

FINAL STATEMENT OF REASONS
(Government Code § 11346.2(b))
California Code of Regulations
Title 17, Division 2, Chapter 3, Subchapter 23

The information from the Initial Statement of Reasons is hereby incorporated by reference.

No changes were made to the text of the regulations following the 45-day comment period.

The summary of public comments and responses to those comments is hereby incorporated by reference.

SPECIFIC PURPOSE AND RATIONALE FOR NECESSITY

Subchapter 23

§ 59015. Contract Termination.

§ 59015 (b)

Specific Purpose

The contract requirements are outlined in Title 17 50611.

Rationale for Necessity

This adoption is necessary for clarity and consistency.

§ 59018. Substantial Inadequacies.

§ 59018 (a)

Specific Purpose

The requirements are outlined in Title 17 56054 (a) (1-13).

Rationale for Necessity

This adoption is necessary for clarity and consistency.

Consideration of Alternatives:

The Department of Developmental Services (Department) has determined there is no reasonable alternative proposed that would be more effective in carrying out the purpose for which the action is proposed, 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 achieving the purposes of the regulations in a manner that ensures full compliance with the law being implemented or made specific.

Senate Bill 856, Chapter 30, Statutes of 2014 (SB 856), requires the Department to develop Community Crisis Homes to provide 24-hour nonmedical care to individuals

with developmental disabilities receiving regional center service in need of crisis intervention services, and who would otherwise be at risk of admission to the acute crisis center at Fairview Developmental Center or Sonoma Developmental Center, an out-of-state placement, a general acute hospital, an acute psychiatric hospital, or an institution for mental disease. These regulations implement those provisions.

Documents Incorporated by Reference:

Department forms DS 6023 (Revised 10/2016), DS 6024 (Revised 10/2016) and DS 6028 (New 10/2016) are incorporated by reference. These documents are available via the DDS website and upon request. The publication of the incorporated documents in full in the CCR would be cumbersome, unduly expensive or otherwise impractical.

Impact of Regulatory Actions:

Programs Mandated on Local Agencies or School Districts: 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.

Benefits Anticipated from the Regulatory Action

The regulations are a continuance of the emergency regulations. The adoption of these regulations is necessary to permit the continued availability of the residential options authorized by SB 856 and to establish program standards, consumers' rights protections, and other requirements for these homes. The benefit of these regulations is in furthering the intent of SB 856 and the Lanterman Act: to minimize institutionalization by establishing community living options to meet the needs of individuals with challenging behaviors and who would otherwise be at risk of admission to or continued placement in a more restrictive, locked institutional settings, or placement out of state. The regulatory requirements are designed to protect the rights of consumers admitted to Community Crisis Homes, including periodic reassessments of the continued appropriateness of the placement for each consumer.

Significant Statewide Adverse Economic Impact Directly Affecting Business

The Department has 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. The proposed regulations are a continuation of the current emergency regulations. The authorizing statutes permit, but do not require the establishment of Community Crisis Homes. Through the regional center system, the Department currently pays service providers to operate a variety of community homes to care for consumers. While the community crisis homes will provide increased consumer supports in comparison to other residential settings, the Department anticipates that the related expenditures and transition services costs will be less, in total, than the cost of serving consumers in institutional settings, such as Institutions for Mental Disease (IMDs). In general, community home expenditures are eligible for federal financial participation whereas institutional care expenditures are not. The Department also determined there is no impact on small business as a result of the filing of these regulations because the

regulations only govern program requirements for licensed residential care providers who choose to operate a Community Crisis Home.

Economic Impact Assessment

The proposed regulations clarify and interpret Section 4698.1 of the Welfare & Institutions Code. The authorizing statutes permit but do not require the establishment of Community Crisis Homes, and the program standards for their development. These standards include program plan requirements, staffing structure, staff qualifications and training, requirements and timelines for the completion and updating of consumers' individual behavior supports plans, admission and continued stay requirements, requirements for ensuring appropriate services and supports are provided at the time of admission, the rate methodology, and assurances of consumer rights and protections.

In accordance with Government Code section 11346.3(b), the Department has made the following assessments regarding the proposed regulations:

Creation or Elimination of Jobs within the State Of California

Developing regulations for Community Crisis Homes will not result in the creation or elimination of jobs in California.

Creation of New or Elimination of Existing Businesses within the State Of California

The proposed regulations establish procedures, consumer safeguards, and program standards related to the development of Community Crisis Homes. No new businesses in California will be created or existing businesses eliminated.

Expansion of Businesses Currently Doing Business within the State

The proposed regulations establish procedures, consumer safeguards, and program standards related to the development of Community Crisis Homes. There will be no expansion of businesses currently doing business within the state as a result of the proposed regulations.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The regulations are a continuance of the emergency regulations and are expected to improve the health and welfare of California residents with developmental disabilities by filling an unmet need and enabling the development of previously unavailable community living alternatives for individuals who require intensive services and supports due to challenging behaviors. SB 856, Section 4698 of the Welfare & Institutions Code, and the proposed regulations benefit the general welfare of people with developmental disabilities by furthering the intent of the Lanterman Act, as well as the federal Americans with Disabilities Act, to support their integration into the community. Otherwise, the proposed regulations will not affect the health and welfare of California residents in general and will not affect worker safety or impact the state's environment.

Updated Informative Digest:

There have been no changes in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.