

DATE: December 13, 2016

ACTION: Notice of 2nd Comment Period
Title 28, California Code of Regulations

SUBJECT: Prescription Drug Prior Authorization or Step Therapy Exception Request Form Process, Amending Section 1300.67.241 of Title 28, California Code of Regulations, OAL File No. 2016-0816-01; Control No. 2016-5182.

PUBLIC PROCEEDINGS:

Pursuant to Government Code section 11346.8(c) and California Code of Regulations, Title 1, section 44, notice is hereby given that the Director of the Department of Managed Health Care (“Department”) is making available to the public the text of the modified regulation, Prescription Drug Prior Authorization or Step Therapy Exception Request Form Process, amending section 1300.67.241, in Title 28, California Code of Regulations. Modifications to the original text are noted by double underline and strikeout.

The modified text is the result of information received during the initial comment period that lasted 45 days and ended on October 10, 2016. The Department has determined that the noticed changes are sufficiently related to the original text so that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action.

WRITTEN COMMENT PERIOD:

Any interested person, or his or her authorized representative, may submit written statements, arguments or contentions (hereafter referred to as comments) relating to the proposed regulatory action by the Department. Comments must be received by the Department, Office of Legal Services, **by 5 p.m. on December 29, 2016**, which is hereby designated as the close of the written comment period.

Please address all comments to the Department of Managed Health Care, Office of Legal Services, Attention: Regulations Coordinator. Comments may be transmitted by regular mail, fax, email or via the Department’s website:

Website: <http://dmhc.ca.gov/AbouttheDMHC/LawsRegulations>
Email: regulations@Department.ca.gov
Mail: Department of Managed Health Care
Office of Legal Services

Attn: Regulations Coordinator
980 9th 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 a U.S. Postal Service mailing address so the Department may provide commenters with notice of any additional proposed changes to the regulation text.

Please identify the action by using the Department's rulemaking title and control number in any of the above inquiries: **Prescription Drug Prior Authorization or Step Therapy Exception Request Form Process, Control No. 2016-5182.**

CONTACTS: Inquiries concerning the proposed adoption of these regulations may be directed to:

Jennifer Willis
Senior Counsel
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 324-9014
(916) 322-3968 fax
Jennifer.Willis@dmhc.ca.gov

OR

Emilie Alvarez
Regulations Coordinator
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 445-9960
(916) 322-3968 fax
Emilie.Alvarez@dmhc.ca.gov

AVAILABILITY OF DOCUMENTS:

The Department has prepared and has available for public review the Initial Statement of Reasons, text of the proposed regulation and all information upon which the proposed regulation is based ("rulemaking file"). This information is available by request to the Department of Managed Health Care, Office of Legal Services, 980 9th Street, Sacramento, CA 95814, Attention: Regulations Coordinator.

The Notice of Proposed Rulemaking Action, the proposed text of the regulation, and the Initial Statement of Reasons are also available on the Department's website at <http://dmhc.ca.gov/AbouttheDMHC/LawsRegulations> under the heading "Open Pending Regulations."

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the Regulation Coordinator named above.

AVAILABILITY OF MODIFIED TEXT:

The full text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days before the date the Department adopts the regulation. A request for a copy of any modified regulation(s) should be addressed to the Regulations Coordinator. The Director will accept comments via the Department's website, mail, fax or email on the modified regulation(s) for 15 days after the date on which the modified text is made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth without further notice.