

From: [DMHC Licensing eFiling](#)

Subject: APL 23-020 – Amendments to Rule 1300.67.2.2 and the Incorporated Annual Network Submission Instruction Manual and Annual Network Report Forms for Reporting Year 2024

Date: Thursday, October 26, 2023 3:21 PM

Attachments: [APL 23-020 – Amendments to Rule 1300.67.2.2 and the Incorporated Annual Network Submission Instruction Manual and Annual Network Report Forms for Reporting Year Amendments 1300.67.2.2.docx](#)
[Annual Network Submission Instruction Manual for Reporting Year \(RY\) 2024 \(Clean\).docx](#)
[Annual Network Submission Instruction Manual for Reporting Year \(RY\) 2024 \(Track Changes\).docx](#)
[Hospital And Clinic Report Form \(Form. No. 40-270\) – Summary of Changes.docx](#)
[Mental Health Professional and Mental Health Facility Report Form \(Form. No. 40-268\) – Summary of Changes.docx](#)
[Network Service Area and Enrollment Report Form \(Form. No. 40-265\) – Summary of Changes.docx](#)
[Other Outpatient Provider Report Form \(Form. No. 40-269\) – Summary of Changes.docx](#)
[Out-Of-Network Payment Report Form \(Form. No. 40-273\) – Summary of Changes.docx](#)
[PCP and PCP Non-Physician Medical Practitioner Report Form \(Form. No. 40-266\) – Summary of Changes.docx](#)
[Specialist and Specialist Non-Physician Medical Practitioner Report Form \(Form. No. 40-267\) – Summary of Changes.docx](#)
[Telehealth Report Form \(Form. No. 40-271\) – Summary of Changes.docx](#)
[Third-Party Corporate Telehealth Report Form \(Form. No. 40-274\) – Summary of Changes.docx](#)
[Timely Access and Network Adequacy Grievance Report Form \(Form. No. 40-272\) – Summary of Changes.docx2024 \(10.26.23\)](#)

Dear Health Plan Representative:

The Department of Managed Health Care (DMHC) hereby issues this All Plan Letter (APL) 23-020 Amendments to Rule 1300.67.2.2 and the Incorporated Annual Network Submission Instruction Manual and Summary of Changes to Annual Network Report Forms for Reporting Year 2024.

Attached with this APL are the following attachments:

- Amendments 1300.67.2.2
- Annual Network Submission Instruction Manual for Reporting Year (RY) 2024 (Clean)
- Annual Network Submission Instruction Manual for Reporting Year (RY) 2024 (Track Changes)
- Hospital And Clinic Report Form (Form. No. 40-270) – Summary of Changes
- Mental Health Professional and Mental Health Facility Report Form (Form. No. 40-268) – Summary of Changes
- Network Service Area and Enrollment Report Form (Form. No. 40-265) – Summary of Changes
- Other Outpatient Provider Report Form (Form. No. 40-269) – Summary of Changes

- Out-Of-Network Payment Report Form (Form. No. 40-273) – Summary of Changes
- PCP and PCP Non-Physician Medical Practitioner Report Form (Form. No. 40-266) – Summary of Changes
- Specialist and Specialist Non-Physician Medical Practitioner Report Form (Form. No. 40-267) – Summary of Changes
- Telehealth Report Form (Form. No. 40-271) – Summary of Changes
- Third-Party Corporate Telehealth Report Form (Form. No. 40-274) – Summary of Changes
- Timely Access and Network Adequacy Grievance Report Form (Form. No. 40-272) – Summary of Changes

Thank you.

ALL PLAN LETTER

DATE: October 26, 2023

TO: All Health Care Service Plans

FROM: Nathan Nau
Deputy Director, Office of Plan Monitoring

SUBJECT: APL 23-020 – Amendments to Rule 1300.67.2.2 and the Incorporated Annual Network Submission Instruction Manual and Annual Network Report Forms for Reporting Year 2024

The Department of Managed Health Care (DMHC) issues this All Plan Letter (APL) to inform health care service plans (health plans) of new amendments to 28 CCR § 1300.67.2.2 and the incorporated Annual Network Submission Instruction Manual and Annual Network Report Forms for the reporting year (RY) 2024 Annual Network Report submission. These amendments are made in accordance with Senate Bill (SB) 221 (Wiener, Chapter 724, Statutes of 2021) and SB 225 (Wiener, Chapter 601, Statutes of 2022) which provided the DMHC with two exemptions from the Administrative Procedure Act (APA) to develop mandatory reporting methodologies and standards for the Annual Network Report and Timely Access Compliance submission.¹

I. Background

Health plans are required to submit an Annual Network Report to the DMHC on an annual basis.² The requirements for the Annual Network Report are set forth in Rule 1300.67.2.2(h) and incorporated documents. Required Annual Network Report Forms are incorporated in subdivision (h)(7) of the Rule. General reporting instructions and field instructions for the Annual Network Report Forms are set forth within the Annual

¹ See Health and Safety Code sections 1367.03(f)(3) and (5), and 1367.035(a). The Knox-Keene Act is set forth in California Health and Safety Code sections 1340 et seq. References herein to “Section” are to sections of the Act. References to “Rule” refer to the California Code of Regulations, title 28.

