

FINAL STATEMENT OF REASONS

TITLE 17. CALIFORNIA CODE OF REGULATIONS DIVISION 2. DEPARTMENT OF DEVELOPMENTAL SERVICES

UPDATE OF INITIAL STATEMENT OF REASONS

The Department proposes to amend §§54342 and 57332 of Title 17, California Code of Regulations, allowing the regional centers to use a new category of paraprofessional to provide behavioral intervention services. The proposed regulations establish a rate, educational and experiential qualifications, and professional supervision requirements.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JULY 5, 2013 THROUGH AUGUST 19, 2013.

Comment regarding redefining the term “certified behavioral analyst” to “Board Certified Behavior Analyst” submitted by the Association of Regional Center Agencies (ARCA):

Response:

Pursuant to Title 17, California Code of Regulations, section §54342(a)(11), the term “certified behavioral analyst” is clearly defined to mean an individual who is recognized by the national Behavior Analyst Certification Board as a Board Certified Behavior Analyst. Therefore, the Department has decided not to redefine the term in the regulation text.

Comment regarding adding the language “and delivered” to Section (b)(1) submitted by ARCA:

Response:

It should be noted that effective training and education is often provided by someone other than a person with the same qualifications as the designer of the training or educational material. Defining and limiting who delivers the training may have the unintended consequence of reducing the number of Behavior Management Technicians who ultimately are able to access the training and then become providers. This would then decrease the accessibility of this service for consumers and their families.

ALTERNATIVES CONSIDERED

In accordance with §11346.5(a)(13) of the Government Code, the Department has determined that no reasonable alternatives were identified or brought to the attention of the agency during the public comment period which would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposed action; or, would be

more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The proposed action is not prescriptive as the use of the regulations' proposed professional category is voluntary. Because the proposed action does not prescribe specific actions or procedures, the imposition of performance standards were not considered as an alternative.

INITIAL LOCAL MANDATE AND FISCAL IMPACT DETERMINATIONS

The Department has determined that the proposed regulatory actions do not impose any mandate on local agencies or school districts.