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# AGENDA ITEM 3A

Action

May 28, 2015 Commission Meeting

## Innovative Project Regulations: Commission Response to Public Comment from the 15-Day Notice Published on April 24, 2015

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**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 Innovative Project (INN) regulations at its April 23, 2015 meeting.

The changes to the text of the INN regulations resulted in a 15-day public comment period that ended on May 10, 2015. At its May 28, 2015 meeting, the Commission will be presented with comments received during this public comment period and Staff's recommended responses to those 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. For your convenience, enclosed is a copy of the changes to the proposed INN regulations that the Commission made at the April 23, 2015 meeting and that were the subject of the 15-day notice.

The Administrative Procedure Act (APA) requires the Commission to submit the regulations to the Office of Administrative Law (OAL) within one year of the initial notice of proposed regulatory action. The initial notice was published in the Notice Register on July 11, 2014 and thus the one year expires July 11, 2015.

Staff is recommending that the existing language be retained and no further changes be made to the proposed INN regulations and that the regulations be resubmitted to the OAL. The MHSOAC will vote on whether to accept Staff's recommended responses to the public comments.

**Enclosures:** (1) Matrix of Public Comments with Staff's Recommended Responses; (2) Index of Public Commenters; (3) Proposed Changes to the Innovative Project Regulations Presented at the April 23, 2015 MHSOAC meeting.

**Handouts:** A PowerPoint will be available at the meeting.

**Recommended Action:** Accept Staff's recommendations.

**Presenters:**

- Filomena Yeroshek, Chief Counsel
- Dr. Deborah Lee, Consulting Psychologist

**Proposed Motion:**

The Commission adopts Staff's responses to public comments to the Innovative Project 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.