
AGENDA ITEM 6A

Action

August 27, 2015 Commission Teleconference

Prevention and Early Intervention Regulations: Commission Response to Public Comment from the 15-Day Notice Published on July 24, 2015

Summary: The Mental Health Services Oversight and Accountability Commission (MHSOAC or Commission) will consider comments from the public on changes that the Commission made to the proposed Prevention and Early Intervention (PEI) regulations at its July 23, 2015 meeting.

The changes to the text of the PEI regulations were made in response to the Office of Administrative Law's disapproval of the regulations. The disapproval was based upon an inconsistency with Welfare and Institutions Code section 5600.3. Enclosed is a copy of the disapproval decision.

By law the Commission has 120 days to make any necessary changes and resubmit the regulations. The changes made at the July 23, 2015 meeting resolved the inconsistency. Because the changes were considered substantive a 15-day public comment period was required. For your convenience, enclosed is a copy of the changes to the proposed PEI regulations that the Commission made at the July 23, 2015 meeting and that were the subject of the 15-day notice. That comment period ended on August 9, 2015. At its August 27, 2015 meeting, the Commission will be presented with the comments received during this public comment period and Staff's recommended response to the comments.

The enclosed document, "Matrix of Public Comments with Staff's Recommended Responses," is structured to provide the information that the Office of Administrative Law needs: public comment, the response (i.e. accept or reject the public comment), the action taken (i.e. proposed changes to the language in the proposed regulations or retain existing language with no change), and rationale for the response.

Staff is recommending that the existing language be retained and no further changes be made to the PEI regulations and that the regulations be resubmitted to the Office of Administrative

Law. The MHSOAC will vote on whether to accept Staff's recommended responses to the public comments.

Enclosures: (1) State of California Office of Administrative Law Decision of Disapproval of Regulatory Action; (2) Matrix of Public Comments with Staff's Recommended Responses; (3) Index of Public Commenters; and (4) Proposed changes to the PEI Regulations presented at the July 23, 2015 MHSOAC meeting.

Handouts: None.

Recommended Action: Accept Staff's recommendations.

Presenter: Filomena Yeroshek, Chief Counsel

Proposed Motion:

The Commission adopts Staff's responses to public comments to the Prevention and Early Intervention Regulations as set forth in the, "Matrix of Public Comments with Staff's Recommended Responses" and directs the Executive Director to resubmit the Rulemaking file to the Office of Administrative Law.