



State of California—Health and Human Services Agency
Department of Health Care Services



GAVIN NEWSOM
GOVERNOR

DATE: January 21, 2021

Behavioral Health Information Notice No: 21-005

TO: California Alliance of Child and Family Services
California Association for Alcohol/Drug Educators
California Association of Alcohol & Drug Program Executives, Inc.
California Association of DUI Treatment Programs
California Association of Social Rehabilitation Agencies
California Consortium of Addiction Programs and Professionals
California Council of Community Behavioral Health Agencies
California Hospital Association
California Opioid Maintenance Providers
California State Association of Counties
Coalition of Alcohol and Drug Associations
County Behavioral Health Directors
County Behavioral Health Directors Association of California
County Drug & Alcohol Administrators
Psychiatric Health Facility Administrators
Mental Health Rehabilitation Center Directors

SUBJECT Non-Substantive Amendments to Title 22 Regulations Governing
Psychiatric Health Facilities (PHFs)

PURPOSE Provide notice of non-substantive amendments to PHF regulations.

REFERENCE California Code of Regulations (CCR), Title 22, Sections 77005,
77009, 77037(a), 77045(c)(4), 77052.5(g) and (h), 77105, and
77143(a) and (h).

AUTHORITY

These amendments were proposed under CCR title 1, sections 100(a)(6)(A) and (B) and did not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provision.

BACKGROUND

Health and Safety (H&S) Code sections 1250.2 and 1254(e), and Welfare and Institutions (W&I) Code section 4080 specify the Department of Health Care

January 21, 2021

Services' (DHCS') responsibility to license and inspect PHFs. Prior to June 27, 2012, the former Department of Mental Health (DMH) was responsible for licensing PHFs. Senate Bill 1009, Statutes of 2012, Chapter 34 effectively eliminated DMH as a state department. DMH's responsibility for licensing PHFs was thereafter transferred from DMH to the Department of Social Services (DSS), effective June 27, 2012. Assembly Bill 82, Statutes of 2013, Chapter 23, subsequently transferred the responsibility for licensing PHFs from DSS to DHCS effective June 27, 2013.

DHCS' Licensing and Certification Division (LCD) licenses PHFs. The regulations that govern LCD's licensing of PHFs are located in CCR, Title 22, Division 5, Chapter 9. These regulations still included references to the former DMH and its Licensing and Certification Division, previously located at 1600 9th Street, Sacramento, California 95814, as the department and division responsible for licensing PHFs.

POLICY

Amendments to CCR, title 22, sections 77005, 77009, 77037(a), 77045(c)(4), 77052.5(g) and (h), 77105, and 77143(a) and (h) included:

- Updating department and division names with statutory authority to license PHFs as follows:
 - the "Department of Mental Health" was updated to the "Department of Health Care Services";
 - "Licensing and Certification" was updated to "Licensing and Certification Division."
- Where appropriate, updating the authority and reference citations in the "Note" section of several regulations to reflect correct authority and reference citations.
- Replacing two cross-references to repealed statutes with the correct re-codified statute number.

As a reminder, PHFs are subject to regulations located in Title 22, Division 5, Chapter 9 of the California Code of Regulations. Compliance with the updated regulations set forth in this Information Notice is mandatory for all licensed PHF providers. The amendments to the regulations become effective on January 1, 2021.

If you have questions regarding this Information Notice, please contact the Mental Health Licensing Section at MHLCD@dhcs.ca.gov or (916) 323-1864.

Sincerely,

Original Signed by

Janelle Ito-Orille, Chief
Licensing and Certification Division