

DEPARTMENT OF DEVELOPMENTAL SERVICES

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TDD 654-2054 (For the Hearing Impaired)
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**M E M O R A N D U M**

To: Office of Administrative Law

Re: Request for Second 90-Day Re-adoption of Emergency Regulations: Regional Center Conflict of Interest Standards and Procedures (OAL File No. 2012-0806-1 E)

The Department of Developmental Services (DDS) requests a second 90-day re-adoption of the above-referenced emergency regulations. The emergency regulations were effective on August 15, 2012. The prior request for re-adoption was approved by OAL, effective 2/7/2013, and expires on 5/9/2013. (OAL File No. 2013-0128-02.) 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.

It is necessary that the emergency regulations be re-adopted to provide ongoing guidance to regional centers pending approval of permanent regulations for purposes of implementing Senate Bill 74 (Statutes of 2011, chapter 9), amending Welfare & Institutions Code section 4626. The emergency regulations establish the requirements to ensure that regional center board members and employees act in the course of their duties solely in the best interest of the regional center consumers and their families without regard to the interests of any other organization with which they are associated or persons to whom they are related. Board members, employees, and others acting on the regional center's behalf, as defined in the emergency regulations, must be free from conflicts of interest that would adversely influence their judgment, objectivity, or loyalty to the regional center, its consumers, or its mission. In the absence of re-adoption of these emergency regulations, there could be an increased risk that regional center decision-making in the best interests of regional center consumers and family members would not be adequately assured.

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 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 January 11, 2013. Following the public comment period, DDS reviewed the public comments, made sufficiently related changes to the proposed regulations, and sent a 15-day notice as required by 1 CCR § 44 on April 15, 2013.

DDS also requests that the Economic and Fiscal Impact Statement (Form 399) submitted with the original submission for adoption of the emergency regulations be used for purposes of this request for re-adoption of the emergency regulations. There has been no change in the economic and fiscal impact of the emergency regulations since the original submission.