Execution Report shall include all appropriate supplemental reports.

(h) All the records of the execution shall be processed by the Team Administrator. The Team Administrator shall personally meet with the Record Keeping Sub-Team following the execution to evaluate and critique all records submitted for inclusion in the Master Execution File.

(i) The Public Information Officer shall ensure that the Litigation Coordinator is provided copies of any press releases regarding the lethal injection process.

(j) Documents to be maintained. Each sub-file within the Master Execution File shall contain the following documentation.

(1) Notifications to inmate and involved agencies:

(A) People's Application for Appointment of Execution Date.

(B) Death Warrant.

(C) CDCR Form 1801 (Rev. 01/09), Notification of Execution Date and Choice of Execution Method

(D) CDCR Form 1801-B (Rev. 06/10), Service of Execution Warrant—Warden's Initial Interview.

(E) Notice to Director, Division of Adult Institutions.

(F) Notice to Governor's Legal Affairs Secretary.

(G) Memo to Director, DAI, Identifying Alienist Panel.

(H) CDCR Form 1801-A (Rev. 01/09), Choice of Execution Method.

(I) CDCR Form 2172 (01/09), Thirty Day Notification San Quentin State Prison, signed by inmate. The CDCR Form 2172 (01/09) is incorporated by reference.

(J) Media Notification of Scheduled Execution.

(2) Medical Review Documentation:

(A) CDCR 2173 (06/10), 20-Day Pre-Execution Report, which is incorporated by reference, pursuant to Penal Code section 3700.5.

(B) Medical Status Report.

(C) CDCR Form 2175 (06/10), 7-Day Pre-Execution Report, which is incorporated by reference.

(D) The CDCR Form 2174 (01/09), Notification By Warden to Marin County District Attorney Concerning Sanity of Condemned Inmate (Penal Code section 3700), which is incorporated by reference.

(3) Inmate Visiting Records:

(A) Inmate Visiting File.

(B) Inmate Visiting History.

(C) Request for Approval of Visitors from CDCR Form 2172.

(4) Inmate's completed attachments from CDCR Form 2172.

(A) Request for Approval of Witnesses.

(B) Disposition of Property.

(C) Next of Kin Notification.

(D) Last Meal Request.

(E) Release of Remains and Burial Arrangements.

(5) Pre-Execution Logs and Logs:

(A) CDC Form 128-B General Chrono, as defined in section 3000.

(B) Lethal Injection Facility Activity Logbook.

(C) Condemned Unit 15 Minute Log.

(D) Correctional Counselor's Pre-Execution Log.

(6) Equipment and Controlled Substance Accountability Reports:

(A) Pre and Post Lethal Injection Supply Inventories.

(B) Pre and Post Lethal Injection Controlled Substance Inventories.

(C) Controlled Substance Chain of Custody Reports.

(D) Security Equipment Inventories.

(7) Execution Records:

(A) CDCR Form 2180 (01/09), San Quentin State Prison Execution Log—Lethal Injection Security Sub-Team.

(B) CDCR Form 2179 (01/09), San Quentin State Prison Execution Log—Lethal Injection Intravenous Sub-Team.

(C) CDCR Form 2177 (01/09), San Quentin State Prison Execution Log—Lethal Injection Infusion Sub-Team.

(D) CDCR Form 2181 (01/09), San Quentin State Prison Execution Log—Lethal Injection Team Administrator/Team Leader.

(E) Electrocardiogram (ECG) Tape.

- (F) Lethal Injection Facility Announcements.
- (G) Emergency Operations Center Log.
- (8) Post Execution Logs and Records:
 - (A) Death Certificate.
 - (B) CDCR Form 2178 (01/09), Return On Warrant of Death, which is incorporated by reference.
 - (9) Legal Documents:
 - (A) Execution Related Pleadings.
 - (B) Clemency Petition.
 - (C) Clemency Denial.
 - (k) Correspondences. If additional documentation is generated as a result of the lethal injection process, those documents shall be added to the appropriate sub-file category.
 - (l) Review of the Master Execution File.
 - (2) After an execution has been concluded, the Team Administrator shall review the Master Execution File to ensure that all documents are accounted for and appropriately categorized.
 - (3) If force was utilized at any point during the lethal injection process, the Execution Report shall be available to the Executive Use of Force Review Committee. When the Committee has completed their review of the Use of Force, the Executive Use of Force Review Committee findings and all associated documentation shall be added to the Master Execution File.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

- 1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.2.3. Witnesses, Observers, Media, and Information Releases.

- (a) Selection of Witnesses.
 - (1) The Warden shall invite the Attorney General, members of the immediate family of the victim or victims and at least 12 reputable citizens that are to be selected by the Warden.
 - (2) The Warden shall, at the request of the inmate, permit no more than two spiritual advisors, including but not limited to Chaplains, as the inmate may name, and any persons, relatives or friends, not to exceed five, to be present at the execution.
 - (b) The Warden shall authorize those peace officers or other CDCR employees as he or she may deem necessary to witness the execution.
 - (c) Number of persons permitted in the witness areas.
 - (1) A maximum of 50 persons shall be permitted in the witness areas including:
 - (A) Members of the Victim(s)'s Immediate Family.
 - (B) Official Witnesses, and news media witnesses as provided in subsection (e), all of whom shall be reputable citizens to be selected by the Warden in accordance with Penal Code section 3605. The inmate's attorney shall be considered an official witness solely for purposes of this section consistent with Penal Code section 3605.
 - (C) Attorney General.
 - (D) San Quentin security staff.
 - (E) Spiritual advisor (not to exceed 2).
 - (F) Inmate's family/friends (not to exceed 5).
 - (2) If the number of victim(s)'s immediate family exceeds the available spaces in the witness viewing room, then the institution may make whatever arrangements are necessary including, but not limited to, video conferencing or any other electronic means available to permit them to view the execution from a remote location.
 - (d) The Offices of the Governor, the Inspector General and the Attorney General shall each be permitted one reputable citizen selected by the Warden in accordance with Penal Code section 3605

to be present in the Infusion Control Room of the Lethal Injection Facility during an execution in locations designated by the Warden. No other observers will be permitted.

(e) News Media Witnesses.

(1) When an execution is scheduled, the California Department of Corrections and Rehabilitation (CDCR), Assistant Secretary, Office of Public and Employee Communications, shall notify the media and establish a ten-day filing period in which media may request to witness the execution.

(A) Requests may only be accepted during the designated ten-day filing period.

(B) All media requests to witness an execution shall be directed to the CDCR, Assistant Secretary, Office of Public and Employee Communications, 1515 S Street, Sacramento, CA, 94283-0001.

(C) Requests shall only be considered for the scheduled execution and shall not be kept on file as a standing request.

(2) The Assistant Secretary, Office of Public and Employee Communications, and the San Quentin Public Information Officer shall consult with the Warden regarding selection of the members of the news media to witness an execution. All media witnesses must agree to the use of a pool method and all media witnesses must agree to release information simultaneously to all other news agencies at a press conference held after the execution.

(f) Confidentiality of Witnesses. The names of the witnesses shall not be released.

(g) Processing of Witnesses.

(1) All witnesses must arrive at the institution's West Gate at the time designated by the Warden.

(2) Parking will be in the designated parking area.

(3) All witnesses will be screened per existing procedures outlined in section 3261.1, Media Access to Facilities, to include the following:

(A) All witnesses must have a valid identification as outlined in subsections 3173(c)(1) through (c)(6).

(B) No blue jeans, and no jeans-style blue, black, or grey pants for security purposes so that visitors are not confused with inmates by institution staff.

(C) No cameras, cell phones, Blackberries, tape recorders, recording devices, electronic devices, drawing implements, or other similar equipment, shall be permitted in the witness area, except that media witnesses shall be provided with pencils and notepads.

(h) Witness Accommodation Prior to Execution.

(1) There shall be three designated witness staging areas; one for official/victim witnesses, one for media witnesses, and one for the inmate's witnesses.

(2) After screening, each group shall be escorted to their respective staging area.

(3) All witnesses shall view an execution orientation video in their respective staging area.

(4) At a time directed by the Warden, the witnesses shall be escorted to their respective designated witness rooms within the Lethal Injection Facility.

(i) Witness Accommodation after Execution.

(1) After the announcement of death, the Official Witnesses, the inmate's witnesses, and victim's witnesses shall be escorted back to their designated staging area. The witnesses shall be transported to the West Gate and processed out of the institution.

(2) The media witnesses shall be transported to the media area to await the Warden's press conference which will be conducted approximately one hour after the execution.

(j) Selection and accommodations of media not selected to witness the execution.

(1) The San Quentin Public Information Officer, under the direction of the Warden, in conjunction with the Assistant Secretary, Office of Public and Employee Communications, is responsible for the selection, accommodation, and coordination of news media personnel not selected to witness the execution.

(2) News media representatives, as defined in subsection 3261.5(a)(1), shall be allowed on San Quentin grounds on the day and time specified by the Warden.

(3) Requests must be made to the Assistant Secretary, Office of Public and Employee Communications. For media credentials, send a written request signed by the news department manager on company letterhead with the name(s) of the proposed representatives, their dates of birth, driver's license number and expiration date, social security number, and size of vehicle for live broadcast purposes to: Office of Public and Employee Communications, P.O. Box 942883, Sacramento, CA 94283-0001.

(4) A maximum of 125 non-witness news media personnel shall be permitted to remain in the media area during and after the execution. To accommodate as many media firms as possible, each news media organization applying will be limited to one representative. Firms selected to send a news reporter to witness the execution will be allowed a separate representative at the media center. Pool arrangements may be necessary for audio/visual feeds and still photographs from inside the media center.

(5) Parking will be in the designated parking area. Media broadcast vans will be admitted to the institution grounds on a space-available basis with prior written approval. Requests for such accommodations should be made when requesting to cover the scheduled execution. All media members must have a valid State of California photo I.D. as outlined in subsections 3173(c)(1) through (c)(6).

(6) The non-witness media members shall be processed through a security check at the West Gate and escorted to the media area.

(7) After the execution, the media witnesses will join the non-witness media as soon as possible at the media area for the media press conference, where they will relate what they witnessed to the non-witness media.

(8) No more than 30 minutes after the conclusion of the Warden's press conference, the escorting of all media personnel to the West Gate shall begin.

(k) In the event media request to interview a condemned inmate, all interviews shall be consistent with departmental rules pursuant to subsections 3261.5(a) through (g).

(l) Information Releases.

(1) The names of the Official Witnesses shall not be released for safety and security purposes.

(2) The names of Lethal Injection Team members shall not be released, nor shall they be available for interviews or photographs for safety and security purposes.

(3) The San Quentin Public Information Officer and CDCR, Assistant Secretary, Office of Public and Employee Communications will be responsible for all CDCR press releases prior to, during and after an execution and for the development of all information releases.

(4) The Warden, with the assistance of the Assistant Secretary and Public Information Officer, shall hold a press conference approximately one hour after an execution. No other interview(s) will be given by the Warden after the news conference is completed.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605 and 5054, Penal Code; United States Constitution, Amendment I and VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.2.4. Communication.

Dedicated telephone lines to the State Supreme Court, the Governor's Office, and the State Attorney General's Office shall be opened and staffed beginning at least fifteen minutes prior to a scheduled execution.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.3. Chronology of Events Prior to a Scheduled Execution.

(a) Upon receipt of the execution order, the following shall occur:

(1) The Warden shall:

(A) Notify the Director, DAI and other appropriate officials identified in this article.

(B) In the presence of a Correctional Counselor II, Litigation Coordinator, and the Associate Warden-Specialized Housing Division, interview the inmate to be executed, serve the warrant of execution, and document the interview on a CDCR Form 1801-B (Rev. 06/10), Service of Execution Warrant-Warden's Initial Interview.

(C) Inform the inmate of the choices of execution method, either lethal injection or lethal gas and document this information on the CDCR Form 1801 (Rev. 01/09), Notification of Execution Date and Choice of Execution Method.

(D) Instruct the inmate to indicate his choice within ten days on a CDCR Form 1801-A (Rev. 01/09), Choice of Execution Method, with the explanation that if no choice is made, lethal injection will be the method of execution.

(E) Provide the inmate a copy of the CDCR Form 2172 (01/09), Thirty Day Notification-San Quentin State Prison informational package regarding visiting, phone calls, witness list, burial arrangements, and the general rules and procedures that will be utilized during the days leading up to the date of execution.

(F) Notify the Governor's Legal Affairs Secretary by overnight mail of the scheduled execution with a copy of the execution order enclosed.

(G) Submit to the Director, DAI the names of the three psychiatrists who will serve as the required panel of Alienists pursuant to Penal Code section 3700.5. The Alienists will be employees of the CDCR who have previously received the approval of the Director, DAI.

(H) Meet with Lethal Injection Team members involved in the lethal injection process to ensure that all staff understand their roles in the scheduled execution.

(b) The Chief Deputy Warden shall review San Quentin's Emergency Operations Plan to ensure it is current.

(c) The Associate Warden—Specialized Housing Division, shall:

(1) Accompany the Warden and be present as described in subsection 3349.3(a)(1)(B).

(2) Contact the Team Administrator and inform him/her that the warrant of execution has been served and that the Team Administrator shall contact the Team Leader to ensure the Lethal Injection Facility is maintained and is operational.

(3) Refer the inmate to the Intravenous Sub-Team for a vein assessment to determine the size, location, and resilience of the veins in the inmate's antecubital areas. If a suitable vein is not available,

alternate insertion sites will be considered, including, but not limited to:

- (A) Forearm.
- (B) Wrist.
- (C) Back of hand.
- (D) Top of foot.
- (E) Ankle, lower leg, or other appropriate location.
- (4) Report the results of the vein assessment to the Warden.
- (d) The Team Leader shall notify Lethal Injection Team members of the execution order.

(e) A Correctional Counselor II shall:

(1) Accompany the Warden and be present as described in subsection 3349.3(a)(1)(B).

(2) Maintain close daily contact with the inmate upon service of the execution warrant.

(3) If the inmate cannot communicate effectively, obtain the services of an interpreter or other person required to facilitate effective communication.

(f) The Litigation Coordinator shall:

(1) Advise the Warden of any pending litigation regarding the inmate or the scheduled execution.

(2) Accompany the Warden and be present as described in subsection 3349.3(a)(1)(B).

(3) Obtain from the Visiting Lieutenant a copy of the list of approved visitors and a printout of visits weekly.

(4) Instruct the Visiting Lieutenant who schedules legal visiting to give priority accommodations to the attorney for the inmate. If a scheduling problem occurs, the Litigation Coordinator must immediately be notified.

(5) Construct a Master Execution File for the inmate that shall contain all pertinent documents; i.e., execution order, photocopy of the visiting printout, CDCR Form 1801-B, Service of Execution Warrant-Warden's Initial Interview, CDCR Form 1801, Notification of Execution Date and Choice of Execution Method, pre-execution activity log, CDC Form 128-B, General Chrono and any other pertinent information.

(A) The Master Execution File shall be kept in the Warden's office complex.

(B) In the event the execution is stayed, the Master Execution File shall be closed and shall remain in the Warden's Office complex.

(6) Update the list of scheduled executions and distribute it to the Administrative Officer of the Day book, and also to the Chief Deputy Warden, Associate Warden-Specialized Housing Division, Visiting Lieutenant, Mailroom Sergeant, Chief Psychiatrist and Chaplains.

(g) The Warden's Administrative Assistant shall:

(1) Act as liaison between the inmate's family and the Warden.

(2) Direct the mailroom sergeant to deliver all non-legal incoming mail for the inmate to the Warden's Administrative Assistant to be inspected, logged, and forwarded to the inmate via the oncoming Third Watch Sergeant. Mail that is sent to the inmate by anonymous senders, containing offensive messages, shall be hand carried to the inmate by a Correctional Counselor II. The inmate shall have the option to accept or reject the offensive correspondence.

(3) Instruct the First Watch Sergeant to inspect and log all non-legal outgoing mail from the inmate.

(A) The Sergeant shall forward any unusual mail immediately to the Warden's Administrative Assistant who shall deliver to the Warden for review and appropriate handling.

(B) This process must be handled expeditiously to avoid unnecessary delay of outgoing or incoming mail.

(h) The San Quentin Public Information Officer shall advise the CDCR Assistant Secretary, Office of Public and Employee Com-

munications, by telephone, of the execution date and coordinate the development of a press release for news media agencies.

(i) The Visiting Lieutenant shall:

(1) Flag the computer file, in the memo field, with the following instruction:

Priority Visiting Privileges. Do not turn away visitors without approval of Warden or Administrative Officer of the Day. Starting seven days prior to a scheduled execution, notify the Public Information Officer of each visit that the inmate has on the day that it occurs.

(2) Ensure compliance with these instructions.

(3) Make photocopies of the inmate's visiting file along with a computer printout of all approved visitors and deliver them to the Litigation Coordinator.

(4) Ensure that the attorney(s) for the inmate is afforded assistance in expeditiously having access to the inmate. In the final weeks prior to the execution, this may include facilitating attorney visits during weekends and holidays, if necessary.

(5) Arrange for visiting.

(A) Grade A inmate visiting will take place in a designated secure visiting area of the Main Visiting Room during normal visiting hours. A correctional officer shall be assigned to provide constant and direct supervision of the visit.

(B) Grade B inmates shall continue to receive non-contact visits in the Main Visiting Room.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.3.1. Responsibilities and Tasks Approximately 45 Days Prior to a Scheduled Execution.

(a) The Warden shall:

(1) Work with the Attorney General's Office of Victims' Services to confirm the availability of victim(s) family members and the selection of official witnesses and 2 or more alternates.

(2) Initiate the process for completion of the CDCR Form 2173 (06/10), 20-Day Pre-Execution Report, as described in subsection (d)(1), pursuant to Penal Code section 3700.5, for submission to the Director, DAI. The report shall include the following:

(A) A current psychiatric report, written by each of the three alienists.

(B) Comments of the Chaplain, as defined in section 3000, attending to the inmate.

(C) A summary of the inmate's conduct and behavior, submitted by a Correctional Counselor II.

(D) A cover letter from the Warden.

(b) The Associate Warden-Specialized Housing Division, shall:

(1) Move the inmate to a designated area.

(A) Inmates housed in East Block shall be moved to the first tier upon receipt of the death warrant.

(B) Inmates in North Segregation shall remain in their assigned cells.

(C) Inmates in the Adjustment Center shall remain in their assigned cells.

(2) Implement hourly checks and logs prepared by condemned unit staff.

(3) Direct the condemned unit staff to commence documentation of the inmate's behavior on a CDC Form 128-B, General Chrono, on each shift.

(A) These CDC Form 128-B's shall be forwarded daily to the Litigation Coordinator via the Associate Warden-Specialized Housing Division.

(B) Any documentation regarding unusual behavior shall be brought to the attention of the Warden.

(4) Visit the unit daily to ensure procedural follow through and shall sign in on the unit log book with each visit.

(c) The Public Information Officer shall:

(1) Coordinate with the CDCR Assistant Secretary, Office of Public and Employee Communications, to make distribution of an announcement to the media via recognized wire services that the execution is scheduled.

(A) The advisory must provide instructions to media representatives wishing to witness or otherwise cover the scheduled execution.

(B) The Public Information Officer and CDCR Assistant Secretary, Office of Public and Employee Communications shall announce a ten-day filing period in which the news media may submit their written requests as provided in section 3349.2.3 to witness the execution.

(C) Media witness requests must be for the scheduled execution and will not be kept on file.

(D) No request will be considered that is received after close of business on the tenth and final day.

(2) Work with the Assistant Secretary and consult with the Warden regarding selection of media witnesses to the execution. Consideration will be given to the broadest cross-section of media format and greatest circulation or viewers.

(d) The Alienists shall provide the following:

(1) Interview and examine the inmate within sufficient time to evaluate the findings and give written reports, to include the CDCR Form 2173 (06/10), 20-Day Pre-Execution Report, to the Governor and the Warden at least 20 days prior to the day appointed for the execution. The written reports shall include an interpretation of the examinations, interviews, and history and shall be stated in plain language.

(2) Information available to one Alienist pertinent to the inmate's sanity shall be made available to the other two Alienists for evaluation and inclusion in the appropriate psychiatric reports.

(e) The Chaplain shall:

(1) Interview the inmate to assess the inmate's spiritual and emotional well-being.

(2) Determine the inmate's religious preferences and needs, next of kin, funeral or other requests, attitudes or thoughts on death and dying, and note any observations regarding the inmate's emotional stability such as acceptance of the sentence of death.

(3) Formulate these observations into a written report and submit it to the Warden within sufficient time to meet the 20-day report deadline.

(f) A Correctional Counselor II shall:

(1) Assess the observations of the inmate's counselor and custody staff, and research the case history to determine the inmate's past and present conduct and behavior.

(2) Submit this information in writing to the Warden within sufficient time to meet the 20-day report deadline.

(3) Continue close daily contact with the inmate. Collect the completed pages of the CDCR Form 2172 (01/09), Thirty Day Notification—San Quentin State Prison, that was provided to the inmate by the Warden.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.3.2. Responsibilities and Tasks Approximately 30 Days Prior to a Scheduled Execution.

(a) Sanity Review Request.

(1) Attorneys may submit in writing for the Warden's review, any current information that they believe may have a bearing on evaluating the sanity of an inmate with a scheduled execution date. This information will be accepted within 30 days and, except as provided in PC section 3701, up to 7 days prior to the scheduled execution and will be forwarded to the Alienists so long as their duties continue.

(2) Information submitted more than 30 days prior to the scheduled execution will be accepted for consideration by the panel of Alienists. The panel of Alienists shall consider this information in preparation of the CDCR Form 2173 (06/10), 20-Day Pre-Execution Report.

(3) The Warden shall have available for review, all psychiatric information pertaining to the inmate known to San Quentin's psychiatric staff.

(A) This information shall be reviewed along with all material submitted by the inmate's attorney.

(B) This information shall be used to determine if substantial showing of insanity exists.

(4) The Warden shall notify the inmate's attorney in writing of the results of the requested sanity review. Should the Warden, with the assistance of the independent CDCR psychiatrist, find a substantial showing of insanity, the Warden shall notify the District Attorney by a CDCR Form 2174 (01/09), Notification By Warden To Marin County District Attorney Concerning Sanity of Condemned Inmate, in accordance with the reporting provisions of Penal Code section 3701.

(5) Beginning the week prior to the execution the Warden shall be provided with current daily information regarding the inmate's behavior and psychiatric condition.

(6) The inmate's behavior shall be continuously monitored by unit staff for the final five days with documentation completed every 15 minutes.

(A) Should the inmate display unusual or inappropriate behavior, the Warden shall be notified immediately by institutional staff.

(B) The Warden shall take necessary steps to evaluate any reported changes including utilizing the provisions of Penal Code section 3701. Results shall be reported to the Secretary of the CDCR in writing via the Director, DAI.

(7) The Secretary of the CDCR shall notify the Governor's Legal Affairs Secretary in writing of all referrals to the District Attorney's office under the provisions of Penal Code section 3701.

(b) The Warden shall deliver the CDCR Form 2173 (06/10), 20-Day Pre-Execution Report to the Director, DAI.

(c) The Team Administrator shall:

(1) Coordinate with the Team Leader to conduct weekly security inspections of the Lethal Injection Facility.

(2) Schedule and conduct required training for the Lethal Injection Team.

(3) Ensure the Lethal Injection Facility is ready and fully stocked with supplies.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.3.3. Approximately Ten Days Prior to a Scheduled Execution.

(a) The Warden shall:

(1) Compile and send a final CDCR Form 2175 (06/10), 7-Day Pre-Execution Report (original documents) to the Director, DAI.

(A) This report shall indicate whether there has been any change in the inmate's mental condition since the CDCR Form 2173 (06/10), 20-Day Pre-Execution Report.

(B) The CDCR Form 2175 (06/10), 7-Day Pre-Execution Report shall be delivered in sufficient time for forwarding to the Secretary of the CDCR whose office shall then forward the report to the Governor's Legal Affairs Secretary.

(C) This report shall be a memorandum updating the formal CDCR Form 2173 (06/10), 20-Day Pre-Execution Report based upon current observations.

(D) Intermediate reports may be submitted by the Warden any time there is a change which may have an effect under Penal Code section 3700.5.

(2) Review the inmate's requested witnesses and spiritual advisor(s) including but not limited to, department Chaplains, as provided by the Associate Warden-Specialized Housing Division, to ensure they meet existing witness and visitor criteria.

(3) Secure from the Case Records Manager the central file of the inmate, which shall be maintained in the Warden's office until the date of execution.

(b) The Chief Deputy Warden shall direct the Crisis Response Team Commander to notify appropriate area managers of intent to re-assign any employee from their normal assignments associated with the scheduled execution at least five days prior to proposed assignment change.

(c) The Team Administrator shall:

(1) Ascertain if the inmate wishes to invite up to five witnesses and two spiritual advisors and provide the Warden with the names.

(2) Ensure Lethal Injection Team members are prepared.

(3) Ensure the Lethal Injection Facility is operational.

(4) Ensure the Lethal Injection Facility has necessary supplies, including but not limited to, supplies for household and personal needs.

(5) Ensure the required clothing is available.

(6) Ensure a supply of documentation logs, graph paper, and record keeping materials are in place.

(7) Ensure that the necessary chemicals are available and properly controlled.

(8) Notify the Personnel Assignment Office of the names of personnel that are to be relieved of their regularly assigned duties and temporarily assigned to the execution detail three days prior to the scheduled execution.

(d) The Public Information Officer shall:

(1) Notify all media representatives either by phone or writing selected to be witnesses.

(2) Notify all non-witness media representatives either by phone or writing selected to cover the scheduled execution event.

(e) The Alienists shall interview and evaluate the inmate and submit their findings to the Warden in writing.

(1) The Alienists shall compare their current evaluations with their previous findings to determine any change in the inmate's mental condition.

(2) Their observations must be current and pertain to the inmate's mental state.

(3) Submit a 7-Day report to the Warden, the CDCR Form 2175 (06/10), 7-Day Pre-Execution Report.

(f) The Chaplain shall deliver a written report to the Warden regarding the emotional state of mind of the inmate. These observa-

tions shall be limited to contacts made within three days preceding preparation of the report.

(g) A Correctional Counselor II shall report any change in conduct or behavior in writing to the Warden.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.3.4. Five Days Prior to a Scheduled Execution.

(a) The Warden shall:

(1) Order the inmate to be moved to the designated security housing area where the inmate will be under observation 24-hours a day by an officer assigned for that purpose. The Warden may authorize the move at any time following receipt of the death warrant or when, in the opinion of the Warden, it is necessary to maintain the safety and security of the public, the institution and/or the inmate.

(2) Ensure that the inmate's behavior be continuously monitored by unit staff for the final five days prior to a scheduled execution with documentation completed every 15 minutes.

(A) If the inmate displays unusual or inappropriate behavior, the Warden shall be notified immediately by institutional staff.

(B) The Warden shall take necessary steps to evaluate any reported changes including utilizing the provisions of Penal Code section 3701. Results shall be reported to the Secretary of the CDCR in writing via the Director, DAI.

(b) The Team Administrator shall:

(1) Confirm that the inmate is moved to the designated security housing area and place the inmate under 24-hour a day observation by an officer assigned for that purpose.

(2) Conduct the daily inspections of the Lethal Injection Facility with the Team Leader.

(3) Direct that all personal property, with the exception of legal material, belonging to the inmate be removed from the inmate's cell and placed under the security of the officer stationed outside the security cell. The inmate will be given the use of items by the officer as he needs them, and then the inmate shall return them to the officer's care.

(4) In the event of a stay of execution, the Team Administrator shall return the inmate's property and initiate return of the inmate to the inmate's former housing status.

(5) Along with the Food Manager, interview the inmate to ascertain what request, if any, the inmate may have for a last meal.

(A) Determine if Food Service will be able to fulfill the request or make arrangements to obtain the requested menu items.

(B) Accommodations for the last meal will be made up to 50 dollars (\$50.00).

(c) The Visiting Lieutenant shall ensure:

(1) Grade B inmates will continue to receive non-contact visits during designated visiting hours.

(2) The visitor(s)/attorney(s) will be required to clear the walk-through metal detector and a clothed body search. Refusal to comply with the above search procedures will be grounds for denial of a visit.

(3) The inmate will visit in waist restraints.

(4) The inmate and the visitor(s) may briefly embrace or shake hands at the beginning and end of the visit. No other physical contact shall be allowed.

(5) In the event there is a scheduled attorney visit, the following procedures shall apply:

(A) Attorneys and other approved visitors of the inmate will not be permitted to visit with the inmate simultaneously.

(B) For an attorney/client confidential visit, the attorney shall be allowed to bring the following items:

1. One pen or pencil.
2. One notepad.
3. Necessary legal materials.

(6) For attorney/client confidential visits, the inmate shall be removed from the conference room and shall proceed with the attorney to visit in designated visiting area under constant visual observation by the special visiting team.

(7) Visitors are informed by a posted notice or Warden's Bulletin that visiting will be closed the day preceding a scheduled execution as well as the day of a scheduled execution.

(8) The family visiting quarters shall be vacant the day before and the day of a scheduled execution.

(9) All visiting, with the exception of Chaplains and approved Spiritual Advisors, shall cease once the inmate is placed in the secured holding cell in the Lethal Injection Facility. Attorneys may have access to their client by phone as requested by either the attorney or the inmate.

(d) A Correctional Counselor II shall:

(1) Interview the inmate to discern any special requests as to the disposition of his property. The inmate shall package and label any property to be sent out of the institution.

(2) Maintain a signed inventory receipt of all packaged property for mailing the first weekday following the execution.

(3) In the event of an indefinite stay of execution, return the property to the inmate with a signed receipt.

(4) Arrange for the monitoring of all telephone calls made by the inmate on an institutional telephone.

(A) Legal calls will not be monitored but shall be facilitated by staff.

(B) All calls shall be logged on the pre-execution activity log.

(C) The inmate shall have 24-hour access to a telephone for attorney contact.

(5) Obtain clothing sizes from the inmate and ensure that appropriate clothing is available.

(6) Begin daily briefings for the Warden, Chief Deputy Warden, Associate Warden-Specialized Housing Division, and Facility Captain as to the inmate's needs, requests, and behavior.

(e) Religious accommodations.

(1) State employed Chaplains selected by the inmate shall be allowed to perform their spiritual functions at the inmate's cell front on either second or third watch.

(2) Non-state employed Spiritual Advisors may visit the inmate utilizing the visitor process outlined in this article.

(3) Once the inmate is moved to the Lethal Injection Facility Holding Area, state-employed and pre-approved non-state Spiritual Advisors may visit the inmate in the Lethal Injection Facility Holding Area.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.3.5. Four Days Prior to a Scheduled Execution.

(a) The Warden shall:

(1) Issue a letter to San Quentin Village residents, Marin Rod and Gun Club, and the Post Office advising them of any likelihood of a gathering or demonstration at the East Gate.

(2) Ensure that a notice is passed out during staff briefings and displayed on the count gate television monitor located at the pris-

on's main entrance, to inform staff of the East Gate closure on the evening prior to the day of the execution. Staff shall be instructed to use the West Gate.

(b) The Team Administrator shall direct the Team Leader to conduct a final equipment check of all materials necessary to perform the execution. This shall be conducted not less than 24 hours, and not more than 96 hours, before a scheduled execution.

(c) The Business Manager II shall notify all contractors and vendors that San Quentin will not be accepting any goods or services beginning at 1800 hours, two days prior to a scheduled execution and continuing through the execution day.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604 and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.3.6. Three Days Prior to a Scheduled Execution.

(a) The Team Administrator shall:

(1) Assume direct supervision of all Lethal Injection Team responsibilities.

(2) Coordinate and discuss with the Team Leader the specific Lethal Injection Team assignments to:

(A) Ensure Lethal Injection Team members are available.

(B) Confirm Lethal Injection Team members are properly trained and capable of carrying out specific assignments.

(C) Confirm other Lethal Injection Team members are properly assigned as back ups and that each back up is properly trained and capable to perform the assigned functions.

(D) Begin conducting daily inspections of the Lethal Injection Facility.

(E) Confirm the facility remains fully operational and stocked with appropriate supplies.

(b) The Team Leader shall:

(1) Activate all members of the Lethal Injection Team and schedule daily training and preparedness exercises on each of the three days prior to the scheduled execution.

(2) Ensure that all items that will come into contact with the inmate are properly searched.

(3) Ensure that continuous security is provided at the Lethal Injection Facility.

(4) Ensure that Lethal Injection Team members assigned to specific functions begin daily training on their specific assignments, and all team members assigned as back-ups are also involved in training for their specific back-up functions.

(c) The Correctional Captain, Central Services Division, shall:

(1) Establish an internal support team to assist as needed to maintain the smooth operation of the institution. The internal support team members will be located in an area designated by the Correctional Captain, Central Services Division.

(2) Ensure witness and media staging areas are clean and sanitized.

(d) The Public Information Officer (PIO) shall:

(1) Activate the media center at the appropriate time commensurate with the day and hour of the scheduled execution in the designated area, and staff it with one Correctional Sergeant and six Correctional Officers assigned by the Watch Sergeants for that purpose.

(A) Address the needs of media representatives that may be operating out of the media center. The assigned staff will release no information or offer any commentary unless specifically authorized by the PIO.

(B) Give regular updates to any media gathered, and will notify the Assistant Secretary, Office of Public and Employee Communications of this action.

(2) Work with the Assistant Secretary, Office of Public and Employee Communications to prepare a biographical and general information sheet on the inmate for briefing notes for the media, including CDCR identification photo. A copy of this biographical and general information sheet will be sent to the Assistant Secretary.

(3) The Warden, through the PIO, shall designate a cut-off time for the media to arrive.

(e) Female inmates shall be transported to San Quentin no sooner than 72 hours prior to the scheduled execution and no later than 6 hours prior to the scheduled execution. The inmate will be secured in the Lethal Injection Facility Holding Area.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3601, 3602, 3603, 3604, 3605, 3705, 3706 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.3.7. Two Days Prior to a Scheduled Execution.

The Chief Deputy Warden shall prepare to activate the Emergency Operations Center and consult with the Warden on specific areas of concern.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.4.1. Twenty-Four Hours Prior to a Scheduled Execution.

(a) The Warden shall confirm that all Lethal Injection Team members are fully prepared and ready to perform their assigned duties.

(b) The Chief Deputy Warden shall activate the Emergency Operations Center.

(c) The Team Administrator shall:

(1) Accompany the Team Leader to obtain the Lethal Injection Chemicals and saline from a licensed pharmaceutical facility or distributor and complete the CDCR Form 2176 (06/10), Lethal Injection Chain of Custody-San Quentin State Prison, which is incorporated by reference, to acknowledge receipt of chemicals.

(2) Verify the Lethal Injection Chemicals and quantity of these chemicals and saline. Secure the Lethal Injection Chemicals and saline in the Lethal Injection Facility safe or refrigerator, as appropriate, and complete the CDCR Form 2176 (06/10), Lethal Injection Chain of Custody-San Quentin State Prison. The original copy of the chain of custody form shall remain with the Lethal Injection Chemicals. A copy of the form shall be distributed to the following:

- (A) Warden.
- (B) Chief Deputy Warden.
- (C) Team Administrator.
- (D) Team Leader.

(3) Assume direct supervision of the Lethal Injection Team members.

(4) Make a final inspection of the Lethal Injection Facility to ensure operational readiness.

(5) In conjunction with the Team Leader:

(A) Brief the Security Sub-Team on their specific duties during the scheduled execution.

(B) Assess each Lethal Injection Team member to ensure readiness for their role in the execution.

(C) If necessary, excuse any Lethal Injection Team member they believe may be unable to complete their assigned duties.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604 and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27; *Baze v. Rees* (2008) 553 U.S.35.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.4.2. Six Hours Prior to a Scheduled Execution.

(a) The Team Leader shall:

(1) Meet with and brief the inmate on procedures and the responsibilities of the Security Watch Staff.

(2) Supervise the movement of the inmate to the Lethal Injection Facility holding cell.

(3) Assign at least one Correctional Sergeant and two Correctional Officers from the Security Sub-Team that shall ensure direct and constant supervision of the inmate in the Lethal Injection Facility holding area.

(4) Ensure a security watch log is maintained with entries made every 15 minutes. The log will reflect all activities involving the inmate, including the following:

- (A) Telephone calls.
- (B) Correspondence.
- (C) Visits by staff and approved visitors.
- (D) Last meal.
- (5) Address requests made by the inmate.
- (b) Visits.

(1) The inmate can be visited by a spiritual advisor, including but not limited to, Chaplains, as defined in section 3000, and the Warden.

(2) Spiritual advisors that are not Chaplains, as defined in section 3000, must be approved by the Warden.

(3) Spiritual advisors wishing to bring religious items into the institution must have received advanced written permission from the Warden. All items are subject to search by staff prior to entry into the Lethal Injection Facility.

(4) No food, drinks, or vending machine items are permitted in the Lethal Injection Facility visiting areas. Coffee and juice will be provided.

(5) No other visits will be permitted in the Lethal Injection Facility Holding Area without the approval of the Warden.

(c) Last meal.

(1) The inmate may request a last meal in so far as reasonable within the established \$50.00 limit.

(2) The Correctional Food Manager or designee shall deliver the last meal to the Lethal Injection Facility.

(3) The Team Leader shall ensure that the meal is inspected for contraband.

(4) The meal shall be served in the Lethal Injection Facility Holding Area.

(d) Additional items the inmate may request include:

- (1) Food items, coffee, juice and soft drinks.
- (2) Programs on the radio or television.
- (3) Phone calls.
- (4) Mailing of letters.

(e) The Lethal Injection Security Sub-Team shall:

(1) Initiate direct and constant supervision of the inmate, and also initiate the security watch log, and shall:

- (A) Make entries at least every 15 minutes.
- (B) Document all activities involving the inmate.

(2) Take custody of and search the inmate by the following:

- (A) Conduct an unclothed body search.
- (B) Scan the inmate with a metal detector.
- (3) Search the inmate's approved property.
- (4) Secure the inmate in the lethal injection holding cell.
- (5) Issue the inmate new state clothing, which shall include:
 - (A) Appropriate undergarments.
 - (B) One pair of socks.
 - (C) One pair of slippers.
 - (D) One pair of pants and one shirt or one jumpsuit.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604 and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27; *Baze v. Rees* (2008) 553 U.S.35.

HISTORY:

- 1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.4.3. Approximately Three Hours Prior to a Scheduled Execution.

- (a) The Team Administrator in the company of the Team Leader shall:
 - (1) Remove the Lethal Injection Chemicals and saline from the Lethal Injection Facility safe and refrigerator.
 - (2) Transfer custody of the Lethal Injection Chemicals to two members of the Infusion Sub-Team.
 - (3) Ensure accountability of the Lethal Injection Chemicals and saline. A minimum of two members of the Infusion Sub-Team shall verify all Lethal Injection Chemicals and saline at the time of transfer and sign the CDCR Form 2176 (06/10), Lethal Injection Chain of Custody-San Quentin State Prison.
 - (b) The Infusion Sub-Team shall prepare Lethal Injection Chemicals and saline as follows:
 - (1) Two Identical trays shall be prepared.
 - (A) Tray A shall be color-coded red and will be the primary tray used for the lethal injection process.
 - (B) Tray B shall be colored-coded blue and will be the backup tray.
 - (2) Each tray shall have eight color-coded syringes to match the tray and be labeled by content and sequence of administration as follows:
 - # 1 60cc syringe 1.5 grams Sodium Thiopental
 - # 2 60cc syringe 1.5 grams Sodium Thiopental
 - # 3 60cc syringe 50cc saline flush
 - # 4 60cc syringe 50 milligrams Pancuronium Bromide
 - # 5 60cc syringe 50cc saline flush
 - # 6 60cc syringe 100 milliequivalents Potassium Chloride
 - # 7 60cc syringe 100 milliequivalents Potassium Chloride
 - # 8 60cc syringe 50cc saline flush
 - (3) The Sodium Thiopental shall be mixed according to the manufacturer's instructions.
 - (4) One Infusion Sub-Team member shall prepare the syringes for Tray A.
 - (A) Another Infusion Sub-Team member shall verify proper preparation of the syringes for Tray A.
 - (B) A Record Keeping Sub-Team member shall observe and document the preparation on the CDCR Form 2177 (01/09), San Quentin State Prison Execution Log-Lethal Injection Infusion Sub-Team.
 - (5) Tray B shall be prepared by a different Infusion Sub-Team member.
 - (A) Another Infusion Sub-Team member shall verify proper preparation of the syringes for Tray B.
 - (B) A Record Keeping Sub-Team member shall also observe and document the preparation on the CDCR Form 2177 (01/09),

San Quentin State Prison Execution Log-Lethal Injection Infusion Sub-Team.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604 and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27; *Baze v. Rees* (2008) 553 U.S.35.

HISTORY:

- 1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.4.4. During the Day of a Scheduled Execution.

- (a) The Warden shall confirm the following activities:
 - (1) Approximately two hours prior to a scheduled execution, ensure all witnesses are appropriately accommodated.
 - (2) Accompanied by the Team Administrator, meet with the inmate in the Lethal Injection Facility Holding Area.
 - (A) Advise the inmate that a written last statement can be prepared, to be made available after the execution.
 - (B) Inform the inmate that a sedative is available. Upon request, a sedative will be administered under the direction and approval of a clinician.
 - (3) The official witnesses are ushered to their assembly area and given final instructions as needed.
 - (4) Approximately 45 minutes before a scheduled execution, the Warden shall instruct the Lethal Injection Team to prepare the inmate.
 - (5) Ensure open dedicated phone contact with the Governor's Office, the Office of the Attorney General and the California State Supreme Court is established.
 - (6) Ensure that the curtain is open on the viewing windows prior to the witnesses' arrival. The curtain will remain open throughout the execution process until the inmate is pronounced dead.
 - (7) Approximately 25 minutes before a scheduled execution, instruct staff to admit the witnesses to their designated areas.
 - (8) Approximately 15 minutes before a scheduled execution, order the inmate brought into the execution room and secured to the gurney.
- (b) The Chief Deputy Warden shall:
 - (1) Place the institution on lockdown at the appropriate time commensurate with the day and hour of a scheduled execution.
 - (2) Assume command of the Emergency Operations Center.
- (c) The Team Administrator shall:
 - (1) Approximately two hours prior to a scheduled execution, accompany the Warden into the Lethal Injection Facility to meet with the inmate.
 - (2) During the execution, take a position in the Infusion Control Room and provide direct supervision of the infusion of the Lethal Injection Chemicals and saline.
- (d) The Litigation Coordinator shall:
 - (1) Take a position at the Lethal Injection Facility telephones 15 minutes prior to a scheduled execution to ensure constant communication with the Governor's Office, the State Attorney General and the State Supreme Court.
- (e) Relay all calls to the Warden and the Team Administrator.
- (f) The Warden's Administrative Assistant shall, at the time designated by the Warden:
 - (1) Assign a correctional officer to escort all witnesses, except those invited by the inmate to their respective areas.
 - (2) Assign a correctional officer to escort the inmate's attorney and the inmate's invited witnesses to their designated witness area.
 - (3) During the execution, remain in the Lethal Injection Facility witness area to assist the Public Information Officer.
- (g) The Public Information Officer shall:

(1) At the time designated by the Warden, identify the media witnesses and escort them from the media center to their designated witness viewing room.

(2) Instruct the media witnesses regarding items that are not permitted in the Lethal Injection Facility. These items will be deposited at the media center for later retrieval. No equipment shall be allowed in the witness gallery. Pencils and notepads will be provided.

(3) Utilize the metal detector at the visitor processing center or any other search method deemed necessary and reasonable.

(4) Immediately upon the Warden's announcement of death, usher the media witnesses directly to the media center where they will give pool commentary to the other assembled media. No commentary shall be given until after the official statement by the Warden.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704 and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27; *Baze v. Rees* (2008) 553 U.S.35.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.4.5. Administration of the Lethal Injection Chemicals.

(a) Inmate preparation. Upon direction of the Warden to prepare the inmate, the Team Leader shall:

(1) Direct the Security Sub-Team to conduct an unclothed body search.

(2) Place the inmate in restraints and remove the inmate from the Lethal Injection Facility Holding Area.

(3) Observe the Intravenous Sub-Team place the electronic monitoring sensors on the inmate.

(b) Resistive inmates.

(1) In the event that an inmate refuses to comply with staff's orders to be placed in restraints or to exit their assigned cell or the Lethal Injection Facility Holding Area, or any other area where the inmate may be held, the Team Leader shall advise the Warden and Team Administrator.

(2) The Team Administrator shall speak to the inmate in an attempt to gain the inmate's cooperation.

(3) If the inmate continues to refuse to comply with orders, an emergency cell extraction will be authorized.

(4) Staff shall follow the universal precautions when performing an extraction including, but not limited to, the following:

- (A) Disposable gowns.
- (B) Face/head protection.
- (C) Rubber gloves.
- (D) Padded gloves.
- (E) Leg protection.

(5) Any use of force shall be noted as required by subsection 3349.2.2(e)(4) as well as on the CDCR Form 2182, San Quentin State Prison Execution Report - Part A and CDCR Form 2183, San Quentin State Prison Execution Report, Part B.

(c) The Security Sub-Team shall:

(1) Escort the inmate from the Lethal Injection Facility Holding Area to the execution room.

(2) Secure the inmate to the gurney with restraints.

(3) Secure the inmate's hands to the arm rests on the gurney with medical tape along with the following:

(A) Ensure that the inmate's hands are secured palm up to allow the Intravenous Sub-Team access to the necessary veins.

(B) Secure the inmate's fingers to the gurney in the extended position.

(d) The Team Leader shall:

(1) Ensure that the inmate is properly secured.

(2) Ensure the restraints do not inhibit the inmate's circulation.

(3) Excuse the Security Sub-Team to wait on standby in an adjacent room.

(4) Remain in the room to supervise the insertion of the catheters by the Intravenous Sub-Team.

(5) Exit the execution room and report to the Infusion Control Room to monitor the execution.

(e) The Intravenous Sub-Team shall:

(1) Enter the execution room immediately after the Security Sub-Team exits.

(2) Inspect the restraints to ensure that they do not restrict the inmate's circulation or interfere with the insertion of the catheters.

(3) Insert two catheters into pre-designated veins, as identified in subsection 3349.3(c)(3).

(4) As each catheter is inserted, inform an Intravenous Sub-Team member in the Infusion Control Room to initiate the intravenous drip.

(5) Designate primary and back-up intravenous lines.

(6) Inform the Warden when the intravenous lines have been successfully established.

(7) One Intravenous Sub-Team member shall exit the execution room and report to the Infusion Control Room to continuously monitor the saline drips.

(8) One Intravenous Sub-Team member shall remain in the execution room to continuously monitor the intravenous lines. This Intravenous Sub-Team member shall stand next to the inmate and assess the consciousness of the inmate throughout the execution.

(f) The Warden shall:

(1) Take a position in the execution room in close proximity to the inmate.

(2) Confirm with both the State Supreme Court and the Attorney General's Office there is no matter pending before any court that precludes the execution from proceeding.

(3) Confirm with the Governor's Office that there is no matter pending that precludes the execution from proceeding.

(4) Ensure a statement is read detailing the court order mandating the execution.

(5) Provide an opportunity for the inmate to make a brief final statement on the public address system. After the statement is made, the public address system will be turned off.

(6) Direct the Infusion Sub-Team to administer the Lethal Injection Chemicals and saline.

(g) Infusion.

(1) The infusion of Lethal Injection Chemicals and saline shall begin with Tray A using the intravenous catheter designated as primary.

(2) The saline drip in the intravenous catheter that was designated primary infusion will be stopped prior to the injection of the first syringe. The saline drip in the back-up intravenous line will be continually maintained.

(3) If at any time during the infusion of the Lethal Injection Chemicals and saline, the primary intravenous catheter fails, the Warden shall be notified and direct that the lethal injection process using the primary intravenous catheter and the chemicals on Tray A be discontinued and the entire sequence begin again using the back-up intravenous catheter and the Lethal Injection Chemicals and saline on Tray B in the same sequence as noted below.

(4) A Record Keeping Sub-Team member in the Infusion Control Room shall initiate a ten minute count down at the start of the infusion of syringe # 1 (sodium thiopental).

(5) Beginning with Tray A and using the primary intravenous catheter, the Lethal Injection Chemicals and saline shall be administered as follows:

(A) # 1-60cc syringe: 1.5 grams sodium thiopental shall be administered, followed by a consciousness assessment of the inmate; the Intravenous Sub-Team Member shall brush the back of his/her hand over the inmate's eyelashes, and speak to and gently shake the inmate. Observations shall be documented. If the inmate is unresponsive, it will demonstrate that the inmate is unconscious. The process shall continue as follows:

(B) # 2-60cc syringe: 1.5 grams sodium thiopental shall be administered.

(C) # 3-60cc syringe: 50 cc saline flush shall be administered, followed by another assessment of consciousness as outlined above. Observations shall be documented. At this point if the inmate is determined to be unconscious, the Warden shall authorize the lethal injection process to proceed in the following sequence:

(D) # 4-60cc syringe: 50 milligrams pancuronium bromide.

(E) # 5-60cc syringe: 50cc saline flush.

(F) # 6-60cc syringe: 100 milliequivalents potassium chloride.

(G) # 7-60cc syringe: 100 milliequivalents potassium chloride.

(H) # 8-60cc syringe: 50cc saline flush.

(6) If, following the administration of syringe # 2 and syringe # 3, the assessment indicates the inmate is not unconscious, the Warden shall direct that the injection through the primary intravenous catheter be discontinued and the entire sequence re-initiated with the Lethal Injection Chemicals and saline on Tray B using the designated back-up intravenous catheter.

(7) The inmate's heart activity shall be monitored by an electronic device(s).

(8) The attending physician shall monitor the electronic device(s) showing the inmate's vital signs and determine when the inmate has expired. Death shall be determined and declared by a physician.

(9) If, in the event all eight syringes from Tray A have been administered, ten minutes has elapsed and death has not been determined, the Record Keeping Sub-Team member shall advise the Team Administrator, who will advise the Warden. The Warden shall then direct that the lethal injection process be repeated using the back-up intravenous catheter and the chemicals from Tray B in exactly the same sequence as noted above.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604 and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27; *Baze v. Rees* (2008) 553 U.S.35.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

3349.4.6. Post Execution Procedure.

(a) Immediately following the determination of death of the inmate, the Warden shall:

(1) Read a prepared statement notifying the witnesses the execution is complete.

(2) Have the curtains on the viewing windows closed and direct staff to escort the witnesses from the Lethal Injection Facility.

(b) Approximately one hour after the execution, the Warden shall issue a statement to the media advising the sentence has been carried out and announcing the time of death. At that time, the Warden shall make available the inmate's statement as described in subsection 3349.4.4(a)(2)(A).

(c) Following the official statement by the Warden at the press conference, the Warden shall exit the media center.

(d) The Public Information Officer shall:

(1) Immediately upon the Warden's announcement of death, usher the media witnesses directly to the media center where they will give pool commentary to the other assembled media.

(2) Accompany the Warden to the post-execution press conference and, after the Warden leaves, respond to questions that follow the Warden's official statement.

(3) Read the inmate's last statement to the press or announce that the inmate did not have a last statement.

(4) As soon as possible, but no longer than 30 minutes after commencement, conclude the press conference and usher all media off the prison grounds.

(5) Secure the media center and go to the Warden's office to field telephone inquires.

(e) The Litigation Coordinator shall assemble all appropriate reports and maintain the Master Execution File of records regarding the execution in the Warden's Office complex.

(f) After all witnesses have been escorted out of the Lethal Injection Facility:

(1) The Intravenous Sub-Team shall crimp closed and disconnect all intravenous lines, but shall not remove the lines from the inmate. Intravenous lines shall remain in place to allow review by the Marin County Coroner as necessary.

(2) Under the supervision of the Team Leader, the inmate's body shall be moved with care and dignity and placed in a post-mortem bag pending removal as pre-arranged with the contract mortuary.

(g) The Lethal Injection Facility shall be cleaned thoroughly after the inmate's body has been removed.

(h) The Security Sub-Team shall conduct a security inspection of the Lethal Injection Facility to ensure that all doors are secured and that no items were left behind.

(i) All unused chemicals shall be documented on the CDCR Form 2176 (06/10), Lethal Injection Chain of Custody—San Quentin State Prison and noted as to why they were not used. The Infusion Sub-Team shall transfer the unused chemicals to the Team Administrator who shall place them in the Lethal Injection Facility safe or refrigerator, as appropriate, to await proper disposal and note their transfer on the Chain of Custody form.

(j) The Intravenous Sub-Team shall complete a post-execution inventory of all supplies and equipment that were used by the Intravenous Sub-Team during the execution. The Intravenous Sub-Team shall give the inventory to the Team Administrator, who shall arrange for replacement and replenishment of supplies.

(k) The Team Leader shall:

(1) Sign the original CDCR Form 2176 (06/10), Lethal Injection Chain of Custody-San Quentin State Prison in the final signature block. The signed form shall remain with the Lethal Injection Chemicals.

(2) Secure the Lethal Injection Facility and return the keys to Main Control.

(3) Report directly to the Warden that the Lethal Injection Facility has been secured.

(l) Debriefing.

(1) The Team Administrator shall hold a debriefing and critique with all Lethal Injection Team members. All documents and records concerning the execution shall be collected by the Team Administrator for review.

