

**State of California
Office of Administrative Law**

In re:
Department of Public Health

Regulatory Action:

Title 22, California Code of Regulations

Adopt sections: 71900, 719001

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

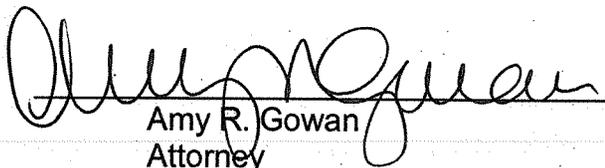
OAL Matter Number: 2019-0212-04

OAL Matter Type: Regular (S)

In this regular rulemaking, the Department of Public Health adopts one chapter and two sections to establish definitions and designated health facilities for inpatient treatment of eating disorders.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 7/1/2019.

Date: March 27, 2019


Amy R. Gowan
Attorney

Original: Dr. Karen Smith, Director
Copy: Keith Van Wagner

REGULAR

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 Z-2018-1002-05	REGULATORY ACTION NUMBER 2019-0212-045	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

2019 FEB 12 P 4: 56
OFFICE OF
ADMINISTRATIVE LAW

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

MAR 27 2019

1:50 P.M.

AGENCY WITH RULEMAKING AUTHORITY
CA Department of Public Health

AGENCY FILE NUMBER (if any)
DPH-15-003

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

1. SUBJECT OF NOTICE In-patient Treatment of Eating Disorders		TITLE(S) 22	FIRST SECTION AFFECTED 71900	2. REQUESTED PUBLICATION DATE 10-12-2018
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Christy Correa	TELEPHONE NUMBER (916) 440-7764	FAX NUMBER (Optional) (916) 636-6220
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2018 41-2	PUBLICATION DATE 10/12/18

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) In-patient Treatment of Eating Disorders	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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 71900, 719001
	AMEND
	REPEAL
TITLE(S) 22	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<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"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

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)
N/A

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

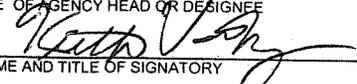
<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. 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 Keith Van Wagner	TELEPHONE NUMBER (916) 445-2012	FAX NUMBER (Optional) (916) 636-6220	E-MAIL ADDRESS (Optional) Keith.VanWagner@cdph.ca.gov
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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.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 2/12/19
TYPED NAME AND TITLE OF SIGNATORY Keith Van Wagner, Asst. Chief Counsel	

per agency request *ccc*

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 27 2019

Office of Administrative Law

**TITLE 22. SOCIAL SECURITY, DIVISION 5.
ADOPT CHAPTER 2.6, SECTIONS 71900 and 71901.
PROPOSED REGULATION TEXT**

Chapter 2.6. Inpatient Treatment of Eating Disorders

Section 71900. Definitions.

(a) As used in this chapter, the following definitions apply:

(1) "Department" means the California Department of Public Health.

(2) "Eating Disorder" shall have the meaning provided under Health and Safety Code section 1254.5.

(3) "Inpatient" means a person who has been formally admitted for observation, diagnosis or treatment and who is expected to remain in the health facility overnight or longer.

NOTE: Authority cited: Sections 1254.5, 131000, 131050, 131051, 131052 and 131200, Health and Safety Code. Reference cited: Section 1250 and 1254.5, Health and Safety Code.

**TITLE 22. SOCIAL SECURITY, DIVISION 5.
ADOPT CHAPTER 2.6, SECTIONS 71900 and 71901.
PROPOSED REGULATION TEXT**

Section 71901. Designated Health Facilities.

(a) The inpatient treatment of eating disorders shall only be provided in one of the following types of health facilities that have been licensed by the Department:

(1) General acute care hospitals, as defined in subdivision (a) of Section 1250 of the Health and Safety Code;

(2) Acute psychiatric hospitals, as defined in subdivision (b) of Section 1250 of the Health and Safety Code; and

(3) Congregate living health facilities, as defined in subdivision (i)(1) of Section 1250 of the Health and Safety Code.

(b) This chapter shall apply only to the inpatient treatment of eating disorders.

This chapter does not apply to the outpatient treatment of eating disorders.

NOTE: Authority cited: Sections 1254.5, 131000, 131050, 131051, 131052 and 131200, Health and Safety Code. Reference cited: Sections 1250 and 1254.5, Health and Safety Code.