

State of California
Department of Developmental Services

Notice of Public Availability of Modified Text

Proposed Amendments to the Regulation on Participant Directed Services

Public Availability Date: February 28, 2022

(1st day of Availability and opening of comment period)

Deadline for Public Comment: March 15, 2022

(Last day to receive comments, 15th calendar day after start date above)

Pursuant to the requirements of Government Code section 11346.8(c), and Section 44, Title 1, California Code of Regulations (CCR), the Department of Developmental Services is providing a 15-day notice of proposed changes made to the originally proposed regulations released for a 45-day public comment period. The proposed amendments to Sections 58886 and 58888, Title 17, California Code of Regulations, were proposed to add the following three new service codes for Participant-Directed services for eligible participants:

- Service Code 456 - Personal assistance;
- Service Code 457 - Independent living skills; and
- Service Code 458 - Supported employment.

Additionally, the Department proposed amendments to Sections 57310, 57332, and 58888:

- Section 57310(b)(3) - Removing the rate and adding the rate's authority, Welfare and Institutions Code;
- Section 57332(c)(3)(A) and (c)(9)(A) – Removed the rate and added the rate's authority, Welfare and Institutions Code;
- Section 58888(a)(5) - Removed the rate and added the rate's authority, Welfare and Institutions Code; and
- Section 58888(b)(1)(A)-(C) and (2) – amended to reflect the most current FMS FE/A and Co-Employer rates.

The 45-day public comment period for the originally proposed amendments was open from October 8, 2021, through November 22, 2021.

Summary of Proposed 15-Day Modifications

During the 45-day comment period the Department received a suggestion to add additional information to the definition of service code 458, Participant-Directed Supported Employment. Specifically, the commenter suggested

adding specificity to the job discovery component of the service. The Department agreed with the suggestion and made the following changes.

The text of the modified regulatory language is shown below in red double underline to indicate additions, and ~~red double strikethrough~~ to indicate deletions. The originally proposed regulatory language is shown in ~~strikethrough~~ to indicate deletions and underline to indicate additions.

§ 58886(e)(8) Participant-Directed Supported Employment - Service Code 458 is a service that is provided in order to support a consumer in ~~getting~~ obtaining and maintaining competitive integrated employment, or self-employment. This may include developing a plan for obtaining employment by assessing the consumer's strengths, weaknesses, skills, and desires for employment.

The text of the modified regulatory language is shown in the attached "Proposed 15-Day Modified Text." Staff will respond to all comments received during the comment periods in the Final Statement of Reasons, as required by law (Gov. Code § 11346.9). The Administrative Procedure Act requires that staff respond to comments received regarding all noticed changes. Therefore, staff will only address comments received during this 15-day comment period that are responsive to this notice, or the changes detailed in the attached "Proposed 15-Day Modified Text."

This 15-Day Notice, the Proposed 15-Day Modified Text and all other regulatory documents for this rulemaking are available at the DDS web site:

[Emergency and Proposed Regulations - CA Department of Developmental Services](https://www.dds.ca.gov/transparency/laws-regulations/emergency-and-proposed-regulations/): <https://www.dds.ca.gov/transparency/laws-regulations/emergency-and-proposed-regulations/>

Agency Contacts

Inquiries concerning the substance of the proposed regulation may be directed to Ann Stigelmayer, Assistant Chief, Rates and Fiscal Support Section, at (916) 654-1608 or Yasir Ali, Chief, Rates and Fiscal Support Section, (916) 654-2302.

Public Comments

Written comments will only be accepted on the modifications identified in this Notice. Comments may be submitted by postal mail, personal delivery, or by electronic submittal no later than the due date to the following:

For consideration, any written comments shall be submitted as follows:

Postal Mail or Hand Delivery: Department of Developmental Services
Legislation, Regulations & Public Affairs
RE: PDS
1215 O Street M.S. 9-10
Sacramento, CA 95814; or

[Electronic Submittal:](https://www.dds.ca.gov/transparency/lawsregulations/emergency-and-proposed-regulations/)

<https://www.dds.ca.gov/transparency/lawsregulations/emergency-and-proposed-regulations/>

“Please note: Public comments should not include any personal or medical information, as your written and oral comments, and attachments become part of the public record and can be released to the public upon request under the California Public Records Act (Gov. Code, § 6250 et seq.). Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and verbal comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.”

Attachment