

State of California
Office of Administrative Law

NOTICE OF APPROVAL OF CHANGES WITHOUT REGULATORY EFFECT
California Code of Regulations, Title 1, Section 100
OAL File Number: 2012-0605-01 N

In re:
Department of Health Care Services
Regulatory Action:
Title 22, California Code of Regulations

Adopt sections: [Blank]
Amend sections: [50195, 50197, 50256, 50258, 50258.1, 50262, 50268, 50815, 51000.53]
Repeal sections: [Blank]

This change without regulatory effect amends several sections in Title 22 of the California Code of Regulations. Most of the amendments correct cross-references in the text. Several sections in Title 22 were re-numbered, but references to these sections were not changed. This Section 100 corrects those cross-references. There are other minor grammatical corrections and some reference and authority citations are being added.

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

Date: June 21, 2012

[Original Signed]
Peggy J. Gibson, Senior Counsel

For: DEBRA M. CORNEZ, Director

Original: Toby Douglas
Copy: Jasmin Delacruz

[Stamp]
[NONSUBSTANTIVE]

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

STD. 400 (REV. 01-09)
OAL FILE NUMBERS
NOTICE FILE NUMBER: **Z-**
REGULATORY ACTION NUMBER: 2012-0605-01N
EMERGENCY NUMBER: [Blank]

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

REGULATIONS: [Date Stamp]
2012 JUN 5 PM 2:43
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
JUN 21 2012
2:45 pm

AGENCY WITH RULEMAKING AUTHORITY: Department of Health Care Services
AGENCY FILE NUMBER (if any): DHCS-12-002

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Disapproved/Withdrawn: [Blank]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: Rule 100 Changes to Medi-Cal Eligibility Sections

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: 50195, 50197, 50256, 50258, 50258.1, 50262, 50268, 50815, 51000.53

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: Jasmin Delacruz
TELEPHONE NUMBER: 916-440-7688
FAX NUMBER (Optional): 916-440-5748
EMAIL ADDRESS (Optional): Jasmin.Delacruz@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: 6/4/12

For use by Office of Administrative Law (OAL) only

[Date Stamp]
Endorsed Approved
JUN 21 2012
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 50195 to read:

50195. Period of Eligibility.

(a) The period of eligibility for Medi-Cal for persons eligible for AFDC or SSI/SSP shall begin with the date specified in Section ~~50704~~ 50193 (a) and (b), and shall continue through each successive month during which the person is determined to be eligible.

(b) The period of eligibility for Medi-Cal for persons eligible as Other PA recipients shall begin with the date specified in Section ~~50704~~ 50193 (c), and shall continue through each successive month during which the person meets all eligibility requirements of the appropriate Other PA category.

(c) The period of eligibility for Medi-Cal for persons eligible as MN or MI, except as specified in (d), shall begin with the date specified in Section ~~50704~~ 50193 (c), and shall continue through each successive month during which the beneficiary meets the appropriate basic program requirements in Article 5 of this chapter and all of the following conditions:

(c)(1) – (3) – No changes

(d) The period of eligibility for Medi-Cal for a child applying on his or her own behalf in accordance with Section 50147.1 (a) shall begin with the date specified in Section ~~50704~~ 50193 (c), and shall continue through each successive month during which the child meets both of the following conditions:

(d)(1) – (f)(3) – No changes

Note: Authority cited: [begin underline] Section 20, Health and Safety Code; and [end underline] Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 11014, 11016 and 14053, Welfare and Institutions Code.

2. Amend Section 50197(a) to read:

(a) In addition to the period of eligibility specified in Section [begin strikeout]-50703 [end strikeout] [begin underline] 50195 [end underline], an applicant shall be eligible for Medi-Cal in any of the three months immediately preceding the month of application or reapplication if all of the following requirements are met in that month:

(1) No changes.

(2) The applicant received hea[begin underline] l [end underline] th services.

(3) No changes

Note: Authority cited: [begin underline] Section 20, Health and Safety Code; and [end underline] Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14005.4, 14019, 14019.6, 14142 and 14145, Welfare and Institutions Code.

