

State of California  
Office of Administrative Law

NOTICE OF APPROVAL OF REGULATORY ACTION

Government Code Sections 11349.3

OAL Matter Number: 2020-1019-03

OAL Matter Type: Regular (S)

In re:

Department of Health Care Services

Regulatory Action:

Title 09, California Code of Regulations

Adopt sections: [Blank]

Amend sections: 1840.332

Repeal sections: [Blank]

This action by the Department of Health Care Services (Department) eliminate 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 sections 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

## **METHOD OF INDICATING CHANGES**

This Accessible PDF version of the approved 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 regulation text is also available on the Department's Office of Regulations Internet site.

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**  ~~[begin strikeout]Contact and Site [end strikeout]~~ 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,  ~~[begin strikeout]must [end strikeout]~~ 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.  ~~[begin strikeout]Facility capacity must be limited to a maximum of 16 beds. [end strikeout]~~

(c)  ~~[begin strikeout]In addition to Social Rehabilitation Program certification, p [end strikeout]~~ Programs  ~~[begin strikeout]which [end strikeout]~~ that provide Adult Residential Treatment Services  ~~[begin strikeout]must [end strikeout]~~ 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 ~~54000-~~ 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: Section s 10725, 14124.5, 14680~~,~~ and 14700, Welfare and Institutions Code. Reference: Section s ~~5778,-~~ 5671, 5675, 14021.4, 14684 and 14718, Welfare and Institutions Code.