

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF PROPOSED RULEMAKING

Anticipated Rate Adjustment for In-Home Respite Services Agency

The Department of Developmental Services (DDS) proposes to amend Title 17, California Code of Regulations, Division 2, Chapter 3, Subchapter 17 by amending Section 58420.

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 September 13, 2002. Please submit any written comments to the DDS contact persons designated below by 5:00 p.m. on September 13, 2002. There will be no public hearing on this rulemaking. Any interested person may request a public hearing no later than 15 days prior to the close of the written comment period.

Authority and Reference

Authority: Section 11152, Government Code, Sections 4691 and 4691.5, Welfare and Institutions Code.

Reference: Sections 4691 and 4691.5. Welfare and Institutions Code.

Informative Digest/Policy Statement Overview

Existing Welfare and Institutions Code Division 4512 and 4690 mandates for respite services for families of consumers. DDS proposes to assure the availability of respite services to families of consumers by taking steps to ensure the financial viability of in-home respite service agencies. DDS also proposes that respite agencies' rates be adjusted when vendors have increased usage.

Section 58420 (a), (b), (c), (e)

Changes are proposed to delete the term "program" when referring to types of rate changes allowed under regulations relating to anticipated and unanticipated rate changes.

Section 58420 (b) (3)

A new subsection (b)(3) is proposed which would allow in-home respite service agency vendors to apply for rate changes under the anticipated change regulations when they experience an increase or decrease of 25% or more in the units of service purchased by regional centers.

Small Business Determination

DDS has determined that the proposed regulations may affect small business.

Local Mandate Determination and Fiscal Impact Statements

DDS has determined that the proposed regulatory action do not impose: 1) a mandate on local agencies or school districts; 2) significant costs or savings to any other state agency other than a cost to DDS of approximately \$250,570, which will be absorbed by DDS; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code section 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

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:

Attention: Lorna White
Associate Governmental Program Analyst
Department of Developmental Services
Community Rate Section
1600 Ninth Street, Room 310, MS 3-21
Sacramento, California 95814
email: lwhite@dds.ca.gov
Phone: (916) 654-2200
FAX: (916) 654-1578

Attention: Glenda Davis, Chief
Department of Developmental Services
Community Rate Section
1600 Ninth Street, Room 310, MS 3-21
Sacramento, California 95814
email: gdavis@dds.ca.gov
Phone: (916) 654-2201
FAX: (916) 654-1578

Inquiries regarding the substance of the proposed action may be directed to:

Lorna White
Department of Developmental Services
Community Rate Section
1600 Ninth Street, Room 310, MS 3-21
Sacramento, California 95814
email: lwhite@dds.ca.gov
Phone: (916) 654-2200
FAX: (916) 654-1578

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 the 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 persons 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 persons named above.