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STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW

2013 OAL DETERMINATION NO. 4
(OAL FILE NO. CTU2013-0214-01)

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REQUESTED BY: MICHAEL G. ST.MARTIN

CONCERNING: Administrative Directive No. 655 concerning the Copy and Shipment Center issued by Coalinga State Hospital, California Department of State Hospitals

DETERMINATION ISSUED PURSUANT TO GOVERNMENT CODE SECTION 11340.5.

SCOPE OF REVIEW

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of "regulation" as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of "regulation," but was not adopted pursuant to the APA and should have been, it is an "underground regulation" as defined in California Code of Regulations, title 1, section 250.¹ OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

CHALLENGED RULE

At issue is whether Administrative Directive No. 655 (AD 655) concerning the Copy and Shipment Center, issued by Coalinga State Hospital, California Department of State Hospitals (Department),² effective on December 11, 2012, attached hereto as Exhibit A, is an underground regulation. AD 655 incorporates by reference Internal Management Directives Nos. 624 and 651 and Administrative Directive 608.

¹ As defined by title 1, section 250(a),

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

² Pursuant to AB 1470 (Stats. 2012, ch. 24), the Department of State Hospitals was created and state hospitals which were formerly under the jurisdiction of the Department of Mental Health (DMH) are now under the jurisdiction of the Department. Pursuant to Welfare and Institutions Code section 4005.5, all regulations relating to state hospitals adopted by the State Department of Mental Health are vested in the Department.

DETERMINATION

OAL determines that AD 655 and the incorporated by reference documents (IMD 624 and IMD 651) meet the definition of “regulation” that should have been adopted pursuant to the APA, except in those instances where AD 655 and the incorporated by reference documents (IMD 624 and IMD 651) restate existing statute or duly adopted regulation.

FACTUAL BACKGROUND

On March 21, 2008, Michael G. St. Martin (Petitioner) submitted a petition to OAL challenging a version of Administrative Directive 624 (AD 624) issued by Coalinga State Hospital (CSH), a state hospital under the jurisdiction of the Department of State Hospitals. AD 624 was issued by CSH on August 9, 2007. That version of AD 624 was found by OAL to meet the definition of a “regulation” as defined in Government Code section 11342.600 that should have been adopted pursuant to the APA, i.e., an underground regulation, in OAL 2008 Determination No. 24.

On August 9, 2010, the Department adopted regulation sections 4415 and 4420 of title 9 of the California Code of Regulations. Section 4415 provides a definition of “mail” and section 4420 is titled “Limitations on Size, Weight, Volume and Frequency/Number of Packages Allowed.” Sections 4415 and 4420 addressed some of the issues covered by the August 9, 2007 version of AD 624.

On January 21, 2011, OAL received a petition from Petitioner challenging Internal Management Directive 624 (IMD 624) issued by the Department. IMD 624 was effective on October 12, 2010, and revised on November 10, 2010. IMD 624 dealt with many of the same issues addressed herein and is titled: “Individuals’ Mail and Packages.” It is attached hereto as Exhibit B. On April 6, 2011, the Department provided a Certification signed by the Deputy Director pursuant to title 1, section 280, of the California Code of Regulations, certifying that the Department would not use, enforce, or attempt to enforce the challenged IMD 624.

On February 14, 2013, OAL received a petition from Petitioner challenging AD 655 issued by the Department of State Hospitals – Coalinga State Hospital (CSH). AD 655 is titled “Copy and Shipping Center.” It was issued by the Executive Director of CSH and was effective as of December 11, 2012. The Petitioner alleges that AD 655 meets the definition of a “regulation” that should have been adopted pursuant to the APA, but was not. The Petitioner challenges the entire AD 655, which incorporates by reference Internal Management Directive 624 (Exhibit C), Internal Management Directive 651 (Exhibit D) and Administrative Directive 608 (AD 608 was not provided by Petitioner, and therefore, was not reviewed by OAL), all issued by the Department of State Hospitals – CSH. The versions of the incorporated documents (IMD 624, IMD 651 and AD 608) are not indicated in AD 655. The August 21, 2012 version of IMD 624 and the November 10, 2011 version of IMD 651 were provided by Petitioner, and therefore, are the documents that were considered by OAL.

On June 10, 2013, OAL received a response to the petition from the Department. The Department argues that AD 655 does not meet the definition of a regulation that should have been adopted pursuant to the APA for the following reasons:

1. AD 655, IMD 624 and IMD 651 are not regulations. They are guides as to how mail and copy services are to be handled.
2. AD 655 does not apply generally, but only applies to CSH.
3. AD 655 is not "quasi-legislative."
4. AD 655 is a restatement of law.
5. AD 655 is exempt pursuant to Government Code section 11340.9(d) as it concerns the "internal management" of CSH.
6. AD 655 should be exempt as it is issued by CSH and relates only to CSH like rules adopted by the wardens of particular prisons that only concern their prison are exempt.
7. AD 655 is a matter of DSH policy and is constitutionally permissible.

OAL received no comments from the public.

On July 10, 2013, OAL received the Petitioner's rebuttal to the Department's response. The rebuttal did not raise any new, relevant issues.

UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of "regulation" as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code sec.11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to "due deference" in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

ANALYSIS

CSH is a state mental health hospital under the jurisdiction of the Department.³ CSH, like other state mental hospitals, has limited authority to act as an independent entity. The responsibility of governing all state mental hospitals lies with the Department. Welfare and Institutions Code section 4101 provides that:

Except as otherwise specifically provided elsewhere in this code, all of the institutions under the jurisdiction of the State Department of State Hospitals shall be governed by uniform rule and regulation of the State Department of State Hospitals and all of the provisions of this chapter shall apply to the conduct and management of those institutions.

Thus, the Department has the authority to adopt regulations governing state hospitals, including CSH, and has, in fact, done so in the past. (See, *infra*.)

The individuals committed to CSH are either “LPS” or “non-LPS” patients. Non LPS patients are patients that are placed in or committed to CSH pursuant to legal authority *other than* the Lanterman-Petris-Short (LPS) Act,⁴ commencing with Section 5000, of Part 1, Division 5 of the Welfare and Institutions Code. For example, (Welfare and Institutions Code section 6600, et. Seq.), the Sexually Violent Predator Law, provides that inmates of the Department of Corrections and Rehabilitation who are found by a court to be sexually violent predators are committed as a patient of the Department. The Department places the patient in an appropriate facility.⁵

OAL's authority to issue a determination extends only to the limited question of whether the challenged rule is a “regulation” subject to the APA.⁶ This analysis will determine (1) whether

³ Welfare and Institutions Code section 4100 states:

The department [of Mental Health] has jurisdiction over the following institutions: ... (b)
Coalinga State Hospital....

