

State of California
Office of Administrative Law

NOTICE OF APPROVAL OF CHANGES WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1, Section 100

OAL Matter Number: 2014-0707-02 N

OAL Matter Type: Nonsubstantive (N)

In re:

Department of Health Care Services

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections: [Blank]

Amend sections: 51309, 51331

Repeal sections: [Blank]

This action by the Department of Health Care Services (Department) makes changes without regulatory effect to sections 51309 and 51331, in Title 22 of the California Code of Regulations. Specifically, this action removes the certain limitations on psychological services to make sections 51309 and 51331 conform to new Welfare and Institutions Code, section 14132.03, is also added as a reference citation.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, Title 1, section 100.

Date: 8/18/2014

[Original Signed]

Kevin D. Hull, Senior Attorney

For: DEBRA M. CORNEZ, Director

Original: Toby Douglas

Copy: Kenneisha Moore

[Stamp]
[NONSUBSTANTIVE]

**STATE OF CALIFORNIA – OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 01-2013)
OAL FILE NUMBERS
NOTICE FILE NUMBER: **Z-**
REGULATORY ACTION NUMBER: 2014-0707-02N
EMERGENCY NUMBER: [Blank]

For use by Office of Administrative Law (OAL) only
NOTICE: [Blank]

REGULATIONS: [Date Stamp]
2014 JUL 7 PM 3:44
OFFICE OF ADMINISTRATIVE LAW

For Use by Secretary of State Only
[Date Stamp]
Endorsed Filed in the office of the Secretary of State of the State of California
2014 AUG 18
PM 2:20

AGENCY WITH RULEMAKING AUTHORITY: Department of Health Care Services
AGENCY FILE NUMBER (if any): DHCS-14-010

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

1. SUBJECT OF NOTICE: [Blank]
TITLES: [Blank]
FIRST SECTION AFFECTED: [Blank]
2. REQUESTED PUBLICATION DATE: [Blank]
3. NOTICE TYPE
Notice re Proposed Regulatory Action: [Blank]
Other: [Blank]
4. AGENCY CONTACT PERSON: [Blank]
TELEPHONE NUMBER: [Blank]
FAX NUMBER (Optional): [Blank]

OAL USE ONLY

ACTION ON PROPOSED NOTICE

Approved as Submitted: [Blank]
Approved as Modified: [Blank]
Disapproved/Withdrawn: [Blank]
NOTICE REGISTER NUMBER: [Blank]

PUBLICATION DATE: [Blank]

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATIONS: Psychology Services: Removal of Utilization Cap

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBERS:

[Blank]

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES AND SECTIONS

(Including Title 26, if toxics related)

SECTIONS AFFECTED (List all section numbers individually. Attach additional sheet if needed.)

ADOPT: [Blank]

AMEND: 51309 and 51331

REPEAL: [Blank]

TITLES: 22

3. TYPE OF FILING

Regular Rulemaking (Gov. Code Section 11346): [Blank]

Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code Sections 11349.3, 11349.4): [Blank]

Emergency (Gov. Code, Section 11346.1(b)): [Blank]

Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code Sections 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute:

[Blank]

Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, Section 11346.1): [Blank]

Emergency Readopt (Gov. Code, Section 11346.1(h)): [Blank]

File & Print: [Blank]

Changes Without Regulatory Effect (Cal. Code Regs., Title 1, Section 100): [Checked]

Print Only: [Blank]

Other (Specify): [Blank]

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs, Title 1, Section 44 and Gov. Code Section 11347.1): [Blank]

5. EFFECTIVE DATE OF CHANGES (Gov. Code, Sections 11343.4, 11346.1(d)); Cal. Code Regs, Title 1, Section 100):

Effective January 1, April 1, July 1, or October 1 (Gov. Code Section 11343.4(a)): [Blank]

Effective on filing with Secretary of State: [Blank]

Section 100 Changes Without Regulatory Effect: [Checked]

Effective other (Specify): [Blank]

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY.

Department of Finance (Form STD. 399) (SAM Section 6660): [Blank]

Fair Political Practices Commission: [Blank]

State Fire Marshal: [Blank]

Other (Specify): [Blank]

7. CONTACT PERSON: Kenneisha Moore

TELEPHONE NUMBER: (916) 552-9183

FAX NUMBER (Optional): (916) 440-5748

EMAIL ADDRESS (Optional): Kenneisha.moore@dhcs.ca.gov

8. I certify that the attached copy of the regulations is a true and correct copy of the regulations 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: [Original Signed]

TYPED NAME AND TITLE OF SIGNATORY: Toby Douglas, Director

DATE: 7/3/14

For use by Office of Administrative Law (OAL) only

[Date Stamp]

Endorsed Approved

AUG 18 2014

Office of Administrative Law

METHOD OF INDICATING CHANGES

This Accessible PDF version of the approved Rule 100 regulation text includes the phrase [begin underline] at the beginning of each addition, [end underline] at the end of each addition, [begin strikeout] at the beginning of each deletion, and [end strikeout] at the end of each deletion.

A standard PDF version of this approved Rule 100 regulation text is also available on the Department's Office of Regulations Internet site.

(1) Amend Section 51309 as follows:

Section 51309. Psychology, Physical Therapy, Occupational Therapy, Speech Pathology and Audiological Services.

Subsections (a) through (d) - No Changes

[begin underline](e) Psychology services are not subject to the limitations set forth in Section 51304(a). [end underline]

Note: Authority cited: Sections 14105 and 14124.5, Welfare and Institutions Code; [begin underline]Section 20, Health and Safety Code; [end underline] and Section 57(c), Chapter 328, Statutes of 1982. Reference: Sections 14132, [begin underline]and 14132.03, [end underline] Welfare and Institutions Code; and Section 52, Chapter 328, Statutes of 1982.

(2) Amend Section 51331 as follows:

Section 51331. Hospital Outpatient Department Services and Organized Outpatient Clinic Services.

Subsections (a)(1) through (a)(20) - No Changes

(b) Physician services in a hospital outpatient department or clinic are subject to the requirements of Sections 51305 through 51305.7. Services indicated in ~~[begin strikeout]3 and~~ (6) through (8) above are subject to the limitations specified in Section 51304(a). Podiatry services, except as otherwise specified in Section 51310(a)(1), and physical therapy services are covered only if prior authorization is obtained from the Medi-Cal consultant. The services set forth are subject to the same limitations that apply when such services are provided in a nonhospital or nonclinic setting.

Subsections (c) through (d) - No Changes

Note: Authority cited: Sections 10725, 14105 and 14124.5, Welfare and Institutions Code; Section 57 (c), Chapter 328, Statutes of 1982; and Section ~~[begin underline]s 20 and~~ 208, Health and Safety Code. Reference: Sections 14053, 14131, 14132, ~~[begin underline]14132.03,~~ 14133, 14133.1, 14133.3 and 14133.25, Welfare and Institutions Code; Section 52, Chapter 328, Statutes of 1982; Section 149, Chapter 323, Statutes of 1983; and Section 4063, Business and Professions Code.