

NOTICE OF 15-DAY PUBLIC COMMENT PERIOD
FOR CHANGES TO TEXT OF PROPOSED REGULATIONS AND
FOR THE ADDITION OF A NEW DOCUMENT TO THE RULEMAKING FILE

Regarding Proposed Regulations for
HEALTH CARE PAYMENTS DATA PROGRAM
DATA USE, ACCESS, AND RELEASE
CALIFORNIA CODE OF REGULATIONS
TITLE 22, DIVISION 7, CHAPTER 11, ARTICLE 8,
SECTIONS 97380 TO 97416

April 4, 2024

For reasons discussed below, the Department of Health Care Access and Information (HCAI) hereby initiates a new 15-day comment period for (1) all changes made to the original June 2, 2023 text for the Health Care Payments Data Program (HPD) Data Use, Access, and Release proposed regulations, and (2) the Updated Initial Statement of Reasons, dated December 18, 2023.

I. Background

A. Original 45-day Comment Period

On June 2, 2023, HCAI issued a notice of proposed rulemaking to adopt new regulations to start the Health Care Payments Data Program's (HPD) Data Use, Access, and Release Program. This proposal is to add California Code of Regulations Title 22, Division 7, Chapter 11, Article 8 sections 97380 to 97416 to implement this program.

This rulemaking was subject to a 45-day public comment period that closed on July 18, 2023. The Notice of Proposed Rulemaking provided the public with an opportunity to request a public hearing if the request was received no later than 15 days prior to the close of the written comment period. A hearing was not held because HCAI did not receive a request for a hearing.

B. December 2023 Changes to Regulation Text and Comment Period for Changes to Proposed Regulations

During this first written public comment period, HCAI received public comments. Based on these comments and additional internal review, HCAI determined that changes to the proposed regulations were necessary. The changes were sufficiently related to the original text pursuant to Government Code section 11346.8(c) and Cal. Code Regs., title 1, section 42.

Pursuant to Government Code section 11346.8(c), on December 18, 2023, by email, the HCAI provided notice of the changes to the proposed regulations to the public and published the changed proposed regulations on its website. HCAI also revised the Initial Statement of Reasons and published the “Updated Initial Statement of Reasons”, dated December 18, 2023 on its website. HCAI provided a second 45-day public comment period from December 18, 2023 through February 1, 2024 for the changed text.

II. NOTICE of New 15-Day Public Comment Period for Changes to Text Since June 2, 2023 and Updated Initial Statement of Reasons

Based on comments received during the comment period for the changed text and because it was unclear that HCAI updated the Initial Statement of Reasons, HCAI is providing another comment period.

This new comment period is for all the changes that have been made to the June 2, 2023 original text and includes the changes from December 15, 2023 and any subsequent changes. All of these changes are clearly indicated in the April 4, 2024 version of the text. The April 4, 2024 version of the text also makes non-substantive clarifying modifications and corrects formatting errors from the December 15, 2023 version. HCAI made one substantive change after December 15, 2023—the definition of “state agency” in proposed section 97380(t) was modified. The changes in the April 4, 2024 version of the text are sufficiently related to the original text pursuant to Government Code section 11346.8(c) and Cal. Code Regs., title 1, section 42.

This new comment period is also for the Updated Initial Statement of Reasons, dated December 18, 2023 because it was not clearly stated that HCAI had modified this document in December.

As required by Government Code sections 11346.8(c) and 11347.1, HCAI is making available for public comment the full text of the changes to the proposed regulations and the Updated Initial Statement of Reasons for a period of 15 days. HCAI will consider public comments regarding the text changes and the Updated Initial Statement of

Reasons and will respond to such comments in the final statement of reasons for this rulemaking.

III. Availability of Changes to Text Document and Updated Initial Statement of Reasons

The changed text of the proposed regulations is dated April 4, 2024, and, for this comment period, is available to the public at this link:

- [Changes to Text, dated April 4, 2024.](#)

The Updated Initial Statement of Reasons is dated December 18, 2023, and, for this comment period, is available to the public at this link:

- [Updated Initial Statement of Reasons, dated December 18, 2023.](#)

Both of these documents and prior documents for this rulemaking are publicly available at the following for this comment period:

- Online at HCAI's "Laws & Regulations" website: <https://hcai.ca.gov/about/laws-regulations/>, or
- At HCAI's offices, 2020 West El Camino Avenue, Suite 800, Sacramento, California 95833, Monday through Friday, 8:00 am to 5:00 p.m.

IV. Comment Period Details

HCAI will accept written comments regarding the proposed changes and Updated Initial Statement of Reasons from April 4, 2024 through April 19.

Please address your comments to the person below. Comments delivered by email are suggested. Comments may also be faxed, hand delivered, or mailed. **All written comments must be received by HCAI on or before April 19:**

Caily Langston, Assistant Branch Chief
Department of Health Care Access and Information
Tel: (916) 326-3812
Fax: (916) 445-7534
Email: hpddatarelease@hcai.ca.gov
Mailing address: 2020 West El Camino Avenue, Suite 1100
Sacramento, CA 95833-1880

Inquiries and comments may also be directed to the backup contact person at the same mailing address:

Stacey Lee

Department of Health Care Access and Information

Tel: (916) 326-3813

Fax: (916) 445-7534

Email: hpddatarelease@hcai.ca.gov

Mailing address: 2020 West El Camino Avenue, Suite 1100
Sacramento, CA 95833-1880

All written comments received within the comment period, which pertain to the text changes or the Updated Initial Statement of Reasons, will be reviewed by HCAI and will be summarized and responded to in the final statement of reasons.