3. Amend Section 50256(b) to read:

(b) Period of Eligibility: Eligibility for the Qualified Disabled and Working Individual Program shall be in accordance with Sections [begin strikeout] 50704 [end strikeout] [begin underline] 50193 [end underline] , [begin strikeout] 50703 [end strikeout] [begin underline] 50195 [end underline] and [begin strikeout] 50710 [end strikeout] [begin underline] 50197 [end underline].

Note: Authority cited: [begin underline] Section 20, Health and Safety Code; [end underline] Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 12, Chapter 1430, Statutes of 1989. Reference: Section 14005.3, Welfare and Institutions Code; and Sections 1396a(a)(10)(E) and 1396d(s), Title 42, United States Code.

4. Amend Section 50258(b) to read:

(b) Period of Eligibility: Notwithstanding sections [begin strikethrough] 50704 [end strikethrough] [begin underline] 50193 [end underline] , [begin strikethrough] 50703 [end strikethrough] [begin underline] 50195 [end underline] and [begin strikethrough] 50740 [end strikethrough] [begin underline] 50197 [end underline] , eligibility for the Qualified Medicare Beneficiary Program shall begin the first of the month following the month of approval.

Note: Authority cited: [begin underline] Section 20, Health and Safety Code; [end underline] Sections 10725, 14005.11 and 14124.5, Welfare and Institutions Code; and Section 12, Chapter 1430, Statutes of 1989. Reference: Sections 1396a(a) [begin underline] (10)(E) and (G), 1396a(m)(4) [end underline] and 1396d(p) [begin underline] (1) [end underline] , Title 42, United States Code; and Section 14005.11, Welfare and Institutions Code.

5. Amend Section 50258.1(b) to read:

(b) Period of Eligibility: Eligibility for the SLMB program shall begin the first month eligibility is approved. A SLMB may be eligible for up to three months of retroactive benefits from the month of application as provided in Section ~~50740~~ 50197 but no earlier than January 1, 1993.

Note: Authority cited: Section 20, Health and Safety Code; and Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Section 1396a(a)(10)(E)(iii), Title 42, United States Code; and Section 14005.11, Welfare and Institutions Code.

6. Amend Section 50262(b)(3) to read:

(3) Retroactive eligibility. Eligibility for a pregnant woman or infant may be established retroactively in any of the three months immediately preceding the month of application as provided in section ~~50740~~ 50197.

Note: Authority cited: Section 20, Health and Safety Code; and Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14007.5, 14148, 14148.1 and 14148.5, Welfare and Institutions Code.

7. Amend Section 50268(b) to read:

(b) Period of Eligibility: Eligibility for the TB Program shall begin the first month eligibility is approved. A person with TB may be eligible for retroactive benefits in any of the three months immediately preceding the month of application as provided in Section ~~50710~~ 50197 , but not earlier than October 1, 1994.

Note: Authority cited: Section 20, Health and Safety Code; and Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14059 and 14132, Welfare and Institutions Code.

8. Amend Section 50815(e) to read:

(e) Retroactive eligibility, as defined by Section [begin strikeout] 50740 [end strikeout] [begin underline] 50197 [end underline], shall not be provided under the Medical Special Treatment Programs.

Note: Authority cited: [begin underline] Section 20, Health and Safety Code; and [end underline] Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 14005.4, 14005.7, 14141, 14142, 14143, 14144 and 14144.5, Welfare and Institutions Code.

9. Amend Section 51000.53(b) to read

(b) Prior to taking action to deactivate a provider's number or specific location used by a provider to obtain reimbursement from the Medi-Cal program pursuant to sub[begin underline] 9 [end underline] ections (a)(1) and (a)(2), the Department shall use due diligence in attempting to contact the provider by telephone or in writing to ascertain whether the provider wishes to continue to participate in the Medi-Cal program.

Note: Authority cited: Section 20, Health and Safety Code; and Sections 10725, 14043.75 and 14124.5, Welfare and Institutions Code. Reference: Sections 14043.2, 14043.26, 14043.27, 14043.28, 14043.36, 14043.37, 14043.45, 14043.62 and 14043.7, Welfare and Institutions Code; 42 U.S.C. Sections 1320a-3, 1320a-7, 1396a(a)(38[begin underline] 9 [end underline]) and 1396b(i)(2); and 42 Code of Federal Regulations Part 455.