

FINDING OF EMERGENCY

These regulations are being adopted on an emergency basis for the immediate preservation of the public peace, health and safety, and general welfare, for purposes of Sections 11346.1 and 11349.6 of the Government Code, within the meaning of Article IV of the Constitution. In order to make changes necessary for implementation of the Budget Act of 2011, it is necessary that this act take effect immediately.

DESCRIPTION OF THE FACTS THAT CONSTITUTE THE EMERGENCY

Section 4686.3 of the Welfare and Institutions Code (WIC) (Stats 2011, C.37; AB 104, §15, eff. July 1, 2011) provides the authority for the Department of Developmental Services (Department) to promulgate emergency regulations to address the use of paraprofessionals in group practice provider behavioral intervention services and establish a rate, educational or experiential qualifications and professional supervision requirements necessary to provide behavior intervention services. The Department is exempted from the requirement that it describe specific facts showing the need for immediate action.

AUTHORITY AND REFERENCE

Section 4686.3 of WIC (Stats 2011, C.37; AB 104, §15, eff. July 1, 2011).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Behavioral Services are services that provide instruction and environmental modifications to promote positive behaviors and reduce behaviors that interfere with learning and social interaction. Behavioral Services can include designing, implementing and evaluating teaching methods, consultation with specialists, and behavioral interventions. It can also include training for consumers and/or parents on the use of behavioral intervention techniques and home-based behavioral intervention programs that are implemented by parents for their children. Department regulations establish the qualifications for the various professionals delivering these services.

Spending on Behavioral Services has increased steadily. In Fiscal Year 2009/10, nearly \$249 million was spent to provide services to over 20,000 consumers. This year, the Department anticipates spending over \$291 million on Behavioral Services.

During recent workgroup meetings, workgroup members felt that allowing qualified paraprofessionals to provide intervention services could result in cost

savings. Participants considered that undergraduates studying in a field relevant to behavioral intervention and other individuals with experience working with people with developmental disabilities could, with sufficient supervision and training, provide some intervention services. Because these workers would be paraprofessionals operating within a group practice, the rate of pay could be lower while maintaining the quality and consistency of the service. A new paraprofessional option will be available to provide behavioral services at a lower rate. The Department proposes to amend Sections 54342 and 57332 of Title 17, California Code of Regulations.

LOCAL MANDATE AND FISCAL IMPACT DETERMINATIONS

The Department has determined that the proposed regulatory action does not impose 1) a mandate on local agencies or school districts, 2) significant costs to any state agency, 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630, and 4) other nondiscretionary costs or savings imposed on local agencies. The Department does anticipate significant savings to the state and a corresponding reduction in federal reimbursement.