

NON SUBSTANTIVE

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-	REGULATORY ACTION NUMBER 2016-0516-03 N	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

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OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
in the office of the Secretary of State
of the State of California
JUN 28 2016
1:46 PM

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY Department of Public Health	AGENCY FILE NUMBER (if any) DPH-16-010
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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	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER
			PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Primary Care Clinics Written Transfer Agreements	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
TITLE(S) 22	REPEAL 75047

3. TYPE OF FILING

<input 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 checked="" 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 Resubmittal of disapproved or withdrawn nonemergency filing (Gov.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 Resubmittal of disapproved or withdrawn emergency filing (Gov.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)

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) _____
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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 Charlet Archuleta	TELEPHONE NUMBER (916) 445-9403	FAX NUMBER (Optional) (916) 440-5747	E-MAIL ADDRESS (Optional) charlet.archuleta@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 4/21/16
TYPED NAME AND TITLE OF SIGNATORY Sherrie Lowenstein, Assistant Chief Counsel	

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JUN 28 2016
Office of Administrative Law

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

Title 22

Section Affected: 75047

Justification for Change Without Regulatory Effect:

Health and Safety Code (HSC) section 1275 and 131200 grant the California Department of Public Health (Department) the authority to adopt, amend, enforce or repeal any reasonable rules and regulations as may be necessary to enable the Department to implement the duties conferred upon it by the Legislature.

Assembly Bill 1177 (Chapter 704, statutes of 2015) enacted HSC section 1204.2, which requires the Department to repeal the regulations contained in Title 22, Chapter 7, of the California Code of Regulation (CCR), section 75047.

Pursuant to CCR, Title 1, Article 2, section 100, the Department proposes to repeal section 75047 of Chapter 7.

The proposed repeal of section 75047 would conform the Department's regulations to the statutory requirement of HSC section 1204.2, and is proposed as a "Change Without Regulatory Effect" under CCR, section 100(a)(2).

The proposed changes do not materially alter any of the requirements, rights, responsibilities, conditions, prescriptions, or other regulatory elements of Chapter 7, Primary Care Clinics, or any other CCR provision. Each of the specific changes proposed pursuant to CCR section 100 is discussed below.

Section 75047. Transfer Agreements.

Section 75047 is deleted in its entirety. This change comports with the statutory mandate of HSC section 1204.2, and is allowed by CCR, section 100(a)(2).

The "Notes" section is deleted because the section is repealed. This change is allowed by CCR section 100(a)(5) as a change in authority or reference citation.

California Department of Public Health
Title 22, California Code of Regulations
Division 5. Chapter 7: Primary Care Clinics
Written Transfer Agreements Regulation

Repeal Section 75047 as follows:

~~§ 75047. Transfer Agreements.~~

~~(a) The clinic shall maintain written transfer agreements, which include provisions for communication and transportation, with one or more nearby hospitals and other inpatient health facilities as appropriate to meet medical emergencies. Essential personal, health and medical information shall either accompany the patient upon transfer or be transmitted immediately by telephone to the receiving facility.~~

~~(b) Clinics, except those providing abortion or birthing services, may request that the Department waive the requirement of (a).~~

~~The clinic must demonstrate to the Department that all nearby hospitals and other inpatient health facilities, as appropriate to meet medical emergencies have refused to enter into transfer agreements.~~

~~Note: Authority cited: Sections 208(a) and 1225, Health and Safety Code. Reference: Section 1226, Health and Safety Code.~~