

NOTICE OF PROPOSED RULEMAKING

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

RESPIRE CARE RATE INCREASE 2008

The California Department of Developmental Services (DDS) proposes to amend Title 17, California Code of Regulations (CCR), Division 2, Chapter 3, Subchapter 7, Article 5, Section 57310(b)(3), Method of Reimbursement for Voucher Services, and 57332(c)(3)(A) & (c)(9)(A), Maximum Rates of Reimbursement for Non-Residential Services.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of DDS. The written comment period closes at 5:00 p.m. on Monday, April 21, 2008. Please submit any written comments, via U.S. Mail or fax or email, to the DDS contact persons designated below by 5:00 p.m. on Monday, April 21, 2008 .

NO PUBLIC HEARING

No public hearing is scheduled for this rulemaking. However, any interested person or his or her duly authorized representative may request a public hearing no later than 15 days prior to the close of the written comment period.

AUTHORITY AND REFERENCE

Authority: Section 4690, Welfare and Institutions Code.

Reference: Sections 4648(a), and 4690, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Welfare and Institutions Code, Section 4690 mandates DDS to establish, maintain, and revise an equitable process for setting rates of payment for nonresidential services provided to the developmentally disabled. Title 17 establishes the maximum reimbursement rate for vouchered respite and in-home respite care workers.

Effective January 1, 2008, California law increased the minimum wage to \$8.00 per hour. The regulation changes are intended to reflect the increase in the maximum rates of reimbursement appropriated for in the Budget Act for Fiscal Year 2007-08 for respite services provided under In-home Respite Worker, Service Codes 864, and 869, and Vouchered Respite Service, Service Code 420 to \$10.71 per consumer, per hour.

Section 57310(b)(3) - Method of Reimbursement for Voucher Services

The Department proposes to increase the maximum reimbursement rate for in-home respite workers providing respite services under the voucher to \$10.71 per consumer per hour, effective January 1, 2008.

Section 57332 (c)(3) (A) – Maximum Rates for Reimbursement for Non-Residential Services - In-Home Respite Worker - Service Code 864

The Department proposes to increase the maximum reimbursement rate for in-home respite workers providing respite services to \$10.71 per consumer per hour, including certain allocated costs, effective January 1, 2008.

Section 57332 (c)(9) (A) (2) (a) – Maximum Rates for Reimbursement for Non-Residential Services – Respite Facility- Service Code 869

The Department proposes to increase the maximum reimbursement rate for respite facilities providing respite services to \$10.71 per hour, including certain allocated costs, effective January 1, 2008.

EFFECT ON SMALL BUSINESS

DDS has determined that the proposed regulations will not affect small businesses as costs incurred due to this regulation change will be reimbursed by the Department.

LOCAL MANDATE AND FISCAL IMPACT DETERMINATIONS

DDS has determined that the proposed regulatory action does not impose: 1) a mandate on local agencies or school districts, 2) significant costs or savings 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, 4) other nondiscretionary costs or savings imposed on local agencies, or 5) costs or savings in federal funding to the state.

ECONOMIC IMPACT AND BUSINESS ASSESSMENT

Based on DDS's findings it is anticipated that the proposed action will have no economic effect on the creation of new jobs and new businesses within the state, nor on the expansion of businesses currently doing business within the State of California. DDS has also determined this proposed action will not eliminate jobs or existing businesses.

DDS has determined that the proposed regulations will not have: 1) a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states, or 2) a significant effect on housing cost. DDS is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ALTERNATIVES CONSIDERED

DDS must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

CONTACT PERSON

General and substantive inquiries concerning the proposed action may be directed to:

Department of Developmental Services
Community Rate Section
1600 Ninth Street, Room 310
Sacramento, CA 95814
Attention: David Temme
Phone: (916) 654-2982 Facsimile: (916) 654-1578
E-mail Address: david.temme@dds.ca.gov

If the above person is unavailable, you may also contact Greg Saul, Branch Manager, Programs Operations Branch at (916) 654-2982.

AVAILABILITY OF RULEMAKING DOCUMENTS

DDS has prepared and has copies ready for public review, an Initial Statement of Reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the exact text of the proposed regulations.

Copies of the Notice, Initial Statement of Reasons and text of the proposed regulations will be made available through DDS's website at www.dds.ca.gov.

All other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact persons at the above address. Upon completion, the Final Statement of Reasons will be made available by either contacting the persons above or through DDS's website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After close of the comment period DDS may adopt the proposed regulations as described in this notice. If DDS makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before DDS adopts the regulations as revised. Requests for the modified text should be made to the contact person named above.