

**State of California
Office of Administrative Law**

In re:
Department of Health Care Services

Regulatory Action:

Title 09, California Code of Regulations

Adopt sections:

Amend sections: 1840.332

Repeal sections:

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2020-1019-03

OAL Matter Type: Regular (S)

This action by the Department of Health Care Services (Department) eliminates the requirement that Mental Health Rehabilitation Centers (MHRCs), that also provide Adult Residential Treatment Services, obtain and maintain Social Rehabilitation Program (SRP) certification in addition to their MHRC licenses, because SRP certification is duplicative of MHRC licensing requirements and, therefore, unnecessarily burdensome on MHRCs to obtain and maintain and on the Department to regulate.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2021.

Date: November 30, 2020

Original Signed

Dale P. Mentink
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Jennifer Kent, Director

Copy: David Kim

TITLE 9. REHABILITATIVE AND DEVELOPMENTAL SERVICES
DIVISION 1. DEPARTMENT OF MENTAL HEALTH
Chapter 11. MEDI-CAL SPECIALTY MENTAL HEALTH SERVICES

Amend Section 1840.332 to read:

§ 1840.332. Adult Residential Treatment Services ~~Contact and Site~~ Provider Requirements.

(a) Programs that provide Adult Residential Treatment Services shall have a clearly established certified or licensed site for services, although all services need not be delivered at that site. Services shall not be claimable unless there is face-to-face contact between the beneficiary and a treatment staff person of the facility on the day of service and the beneficiary has been admitted to the program.

(b) Programs that provide Adult Residential Treatment Services, except Mental Health Rehabilitation Centers as defined in Section 782.34, Chapter 3.5, Division 1, of Title 9, ~~must shall~~ be certified as a Social Rehabilitation Program by the Department as either a Transitional Residential Treatment Program or a Long Term Residential Treatment Program in accordance with Chapter 3, Division 1, of Title 9. ~~Facility capacity must be limited to a maximum of 16 beds.~~

(c) ~~In addition to Social Rehabilitation Program certification, p~~Programs which that provide Adult Residential Treatment Services ~~must shall~~ be licensed as a Social Rehabilitation Facility or Community Care Facility by the State Department of Social Services in accordance with Chapters 1 and 2, Division 6, of Title 22 or ~~authorized~~licensed to operate as a Mental Health Rehabilitation Center by the Department in accordance with Chapter 3.5, Division 1, of Title 9, beginning with Section ~~51000-781.00.~~

(d) Facility capacity for programs that provide Adult Residential Treatment Services shall be limited to a maximum of 16 beds.

NOTE: Authority cited: Sections 10725, 14124.5, 14680, and 14700, Welfare and Institutions Code. Reference: Sections 5778, 5671, 5675, 14021.4, 14684 and 14718, Welfare and Institutions Code.