(2) The Team Administrator shall assess the Lethal Injection Team members for the need for post trauma counseling.

(3) As soon as possible but no later than 24 hours after the execution, the Warden shall arrange for a confidential individual debriefing by appropriate staff with each Lethal Injection Team member. The purpose of the debriefing is to provide a confidential forum for the team member to discuss the impact of the execution on him or her and provide access to counseling services. A team member may be accompanied by a person of his or her choosing to the individual debriefing.

(m) Documentation—Managerial Oversight.

(1) Immediately following the execution, the Team Leader shall complete a CDCR Form 2182, San Quentin State Prison Execution Report—Part A.

(2) Each team member shall complete a CDCR Form 2183, San Quentin State Prison Execution Report—Part B, documenting their actions and observations during the execution.

(3) Team members shall use identifiers assigned to their specific position (duties), rather than their names and/or classifications, when they submit their reports.

(4) The Team Leader shall assemble the complete Execution Report for review by the Team Administrator. The Execution Report shall include all appropriate supplemental reports.

(A) Following review by the Associate Warden, the Execution Report shall be routed through the Chief Deputy Warden for the Warden's review and signature.

(B) Any use of force shall be specifically documented and reviewed according to existing CDCR policy.

(5) A copy of the Execution Report shall be delivered to the Director, Division of Adult Institutions for review and follow up as needed.

(6) The original Execution Report shall be retained at San Quentin as part of the Master Execution File.

(7) The Record Keeping Sub-Team shall meet with the Team Leader, and ensure that all documentation has been completed. The documentation shall be reviewed and approved by the Team Administrator, and shall be hand delivered to the Warden for inclusion in the Master Execution File.

(n) Critique.

(1) Within 72 hours, the Warden shall conduct an after-action critique of the execution. The purpose of the critique will be to evaluate the execution from all operational perspectives, including compliance with this regulation.

(2) The critique shall be documented for inclusion in the Master Execution File.

(o) Return on Warrant of Death. After receipt of the Certificate of Death, the Warden shall complete the CDCR Form 2178 (01/09), Return on Warrant of Death, and forward it to the county from which the inmate was under sentence of death along with a copy of the Certificate of Death.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605 and 5054, Penal Code; United States Constitution, Amendment VIII; and California Constitution, Art. 1, Sections 17, 27.

HISTORY:

1. New section filed 7-30-2010; operative 8-29-2010 (Register 2010, No. 31).

Article 8. Medical and Dental Services

3350. Provision of Medical Care and Definitions.

(a) The department shall only provide medical services for inmates, which are based on medical necessity and supported by outcome data as effective medical care. In the absence of available outcome data for a specific case, treatment will be based on the judgment of the physician that the treatment is considered effective for the purpose intended and is supported by diagnostic information and consultations with appropriate specialists. Treatments for conditions, which might otherwise be excluded, may be allowed pursuant to section 3350.1(d).

(b) For the purposes of this article, the following definitions apply:

(1) Medically Necessary means health care services that are determined by the attending physician to be reasonable and necessary to protect life, prevent significant illness or disability, or alleviate

severe pain, and are supported by health outcome data as being effective medical care.

(2) Outcome Study means the definition, collection and analysis of comparable data, based on variations in treatment, concerning patient health assessment for purposes of improving outcomes and identifying cost-effective alternatives.

(3) Outcome Data mean statistics such as diagnoses, procedures, discharge status, length of hospital stay, morbidity and mortality of patients, that are collected and evaluated using science-based methodologies and expert clinical judgment for purposes of outcome studies.

(4) Severe pain means a degree of discomfort that significantly disables the patient from reasonable independent function.

(5) Significant illness and disability means any medical condition that causes or may cause if left untreated a severe limitation of function or ability to perform the daily activities of life or that may cause premature death.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Repealer of Article 8 (Sections 3370–3372) and new Article 8 (Sections 3350–3359) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16). For prior history see Register 77, No. 9.
2. Amendment of article heading, section heading and text filed 7-2-93; operative 8-2-93 (Register 93, No. 27).
3. Amendment of section heading, relocation of subsections 3350(a)–(c) to 3350.2(a)–(c), and new Subsections (a)–(b)(3) filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
4. Amendment refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
5. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
6. Amendment of section heading, renumbering of subsections 3350(a)–(c) to 3350.2(a)–(c), and new subsections (a)–(b)(3) filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 2-21-96 order including amendment of subsection (a) and new subsections (b)(4) and (b)(5) transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).

3350.1. Medical and Dental Treatment/Service Exclusions.

(a) Treatment refers to attempted curative treatment and does not preclude palliative therapies to alleviate serious debilitating conditions such as pain management and nutritional support. Treatment shall not be provided for the following conditions:

(1) Conditions that improve on their own without treatment. Examples include, but are not limited to:

- (A) Common cold.
- (B) Mononucleosis.
- (C) Viral hepatitis A.
- (D) Viral pharyngitis.
- (E) Mild sprains.

(2) Conditions that are not readily amenable to treatment, including, but not limited to, those which may be made worse by treatment with conventional medication or surgery, and those that are so advanced in the disease process that the outcome would not

change with existing conventional or heroic treatment regimens. Examples include, but are not limited to:

- (A) Multiple organ transplants.
- (B) Temporomandibular joint dysfunction.
- (C) Grossly metastatic cancer.

(3) Conditions that are cosmetic. Examples include, but are not limited to:

- (A) Removal of tattoos.
- (B) Removal of nontoxic goiter.
- (C) Breast reduction or enlargement.
- (D) Penile implants.

(b) Surgery not medically necessary shall not be provided. Examples include, but are not limited to:

- (1) Castration.
- (2) Vaginoplasty (except for Cystocele or Rectocele).
- (3) Vasectomy.
- (4) Tubal ligation

(c) Services that have no established outcome on morbidity or improved mortality for acute health conditions shall not be provided. Examples include, but are not limited to:

- (1) Acupuncture.
- (2) Orthoptics.
- (3) Pleoptics.

(d) Treatment for those conditions that are excluded within these regulations may be provided in cases where all of the following criteria are met:

(1) The inmate's attending physician or dentist prescribes the treatment.

(2) The service is approved by the medical authorization review committee, or the dental authorization review committee, and the health care review committee. The decision of the review committee, as applicable, to approve an otherwise excluded service shall be based on:

(A) Available health and dental care outcome data supporting the effectiveness of the services as medical or dental treatment.

(B) Other factors, such as:

- 1. Coexisting medical or dental problems.
- 2. Acuity.
- 3. Length of the inmate's sentence.
- 4. Availability of the service.
- 5. Cost.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section, including relocation and amendment of old subsection 3354.1(a) to 3350.1(b), filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
3. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
4. New section, including renumbering and amendment of former subsection 3354.1(a) to 3350.1(b), filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 2-21-96 order including amendment of subsection (a), repealer of subsection (d)(2) and subsection renumbering, amendment of newly designated subsection (d)(2), repealer of newly designated subsection (d)(2)(A) and subsection relettering, and amendment of newly designated subsection (d)(2)(A) transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).

6. Amendment of subsections (d)(1)–(d)(2)(A) and (d)(2)(B)1. filed 10-3-2006 as an emergency; operative 10-3-2006 (Register 2006, No. 40). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-12-2007 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 10-3-2006 order transmitted to OAL 3-7-2007 and filed 4-18-2007 (Register 2007, No. 16).

3350.2. Off-Site Health Care Treatment.

(a) Each facility shall maintain contractual arrangements with local off-site agencies for those health services deemed to be medically necessary as defined in section 3350(b)(1), and that are not provided within the facility. Such services may include medical, surgical, laboratory, radiological, dental, and other specialized services likely to be required for an inmate's health care.

(b) When medically necessary services are not available for an inmate within a facility, the facility's chief medical officer or supervising dentist may request the institution head's approval to temporarily place that inmate in a community medical facility for such services.

(c) In an extreme emergency when a physician is not on duty or immediately available, the senior custodial officer on duty may, with assistance of on-duty health care staff, place an inmate in a community medical facility. Such emergency action shall be reported to the facility's administrative and medical officers-of-the-day as soon as possible.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section, including relocation and amendment of old subsections 3350(a)–(c) to 3350.2(a)–(c), filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
3. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
4. New section, including renumbering of former subsection 3350(a)–(c) to 3350.2(a)–(c), filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 2-21-96 order transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).
6. Change without regulatory effect amending subsection (b) filed 8-11-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 33).

3351. Inmate Refusal of Treatment.

(a) Health care treatment, including medication, shall not be forced over the objections of: a mentally competent inmate; the guardian of a mentally incompetent inmate; or a responsible relative of a minor inmate, except in an emergency, or as required to

complete the examination or tests for tuberculosis infection, or to implement the treatment for tuberculosis disease, or unless the provisions of Probate Code sections 3200 et seq. or the procedures set forth in *Keyhea v. Rushen*, Solano County Superior Court No. 67432, Order Granting Plaintiffs' Motion for Clarification and Modification of Injunction and Permanent Injunction, filed October 31, 1986, hereby incorporated by reference, are followed. An emergency exists when there is a sudden, marked change in an inmate's condition so that action is immediately necessary for the preservation of life or the prevention of serious bodily harm to the inmate or others, and it is impracticable to first obtain consent. When an inmate has executed an advance directive, pursuant to Probate Code Sections 4600–4779 relating to the Durable Power of Attorney for Health Care, and Health and Safety Code sections 7185–7194.5 relating to the Natural Death Act, health care staff shall act in accordance with the provisions of that advance directive, as provided by law.

(b) An inmate may accept or decline any or all portions of a recommended dental treatment plan. The inmate's decision is reversible at any time and shall not prejudice future treatments. Refusals shall be documented for inclusion in the inmate's health record.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600, 5054, and 7570 et seq., Penal Code; Sections 3200 et seq., Probate Code; *Thor v. Superior Court* (Andrews) (1993) 21 Cal.Rptr.2d 357; *Keyhea v. Rushen*, Solano County Superior Court No. 67432, Order Granting Plaintiffs' Motion for Clarification and Modification of Injunction and Permanent Injunction, filed October 31, 1986; sections 4600–4779, Probate Code; and sections 7185–7194.5, Health and Safety Code.

HISTORY:

1. Amendment of section heading and text filed 7-2-93; operative 8-2-93 (Register 93, No. 27).
2. Amendment of section and Note filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of section and Note filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1-3-95 order including amendment of subsection (a) and Note transmitted to OAL 6-12-95 and filed 7-25-95 (Register 95, No. 30).
5. Amendment of section and Note refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
6. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
7. Amendment of section and Note filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 2-21-96 order transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).

3352. Medical Authorization Review Committee.

(a) A medical authorization review (MAR) committee shall be established within each correctional treatment center's (CTC) service area. The committee shall meet as often as necessary to approve or disapprove requests for medical services otherwise excluded by these regulations.

(b) The committee shall:

1. Be composed of representatives from the health care staff of each institution within the CTC's service area.

2. Consist of not less than three service area staff physicians.

(c) Committee decisions shall be based on criteria established in section 3350.1(d). Committee decisions shall be documented in the inmate's health record. Those cases that receive committee approval, shall be forwarded along with all supporting documentation to the health care review (HCR) committee. The treating physician shall notify the inmate of the committee's decision.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment of section heading and text filed 7-2-93; operative 8-2-93 (Register 93, No. 27).
2. Amendment filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
4. Amendment refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
5. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
6. Amendment filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
7. Renumbering of former section 3352 to new section 3353 filed 7-9-96; operative 7-9-96 (Register 96, No. 28).
8. New section filed 7-9-96; operative 7-9-96 (Register 96, No. 28).

3352.1. Health Care Review Committee.

(a) The health care review (HCR) committee shall meet as often as necessary to review cases approved by the MAR committee for medical services and Dental Authorization Review (DAR) committee for dental services otherwise excluded by these criteria in section 3350.1(d).

(b) The HCR committee shall consist of, but not be limited to, the following:

- (1) Assistant Deputy Director, Clinical Policy and Programs Branch, Division of Correctional Health Care Services (DCHCS).
- (2) Statewide Medical Director, DCHCS.
- (3) Deputy Director, Health Care Administrative Operations Branch, DCHCS.
- (4) Statewide Dental Director, DCHCS.
- (5) Selected Dental designees.
- (6) Two selected specialist physicians.
- (7) Nonvoting utilization management nurse, as necessary.

(c) Decisions to approve or deny an excluded service requires at least one of either the Assistant Deputy Director, Clinical Policy and Programs Branch, DCHCS, or the Deputy Director, Health Care Administrative Operations Branch, DCHCS, or their designee be in attendance at the applicable review committee. All decisions shall be documented in the inmate's health record.

(d) Decisions regarding medical services which have been referred by the MAR committee shall be voted on by the Assistant

Deputy Director, Clinical Policy and Programs Branch, the Statewide Medical Director, and the medical staff of the HCR. Decisions to approve or deny an excluded service shall be based upon a quorum of the majority of the above members. The treating physician shall notify the inmate of the committee's decision regarding medical services.

(e) Decisions regarding dental services which have been referred by the DAR committee shall be voted on by the Assistant Deputy Director, Clinical Policy and Programs Branch, the Statewide Dental Director, and the dental staff of the HCR. Decisions to approve or deny an excluded service shall be based upon a quorum of the majority of the above members. The treating dentist shall notify the inmate of the committee's decision regarding dental services.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. New section filed 7-9-96; operative 7-9-96 (Register 96, No. 28).
2. Amendment filed 10-3-2006 as an emergency; operative 10-3-2006 (Register 2006, No. 40). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-12-2007 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 10-3-2006 order transmitted to OAL 3-7-2007 and filed 4-18-2007 (Register 2007, No. 16).

3352.2. Dental Authorization Review Committee.

(a) Each departmental institution shall establish a Dental Authorization Review (DAR) committee. The DAR shall be established for the purpose of:

(1) Approving or disapproving requests for otherwise excluded dental services,

(2) Reviewing treatment recommendations for special dental care needs, and

(3) Evaluating the cost efficiency and effectiveness of the dental services provided at the institution.

(b) Membership of the DAR shall be composed of representatives from each institution's dental care staff. DAR membership shall consist of the Supervising Dentist, or designee, a Staff Dentist as Chairperson, and a Staff Dentist as Vice-Chairperson. Representatives from other institution services or divisions shall be invited, when appropriate, to committee meetings.

(c) DAR committee decisions shall be based upon the following criteria established in section 3350.1(d). Committee decisions shall be documented in the inmate's unit health record. Cases that receive committee approval shall be forwarded, along with all supporting documentation, to the HCR. The treating dentist shall notify the inmate of the committee's decision.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 10-3-2006 as an emergency; operative 10-3-2006 (Register 2006, No. 40). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-12-2007 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10-3-2006 order transmitted to OAL 3-7-2007 and filed 4-18-2007 (Register 2007, No. 16).
3. Change without regulatory effect amending subsection (b) filed 8-11-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 33).

3353. Informed Consent Requirement.

When unusual, serious or major health care procedures are indicated and time and circumstances permit, the inmate's specific written informed consent shall be obtained before treatment is undertaken, except as otherwise provided in Sections 3351 and 3364.

If the inmate or the inmate's guardian or responsible relative objects to the recommended treatment, such objection shall be documented for inclusion in the inmate's health record.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Amendment of section heading and text filed 7-2-93; operative 8-2-93 (Register 93, No. 27).
2. Amendment filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment refilled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
4. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
5. Amendment filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-21-96 order including renumbering of former section 3352 to section 3353 and renumbering of former section 3353 to new section 3353.1 transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).

3353.1. Capacity for Informed Consent.

An inmate shall be considered capable of giving informed consent if in the opinion of health care staff the inmate is:

(a) Aware that there is a physiological disorder for which treatment or medication is recommended.

(b) Able to understand the nature, purpose and alternatives of the recommended treatment, medication, or health care procedures.

(c) Able to understand and reasonably discuss the possible side effects and any hazards associated with the recommended treatment, medication, or health care procedures. An inmate shall not be deemed incapable of informed consent solely because of being diagnosed as mentally disordered, abnormal, or mentally defective.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Certificate of Compliance as to 2-21-96 order including renumbering of former section 3353 to new section 3353.1 transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).

3354. Health Care Responsibilities and Limitations.

(a) Authorized staff. Only facility-employed health care staff, contractors paid to perform health services for the facility, or persons employed as health care consultants shall be permitted, within the scope of their licensure, to diagnose illness or, prescribe medication and health care treatment for inmates. No other personnel or inmates may do so.

(b) Inmate Workers. Only trained or certified inmates shall operate health care equipment. Inmates shall not be permitted to:

- (1) Schedule appointments.
- (2) Determine another inmate's access to health care services.
- (3) Obtain blood samples.
- (4) Administer blood.
- (5) Introduce or discontinue intravenous infusions.

(6) Have access to surgical instruments, syringes, needles, medications, or health records except as otherwise specified in these regulations.

(7) Perform any task identified as a health care responsibility.

(c) Private Consultants. Health care personnel not employed by the department are not authorized to order treatment for an inmate. Such persons may offer opinions and recommendations for consideration by department health care staff as follows: An inmate or an inmate's responsible guardian or relative, or an attorney or other interested person wanting the inmate examined by a private physician, shall submit a written request to the institution head. The institution head shall, after consulting with the facility's chief medical officer grant the request unless convinced that specific case factors warrant denial. The fact of and reasons for such denial, and notice of the right to appeal the decision in writing to the director, shall be documented and given to the inmate or the person requesting the outside health care service. Costs of such private consultations or examinations shall be paid by the inmate or the person requesting the service.

(d) Emergency Health Care Attention. If an inmate is away from a facility for authorized reasons, such as assignment to a camp or transportation between institutions, becomes seriously ill or injured, emergency health care attention by available resources shall be obtained by the official in charge. Community physicians and hospitals shall be used if the inmate's condition does not permit prompt return to a department medical facility.

(e) Medical Sick Call. Each department facility confining inmates shall provide scheduled times and locations for general population inmates. A medical doctor, registered nurse, or medical technical assistant shall make daily visits to each nongeneral population housing unit to provide medical attention to inmates unable to use the sick call services provided for general population. Staff conducting sick call shall screen medical problems appearing to require further medical attention and shall evaluate requests for appointments with other medical staff. A facility physician shall personally visit each specialized housing unit at least once each week.

(f) Dental Sick Call: Routine dental treatment shall not be provided during sick call. Inmates requesting dental treatment shall be evaluated and scheduled into one of the following categories:

(1) Emergency care category: A dental emergency, as determined by health care staff, includes any medical or dental condition for which evaluation and treatment are necessary to prevent death, severe or permanent disability, or to alleviate disabling pain. Immediate treatment shall be provided and will be available to such inmates 24 hours a day, 7 days a week.

(2) Urgent care categories:

(A) Priority 1A: Inmates requiring treatment of an acute oral or maxillo-facial condition, which is likely to remain acute, worsen, or become life threatening without immediate intervention. Such inmates shall receive treatment within 24 hours of diagnosis and assignment to Dental Priority 1A.

(B) Priority 1B: Inmates requiring treatment for a sub-acute hard or soft tissue pathology. Such inmates shall receive treatment within 30 days of diagnosis and assignment to Dental Priority 1B.

(C) Priority 1C: Inmates requiring early treatment for any unusual hard or soft tissue pathology. Such inmates shall receive treatment within 60 days of diagnosis and assignment to Dental Priority 1C.

(3) Interceptive care category: Inmates shall have over 6 months remaining to serve on their sentence within the department, and be eligible for Priority 2 care regardless of oral health self-care. Such inmates shall receive treatment within 120 days of diagnosis and assignment to Priority 2 care.

(A) Priority 2A: Inmates requiring advanced caries or advanced periodontal pathology requiring the use of intermediate therapeutic or palliative agents or restorative materials, mechanical debridement, or surgical intervention.

(B) Priority 2B: Edentulous or essential edentulous, or with no posterior teeth in occlusion requiring a complete denture, or one or more missing anterior teeth resulting in the loss of anterior dental arch integrity, requiring a transitional anterior partial denture.

(C) Priority 2C: Moderate or advanced periodontitis requiring non-surgical deep scaling and root planing procedures.

(D) Priority 2D: Chronically symptomatic impacted tooth requiring removal or specialty referral. Surgical procedures for the elimination of pathology, or restoration of essential physiologic relationship.

(4) Routine rehabilitative care category: Inmates shall have over 12 months remaining to serve on their sentence within the department, and shall meet oral health self-care requirements. Such inmates shall receive treatment within one year of diagnosis and assignment to Priority 3 care.

(A) Priority 3A: Inmates requiring a maxillary or mandibular partial denture or both due to insufficient number of posterior teeth to masticate a regular diet.

(B) Priority 3B: Carious or fractured dentition requiring restoration with definitive restorative materials or transitional crowns.

(C) Priority 3C: Gingivitis or mild periodontitis requiring routine prophylaxis.

(D) Priority 3D: Definitive root canal treatment for non-vital, single rooted teeth, which are restorable with available restorative materials.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section heading and text filed 7-2-93; operative 8-2-93 (Register 93, No. 27).
2. Amendment of subsections (a), (b)(6)–(7), (c) and (d) filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsections (a), (b)(6)–(7), (c) and (d) refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
4. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
5. Amendment of section heading and subsections (a), (b)(6)–(7), (c) and (d) filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-21-96 order transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).
7. Amendment of subsections (f)–(f)(2), new subsections (f)(2)(A)–(C), amendment of subsection (f)(3) and new subsections (f)(3)(A)–(f)(4)(D) filed 10-3-2006 as an emergency; operative 10-3-2006 (Register 2006, No. 40). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-12-2007 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 10-3-2006 order transmitted to OAL 3-7-2007 and filed 4-18-2007 (Register 2007, No. 16).

3354.1. Elective Surgery.

Repealed.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 7-2-93; operative 8-2-93 (Register 93, No. 27).
2. Repealer, including relocation of subsection 3354.1(a) to 3350.1(b), filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
3. Repealer refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
4. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
5. Repealer, including renumbering and amendment of subsections 3354.1(a) to 3350.1(b), filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-21-96 order transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).

3354.2. Inmate Copayment for Health Care Services.

(a) The terms below are defined for the purposes of this section:

(1) Inmate-initiated means that the inmate sought health care service through Department staff, or reported to health care staff for consultation and/or treatment without having first been contacted or scheduled by health care staff.

(2) Health care services means medical, mental health, dental, pharmaceutical, diagnostic and ancillary services to identify, diagnose, evaluate, and treat a medical, psychiatric, or dental condition.

(3) Health care staff means those persons licensed by the state to provide health care services, who are either employed by the Department or are under contract with the Department to provide health care services.

(b) Inmates shall be provided an opportunity to report an illness or any other health problem and receive an evaluation of the condition and medically necessary treatment and follow-up by health care staff.

(c) Inmates shall be charged and inmates shall pay a fee of five dollars (\$5.00) for each inmate-initiated health care visit. The fee for this visit shall:

(1) Cover the evaluation, assessment, and medically necessary treatment, including follow-up services that relate to the initial condition and which are determined by health care staff to be necessary.

(2) Be charged to the trust account of the inmate. When the inmate is without sufficient funds at the time of the charge, and remains without sufficient funds for 30 days after this time, the inmate shall not be charged for any remaining balance of the fee.

(3) Be waived for the following:

(A) Emergencies: any medical or dental condition for which evaluation and therapy, as determined by health care staff, are immediately necessary to prevent death, severe or permanent disability, or to alleviate or lessen objectively apparent and disabling pain. Signs of objectively apparent and disabling pain may include, but are not limited to, visible injuries, high blood pressure, rapid heart rate, sweating, pallor, involuntary muscle spasms, nausea and vomiting, high fever, and facial swelling. Emergency also includes, as determined by health care staff, necessary crisis intervention for

inmates suffering from situational crises or acute episodes of mental illness.

(B) Diagnosis and treatment of communicable disease conditions as outlined in Title 17, Chapter 4, Subchapter 1, Section 2500 of the California Code of Regulations, including human immunodeficiency virus and Acquired Immunodeficiency Syndrome.

(C) Diagnosis and necessary mental health treatment for which there is a clinical determination of mental illness.

(D) Follow-up health care services defined as any request or recommendation by a member of the health care staff to provide subsequent health care services.

(E) Health care services necessary to comply with state law and/or regulations that shall include, but not be limited to, annual testing for tuberculosis.

(F) Reception center health screening and evaluation.

(G) Inpatient services, extended care, or skilled nursing services.

NOTE: Authority cited: Sections 5007.5 and 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 9-21-94 as an emergency; operative 9-21-94 (Register 94, No. 38). A Certificate of Compliance must be transmitted to OAL by 1-19-95 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 9-21-94 order transmitted to OAL 1-18-95 and filed 2-27-95 (Register 95, No. 9).

3355. Health Care Examinations.

(a) Initial Examination. Every person newly committed or returned to the custody of the Secretary of the California Department of Corrections and Rehabilitation shall be examined by health care staff for contagious diseases, illness, or other health conditions within 24 hours of arrival. In addition, female inmates will also be screened for pregnancy.

(b) Transfers. Inmates received on transfer from other facilities shall be interviewed by health care staff at the receiving facility within 24 hours of arrival. The health record of each new arrival shall be reviewed to determine the need for previously prescribed medications or continuing treatment for unusual or chronic health problems. Sending facility health care staff shall notify the receiving facility and any anticipated layover facilities regarding any inmate's need, as in the case of diabetics, for maintenance medications while en route and after arrival.

(c) Camp Assignment. Inmates shall be personally screened by a medical officer before receiving medical clearance for assignment to a camp or fire fighting assignment. Such inmate shall be in generally good health and physically capable of strenuous and prolonged heavy labor without danger to the inmate's health and safety or the safety of others when involved in hazardous work such as forest firefighting. Exceptions: an inmate may be assigned to light duty non-hazardous work in camp if a department physician specifically approves such assignment.

(d) Releases. Each inmate shall be personally screened by health care staff prior to release to parole or discharge from a facility. Staff conducting such screening shall alert the inmate's parole agent regarding any current health problems and shall provide the inmate with any necessary maintenance medication until the releasee can obtain medication in the community.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment filed 7-2-93; operative 8-2-93 (Register 93, No. 27).
2. Amendment of section heading and subsections (b) and (d) filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days.

A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.

3. Amendment of section heading and subsections (b) and (d) refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
4. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
5. Amendment of section heading and subsections (b) and (d) filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-21-96 order including amendment of subsection (b) transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).
7. Amendment of subsection (a) filed 3-6-2008; operative 4-5-2008 (Register 2008, No. 10).

3355.1. Dental Examinations.

(a) Reception Centers. Inmates shall, during screening at a reception center, be provided only limited dental services necessary to meet basic needs. Such services shall include but are not limited to treatment of injuries, acute infection, severe pain, or spontaneous bleeding, and repairs to dental prosthetic appliances.

(b) Assigned Facility. Each newly committed inmate shall within 90 calendar days following transfer from a reception center to a program facility receive a complete examination by a dentist who shall develop an individual treatment plan for the inmate.

(1) When a treatment plan is proposed, the inmate shall be provided an explanation of its advantages and disadvantages.

(2) Each inmate's dental health history shall be documented at the time of initial examination and signed by the inmate and witnessed by a dental staff member. Such history shall be available and updated at each dental visit.

(3) An inmate unwilling to practice personal oral hygiene shall receive only that care necessary to relieve pain or treat infection. Routine treatment of nonacute oral conditions resulting from the inmate's neglect shall not be undertaken.

(c) Pregnant inmates shall receive, within the second trimester of gestation, a dental examination and cleaning, and a periodontal evaluation. Each pregnant inmate shall receive the necessary dental care that will maintain periodontal health during the gestation period.

(d) Reexamination. Each inmate under 50 years of age shall be examined at least once every two years. All other inmates shall be examined annually.

(e) Restraints. If an inmate requiring dental treatment also requires use of restraint gear, such restraints shall be selected to enable sitting in a dental chair and shall remain in place during the treatment. Exceptions require concurrence of the dentist, the escorting officer, and a lieutenant. For pregnant inmates, the rules provided in subsections 3268.2(b) and (d) concerning the use of restraints shall be followed.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3424 and 5054, Penal Code.

HISTORY:

1. New section filed 7-2-93; operative 8-2-93 (Register 93, No. 27).
2. Amendment of subsection (b) and new Note filed 4-18-2007; operative 4-18-2007 pursuant to Government Code section 11343.4 (Register 2007, No. 16).

3. New subsection (c), subsection relettering, amendment of newly designated subsection (e) and amendment of Note filed 3-6-2008; operative 4-5-2008 (Register 2008, No. 10).

3355.2. Treatment for Pregnant Inmates.

(a) Inmates identified as possibly being pregnant during the initial health examination will be scheduled for laboratory work to verify the pregnancy within three business days of arrival at the institution.

(b) Confirmed pregnant inmates, within seven days of arrival at the institution, will be scheduled for an obstetrics (OB) examination by an Obstetrical Physician or Obstetrical Nurse Practitioner (NP) wherein:

- (1) A term of pregnancy and a plan of care will be determined.
- (2) Diagnostic studies will be ordered, if needed.

(c) Pregnant inmates shall be scheduled OB visits as follows, unless otherwise indicated by the OB physician or NP:

- (1) Every 4 weeks in the first trimester up to 24–26 weeks gestation.
- (2) Every 3 weeks thereafter up to 30 weeks gestation.
- (3) Every 2 weeks thereafter up to 36 weeks gestation.
- (4) Weekly after 36 weeks up to delivery.

(d) Pregnant inmates housed in a multi-tier housing unit will be issued a CDC Form 7410 (Rev. 08/04), Comprehensive Accommodation Chrono, which is incorporated by reference, for lower bunk and lower tier housing.

(e) Pregnant inmates who have used heroin within three days prior to incarceration, either by her own admission or written documentation by a parole agent, or are currently receiving methadone treatment, shall be enrolled in the Methadone Maintenance Program and recommended for immediate transfer to the California Institution for Women.

(f) Community treatment programs. Any community treatment program developed for eligible pregnant and/or parenting female inmates in addition to the Family Foundations Program, shall include, but not be limited to:

- (1) Prenatal care.
- (2) Access to prenatal vitamins.
- (3) Childbirth education.
- (4) Infant care.

(g) Any inmate who gives birth after her receipt by the Department shall be provided notice of, and a written application for, a community treatment program. At a minimum, the notice shall contain:

- (1) Guidelines for qualification.
- (2) Timeframe for application.
- (3) Process for appealing a denial of admittance.

(h) A pregnant inmate who is not eligible for a community treatment program shall have access to complete prenatal health care, which shall include:

- (1) A balanced, nutritious diet per subsection 3050(a).
- (2) Prenatal and postpartum information and health care, including, but not limited to, necessary vitamins as prescribed by a doctor.
- (3) Information pertaining to childbirth education and infant care.

- (4) Dental care pursuant to subsection 3355.1(c).

(i) Each pregnant inmate shall be referred to a Medical Social Worker. The Medical Social Worker shall:

- (1) Discuss with the inmate, the options available for the placement and care of the child after delivery.
- (2) Assist the pregnant inmate with access to a phone in order to contact relatives regarding newborn placement.
- (3) Oversee the placement of the newborn child.

(j) A pregnant inmate may be temporarily taken to a hospital outside the institution for the purposes of childbirth and shall be

transported in the least restrictive way pursuant to the rules provided in subsections 3268.2(b) and (d). A pregnant inmate in labor shall be treated as an emergency and shall be transported via ambulance to the outside facility, accompanied by custody staff.

(k) A pregnant inmate may elect to have a support person present during child birth. The support person may be an approved visitor or the institution's staff designated to assist with prenatal, labor and postpartum care. The approval for the support person will be made by the institution's Warden or designee. If a pregnant inmate's request for an elected support person is denied, reason for the denial shall be provided in writing to the inmate within 15 working days of receipt of the request. The written denial must address the safety/security concerns for the inmate, infant, public, and/or staff. Upon receipt of a written denial, the pregnant inmate may then choose the approved institution staff to act as the support person.

(l) Postpartum care. Upon return to the institution, any inmate who delivers a child via C-Section, shall be admitted to the Outpatient Hospital Unit (OHU) or Correctional Treatment Center (CTC). Any inmate who delivers a child vaginally shall be assessed in the Triage and Treatment Area (TTA) to determine the appropriate housing and to initiate postpartum care.

(1) Orders for routine postpartum care shall be initiated by the Registered Nurse (RN) in the TTA, CTC, or OHU.

(2) The Supervising Obstetrician or RN/NP shall:

(A) Determine when the inmate is cleared for housing in the general population.

(B) Complete the medical lay-in.

(3) The inmate shall have a six week postpartum examination. At the examination, the Supervising Obstetrician or RN/NP shall determine whether the inmate may be cleared for full duty or if medical restrictions are still warranted.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3419, 3423, 3424, 5007.7 and 5054, Penal Code.

HISTORY:

1. New section filed 3-6-2008; operative 4-5-2008 (Register 2008, No. 10).

3356. Health Care Treatment for Parolees.

(a) Community Treatment. Health care for parolees shall normally be provided by private physicians and community medical facilities, as desired by the parolee and at the parolee's own expense.

(b) Facility Treatment. When a parolee requires medical, surgical, psychiatric, or dental care of an emergency nature and community resources are not available or lack the security required for retention and treatment of the parolee, the district parole administrator or their designee may arrange with the facility chief medical officer or supervising dentist the chief psychiatrist for the parolee's return to department custody for emergency treatment.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section heading and text filed 7-2-93; operative 8-2-93 (Register 93, No. 27).
2. Amendment of section heading and subsection (a) filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of section heading and subsection (a) refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.

4. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).

5. Amendment of section heading and subsection (a) filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 2-21-96 order transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).

7. Amendment of subsection (b) filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

8. Change without regulatory effect amending subsection (b) filed 8-11-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 33).

3357. Inmate Deaths.

(a) The institution head shall maintain a valid service agreement with local mortuaries to provide services such as cremation, transportation, and/or other services related to the disposition of a deceased inmate's body.

(b) When an inmate's death occurs away from an institution/facility, the body of the deceased shall, unless the county coroner orders otherwise, be released to a licensed funeral director in the community where the death occurred.

(c) If the deceased is known to have had a communicable disease which presents a threat to the public health and safety, health care staff shall notify the contract mortuary and public agencies as required by California Code of Regulations, Title 17, Section 2500, and Health and Safety Code Sections 1797.188 and 1797.189.

(d) A chaplain of the decedent's professed faith may perform a ceremony in accordance with that faith.

(e) Staff shall review the decedent's central file and locate the current CDC Form 127 (Rev. 05/00), Notification in Case of Inmate Death, Serious Injury, or Serious Illness to identify the inmate's next of kin or person(s) to be notified, and to determine the existence of a will.

(f) Staff shall attempt to notify individual(s) listed on the CDC Form 127 as the person(s) to be notified of the death, in person, or, if personal contact is not practical, by telephone. Staff shall send a telegram notification to the next of kin, person(s) to be notified as listed on the CDC Form 127, and/or legally appointed representative, offering consolation, which shall include:

(1) The name and address of the funeral director to whom the body has been or will be released;

(2) A request for instructions on disposition of the body at the family's or designee's expense, within 48 hours, to preclude disposition by the state; and

(3) The name and telephone number of a staff member who may be contacted for additional information.

(g) If after 10 days the next of kin or legally appointed representative fails to claim or direct disposition of the decedent's body, or notifies the department within ten days that he or she does not assume responsibility for burial without expense to the state, the decedent shall be considered unclaimed. If the body is unclaimed, the institution/facility shall make arrangements for use of state materials or services as necessary in accordance with Penal Code section 5061. All money and personal property shall be inventoried and released in accordance with Penal Code 5061, upon direction from the Associate Warden of Business Services or other staff designated by the institution head.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2082, 5021, 5022, 5054 and 5061, Penal Code; Sections 1797.188, 1797.189, 7104, 7200, 7201, and 7302, Health and Safety Code; and Sections 12525, 27491, 27491.2 and 27491.3, Government Code.

HISTORY:

1. Amendment filed 7-16-92; operative 8-15-92 (Register 92, No. 29).
2. Amendment of subsections (b), (c), (f) and Note filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsections (b), (c), (f) and Note refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.
4. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
5. Amendment of subsections (b), (c), (f), and Note filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-21-96 order transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).
7. Amendment of section and Note filed 8-28-2000; operative 9-27-2000 (Register 2000, No. 35).

3358. Artificial Appliances.

(a) Appliance Categories. Appliances include but are not limited to eyeglasses, artificial eyes, dental prosthesis, artificial limbs, orthopedic braces and shoes, and hearing aids. An inmate's need for such appliance shall be based on medical necessity as described in section 3350(b)(1).

(b) Possession of Appliance. No inmate shall be deprived of a prescribed orthopedic or prosthetic appliance in the inmate's possession upon arrival into the department's custody or properly obtained while in the department's custody unless a department physician or dentist determines the appliance is no longer needed and the inmate's personal physician, if any, concurs in that opinion.

(c) Purchase of Appliance. Prescribed appliances shall be provided at state expense if an inmate is indigent, otherwise the inmate shall purchase prescribed appliances through the department or a vendor of the inmate's choice as directed by the chief medical officer or supervising dentist. Departmental dentists shall not order prescribed dental appliances made from precious metal, and departmental dentists or dental laboratories shall not perform repairs to existing dental prosthesis made from precious metal. If an inmate's existing dental appliance made from precious metal needs repair, the dentist shall offer the inmate the option of having a new prosthesis made. When a prescribed appliance is to be provided the inmate shall sign a CDC Form 193, Trust Account Withdrawal Order (Rev. 1/88), to pay for the materials.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section heading and text filed 7-2-93; operative 8-2-93 (Register 93, No. 27).
2. Amendment of subsection (a) and repealer of subsections (a)(1)–(3) filed 2-17-95 as an emergency; operative 3-1-95 (Register 95, No. 9). This regulatory action was deemed an emergency pursuant to section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 8-8-95 or emergency language will be repealed by operation of law on the following day.
3. Amendment of subsection (a) and repealer of subsections (a)(1)–(3) refiled 8-7-95 as an emergency; operative 8-7-95 (Register 95, No. 32). This regulatory action was deemed an emergency pursuant to

section 5058(e) of the Penal Code and remains in effect for 160 days. A Certificate of Compliance must be transmitted to OAL by 1-16-96 or emergency language will be repealed by operation of law on the following day.

4. Reinstatement of section as it existed prior to emergency amendment filed 2-17-95 by operation of Government Code section 11346.1(f) (Register 96, No. 8).
5. Amendment of subsection (a) and repealer of subsections (a)(1)–(3) filed 2-21-96 as an emergency; operative 2-21-96 (Register 96, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-20-96 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 2-21-96 order including amendment of subsection (c) transmitted to OAL 6-18-96 and filed 7-9-96 (Register 96, No. 28).
7. Amendment of subsection (b) filed 10-3-2006 as an emergency; operative 10-3-2006 (Register 2006, No. 40). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-12-2007 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 10-3-2006 order, including amendment of subsection (c), transmitted to OAL 3-7-2007 and filed 4-18-2007 (Register 2007, No. 16).
9. Change without regulatory effect amending subsection (c) filed 8-11-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 33).

3359. Donation and Sale of Blood.

Institution heads may permit, subject to acceptance by a blood collection agency, inmates to donate blood for charitable and research purposes or to sell their blood only when needed blood cannot be reasonably and readily obtained from other sources. When a blood sale is authorized, the inmate must receive from the purchaser a payment equal to the current market price for purchases of the same type blood. The facility may impose an additional charge to the purchaser to retrieve the cost of department resources used in drawing the blood. Proceeds of such charges shall be deposited in the inmate welfare fund.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment filed 7-2-93; operative 8-2-93 (Register 93, No. 27).

Article 9. Mental Health Services**3360. Availability of Mental Health Services.**

(a) The department will provide a broad range of mental health services to inmates and parolees by assessing the needs of its population and developing specialized programs of mental health care, to the extent resources are available for this purpose. Necessary and appropriate mental health services will be provided to inmates and parolees, and adequate staff and facilities will be maintained for the delivery of such services.

(b) When an inmate is found to require mental health care not available within these resources, but which is available in the Department of Mental Health, the case will be referred to the director for consideration of temporary transfer to that department pursuant to Penal Code section 2684.

(c) Recognizing that many parolees have unique treatment needs not readily met by community mental health programs, and that the promptness and appropriateness of those needs affect public safety, the department provides outpatient clinics for parolees. These clinics are conducted in widely distributed locations throughout the state at times and places such that they are available to parolees, and that they shall maintain close working relationships with parole supervisors, paroling authorities, and the community in which the parolee resides.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2684 and 5054, Penal Code.

HISTORY:

1. New Article 9 (Sections 3360–3369) filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).
2. Amendment of section heading and subsection (b) filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-3-95 order including amendment of Note transmitted to OAL 6-12-95 and filed 7-25-95 (Register 95, No. 30).

3361. Responsibility.

(a) All required mental health treatment or diagnostic services shall be provided under the supervision of a psychiatrist licensed to practice in this state, or a psychologist licensed to practice in this state and who holds a doctoral degree and has at least two years of experience in the diagnosis and treatment of emotional and mental disorders. Facilities for mental health treatment and diagnostic services shall be under the direction of such a psychiatrist or psychologist. A psychiatrist shall be available to assume responsibility for all acts of diagnosis or treatment that may only be performed by a licensed physician and surgeon.

(b) When an inmate or an inmate's guardian or relative, or an attorney or other interested party desires to have an inmate examined by a private psychiatrist or other mental health professional, a request shall be submitted in writing by such person or persons to the warden. After consulting with the institution's chief psychiatrist or, in his absence, the chief medical officer, the warden will grant the request unless there are specific case factors which, in the judgment of the warden, warrant denial. If the request is denied, the person making the request will be notified in writing of the reason for the denial and the right to appeal the decision, to the director. Any financial responsibility or obligation for private consultants or examinations will be assumed by the inmate or the person requesting the service. Private consultants will not be permitted to order mental health treatment for any inmate. However, the private consultant may be asked to make a report of findings and recommendations to the warden.

(c) Recognizing that mental health care often involves revealing deeply personal and private matters, all mental health care shall be provided in such a manner as to maintain the dignity of the inmate. Professional relationships shall be conducted with proper privacy, with due regard for the professional to take necessary and appropriate action to prevent harm to the patient or to others. Records of mental health diagnosis, evaluation and treatment prepared or maintained by the department shall remain the property of the department and are subject to all applicable laws governing their confidentiality and disclosure. Treatment will be in accord with sound principles of practice and will not serve a punitive purpose.

NOTE: Authority cited: Sections 5058 and 5079, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Editorial correction of printing error in subsection (a) (Register 92, No. 5).
2. Amendment of subsections (b) and (c) filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-3-95 order including amendment of section and Note transmitted to OAL 6-12-95 and filed 7-25-95 (Register 95, No. 30).

3362. Availability of Treatment.

All persons committed to the department shall be informed that mental health services are available to them. They shall be informed that, upon their request, an evaluative interview will be provided within a reasonable period of time by a licensed practitioner, or a specially trained counselor supervised by a licensed practitioner. Upon request, they will be provided with information as to what specialized treatment programs may be available in the department and how such treatment may be obtained.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3363. Right to Refuse Treatment.

Inmates/Parolees shall be informed any time they are the object of particular mental health diagnosis or treatment procedures. Such persons shall have the right to refuse assignment to such a program of diagnosis or treatment without being subject to discipline or other deprivation, except as indicated in the following:

(a) When mental health evaluation is required by law or ordered by a court.

(b) When an inmate is placed in a mental health program for diagnostic study by the action of a classification committee, which acted upon documented information or observations that gave reasonable cause to believe the inmate was suffering from a mental illness which poses a danger to self or others, or is gravely disabled. A physician or other licensed practitioner may act in an emergency situation to place an inmate in psychiatric segregation under observation and treatment for a period of up to five working days pending classification action, providing the reasons for this action are documented.

(c) When diagnostic study has led to a diagnosis of existing or recurrent mental illness, which renders the inmate dangerous to self or others, or gravely disabled.

(d) If there is a special condition of parole requiring attendance at a parole outpatient clinic, interviews may be imposed upon the parolee. However, no medication will be administered by these clinics without the specific informed consent of the patient.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of first paragraph and subsections (b) and (c) filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-3-95 order transmitted to OAL 6-12-95 and filed 7-25-95 (Register 95, No. 30).

3364. Involuntary Medication.

(a) If medication used in the treatment of mental disease, disorder or defect is administered in an emergency, as that term is defined in section 3351, such medication shall only be that which is required to treat the emergency condition and shall be provided in ways that are least restrictive of the personal liberty of the inmate. If it is determined that further administration of such medication involuntarily is necessary for a period of longer than 72 hours, the following provisions shall be followed:

(1) The administration of involuntary medication to inmates in excess of three days shall be in compliance with those procedures required in *Keyhea v. Rushen*, Solano County Superior Court No. 67432, Order Granting Plaintiffs' Motion for Clarification and Modification of Injunction and Permanent Injunction, filed October 31, 1986.

(2) The administration of involuntary medication to inmates in excess of ten days shall be in compliance with those procedures required in *Keyhea v. Rushen*, supra.

(3) The administration of involuntary medication to inmates in excess of 24 days shall be in compliance with those procedures required in *Keyhea v. Rushen*, supra. The judicial hearing for the authorization for the involuntary administration of psychotropic medication provided for in part III of *Keyhea v. Rushen*, supra, shall be conducted by an administrative law judge. The hearing may, at the direction of the director, be conducted at the facility where the inmate is located.

(b) Involuntary antipsychotic medication shall not normally be administered to an inmate in his or her housing unit. An inmate shall normally be transferred to the hospital, clinic, emergency room or infirmary room at the institution prior to the administration of the medication. If a psychiatrist determines that the prior transfer of the inmate to such a setting would pose a greater risk to the inmate and staff than the risk involved to the inmate in receiving the medication in a non-medical setting, the involuntary medication may be administered in the inmate's cell, provided that:

(1) Medical staff shall alert security staff, orally and in writing, of the fact that such medication has been administered, of the date and time of administration, of possible side-effects, if any, which could develop, and shall provide security staff with instructions for contacting medical staff immediately upon the development of any such side effects. On-call medical staff shall make periodic observations of the inmate and shall respond to any emergency request for medical aid.

(2) In all cases where it is both feasible and medically desirable, a fast-acting medication shall be utilized to facilitate the inmate's rapid transfer to a medical setting.

(3) The inmate shall be considered for transfer from his or her cell to a medical setting at least once a day after the injection by a staff psychiatrist, or if a psychiatrist is not available by a staff physician, for the effective duration of the medication. The staff psychiatrist or physician shall note his or her observations and decision in writing. The inmate shall be transferred to a medical setting no later than 72 hours after the injection if the effective duration of the drug administered exceeds that time period.

(c) Each institution's chief psychiatrist, or in his or her absence, chief medical officer, shall ensure that a log is maintained in which is recorded each occasion of involuntary treatment of any inmate. The log entries shall identify the inmate by name and number, and shall include the name of the ordering physician, the reason for medication, and the time and date of medication. In institutions with a designated psychiatric treatment unit, a separate log shall be maintained for recording involuntary treatment and medication administered to inmates in that unit. The log shall be reviewed by the institution's chief psychiatrist, or in his or her absence, the chief medical officer, at least monthly. Such logs shall be made available for review by the departmental medical director upon request.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2600 and 5054, Penal Code; *Whitaker v. Rushen*, et al., USDC No. C-81-3284 SAW (N.D. Cal.); and *Keyhea v. Rushen*, Solano County Superior Court No. 67432, Order Granting Plaintiffs' Motion for Clarification and Modification of Injunction and Permanent Injunction, filed October 31, 1986.

HISTORY:

1. Amendment filed 8-4-86; effective thirtieth day thereafter (Register 86, No. 32).
2. Repealer and new subsection (a), new subsections (a)(1)-(3), amendment of subsection (b), repealer of subsections (c)-(e), subsection relettering, and amendment of newly designated subsection (c) and Note filed 1-3-95 as an emergency; operative 1-3-95 (Register 95, No. 1). A Certificate of Compliance must be transmitted to

OAL 6-12-95 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 1-3-95 order including amendment of subsections (a)-(a)(3) and Note transmitted to OAL 6-12-95 and filed 7-25-95 (Register 95, No. 30).

3365. Suicide Prevention and Response.

(a) Each institution head shall ensure that all employees whose assignments routinely involve inmate contact are trained to recognize signs and symptoms associated with suicide risk, the appropriate procedures for staff intervention, and the appropriate procedures to be followed in response to emergency situations resulting from self-injurious or suicidal actions. This training shall be conducted as in-service training, in compliance with Section 3435.

(b) Each institution head shall implement a Suicide Prevention Program for inmates who display self-injurious or suicidal behavior or symptoms. These programs shall include the following components:

(1) Suicide Watch. When medical staff determine that an inmate is actively suicidal, a licensed physician or psychologist shall order placement of the inmate on suicide watch in a General Acute Care Hospital (GACH), Correctional Treatment Center (CTC), Skilled Nursing Facility (SNF), Outpatient Housing Unit (OHU), or other appropriate health care facility, for continual observation.

(2) Suicide Precaution. When medical staff determine that an inmate is at high risk of attempting self-injurious behavior, a licensed physician or psychologist shall order placement of the inmate on suicide precaution in a GACH, CTC, SNF, OHU, or other appropriate health care facility, for periodic monitoring.

(3) Follow-up Treatment. Discharge from suicide watch or suicide precaution shall occur when an interdisciplinary team of clinicians determines that the inmate no longer presents a suicide risk. A written treatment plan and follow-up outpatient treatment shall be provided by a mental health clinician.

(c) When a suicide attempt is discovered in progress, medical assistance shall be summoned immediately to provide emergency medical care. Security and safety procedures shall be followed, including the use of required equipment and procedures to deal with bodily fluids. A cut-down kit shall be immediately accessible on each unit and shall be used by staff in case of an attempted suicide by hanging. All subsequent activities and procedures shall comply with local institutional emergency plans, as developed in compliance with Section 3301.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 6-22-99 as an emergency; operative 6-22-99 (Register 99, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-29-99 pursuant to Penal Code section 5058(e) or emergency language will be repealed by operation of law on the following day. For prior history, see Register 95, No. 30.
2. Repealed by operation of Government Code section 11346.1(g) (Register 2000, No. 3).
3. New section filed 1-18-2000 as an emergency; operative 1-18-2000 (Register 2000, No. 3). A Certificate of Compliance must be transmitted to OAL by 6-26-2000 pursuant to Penal Code section 5058(e) or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1-18-2000 order, including amendment of subsections (b)(1) and (b)(3), transmitted to OAL 3-3-2000 and filed 4-10-2000 (Register 2000, No. 15).

3366. Mental Health Advisory Board.

Repealed.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Repealer filed 1-28-99; operative 2-27-99 (Register 99, No. 5).

3367. Psychosurgery.

Psychosurgery, including lobotomy, stereotactic surgery, chemical or other destruction of brain tissue, or implantation of electrodes into brain tissue, is not and will not be performed on persons committed to or in the custody of the Department of Corrections.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3368. Aversive Therapy.

The use of any drug, electronic stimulation of the brain, or infliction of physical pain when used as an aversive or reinforcing stimulus in a program of aversive, classical or operant conditioning is not and will not be performed on persons committed to or in the custody of the Director of Corrections. Nothing in this section prohibits the administration of drugs intended to cause negative physical reactions to the ingestion of alcohol or drugs unless part of a program of aversive conditioning.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3369. Shock Therapy.

(a) Shock therapy is the only form of organic therapy, as defined by law, which may be used in the treatment of persons committed to the custody of the Director of Corrections. No inmate who is competent and capable of giving informed consent will be administered any form of shock therapy without having given his or her consent. Prior authorization of a superior court is also required before shock therapy may be administered for any treatment purpose other than as an emergency lifesaving measure.

(1) Shock therapy as a lifesaving emergency medical measure may be administered to an inmate who is competent and capable of giving informed consent and who has given consent, or an inmate who is incompetent or incapable of giving informed consent, without prior court authorization. However, all pertinent clinical data relating to the nature of the emergency and the treatment given will be presented to the court for review within 10 days of the first instance of emergency shock treatment.

(2) When an inmate is competent and capable of giving informed consent and has done so, and the court has authorized such treatment, shock therapy may be administered in a non-emergency course of treatment. No form of shock therapy may exceed three months of continuous treatment nor more than three months in any 12-month period.

(b) Informed Consent. The term, "Informed Consent," means that a person must knowingly and intelligently, without duress or coercion, and clearly and explicitly consent to the proposed shock therapy. The inmate's consent must be given in writing and in the presence of the attending physician. It must be preserved and be available to the inmate, the inmate's attorney, guardian, or conservator.

(c) Determining Need. If the attending physician determines that shock therapy is required for the health and safety of the inmate, permission may be requested of the warden or superintendent to administer the therapy.

(1) The warden or superintendent will appoint a committee of physicians, two of whom are board certified or eligible for board certification in psychiatry or neurosurgery, to review the inmate's treatment record and the determination of the attending physician. At least one of the attending physicians must not be a full-time employee of the department.

