

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: 2014-0701-01 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: 531, 532, 532.1, 532.2, 532.3, 532.4, 532.5, 532.6, 533, 534, 535
Repeal sections: [Blank]

The Department of Health Care Services (Department) submitted this Section 100 action to make nonsubstantive amendments to 11 sections under title 9 of the California Code of Regulations. The proposed amendments update authority and reference citations to all sections; update statutory cross-reference in three sections; update the department name in two sections due to the transition of Medi-Cal related mental health services under the Department of Mental Health to the Department as a result of AB 102 (Stats. 2011, c. 29); and update the address of the Department to its current address.

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

Date: 8/12/2014

[Original Signed]
Richard L. Smith, Senior Attorney

For: DEBRA M. CORNEZ, Director

Original: Toby Douglas
Copy: Lori Manieri

[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: 2014-0701-01N
EMERGENCY NUMBER: [Blank]

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

REGULATIONS: [Date Stamp]
2014 JUL 1 PM 12:17
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 12 PM 2:07

AGENCY WITH RULEMAKING AUTHORITY: Department of Health Care Services
AGENCY FILE NUMBER (if any): DHCS-14-001

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Disapproved/Withdrawn: [Blank]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: Community Residential Treatment Systems

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: 531, 532, 532.1, 532.2, 532.3, 532.4, 532.5, 532.6, 533, 534 and 535

REPEAL: [Blank]

TITLES: 9

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: Lori F. Manieri
TELEPHONE NUMBER: (916) 650-6825
FAX NUMBER (Optional): [Blank]
EMAIL ADDRESS (Optional): lori.manieri@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: 6/30/14

For use by Office of Administrative Law (OAL) only

[Date Stamp]
Endorsed Approved
AUG 12 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 531 to read:

§ 531. Program Standards and Requirements.

(a) - (d) No changes

NOTE: Authority cited: Section[begin underline]s 4090 and 14700[end underline] {begin
strikeout}5458.1[end strikeout], Welfare and Institutions Code. Reference: Sections
[begin underline]4090, 4091, 5670, 5670.5 and 5671[end underline]5450, 5453, 5454
and 5458, Welfare and Institutions Code.

(2) Amend Section 532 to read:

§ 532. Service Requirements.

(a) - (c) No changes

NOTE: Authority cited: Section[begin underline]s 4090 and 14700[end underline] [begin
strikeout]5458.1[end strikeout], Welfare and Institutions Code. Reference: Sections
[begin underline]4090, 4091, 5670, 5670.5 and 5671[end underline] [begin
strikeout]5450, 5453, 5454 and 5458[end strikeout], Welfare and Institutions Code.

(3) Amend Section 532.1 to read:

§ 532.1. Medical Requirements.

(a) - (g) No changes

NOTE: Authority cited: Section[begin underline]s 4090 and 14700[end underline] [begin
strikeout]5458.1[end strikeout], Welfare and Institutions Code. Reference: Sections
[begin underline]4090, 4091, 5670, 5670.5 and 5671[end underline] [begin
strikeout]5450, 5453, 5454 and 5458[end strikeout], Welfare and Institutions Code.

(4) Amend Section 532.2 to read:

§ 532.2. Treatment/Rehabilitation Plan and Documentation Requirements.

(a) - (g) No changes

NOTE: Authority cited: Section[begin underline]s 4090 and 14700 [end underline] [begin strikeout]5458.1[end strikeout], Welfare and Institutions Code. Reference: Sections [begin underline]4090, 4091, 5670, 5670.5 and 5671[end underline] [begin strikeout]5450, 5453, 5454 and 5458[end strikeout], Welfare and Institutions Code.

(5) Amend Section 532.3 to read:

§ 532.3. Admission/Discharge Criteria.

(a) - (c) No changes

NOTE: Authority cited: Section[begin underline]s 4090 and 14700[end underline] [begin
strikeout]5458.1[end strikeout], Welfare and Institutions Code. Reference: Sections
[begin underline]4090, 4091, 5670, 5670.5 and 5671[end underline] [begin
strikeout]5450, 5453, 5454 and 5458[end strikeout], Welfare and Institutions Code.

(6) Amend Section 532.4 to read:

§ 532.4. Client Involvement Requirements.