⁴ Pursuant to Welfare and Institutions Code section 5001, the Lanterman-Petris-Short (LPS) Act provides for care for mentally disordered persons, developmentally disabled persons, and persons impaired by chronic alcoholism. According to the Department's website (<http://www.dsh.ca.gov/Coalinga/> viewed on July 24, 2013), CSH treats forensically committed individuals, mostly sexually violent predators from the California Department of Corrections and Rehabilitation, not LPS patients.

⁵ Welfare and Institutions Code section 6604 states:

...If the court or jury determines that the person is a sexually violent predator, the person shall be committed for an indeterminate term to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health.

⁶ We note that the Department's response also requested that if OAL found AD 655 to contain underground regulations, then OAL “allow DSH to continue use of A.D. 655 until valid regulations can be promulgated. . . .” OAL does not have the authority to allow a state agency to continue to use a rule found to be an underground regulation. OAL does not have the authority to enforce its determinations; however, state agencies should conduct themselves in accordance with the law.

the challenged rule is a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, §11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency's procedure (Gov. Code, §11342, subd. (g)).⁷

As stated in *Tidewater*, the first element used to identify a “regulation” is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.⁸

AD 655 and the incorporated by reference documents (IMD 624 and IMD 651) apply to all individuals committed to CSH, to persons who send or receive mail to or from individuals committed to CSH, and the employees of CSH. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations. Individuals committed to CSH, their correspondents and employees of CSH are clearly defined classes of persons. The first element is, therefore, met.

The second element used to identify a “regulation” as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency's procedure.

As noted above, Welfare and Institutions Code section 4100 states that the Department has jurisdiction over CSH. Welfare and Institutions Code section 4101 requires all of the institutions under the jurisdiction of the Department be governed by uniform rule and regulation of the Department. In addition, Welfare and Institutions Code section 4027, which applies to Non-LPS patients, states:

⁷ Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

⁸ See also *Roth v. Department Of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

The State Department of Mental Health may adopt regulations concerning patients' rights and related procedures applicable to the inpatient treatment of mentally ill offenders receiving treatment . . . , persons receiving treatment as mentally disordered sex offenders, and inmates of jail psychiatric units.

AD 655 and the incorporated by reference documents (IMD 624 and IMD 651) affect all aspects of the Copy and Shipping Center at CSH. AD 655 establishes limitations and requirements on the procedures for sending and receiving mail, provides for very detailed requirements for the obtaining of appointments and the processing of packages, the transfer of funds from the patient's accounts, the retention of funds, copy restrictions and the sealing and confiscating of mail and packages of all CSH patients. AD 655, therefore, implements Welfare and Institutions Code sections 4100 and 4101 which deal with the Department's responsibilities to adopt regulations to govern state hospitals with respect to Non-LPS patients. In addition, AD 655 implements, interprets and makes specific Welfare and Institutions Code section 4027 which permits the Department to adopt regulations concerning patients' rights and related procedures. The second element in *Tidewater* is thereby met.

AD 655 and the incorporated by reference documents (IMD 624 and IMD 651) therefore meet the definition of "regulation" in Government Code section 11342.600 with respect to all matters that are not restatements of law.

The final issue to examine is whether the challenged rule falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies or specific exemptions that pertain to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA "shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*" (Emphasis added.)

As discussed below, OAL finds no APA exemption applicable to AD 655 and the incorporated by reference documents (IMD 624 and IMD 651). However, certain provisions contained in AD 655 and the incorporated by reference documents (IMD 624 and IMD 651), are not underground regulations in that they are restatements of law.

AGENCY RESPONSE

The Department proposed many reasons to consider with respect to their contention that AD 655 and the incorporated by reference documents (IMD 624 and IMD 651) do not contain underground regulations.

1. The Department's contention that AD 655 is a restatement of law is in some respects correct. Any provision that is only a reiteration of a statute or a duly adopted regulation is not an underground regulation. The provision is merely a reiteration of law if it does not further implement, interpret or make specific the statute or regulation. Other provisions that further implement, interpret or make specific the statute or regulation that were not enacted by the Legislature or adopted through the APA process, are underground regulations. Therefore, the various provisions of AD

655, IMD 624 and IMD 651 that simply restate a statute or a duly adopted regulation and do not further implement, interpret or make specific the statute or regulation that is being restated, is not an underground regulation. For instance, IMD 624 defines “mail” as:

. . . paper documents sent in a standard sized, legal sized, or special handling envelope (Priority mail, express mail, etc.) with a weight of 16 ounces or less, and thickness of 1/2 inches or less.

This definition is a restatement of section 4415 of title 9 of the California Code of Regulations.

Another example of a restatement of law appears in IMD 651. It states that:

Each package sent and each package received shall not be more than 24 inches long by 19 inches in length by 12 inches high, and shall weigh no more than 30 pounds.

This is a restatement of section 4420(b) of title 9 of the California Code of Regulations. Restatements of statutes and duly adopted regulations are not underground regulations.

2. The Department asserts that AD 655 should be exempt as it is issued by CSH and relates only to CSH, like rules adopted by the wardens of particular prisons that only concern their prison are exempt. The Department is referring to an exemption found in Penal Code section 5058(c)(1) and is commonly referred to as a “local rule” exemption. However, this “local rule” exemption *only* applies to prisons under the jurisdiction of the California Department of Corrections and Rehabilitation. Neither the Department nor OAL has the authority to grant this APA exemption to the Department. A “local rule” exemption for the Department must be expressly provided by the Legislature. (Gov. Code, sec. 11346.) We note that the Legislature did add Section 7295 to the Welfare and Institutions Code in 2012, which provides the Department with a very limited exemption from the APA. This exemption is for the development of a “list of items that are deemed contraband and prohibited on hospital grounds and [to] control and eliminate contraband on hospital grounds.” Pursuant to section 7295 of the Welfare and Institutions Code, a state hospital shall form a contraband committee, comprised of hospital management and employees designated by the hospital’s director, to develop the list of contraband items. The committee shall develop the list with the participation of patient representatives, or the patient government of the hospital, if one is available, and the Office of Patients’ Rights. “Contraband” means materials, articles, or goods that a patient is prohibited from having in his or her possession because the materials, articles, or goods present a risk to the safety and security of the facility. AD 655 does not concern the adoption of a “contraband” list. Therefore, that exemption does not apply. The Department has not identified any other specific statutory exemptions applicable to actions by the Department, and OAL is likewise unaware of any.