(2) Before shock treatment may be administered, this committee must unanimously agree with the attending physician's determi-

nation that it is required and, if it is to be performed under the provisions of subsection (b), that the inmate has the ability to give informed consent and has in fact given informed consent.

(d) Withdrawal of Consent. Any inmate who has given informed consent may withdraw it at any time. The shock therapy must cease immediately.

(e) Court Petition.

(1) An inmate, or inmate's attorney, guardian or conservator may file a petition with the superior court of the county in which the inmate is confined for an order to prohibit the administration of shock therapy upon the inmate. This petition must be served by the county clerk upon the warden or superintendent on the same day it is filed and constitutes a refusal of consent or withdrawal of any prior consent.

(2) The warden or superintendent has 10 days to file a response to the petition. The superior court may grant a continuance of 10 additional days. The response must be served upon the inmate, and upon the inmate's attorney, guardian or conservator on the same day it is filed with the clerk of the superior court.

(f) Correspondence Regarding Shock Therapy. The inmate is entitled to communicate in writing with his or her attorney, and by writing or visits with his or her parents, guardian or conservator regarding any proposed administration of shock therapy or organic therapy. Any mail regarding shock therapy will not be prevented from leaving the institution.

(g) Incapable of Informed Consent.

(1) If the inmate is incapable of giving informed consent to a program of shock therapy, and the attending physician believes that such treatment is required for the health and safety of the inmate, the attending physician may request the permission of the warden or superintendent. If the warden or superintendent agrees with the request and the committee, appointed pursuant to subsection (c)(1), also unanimously agrees that such therapy is required, the warden or superintendent will forward the request to the Chief, Medical Services for review and recommendation to the director. If the director concurs in the course of treatment, the warden or superintendent will petition the superior court for permission to conduct the hearing. No treatment will be conducted until after a hearing at which the inmate is represented by counsel and after a court order authorizing the treatment is issued.

(2) In an extraordinary case, the attending physician may determine that shock treatment is required for a longer period of time than three months, or more frequently than three months in the period of one year. The same procedures as in paragraph (1) of this subsection will be followed before any further shock therapy will be administered.

(h) Inmate Rights. If the attending physician determines that an inmate should be administered shock therapy, the inmate will be informed of his or her rights under this article. A copy of Penal Code Sections 2670 through 2680 will be made and will be given to the inmate at that time.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

3369.1. Inmate/Parolee Placements in Department of Mental Health Hospitals.

(a) Inmates considered for placement in a Department of Mental Health hospital pursuant to Penal Code section 2684 shall be informed of their rights to a hearing on the placement and to waive such a hearing. Except as provided in (b) below, inmates who do not waive their right to the hearing shall be provided the following:

(1) A written notice of the placement hearing at least 72 hours prior to the hearing.

(2) An independent and qualified staff member to assist the inmate with their preparation for the hearing. Any costs or expenses incurred related to independent assistance obtained by the inmate on their own shall be the sole responsibility of the inmate.

(3) An opportunity to present documentary evidence and the oral or written testimony of witnesses, and to refute evidence and cross-examine witnesses unless the hearing officer indicates a good cause for prohibiting such evidence or witnesses.

(4) A hearing officer who shall be the institution head or a designee, which shall be a correctional administrator, physician, psychiatrist, or psychologist who is not involved with treating the inmate.

(5) A copy of the written decision within 72 hours after the hearing, which shall include the reason for the decision and the evidence, relied upon in making the decision.

(b) Inmates and parolees who require emergency psychiatric hospitalization shall be entitled to a certification review hearing pursuant to Welfare and Institutions Code section 5256 at the Department of Mental Health hospital in lieu of the above hearing and waiver requirements.

(c) Inmates and parolees housed in Department of Mental Health hospitals remain under the jurisdiction of the department and shall not be permitted to leave the hospital grounds without the specific authorization of the director.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5150 and 5250 through 5256, Welfare and Institutions Code; Sections 2684, 2974 and 5054, Penal Code; and *Vitek v. Jones* (1980) 445 U.S. 480, 100 S.Ct. 1254.

HISTORY:

1. New section filed 7-22-93; operative 8-23-93 (Register 93, No. 30).

Article 9.1. Research of Inmates/Parolees

3369.5. Research.

(a) No research shall be conducted on inmates/parolees without approval of the research advisory committee established to oversee research activities within the department. Members of the research advisory committee shall be named by the Secretary, and may include departmental staff and nondepartmental persons who are community academic representatives engaged in criminal justice research.

(b) No research project shall be considered without submission of a research proposal that shall contain the following:

- (1) A statement of the objectives of the study.
- (2) The specific values of the project.
- (3) A description of the research methods to be used.
- (4) A description of the measuring devices to be used, or if they are to be developed as part of the project, a statement of their intended use and reason.
- (5) The name of the facility or office where the data will be collected.
- (6) The names and titles of personnel involved and their responsibilities in the project.
- (7) An estimate of departmental staff time needed for the project.
- (8) Starting and ending dates of the research.
- (9) Any additional costs to the state.
- (10) An estimate of the inmate/parolee subjects' time needed for the project and a plan for the compensation of the inmates/parolees.
- (11) The source of funding.
- (12) A copy of the informed consent form to be used in the project which meets the requirements of Penal Code section 3521.
- (13) A current resume for each professional staff member of the project.

(14) The full name, date of birth, and social security number of all project staff members who will enter an institution or other departmental facility to carry out the project.

(15) A certification of privacy signed by the project's principal investigator which outlines the procedure for protecting exempt personal information and certifies that the protective procedures shall be followed.

(16) If student research is involved, a letter from the student's faculty advisor stating that the student will be working under their supervision and the project is approved by their college/university.

(17) If the proposal was previously reviewed by a committee of another agency or organization, a copy of the record of that committee's approval.

(c) A nondepartmental person, agency or organization applying to conduct research within the department shall submit to the committee for approval a signed agreement to adhere to all departmental requirements.

(d) Any person, agency or organization conducting research shall, as requested by the department's chief of research or designee, submit progress reports on their projects.

NOTE: Authority cited: Sections 3509.5, 3517 and 5058, Penal Code. Reference: Sections 3500 through 3524 and 5054, Penal Code.

HISTORY:

1. Change without regulatory effect adding new article 9.1 (section 3369.5) and renumbering former section 3439 to new section 3369.5 filed 8-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).
2. Amendment of subsection (a), including incorporation of portion of former subsection (a)(5) and repealer of subsections (a)(1)-(5) filed 7-3-2001; operative 8-2-2001 (Register 2001, No. 27)
3. Amendment of subsection (a) filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

Article 9.5. Case Records

3370. Case Records File and Unit Health Records Material—Access and Release.

(a) Unit health records means a patient's health record that includes all records of care and treatment rendered to an inmate-patient.

(b) Except by means of a valid authorization, subpoena, or court order, no inmate or parolee shall have access to another's case records file, unit health records, or component thereof.

(c) Inmates or parolees may review their own case records file and unit health records, subject to applicable federal and state law. This review shall be conducted in the presence of staff, and may necessitate the use of a computer.

(d) No inmate or parolee shall access information designated confidential pursuant to section 3321 which is in or from their own case records file.

(e) No case records file, unit health records, or component thereof shall be released to any agency or person outside the department, except for private attorneys hired to represent the department, the office of the attorney general, the Board of Parole Hearings, the Inspector General, and as provided by applicable federal and state law. Any outside person or entity that receives case records files or unit health records is subject to all legal and departmental standards for the integrity and confidentiality of those documents.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2081.5, 5054 and 6126.5, Penal Code; Sections 56.10, 1798.24 and 1798.40, Civil Code; and Code of Federal Regulations, Title 45, Sections 164.512 and 164.524.

HISTORY:

1. New section filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmit-

ted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-15-92 and filed 5-27-92 (Register 92, No. 24).
3. New subsection (b) and subsection relettering filed 3-24-99; operative 4-23-99 (Register 99, No. 13).
4. Amendment of section heading, section and Note filed 1-19-2006; operative 2-18-2006 (Register 2006, No. 3).
5. Amendment of subsection (e) filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3370.5. Detainers.

(a) When a detainer is received by the department, the inmate shall be provided a copy of the detainer and written notification concerning any options available to the inmate.

(b) An inmate may request resolution of a detainer case by completing the indicated form below and forwarding it to the case records office where the necessary documents shall be prepared for the inmate's signature and mailing.

(1) CDC Form 643 (Rev. 4/88), Inmate Notice and Demand for Trial to District Attorney, shall be completed to request disposition of untried charges in California.

(2) CDC Form 616 (Rev. 4/91), Request for Disposition of Probation (PC 1203.2a), shall be completed to request disposition of probation.

(c) If an inmate is not brought to trial within 90 days after the district attorney acknowledged receipt of CDC Form 643, case records staff shall complete and file with the court having jurisdiction of the matter the motion and order to request dismissal of the matter.

(d) When a district attorney requests custody of an inmate pursuant to PC section 1389 the inmate shall be provided a copy of the explanation of rights under Article IV of the Interstate Agreement on Detainers.

(e) When a request is received for an inmate to appear for sentencing on an out-of-state or federal conviction, the inmate shall be provided notification of their rights with CDC Form 1673 (Rev. 12/86), Agreement on Detainer—Right to Request Sentencing. An inmate's demand for sentencing in absentia shall be executed on CDC Form 1674 (Rev. 12/86), Agreement on Detainer—Notice of Place of Imprisonment.

(f) Each out-of-state agency which has filed a detainer against an inmate shall be notified no later than 60 days before the inmate's pending parole or discharge. Each in-state agency which has filed a detainer against an inmate shall be notified no later than 10 days before the inmate's pending parole or discharge.

(g) The inmate shall be released to the agency, which first placed a detainer, unless a later detainer is based upon an adjudicated prison sentence in which case the inmate shall be offered to the agency holding the prison sentence detainer. In either case, the other agencies shall be notified which agency assumed custody of the inmate.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1203.2a, 1381, 1389 and 5054, Penal Code. *In re Stoliker* (1957) 49 Cal.2d 75; and *Tinghitella v. California* (9th Cir. 1983) 718 F.2d 308.

HISTORY:

1. New section filed 12-19-91 as an emergency; operative 12-19-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-17-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-19-91 order including amendment of subsection (f) transmitted to OAL 4-20-92 and filed 5-28-92 (Register 92, No. 24).

3371.1. Computation of Time and Preprison Credit.

(a) The method of computing time and applying credit to an inmate's term is governed by the laws applicable on the date the inmate's crime is committed.

(b) Credit towards an inmate's term shall be administratively applied if the credits are not reflected on legal documents for:

(1) Time spent under an indeterminate sentence as a mentally disordered offender pursuant to Penal Code (PC) section 1600.5.

(2) A commitment received on or after September 15, 1965 where the inmate spent time for diagnostic observation pursuant to PC section 1203.03.

(3) Time spent for a Welfare and Institutions Code (W&IC) section 3200 commitment.

(4) Time spent in the California Youth Authority on the same offense for which they were committed to the department pursuant to W&IC section 1782.

(c) If upon application of preprison credit the inmate is overdue for release, they shall be released within five working days.

(d) Only the following credit issues shall be referred by the department to the sentencing court:

(1) Any case where credit was granted for time served for an imprisonment offense, a crime committed while the inmate was on escape status, or where an inmate's consecutive case was sentenced after their received date and included credit for that time served.

(2) When an inmate's case was resentenced and the court credited the inmate with time being served in the department.

(3) When an inmate's probation is revoked and the inmate is granted more than 60 days custody credit, which is also being credited by the department.

(4) Cases where legal documents reflect any conflict in credit.

(5) Cases where the court granted Penal Code section 4019 credit at the rate of day-for-day.

(e) Any preprison credit towards an indeterminate sentence shall be applied within one week after the inmate's parole date or term is established or fixed by the Board of Prison Terms.

(f) No preprison credit shall be applied towards time assessed for prior indeterminate sentence terms.

(g) The inmate's received date is counted as a full day regardless of the actual time of day received; for each day thereafter, they shall serve the full 24-hour period to receive credit.

(h) An inmate who has been convicted of a felony, and sentenced under Penal Code section 667(b) through (i), or Penal Code Section 1170.12, with one or more prior felony convictions, as defined in Penal Code section 667.5(c) and/or 1192.7(c), shall not be awarded behavior and/or work credits in an amount that exceeds one-fifth of the total term of imprisonment imposed. The limitation on the inmate's credit accrual shall commence on the received date, as defined in section 3000 even if the inmate's sentence has been modified as the result of a stricken prior felony conviction under Penal Code section 1385. There will be a maximum credit accrual rate of 20% so long as the trial court continues to use at least one prior felony conviction, as defined in PC section 667.5(c) and/or 1192.7(c), for the purposes of determining the term of imprisonment upon resentencing.

NOTE: Authority cited: Sections 5058, and 2930-2935, et seq., Penal Code. Reference: Sections 667, 667.5, 1168, 1170, 1170.12, 1192.7, 1203, 2900.1, 2900.5 and 5054, Penal Code; and Section 1782, Welfare and Institutions Code; and *People v. Caceres* (1997) 52 Cal.App. 4th 106, 60 Cal. Rptr. 2d 415, *People v. Buchalter* (2001) 26 Cal. 4th 994A, 108 Cal. Rptr. 2d 625, and *People v. Superior Court* (Romero) (1996) 13 Cal. 4th 497, 53 Cal. Rptr. 2d 789.

HISTORY:

1. New section filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmit-

ted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 12-20-91 order including amendment of subsection (d)(1) transmitted to OAL 4-20-92 and filed 6-2-92 (Register 92, No. 24).
3. New subsection (h) and amendment of Note filed 12-10-2002; operative 1-9-2002 (Register 2002, No. 50).

3371.2. Credits for Escapee or Parole Violator.

(a) An escapee or parole violator shall receive credit on their sentence for time in another jurisdiction's custody when they are held on "our hold only" and are available for return to the department's custody. No credit shall be applied for the time they are held on "our hold only" and are resisting extradition.

(b) An escapee or parole violator in local confinement is available except when serving a sentence in lieu of a fine or a sentence expressly ordered to run consecutively to their existing prison term.

(c) An escapee or parole violator in local confinement is available on the date our hold was placed or, if declared at-large and parole was suspended, the date of their arrest.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2900 and 5054, Penal Code.

HISTORY:

1. New section filed 12-20-91 as an emergency; operative 12-20-91 (Register 92, No. 4). A Certificate of Compliance must be transmitted to OAL 4-20-92 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 12-20-91 order transmitted to OAL 4-20-92 and filed 6-2-92 (Register 92, No. 24).

Article 10. Classification

3375. Classification Process.

(a) The classification process shall be uniformly applied, commencing upon reception of a person committed to the custody of the secretary and shall continue throughout the time the individual remains under the secretary's jurisdiction. Each inmate shall be individually classified in accordance with this article. Senate Bill 618 Participants, as defined in section 3000 and pursuant to subsection 3077.1(a)(1)(C), shall receive a preliminary classification at a county facility prior to reception at a departmental institution.

(b) The classification process shall take into consideration the inmate's needs, interests and desires, his/her behavior and placement score in keeping with the department and institution's/facility's program and security missions and public safety.

(c) Each determination affecting an inmate's placement within a institution/facility, transfer between facilities, program participation, privilege groups, or custody designation shall be made by a classification committee composed of staff knowledgeable in the classification process.

(d) The classification of felon inmates shall include the classification score system as established. A lower placement score indicates lesser security control needs and a higher placement score indicates greater security control needs.

(e) When possible, the inmate shall be given sufficient advance written notice of any classification committee hearing to provide the inmate reasonable preparation time to discuss the matter to be considered. An inmate appearing before a classification committee shall be informed of the inmate's next classification committee hearing date when it is known or can be anticipated.

(f) The classification of inmates shall provide the following procedural safeguards:

(1) Inmates shall be given written notice at least 72 hours in advance of a hearing which could result in an adverse effect. Adverse effect is defined as:

(A) Involuntary transfer to a higher security level institution/facility, which is not consistent with the inmate's placement score.

(B) Increase in the inmate's custody designation.

(C) Involuntary placement in segregated housing.

(D) Involuntary removal from an assigned program.

(E) Placement in a reduced work group.

(F) Involuntary transfer to another institution/facility because of the inmate's misbehavior or receipt of new information that may affect staff, inmates, the public, or the safety and security of the institution/facility, whether or not his/her placement score is consistent with the receiving institution's/facility's security level.

(G) Transfer of an inmate to a more restrictive institution or program where the security level is higher.

(2) Except as provided in subsection 3375(f)(3), the inmate shall be present at all initial classification committee hearings and at any other classification committee hearing which could result in an adverse effect upon the inmate.

(3) An in absentia (without inmate's presence) classification hearings may be held only when:

(A) The inmate refuses to appear before the committee.

(B) The inmate is physically incapable of appearing before the committee, or is determined by a psychiatrist to be mentally incompetent and cannot understand the purpose of the hearing.

(C) The purpose of the hearing is to:

1. Improve the inmate's conditions of confinement by reducing or removing a previously imposed restriction.

2. Approve an action requested in writing by the inmate.

3. Determine the need for scheduling, or to schedule, a future classification committee action.

(4) If the inmate was not previously notified and during the classification committee hearing an unanticipated adverse effect emerges, the hearing shall be postponed for at least 72 hours and the inmate shall be referred to the inmate's counselor for assistance when the inmate is illiterate, or the issues are complex unless:

(A) The hearing cannot be postponed because of safety or security factors.

(B) The inmate waives the 72-hour postponement.

(5) The inmate shall be permitted to contest the preliminary score or placement score in the hearing.

(6) Each inmate appearing before a classification committee shall be:

(A) Introduced to the committee members.

(B) Informed of the purpose of the hearing.

(C) Encouraged to participate in the hearing discussion.

(D) Informed of the committee's decision.

(7) Classification committee decisions shall be based on evaluation of available information and mutual agreement of the committee members.

(g) Every decision of a classification committee shall be documented on a CDC Form 128-G, Classification Chrono.

(1) All classification committee's documentation shall include, but not be limited to the following:

(A) The reason or purpose for the committee hearing.

(B) The action taken.

(C) The specific reasons for the action including the information upon which the decision was based.

(D) The inmate's stated preferred action, the reasons for the preference, and his/her agreement or disagreement with the committee action.

(E) If applicable, the use of any reasonable accommodation to ensure effective communication.

(F) If during the committee discussion, a member of the committee disagrees with a decision or the basis for a decision reached

by the committee, he or she may provide language to the recorder to document his or her opinion for inclusion in the CDC Form 128-G.

(G) The reason(s) for the omission of any of the classification procedural safeguards identified in subsection 3375(f).

(H) If an in absentia hearing is held, reason(s) for the inmate being absent.

(I) The name, title, and signature of the committee's chairperson.

(J) The names and titles of staff who participated in the decision.

(K) The name, title, and signature of the committee's recorder.

(L) The date of the action.

(2) In addition to the preceding, documentation for transfer reviews shall also include the following:

(A) The inmate's requested transfer preference(s) and stated reason(s) for preferring that location.

(B) The institution to which the committee recommends transfer with an alternate recommendation, if different from those requested by the inmate, and the specific reasons for both recommendations.

(C) A statement of the inmate's work group upon transfer based on adverse on non-adverse transfer circumstances.

(3) When the inmate is treated under the mental health services delivery system (MHSDS) and is at the enhanced outpatient program (EOP) or the mental health crises bed (MHCB) level of care, regardless of the inmate's housing, a clinician is required as a committee member at all hearings. When the inmate is in segregated housing and treated under the MHSDS at any level of care a clinician is required as a committee member at all hearings. Documentation shall include, but not be limited to the following:

(A) The inmate's current medical/psychiatric status/level of care.

(B) MHSDS treatment needs.

(C) The inmate's ability to understand and participate in the classification hearing.

(4) In all hearings when the inmate is treated under the MHSDS and is housed in segregated housing, documentation shall include the requirements indicated in subsection 3375(g)(3) as well as the following:

(A) A clinical assessment of the inmate's likelihood of decompensation if retained in segregated housing.

(B) A summary of the clinical information provided by the clinician when an actively decompensating mentally ill inmate is recommended for transfer to a mental health program by the clinician and the decision of the committee is to retain the inmate in segregated housing.

(5) Documentation from each institution's initial classification reviews shall include the following case factors:

(A) Date of birth.

(B) Term Status (first, second, etc.)

(C) County(ies) of commitment.

(D) Commitment offense(s) (include parole revocation offense(s) resulting in good cause findings if a parole violator.)

(E) Length of sentence.

(F) When the inmate was received by the department for the current incarceration.

(G) County of last legal residence.

(H) Escape related conviction(s).

(I) Current or potential hold(s).

(J) Arson related arrest(s) or conviction(s).

(K) Sex-related arrest(s) or conviction(s) by date.

(L) The current placement score and security level.

(M) The reason(s) the inmate was transferred to the current location.

(N) Current eligibility status for special programs such as camp, minimum support facility, community correctional facility, com-

munity correctional reentry center, or restitution center. If not eligible, the reason for each shall be noted.

(O) Current assignments (including work group and privilege group).

(P) Enemy, gang, or disruptive group concerns.

(Q) The existence of, and committee review of, confidential information.

(R) Any medical/psychiatric/disability concerns, including tuberculosis tracking code and date of the most current documentation.

(6) Documentation for each classification committee review for transfer to the COCF program shall include the case factors listed in 3375(g)(5) and;

(A) Attorney consultation.

(B) Conviction history.

(h) An inmate shall be provided a copy of all nonconfidential staff documentation and reports placed in the inmate's central file unless otherwise requested in writing by the inmate.

(i) An inmate shall not remain at a institution/facility with a security level which is not consistent with the inmate's placement score unless approved by a classification staff representative (CSR) or a staff person designated to serve in that capacity.

(j) A CDC Form 839, (Rev. 12/02), CDC Classification Score Sheet, shall be prepared pursuant to section 3375.3 on each newly received felon.

(1) In completing the CDC Form 839, all relevant documents available during the reception center process shall be reviewed, the inmate shall be interviewed, informed of the purpose of the form, and be allowed to contest specific item scores and other case factors on the form. Factors for which documentation is absent or conflicting shall be discussed during the interview.

(2) The inmate is responsible for providing documentation to support their challenge of any information on the CDC Form 839.

(3) An effort shall be made to obtain verifiable documentation of all items on the CDC Form 839. The probation officer's report (POR) shall be the document of choice to resolve any conflicting information received. Credit shall be given only upon verifiable documentation and shall not be given based solely on an inmate's statements.

(4) A corrected CDC Form 839 shall be initiated when the inmate or another party presents verifiable documentation to support the change. When the change results in a placement score which falls into the range for a different facility security level, the inmate's case shall be referred to a CSR for transfer consideration.

(k) A CDC Form 840 (rev. 12/02), CDC Reclassification Score Sheet shall be prepared pursuant to section 3375.4 as part of the regular, continuous classification process. If an inmate's recalculated placement score is not consistent with the institution/facility security level where the inmate is housed, the case shall be presented to a CSR for transfer consideration.

(1) A CDC Form 840 shall be completed:

(A) Twelve months after the date that the inmate physically arrived in the reception center and annually thereafter.

(B) Any six-month period when favorable points are granted or unfavorable points are assessed which would cause the inmate's placement score to fall outside of the facility security level.

(C) Each time a case is presented to a CSR for placement consideration.

(2) A CDC Form 841 (Rev. 12/02), CDC Readmission Score Sheet, shall be completed pursuant to section 3375.5 as part of the readmission process when a parolee is returned to prison.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 1203.8, 5054, 5068 and 11191, Penal Code; Section 8550 and 8567, Government Code; and Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Wright v. Enomoto* (1976) 462 F. Supp. 397; *Stoneham v. Rushen* (1984)

156 Cal.App.3d 302; and *Castillo v. Alameida, et al.*, (N.D. Cal., No. C94-2847).

HISTORY:

1. Amendment filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88. For prior history, see Register 88, No. 8.
2. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
3. Amendment filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
4. Amendment of subsection (b) filed 9-19-88 as an emergency; operative 9-19-88 (Register 88, No. 39). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 1-17-89.
5. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
6. Certificate of Compliance as to 9-19-88 order transmitted to OAL 1-18-89 and filed 2-2-89 (Register 89, No. 8).
7. Change without regulatory effect amending section filed 10-22-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 4).
8. Editorial correction of typing errors in subsections (b) and (g) (Register 91, No. 11).
9. Editorial correction of printing errors (Register 92, No. 5).
10. New subsection (f)(1)(F) filed 1-16-92; operative 2-17-92 (Register 92, No. 13).
11. Amendment of subsection (c) filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
12. Amendment filed 10-17-97; operative 11-16-97 (Register 97, No. 42).
13. Amendment of section and Note filed 8-27-2002 as an emergency; operative 8-27-2002 (Register 2002, No. 35). Pursuant to Penal Code section 5058.3 a Certificate of Compliance must be transmitted to OAL by 2-4-2003 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 8-27-2002 order, including further amendment of section, transmitted to OAL 1-21-2003 and filed 3-6-2003 (Register 2003, No. 10).
15. Amendment of subsection (h) and Note filed 5-25-2006; operative 5-25-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).
16. Change without regulatory effect amending Note filed 12-4-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 49).
17. New subsections (g)(6)–(g)(6)(B) and amendment of Note filed 10-30-2008 as an emergency; operative 10-30-2008 (Register 2008, No. 44). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-8-2009 or emergency language will be repealed by operation of law on the following day.
18. Amendment of subsection (a) and Note filed 2-5-2009 as an emergency; operative 2-5-2009 (Register 2009, No. 6). This filing contains a certification that the operational needs of the Department required filing of these regulations on an emergency basis and were deemed an emergency pursuant to Penal Code section 5058.3. A Certificate of Compliance must be transmitted to OAL by 7-15-2009 or emergency language will be repealed by operation of law on the following day.
19. Certificate of Compliance as to 10-30-2008 order transmitted to OAL 4-1-2009 and filed 5-12-2009 (Register 2009, No. 20).
20. Certificate of Compliance as to 2-5-2009 order transmitted to OAL 6-25-2009 and filed 7-28-2009 (Register 2009, No. 31).

3375.1. Inmate Placement.

(a) Except as provided in section 3375.2, each inmate shall be assigned to a facility with a security level, which corresponds to the following placement score ranges:

(1) An inmate with a placement score of 0 through 18 shall be placed in a Level I facility.

(2) An inmate with a placement score of 19 through 27 shall be placed in a Level II facility.

(3) An inmate with a placement score of 28 through 51 shall be placed in a Level III facility.

(4) An inmate with a placement score of 52 and above shall be placed in a Level IV facility.

(b) An inmate approved for transfer to a subfacility of a complex may be received and processed through a facility with a security level higher than that which is consistent with the inmate's placement score. Such cases shall be transferred to the subfacility when bed space allows or, when appropriate, recommended for an administrative determinant, which prohibits movement to the lower security level facility.

(1) The case shall be presented to a CSR for evaluation within 30 days of receipt at the facility unless the inmate is on an approved waiting list maintained by the complex for placement of inmates at the approved subfacility.

(2) The transfer of an inmate for more than 30 days from one subfacility of a complex to another subfacility, which has a different security level, shall require a classification staff representative (CSR) endorsement. When the subfacility's security level is consistent with the inmate's placement score, the classification and parole representative may act as a CSR.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Wright v. Enomoto* (1976) 462 F.Supp. 397; and *Stoneham v. Rushen* (1984) 156 Cal. App. 3e 302.

HISTORY:

1. Renumbering and amendment of section 3375(h) to section 3375.1 filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. Renumbering and amendment of section 3375(h) to section 3375.1 filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. Renumbering and amendment of section 3375(h) to section 3375.1 filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Change without regulatory effect pursuant to section 100, title 1, California Code of Regulations adopting sections 3375.1, 3375.2, 3375.3, 3375.4, amending sections 3375, 3376, 3377, 3377.1 and repealing section 3375.1, filed 10-22-90; operative 11-29-90 (Register 91, No. 4).
8. Editorial correction of printing error inadvertently omitting text in subsection (a) (Register 91, No. 11).
9. Editorial correction of printing errors in subsections (a) and (b)(2) and Note (Register 92, No. 5).
10. Amendment of section and Note filed 8-27-2002 as an emergency; operative 8-27-2002 (Register 2002, No. 35). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 2-4-2003 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 8-27-2002 order transmitted to OAL 1-21-2003 and filed 3-6-2003 (Register 2003, No. 10).

3375.2. Administrative Determinants.

(a) An inmate meeting one or more of the following administrative or irregular placement conditions, known as administrative determinants, may be housed in a facility with a security level which is not consistent with the inmate's placement score:

(1) An inmate requires an outpatient or higher degree of medical or psychiatric care at a facility specifically staffed for the type of treatment necessary.

(2) An inmate with a history of sex crimes designated in section 3377.1(b) shall be housed in accordance with their placement score and shall not be assigned outside the security perimeter.

(3) An inmate with a history of arson shall not be housed in a facility constructed primarily of wood.

(4) An inmate with a felony hold, warrant, detainer, or the equivalent thereof filed with the department who is likely to receive a significant period of consecutive incarceration or be deported, shall not be housed in a Level I facility without perimeter gun towers.

(5) An inmate requires confidential placement in a city or county confinement facility within the state.

(6) An inmate serving a sentence of life without possibility of parole shall not be housed in a facility with a security level lower than Level IV, except when authorized by the Departmental Review Board.

(7) An inmate serving any life term shall not be housed in a Level I or II facility if any of the following case factors are present:

(A) The commitment offense involved multiple murders, unusual violence or execution-type murders or received high notoriety.

(B) A history of multiple walkaways, an escape from a secure perimeter or an escape with force or threat of force.

(8) An inmate serving a life term without an established parole date of three years or less, shall not be housed in a Level I facility nor assigned to a program outside a security perimeter.

(9) An inmate serving a life term whose placement score is not consistent with a Level I or II security level shall not be housed in a Level I or Level II facility except when approved by the Departmental Review Board.

(10) An inmate whose death sentence is commuted or modified shall be transferred to a reception center for processing after which the Departmental Review Board shall determine the inmate's initial facility placement.

(b) The following three-letter codes are used to indicate those administrative or irregular placement conditions known as administrative determinants, which may be imposed by departmental officials to override the placement of an inmate at a facility according to his/her placement score.

(1) AGE. Inmate's youthfulness, immaturity or advanced age.

(2) ARS. Current, prior conviction, or a sustained juvenile adjudication, as defined in subdivision (b)(25), for arson.

(3) BEH. Inmate's record of behavior indicates they are capable of successful placement at a facility with a security level lower than that which is consistent with his/her placement score. This factor shall not be used for an inmate who is currently housed at a facility with a security level higher than that which is consistent with his/her placement score.

(4) CAM. Placement is recommended due to a shortage of camp qualified inmates.

(5) DEA. Inmate was formerly or is currently sentenced to death.

(6) DEP. Special placement ordered by the Departmental Review Board.

(7) DIS. Inmate's disciplinary record indicates a history of serious problems or threatens the security of the facility.

(8) ENE. Inmate has one or more enemies under the department's jurisdiction which have been documented on a CDC Form 812 (Rev. 8/01), Notice of Critical Case Information -Safety of Persons or on a CDC Form 812-C (Rev. 8/01), Notice of Critical Information -Confidential Enemies pursuant to section 3378. This should also be used when it is probable that the inmate may be victimized due to case factors; e.g., the nature of their offense is likely to create an enemy situation at certain facilities, current Protective

Housing Unit case, and those who are natural victims because of their appearance.

(9) ESC. Unusual circumstances suggest the inmate is a much greater escape risk than indicated by his/her placement score; e.g., the inmate verbalized an intent to escape.

(10) FAM. Inmate has strong family ties to a particular area where other placement would cause an unusual hardship.

(11) GAN. Documentation establishes that the inmate's gang membership or association requires special attention or placement consideration.

(12) INA. Documentation establishes that the inmate's inactive gang status requires special attention or placement consideration.

(13) HOL. Hold, warrant or detainer is likely to be exercised.

(14) LIF. Inmate is serving a life sentence and requires placement in a facility with a security level higher than that indicated by his/her placement score.

(15) MED. Inmate's medical condition requires treatment or continuing medical attention not available at all facilities.

(16) OUT. Inmate requires placement at a specific facility for an out-to-court appearance. This factor shall also be used when a releasing authority appearance is nearing.

(17) POP. Shall be used only by a CSR to indicate that no beds presently exist at a facility with a security level that is consistent with the inmate's placement score.

(18) PRE. The short time remaining to serve limits or otherwise influences placement or program options for the inmate. This factor shall also be used for sending an inmate to a hub facility for their release to a community based correctional facility.

(19) PSY. Inmate's psychological condition requires special treatment or may severely limit placement options. This factor shall also be used for those inmates who are designated as Category B.

(20) PUB. High notoriety of an inmate has caused public interest in the case and requires exceptional placement.

(21) SCH. Inmate is involved in an academic program which is not available at a facility with a security level that is consistent with his/her placement score.

(22) SEX. Inmate has a prior incidence of rape, oral copulation, sodomy, or a lewd and lascivious act which requires restricted custody or placement.

(23) SOR. Inmate's bisexual or homosexual orientation may require special placement.

(24) TIM. Inmate's time to serve is long, requiring placement at a facility with a security level higher than that which is consistent with his/her placement score.

(25) VIO. Inmate has a current or prior conviction for a violent felony, or a sustained juvenile adjudication including, but not limited to, those listed under Penal Code section 667.5(c), which, as determined by the CSR, requires placement in a facility with a higher security level than that indicated by his/her placement score.

(A) For the purposes of this subdivision, a "sustained juvenile adjudication" means a guilty determination or ruling rendered in a juvenile judicial proceeding.

(B) The following administrative determinations regarding allegations of violent acts, including but not limited to those offenses described in Penal Code Section 667.5(c), shall have the same force and effect as a current or prior conviction for a violent felony or a sustained juvenile adjudication:

1. Board of Prison Terms or Parole Hearings Division good cause finding, or;

2. California Youth Authority/Youth Offender Parole Board sustained allegation.

(C) A probation violation finding in a court of law involving, but not limited to those offenses described in Penal Code Section

667.5(c), shall have the same force and effect as a current or prior conviction in a court of law for a violent felony,

(26) VOC. Inmate is involved in a vocational program which is not available at a facility with a security level which is consistent with the inmate's placement score.

(27) WOR. Inmate has a work skill in a critical trade which warrants special placement consideration.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Wright v. Enomoto* (N.D. Cal. 1976) 462 F. Supp. 397; and *Stoneham v. Rushen* (1984) 156 Cal. App. 3d 302.

HISTORY:

1. Change without regulatory effect adding section filed 10-22-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 4).
2. Editorial correction of printing error inadvertently omitting text in subsection (a)(6) (Register 91, No. 11).
3. Editorial correction of printing errors (Register 92, No. 5).
4. Repealer of subsection (a)(7) and amendment of subsection (a)(8) filed 1-16-92; operative 2-17-92 (Register 92, No. 13).
5. Amendment of subsection (b)(8) filed 6-17-94; operative 7-18-94 (Register 94, No. 24).
6. Repealer of subsections (b)(13), (b)(16) and (b)(22), subsection renumbering, amendment of newly designated subsection (b)(21), and new subsections (b)(22) and (b)(24) filed 9-5-95 as an emergency; operative 9-5-95 (Register 95, No. 36). A Certificate of Compliance must be transmitted to OAL by 2-12-96 (pursuant to Penal Code section 5058(e)) or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 9-5-95 order, including amendment of subsection (b)(24), transmitted to OAL 1-8-96 and filed 2-15-96 (Register 96, No. 7).
8. New subsection (b)(12), subsection renumbering, and amendment of Note filed 8-30-99 as an emergency; operative 8-30-99 (Register 99, No. 36). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 2-8-2000 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 8-30-99 order transmitted to OAL 2-7-2000 and filed 3-21-2000 (Register 2000, No. 12).
10. Change without regulatory effect amending subsection (b)(8) filed 10-23-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).
11. Amendment of subsections (b)(2) and (b)(25) and new subsections (b)(25)(A)–(C) filed 3-7-2002; operative 4-6-2002 (Register 2002, No. 10).
12. Amendment of section and Note filed 8-27-2002 as an emergency; operative 8-27-2002 (Register 2002, No. 35). Pursuant to Penal Code section 5058.3 a Certificate of Compliance must be transmitted to OAL by 2-4-2003 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 8-27-2002 order transmitted to OAL 1-21-2003 and filed 3-6-2003 (Register 2003, No. 10).
14. Amendment of subsection (a)(2) filed 11-3-2006; operative 12-3-2006 (Register 2006, No. 44).

3375.3. CDC Classification Score Sheet, CDC Form 839, Calculation.

The factors and related numerical weights used to determine an inmate's preliminary score are listed below. Box numbers appear to the right, but refer to the first box on the left of each field.

(a) Background factors (Boxes 30–46):

(1) Age at first arrest (Boxes 30–31).

(A) Calculate the inmate's age at first arrest based on the date of the inmate's first arrest. If there is no record of arrests prior to the commitment offense, use the date of arrest for the commitment offense as the date of the inmate's first arrest on CDC Form 839 (Rev. 12/02), CDC Classification Score Sheet.

(B) When the age of first arrest is determined, round down to the full year, and apply that information to the age at first arrest matrix on CDC Form 839.

(C) Enter the corresponding point value in boxes to the right.

(D) Enter all single digit numbers in the box to the far right.

(2) Age at Reception (Box 32).

(A) When the inmate's age at reception is determined, round down to the full year, and apply that information to the Age at Reception matrix.

(B) Enter the corresponding point value in the box to the right.

(C) This is always a single digit value.

(3) Current term of incarceration (Boxes 33–34):

(A) Length of term. Presentence and postsentence credits shall not be subtracted from length of term. A sentence of death or life without possibility of parole shall result in a maximum score of 50. For sentences of 25 years-to-life for murder, the base term is 25 years. For sentences under Penal Code section 667.7 with a term of life without parole for 20 years, the base term is 20 years. For all other life sentences, the base term is 15 years. Any enhancements or determinant terms for other counts or offenses to be served consecutive to a life term shall be added to the base term before calculation of the term score.

(B) Enter term in whole years within the parentheses.

1. Multiply the number of years by two (2).

2. Enter this value in Boxes 33–34.

3. Any single digit value is entered in the box to the far right.

4. If the score is more than 50, then 50 shall be used as the final term score.

(4) Street gang/disruptive group (Boxes 35–38). For the purpose of preliminary score evaluation, if there is information that the inmate is or has been involved in gang activity, enter 6 points in Box 35.

(A) Type of street gang/disruptive group code. Apply the code that most closely identifies the inmate's gang. Enter the appropriate alpha code in Boxes 36–37.

1. CR Crip street gang/disruptive group.

2. BL Blood street gang/disruptive group.

3. NH Northern Hispanic street gang/disruptive group.

4. SH Southern Hispanic street gang/disruptive group.

5. AS Asian street gang/disruptive group.

6. BD Bulldogs street gang/disruptive group.

7. WH White supremacists, neo nazi, skinheads, etc., street gang/disruptive group.

8. BK Black street gang/disruptive group (not Crip nor Blood).

9. MC outlaw motorcycle clubs street gang/disruptive group.

10. OT other street gang/disruptive group not listed.

(B) Method of verification code (Box 38). Apply the code that is most indicative of gang activity. Enter the appropriate alpha code in Box 38:

1. Code A—Self admission. Staff shall document information about the inmate/parolee's self-admission and specific involvement with the gang. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

2. Code B—Tattoos and symbols. Body markings, hand signs, distinctive clothing, graffiti, etc., which have been identified by gang investigators as being used by and distinctive to specific gangs. Staff shall describe the tattoo or symbol and articulate why it is believed that the tattoo is used by and distinctive of gang association or membership. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

3. Code C—Written material. Any material or documents evidencing gang activity such as the membership or enemy lists, constitutions, organization structures, codes, training material, etc., of specific gangs. Staff shall articulate why, based on either the explicit or coded content, the written material is reliable evidence of association or membership with the gang. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

4. Code D—Photographs. Individual or group photographs with gang connotations such as those which include insignia, symbols, or validated gang affiliates. The date of the photograph shall be reasonably ascertained prior to any photo being relied upon for inclusion as a source item. No photograph shall be considered for validation purposes that is estimated to be older than six (6) years. Any photograph being utilized as a source item that depicts gang members shall be required to have at least one of the individuals previously validated by the department, or be validated by the department within six (6) months of the photograph's established or estimated date of origin. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

5. Code E—Staff information. Documentation of staff's visual or audible observations which reasonably indicate gang activity. Staff shall articulate the basis for determining the content or conduct at issue is gang related. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

6. Code F—Other agencies. Information evidencing gang activity provided by other agencies. Verbal information from another agency shall be documented by the staff person who receives such information, citing the source and validity of the information. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

7. Code G—Association. Information related to the inmate's association with gang affiliates. Information including addresses, names, identities and reasons why such information is indicative of association with a prison gang or disruptive group. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

8. Code H—Offenses. The circumstances of an offense evidence gang activity such as an offense being between rival gangs, the victim is a verified gang affiliate, or the inmate's crime partner is a verified gang affiliate. Staff shall articulate why an offense is gang related. Multiple sources of information relative to a single incident or offense will be considered one source of validation. Staff shall document and disclose this information to the inmate/parolee in written form that would not jeopardize the safety of any person or the security of the institution.

9. Code I—Legal documents. Probation officer's report or court transcripts evidencing gang activity. Staff shall assure the document containing this information is disclosed to the inmate/parolee in written form that would not jeopardize the safety of any person or the security of the institution.

10. Code J—Communications. Documentation of telephone conversations, conversations between inmates, mail, greeting cards, notes, or other communication, including coded messages evidencing gang activity. Staff shall articulate why, based on either the explicit or coded content, the communication is reliable evidence of association or membership with the gang. Staff shall document and disclose this information to the inmate/parolee in a

written form that would not jeopardize the safety of any person or the security of the institution.

(5) Mental Illness (Boxes 39–43). If a CDC 128-C, (Rev. 4/92) Mental Health Placement Chrono, has been prepared in the reception center that indicates that the inmate needs to be included in the Mental Health Services Delivery System (MHSDS), except for a case designated as Medical Necessity, enter four (4) points in Box 43 to the right.

(A) Do not assess points for a case that has been designated Medical Necessity although the inmate is included in the MHSDS.

(B) Level of care (Boxes 39–42). Enter an "X" in the box that indicates the level of care (LOC) that has been designated by the reception center health care staff per the inmate's CDC 128-C.

(6) Prior sentences (Box 44). This item requires a review of the probation officer's report (POR) and the CI&I/CLETS in order to identify prior sentences of 31 days or more. Apply no more than one point.

(A) Jail or county juvenile sentence of 31+ days (Box 44).

1. Count any sentence of 31 days or more. Do not include suspended sentences.

2. Count any incarceration under a delinquency petition which involves a crime rather than "status offender" placements. For example "beyond parental control" should not be counted. Burglary, however, would be counted.

3. Count CDC placements for diagnostic evaluation pursuant Penal Code Section 1203.03 "Z" cases, followed by a grant of probation.

(7) Prior Incarceration(s) (Boxes 45–46)

(A) California Youth Authority, state or federal level juvenile, which includes state or federal facilities for juvenile offenders (Box 45).

level (Box 46):

1. Count any state or federal level incarceration.

2. Count previous commitments to the civil addict program.

(8) Correction to CDC 839 Score Sheet (Prior to Rev. 07/02) (Boxes 47–49)

1. Use this section to correct a CDC 839 score sheet with a form revision date prior to 07/02.

2. This area shall not be used for changes or adjustments to term points.

3. Enter only the total correction to the score, either negative or positive, in the boxes provided.

(b) Prior Incarceration Behavior (Boxes 50 through 64):

(1) Last 12 months of Incarceration (Boxes 50–52). Prior incarceration behavior in any correctional agency shall include the last 12 consecutive months in custody, prior to the date that the inmate was received in CDC, going as far back as necessary to attain a total of 12 months. This includes behavior while in county jail, after conviction, or during transportation to the reception center. For example, behavior while incarcerated in juvenile hall, federal prison, or while serving a civil addict commitment shall also be counted.

(2) Twelve months of incarceration is also defined as 360 days. For ease and consistency of rule application, a month is considered a 30-day month.

(A) Only misbehavior which is equivalent to a serious rule violation, as defined in section 3315, shall be recorded.

(B) If the inmate has a prior incarceration for 12 months or more but adequate documentation of the inmate's behavior is not available, four (4) favorable points shall be granted.

1. If behavioral information becomes available later, these items may need to be corrected.

(3) Favorable prior behavior (Box 50):

(A) If the inmate had no serious disciplinary(s) in the last 12 months of incarceration(s), four points shall be entered in Box 50.

(B) If there is no record of unfavorable prior behavior, enter four (4) favorable points in Box 50.

(4) Unfavorable prior behavior (Boxes 51–52).

(A) For each serious disciplinary in the last 12 months of incarceration(s), four points shall be entered in Boxes 51–52.

(B) Serious Disciplinary History (Boxes 53–64).

A single serious disciplinary may result in the assessment of points on the classification score sheet for more than one factor listed in subsections 3375.3(b)(4)(C) through (H). Assess points for behavior for which the inmate was found guilty and for behavior that occurred during any prior incarceration, if the behavior meets the definitions below even if it occurred beyond the last 12 months of incarceration.

(C) For each battery on a nonprisoner or attempted battery on a nonprisoner, eight points shall be entered in Boxes 53–54.

1. Battery shall include any offense described in section 3005(c).

(D) For each battery or attempted battery on an inmate, four points shall be entered in Boxes 55–56. Assessments shall only include situations where one or more inmates are clearly the victim.

(E) For each involvement in the distribution of any controlled substance, per subsection 3323(c)(7), into a jail or correctional facility for distribution and sales, four points shall be entered in Boxes 57–58. Points shall not be assessed for incidents of personal use or possession of a small quantity of drugs.

(F) For each possession of a deadly weapon:

1. Four points shall be entered in Boxes 59–60 for each well documented incident of an inmate's manufacture or possession of a deadly weapon where apparent use was intended (Does not include possession of commonly available and unmodified objects unless used as a weapon and this fact is documented in the disciplinary hearing process.) Include possession of a razor blade (whether modified or not) in a segregated program-housing unit (e.g. Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, etc.); or,

2. Eight points shall be entered in Boxes 59–60 for each possession of a deadly weapon incident, which occurred within five years of the inmate's reception to the department on current term.

(G) For each instance of deliberate and willful behavior which might lead to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, as described in section 3005 (typically, this involves a leadership role in a facility riot, racial disturbance or work strike), four points shall be entered in Boxes 61–62.

(H) For each battery that caused serious injury, 16 points shall be entered in Boxes 63–64. Inmates who conspired in or ordered the battery shall also receive these points.

1. Serious injury is that which is defined in section 3000.

2. Any attempt, which may have been life-threatening but circumstances such as heavy clothing prevented the homicide, shall be included.

(c) Preliminary Score (Boxes 65–67).

(1) The inmate's preliminary score is entered in Boxes 65–67 and is the result of adding the total points derived from background factors in subsection (a) with the total points derived from prior incarceration behavior in subsection (b).

(2) Right-justify the total score.

(3) Computations, which result in a minus value, shall be entered as zero.

(d) Mandatory Minimum Score, Score Factors, and Score Factor Codes (Boxes 68–70):

(1) A mandatory minimum score is a score that is applied to an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

(2) A mandatory minimum score factor is a case factor that requires the application of a mandatory minimum score.

(3) A mandatory minimum score factor code is an alpha code associated with a mandatory minimum score factor.

(A) If an inmate has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 68.

(B) If one or more mandatory minimum score factors are present, determine which of the factors is associated with the highest score and enter that code in Box 68.

(C) Enter the mandatory minimum score that corresponds to the selected code in Boxes 69–70.

(e) Placement Score (Boxes 71–73).

(1) If there are no case factors that require a mandatory minimum score, enter the preliminary score as the placement score.

(2) If a mandatory minimum score has been applied, and it is greater than the preliminary score, enter the mandatory minimum score as the placement score.

(3) If a mandatory minimum score has been applied, and it is less than the preliminary score, enter the preliminary score as the placement score.

(f) Classification Staff Representative Action (Boxes 95–159):

(1) The CSR determines appropriate housing in keeping with departmental needs, safety and security, the inmate's placement score and administrative determinants. The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants.

(A) Up to five administrative determinants may be entered in Boxes 134–148.

1. Reason for any administrative or irregular placement (Boxes 157–159).

2. Entered only if the facility's security level where the inmate is placed is not consistent with his/her placement score.

(B) Enter one of the administrative determinant's three-letter code from section 3375.2.

(2) CSR approval of an administrative or irregular placement (administrative determinant) is valid only as long as the inmate's placement score remains within the same facility security level as when the approval was given.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Wright v. Enomoto* (1976) 462 F Supp. 397; *Stoneham v. Rushen* (1984) 156 Cal. App. 3d 302; and *Castillo v. Alameida, et al.* (N.D. Cal., No. C94-2847).

HISTORY:

1. Change without regulatory effect adding section filed 10-22-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 4).

2. Editorial correction of printing errors (Register 91, No. 11).

3. Editorial correction of printing errors (Register 92, No. 5).

4. Change without regulatory effect amending subsection (b)(2)(H)3. and subsection renumbering filed 12-15-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 50).

5. Amendment of section and Note and new form CDC 839 filed 8-27-2002 as an emergency; operative 8-27-2002 (Register 2002, No. 35). Pursuant to Penal Code section 5058.3 a Certificate of Compliance must be transmitted to OAL by 2-4-2003 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 8-27-2002 order, including further amendment of section and repealer and new form CDC 839, transmitted to OAL 1-21-2003 and filed 3-6-2003 (Register 2003, No. 10).

7. Amendment of subsections (a)(4)(B)1.–10. and Note filed 5-25-2006; operative 5-25-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).

STATE OF CALIFORNIA
CDC 839 (Rev. 12/02)DEPARTMENT OF CORRECTIONS
Original - Central File
Copy - OIS
Green - Inmate

CDC CLASSIFICATION SCORE SHEET

4. COUNTY OF LAST LEGAL RESIDENCE

			18

5. FORM IDENTIFICATION (ENTER X in a, b or c)

a) NEW	b) CORRECTION	DATE CORRECTED	c) DELETE
		MO DAY YR	

B. BACKGROUND FACTORS

AGE AT FIRST ARREST MATRIX

POINTS	POINTS
0 TO 17 = 12	30 TO 35 = 4
18 TO 21 = 10	36+ = 0
22 TO 29 = 8	

FIRST ARREST DATE
OR AGE

DATE OF BIRTH

1. AGE AT FIRST ARREST

POINTS (See Matrix) =

AGE AT RECEPTION MATRIX

POINTS	POINTS
16 TO 20 = 8	27 TO 35 = 4
21 TO 26 = 6	36+ = 0

2. AGE AT RECEPTION

POINTS (See Matrix) =

3. TERM IN YEARS () x 2

(MAX 50) =

4. STREET GANG/DISRUPTIVE GROUP

a) Type Code	b) Verification Code

5. MENTAL ILLNESS

CCCMS	EOP	MHCB	DMH

Level of Care Code
(Enter X)

39 40 41 42

6. PRIOR JAIL OR COUNTY JUVENILE SENTENCE
OF 31+ DAYS

(MAX 1) + 1 =

7. PRIOR INCARCERATION(S)

a) CYA, Juvenile State/Federal Level

(MAX 1) + 1 =

b) CDC, CRC, Adult State/Federal Level

(MAX 1) + 1 =

8. TOTAL BACKGROUND FACTORS SCORE = +

C. CORRECTION TO CDC 839 SCORE SHEET (Prior to Rev. 07/02)

1. Use this section to correct a CDC 839
score sheet with a form revision date
prior to 07/02. TOTAL CORRECTION =

D. PRIOR INCARCERATION BEHAVIOR

1. LAST 12 MONTHS OF INCARCERATION

a) FAVORABLE - (No Serious Disciplinary)

(MINUS) - 4 =

b) UNFAVORABLE (Serious Disciplinary)

NUMBER OF

2. SERIOUS DISCIPLINARY HISTORY

a) Battery or Attempted Battery on a Non-Prisoner

x 8 =

b) Battery or Attempted Battery on an Inmate

x 4 =

c) Distribution of Drugs

x 4 =

d) Possession of a Deadly Weapon

(Double-weight if within last 5 years)

x 4 =

e) Inciting a Disturbance

x 4 =

f) Battery Causing Serious Injury

x 16 =

3. TOTAL PRIOR INCARCERATION

BEHAVIOR SCORE (Combine D.1. and sum of D.2.) = + / -

E. PLACEMENT

MANDATORY MINIMUM SCORE FACTOR CODES AND SCORES

CODE	SCORE
[A] Condemned	52
[B] Life Without Possibility of Parole	52
[C] CCR 3375.2(a)(7) Life Inmate	28
[D] History of Escape	19
[E] Warrants "R" Suffix	19
[F] Violence Exclusion	19
[G] Public Interest Case	19
[H] Other Life Sentence	19

1. PRELIMINARY SCORE (Not less than 0)

(Combine Item B.8., Total Background Factors Score, and
Item D.3., Total Prior Incarceration Behavior Score)

2. MANDATORY MINIMUM

SCORE FACTOR CODE

(Assess Highest Factor)

3. MANDATORY MINIMUM SCORE

ENTER PRELIMINARY SCORE OR MANDATORY MINIMUM SCORE, WHICHEVER IS GREATER

4. PLACEMENT SCORE

F. SPECIAL CASE FACTORS

1. HOLDS, WANTS and DETAINERS

(Enter A or P)

Felony 74 USINS 75

2. RESTRICTED CUSTODY SUFFIX

(Enter R)

76

3. CURRENT INSTITUTION AND FACILITY

77

4. ELIGIBLE FOR RESTITUTION

CENTER

(Enter Y or N)

84

5. LEVEL IV DESIGN

a) 180 Status (Y/N)

b) Reason Code

6. US ARMED FORCES

(Enter Y or N)

85

7. CASEWORKER'S NAME

FI

86

G. CLASSIFICATION STAFF REPRESENTATIVE

1. LAST NAME

95

2. DATE OF ACTION

103

3. LEVEL IV DESIGN

a) 180 Status

(Enter Y to Apply)

b) Reason Code

110

4. MINIMUM CUSTODY

a) Eligibility

(Enter E, L or P)

b) Reason Code

113

5. CCRC ELIGIBILITY

(ENTER REN or REX)

116

6. DEVELOPMENTAL DISABILITY PROGRAM (DDP) CODE

119

7. DISABILITY PLACEMENT PROGRAM (DPP) CODE(S)

a) Primary (affects placement)

122

b) 125

128

c) 128

131

8. ADMINISTRATIVE DETERMINANT CODE(S)

a) 134

b) 137

c) 140

d) 143

e) 146

9. MENTAL HEALTH LEVEL OF CARE

(Enter C or E)

CCCMS EOP 119

10. INSTITUTION APPROVED

150

11. REASON FOR ADMINISTRATIVE OR IRREGULAR PLACEMENT

157

A. IDENTIFYING INFORMATION

1. CDC NUMBER

1

2. INMATE'S LAST NAME

7

3. DATE RECEIVED CDC

12

3375.4. CDC Reclassification Score Sheet, CDC Form 840, Calculation.

The factors and their related numerical weights used to recalculate an inmate's preliminary score or new preliminary score listed below. Box numbers appear to the right, but refer to the first box on the left of each field.

