

**State of California
Office of Administrative Law**

In re:

Department of Health Care Services

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections:

Amend sections: 51305

Repeal sections:

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

OAL File No. 2014-0707-01 N

This action by the Department of Health Care Services (Department) makes changes without regulatory effect to section 51305, in Title 22 of the California Code of Regulations. Specifically, this action removes the utilization cap of eight (8) psychiatry services without prior authorization. This change is required to make section 51305 conform to new Welfare and Institutions Code, section 14132.03, enacted by Statutes 2013, Chapter 4 (SB X1-1). 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.

Original Signed

Date: 8/18/2014

Kevin D. Hull
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Toby Douglas
Copy: Kenneisha Moore

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2014-0707-01N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only NOTICE		For use by Office of Administrative Law (OAL) only REGULATIONS	

 AGENCY WITH RULEMAKING AUTHORITY
 Department of Health Care Services

For use by Secretary of State only

 ENDORSED FILED
 OFFICE OF

2014 AUG 18 PM 2:20

Original Signed

 DEBRA BOWEN
 SECRETARY OF STATE

 AGENCY FILE NUMBER (If any)
 DHCS-14-012
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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Psychiatry Services: Removal of Utilization Cap		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
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) individually. Attach additional sheet if needed.)		ADOPT AMEND 51305 REPEAL	
TITLE(S) 22			
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
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)			
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 type="checkbox"/> Effective on filing with Secretary of State <input checked="" 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 Kenneisha Moore		TELEPHONE NUMBER (916) 552-9183	FAX NUMBER (Optional) (916) 440-5748 E-MAIL ADDRESS (Optional) kenneisha.moore@dhcs.ca.gov

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 **Original Signed**
 TYPED NAME AND TITLE OF SIGNATORY
 Toby Douglas, Director

DATE

7/3/14

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 18 2014

Office of Administrative Law

(1) Amend Section 51305 as follows:

Section 51305. Physician Services.

Subsections (a) through (c) - No Changes

(d) A maximum of ~~eight psychiatry services and eight injections~~ for allergy desensitization, hyposensitization, or immunotherapy by injection of an antigen to stimulate production of protective antibodies may be provided in any 120-day period without prior authorization. Prior authorization shall be required when more than ~~eight psychiatry or eight~~ of the above allergy injections are provided in a 120-day period except those provided on an emergency basis.

Subsection (d)(1) - No Changes

(d)(2) A total treatment plan shall be developed for ~~psychiatry and allergy~~ services which require prior authorization. The treatment plan may be authorized for a period up to 120 days and shall include the following:

Subsections (d)(2)(A) through (F) - No Changes

Subsections (e) through (m) - No Changes

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 20, Health and Safety Code. Reference: Sections 14043.47, 14053, 14059, 14059.5, 14060, 14132, 14132.03, 14132.41, 14132.42, 14133(a), 14133(b), 14132.6, 14133.25 and 14133.3, Welfare and Institutions Code; and Title 42 Code of Federal Regulations, Sections 483.40(e), and 485.631(b)(iv).