3. The Department alleges that AD 655 and its incorporated IMD 624 and IMD 651 are not regulations but rather “a guide to the staff at the facility of how to handle the mail and how to handle the use of funds.” As indicated *supra*, Government Code section 11340.5 specifically states that agencies shall not use “guidelines” that meet the definition of “regulation” unless adopted pursuant to the APA. As discussed *supra*, AD 655 and the incorporated by reference documents (IMD 624 and IMD 651), meet the definition of “regulation.”
4. The Department’s contention that a “rule does not apply ‘generally’ when it relates to practices for which there is a need for flexible approaches” is without merit. The Department alleges that since AD 655 only applies to CSH, it does not apply generally. Such is not the case as is discussed, *supra*. CSH is a hospital which admits a class of persons that changes as patients come and go. It is an open class. Therefore, AD 655 is a general rule because it applies to this open class. Furthermore, the APA explicitly states that only exemptions *expressed* by the Legislature are valid and the Legislature has not adopted an exemption for “flexibility.”
5. The Department’s request that CDCR’s statutory exemption should apply to them is not a matter within the authority of the Department or OAL. The Department contends that due to the fact that they have forensic patients and because CSH is situated on CDCR’s premises, Penal Code section 5058 (c)(1) should apply to them. However, the statutory exemption in Penal Code section 5058 (c)(1) currently only applies to CDCR and OAL is without authority to extend an exemption beyond that articulated by the Legislature.
6. The Department’s contention that AD 655 is not quasi-legislative is incorrect. The term “quasi-legislative” is not defined in the APA, so we look to the judicial meaning of quasi-legislative to determine whether the challenged action reflects the exercise of quasi-legislative power. *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, *supra* at 574-575, states that “[a] written statement of policy that an agency intends to apply generally, that is unrelated to a specific case, and that predicts how the agency will decide future cases is essentially legislative in nature even if it merely interprets applicable law.” The challenged rules in AD 655 and the incorporated by reference documents (IMD 624 and IMD 651) that are not restatements of law, are written statements of policy that indicate how the Department intends to apply rules concerning the Copy and Shipping Center generally as to all current and future patients. Therefore, those challenged rules that are not restatements of statutes or regulation are the exercise of quasi-legislative action on the part of the Department.
7. The Department’s contention that AD 655 is exempt pursuant to the internal management exemption in the APA is not valid. Government Code section 11340.9(d) states that “[a] regulation that relates only to the internal management of the state agency” is exempt. The courts have interpreted this exemption very narrowly. The courts have indicated that this exemption only applies if:
 - The rule affects **only** the employees of the issuing agency, AND

- The rule does **not** involve “a matter of serious consequence involving an important public interest.” (See *Poschman v. Dumke* (1973) 31 Cal.App.3d 932 and *Grier v. Kizer* (1990) 219 Cal.App.3d 422).

AD 655 does not affect **solely** the employees of the Department, but also affects the patients of CSH and those sending mail to, or receiving mail from, the patients. Having not met the first prong listed above, OAL finds that the internal management exemption does not apply.

8. The Department’s contention that AD 655 is a matter of departmental “policy” and is “constitutionally permissible” may be true; however, there is no express statutory exemption from complying with the APA process if a rule is departmental “policy” or “constitutionally permissible.”

CONCLUSION

In accordance with the above analysis, OAL determines that AD 655 and the incorporated by reference documents (IMD 624 and IMD 651) meet the definition of “regulation” that should have been adopted pursuant to the APA, except in those instances where AD 655 and the incorporated by reference documents (IMD 624 and IMD 651) restate existing statute or duly adopted regulation.

Date: August 26, 2013


Debra M. Cornez
Director


Elizabeth A. Heidig
Senior Counsel

cc: Cliff Allenby
Alice Lee

EXHIBIT A

Effective Date: December 11, 2012

SUBJECT: COPY AND SHIPPING CENTER

I. PURPOSE

Department of State Hospitals-Coalinga (DSH-C) patients will be provided with mail and duplication services in an efficient manner as outlined in this policy.

II. AUTHORITY

Welfare and Institution Code Sections 4136, 5325, and 5326; Title 9, California Code of Regulations (CCR) 881(c)(q), 884, 885, 4350, 4415, and 4420; and United States Postal Services Regulations.

III. POLICY

Patients residing at DSH-C have the legal right to receive and send mail and packages. In addition, DSH-C provides a location for package shipping, the purchasing of copy services, stamp, copy card, and photo ducket sales. All incoming and outgoing mail is subject to search and must be processed per guidelines in Internal Management Directives (IMD) No. 624 and 651.

IV. METHOD

A. Mail:

1. Incoming: All incoming mail is sorted and distributed the following day on the units Monday through Friday, with the exception of state and federal holidays.
2. Outgoing: All prepaid mail, as defined in CCR 9 section 4415, will be collected by unit staff and processed through the DSH-C Mailroom.

B. Packages:

1. Incoming: All incoming packages are logged by the DSH-C Mailroom and delivered by the Department of Police Services (DPS) through the Patient Package center for distribution.

Note: For tracking information regarding packages that have not been received by the patient, unit staff should contact the Material & Stores Supervisor and Hospital General Services Administrator I via e-mail. A tracking number and shipping information must be provided to initiate review of tracking. No patient package information will be released via telephone.

2. **Outgoing:** Patients wishing to send out packages will need to notify Unit Staff. Any packages containing items from the patient's property or that contain contraband must be processed through the DPS Package center. All other packages will be processed as follows:
 - a. Unit Staff will call Lobby Reception one day in advance between the hours of 0900-1200 at extension 4080 to request an appointment time. Emergency same day appointments must be requested by the Program Director.
 - b. Appointments will be scheduled in ten (10) minute increments between the hours of 0830-0940 and 1200-1400. Last call for same day send out service is 1300; any packages received after this time will be metered and sent out on the next business day. It is the patient's responsibility to be on time for copy and send out appointments. Any patient that is five minutes late or more will need to reschedule. Walk in package appointments will not be accepted. Copy & Shipping Center Staff does not provide tape, staple or adhesive products unless deemed necessary for legal paperwork.
 - c. To schedule the appointment Unit Staff will need supply the patients name and CO number; unit number and name of staff securing the appointment (along with DSH-C ID number); the number of packages and type (i.e. box or special handling envelope, UPS or other shipper prepaid). No standard unmetered mail will be accepted.
 - d. All items to be sent out via appointment process must be inspected and sealed by Unit Staff. After inspection and sealing of the box or envelope, Unit Staff will print their last name and DSH-C ID number legibly in the upper right corner of box or envelope (this area will be covered by postage). The sealed package will remain in the possession of Unit Staff until just prior to the package appointment.
 - e. Staff may allow the patient to transport sealed non-contraband packages and special handling mail unescorted to the send out appointment.
 - f. Copy Center Staff will reject mail or packages that are not for the patient that requested the appointment and is paying for the service.
3. **Package and Mail Restrictions:**
 - a. All packages must be sealed for processing prior to arriving at the DSH-C Copy Center. Any items not properly sealed will be returned to unit.

