

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF PROPOSED RULEMAKING

ELECTRONIC RECORDS AND SIGNATURES

The Department of Developmental Services (the Department) proposes to amend sections 50602, 50604, 50605, 50607, 50612 and 54326 of Title 17, California Code of Regulations.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of the Department. The written comment period closes at 5:00 p.m. on 10/31/2011. The Department will only consider comments received at its headquarters by that time. Please submit any written comments to the Department's contact persons as designated below.

Public Hearings

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

Authority and Reference

Authority: Section 4631, of the Welfare and Institutions Code authorizes the Department to promulgate regulations prescribing a uniform accounting system. Sections 4648.1, 4648.2 and 4780.5 authorize the Department to promulgate regulations governing audits of regional centers and service providers.

Reference: Welfare and Institutions Code sections 4500, 4501, 4502, 4631, 4641.5, 4648, 4648.1, 4742, and 4780.

Informative Digest/Policy Statement

The Bureau of State Audits' August 2010 report recommended that if necessary the Department should modify its regulations to allow for electronic documentation and transactions for regional center purchase of services. The Department is amending its regulations to allow for electronic documentation and transactions to ensure that regional centers and vendors are maintaining the necessary documentation for services purchased for consumers.

Title 17, Division 2, Chapter 1: General Provisions; SubChapter 6: Service Provider Accountability; Article 1: General Provision; section 50602 defines the terms to be used for fiscal audits conducted by the Department and the regional centers. The Department is amending the regulation to allow for and define electronic documentation and transactions. The Department is amending Sections 50604 and 50605 to allow regional centers and vendors to maintain fiscal documents, including source documentation, electronically. Section 50607 is being amended to allow for electronic signatures for the execution of contracts between regional centers and services providers. Section 50612 is being amended to allow for electronic transactions for the authorization of purchase of services and maintain the authorizations electronically.

Title 17, Division 2, Chapter 3: Community Services; SubChapter 2: Vendorization; Article 2: Vendorization Process; section 54326. General Requirements for Vendors and Regional Centers are being amended to allow for the electronic maintenance of records.

Small Business Determination

The Department has determined that the amendments will not have an effect on small businesses because these amendments expand the acceptable formats for record keeping, by allowing for electronic documentation, and do not require businesses to change their current record keeping formats.

Local Mandate Determination and Fiscal Impact Statement

The Department has determined that the proposed regulatory actions do not impose: (1) a mandate on local agencies or school districts; (2) costs to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630; (3) other nondiscretionary costs or savings imposed on local agencies; (4) costs or savings in federal funding to the State; and (5) costs or savings to any State agencies.

Assessment Statement

The proposed action will not: (a) help in the creation of new businesses or jobs within the State of California; nor (b) cause the expansion of businesses currently doing business within the State of California. The Department has determined that the proposed regulations will not eliminate businesses or jobs within the State of California. The Department has determined that the proposed regulations will not have: (a) a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states; nor (b) a significant effect on housing costs.

Cost Impacts on Representative Private Persons or Businesses

"The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action." [Government Code Section 11346.5(a)(9)].

Alternative Considered

"The Department has determined that no reasonable alternative has been identified that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action." [Government Code Section 11346.5(a)(13)].

Contact Person

Comments and inquiries concerning the proposed action or substance of proposed action may be directed to:

Attention: Brian Winfield
Community Operations Division
1600 Ninth Street, Room 320, MS 3-9
Sacramento, CA 95814
Email: brian.winfield@dds.ca.gov
Phone: (916) 654-1569
Fax: (916) 654-3641

If Brian Winfield is unavailable, comments and inquiries concerning the proposed action or substance of the proposed action may be directed to:

Attention: Armando Parra
Community Operations Division
1600 Ninth Street, Room 320, MS 3-9
Sacramento, CA 95814
Email: armando.parra@dds.ca.gov
Phone: (916) 654-2297
Fax: (916) 654-3641

Availability of Rulemaking Documents

The Department has prepared and has copies ready for public review of the exact text of the proposed regulations, an Initial Statement of Reasons for the proposed regulations, and all of the information upon which the proposed regulations are based. Copies of the Initial Statement of Reasons and text of the proposed regulations, along with all other public records, reports, documentation or other material related to the proposed regulations will be contained in the

rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact persons at the above addresses. In addition, the text, Initial Statement of Reasons and other materials for the rulemaking may be viewed over the internet at www.dds.ca.gov.

Availability of Changed or Modified Text

After the close of the comment period, the Department may adopt the proposed regulations as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before the Department adopts the regulations as revised. If the text is modified, the text may be viewed over the internet at www.dds.ca.gov. Please send requests for copies of any modified regulations to the contact persons named above.

Final Statement of Reasons

When the Final Statement of Reasons is available, it may be viewed over the internet at www.dds.ca.gov. Additionally, requests for copies of the Final Statement of Reasons can be made to the contact persons named above.