

Explanation of Changes Without Regulatory Effect

The Department of Health Care Services (Department) proposes changes without regulatory effect that would amend Title 22, California Code of Regulations (CCR) Section 53626, which is located in Chapter 4, Prepaid Health Plans and Article 7 pertaining to Emergency Services Claims Disputes.

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

Background

Medi-Cal, California's Medicaid Program, is administered by the Department. Medi-Cal provides health care services for low-income individuals, including families with children, seniors, persons with disabilities, children in foster care, pregnant women, and 19 – 64 year old adults without children.

The Department operates the Medi-Cal managed care program under the authority of California's Medicaid Section 1115 (of the Social Security Act) Demonstration Waiver, (1115 Waiver). The 1115 Waiver approves variations in the single comprehensive medical care program for eligible low-income individuals required by Title XIX of the Social Security Act in the following sections:

(a)	1902(a)(1)	Statewideness
(b)	1902(a)(5)	Single State Agency
(c)	1902(a)(10)(B)	Amount, Duration, and Scope of Services and Comparability
(d)	1902(a)(23)	Freedom of Choice
(e)	1902(a)(30)	Basis for Payment
(f)	1902(a)(13)	Payment to Providers

Articles 2.7 (commencing with §14087.3), 2.8 (commencing with §14087.5), 2.81 (commencing with §14087.96), 2.82 (commencing with §14087.98), 2.9 (commencing with §14088), and 2.91 (commencing with §14089) of Chapter 7 and Articles 1 (commencing with §14200), 5 (commencing with §14450), and 7 (commencing with §14490) of Chapter 8 of Part 3 of Division 9 of the Welfare and Institutions (W&I) Code establish the statutory authority for the Department to contract with managed care plans to provide Medi-Cal services and case management. Title 22, CCR, Division 3, Chapters 4 (commencing with §53000), 4.1 (commencing with §53800), 4.5 (commencing with §53900), and 6 (commencing with §56000), contain the regulations that specifically implement the Medi-Cal managed care program.

W&I Code Section 14312 authorizes the director of the Department to adopt regulations to carry out the provisions of Chapter 8, Prepaid Plans; and W&I Code Section 14454 authorizes the director to establish regulations that provide resolution for disputes that arise between a prepaid health plan and a nonprepaid health plan provider regarding payment for emergency services.

Explanation of Changes Without Regulatory Effect

Purpose

The proposed non-substantive amendments to Title 22, CCR, Section 53626(a) include revising the name of the Department and updating the name and address of the office where providers may file dispute papers, to the Office of Administrative Hearings and Appeals.

Proposed Amendments

The proposed amendments to Section 53626(a), as discussed in further detail below, are pursuant to or closely related to the following:

- Title 1 CCR, Section 100(a)(4), which allows for revising structure, syntax, cross-reference, grammar, or punctuation;
- Title 1 CCR, Section 100(a)(5), which allows for changing “authority” or “reference” citations; and
- Title 1 CCR, Section 100(a)(6), which allows for 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.

Closely related to Title 1, CCR Section 100(a)(4):

- The phrase “Legal Services, 714 P Street” is proposed to be removed and the phrase “Administrative Hearings and Appeals, 1029 J Street, Suite 200” is proposed to be added. This is a result of a re-organization within the Department. The Office of Administrative Hearings is now separate from the Office of Legal Services and is in a satellite location.

Updating the reference within the CCR to the name and address of the office where providers may file dispute papers is necessary so that this current information is available for these providers.

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

- Health and Safety (H&S) Code, Section 20 is added as an authority. As a result of the California Public Health Act of 2006 (SB 162, Ch. 241, Statutes of 2006), the Department must adopt, as an Authority, H&S Code, Section 20. Including Section 20 as an authority citation clearly acknowledges the renaming of the Department of Health Services, showing the Department of Health Care Services existed as the Department of Health Services and demonstrating the allowance for the Department of Health Care Services to adopt, amend, or repeal regulations.

Explanation of Changes Without Regulatory Effect

Adding this authority is necessary to accurately reflect the authority citations that are relevant for Section 53636.

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

- The term “Care” is proposed to be added. This is a result of the California Public Health Act of 2006 (SB 162, Ch.241, Statutes of 2006) that included the renaming of the Department of Health Services as the Department of Health Care Services, and demonstrated the allowance for the Department of Health Care Services to adopt, amend, or repeal regulations.

This amendment is necessary to align the regulation, and specifically the reference to the Department, with enacted legislation.

Conclusion

The amendments proposed under Section 53626(a), as described above, are changes without regulatory effect. These changes would not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any CCR provisions.