- b. All outgoing packages in excess of thirty (30) pounds or larger than twenty four (24") long, nineteen (19") inches wide and twelve (12") inches in height require authorization from Program Director and Unit Supervisor prior to scheduling the send out appointment.

C. Copy, Stamp, and Photo Docket Sales Procedures:

1. Access to copy service, stamps, and photo docket sales will be provided through an open line system. A patient wishing to use the duplication service or purchase stamps and/or photo duckets will stand in line at the Copy & Shipping Center during the hours of 1000-1100, 1415-1600, Monday through Friday except state holidays. After completion of all send out and Indigent copy appointments, the Copy & Shipping Center will remain open for walk in copying and stamp sales. Payment for copies, stamps and photo duckets must be made prior to issue or printing. See Administrative Directive (A.D.) No. 608 for details on free copying of legal material for Indigent patients.
2. Material to be copied must be copy ready. This is the responsibility of the patient. Assistance for cutting, pasting, customizing (i.e. reduction/enlargement) will not be provided. All copies will be on white, 20 pound paper stock, size 8 1/2" x 11". At no time will stapled or paper clipped copies be returned to the patient.
3. Copy & Shipping Center staff will verify that the patient has the funds, and will deduct the funds based on the number of copies requested. Once the funds are deducted there will be no changes or returns allowed on the order. If a non-indigent patient needs legal documents copied and do not have the funds available, a Trust Withdraw Slip (40-028) will be completed and the funds will be deducted when available.
4. Indigent Copying: Unit Staff will call Lobby Reception one day in advance between the hours of 0900-1200 at extension 4080 to request an appointment time for indigent copying. Indigent status will be verified at the time the appointment request is made. All state paid copies must be the personal legal documents belonging to the patient using the copy service. At the time of duplication, all state-paid copies may be stapled and will be placed in a mailing envelope which has been pre-addressed to the court. This envelope will then be sealed, postage calculated and applied, then deposited in outgoing mail.
5. Copy Restrictions: The following items will be confiscated by the Copy & Shipping Center staff, referred to DPS or Program Director as appropriate, and a receipt (DSH-C 102) will be provided to the Patient:
 - a. Pornographic material;
 - b. Hate or gang related material;

- c. Gambling/Pay Off related material;
- d. Medical records belonging to another patient;
- e. Material for hospital distribution (staff approved patient government material is allowed).

Note: Any questionable material will be submitted to the patient's Treatment Team for approval or disapproval. Staff will forward any questionable or inappropriate requests to Program Management, per A.D. No. 608.

Signature on File w/ A.D. Coordinator

AUDREY KING
Executive Director (A)

Cross Reference(s):

A.D. No. 608 Patients' Access to the Courts

IMD No. 624 Patient Mail and Packages

IMD No. 651 Processing of Departmental and United States Postal Services Mail

DSH-C 102 Receipt for Confiscated/Destroyed Property (Intranet\Approved Forms)

EXHIBIT B

Effective Date: October 12, 2010
Revised Date: November 10, 2010

SUBJECT: INDIVIDUALS' MAIL AND PACKAGES

I. PURPOSE

To ensure the guidelines and procedures regarding the responsibilities, procedures, and limitations which govern an Individual's incoming and outgoing mail and packages.

II. AUTHORITY

Department of Mental Health (DMH), Special Order No. 248.01 and 249.01; California Welfare & Institutions Code, Section 4136; and California Code of Regulations, Title 9, Section 4415 and 4420.

III. POLICY

Individuals have the right to have access to letter writing materials, including stamps, and to send and receive mail and packages. The hospital has detailed processes in place to ensure Individuals and staff understand how incoming and outgoing mail and packages will be handled.

IV. METHOD

A. Definitions:

1. "Mail" is defined as paper documents sent in a standard sized envelope, manila envelope, or special handling envelope (Priority mail, Express mail, etc.) with a weight under 16 ounces and less than ½" thick. All other materials falling outside this description will be deemed as a package and will be forwarded to Mail Services for processing, then to Police Services Package Center (PSPC) for issuance according to established procedures.
2. "Package" is defined as any items(s) delivered in a box, large manila envelope with bubble wrap, or other container that is not standard envelope size or is more than 16 ounces or ½" thick. Exceptions are periodicals, catalogs, or literature search from Federal and/or State agencies.
3. "Third-Party Mail" is defined as mail addressed to hospital staff or volunteers for delivery to an Individual, or mail given to an employee by an Individual to mail outside normal hospital mailing procedures. Approved vendor packages with the purchaser's name located in the shipping address along with identifiable Individual's full name and correct address will not be considered third-party mail or package.
4. "Letter" is defined as one-ounce first class mail.

5. "Periodical" is defined as any published material at regular intervals of more than one day; of or relating to a publication issued at such intervals (e.g. magazines or news letters). Exception note: Regardless of size not to be counted as a package and will be subject to contraband review by staff.
6. "Catalog" is defined as a systematized list, often featuring descriptions of listed items; a publication containing such a list (mail-order catalog). Exception note: regardless of size not to be counted as a package and will be subject to contraband review by staff.
7. "Literature Search" is defined as a systematic search for investigation of published material relating to a given subject (published material from Federal, State Agencies or by a Recognized Charitable Organization). Exception note: regardless of size not to be counted as a package and will be subject to contraband review by staff.
8. "Educational Materials" are defined as those from an accredited college or university, which have been approved by Central Program Services Education Staff and the Wellness and Recovery Team. This may include educational materials in CD or DVD format, and which normally would be considered contraband if purchased from an unapproved vendor. Authorization does not include items that are considered contraband regardless of source, such as firearm or drug-related.
9. "Approved Vendor" is defined as an established Coalinga State Hospital (CSH) approved mail-order business, individual and/or organization. Allowable items can only be ordered from those listed as approved vendors. Packages from vendors not on the Approved Vendor List will be refused and returned. Individuals may submit requests for the addition of new vendors to the Contraband Committee during the month of July.

V. GENERAL PROCEDURES FOR MAIL AND PACKAGE PROCESSING

A. Addressing and Labeling of Individuals' Mail and Packages:

1. All incoming/outgoing mail and packages must be addressed properly including the Individual's full name, unit number and identification number to ensure proper and timely delivery. Incoming/outgoing mail and/or packages with "Coalinga State Hospital" in the address line may be subject to opening by receiving staff as an unknown vendor purchase.

Example: John J. Doe
 Unit 00, Identification CO-000000-0
 P.O. Box 5003
 Coalinga, CA 93210-5003

2. All incoming/outgoing mail and packages should have a return address, in the event that the mail and/or package(s) are unable to be delivered.

