

State of California
Office of Administrative Law

NOTICE OF APPROVAL OF CHANGES WITHOUT REGULATORY EFFECT
California Code of Regulations, Title 1, Section 100
OAL Matter Number: 2015-0820-02
OAL Matter Type: Nonsubstantive (N)

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

Adopt sections: [Blank]
Amend sections: 10701
Repeal sections: [Blank]

This change without regulatory effect by the Department of Health Care Services (DHCS) repeals various Substance Use Disorder (SUD) program fees in Section 10701 of Title 9 of the California Code of Regulations (CCR). These SUD program fees are now required to be published annually on the DHCS web site rather than in the CCR.

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

Date: October 2, 2015

[Original Signed]
Eric J. Partington, Attorney

For: DEBRA M. CORNEZ, Director

Original: Jennifer Kent
Copy: Janelle Hiam

[Stamp]
[NONSUBSTANTIVE]

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

STD. 400 (REV. 01-2013)
OAL FILE NUMBERS
NOTICE FILE NUMBER: **Z-**
REGULATORY ACTION NUMBER: 2015-0820-02N
EMERGENCY NUMBER: [Blank]

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

REGULATIONS: [Date Stamp]
2015 AUG 20 A 10:53
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
OCT 2 2015
1:56 pm

AGENCY WITH RULEMAKING AUTHORITY: Department of Health Care Services
AGENCY FILE NUMBER (if any): DHCS-15-008

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Disapproved/Withdrawn: [Blank]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: SUD License and Certification Fees

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: Section 10701

REPEAL: [Blank]

TITLES: Title 9

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: Janelle Hiam
TELEPHONE NUMBER: (916) 650-6827
FAX NUMBER (Optional): [Blank]
EMAIL ADDRESS (Optional): Janelle.Hiam@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: Jennifer Kent, Director
DATE: 8/7/15

For use by Office of Administrative Law (OAL) only

[Date Stamp]
Endorsed Approved
OCT 02 2015
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 10701 to read:

§ 10701. Fees.

(a) Outpatient programs and residential alcoholism or drug abuse recovery or treatment facilities, regardless of the form of organization or ownership, shall pay fees for applications and for continued licensure and/or certification [begin underline] issued by the Department of Health Care Services [end underline] [begin strikeout] as provided in this regulation, until such time as any new fees or fee changes are enacted in accordance with Section 11833.02(d) of the Health and Safety Code. As used in this regulation, "initial/extension fees" means fees for initial two-year period of licensure and fees for biennial renewal.

~~(1) Residential Licensure Fees~~

~~(A) Initial Residential Licensure Application Fee — \$ 2,773.00~~

~~(B) Biennial Residential Licensure~~

~~Initial/Extension Fee — \$ 147.00 (per bed)~~

~~(C) Adolescent Waiver Application Fee — \$ 1,370.00~~

~~(D) Dependent Children Application Fee — \$ 958.00~~

~~(E) Increase in Bed Capacity Application Fee — \$ 940.00~~

~~(F) Facility Relocation Application Fee — \$ 916.00~~

~~(2) Outpatient Certification Fees~~

~~(A) Initial Outpatient Certification Application Fee — \$ 2,664.00~~

~~(B) Biennial Outpatient Certification Initial/~~

~~Extension Fee — \$ 3,452.00~~

~~(C) Facility Relocation Application Fee _____ \$ 916.00~~

~~(3) Combined Residential Licensure and Certification Fees~~

~~(A) Initial Combined Residential Licensure and~~

~~Certification Application Fee _____ \$ 3,698.00~~

~~(B) Biennial Combined Residential Licensure and~~

~~Certification Initial/Extension Fee _____ \$ 147.00 (per bed)~~

~~(C) Adolescent Waiver Application Fee _____ \$ 1,370.00~~

~~(D) Dependent Children Application Fee _____ \$ 958.00~~

~~(E) Increase in Bed Capacity Application Fee _____ \$ 940.00~~

~~(F) Facility Relocation Application Fee _____ \$ 916.00~~

~~(4) In addition, residential facilities that are approved for an increase in bed capacity will pay the per bed licensure and/or certification fee for each treatment bed added to the facility. Expansion bed fees will be prorated to the next expiration date of the license/certification. [end strikeout]~~

(b) The Department shall not commence review of any application which does not include all fees which are due at the time of application. The Department shall not renew any license or certification unless all fees are paid prior to the expiration date. All fees are nonrefundable, shall be paid by check or money order, made payable to the Department [begin strikeout] of Alcohol and Drug Programs [end strikeout], and submitted with the completed application to the Department [begin strikeout] of Alcohol and Drug Programs at 1700 K Street, Sacramento, CA 95811-4037. [end strikeout]

(c) Upon approval of an application for initial licensure and/or certification, the Department shall notify the applicant in writing of the amount of fee due for initial biennial licensure, certification, or combined licensure and certification. The applicant shall pay initial biennial licensure, certification, or combined licensure and certification fees by check or money order within 30 days of the date of the notice. Upon receipt of the fee, the Department shall issue the license or certification.

Note: Authority cited: Sections 11755, 11833.04, 11834.50 and 11835, Health and Safety Code [begin underline] ; and Section 10725 Welfare and Institutions Code [end underline]. Reference: Section [begin underline] s [end underline] 11833.02 [begin underline] and 11833.04 [end underline] , Health and Safety Code.