

**State of California
Office of Administrative Law**

In re:
Department of Developmental Services

Regulatory Action:

Title 17, California Code of Regulations

Repeal sections: 50243, 50245, 50247,
50249, 50251, 50253,
50255, 50257, 50259,
50261, 50262, 50263,
50265, 50267

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

California Code of Regulations, Title 1,
Section 100

OAL Matter Number: 2024-0913-03

OAL Matter Type: Nonsubstantive (N)

This action makes changes without regulatory effect that repeal regulations for the Family Cost Participation Program in accordance with the repeal of section 4783 of the Welfare and Institutions Code enacted by Assembly Bill 162 (Stats. 2024, ch. 47).

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: October 22, 2024



Anna Thomas
Attorney

For: Kenneth J. Pogue
Director

Original: Nancy Bargmann, Director
Copy: Cristina Tsuji

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

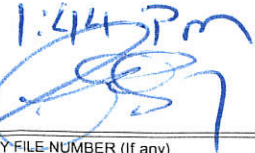
STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2024-0913-03N	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
2024 SEP 13 PM 12:50ENDORSED - FILED
in the office of the Secretary of State
of the State of California

OCT 22 2024

1:44 PM


NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Developmental Services

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Section 100 - Repeal Family Cost Participation per WIC 4783 repeal		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) TITLE(S) 17		ADOPT AMEND REPEAL See Attachment A	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))			
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input checked="" type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) N/A			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input checked="" type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) N/A			
7. CONTACT PERSON Cristina Tsuji		TELEPHONE NUMBER (916) 651-0363	FAX NUMBER (Optional) E-MAIL ADDRESS (Optional) Cristina.Tsuji@dds.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

DocuSigned by:

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Pete Cervinka

DATE

September 13, 2024

TYPED NAME AND TITLE OF SIGNATORY

Pete Cervinka, Acting Director

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 22 2024

Office of Administrative Law

Attachment A

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

B. SUBMISSION OF REGULATIONS

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S)

SECTION(S) AFFECTED (List all section number(s) Individually. Attach additional sheet if needed.)	ADOPT
	AMEND
TITLE(S) 17	REPEAL 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, and 50267

Section 100 Regulation Text

Title 17. Public Health Division 2. Health and Welfare Agency — Department of Developmental Services Regulations

Repeal subchapter 2.5, articles 1, 2, 3, and 4, sections 50243, 50245, 50247, 50249, 50251, 50253, 50255, 50257, 50259, 50261, 50262, 50263, 50265, and 50267, title 17, California Code of Regulations (CCR), to read as follows:

[NOTE: Repeal is shown in ~~strikeout~~ to indicate deletions.]

Chapter 1. General Provisions ~~Subchapter 2.5. Family Cost Participation~~

~~Article 1. General~~

~~§ 50243. Purpose.~~

~~These regulations implement and make specific the provisions of Section 4783 of the Welfare and Institutions Code related to the Family Cost Participation Program.~~

~~NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Section 4783, Welfare and Institutions Code.~~

~~Article 2. Definitions~~

~~§ 50245. Developmental Disability.~~

~~For the purposes of these regulations, the term “developmental disability” shall have the same meaning as provided in Section 4512 of the Welfare and Institutions Code.~~

~~NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Sections 4512 and 4783, Welfare and Institutions Code.~~

~~§ 50247. Medi-Cal Eligible Consumers.~~

~~Medi-Cal eligible includes consumers who are institutionally deemed. The term “institutionally deemed” means that the income and resources of a parent are not deemed to the consumer, therefore making the consumer eligible for Medi-Cal if all other Medi-Cal eligibility criteria are met.~~

NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Section 1915(c)(3), Social Security Act; and Section 4783, Welfare and Institutions Code.

~~§ 50249. Family Cost Participation Schedule.~~

~~The Family Cost Participation Schedule means the official table developed by the Department of Developmental Services and used by the regional centers to determine the amount of family cost participation. This table is reflective of the Federal Poverty Guidelines as adjusted for family size and scaled by income levels and establishes the lowest family cost participation at five percent (5%). The Department of Developmental Services shall adjust this schedule consistent with changes in the Federal Poverty Guidelines but not more often than once each calendar year.~~

NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Section 4783, Welfare and Institutions Code.

~~§ 50251. Gross Annual Income.~~

~~Gross annual income is the income of the parents as reported on their latest California State or Federal Income Tax return and includes any money or benefit acquired, earned, or received as payment for labor or services, support, or return on investments. Income from the operation of a business or from self-employment is the net income after deducting business expenses. Depreciation, amortization, and depletion shall not be allowed as business expense deductions. The regional center executive director may determine appropriate documentation necessary for family cost participation consistent with Section 4783(g)(2).~~

NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Section 4783, Welfare and Institutions Code.

~~§ 50253. Persons Living in the Family Home.~~

~~(a) A person living in the family home is any person who depends on the gross annual income of the parents for more than one half of his/her support.~~

~~(b) In the case of divorce, legal separation, or established paternity where income from both parents is used, all persons who depend on the gross annual income of the parents for more than one half of his/her support shall be considered persons living in the family home.~~

NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Section 4783, Welfare and Institutions Code.