(a) Favorable behavior since last review (Boxes 46–51). The categories below provide favorable points for six-month intervals. For an annual reclassification review, two six-month periods may be counted. When an inmate's status is interrupted during the period without inmate fault, the period shall be considered continuous.

(1) For each six-month period of continuous minimum custody, four points shall be entered in Boxes 46–47.

(2) For each six-month period since the last review with no serious disciplinary(s), two points shall be entered in Boxes 48–49.

(3) For each six-month period with an average or above performance in work, school or vocational program, two points shall be entered in Boxes 50–51.

(A) Part-time assignments which when work/program hours are added together are equivalent to a full-time assignment shall be combined.

(B) Favorable points shall not be granted for average or above average performance for inmates who are not assigned to a program.

(b) Unfavorable behavior since last review (Boxes 52–69):

(1) For each serious misbehavior for which the inmate was found guilty during any six-month review period, apply eight points for a Division A-1 or A-2 offense; apply six points for a Division B, Division C, or Division D offense; apply four points for a Division E or Division F offense. Only misbehavior, which is equivalent to a serious rule violation as defined in section 3315, shall be recorded in Boxes 52–57. This includes behavior while in the county jail or conduct that occurred while the inmate was housed in another state or federal jurisdiction.

(A) Do not include any administrative rule violations.

(B) When the serious misbehavior also includes other factors listed in subsections (2) through (7) below, assess additional points for each applicable factor.

(2) For each battery on a nonprisoner or attempted battery on a nonprisoner during any six-month review period, eight points shall be entered in Boxes 58–59.

(A) Battery means any offense as described in section 3005(c) where criminal prosecution had, or would normally have, taken place.

(3) For each battery on an inmate or attempted battery on an inmate during any six-month review period, four points shall be entered in Boxes 60–61.

(A) Refers to situations where one or more inmates are clearly the victim. Usually results in some injury involving a group attack or some type of weapon.

(B) Do not include mutual combat where both inmates were co-responsible.

(4) For each incident involving the distribution of any controlled substance, per subsection 3323(c)(7), in an institution/facility or contract health facility, for distribution and sales, four points shall be entered in Boxes 62–63. Points shall not be assessed for personal use or possession of a small quantity of drugs, or being under the influence.

(5) For each well-documented serious misbehavior for possession of a deadly weapon where apparent use was intended, 16 points shall be entered in Boxes 64–65. Points shall not be assessed for possession of commonly available and unmodified objects, unless they were used as weapons and that fact is documented in the disciplinary report. Include possession of a razor blade (whether modified or not) in a segregated program-housing unit (e.g., Ad-

ministrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, etc.).

(6) For each serious disciplinary where the inmate led a facility riot, racial disturbance or work strike, four points shall be entered in Boxes 66–67. Include any willful and deliberate behavior, which may have led to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in section 3005.

(7) For each battery that caused serious injury, 16 points shall be entered in Boxes 68–69. Inmates who conspired in or ordered such battery shall receive the same points.

(A) Serious injury is that which is defined in section 3000.

(B) Any attempted battery which may have been life threatening but circumstances such as heavy clothing prevented the homicide shall be included.

(c) Correction to CDC 840 Score Sheet (Prior to Rev. 07/02) (Boxes 70–72).

(1) Use this section to correct a CDC 840 Score Sheet with a form revision date prior to 07/02.

(2) Enter only the total correction to the score, either negative or positive, in boxes provided.

(d) Prior Preliminary Score (Boxes 73–75):

(1) The prior preliminary score is the calculated score that appears on the most current classification score sheet. Enter that value in Boxes 73–75.

(2) When the most current score appears on the CDC Classification Score Sheet, CDC Form 839, (Rev. 12/02), enter the value from that score sheet that is the preliminary score.

(3) When the most current score appears on the CDC Reclassification Score Sheet, CDC Form 840, (Rev. 12/02), enter the value from that score sheet that is the new preliminary score.

(4) When the most current score appears on the CDC Readmission Score Sheet, CDC Form 841, (Rev. 12/02), enter the value from that score sheet that is the new preliminary score.

(e) Net Change in Score (Boxes 76–78):

(1) Combine the total favorable points (item C.4.) with the total unfavorable points (item D.8). Enter the total as a plus or minus value for net change in score.

(f) Preliminary Score Subtotal:

(1) The prior preliminary score subtotal is the combined value of the prior preliminary score and the net change in score.

(2) Record this value on the line provided.

(3) Computations that result in a minus value shall be entered as zero.

(g) Change in term points (Boxes 79–81):

(1) When an inmate receives a new or additional sentence to prison, which changes the total term length, two points shall be added or subtracted for each year of difference between the new term and the old term. The resultant plus or minus figure is the change in term points.

(2) When the Board of Prison Terms establishes a parole date for an inmate with a life sentence:

(A) The total projected incarceration time in years and months is the term length.

(B) Multiply the total term length in years by two (2).

(C) Determine the difference between the new term points and the old term points. The resultant plus or minus figure is the change in term points.

(3) For parole violators: If a parole violator receives a new term after the CDC Form 841 (Rev. 12/02) has been endorsed, the prior term points shall be given a minus value and combined with new term points. The difference is the change in term points.

(4) Do not record a change in term points unless there is a change in the total term.

(h) Recalculation of the New Preliminary Score:

(1) The inmate's new preliminary score is entered in Boxes 82–84 and is the result of combining the preliminary score subtotal and any adjustments resulting from a change in term points as determined in subsection (g).

(2) Right-justify the total.

(3) Computations that result in zero or a minus value shall be entered as zero.

(i) Mandatory Minimum Score, Score Factors, and Score Factor Codes (Boxes 85–87):

(1) A mandatory minimum score is a score that is applied to an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

(2) A mandatory minimum score factor is a case factor that requires the application of a mandatory minimum score.

(3) A mandatory minimum score factor code is an alpha code associated with a mandatory minimum score factor.

(A) If an inmate has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 85.

(B) If one or more mandatory minimum score factors are present, determine which of the factors is associated with the highest score and enter that code in Box 85.

(C) Enter the mandatory minimum score that corresponds to the selected code in Boxes 86–87.

(j) Placement Score (Boxes 88–90).

(1) If there is no case factor requiring a mandatory minimum score, enter the new preliminary score as the placement score.

(2) If a mandatory minimum score is applied, and it is greater than the new preliminary score, enter the mandatory minimum score as the placement score.

(3) If a mandatory minimum score is applied, and it is less than the new preliminary score, enter the new preliminary score as the placement score.

(4) The placement score is one of the factors used to determine the security level to which the inmate is assigned.

(k) Classification Staff Representative (Boxes 115–188):

(1) The CSR determines appropriate housing in keeping with departmental needs, safety and security, the inmate's placement score and administrative determinants. The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants.

(A) Up to five administrative determinants may be entered in Boxes 159–177.

1. An asterisk (*) shall be placed in the box adjacent to each administrative determinant, which is being removed (i.e., no longer valid).

2. Reason for administrative or irregular placement (Boxes 186–188).

(B) Entered only if the facility's security level where the inmate is placed is not consistent with the inmate's placement score.

(C) Enter one of the administrative determinant's three-letter code from section 3375.2.

(2) CSR approval of an administrative or irregular placement is only valid as long as the inmate's placement score remains within the same facility security level score range as when the approval was given.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5608, Penal Code; *Wright v. Enomoto* (1976) 462 F.Supp. 397; and *Stoneham v. Rushen* (1984) 156 Cal.App.3d 302.

HISTORY:

1. Change without regulatory effect adding section filed 10-22-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 4).
2. Editorial correction of printing errors (Register 91, No. 11).
3. Amendment of section and Note and new form CDC 840 filed 8-27-2002 as an emergency, operative 8-27-2002 (Register 2002, No. 35). Pursuant to Penal Code section 5058.3 a Certificate of Compliance must be transmitted to OAL by 2-4-2003 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 8-27-2002 order, including further amendment of section and repealer and new form CDC 840, transmitted to OAL 1-21-2003 and filed 3-6-2003 (Register 2003, No. 10).

STATE OF CALIFORNIA
CDC 840 (Rev. 12/02)

DEPARTMENT OF CORRECTIONS

Original - Central File
Canary - OIS
Green - Inmate

CDC RECLASSIFICATION SCORE SHEET

4. DATE OF LAST SCORE SHEET MO DAY YR 18			5. FORM IDENTIFICATION (ENTER X in a, b or c) a) NEW b) CORRECTION c) DELETE 24 25 26 32																						
B. ANNUAL/ 6 MONTH REVIEW PERIOD DATES 1. REVIEW PERIOD BEGINNING DATE MO DAY YR 33 39 2. REVIEW PERIOD ENDING DATE MO DAY YR 40			E. CORRECTION TO CDC 840 SCORE SHEET (Prior to Rev. 07/02) 1. Use this section to correct a CDC 840 score sheet with a form revision date prior to 07/02. TOTAL CORRECTION = 70 F. COMPUTATION OF SCORE 1. PRIOR PRELIMINARY SCORE (Preliminary Score from 839/New Preliminary Score from 840 or 841) = 73 2. Net Change in Score (D, 8 minus C, 4) = (+ or -) 76 3. PRELIMINARY SCORE SUBTOTAL (Not less than 0) = 79 4. Change in Term Points (T/P) (x 2) - Old T/P + New T/P = 82 5. NEW PRELIMINARY SCORE (Not less than 0) = 82																						
C. FAVORABLE BEHAVIOR SINCE LAST REVIEW 1. Continuous Minimum Custody x 4 = 46 2. No Serious Disciplinary x 2 = 48 3. Average or Above Performance in Work, School or Vocational Program x 2 = 50 4. TOTAL FAVORABLE POINTS = -			G. PLACEMENT MANDATORY MINIMUM SCORE FACTOR CODES AND SCORES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>CODE</th> <th>SCORE</th> <th>CODE</th> <th>SCORE</th> </tr> </thead> <tbody> <tr> <td>[A] Condemned</td> <td>52</td> <td>[E] Warrants "R" Suffix</td> <td>19</td> </tr> <tr> <td>[B] Life Without Possibility of Parole</td> <td>52</td> <td>[F] Violence Exclusion</td> <td>19</td> </tr> <tr> <td>[C] CCR 3375.2(a)(7) Life Inmate</td> <td>28</td> <td>[G] Public Interest Case</td> <td>19</td> </tr> <tr> <td>[D] History of Escape</td> <td>19</td> <td>[H] Other Life Sentence</td> <td>19</td> </tr> </tbody> </table> 1. SCORE FACTOR CODE (Assess Only Highest Factor) 85 2. MANDATORY MINIMUM SCORE 86 3. PLACEMENT SCORE ENTER NEW PRELIMINARY SCORE OR MANDATORY MINIMUM SCORE WHICHEVER IS GREATER 88			CODE	SCORE	CODE	SCORE	[A] Condemned	52	[E] Warrants "R" Suffix	19	[B] Life Without Possibility of Parole	52	[F] Violence Exclusion	19	[C] CCR 3375.2(a)(7) Life Inmate	28	[G] Public Interest Case	19	[D] History of Escape	19	[H] Other Life Sentence	19
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D. UNFAVORABLE BEHAVIOR SINCE LAST REVIEW SERIOUS DISCIPLINARIES Number of 1. Div. A-1/A-2 Dates: x 8 = 52 Div. B, C & D Dates: x 6 = 54 Div. E & F Dates: x 4 = 56 2. Battery or Attempted Battery on a Non-Prisoner Dates: x 8 = 58 3. Battery or Attempted Battery on an Inmate Dates: x 4 = 60 4. Distribution of Drugs Dates: x 4 = 62 5. Possession of a Deadly Weapon Dates: x 6 = 64 6. Inciting a Disturbance Dates: x 4 = 66 7. Battery Causing Serious Injury Dates: x 16 = 68 8. TOTAL UNFAVORABLE POINTS = +			H. SPECIAL CASE FACTORS 1. HOLDS, WANTS and DETAINERS (Enter A, P or *) Felony 91 USINS 92 2. RESTRICTED CUSTODY SUFFIX (Enter R or *) 93 3. ELIGIBLE FOR RESTITUTION CENTER a) 180 Status (Y/N) 94 b) Reason Code 95 4. LEVEL IV DESIGN 96 5. US ARMED FORCES (Enter Y or N) 97 6. CURRENT INSTITUTION AND FACILITY 98 7. COUNTY OF LAST LEGAL RESIDENCE 103 8. CASEWORKER'S NAME FI 106																						
I. CLASSIFICATION STAFF REPRESENTATIVE 1. LAST NAME 115 2. DATE OF ACTION MO DAY YR 123 3. LEVEL IV DESIGN a) 180 Status (Enter Y or *) 129 b) Reason Code 130 4. MINIMUM CUSTODY a) Eligibility (Enter E, L or P) 132 b) Reason Code 133 5. CCRC ELIGIBILITY (Enter REN, REX or *) 136 6. DEVELOPMENTAL DISABILITY PROGRAM (DDP) CODE 139 7. DISABILITY PLACEMENT PROGRAM (DPP) CODE(S) a) Primary (affects placement) 142 b) (*) 146 c) (*) 150 d) (*) 154 8. ADMINISTRATIVE DETERMINANT CODE(S) a) (*) 158 b) (*) 162 c) (*) 166 d) (*) 170 e) (*) 174 9. MENTAL HEALTH LEVEL OF CARE Enter C or E CCCME EOP 178 10. INSTITUTION APPROVED 179 11. REASON FOR ADMINISTRATIVE OR IRREGULAR PLACEMENT 186																									
A. IDENTIFYING INFORMATION 1. CDC NUMBER 1 2. INMATE'S LAST NAME 7 3. DATE COMPLETED MO DAY YR 12																									

3375.5. CDC Readmission Score Sheet, CDC Form 841, Calculation.

The factors and their related numerical weights used to recalculate an inmate's preliminary score upon readmission to the department are listed below. Box numbers appear to the right, but refer to the first box on the left of each field.

(a) Favorable behavior since last review (Boxes 48–53). The categories below provide favorable points for six-month intervals. When an inmate's status is interrupted during the period without inmate fault, the period shall be considered continuous.

(1) For each six-month period of continuous minimum custody, four points shall be entered in Boxes 48–49.

(2) Apply one-half favorable behavior points for less than a full six-month review period.

(3) Unfavorable behavior points shall be assessed at full value.

(B) For each six-month period since the last review with no serious disciplinary, two points shall be entered in Boxes 50–51.

(C) For each six-month period with an average or above performance in work, school or vocational program, two points shall be entered in Boxes 52–53.

1. Part-time assignments which, when work and program hours are added together, are equivalent to a full-time assignment shall be combined.

2. Favorable points shall not be granted for average or above performance for inmates who are not assigned to a program.

(b) Unfavorable behavior since last review (Boxes 54–71):

(1) For each serious misbehavior for which the inmate was found guilty during a six-month review period, apply eight points for a Divisions A-1 or A-2 offense; apply six points for a Division B, Division C, or Division D offense; apply four points for a Division E or Division F offense in Boxes 54–59. Only misbehavior that is equivalent to a serious rule violation, as defined in section 3315, shall be recorded. This includes behavior while in the county jail or conduct that occurred while the inmate was housed in another state or federal jurisdiction.

(A) Do not include any administrative rule violations.

(B) When the serious misbehavior also includes other factors listed in subsection (2) through (7) below, assess additional points for each applicable factor.

(2) For each battery on a non-prisoner or attempted battery on a non-prisoner during any six-month review period, eight points shall be entered in Boxes 60–61.

(3) Battery means any offense as described in section 3005(c) where criminal prosecution had, or would normally have taken place.

(4) For each battery on an inmate or attempted battery on an inmate during any six-month review period, four points shall be entered in Boxes 62–63.

(A) Refers to situations where one or more inmates are clearly the victim. Usually results in some injury involving a group attack or some type of weapon.

(B) Do not include mutual combat where both inmates were co-responsible.

(5) For each incident involving the distribution of any controlled substance, per subsection 3323(c)(7), in an institution/facility or contract health facility, for distribution and sales, four points shall be entered in Boxes 64–65. Points shall not be assessed for personal use or possession of a small quantity of drugs, or being under the influence.

(6) For each well-documented serious disciplinary for possession of a deadly weapon where apparent use was intended, 16 points shall be entered in Boxes 66–67. Points shall not be assessed for possession of commonly available and unmodified objects, unless they were used as weapons and that fact is documented in the

disciplinary report. Include possession of a razor blade (whether modified or not) in a segregated program-housing unit (e.g., Administrative Segregation Unit, Security Housing Unit, Psychiatric Services Unit, etc.).

(7) For each serious disciplinary where the inmate led a facility riot, racial disturbance or work strike, four points shall be entered in Boxes 68–69. Include any willful and deliberate behavior that may have led to violence or disorder, and any willful attempt to incite others, either verbally or in writing, or by other deliberate action, to use force or violence upon another person, of the type described in section 3005.

(8) For each battery that caused serious injury, 16 points shall be entered in Boxes 70–71. Inmates who conspired in or ordered the battery shall receive the same points.

(A) Serious injury is that which is defined in section 3000.

(B) Any attempted battery which may have been life threatening but circumstances such as heavy clothing prevented the homicide shall be included.

(c) Prior Preliminary Score (Boxes 75–77):

(1) The prior preliminary score is the calculated score that appears on the most current classification score sheet. Enter that value in Boxes 75–77.

(2) When the most current score appears on the CDC Form 839 (Rev. 12/02), CDC Classification Score Sheet, enter the value from that score sheet that is the preliminary score.

(3) When the most current score appears on the CDC Form 840, (Rev. 12/02), CDC Reclassification Score Sheet, enter the value from that score sheet that is the new preliminary score.

(4) When the most current score appears on the CDC Form 841, (Rev. 12/02), CDC Readmission Score Sheet, enter the value from that score sheet that is the new preliminary score.

(d) Net Change in Score (Boxes 78–80):

Combine the total favorable points (Item C.4.) with the total unfavorable points (Item D.8.). Enter the total as a plus or minus value for net change in score.

(e) Preliminary Score Subtotal

(1) The prior preliminary score subtotal is the combined value of the prior preliminary score and net change in score.

(2) Record this value on the line provided.

(3) Computations that result in a minus value shall be entered as zero.

(f) Change in term points (Boxes 81–83):

(1) If, during reception center processing, the inmate has been designated as a PVRTC, do not enter a value. This area is left blank for an inmate who has returned as a parole violator without a new term.

(2) If, subsequent to reception center processing, the parole violator receives a new term, record the change in term points, if any, on a CDC Form 840 (Rev. 12/02), Reclassification Score Sheet, as a result of this new term. Do not correct the CDC Form 841.

(3) If, during reception center processing, the inmate has been designated as a PVWNT, the prior term points shall be given a minus value and combined with the new term points. To determine the new term points, multiply the number of whole years times two. Drop months from the calculation.

(4) Any term point adjustments that may have been recorded on a previous CDC Form 840 or CDC Form 841 must also be taken into consideration to determine the final total change in term points.

(5) Determine the difference between the new term points and the old term points. The resultant plus or minus figure is the change in term points.

(6) A change in the term points is recorded only if there is a change in the total term length.

(g) New Preliminary Score (Boxes 84–86):

(1) The inmate's new preliminary score is the result of combining the preliminary score subtotal with the change in term points (if any).

(2) Right-justify the total.

(3) Computations that result in zero or a minus value shall be entered as zero.

(h) Mandatory Minimum Score, Score Factors, and Score Factor Codes (Boxes 88–89):

(1) A mandatory minimum score is a score that is applied to an inmate who has a case factor that requires that he/she be housed no lower than a specific security level.

(2) A mandatory minimum score factor is a case factor that requires the application of a mandatory minimum score.

(3) A mandatory minimum score factor code is an alpha code associated with a mandatory minimum score factor.

1. If an inmate has a case factor that requires the application of a mandatory minimum score factor code, enter the code that applies in Box 87.

2. If one or more mandatory minimum score factors is present, determine which of the factors is associated with the highest score and enter that code in Box 87.

3. Enter the mandatory minimum score that corresponds to the selected code in Boxes 88–89.

(i) Placement Score (Boxes 90–92).

(1) If there are no case factors that require a mandatory minimum score, enter the new preliminary score as the placement score.

(2) If a mandatory minimum score has been applied, and it is greater than the new preliminary score, enter the mandatory minimum score as the placement score.

(3) If a mandatory minimum score has been applied, and it is less than the new preliminary score, enter the new preliminary score as the placement score.

(4) The placement score is one of the factors that is used to determine the security level to which the inmate is assigned.

(j) Classification Staff Representative (Boxes 117–181):

(1) The CSR determines appropriate housing in keeping with departmental needs, safety and security, the inmate's placement score and administrative determinants.

(A) The three-letter codes from section 3375.2 shall be used to indicate the administrative determinants. Up to five administrative determinants may be entered in Boxes 156–170.

(B) Reason for administrative or irregular placement (Boxes 179–181).

1. Entered only if the facility's security level where the inmate is placed is not consistent with his/her placement score.

2. Enter one of the administrative determinant's three-letter codes from section 3375.2.

3. CSR approval of an administrative or irregular placement is valid only as long as the inmate's Placement Score remains within the same facility security level as when the approval was given.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section and new form CDC 841 filed 8-27-2002 as an emergency; operative 8-27-2002 (Register 2002, No. 35). Pursuant to Penal Code Section 5058.3 a Certificate of Compliance must be transmitted to OAL by 2-4-2003 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 8-27-2002 order, including further amendment of section and repealer and new form CDC 841, transmitted to OAL 1-21-2003 and filed 3-6-2003 (Register 2003, No. 10).

STATE OF CALIFORNIA
CDC 841 (Rev. 12/02)

DEPARTMENT OF CORRECTIONS

CDC READMISSION SCORE SHEET

4. DATE OF LAST SCORE SHEET MO DAY YR 18 24			5. COUNTY OF LAST LEGAL RESIDENCE 27 28			6. FORM IDENTIFICATION (ENTER X in a, b or c) DATE CORRECTED MO DAY YR 29 35																									
B. READMISSION REVIEW PERIOD CALCULATION						E. COMPUTATION OF SCORE																									
1. DATE PAROLED MO DAY YR 36						1. PRIOR PRELIMINARY SCORE (Preliminary Score from 839/New Preliminary Score from 840 or 841) 75																									
2. REVIEW PERIOD BEGINNING DATE MO DAY YR 42						2. Net Change in Score (D. 8 minus C. 4) = (+ or -) 78																									
3. Total Review Periods Not Previously Addressed MONTHS DAYS YEARS						3. PRELIMINARY SCORE SUBTOTAL (Not less than 0) =																									
4. Number of 6 Month Review Periods 5. Partial Review Period (Less Than 6 Months) MONTHS DAYS						4. Change in Term Points (T/P) (2) - Old T/P + New T/P = (+ or -) 81																									
C. FAVORABLE BEHAVIOR SINCE LAST REVIEW Number Of Review Periods Apply points for each Review Period of 6 Months at full value Apply points for Review Period less than 6 Months at half value						5. NEW PRELIMINARY SCORE (Not less than 0) = 84																									
1. Continuous Minimum Custody x 4 = 48						F. PLACEMENT																									
2. No Serious Disciplinary x 2 = 50						MANDATORY MINIMUM SCORE FACTOR CODES AND SCORES																									
3. Average or Above Performance in Work, School or Vocational Program x 2 = 52						<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>CODE</th> <th>SCORE</th> <th>CODE</th> <th>SCORE</th> </tr> <tr> <td>[A] Condemned</td> <td>52</td> <td>[E] Warrants "R" Suffix</td> <td>19</td> </tr> <tr> <td>[B] Life Without Possibility of Parole</td> <td>52</td> <td>[F] Violence Exclusion</td> <td>19</td> </tr> <tr> <td>[C] PCR 39732(a)(7) Life Inmate</td> <td>28</td> <td>[G] Public Interest Case</td> <td>19</td> </tr> <tr> <td>[D] History of Escape</td> <td>19</td> <td>[H] Other Life Sentence</td> <td>19</td> </tr> </table>						CODE	SCORE	CODE	SCORE	[A] Condemned	52	[E] Warrants "R" Suffix	19	[B] Life Without Possibility of Parole	52	[F] Violence Exclusion	19	[C] PCR 39732(a)(7) Life Inmate	28	[G] Public Interest Case	19	[D] History of Escape	19	[H] Other Life Sentence	19
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1. Div. A-1/A-2 Dates: x 8 = 54						2. MANDATORY MINIMUM SCORE 88																									
Div. B, C & D Dates: x 6 = 56						3. PLACEMENT SCORE ENTER NEW PRELIMINARY SCORE OR MANDATORY MINIMUM SCORE WHICHEVER IS GREATER 90																									
Div. E & F Dates: x 4 = 58						G. SPECIAL CASE FACTORS																									
2. Battery or Attempted Battery on a Non-Prisoner Dates: x 8 = 60						1. HOLDS, WANTS and DETAINERS (Enter A or P) Felony 93 USINS 94 (Enter R) 95																									
3. Battery or Attempted Battery on an Inmate Dates: x 4 = 62						2. RESTRICTED CUSTODY SUFFIX (Enter R) 95																									
4. Distribution of Drugs Dates: x 4 = 64						3. ELIGIBLE FOR RESTITUTION CENTER (Enter Y or N) 96																									
5. Possession of a Deadly Weapon Dates: x 16 = 68						4. LEVEL IV DESIGN a) 180 Status (Y/N) (Enter Y or N) 97																									
6. Inciting a Disturbance Dates: x 4 = 68						5. US ARMED FORCES (Enter Y or N) 97																									
7. Battery Causing Serious Injury Dates: x 10 = 70						6. CURRENT INSTITUTION AND FACILITY 98																									
8. TOTAL UNFAVORABLE POINTS = +						7. RETURN STATUS (Enter RTC or WNT) 105																									
8. CASEWORKER'S NAME FI 108						H. CLASSIFICATION STAFF REPRESENTATIVE																									
1. LAST NAME 117						2. DATE OF ACTION MO DAY YR 125																									
3. LEVEL IV DESIGN a) 180 Status (Enter Y to apply) 131 b) Reason Code 132						4. MINIMUM CUSTODY a) Eligibility (Enter E, L or P) 134 b) Reason Code 135																									
6. DEVELOPMENTAL DISABILITY PROGRAM (DDP) CODE 141						5. CCRS ELIGIBILITY (Enter REN or REX) 138																									
7. DISABILITY PLACEMENT PROGRAM (DPP) CODE(S) a) Primary (affects placement) 144 b) 147 c) 150 d) 153																															
8. ADMINISTRATIVE DETERMINANT CODE(S) a) 156 b) 159 c) 162 d) 165 e) 168																															
9. MENTAL HEALTH LEVEL OF CARE (Enter C or E) CCCMS EOP 171						10. INSTITUTION APPROVED 172																									
						11. REASON FOR ADMINISTRATIVE OR IRREGULAR PLACEMENT 179																									
A. IDENTIFYING INFORMATION																															
1. CDC NUMBER 1				2. INMATE'S LAST NAME 7				3. DATE RECEIVED THIS INCARCERATION MO DAY YR 12																							

Original - Central File Canary - OIS Green - Inmate

3376. Classification Committees.

(a) The following terms are defined for the purposes of this section:

(1) Camp means the type of subfacility of an institution which is normally located in a rural area and which has no secure (fenced or walled) perimeter. Camp inmates are generally assigned to conservation and/or road details.

(2) Community-access facility (CAF) means any facility located in the community, administrated by the Parole and Community Services Division, where inmates have access to the community for work or training and which has no secure (fenced or walled) perimeter.

(3) Community correctional facility (CCF) means a facility located in the community, administrated by the Parole and Community Services Division, where inmates do not have unsupervised access to the community and which has a secure (fenced) perimeter.

(4) Facility means any institution, community-access facility, community correctional facility, or any camp or other subfacility of an institution under the jurisdiction of the department.

(5) Institution means a large facility or complex of subfacilities with a secure (fenced or walled) perimeter headed by a warden.

(b) Each facility shall establish classification committees as provided herein. A quorum for any committee at a CAF shall be a minimum of two persons who shall be the chairperson and recorder. A quorum at all other facilities shall be a minimum of three persons who shall be the chairperson, recorder and any other member.

(c) Composition of committees:

(1) Initial and Unit Classification Committees shall consist of:

(A) Facility captain, correctional captain, or CAF/CCF manager (chairperson).

(B) Correctional counselor III, parole administrator I, parole agent III, or assistant CAF/CCF manager; or, for CAF/CCFs only, designated supervisory peace officer at the rank of correctional lieutenant, or above (alternate chairperson).

(C) Correctional counselor II, correctional counselor I, or parole agent II (recorder).

(D) Assignment lieutenant (initial classification), program lieutenant (unit classification), or CAF/CCF inmate assignment/program coordinator.

(E) Educational or vocational program representative.

(F) Other staff as required.

(2) Institution Classification Committees (ICC) and Facility Classification Committees (FCC) shall consist of:

(A) Warden, regional parole administrator, deputy warden, or deputy regional parole administrator (chairperson).

(B) Correctional administrator or parole administrator I (alternate chairperson).

(C) Psychiatrist or physician.

(D) Facility captain.

(E) Correctional captain.

(F) Correctional counselor III, parole agent III, correctional counselor II, or parole agent II (recorder).

(G) Assignment lieutenant or CAF/CCF inmate assignment/program coordinator.

(H) Educational or vocational program representative.

(I) Other staff as required.

(3) Camp Classification Committee shall consist of:

(A) Correctional lieutenant (chairperson).

(B) Correctional counselor I (alternate chairperson, recorder).

(C) Correctional sergeant.

(D) Staff representative of camp contracting agency.

(d) Classification committee functions:

(1) Initial Classification Committees shall:

(A) Evaluate case factors and assist the inmate to understand facility expectations, available programs, and resources.

(B) Initiate an education, vocational training, or work program; designate a credit earning and privilege group; and assign a custody designation for each inmate.

(C) Refer complex cases to the ICC or FCC.

(D) Recommend transfer of a new arrival determined to be inappropriately placed.

(E) Grant work credits to which the inmate is entitled while in transit.

(2) Unit Classification Committees shall:

(A) Review each inmate's case at least annually to consider the accuracy of the inmate's classification score, custody designation, program, work and privilege group, and facility placement, including recommendation for transfer. A parole violator's first annual review may be delayed for up to five months so that it will coincide with classification score updates.

(B) Change in inmate's work/privilege group.

(C) Conduct post board classification on an inmate within 15 days of receipt of official notice of a Board of Prison Terms' decision regarding the inmate.

(D) Act on an inmate's request for restoration of forfeited credits for less than Division C offenses in accordance with section 3327.

(3) Institution and Facility Classification Committees shall:

(A) Recommend transfer of inmates.

(B) Act on cases referred by lower committees.

(C) Review inmate requests for meritorious sentence reduction to determine compliance with Penal Code section 2935.

(D) Make referrals and recommendations through the chief, classification services, for cases requiring Departmental Review Board (DRB) decisions.

(E) Change an inmate's work/privilege group.

(4) Camp classification committees shall perform all functions designated above for unit and initial classification committees.

NOTE: Authority cited: Sections 3303 and 3309, Welfare and Institutions Code; and Sections 5058 and 6252, Penal Code. Reference: Sections 2933, 5054 and 5068, Penal Code.

HISTORY:

1. Repealer and new section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. Repealer and new section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. Repealer and new section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Change without regulatory effect amending section filed 10-22-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 4).
8. Editorial correction of printing error in subsection (b)(3)(D) (Register 92, No. 5).
9. Repealer of subsection (b)(2)(C), subsection relettering, and amendment of subsection (b)(3)(E) filed 5-5-95; operative 6-5-95 (Register 95, No. 18).
10. Amendment of subsection (b)(2)(C) and repealer of subsection (b)(3)(E) and subsection relettering pursuant to Penal Code section 5058(e) filed 3-20-96 as an emergency; operative 3-20-96 (Register

- 96, No. 12). A Certificate of Compliance must be transmitted to OAL by 8-27-96 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 3-20-96 order transmitted to OAL 7-25-96 and filed 9-5-96 (Register 96, No. 36).
 12. Amendment of section and Note filed 5-1-97; operative 5-31-97 (Register 97, No. 18).
 13. Amendment of subsection (d)(2)(A) filed 7-28-97 as an emergency; operative 7-28-97 (Register 97, No. 31). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 1-5-98 or emergency language will be repealed by operation of law on the following day.
 14. Certificate of Compliance as to 7-28-97 order transmitted to OAL 10-27-97 and filed 12-8-97 (Register 97, No. 50).
 15. Amendment of subsection (d)(2)(A), new subsection (d)(2)(B), subsection relettering and amendment of subsection (d)(3)(E) filed 1-9-2004 as an emergency; operative 1-9-2004 (Register 2004, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 6-17-2004 or emergency language will be repealed by operation of law on the following day.
 16. Amendment of subsection (d)(2)(A), new subsection (d)(2)(B), subsection relettering and amendment of subsection (d)(3)(E) refiled 6-17-2004 as an emergency; operative 6-17-2004 (Register 2004, No. 25). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 11-24-2004 or emergency language will be repealed by operation of law on the following day.
 17. Certificate of Compliance as to 6-17-2004 order transmitted to OAL 11-16-2004 and filed 12-29-2004 (Register 2004, No. 53).

3376.1. Departmental Review Board.

The Departmental Review Board (DRB) provides the Secretary's final review of classification issues which are referred by an institution head for a resolution or decision at the headquarters level. The DRB decision serves as the Secretary's level decision which is not appealable and concludes the inmate/parolee's departmental administrative remedy of such issues.

(a) Composition of the DRB:

- (1) The director or deputy director of the adult institutions division (chairperson).
- (2) The director or deputy director of the Division of Adult Parole Operations.
- (3) The chief of classification services (shall abstain on DRB issues resulting from a difference of opinion between an institution head and the chief of classification services).
- (4) The chief of health services.
- (b) Two members shall constitute a quorum.
- (c) The DRB shall meet at the call of the chairperson.
- (d) Referrals shall be made to the DRB when:
 - (1) An institution head is unable to resolve a difference of opinion with the chief of classification services.
 - (2) An institution head believes a clarification of departmental policy of statewide importance is required.
 - (3) An institution head believes a DRB level decision for placement of an inmate is required because of an unusual threat to the safety of persons or public interest in the case; e.g., commuted or modified death sentence or classification of an inactive gang member or associate. Subsequent DRB reviews of the continued placement of inactive gang members or associates in a security housing unit (SHU) shall occur no earlier than two years after the previous DRB decision. Upon denial of an alternative placement for an inactive gang member or associate, the DRB is authorized to schedule an earlier review of the placement if the DRB determines that it is reasonable to expect that release from SHU will be granted in less than two years.
 - (4) A difference between a Board of Parole Hearing's program placement order and the department's policies cannot be resolved.

(5) An out-of-state or federal prison placement is recommended by the institution classification committee for a Western Interstate Corrections Compact (WICC), PC Section 11190, an Interstate Corrections Compact (ICC), PC Section 11189, or a Federal Placement, PC Section 2911. A California Out-of-State Correctional Facility (COCF) transfer shall not require a DRB review or institution classification committee action.

(6) Meritorious credit is recommended by an institution classification committee to reduce an inmate's period of confinement pursuant to Penal Code Section 2935.

(7) The inmate's current placement was ordered by the DRB and there is no documentation in the inmate's central file to indicate that the DRB has relinquished responsibility for the inmate's placement.

(e) Decisions of the DRB shall be in writing and implemented within 30 calendar days after the decision is made.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054, 5068 and 11191, Penal Code; Section 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Sandin v. Connor* (1995) 515 U.S. 472; and *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146.

HISTORY:

1. New section filed 1-16-92; operative 2-17-92 (Register 92, No. 13).
2. Amendment of subsection (d)(3) and Note filed 8-30-99 as an emergency; operative 8-30-99 (Register 99, No. 36). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 2-8-2000 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 8-30-99 order transmitted to OAL 2-7-2000 and filed 3-21-2000 (Register 2000, No. 12).
4. Amendment of subsection (d)(5) and amendment of Note filed 10-30-2008 as an emergency; operative 10-30-2008 (Register 2008, No. 44). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-8-2009 or emergency language will be repealed by operation of law on the following day.
5. Amendment of first paragraph and subsections (a)(1)–(2) and (d)(4) filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).
6. Certificate of Compliance as to 10-30-2008 order transmitted to OAL 4-1-2009 and filed 5-12-2009 (Register 2009, No. 20).

3377. Facility Security Levels.

Each camp, facility, or area of a facility complex shall be designated at a security level based on its physical security and housing capability. Reception centers are not facilities of assignment and are exempt from the security level designations except for the assignment of permanent work crew inmates. The security levels are:

- (a) Level I facilities and camps consist primarily of open dormitories with a low security perimeter.
- (b) Level II facilities consist primarily of open dormitories with a secure perimeter, which may include armed coverage.
- (c) Level III facilities primarily have a secure perimeter with armed coverage and housing units with cells adjacent to exterior walls.
- (d) Level IV facilities have a secure perimeter with internal and external armed coverage and housing units described in section 3377(c), or cell block housing with cells non-adjacent to exterior walls.

NOTE: Authority cited: Section 5058 and 5058.3, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

HISTORY:

1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).

3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. New section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Change without regulatory effect amending section filed 10-22-90 pursuant to section 100, Title 1, California Code of Regulations (Register 91, No. 4).
8. Editorial correction of printing errors (Register 91, No. 11).
9. Editorial correction of printing error in subsection (b) (Register 92, No. 5).
10. Amendment of section heading, first paragraph and Note filed 8-27-2002 as an emergency, operative 8-27-2002 (Register 2002, No. 35). Pursuant to Penal Code section 5058.3 a Certificate of Compliance must be transmitted to OAL by 2-4-2003 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 8-27-2002 order transmitted to OAL 1-21-2003 and filed 3-6-2003 (Register 2003, No. 10).

3377.1. Inmate Custody Designations.

(a) Designation of a degree of an inmate's custody shall be reasonably related to legitimate penological interests. The CDC uses the following inmate custody designations to establish where an inmate shall be housed and assigned, and the level of staff supervision required to ensure institutional security and public safety:

Maximum Custody,
Close A Custody,
Close B Custody,
Medium A Custody,
Medium B Custody,
Minimum A Custody,
Minimum B Custody,
(1) Maximum Custody.

(A) Housing shall be in cells in an approved segregated program housing unit as described in CCR section 3335 and CCR subsections 3341.5(b) and 3341.5(c).

(B) Assignments and activities shall be within the confines of the approved segregated program housing unit.

(C) An inmate designated as Maximum Custody shall be under the direct supervision and control of custody staff.

(2) Close A Custody Male Inmates.

(A) Housing shall be in cells within Level III and Level IV facilities in housing units located within an established facility security perimeter.

(B) Close A Custody inmates shall be permitted to participate in program assignments and activities scheduled within the hours of 0600 hours to 1800 hours unless hours are extended by the Warden to no later than 2000 hours when it is determined that visibility is not compromised in areas located within the facility security perimeter. Bases for the extended hours include operational necessity, daylight savings time, or availability of high mast lighting. Close A Custody inmates are not permitted beyond the work change area.

(C) Custody staff supervision shall be direct and constant. In addition to regular institutional counts, Close A Custody male inmates shall be counted at noon each day.

(3) Close A Custody Female Inmates.

(A) Housing shall be in cells or in a designated Close Custody dormitory.

(B) Close A Custody female inmates shall be permitted to participate in program assignments and activities scheduled within the

hours of 0600 hours to 1800 hours unless hours are extended by the Warden to no later than 2000 hours when it is determined that visibility is not compromised in areas located within the facility security perimeter and the work change area. Bases for the extended hours include operational necessity, daylight savings time, or availability of high mast lighting.

(C) Custody staff supervision shall be direct and constant. In addition to regular institutional counts, Close A Custody female inmates shall be counted at noon each day.

(4) Close B Custody Male Inmates.

(A) Housing shall be in cells within designated institutions in housing units located within an established facility security perimeter.

(B) Close B Custody inmates shall be permitted to participate in program assignments and activities during the hours of 0600 hours to 2000 hours in areas located within the facility security perimeter including beyond the work change area in a designated Level II, Level III or Level IV institution. Close B Custody inmates may participate in designated work program assignments until 2200 hours when the work program is in an assigned housing unit located within the facility security perimeter. Close B Custody inmates may participate in limited evening activities after 2000 hours until the general evening lockup and count when the limited activity is in a designated housing unit located within the facility security perimeter.

(C) The work supervisor shall provide direct and constant supervision of Close B Custody inmates during the inmates' assigned work hours.

(D) Custody staff shall provide direct and constant supervision of Close B Custody inmates at all times.

(5) Close B Custody Female Inmates.

(A) Housing shall be in cells or in a designated Close Custody dormitory located within an established facility security perimeter.

(B) Close B Custody female inmates shall be permitted to participate in program assignments and activities during the hours of 0600 hours to 2000 hours in areas located within the facility security perimeter, including beyond the work change area, in designated Level II, Level III and Level IV institutions.

Code B Custody female inmates may participate in work program assignments until 2200 hours when the work program is in an assigned housing unit located within the facility security perimeter. Close B Custody female inmates may participate in limited evening activities after 2000 hours until the general evening lockup and count when the limited activity is in an assigned housing unit located within the facility security perimeter. (6) Medium A Custody.

(C) The work supervisor shall provide direct and constant supervision of Close B Custody inmates during the inmates' assigned work hours.

(D) Custody staff shall provide direct and constant supervision of Close B Custody inmates at all times.

(6) Medium A Custody.

(A) Housing shall be in cells or dormitories within the facility security perimeter.

(B) Assignments and activities shall be within the facility security perimeter.

(C) Supervision shall be frequent and direct.

(7) Medium B Custody.

(A) Housing shall be in cells or dormitories within the facility security perimeter.

(B) Assignments and activities shall be within the facility security perimeter. Inmates may be given daytime assignments outside the facility security perimeter but must remain on facility grounds.

(C) Custody staff shall provide frequent and direct supervision inside the facility security perimeter. Custody staff shall provide direct and constant supervision outside the facility security perimeter.

(8) Minimum A Custody.

(A) Housing shall be in cells or dormitories within the facility security perimeter.

(B) Assignments and activities may be inside or outside the facility security perimeter.

(C) Staff supervision shall consist of at least hourly observation if assigned outside the facility security perimeter. Sufficient staff supervision of the inmate shall be provided to ensure the inmate is present if assigned inside the facility security perimeter.

(9) Minimum B Custody.

(A) Housing may be in cells or dormitories on facility grounds, in a camp, in a Minimum Support Facility (MSF) or in a community based facility such as a Community Correctional Facility.

(B) Assignments and activities include eligibility for work or program assignments located either on or off institutional grounds.

(C) Sufficient staff supervision shall be provided to ensure the inmate is present.

(b) An "R" suffix shall be affixed to an inmate's custody designation to ensure the safety of inmates, correctional personnel, and the general public by identifying inmates who have a history of specific sex offenses as outlined in Penal Code (PC) Section 290.

(1) The "R" suffix shall be affixed during reception center processing if one of the following four criteria:

(A) The inmate is required to register per PC Section 290

(B) The inmate's parole was revoked by the Board of Parole Hearings (BPH) formerly known as the Board of Prison Terms/Parole Hearing Division, Good Cause/Probable Cause Finding of an offense that is equivalent to an offense listed in PC Section 290.

(C) The inmate had a BPH formerly known as California Youth Authority/Youth Offender Parole Board sustained adjudication of an offense that is equivalent to an offense listed in PC Section 290.

(D) The inmate had a valid "R" suffix evaluation as defined in this section, resulting in the "R" suffix being affixed.

(2) Inmates with a prior "R" suffix evaluation inconsistent with Section 3377.1(b)(5) shall not have an "R" suffix applied. An "R" suffix evaluation must be completed at the receiving institution.

(3) Within six months of reception or at any time during an incarceration, inmates with records of arrest, detention, or charge of any offenses listed in PC Section 290, shall appear before a classification committee to determine the need to affix an "R" suffix to the inmate's custody designation. The committee shall consider the arrest reports and district attorney's comments related to each arrest.

(A) An inmate found guilty in a disciplinary hearing of a Division A-1, A-2, or B offense that is equivalent to an offense listed in PC Section 290 shall have an "R" suffix evaluation completed by a classification committee.

(4) The receiving institution's initial classification committee shall affix the "R" suffix designation to an inmate's custody during initial classification committee review when it is determined the "R" suffix was not applied at the reception center and the inmate meets one of the criteria listed in Subsection 3377.1(b)(1).

(5) When completing an "R" suffix evaluation, the classification committee shall consider the arrest report(s) and district attorney's comments. However, a classification committee may affix an "R" suffix if the arrest report(s) are available and the district attorney's comments are unavailable. The classification committee shall document in a CDC Form 128-G the attempts/steps taken to obtain the required documentation.

(A) An "R" suffix shall not be affixed when the required documentation is not available for review, unless approved by Departmental Review Board (DRB) decision. If the arrest report is

unavailable, the district attorney's comments or any other court or official documents shall be considered if available.

(B) DRB approval is required to affix an "R" suffix to an inmate's degree of custody if the required relevant documents are not available to complete an "R" suffix evaluation.

(6) If a Unit Classification Committee (UCC) finds that an inmate may no longer require an "R" suffix, the committee shall refer the case to the Institution Classification Committee (ICC) for review.

(7) Should a different facility UCC at the same institution disagree with the initial UCC's decision to either affix or not affix the "R" suffix, the committee must refer the case to ICC for review.

(8) ICC can reverse an "R" suffix evaluation by a previous institution's ICC only if new and compelling information is obtained. Otherwise, the case shall be referred for a DRB decision.

(9) An "R" suffix shall not be applied if the inmate was acquitted/found not guilty of the sex related charges in a court of law even if BPH Good Cause/Probable Cause Finding revoked his/her parole for those sex related charges.

(10) Inmates with "R" suffixes shall be housed in accordance with their placement score and shall not be assigned outside the security perimeter.

(11) Inmates who have obtained a valid Certificate of Rehabilitation pursuant to PC Section 4852.01 shall not have an "R" suffix affixed.

(12) An inmate whose "R" suffix has been removed shall be eligible for any housing or assignment for which they otherwise would qualify had the "R" suffix never been designated.

(13) The following terms are defined for the purposes of the "R" suffix custody designation:

(A) Institution means a large facility or complex of subfacilities with a secure (fenced or walled) perimeter headed by a warden.

(B) Facility means a subfacility of an institution headed by a facility captain.

(c) An "S" suffix may be affixed by a classification committee to the inmate's custody designation to alert staff of an inmate's need for single cell housing. The classification committee's decision to affix the "S" suffix shall be based on documented evidence that the inmate may not be safely housed in a double cell or dormitory situation based on a recommendation by custody staff or a health care clinician.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 4852.01, 5054, and 5068, Penal Code, Americans With Disability Act (ADA), 42 U.S.C. s 12131, et seq.; and *Pennsylvania Department of Corrections v. Yeskey* (1998) 524 U.S. 206.

HISTORY:

1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. New section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).

7. Change without regulatory effect amends section filed 10-22-90 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 4).
8. Editorial correction of printing error inadvertently omitting text (Register 91, No. 11).
9. Editorial correction of printing error in subsection (a)(9)(B) (Register 92, No. 5).
10. Amendment filed 3-27-2000 as an emergency; operative 3-27-2000 (Register 2000, No. 13). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 9-5-2000 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 3-27-2000 order transmitted to OAL 9-5-2000; disapproval and order of repeal and deletion reinstating section as it existed prior to emergency amendment by operation of Government Code 11346.1(f) filed 10-18-2000 (Register 2000, No. 42).
12. Amendment filed 10-19-2000 deemed an emergency pursuant to Penal Code section 5058(e); operative 10-19-2000 (Register 2000, No. 42). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL By 3-27-2001 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 10-19-2000 order, including further amendment of subsections (a), (a)(2)(B) and (a)(3)(B) and amendment of Note, transmitted to OAL 3-27-2001 and filed 5-3-2001 (Register 2001, No. 18).
14. Amendment of subsections (b)–(b)(1)(D), repealer of subsections (b)(1)(E)–(K), amendment of subsections (b)(2)–(3), new subsection (b)(3)(A), amendment of subsections (b)(4)–(5), new subsections (b)(5)(A)–(b)(13)(B) and amendment of Note filed 11-3-2006; operative 12-3-2006 (Register 2006, No. 44).

3377.2. Criteria for Assignment of Close Custody.

(a) Close Custody: Upon review of an inmate's case factors and need for supervision, the classification committee shall establish a Close Custody designation in accordance with the following case considerations when it determines that the inmate meets case factor criteria for either Close A Custody as listed in section 3377.2(b) or for Close B Custody as listed in section 3377.2(c).

(1) The case factors to be considered in assigning Close Custody include, but are not limited to, the following:

- (A) the inmate's total term, sentence, or remaining time-to-serve;
- (B) the inmate's escape history;
- (C) identification of a management concern;
- (D) receipt of an active law enforcement felony hold;
- (E) a finding of guilt for a serious Rules Violation Report (RVR) (see section 3315);

(F) an inmate who is considered to be High Notoriety or is designated as a Public Interest Case.

(2) Departmental Review Board (DRB) approval is required to assign a Close Custody designation to an inmate who does not meet the case factor criteria established in this section. Authorization for the DRB shall be required before extending a Close Custody designation beyond the time constraints established for the most similar group of sentences.

(3) Custody determination shall be based on information available at the time of review. An ICC may temporarily assign a Close Custody designation to an inmate, for a maximum of ninety (90) days, pending receipt of documents or verification of information needed to make a final determination.

(4) Any inmate being evaluated for reduction of Close Custody shall demonstrate a record of disciplinary-free behavior and compliance with behavioral expectations, such as positive programming and participation for the last 12 months prior to the review.

(5) The Annual Classification Committee review shall include consideration of custody reduction.

(6) When calculating the time to be served in Close Custody in accordance with the case factor criteria, a classification committee shall count an inmate's behavior conforming to minimum expectations in the California Youth Authority (CYA) prior to the inmate's placement in CDC during the inmate's current term.

(7) When calculating the time served in Close Custody in accordance with case factor criteria, a classification committee shall not include periods of time that an inmate was serving a determinate or indeterminate term in Security Housing Unit (SHU) or in Administrative Segregation Unit (ASU) or any segregated program housing unit.

(8) In cases involving an escape, the date of the escapee's return to CDC custody shall be the starting date to be used in calculating the start of the Close Custody time frame.

(9) An inmate who meets the Close Custody case factor criteria and who also has a documented health care or disability special housing need, which cannot be reasonably accommodated in the existing facility shall be referred by classification committee to the Classification Staff Representative (CSR) for transfer consideration.

(10) An inmate who is identified to be a management concern shall be ineligible for custody reduction consideration below Close B Custody. Upon review and determination that an inmate no longer presents a management concern, a Unit Classification Committee shall refer the case to Institutional Classification Committee (ICC) for review. The ICC may remove the identification of the inmate as a management concern based on consideration of the inmate's long-term positive programming, evaluation of the inmate's behavior in custody, and determination that the inmate no longer presents a continuing threat to public safety warranting Close B Custody.

