

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF PROPOSED RULEMAKING Behavior Management Consultants

The Department of Developmental Services (DDS) proposes to amend Title 17, California Code of Regulations, Division 2, Chapter 3, Subchapter 2 by amending Section 54342.

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 Tuesday, November 28, 2006. 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 Tuesday, November 28, 2006.

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: Sections 4405 and 4648, Welfare and Institutions Code and Section 11152, Government Code.

Reference: Sections 4631, 4648 and 4691, Welfare and Institutions Code.

Informative Digest/Policy Statement Overview

Existing law establishes minimum education and experience requirements, and possession of a specific license, as a condition of vendorization. Specifically, it requires behavior management consultants to complete 12 semester units in applied behavior analysis courses by November 2006, and have two years of experience designing and implementing behavior modification intervention services. The Department was informed in March, 2006, that many behavior management consultants would be unable to complete 12 semester units by November 2006. The Department concurred, and proposes to amend Section 54342 by extending the deadline for those currently vendored, and notifying individuals wishing to be vendored in the future that the specified educational requirements must be met as a condition of being vendored.

Existing law requires consultants to be eligible for vendorization under Group Practices, Nonmedical Services, Medical Services and/or Prevention/Infant

Development Services. In 1997, the categories of Nonmedical Services, Medical Services and/or Prevention/Infant Developmental Services were merged into Section 54342, Types of Services, thereby making the existing reference to these groups obsolete. This amendment references Section 54342 for Types of Services.

Small Business Determination

DDS has determined that the proposed regulations will not affect small business. Behavior management consultants will be employed by regional centers to provide services to the developmentally disabled, none of which are considered a small business.

Local Mandate Determination

DDS has determined that the proposed regulatory actions do 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.

Assessment Statement

DDS has determined that the proposed regulations will not affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California.

DDS has made an initial determination 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 costs.

Cost Impacts on Representative Private Persons or Businesses

The DDS is not aware of any cost impacts 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 the attention of DDS 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.

Contact Person

Comments and inquiries concerning the proposed action may be directed to:

Diana Nicolaou
1600 9th Street, MS 3-9
Sacramento, CA 95814
email: dnicolao@dds.ca.gov
Phone: (916) 654-1760
FAX: (916) 654-2775

If Ms. Nicolaou is unavailable, comments and inquiries may be directed to:

Greg Wagner
1600 9th Street, MS 3-15
Sacramento, CA 95814
email: gwagner@dds.ca.gov
Phone: (916) 653-0805
FAX: (916) 654-3666

Availability of Rulemaking Documents

DDS has prepared and has copies ready for public review of the exact text of the proposed regulations, an Initial Statement of Reasons for the proposed regulations, and all of the information upon which the proposed regulations are based. Copies of the initial statement of reasons and text of the proposed regulations, along with 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 person at the above address. In addition, the text, Initial Statement of Reasons and other materials for this rulemaking may be viewed over the internet at www.dds.ca.gov.

Availability of Changed or Modified Text

After the 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. If the text is modified, the text may be viewed

over the internet at www.dds.ca.gov. Please send requests for copies of any modified regulations to the contact person named above.

Final Statement of Reasons

When the Final Statement of Reasons is available, it may be viewed over the internet at www.dds.ca.gov. Additionally, requests for the Final Statement of Reasons could be made to the contact person named above.

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