

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 3 Quality Assurance Regulations

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 17, 2006, as follows:

May 17, 2006
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 Department 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 the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on May 17, 2006.

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.cahwnet.gov/ord>. Additionally, all the information which the Department 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: Office of Regulations Development
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CHAPTERS

Manual of Policies and Procedures Division 30, Social Services Standards, Chapter 30-700 In Home Supportive Services, Sections 30-702 (County Quality Assurance and Quality Improvement), and 30-760 (Responsibilities).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Social Services (CDSS) proposed an In-Home Supportive Services/Personal Care Services Program (IHSS/PCSP) Quality Assurance (QA) Initiative as an element of the Governor's 2004/05 State Budget. The CDSS QA proposal was adopted by the Administration in Budget Trailer Bill, Senate Bill (SB) 1104 Chapter 229, Statute of 2004. The legislation outlined a number of enhanced activities to be performed by CDSS, the counties, and the California Department of Health Services (DHS) to improve the quality of IHSS/PCSP service need assessments, enhance program integrity, and detect and prevent program fraud and abuse. The legislation adopted Welfare and Institutions Code Section 12305.71. This section requires each county to establish a dedicated, specialized IHSS/PCSP QA function or unit to perform specific activities; including joint case review activities with CDSS and county QA staff. The proposed regulations implement and make specific these requirements. Current regulations do not require a QA monitoring function; however, some counties had established independent QA monitoring functions prior to any state or federal mandate to do so.

Funding for new State and county QA staff, the IHSS/PCSP training program, and systems changes, was included in the Fiscal Year (FY) 2004/05 Budget Act along with projected program savings expected as a result of the program improvements. These regulations implement the requirements of Welfare and Institutions Code Section 12305.71.

COST ESTIMATE

1. Costs or Savings to State Agencies: additional expenditures of approximately \$10.2 million in the current fiscal year. It is anticipated that State agencies will be able to absorb these additional costs within their existing budgets and resources.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: additional expenditures of approximately \$4.4 million in the current State Fiscal Year which are not reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code because this regulation implements the Federal mandate contained in Title XIX of the Social Security Act.
4. Federal Funding to State Agencies: additional expenditures of approximately \$13.8 million in the current State Fiscal Year.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. However, the regulations do not impose costs on local agencies that are reimbursable pursuant to Government Code Section 17500 et seq. in that the costs, if any, are costs mandated by the federal government within the meaning of Government Code Section 17513.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

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

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

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 Welfare and Institution Code Sections 10553 and 10554. Subject regulations implement and make specific Welfare and Institution Code Section 12305.71 as adopted by SB 1104.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

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