(11) The classification committee is to consider the inmate's length of term or remaining time to serve in light of the inmate's escape history. An inmate with an escape history shall serve the longest required amount of time before becoming eligible for custody reduction below Close A Custody and shall also serve the longest required amount of time before being eligible for custody reduction below Close B Custody.

(12) An inmate who meets more than one Close A Custody case factor shall be designated Close A Custody for the longest required amount of time before becoming eligible for Close B Custody consideration.

(13) An inmate who meets more than one case factor for Close B Custody shall serve the longest required amount of time before he or she is to be eligible for consideration of further custody reduction.

(14) An inmate who is ineligible for further custody reduction based on any exclusionary case factor shall be precluded from further custody reduction.

(15) Upon classification committee review and determination that an inmate meets the Close Custody criteria, the inmate shall be designated Close Custody and shall be required to complete established time frames for Close A Custody and Close B Custody in compliance with Sections 3377.2(b) and 3377.2(c). Neither the inmate's projected date of release nor the inmate's earliest possible release date shall override established time frames.

(16) A classification committee may on a case-by-case basis consider for Medium A Custody an inmate who otherwise meets the Close Custody criteria [e.g., the minimum time periods for Close A and Close B Custody provided in subsections (b) and (c)] and who has been in CDC custody before March 2000 serving his or her instant offense. The inmate may retain Medium A Custody if the classification committee determines that the inmate's current housing, program, and in-custody behavior do not substantiate a need for supervision and restrictive housing at the level of Close Custody and one of the following conditions are met:

(A) The inmate has already demonstrated positive programming for an equal or greater period of time at a less restrictive degree of custody during his or her present commitment and a classification committee has determined that the inmate has no history of escape, is not a management concern, is not an LWOP, and has no active law enforcement hold.

(B) The inmate was not designated Close Custody upon initial period of incarceration and has since served more than half of the required amount of time for Close Custody at a less restrictive degree of custody, and a classification committee has determined that the inmate has no history of escape, has no active law enforcement hold, is not an LWOP, and is not a management concern.

(C) The inmate is sentenced to a single Life term and has less than two years to be within seven years of MEPD and a classification committee has determined that the inmate does not demonstrate a significant risk of escape, has no history of escape, is not a management concern, and has no active law enforcement hold.

(b) Close A Custody Case Factor Criteria: An inmate who meets any of the Close A Custody case factor criteria described in this subsection shall be assigned to Close A Custody.

(1) Lengthy Sentence. An inmate serving a sentence of Life Without the Possibility of Parole (LWOP) shall serve his or her first five (5) years of incarceration in CDC at Close A Custody before he or she shall be eligible for custody reduction consideration.

(2) Lengthy Sentence plus Management Concern and/or Escape History. An inmate who demonstrates a management concern and/or an escape history in addition to serving a lengthy sentence as defined below shall require Close A Custody:

(A) An inmate with a management concern and/or an escape history sentenced to a Total Term of 50 years or more shall serve at least his or her first five (5) years of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.

(B) An inmate with a management concern and/or an escape history who is sentenced to more than one Life sentence shall serve his or her first five (5) years of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.

(C) An inmate with a management concern and/or an escape history who is sentenced to a Life sentence shall serve at least his or her first year of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.

(D) An inmate with a management concern and/or an escape history who is sentenced to a total term of fifteen (15) years or more but less than 50 years shall serve at least his or her first year of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.

(3) An inmate whose precommitment and prior in-custody behavior demonstrates no management concern and reflects no escape history, but whose term of incarceration meets any of the following criteria shall require Close A Custody:

(A) An inmate who is sentenced to a Total Term of 50 years or more shall serve at least his or her first five (5) years of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.

(B) An inmate who is sentenced to more than one Life sentence shall serve at least his or her first five (5) years of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.

(C) An inmate who is sentenced to a Life sentence shall serve his or her first year of incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.

(D) An inmate who is sentenced to a total term of 15 years or more, but less than 50 years, shall serve his or her first year of

incarceration in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.

(4) Escape History. An inmate with a documented escape history (as reflected in State, Federal, local or juvenile criminal history) as described in this section shall be assigned to Close A Custody:

(A) An inmate convicted of or whose commitment offense includes Escape With Force or Attempted Escape With Force from any correctional setting or armed escort occurring within the last five (5) years of return to CDC custody shall serve his or her first eight (8) years upon receipt in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.

(B) An inmate convicted of or whose commitment offense includes Escape Without Force or Attempted Escape Without Force From Secure Perimeter or Armed Escort within the last five (5) years of return to CDC custody shall serve his or her first five (5) years of incarceration upon receipt in CDC at Close A Custody before he or she shall be eligible for consideration of custody reduction.

(C) An inmate convicted, or found guilty of any serious RVR for plotting or planning to escape from a secure perimeter shall require Close A Custody for two (2) years from the date of the conviction or from the date charges were adjudicated, whichever is later, before he or she shall be eligible for consideration of custody reduction.

(5) Holds. An inmate who is subject to an active law enforcement hold as described below shall require Close A Custody as follows:

(A) An inmate verified to be subject to an active law enforcement hold for an offense that could result in sentencing as an LWOP, to serve Multiple Life Terms, or to serve a Determinate Sentence or Total Term of 50 years or more shall require Close A Custody for at least five (5) years from the date of receipt of the hold unless the hold is removed. After initial five years at Close A Custody, the inmate shall be eligible to be considered for custody reduction to Close B Custody.

(B) An inmate verified to be subject to an active law enforcement hold for an offense that could result in sentencing to a Total Term of Life or a determinate term or Total Term of 15 years or more shall require Close A Custody for at least one (1) year from the date of receipt of the hold unless the hold is removed. After at least one (1) year at Close A Custody, the inmate shall be eligible for consideration for custody reduction to Close B Custody.

(6) Disciplinary History. An inmate who was found guilty of a serious RVR or convicted of an offense in custody as described in this subsection shall require Close A Custody as follows:

(A) An inmate found guilty of an in-custody Murder of A Non-Inmate or convicted of an in-custody Murder of A Non-Inmate shall be designated Close A Custody following his or her release from SHU. Close A Custody is required during the inmate's remaining Total Term after release from SHU. Custody shall not be reduced from Close A Custody.

(B) An inmate found guilty of an in-custody Murder of an Inmate or convicted of an in-custody Murder of an Inmate within the last six (6) years shall serve at least the subsequent six (6) years at Close A Custody following release from SHU before he or she shall be eligible for consideration of further custody reduction.

(7) Notoriety. An inmate designated as a Public Interest Case or who is considered to have High Notoriety shall serve at least his or her first five (5) years in Close A Custody before he or she shall be eligible for consideration of further custody reduction.

(c) Close B Custody Case Factor Criteria: An inmate who meets the Close B Custody case factor criteria described in this subsection shall be assigned to Close B Custody.

(1) Life Without Possibility of Parole. Upon completing five (5) years at Close A Custody, an inmate who is sentenced to LWOP shall serve at least the subsequent ten (10) years at Close B Custody. An inmate who is designated as an LWOP shall be ineligible for further reduction of custody below Close B Custody until after at least a total of fifteen (15) years at Close Custody. Level IV housing is required for the inmate's Total Term unless the DRB authorized Level III housing as a result of a case-by-case review.

(2) Lengthy Sentence Plus Management Concern or Escape history. An inmate who is sentenced to a lengthy sentence and who demonstrates a management concern and/or an escape history as defined below shall require Close B Custody:

(A) Upon completing at least five (5) years at Close A Custody, an inmate who demonstrates a management concern and/or an escape history and who is sentenced to a Total Term of 50 years or more shall be assigned no less restrictive custody than Close B Custody. The inmate shall be ineligible for further reduction of custody.

(B) Upon completing at least five (5) years at Close A Custody, an inmate who demonstrates a management concern and/or an escape history and who is sentenced to more than one Life sentence shall be assigned no less restrictive custody than Close B Custody. The inmate shall be ineligible for further reduction of custody.

(C) Upon completing at least one (1) year at Close A Custody, an inmate who demonstrates a management concern and/or an escape history and who is sentenced to a Life sentence shall be assigned no less restrictive custody than Close B Custody. The inmate shall be ineligible for further reduction of custody.

(D) Upon completing at least one (1) year at Close A Custody, an inmate who demonstrates a management concern and/or an escape history and who is sentenced to a Total Term of fifteen (15) years or more, but less than 50 years, shall be assigned to no less restrictive custody than Close B Custody. The inmate shall be ineligible for further reduction of custody.

(3) Lengthy Sentence. An inmate who demonstrates no management concerns and no escape history, but is sentenced to a Total Term as defined below shall require Close B Custody.

(A) Upon completing at least five (5) years at Close A Custody, an inmate who demonstrates no management concerns and no escape history, and is sentenced to a Total Term of 50 years or more shall serve the subsequent ten (10) years at Close B Custody.

(B) Upon completing at least five (5) years at Close A Custody, an inmate who demonstrates no management concerns and no escape history, but who is sentenced to more than one Life sentence shall be assigned to Close B Custody. He or she must be within seven (7) years of his or her Minimum Eligible Parole Date (MEPD) before he or she is eligible for further reduction of custody.

(C) Upon completing at least one (1) year at Close A Custody, an inmate who demonstrates no management concerns and no escape history, and who is sentenced to a Life sentence shall be assigned to Close B Custody. He or she must be within seven (7) years of his or her MEPD before he or she is eligible for further reduction of custody. An inmate sentenced to Life may be considered for placement in a designated Level II facility when the inmate has a Level II Classification Score, is otherwise eligible for housing in a Designated Level II facility, and meets criteria per CCR section 3375.2(a)(7). However, an inmate identified as a serial killer shall be excluded from Level I or Level II placement even if his or her convictions for murders are prosecuted separately.

(D) Upon completing at least one (1) year at Close A Custody, an inmate who demonstrates no management concerns and no escape history, and is sentenced to a Total Term of fifteen (15) years or more, but not more than 50 years, shall serve the subsequent four (4) years at Close B Custody before he or she is eligible for further reduction of custody. Such an inmate may be considered for

placement in a Designated Level II Facility when the inmate has a Level II Classification Score, is otherwise eligible for housing in a Designated Level II facility, and meets criteria per CCR section 3375.2(a)(7).

(4) Escape History. An inmate with a documented escape history as described in this section shall be assigned to Close B Custody:

(A) Upon completing at least eight (8) years at Close A Custody, an inmate who is convicted of or found guilty of a serious RVR or whose commitment offense includes Escape With Force or Attempted Escape With Force from any correctional setting or armed escort shall serve the subsequent two (2) years at Close B Custody before he or she shall be eligible for further reduction of custody. Following completion of the required Close B Custody period, an inmate with an escape history shall be eligible for custody reduction to Medium A Custody, but shall be housed in no less than a Designated Level II facility for a minimum of three (3) years before he or she shall be eligible for less restrictive housing. The inmate shall be ineligible for Minimum Custody.

(B) Upon completing at least five (5) years at Close A Custody, an inmate convicted of or whose commitment offense includes Escape Without Force or Attempted Escape Without Force From Secure Perimeter Facility or Armed Escort shall serve the subsequent five (5) years at Close B Custody before he or she shall be eligible for further reduction of custody. Following completion of the required Close B Custody period, an inmate with an escape history shall be eligible for custody reduction to Medium A Custody, but shall be housed in no less than a Designated Level II facility for a minimum of three (3) years before he or she shall be eligible for less restrictive housing. The inmate shall be ineligible for Minimum Custody.

(C) Upon completing at least two (2) years at Close A Custody, an inmate involved in a documented plot to escape from a secure perimeter facility shall serve the subsequent two (2) years at Close B Custody before he or she shall be eligible for further reduction of custody. Following completion of the required Close B Custody period, an inmate with an escape history shall be eligible for custody reduction to Medium A Custody, but shall be housed in no less than a Designated Level II facility for a minimum of three (3) years before he or she shall be eligible for less restrictive housing. The inmate shall be ineligible for Minimum Custody. An inmate with a history of walkaways from nonsecure settings shall not be placed in minimum custody settings for at least ten (10) years following the latest walkaway.

(5) Holds. An inmate who is subject to an active law enforcement hold as described below shall require Close B Custody as follows:

(A) After at least five (5) years at Close A Custody, an inmate verified to be subject to an active law enforcement hold for an offense that could result in sentencing as an LWOP, to Multiple Life Terms, or to a Determinate Sentence or Total Term of 50 years or more shall be Close B Custody until the hold is removed.

(B) After at least one (1) year at Close A Custody, an inmate verified to be subject to an active law enforcement hold for an offense that could result in sentencing to a Total Term of Life or a determinate term or Total Term of fifteen (15) years or more shall be Close B Custody until the hold is removed.

(6) Disciplinary History. An inmate whose disciplinary history includes any of the criteria described in this subsection shall require Close B Custody:

(A) An inmate found guilty of an in custody serious RVR for the Murder of a Non-Inmate or convicted of Murder of a Non-Inmate shall require Close A Custody during his or her remaining term after release from SHU. The inmate shall be ineligible for Close B Custody or any reduction of custody.

(B) Upon completing at least six years at Close A Custody, an inmate found guilty of an in custody serious RVR for the Murder of an Inmate or convicted of Murder of an Inmate shall serve the subsequent four (4) years at Close B Custody before he or she shall be eligible for consideration of further reduction of custody.

(C) An inmate found guilty of a Division A-1 or Division A-2 serious, as set forth in section 3323, or who is determined by a classification committee to demonstrate a pattern of, or a continuing propensity for, violence, escape or narcotic distribution, shall serve two (2) years at Close B Custody before he or she shall be eligible for consideration of further reduction of custody.

(D) An inmate designated as a former gang member ("dropout") shall be required to undergo a period of observation and be designated by classification committee action as a Close B Custody inmate for one (1) year before he or she shall be eligible for consideration of further reduction of custody.

(7) Notoriety. After at least five (5) years at Close A Custody, an inmate designated as a Public Interest Case or determined to have High Notoriety shall serve at least five (5) years in Close B Custody before consideration of further reduction of custody.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Americans with Disability Act (ADA)*, 42 U.S.C., Section 12131, et seq.; and *Pennsylvania Department of Corrections v. Yeskey* (1998) 524 U.S. 206.

HISTORY:

1. New section filed 3-27-2000 as an emergency; operative 3-27-2000 (Register 2000, No. 13). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 9-5-2000 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 3-27-2000 order transmitted to OAL 9-5-2000; disapproval and order of repeal and deletion repealing section by operation of Government Code 11346.1(g) filed 10-18-2000 (Register 2000, No. 42).
3. New section filed 10-19-2000 deemed an emergency pursuant to Penal Code section 5058(e); operative 10-19-2000 (Register 2000, No. 42). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 3-27-2001 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 10-19-2000 order, including further amendment of section and Note, transmitted to OAL 3-27-2001 and filed 5-3-2001 (Register 2001, No. 18).

3378. Documentation of Critical Case Information.

(a) Any information regarding an inmate/parolee which is or may be critical to the safety of persons inside or outside an institution shall be documented as required below on a CDC Form 812 (Rev. 8/01), Notice of Critical Case Information-Safety of Persons (Nonconfidential Enemies); a CDC Form 812-A (9/92), Notice of Critical Information-Prison Gangs Identification; CDC Form 812-B (9/92), Notice of Critical Information-Disruptive Group Identification; and CDC Form 812-C (Rev. 8/01), Notice of Critical Information-Confidential Enemies. The CDC Forms 812, 812-A, 812-B, and 812-C and all documents referred to on the forms shall be filed in the central file of each identified inmate/parolee. Any confidential material affecting the critical case factors of an inmate/parolee shall conform to the provisions of section 3321. Entries on these forms shall not be a substitute for detailed documentation required elsewhere in the central file.

(b) A CDC Form 812, and when applicable a CDC Form 812-C, shall be completed for each newly committed or returned inmate/parolee.

(1) The CDC Forms 812 and 812-C shall be updated as any critical information becomes known and is documented in the inmate/parolee's central file. The forms shall also be reviewed and

updated at the time of any change in the inmate/parolee's status or placement.

(2) Any inmate/parolee who claims enemies shall provide sufficient information to positively identify the claimed enemy. Any inmate/parolee identified as an enemy shall be interviewed unless such interview would jeopardize an investigation or endanger any person. The results of the interview or investigation which supports, verifies or disproves the information shall be documented on a CDC Form 128-B, General Chrono.

(3) Notations on the CDC Forms 812 and 812-C, or absence thereof, shall not be the sole basis for a staff decision or action which may affect the safety of any person.

(c) Gang involvement allegations shall be investigated by a gang coordinator/investigator or their designee.

(1) CDC Form 812-A or B shall be completed if an inmate/parolee has been verified as a currently active member/associate, inactive member/associate or dropout of a gang (prison gang or disruptive group) as defined in section 3000. Current activity is defined as any documented gang activity within the past six (6) years consistent with section 3341.5(c)(5).

(2) Information entered onto the CDC Form 812-A or B shall be reviewed and verified by a gang investigator to ensure that the identification of an inmate/parolee as a currently active gang member or associate is supported by at least three independent source items in the inmate/parolee's central file. The independent source items must contain factual information or, if from a confidential source, meet the test of reliability established in section 3321. The verification of an inmate/parolee identified as a gang dropout shall require a formal debriefing conducted or supervised by a gang investigator.

(3) A member is an inmate/parolee who has been accepted into membership by a gang. This identification requires at least three (3) independent source items of documentation indicative of actual membership. Validation of an inmate/parolee as a member of a prison gang shall require that at least one (1) source item be a direct link to a current or former validated member or associate of the gang.

(4) An associate is an inmate/parolee who is involved periodically or regularly with members or associates of a gang. This identification requires at least three (3) independent source items of documentation indicative of association with validated gang members or associates. Validation of an inmate/parolee as an associate of a prison gang shall require that at least one (1) source item be a direct link to a current or former validated member or associate of the gang.

(5) A dropout is an inmate/parolee who was either a gang member or associate and has discontinued gang affiliation. This identification requires the inmate/parolee to successfully complete the debriefing process.

(6) The verification of an inmate/parolee's gang identification shall be validated or rejected by the chief, office of correctional safety (OCS), or a designee.

(A) Prior to submission of a validation package to the OCS, or during the inactive status review process, the subject of the investigation shall be interviewed by the Institution Gang Investigator, or designee, and given an opportunity to be heard in regard to the source items used in the validation or inactive status review.

(B) Inmates shall be given written notice at least 24 hours in advance of the interview. The interview may be held earlier if the inmate waives, in writing, the 24-hour preparation period.

(C) All source items referenced in the validation or inactive status review shall be disclosed to the inmate at the time of notification. The inmate shall be given copies of all non-confidential documents unless otherwise requested in writing by the inmate. Confidential information used in the validation or inactive status

review shall be disclosed to the inmate via a CDC Form 1030 (Rev. 12/86), Confidential Information Disclosure Form.

(D) The interview shall be documented and include a record of the inmate's opinion on each of the source items used in the validation. Staff shall record this information and provide a written record to the inmate within fourteen (14) calendar days and prior to submission of the validation package to OCS.

(E) The documented interview shall be submitted with the validation package to the OCS for consideration to approve or reject the validation. The documented interview shall be submitted with the inactive status review to the OCS for consideration of the inmate's continued current active or inactive status.

(F) The inmate's mental health status and/or need for staff assistance shall be evaluated prior to interview. Staff assistance shall be assigned per guidelines set forth in section 3318.

(G) The validation and/or rejection of evidence relied upon shall be documented on a CDC Form 128-B2 (Rev. 5/95), Gang Validation/Rejection Review, and forwarded to the facility or parole region of origin for placement in the inmate/parolee's central file. Upon receipt of the CDC Form 128-B2, the Classification and Parole Representative or Parole Administrator I, or their designee, shall clearly note in some permanent manner upon the face of every document whether or not the item met validation requirements.

(7) The CDC Forms 812-A and 812-B shall be reviewed by a classification committee at each annual hearing and upon any review for transfer consideration. This shall be documented on a CDC Form 128-G (Rev. 10/89), Classification Chrono. Questionable gang identifications, notations, or new information shall be referred to a gang investigator for investigation.

(8) The determination of a gang identification shall reference each independent source item in the inmate/parolee's central file. The sources shall be based on the following criteria:

(A) Self admission. Staff shall document information about the inmate/parolee's self-admission and specific involvement with the gang. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(B) Tattoos and symbols. Body markings, hand signs, distinctive clothing, graffiti, etc., which have been identified by gang investigators as begin used by and distinctive to specific gangs. Staff shall describe the tattoo or symbol and articulate why it is believed that the tattoo is used by and distinctive of gang association or membership. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(C) Written material. Any material or documents evidencing gang activity such as the membership or enemy lists, constitutions, organizational structures, codes, training material, etc., of specific gangs. Staff shall articulate why, based on either the explicit or coded content, the written material is reliable evidence of association or membership with the gang. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(D) Photographs. Individual or group photographs with gang connotations such as those which include insignia, symbols, or validated gang affiliates. The date of a photograph shall be reasonably ascertained prior to any photo being relied upon for inclusion as a source item. No photograph shall be considered for validation purposes that is estimated to be older than six (6) years. Any photograph being utilized as a source item that depicts gang members shall require that at least one of the individuals be previously validated by the department, or validated by the department within six (6) months of the photograph's established or estimated date or

origin. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(E) Staff information. Documentation of staff's visual or audible observations which reasonably indicate gang activity. Staff shall articulate the basis for determining the content or conduct at issue is gang related. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(F) Other agencies. Information evidencing gang affiliation provided by other agencies. Verbal information from another agency shall be documented by the staff person who receives such information, citing the course and validity of the information. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(G) Association. Information related to the inmate/parolee's association with validated gang affiliates. Information including addresses, names, identities and reasons why such information is indicative of association with a prison gang or disruptive group. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(H) Informants. Documentation of information evidencing gang affiliation from an informant shall indicate the date of the information, whether the information is confidential or nonconfidential, and an evaluation of the informant's reliability. Confidential material shall also meet the requirements established in section 3321. Staff shall articulate how the information specifically relates to the inmate's involvement with the gang as a member or associate. The information may be used as a source of validation if the informant provides specific knowledge of how he/she knew the inmate to be involved with the gang as a member or associate. Multiple confidential sources providing information regarding a single gang related incident or behavior shall constitute one (1) source item. Exclusive reliance on hearsay information provided by informants will not be used for validation purposes. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(I) Offenses. Where the circumstances of an offense evidence gang affiliation such as where the offense is between rival gangs, the victim is a verified gang affiliate, or the inmate/parolee's crime partner is a verified gang affiliate. Staff shall articulate why an offense is gang related. Multiple sources of information relative to a single incident or offense will be considered one (1) source of validation. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(J) Legal documents. Probation officer's report or court transcripts evidencing gang activity. Staff shall assure the document containing this information is disclosed to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(K) Visitors. Visits from persons who are documented as gang "runners", or community affiliates, or members of an organization which associates with a gang. Staff shall articulate the basis for determining that the relationship between the visitor and inmate is gang related in nature or that the visitor and inmate engaged in a gang related discussion or gang conduct. Staff shall articulate the basis for identifying the visitor as associated with the gang. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(L) Communications. Documentation of telephone conversations, conversations between inmates, mail, notes, greeting cards, or other communication, including coded messages evidencing gang activity. Staff shall articulate why, based on either the explicit or coded content, the communication is reliable evidence of association or membership with the gang. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(M) Debriefing reports. Documentation resulting from the debriefing required by (c)(2), above. Only information referencing specific gang related acts or conduct shall be considered as a source item. Multiple sources of information relative to a single gang related offense or activity shall be considered a single source of validation. Staff shall document and disclose this information to the inmate/parolee in a written form that would not jeopardize the safety of any person or the security of the institution.

(d) An inmate housed in the general populations as a gang member or associate may be considered for review for inactive status when the inmate has not been identified as having been involved in gang activity for a minimum of two (2) years. Verification of an inmate's inactive status shall be approved or rejected by the OCS, chief or a designee. The approval or rejection shall be forwarded for placement in the inmate's central file. The Institution Classification Committee shall review and consider this determination at the next hearing and upon review for transfer consideration.

(e) An inmate housed in a security housing unit (SHU) as a gang member or associate may be considered for review of inactive status by the Department Review Board when the inmate has not been identified as having been involved in gang activity for a minimum of six (6) years. Verification of an inmate's inactive status shall be approved or rejected by the chief, OCS, or a designee. The approval or rejection shall be forwarded for placement in the inmate's central file.

(f) A gang member or associate, who is categorized as inactive or validated as a dropout of a prison gang and released from a SHU, may be removed from the general population or any other placement based upon one reliable source item identifying the inmate as an active gang member or associate of the prison gang with which the inmate was previously validated. The source item must identify the inmate as a gang member or associate based on information developed after his or her release from SHU. The source item need not be confidential, but must meet the test of reliability established at section 3321.

(g) The procedures relating to the initial validation or rejection of gang members or associates as described in this section shall be followed when reviewing the present status of an inactive gang member or associate. Verification of an inmate's active status shall be approved or rejected by the chief, OCS, or a designee. This determination shall be forwarded for placement in the inmate's central file.

(h) A classification committee is authorized to return an inmate to a SHU based upon the restoration of the inmate's gang status

and a determination that the inmate's present placement endangers institutional security or presents a threat to the safety of others. As provided at section 3341.5, placement in a SHU requires approval by a classification staff representative.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800; *Toussaint v. Yockey* (9th Cir. 1984) 722 F.2d 1490; and *Castillo v. Alameida, et al.* (N.D. Cal., No. C94-2847).

HISTORY:

1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
5. New section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
6. Certificate of Compliance transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
7. Amendment of section heading and text and repealer and new forms filed 6-17-94; operative 7-18-94 (Register 94, No. 24).
8. Amendment of subsections (c)(2)–(3) filed 6-1-95 as an emergency; operative 6-1-95 (Register 95, No. 22). A Certificate of Compliance must be transmitted to OAL by 11-8-95 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 6-1-95 order including amendment of subsection (c)(3) transmitted to OAL 11-3-95 and filed 12-18-95 (Register 95, No. 51).
10. Editorial correction of History 8 (Register 97, No. 12).
11. Amendment of subsections (a) and (c)(2), new subsections (c)(3)–(c)(5), subsection renumbering, amendment of newly designated subsections (c)(6) and (c)(8), new subsections (d)–(f)(3) and amendment of Note filed 8-30-99 as an emergency; operative 8-30-99 (Register 99, No. 36). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 2-8-2000 or emergency language will be repealed by operation of law on the following day.
12. Certificate of Compliance as to 8-30-99 order transmitted to OAL 2-7-2000 and filed 3-21-2000 (Register 2000, No. 12).
13. Change without regulatory effect amending subsection (a) and repealing and adopting new forms 812 and 812-C filed 10-23-2001 pursuant to section 100, title 1, California Code of Regulations (Register 2001, No. 43).
14. Amendment of section and Note filed 5-25-2006; operative 5-25-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).

DEPARTMENT OF CORRECTIONS

CDC 812 (Rev 08/01)

[illegible]

CDC NUMBER	PRINT NAME	DOCUMENT DELETING ENERGY ISSUE	DELETE DATE	PRINT NAME, TITLE, INST / REGION, INITIALS OF PERSON DELETING

GANG	TYPE OF AFFILIATION (MEMBER/ASSOCIATE/DROPOUT)	DATE	PRIMARY SUPPORTING DOCUMENTATION
DISRUPTIVE GROUP			
PRISON GANG			

STAFF COMPLETING UPDATE			
PRINT NAME AND WRITE INITIALS	TITLE	INSTITUTION / REGION	DATE

CDC NUMBER	INMATE / PAROLEE NAME	PAGE _____ OF _____

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

NOTICE OF CRITICAL INFORMATION - PRISON GANG IDENTIFICATION

CDC 812-A (9/92)

This nonconfidential form is used to identify primary source documents in the central file which establish an inmate/parolee's current status relative to prison gang activity/association. The identification process is initiated by completing a form CDC 812 and forwarding it to the Gang Coordinator/Investigator. The Gang Coordinator/Investigator will then complete or supervise the completion of form CDC 812-A and signify to its accuracy by printing name and signing. A CDC 123-B which delineates gang activity/association shall be completed per the CDC Operations Manual.

SUPPORTING INFORMATION

Documents shall be identified by date and type such as memorandum, probation report, parole report, incident report, police report, chrono.

A. SELF ADMISSION	B. TATTOOS AND SYMBOLS
C. WRITTEN MATERIAL	D. PHOTOGRAPHS
E. STAFF INFORMATION	F. OTHER AGENCIES
G. ASSOCIATION	H. INFORMANTS (REASON FOR RELIABILITY MUST BE SPECIFIED)
I. OFFENSES (GANG RELATED)	
J. LEGAL DOCUMENTS	
K. VISITORS	
L. COMMUNICATIONS (MAIL / NOTES)	
M. DEBRIEFING REPORTS	
ADDITIONAL DOCUMENTATION OR COMMENTS	

GANG COORDINATOR/INVESTIGATOR

PRINT NAME OF PRISON GANG AND CURRENT STATUS: MEMBER/ ASSOCIATE/ DISSENT/ NONE OR SAFETY CONCERNS

PRINT NAME AND SIGN

TITLE

INSTITUTION/
REGION

DATE

CDC NUMBER

INMATE/PAROLEE'S NAME

PAGE _____ OF _____

STATE OF CALIFORNIA:

DEPARTMENT OF CORRECTIONS

NOTICE OF CRITICAL INFORMATION - DISRUPTIVE GROUP IDENTIFICATION

CDC 812-B (9/92)

This nonconfidential form is used to identify primary source documents in the central file which establish an inmate/parolee's membership in a disruptive group other than a recognized prison gang. The identification process is initiated by completing a form CDC 812 and forwarding it to the Gang Coordinator/Investigator. The Gang Coordinator/Investigator will then complete or supervise the completion of form CDC 812-B and signify to its accuracy by printing name and signing.

SUPPORTING INFORMATION

Documents shall be identified by date and type such as memorandum, probation report, parole report, incident report, police report, chrono.

A. SELF ADMISSION	B. TATTOOS AND SYMBOLS
C. WRITTEN MATERIAL	D. PHOTOGRAPHS
E. STAFF INFORMATION	F. OTHER AGENCIES
G. ASSOCIATION	H. INFORMANTS (REASON FOR RELIABILITY MUST BE SPECIFIED)
I. OFFENSES (GANG RELATED)	
J. LEGAL DOCUMENTS	
K. VISITORS	
L. COMMUNICATIONS (MAIL / NOTES)	
M. DEBRIEFING REPORTS	
ADDITIONAL DOCUMENTATION OR COMMENTS	

GANG COORDINATOR/INVESTIGATOR

PRINT NAME OF DISRUPTIVE GROUP AND CURRENT STATUS: MEMBER/ ASSOCIATE/ DROPOUT/ NONE OR SAFETY CONCERNS	PRINT NAME AND SIGN	TITLE	INSTITUTION/ REGION	DATE

CDC NUMBER

INMATE/PAROLEE'S NAME

PAGE _____ OF _____

STATE OF CALIFORNIA

NOTICE OF CRITICAL INFORMATION - CONFIDENTIAL ENEMIES

CDC 812-C (Rev 8/01)

DEPARTMENT OF CORRECTIONS

CONFIDENTIAL

THIS FORM IS *NOT* FOR DISTRIBUTION TO INMATES / PAROLEES

This form shall be used to identify inmates and/or potential inmates who require separation based on confidential information.
Refer to CCR 3378 for additional information.

[illegible]

DELETION OF CONFIDENTIAL ENEMIES				
CDC NUMBER	PRINT NAME	DOCUMENT DELETING ENEMY ISSUE	DELETE DATE	PRINT NAME, TITLE, INST / REGION, INITIALS OF PERSON DELETING

[illegible]

CDC NUMBER	INMATE / PAROLEE NAME	PAGE ____ OF ____

3378.1. Debriefing Process.

(a) Debriefing is the process by which a gang coordinator/investigator determines whether an inmate/parolee (subject) has dropped out of a gang. A subject shall be debriefed only upon his or her request, although staff may ask a subject if he or she wants to debrief. Debriefing shall entail a two-step process that includes an interview phase and an observation phase.

(b) The purpose of the debriefing interview is to provide staff with information about the gang's structure, activities and affiliates. A debriefing is not for the purpose of acquiring incriminating evidence against the subject. The object of a debriefing is to learn enough about the subject and the subject's current gang to: (1) allow staff to reasonably conclude that the subject has dropped out of the gang, and (2) allow staff to reclassify the subject based upon the inmate's needs in conjunction with the security of the institution, as well as, the safety and security of staff and other inmates. A requirement of the interview phase is that the inmate provides staff a written autobiography of their gang involvement, which is then verified by staff for completeness and accuracy.

(c) Inmates undergoing the debriefing process shall be subject to a period of observation in a housing setting with other inmates who are also undergoing the debriefing process. The period of observation shall be no greater than 12 months.

(d) Upon completion of the debriefing process, the inmate shall be housed in a facility commensurate with the inmate's safety needs. In the absence of safety needs, the inmate shall be housed in a facility consistent with his or her classification score.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; and *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800.

HISTORY:

1. New section filed 8-30-99 as an emergency; operative 8-30-99 (Register 99, No. 36). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 2-8-2000 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 8-30-99 order transmitted to OAL 2-7-2000 and filed 3-21-2000 (Register 2000, No. 12).
3. Amendment of subsections (b) and (c) filed 12-29-2009; operative 1-28-2010 (Register 2010, No. 1).

3378.2. Advisement of Rights During Debriefing.

A waiver of the right against self-incrimination is not a precondition of an inmate/parolee (subject) undergoing a debriefing since the information is provided for administrative purposes. A subject shall not be required to complete the debriefing process and the subject is free to terminate the debriefing at any time. If, during a debriefing, a subject makes a statement that tends to incriminate the subject in a crime, the gang coordinator/investigator may stop any discussion about the matter and continue on with another topic. Prior to questioning the subject about the incriminating matter, the subject must waive the right against self-incrimination. The decision by the subject to exercise the right against self-incrimination shall not affect the determination of whether the subject successfully participated in the debriefing.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code; *Sandin v. Connor* (1995) 515 U.S. 472; *Madrid v. Gomez* (N.D. Cal. 1995) 889 F.Supp. 1146; and *Toussaint v. McCarthy* (9th Cir. 1990) 926 F.2d 800.

HISTORY:

1. New section filed 8-30-99 as an emergency; operative 8-30-99 (Register 99, No. 36). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 2-8-2000 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 8-30-99 order transmitted to OAL 2-7-2000 and filed 3-21-2000 (Register 2000, No. 12).

3378.3. Transitional Housing Unit.

The Transitional Housing Unit (THU) shall provide a program of observation to evaluate that an inmate has successfully disassociated from prison gang activity and is capable of programming in a general population (GP) setting. Inmates must have completed the debriefing process from a validated prison gang, as described in section 3378.1, in order to be placed into the THU. Placement into the THU can be from either a Security Housing Unit or from GP. THU inmates shall be housed separately from other GP inmates due to potential safety concerns.

(a) The debriefing process is designed to review, monitor and evaluate each individual and ensure that the inmate participating in the debriefing process is not a threat to staff or other inmates, and has sincerely renounced all prison gang activities. A period of observation and adjustment will follow the debriefing process to ensure that an inmate will be able to program in a GP setting with inmates of all races and ethnic groups, as well as other disassociated prison gang members/associates. The minimum eligible criteria to be placed into the THU shall consist of:

(1) The formal debriefing process as set forth in section 3378.1 must be satisfactorily completed at the Institutional level through the Institution Gang Coordinator/Investigator.

(2) The inmate must be willing to commit to personal change, pursuant to CCR section 3378.1.

(b) The THU program shall be up to 6 months in duration consisting of components to include, but not be limited to, conflict resolution, anger control, substance abuse education, communication skills, individual counseling, educational skills, and group exercises. Inmates will be evaluated by the instructors throughout the program based on participation, behavior, and review of completed assignments.

(c) Upon arrival at the designated THU institution, THU inmates shall be housed in a THU orientation section for a period not to exceed 14 days. The inmate's placement in THU shall be reviewed by a classification committee for affirmation of the inmate's endorsement and consideration of appropriate housing. Inmates shall be advised of program/behavioral expectations, and the requirement that they must attend and actively participate in all assignments and activities.

(1) During the orientation period, inmate's program activities will be primarily limited to housing unit activities.

(2) Inmates shall be advised that participation in all assignments and activities is mandatory, and gang related activity or behavior will not be tolerated. Any disciplinary action deemed serious in nature, or one that is related to gang activity, shall result in referral to a classification committee for program review and possible removal from the THU program.

(d) Upon completion of the orientation period, participants shall be placed in the THU GP portion of the program for approximately 5 months and 2 weeks. Inmates will be assigned work group/privilege group A-1.

(1) Inmates shall be required to double cell in accordance with the Department's Integrated Housing Policy as set forth in section 3269.1.

(2) Inmates must participate in one or more of the offered self help activities, and any assigned work or educational programs.

(3) Inmates shall be allowed special purchases, canteen draw, and allowed to attend religious services when offered within the THU area.

(4) Inmates shall be eligible for work assignments as THU mentors to other THU inmates, THU housing unit porters, or THU clerks.

(e) Upon satisfactory completion of the THU program, inmates shall be referred to a classification committee for transfer consideration. Inmates failing to satisfactorily complete the THU program shall be referred to classification committee for determination of future program and housing needs.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 5054 and 5068, Penal Code.

HISTORY:

1. New section filed 12-29-2009; operative 1-28-2010 (Register 2010, No. 1).

3379. Inmate Transfers.

(a) Transfer requirements.

(1) Any inmate transfer from a facility other than a reception center shall require a classification committee action and endorsement by a classification staff representative (CSR). In the cases of civil addicts transferring to community correctional facilities and illegal aliens transferring for the purpose of deportation proceedings, the Classification and Parole Representative (C&PR) may endorse such cases following the classification committee action.

(2) An inmate for whom a recall of commitment report under provisions of Penal Code Section 1170(d) is required, shall not be transferred, unless for emergency medical treatment, until the report is completed. Reception center process cases shall be excluded from this provision.

(3) Except in emergencies or for special housing, inmates shall not be transferred within 90 days of their release date, or within 90 days of a Board of Prison Terms (BPT) appearance. If a case requires transfer within the 90-day period, the appropriate BPT report shall be completed by the sending institution prior to the transfer.

(4) A warden or superintendent may temporarily suspend a scheduled inmate transfer. Such suspension shall constitute a classification action and be recorded on a chrono as provided by section 3375(a)(2) of these regulations, including the reason for the action and a recommendation for an alternative program assignment.

(5) If an inmate has not transferred within 30 days of CSR endorsement, the sending institution shall report that fact to the Chief, Classification Services who shall either direct the institution to proceed with the transfer or present the case to the next CSR for alternative action.

(6) Transfer to another state. Transfer of a California prison inmate to an out-of-state prison facility shall not occur prior to the inmate signing a CDC Form 294, Interstate Compact Placement Agreement, witnessed by the institution head or delegate.

(7) Transfer to a federal prison. Transfer of a California prison inmate to a federal prison facility shall not occur until:

(A) The inmate has been informed of the right to private consultation with an attorney their choice concerning rights and obligations pursuant to Penal Code section 2911.

(B) The warden or superintendent or delegate has witnessed the inmate's signing of a Federal Prison System Placement Agreement consent form and an acknowledgement of having been informed regarding rights and obligations.

(8) An inmate may, prior to scheduled transfer, revoke their consent to transfer to out-of-state or federal prison.

(9) California Out-of-State Correctional Facility (COCF) Transfers. Every male inmate is potentially eligible for a COCF transfer. Every male inmate shall be reviewed for transfer eligibility to the COCF program during Reception Center processing, at initial classification committees, and at any classification committee when any temporary ineligibility for COCF transfer has been resolved. COCF transfers may occur voluntarily or involuntarily.

(A) Eligibility. A CDCR male inmate is eligible to be transferred to COCF if the inmate:

1. Has remaining time to serve of no less than 6 months and no more than 30 years at the time of CSR endorsement.

2. Is Security level I-III.

3. Has a degree of custody established at or potentially eligible for Medium A, Medium B or Close B Custody.

(B) Ineligibility. A CDCR inmate is ineligible to be transferred if:

1. The inmate has a custody designation level established at or is potentially eligible for Minimum A, Minimum B, or Close A.

2. In CDCR's discretion, considerations such as disciplinary history, security concerns, or other case factors make the transfer of an inmate inappropriate.

(C) Any California inmate who volunteers or is notified that he is eligible for involuntarily transfer to COCF shall be informed of the opportunity to seek legal consultation with an attorney:

1. Prior to the completion of the Institutional Staff Recommendation Summary (ISRS) for Reception Center inmates.

2. Prior to a classification committee for non-Reception Center inmates.

3. Inmates shall have the ability to waive the attorney consultation.

(D) The notification of eligibility, and the notification of opportunity for attorney consultation and interpreter needs, shall be documented on the CDC Form 128-B (Rev 4/74), General Chrono.

(E) The information regarding the attorney consultation or waiver of such consultation by the inmate shall be documented:

1. At the Reception Centers, on the ISRS.

2. For all non-Reception Center inmates, on the CDC Form 128-G (Rev. 10/89), Classification Chrono.

(F) Voluntary Transfer. An inmate who is eligible for transfer to COCF and volunteers for such a transfer shall sign a CDCR Form 2169 (Rev. 8/08), Out Of State Placement Agreement, which is hereby incorporated by reference. Notwithstanding subdivision (a) (6), COCF inmates are not required to sign a CDC Form 294 (Rev. 7/88). Upon notification of potential involuntary transfer, inmates shall no longer be eligible for voluntary transfer.

1. An inmate who volunteers for transfer to COCF may waive his opportunity to consult with an attorney by signing a CDCR Form 2168 (Rev. 08/08), Attorney Waiver Statement, which is hereby incorporated by reference.

2. Inmates with serious medical or dental conditions as determined by designated Health Care staff, or inmates having any other applicable serious medical condition which appropriately designates them under the supervision of the medical Receiver may volunteer for a COCF transfer upon executing written consent. Those inmates who are presently within the Mental Health Services Delivery System at any level of care may not volunteer for a COCF transfer even upon executing written consent, until and unless their transfer is permitted by court order. An inmate for whom appropriate care out of state is available and for whom such transfer will not have a detrimental impact on the healthcare needs of the inmate, and who has executed written consent to transfer to COCF, will be considered for transfer on a case-by-case basis by designated Health Care staff.

(G) Involuntary Transfer. An inmate is not eligible for involuntary transfer if:

1. The inmate has a serious medical or dental condition as determined by designated Health Care Staff, or the inmate has a serious medical condition as determined by designated Health care Staff operating as applicable under the supervision of the medical Receiver.

2. The inmate has a serious mental disorder as defined by the class certification order (executed October 23, 1991) and Revised

Program Guide (2009 Revision, Chapter 1, Section D.1., page 12-1-6) of *Coleman v. Schwarzenegger* and who is a present member of the Mental Health Services Delivery System at any level of care.

3. The inmate is a class member under the federal court decree in *Clark v. Schwarzenegger* at the level of DD1, DD2 or DD3.

4. The inmate is a class member under the federal court decree in *Armstrong v. Schwarzenegger* and has a medical condition related to a disability that renders extended travel unsafe and/or requires active medical intervention.

5. The inmate is a class member under the federal court decree in *Armstrong v. Schwarzenegger* and cannot perform daily living tasks including eating, dressing, and hygiene without personal assistance. Inmates in this group may be housed in Outpatient Housing Units or medical facilities. Inmates who merely require assistance such as another person to carry a tray at meals or read written documents are specifically not excluded from transfer.

6. The inmate is a class member under the federal court decree in *Armstrong v. Schwarzenegger* and is on dialysis.

(H) Involuntary transfer priorities include but are not limited to the following:

1. Inmates who have been previously deported by the federal government and are criminal aliens subject to immediate deportation; or have been convicted of an aggravated felony as defined by federal statute 8 USC section 1101(a)(43) and are subject to deportation. Inmates in these groups are eligible for involuntary transfer when they have an active hold placed by Immigration and Customs Enforcement (ICE) or they have been referred to ICE by CDCR for a determination of whether ICE will place an active hold on them.

2. Inmates who are paroling outside of California.

3. Inmates who are unassigned and had no visit with an immediate family member as defined in Section 3000 during the one year period prior to the date that the eligibility list with the inmate's name is generated.

4. Inmates in any job assignment, as determined by CDCR, and had no visit with an immediate family member during the one year period prior to the date that the eligibility list with the inmate's name is generated.

5. Inmates who are unassigned. Visiting history will not affect a transfer decision.

6. Inmates in any job assignment, as determined by CDCR. Visiting history will not affect a transfer decision.

7. Any other inmate who is not in any of the groups above but is potentially eligible for a COCF transfer.

(I) Inmates transferred to a COCF program remain under the legal custody of the CDCR and shall be subject to the rules, rights and privileges of the CDCR in accordance with the California Code of Regulations (CCR), Division 3, Title 15.

(b) Placement in level. An inmate endorsed for any level placement and transferred to an institution with several levels shall be placed in the endorsed level facility within 60 days of arrival or shall be referred to the next scheduled CSR for alternative action. A warden or superintendent may temporarily place an inmate in a facility of an institution for which the inmate has not otherwise been endorsed. Such placement shall not exceed 30 days without CSR review and approval. Reasons for such placement may include protection or medical needs of the inmate, an incompleting investigation, disciplinary action, court proceedings, or a pending transfer.

(c) Disciplinary and security factors. Prior to transfer of an inmate, the sending institution shall resolve any matters related to incomplete disciplinary punishment or establishment of a determinate period to be served in a SHU at the receiving facility. Disciplinary detention shall be completed, suspended, or commuted to time served. If a transfer related to misbehavior does not

require SHU placement but the inmate is transferred to an institution of higher level than indicated by the inmate's classification score, the endorsing CSR shall establish a date for follow-up review by the receiving institution.

(d) Medical and psychiatric transfer.

(1) The sending institution shall, prior to any medical or psychiatric transfer, determine whether the inmate has enemies or might be in danger at the receiving facility, and shall:

(A) Inform staff of the receiving facility by telephone prior to the transfer regarding any precautions needed to protect the inmate.

(B) Make an alternate institutional transfer arrangement which will not jeopardize the inmate.

(2) An inmate transferred to CMF for psychiatric treatment because of acute mental illness requiring inpatient psychiatric hospitalization or because of the recency of a major mental illness or when in partial remission of such illness, is entitled to a hearing regarding the necessity for transfer. Upon arrival at CMF, such inmate shall be served with a Notice of Transfer to California Medical Facility for Mental Health Treatment which shall explain the inmate's rights. The inmate may sign the notice waiving his right to a hearing or if opposed to the transfer, may request a hearing.

(3) The hearing shall be held within seven days from arrival at CMF. If the hearing cannot be held within seven days, the inmate shall be informed in writing of that fact, the reason for the delay, and of an estimated date he may expect the hearing. The hearing shall consist of a classification committee review of the case and shall include the following:

(A) Determination that the inmate has received written notice of the transfer to CMF stating that the inmate has a right to a hearing and that such hearings are normally held within seven days after arrival at CMF.

(B) The information relied upon in ordering the transfer to CMF shall be disclosed to the inmate. The inmate shall be heard in person and be permitted to present evidence, including witnesses, in his behalf.

(C) One member of the classification committee shall be a psychiatrist employed by the Department of Corrections. This person shall be an independent decision maker and shall not be the inmate's treating psychiatrist at either the sending or receiving institution.

(D) Following the hearing, the independent decision maker shall inform the inmate in writing of the committee's decision and the information relied upon in arriving at the decision.

(E) The inmate may appeal the decision. A ruling on such appeal shall be returned within 20 working days.

(4) Periodic clinical progress reports on a CDC Form 128-C shall be made at least quarterly. A summary CDC Form 128-C report, classification action and CSR endorsement are required when an inmate's program category is changed.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2911, 5025, 5054, 5068, 5080 and 11191, Penal Code; Sections 8550 and 8567, Government Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; *Armstrong v. Schwarzenegger*, United States District Court, N.D. Cal., No. C-94-2307 CW, Stipulation and Proposed Order issued November 30, 2006; *Coleman v. Schwarzenegger*, United States District Court, E.D. Cal., No. CIV-S-90-0520 LKK JFM P, Order issued November 6, 2006; and *Whitaker v. Rushen* (9th Cir. 1983) 720 F.2d 1132, 1135.

HISTORY:

1. New section filed 8-7-87 as an emergency; operative 8-7-87 (Register 87, No. 34). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 12-7-87.
2. Certificate of Compliance as to 8-7-87 order transmitted to OAL 12-4-87; disapproved by OAL (Register 88, No. 16).
3. New section filed 1-4-88 as an emergency; operative 1-4-88 (Register 88, No. 16). A Certificate of Compliance must be transmitted

- to OAL within 120 days or emergency language will be repealed on 5-3-88.
4. Certificate of Compliance as to 1-4-88 order transmitted to OAL 5-3-88; disapproved by OAL (Register 88, No. 24).
 5. New section filed 6-2-88 as an emergency; operative 6-2-88 (Register 88, No. 24). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed on 9-30-88.
 6. Certificate of Compliance including amendment transmitted to OAL 9-26-88 and filed 10-26-88 (Register 88, No. 50).
 7. Editorial correction of printing errors in subsection (b), CDC Form 294 and CDC Form 802 (Register 92, No. 5).
 8. Amendment of subsection (a)(1) and Note filed 1-30-96 as an emergency; operative 1-30-96 (Register 96, No. 5). A Certificate of Compliance must be transmitted to OAL by 5-29-96 or emergency language will be repealed by operation of law on the following day.
 9. Certificate of Compliance as to 1-30-96 order, including further amendment of subsection (a)(1) and Note, transmitted to OAL 5-14-96 and filed 6-25-96 (Register 96, No. 26).
 10. Change without regulatory effect amending subsection (c) filed 3-18-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 12).
 11. New subsections (a)(9)–(a)(9)(I) and amendment of Note filed 10-30-2008 as an emergency; operative 10-30-2008 (Register 2008, No. 44). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-8-2009 or emergency language will be repealed by operation of law on the following day.
 12. Certificate of Compliance as to 10-30-2008 order, including further amendment of section and Note, transmitted to OAL 4-1-2009 and filed 5-12-2009 (Register 2009, No. 20).
 13. Editorial correction of subsection (a)(9)(G)6. (Register 2009, No. 23).

INTERSTATE COMPACT PLACEMENT AGREEMENT

I, _____, of my own free will and accord do hereby agree to accept transfer from an institution of the California Department of Corrections to an institution of the State of _____.

I am aware that prior to scheduled transfer I may revoke my consent to transfer. (CCR 3379)

I am aware that I may be entitled to revoke my consent and transfer to an institution within California at any time more than five (5) years after transfer. In such case, the transfer shall occur within the next 30 days.

I am aware of my right to private consultation with an attorney of my choice concerning my rights and obligations under California Penal Code Section 11191 prior to consenting to such a transfer.

I have exercised that right: Yes _____, No _____.

I waive my right to consultation with an attorney: Yes _____, No _____.

I understand that I am expected to remain in an institution within the state to which I am transferred until my release unless I am returned to California by the California Department of Corrections.

I understand that the security, treatment, training and care for me will be in keeping with the standards for such programs as administered in California.

I understand that my hearings for parole consideration and determination of sentence will be conducted on the same basis as if I were in a California institution.

Inmate's Signature		Witness' Signature	
CDC Number	Date	Date	

Distribution:

Inmate's Central File
Transporting officer (for the receiving institution)

STATE OF CALIFORNIA
CDC 802 (7/88)

DEPARTMENT OF CORRECTIONS

FEDERAL PRISON SYSTEM PLACEMENT AGREEMENT

I, _____, of my own free will and accord do hereby agree to accept transfer from an institution of the California Department of Corrections to an institution of the Federal Prison System.

I am aware of my right to private consultation with an attorney of my choice concerning my rights and obligations under California Penal Code Section 2911 prior to consenting to such a transfer.

I have exercised that right: Yes _____, No _____.

I waive my right to consultation with an attorney: Yes _____, No _____.

I am aware that prior to scheduled transfer I may revoke my consent to transfer (CCR 3379)

I understand that I am expected to remain in an institution of the Federal Prison System until discharged or paroled unless I am returned to California by the Department of Corrections.

I understand that the security, treatment, training and care for me will be in keeping with the standards for such programs as administered in California by the Department of Corrections.

I understand that my hearings for parole consideration and determination of sentence will be conducted on the same basis as if I were in a California institution.

