

MPP. DEPARTMENT OF SOCIAL SERVICES
NOTICE OF PROPOSED CHANGES IN REGULATIONS

ITEM # 1 Release of CalWORKs and Food Stamp Case Information to Law Enforcement Officials;
Date Correction for Food Stamp Intentional Program Violation Penalties

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held May 23, 2002 as follows:

May 23, 2002
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The CDSS will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify CDSS at least two weeks prior to the date of the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, via e-mail, or by fax to the address/number listed below. All comments must be received by 5:00 p.m. on May 23, 2002.

The CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahnet.gov/ord>. Additionally, all the information which CDSS considered, as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT:

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CHAPTERS

Manual of Policies and Procedures (MPP) Division 19, Confidentiality, Fraud, Civil Rights, and State Hearings, Chapter 19-000 (Confidentiality of Records), Section 19-001 (Objective and Scope), Section 19-004 (Release of Confidential Information), Section 19-005 (Release to Application Recipient or Authorized Representative), Section 19-007 (Eligibility Determinations), MPP Division 20, Chapter 20-300 (Intentional Program Violations in the Food Stamp Program).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations implement the requirements of Assembly Bill (AB) 1542, (Chapter 270, Statutes of 1997), AB 2772, (Chapter 902, Statutes of 1998) and the Code of Federal Regulations (CFR), Title 7, Section 273.16(b)(6).

AB 1542 enacted the California Work Opportunity and Responsibility to Kids (CalWORKs) Program that replaced the Aid to Families with Dependant Children (AFDC) Program. These proposed regulations ensure consistency with AB 1542 by deleting all references to AFDC and adopting a reference to CalWORKs throughout MPP Division 19, Chapter 19-000, Sections 19-001, 19-004.412, 19-004.62, 19-005.21 and 19-007.1. These regulations also incorporate technical corrections and clarification relating to fraud in the CalWORKs Program in accordance with the provisions of AB 1542.

AB 2772 made several amendments to the Welfare and Institutions Code, including the addition of new Section 10850.31. New Welfare and Institutions Code Section 10850.31 authorizes County Welfare Departments to release certain confidential information of applicants/recipients of CalWORKs and Food Stamp benefits to law enforcement officials under certain circumstances. These proposed regulations consolidate all exceptions to the release of confidential information to law enforcement officials to new MPP Section 19-004.4 et seq.

These proposed regulations amend MPP Division 19, Chapter 19-000, Confidentiality of Records, by relocating regulatory text from MPP Section 19-004.9 to MPP Section 19-004.4 and renumbering the relocated sections beginning with new MPP Section 19-004.42. Relocating and renumbering these sections consolidates all exceptions to the general rule regarding the release of confidential information to law enforcement officials in MPP Section 19-004.4.

These regulations also correct a date in MPP Division 20, Sections 20-300.32 and 20-300.33 from the incorrect date of "1984" to the correct date of "1983" - the year the provisions of CFR, Title 7, Section 273.16(b)(6) were implemented. Previous amendments to MPP Division 20, Section 20-300 increased Food Stamp Program penalties. However, Sections 20-300.32 and 20-300.33 were not amended to provide a specific and correct date for which more than one previous Intentional Program Violation (IPV) should be considered as one disqualification penalty. These proposed regulations delete the incorrect reference to the "1984" date and adopt the correct reference to the "1983" date, thus clarifying that more than one IPV committed prior to April 1, 1983 shall be considered as one disqualification in determining the appropriate penalty to impose.

COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact exists because this regulation does not affect any State agency or program.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact exists because this regulation does not affect any local entity or program.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific Welfare and Institutions Code Section 10850.31, and Code of Federal Regulations, Title 7, Section 273.16(b)(6).

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED
REGULATION

Contact Person: Anthony J. Velasquez (916) 657-2586

Backup: Steve Smalley (916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Dave Comstock (916) 263-5706

Backup: Lesley Hull (916) 263-5724

AGENDA ITEMS FOR THIS PUBLIC HEARING - May 23, 2002

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|---------|--------------|---|
| ITEM #1 | ORD #0701-14 | Release of CalWORKs and Food Stamp Information to Law Enforcement; Date Correction for Food Stamp Intentional Program Violation Penalties |
| ITEM #2 | ORD #0102-02 | Noncitizen Eligibility Certification Provision Amendments |