

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that the Regulations are Necessary

Sections 30-757.1, 30-757.1(a), and Handbook Section 30-757.1(6)(A)

Sections 30-757.1

Specific Purpose:

This section is amended to incorporate time task guidelines for certain service care categories and to provide criteria for exceptions when recipients needs fall outside the hourly task time guidelines. The section is also amended to incorporate existing time frequency guidelines, which are relocated from Section 30-758.

Factual Basis:

The amendments to this section are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) which requires the development of hourly task time guidelines with a range of time to complete tasks, a guide for exception determinations when needs fall outside the range, and instructions to assist counties in the authorization of service hours for recipients of supportive services. The relocation of existing time frequency guidelines from Section 30-758 to this section is necessary for clarity, consistency, and administrative ease by placing the guidelines in the applicable service categories which are defined and located in Section 30-757.

Sections 30-757.1(a) et seq.

Specific Purpose:

These sections are adopted to specify the requirements for time guidelines, the exception requirements which must apply when recipients' needs fall outside the time guidelines, and the requirement for documentation of the basis for any exception.

Factual Basis:

This adoption is necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions when recipients' needs fall outside the time guidelines.

Handbook Section 30-757.1(6)(A)

Specific Purpose/Factual Basis:

This handbook section is relocated from Handbook Section 30-758.411 to explain the purpose of obtaining documentation for granting any exception to the time guideline. The

relocation is necessary for clarity, consistency, and administrative ease by placing the time guidelines in the applicable service categories which are defined and located in Section 30-757.

A minor language modification to replace the word “assessments” with “service authorizations,” in Handbook Section 30-757.1(a)(6)(A)1. is also made for clarity since documentation is required to explain the reason for authorizing service hours outside the guidelines.

Section 30-757.11(k)

Specific Purpose:

This section is amended to specify that wheelchair cleaning and changing and recharging wheelchair batteries is included as part of miscellaneous "domestic" services.

Factual Basis:

The amendment is necessary for clarity and consistency with the current policy to allow wheelchair cleaning and changing and recharging wheelchair batteries as part of miscellaneous "domestic" services. This policy is also referenced at current Handbook Section 30-780.1(b)(1)(J). This regulatory change is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Section 30-757.111

Specific Purpose/Factual Basis:

This section is relocated from Section 30-758.11 and amended to specify the maximum time guidelines per month per household for "domestic" services unless the recipient's need requires an exception to exceed this limit. The relocation to this section is necessary for clarity, consistency, and administrative ease by placing time guidelines with the applicable service care categories which are defined and located in Section 30-757.

Sections 30-757.131 and (a) through (c) et seq.

Specific Purpose:

These sections are amended to: (a) identify additional tasks that may be considered in the preparation of meals; (b) specify the time guideline range to perform tasks identified based on the specific needs of the recipient; and (c) specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions for "preparation of meals." The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Sections 30-757.132 and (a) through (d) et seq. and Handbook Sections 30-757.132(c)(1)(A) and (c)(2)(A)

Specific Purpose:

These sections are amended to: (a) identify additional tasks that may be considered in providing "meal cleanup;" (b) specify the time guideline range to perform tasks identified based on the specific needs of the recipient; and (c) specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range. Handbook examples are added to the section for clarity.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions in providing meal cleanup. Handbook examples are necessary for clarity. The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Section 30-757.133

Specific Purpose/Factual Basis:

This section is repealed, as it is no longer necessary because the task identified, "planning of menus," has been relocated to Section 30-757.131 under the definition of tasks associated with the "preparation of meals" for clarity, consistency, and administrative ease.

Sections 30-757.134, .135, and .136 renumbered to Sections 30-757.133, .134, and .135, respectively

Specific Purpose/Factual Basis:

These sections have been renumbered for consistency in numbering made necessary by the repeal of current Section 30-737.133.

Section 30-757.134 renumbered from .135

Specific Purpose/Factual Basis:

Nonsubstantive, grammatical language changes are made to this section for clarity.