² See Rule 1300.67.2.2(h) and sections 1367.03(f), 1367.035, 1371.31, and 1374.141.

Network Submission Instruction Manual, also incorporated in Rule 1300.67.2.2(h)(7) (as amended April 25, 2023).³

The DMHC may notice amendments to these reporting methodologies pursuant to Section 1367.03(f), in the manner prescribed in Rule 1300.67.2.2(h)(7).

II. Previous Amendments to Rule 1300.67.2.2 and Incorporated Documents

As a reminder, in advance of reporting year (RY) 2023 the DMHC promulgated amendments to Rule 1300.67.2.2 to address new statutory requirements impacting the Timely Access Report and Annual Network Report.⁴ Amended sections include subsections (a), (c), (d), (f), (h), (i), (k) and (l) of Rule 1300.67.2.2. These amendments were memorialized via a File and Print Only Action on April 25, 2023, and are available on the “Newly Effective Regulations” page of the DMHC’s public website, entitled “2023-TARR - 1300.67.2.2 Timely Access and Network Reporting Requirements.”⁵ The DMHC also notified stakeholders and health plan contacts of the amendments to Rule 1300.67.2.2 via email on May 3, 2023.

The DMHC also updated the Annual Network Report Forms and reporting instructions for RY 2023.⁶ The incorporated Instruction Manual, formerly titled “Timely Access and Annual Network Submission Instruction Manual,” is now two separately incorporated documents in Rule 1300.67.2.2(h): the Timely Access Submission Instruction Manual, incorporated in subsection (h)(6), and the Annual Network Submission Instruction Manual, incorporated in subsection (h)(7). Health plans shall refer to the Annual Network Submission Instruction Manual for instructions concerning the Annual Network Report and Network Access Profile submission.

III. Notice of Amendments to Rule 1300.67.2.2 and Incorporated Documents

By way of this APL, the DMHC provides notice of amendments to Rule 1300.67.2.2 impacting the RY 2024 Annual Network Report submission.⁷ The DMHC has also amended the incorporated Annual Network Submission Instruction Manual and Annual Network Report Forms for RY 2024, pursuant to subsection (h)(7) of Rule 1300.67.2.2. Amendments to the Rule and incorporated documents are effective for RY 2024.

³ Refer to Rule 1300.67.2.2, as amended via File and Print Only Action, April 25, 2023.

⁴ SB 221 (Wiener, Chapter 724, Statutes of 2021); Assembly Bill (AB) 457 (Santiago, Chap. 439, Stats. 2021); SB 225 (Wiener, Chapter 601, Statutes of 2022).

⁵ 2023-TARR - 1300.67.2.2 [Timely Access and Network Reporting Requirements](#).

⁶ See APL 22-024 - New and Amended Annual Network Report Forms for Reporting Year 2023, Resulting from SB 221 and AB 457 (October 27, 2022).

⁷ Amendments are made pursuant to the exemptions from the Administrative Procedures Act established in Section 1367.03(f).

The proposed amendments to Rule 1300.67.2.2 for RY 2024 were circulated to stakeholders for feedback on June 5, 2023, pursuant to Sections 1367.03(f)(3) and (5). The final amendments for RY 2024 noticed in this APL reflect stakeholder input.⁸

A. Amendments to Rule 1300.67.2.2

Attached to this APL are the DMHC's noticed amendments to Rule 1300.67.2.2, which include the following changes:

- Defined “network tier,” “tiered network,” and “lowest cost-sharing tier” in accordance with requirements in Section 1367.03(a)(1). These definitions replace the definition of “network tier” that was previously included in the incorporated RY 2023 Timely Access and Annual Network Submission Instruction Manual.
- Revised Quality Assurance Processes in Rule 1300.67.2.2(d) to clarify monitoring requirements and correct citations from previous amendments to Rule 1300.67.2.2.

B. Amendments to the RY 2024 Annual Network Submission Instruction Manual and Report Form Field Instructions

Attached to this APL is the DMHC's noticed Annual Network Submission Instruction Manual, for use in RY 2024. A copy of this manual is also available in the Timely Access and Annual Network Reporting Web Portal. Below is a list of key changes for RY 2024. This is not an exhaustive list, but rather an overview of the most significant changes from RY 2023 to RY 2024 in the Annual Network Submission Instruction Manual:

- Referenced the definitions for “clinical encounters” and “clinical data capture timeframe” in the Definitions section. These definitions are set forth in the field instructions for the Mental Health Professional and Mental Health Facility Report Form (Form No. 40-268), and the Third-Party Corporate Telehealth Provider Report Form (Form No. 40-274).
- Revised the definition for “clinical data capture timeframe” impacting field instructions for the Mental Health Professional and Mental Health Facility Report

⁸ Certain feedback received by the DMHC requested changes to provisions of Rule 1300.67.2.2 and incorporated documents that were not part of the proposed amendments circulated, but instead part of the existing Rule 1300.67.2.2 and incorporated documents promulgated on April 1, 2022. As a reminder, the DMHC's responses to public comment regarding Rule 1300.67.2.2, as amended April 1, 2022, are available on the [Pending and Newly Effective Regulations Details](#) page of the DMHC's public website, entitled “2019-5239 – Timely Access to Non-Emergency Health Care Services.”