Article 3. Administrative Provisions

~~§ 50255. Parent Responsible for Cost Participation.~~

~~(a) The parents of a child who meet the definition under Section 4783(a)(1) of the Welfare and Institutions Code shall be jointly and severally responsible for the assessed amount of family cost participation. However, in the case of a divorce, legal separation, or established paternity, the family cost participation assessment shall be computed on the gross annual income of both parents unless inconsistent with a court order stating otherwise.~~

~~(b) In the event that a custodial parent certifies in writing that income information from the non-custodial parent cannot be obtained by the custodial parent, then only the income of the custodial parent may be used to determine the cost participation.~~

~~(c) This program shall not exempt parents from responsibilities for day care pursuant to Section 4685(c)(6) of the Welfare and Institutions Code.~~

Note: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Sections 4685(c)(6) and 4783, Welfare and Institutions Code.

~~§ 50257. Program Administration.~~

~~(a) The Department of Developmental Services shall develop a pamphlet describing the Family Cost Participation Program. Regional centers shall provide the pamphlet to the parents of children, ages 3 through 17 years, during initial intake and assessment and at all subsequent IPP review meetings where changes occur to day care, camping, or respite services.~~

~~(b) Regional centers shall use all forms and documents developed by the Department of Developmental Services to administer the Family Cost Participation Program.~~

~~(c) Regional centers are responsible for funding their authorized share of services without regard to the family's cost participation assessment.~~

NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Sections 4685(c)(6) and 4783, Welfare and Institutions Code.

Article 4. Assessment of the Family Cost Participation

~~§ 50259. Assessment of the Family Cost Participation.~~

~~(a) The amount of the family cost participation shall not impact any services other than those identified in Section 4783(c) of the Welfare and Institutions Code.~~

~~(b) Reductions in the assessed amount pursuant to Section 4783(d)(1)(2)(3) and (4) of the Welfare and Institutions Code, because of multiple minor children receiving services, shall only be applied to the Family Cost Participation Program assessment, and shall not reduce the fees for consumers in 24 hour out of home placements as determined pursuant to Sections 4677, 4782, and 4784 of the Welfare and Institutions Code.~~

~~NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Sections 4677, 4782, 4783 And 4784, Welfare and Institutions Code.~~

~~§ 50261. Maximum Family Cost Participation Assessment.~~

~~(a) Each parent shall provide the regional center with his or her proof of gross annual income pursuant to Section 4783(g)(2) and (i) of the Welfare and Institutions Code, within ten (10) working days from the date of the parents' signatures on the Individual Program Plan. The regional center may grant a ten (10) working day extension to provide documentation, if parents have acted in good faith. In no event shall more than one ten (10) working day extension be granted. Failure to provide the information will result in the regional center setting the cost participation at the maximum amount, pursuant to Section 4783(g)(4) of the Welfare and Institutions Code.~~

~~(b) The Individual Program Plan signature page shall include a statement indicating that the regional center shall fund respite, day care, and camping services consistent with the Family Cost Participation Program, if applicable.~~

~~NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Section 4783, Welfare and Institutions Code.~~

~~§ 50262. Confidentiality and Retention of Income Documentation.~~

~~(a) Any documentation submitted pursuant to Sections 50261, 50265, or 50267 shall be considered records obtained in the course of providing intake, assessment, and services and shall be confidential pursuant to Section 4514 of the Welfare and Institutions Code.~~

~~(b) Any documentation submitted pursuant to Sections 50261, 50265, or 50267, any documents relied on by the executive director pursuant to 50265, and correspondence from the regional center, shall be retained by the regional center for 3 years.~~

~~NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Sections 4514 and 4783, Welfare and Institutions Code.~~

~~§ 50263. Waiver Exemption.~~

~~Parents whose child is Institutionally Deemed Medi-Cal eligible shall be exempt from the Family Cost Participation Program for that child.~~

~~NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Section 1915(c)(3), Social Security Act; and Section 4783, Welfare and Institutions Code.~~

~~§ 50265. Adjustment by Regional Center Executive Director.~~

~~(a) Adjustment to the assessed amount of the family cost participation may be made by the regional center executive director for a substantiated unavoidable and uninsured catastrophic loss that would temporarily limit the ability of the parents to pay and create a direct economic impact if the amount of the family cost participation were not reduced. Unavoidable and uninsured catastrophic losses may include, but are not limited to, natural disasters, an accident or major injuries to an immediate family member, or extraordinary medical expenses. The executive director may also make an adjustment for significant unreimbursed medical costs associated with the care for a child who is a regional center consumer.~~

~~(b) Direct economic impact means that the result of not granting the adjustment would deprive the family of what is needed for basic family necessities, including but not limited to, food, shelter, clothing, or medical care. A direct economic impact is a substantial change that impacts more than just the family's standard of living.~~

~~(c) Adjustments made pursuant to this Section shall be calculated by deducting the documented non-reimbursed dollar cost of the direct economic impact request from the gross annual income, and then re-assessing the amount of family cost participation by applying the Family Cost Participation Schedule against the reduced income amount.~~

~~(d) Family cost participation assessments that have been adjusted as a result of the regional center executive director granting an adjustment shall be re-determined at least annually.~~

~~NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Section 4783, Welfare and Institutions Code.~~

~~§ 50267. Assessment and Reassessment of Cost Participation.~~

~~(a) The original amount of the family cost participation shall be assessed upon completion of the initial Individual Program Plan and reassessed every third year thereafter to coincide with the review of the consumer's Individual Program Plan, pursuant to Section 4646(b) of the Welfare and Institutions Code.~~

~~(b) Family cost participation assessments may be reduced or increased if there is an ongoing reduction or increase in the gross annual income upon which the amount of the family cost participation was determined, or a reduction or increase in the amount of services provided to the consumer pursuant to a change in the Individual Program Plan, or a change in family size.~~

~~NOTE: Authority cited: Section 4783, Welfare and Institutions Code. Reference: Sections 4646(b) and 4783, Welfare and Institutions Code.~~