

FINAL STATEMENT OF REASONS

Description of the Public Problem, Administrative Requirement or Other Condition or Circumstance the Regulations are Intended to Address

The Department of Developmental Services (DDS) proposes to revise regulations pertinent to the definition of substantial disability that is used to determine eligibility of individuals with developmental disabilities for regional center services. The proposed changes conform to amendments to the Welfare and Institutions (W&I) Code section 4512, amended by Assembly Bill (AB) 1762, Chapter 230, Statutes of 2003.

The amendments to W&I Code 4512 provide equitable, uniform and definitive criteria for determining whether an individual's developmental disability meets the substantial disability requirement for eligibility, and conform to the definition of substantial developmental disability utilized by the federal government. The amended regulations are proposed to fulfill, in part, the DDS responsibility to implement the new mandatory standard.

In addition to changes required by statute, other technical, nonsubstantive revisions are proposed, in response to the amended standards, to clarify how eligibility will be determined.

The comments and responses found in Tabs I and L of the Rulemaking File are incorporated herein as if fully set forth below.

The Department has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulations.

There were no alternatives proposed by any parties during the public comment period other than the comment responded to in Tabs I and L of the Rulemaking File. The Department considered the alternative of not adopting regulations, and rejected that alternative as it did not provide the safeguards and assurances to the consumer's health and well being that the Department is seeking.

The Department has concluded that the adopted regulations do not impose any mandate on local agencies or school districts.

PURPOSE AND NECESSITY

54001. Substantial Disability.

Specific Purpose:

DDS proposes to amend the title of this section to conform to the terminology used in W&I Code Section 4512(l).

Rationale for Necessity:

W&I Code Section 4512(a) requires DDS to define substantial disability caused by developmental disability to determine eligibility for regional center services.

54001(a)(1)

Specific Purpose:

DDS proposes to amend this definition to make technical changes needed to ensure clarity and continuity with Section 54001(a)(2) of the proposed regulations.

Rationale for Necessity:

W&I Code Section 4512(a) requires DDS to define substantial disability caused by developmental disability to determine eligibility for regional center services.

54001(a)(2)(A)-(G)

Specific Purpose:

DDS proposes this amendment to make regulations consistent with W&I Code 4512(l).

Rationale for Necessity:

W&I Code Section 4512(a) requires DDS to define substantial disability caused by developmental disability to determine eligibility for regional center services.

54001(b)

Specific Purpose:

DDS proposes this amendment to delete obsolete language, renumber the subsection, and revise terminology to conform to W&I Code 4512(l).

Rationale for Necessity:

Other proposed amendments to this section necessitate the proposed technical changes.

54001(c)

Specific Purpose:

DDS proposes this amendment to renumber the subsection.

Rationale for Necessity:

Other proposed amendments to this section necessitate the proposed technical changes.

54001(d)

Specific Purpose:

DDS proposes this amendment to conform to a specific requirement of W&I Code Section 4512(l).

Rationale for Necessity:

W&I Code Section 4512(a) requires DDS to define substantial disability caused by developmental disability to determine eligibility for regional center services.

54010 Eligibility for Regional Center Services

54010(b)

Specific Purpose:

DDS proposes this amendment to conform to proposed amendments to Section 54001 and correct a technical inaccuracy.

Rationale for Necessity:

W&I Code Section 4640 requires DDS to establish a process for determining eligibility for regional center services.

54010(c)

Specific Purpose:

DDS proposes this amendment to correct a technical inaccuracy.

Rationale for Necessity:

W&I Code Section 4640 requires DDS to establish a process for determining eligibility for regional center services.

Authority: Sections 4512 and 4640, Welfare and Institutions Code.

Reference: Sections 4512, 4640, 4642, 4643, and 4644, Welfare and Institutions Code.