

NOTICE OF 15-DAY PUBLIC COMMENT PERIOD
FOR CHANGES TO TEXT OF PROPOSED REGULATIONS AND
FOR THE ADDITION OF NEW DOCUMENTS 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

September 6, 2024

For reasons discussed below, the Department of Health Care Access and Information (HCAI) hereby initiates a new 15-day comment period for changes made to the updated April 4, 2024 text and the addition of new documents to the rulemaking file for the Health Care Payments Data Program (HPD) Data Use, Access, and Release proposed regulations.

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.

C. April 2024 Changes to Regulation Text and Comment Period for Changes to Proposed Regulations

Based on comments received during the December 2023 comment period, HCAI made further changes to the proposed text in April 2024. Also, it was unclear that HCAI updated the Initial Statement of Reasons in December 2023. For these reasons, pursuant to Government Code section 11346.8(c) and section 11347.1, on April 4, 2024, HCAI, by email, provided notice of the April 2024 changes and the Updated Initial Statement of Reasons and published the notice and these documents on its website. HCAI provided another 15-day comment period from April 4, 2024 through April 19, 2024 for the changes and the Updated Initial Statement of Reasons.

II. NOTICE of New 15-Day Public Comment Period for Changes to Text Since April 4, 2024 and New Documents to the Rulemaking File

After the April 2024 comment period, on May 28, 2024, HCAI submitted the rulemaking package for these proposed regulations to the Office of Administrative Law for approval.

On July 10, 2024, the Office of Administrative Law disapproved these proposed regulations, but for reasons that could be remedied through changes to the proposed text and the Final Statement of Reasons, and the addition of documents to the rulemaking file.

Based on the disapproval, HCAI made further changes to the regulatory text and added documents to the rulemaking file. For these changes and additions, HCAI is now providing another 15-day comment period pursuant to Government Code section 11346.8(c), 11346.8(d), 11346.9(a)(1), and section 11347.1 and Cal. Code Regs., section 44.

HCAI made several changes to the April 4, 2024 version of the proposed text—these changes are clearly indicated in the September 06, 2024 version of the text. The new changes are noted either by bold/underlined text for added text or bold/strikethrough text for deleted text. These changes are sufficiently related to the original text pursuant to Government Code section 11346.8(c) and Cal. Code Regs., title 1, section 42.

HCAI also added the following documents to the rulemaking file:

1. FIPS 140 Validation- The National Institute of Standards and Technology website accessed for print out.
2. Contributor Role HPD Work Order Authorization – 06/04/2024
3. Duty Statement - Research Data Analyst – 06/20204
4. 45 CFR 160.103
5. CalHR Payscale – 08/05/2024

As required by Government Code sections 11346.8(c) , 11346.8(d), 11346.9(a)(1), and 11347.1 and Cal. Code Regs., section 44., HCAI is making available for public comment the September 2024 changes to the proposed regulations and the documents listed above for a period of 15 days. HCAI will consider public comments regarding the September 2024 text changes and the new documents added to the rulemaking file and will respond to such comments in the final statement of reasons for this rulemaking.

III. Availability of Changes to Text Document and New Documents in the Rulemaking File

The changed text of the proposed regulations is dated September 6, 2024, and, for this comment period, is available to the public at this link:

- [Changes to Text, dated September 06, 2024.](#)

The changed text and new documents added to the rulemaking file (listed above) for this comment period are also publicly available from September 6, 2024 through September 23, 2024 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.

Prior rulemaking documents can be found online at HCAI's "Laws & Regulations" website: <https://hcai.ca.gov/about/laws-regulations/>.

IV. Comment Period Details

HCAI will accept written comments regarding the proposed changes or the new documents added to the rulemaking file September 6, 2024 through September 23, 2024.

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 September 23:**

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 new documents added to the rulemaking file, will be reviewed by HCAI and will be summarized and responded to in the final statement of reasons.