3. Every effort shall be made to deliver mail and/or packages without a proper address. If multiple Individuals with the same name are located, an attempt will be made to confirm that the sender is known to one of the Individuals. If it cannot be confirmed that the sender is known to one of the Individuals, the mail or packages shall be returned unopened, to the sender, the post office of origin, or other shipping agent.
4. Individuals have the right to decline acceptance of mail and/or packages from one or more Individuals and/or vendors. Mail and/or packages that are declined by an Individual shall be sent back to Mail Services with instructions to return, unopened, to the sender. Mail or packages that are opened at the Individual's request may require the Individual to pay for return shipping costs.
5. Delivery or mailing of third-party mail is prohibited, and such mail shall be returned to the sender, unopened, via the Mail Services and the Individual's Wellness and Recovery team shall be notified.
6. Third class mail (junk mail) without an Individual's Coalinga State Hospital Identification No. (CO #) is not allowed and will be disposed of by the Mail Services.

B. Legal Mail and Packages:

1. All incoming/outgoing legal mail and/or packages should be marked "Legal Correspondence" on the outside. Legal mail that is not identified may be subject to processing in accordance with non-legal mail/package procedures.
2. Individuals have the right to mail legal documents to the courts. The State provides free mail for the first 30 days after initial admission. Thereafter, the cost of postage for mailing documents to the courts or attorneys will be charged against funds in, or later deposited in, the Individual's Trust Account.
3. Indigent Individuals' legal documents will be mailed to the courts using first class postage, at State expense, as determined by the Trust Office.
4. Unit staff shall maintain a log of all outgoing legal correspondence, to include Individual's name, date, recipient, and staff's signature.

C. Writing Materials and Postage:

1. Newly admitted Individuals shall be allotted sufficient writing materials, including postage for first-class mail, for up to two one-ounce letters per week for the first thirty (30) days after initial admission. Thereafter, Individuals are required to purchase writing and mailing materials, and pay regular postage and special mail services fees out of their personal funds.
2. For the purpose of this section, "Indigent Individuals" means any Individual whose income is not more than twelve dollars and fifty cents (\$12.50) per month.

3. After the initial 30 days from admission, Indigent Individuals shall be allotted sufficient materials for one letter each week, including postage in an amount not to exceed the cost of one stamp for first-class mail for one-ounce letter, at no cost to the Individual.
4. Additional writing materials and postage shall be available for purchase at the stores or canteens on hospital grounds.

D. Mail and Package Receipt and Distribution:

1. Upon receipt of the mail; Mail Services staff identifies, sorts and delivers in accordance with established mail/package processing procedures. Unit staff shall provide a confidential area for Individuals to receive mail during mail call. Individuals who receive mail and are off the Unit shall be notified. Unit staff will deliver the mail to the Individual to whom it is addressed and in accordance with the hospital's rules open and inspect incoming mail for contraband without reading written material in the presence of the Individual. If contraband is found, it shall be removed and a "Receipt for Confiscated/Destroyed Property" form (CSH-102) will be provided to the Individual as soon as practical. The Unit Supervisor shall be notified and contraband procedures will be followed.
2. All pictures, periodicals, catalogs and/or literature search materials received by Individuals in the mail will be reviewed by the Unit Staff for illegal or inappropriate content and are subject to review and approval by Wellness and Recovery Team before being given to the Individual.
3. An exception to the above procedures will occur if it is determined by Unit staff that the mail is considered suspicious. This would include suspecting an explosive device, drugs, weapons, or any other contraband items. In these cases, the mail will be opened before delivery to an Individual. These procedures would occur to ensure the safety and security of staff, Individuals, and the public.
4. All cash, checks, money orders or other instruments of payment received by the Individual through the mail will be placed in the Individual's trust account.
5. Mail may be declared undeliverable and un-returnable when the addressee and the return address are insufficient for delivery or return. Should any mail or package possess a biohazard or health risk, it will be declared undeliverable.
 - a. Undeliverable mail will be disposed of in a manner prescribed by the law.
 - b. Should there be no applicable law covering a given situation, the issue of disposal will be determined by the Executive Director.
 - c. If known, the Individual recipient will be advised in writing of the name and address of the party sending the mail or package and the circumstances surrounding its disposal.

6. Certified and/or Return Receipt mail for Individuals require signature of receipt by receiving Unit staff upon delivery from Mail Services.

E. Transferred Individual Mail:

1. Mail received for an Individual who is no longer on the Unit should be forwarded to the Individual or returned to the Mail Services with a note attached to it (use paper clip) stating the present location of the Individual. This information should not be written on the envelope.
2. It is suggested that Individuals leaving the hospital authorize forwarding address for first class mail which will remain in effect for sixty days using the "Individual Mail Forwarding Form" (34-100), submitted to Mail Services by Unit Staff via mail process bag procedure. No envelope required, as mail bag suffices for confidentially purposes.
 - a. Individuals agree that only First Class Mail will be forwarded for up to sixty (60) days from start date.
 - b. Periodicals, Non Profit, Bulk Rate, Standard, and all other mail types will not be forwarded by the United States Postal Service (USPS) and will be returned to sender by CSH Mail Services.
 - c. Individual is responsible to notify any publishers and other correspondences of change of address.
 - d. Individual is responsible to notify Mail Services staff upon return to CSH, to discontinue any previous mail forwarding requests.

F. Incoming Mail and Packages:

1. All incoming packages must be received through the USPS, common carrier, authorized shipping agents, approved vendor or other institution. No packages will be accepted from visitors. The main point of receipt for packages will be the Mail Services. Upon receipt of patient packages, the PSpC staff will verify in accordance with this policy:
 - a. Individuals' correctly labeled ship to address.
 - b. Senders' correctly labeled return address.
 - c. Individual Mail Forwarding Form (34-100). (Note: Packages will be returned to sender, only first class mail will be forwarded.)
 - d. "Authorization for Use of Unapproved Vendor for the Purchase of Education Materials Only" form (CSH-099).

- e. "Authorization for Shipping and/or Replacement Exchange of Warranty and Non-Warranty Repair Items to Approved or Non-Approved Vendors and Manufactures" form (34-101).
- f. Approved Vendor.
- g. Third-Party Mail/Package.
- h. Allowable Weight.
- i. Allowable Size.

