

NOTICE OF PROPOSED RULEMAKING

SUBJECT: Notice of Action – County Contact Information, DHCS-19-004

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (Department) proposes to amend California Code of Regulations (CCR), title 22, section 50179 after considering all public comments, objections, and recommendations.

WRITTEN COMMENT PERIOD

Any interested person or their duly authorized representative may submit written comments to the Department relevant to the regulatory action described in this notice.

Please label any comments as pertaining to **Notice of Action – County Contact Information, DHCS-19-004** and submit them using any of the following methods:

Mail: Department of Health Care Services
Office of Regulations, MS 0015
P.O. Box 997413
Sacramento, CA 95899-7413

FAX: (916) 440-5748

Email: regulations@dhcs.ca.gov

The written comment period closes at **5:00 p.m. on November 8, 2023**. Any written comments, regardless of the method of transmittal, must be received by the Office of Regulations by **5:00 p.m.** on this date for consideration.

Written comments should include the author's contact information so the Department can provide notification of any further changes to the regulation proposal.

A public hearing has not been scheduled for this rulemaking. However, the Department will conduct a hearing if a written request for a public hearing is received from any interested person or their duly authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code section 11346.8.

The Department shall consider all comments received regarding the proposal equally, whether submitted in writing or through oral testimony at a public hearing.

AUTHORITY AND REFERENCE

These regulations are proposed under the following authorities:
Section 20, Health and Safety Code; Sections 10725 and 14124.5, Welfare and Institutions Code.

These regulations implement, interpret, or make specific the following:
Sections 10950, 10951, 11002, 11004, 11052, 11055, 14000, 14005, 14016, 14016.2, 14023, 14023.7, and 14124.90, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background

The purpose of the Department of Health Care Services (Department) is to provide equitable access to quality health care leading to a healthy California for all. In support of this purpose, the Department administers many health care programs, including California's Medicaid program, which is known as the Medi-Cal program.

The Department's Medi-Cal Eligibility Division is responsible for the coordination and implementation of Medi-Cal program regulations that support the accurate and timely determination of Medi-Cal program eligibility for applicants and beneficiaries.

When a county department completes a Medi-Cal only eligibility determination or redetermination for an applicant or beneficiary, it sends the individual a Notice of Action (NOA). A NOA is a written notice that informs the applicant or beneficiary of the county department's eligibility decision and effective date of coverage, as well as any changes made in eligibility status or level of benefits. The NOA includes information about the applicant or beneficiary's right to request a State hearing to appeal an eligibility determination such as a denial or reduction of benefits, or failure to take action on an application or other information. In addition, the NOA currently provides the name and phone number of the eligibility worker who completed the applicant or beneficiary's eligibility determination.

Related Federal and State Laws

Federal and state law govern the Medi-Cal program. Federal Medicaid law is provided under Title 42 United States Code (U.S.C.) section 1396a et seq. State Medicaid law is provided under Welfare and Institutions (W&I) Code division 9, part 3, chapters 7 and 8.

W&I Code sections 10725 and 14124.5 authorize the Director of the Department to adopt, amend or repeal regulations as necessary and proper to carry out the purposes and intent of the statutes governing the Medi-Cal program. These include regulations for the determination of Medi-Cal eligibility and share of cost, which are provided under article 2, subdivision 1, division 3, title 22 of the California Code of Regulations.

California Code of Regulations, title 22, section 50179 specifies the required information to be included in a NOA for Medi-Cal only determinations and redeterminations. Currently, this section requires the NOA to include the name and phone number of the eligibility worker who completed the eligibility determination.

Statement of Purpose/Problem to Be Addressed

This proposed regulatory action amends California Code of Regulations, title 22, section 50179 to enable county departments to include in the NOA the name and telephone number of the county department worker, county department call center, or other appropriate county department contact that is able to assist applicants and beneficiaries with questions about their NOA. By expanding the county department contact options, county departments will have the discretion to include in the NOA the most helpful and relevant county department contact information according to their operational structure.

Anticipated Benefits or Goals of the Regulations

This proposed regulatory action will improve the Medi-Cal program eligibility determination process by enabling applicants and beneficiaries to contact a knowledgeable party that can readily address questions or provide further information about their NOA. The anticipated benefit of these amendments is enhanced communication and the flow of accurate information between applicants and beneficiaries and county departments. This, in turn, supports applicants and beneficiaries in their efforts to apply for or maintain eligibility in the Medi-Cal program and to access necessary health care services.

This regulatory proposal supports the purpose and intent of the Medi-Cal program, as specified under W&I Code section 14000 et seq. (chapter 7, Basic Health Care), to afford qualifying individuals with health care and related preventive services. Furthermore, this proposal supports individuals in obtaining covered health care services in the same manner as the general public without economic discrimination, and without duplication of benefits available under other federal or state laws.

