

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

Repeal sections:

NOTICE OF APPROVAL OF CHANGES  
WITHOUT REGULATORY EFFECT

California Code of Regulations, Title 1,  
Section 100

OAL File No. 2012-0605-01 N

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: 6/21/2012

**Original Signed**

Peggy J. Gibson  
Senior Counsel

For: DEBRA M. CORNEZ  
Director

Original: Toby Douglas  
Copy: Jasmin Delacruz

RECEIVED  
JUN 21 2012  
OFFICE OF ADMINISTRATIVE LAW  
STATE OF CALIFORNIA

NOTICE PUBLICATION (REGULATION) SUBMISSION (See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS

NOTICE FILE NUMBER

Z-

REGULATORY ACTION NUMBER

2012-0605-01N

EMERGENCY NUMBER

NONSUBSTANTIVE

For use by Office of Administrative Law (OAL) only

2012 JUN -5 PM 2:43

OFFICE OF ADMINISTRATIVE LAW

ENDORSED FILED IN THE OFFICE OF

2012 JUN 21 PM 2:45

Original Signed

SECRETARY OF STATE

NOTICE

REGULATIONS

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)

Form A: PUBLICATION OF NOTICE. Fields include: 1. SUBJECT OF NOTICE, TITLE(S), FIRST SECTION AFFECTED, 2. REQUESTED PUBLICATION DATE, 3. NOTICE TYPE, 4. AGENCY CONTACT PERSON, TELEPHONE NUMBER, FAX NUMBER (Optional), OAL USE ONLY, ACTION ON PROPOSED NOTICE, NOTICE REGISTER NUMBER, PUBLICATION DATE.

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

Form B: SUBMISSION OF REGULATIONS. Fields include: 1a. SUBJECT OF REGULATION(S), 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).

Form B (continued): SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.), TITLE(S), 3. TYPE OF FILING.

Form B (continued): 3. TYPE OF FILING. Includes checkboxes for Regular Rulemaking, Resubmittal of disapproved or withdrawn nonemergency filing, Emergency, Certificate of Compliance, Emergency Readopt, File & Print, Other, Changes Without Regulatory Effect, Print Only.

Form B (continued): 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)

Form B (continued): 5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100). Includes checkboxes for Effective 30th day after filing, Effective on filing with Secretary of State, \$100 Changes Without Regulatory Effect, Effective other (Specify).

Form B (continued): 6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY. Includes checkboxes for Department of Finance, Fair Political Practices Commission, State Fire Marshal, Other (Specify).

Form B (continued): 7. CONTACT PERSON, TELEPHONE NUMBER, FAX NUMBER (Optional), E-MAIL ADDRESS (Optional). Contact: Jasmin Delacruz, (916)440-7688, (916)440-5748, Jasmin.Delacruz@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.

Original Signed [Signature] DATE 6/4/12 TYPED NAME AND TITLE OF SIGNATORY Toby Douglas, Director

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 21 2012

Office of Administrative Law

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: Section 20, Health and Safety Code; and 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 ~~50703~~ 50195, 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 health services. O

(3) No changes

Note: Authority cited: Section 20, Health and Safety Code; and 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 ~~50704~~50193, ~~50703~~ 50195 and ~~50740~~ 50197.

Note: Authority cited: Section 20, Health and Safety Code; 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 ~~50704~~50193, ~~50703~~ 50195 and ~~50710~~ 50197, eligibility for the Qualified Medicare Beneficiary Program shall begin the first of the month following the month of approval.

Note: Authority cited: Section 20, Health and Safety Code; Sections 10725, 14005.11 and 14124.5, Welfare and Institutions Code; and Section 12, Chapter 1430, Statutes of 1989. Reference: Sections 1396a(a)(10)(E) and (G), 1396a(m)(4) and 1396d(p)(1), 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 ~~50710~~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 ~~50740~~ 50197, shall not be provided under the Medi-Cal Special Treatment Programs.

Note: Authority cited: Section 20, Health and Safety Code; and 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 subsections (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)(3~~8~~9) and 1396b(i)(2); and 42 Code of Federal Regulations Part 455.