

**State of California
Office of Administrative Law**

In re:

Department of Health Care Services

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections:

Amend sections: 50273(c)

Repeal sections:

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

OAL File No. 2013-0130-02 N

This change without regulatory effect is pursuant to the recent enactment of AB 396 (Chap. 394, Stats. 2011) which added sections 14053.8 and 14053.9 to the Welfare and Institutions Code. These new provisions require Medi-Cal eligibility to a juvenile inmate that is receiving inpatient hospital services at a medical institution off the grounds of the correctional facility.

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

Date: 3/14/2013

Original Signed

Elizabeth A. Heidig
Senior Counsel

For: DEBRA M. CORNEZ
Director

Original: Toby Douglas
Copy: Jasmin Delacruz

DEBRA M. CORNEZ
DIRECTOR
OFFICE OF ADMINISTRATIVE LAW
1500 CALIFORNIA STREET, SUITE 100
SAN FRANCISCO, CALIFORNIA 94109
TELEPHONE: 415.774.2800
FACSIMILE: 415.774.2801
WWW.OAL.CA.GOV

NONSUBSTANTIVE

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2013-0130-02N	

For use by Office of Administrative Law (OAL) only

2013 JAN 30 PM 12:51

OFFICE OF ADMINISTRATIVE LAW

ENDORSED FILED IN THE OFFICE OF

2013 MAR 14 PM 1:50

Original Signed

DEBRA BOWEN SECRETARY OF STATE

NOTICE	REGULATIONS
--------	-------------

AGENCY WITH RULEMAKING AUTHORITY Department of Health Care Services	AGENCY FILE NUMBER (if any) DHCS-12-005
--	--

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

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Inpatient Hospital Services for Juveniles In-Custody	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
--	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND 50273(c)
REPEAL
TITLE(S) 22

3. TYPE OF FILING
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
--

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____

7. CONTACT PERSON Jasmin Delacruz	TELEPHONE NUMBER 916-440-7688	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) jasmin.delacruz@dhcs.ca.gov
--------------------------------------	----------------------------------	-----------------------	--

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) 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.

DATE 1/29/13

Original Signed

TYPED NAME AND TITLE OF SIGNATORY
Toby Douglas, Director

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 14 2013

Office of Administrative Law

Regulation Text

(1) Amend Section 50273(c) to read as follows:

(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)(A) – (E) – No Changes

(2) – (7) – No Changes

(8)(A) – (C) – No Changes

(9) – (11) – No Changes

(12) An individual under 21 years of age, who is receiving acute inpatient hospital services and/or inpatient psychiatric hospital services while an inmate of a public institution.

NOTE: Authority cited: Section 20, Health and Safety Code; and Sections 10725 and 14124.5, Welfare and Institutions Code. Reference: Sections 11014, 11016, 14011.10, and 14053, 14053.8 and 14053.9, Welfare and Institutions Code; Sections 4011.1 and 4015, Penal Code; 42 U.S.C. Section 1396d(a)(29)(A); and 42 CFR Sections 435.1009 and 435.1010.