

## NOTICE OF PROPOSED RULEMAKING

### TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

#### Speech-language Pathology

The Department of Developmental Services (Department) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the contact listed below.

The written comment period closes at 5:00 p.m. on December 5, 2018.

The Department will only consider comments received by that time.

CONTACT: Sharon DeRego, Manager  
Monitoring and Family Services Branch  
Department of Developmental Services  
1600 9<sup>th</sup> Street, Room 320, MS 3-11  
Sacramento, CA 95814  
FACSIMILE: (916) 654-3681  
EMAIL: [Sharon.DeRego@dds.ca.gov](mailto:Sharon.DeRego@dds.ca.gov)

#### PUBLIC HEARING

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.

Copies of the express terms of the proposed regulation and the Initial Statement of Reasons or other information upon which the rulemaking is based, are available from Ms. DeRego at the contact information listed above. This notice, the Initial Statement of Reasons, and the text of the proposed regulations are also available at <http://www.dds.ca.gov/ProposedRegs>. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed above once it is prepared.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, speech-language pathology assistants (SLPA) are recognized as licensed paraprofessionals by the California Business and Professions Code, Sections 2530-2537.5; however, California Code of Regulations, Title 17 does not identify a SLPA as an available provider for developmental services. This disparity between the codes and regulations in California limits the number of qualified providers available to provide developmental services. This may lead to services being unavailable on a timely basis

as required for California's implementation of Individuals with Disabilities Education Act (IDEA), Part C, (20 United States Code (USC), Section 1431 et seq.).

The Department proposes to amend CCR, Title 17 to more accurately reflect the range of speech-language pathologists' (SLP) responsibilities and supervisory duties as it relates to the SLPAs. Further, the inclusion of speech-language pathology services as a group practice in these particular proposed amendments to Title 17 regulations increases the availability of the number of currently licensed professionals in the field, namely speech-language pathology assistants. As proposed, providing more clarity and consistency between the two set of regulations will increase the number of providers of services for speech-language pathology.

As these are the only regulations dealing with this subject matter for people with developmental disabilities, the Department finds that the proposed regulations are compatible and consistent with the intent of the Lanterman Act and other existing state statute and regulations.

Section 54342 (75)(A): Describes the service code used for a vendor providing speech-language pathology services for developmental services. Corrections and additions are included in the proposed regulation. These changes correct the Title 17 language to align with the scope of practice for SLPs.

Section 54342 (75)(B): To add SLPAs as provider of services for developmental services when supervised by a SLP, as authorized in the California Business and Professions Code, Sections 2538-2538.7.

Section 54319 (a) Group Practices: To add speech pathology services as an authorized category to vendor a group practice for developmental services. This is a necessary business model in order to provide SLP supervision of the SLPAs.

### *Anticipated Benefits*

After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the SLP service providers in relation to the early intervention services for infants and toddlers in California.

The proposed amendments to the current regulations may create new opportunities for SLP businesses and the employment of SLPAs. These amended regulations are expected to improve accessibility and timely services for infants and toddlers in California who receive services through regional centers and increases the availability of the number of currently licensed professionals in the field, namely speech-language pathology assistants.

### LOCAL MANDATE STATEMENT

These regulations do not constitute a mandate on local agencies or school districts.

## FISCAL IMPACT

Cost or savings to any state agency: Zero.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Cost impacts on a representative private person or business: None. 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.

## SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

## SMALL BUSINESS IMPACT STATEMENT

The Department has determined that there may be an impact on small businesses as a result of filing of these regulations. Businesses that employ SLPs and SLPAs may be impacted by this regulation. This regulation does not create a burden on businesses and it is not required that any business must employ a SLPA.

## STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed amendments do not represent any policy shift in administering the Early Start program for the state. Therefore, the Department forecasts no economic impact and concludes that it is: (1) unlikely that the proposal will eliminate any jobs for the Early Start program service providers, (2) likely that the proposal will create an unknown number of jobs for service providers, (3) unlikely that the proposal will create an unknown number of new businesses providing services in the Early Start program, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

## STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

## STATEMENT OF ALTERNATIVES CONSIDERED

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department has determined that there is no reasonable alternative to be considered or

that has otherwise been identified and brought to the attention of the Department 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 or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

#### AUTHORITY AND REFERENCE

Authority: Welfare and Institutions Code sections 4405, 4686.3; and Government Code Section 11152

Reference: Welfare and Institutions Code sections 4631, 4648(a) and 4691; and Business and Professions Code sections 2530-2537.5 and 2538-2538.7

#### CONTACT PERSON REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATIONS

Contact Person:	Sharon DeRego	(916) 654-1605
Backup:	Emily Woolford	(916) 654-2133