

State of California  
Office of Administrative Law

NOTICE OF APPROVAL OF CHANGES WITHOUT REGULATORY EFFECT  
California Code of Regulations, Title 1, Section 100  
OAL File Number: 2012-0111-03 N

In re:  
Department of Health Care Services  
Regulatory Action:  
Title 22, California Code of Regulations

Adopt sections: [Blank]  
Amend sections: 50273  
Repeal sections: [Blank]

The Department of Health Care Services submitted this Section 100 action to amend title 22, California Code of Regulations, section 50273. The amendment establishes an exemption to the general prohibition of providing Medi-Cal services to inmates of a public institution under Section 50273. The exemption would allow “an individual under age 21 years of age, who is receiving inpatient psychiatric hospital services while an inmate of a public institution” to receive Medi-Cal coverage, if otherwise eligible. This amendment is required for Section 50273 to be in compliance with Welfare and Institutions Code section 14011.10(a) and Title 42 U.S.C. section 1396d(a)(29)(A), and satisfies subdivision of (a)(6) of Section 100 as a change without regulatory effect. Amendments to authority and reference citations are also made.

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, Title 1, section 100.

Date: January 26, 2012

[Original Signed]  
Richard L. Smith, Staff Counsel

For: DEBRA M. CORNEZ  
Assistant Chief Counsel  
Acting Director

Original: Toby Douglas  
Copy: Jasmin Delacruz

[Stamp]  
[NONSUBSTANTIVE]

**STATE OF CALIFORNIA – OFFICE OF ADMINISTRATIVE LAW  
NOTICE PUBLICATION/REGULATIONS SUBMISSION**

STD. 400 (REV. 01-09)  
OAL FILE NUMBERS  
NOTICE FILE NUMBER: **Z-**  
REGULATORY ACTION NUMBER: 2012-0111-03N  
EMERGENCY NUMBER: [Blank]

For use by Office of Administrative Law (OAL) only  
NOTICE: [Blank]

REGULATIONS: [Date Stamp]  
2012 JAN 11 PM 4:50  
OFFICE OF ADMINISTRATIVE LAW

For Use by Secretary of State Only  
[Date Stamp]  
Endorsed Filed in the office of the Secretary of State of the State of California  
JAN 26 2012  
2:31 pm

AGENCY WITH RULEMAKING AUTHORITY: Department of Health Care Services  
AGENCY FILE NUMBER (if any): DHCS-11-005

**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

1. SUBJECT OF NOTICE: [Blank]  
TITLES: [Blank]  
FIRST SECTION AFFECTED: [Blank]
2. REQUESTED PUBLICATION DATE: [Blank]
3. NOTICE TYPE  
Notice re Proposed Regulatory Action: [Blank]  
Other: [Blank]
4. AGENCY CONTACT PERSON: [Blank]  
TELEPHONE NUMBER: [Blank]  
FAX NUMBER (Optional): [Blank]

**OAL USE ONLY**

**ACTION ON PROPOSED NOTICE**

Approved as Submitted: [Blank]  
Approved as Modified: [Blank]  
Disapproved/Withdrawn: [Blank]  
NOTICE REGISTER NUMBER: [Blank]

PUBLICATION DATE: [Blank]

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATIONS: Inpatient Psychiatric Hospital Services for Minors In-Custody

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBERS:

[Blank]

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLES AND SECTIONS  
**(Including Title 26, if toxics related)**

**SECTIONS AFFECTED (List all section numbers individually. Attach additional sheet if needed.)**

ADOPT: [Blank]

AMEND: 50273

REPEAL: [Blank]

TITLES: 22

3. TYPE OF FILING

Regular Rulemaking (Gov. Code Section 11346): [Blank]

Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code Sections 11349.3, 11349.4): [Blank]

Emergency (Gov. Code, Section 11346.1(b)): [Blank]

Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code Sections 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute: [Blank]

Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, Section 11346.1): [Blank]

Emergency Readopt (Gov. Code, Section 11346.1(h)): [Blank]

File & Print: [Blank]

Changes Without Regulatory Effect (Cal. Code Regs., Title 1, Section 100): [Checked]

Print Only: [Blank]

Other (Specify): [Blank]

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs, Title 1, Section 44 and Gov. Code Section 11347.1): [Blank]

5. EFFECTIVE DATE OF CHANGES (Gov. Code, Sections 11343.4, 11346.1(d)); Cal. Code Regs, Title 1, Section 100):

Effective January 1, April 1, July 1, or October 1 (Gov. Code Section 11343.4(a)): [Blank]

Effective on filing with Secretary of State: [Blank]

Section 100 Changes Without Regulatory Effect: [Checked]

Effective other (Specify): [Blank]

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY.

