

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. 2014-0707-01 N

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

Adopt sections: [Blank]  
Amend sections: 51305  
Repeal sections: [Blank]

This action by the Department of Health Care Services (Department) makes changes without regulatory effect to section 51305, in Title 22 of the California Code of Regulations. Specifically, this action removes the utilization cap of eight (8) psychiatry services without prior authorization. This change is required to make section 51305 conform to new Welfare and Institutions Code, section 14132.03, enacted by Statutes 2013, Chapter 4 (SB X1-1). Welfare and Institutions Code, section 14132.03, is also added as a reference citation.

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

Date: 8/18/2014

[Original Signed]  
Kevin D. Hull  
Senior Attorney

For: DEBRA M. CORNEZ  
Director

Original: Toby Douglas  
Copy: Kenneisha Moore

[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- [Blank]  
REGULATORY ACTION NUMBER: 2014-0707-01N  
EMERGENCY NUMBER: [Blank]

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

REGULATIONS: [Date Stamp]  
2014 JUL 7 PM 3:40  
OFFICE OF ADMINISTRATIVE LAW

For Use by Secretary of State Only  
[Date Stamp]  
Endorsed Filed in the Office of 2014 AUG 18 PM 2:20  
Debra Bowen  
Secretary of State

**AGENCY WITH RULEMAKING AUTHORITY:** Department of Health Care Services  
AGENCY FILE NUMBER (if any): DHCS-14-012

**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Disapproved/Withdrawn: [Blank]  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: Psychiatry Services: Removal of Utilization Cap

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: 51305

REPEAL: [Blank]

TITLES: 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]

## **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 51305 as follows:

Section 51305. Physician Services.

*Subsections (a) through (c) - No Changes*

(d) A maximum of [begin strikeout] ~~eight psychiatry services and~~ [end strikeout] eight injections for allergy desensitization, hyposensitization, or immunotherapy by injection of an antigen to stimulate production of protective antibodies may be provided in any 120-day period without prior authorization. Prior authorization shall be required when more than [begin strikeout] ~~eight psychiatry or~~ [end strikeout] eight of the above allergy injections are provided in a 120-day period except those provided on an emergency basis.

*Subsection (d)(1) - No Changes*

(d)(2) A total treatment plan shall be developed for [begin strikeout] ~~psychiatry and~~ [end strikeout] allergy services which require prior authorization. The treatment plan may be authorized for a period up to 120 days and shall include the following:

*Subsections (d)(2)(A) through (F) - No Changes*

*Subsections (e) through (m) - No Changes*

Note: Authority cited: Sections 10725 and 14124.5, Welfare and Institutions Code; and Section 20, Health and Safety Code. Reference: Sections 14043.47, 14053, 14059, 14059.5, 14132, [begin underline]14132.03, [end underline]14132.41, 14132.42,

14133(a), 14133(b), 14132.6, 14133.25 and 14133.3, Welfare and Institutions Code;  
and Title 42 Code of Federal Regulations, Sections 483.40(e), and 485 .631(b)(iv).