

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 No. 2015-0507-01 N

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

Adopt sections: [Blank]  
Amend sections: 72443, 72449, 72467  
Repeal sections: [Blank]

This filing of changes without regulatory effect by the Department of Health Care Services amends sections in Title 22, of the California Code of Regulations to update the name of the department responsible for the administration of certain mental health services from the Department of Mental Health to the Department of Health Care Services.

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

Date: 6/10/2015

[Original Signed]  
Beverly J. Johnson, Deputy Director

For: DEBRA M. CORNEZ, Director

Original: Jennifer Kent  
Copy: Lori Manieri

[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: 2015-0507-01N  
EMERGENCY NUMBER: [Blank]

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

REGULATIONS: [Date Stamp]  
2015 MAY 7 PM 12:52  
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  
JUN 10 2015  
2:34 pm

AGENCY WITH RULEMAKING AUTHORITY: Department of Health Care Services  
AGENCY FILE NUMBER (if any): DHCS-14-002

**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Disapproved/Withdrawn: [Blank]  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: Skilled Nursing Facilities/Special Treatment Programs

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: 72443, 72449, 72467

REPEAL: [Blank]

TITLES: Title 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: Lori Manieri

TELEPHONE NUMBER: 916-650-6825

FAX NUMBER (Optional): [Blank]

EMAIL ADDRESS (Optional): [Blank]

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: 5/5/15

For use by Office of Administrative Law (OAL) only

[Date Stamp]

Endorsed Approved

JUN 10 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.

## Title 22. Social Security

### Division 5. Licensing and Certification of Health Facilities, Home Health Agencies, Clinics, and Referral Agencies

#### Chapter 3. Skilled Nursing Facilities

#### Article 4. Optional Services

(1) Amend Section 72443 to read:

#### **§ 72443. Special Treatment Program Service Unit -General.**

*Note: There are no changes to Section 72443(a) through 72443(b).*

(c) The facility shall not accept for care any mentally disordered patient who has an identified program need unless the Department of [begin strikeout] Mental [end strikeout] Health [begin underline] Care Services [end underline] has approved the facility's specific special treatment plan.

Note: Authority cited: Sections [begin underline] 20, [end underline] 208(a) and 1275, Health and Safety Code [begin underline] ; and Sections 10725, 14124.5 and 14700, Welfare and Institutions Code [end underline] . Reference: Section 1276, Health and Safety Code [begin underline] ; and Sections 5909 and 14700, Welfare and Institutions Code [end underline] .

(2) Amend Section 72449 to read:

**§ 72449. Special Treatment Program Service Unit -Program Approval.**

(a) Annually the facility shall submit to the Department of [begin strikeout] Mental [end strikeout] Health [begin underline] Care Services [end underline] a written description of its Special Treatment Program which shall meet all of the requirements of Section 72461. The facility shall also specify any alternate requirements needed to implement a special program, and shall submit other documents requested by the Department of [begin strikeout] Mental [end strikeout] Health [begin underline] Care Services [end underline] .

*Note: There are no changes to Section 72449(b).*

Note: Authority cited: Sections [begin underline] 20, [end underline] 208(a) and 1275, Health and Safety Code [begin underline] ; and Sections 10725, 14124.5 and 14700, Welfare and Institutions Code [end underline] . Reference: Section 1276, Health and Safety Code [begin underline] ; and Sections 5909 and 14700, Welfare and Institutions Code [end underline] .

(3) Amend Section 72467 to read:

**§ 72467. Special Treatment Program Service Unit - Program Director.**

(a) The facility shall have a program director who has been approved by the Department of [begin strikeout] Mental [end strikeout] Health [begin underline] Care Services [end underline]. The program director shall not be the director of nursing services, charge nurse or facility administrator.

(b) The program director shall have at least two years [begin underline] of [end underline] experience or training in a mental health setting, one year of which shall include experience or training in program development for mentally disordered.

*Note: There are no changes to Section 72467(c).*

(d) The program director shall be one of the following:

*Note: There are no changes to Section 72467(d)(1) through 72467(d)(11).*

(12) Any other related discipline approved by the Department of [begin strikeout] Mental [end strikeout] Health [begin underline] Care Services [end underline] .

Note: Authority cited: Sections [begin underline] 20, [end underline] 1275 and 131200, Health and Safety Code [begin underline] ; and Sections 10725 and 14124.5 14700, Welfare and Institutions Code [end underline] . Reference: Sections 1276, 131050, 131051 and 131052, Health and Safety Code [begin underline] ; and Sections 5909 and 14700, Welfare and Institutions Code [end underline] .