Sections 30-757.134(c) through (d)

Specific Purpose/Factual Basis:

This section is relocated from Section 30-758.12, to specify the time guideline maximum per week per household for "laundry" services unless the recipient's need requires an exception to exceed this limit. Handbook Section 30-757.134(d)(1) is relocated here from Section 30-758.122(b). These relocations are necessary for clarity, consistency, and administrative ease by placing time guidelines in the applicable service care categories defined and located in Section 30-757.

Sections 30-757.135 and .135(a) renumbered from .136 and .136(a)

Specific Purpose/Factual Basis:

Technical language changes are made to these sections and necessary for consistency.

Section 30-757.135(b)(1)

Specific Purpose/Factual Basis:

This section is relocated from Section 30-758.13 to specify the maximum time guidelines per week per household for "food shopping" unless the recipient's need requires an exception to exceed this limit. This relocation is necessary for clarity, consistency, and administrative ease by placing the time guidelines in their applicable service care categories defined in Section 30-757.

Section 30-757.135(c)(1) renumbered from .136(c)(1)

Specific Purpose/Factual Basis:

This section is relocated from Section 30-758.14 to specify the maximum time guidelines per week per household for "other shopping/errands" unless the recipient's need requires an exception to exceed this limit. This relocation is necessary for clarity, consistency, and administrative ease by placing the time guidelines in their applicable service care categories defined in Section 30-757.

Sections 30-757.14(a) and (a)(1) through (4) et seq.

Specific Purpose:

These sections are amended to: (a) identify additional tasks that may be considered in providing "bowel and bladder" care; (b) specify the time guideline range to perform tasks identified based on the specific needs of the recipient; (c) specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range; and (d) provide handbook examples for clarity.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions in providing "bowel and bladder" care. The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Sections 30-757.14(c) and (c)(1) through (5) et seq.

Specific Purpose:

These sections are amended to: (a) identify additional tasks that may be considered in providing care for "feeding;" (b) specify the time guideline range to perform tasks identified based on the specific needs of the recipient; and (c) specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions in providing care for "feeding." The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Sections 30-757.14(d) and (d)(1) through (3) et seq.

Specific Purpose:

These sections are amended to: (a) identify additional tasks that may be considered in providing care for routine "bed baths;" (b) specify the time guideline range to perform tasks identified based on the specific needs of the recipient; and (c) specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions for providing care for routine "bed baths." The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Sections 30-757.14(e) and (e)(1) through (7) et seq.

Specific Purpose:

These sections are amended to: (a) identify additional tasks that may be considered in providing care for "bathing, oral hygiene, and grooming;" (b) specify the time guideline range to perform tasks identified based on the specific needs of the recipient; and (c) specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions for "bathing, oral hygiene and grooming." The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Sections 30-757.14(f) and (f)(1) through (3) et seq.

Specific Purpose:

These sections are amended to: (a) identify additional tasks that may be considered in providing care for "dressing;" (b) specify the time guideline range to perform tasks identified based on the specific needs of the recipient; and (c) specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions in providing care for "dressing" of recipients. The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300..

Sections 30-757.14(g) and (g)(1)

Specific Purpose/Factual Basis:

Technical language changes are made to these sections for consistency. To avoid duplication, "assistance on and off seats and wheelchairs" has been deleted since it has been placed under Section 30-757.14(h) "transfer."

Sections 30-757.14(g)(3) through (g)(6) et seq.

Specific Purpose:

These sections are amended to specify the time guideline range to perform tasks identified based on the specific needs of the recipient and to specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions for "repositioning and rubbing skin."

Sections 30-757.14(h) and (h)(1) through (4) et seq.

Specific Purpose:

These sections are amended to: (a) identify additional tasks that may be considered in providing care for "transfers;" (b) specify the time guideline range to perform tasks identified based on the specific needs of the recipient; and (c) specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions for "transfer." The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Section 30-757.14(i)

Specific Purpose:

This section is amended to identify additional tasks that may be considered to: (a) identify additional tasks that may be considered in providing "care and assistance with prosthetic devices;" (b) specify the time guideline range to perform tasks identified based on the specific needs of the recipient; and (c) specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range.

