



Gavin Newsom, Governor  
State of California  
Health and Human Services Agency  
**DEPARTMENT OF MANAGED HEALTH CARE**  
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**DATE:** April 16, 2021

**ACTION:** Notice of Third Comment Period  
Title 28, California Code of Regulations

**SUBJECT:** Timely Access to Non-Emergency Health Care Services and Annual Timely Access and Network Reporting Requirements Proposed Amendment of Section 1300.67.2.2 and Proposed Adoption of Section 1300.67.2.3, in Title 28 of the California Code of Regulations. Control No. 2019-5239.

**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 regulations: Timely Access to Non-Emergency Health Care Services and Annual Timely Access and Network Reporting Requirements Proposed Amendment of Section 1300.67.2.2 and Proposed Adoption of Section 1300.67.2.3, in Title 28 of the California Code of Regulations. Control No. 2019-5239. **Modifications to the second comment period text are noted by bold single underline and bold single strikeout; Changes to the Timely Access and Annual Network Submission Instruction Manual, Provider Appointment Availability Survey Manual, and forms incorporated by reference are noted by bold italics single underline and bold and italics single strikeout.**

The modified text is the result of information received during the second comment period that lasted 45 days and ended on January 21, 2021. The Department 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. **Please limit comments during the third comment period to only those changes made during the second comment period.**

**WRITTEN COMMENT PERIOD:**

Any interested person, or his or her authorized representative, may submit written statements, arguments or contentions (hereinafter referred to as comments) relating to the proposed regulatory action by the Department. Pursuant to Government Code section 11346.8(c), comments must be received by the Department, Office of Legal

Services, **by 5 p.m. on Monday, May 3, 2021**, 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://www.dmhca.gov/LawsRegulations.aspx#open>  
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 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, **Timely Access to Non-Emergency Health Care Services and Annual Timely Access and Network Reporting Requirements, Control No. 2019-5239**, in any of the above inquiries.

**CONTACTS:** Inquiries concerning the proposed adoption of these regulations may be directed to the following person(s):

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**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 9<sup>th</sup> Street, Suite 500, 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://www.dmhca.gov/LawsRegulations.aspx#open>.

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.