G. Package Distribution and Search:

- 1. Packages addressed to Individuals at CSH are delivered to PSPC, who in turn will deliver the packages to the addressee in accordance with this policy.
 - a. All incoming packages shall be inspected for contraband and processed by PSPC on a first come – first served basis except that those packages intended for Individuals with a signed "Waiver Form for Patients Packages" (CSH-30) on file may take priority.
 - b. When determined to be contraband, the receiving Individual will have seven (7) days from date of receipt to decide either to donate, mail out or destroy the item(s) of contraband at their own expense or, place Class 3, 4 or 5 contraband items into Property Storage (excluding corrosive or perishable items). After seven (7) days, items of this nature will be destroyed.
 - c. Once the Individual's Property Storage containers exceed the 50 pound limit, the determination of disposition may be made by the Individual if within the rules and regulations of CSH. Any costs involved with the disposition will be the responsibility of the Individual.
- 2. Periodicals, catalogs and/or Literature Search materials are not considered vendor or quarterly packages. All printed material determined to not be mail will be received and processed by PSPC for contraband and/or approval.
 - a. All incoming periodicals, catalogs and/or Literature Search materials will be scanned to prevent the introduction of contraband into the facility. Any contraband found will be taped to the received material and the Individual will decide on the disposition of the contraband items in the prescribed manner.
 - b. Periodicals, catalogs and/or Literature Search materials will be subject to review by the package officer. If determined to be inappropriate they will be held for secondary review and final determination within 10 days by the Property Room/Supervisor with a recommendation to the Unit Supervisor for possible disposition of the item.

- c. If upon opening the package, the material is found to be a non-periodical/catalog it will be handled as one of the following:
 - i. Package;
 - ii. Mail; or
 - iii. Contraband will be handled in the prescribed manner.
- d. If it is determined by appropriate staff that the package is considered suspicious including:
 - i. Suspecting an explosive device;
 - ii. Drugs;
 - iii. Weapon; or
 - iv. Other contraband item.

Note: The package will be opened before delivery to the Individual. These procedures will occur to ensure the safety and security of the staff, Individuals and the public, if suspicious contraband is found the contraband will be handled according to procedure.

3. Package Limitations:

- a. Incoming (non-Vendor) packages are limited to three (3) packages per Individual per calendar quarter for the first three quarters (January – March, April – June, July – September) and will be tracked by PSPC.
- b. Incoming (non-Vendor) packages are limited to four (4) packages per Individual during the fourth calendar quarter (October – December), due to the holidays, and will be tracked by PSPC.
- c. Non-Vendor packages in excess of the quarterly limit will be returned to the sender, originating post office or shipping agent.
- d. There is no limit on approved vendor packages.
- e. All packages must be received through the USPS, common carrier, parcel carrier, shipping agent or other institution. Packages will not be accepted from visitors.
- f. Packages will not exceed 30 pounds in weight or the size limit of 24" length x 19" width x 12" height. Packages exceeding the weight or size limitations will not be accepted and will be returned to the post office or shipping agent.

- ii. Waivers will remain in effect from the date signed until the Individual is discharged, transferred to another facility or withdraws the waiver.
 - c. Individuals may withdraw their waiver at any time by signing the Cancel Package Waiver Form (CSH-031) and submitting it to the PSPC.
 - d. As packages intended for Individuals with Waiver Form for Patients Packages (CSH-30) forms on file can be handled in a much more expeditious manner and do not require the Individual's presence, such packages may be handled earlier than those addressed to Individuals without waiver forms on file.
- H. Approved Vendor Purchases:
 - 1. The Hospital has established a list of approved mail-order businesses, individuals and organizations referred to as approved vendors. Items can only be ordered from those listed as approved vendors.
 - 2. This listing is intended to enhance compliance with contraband policies, eliminate returns of unacceptable purchases, and expedite the package-screening process.
 - 3. Certain items must be purchased and received from approved vendors only. Not all items offered by an approved vendor are permitted.
 - 4. Individuals may submit requests for the addition of new vendors to the Contraband Committee during the month of July via the Contraband Committee.
 - 5. Mail Services will notify Individuals upon receipt/return of refused packages via the "Notification of Refused Package Card". No information will be given out over the telephone to anyone; an Individual, their guardian, family, friends, or loved ones and/or CSH staff. Information regarding returned/refused packages will only be issued to the level of Program Manager by designated staff.
 - 6. Approved Vendor purchases ordered by the Individual and received through the Mail Services that are then refused by the Individual at the time of issuance by the PSPC will require the Individual to pay for return shipping costs.
 - 7. Disposition and return of unopened packages to the Mail Services must be made within three (3) days of the date of package receipt to avoid additional return to sender shipping costs.
- I. For the purpose of this directive, admission property is not considered to be a "package".

Note: All admissions property will be searched for contraband prior to be released for patient possession, normally within 72 hours after admission.

- J. Mail Services for Outgoing Individuals' Mail and/or Packages – Appointment Scheduling:
1. To set up appointments for Individuals to send out mail and/or packages, Unit staff must call the Mail Services help line between the hours of 9:00 a.m. – 11:00 a.m., Monday through Friday. Appointments will be set up at 5 minute intervals, Monday through Friday, as per posted schedule of hours. One appointment must be made per Individual. Additional appointments must be made per: package in excess of five pounds, per five envelopes, or per item requiring special services; Netflix envelopes will not require an appointment and should be deposited in the provided drop-box in a manner that does not disrupt appointments in progress. Mail Services staff will log all appointments into an appointment book. Mailing services will be closed on all State and Federal holidays.
 2. Unit staff must ensure, prior to sending the Individual to the Mail Services scheduled appointment, that the packages are properly and legibly addressed and labeled.
 3. Unit staff will be responsible for checking the mail and/or packages for contraband or other possible violation in the presence of the Individual. The Individual will then seal the package in the presence of the Unit staff prior to the appointment time. The Unit staff will then be responsible for the package and will retain it until the appointment time at the Mail Services to ensure the package is not tampered with. At approximately fifteen minutes prior to the Individual's appointment, the Unit staff will be responsible to legibly sign the package in the upper right hand corner of the package (where postage will be placed) and then call the Mail Services staff in the Mail Services to let them know that the Individual is on his way with the secured and verified sealed package. Individuals with a Hospital Access System (HAS) level one must be escorted to their appointment by Unit staff.
 4. Mail Services staff will be responsible to notify the Unit Supervisor of all no show Individuals for their pre-scheduled appointment time.
 5. Mail Services staff will weigh the package and inform the Individual of postage due. If the Individual is in agreement to the amount, Mail Services staff will then verify via the Gift Tran Individual "Cash Card" System that the Individual has adequate funds. If the funds are available, the Individual's transaction will be completed at the register and the postage will be placed on the package.
 6. If the Individual has insufficient funds or refuses to mail the package, the transaction will be cancelled. The unit will be called and the Individual will return to his unit with the package. Unit staff will open the package and give the Individual back his property. Unless the property is contraband, in which case it will be held in a secure area of the unit and the Individual will decide on the disposition of the contraband items in the prescribed manner. The copy of the property slip will go into the Individual's property envelop and his property will be checked off as returned on the master list.
 7. Packages may not exceed thirty (30) pounds.

