



Arnold Schwarzenegger, Governor  
State of California  
Business, Transportation and Housing Agency  
**Department of Managed Health Care**  
Office of Legal Services

---

980 Ninth Street, Suite 500  
Sacramento, CA 95814-2725  
916-322-6727 – Phone  
916-322-3968 – Fax  
[www.dmhc.ca.gov](http://www.dmhc.ca.gov)

**ACTION:** Second Amended Notice of Rulemaking Action  
Title 28, California Code of Regulations

**SUBJECT:** Rescheduling Public Hearing and Extending Comment Period regarding Timely Access to Health Care Services Regulation; Control No. 2005-0203, Adopting Section 1300.67.2.2 in title 28, California Code of Regulations

**PUBLIC PROCEEDINGS:** Pursuant to Government Code section 11346.8(a) the Department of Managed Health Care (Department) has rescheduled the public hearing regarding the above-referenced rulemaking action titled Timely Access to Health Care Services Regulation; Control No. 2005-0203.

**PUBLIC HEARING:**

The public hearing previously scheduled for August 13, 2007 is now rescheduled to:

**September 18, 2007**  
**10:00 a.m.**  
**980 Ninth Street, 2<sup>nd</sup> Floor**  
**Conference Rooms B & C**  
**Sacramento, California**

The purpose of this public hearing is to solicit and receive public comment regarding the above-referenced rulemaking action. Any interested person, or his or her duly authorized representative, may attend the hearing and submit written or oral comments relevant to the proposed regulatory action. Oral comments during the public hearing should be limited to the subject of the proposed rulemaking action and no more than five (5) minutes in length. The Department's written response to all comments submitted during the public hearing will be made available on a date following the hearing.

The public hearing will adjourn after all verbal comments have been heard or at 5:00 p.m., whichever occurs sooner. The agenda for the public hearing is available on the Department's website under the "Upcoming Meetings" section at [www.dmhc.ca.gov](http://www.dmhc.ca.gov).

Questions or comments regarding the regulation or this public hearing may be directed to Stephen Hansen, Staff Counsel III, 916-327-9331, [shansen@dmhc.ca.gov](mailto:shansen@dmhc.ca.gov).

**WRITTEN COMMENT PERIOD:** The written comment period for this rulemaking action is extended to 5:00 pm on Friday, September 21, 2007. Any interested person, or his or her authorized representative, may submit written statements, arguments or contentions (hereafter referred to as comments) relevant to the proposed regulatory action by the Department. Comments must be received by the Department of Managed Health Care, Office of Legal Services, by 5 p.m. on September 21, 2007, which is hereby designated as the close of the written comment period.

**Particular Solicitation of Comments:** Written comments are particularly solicited regarding the following:

1. Identify and describe timely access standards other than time-elapsed standards which you suggest for consideration, and describe why those other standards are more appropriate than time-elapsed standards.

2. Identify and describe standards (not measures) for timely access to health care which you suggest that the Department consider and which are used in the industry, other than the CCHRI<sup>1</sup>, IHA P4P<sup>2</sup>, and NCQA/HEDIS/CAHPS<sup>3</sup> survey questions (which use questions to measure primarily consumer subjective input, do not use any standards for appointment waiting time (except mental health), or use only standards of 15 or 30 seconds for telephone waiting time and 15 minutes for office waiting time).

3. Identify and describe “indicators” of timeliness of access to care in addition to the indicators specified in the statute (Health & Safety Code § 1367.03(a)(1)-(3) and subsection (c) of the text of the proposed regulation, and describe how such other indicators can be monitored by health care service plans and enforced by the Department.

4. Identify and describe with particularity methods of plan monitoring of provider compliance with timely access standards, other than the plan monitoring methods described in the proposed regulation, and describe how such other monitoring methods would achieve adequate assessment of provider compliance with the timely access standards identified in the proposed regulation.

**WHERE TO SEND COMMENTS:** Please address all written comments to the Department of Managed Health Care, Office of Legal Services, Attention: Regulations Coordinator. As noted above, written comments may be submitted at the public hearing regarding this rulemaking action. Written comments may also be transmitted by regular mail, FAX, email or via the Department’s website:

---

<sup>1</sup> California Cooperative Healthcare Reporting Initiative (CCHRI) is a collaborative of health care purchasers, plans and providers. CCHRI is managed by the Pacific Business Group on Health (PBGH), a coalition of large purchasers that is committed to improving the quality of health care while moderating costs.

<sup>2</sup> Integrated Healthcare Association (IHA) is a statewide leadership group that promotes quality improvement, accountability, and affordability of health care in California and develops measures for its Pay For Performance (P4P) program.

<sup>3</sup> The National Committee for Quality Assurance (NCQA) is dedicated to improving health care quality. The Healthcare Effectiveness Data and Information Set (HEDIS) is a tool used to measure performance on important dimensions of care and service. The Consumer Assessment of Healthcare Providers and Systems (CAHPS) program is a multi-year initiative of the Agency for Healthcare Research and Quality (AHRQ).

Second Amended Notice of Rulemaking Action

August 8, 2007

Page 3 of 3

Website: <http://wpsdmhc.ca.gov/regulations/>  
Email: [regulations@dmhc.ca.gov](mailto:regulations@dmhc.ca.gov)  
Mail: Department of Managed Health Care  
Office of Legal Services  
Attn: Regulations Coordinator  
980 9<sup>th</sup> Street, Suite 500  
Sacramento, CA 95814  
Fax: (916) 322-3968

Please note, if comments are sent via the website, email or fax, there is no need to send the same comments by mail delivery. All comments, including via the website, email, fax or mail, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited. Additional information regarding this proposed rulemaking action is provided in the respective Notice of Rulemaking Action, which is posted on the Department's website at <http://wpsdmhc.ca.gov/regulations/#1>.

**REASONABLE ACCOMMODATIONS:**

Reasonable accommodations for persons with disabilities are available upon request. Please submit your request for reasonable accommodations at least seven (7) days in advance of the hearing date. The Department will attempt to accommodate late requests to the extent possible. You may submit your request via email to Emilie Alvarez, Regulations Coordinator at [ealvarez@dmhc.ca.gov](mailto:ealvarez@dmhc.ca.gov). You may contact California Relay Service for the deaf or hearing impaired: 800-735-2929 (TTY) or 800-735-2922 (Voice).

Inquiries concerning this proposed rulemaking action may be directed to:

Stephen Hansen  
Staff Counsel III  
Office of Legal Services  
Department of Managed Health Care  
980 Ninth Street, Suite 500  
Sacramento, CA 95814  
(916) 327-9331  
[shansen@dmhc.ca.gov](mailto:shansen@dmhc.ca.gov)

Emilie Alvarez  
Regulations Coordinator  
Office of Legal Services  
Department of Managed Health Care  
980 Ninth Street, Suite 500  
Sacramento, CA 95814  
(916) 322-6727  
[ealvarez@dmhc.ca.gov](mailto:ealvarez@dmhc.ca.gov)

CONTACTS: In your comments or inquiries, please use the Department's regulation title and control number, **Timely Access To Health Care Services, Control No. 2005-0203**, in any of the above inquiries.

---

STEPHEN HANSEN  
Staff Counsel III