

**State of California
Office of Administrative Law**

In re:
Department of State Hospitals

Regulatory Action:

Title 09, California Code of Regulations

Amend sections: 4335 and 4340

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2025-1023-01

OAL Matter Type: Regular Resubmittal (SR)

In this regular rulemaking, the Department of State Hospitals (DSH) is adopting regulations regarding (1) entry into patient rooms by other patients and DSH staff, and (2) observation rounds conducted by DSH staff.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 12/8/2025 pursuant to Government Code section 11343.4(b)(3).

Date: December 8, 2025



**Steven J. Escobar
Senior Attorney**

**Original: Stephanie Clendenin, Director
Copy: Anna Libonati**

**For: Kenneth J. Pogue
Director**

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

RESUBMITTAL

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2024-1202-01	REGULATORY ACTION NUMBER 2025-1023-01	EMERGENCY NUMBER SR
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

DEC 08 2025

1:58 pm

NM

OFFICE OF ADMIN. LAW
2025 OCT 23 PM 4:08

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
Department of State Hospitals

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2024, 50-2	PUBLICATION DATE 12/13/24

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Entry Into Patient Rooms and Observation Rounds	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2025-0701-04S
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s)) 4335, 4340 individually. Attach additional sheet if needed.)	ADOPT
	AMEND
TITLE(S) 9	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)		<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
04/01/2025-04/22/2025 and 09/09/2025-09/24/2025

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Anna Libonati	TELEPHONE NUMBER (916) 654-2478	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) DSH.Regulations@dsh.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Stephanie Clendenin</i>	DATE 10/20/2025
TYPED NAME AND TITLE OF SIGNATORY Stephanie Clendenin, Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 08 2025

Office of Administrative Law

Per agency's request: SE, 12/14/2025

DEPARTMENT OF STATE HOSPITALS
FINAL REGULATIONS TEXT
ENTRY INTO PATIENT ROOMS AND OBSERVATION ROUNDS

California Code of Regulations
Title 9. Rehabilitative and Developmental Services
Division 1. Department of Mental Health
Chapter 16. State Hospital Operations
Article 3. Safety and Security

Section 4335. Entry into Patient Rooms.

- (a) Patients shall not enter any single bedroom or dormitory bedroom (hereinafter referred to collectively as "room") in which the patient does not reside except under the conditions of subdivision (b) of this section. Patients cannot enter or remain in any room in which the patient does not reside between 22:45 and 07:00.
- (b) Patients may be permitted to enter the room of other patients to visit under the following conditions:
 - (1) No patient residing in the room has objected to the visit.
 - (2) The patients reside in the same unit.
- (c) If any patient residing in the room has objected to the visit or staff reasonably believes there may be a health, safety, or security concern to any patients, staff, or the public, staff shall escort the visiting patient out of the room or contact hospital police for assistance escorting the visiting patient out of the room, if necessary.
- (d) Except in emergency situations, staff will either knock on the door or announce their presence before entering a patient's room.
 - (1) Emergency situations are any situations that can negatively impact the therapeutic environment or safety of the patients or staff.

Note Authority cited: Sections 4005.1, 4011 and 4101, Welfare and Institutions Code.
Reference: Sections 4027 and 4312, Welfare and Institutions Code.

Section 4340. Observation Rounds.

- (a) Observation rounds are when staff inspect, visualize, or otherwise monitor any area of the hospital.
- (b) Staff shall conduct observation rounds of all areas that are occupied by patients, or may be occupied by patients, at least once every two hours except under emergency situations as that term is defined in section 4335(d)(1).
- (c) During observation rounds, staff will identify each patient. If the patient is sleeping, staff will check the patient to observe movement and ascertain that the patient is breathing.

 - (1) Additional illumination, such as a flashlight, may be used when necessary and to the extent necessary for proper visualization of the patient to ascertain movement and that the patient is breathing.
- (d) Staff performing observation rounds shall be accompanied by a second staff member when entering patient rooms as that term is defined in section 4335(a).

Note Authority cited: Sections 4005.1, 4011 and 4101, Welfare and Institutions Code.
Reference: Sections 4027 and 4312, Welfare and Institutions Code.