

METHOD OF INDICATING CHANGES

This Accessible PDF version of the 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.

Changes resulting from the 45-day public comment period have been incorporated into the regulation text. The proposed regulations with the 45-day suggested changes are indicated as follows:

- a. Deleted regulation text is indicated by [begin double strike-through] at the beginning of each deletion and [end double strike-through] at the end of each deletion.
- b. Additions to the regulation text are indicated by [begin double underline] at the beginning of each addition and [end double underline] at the end of each addition.

A standard PDF version of this regulation text is also available on the Department's Office of Regulations Internet site.

(1) Amend Section 51098.5 to read:

Section 51098.5. Sign Language Interpreter Services.

~~(a)~~ Sign language interpreter services means those services specified in Section 51309.5, which are provided by a Certified ~~or~~ ~~N~~ n ~~on~~ ~~C~~ certified ~~end double strike-through~~ interpreter, who meets the standards set forth in Section 51202.5, to facilitate effective communication between:

(a) ~~(1)~~ a deaf or hearing-impaired Medi-Cal beneficiary and a Medi-Cal enrolled ~~physician or a member of a Medi-Cal enrolled physician group~~ provider during the course of a medically necessary ~~medical~~ health care examination or other procedure, or

(b) ~~(2)~~ a deaf or hearing impaired adult representative of the Medi-Cal beneficiary and a Medi-Cal enrolled ~~physician or a member of a Medi-Cal enrolled physician group~~ provider ~~on behalf of a beneficiary,~~ when necessary to facilitate the provision of medically necessary health care services to the beneficiary.

[begin double underline] (c) a deaf or hearing impaired adult who receives services or training on behalf of the Medi-Cal beneficiary and the Medi-Cal enrolled provider when necessary to provide medically necessary health care services to the beneficiary [end double underline]

NOTE: Authority cited: Sections 10725 and 14105, Welfare and Institutions Code. Reference: Section 54.1, Civil Code; Section 14000, Welfare and Institutions Code; 42 USC Sections 12101 et seq.; 28 CFR Sections 35.130(a) and (b); and 45 CFR Sections 84.4(a) and (b).

(2) Amend Section 51202.5 to read:

Section 51202.5. Sign Language Interpreters.

(a) Individuals who provide sign language interpreter services shall possess the ability to communicate effectively, accurately and impartially both receptively and expressively in a ~~medical~~ health care setting, and ~~either;~~

~~(1) H~~ old a current certification by one of the following:

~~(A)~~ 1) The National Registry of Interpreters for the Deaf (RID);

~~(B)~~ 2) The National Association of the Deaf (NAD)/California Association of the Deaf (CAD) at a competency Level IV or V only; or

~~(C)~~ 3) The California Department of Rehabilitation at a competency Level III and possess a certificate from RID, NAD/CAD at a competency Level IV or V only; or

~~(2) Be non-certified.~~

(b) An individual who provides sign language interpreter services shall not be related to the beneficiary by heredity or by marriage, or live in the same household.

(c) (1) A beneficiary may select an individual to provide sign language interpreter services, except those persons excluded in subsection (b).

(2) ~~However, in~~ In an emergency or acute care situation or in the event the Medi-Cal enrolled provider determines the interpreter selected by the beneficiary does not communicate effectively, accurately or impartially, ~~the physician may override the beneficiary's selection and select the interpreter.~~ and may adversely affect the health and well-being of the beneficiary due to inaccurate diagnosis or misunderstanding of medical advice or instruction, the Medi-Cal enrolled provider is required to select a different interpreter. Whenever a Medi-Cal enrolled provider acts pursuant to this paragraph, he or she shall provide a written statement of reasons for the action. The Medi-Cal enrolled provider shall maintain this statement in the medical record of the beneficiary and make it available to the state upon request pursuant to Section 51476(g).

NOTE: Authority cited: Sections 10725 and 14105, Welfare and Institutions Code.
Reference: Section 54.1, Civil Code; Section 14000, Welfare and Institutions Code; 42 USC Sections 12101 et seq.; 28 CFR Section 36.303; and 45 CFR Section 84.22(c).

(3) Amend Section 51309.5 to read:

Section 51309.5. Scope of Sign Language Interpreter Services.

(a) Sign language interpreter services, as set forth in Section 51098.5, are covered as part of the Medi-Cal [begin underline] enrolled[end underline] [begin strikeout]covered physician[end strikeout] [begin underline] provider[end underline] service subject to the limitation specified in subsection (b). Sign language interpret[begin underline]er[end underline] [begin strikeout]ation[end strikeout] services may be utilized for [begin underline] medically necessary [end underline]medical[end strikeout] [begin underline] health care[end underline] services and related services such as, or similar to:

- (1) Obtaining medical history.
- (2) Obtaining informed consent and permission for treatment.
- (3) Explaining diagnoses, treatment and prognoses of an illness.
- (4) Communicating prior to, during or after medical procedures.
- (5) Providing [begin strikeout]complex[end strikeout] instructions regarding medication.

(6) Explaining instructions for [begin underline] self-[end underline]care [begin underline] and/or therapy activities, [end underline] upon discharge from a [begin underline] health care[end underline] [begin strikeout]medical[end strikeout] facility. [begin underline] to an unsupervised home setting. [end underline]

- (7) Providing mental health assessment, therapy or counseling.

[begin underline] (8) Obtaining or providing case management information.
[end underline]

(b) Reimbursement shall be limited to ~~[begin strikeout]physicians and physician groups[end strikeout]~~ [begin underline] Medi-Cal enrolled providers[end underline] employing fewer than fifteen employees.

(c) Sign language interpreter services shall not be covered for a beneficiary who is receiving services in a health facility that is required by federal regulation 45 Code of Federal Regulations Section 84.52 to provide such services.\

NOTE: Authority cited: Sections 10725 and 14105, Welfare and Institutions Code.
Reference: Section 54.1, Civil Code; Section 14000, Welfare and Institutions Code; 42 USC Sections 12101 et seq.; 28 CFR Section 36.303; and 45 CFR Section 84.52(d).

(4) Amend Section 51503.3 to read:

Section 51503.3. Reimbursement for Sign Language Interpreter Services.

(a) Reimbursement for the provision of sign language interpreter services utilized in accordance with Section 51309.5, rendered by ~~non-certified~~ or certified interpreters shall be made to ~~physicians or physician groups~~ Medi-Cal enrolled providers employing fewer than fifteen employees in accordance with the maximum reimbursement rates set forth in this section. However, in no case shall the services billed exceed charges made to the general public for provision of similar services.

(b) Reimbursement for sign language interpreter services shall be as follows:

Procedure Code	Description	Rate
Z0324	Certified Sign Language Interpreter	\$64.55
Z0326	Non-Certified Sign Language Interpreter	\$38.73

~~Each~~ procedure code represents a minimum of two hours of service, which includes travel time.

(c) Additional sign language interpreter services may be billed in 15-minute increments as follows:

Z0328	Certified Sign Language Interpreter	\$6.36
Z0329	Non-Certified Sign Language Interpreter	\$3.82

NOTE: Authority cited: Sections 10725 and 14105, Welfare and Institutions Code.
Reference: Section 54.1, Civil Code; Section 14000, Welfare and Institutions Code; 42
USC Sections 12101 et seq.; 28 CFR Section 36.303; and 45 CFR Section 84.22(c).