

AMENDED IN SENATE MAY 2, 2001

SENATE BILL

No. 1193

**Introduced by Committee on Health and Human Services
(Senators Ortiz (Chair), Chesbro, Figueroa, Kuehl, Perata,
Romero, Vasconcellos, and Vincent)**

March 15, 2001

An act to amend Section 11346.4 of the Government Code, to amend Section 14683 of, and to add Section 14124.55 to, the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 1193, as amended, Committee on Health and Human Services. Electronic information.

Existing law requires that at least 45 days prior to the hearing and close of the public comment period on the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be mailed to every person who has filed a request for notice of regulatory actions with the state agency, and provides that each state agency shall give a person filing a request for notice of regulatory actions the option of being notified of all proposed regulatory actions or being notified of regulatory actions concerning one or more particular programs of the state agency.

This bill would provide that any person who files a request for notices of regulatory actions with any ~~state agency that has an Internet website~~ *department within the jurisdiction of the California Health and Human Services Agency* shall be given the option of receiving the notices of proposed regulatory actions by electronic mail, would require the notices to contain a hyperlink to the proposed regulatory action, and

would authorize the inclusion of the proposed regulatory action as an attachment to the electronic mail.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.

This bill would require the department to post certain information regarding the Medi-Cal program on an Internet website and would authorize Medi-Cal beneficiaries who receive services through a mental health plan to receive a list of all mental health providers that contract with the mental health plan and county mental health program employees or clinics and would authorize a mental health plan that maintains an Internet website to post that information on the website.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11346.4 of the Government Code is
 2 amended to read:
 3 11346.4. (a) At least 45 days prior to the hearing and close of
 4 the public comment period on the adoption, amendment, or repeal
 5 of a regulation, notice of the proposed action shall be:
 6 (1) (A) Mailed to every person who has filed a request for
 7 notice of regulatory actions with the state agency. Each state
 8 agency shall give a person filing a request for notice of regulatory
 9 actions the option of being notified of all proposed regulatory
 10 actions or being notified of regulatory actions concerning one or
 11 more particular programs of the state agency. ~~Any~~
 12 (B) ~~Any person who files a request for notices of regulatory~~
 13 ~~actions with any state agency that has an Internet website~~
 14 *department within the jurisdiction of the California Health and*
 15 *Human Services Agency, shall be given the option of receiving the*
 16 *notices of proposed regulatory actions by electronic mail rather*
 17 *than through regular mail. The electronic notices shall include a*
 18 *hyperlink to the proposed regulatory action on the website and*
 19 *may include the proposed regulatory action as an attachment.*
 20 (2) In cases in which the state agency is within a state
 21 department, mailed or delivered to the director of the department.



1 (3) Mailed to a representative number of small business
2 enterprises or their representatives that are likely to be affected by
3 the proposed action. “Representative” for the purposes of this
4 paragraph includes, but is not limited to, a trade association,
5 industry association, professional association, or any other
6 business group or association of any kind that represents a business
7 enterprise or employees of a business enterprise.

8 (4) When appropriate in the judgment of the state agency,
9 mailed to any person or group of persons whom the agency
10 believes to be interested in the proposed action and published in
11 the form and manner as the state agency shall prescribe.

12 (5) Published in the California Regulatory Notice Register as
13 prepared by the office for each state agency’s notice of regulatory
14 action.

15 (6) Posted on the state agency’s website if the agency has a
16 website. The state agency’s Internet website home page shall
17 include a link to the web page that includes the proposed
18 regulatory action. The proposed regulatory action posted on the
19 website shall be in Acrobat PDF or other format or formats
20 recommended by the Department of Information Technology.

21 (b) The effective period of a notice issued pursuant to this
22 section shall not exceed one year from the date thereof. If the
23 adoption, amendment, or repeal of a regulation proposed in the
24 notice is not completed and transmitted to the office within the
25 period of one year, a notice of the proposed action shall again be
26 issued pursuant to this article.

27 (c) Once the adoption, amendment, or repeal is completed and
28 approved by the office, no further adoption, amendment, or repeal
29 to the noticed regulation shall be made without subsequent notice
30 being given.

31 (d) The office may refuse to publish a notice submitted to it if
32 the agency has failed to comply with this article.

