

March 8, 2022

Amy Whiting, Staff Counsel
Legislation, Regulations & Public Affairs
1215 O Street, M.S. 9-10
Sacramento, CA 95814

RE: Proposed 15-Day Modified Text Participant Directed Services - Proposed Regulations (17 CCR sections 57310, 57332, 58886, and 58888)

Dear Ms. Whiting:

The Association of Regional Center Agencies (ARCA) represents California's 21 community-based regional centers, which advocate on behalf of, and coordinate services for, more than 360,000 persons in California with developmental disabilities and their families.

ARCA appreciates the opportunity to comment on the emergency regulations proposed by the Department of Developmental Services (DDS) related to participant-directed services.

ARCA acknowledges the work of DDS in developing comprehensive regulations that allow for the greatest level of flexibility in meeting the needs of consumers and their families.

ARCA recommends the following modifications to increase clarity and consistency:

General Requirements for Participant-Directed Services:

Section 58886(e)(7)(A):

The proposed regulatory action would adopt language to specify the general requirements that a regional center needs in order to classify a vendor as a Participant-Directed Independent Living Service for adults. In an effort to ensure that vendors are responsive to individual needs and successfully assist consumers to achieve desired outcomes, ARCA recommends that language be added requiring the delivery of outcome-based services that are measurable.

ARCA recommends adding section 58886(e)(7)(A)(5) to read, "Ensures that the individual provides outcomes-based services that can be measured."

Section 58886(e)(8):

ARCA recommends modifying proposed section 58886(a)(8) as follows: Service Code 458 is a service that is provided in order to support a consumer in obtaining and maintaining competitive integrated employment, or self-employment. This may include developing a plan for employment by assessing the consumer's strengths, weaknesses, skills, and desires for employment. This service may only be accessed once all other generic services have been exhausted.

Section 58886(e)(8)(A):

The proposed regulatory action would adopt language to add the general requirements for a regional center to classify a vendor as a Participant-Directed Supported Employment Service. In an effort to ensure that vendors are responsive to consumers' needs and successfully assist consumers with securing competitive integrated employment, ARCA recommends that language be added requiring the delivery of outcomes-based services that are measurable.

ARCA recommends adding section 58886(e)(8)(A)(5) to read, "Ensures that the individual selected provides outcomes-based services that are measurable and leads to competitive integrated employment."

Proposed updates to the rate methodology:

ARCA supports updating the rate methodology for varying participant-directed services to ensure that they are current, however, we are concerned that tying the reimbursement rate to the statewide minimum wage will result in wages being lower than allowable local minimum wages, which would restrict access to these services in certain areas of the state.

In an effort to ensure widespread availability of these services, ARCA recommends that all references to "state minimum wage" be modified to read "prevailing minimum wage."

ARCA appreciates the opportunity to provide comments. If you have any questions regarding our position, please do not hesitate to contact Darline Dupree in our office at ddupree@arcanet.org or (916) 446-7961.

Sincerely,
/s/
Amy Westling
Executive Director