

**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: 51309, 51331

Repeal sections:

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

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

OAL File No. 2014-0707-02 N

This action by the Department of Health Care Services (Department) makes changes without regulatory effect to sections 51309 and 51331, in Title 22 of the California Code of Regulations. Specifically, this action removes the certain limitations on psychological services to make sections 51309 and 51331 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.

Date: 8/18/2014

Original Signed

Kevin D. Hull
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Toby Douglas
Copy: Kenneisha Moore

NONSUBSTANTIVE

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2014-0707-02N	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED FILED
IN THE OFFICE OF

2014 AUG 18 PM 2:20

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY
Department of Health Care Services

AGENCY FILE NUMBER (if any)
DHCS-14-010

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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE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)
Psychology 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 51309 and 51331
TITLE(S) 22	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

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) _____
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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
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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 OF AGENCY HEAD OR DESIGNEE
Original Signed

DATE
7/3/14

TYPED NAME AND TITLE OF SIGNATORY
Toby Douglas, Director

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 18 2014

Office of Administrative Law

(1) Amend Section 51309 as follows:

Section 51309. Psychology, Physical Therapy, Occupational Therapy, Speech Pathology and Audiological Services.

Subsections (a) through (d) - No Changes

(e) Psychology services are not subject to the limitations set forth in Section 51304(a).

Note: Authority cited: Sections 14105 and 14124.5, Welfare and Institutions Code; Section 20, Health and Safety Code; and Section 57(c), Chapter 328, Statutes of 1982. Reference: Sections 14132, and 14132.03, Welfare and Institutions Code; and Section 52, Chapter 328, Statutes of 1982.

(2) Amend Section 51331 as follows:

Section 51331. Hospital Outpatient Department Services and Organized Outpatient Clinic Services.

Subsections (a)(1) through (a)(20) - No Changes

(b) Physician services in a hospital outpatient department or clinic are subject to the requirements of Sections 51305 through 51305.7. Services indicated in ~~3~~ and (6) through (8) above are subject to the limitations specified in Section 51304(a). Podiatry services, except as otherwise specified in Section 51310(a)(1), and physical therapy services are covered only if prior authorization is obtained from the Medi-Cal consultant. The services set forth are subject to the same limitations that apply when such services are provided in a nonhospital or nonclinic setting.

Subsections (c) through (d) - No Changes

Note: Authority cited: Sections 10725, 14105 and 14124.5, Welfare and Institutions Code; Section 57 (c), Chapter 328, Statutes of 1982; and Sections 20 and 208, Health and Safety Code. Reference: Sections 14053, 14131, 14132, 14132.03, 14133, 14133.1, 14133.3 and 14133.25, Welfare and Institutions Code; Section 52, Chapter 328, Statutes of 1982; Section 149, Chapter 323, Statutes of 1983; and Section 4063, Business and Professions Code.