33 (e) The office shall make the California Regulatory Notice
34 Register available to the public and state agencies at a nominal cost
35 that is consistent with a policy of encouraging the widest possible
36 notice distribution to interested persons.

37 (f) Where the form or manner of notice is prescribed by statute
38 in any particular case, in addition to filing and mailing notice as
39 required by this section, the notice shall be published, posted,
40 mailed, filed, or otherwise publicized as prescribed by that statute.



1 The failure to mail notice to any person as provided in this section
2 shall not invalidate any action taken by a state agency pursuant to
3 this article.

4 SEC. 2. Section 14124.55 is added to the Welfare and
5 Institutions Code, to read:

6 14124.55. (a) (1) The department shall post on its Internet
7 website all publications relating to the Medi-Cal program,
8 including, but not limited to, those publications published by
9 Electronic Data Systems Corporation, that are distributed to the
10 public, providers, or county welfare departments, including, but
11 not limited to, all-county welfare directors letters, numbered
12 Medi-Cal managed care division letters to prepaid health plans,
13 primary care case management plans, county organized health
14 system plans, the department's manual of criteria, the Medi-Cal
15 Eligibility Procedures Manual, provider manuals, including
16 Allied Health Services, Medical Services, inpatient or outpatient
17 care providers, and long-term care providers.

18 (2) Commencing January 1, 2002, all numbered letter type of
19 publications shall be posted on the Internet website immediately.

20 (3) All publications other than those to which paragraph (2)
21 applies shall be posted on the department's Internet website by July
22 1, 2002.

23 (4) The department shall post on the Internet website all back
24 issues of numbered letter type of publications. Copies that are
25 dated on or after January 1, 1998, shall be posted on the website
26 by January 1, 2003. Copies of those publications dated on or after
27 January 1, 1995, and prior to January 1, 1998, shall be posted on
28 the website by January 1, 2004.

29 (5) The department shall post on its Internet website any
30 informational electronic mail the department sends to groups to
31 which the department also sends publications, including, but not
32 limited to, county welfare directors, not later than three working
33 days after the electronic mail is sent. If the electronic mail is
34 replaced or superseded by other publications, including, but not
35 limited to, all county welfare directors numbered letters or
36 numbered letters issued by the department's Medi-Cal Managed
37 Care Division to managed care entities, the electronic mail may be
38 removed from the website when the replacing mode of
39 information transmittal is posted on the website.



1 (b) Commencing January 1, 2002, the department shall post on
2 its Internet website all interagency agreements concerning the
3 Medi-Cal program that are in effect, and shall post on the website
4 any new agreement after that date within 10 days after the effective
5 date of the agreement. The department may remove any
6 interagency agreement that is no longer in effect from its website.

7 (c) (1) Commencing January 1, 2002, the department shall
8 post on its Internet website all medicaid waivers under subsections
9 (b), (c), and (d) of Section 1396n of Title 42 of the United States
10 Code that have been approved by the United States Health Care
11 Financing Administration that are in effect, including those for
12 which the department has requested a renewal of the waiver.

13 (2) The department shall post on its Internet website any
14 request to the United States Health Care Financing Administration
15 for the renewal of a waiver described in paragraph (1), including
16 all documents submitted with the waiver request. The department
17 shall post the documents required by this paragraph within seven
18 days after the department has submitted the request to the Health
19 Care Financing Administration. The department shall post on its
20 Internet website all correspondence between the department and
21 the Health Care Financing Administration concerning the waiver
22 request within five days after the department has sent or received
23 the correspondence.

24 (3) The department shall post on its Internet website any
25 request for a renewal or amendment of an existing waiver. The
26 department shall post a copy of correspondence and
27 accompanying documents the department provides to the Health
28 Care Financing Administration within seven days after sending or
29 otherwise transmitting the request. The department shall post on
30 its Internet website all correspondence between the department
31 and the Health Care Financing Administration concerning the
32 requested renewal or amendment of an existing waiver within five
33 days after the department has sent or received the correspondence.

