

## **NOTICE OF PROPOSED RULEMAKING**

### **TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES**

#### **RESPITE CARE RATE INCREASE**

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 57332, 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 to DDS. The written comment period closes at 5:00 p.m. on November 19, 2002. DDS will only consider comments received at its headquarters by that time. Please submit all comments to the DDS contact person as designated in the Notice.

#### **NO PUBLIC HEARING**

No public hearings are scheduled for this rulemaking. However, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Section 11346.8 of the California Government Code.

#### **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**

Title 17, California Code of Regulations (CCR), Division 2, Chapter 3: Community Services, SubChapter 7: Nonresidential Service, Vendor Rate-Setting Provisions, Article 5: Rates of Reimbursement Based on the Schedule of Maximum Allowance or the Vendor's Usual and Customary Rate

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

The Department proposes to ensure the continued availability and quality of care by increasing the wages and benefits for in-home respite care workers and respite facilities.

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 \$8.98 per hour, including benefits, effective September 1, 2002. This rate is calculated to provide for a minimum wage of \$6.75 plus \$0.81, plus benefits calculated at 18.75% (\$1.42). This proposal is intended to maintain an \$0.81 differential above minimum wage (plus 18.75% benefits) originally authorized by the Legislature in FY 1990-91.

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 \$8.98 per hour, including benefits, effective September 1, 2002. This rate is calculated to provide for a minimum wage of \$6.75 plus \$0.81, plus benefits calculated at 18.75% (\$1.42). This proposal is intended to maintain an \$0.81 differential above minimum wage (plus 18.75% benefits) originally authorized by the Legislature in FY 1990-91.

**EFFECT ON SMALL BUSINESS**

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

**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**

The proposed action has been assessed relative to the extent that it will create new jobs within the State of California, help in the creation of new business within the State and the expansion of businesses currently doing business within the State of California. 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: Mayra Jimenez  
Phone: (916) 654-1608 Facsimile: (916) 654-1578  
E-mail Address: [mjimenez@dds.ca.gov](mailto:mjimenez@dds.ca.gov)

If the above person is unavailable, you may also contact Glenda Davis, Chief, Community Rate Section at (916) 654-2201.

## **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](http://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.