

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 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 90-day re-adoption of the above-referenced emergency regulations. The emergency regulations were effective on August 15, 2012 and, unless re-adopted, will expire on February 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.

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 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 January 11, 2013.