8. The Mail Services staff will receive the Individual packages for delivery to the United States Post Office.

Signature on File w/ A.D. Coordinator

PAM AHLIN
Executive Director

Cross Reference(s):

A.D. No. 608 Individuals' Access to Courts
A.D. No. 644 Trust Office Functions
A.D. No. 651 Processing of Departmental & United States Postal Services Mail
A.D. No. 818 Contraband

34-100 Individual Mail Forwarding Form (Departmental, GS)
34-101 Authorization for Shipping and/or Replacement Exchange of Warranty and Non-Warranty
Repair Items to Approved or Non-Approved Vendors and Manufactures (Departmental, GS)
CSH-030 Waiver Form for Individuals Packages (Warehouse)
CSH-031 Cancel Package Waiver Form (Warehouse)
CSH-099 Authorization for Use of Unapproved Vendor for the Purchase of Education Materials Only
(Departmental, CPS)
CSH-102 Receipt for Confiscated/Destroyed Property (Departmental, DPS)

EXHIBIT C

Effective Date: August 21, 2012

SUBJECT: PATIENT MAIL AND PACKAGES

I. PURPOSE

To summarize the legal rights of individual patients to receive and send mail and packages, and to articulate the guidelines and procedures regarding the processing of incoming and outgoing mail and packages.

II. AUTHORITY

A. Welfare and Institutions Code Sections 4136, 5325, and 5326, and Title 9, California Code of Regulations Sections 881(c)(q), 884, 885, 4350, 4415 and 4420.

1. Title 9, California Code of Regulations Section 4415 Definition of Mail reads as follows:

4415 – Mail is defined as paper documents sent in a standard sized, legal sized, or special handling envelope (Priority mail, express mail, etc.) with a weight of 16 ounces or less, and thickness of 1/2 inches or less.

2. Title 9, California Code of Regulations Section 4420 Limitations on Size, Weight, Volume and Frequency/Number of Packages Allowed reads as follows:

4420 (a) – All sent or received items that do not fall under the definition of “Mail” in Section 4415 of these regulations constitute packages.

4420 (b) – Each package sent and each package received shall not be more than 24 inches long by 19 inches in length by 12 inches high, and shall weigh no more than 30 pounds.

4420 (c) – A state hospital may limit an individual patient's maximum number of incoming packages based on staffing and hospital ground limitations. If the facility chooses to impose limits, such limits shall be according to the following: three packages per individual patient per calendar quarter for the first three quarters of the year (January-March, April-June, July-September) and four packages per individual patient during the fourth quarter of the year (October-December).

4420 (d) – Packages sent to the facility that are not within the limits set forth in subsection (b) and (c) above shall be returned to the sender.

4420 (e) – The limitations set forth in the section shall not apply to Confidential Mail as such term is defined in Section 881(c) of these regulations.

III. POLICY

Patients residing at Coalinga State Hospital (CSH) have the legal rights to receive and send mail and packages. This Internal Management Directive (IMD) provides hospital staff with a summary of such rights and the procedure for staff to follow in processing incoming and outgoing mail and packages.

IV. METHOD

A. Summary of the Applicable Statutes and Regulations Concerning Mail and Packages:

1. Welfare and Institutions Code Section 5325 (e) provides that LPS patients have the right to have access to letter writing materials and to receive and send correspondence. Section 5325 (e) reads as follows:

5325 (e) – To have ready access to letterwriting materials, including stamps, and to mail and receive unopened correspondence.

2. However, the right of Non LPS patients to receive unopened correspondence is limited by the facility's ability to open the correspondence to search for contraband. See Title 9, California Code of Regulations, Section 4350 and Section 884 (b) (6) and (7) below.

4350 – Electronic devices with the capability to connect to a wired (for example, Ethernet, Plain Old Telephone Service (POTS), Fiber Optic) and/or a wireless (for example, Bluetooth, Cellular, Wi-Fi [802.11a/b/g/n], WiMAX) communications network to send and/or receive information are prohibited, including devices without native capabilities that can be modified for network communication. The modification may or may not be supported by the product vendor and may be a hardware and/or software configuration change. Some examples of the prohibited devices include desktop computers, laptop computers, cellular phones, electronic gaming devices, personal digital assistant (PDA), graphing calculators, and radios (satellite, shortwave, CB and GPS).

884 (b) (6) – A right to have access to letter writing materials and to mail and receive correspondence. Designated facility employees shall open and inspect all incoming and outgoing mail addressed to and from patients for contraband. Confidential mail, as defined in Section 881(c), shall not be read. Limitations on size, weight and volume of mail shall be specified by formal facility policy.

884 (b) (7) – A right to receive packages. Designated facility employees shall open and inspect all incoming and outgoing packages addressed to and from patients for contraband. Limitations on the size, weight and volume, and frequency/number of packages allowed shall be specified by formal facility policy.

3. The term package is defined in Title 9, California Code of Regulations Section 881 (q) which reads as follows:

881 (q) – “Package” means a wrapped or boxed object, a parcel, or a container in which something is packed for storage, mailing, or transporting.

4. The term confidential mail referenced in Section 884 (b) (6) above is defined in Title 9, California Code of Regulations Section 881 (c) which reads as follows:

881 (c) – “Confidential mail” means letters or documents sent to or received from attorneys, courts or government officials through the mail.

5. Limitation on the size, weight, volume and frequency/number of mail and packages mentioned in Section 884 (b) (6) and (7) above are addressed in Title 9, California Code of Regulations Sections 4415 and 4420.

6. Applicable to both LPS and Non-LPS individual patients, Welfare and Institutions Code Section 4136 addresses a state mental hospital’s obligation to provide letter and postage for indigent and non-indigent individual patients. Section 4136 reads in relevant part:

4136 (b) – Each indigent patient in a state hospital for the mentally disordered shall be allotted sufficient materials for one letter each week, including postage in an amount not to exceed the cost of one stamp for first-class mail for a one-ounce letter, at no cost to the patient.

4136 (c) – Each newly admitted patient, for the first 30 days after his or her initial admission, shall be allotted sufficient materials for two letters each week, including postage for first-class mail for up to two one-ounce letters per week. The Hospital Administrator shall ensure that additional writing materials and postage are available for purchase by patients at the store or canteen on hospital grounds.

4136 (d) – For purposes of this section, “indigent patient” means any patient whose income is no more than twelve dollars and fifty cents (\$12.50) per month.

B. The Legal Rights of Patients to Receive and Send Mail and Packages:

Patients have the following rights:

1. Both LPS and Non-LPS individual patients have the right to access letter writing materials, including stamps, for cost, and to send and receive mail and packages. (Welfare and Institutions Section 5325 (e) and Title 9, California Code of Regulations Section 884 (b) (6) and (7))
2. LPS individual patients have the right to mail and receive unopened correspondence. (Welfare and Institution Section 5325 (e)) However, such right is limited by the facility’s ability to search for contraband. (Title 9, California Code of Regulations Section 4350)

EXHIBIT D

Effective Date: November 10, 2011

**SUBJECT: PROCESSING OF DEPARTMENTAL AND UNITED STATES POSTAL
SERVICES MAIL**

I. PURPOSE

The purpose of this policy is to ensure a coordinated set of guidelines and procedures regarding the process and routing of mail at Coalinga State Hospital (CSH) via the facility Office Services Staff.