(a) - (c) No changes

NOTE: Authority cited: Section[begin underline]s 4090 and 14700[end underline] [begin
strikeout]5458.1[end strikeout], Welfare and Institutions Code. Reference: Sections
[begin underline]4090, 4091, 5670, 5670.5 and 5671[end underline] [begin
strikeout]5450, 5453, 5454 and 5458[end strikeout], Welfare and Institutions Code.

(7) Amend Section 532.5 to read:

§ 532.5. Physical Environmental Requirements.

(a) Programs shall meet the facility requirements of section [begin underline]5670.5(a) [end underline]

~~[begin strikeout]5453(a) [end strikeout]~~ of the Welfare and Institutions Code.

(b) No Changes

NOTE: Authority cited: Section [begin underline]s 4090 and 14700 [end underline] ~~[begin strikeout]5458.4 [end strikeout]~~, Welfare and Institutions Code. Reference: Sections [begin underline]4090, 4091, 5670, 5670.5 and 5671 [end underline] ~~[begin strikeout]5450, 5453, 5454 and 5458 [end strikeout]~~, Welfare and Institutions Code.

(8) Amend Section 532.6 to read:

§ 532.6. Staff Characteristics, Qualifications and Duty Requirements.

(a) Programs shall meet the staffing requirements of section [begin underline]5670.5(b) [end underline] [begin strikeout]5453(b) [end strikeout] of the Welfare and Institutions Code.

(b) – (j) No Changes

NOTE: Authority cited: Section [begin underline]s 4090 and 14700 [end underline] [begin strikeout]5458.4 [end strikeout], Welfare and Institutions Code. Reference: Sections [begin underline]4090, 4091, 5670, 5670.5 and 5671 [end underline] [begin strikeout]5450, 5453, 5454 and 5458 [end strikeout], Welfare and Institutions Code.

(9) Amend Section 533 to read:

§ 533. Administrative Policies and Procedures.

(a) - (d) No changes

NOTE: Authority cited: Section[begin underline]s 4090 and 14700[end underline] [begin
strikeout]5458.1[end strikeout], Welfare and Institutions Code. Reference: Sections
[begin underline]4090, 4091, 5670, 5670.5 and 5671[end underline] [begin
strikeout]5450, 5453, 5454 and 5458[end strikeout], Welfare and Institutions Code.

(10) Amend Section 534 to read:

§ 534. Program Certification.

(a) All Social Rehabilitation Programs, as defined in section ~~[begin underline]5671~~
~~[end underline] [begin strikeout]5458-[end strikeout]~~of the Welfare and Institutions
Code, must be certified by the Department of ~~[begin strikeout]Mental-[end~~
~~strikeout]Health [begin underline]Care Services[end underline]~~, or its delegated
agent, prior to being licensed by the Department of Social Services.

(1) The Department of ~~[begin strikeout]Mental [end strikeout]Health~~~~[begin underline]~~
~~Care Services~~~~[end underline]~~ shall provide written notice by certified mail to an
applicant, within 30 calendar days of the receipt of the application for certification, that
the application is complete and accepted for filing, or that the application is deficient
and shall specify the missing information required to complete the application.

(2) The Department of ~~[begin strikeout]Mental-[end strikeout]Health~~~~[begin~~
~~underline] Care Services[end underline]~~ shall approve or deny any application for
certification within 60 calendar days of receipt of a completed application. The 60
days shall not begin until all information required for certification is received. The
Department of ~~[begin strikeout]Mental-[end strikeout]Health~~~~[begin underline]~~ ~~Care~~
~~Services~~~~[end underline]~~ shall provide written notice to the applicant by certified mail of
its decision concerning the request for certification.

(b) No changes

(c) All Social Rehabilitation Programs, defined in section~~[begin strikeout]-5458[end~~
~~strikeout] [begin underline]5671 [end underline]~~of the Welfare and Institutions Code,
must be recertified on an annual basis by the Department of ~~[begin strikeout]Mental~~

[end strikeout]Health[begin underline] Care Services[end underline], or its delegated agent, prior to being issued a renewal license by the Department of Social Services.

(d) The Department of[begin strikeout]Mental [end strikeout] Health[begin underline] Care Services[end underline], or its delegated agent, shall have the responsibility of conducting initial and annual site visits for the purpose of certifying that programs are in compliance with the provisions of this article.