34 (d) Commencing January 1, 2002, the department shall post on
35 its Internet website any request for an amendment to the state plan
36 within seven days after submitting the request to the Health Care
37 Financing Administration. The department shall post on its
38 Internet website all correspondence between the department and
39 the Health Care Financing Administration concerning the



1 requested state plan amendment within five days after the
2 department has sent or received the correspondence.

3 (e) The department shall seek the assistance of the Department
4 of Information Technology in the implementation of this section.

5 SEC. 3. Section 14683 of the Welfare and Institutions Code
6 is amended to read:

7 14683. The State Department of Mental Health shall ensure
8 the following in the development of mental health plans:

9 (a) That mental health plans include a process for screening,
10 referral, and coordination with other necessary services,
11 including, but not limited to, health, housing, and vocational
12 rehabilitation services. For Medi-Cal eligible children, the mental
13 health plans shall also provide coordination with education
14 programs and any necessary medical or rehabilitative services,
15 including, but not limited to, those provided under the California
16 Children’s Services Program (Article 5 (commencing with
17 Section 123800) of Chapter 3 of Part 2 of Division 106 of the
18 Health and Safety Code) and the Child Health and Disability
19 Prevention Program (Article 6 (commencing with Section
20 124025) of Chapter 3 of Part 2 of Division 106 of the Health and
21 Safety Code), and those provided by a fee-for-service provider or
22 a Medi-Cal managed care plan. This subdivision shall not be
23 construed to establish any higher level of service from a county
24 than is required under existing law. The county mental health
25 department and the mental health plan, if it is not the county
26 department, shall not be liable for the failure of other agencies
27 responsible for the provision of nonmental health services to
28 provide those services or to participate in coordination efforts.

29 (b) That mental health plans include a system of outreach to
30 enable beneficiaries and providers to participate in and access
31 mental health services under the plans, consistent with existing
32 law.

33 (c) That standards for quality and access developed by the
34 department, in consultation with the steering committee
35 established pursuant to Section 14682, are included in mental
36 health plans.

37 (d) (1) That each mental health plan provides to Medi-Cal
38 beneficiaries who receive services through the mental health plan
39 or who request services through the mental health plan a list of all



1 mental health providers, including private providers that contract
2 with the mental health plan and county employees or clinics.

3 (2) For purposes of this subdivision, providers include
4 individuals, organizations, and other entities that are authorized to
5 provide Medi-Cal services to Medi-Cal beneficiaries through the
6 mental health plan, and include county or mental health plan
7 employees and clinics or programs administered by the county or
8 the mental health plan.

9 (3) The department shall update the list required by this
10 subdivision at least annually, and shall include the names,
11 licensing, address, and telephone number or numbers, including
12 any TDD or facsimile machine numbers.

13 (4) The lists required by this subdivision include all of the
14 following:

15 (A) A description of the types of services each provider is
16 authorized to deliver.

17 (B) Information about how to request information for services,
18 which shall be made available in the English language, the Spanish
19 language, and any additional languages necessary to meet the
20 needs of persons whose primary language is not English and who
21 receive, or are seeking, services from the mental health plan
22 including an assessment.

23 (C) Information on when the list is expected to be updated.

24 (5) The list required by paragraph (2) may be incorporated into
25 the handbook given to Medi-Cal recipients that describes their
26 rights and the services that are available through the mental health
27 plan.

28 (6) The department shall provide the list required by paragraph
29 (2) to Medi-Cal recipients when the Medi-Cal applicant requests
30 from the mental health plan, and with respect to those persons
31 already receiving services from the mental health plan, the
32 department shall provide the recipient with the list as soon as he
33 or she receives services from the mental health plan, including any
34 assessment. Each recipient who receives a copy of the list shall be
35 provided by the department with an updated copy of the list
36 annually and whenever the recipient receives crisis intervention
37 services or emergency room services related to his or her eligible
38 condition or when his or her plan of treatment is reviewed.

39 (7) If a mental health plan maintains an Internet website or
40 maintains a web page on the Internet website of any other entity,



1 the mental health plan shall post the list required by paragraph (2)
2 on that web page. The list shall be updated regularly but at least
3 once every three months. Any handbook or other materials
4 provided to Medi-Cal recipients, including the list required by
5 paragraph (2), shall include the address of the website or web page
6 that contains a list of providers.

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