

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 322, MS 3-10
SACRAMENTO, CA 95814
TDD 654-2054 (For the Hearing Impaired)
(916) 654-1884

**M E M O R A N D U M**

To: Office of Administrative Law

Re: Request for 90-Day Re-adoption of Emergency Regulations: Utilization of Secured Perimeters and Delayed Egress (OAL File No. 2013-0604-01 E)

The Department of Developmental Services (DDS) requests a 90-day re-adoption of the above-referenced emergency regulations—extending the effective date for 90 days beyond the current expiration date. The emergency regulations were effective on June 13, 2013 and, unless re-adopted, will expire on December 11, 2013. DDS has been proceeding with the regular rulemaking process for these regulations; however, that process will not be completed by the time the emergency regulations are due to expire.

The authorizing statutory provisions for the emergency regulations (AB 1472, Statutes of 2012, Chapter 25; amending Health and Safety Code sections 1267.75 and 1531.13) each contains an express finding of emergency. The emergency circumstances are unchanged since the initial adoption of the emergency regulations. The emergency regulations establish standards for the utilization of secured perimeters in combination with delayed egress devices in residential care facilities and intermediate care facilities for people with developmental disabilities, as specified in statute. It is necessary that the emergency regulations be re-adopted to provide ongoing guidance to residential services providers, regional centers, and others to enable the continued development and utilization of secured perimeters and delayed egress devices in licensed residential facilities, as authorized by statute, pending approval of permanent regulations. In the absence of re-adoption of these emergency regulations, there would be delays in the development of these residential options and individuals who would benefit from such options would risk unnecessary placement in more restrictive, institutional settings.

DDS has made substantial progress and proceeded with diligence to complete the regular, noticed rulemaking process to make the regulations permanent. The proposed permanent regulations have been drafted and notice of the proposed rulemaking for adoption of permanent regulations was sent out and published in the California Regulatory Notice Register for the 45-day public comment period on September 13, 2013. Public comments were received and a public hearing on the proposed regulations was held on October 28, 2013.

DDS incorporates by reference the Economic and Fiscal Impact Statement (Form 399) submitted with the original submission for adoption of the emergency regulations and requests that it be used for purposes of this request for re-adoption of the regulations. The emergency regulations text is unchanged and there has been no change in the economic and fiscal impact of the emergency regulations since the original submission.