

## **Explanation of Changes without Regulatory Effect**

### **Introduction and Purpose**

The Department of Health Care Services (Department) proposes changes without regulatory effect to amend California Code of Regulations, title 9, section 535. The amendments are necessary to update the name and the address of the Program area responsible for certifying the mental health program within a social rehabilitation program (SRP).

The Department proposes these amendments as changes without regulatory effect because they do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision.

### **Background**

The Department's mission is to provide Californians with access to affordable, integrated, high-quality health care, including medical, dental, mental health, substance use treatment services, and long-term care. The Department's Behavioral Health consists of the Medi-Cal Behavioral Health Division, Licensing and Certification Division and the Community Services Division (CSD). CSD is responsible for various behavioral health programs and services for adults and children. Within CSD, the Continuum of Mental Health Care (CMHC) Section provides oversight and is responsible for approving and annually certifying the mental health programs of licensed residential facilities, including SRPs.

The California Community Care Facilities Act defines SRPs in Health and Safety Code section 1502. The Community Residential Treatment System, described in Welfare and Institutions (W&I) Code sections 5670.5 and 5671, contains the framework for SRPs, which provide a range of alternatives to acute psychiatric hospitalization and institutional care based on the principles of community-based treatment. SRPs serve adults recovering from mental illness who temporarily need assistance, guidance, or counseling. They provide a high level of care in a homelike setting, individual and group counseling, psychiatric services, pre-vocational and vocational assistance, community participation, and linkages to other community services.

W&I Code section 4090 authorizes the Department to establish, by regulation, standards for the SRPs. The regulations that govern Department certification of the mental health program within an SRP are located in California Code of Regulations, title 9, division 1, chapter 3, article 3.5, sections 531 through 535.

### **Proposed Amendments**

Effective July 2019, the Department's Mental Health and Substance Use Disorder Services was reorganized and re-named Behavioral Health. The impact of this reorganization is effectively in name only to the regulated public; the Programs and their functionality remain the same. There are no changes to the process specified in California Code of Regulations, title 9, section 535 for the regulated public, in that a

request for review must be submitted to the Department and the request will be reviewed by the (Program) Deputy Director or a designee.

However, any references to the Deputy Director *Mental Health and Substance Use Disorder Services* (emphasis added) are now outdated and should instead reference the Deputy Director Behavioral Health. Additionally, the Mail Stop (MS) number used for the former Mental Health and Substance Use Disorder Services (MS 2703) is being obsolete and is being replaced with the MS number for Behavioral Health (MS 2633.)

Therefore, pursuant to California Code of Regulations, title 1, section 100(a), the Department proposes the following amendments to reflect accurately the updated Program name and address following the Department's July 1, 2019 reorganization:

- **Update to Program name**  
The references in California Code of Regulations, title 9, section 535(b) and (d) to "Mental Health and Substance Use Disorder Services" are amended to read "Behavioral Health." Additionally, in section 535(d) "Department of Health Care Services" is included so the phrase "Deputy Director, Behavioral Health, Department of Health Care Services" is consistent in sections 535(b) and (d). These amendments are necessary to update the name of the specific Program area within the Department that is responsible for certifying the mental health program within an SRP.
- **Update to Mail Stop (MS) number within Program address**  
The MS number specified in the California Code of Regulations, title 9, section 535(b) is amended from "2703" to "2633." This amendment is necessary to provide the correct address to the specific Program area within the Department that is responsible for certifying the mental health program within an SRP.