Inmate's Signature		Witness' Signature
CDC Number	Date	Date

Distribution

Inmate's Central File
Transporting officer (for the receiving institution)

STATE OF CALIFORNIA
CDC 1011 (REV 7/88)

DEPARTMENT OF CORRECTIONS

NOTICE OF TRANSFER TO CALIFORNIA MEDICAL FACILITY
FOR MENTAL HEALTH TREATMENT

Inmate's Name: _____ Today's Date: _____
CDC Number: _____
County of Commitment: _____

You have been transferred to the California Medical Facility to receive mental health treatment. You have a right to the following: (CCR 3379)

- A. A hearing to be held at CMF, normally within seven days after your arrival to determine whether your transfer was necessary. (CCR 3379)
- B. Before the hearing your caseworker will help you to prepare for the hearing and will be with you at the hearing. This assistance may include gathering all requested and available documents related to your transfer.
- C. The hearing will be conducted by a classification committee, of which one member shall be an "independent decisionmaker" a psychiatrist retained or employed by the Department of Corrections. The independent decisionmaker will not be the doctor who recommended your transfer or your treating psychiatrist at CMF. (CCR 3379)
- D. At the hearing, the information which caused your physician to order the transfer will be provided to you. You will be heard in person and can present documentary evidence on your behalf. If the chairperson at the hearing feels that a decision cannot be made without additional information, the hearing may be continued. If it is continued, you will be given the reasons in writing. (CCR 3379)
- E. At the hearing, you may present either oral or written testimony of witnesses chosen by you. If any of your witnesses are not allowed to appear for good cause, you will be given the reasons in writing. (CCR 3379)
- F. After the hearing, the independent decisionmaker will inform you in writing of the decision and the reasons for the decision. (CCR 3379)
- G. If you disagree with the findings you may appeal the decision to the Director of Corrections for investigation to determine whether the evidence supporting the decision was sufficient. If you decide to appeal, it must be filed within 30 calendar days of the hearing. You will be provided with a ruling within 20 working days after the filing of your appeal. (CCR 3379)

I have explained this form and the above stated rights to _____
(Inmate's Name)

Dated: _____ Signed: _____

INMATE ACKNOWLEDGEMENT OF NOTICE AND RIGHTS

I have read this form and understood my rights.

Dated: _____ Signed: _____

I hereby agree to my placement at the California Medical Facility and waive the above stated rights.

Dated: _____ Signed: _____

Distribution:

Hospital Chart
Medical Record
Unit File

SUBCHAPTER 5. PERSONNEL

Article 1. Wardens, Superintendents, Parole Region Administrators

3380. Chief Executive Officer.

(a) The warden or superintendent of an institution of the department is the chief executive officer of that institution, and is responsible for the custody, treatment, training and discipline of all inmates under his or her charge.

(b) Parole region administrators are the chief executive officer of their respective parole regions, and are responsible for the supervision of all parolees and furlonghees assigned to the region, and to the districts, units and community correctional centers under the region's jurisdiction.

(c) Subject to the approval of the Director of Corrections, wardens, superintendents and parole region administrators will establish such operational plans and procedures as are required by the director for implementation of regulations and as may otherwise be required for their respective operations. Such procedures will apply only to the inmates, parolees and personnel under the administrator.

(d) Copies of institution and parole region operational plans and procedures requiring the director's review and approval will be submitted to central office on a scheduled basis. A copy of each currently approved plan will be maintained in the department's policy documentation files. Operational procedures which do not require the director's review and approval do not need to be submitted to central office unless requested. In compliance with the Public Records Act, departmental regulations and procedures, as well as institution and parole region operational plans and procedures of a nonconfidential nature, will be made available for public examination at any administrative office of the department where such information is maintained.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code and Section 6253, Government Code.

HISTORY:

1. Amendment of subsection (d) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).

3381. Absence.

Wardens, superintendents and parole region administrators will obtain the director's approval before voluntarily absenting themselves from duty for more than one regular state workday. Each warden, superintendent and parole region administrator will submit for the director's approval the names and titles of three top-ranking subordinates who will serve in the administrator's place during temporary absences. The persons named will be designated as first, second and third alternate, to serve as acting warden, superintendent or region administrator. While so acting, the person designated has the same authority and power as the warden, superintendent or region administrator.

Comment: Former DP-5102, absence from institution.

3382. Incident Reports.

(a) Any event or activity occurring within the jurisdiction of institutions or parole regions which may be of immediate interest or concern to the department, or of special interest to other governmental agencies or the news media, will be immediately reported by institution and region staff by telephone to the office of the Secretary or to the departmental duty officer. Wardens and superintendents will submit a written report of the incident to the Secretary within 24 hours of the verbal notice. Parole regions will submit written reports in accordance with timelines established by the Director, Division of Adult Parole Operations.

(b) Incidents to be reported include, but are not limited to, all serious crimes such as homicide or severe assaults upon or by inmates, parolees or employees, escapes, and sensational activities or events such as riots, strikes, demonstrations, disturbances, or disruption of essential services, and significant damage or destruction of state property.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment of subsections (a) and (b) and new Note filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3383. State of Emergency.

(a) A state of emergency shall exist when the institution head or regional parole administrator/deputy director, Division of Adult Parole Operations (DAPO), temporarily suspends any nonessential operation, procedure, service or function, and the normal time limits or schedules for such activity in order to prevent, contain or control a disturbance.

(b) Approval of the Secretary or Secretary's designee is required when:

(1) A lockdown of all housing units/sub-facilities within a facility's security perimeter is to exceed 24 hours.

(2) A lockdown of fewer than all housing units/sub-facilities within a facility's security perimeter is to exceed 72 hours.

(3) The suspension of a facility's major program or operation is to exceed 72 hours; e.g., an academic or vocational program, visiting program, yard operation, or dining room operation.

(c) During a state of emergency the institution head or regional parole administrator/deputy director, DAPO, may authorize the postponement of nonessential administrative decisions, actions, and the normal time requirements for such decisions and actions as deemed necessary because of the emergency. This may include, but is not limited to, classification committee hearings, disciplinary proceedings, and the review and action on appeals.

(d) During a state of emergency, the cause and effect shall be constantly reviewed and evaluated by the institution head or regional parole administrator/deputy director, DAPO, through appropriate staff. The facility's affected areas, programs, and operations shall be returned to normal as soon as the institution head or regional parole administrator/deputy director, DAPO, determines that it is safe to do so. Upon termination of a state of emergency, the normal schedules and time frames for administrative decisions and actions pertaining to affected inmates will resume.

NOTE: Authority cited: Section 5058, Penal Code; and Section 11152, Government Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Change without regulatory effect amending section and adding Note filed 3-21-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No. 12).
3. Amendment filed 10-16-97; operative 11-15-97 (Register 97, No. 42).
4. Amendment of subsections (a)–(b) and (c)–(d) filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3384. Administrative Visitation.

Wardens and superintendents or a designated staff member acting in that capacity, the chief custodial officer, the chief medical officer, and other administrative and management staff, will visit institution living and activity areas at least weekly.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 4-18-80; effective thirtieth day thereafter (Register 80, No. 16).

Article 2. Employees

3390. Background Investigations.

(a) Background investigations on applicants for non-peace officer classifications shall be limited to applicants applying for the following classifications:

- (1) Dentist.
- (2) Chief dentist.
- (3) Supervising dentist
- (4) Staff psychiatrist.
- (5) Senior psychiatrist.
- (6) Chief psychiatrist, correctional facility.
- (7) Staff psychologist (counseling or clinical).
- (8) Senior psychologist.
- (9) Chief psychologist.
- (10) Physician and surgeon.
- (11) Chief physician and surgeon.
- (12) Chief medical officer, correctional institution.
- (13) Assistant superintendent, psychiatric services, correctional facility.
- (14) Deputy superintendent, clinical services, correctional facility.
- (15) Chief, medical services, correctional program.
- (16) Correctional case records (complete series).

(b) Background investigation clearances are not required prior to appointment to classifications in (a) above.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 11-30-93; operative 12-30-93 (Register 93, No. 49). For prior history, see Register 85, No. 26).
2. Change without regulatory effect adding subsection (a)(3) and renumbering subsections filed 8-11-2010 pursuant to section 100, title 1, California Code of Regulations (Register 2010, No. 33).

3391. Employee Conduct.

(a) Employees shall be alert, courteous, and professional in their dealings with inmates, parolees, fellow employees, visitors and members of the public. Inmates and parolees shall be addressed by their proper names, and never by derogatory or slang reference. Prison numbers shall be used only with names to summon inmates via public address systems. Employees shall not use indecent, abusive, profane, or otherwise improper language while on duty. Irresponsible or unethical conduct or conduct reflecting discredit on themselves or the department, either on or off duty, shall be avoided by all employees.

(b) An allegation by a non-inmate of misconduct by a departmental peace officer as defined in section 3291(b) is a citizen's complaint pursuant to Penal Code section 832.5. Citizen's complaints alleging misconduct of a departmental peace officer shall be filed within twelve months of the alleged misconduct.

(c) Persons other than an inmate, parolee or staff who allege misconduct of a departmental peace officer shall submit a written complaint to the institution head or parole administrator of the area in which the peace officer is employed.

(d) Citizens filing complaints alleging misconduct of a departmental peace officer employed by this department are required to read and sign the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER [this includes a departmental peace officer] FOR ANY IMPROPER POLICE [or peace] OFFICER CONDUCT. CALIFORNIA LAW REQUIRES THIS AGENCY TO HAVE A PROCEDURE TO INVESTIGATE CITIZENS' [or inmates'/parolees'] COMPLAINTS. YOU HAVE A RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate/parolee] COMPLAINTS AND ANY REPORTS OR FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 148.6, 832.5, 5054 and 6250-6253, Penal Code, *Chaker v. Crogan* (9th Cir 2005) 428 F. 3d 1215.

HISTORY:

1. Amendment filed 2-8-88; operative 3-9-88 (Register 88, No.7).
2. Editorial correction of History 1 (Register 96, No. 52).
3. Amendment of section heading, amendment adding new subsection (a) designator, renumbering and amendment of old subsections 3084.7(h)(2) and (h)(3) to new subsection 3391(b) and (c), new subsection (d), and amendment of Note filed 12-23-96 as an emergency; Operative 12-23-96 (Register 96, No. 52). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 6-2-97, or emergency language will be repealed by operation of law on the following day.
4. Amendment of section heading, amendment adding new subsection (a) designator, renumbering and amendment of old subsections 3084.7(h)(2) and (h)(3) to new subsections 3391(b) and (c), new subsection (d), and amendment of Note refilled 5-29-97 as an emergency; operative 6-2-97 (Register 97, No. 22). A Certificate of Compliance must be transmitted to OAL by 9-30-97 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction of History 4 (Register 97, No. 24).
6. Certificate of Compliance as to 5-29-97 order, including amendment of subsections (b) and (d), transmitted to OAL 9-25-97 and filed 11-7-97 (Register 97, No. 45).
7. Amendment of subsection (d) and amendment of Note filed 11-3-2006 as an emergency; operative 11-3-2006 (Register 2006, No. 44). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 4-12-2007 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 11-3-2006 order transmitted to OAL 3-12-2007 and filed 4-19-2007 (Register 2007, No. 16).

3392. Punctuality.

Employees must report for duty promptly at the time directed and not leave work assignments before completion of their scheduled workday or tour of duty, except with their supervisor's permission. If for any reason an employee is unable to report for duty, the employee must notify his or her supervisor at the earliest possible moment.

Comment: Former DR-5203, punctuality of employees.

3393. Uniforms, Badges, and Insignia.

(a) All peace officer personnel shall wear uniforms and insignia as prescribed by the Secretary, unless specifically exempted by the warden, superintendent, or regional parole administrator. Personnel shall not wear a department uniform into any bar, tavern, gambling hall or night club, except in the performance of assigned duties.

(b) Uniformed peace officer personnel shall wear the official department badge as a standard item of uniform attire. Exceptions may be authorized by the warden, superintendent, regional parole administrator, or department division head to whom such em-

employees report. All personnel appointed to positions designated as peace officers in Section 3291 are authorized to possess and carry an official California Department of Corrections and Rehabilitation badge. It is unlawful for any person, including a department employee who is not a peace officer, to wear, exhibit or use the department badge or a facsimile of the badge without specific authority to do so.

(c) All uniformed peace officer personnel shall wear a clearly displayed nameplate as a standard item of uniform attire. Any employees having contact with inmates and the general public may also be required to wear a nameplate while on duty, as determined by the warden, superintendent, division head, or regional parole administrator to whom the employee reports.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 830.10, Penal Code.

HISTORY:

1. Amendment filed 7-29-76; effective thirtieth day thereafter (Register 76, No. 31).
2. Repealer of subsection (d) and new subsections (d), (e) and (f) filed 3-22-78; effective thirtieth day thereafter (Register 78, No. 12).
3. Amendment of subsection (d), repealer of subsection (e) and amendment and renumbering of subsection (f) to subsection (e) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
4. Amendment filed 2-16-88; operative 3-17-88 (Register 88, No. 9).
5. Editorial correction of printing errors in subsections (b) and (c) (Register 92, No. 5).
6. Amendment filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3394. Distractions.

Employees assigned to security post positions or to direct supervision and control of inmates or parolees will not read, listen to a private radio, or engage in any distracting amusement or activity while on assignment except such authorized reading as may be required in the proper performance of their assigned duties.

Comment: Former DR-5205, reading or distraction while on duty.

3395. Alertness.

Employees must not sleep or be less than alert and in full possession of all faculties while on duty.

Comment: Former DR-5206, sleeping while on duty.

3396. Address and Telephone.

Employees must promptly report any change in their address or telephone number to their supervisor and to the personnel office. If an employee does not have a telephone, the employee must furnish his or her supervisor and the personnel office with information on how the employee can be promptly reached.

Comment: Former DR-5207, change of address or telephone.

3397. Emergencies.

Regardless of an employee's class of service, in an emergency any employee must perform any service, including custodial functions, if so directed by the warden, superintendent or regional administrator or his or her delegate. At any time an employee is contacted by telephone or is otherwise informed of an emergency situation at the institution or facility to which they are assigned, the employee must report without delay to the officer-in-charge.

Comment: Former DR-5208, duty in an emergency.

3398. Visiting.

Employees must not receive personal visits while on duty except with the permission of the employee's supervisor.

Comment: Former DR-5209, visiting of employees.

3399. Transactions.

Employees shall not directly or indirectly trade, barter, lend or otherwise engage in any other personal transactions with any inmate, parolee or person known by the employee to be a relative of an inmate or parolee. Employees shall not, directly or indirectly give to or receive from any inmate, parolee or person known by the employee to be a relative of an inmate or parolee, anything in the nature of a tip, gift or promise of a gift.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 2541 and 5054, Penal Code.

HISTORY:

1. Amendment filed 4-10-89; operative 5-10-89 (Register 89, No. 15).
2. Editorial correction of printing errors (Register 92, No. 5).

3400. Familiarity.

Employees must not engage in undue familiarity with inmates, parolees, or the family and friends of inmates or parolees. Whenever there is reason for an employee to have personal contact or discussions with an inmate or parolee or the family and friends of inmates and parolees, the employee must maintain a helpful but professional attitude and demeanor. Employees must not discuss their personal affairs with any inmate or parolee.

Comment: Former DR-5211, undue familiarity.

3401. Employee and Inmate/Parolee Relations.

(a) Except as provided in (e) below, employees shall not take, deliver or otherwise transmit, either to or from any inmate or member of an inmate's family; any verbal or written message, document, item, article or substance.

(b) Except as provided in (e) below, employees shall not contact, correspond or otherwise communicate with any inmate, parolee or member of an inmate's or parolee's family.

(c) If an employee is contacted by any inmate, parolee or member of an inmate's or parolee's family, other than under circumstances specified in (e) below, the employee shall immediately notify, in writing, the employee's institution head or director/assistant secretary of that fact.

(d) Any employee asked, coerced or otherwise contacted by any person to transmit, take or relay any message, item or substance, either to or from, any inmate, parolee or member of an inmate's or parolee's family, by other than approved means or circumstances, shall immediately notify, in writing, their institution head or director/assistant secretary of that fact.

(e) Exceptions to the above prohibitions are as follows:

(1) In the execution of their assigned duties, employees shall issue, or receive from inmates any mail, packages, supplies and other items due or permitted them according to department policy and local procedures.

(2) In the execution of their assigned duties, employees shall interact with any inmate, parolee or member of an inmate's or parolee's family as necessary.

(3) While off-duty, and only in accordance with this regulation, departmental employees may conduct relationships with any inmate, parolee or member of an inmate's or parolee's family who is either the employee's immediate family member, as defined in section 3000, or the employee's aunt, uncle, niece, nephew, or first cousin.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section heading and section, including renumbering and amendment of former section 3403 to new subsections (b) and (c), and new Note filed 9-13-96 as an emergency; operative 9-13-96. A Certificate of Compliance must be transmitted to OAL by

- 2-24-97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 9-13-96 order transmitted to OAL 11-22-96 and filed 1-6-97 (Register 97, No. 2).
 3. Amendment of subsections (c)-(d) filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3401.5. Employee Sexual Misconduct.

(a) For the purposes of this section, sexual misconduct means any sexual behavior by a departmental employee, volunteer, agent or individual working on behalf of the Department of Corrections, which involves or is directed toward an inmate or parolee. The legal concept of "consent" does not exist between departmental staff and inmates/parolees; any sexual behavior between them constitutes sexual misconduct and shall subject the employee to disciplinary action and/or to prosecution under the law. Sexual misconduct includes, but is not limited to:

(1) Influencing or offering to influence an inmate's/parolee's safety, custody, housing, privileges, parole conditions or programming, or offering goods or services, in exchange for sexual favors; or

(2) Threatening an inmate's/parolee's safety, custody, housing, privileges, work detail, parole conditions or programming because the inmate/parolee has refused to engage in sexual behavior; or

(3) Engaging in sexual act(s) or contact, including:

(A) Sexual intercourse; or

(B) Sodomy; or

(C) Oral Copulation; or

(D) Penetration of genital or anal openings by a foreign object, substance, instrument or device for the purpose of sexual arousal, gratification, or manipulation; or

(E) Rubbing or touching of the breasts or sexual organs of another or of oneself, in the presence of and with knowledge of another, for the purpose of sexual arousal, gratification, or manipulation; or

(F) Invasion of privacy, beyond that reasonably necessary to maintain safety and security; or disrespectful, unduly familiar, or sexually threatening comments directed to, or within the hearing of, an inmate/parolee.

(b) Penalties. All allegations of sexual misconduct shall be subject to investigation, which may lead to disciplinary action and/or criminal prosecution.

(c) Reporting Requirements. Any employee who observes, or who receives information from any source concerning sexual misconduct, shall immediately report the information or incident directly to the institution head, unit supervisor, or highest-ranking official on duty, who shall then immediately notify the Office of Internal Affairs. Failure to accurately and promptly report any incident, information or facts which would lead a reasonable person to believe sexual misconduct has occurred may subject the employee who failed to report it to disciplinary action.

(d) Confidentiality. Alleged victims who report criminal sexual misconduct falling into one of the Penal Code sections set forth in Government Code 6254(f)(2) shall be advised that their identity may be kept confidential pursuant to Penal Code Section 293.5, upon their request.

(e) Retaliation Against Employees. Retaliatory measures against employees who report incidents of sexual misconduct shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Such retaliatory measures include, but are not limited to, unwarranted denials of promotions, merit salary increases, training opportunities, or requested transfers; involuntary transfer to another location/position as a means of punishment; or unsubstantiated poor performance reports.

(f) Retaliation Against Inmates/Parolees. Retaliatory measures against inmates/parolees who report incidents of sexual misconduct

shall not be tolerated and shall result in disciplinary action and/or criminal prosecution. Such retaliatory measures include, but are not limited to, coercion, threats of punishment, or any other activities intended to discourage or prevent an inmate/parolee from reporting sexual misconduct.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 289.6, 293.5, and 5054, Penal Code; section 6254, Government Code.

HISTORY:

1. New section filed 6-21-2000 as an emergency; operative 6-21-2000 (Register 2000, No. 25). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 11-28-2000 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 6-21-2000 order transmitted to OAL 10-5-2000 and filed 11-6-2000 (Register 2000, No. 45).

3402. Central File.

(a) Within the scope of their assigned duties, employees are encouraged to consult an inmate's central file for assistance in better understanding the inmate. The contents of the inmate's file are private and privileged information. It will not be discussed with other persons except as is necessary for professional reasons, and will not be the subject of banter between employees or between employees and the inmate to whom it pertains or with other inmates. Information in an inmate's central file may be confidential by law or for reasons relating to institution security and the safety of persons. Such confidential or restricted information must not be disclosed to persons who are not authorized by law and departmental policy and procedures to receive such information.

(b) The central file of a parolee or an inmate may not be removed from the appropriate case records office or an institution without the prior knowledge and approval of the supervising records officer who is responsible for the control and maintenance of the file. Temporary transfer of a central file to another agency for any reason also requires the prior approval of the supervising records officer.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment filed 2-24-77; effective thirtieth day thereafter (Register 77, No. 9).
2. Amendment filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3403. Communications.

Repealed.

HISTORY:

1. Renumbering and amendment of former section 3403 to new subsections 3401(b) and 3401(c), and repealer of Comment filed 9-13-96 as an emergency; operative 9-13-96. A Certificate of Compliance must be transmitted to OAL by 2-24-97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 9-13-96 order transmitted to OAL 11-22-96 and filed 1-6-97 (Register 97, No. 2).

3404. Hiring of Ex-Offenders.

(a) The director's written approval is required for appointment of an ex-offender.

(b) Ex-offenders shall not, without the director's written approval, be assigned to areas which enable them to access:

(1) Employee records.

(2) Inmate personal or medical information.

(c) An ex-offender shall not be appointed to any position requiring a background clearance until such clearance is received.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Former section 3404 renumbered to section 3404.1 and new section filed 11-30-93; operative 12-30-93 (Register 93, No. 49).

3404.1. Approval of Ex-Offender Employee Transactions.

Relationships involving business and financial transactions between ex-offender employees and other employees shall require the advance approval of each person's hiring authority and also of the regional parole administrator with jurisdiction over any employee on parole.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Renumbering and amendment of former section 3404 to new section 3404.1 filed 11-30-93; operative 12-30-93 (Register 93, No. 49).

3405. Legal Assistance to Inmates and Parolees.

Employees must not assist an inmate or parolee in the preparation of any legal document, or give any form of legal advice or service, except as specifically authorized by the warden, superintendent or regional administrator. Employees should help inmates and parolees to find qualified assistance for their legal problems.

Comment: Former DR-5216, petitions and writs.

3406. Committed Relatives and Friends of Employees.

If an employee becomes aware that any relative or person with whom the employee has or has had either a personal or business relationship, has been committed to or transferred to the jurisdiction of the department, the employee shall notify in writing, the employee's institution head or appropriate director/assistant secretary of that fact.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section heading and section, repealer of Comment, and new Note filed 9-13-96 as an emergency; operative 9-13-96. A Certificate of Compliance must be transmitted to OAL by 2-24-97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 9-13-96 order transmitted to OAL 11-22-96 and filed 1-6-97 (Register 97, No. 2).
3. Amendment filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3407. State Supplies.

Employees may not consume or use food or supplies purchased or produced for an inmate or parolee's use, except as required by the employee's assigned duties or as specifically approved by the warden or superintendent or regional parole administrator.

Comment: Former DR-5218, use of state supplies.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section and new Note filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3408. Vehicles.

Employees must use state vehicles for official business only and as specifically authorized by the warden, superintendent, or regional parole administrator. Employees must not allow an inmate to drive a vehicle on a public road, except in extreme emergency, and must report such instance to the employee's supervisor immediately following the emergency.

Comment: Former DR-5219, use of vehicles.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section and new Note filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3409. Gratuities.

Employees must not solicit, accept or receive directly or indirectly, any fee, commission, gratuity or gift from any person or business organization doing or seeking to do business with the state.

Comment: Former DR-5220, gifts or gratuities.

3410. Intoxicants and Drugs.

(a) Employees must not come upon the grounds of an institution or community correctional facility or otherwise report for duty under the influence of intoxicants or drugs. Use of alcohol or drugs to the extent that it interferes with job performance is grounds for dismissal from service.

(b) It is the duty of every employee to promptly report to the warden, superintendent, or regional parole administrator the presence of any person, including an employee on duty, in any correctional facility who is or appears to be under the influence of intoxicants or drugs.

(c) Employees must not bring any kind of alcoholic beverage or any kind of drugs upon the grounds of an institution, community correctional center or camp unless specifically authorized to do so by the warden, superintendent or regional parole administrator. Such authorization may be given for medical or religious sacramental purposes, and for possession by employees who live in state-owned residences outside the security area for their personal use within their assigned residences.

(d) Any employee obtaining for, or delivering to, an inmate or parolee any alcoholic preparations of any kind, or a drug of any type, except as specifically authorized by the warden, superintendent or regional parole administrator, will be subject to dismissal from service and to prosecution by the district attorney.

Comment: Former DR-5221, use of intoxicants or drugs and DR-5222, bringing intoxicants or drugs on institution grounds.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of subsections (b)–(d) and new Note filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3411. Reporting of Arrest or Conviction, Change in Weapons or Driving Status.

If an employee is arrested or convicted of any violations of law, the employee must promptly notify the institution head or appropriate director/assistant secretary of that fact. Misconduct which impairs an employee's ability to do his or her job, or affects or involves the department, may be cause for disciplinary action. Suspension, revocation, or restrictions to an employee's driving privilege which prohibit the employee from performing any of their job duties, shall be reported to the institution head or appropriate director/assistant secretary. An employee shall also report any change in eligibility to own, possess and have custody/control of any firearm or other weapon authorized by the department.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 921, 922 and 926, Title 18, United States Code.

HISTORY:

1. Amendment of section heading and section and new Note filed 12-10-98; operative 1-9-99 (Register 98, No. 50).
2. Amendment filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3412. Personal Firearms.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Repealer filed 9-24-81; effective thirtieth day thereafter (Register 81, No. 39).

3413. Incompatible Activity.

(a) Employees of the department shall not engage in any other employment or activity inconsistent or incompatible with employment by the department. Conduct deemed to fall in such categories includes, but is not limited to the following:

(1) Using the prestige or influence of the state or the department for private gain or advantage.

(2) Employment or participation in any activity of an illegal nature.

(3) Any employment or other activity which will prevent the employee from doing his or her job as an employee of the department in an efficient and capable manner, or represents a potential conflict of interest or the appearance of a conflict of interest with his or her job.

(4) Employment which will prevent a prompt response to a call to report to duty in an emergency or when otherwise required to be present by his or her supervisor or the warden or superintendent.

(5) Using for private gain the time, facilities, equipment or supplies of the state.

(6) Using workgroup computer technologies to do any of the following:

(A) Publish, display, or transmit information that:

1. Violates or infringes on the rights of other persons, including the right of privacy.

2. Contains defamatory, intentionally false, obscene, pornographic, profane, sexually harassing, threatening, racially offensive, or other unlawfully discriminatory material.

3. Encourages the use of controlled substances.

(B) Conduct activities not related to the mission or work tasks of the department.

(C) Solicit the performance of activities prohibited by law.

(D) Transmit material, information, or software in violation of departmental policies, or local, State, or Federal Law.

(E) Conduct electioneering or engage in political activities.

(F) Engage in non-government related fund raising or public relations activities.

(G) Conduct personal business activities or activities for personal monetary gain.

(H) Purchase or sell unauthorized goods or services.

(7) Providing confidential information to persons to whom issuance of such information has not been authorized, or using such information for private gain or advantage.

(8) Receiving or accepting money or any other consideration from anyone other than the state for performance of an act which the employee would be required or expected to render in the regular course or hours of his or her employment, or as part of his or her duties as a state employee.

(9) Receiving or accepting, directly or indirectly, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value, from anyone who is doing or is seeking to do business of any kind with the state or whose activities are regulated or controlled in anyway by the state, under circumstances from which it reasonably could be inferred that the gift was intended as a reward or for the purpose of influencing any official action on the employee's part.

(10) Consulting or testifying as a specialist or an expert witness, based on expertise gained in the course of their duties, in any

administrative, civil, or criminal action without having given reasonable notice, as defined in section 3413(a)(10)(A), to the chief deputy general counsel of the office of legal affairs.

(A) An employee who is contacted by a fellow employee and/or their representative and/or attorney regarding ongoing or anticipated administrative, civil, or criminal proceedings for the purpose of eliciting expert testimony, as defined in Evidence Code section 720, shall, within one business day, notify in writing the chief deputy general counsel of the office of legal affairs. The written notification shall include all relevant information concerning the contact and a synopsis of their anticipated testimony. The employee whose testimony is sought shall also forward any subpoena served upon them within one business day of service.

(B) The chief deputy general counsel or designee retains the discretion to seek to quash the subpoena on any substantive or procedural grounds before the judicial body through whose authority the subpoena was issued.

(C) This subsection shall not apply when an employee has been requested to testify regarding an event or transaction which he or she has perceived or investigated in the course of his or her duties or when an employee has been requested to testify as an expert witness by the department.

(b) Before engaging in any outside employment, activity or enterprise, including self-employment, the employee must submit a statement to his or her division administrator or to the warden or superintendent, naming the prospective employer, if any, the employer's address and phone number, and an outline of the proposed duties or activities. This must be in sufficient detail to enable the division administrator or the warden or superintendent to determine whether the proposed activity falls in the prohibited class. The division administrator or the warden or superintendent must notify the employee of findings.

(c) Violation of these provisions may result in disciplinary actions up to and including termination of employment with the department or civil action. Criminal prosecution may result from conduct, which violates Penal Code section 502.

NOTE: Authority Cited: section 5058, Penal Code. Reference: section 19572, Government Code; section 5054, Penal Code.

HISTORY:

1. New subsections (a)(7)–(a)(7)(H), subsection renumbering, new subsection (c), repealer of Comment, and new Note filed 2-7-97 as an emergency; operative 2-7-97 (Register 97, No. 6). Pursuant to Penal Code section 50598(e), a Certificate of Compliance must be transmitted to OAL by 7-17-97 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-7-97 order transmitted to OAL 5-7-97 and filed 6-16-97 (Register 97, No. 25).
3. New subsection (a)(11) filed 12-8-99; operative 1-7-2000 (Register 99, No. 50).
4. Amendment filed 12-19-2006; operative 12-19-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 51).

3413.1. Compensation for Witnesses

(a) Pursuant to Government Code section 68097.2(a), any state employee who is obliged by a subpoena to attend as a witness before any court or other tribunal in any civil action or proceeding in connection with a matter, event, or transaction which they have expertise gained in the course of their duties, shall receive the salary or other compensation to which they are normally entitled from the department during the time the employee travels to and from the place where the court or other tribunal is located and while they are required to remain at that place pursuant to the subpoena. The employee shall also receive from the department the actual necessary and reasonable traveling expenses incurred in complying with the subpoena.

(b) Pursuant to Government Code section 68087.2(b), the department shall require:

(1) The amount of one hundred fifty dollars (\$150), to accompany the subpoena upon delivery to the person accepting the subpoena for each day that the state employee is required to remain in attendance pursuant to the subpoena. This amount shall be in the form of a check or money order made payable to the California Department of Corrections and Rehabilitation.

(2) The party at whose request the subpoena is issued to reimburse the department for the full cost incurred in paying the state employee their salary or other compensation and traveling expenses for each day that the employee is required to remain in attendance pursuant to the subpoena.

(c) Any employee who meets the requirements of subsection (a) shall submit to their immediate supervisor an itemized travel expense claim within two business days following his or her testimony.

(d) Any employee who is subpoenaed to testify as to what they witnessed, not for their expertise gained in the course of their employment with the department and received witness fees pursuant to Government Code section 68093, shall relinquish those fees to the department if the employee has been on pay status during the duration of their testimony.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 19572, 68097.1, 68097.2(a) and (b), and 68093, Government Code; Section 5054, Penal Code; Title 2, Division 5, Section 18674; and *Fox v. State Personnel Board* (1996) 49 Cal.App.4th 1034.

HISTORY:

1. New section filed 12-19-2006; operative 12-19-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 51).

3414. Identification Card.

Every employee will be issued a departmental identification card. Employees must, while on duty, carry such card upon their person and produce the card upon request. An employee must promptly report the loss of his or her identification card to the warden or superintendent, or regional parole administrator.

Comment: Former DR-5226, employee identification card.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section and new Note filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3415. Employees of Other Agencies.

Persons who are not employed by the Department of Corrections, but who are assigned to or engaged in work at any department facility must observe all rules, regulations and laws governing the conduct of employees at that facility. Failure to do so may lead to exclusion from department facilities.

Comment: Former DR-5227, employees of other agencies.

3416. Conflict of Interest Code.

NOTE: Authority cited: Sections 87300 and 87302, Government Code; and Section 5058, Penal Code. Reference: Section 87300 and 87302, Government Code; and Section 5054, Penal Code.

HISTORY:

1. New section filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34). For prior history, see Register 77, No. 27.
2. Repealer and new section (including Appendix) filed 2-26-81; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 12-1-80 (Register 81, No. 9).
3. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

4. New section filed 3-31-87; effective thirtieth day thereafter. Approved by Fair Political Practices Commission 3-9-87 (Register 87, No. 14).

5. Editorial correction of printing errors in Appendices A and B (Register 92, No. 5).

6. Repealer of section and appendices A and B filed 7-12-2006; operative 8-11-2006. Approved by Fair Political Practices Commission 5-24-2006 (Register 2006, No. 28).

Article 3. Employee Services

3420. General Policy.

The only services to be supplied to employees are those officially established by the warden or superintendent and equally available to all employees.

Comment: Former DP-5301, policy, general.

3421. Employee Associations.

HISTORY:

1. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

3422. Institution Services.

Subject to the limitations of the law, institutions of the department may furnish to employees, for the convenience of the state, the following services. These services are rendered at the employee's own risk. The institution and the department cannot assume any liability for loss, damage, or destruction of the employee's property:

- (a) House and room rentals.
- (b) Electricity, water, gas and ice, for employees living on institutional grounds.
- (c) Minor household repairs to furniture and appliances.
- (d) Firewood from salvage operations only.
- (e) Meals at employees' dining rooms.
- (f) Laundry and dry cleaning.
- (g) Shoe and saddle repair.
- (h) Barber shop services.
- (i) Beauty shop services.

Comment: Former DP-5303, services furnished by institutions.

3423. Operational Plans.

Subject to all applicable law and the approval of the director, wardens, superintendents and regional administrators will establish procedures to govern the operation and use of such services as are made available to employees. Institutional operational plans may provide for services such as laundry, dry cleaning and shoe repair for employees and for dependent members of the employee's family who reside with the employee. However, no service will be provided to nonemployees, which requires their physical presence, except that, when accompanied by an employee, nonemployees may use the services of the employees' dining room and snack bar.

Comment: Former DP-5304, institution regulations to be established for employee services.

3424. State Products.

The direct sale or disposal to an employee of any article, materials, or supplies owned, produced, or manufactured by the department is prohibited except where specifically authorized by law.

Comment: Former DP-5305, sale of institution products.

3425. Gifts, Tips.

No gift, tip or reward will be offered by an employee or be accepted for or by an inmate.

Comment: Former DP-5036, tips, gifts, or rewards.

3426. Employee Early Intervention Program.

(a) The Early Intervention Program (EIP) is a voluntary employee benefit available to all departmental employees, who have sustained an industrial injury/illness. The EIP is designed to provide employees with information regarding the assessment and processing of qualified industrial injury/illness claims, as referenced in subdivision (b), and the available choices regarding benefit options and compensability. The Office of Environmental Health and Safety (OEHS), within the Department, shall administer the EIP.

(b) All employees who have sustained the following qualified injury/illness shall be eligible for an Early Intervention Counselor (EIC) visit, as referenced in (d)(4):

- (1) Psychological stress;
- (2) Stress-related injuries, including but not limited to, hypertension, cardiac, gastrointestinal; or
- (3) Trauma-induced stress, including but not limited to, assault, blood borne pathogen exposure or infectious disease exposure.

(c) All employees with a claimed injury/illness who have an actual or anticipated long-term disability of thirty (30) days or more, or who have an undeterminable or disputed injury shall be eligible for EIC.

(d) Definitions.

(1) Adjusting Agency, means the entity, under a State of California Interagency Agreement with the State Department of Personnel Administration that administers workers' compensations claims on behalf of the Department.

(2) Early Intervention Selection Committee (EISC) means a local committee at the institution(s) comprised of the Director's representatives in a number equal to the number of Employee Representative Associations who bargain with the Department on behalf of employee bargaining units, one representative from each of those Associations, and a non-voting chairperson.

(3) Agreed Medical Panel Doctor (AMPD), means a Physician as defined in Labor Code 3209.3, or a Physician holding a valid license to practice medicine in an adjoining state when services will be rendered in that state, who is authorized by the EISC to provide evaluations and treatment within the scope of the EIP.

(4) Early Intervention Counselor (EIC), means an independent, non-departmental employee, authorized by the EISC, who provides information to qualified injured/ill employees regarding workers' compensation and other employee entitlement benefit options.

(5) Return-to-Work Coordinator (RTWC) means a State employee who is the Department's local representative, entrusted with the responsibility of coordinating the EIP at the local level. The RTWC shall be the chairperson of the EISC.

(e) The EIP shall:

(1) Provide for a qualified injured/ill employee to receive an initial EIC visit, regarding workers' compensation benefit options and other entitlement benefits when referred by the RTWC.

(2) Provide for a qualified injured/ill employee to be referred to an AMPD by the RTWC regarding disputed compensability claims.

(3) Ensure all employee medical and personnel records are kept confidential at all times.

(f) The EISC shall:

(1) Review resumes of qualifications, as referenced in (g)(1), and authorize individuals to provide EIC services within the scope of the EIP for a term of three (3) years;

(2) Review and investigate any verbal or written complaint filed against an EIC, within 120 days of receipt;

(3) Issue a written statement within 30 days of completion of the review to the complainant if complaint is found to be invalid;

(4) Issue a written Notice of Decision via Certified U.S. Mail within 30 days of completion of the review if the complaint is found to have merit. The Notice shall include:

(A) A written statement of charges addressing complaint; and

(B) A written statement informing the EIC of his or her right to appeal within 30 days of mailing of the Notice of Decision; and

(C) A written corrective action order. For purposes of this section, a corrective action order may include, but is not limited to, a written notice to the EIC to provide an explanation of inaccurate EIP information provided to the employee; or a written notice to correct any inaccurate billing statement; or a written notice to cease any unprofessional conduct during the course of an EIC visit. The written corrective action order shall include a time frame during which the matter must be corrected, and a means by which the EIC must notify the EISC of the required corrections; or

(D) A written statement of Intent to Revoke Authorization to provide EIC services.

(5) Conduct a meeting to hear an appeal within 60 days of a request by the EIC, giving the EIC an opportunity to present a defense to any complaint prior to revoking the EIC's authority to provide EIP services.

(6) Make a final determination within 14 days of the appeal, either sustaining, modifying or revoking the Decision after an appeal is heard. The authorization of an EIC to provide services shall be revoked if it is determined that the following has occurred:

(A) Upon investigation of a serious complaint filed against the EIC, the complaint is found to have merit by the EISC. For the purposes of this section, a serious complaint means an alleged crime or act performed by an EIC, which includes but not limited to those involving theft, fraud, fiscal dishonesty, or sexual misconduct.

(B) The EIC fails to notify the EISC by written statement certifying charges set forth in the corrective action order have been corrected;

(C) The EISC determines inadequate EIC performance due to neglect of duty, misconduct, or illegal or unprofessional conduct.

(D) The EIC fails to appeal the complaint within the 30-day appeal process.

(7) Issue a written Final Decision to the EIC via Certified U.S. Mail.

(8) Base decisions on a simple majority of the members in attendance. The decision of the EISC is final and is not appealable beyond the 30-day appeal process.

(g) The EIC shall:

(1) Submit a resume of qualifications to the RTWC, including, but not limited to, a demonstration of knowledge and experience regarding worker's compensation laws and other employee entitlement benefits;

(2) Respond within seven (7) working days of receipt of a referral by the local RTWC and shall:

(A) Contact the injured/ill employee by telephone at the number provided by the RTWC, or contact the injured/ill employee by Certified U.S. Mail;

(B) Inform the employee about the EIP; and

(C) Schedule an EIC visit, if requested by the employee.

(3) Notify the local RTWC of the scheduled visit with the injured/ill employee within three (3) working days of contact with the employee, if the employee requests an EIC visit;

(4) Explain all benefit options to injured/ill employee during the EIC visit;

(5) Obtain prior approval from the local RTWC for additional telephone calls or visits to the injured/ill employee;

(6) Attend training, if requested, by the OEHS;

(7) Submit billings for early intervention services to the RTWC in accordance with the following:

(A) All billings for casework provided are to be itemized in tenths of an hour.

(B) All EIC visits and casework provided are to be billed at the Professional Hourly Rate of \$65.

1. Billable costs include, but are not limited to, initial file review; scheduling contact with employee; contact with employee; meeting with employee; assessment of employee needs; counseling; and guidance. Any file review or consultation with the employee that exceeds two (2) hours shall include a report providing documentation in support of the need for the extended time.

2. Non-billable costs include, but are not limited to, postage, clerical services, photocopies, in-house waiting time, attempted telephone contacts, and in-house staffing.

(C) All reimbursement for mileage are to be billed at the travel rate of \$32.50 per hour and \$0.31 per mile.

(h) The EIC shall not have access to an employee's confidential medical and personnel records.

(i) The AMPD shall provide medical, psychological, and psychiatric treatment under Labor Code 4600, and provide written opinions or evaluations to assist in decisions regarding compensability pursuant to CCR, Title 8, Section 9785, at the request of the RTWC.

(j) The RTWC shall:

(1) Serve as local EIP coordinator;

(2) Coordinate local EISC meetings at the institution(s) and participate as a non-voting chairperson;

(3) Refer the qualified injured/ill employee to an EIC within three (3) working days of knowledge of the employee's EIP eligibility;

(4) Review, authorize, and forward itemized billings submitted by the EIC for payment to the Adjusting Agency; and

(5) Maintain a log of injured/ill worker EIC referrals and submit to the OEHS by the 10th of every month.

(k) The Adjusting Agency shall:

(1) Compile reports and statistical data as requested by the Department;

(2) Refer departmental injured/ill employees to a Physician for any additional medical, psychological, and psychiatric evaluations as needed to determine compensability for disputed claims; and

(3) Pay itemized bills for EIP services submitted by the RTWC.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code; and Section 3214, Labor Code. Reference: Section 5054, Penal Code; Sections 139.2, 3209.3, 3214, 4600 and 5307.1, Labor Code; CCR, Title 2, Section 714; CCR, Title 8, Sections 9785, 10132 and 10132.1; CCR, Title 15, Div. 3, Section 3434; Section 8547.2(b), Government Code; and State of California, Interagency Agreement, A9450207, AM-IV.

HISTORY:

1. New section filed 8-19-2002; operative 9-18-2002 (Register 2002, No. 34).
2. Amendment of subsections (d)(2), (d)(5) and (j)(2) and amendment of Note filed 1-27-2004 as an emergency; operative 1-27-2004 (Register 2004, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2004 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-27-2004 order transmitted to OAL 4-7-2004 and filed 5-18-2004 (Register 2004, No. 21).

Article 4. General Personnel Regulations

3430. General Policy.

To successfully meet the challenges and discharge the responsibilities of the department, each institution and parole region, requires a skilled and dedicated staff of employees, working in close cooperation with a high degree of morale. The department will encourage a high esprit de corps by enabling employees to improve their skills through training, by constant effort to make

working conditions safe and pleasant, and by protecting the rights and privileges of employees under civil service laws and rules. Full information regarding rights and responsibilities of employees under civil service may be found at institution personnel offices, the personnel office of the Parole and Community Services Division, the departmental personnel office, and the offices of the State Personnel Board.

Comment: Former DP-5401, policy, general.

3431. Civil Service.

HISTORY:

1. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

3432. Hours of Employment.

Hours of employment will be in accordance with state civil service rules. The wardens, superintendents, and regional parole administrators, with the approval of the Secretary, will determine the hours of employment for all employees under their jurisdiction.

Comment: Former DP-5403, hours of employment.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section and new Note filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3433. Vacations.

Employee vacations will be granted at times convenient to the institution, departmental division, and parole region, subject to the approval of the warden, superintendent, or regional parole administrator.

Comment: Former DP-5404, vacations.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Amendment of section and new Note filed 12-9-2008; operative 1-8-2009 (Register 2008, No. 50).

3434. Grievances.

All employees have the right to appeal to the director from any grievance relating to their employment with the department. Such grievances must be submitted through the departmental grievance procedure. This in no way interferes with the right of a civil service employee to appeal or otherwise contest actions as provided by law, the State Personnel Board, or civil service regulations.

Comment: Former DP-5405, grievances.

3435. In-Service Training.

All new employees will be given prescribed orientation training upon the commencement of their employment. All employees are required to participate in the in-service training program as directed. When work schedules permit, employees may attend in-service training classes on state time during their regular working hours.

Comment: Former DP-5406, in-service training.

3436. Limited Term Light Duty Assignments.

(a) The Hiring Authority may utilize Limited Term Light Duty assignments to allow employees with documented medical limitations to work. The Hiring Authority shall place the employee in a vacant budgeted position within the employee's bargaining unit, or allow the employee to continue working in their current position, while temporarily waiving the essential functions of the job.

(b) No position will be permanently identified as a "light duty" position. Limited Term Light Duty for any one employee shall

not extend beyond 60 days in a 6-month period for any medical condition(s). In addition, Limited Term Light Duty shall only be offered for the duration of the vacant budgeted position (not to exceed 60 days).

NOTE: Authority cited: Sections 5054, 5058 and 5058.3, Penal Code. Reference: Section 5058, Penal Code.

HISTORY:

1. New section filed 1-31-2005 as an emergency; operative 1-31-2005 (Register 2005, No. 5). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-11-2005 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-31-2005 order, including amendment of section, transmitted to OAL 6-21-2005 and filed 8-3-2005 (Register 2005, No. 31).

3439. Research.

NOTE: Authority cited: Sections 3509.5, 3517, and 5058, Penal Code. Reference: Sections 3500 through 3524, and 5054, Penal Code.

HISTORY:

1. New section filed 4-7-95; operative 5-8-95 (Register 95, No. 14).
2. Change without regulatory effect adding new article 9.1 (section 3369.5) and renumbering former section 3439 to new section 3369.5 filed 8-1-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 31).

Article 5. Camp Regulations

Repealed.

3440. Officer-In-Charge.

Repealed.

HISTORY:

1. Repealer of article 5 (Sections 3440–3444) and section filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

3441. Camp Counts.

Repealed.

HISTORY:

1. Repealer filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

3442. Camp Log.

Repealed.

HISTORY:

1. Repealer filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

3443. Transporting Inmates.

Repealed.

HISTORY:

1. Repealer filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

3444. Escorting Inmates.

Repealed.

HISTORY:

1. Renumbering and amendment of former section 3444 to section 3015(c) and repealer of former section 3444 filed 10-27-93; operative 11-26-93 (Register 93, No. 44).

Article 6. Information Practices

3450. Personal Information Record Access and Amendment.

(a) Any person on whom the department maintains a record or file containing personal information has the right to inspect their record or authorize any person to inspect such records on their behalf and to request amendment to correct outdated, inaccurate or incomplete information.

(1) Requests to inspect a record shall be submitted in writing to the office or official responsible for maintaining the record.

(2) Requests to amend a record or file shall be submitted in writing, including documentary evidence to support the proposed amendment, to the source of the contested information, or if the source is not available, to the office or official responsible for maintaining the record.

(b) The denial of a request to amend information may be appealed in writing first to the institution head or headquarters' division head and then to the director, and shall include all documentation pertaining to the requested amendment. Inmates and parolees may appeal the denial of a request using the inmate/parolee appeal process established in these regulations.

(c) When an individual's appeal of the request decision is denied, they may submit to the office or official responsible for maintaining the record a statement of disagreement for placement in the record or file. The statement shall normally be limited to three pages and shall remain a part of the record for as long as the disputed information is retained.

(d) No inmate or parolee shall prepare, handle, or destroy any portion of a departmental record containing confidential information as that term is defined in section 3321.

(e) No inmate or parolee shall prepare, handle, or destroy any portion of a departmental record containing personal information except:

(1) As provided for in section 3041(e), or

(2) Their copies of such records provided to them by the Department.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code; section 1798.20, Civil Code.

HISTORY:

1. Repealer of article 6 (Sections 3450–3459) and new article 6 (Sections 3450–3453) filed 8-22-79; effective thirtieth day thereafter (Register 79, No. 34).
2. Repealer and new section filed 11-9-92; operative 12-9-92 (Register 92, No. 46).
3. Amendment of subsection (d) and new subsections (e)–(e)(2) filed 2-22-95; operative 3-24-95 (Register 95, No. 8).

3451. Methadone Patient Consent for Disclosure.

A methadone patient's written consent to disclosure of their personal or confidential information shall not be revocable until the treatment period for which it was given has concluded or 60 days after signing of the consent, whichever is greater.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 5054, Penal Code.

HISTORY:

1. Repealer and new section filed 11-9-92; operative 12-9-92 (Register 92, No. 46).

3452. Access and Amendment of Records.

NOTE: Authority cited: section 5058, Penal Code. Reference: Sections 1798.30–1798.42, Civil Code.

HISTORY:

1. Repealer filed 11-9-92; operative 12-9-92 (Register 92, No. 46).

3453. Notice.

NOTE: Authority cited: section 5058, Penal Code. Reference: section 1798.17, Civil Code.

HISTORY:

1. Order of Repeal filed 6-3-85 by OAL pursuant to Government Code section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

Article 7. Selection of Professional Consulting Services

3454. Selection of Professional Consulting Services.

(a) The services of private architectural, engineering, and other firms, as defined in section 4525(a) of the Government Code, shall be secured on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required.

NOTE: Authority cited: section 5058, Penal Code; and section 4526, Government Code. Reference: Sections 5054 and 7000 et seq., Penal Code; and section 4525, et seq. Government Code.

HISTORY:

1. New Article 7 (Sections 3454–3463) filed 7-12-82; effective thirtieth day thereafter (Register 82, No. 29).
2. Change without regulatory effect amending section filed 10-29-90 pursuant to section 100, Title 1, California Code of Regulations (Register 91, No. 6).
3. Editorial correction of printing error misstating section Title (Register 91, No. 11).
4. Editorial correction of printing error in History 1. (Register 92, No. 5).
5. Amendment of subsection (a), repealer of subsection (b), and amendment of Note filed 9-8-97; operative 10-8-97 (Register 97, No. 37).
6. Amendment of article heading and section heading filed 7-12-2002; operative 8-11-2002 (Register 2002, No. 28).

3455. Definitions.

NOTE: Authority cited: section 5058, Penal Code; and section 4526, Government Code. Reference: Sections 5054 and 7000 et seq., Penal Code; and section 4525, et seq. Government Code.

HISTORY:

1. Editorial correction filed 2-19-85 (Register 85, No. 8).
2. Change without regulatory effect repealing section filed 10-29-90 pursuant to section 100, Title 1, California Code of Regulations (Register 91, No. 6).
3. Amendment of Note filed 9-8-97; operative 10-8-97 (Register 97, No. 37).

3456. Procuring Services.

(a) Notice of Announcement. Where services subject to this article are identified, a statewide notice of announcement shall be made by the director, or designee, through publications of the respective professional societies.

(b) The notice of announcement shall also be advertised in two major California daily newspapers and in the California State Contracts Register.

(c) Failure of the professional societies or newspapers to publish the notice of announcement shall not operate to invalidate any contract.

(d) Firms selected may be retained for one year or longer, if needed to complete the services.

(e) The announcement in the California State Contracts Register shall include information as identified in section 14825.1, Government Code.

(f) All announcements in professional societies or newspapers shall contain the following minimal information:

- (1) The nature of the work;
- (2) The criteria upon which the award shall be made; and,
- (3) The time within which statements of interest, qualification and performance data will be received.

NOTE: Authority cited: section 5058, Penal Code; and section 4526 and 4527, Government Code. Reference: Sections 5054 and 7000 et seq., Penal Code; section 14825.1, Government Code.

HISTORY:

1. Amendment of section and Note filed 9-8-97; operative 10-8-97 (Register 97, No. 37).
2. Amendment of subsections (a) and (d) and amendment of Note filed 7-12-2002; operative 8-11-2002 (Register 2002, No. 28).

3457. Establish Criteria.

The director, or designee, shall establish criteria which will comprise the basis for selection which shall include such factors as professional excellence, demonstrated competence, specialized experience of the firm, education and experience of key personnel, specialized staff capability, workload, ability to meet schedules and budgets, principals to be assigned, nature and quality of completed work, reliability and continuity of the firm, location, professional awards and other considerations deemed relevant. Such factors shall be weighted by the director, or designee, according to the nature of the work to be performed, the needs of the state and complexity and special requirements of the specific work.

NOTE: Authority cited: section 5058, Penal Code; and section 4526, Government Code. Reference: Sections 5054 and 7000 et seq., Penal Code; and Sections 4526 and 4527, Government Code.

HISTORY:

1. Amendment of section and Note filed 9-8-97; operative 10-8-97 (Register 97, No. 37).
2. Amendment filed 7-12-2002; operative 8-11-2002 (Register 2002, No. 28).

3458. Selection of Architects or Engineers.

After expiration of the period stated in the publications, the director, or designee, shall evaluate statements of qualifications and performance data submitted by interested firms and on file in the department. The director, or designee, shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required service. From the firms with which the director, or designee, holds discussions, the director, or designee shall select no less than three, in order of preference, based upon the established criteria, whom the director deems to be the most highly qualified to provide the services required. In the event there are fewer than three qualifying submittals, the director, or designee, will make a finding as to whether it is in the best interest of the state to proceed or re-advertise.

NOTE: Authority cited: section 5058, Penal Code; and section 4526, Government Code. Reference: Sections 5054 and 7000 et seq., Penal Code; and Sections 4526 and 4527, Government Code.

