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HEALTH AND SAFETY CODE - HSC

DIVISION 2. LICENSING PROVISIONS [1200 - 1796.70] (Division 2 enacted by Stats. 1939, Ch. 60.)

CHAPTER 13. Home Care Services [1796.10 - 1796.70] (Chapter 13 added by Stats. 2013, Ch. 790, Sec. 1.)

ARTICLE 12. Operation [1796.61 - 1796.70] (Article 12 added by Stats. 2013, Ch. 790, Sec. 1.)

1796.61. (a) This chapter shall be implemented on January 1, 2016.

(b) Home care organization applicants and home care aide applicants who submit applications prior to January 1, 2016, shall be authorized to provide home care services without meeting the requirements of Section 1796.45, provided the requirements of that section are met no later than July 1, 2016.

(c) The applicants described in subdivision (b) shall meet all the requirements of this chapter no later than July 1, 2016, in order to continue to provide home care services.

(Amended by Stats. 2014, Ch. 29, Sec. 62. (SB 855) Effective June 20, 2014. Provisions implemented as of January 1, 2016, pursuant to Section 1796.61. Note: This section prescribes a delayed implementation date (Jan. 1, 2016) for Chapter 13, commencing with Section 1796.10.)

1796.62. This chapter and any rules and regulations promulgated pursuant to this chapter shall only be implemented to the extent that funds are made available through an appropriation in the annual Budget Act.

(Added by Stats. 2013, Ch. 790, Sec. 1. (AB 1217) Effective January 1, 2014. Provisions implemented as of January 1, 2016, pursuant to Section 1796.61.)

1796.63. (a) The department shall adopt, amend, or repeal, in accordance with Chapter 3.5 (commencing with Section 11340) of the Government Code, any reasonable rules, regulations, and standards as may be necessary or proper to carry out the purpose and intent of this chapter and to enable the department to exercise the powers and perform the duties conferred upon it by this chapter, not inconsistent with any of the provisions of any statute of this state. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this chapter through written directives, without taking regulatory action, subject to the limitations provided in subdivision (b).

(b) The department's authority to implement and administer this chapter through written directives shall expire no later than January 1, 2018, or upon the effective date of regulations promulgated in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), whichever occurs sooner.

(c) The department may adopt emergency regulations to implement and administer the provisions of this chapter. The department may readopt any emergency regulations that are the same as, or substantially equivalent to, any emergency regulations previously adopted. The initial adoption and readoption of emergency regulations for the implementation and administration of this chapter pursuant to this subdivision shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. The initial and readopted emergency regulations shall be exempt from review by the Office of Administrative Law. The initial and readopted emergency regulations shall be submitted to the Office of Administrative Law for filing with the Secretary of State and each adoption or readoption shall remain in effect for no more than 180 days.

(Amended by Stats. 2014, Ch. 29, Sec. 63. (SB 855) Effective June 20, 2014. Provisions implemented as of January 1, 2016, pursuant to Section 1796.61.)

1796.70. For purposes of this chapter, "rehabilitation innovation center" means a not-for-profit or government-owned rehabilitation facility that meets all of the following:

(a) Is classified as a not-for-profit entity or as a government-owned institution under the Centers for Medicare and Medicaid Services Provider of Services file.

(b) Holds at least one federal rehabilitation research and training designation for research projects on traumatic brain injury, spinal cord injury, or stroke rehabilitation research from the Rehabilitation Research and Training Centers, the Rehabilitation Engineering Research Center, or the Model Spinal Cord Injury Systems at the National Institute on Disability, Independent Living, and Rehabilitation Research at the federal Department of Health and Human Services.

(c) Has at least 200 Medi-Cal discharges per year.

(Added by renumbering Section 1797.8 (as added by Stats. 2017, Ch. 386, Sec. 3) by Stats. 2019, Ch. 497, Sec. 156. (AB 991) Effective January 1, 2020.)