

**DEPARTMENT OF DEVELOPMENTAL SERVICES**

**NOTICE OF EMERGENCY AMENDMENTS AND FINDING OF EMERGENCY**

**Children's Community Crisis Homes (CCCH) Emergency Regulations**

**FINDING OF EMERGENCY REGULATORY ACTION IS NECESSARY**

The Department of Developmental Services (Department or DDS) finds that the proposed emergency amendments to California Code of Regulations (CCR), title 17, division 2, chapter 3, subchapter 23 and subchapter 24, sections 59000, 59002, 59006, 59007, 59008, 59009, 59010, 59012, 59022, and 59072, and the incorporated documents, is deemed to address an emergency and is necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code. Pursuant to Welfare and Institutions Code section 4698.1(b), the Department is hereby exempted from the requirement to describe specific facts showing the need for immediate action.

**NOTICE AND INTRODUCTION**

NOTICE IS HEREBY GIVEN that the Department proposes the emergency amendments of the regulations. Government Code section 11346.1, subdivision (a)(2), requires that, at least five working days prior to the submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to OAL, it shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

In addition to the five-day comment period for the emergency filing indicated above, there will also be a 45-day public comment period when these proposed regulations are amended and noticed via the regular rulemaking process, to be completed within 180 days of OAL's approval of this emergency package.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed emergency action to OAL. Comments may also be submitted to OAL by facsimile at 916-323-6826. The Department plans to file the emergency rulemaking package with OAL within five working days from the date of this notice. If you would like to make comments on the Finding of Emergency or the proposed emergency regulations, the comments must be received by both the Department and OAL within five calendar days of the Department's filing of the emergency regulations with OAL.

Please check the OAL website at [www.oal.ca.gov](http://www.oal.ca.gov) to find out when the emergency regulations are filed with OAL.

Comments should be sent **simultaneously** to:

Department of Developmental Services  
Attn: Legislation, Regulations & Public Affairs  
**“Children’s CCH Emergency”**  
1600 9th Street  
Sacramento, CA 95814  
Facsimile: (916) 651-3157

and

Office of Administrative Law  
Reference Attorney  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
Facsimile: (916) 323-6826

## **INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

The Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare and Institutions Code section 4500 et seq., was enacted to reduce institutionalization of people with developmental disabilities and prevent their dislocation from their home communities. Under the Lanterman Act, people with developmental disabilities have a right to services and supports in the least restrictive environment. With the reduced reliance on restrictive institutional and out-of-state placements, there is a need to increase community capacity and develop new alternatives, particularly for the most difficult-to-serve consumers.

### **Background:**

To continue the development of alternative living arrangements, Senate Bill (SB) 856, (Committee on Budget and Fiscal Review, Chapter 30, Statutes of 2014), required the Department to develop the residential option of Community Crisis Homes, as well as Enhanced Behavioral Supports Homes. DDS finalized both regulations.

SB 81, (Committee on Budget and Fiscal Review, Chapter 28, Statutes of 2019) requires DDS to develop Community Crisis Homes regulations for children. These emergency regulations are the next step to support consumers relocating out of the Developmental Centers as the Crisis Units close, with a resource for consumers ages 3-17 in the community. The Community Crisis Homes are required by statute to be an alternative to placements such as an out-of-state placement, a general acute hospital, an acute psychiatric hospital, or an institution for mental disease.

## **OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS**

The proposed regulations will implement the requirements of Welfare and Institutions Code sections 4698 and 4698.1 and enable consumers eligible to reside in Children's Community Crisis Homes to avoid placement in more restrictive settings.

### **Existing Law**

SB 81 requires the Department to adopt emergency regulations to implement Welfare and Institutions Code sections 4698 and 4698.1, whereby existing regulations related to children's community crisis homes do not address.

### **Summary of Proposed Amendments**

The proposed amendments to sections 59000, 59002, 59006, 59007, 59008, 59009, 59010, 59012, 59022, 50972, and the incorporated documents, are summarized as follows:

#### **Amend section 59000**

This regulatory action would amend title 17, division 2, chapter 3, subchapter 23, section 59000 to specify definitions of terminology that are used by current statutes and by the emergency regulations, to clarify how these terms are utilized for Children's Community Crisis Homes.

#### **Amend section 59002**

This regulatory action would amend title 17, division 2, chapter 3, subchapter 23, section 59002 to clarify group home requirements for placement duration of dual agency clients and emergency intervention techniques by providing requisite criteria and procedures.