Form (Form No. 40-268), and the Third-Party Corporate Telehealth Provider Report Form (Form No. 40-274). The “clinical data capture timeframe” now shares the same definition as the timely access compliance measurement year defined in Rule 1300.67.2.2(b)(4)(A). For RY 2024 the “clinical data capture timeframe” is January 1 to December 31 of 2023.

- Revised the definition of “tertiary services.”
- Included a definition for “profile-only plan.”
- Included a definition for “standalone network.”
- Included a definition for “residential detox facility.”
- Moved the definition for “in-person appointments on an outpatient basis” from the Annual Network Report Form instructions in Section V., into the Definitions section.
- Included the procedure and requisites for a health plan to request a waiver from the Annual Network Report submission process for the upcoming reporting year, when the network will have no enrollment on the network capture date. This information was circulated to health plans via APL 22-026 on November 4, 2022, and is now included in Section I.
- Updated reporting requirements for reporting network information in the Network Access Profile in the ANR Profile tab of the web portal.
- Added the “Entity Name” and “Entity NPI” fields and associated field instructions to the Mental Health Professional Tab of the Mental Health Professional and Mental Health Facility Report Form (Form No. 40-268), in Section V.
- Added the “Type of License/Certificate” field and associated field instructions to the Other Outpatient Provider Report Form (Form No. 40-269), in Section V.
- Revised the field instructions for the “Network Tier ID” field in applicable Report Forms based on new definitions for network tier, tiered network, and lowest cost sharing tier. Added the “Network Tier ID” field and associated field instructions to the Telehealth Report Form (Form No. 40-271), in Section V.
- Added the “Type of License/Certificate” field and associated field instructions to the Grievance Tab of the Timely Access and Network Adequacy Grievance Report Form (Form No. 40-272). Reporting within this field is only required if the network provider is a non-physician mental health professional, as defined, in Section V.
- Reiterated the general requirement that licensed network providers shall be reported as individual providers, as defined.

C. Notice of Required Report Forms for the RY 2024 Annual Network Report

Attached to this APL are the noticed changes to Annual Network Report Forms incorporated in Rule 1300.67.2.2(h)(7). The amended report forms for RY 2024 hereby replace the RY 2023 forms previously incorporated in Rule 1300.67.2.2. All fillable Annual Network Report Form templates for RY 2024 and instructions are available to health plans on the Resources section of the Timely Access and Annual Network Reporting Web Portal, in accordance with Rule 1300.67.2.2(h)(2) and Section I. A. of the Annual Network Submission Instruction Manual. Report forms provided by the DMHC within the web portal are the only allowable format for a health plan to submit required data for the Annual Network Report.

Below is a list of the Annual Network Report Forms for RY 2024. Refer to Sections V.A. through V. J. of the of the Annual Network Submission Instruction Manual for RY 2024 Report Form field instructions.

1. Network Service Area and Enrollment Report Form (Form No. 40-265)
2. PCP and PCP Non-Physician Medical Practitioner Report Form (Form No. 40-266)
3. Specialist and Specialist Non-Physician Medical Practitioner Report Form (Form No. 40-267)
4. Mental Health Professional and Mental Health Facility Report Form (Form No. 40-268)
5. Other Outpatient Provider Report Form (Form No. 40-269)
6. Hospital and Clinic Report Form (Form No. 40-270)
7. Telehealth Report Form (Form No. 40-271)
8. Timely Access and Network Adequacy Grievance Report Form (Form No. 40-272)
9. Out-of-Network Payment Report Form (Form No. 40-273)
10. Third-Party Corporate Telehealth Provider Report Form (Form No. 40-274)

If you have any questions about this APL, please contact the Office of Plan Monitoring at ANRTeam@dmhc.ca.gov.

Attachments:

Rule 1300.67.2.2 – Notice of Changes:

- Amendments to Rule 1300.67.2.2

Annual Network Submission Instruction Manual – Notice of Changes for RY 2024:

- Annual Network Submission Instruction Manual – RY 2024 - Track-Changes
- Annual Network Submission Instruction Manual – RY 2024 - Clean

Annual Network Report Forms – Summary of Changes for RY 2024:

- Network Service Area and Enrollment Report Form (Form No. 40-265)
- PCP and PCP Non-Physician Medical Practitioner Report Form (Form No. 40-266)
- Specialist and Specialist Non-Physician Medical Practitioner Report Form (Form No. 40-267)
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