HISTORY:

1. Amendment of Note filed 9-8-97; operative 10-8-97 (Register 97, No. 37).
2. Amendment filed 7-12-2002; operative 8-11-2002 (Register 2002, No. 28).

3459. Estimate of Value of Services.

Before any discussion with any firm concerning fees, the director, or designee, shall cause an estimate of the value of such services to be prepared. Such estimate shall be, and remain, confidential until award of contract or abandonment of any further procedure for the services to which it relates.

NOTE: Authority cited: section 5058, Penal Code; and section 4526, Government Code. Reference: Sections 5054 and 7000 et seq., Penal Code; and Sections 4526 and 4527, Government Code.

HISTORY:

1. Amendment of Note filed 9-8-97; operative 10-8-97 (Register 97, No. 37).
2. Amendment filed 7-12-2002; operative 8-11-2002 (Register 2002, No. 28).

3460. Negotiation.

The director, or designee, shall attempt to negotiate a contract with the best qualified firm. Should the director, or designee, be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at fair and reasonable compensation, negotiations with that firm shall be terminated. The director, or designee, shall then undertake negotiations with the second most qualified firm. Failing accord, negotiations shall be terminated. The director shall then undertake negotiations with the third most qualified firm. Failing accord, negotiations shall be terminated. Should the director be unable to negotiate a satisfactory contract with any of the selected firms, the director, or designee, may select additional firms in order of their competence and qualifications and continue negotiations in the manner prescribed until an agreement is reached.

NOTE: Authority cited: section 5058, Penal Code; and section 4526, Government Code. Reference: Sections 5054 and 7000 et seq., Penal Code; and Sections 4526 and 4527, Government Code.

HISTORY:

1. Amendment of Note filed 9-8-97; operative 10-8-97 (Register 97, No. 37).
2. Amendment filed 7-12-2002; operative 8-11-2002 (Register 2002, No. 28).

3461. Amendments.

In instances where the state effects a necessary change in the work during the course of performance of the contract, the firm's compensation may be adjusted by mutual written agreement in a reasonable amount where the amount of work to be performed by the firm is changed from that which existed previously in the contemplation of the parties.

NOTE: Authority cited: section 5058, Penal Code; and section 4526, Government Code. Reference: Sections 5054 and 7000 et seq., Penal Code; and Sections 4526 and 4527, Government Code.

HISTORY:

1. Amendment of Note filed 9-8-97; operative 10-8-97 (Register 97, No. 37).

3462. Contracting in Phases.

Should the director, or designee, determine that it is necessary or desirable to have the work performed in phases, it will not be necessary to negotiate the total contract price in the initial instance, provided that the director, or designee, shall have determined that the firm is best qualified to perform the work at reasonable cost, and the contract contains provisions that the state, at its option, may utilize the firm for other phases and the firm will accept a fair and reasonable price for subsequent phases to be later negotiated, mutually-agreed upon and reflected in a subsequent written instrument. The procedure with regard to estimates and negotiation shall otherwise be applicable.

NOTE: Authority cited: section 5058, Penal Code; and section 4526, Government Code. Reference: Sections 5054 and 7000 et seq., Penal Code; and Sections 4526 and 4527, Government Code.

HISTORY:

1. Amendment of Note filed 9-8-97; operative 10-8-97 (Register 97, No. 37).
2. Amendment filed 7-12-2002; operative 8-11-2002 (Register 2002, No. 28).

3463. Small Business Participants.

The director, or designee, shall endeavor to provide to all small business firms who have indicated an interest in receiving such, a copy of each announcement for services for which the director, or designee, concludes that small business firms could be especially qualified. The director, or designee, shall assist firms in attempting to qualify for small business status. A failure of the director, or

designee, to send a copy of an announcement to any firm shall not operate to invalidate any contract.

NOTE: Authority cited: section 5058, Penal Code; and section 4526, Government Code. Reference: Sections 5054 and 7000 et seq., Penal Code; and Sections 4526 and 4527, Government Code.

HISTORY:

1. Amendment of Note filed 9-8-97; operative 10-8-97 (Register 97, No. 37).
2. Amendment filed 7-12-2002; operative 8-11-2002 (Register 2002, No. 28).

3464. Applicability of this Article.

This article shall not apply where the director, or designee, determines that:

- (a) The services needed are more of a technical nature, and
- (b) The services needed involve little professional judgment; and
- (c) Requiring bids would be in the public interest.

NOTE: Authority cited: section 5058, Penal Code, and section 4526, Government Code. Reference: section 4529, Government Code.

HISTORY:

1. New section filed 9-8-97; operative 10-8-97 (Register 97, No. 37).
2. Amendment of first paragraph filed 7-12-2002; operative 8-11-2002 (Register 2002, No. 28).

Article 8. Disabled Veteran Business Enterprise Program

3475. Disabled Veteran Business Enterprise Goal.

(a) The disabled veteran business enterprise goal established in Public Contract Code section 10115(c) applies to the overall annual expenditures of the department. The goal shall be used for specific contracts unless the department determines that a more appropriate disabled veteran business enterprise goal shall be used for a specific contract based on one or more of the following conditions:

- (1) The contract is for an amount of \$15,000 or less.
- (2) The department has determined that there are no disabled veteran business enterprises within a reasonable market area.
- (3) The department has determined that the project or contract contains no opportunity for subcontracting.
- (4) The department has determined that an emergency exists involving the public health, welfare, safety, or security of a facility and/or the public.
- (5) The department has determined that the contract for services to be supplied exclusively by an individual or business concern involves minor or insignificant incidental services or supplies.
- (6) The department has determined that the contract will result in the state being a user of services normally provided to the public at large, e.g., electricity, gas, water, garbage collection, use of common carriers, and/or over-night accommodations.
- (7) The department has determined that there is only one person or entity that can reasonably and effectively perform the required services for which there is minor, insignificant, or no opportunity for subcontracting.
- (8) The department has determined that extraordinary circumstances exist which make it impossible for the potential contractor or the department to comply with the Disabled Veteran Business Enterprise requirements.

(9) An amendment to an existing contract is either based on one or more of the above conditions or the amendment will not materially change the scope of services, as determined by the department.

(10) The work is to be performed pursuant to a change order or amendment to an existing construction contract.

(b) When it is necessary for the department to establish a more appropriate disabled veteran business enterprise goal for a specific

contract, the department shall identify disabled veteran business enterprises and involve them in the contracting process to the extent reasonably possible.

NOTE: Authority cited: section 5058, Penal Code; and section 10115.3(b), Public Contract Code. Reference: Sections 10115 and 10115.11, Public Contract Code.

HISTORY:

1. Amendment of article heading and renumbering and amendment of former section 3476 opening paragraph to new section 3475 filed 10-18-93 as an emergency; operative 10-18-93 (Register 93, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-15-94 or emergency language will be repealed by operation of law on the following day. For prior history, see Register 91, No. 6.
2. Certificate of Compliance as to 10-18-93 order transmitted to OAL 2-15-94 and filed 3-16-94 (Register 94, No. 11).
3. Change without regulatory effect amending subsection (a)(1) filed 3-27-95 pursuant to section 100, Title 1, California Code of Regulations (Register 95, No. 13).
4. Amendment of article heading, section heading, and subsections (a), (a)(2), (a)(8) and (b) filed 11-13-98 as an emergency; operative 11-13-98 (Register 98, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-15-99 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-13-98 order transmitted to OAL 2-10-99 and filed 3-8-99 (Register 99, No. 11).

3476. Disabled Veteran Business Enterprise Bid and Sole Source Requirements.

(a) Within the time frames specified by the department's bid or sole source package, potential contractors shall be required to provide the department with either (1) or (2) below:

(1) Documentation, as required in the department's bid or sole source package, that they have met the disabled veteran business enterprise goals established in the respective package which shall include, but not be limited to, the names of their subcontractors; certification pursuant to section 3477; and dollar amounts of the subcontracts.

(2) Documentation, as required in the department's bid or sole source package pursuant to section 3478 of their good faith effort to meet the disabled veteran business enterprise goal established in the department's bid or sole source package.

(b) For the purpose of this article, a disabled veteran business enterprise must perform a commercially useful function. A disabled veteran business enterprise is considered to be performing a commercially useful function when it meets both of the following criteria:

(1) The business concern is responsible for the execution of a distinct element of the work of the contract; carrying out its obligation by actually performing, managing, or supervising the work involved; and performing work that is normal for its business services and functions.

(2) The business concern is not further subcontracting a greater portion of the work than would be expected by normal industry practices.

NOTE: Authority cited: section 5058, Penal Code; and section 10115.3(b), Public Contract Code. Reference: Sections 10115, 10115.2 and 10115.3, Public Contract Code.

HISTORY:

1. Renumbering and amendment of former section 3477 opening paragraph to new section 3476, amendment of section heading and Note: filed 10-18-93 as an emergency; operative 10-18-93 (Register 93, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-15-94 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10-18-93 order transmitted to OAL 2-15-94 and filed 3-16-94 (Register 94, No. 11).

3. Amendment of subsections (a)(1) and (a)(2) filed 11-22-96 as an emergency; operative 11-22-96 (Register 96, No. 47). A Certificate of Compliance must be transmitted to OAL by 5-1-97 pursuant to Penal Code section 5058(e) or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 11-22-96 order, including amendment of subsection (b), transmitted to OAL 3-20-97 and filed 5-1-97 (Register 97, No. 18).
5. Amendment of section heading and subsections (a)(1)–(b)(1) filed 11-13-98 as an emergency; operative 11-13-98 (Register 98, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-15-99 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-13-98 order transmitted to OAL 2-10-99 and filed 3-8-99 (Register 99, No. 11).

3477. Certification of a Disabled Veteran Business Enterprise.

(a) As specified in the department's bid or sole source package, potential contractors shall be required to provide the department with certification documentation that a business concern is certified as a disabled veteran business enterprise as defined in section 3000.

NOTE: Authority cited: section 5058, Penal Code; and section 10115.3(b), Public Contract Code. Reference: Sections 2050–2053 and 10115.1, Public Contract Code.

HISTORY:

1. Amendment of subsection (a), new section heading, subsection (b) and Note filed 10-18-93 as an emergency; operative 10-18-93 (Register 93, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-15-94 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10-18-93 order transmitted to OAL 2-15-94 and filed 3-16-94 (Register 94, No. 11).
3. Amendment of subsection (a) filed 11-22-96 as an emergency; operative 11-22-96 (Register 96, No. 47). A Certificate of Compliance must be transmitted to OAL by 5-1-97 pursuant to Penal Code section 5058(e) or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 11-22-96 order, including amendment of section heading, transmitted to OAL 3-20-97 and filed 5-1-97 (Register 97, No. 18).
5. Amendment of section heading and subsection (a) and repealer of subsection (b) filed 11-13-98 as an emergency; operative 11-13-98 (Register 98, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-15-99 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 11-13-98 order transmitted to OAL 2-10-99 and filed 3-8-99 (Register 99, No. 11).

3478. Good Faith Effort Documentation.

A potential contractor shall be considered to have made a good faith effort when he/she submits, within specified time limits, documentary evidence, as required in the department's bid or sole source package, that all of the following actions were taken:

(a) Contact was made with the department to identify disabled veteran business enterprise business concerns.

(b) Contact was made with other federal and state agencies and local disabled veteran business enterprise organizations to identify disabled veteran business enterprises.

(c) Advertising was published in trade papers and disabled veteran business enterprise focus papers, as specified in the bid or sole source package, unless time limits imposed by the department did not permit such advertising. Trade papers and disabled veteran business enterprise focus papers, as defined in section 3000, must be acceptable to the department.

(d) Invitations to bid were submitted to potential disabled veteran business enterprise contractors.

(e) Bids submitted by disabled veteran business enterprises were fairly considered.

NOTE: Authority cited: section 5058, Penal Code; and section 10115.3(b), Public Contract Code. Reference: Sections 10115.2–10115.4, Public Contract Code.

HISTORY:

1. Renumbering and amendment of former section 3477(b) to new section 3478, new section heading, subsection (e) and Note filed 10-18-93 as an emergency; operative 10-18-93 (Register 93, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-15-94 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10-18-93 order transmitted to OAL 2-15-94 and filed 3-16-94 (Register 94, No. 11).
3. Amendment filed 11-13-98 as an emergency; operative 11-13-98 (Register 98, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-15-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 11-13-98 order transmitted to OAL 2-10-99 and filed 3-8-99 (Register 99, No. 11).

3479. Monitoring Disabled Veteran Business Enterprise Goals.

(a) The department shall monitor adherence to the disabled veteran business enterprise goal established in Public Contract Code section 10115(c).

(b) Such monitoring may include, but is not limited to, visiting sites and requiring reports from contractors on disabled veteran business enterprise participation.

NOTE: Authority cited: section 5058, Penal Code; and section 10115.3(b), Public Contract Code. Reference: Sections 10115 and 10115.3, Public Contract Code.

HISTORY:

1. New section filed 10-18-93 as an emergency; operative 10-18-93 (Register 93, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-15-94 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10-18-93 order transmitted to OAL 2-15-94 and filed 3-16-94 (Register 94, No. 11).
3. Amendment of section heading and section filed 11-13-98 as an emergency; operative 11-13-98 (Register 98, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-15-99 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 11-13-98 order transmitted to OAL 2-10-99 and filed 3-8-99 (Register 99, No. 11).

Article 9. Joint Venture Program

3480. Joint Venture Program.

The secretary shall establish Joint Venture Program operations in state prison facilities pursuant to the Prison Inmate Labor Initiative of 1990 (PILI). This program shall allow employers to employ inmates for the purpose of producing goods or services that may be sold to the public. The purpose of the program shall include preparing offenders for return to society by offering relevant job skills and work habits to increase success on parole, thereby benefiting society at large.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference Sections 2717.2 and 5058, Penal Code.

HISTORY:

1. New section filed 12-3-90 as an emergency; operative 12-3-90 (Register 91, No. 6). A Certificate of Compliance must be transmitted to OAL by 4-2-91 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of printing error inadvertently omitting text (Register 91, No. 11).
3. Certificate of Compliance as to 11-28-90 order transmitted to OAL 3-21-91 and filed 4-22-91 (Register 91, No. 20).

4. Renumbering of former section 3480 to new section 3480.1 and new section 3480 filed 9-13-2005; operative 9-13-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 37).

3480.1. Joint Venture Policy Advisory Board.

The Joint Venture Policy Advisory Board, established in the department by Penal Code section 2717.4, shall serve to advise the secretary of policies that further the purposes of the Prison Inmate Labor Initiative of 1990. The board shall meet at the call of the chairperson. The secretary shall serve as the chairperson of the board.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.4 and 5054, Penal Code.

HISTORY:

1. Renumbering and amendment of former section 3480 to new section 3480.1 filed 9-13-2005; operative 9-13-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 37).

3481. Joint Venture Employer Selection Criteria.

(a) A Joint Venture Employer (JVE) shall be selected on the basis of their ability to further the purpose of the PILI. The secretary shall consider the employer's ability to:

(1) Provide inmates with the means to reimburse the state from earned wages for a portion of the cost of the inmate's room and board.

(2) Provide inmates with the means of paying restitution and compensation to the victims of crime from wages earned.

(3) Employ inmates in productive work and provide them with the opportunity to earn money while encouraging and maintaining safe prison operations.

(4) Provide inmates with the means to support their families to the extent possible.

(5) Teach inmates skills and work habits that may be used upon their release from prison by patterning the operation after those operations outside of prison.

(6) Assist inmates in their rehabilitation.

(7) Assist with retaining or reclaiming jobs for California, supporting new or developing California industries, or creating jobs for a deficient labor market as determined in cooperation with the Employment Development Department.

(b) The secretary shall consider whether the operation will have an adverse impact upon California's labor force.

(c) The secretary shall consider the operation's effect on public safety, security of the institution, and applicable worker safety standards.

(d) The secretary shall consider the financial status and stability of the prospective Joint Venture Employer company prior to the execution of a contract with the Joint Venture Employer.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.2, 2717.5 and 5054, Penal Code; and Section 5, Article XIV of the State Constitution.

HISTORY:

1. New section filed 12-3-90 as an emergency; operative 12-3-90 (Register 91, No. 6). A Certificate of Compliance must be transmitted to OAL by 4-2-91 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of printing error inadvertently omitting text (Register 91, No. 11).
3. Certificate of Compliance as to 11-28-90 order transmitted to OAL 3-21-91 and filed 4-22-91 (Register 91, No. 20).
4. Editorial correction of printing error in subsection (a) (Register 92, No. 5).
5. Amendment of subsections (a), (a)(5), (b) and (c) and new subsection (d) filed 9-13-2005; operative 9-13-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 37).

3482. Joint Venture Program Contracts.

(a) In addition to state contract requirements, each Joint Venture Program (JVP) contract shall include, but not be limited to, the following:

(1) A detailed description of the Joint Venture Employer's program operation, including but not limited to, the Joint Venture Employer's type of business and products produced.

(2) The conditions and requirements under which the Joint Venture Employer's non-inmate employees shall be admitted onto or excluded from departmental or departmentally leased property.

(3) A provision for Joint Venture Employer non-inmate employee orientation training which shall consist of those items necessary for employees to operate the industry within the institution in a consistent, secure and effective manner. Ongoing training shall be scheduled as directed by the institution head.

(4) A requirement that inmate-employees shall be paid "comparable wages" as defined by PC section 2717.8. "Comparable wages" means that compensation of inmate-employees by the Joint Venture Employer shall be comparable to the wages paid by the Joint Venture Employer to non-inmate employees performing the same or similar work for that employer. If the Joint Venture Employer does not employ such non-inmate employees in the same or similar work, compensation shall be comparable to wages paid for work of a similar nature in the locality in which the work is to be performed. These wages are subject to the deductions listed in Section 3485(h) and the mandatory savings listed in Section 3485(i).

(5) A provision that the administrator of the JVP shall monitor the wage rates paid to inmate-employees for compliance with the comparable wage requirement of PC section 2717.8.

(6) Hours of inmate employment and work schedule.

(7) Minimum and maximum inmate workforce requirements.

(8) Contraband items.

(9) Work-site security.

(10) Communications.

(11) Utilities.

(12) Responsibilities of the Joint Venture Employer, specifically those regarding:

(A) Obligation to pay inmate-employees comparable wages as required by PC section 2717.8.

(B) Compliance with all applicable record-keeping requirements set forth in the California Labor Code and applicable Industrial Welfare Commission Wage Orders.

(C) General Liability, Fire, Legal, and Automobile Liability Insurance.

(D) Maintenance of production equipment.

(E) Providing production supplies, materials, and equipment.

(F) Adherence to applicable federal, state, and local health and safety laws and regulations.

(G) Inmate-employee benefits.

(H) Notification to inmate-employees of their rights under PC section 2717.8 and relevant Labor Code provisions.

(I) Compliance with the requirements of department's approved inmate appeal procedures as required by Title 15, California Code of Regulations (CCR) Section 3084.1 or relevant Labor Code provisions.

(J) A Security Bond, or equivalent security, posting requirement shall be included in the contract. The amount of the bond, or its equivalent, shall be not less than two months wages for the workforce contemplated by the Joint Venture Employer after six months of operation, and shall be determined on a case-by-case basis based on, but not limited to, the size of the inmate workforce and the size of space leased by the Joint Venture Employer. The bond or its equivalent shall be retained by the department for the duration of the contract and may be used by the department in the event a

Joint Venture Employer fails to submit payroll or defaults on any of its obligations to the State. The department shall apply the bond first to pay past due wages to inmate-employees and thereafter, the bond shall be available to pay unpaid obligations to the State, including, but not limited to, rent, utilities, workers' compensation, and custody costs.

(K) A requirement that the Joint Venture Employer prepare and submit to the administrator of the JVP for its review and approval:

1. Prior to commencing business, a detailed job description for each job to be performed at the facility;

2. At the time additional jobs are created, a detailed job description for each new job;

3. A revised job description when there is a twenty-five percent or more change in job duties;

4. If there are non-inmate employees performing the same or similar work for that employer, a detailed job description, wage rate, and a wage plan for its non-inmate workforce with documentation; or

5. Annually, an updated, detailed job description for all jobs at the Joint Venture Employer's operation. Duty statements shall include a description of tasks to be performed, machines used, and skills required for each job and shall be certified as to the accuracy of the job description under oath by the JVE.

(L) A requirement that the Joint Venture Employer prepare and submit to the department for its review and approval:

1. Prior to initial start-up of the Joint Venture Employer's operation, a wage plan detailing the comparable wage rate for each position, taking into account seniority, tenure, training, technical nature of the work being performed, or other factors; and

2. Annually, the Joint Venture Employer's current wage plan.

(M) Hiring of eligible inmate-employees, which is a decision within the sole determination of the Joint Venture Employer.

(N) Inmate-employee time keeping.

(O) Workers' Compensation Rate.

(P) Agreement that the Joint Venture Employer's business will not result in the displacement of any non-inmate workers performing the same work.

(Q) The process used by JVE for final selection of inmate-employees.

(R) Sole responsibility of Joint Venture Employer to comply with all applicable federal, state, and local laws and regulations. (Nothing in this section should be construed to modify the responsibility of the State as defined in the California Code Regulations, Title 15, Division 3, Chapter 1, Subchapter 5, Article 9, Section 3484.)

(S) Inmate-employee performance evaluations.

(T) Requirement to post notices of employee rights.

(U) Provision of all applicable inmate-employee payroll data.

(13) Responsibilities of the department/facility, specifically those regarding:

(A) Designation of a Coordinator by the facility.

(B) Lockdowns, fog lines and other circumstances under which inmate-employees may be restricted from work.

(C) Right of entry and searches of the area leased by the Joint Venture Employer.

(D) Inmate-employee discipline.

(E) Program evaluation.

(F) Initial screening of potential inmate-employee pool for security purposes.

(b) No Joint Venture Program contract shall be executed by the department that will initiate employment by inmates in the same job classification as non-inmate employees of the same employer who are on strike or subject to lockout as defined in PC section 2717.6.

(c) The Joint Venture Employer and any and all agents and employees of the Joint Venture Employer shall act in an independent capacity and not as officers or employees of the State. "Joint Venture Program" is merely the colloquial name of the program, and does not create or connote a "joint venture" or partnership relationship between the parties as a matter of law. Nothing in this program shall be construed as constituting the parties herein as partners or joint venturers as those terms are defined under California law or any other law.

(d) Nothing in these regulations is intended to establish an employer/employee relationship between any inmate participating in the Joint Venture Program and the State of California, the department, or any individual agency or office of the State of California.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code, Reference: Sections 2717.5, 2717.6, 2717.8, and 5054, Penal Code; Section 5, Article XIV of the State Constitution; and *Vasquez v. State of California*, 105 Cal.App.4th 849 (2003), Stipulated Injunction and Order, Superior Court of San Diego County, Case No. GIC-740832.

HISTORY:

1. New section filed 11-28-90 as an emergency; operative 11-28-90 (Register 91, No. 6). A Certificate of Compliance must be transmitted to OAL by 3-28-91 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 11-28-90 order transmitted to OAL 3-21-91 and filed 4-22-91 (Register 91, No. 20).
3. Amendment filed 9-13-2005; operative 9-13-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 37).
4. Change without regulatory effect amending subsection (a)(12)(R) filed 1-25-2006 pursuant to section 100, title 1, California Code of Regulations (Register 2006, No. 4).
5. Amendment of subsections (a), (a)(4)–(5) and (a)(12)(K) and amendment of Note filed 10-18-2007 as an emergency; operative 10-18-2007 (Register 2007, No. 42). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-26-2008 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 10-18-2007 order transmitted to OAL 2-4-2008 and filed 3-18-2008 (Register 2008, No. 12).

3483. Joint Venture Lease.

(a) The State of California, acting through the Department of General Services, with the approval of the department, shall enter into a lease with all Joint Venture Employer businesses.

(b) In addition to state leasing requirements, each Joint Venture Program lease shall include, but not be limited to, the following:

- (1) Description of the leased space.
- (2) Lease terms.
- (3) Rent to be paid to Department of General Services.
- (4) Utility rates.
- (5) Maintenance of leased space.
- (6) Prohibited/contraband items.
- (7) Environmental Compliance.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.2 and 5054, Penal Code.

HISTORY:

1. New section filed 12-3-90 as an emergency; operative 12-3-90 (Register 91, No. 6). A Certificate of Compliance must be transmitted to OAL by 4-2-91 or emergency language will be repealed by operation of law on the following day.
2. Editorial correction of printing error inadvertently omitting text (Register 91, No. 11).
3. Certificate of Compliance as to 11-28-90 order transmitted to OAL 3-21-91 and filed 4-22-91 (Register 91, No. 20).
4. Renumbering of former section 3483 to new section 3485 and new section 3483 filed 9-13-2005; operative 9-13-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 37).

3484. Monitoring Comparable Wages and Wage Plans.

(a) The JVP shall monitor the wage rates and wage plans submitted by the Joint Venture Employer for compliance with PC section 2717.8. Monitoring shall include, but not be limited to, unannounced on-site visits to determine the accuracy of the job descriptions and to assess compliance with wage plan requirements including compliance with PC section 2717.8. The JVP shall develop a written protocol for these visits and retain a copy of the on-site visit reports for at least five years.

(b) The JVP shall obtain wage data, applicable Standard Occupational Codes (SOC), and survey data from Occupational Employment Surveys (OES) for each inmate-employee job description from the Employment Development Department annually, upon the creation of any new JVE job position, upon the alteration of any existing position, or upon the establishment of any new JVP business.

(c) The JVE job descriptions and wage plans shall be reviewed annually, upon the creation of any new JVE job position, upon the alteration of any existing position, or upon establishment of a new JVP business.

(d) The JVP shall maintain a database which includes each inmate's date of hire, hourly wage, hours worked and the SOC code for each inmate position.

(e) The JVP shall conduct desk audits every ninety days of a randomly selected ten percent of the inmate workforce and shall review salary levels to verify that the comparable wage rates are being paid.

NOTE: Authority cited: 2717.3 and 5058, Penal Code. Reference: Sections 2717.3, 2717.4, 2717.8 and 5054, Penal Code; and *Vasquez v. State of California*, 105 Cal.App.4th 849 (2003), Stipulated Injunction and Order, Superior Court of San Diego County, Case No. GIC-740832.

HISTORY:

1. New section filed 9-13-2005; operative 9-13-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 37).
2. Amendment of section and Note filed 10-18-2007 as an emergency; operative 10-18-2007 (Register 2007, No. 42). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-26-2008 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 10-18-2007 order transmitted to OAL 2-4-2008 and filed 3-18-2008 (Register 2008, No. 12).

3485. Inmate Joint Venture Program Participation.

(a) Inmate employment is "at will" and as such is at the discretion of the employer. The Joint Venture Employer may lawfully terminate inmate-employees at any time with or without cause but not for unlawful reasons. The department may remove inmate-employees from participation in the Joint Venture Program at any time with or without cause.

(b) As a condition of employment, all inmate-employees agree to participate in random urine testing.

(c) Earned wages paid by the Joint Venture Employer will be distributed to inmates by the department once a month, regardless of the frequency the employer issues payroll.

(d) Inmate participation in the Joint Venture Program shall be voluntary as evidenced by their written consent on the department's CDCR Form 1872, (Rev. 9/05) Inmate Participation Agreement—Joint Venture Program (JVP). The Joint Venture Employer shall provide to all inmates hired written information on the conditions of their participation in the Joint Venture Program. Such information shall include, but not be limited to:

- (1) Hours of work and the requirements that comparable wages be paid.
- (2) Job description.

(3) Right to file complaints regarding claimed violations of their rights under PC section 2717.8, relevant provisions of the Labor Code, and applicable Industrial Welfare Commission Wage Orders.

(4) Inmates shall not be subject to retaliation, as specified in Title 15, CCR, Section 3084.1(d), by the department for their use of the inmate appeal process, to address Joint Venture Employer-related matters. Neither the Joint Venture Employer nor the department shall retaliate against inmates for exercising rights guaranteed under the State Labor Code or elsewhere in law to address Joint Venture Employer-related matters.

(e) The Joint Venture Employer shall post at the worksite and provide to each inmate-employee a notice of applicable employment laws and relevant Labor Code provisions.

(f) The total daily hours worked by inmate-employees in the same job classification as non-inmate employees of the same Joint Venture Employer who are on strike or subject to lockout shall not exceed, for the duration of the strike, the average daily hours worked for the preceding six months, or if the Joint Venture Program has been in operation for less than six months, for the period of the operations. If the secretary determines upon receipt of written notification by the union representing the non-inmate employees on strike or subject to lockout that such a condition exists, the limitation on inmate-employee work hours shall be implemented within 48 hours.

(g) A separate inmate waiting list shall, if necessary, be maintained for each Joint Venture Program operation.

(1) An inmate's inclusion on any waiting list for a Joint Venture Program operation shall not affect their status on any other waiting lists maintained by the facility until such time as the inmate is employed by the Joint Venture Employer.

(2) If the inmate refuses to work, quits, or is removed from the Joint Venture Program, they shall be immediately returned to their housing unit, temporarily unassigned and referred to a classification committee for placement either on a facility waiting list or, if they refuse to work, in a non-credit earning group pursuant to Title 15, CCR Section 3375.

(h) Wages earned by each inmate participating in a Joint Venture Program operation shall be subject to the following deductions, which shall not exceed 80 percent of the inmate's gross wages:

(1) Federal, state and local taxes.

(2) Twenty percent of the inmate's net wages after taxes shall be for any lawful restitution fine or contributions to any fund established by law compensate the victims of crime.

(3) Twenty percent of the inmate's net wages after taxes shall be for costs of room and board which shall be remitted to the department.

(4) Twenty percent of the inmate's net wages after taxes for allocations for support of family pursuant to state statute, court order, or agreement of the inmate. If the inmate chooses not to send money to a family member, and there is no court-ordered withholding, these funds will be deposited in mandatory savings.

(i) In addition to (h) of 3485, twenty percent of the inmate's net wages after taxes shall be retained for the inmate in mandatory savings under the control of the department.

(1) Funds retained for an inmate's mandatory savings shall be deposited in an interest bearing account.

(2) Inmate-employees who terminate from Joint Venture Program with a savings account balance of \$500 or less may voluntarily elect to close their account and have the balance forwarded to their institutional trust account in order to avoid account fees.

(3) Each inmate's savings, plus the interest accrued by their savings, shall be provided to the inmate upon their release. Inmate-employee savings accounts are intended solely for the deposit of wages earned from employment with the JVE. Institution heads

may authorize an earlier withdrawal of up to 50% of an inmate's savings in cases where the inmate is sentenced to 15 years or more and the inmate has accrued \$6,500 or more from Joint Venture wages in their account.

NOTE: Authority cited: Sections 2717.3 and 5058, Penal Code. Reference: Sections 2717.8 and 5054, Penal Code.

HISTORY:

1. Renumbering and amendment of former section 3483 to new section 3485 and new form CDC 1872 filed 9-13-2005; operative 9-13-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 37).
2. Amendment of subsections (i)(2)–(3) filed 10-18-2007 as an emergency; operative 10-18-2007 (Register 2007, No. 42). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-26-2008 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 10-18-2007 order transmitted to OAL 2-4-2008 and filed 3-18-2008 (Register 2008, No. 12).

3486. Compliance.

If a JVE is found to be in non-compliance with PC section 2717.8 or the provisions of sections 3482(a)(4) and 3482(a)(12)(K), the JVP administrator shall issue a written notice requiring the JVE, within 30 days, to comply with the JVP contract. After 30 days, if the JVE remains non-compliant with the contract, the administrator shall issue to the JVE a written 30-day cancellation notice indicating that the JVE is in material breach of contract. Any bonds held pursuant to 3483(a)(12)(J) shall be forfeited if the JVE is found to be non-compliant. At the close of the 30-day cancellation notice, if the JVE has not come into compliance with the contract, the JVE shall be terminated from the JVP.

NOTE: Authority cited: 2717.3 and 5058, Penal Code. Reference: Sections 2717.8 and 5054, Penal Code; and *Vasquez v. State of California*, 105 Cal.App.4th 849 (2003), Stipulated Injunction and Order, Superior Court of San Diego County, Case No. GIC-740832.

HISTORY:

1. New section filed 10-18-2007 as an emergency; operative 10-18-2007 (Register 2007, No. 42). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 3-26-2008 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 10-18-2007 order transmitted to OAL 2-4-2008 and filed 3-18-2008 (Register 2008, No. 12).

SUBCHAPTER 6. ADULT PAROLE

Article 1. Parole Supervision

3500. General Policy.

(a) Pursuant to the provisions of Penal Code (PC) section 3000, when an inmate is sentenced under PC section 1168 or 1170 by a court, the California Department of Corrections and Rehabilitation (CDCR) shall release the inmate on parole unless it is waived by the Board of Parole Hearings.

(b) Release on parole means the legal and physical transfer of an inmate from confinement in an institution to the supervision of a parole agent of the CDCR, Division of Adult Parole Operations.

(c) The function of parole is:

(1) To provide for the supervision and surveillance of parolees, including the judicious use of revocation actions.

(2) To provide educational, vocational, family and personal counseling necessary to assist in the transition between imprisonment and discharge, when feasible.

(d) Public safety and security.

(1) Consistent effort will be made to ensure that the public is protected and the effectiveness of inmate/parolee treatment programs are within the framework of departmental security and safety.

(2) Each CDCR employee within the parole process will be trained to understand how employee behavior, supervision levels, personnel, and operative procedures affect the maintenance of public safety and security.

(3) The requirement of compliance with conditions of parole, the law, and the need to protect the public will take precedence over all other considerations in the operation of all programs and activities of the parole process.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 1168, 1170, 3000 and 5054, Penal Code.

HISTORY:

1. New Subchapter 6 (Articles 1–7, Sections 3500–3562, not consecutive) filed 5-13-77; effective thirtieth day thereafter (Register 77, No. 20).
2. Repealer of Subchapter 6 (Articles 1–7, Sections 3500–3560, not consecutive) and new Subchapter 6 (Article 1, section 3500) filed 3-2-83; effective thirtieth day thereafter (Register 83, No. 12). For prior history, see Registers 79, No. 34; 79, No. 8; 78, No. 29 and 77, No. 40.
3. Editorial correction of printing errors (Register 92, No. 5).
4. Amendment of subchapter and article headings, renumbering of former section 3500 to section 3501 and new section 3500 filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).

3501. Rules and Regulations.

Persons committed to the department who are allowed to go upon and remain upon parole or outpatient status, shall conform to the applicable rules established by or under the authority of the Board of Parole Hearings as set forth in Title 15, Divisions 2 and 5 of the California Code of Regulations.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3052 and 5076.2, Penal Code; and Sections 3151 and 3156, Welfare and Institutions Code.

HISTORY:

1. New section filed 3-11-2002; operative 4-10-2002 (Register 2002, No. 11).
2. Renumbering of former section 3501 to section 3730 and renumbering of former section 3500 to section 3501, including amendment of section heading and section, filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).

3502. Prerelease Referral.

An inmate's case shall be referred to the parole region for supervised parole program development 150 days prior to the expected release date, or immediately if less time remains.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Change without regulatory effect renumbering former section 3604 to new section 3502 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).
2. Amendment filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).
3. Amendment filed 1-25-2010 as an emergency pursuant to Penal Code section 5058.3(a)(2); operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-17-2010 and filed 7-13-2010 (Register 2010, No. 29).

3503. Assignment to Parole Agent. [Reserved]

3504. Parole Assessment.

(a) For the purpose of this section, the following definitions shall apply:

(1) High Control means the highest level of supervision based on commitment offense(s) and prior criminal history. Cases designated high control shall be reserved for persons with violent felony commitments as described in Penal Code (PC) section 667.5(c), PC section 290 registrants; cases generating extensive media or public attention; or cases involving membership in gangs, as stated on CDC Form 812-A (Rev. 9/92) Notice of Critical Information—Prison Gang Identification, or membership in a disruptive group, as identified on CDC Form 812-B (Rev. 9/92) Notice of Critical Information—Disruptive Group Identification. The following minimum contact requirements shall apply to these cases:

(A) Face-to-face contact by the first working day following release from custody, but no later than the third working day following release. In most cases it is expected that this contact will take place at the office.

(B) Each month one field contact at the parolee's residence. The first face-to-face residential contact shall be within seven working days following release from custody.

(C) Each thirty days one collateral contact.

(D) If anti-narcotic testing applies, a minimum testing schedule of one test per month.

(E) Case review, thirty calendar days after assignment to this category and, if retained in this category, each sixty calendar days thereafter.

(2) High Service means the level of supervision based on service needs and behavioral patterns and is primarily utilized for the placement of civil addicts, or individuals requiring special assistance such as individuals with severe mental or psychiatric problems. The following minimum contact requirements shall apply to these cases:

(A) Face-to-face contact by the first working day following release from custody, but no later than the third working day following release. In most cases it is expected that this contact will take place at the office.

(B) Each month one field contact at the parolee's residence. The first face-to-face residential contact shall be within seven working days following release from custody.

(C) Each thirty days one collateral contact.

(D) With the exception of civil addicts, if anti-narcotic testing applies, a minimum testing schedule of one test per month. Civil addicts shall be tested weekly; two of which tests must be random/surprise urinalysis tests. One of the two random/surprise tests shall be in the field.

(E) Case review thirty calendar days after assignment to this category and, if retained in this category, each sixty calendar days thereafter.

(3) Control Services means the level of supervision based on commitment offense(s) and prior criminal history, or service needs and behavioral patterns that do not meet the specifications of high control as described in subsection (a)(1) and high service as described in subsection (a)(2). The following minimum contact requirements shall apply for these cases:

(A) Face-to-face contact by the first working day following release from custody and, when possible, the initial interview will be conducted no later than the third working day following release. In most cases, it is expected that this contact will take place at the office.

(B) Two face-to-face contacts per quarter, with at least one being at the parolee's residence. One face-to-face contact at the parolee's residence within fifteen workdays following release from custody.

(C) Each quarter one collateral contact.

(D) If anti-narcotic testing applies, felon parolees shall be tested twice every quarter and non-felon parolees two times each thirty days.

(E) Parolees who complete 180-days of satisfactory parole will automatically be assigned to the minimum supervision category. Exceptions to the automatic reduction shall include violent felony commitments described in PC section 667.5, PC section 290 registrants, cases generating extensive media or public attention, and gang members, as documented on CDC Form 812-A (Rev. 9/92).

(4) Minimum Supervision means the level of supervision based on commitment offense(s) and prior criminal history, and service needs and behavioral patterns. With the exception of parole outpatient clinic attendees and those cases/parolees identified in subsections (a)(1) and (a)(2), felon parolees who complete 180 days of satisfactory parole under control services supervision, absent a case review, shall be assigned to the minimum supervision level category unless the unit supervisor retains the case at the control services level.

One face-to-face contact shall be conducted in the month prior to discharge. If retained on parole, there shall be two field contacts annually.

(5) Collateral Contact means any communication with an individual concerning a parolee. Collateral contacts may be completed in person, via telephone, or by written or electronic medium.

(b) Upon their initial release from an institution/facility, parolees shall not be placed on the minimum supervision level category. Upon their initial release, parolees shall be placed in one of the following categories:

(1) High Control.

(2) High Service.

(3) Control Services.

(4) Non-revocable parole, as described in section 3000.

(c) Civil addicts shall remain in the high service supervision level category until they complete 180 days of continuous drug-free outpatient or civil addict parole.

(d) Exceptions to placement in any of the supervision level categories or reduction in any of the supervision level categories described in subsections (a)(1) through (a)(4) may be made by the unit supervisor on a case-by-case basis.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 667.5(c), 3000.03 and 5054, Penal Code; and Sections 3151 and 3152, Welfare and Institutions Code.

HISTORY:

1. Change without regulatory effect renumbering former section 3605 to new section 3504 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).
2. Amendment of subsection (b), new subsection (b)(4) and amendment of Note filed 1-25-2010 as an emergency pursuant to Penal Code section 5058.3(a)(2); operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-17-2010 and filed 7-13-2010 (Register 2010, No. 29).

3505. Non-Revocable Parole.

(a) Inmate/parolees who meet the following criteria shall be placed on non-revocable parole, as described in section 3000, and pursuant to Penal Code (PC) section 3000.03:

(1) Is not required to register as a sex offender pursuant to Chapter 5.5 (commencing with section 290) of Title 9 of Part 1 of the PC.

(2) Does not have a commitment offense that is a serious felony as defined in PC sections 1192.7 and 1192.8, or a violent felony, as defined in PC section 667.5.

(3) Does not have a prior conviction for a serious felony as defined in PC sections 1192.7 and 1192.8, or a violent felony, as defined in PC section 667.5.

(4) Does not have a current or prior conviction for a sexually violent offense as defined in Welfare and Institutions Code, section 6600(b).

(5) Has not been found guilty of a serious disciplinary offense as defined in this section.

(6) Is not validated as an active or inactive prison gang member or associate as defined in section 3378(c) by the Chief, Office of Correctional Safety, or a designee.

(7) Has signed a notification of parole requirements which include, but are not limited to an agreement to search by law enforcement pursuant to PC section 3067.

(8) Has a low or moderate probability of felony arrest after release to parole upon assessment of risk pursuant to section 3768.1.

(b) Notwithstanding any other provision of this Title, the department is not required to provide services or programs for parolees on non-revocable parole.

(c) For purposes of this section, a serious disciplinary offense is defined as an act of misconduct during the current term of imprisonment, with the exception of possession of inmate manufactured alcohol, which resulted in a finding of guilt for a Division A through C offense pursuant to section 3323(a) through (e).

NOTE: Authority cited: Section 5058.3, Penal Code. Reference: Sections 3000.03, 3067 and 5054, Penal Code.

HISTORY:

1. New section filed 1-25-2010 as an emergency pursuant to Penal Code section 5058.3(a)(2); operative 1-25-2010 (Register 2010, No. 5). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-25-2010 order transmitted to OAL 6-17-2010 and filed 7-13-2010 (Register 2010, No. 29).

3506. [Reserved]

3507. [Reserved]

3508. [Reserved]

3509. [Reserved]

3510. [Reserved]

3511. [Reserved]

Article 2. Preventing Parolee Crime Program [Reserved]

3520. Preventing Parolee Crime Program [Reserved]

3521. Preventing Parolee Crime Program Components [Reserved]

3521.1. Parolee Service Centers [Reserved]

3521.2. Residential Multi-Service Centers. [Reserved]

3521.3. Day Reporting Centers. [Reserved]

3521.4. Computerized Literacy Learning Program. [Reserved]

3521.5. Drug Treatment Networks. [Reserved]

3521.6. Job Placement Networks. [Reserved]**3522. Preventing Parolee Crime Program Placement. [Reserved]****3523. Procedures for Placing Parolees in a Preventing Parolee Crime Program. [Reserved]****3524. Exclusionary Criteria. [Reserved]****3525. Eligibility Criteria. [Reserved]****3526. Status While Programming at a Preventing Parolee Crime Program Facility. [Reserved]****3527. Evaluation. [Reserved]****Article 3. Electronic Monitoring****3540. Continuous Electronic Monitoring Technology.**

(a) The Department of Corrections and Rehabilitation (department) may use continuous electronic monitoring technology to monitor the whereabouts of a parolee who requires electronic surveillance. The use of continuous electronic monitoring technology may be utilized:

(1) As an additional supervision tool for parolees who are identified as requiring a higher level of supervision pursuant to section 3545.

(2) To verify compliance with parole conditions, and to investigate suspicious patterns of behavior;

(3) As an alternative tool for addressing remedial sanctions in lieu of a revocation proceeding and return of a parolee into custody.

(4) To monitor all parolees who require Global Positioning System (GPS) monitoring, as described in section 3560, while under parole supervision.

(b) Any use of continuous electronic monitoring shall have as its primary objective, to enhance public safety through the reduction in the number of people and property being victimized by crimes committed by a parolee.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New article 3 (sections 3540-3548) and section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3541. Required Functionality of Continuous Electronic Monitoring Devices.

(a) The continuous electronic monitoring device shall:

(1) Be designed to be worn on the ankle by the parolee. The parole agent, at his or her discretion, may request modifications to the placement of the device as an alternative form of continuous electronic monitoring. The modification request shall be considered for approval by the Director or designee, Division of Adult Parole Operations, on a case-by-case basis. The modifications may include the parolee carrying the monitoring device on his or her person at all times (fanny pack, back pack, belt etc.) and must be kept within reach when showering or sleeping. The device may be attached to any object which would enable a non-ambulatory parolee the ability to move around, i.e., a wheel chair;

(2) Emit a signal as a person is moving or is stationary. The signal shall be capable of being received and tracked across large urban or rural areas, statewide, and be received from within structures, vehicles, and other objects to the degree technically feasible in light of the associated costs and design.

(b) The device shall function 24 hours a day, seven days a week.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3542. Notification of Parole Violations by Continuous Electronic Monitoring System.

(a) A continuous electronic monitoring system has the capacity to pinpoint the parolee's location, compliance with curfews, orders to stay away from predetermined locations, and compliance with other special conditions of parole. The system may immediately notify the department of predetermined faults, parameters, and system indicators that may indicate actual or possible violations of the terms and conditions of parole.

(b) This information, including geographic location and tampering, may be used as evidence to prove a violation of the terms and conditions of parole.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3543. Public Safety Standards for Minimum Time Between Transmission and Accuracy of Information.

The department establishes the following minimum performance standards for a continuous electronic monitoring system to enhance public safety:

(a) On a case-by-case basis, determining the minimum time interval between transmissions of information about the location of the individual parolee under parole supervision shall be based on the following, which shall include, but not be limited to:

- (1) The resources of the department.
- (2) The criminal history and case factors of the parolee under parole supervision.
- (3) The safety of the victim of the parolee under parole supervision.

(4) The most current technology available to the department.

(b) The standard for the accuracy of the information identifying the location of the parolee under parole supervision shall be based on the following, which shall include, but not be limited to:

- (1) The need to identify the location of the parolee proximate to the location of the parolee's residence or location of a crime.
- (2) Resources of the department.
- (3) The need to avoid false indications of continuous electronic monitoring violations.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3544. Prohibitions Against Unauthorized Access to and Use of Continuous Electronic Monitoring.

(a) No private or public entities, shall have access to, and use of, electronic signals transmitted in any fashion by equipment utilized for continuous electronic monitoring. Unauthorized access to, and use of, electronic signals includes signals transmitted in any fashion by equipment utilized for continuous electronic monitoring. Only those entities with the express written consent of the department shall be allowed access, and only for the terms and conditions stated in writing.

(b) Devices used pursuant to this Article shall not be used to eavesdrop or record any conversation, except a conversation between the parolee and the supervising parole agent. The continuous electronic monitoring technology is to be utilized solely for the purposes of voice identification and verification of the parolee's geographic location in the community.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3545. Persons to Participate in Continuous Electronic Monitoring.

(a) Violation of parole or violation of the law is not a prerequisite for the implementation of continuous electronic monitoring technology for the purpose of subsections 3545(b) or (c) below.

(b) Adjudicated violations of parole, as provided for in the Parole Violation Decision Making Instrument, as described in section 3768, may subject the parolee to continuous electronic monitoring as authorized by this article.

(c) The following target population may be eligible for continuous electronic monitoring:

- (1) Parolees classified with a risk number value of 1, 2, 3, 4, or 5, as described in section 3768.1.
- (2) Parolees who commit minor violations of the law.
- (3) Civil addict parolees.
- (4) Interstate cases.
- (5) Gang members.
- (6) Serious and/or violent offenders.
- (7) Any offenders not already subject to Global Positioning System (GPS) supervision.

(d) Participation in continuous electronic monitoring of an eligible parolee may require the following, unless otherwise stated:

- (1) Shall be on active parole in the community.
- (2) Prior to placement, the parolee shall have a special condition of parole imposed that requires participation utilizing continuous electronic monitoring technology.

(3) Placement may require the written recommendation of the Parole Agent and written approval of the Unit Supervisor.

(4) Any curfew imposed on the parolee while on continuous electronic monitoring shall be in writing and a document articulating the curfew imposed shall be provided to the parolee. The document, the CDCR Form 1515-EID (01/10), Electronic In-Home Detention (EID) Special Conditions of Parole, which is incorporated by reference, shall be signed by the parolee. The curfew imposed shall include a start and stop date for the participation of in-home confinement restrictions imposed.

(5) The parolee shall be informed that non-compliance with the special condition of parole for continuous electronic monitoring is a violation of parole and may result in a referral to the Board of Parole Hearings for revocation consideration.

(6) The parolee's signature on the CDCR Form 1515-EID will acknowledge in writing, the parolee's responsibility for the safe return of the continuous electronic monitoring equipment when discharged from parole or released from the requirement from electronic monitoring. This will also acknowledge that upon failure to return the electronic monitoring equipment, the parolee may be charged the full replacement cost of each item of equipment not returned or returned damaged.

(7) No parolee shall be required to participate in continuous electronic monitoring authorized by this article for any period of time longer than the term of parole.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3546. Revocation of Continuous Electronic Monitoring.

Upon approval from the unit supervisor, a parole agent may deem the use of continuous electronic monitoring as inappropriate and revoke the continuous electronic monitoring of any participating parolee unless mandated by the law.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3547. Noncompliance with Rules or Conditions of Parole.

Upon approval from the unit supervisor, whenever a parole agent supervising a parolee has reasonable cause to believe that the parolee is not complying with the rules or special conditions of parole set forth for the use of continuous electronic monitoring as a supervision tool, the parole agent, without a warrant of arrest, may take the parolee into custody for a violation of parole.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3548. Payments of Certain Costs by Parolees.

(a) Any person released on parole who is required to participate in continuous electronic monitoring, may be required to pay for that electronic surveillance upon a finding by the department of the ability of the parolee to pay those costs. However, the department shall waive any or all of that payment upon a finding of an inability to pay.

(1) Ability to pay means the overall capability of the person to reimburse the actual costs or portion of the costs, of providing continuous electronic monitoring.

(2) Overall capability of the person to reimburse the actual costs shall be determined by the Unit Supervisor or designee on a case-by-case basis. Factors to consider are employment status, income level, supplemental income sources and total monthly household expenses.

(3) The department shall consider any remaining amounts a person has been ordered to pay in fines, assessments and restitution fines, fees and orders, and shall give priority to the payment of those items before requiring that the person pay for the continuous electronic monitoring.

(b) If the parolee disagrees with the department's finding that the parolee has the ability to pay for the costs associated with the continuous electronic monitoring, the parolee may file an appeal by submitting a CDC Form 602 (rev 12/87), Inmate/Parolee Appeal form to the departmental appeals coordinator.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3006, 3010.8 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3549. [Reserved]

Article 4. Global Positioning System Program Establishment

3560. Global Positioning System Program Establishment.

Departmental use of Global Positioning System (GPS) technology is designed to monitor the whereabouts of persons on parole by use of continuous electronic monitoring. The GPS program is for parolees who are identified as requiring a high level of supervision, as described in section 3561. By placing a GPS tracking device on a parolee, a parole agent receives information about a parolee's whereabouts, verifies the parolee's compliance with parole conditions, and is able to investigate suspicious behavior patterns.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New article 4 (sections 3560-3565) and section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance

must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3561. Global Positioning System Technology on Eligible Parolees Designated as High Risk.

(a) The California Department of Corrections and Rehabilitation (department) shall evaluate all parolees' criminal history and identify those parolees who require a high level of supervision, due to the risk of victimizing the public by committing new crimes while on parole.

(b) Parolees who are deemed to require a high level of supervision and subject to Global Positioning System (GPS) supervision include, but are not limited to:

(1) Any parolee who is required to register as a sex offender pursuant to the Sex Offender Registration Act, codified in Penal Code (PC) sections 290 through 290.023.

(2) Any validated prison gang, street gang, or disruptive group member or associate as indicated on the CDC Form 812 (Rev. 8/01), Notice of Critical Case Information-Safety of Persons (Non-confidential Enemies), CDC Form 812-A (Rev. 9/92), Notice of Critical Information—Prison Gang Identification, or CDC Form 812-B (Rev. 9/92), Notice of Critical Information, Disruptive Group Identification.

(3) A high control offender as defined in section 3504.

(4) When any parolee's case factors include unavailability for supervision, history of absconding parole supervision, escalating parole violations, or other such factors that would indicate the parolee is likely to re-offend, and where prevention of reoffending and knowledge of the whereabouts of the parolee is a high priority for maintaining public safety.

(5) Any parolee who received a return to custody assessment by the Board of Parole Hearings (BPH), with a BPH final recommendation that the duration of the return to custody assessment be served in the community, utilizing GPS monitoring.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3562. Global Positioning System Monitoring Device Placement Criteria.

Placement of a Global Positioning System (GPS) Monitoring device on an eligible parolee shall require the following:

(a) The parolee shall be on active parole in the community.

(b) Prior to placement, the parolee shall have a special condition of parole imposed which requires his or her participation in GPS monitoring.

(c) The parolee shall be informed that noncompliance with the special condition of parole for GPS monitoring is a violation of parole and may result in a referral to the Board of Parole Hearings for revocation consideration.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3563. Global Positioning System—Payments of Certain Costs by Parolees.

(a) Parolees who are required to participate in continuous electronic monitoring by Global Positioning System (GPS) pursuant to the law shall be required to pay for the costs associated with the GPS system. However, the department shall waive any or all of that payment upon a finding of an inability to pay. The department shall consider any remaining amounts the parolee has been ordered to pay in fines, assessments and restitution fines, fees, and orders, and shall give priority to the payment of those items before requiring that the parolee pay for the global positioning monitoring.