Factual Basis:

This amendment is necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions for "care and assistance with prosthetic devices." The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Sections 30-757.14(i)(2) through (i)(4) et seq.

Specific Purpose:

These sections are adopted to specify factors for the consideration of time for performing "care and assistance with prosthetic devices" and exceptions to the timeline guide range.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions for performing "care and assistance with prosthetic devices." The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Sections 30-757.14(j) and (j)(1)Handbook

Specific Purpose:

This section is amended to identify additional tasks that may be considered in providing menstrual care and to provide Handbook Section 30-757.14(j)(1) to clarify that additional time may be necessary under other service categories as a result of providing the "menstrual" care.

Factual Basis:

This section is amended to identify additional tasks that may be considered in providing care and assistance with routine "menstrual" care.

Sections 30-757.14(j)(2) through (j)(4) et seq.

Specific Purpose:

These sections are amended to specify the time guideline range to perform menstrual care tasks identified based on the specific needs of the recipient and to specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions for "menstrual" care.

Sections 30-757.14(k) and (k)(1) through (3) et seq.

Specific Purpose:

These sections are amended to: (a) identify additional tasks that may be considered in providing care for "ambulation;" (b) specify the time guideline range to perform tasks identified based on the specific needs of the recipient; and (c) specify the types of circumstances that should be considered in determining the appropriate amount of time within and/or outside of the established time range.

Factual Basis:

These amendments are necessary to implement the terms of Welfare and Institutions Code Section 12301.2, enacted by SB 1104 (Chapter 229, Statutes of 2004) pertaining to hourly task guidelines and exceptions for providing care for "ambulation." The amendment identifying additional tasks is made pursuant to the Department's general charge to implement interpret and make specific the services specified in Welfare and Institutions Code Section 12300.

Section 30-758.1 through .14 et seq.

Specific Purpose/Factual Basis:

These sections are repealed and no longer necessary because the time frequency policies specified at Sections 30-758.11 through .14 are incorporated into Section 30-757 with their applicable care categories and for clarity, consistency, and administrative ease.

Section 30-758.2 through .24

Specific Purpose:

These sections are repealed, as the policy is negated by new policy with proposed time guidelines established at Section 30-757.

Factual Basis:

The repeals of these sections comply with the requirements of SB 1104 (Chapter 229, Statutes of 2004) to enhance statewide uniformity in the assessment/service authorizations process and specifically with the intent of Welfare and Institutions Code Section 12301.2 which requires the establishment of statewide hourly task guidelines.

Section 30-758.3

Specific Purpose/Factual Basis:

This section is repealed and relocated to proposed Section 30-757.1(a)(5) to be incorporated with new time guidelines proposed in Section 30-757. The relocation is necessary for clarity, consistency, and administrative ease.

Section 30-758.4 through .411

Specific Purpose/Factual Basis:

These sections are repealed and relocated with minor modifications to proposed Sections 30-757.1(a)(3) and (6) to be incorporated with new time guidelines proposed in Section 30-757. The relocation is necessary for clarity, consistency, and administrative ease.

Handbook Sections 30-780.1(b) and (b)(1)

Specific Purpose/Factual Basis:

Handbook Section 30-780 (b)(1) is modified to incorporate "cleaning the bathroom," as an allowable "domestic" service, as this task was inadvertently left out of this Handbook section and reflects current policy specified at Section 30-757.11(c). Subsequent Handbook sections have been renumbered to allow for this addition. Also, modifications are made to Handbook providing care for "ambulation," Section 30-780.1(b), to delete obsolete cross-references and for grammatical consistency.

b) Identification of documents Upon which Department is Relying

SB 1104 (Chapter 229, Statutes of 2004)

c) 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.

d) 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.

e) Statement of Significant Adverse Economic Impact on Business

The CDSS is not aware of any significant adverse economic impacts that a representative business would necessarily incur in reasonable compliance with the proposed action.