Department of Finance (Form STD. 399) (SAM Section 6660): [Blank]

Fair Political Practices Commission: [Blank]

State Fire Marshal: [Blank]

Other (Specify): [Blank]

7. CONTACT PERSON: Jasmin Delacruz

TELEPHONE NUMBER: 916-440-7688

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EMAIL ADDRESS (Optional): Jasmin.Delacruz@dhcs.ca.gov

8. I certify that the attached copy of the regulations is a true and correct copy of the regulations 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]

TYPED NAME AND TITLE OF SIGNATORY: Toby Douglas, Director

DATE: 1/10/12

For use by Office of Administrative Law (OAL) only

[Date Stamp]

Endorsed Approved

JAN 26 2012

Office of Administrative Law

## **METHOD OF INDICATING CHANGES**

This Accessible PDF version of the approved Rule 100 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.

A standard PDF version of this approved Rule 100 regulation text is also available on the Department's Office of Regulations Internet site.

(1) Amend Section 50273 to read as follows:

§ 50273. Medi-Cal Ineligibility Due to Institutional Status.

(a) Individuals who are inmates of public institutions are not eligible for Medi-Cal:

The following individuals are considered inmates of a public institution:

(1) An individual in a prison, or a county, city, or tribal jail.

(2) An individual in a prison or jail: Prior to arraignment, prior to conviction, or prior to sentencing.

(3) An individual who is incarcerated, but can leave prison or jail on work release or work furlough and must return at specific intervals.

(4) Individuals released from prison or jail due to a medical emergency who would otherwise be incarcerated but for the medical emergency. Institutional status of such persons is not affected by transfer to a public or private medical facility.

(5) A minor in a juvenile detention center prior to disposition (judgment) due to criminal activity of the minor.

(6) A minor, after disposition, placed in a detention or correctional facility, including a youth ranch, forestry camp, or home which is part of the criminal justice system.

(7) A minor placed on probation by a juvenile court on juvenile intensive probation with specific conditions of release, including residence in a juvenile detention center.

(8) A minor placed on probation by a juvenile court on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is part of the criminal justice system.

(9) Individuals between the ages of 21-65 who are in an institution for mental diseases shall be considered inmates of a public institution until they are unconditionally released.

(b) Ineligibility for individuals classified as inmates in (a) begins on the day institutional status commences and ends on the day institutional status ends.

(c) The following individuals are not considered inmates of a public institution and shall be eligible for Medi-Cal provided that all other requirements for eligibility set out in this chapter are satisfied:

(1) An individual released from prison or jail on permanent release, bail, own recognizance (OR), probation, or parole with a condition of:

(A) Home arrest;

(B) Work release;

(C) Community service;

(D) Outpatient treatment;

(E) Inpatient treatment.

(2) An individual who, after arrest but before booking, is escorted by police to a hospital for medical treatment and held under guard.

(3) An individual in prison or jail who transfers temporarily to a halfway house or residential treatment facility prior to a formal probation release order.

(4) An individual released from prison or jail under a court probation order due to a medical emergency.

(5) A minor in a juvenile detention center prior to disposition (judgment) due to care, protection or in the best interest of the child (e.g., Child Protective Services) if

there is a specific plan for that person that makes the stay at the detention center temporary. This would include those juveniles awaiting placement but still physically present in juvenile hall.

(6) A minor placed on probation by a juvenile court on juvenile intensive probation with home arrest restrictions.

(7) A minor placed on probation by a juvenile court on juvenile intensive probation to a secure treatment facility contracted with the juvenile detention center if the secure treatment facility is not part of the criminal justice system.

(8) A minor placed on probation by a juvenile court on juvenile intensive probation with treatment as a condition of probation:

- (A) In a psychiatric hospital;
- (B) In a residential treatment center;
- (C) As an outpatient.

(9) Individuals released from an institution for mental diseases or transferred from such an institution to a public or private medical facility.

(10) Individuals on conditional release or convalescent leave from an institution for mental diseases.

(11) Individuals under age 22 who are patients in an institution for mental diseases, were institutionalized prior to their 21st birthday, and continue to receive inpatient psychiatric care.

[begin underline] (12) An individual under 21 years of age, who is receiving inpatient psychiatric hospital services while an inmate of a public institution. [end underline]

NOTE: Authority cited: [begin underline] Section 20, Health and Safety Code; and [end underline] Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 11014, 11016 [begin underline] ,14011.10 [end underline] and 14053, Welfare and Institutions Code; Sections 4011.1 and 4015, Penal Code; 42 U.S.C. Section 1396d(a)( [begin strikethrough] 24 [end strikethrough] [begin underline] 29 [end underline] )(A); and 42 CFR Sections 435.100 [begin strikethrough] & [end strikethrough] [begin underline] 9 [end underline] and 435.10 [begin strikethrough] 09 [end strikethrough] [begin underline] 10 [end underline].