(1) Ability to pay means the overall capability of the person to reimburse the actual costs or portion of the costs, of providing global positioning system monitoring.

(2) Overall capability of the person to reimburse the actual costs shall be determined by the Unit Supervisor or designee on a case-by-case basis. Factors to consider are employment status, income level, and other supplemental income sources.

(3) The department shall consider any remaining amounts a person has been ordered to pay in fines, assessments and restitution fines, fees and orders, and shall give priority to the payment of those items before requiring that the person pay for the global positioning system monitoring.

(b) If the parolee disagrees with the department's finding that the parolee has the ability to pay for the costs associated with the global positioning system monitoring, the parolee may file an appeal by submitting a CDC Form 602 (Rev. 12/87), Inmate/Parolee Appeal form to the departmental appeals coordinator.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004, 3010, 3010.1, 3010.2, 3010.3, 3010.4, 3010.5, 3010.6, 3010.7, 3010.8, 3010.9 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3564. Requirement for Lifetime Global Positioning System Monitoring.

(a) Any parolee who has been convicted for a felony violation of a sex offense described in subdivision (c) of Penal Code section 290 or any attempt to commit any of those offenses, released from custody on or after November 8, 2006, shall be subject to lifetime Global Positioning System (GPS) monitoring. GPS monitoring shall commence within 48 hours of release from a state correctional facility, or during the first contact with a parole agent, whichever is sooner.

(b) The California Department of Corrections and Rehabilitation shall maintain GPS monitoring for the entire period of parole supervision. Responsibility for lifetime supervision on GPS monitoring will be transferred to another agency upon discharge from parole supervision and termination of departmental jurisdictional authority.

(c) An active parolee subject to lifetime GPS monitoring shall remain on continuous GPS monitoring for the duration of parole unless the parolee is in federal, state, or local custody pending criminal charges or serving an imposed sentence.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

3565. Transitioning Sex Offenders from Global Positioning System Monitoring to Local Law Enforcement Monitoring.

(a) An active parolee subject to lifetime Global Positioning System (GPS) monitoring upon release from custody shall be monitored by the California Department of Corrections and Rehabilitation until discharged from parole and departmental jurisdiction.

(b) Between 90-60 days prior to the parolee's controlling discharge date, Division of Adult Parole Operations staff shall notify, in writing, the assuming agency of the pending discharge. Divisional staff shall:

(1) Make the parolee available to the assuming agency within five working days prior to the controlling discharge date to transition the parolee from departmental GPS equipment to the assuming agency's equipment.

(2) Notify the assuming agency if the parolee is to be discharged directly from custody.

(c) If no other agency assumes GPS monitoring prior to the parolee's discharge from departmental jurisdiction, the departmental GPS equipment will be removed and recovered from the parolee upon reaching the parolee's Controlling Discharge Date.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3004 and 5054, Penal Code.

HISTORY:

1. New section filed 2-16-2010 as an emergency; operative 2-16-2010 (Register 2010, No. 8). Pursuant to Penal Code section 5058.3(c), a Certificate of Compliance must be transmitted to OAL by 7-26-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 2-16-2010 order transmitted to OAL 7-1-2010 and filed 8-13-2010 (Register 2010, No. 33).

Article 5. Sex Offenders [Reserved]

3570. Assessments. [Reserved]

3571. Residence Restrictions. [Reserved]

Article 6. High Risk Sex Offenders [Reserved]

3580. Definitions. [Reserved]

3581. Assessments. [Reserved]

3582. Residence Restrictions. [Reserved]

Article 7. Parole Searches

3600. Searches of Parolees.

(a) Any contraband or evidence of illegal activity shall be seized by the parole agent or the law enforcement officer conducting a

search of a parolee's person, property, or residence. Property not belonging to the parolee shall be seized only when needed as evidence to support a parole violation charge.

(b) Property seized as evidence by departmental staff shall be documented on a CDCR Form 1136 (Rev. 10/06), Evidence Report and Inventory Receipt. A copy of the form will be available to either the parolee or a responsible adult, or left at the place of seizure.

(c) Only those areas of a parolee's residence occupied solely by the parolee or of common access shall be searched without a search warrant.

(d) A parole agent's authority to search or arrest a parolee applies to all law enforcement officers in California as long as it is judicious and conducted for legitimate law enforcement purposes.

(e) If staff's forced entry into a structure results in damages to the structure, the parole office shall make available to the landlord or owner the claim form needed to recover repair costs through the Victim Compensation and Government Claims Board.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; Sections 13920 and 13921, Government Code; *People v. Giles*, 233 Cal.App.2nd 643, 43 Cal.Rptr. 758 (1965); and *People v. LaJocies* 119 Cal.App.3d 947, 174 Cal.Rptr. 100 (1981).

HISTORY:

1. Change without regulatory effect adding article 7 (section 3600) and renumbering former section 3701.1 to new section 3600 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).
2. Amendment of subsections (b) and (d), repealer of subsections (d)(1)–(3) and amendment of subsection (e) filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).

3604. Prerelease Referral.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 5-27-93; operative 6-28-93 (Register 93, No. 22).
2. Change without regulatory effect renumbering former section 3604 to new section 3502 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).

Article 8. Financial Assistance

3605. Financial Assistance.

(a) Financial assistance funds may be loaned to qualified parolees/releasees or dischargees as described in (b), below.

(b) When a request for financial assistance is received, the parole agent shall determine if the requestor needs the assistance and whether other resources are available to meet the need.

(c) If assistance is deemed necessary and not available from other sources, the parole agent shall obtain both of the following:

- (1) The unit supervisor's approval for any loan.
- (2) The signature of the requestor on CDC Form 910C (Rev. 11/96), Bank Draft Stock Register, which is incorporated by reference, before releasing the loan funds.

(d) The parolee/releasee or dischargee shall repay any such loans as soon as their employment and personal circumstances permit. A receipt for every repayment made on a loan shall be provided to the individual.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 5054 and 5060, Penal Code.

HISTORY:

1. New section filed 5-18-2000 as an emergency; operative 5-18-2000 (Register 2000, No. 20). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 10-25-2000 or emergency language will be repealed by operation of law on the following day.

2. Editorial correction of History 1 (Register 2000, No. 21).

3. New section refiled 10-24-2000 as an emergency; operative 10-26-2001 (Register 2001, No. 19). A Certificate of Compliance must be transmitted to OAL by 4-4-2001 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 10-24-2000 order, including further amendment of section, transmitted to OAL 3-30-2001 and filed 5-11-2001 (Register 2001, No. 19).

5. Change without regulatory effect renumbering former section 3605 to new section 3504, adding article 8 (section 3605) and renumbering former section 3705 to section 3605 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).

6. Amendment of article heading and subsections (a) and (c)(1)–(2) filed 9-9-2010; operative 10-9-2010 (Register 2010, No. 37).

3605.5. Release from Revocation or Limited Placement.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 5-27-93; operative 6-28-93 (Register 93, No. 22).
2. Change without regulatory effect renumbering former section 3605.5 to new section 3740 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).

Article 9. Parole Outpatient Clinic

3610. Parole Outpatient Clinic Services.

(a) Parole outpatient clinics (POC) have been established to provide mental health assessments and outpatient mental health treatment, if needed, to parolees.

(b) At any time during the period of parole, the parole agent of record may refer a parolee to a POC for a screening evaluation to determine the need for a full mental health assessment.

(c) POC clinical staff shall provide a mental health assessment for each referred parolee to determine if there is a need for transitional or sustained therapeutic intervention on an outpatient basis. If therapy is deemed necessary, the parolee shall be assigned to attend a POC for mental health treatment. Treatment services may be supplemented by interagency agreements/contracts with other state and county agencies. All records of mental health diagnosis, evaluation and treatment shall be considered confidential in accordance with subsection 3361(c).

(d) The parole agent of record shall impose a special condition of parole to participate in a POC on all parolees assigned by clinical staff to attend POC for treatment.

(e) A parolee upon whom a special condition of parole to attend a POC is imposed and who is absent without being excused by their parole agent of record or the POC clinician, or whose stated reasons for absence are later determined by the parole agent of record to be false, shall be considered in violation of their parole conditions.

(f) Mandatory referral to a POC for a mental health assessment shall be made by the parole agent of record for the following:

(1) Inmates who are in a mental health treatment program at the time of the prerelease case referral as described in section 3502. To provide continuity of care, a POC referral appointment shall occur as soon as possible but not more than 30 days after release to parole.

(2) Parolees whose offense history, institutional history, social history, or behavior in the community, past or present, indicate that a mental health assessment may be of assistance in successful reintegration to the community.

(3) Violent offenders, as designated in Penal Code (PC) section 667.5(c), and sex offenders as designated in PC section 290, for

whom a mental disorder may have been a contributing factor to their commitment offense.

(4) Parolees exhibiting observable symptoms of a mental disorder while under supervision in the community.

(g) Parolees for whom psychotropic medications are prescribed shall be given the information upon which to base an informed consent. The parolee shall provide specific written informed consent in compliance with sections 3353 and 3363(d).

(h) When the department's jurisdiction of a parolee/releasee is expiring and continued treatment or services are required, the parole agent of record, in concert with POC staff, shall assist the parolee/releasee in obtaining the services from a community mental health agency. If the services of the agencies cannot be obtained, the parolee/releasee may continue to receive parole outpatient clinic services until community services can be arranged or the services are no longer required.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 667.5(c), 2974 and 5054, Penal Code.

HISTORY:

1. Change without regulatory effect adding article 9 (section 3610) and renumbering former section 3706 to new section 3610 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).
2. Amendment of section and NOTE filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).

Article 10. Civil Addicts

3620. Special Requirements of Civil Addict Release or Parole.

A parole agent may impose special requirements necessary for a civil addict releasee's or parolee's successful adjustment to their release or parole. Any such requirements which are to remain in effect for more than seven days shall be given to the releasee or civil addict parolee in writing. Any such conditions to remain in effect for more than 30 days shall be submitted to the Board of Parole Hearings as a recommendation to impose as a special condition of release or parole.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3151 and 3201(c), Welfare and Institutions Code; and Section 5054, Penal Code.

HISTORY:

1. Change without regulatory effect adding article 10 (sections 3620–3625) and renumbering former section 3801 to new section 3620 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).
2. Amendment filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).

3625. Civil Addict Program Exclusion.

(a) A civil addict parolee or releasee who is determined by the department to be unfit for the civil addict program shall be returned to the court in which the case originated for further proceedings on the criminal charges that the court may deem warranted.

(b) Such a determination may be based upon any of the following reasons:

(1) The person engaged in any of the following activities:

(A) Extensive criminal behavior.

(B) Serious criminal behavior unrelated to addiction or substance abuse.

(C) Sales, or possession for sale, of drugs valued at more than \$10,000.

(D) Repeated possession of a controlled substance in quantities considered excessive for personal use.

(E) A pattern of using or threatening to use force.

(2) The person commits an act which involved violence or the use of a deadly weapon.

(3) The person refuses to participate in department-prescribed programming.

(4) The person repeatedly absconds from supervision.

(5) The person continues in a pattern of criminal activity not likely to change as a result of supervision.

(6) The person has a long-term medical or psychiatric problem which renders them unsuitable for outpatient supervision.

(7) The person is not available for supervision because of deportation or a felony commitment to a state or federal prison.

(8) The person has been at-large for more than six months and has a prior conviction for violence, sales of drugs, robbery, or possession of a weapon.

(9) The person has been at-large for more than 12 months.

(c) The decision to exclude a civil addict parolee from the Civil Addict Program will be the result of a case conference between the parole agent and the unit supervisor.

(d) When it is determined exclusion procedures will commence, the parole agent shall send the releasee or civil addict parolee a notification letter advising him or her that an exclusion letter will be sent to the committing court in 15 calendar days if they do not report to the parole agent in person. The letter shall be sent to the releasee or civil addict parolee's last known address. If the releasee or civil addict parolee so reports, the parole agent will case conference with the unit supervisor. Based upon the facts and circumstances surrounding the parolee's unavailability for parole supervision, the unit supervisor will decide whether or not to proceed with the exclusion letter.

(e) The parole agent shall prepare an exclusion letter for the signature of the Warden of the California Rehabilitation Center. The exclusion letter shall include the following information:

(1) Date releasee or civil addict parolee's parole status was suspended by the Board of Parole Hearings.

(2) Efforts made to locate the releasee or civil addict parolee.

(3) Any arrests made prior to or after suspension.

(4) Last known address prior to suspension.

(5) Date parole agent sent releasee or civil addict parolee a notification letter as per subsection 3625(d).

(f) Upon receipt of a minute order from the originating court vacating the commitment, the parole agent shall cancel the warrant if issued by the Board of Parole Hearings.

(g) When the parole agent becomes aware that a releasee or parolee at large has been arrested, and an exclusion letter has already been sent, the parole agent shall contact the committing court to determine whether that court has vacated the civil addict commitment.

(1) If the committing court has vacated the civil commitment, a detainer shall not be placed on the releasee at large or parolee at large.

(2) If it cannot be determined whether or not the committing court has acted on the exclusion letter, a detainer shall not be placed until such time as confirmation can be obtained.

(3) If it is confirmed that the committing court has not yet vacated the civil commitment, a detainer may be placed while a decision is made whether or not to rescind the exclusion letter.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 3053, Welfare and Institutions Code; and Section 5054, Penal Code.

HISTORY:

1. Change without regulatory effect renumbering former section 3802 to new section 3625 filed 7-30-2008 pursuant to section 100, Title 1, California Code of Regulations (Register 2008, No. 31).

2. Amendment of subsections (a) and (b)(8) and new subsections (c)–(g)(3) filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).

Article 11. Illegal Aliens

3630. Limitations of Parole Services.

(a) Pursuant to Section 411 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, (PRWORA) (8 U.S.C. Section 1621), and notwithstanding any other provision of Title 15, Division 3 of the California Code of Regulations, aliens who are not “qualified aliens” or “nonimmigrant aliens,” as defined by federal law, or who are paroled into the United States for less than one year, are ineligible to receive or participate in the following parole services:

- (1) Food coupons.
- (2) Bus passes.
- (3) Job placement services.
- (4) Short-term cash assistance.

(b) Verification of immigration status is based on information furnished to the Department by the United States Immigration and Customs Enforcement prior to an inmate alien’s release on parole.

(c) A determination that an alien is ineligible for the services specified in subdivision (a) may be appealed as provided in Section 3084.1 of these regulations.

(d) All eligibility requirements contained herein shall be applied without regard to race, creed, color, gender, religion, or national origin.

(e) For purposes of this section, an alien who, at the time he or she applies for, receives, or attempts to receive a parole benefit specified in subsection (a), is eligible for those benefits if he or she meets all of the conditions of subparagraphs (1), (2), (3), and (4) below:

(1) Has been battered or subjected to extreme cruelty in the United States by a spouse or registered domestic partner or a parent, or by a member of the spouse’s or registered domestic partner’s or parent’s family residing in the same household as the alien, and the spouse or registered domestic partner or parent of the alien consented to, or acquiesced in, such battery or cruelty; or has a child who has been battered or subjected to extreme cruelty in the United States by a spouse or registered domestic partner or a parent of the alien, without the active participation of the alien in the battery or cruelty, or by a member of the spouse’s or registered domestic partner’s or parent’s family residing in the same household as the alien, and the spouse or registered domestic partner or parent consented to or acquiesced in such battery or cruelty.

(2) In the opinion of the Attorney General of the United States, which opinion is not subject to the review of any court, there is a substantial connection between such battery or cruelty and the need for the benefits provided.

(3) Has been approved or has a petition pending which sets forth a prima facie case, as enumerated in the Immigration and Nationality Act (INA), for:

- (A) Status as a spouse or registered domestic partner or child of a United States citizen; or
- (B) Suspension of deportation and adjustment of status; or
- (C) Classification pursuant to clause (ii) or clause (iii) of Section 204(a)(1)(B) of the INA.

(D) Cancellation of removal pursuant to Section 240A(b)(2) of the INA.

(4) For the period for which the benefits are sought, the individual responsible for the battery or cruelty, as stated in paragraph (e)(1) does not reside in the same household or family eligibility unit as the individual subjected to the battery or cruelty.

NOTE: Authority cited: Section 5058, Penal Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; Section 297.5, Family Code; and Section 5054, Penal Code.

HISTORY:

1. Change without regulatory effect renumbering former article 2 to new article 11 (section 3630) and renumbering former section 3815 to new section 3630 filed 7-30-2008 pursuant to section 100, Title 1, California Code of Regulations (Register 2008, No. 31).
2. Amendment of subsections (b) and (e)(3)(D) filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).

Article 12. Parolee Field Files

3640. Parolee Field Files.

(a) For the purpose of this section, a parolee field file means a file maintained by a parole unit office containing information about a parolee and his or her current parole.

(b) Except by means of valid authorization, subpoena, or court order, no parolee or their attorney or the attorney’s designee shall have access to another parolee’s field file or component thereof.

(c) Parolees may review their own field file, subject to applicable federal and state law. This review shall be conducted in the presence of staff. The parolee will not be provided access to a computer to view any of his or her electronic records, if applicable, but instead will have a printed copy made available.

(d) No parolee or their attorney or the attorney’s designee shall access information designated confidential pursuant to section 3321 which is in or from the parolee’s field file.

(e) An attorney or the attorney’s designee, hired to or appointed to represent a parolee in the parole revocation process may review a parolee’s field file, subject to applicable federal and state law. A parolee’s attorney or the attorney’s designee is not required to obtain authorization from the parolee before reviewing the parolee’s field file, though authorization may be provided. This review shall be conducted in the presence of staff. The attorney or the attorney’s designee will not be provided access to a computer to view any of the parolee’s electronic records, if applicable, but instead will have a printed copy made available.

(f) No parolee field file or component thereof shall be released to any agency or person outside the department, except for private attorneys hired to represent the department, the Office of the Attorney General, the Board of Parole Hearings, the Inspector General, and as provided by applicable federal and state law. Any outside person or entity that receives parolee field files is subject to all legal and departmental standards for the integrity and confidentiality of those documents.

NOTE: Authority Cited: Section 5058, Penal Code. Reference: Sections 2081.5, 5054 and 6126.5, Penal Code; Sections 56.10, 1798.24 and 1798.40, Civil Code; and Code of Federal Regulations, Title 45, Sections 164.512 and 164.524.

HISTORY:

1. New article 12 (section 3640) and section filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).

Article 13. Registration

3650. Registration Notification.

An inmate/parolee required to register pursuant to Penal Code sections 186.30, 290 et seq., 457.1 or Health and Safety Code section 11590, shall be notified of the requirement to register pursuant to the procedures specified in section 3075.2.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 186.30, 290.023, 457.1 and 5054, Penal Code; and Section 11590, Health and Safety Code.

HISTORY:

1. New article 13 (sections 3650–3654) and section filed 8-11-2009; operative 9-10-2009 (Register 2009, No. 33).

3651. Penal Code Section 186.30 Registrants (Gang Offenders).

(a) Any inmate/parolee required to register pursuant to Penal Code (PC) section 186.30 shall register with the Chief of Police of the city in which he or she resides, or the Sheriff of the county if he or she resides in an unincorporated area or in a city that has no police department, within 10 days of release from custody or within 10 days of his or her arrival in any city, county, or city and county to reside, whichever comes first.

(b) The registration required by PC section 186.30 shall consist of the following:

(1) The parolee shall appear at the law enforcement agency.

(2) The law enforcement agency will serve the parolee with a California Street Terrorism Enforcement and Prevention Act notification which includes, where applicable, that the parolee belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in PC section 186.22(e).

(3) The parolee shall submit a written statement, signed by the parolee, giving any information that may be required by the law enforcement agency.

(4) The parolee shall submit his or her fingerprints and a current photograph to the law enforcement agency.

(c) Within 10 days of changing his or her residence address, any person required to register shall inform, in writing, the law enforcement agency with whom he or she last registered, of his or her new address. If his or her new residence address is located within the jurisdiction of a law enforcement agency other than the agency where he or she last registered, he or she shall also register with the new law enforcement agency, in writing, within 10 days of the change of residence.

(d) Any parolee required to register who knowingly violates any of the provisions of PC section 186.30 is guilty of a misdemeanor.

(e) Any person who is required under PC section 186.30 and who knowingly fails to register, and who is subsequently convicted of or subject to a juvenile petition that is sustained for a violation of any of the offenses in PC section 186.30 is subject to an additional term of imprisonment in the state prison.

(f) The registration requirement terminates five years after the last imposition of a registration requirement that arose under PC section 186.30.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 186.30, 186.32, 186.33 and 5054, Penal Code.

HISTORY:

1. New section filed 8-11-2009; operative 9-10-2009 (Register 2009, No. 33).

3652. Penal Code Section 290 Registrants (Sex Offenders).

(a) Any inmate/parolee who is required to register pursuant to Penal Code (PC) section 290 et seq. shall register with the Chief of Police of the city in which he or she is residing, or the Sheriff of the county if he or she is residing in an unincorporated area or city that has no police department. The inmate/parolee shall also register with the Chief of Police of a campus of the University of California, the California State University, or community college if he or she is residing upon the campus or in any of its facilities. The inmate/parolee shall meet these registration requirements within five working days of coming into, or changing his or her residence within, any city, county, or city and county, or campus in which he or she temporarily resides.

(1) If the person who is registering has more than one residence address at which he or she regularly resides, he or she shall register in each of the jurisdictions in which he or she regularly resides, regardless of the number of days or nights spent there. If all of the addresses are within the same jurisdiction, the parolee shall provide

the registering authority with all of the addresses where he or she regularly resides.

(2) Beginning on his or her first birthday following registration or change of address, the person shall register annually, within five working days of his or her birthday, to update his or her registration(s). At the annual update, a sex offender registrant shall provide current information as required by the Department of Justice annual update forms and PC section 290.012.

(3) The registration requirement shall be for life.

(b) Sexually Violent Predators:

(1) Every person who has been adjudicated a sexually violent predator as defined in section 6600 of the Welfare and Institutions Code, shall, after his or her release from custody, verify his or her residence and employment addresses at least once every 90 days, including the name of the employer and the place of employment.

(2) Any person who has ever been adjudicated a sexually violent predator, and who fails to verify his or her registration at least every 90 days is subject to imprisonment in the state prison, or in the county jail not to exceed one year.

(c) Definitions: For the purpose of this section, the following terms are defined:

(1) Transient means a person who has no residence.

(2) Residence means one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

(d) Transient parolees required to register pursuant to PC Section 290 et seq:

(1) Following Release: A transient must register, or re-register if the person has previously registered, within five working days after release from incarceration, placement or commitment, or release on probation, except that if the person previously registered as a transient less than 30 days from the date of his or her release from incarceration, he or she does not need to re-register as a transient until his or her next required 30-day re-registration. If a transient is not physically present in any one jurisdiction for five consecutive working days, he or she must register or re-register in the jurisdiction in which he or she is physically present on the fifth working day following release.

(2) Re-Register: Beginning on or before the 30th day following initial registration upon release, a transient must re-register and continue to re-register, at least once every 30 days. A transient must re-register at least once every 30 days regardless of the length of time he or she has been physically present in the particular jurisdiction in which he or she re-registers. A transient shall re-register with the Chief of Police of the city in which he or she is physically present within that 30-day period, or the Sheriff of the county if he or she is physically present in an unincorporated area or city that has no police department, and additionally, with the Chief of Police of a campus of the University of California, the California State University, or community college if he or she is physically present upon the campus or present in any of its facilities.

(3) Failure to Re-Register: If a transient fails to re-register within any 30-day period, he or she is subject to prosecution in any jurisdiction in which he or she is physically present. Willful failure to re-register within any 30-day period is a misdemeanor, and under some circumstances specified in PC section 290.018(g), is a felony.

(4) Annual Update: Beginning on his or her first birthday following registration, a transient shall register annually within five working days of his or her birthday, to update his or her registration with the law enforcement agency or agencies having jurisdiction over the place in which he or she is physically present on that date.

(5) Required Information: A transient shall, upon registration, 30-day re-registration, and the annual update, provide current information as required on the Department of Justice registration forms, including the information required by PC section 290.015(a), and shall also list the places where he or she sleeps, eats, works, frequents, and engages in leisure activities. If a transient changes or adds to the places listed on the form during a 30-day re-registration period, he or she does not need to report the new place or places until the next required registration.

(6) Move to Residence: A transient who moves to a residence shall have five working days within which to register at that address.

(7) Becomes Transient: A person registered at a residence address who becomes transient shall have five working days within which to register or re-register as a transient.

(e) Providing Proof of Registration, Changes and Updates: Every person released on parole who is required to register as a sex offender shall provide proof of registration to his or her parole agent within six working days of release on parole. The six-day period for providing proof of registration may be extended but only upon determination by the parole agent that unusual circumstances exist relating to the availability of local law enforcement registration capability that preclude that person's ability to meet the deadline.

(1) Every parolee who is required to register as a sex offender who makes a change or update to his or her registration information shall provide proof of any change or update to his or her parole agent within five working days of making the change or update with the Chief of Police or County Sheriff and if applicable, with the Campus Police Chief.

(2) A parole agent who supervises a parolee who is required to register as a sex offender shall inform that parolee of the parolee's duties under this subsection no fewer than six days prior to the date on which proof of registration is to be provided to the parole agent.

(3) For the purpose of this section, proof of registration means a photocopy of the actual registration form.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 290, 290.010, 290.011, 290.012, 290.013, 290.015, 290.85 and 5054, Penal Code.

HISTORY:

1. New section filed 8-11-2009; operative 9-10-2009 (Register 2009, No. 33).

3653. Penal Code Section 457.1 Registrants (Arson Offenders).

(a) The following offenders convicted of arson, a violation of Penal Code (PC) section 451, 451.5 or 453, and offenders convicted of attempted arson, which includes but is not limited to, a violation of PC section 455, shall register:

(1) Any offender who, on or after November 30, 1994, is convicted in any court in California of arson or attempted arson shall be required to register for the rest of his or her life.

(2) Any offender who, on or after January 1, 1985 through November 29, 1994, inclusive, is convicted in any court in California of arson or attempted arson, shall be required to register for a period of five years beginning, in the case where he or she was confined for the offense, from the date of his or her release from confinement, or if he or she was not confined for the offense, from the date of sentencing or discharge if he or she was ordered by the court at the time of sentencing to register as an arson offender.

(b) Registration Timing and Jurisdiction(s) Where to Register: Offenders with a registration obligation under subsection (a) above must register within 14 days of coming into or changing residence or location within any city, county, city and county, or campus where he or she temporarily resides, or if he or she has no residence, is located with the following law enforcement:

(1) Chief of Police: If the person is residing in a city, or if the person has no residence and is located in a city, he or she must register with the Chief of Police of the city where he or she is residing or located, or;

(2) Sheriff: If the person is residing in an unincorporated area or in a city that does not have a police department, or if the person has no residence and is located in an unincorporated area or in a city that does not have a police department, he or she must register with the Sheriff of the county where the person is residing or located.

(3) Chief of Police, Campus: If the person is residing at a campus of the University of California, the California State University, or a community college, or if the person has no residence and is located at one of these places, he or she must register with the Chief of Police of that campus, in addition to registering with either the Chief of Police or Sheriff.

(c) Information: Law enforcement agencies shall make registration information of arson registrants required to register under subsection (a)(2) above available to the chief fire official of a legally organized fire department or fire protection district having local jurisdiction where the person resides. Law enforcement agencies are permitted to make registration information of arson registrants required to register under both (a)(1) and (a)(2) above available to regularly employed peace officers and to other law enforcement officers, including those employed by fire departments and fire protection districts.

(d) Change of Residence: If an arson offender required to register by PC section 457.1 changes his or her residence address, he or she shall inform, in writing, within 10 days, the law enforcement agency with whom he or she last registered of his or her new address. The law enforcement agency is obligated to, within three days after receipt of the information, electronically forward it to the Department of Justice. The Department of Justice is obligated to forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

(e) Violations:

(1) Any offender required to register who violates any of the provisions of PC section 457.1 is guilty of a misdemeanor.

(2) Any offender who has been convicted of arson or attempted arson and who is required to register who willfully violates any provisions of PC section 457.1 is guilty of a misdemeanor and is subject to being sentenced to a term of not less than 90 days nor more than one year in a county jail.

(3) Whenever any person is released on parole and is required to register under PC section 457.1 but fails to do so within the required timeframe, the Board of Parole Hearings is obligated to order the parole of that person revoked.

(f) Relief from Obligation to Register: A person required to register may initiate a legal proceeding under the Penal Code, Chapter 3.5, beginning with section 4852.01 of Title 6, Part 3, and upon obtaining a certificate of rehabilitation, shall be relieved of any further duty to register under this section for the offense(s) giving rise to the certificate of rehabilitation.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 451, 451.5, 453, 455, 457.1 and 5054, Penal Code.

HISTORY:

1. New section filed 8-11-2009; operative 9-10-2009 (Register 2009, No. 33).

3654. Health and Safety Code 11590 Registrants (Drug Offenders).

(a) Any inmate/parolee obligated to register under Health and Safety Code (H&SC) section 11590 shall register with the Chief of Police of the city in which he or she resides, or the Sheriff of the county if he or she resides in an unincorporated area or in a

city without a police department, within 30 days of release from custody, or within 30 days of his or her arrival, in any city, county, or city and county to reside.

(b) Change of Address: If an inmate/parolee required to register by H&SC section 11590, changes his or her residence address, he or she shall inform, in writing, within 10 days, the law enforcement agency with whom he or she last registered of his or her new address. The law enforcement agency is obligated, within three days after receipt of the information, to forward it to the Department of Justice. The Department of Justice is obligated to forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence.

(c) Registration Requirements. The registration required by H&SC section 11590 shall consist of the following:

- (1) The parolee shall appear at the law enforcement agency.
- (2) A written statement, signed by the parolee, giving any information that may be required by the Department of Justice.
- (3) The fingerprints and current photograph of the parolee shall be submitted to the law enforcement agency.

(d) Violations: Any parolee required to register by H&SC section 11590 who knowingly violates any of its provisions is guilty of a misdemeanor.

(e) Termination: The registration requirement of H&SC section 11590 shall terminate five years after the discharge from prison, release from jail or termination of probation or parole of the person convicted.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; and Sections 11590 and 11594, Health and Safety Code.

HISTORY:

1. New section filed 8-11-2009; operative 9-10-2009 (Register 2009, No. 33).

Article 14. Hormonal Chemical Treatment for Sex Offenders [Reserved]

3700. Medroxyprogesterone Acetate Treatment Program. [Reserved]

3701. Medroxyprogesterone Acetate Treatment Advisory Board. [Reserved]

3702. First Conviction of a Qualifying Offense. [Reserved]

3703. Second Conviction of a Qualifying Offense. [Reserved]

3704. Qualifying Offenses. [Reserved]

3705. Beginning Treatment. [Reserved]

3706. Alternative to Medroxyprogesterone Acetate Treatment. [Reserved]

3707. Administration of Medroxyprogesterone Acetate Treatment Program. [Reserved]

Article 15. Discharge

3720. Discharge Reviews.

(a) Inmate/parolees who are released to non-revocable parole as provided in section 3505, are excluded from any of the provisions of this Article 15, Discharge.

(b) The following terms are defined for the purpose of this Article 15, Discharge:

(1) Continuous Parole, pursuant to California Code of Regulations (CCR), Title 15, subsection 2535(b)(4), is parolees who have

not had parole revoked or absconded from parole supervision since their initial release. If a revocation, revocation with credit for time served, or suspension with reinstatement of parole with time loss has occurred in the period, the parolee has not been on continuous parole.

(2) Discharge Review means a review of a parolee's criminal history, and his or her adjustment and/or performance while under parole supervision for the purpose of rendering a decision as to whether or not a parolee should be retained on parole supervision for another year or be discharged from parole supervision altogether.

(c) Discharge review periods to be followed by the Division of Adult Parole Operations are as follows:

(1) The review for those parolees who are subject to a three-year parole period as provided in CCR, Title 15, Division 2, subsection 2515(b), shall be performed during the 12th month of continuous parole, except for those who were committed for violent felonies as listed in section 667.5(c) of the Penal Code, in which case the review shall be performed during the 24th month of continuous parole.

(2) The review for those parolees who are subject to a five-year parole period, as provided for in CCR, Title 15, Division 2, subsection 2515(d), shall be performed during the 36th month of continuous parole.

(3) The review for those parolees who are subject to lifetime parole period shall be during the 84th month of continuous parole for first degree murder parolees and during the 60th month of continuous parole for second degree murder parolees.

(4) A parolee shall be immediately referred to the Board of Parole Hearings for discharge consideration if any of the following criteria exist:

(A) Confirmation exists that the parolee was deported to his or her country of origin after being released to parole.

(B) Confirmation exists that the parolee is under the supervision of another prison system, state or federal, and that supervision period, which includes the period of incarceration and any supervised release, exceeds the jurisdiction period maintained by the Department.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.03, 3000.1, 3001, 3052, 5054 and 5076.2, Penal Code.

HISTORY:

1. New article 15 (sections 3720-3723) and section filed 4-26-2010; operative 5-26-2010 (Register 2010, No. 18).

3721. Discharge Review Reports.

(a) The assigned parole agent shall review each case within the specified review period and recommend retaining the case on parole or recommend discharge and allow the case to discharge by operation of law.

(b) The parole agent must complete a discharge review report, whether the recommendation is to retain or discharge. The following factors shall be considered in conducting discharge reviews and preparing a discharge review report for a parolee in the community:

(1) Parole Adjustment. Whether or not the parolee was complying with his or her conditions of parole or involved in any criminal behavior or activities, the parole adjustment shall include, but is not limited to, the following:

(A) Residence, whether or not the parolee's residential pattern is stable.

(B) Employment, whether or not the parolee demonstrated a steady pattern of employment, educational or vocational training, and if he or she has the ability to reasonably provide for his or her own financial needs while in the community.

(C) Compliant with Special Conditions of Parole. Address any known violations of any general, mandatory or special conditions of parole, or the parolee's ability to comply with all conditions.

(D) Psychological Factors. Note the mental health status of the parolee and his or her compliance with any mental health treatment.

(E) Gang Validation. Note any past or present involvement in any prison, criminal, or street gang as a validated member, associate, or affiliate, and if the parolee is an active or inactive validated member, associate, or affiliate.

(2) Restitution. Note any fine and/or restitution balance at the time of review, and any effort to satisfy the fine and/or restitution balance.

(3) Criminal History.

(A) Sex, Arson, Gang or Drug Registration Requirements. Note any registration requirement as per sections 290, 457.1 and 186.30 of the Penal Code; and/or section 11590 of the Health and Safety Code and if the applicable registrations(s) are current.

(B) Serious or Violent Commitment Offense. Indicate whether or not the parolee's commitment offense, regardless of whether it is the controlling or non-controlling case, is considered serious or violent as defined in Penal Code sections 1192.7(c), 1192.8, or 667.5(c).

(C) Use of a Weapon during Commitment Offense. Indicate whether or not it is known if the parolee's commitment offense involved the use of a weapon, regardless of whether it is the controlling or non-controlling commitment offense.

(D) Possession of Firearm during Commitment Offense. Indicate whether or not the parolee's commitment offense involved the possession of a firearm, regardless of whether it is the controlling or non-controlling commitment offense.

(E) History of Serious or Violent Felony Convictions. Indicate whether or not the parolee's criminal history includes a conviction for any serious or violent felony as defined in Penal Code sections 1192.7(c), 1192.8, or 667.5(c).

(F) History of Use of a Weapon Conviction. Indicate whether or not the parolee's criminal history includes a conviction for any offense involving the use of a weapon.

(G) History of Possession of a Firearm Conviction. Indicate whether or not the parolee's criminal history includes a conviction for any offense involving the possession of a weapon within the 10 year period before the commitment offense.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.1, 3001, 3052, 5054 and 5076.2, Penal Code.

HISTORY:

1. New section filed 4-26-2010; operative 5-26-2010 (Register 2010, No. 18).

3721.1. Documenting the Discharge Review.

Discharge Review Report. When preparing a discharge review report on a parolee, it shall be reported on a CDCR Form 1502 (Rev. 10/06), Activity Report, which is incorporated by reference.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 4-26-2010; operative 5-26-2010 (Register 2010, No. 18).

3722. Annual Discharge Reviews.

(a) General. At the discharge review, the Division of Adult Parole Operations shall consider the parolee's adjustment on parole and any other information relevant to determining whether the parolee should be discharged or retained under parole supervision.

(b) In the event of a retention on parole, the parolee shall be entitled to a review by the parole authority each year thereafter until the

statutory maximum period of parole expires. In the event the Board of Parole Hearings (BPH) acts to retain parole, the parole agent shall complete subsequent annual reviews each year thereafter and forward the discharge review report to the BPH for discharge or retain consideration. Annual discharge reviews shall be performed as provided in section 3720 and as noted in this section.

(c) Criteria. Factors tending to indicate there is good cause to retain a parolee on parole include:

(1) Commitment Offense. The parolee was committed to prison for several offenses, for an offense involving weapons or great bodily harm, for an offense which was part of large scale criminal activity or for an offense which caused considerable concern in the local community.

(2) Parole Adjustment. While on parole, the parolee has been involved in criminal activity even if that activity did not result in revocation of parole, has been using drugs, has been involved in gang activities, is currently undergoing criminal prosecution or is being investigated for possible prosecution.

(3) Placement Returns. The parolee has been returned to custody for substance abuse or psychiatric treatment.

(4) Supervision Needed. The parolee is in special need of continued supervision for the safety of the parolee or of the public.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3000.1, 3001, 3052, 3054 and 5076.2, Penal Code.

HISTORY:

1. New section filed 4-26-2010; operative 5-26-2010 (Register 2010, No. 18).

3723. Parolee Rights.

The parolee shall receive a copy of the discharge review decision, including the reasons for a decision not to discharge the parolee, if applicable. The parolee may appeal any mistake of fact contained in the discharge review report pursuant to the appeals process provided in sections 3084–3084.7. If a mistake of fact is substantiated and that mistake results in a change in the recommendation to retain on parole, the corrected discharge review report with the recommendation to discharge shall be corrected and submitted to the Board of Parole Hearings with a request to reconsider the decision to retain.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. New section filed 4-26-2010; operative 5-26-2010 (Register 2010, No. 18).

Article 16. Restitution

3730. Restitution Obligations.

Restitution obligations shall be considered when recommending a parolee for early discharge or when conducting an annual discharge review.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 4852.05 and 5054, Penal Code.

HISTORY:

1. New article 16 (section 3730) and renumbering of former section 3501 to section 3730, including amendment of section, filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).

Article 17. Revocation or Limited Placement Releases

3740. Release from Revocation or Limited Placement.

Upon a parolee's release from local custody, an institution, facility, or sanction imposed program their assigned parole agent shall assist the parolee to return to their previous parole program or to develop a new program based upon their particular needs or Board of Parole Hearings imposed sanction.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code.

HISTORY:

1. Change without regulatory effect adding article 17 (section 3740) and renumbering former section 3605.5 to new section 3740 filed 7-30-2008 pursuant to section 100, Title 1, California Code of Regulations (Register 2008, No. 31).
2. Amendment filed 6-17-2009; operative 7-17-2009 (Register 2009, No. 25).

Article 18. Parole Holds [Reserved]

3750. Authority to Place a Parole Hold. [Reserved]

3751. Criteria for Placement of a Parole Hold. [Reserved]

3752. Factors to be Considered. [Reserved]

3753. Review of a Parole Hold. [Reserved]

3754. Reasons for a Parole Hold. [Reserved]

3755. Transfer to Prison. [Reserved]

3756. Length of a Parole Hold. [Reserved]

Article 19. Parole Violations and Reports

3760. General. [Reserved]

3761. Reportable Information. [Reserved]

3762. Reportable Information for Sex Offenders Undergoing Chemical Treatment. [Reserved]

3763. Investigation. [Reserved]

3764. Parole Violation Report. [Reserved]

3765. Supplemental Parole Violation Reports. [Reserved]

3766. Recommendations. [Reserved]

3768. Parole Violation Decision-Making Instrument.

(a) The purpose of the Parole Violation Decision-Making Instrument (PVDMI) is to enable parole staff to uniformly determine, recommend, and impose proportionate and consistent sanctions for parole violators. These sanctions will be based on the risk level of the offender and the severity of the violation. The risk level of the offender is determined by the California Static Risk Assessment, as described in section 3768.1. The severity of the violation is based on the department's analysis of all technical and criminal violations. Severity rankings were developed in conjunction with, the California Department of Justice, the Board of Parole Hearings, and the department.

(b) The PVDMI shall be used to assess all violations of parole except as noted in section 3768.2.

(c) For the purposes of this section, "severity rankings" are determined by rating all known parole violation codes, as provided

in the Violation Code Descriptions (new 12/09), which is incorporated by reference, in a numerical value from 1 to 4.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference Sections 3015, 5054 and 5076.2, Penal Code.

HISTORY:

1. Amendment of article heading and new section filed 1-7-2010 as an emergency; operative 1-25-2010 pursuant to Penal Code section 5058.3(a) and Government Code section 11346.1(d) (Register 2010, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-7-2010 order, including amendment of section heading and section, transmitted to OAL 6-25-2010 and filed 7-22-2010 (Register 2010, No. 30).

3768.1. California Static Risk Assessment.

(a) The California Static Risk Assessment (CSRA) (new 12/09), which is incorporated by reference, is a validated risk assessment tool that utilizes a set of risk factors which are most predictive of recidivism. The tool produces a risk number value that will predict the likelihood that an offender will incur a felony arrest within a three-year period after release to parole.

Risk factors utilized include, but are not limited to, age, gender, criminal misdemeanor and felony convictions, and sentence/super-violation violations.

(b) CSRA risk number values fall in one of following five categories:

(1) Low Risk, with a risk number value of "1".

(2) Moderate Risk, with a risk number value of "2".

(3) High Risk Drug, with a risk number value of "3". High Risk Drug means that the offender has a greater risk of reoffending with a drug offense.

(4) High Risk Property, with a risk number value of "4". High Risk Property means that the offender has a greater risk of reoffending with a property offense.

(5) High Risk Violence, with a risk number value of "5". High Risk Violence means that the offender has a greater risk of reoffending with a violent offense.

(c) For the purposes of this section, the CSRA is defined as an actuarial tool that computes the likelihood to re-offend (incur a felony arrest within a three-year period after release to parole), and uses static indicators that do not change. These indicators include gender, age and offense history of the offender.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference Sections 3015, 5054 and 5076.2, Penal Code.

HISTORY:

1. New section filed 1-7-2010 as an emergency; operative 1-25-2010 pursuant to Penal Code section 5058.3(a) and Government Code section 11346.1(d) (Register 2010, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-7-2010 order, including amendment of subsection (b)(5), transmitted to OAL 6-25-2010 and filed 7-22-2010 (Register 2010, No. 30).

3768.2. Exclusions from the Mandatory Use of the Parole Violation Decision-Making Instrument.

(a) The Parole Violation Decision-Making Instrument (PVDMI), CDCR Form 1500 (08/08), which is incorporated by reference, shall be used to assess all known parole violations except in the following instances:

(1) Any alleged violation committed by a civil addict commitment.

(2) Any alleged violation committed by a felon from another state who is being supervised in California under the provisions of the Interstate Commission for Adult Offender Supervision (Compact).

(3) Any alleged violation which is based on in-custody behavior.

(4) If the automated PVDMI system is inoperable due to system failure. The Parole Automation Team (PAT) will notify system users of the failure and estimated time of system restoration, via electronic mail. Upon restoration of the system, the PAT will utilize electronic mail to notify users that the system is operational.

(5) Any alleged violation committed by a participant of a reentry court program shall have his or her violation referred to the reentry court for adjudication.

(b) For the purposes of this section, the PAT is defined as staff assigned to the Division of Adult Parole Operations that are responsible for the information technology and automation needs of the Division, and are responsible for the maintenance and support of the PVDMI system.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3015, 5054 and 5076.2, Penal Code.

HISTORY:

1. New section filed 1-7-2010 as an emergency; operative 1-25-2010 pursuant to Penal Code section 5058.3(a) and Government Code section 11346.1(d) (Register 2010, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-7-2010 order, including amendment of section heading and subsection (a), transmitted to OAL 6-25-2010 and filed 7-22-2010 (Register 2010, No. 30).

3768.3. Utilization of the Parole Violation Decision-Making Instrument.

(a) The automated CDCR Form 1500 (08/08), Parole Violation Decision-Making Instrument (PVDMI), which is incorporated by reference, shall be utilized as the reporting mechanism for the following types of alleged parole violations:

(1) Any alleged violation that can be adjudicated by the Division of Adult Parole Operations at the parole unit level.

(2) Any alleged violation referred to the Board of Parole Hearings for final adjudication with a recommendation to Continue On Parole, when the offender is not in custody, excluding:

(A) Residential Substance Abuse or Treatment Program placement recommendations.

(B) In-Custody Drug Treatment Program placement recommendations.

(b) The automated CDCR Form 1500, PVDMI, shall be printed upon completion and shall accompany the CDC Form 1676 (Rev. 3/97), Charge Sheet/Revocation Tracking/Scheduling Request, that is forwarded to the Board of Parole Hearings for final adjudication. The CDC Form 1676 is incorporated by reference. Violations for which the CDCR Form 1500, PVDMI, should accompany the CDC Form 1676 include:

(1) Alleged violations with a final recommendation of revocation.

(2) Alleged violations with a final recommendation for Parolee Substance Abuse Program placement.

(3) Alleged violations with a final recommendation for In-Custody Drug Treatment Program placement.

(c) The automated CDCR Form 1500, PVDMI, shall be completed prior to the removal of a Penal Code section 3056 parole hold. The CDCR Form 1500 is not required to be completed when an investigation reveals that no parole violation occurred.

(d) The responsible parole agent will complete the following sections of the automated CDCR Form 1500, PVDMI:

(1) Section A, Offender Information. Section A requires manual entry for those portions that do not auto-populate upon entry of the offender's prison number.

(2) Section B, California Static Risk Level. Section B shall auto-populate. When a California Static Risk Assessment (CSRA) risk number value, as described in section 3768.1, is unavailable, the parole agent is responsible for requesting a CSRA risk number value upon discovery of the violation.

(3) Section C, Violations. Section C requires manual entry for those portions that do not auto-populate.

(4) Section D, Circumstances of Charges. Section D requires manual entry clearly articulating the facts and circumstances for each charged violation.

(5) Section E, Mandatory Report to the Board of Parole Hearings. Section E requires manual entry to designate if the violation(s) are required to be reported to the Board of Parole Hearings in accordance with section 2616 of the California Code of Regulations, Title 15, Division 2.

(6) Section F, Instrument Response Level. Section F shall auto-populate an appropriate response level to the alleged violation. Response levels include:

(A) Least Intensive. Least Intensive responses are those responses to a violation that impose a minimal sanction and are based on the severity of the violation and the risk score of the offender who committed the violation. The Least Intensive Response Level could include a verbal reprimand, the imposition of a curfew, or increased reporting instructions.

(B) Moderately Intensive. Moderately Intensive responses are those responses to a violation that impose a medium-range sanction and is based on the severity of the violation and the risk score of the offender who committed the violation. The Moderately Intensive Response Level could include community service, increased urinalysis testing, or referral to a structured program.

(C) Most Intensive A. Most Intensive A responses are those responses to a violation that impose a higher range sanction and are based on the severity of the violation and the risk score of the offender who committed the violation. The Most Intensive A Response Level could include a referral to an In-Custody Drug Treatment Program or placement into Mental Health Services.

(D) Most Intensive B. Most Intensive B responses are those responses to a violation that impose the highest range sanction and are based on the severity of the violation and the risk score of the offender who committed the violation. The Most Intensive B Response Level would result in a recommendation for revocation by the parole agent.

(E) Most Intensive C. Most Intensive C responses are those responses to a violation that impose the highest range sanction and are based on the severity of the violation and the risk score of the offender who committed the violation. The Most Intensive C Response Level would result in a recommendation for revocation by the PVDMI.

(7) Section G, Recommended Responses. Section G requires the parole agent to select a recommended response level as provided for in Section F, or the parole agent may select an alternative response level. An alternative response selection will require the completion of the "Parole Agent Override Section."

(8) Parole Agent Override Section. The parole agent shall indicate stabilizing factors, which would mitigate the offender's risk and support a less intensive response, or destabilizing factors, which would support a more intense response. Overrides should not adjust the response level by more than one level.

(9) Section H, Agent's Recommended Response Level. The parole agent shall indicate the specific program that the offender will be required to complete based on the selected response level.

(e) The parole unit supervisor, or designee, shall ensure the responsible parole agent completed all the required sections of the automated CDCR Form 1500, PVDMI. Once verified, the unit supervisor shall complete Section I, Unit Supervisor's Determination of the automated CDCR Form 1500, PVDMI.

(1) Once the unit supervisor reviews the CDCR Form 1500, PVDMI, the "Unit Response Level" shall be selected. Unit Response Levels that differ from the response level provided by an agent require articulation of the difference of opinion in the "comments" area of Section I.

(2) The unit supervisor shall print and sign the completed CDCR Form 1500, PVDMI document, attach any supporting documents, and forward the completed PVDMI packet for processing.

(f) Upon receipt of the completed PVDMI packet, the Decentralized Revocation Unit parole administrator shall review the parole unit's response level on the CDCR Form 1500, PVDMI.

(1) For violations that do not require adjudication by the Board of Parole Hearings (BPH), the parole administrator can elect to:

(A) Retain the response provided by the unit supervisor and forward the completed PVDMI packet to the BPH.

(B) Modify the response provided by the unit supervisor, documenting the change in Section J of the automated CDCR Form 1500, PVDMI, and forward the packet to the BPH, or return the packet to the parole unit, depending on the modification.

(2) For violations that do require final adjudication by the BPH, the parole administrator can elect to:

(A) Retain the response provided by the unit supervisor and forward the completed PVDMI packet to the BPH.

(B) Modify the response provided by the unit supervisor, documenting the change in Section J of the automated CDCR Form 1500, PVDMI and forward the packet to the BPH.

(g) A printed copy of the completed automated CDCR Form 1500, PVDMI, shall be provided, or postmarked for delivery, to the parolee within 10 working days of the final adjudication of the alleged violation.

NOTE: Authority cited: Sections 5058 and 5058.3, Penal Code. Reference: Sections 3015, 5054 and 5076.2, Penal Code.

HISTORY:

1. New section filed 1-7-2010 as an emergency; operative 1-25-2010 pursuant to Penal Code section 5058.3(a) and Government Code section 11346.1(d) (Register 2010, No. 2). Pursuant to Penal Code section 5058.3, a Certificate of Compliance must be transmitted to OAL by 7-6-2010 or emergency language will be repealed by operation of law on the following day.
2. Certificate of Compliance as to 1-7-2010 order, including amendment of section heading and subsection (a), transmitted to OAL 6-25-2010 and filed 7-22-2010 (Register 2010, No. 30).

Article 20. Revocation Proceedings [Reserved]

3770. General. [Reserved]

3771. Revocation Period. [Reserved]

3772. Division of Adult Parole Operations Review. [Reserved]

3801. Special Requirements of Civil Addict Release or Parole.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 3151 and 3201(c), Welfare and Institutions Code; and Section 5054, Penal Code.

HISTORY:

1. New section filed 10-15-93; operative 11-15-93 (Register 93, No. 42).
2. Change without regulatory effect renumbering former section 3801 to new section 3620 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).

3802. Civil Addict Program Exclusion.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 3053, Welfare and Institutions Code; and Section 5054, Penal Code.

HISTORY:

1. New section deemed approved pursuant to Government Code section 11349.3(a) 11-3-93; filed 11-5-93; operative 12-3-93 (Register 93, No. 45).
2. Change without regulatory effect renumbering former section 3802 to new section 3625 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).

3815. Limitations of Parole Services.

NOTE: Authority cited: Section 5058, Penal Code. Reference: 8 U.S.C. Sections 1621, 1641 and 1642; Section 297.5, Family Code; and Section 5054, Penal Code.

HISTORY:

1. New article 2 (section 3815) and section filed 10-28-97; operative 11-27-97 (Register 97, No. 44).
2. Amendment of subsections (e)(1) and (e)(3)(A) and amendment of Note filed 10-16-2007; operative 11-15-2007 (Register 2007, No. 42).
3. Change without regulatory effect renumbering former article 2 to article 11 and renumbering former section 3815 to new section 3630 filed 7-30-2008 pursuant to section 100, title 1, California Code of Regulations (Register 2008, No. 31).

A HIS Report - Data Management Unit

Third Party Number of Contracted Claims Processed for Calendar Year 2025

Report date: 5/27/2026

Month/Year	Contracted # Claims Not Laboratory	Contracted # Claims Laboratory	Total Contracted # Claims
Jan-25	36,874	51,809	88,683
Feb-25	30,776	45,156	75,932
Mar-25	38,599	53,718	92,317
Apr-25	39,399	49,409	88,808
May-25	31,404	49,532	80,936
Jun-25	38,459	51,302	89,761
Jul-25	38,341	47,447	85,788
Aug-25	37,028	39,223	76,251
Sep-25	27,751	29,109	56,860
25-Oct	41,619	63,059	104,678
Nov-25	35,486	36,547	72,033
Dec-25	30,536	47,214	77,750
Totals:	426,272	563,525	989,797

Average claims per month:

82,483