(e) The Department of[begin strikeout]Mental [end strikeout]Health[begin underline] Care Services[end underline], or its delegated agent, shall initiate an action to rescind the certification of a program whenever a determination is made that the program is not in compliance with the provisions of this article.

(f) – No changes

(g) The Department[begin underline] of Health Care Services[end underline] shall provide the Department of Social Services any documents pertaining to certification, recertification or decertification.

NOTE: Authority cited: Section[begin underline]s 4090 and 14700[end underline] ~~5458.1~~, Welfare and Institutions Code. Reference: Sections [begin underline]4090, 4091, 5670, 5670.5 and 5671[end underline]~~5450, 5453, 5454 and 5458~~, Welfare and Institutions Code.

(11) Amend Section 535 to read:

§ 535. Review Procedures.

(a) When the Department of ~~[begin strikeout]Mental [end strikeout]~~Health~~[begin underline] Care Services[end underline]~~ or its delegated agent withholds or rescinds the certification of a program, the program shall be given written notice of the action by certified mail. The notice shall be accompanied by a written statement setting forth the reasons and justifications for the action including any documents or information relied upon.

(b) A program may request review of an action to withhold or rescind certification by sending a written request for review by certified mail to the Deputy Director, ~~[begin strikeout]Division of Community Programs, [end strikeout]~~ ~~[begin underline]Mental Health and Substance Use Disorder Services, [end underline]~~Department of~~[begin strikeout] Mental [end strikeout]~~Health~~[begin underline] Care Services[end underline]~~, ~~[begin strikeout] 1600 9th Street, Room 250, Sacramento, California 95814 [end strikeout]~~ ~~[begin underline]P.O. Box 997413, MS 2703, Sacramento, California 95899-7413 [end underline]~~. A request for review must be postmarked no later than fifteen (15) days after receipt of the notification required by subsection (a).

(c) No change.

The Deputy Director, ~~[begin strikeout]Division of [end strikeout]~~ ~~[begin underline]Mental Health and Substance Use Disorder Services [end underline]~~ ~~[begin strikeout] Community Programs, Department of [begin strikeout] Mental [end strikeout]~~

Health~~[begin underline]~~ Care Services~~[end underline]~~ or a designee shall review the notice and written justification for the action required by subsection (a), the request for review submitted by the program, and the documents, information and arguments submitted by the program. If deemed necessary for completion of the review, the Deputy Director, ~~[begin strikeout]~~Division of~~[end strikeout]~~ ~~[begin underline]~~ Mental Health and Substance Use Disorder Services~~[end underline]~~ ~~[begin strikeout]~~Community Programs~~[end strikeout]~~ may request clarification or additional information from the program.

(e) A proposed decision to either affirm or reverse the action to withhold or rescind the certification of the program shall be prepared and submitted to the Director of ~~[begin strikeout]~~Mental ~~[end strikeout]~~~~[begin underline]~~the Department of ~~[end underline]~~Health ~~[begin underline]~~Care Services~~[end underline]~~.

(f) The Director of~~[begin strikeout]~~ Mental~~[end strikeout]~~ ~~[begin underline]~~the Department of ~~[end underline]~~Health ~~[begin underline]~~Care Services ~~[end underline]~~ may adopt the proposed decision as written, order the proposed decision rewritten, or direct that additional information be obtained.

(g) A proposed decision shall become final when adopted by the Director of ~~[begin strikeout]~~Mental~~[end strikeout]~~ ~~[begin underline]~~the Department of ~~[end underline]~~Health~~[begin underline]~~ Care Services~~[end underline]~~. Notice of the decision and a copy of the decision shall be sent to the program by certified mail. A decision adopted by the Director of~~[begin strikeout]~~ Mental~~[end strikeout]~~ ~~[begin underline]~~the Department of ~~[end underline]~~Health ~~[begin underline]~~Care Services ~~[end underline]~~ which affirms the action to withhold or rescind the certification of the

program shall become effective upon receipt by the program.

NOTE: Authority cited: Section s 4090 and 14700 ~~5458.1~~, Welfare and Institutions Code. Reference: Sections 4090, 4091, 5670, 5670.5 and 5671 ~~5450, 5453, 5454 and 5458~~, Welfare and Institutions Code.