II. AUTHORITY

- A. California Department of Mental Health (DMH) Special Order No. 249.01 Patient Mail and Packages.
- B. California Welfare and Institutions Code (WIC), Section 4136.
- C. Title 9, California Code of Regulations (CCR) Section 4415 identifies the definition of mail. Section 4415 reads as follows:

Mail is defined as paper documents sent in a standard sized, legal sized, or special handling envelope (Priority mail, express mail, etc.) with a weight of 16 ounces or less, and thickness of 1/2 inches or less.

- D. Title 9, CCR Section 4420 identifies the limitations on size, weight, volume and frequency/number of packages allowed. Section 4420 reads as follows:
 - (a) All sent or received items that do not fall under the definition of "Mail" in Section 4415 of these regulations constitute packages.
 - (b) Each package sent and each package received shall not be more than 24 inches long by 19 inches in length by 12 inches high, and shall weigh no more than 30 pounds.
 - (c) A state hospital may limit an individual patient's maximum number of incoming packages based on staffing and hospital ground limitations. If the facility chooses to impose limits, such limits shall be according to the following: three packages per individual patient per calendar quarter for the first three quarters of the year (January-March, April-June, July-September) and four packages per individual patient during the fourth quarter of the year (October-December).
 - (d) Packages sent to the facility that are not within the limits set forth in subsection (b) and (c) above shall be returned to the sender.

(e) The limitations set forth in the section shall not apply to Confidential Mail as such term is defined in Section 881(c) of these regulations.

III. POLICY

It is the policy of CSH to provide staff and Individuals with a mail service that provides the most expeditious manner of delivery while retaining established security needs.

IV. METHOD

A. Secured Treatment Area (Attachment A):

1. Pick up and delivery of mail for departments located in the secure areas of the facility will be from the established "Key Rooms", within the secured perimeter once a day.
2. Each department will have a labeled aluminum mailbox within the room, which will be accessed by key. Identified delivery departments shall be responsible to identify employees that are assigned keys to the mailbox for that department.
3. Each department within the secure area of the facility will be issued a mailbag in which to place their outgoing departmental mail. Both inter-office and United States Postal Services (USPS) mail will be placed in the bag. Designated staff members will be responsible for taking the mailbag to the corresponding "Key Room" and placing it into the locked box.
4. Monday through Friday, at 1:00 p.m. incoming mail will be ready for pick up at the appropriate mailboxes. Outgoing mail should be inside the appropriate mailbox by 11:00 a.m. to ensure same day postage. Outgoing Individual mail is to be processed in accordance with IMD No. 624, prior to being placed in the mailbag and/or the aluminum mailbox.

B. Interdepartmental Mail for CSH Individuals:

1. Individuals shall prepare and address mail in conformance with current policy and properly address all correspondence. Instead of postage being applied, the envelope should be clearly marked in a postage area "Interdepartmental Mail".
2. Mail Room staff will deliver all addressed mail of this type during regularly scheduled mail delivery times.
3. Staff receiving patient complaints of any type shall forward the original complaint to the CSH Patient Complaint Coordinator so proper follow up can be tracked.
4. To avoid delays, Individuals may send correspondence directly to the Patient Complaint Coordinator who will assign a tracking number and forward to the appropriate staff member.

C. Administration/Visitor Processing Buildings (Attachment B):

1. Pick up and delivery of mail for Administration in non-secure areas of the facility will be completed once a day.
2. Monday through Friday at approximately 1:00 p.m. Office Services staff will pick up and deliver mail to the following locations:
 - a. All offices in Building 31, including the California Department of Corrections and Rehabilitation (CDCR)
 - b. All departments in Building 30
3. All outgoing mail should be ready to leave by 1:00 p.m. each workday to ensure the same day postmark.
4. If departments have outgoing mail that needs to be picked up after 1:00 p.m., it will be the department's responsibility to contact the Office Services Help Line to make arrangements to take the mail to the Mailroom for postage metering. If the need arises, after the last trip to the USPS, it will be the department's responsibility to take the mail to the USPS in Coalinga. Same day postmarks conclude at 3:30 p.m.

D. All Other Delivery Areas:

1. Pick up and delivery of mail for outer perimeter departments in non-secure areas of the facility will be completed once a day.
2. Monday through Friday at approximately 3:00 p.m., Office Services staff will pick up and deliver mail to the following locations:
 - a. Warehouse
 - b. Central Kitchen
 - c. Plant Operations
3. All outgoing mail from these locations should be ready by 3:00 p.m. each workday to ensure the same day postmark.

E. All Delivery Areas:

1. Personal staff mail and/or packages are not to be mailed or received via the Coalinga State Mailroom or Central Warehouse.

2. All inter-office mail is required to be labeled clearly, with the name of the department, as well as the first and last name of the intended recipient.

Signature on File w/ A.D. Coordinator

PAM AHLIN
Executive Director

Cross Reference(s):

IMD No. 624 Individuals' Mail and Packages

Attachment A – Mailbox Delivery Locations Inside The Secured Treatment Area

Attachment B – Mailbox Delivery Locations Inside Administration/Visitor Processing Buildings

**MAILBOX DELIVERY LOCATIONS INSIDE
THE SECURED TREATMENT AREA**

- 1) All open treatment units
- 2) All open medical units
- 3) All open Program Offices
- 4) Medical Clinic
- 5) Pharmacy
- 6) Assessment Center
- 7) Central Supply
- 8) Dental
- 9) Laboratory
- 10) Radiology
- 11) NOD
- 12) Library
- 13) Central Program Services
- 14) Patient Advocate
- 15) Point Store (By Choice)
- 16) Canteen
- 17) CDCR
- 18) Patient Property

Signature on File w/ A.D. Coordinator

PAM AHLIN
Executive Director

Date

**MAILBOX DELIVERY LOCATIONS INSIDE
ADMINISTRATION/VISITOR PROCESSING BUILDINGS**

- 1) Information Technology
- 2) Health Information Management Department
- 3) Training
- 4) Quality Improvement / Labor Relations / Discipline
- 5) Fiscal Services
- 6) External Affairs / Treatment Enhancement Coordinator / Office Special Investigations
- 7) Executive Suite (ED, HA, MD, CA, NA and support staff)
- 8) Occupational Health Clinic
- 9) Procurement
- 10) Trust
- 11) Central Nursing Services
- 12) Personnel
- 13) Department of Police Services
- 14) EEO
- 15) General Services
- 16) Health and Safety / Return to work Coordinator

Signature on File w/ A.D. Coordinator

PAM AHLIN
Executive Director

Date