

EXPLANATION FOR CHANGES WITHOUT REGULATORY EFFECT

The Department of Health Care Services (Department) proposes changes without regulatory effect that would amend various sections under the California Code of Regulations (CCR), Title 9, Division 1, Article 3.5, Standards for the Certification of Social Rehabilitation Programs.

The proposed changes are without regulatory effect because the changes would not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provisions.

The proposed amendments, as discussed in further detail below, are pursuant to the following:

- Title 1 CCR, Section 100(a)(5), changing “authority” or “reference” citations.
- Title 1 CCR, Section 100(a)(6), making a regulatory provision consistent with a changed California statute if both of the following conditions are met:
 - (A) the regulatory provision is inconsistent with and superseded by a changed statute, and
 - (B) the adopting agency has no discretion to adopt a change which differs in substance from the one chosen.

Background

Department of Mental Health Transition

In 1973, the State of California attempted to more effectively administer physical and mental health by consolidating the Department of Mental Hygiene into the Department of Health. In 1978, the Department of Health was segmented into smaller departments, including the Department of Mental Health (DMH) and the Department of Health Services (DHS).

Senate Bill (SB) 162 (Chapter 241, Statutes of 2006), redistributed the State administrative functions and applicable functions for public health from DHS between the California Department of Public Health and DHS, effective July 1, 2007, resulting in an official name change to the Department of Health Care Services.

Assembly Bill (AB) 102 (Chapter 29, Statutes of 2011), transferred the State administrative functions and applicable functions for Medi-Cal related mental health services from DMH to the Department, effective July 1, 2012 (see Welfare and Institutions (W&I) Code Section 14700).

Community Residential Treatment Systems/Programs

AB 1288 (Chapter 89, Statutes of 1991) – Mental Health Services – Program and Funding Revisions, repealed W&I Code Sections 5450, 5453, 5454, 5458 and 5458.1; and added W&I Code Sections 4090, 4091, 5670, 5670.5 and 5671.

Purpose

These proposed non-substantive amendments will accomplish the following:

1. Revise authority and reference citations within the Notes,
2. Update statutory references within regulation sections, where applicable, and
3. Update the name of the Department (including the Program Division Name and Address) responsible for the administration of these mental health services, from the “Department” or “Department of Mental Health” to the “Department of Health Care Services.”

Proposed Amendments

Pursuant to Title 1, CCR Section 100(a)(5)

The amendments proposed to the sections listed below are non-substantive as they serve only to update authority and reference citations within the Notes and statutory references within the regulation sections, pursuant to AB 1288 (Chapter 89, Statutes of 1991), as described above. Specifically, W&I Code Section 5458.1 was repealed and replaced with Section 4090, providing authority for the promulgation of the subject regulations (Sections listed below). Sections 5450, 5453, 5454 and 5458 were repealed and Sections 4090, 4091, 5670, 5670.5 and 5671 were added and serve as current references (statutes that are implemented, interpreted or made specific through the subject regulations).

In addition, each Section noted below includes, as an authority within the Notes, W&I Code Section 14700, to reflect the authority for the transition of the administration of Medi-Cal Specialty Mental Health Services from DMH to the Department, pursuant to AB 102, as specified above.

Lastly, CCR Sections 532.5, 532.6 and 534 (listed below), include updated statutory cross references, due to AB 1288 (Chapter 89, Statutes of 1991), as described above. These amendments include: Section 532.5 - the reference to Section 5453(a) is revised to Section 5670.5(a), which contains current facility requirements; Section 532.6 - the reference to Section 5453(b) is revised to Section 5670.5(b), which contains current staffing requirements; and Section 534 - the reference to Section 5458 is revised to Section 5671, which pertains to Social Rehabilitation Programs.

CCR Sections

531

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532.1

532.2

532.3

532.4

532.5

532.6

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Pursuant to Title 1, CCR Section 100(a)(6)

The amendments proposed to the sections listed below are non-substantive as they serve only to update the name of the Department (including the Program Division Name and Address) responsible for the administration of Mental Health Services, from the “Department” or “Department of Mental Health” to the “Department of Health Care Services,” pursuant to AB 102, as specified above.

CCR Sections

534(a)
534(a)(1)
534(a)(2)
534(c)
534(d)
534(e)
534(g)
535(a)
535(b)
535(d)
535(e)
535(f)
535(g)