

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF PROPOSED RULEMAKING

Definition of Substantial Disabilities

The Department of Developmental Services (DDS) proposes to amend Title 17 California Code of Regulations, Division 2, Chapter 3, Subchapter 1 by amending Section 54001 and 54010.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of DDS. The written comment period closes at 5:00 p.m. on December 1, 2003. Please submit any written comments to the DDS contact persons designated below by 5:00 p.m. on December 1, 2003. Both oral and written comments will be received at the public hearing.

Public Hearings

Two public hearings to receive oral and written comments are scheduled as follows:

1. November 25, 2003 at 10:00a.m. at 320 W. Fourth Street, Los Angeles, California, Second Floor, Pacific Room.
2. December 1, 2003 at 10:00 a.m. at 744 P Street, Sacramento, California, Auditorium.

DDS requests that persons who make oral comments at the public hearing submit a written copy of their testimony at the hearings. The hearing locations have wheelchair access.

Authority and Reference

Authority: Sections 4512 and 4640, Welfare and Institutions Code.
Reference: Sections 4512, 4640, 4642, 4643, and 4644, Welfare and Institutions Code.

Informative Digest/Policy Statement Overview

DDS is obligated by the Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code, Division 4.5, Section 4500, et seq.) to define the criteria for determining if an individual has a developmental disability and needs services and supports through a regional center. Recent amendments to the act make specific the uniform and definitive criteria for determining who is eligible for regional center services. The Department is proposing amendments to its current regulations that will clarify and specify what constitutes a substantial disability, as well as how the substantial disability determination will be utilized in eligibility determinations. The amendments are consistent with W&I Code 4512,

which was amended by Assembly Bill (AB) 1762, Chapter 230, Statutes of 2003. Where necessary, regulations in affected sections have been reworded and/or restructured for clarity and consistency.

Section 54001 was amended because the definition and terminology used are obsolete. The word disability replaces the word handicap. Substantial disability is more specifically defined by the requirement that significant functional limitations be identified in at least three of seven life areas. An additional amendment requires that any individual already receiving regional center services, who is assessed for ongoing eligibility, be reassessed using the same criteria under which the individual was originally made eligible.

Section 54010 was amended to make technical changes to clarify that the determination of a substantial disability, pursuant to Section 54001, is required for a person to be eligible for regional center services. Additional amendments to this section correct an incorrect regulatory article reference, and also an incorrect reference to statute.

Small Business Determination:

DDS has determined that the proposed regulations affect funding of regional centers by reducing caseload growth, and therefore will not have an appreciable effect on small business.

Local Mandate and Fiscal Impact Determination:

DDS has determined that the proposed regulatory actions do not impose: 1) a mandate on local agencies or school districts; 2) costs to any local agency or school district that must be reimbursed in accordance with Government Code section 17500 through 17630; 3) other non-discretionary costs or savings imposed on local agencies; 4) costs or savings in federal funding to the state.

It is estimated that the proposed actions will result in savings of 2.1 million dollars annually to the state general fund by reducing the rate of regional center caseload growth.

Economic Impact and Business Assessment:

DDS has determined that the proposed regulations will not affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California.

DDS has made an initial determination that the proposed regulations will not have: 1) a significant statewide adverse economic impact directly affecting business including the ability of California business to compete with businesses in other states; or 2) a significant effect on housing costs.

Cost Impacts on Representative Private Persons or Businesses

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

Alternatives Considered

DDS has determined that no reasonable alternative considered, or identified and brought to the attention of DDS, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearings.

Contact Person

Comments and inquiries concerning the proposed action or substance of the proposed action may be directed to:

Attention: John Ellis, Community Program Specialist II
Early Start Local Support Section
Department of Developmental Services
1600 Ninth Street, Room 330, MS 3-8
Sacramento, California 95814
Email: jellis1@dds.ca.gov
Phone: (916) 654-2190
FAX: (916) 654-3255

If Mr. Ellis is unavailable, comments and inquiries concerning the proposed action or substance of the proposed action may be directed to:

Attention: Ken Freedlander, Chief
Early Start Local Support Section
Department of Developmental Services
1600 Ninth Street, Room 330, MS 3-8
Sacramento, California 95814
Email: kfreedla@dds.ca.gov
Phone: (916) 654-2760
FAX: (916) 654-3255

Availability of Rulemaking Documents

DDS has prepared and has copies ready for public review of the exact text of the proposed regulations, and Initial Statement of Reasons for the proposed

regulations, and all of the information upon which the proposed regulations are based. Copies of the initial statement of reasons and text of the proposed regulations, along with all other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file. The rulemaking file will be available for inspection and copying throughout the rulemaking process from the contact person at the above address. In addition, the text, Initial Statement of Reasons and other materials for this rulemaking maybe viewed over the internet at www.dds.ca.gov.

Availability of Changed or Modified Text

After the close of the comment period, DDS may adopt the proposed regulations as described in this notice. If DDS makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before DDS adopts the regulations as revised. If the text is modified, the text may be viewed over the internet at www.dds.ca.gov. Please send requests for copies of any modified regulations to the contact persons named above.

Final Statement of Reasons

When the Final Statement of Reasons is available, it may be viewed over the internet at www.dds.ca.gov. Additionally, requests for the Final Statement of Reasons could be made to the contact persons named above.