#### **Amend section 59006**

This regulatory action would amend title 17, division 2, chapter 3, subchapter 23, section 59006 to update the document incorporated by reference DS 6024 (revised 5/2020) to clarify group home requirements.

#### **Amend section 59007**

This regulatory action would amend title 17, division 2, chapter 3, subchapter 23, section 59007 to specify the training requirements applicable to the facility's licensure type for both group homes and adult residential facilities.

#### **Amend section 59008**

This regulatory action would amend title 17, division 2, chapter 3, subchapter 23, section 59008 to specify the continuing education requirements for Community Crisis Homes licensed as group homes.

#### Amend section 59009

This regulatory action would amend title 17, division 2, chapter 3, subchapter 23, section 59009 to add a requirement for the administrator to ensure completion of a written functional behavior assessment for consumer admission.

#### Amend section 59010

This regulatory action would amend title 17, division 2, chapter 3, subchapter 23, section 59010 to specify details for the transition plans for consumers.

#### Amend section 59012

This regulatory action would amend title 17, division 2, chapter 3, subchapter 23, section 59012 to add a functional behavior assessment to consumer files.

#### Amend section 59022

This regulatory action would amend title 17, division 2, chapter 3, subchapter 23, section 59022 to update the forms incorporated by reference: DS 6023 (revised 5/2020) and DS 6024 (revised 5/2020), which clarifies the group home requirements.

Form DS 6023 Rate Development - Facility Costs: Form was updated 5/2020.

Form DS 6024 Rate Development - Individual Costs Associated with Residency: Form was updated 5/2020.

#### Amend section 59072

This regulatory action would amend title 17, division 2, chapter 3, subchapter 24, section 59072 to update the forms incorporated by reference: DS 6023 Rate Development - Facility Costs (revised 5/2020) and DS 6024 Rate Development - Individual Costs Associated with Residency: Form (revised 5/2020).

### **Authority and Reference Citations**

The Department is proposing to amend proposed emergency regulations in sections 59000, 59002, 59003, 59007, 59008, 59009, 59010, and 59022, title 17, CCR under the authority provided in sections 4698 and 4698.1 of the Welfare and Institutions Code. The emergency amendments implement, interpret, and make specific sections 4629.7, 4648(a)(10), 4698 and 4698.1 of the Welfare and Institutions Code, and sections 1180.4, 1189.4, 1567.81(d) and (e) of the Health and Safety Code.

**Benefits:**

Adoption of these proposed emergency regulations is required as a condition of the development of licensed residential facilities authorized by SB 81.

**Determinations**

*Substantial Difference from Existing Comparable Federal Regulations or Statute:*  
None.

*Incompatibility with Existing Laws and Regulations:*

The amendments are neither inconsistent nor incompatible with existing state laws and regulations.

**Mandate on local agencies or school districts:**

DDS has determined that the amended regulations would not impose a mandate on any local agency or school district that requires reimbursement by the State under Government Code, division 4, part 7 (commencing with section 17500).

**Fiscal Impacts:**

*Costs to any local agency or school district that requires reimbursement pursuant to part 7, commencing with Section 17500, of Division 4 of the Government Code:*

DDS anticipates no fiscal impact to local agencies or school districts.

*Costs or savings to any State agency:*

DDS anticipates no additional costs, apart from the costs associated with the implementation and operation of the Children’s CCH program, which are included in the annual Budget.

*Other non-discretionary costs or savings imposed on local agencies:*

DDS has determined that the proposed regulations would not create costs or savings or other nondiscretionary cost or savings to State or local agencies.

*Costs or savings in federal funding to the State:*

DDS has determined that the proposed regulations would not create costs or savings in federal funding to the State.

*Costs or savings to individuals or businesses:*

DDS is not aware of any cost impacts that an individual or business would necessarily incur in reasonable compliance with the proposed regulations.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), DDS has determined that no reasonable alternative which it will consider or that will otherwise be identified and brought to its attention will be more effective in carrying out the purpose

for which this action is proposed or will be as effective and less burdensome to affect private persons than the proposed action described in this Notice.

DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed amendments during the written comment period.

**AVAILABILITY OF FINDING OF EMERGENCY, TEXT OF PROPOSED EMERGENCY REGULATIONS, AND RULEMAKING FILE**

A copy of the exact language of the proposed emergency regulations including the incorporated documents and this Notice and Finding of Emergency may be viewed and downloaded from DDS's web site at [www.dds.ca.gov](http://www.dds.ca.gov).