Within chapter 7, W&I Code section 14124.5 further specifies that the Director may establish regulations as are necessary or proper to carry out the purpose and intent of this chapter, which includes the establishment of Medi-Cal eligibility standards and methodologies as set forth under this chapter (including section 14005.30) and in accordance with 42 U.S.C. section 1396u-1.

This regulatory proposal supports the proper and efficient administration of the Medi-Cal program, in accordance with federal and state laws that govern the Medi-Cal program's rules of eligibility, participation, and funding.

Consistency and Compatibility with Existing State Regulations

The Department conducted an evaluation of the related existing state regulations under the California Code of Regulations, title 22, division 3 and determined that the regulations are consistent and compatible with those regulations. In addition, the Department conducted an automated search of California Code of Regulations, title 22,

division 3 using the following keywords “Notice of Action.” The search did not yield any conflicting state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

FISCAL IMPACT STATEMENT

- A. Costs to any Local Agency or School District that is required to be reimbursed under part 7 (commencing with section 17500), division 4 of the Government Code: None.

Costs to any Local Agency or School District that is not reimbursable by the State: None.

- B. Costs or Savings to any State Agency: None.

- C. Costs or Savings in Federal Funding to the State: None.

- D. Other Nondiscretionary Costs or Savings Including Revenue Changes Imposed on State or Local Agencies: None.

All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the proposed regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with section 17500) of division 4 of the Government Code.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (ANALYSIS)

In accordance with Government Code section 11346.3(b)(1), the Department has determined that the regulations would not significantly affect the following:

- 1) The creation or elimination of jobs within the State of California;

- 2) The creation of new businesses or the elimination of existing businesses within the State of California; or
- 3) The expansion of businesses currently doing business within the State of California.

IMPACT ON JOBS AND BUSINESSES

The Medi-Cal program is a public health program that provides health care services for low-income individuals who choose to enroll and participate in the program. This regulatory proposal will impact the Medi-Cal eligibility determination process conducted by county departments. Specifically, the amendments proposed through this regulatory action will update and enhance the usefulness of the county department contact information provided on a NOA. This regulatory proposal is not anticipated to have an impact on the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses or the expansion of businesses in California.

BENEFITS OF THE PROPOSED REGULATION

The Department has determined that the proposed regulations will not specifically affect worker safety or the state's environment. However, the regulations will benefit county departments that conduct Medi-Cal program eligibility determinations, as well as applicants and beneficiaries. Including the most relevant and useful county department contact information will support county department efforts to be available for applicants and beneficiaries to answer questions and provide guidance regarding their NOA. This, in turn, will benefit the health and welfare of California residents. Ensuring access to the county department and information about the NOA will benefit the health and welfare of California residents, specifically supporting applicants and beneficiaries in their efforts to apply for or maintain eligibility in the Medi-Cal program and to access necessary health care services.

This regulatory action also supports the proper and efficient administration of the Medi-Cal program, in accordance with federal and state laws. The Department accomplishes this by issuing regulations that improve eligibility determination processes.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations would not affect small businesses because these regulations do not impose any additional reporting, recordkeeping, or other compliance requirements on small businesses.

HOUSING COSTS DETERMINATION

The Department has determined that the proposed regulations would have no impact on housing costs.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which this regulatory action is proposed, would be as effective and less burdensome to affected

private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Existing Medi-Cal program regulations are located in California Code of Regulations, title 22, division 3. Using this regulatory action to update requirements related to county department contact information that is listed on a NOA is the most effective and convenient way to provide current information directly to those impacted including applicants, beneficiaries, and county departments.

ASSISTIVE SERVICES

For individuals with disabilities, the Department will provide assistive devices, including sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of training or meeting materials into braille, large print, audio or electronic format. To request these services, copies in an alternative format or language services, all free of charge, please call or write:

Department of Health Care Services
Office of Regulations MS 0015
P.O. Box 997413
Sacramento, CA 95899-7413
Program Phone Number: (916) 440-7695
Program Email: www.regulations.ca.gov

Please note that the range of assistive services available may be limited if requests are received less than ten working days prior to the meeting or event.

The Department shall provide, upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, a narrative description of the additions to, and deletions from, the California Code of Regulations or other publication in a manner that allows for accurate translation by reading software used by the visually impaired. Providing this description may require extending the period of public comment for the proposed action pursuant to Government Code section 11346.6.

CONTACT PERSONS

Inquiries regarding the proposed regulations described in this notice may be directed to Kathryn Floto of the Medi-Cal Eligibility Program at (916) 345-8076.

All other inquiries concerning the action described in this notice may be directed to Erika Drayton-Jebali of the Office of Regulations, at (916) 345-8404, or to the designated backup contact person, Jasmin Delacruz, at (916) 345-8418.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed

regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

Materials regarding the regulatory action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) are posted to the Department's Internet site at:

<http://www.dhcs.ca.gov/formsandpubs/laws/Pages/ProposedRegulations.aspx>.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711), email regulations@dhcs.ca.gov, or write to the Office of Regulations at the address noted above.