

Explanation of Changes without Regulatory Effect

The Department of Health Care Services (Department) proposes changes without regulatory effect to amend California Code of Regulations, title 22, section 51121. The proposed amendments contained in the accompanying regulation text are changes without regulatory effect because the changes would not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision. Specifically, the proposed amendments discussed in further detail below, are in accordance with California Code of Regulations, title 1, section 100(a)(4) to revise structure, syntax, cross-reference, grammar, or punctuation.

Background

The Department administers California's Medicaid Program called Medi-Cal. The Medi-Cal program provides comprehensive health care services including medical, dental, mental health, substance use disorder, and long-term care for low-income individuals including families with children, pregnant women, seniors, persons with disabilities, and children in foster care. The regulations that govern the Medi-Cal program are located in California Code of Regulations, title 22, division 3, which includes definitions for program terms.

Summary

The Department proposes to amend an oversight discovered in the title of "Section 51121 – Skilled Nursing Facility Services." The word "Services" is included in the section title in error. Section 51121 only defines a "skilled nursing facility" and does not define the "services" of a skilled nursing facility. Therefore, the title of this section should read, "Section 51121 – Skilled Nursing Facility."

The regulation text of Section 51121(a) reads as follows, "*Skilled nursing facility means* (emphasis added) any institution, place, building, or agency which is licensed as a skilled nursing facility ..." The language of Section 51121(a) clearly defines a type of location, which substantiates that the inclusion of the word "Services" is an error.

Additionally, the regulation text of Section 51121(b) reads as follows, "As used in this chapter and *defined in this section*, (emphasis added) the term "skilled nursing facility" shall include the terms "skilled nursing home..." This language states that the defined term is "skilled nursing facility" in this section, which further substantiates that the inclusion of the word "Services" in the section title is an error.

Furthermore, the title of Section 51123 is also "Skilled Nursing Facility Services." This section actually defines services of a skilled nursing facility. The regulation text of Section 51123 reads as follows, "(a) Skilled nursing facility services includes:... (b) Skilled nursing facility services do not include:..." Therefore, "Skilled Nursing Facility Services" is the accurate title for Section 51123.

In addition, Section 51215, which defines the standards for participation that are specific to a skilled nursing facility, includes the following excerpt, “(a) A skilled nursing facility, as defined in Section 51121, shall...” The language of Section 51215(a) also points to Section 51121 as the definition of a “skilled nursing facility” and not “skilled nursing facility services.”

Based on the research of the contextual information in Sections 51121, 51123, and 51215, the Department proposes to revise Section 51121 by removing the word “Services” from the section title. The Department also proposes to add a period (“.”) at the end of the sentence in subsection (a). The Department requests these amendments as changes without regulatory effect. These amendments are necessary to correct the error in the title of this section and punctuation; and do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision.