

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

ITEM # 1 IHSS HOURLY TASK GUIDELINES

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
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814

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CHAPTERS

Manual of Policies and Procedures (MPP), Division 30 (Social Services), Chapter 30-700 (In-Home Supportive Services), Sections 30-757 (Program Service Categories and Time Guidelines), 30-758 (Time Per Task Frequency Guidelines) and 30-780 (Personal Care Services Program[PCSP] Eligibility).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Department of Social Services (CDSS) proposed an In-Home Supportive Services (IHSS)/Personal Care Services Program (PCSP) Quality Assurance (QA) Initiative as an element of the Governor's 2004/05 State Budget. The proposal outlined a number of 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 QA proposal was adopted by the Administration. Funding for the new proposal was included in the Fiscal Year (FY) 2004/05 Budget Act along with projected savings expected to result from the program improvements.

As part of the QA Initiative, Senate Bill (SB) 1104 (Chapter 229, Statutes of 2004) amended Welfare and Institutions Code Section 12301.2 to require CDSS to work with county welfare departments and gain input from stakeholders to develop and implement statewide hourly IHSS/PCSP task guidelines for supportive services. The statute requires the development of hourly task guidelines, including exception criteria, to provide counties with a standard tool for assessing service needs and authorizing service hours when conducting both initial needs' assessments and reassessments. The guidelines must specify a range of time normally required for each supportive services' task that is necessary to ensure the health, safety, and independence of recipients receiving the services, and they must not result in cost shifting to other governmental services. Hourly task guidelines' regulations are required to be adopted by June 30, 2006. The proposed regulations implement and make specific the terms of Welfare and Institutions Code Section 12301.2.

COST ESTIMATE

1. Costs or Savings to State Agencies: Additional expenditures of approximately \$10.2 million in the current SFY. 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: Additional expenditures of approximately \$4.4 million in the current SFY 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.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: Additional expenditures of approximately \$13.8 million in the current SFY.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code or Section 6 of Article XIII B of the California Constitution because implementation of the regulations will not result in any increased costs to local agencies.

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 Sections 10553 and 10554 of the Welfare and Institutions Code and Sections 12301 and 12301.2, as amended by SB 1104 (Chapter 229, Statutes of 2004). Subject regulations implement and make specific Welfare and Institutions Code Section 12301.2.

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Rick Torres (916) 657-2659
Backup: Alison Garcia (916) 657-2586

AGENDA ITEM(S) FOR THIS PUBLIC HEARING - _____

ITEM #1 ORD #

ITEM #2 ORD #

ITEM #3 ORD #