

March 30, 2006

Dear IHSS Stakeholders:

The attached document clarifies the information included in a previous email sent to you at approximately 11:50 A.M. regarding concerns there may have been regarding the posting of the proposed HTG regulation package. We hope this alleviates any concerns there may have been regarding the regulation review process.



clarifying e-mail on HTG Workgroup on
OAL 3.30.... Regs 11 Memo....

Brian R. Koepp, Chief
Quality Assurance Bureau
(916) 229-4036

March 30, 2006

To: In-Home Supportive Services (IHSS) Stakeholders

From: Adult Programs Branch (APB)

Dear IHSS Stakeholders:

The purpose of this e-mail is to clarify a statement in the cover page e-mail on the upcoming 4/21/06 Hourly Task Guidelines Stakeholders Meeting sent to you 3/30/06 at 11:51 A.M. today. In that cover page e-mail the following statement was made:

“Please note that the proposed regulations have been submitted to the Office of Administrative Law (OAL) and a Public Hearing is scheduled for May 17, 2006. The purpose of this Stakeholder meeting is to provide a general overview of the package to facilitate your review process prior to the Public Hearing and 45-Day Comment period.”

We've received questions to clarify the OAL submission information above. The comment regarding OAL regulation submission was for **POSTING (only)** of the Regulations in the California Regulatory Notice Register. For additional information and a detailed description of the Hourly Task Guidelines process please refer to the attached 3/27/06 memo on the “Regulatory Process for IHSS Draft Regulations on Hourly Task Guidelines.”

Again to reiterate prior information on the regulatory process for Hourly Task Guidelines, the regulations are **NOT FINALIZED** yet, and the regulations will be going through the full public hearing process. There is time for review of these regulations prior to CDSS officially submitting them to OAL for final review.

Please join the Stakeholders at the 4/21/06 meeting to ensure you are fully informed. We will be providing a general overview and will identify:

What has changed, stayed the same, or been relocated;
What strikeouts and underlines mean; and
What the intended purpose of each section is to address.

During this meeting we will not be focusing on the actual language/content of each proposed regulation, as these issues will be addressed through the Public Hearing process and 45-Day Comment period, and the California Department of Social Services will be required to respond to specific testimony prior to the regulations being finalized.

Please call Brian Koepp, Chief, Quality Assurance Bureau at (916) 229-3494 if you have further questions.

EVA L. LOPEZ

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 27, 2006

TO: IN-HOME SUPPORTIVE SERVICES (IHSS) HOURLY TASK
GUIDELINES WORKGROUP PARTICIPANTS AND IHSS
REGULATIONS WORKGROUP

SUBJECT: REGULATORY PROCESS FOR IHSS DRAFT REGULATIONS ON
HOURLY TASK GUIDELINES

This letter is intended to clarify the discussion points which were made during the March 23, 2006, Senate Budget Hearing regarding the regulatory process for the IHSS Hourly Task Guidelines. The regulatory process timeline described within this letter is based upon the required implementation target date of August 30, 2006, which was discussed at the IHSS Hourly Task Guidelines Workgroup meeting previously held on March 15, 2006. This date does not preclude or prevent full public testimony, comments, input, and/or changes.

The draft regulations for hourly task guidelines were developed by the California Department of Social Services (CDSS) and the Hourly Task Guidelines Workgroup. The regulations were then shared with the workgroup participants as well as interested IHSS stakeholders. After all comments were received, the draft regulations were reviewed within the Adult Programs Branch and subsequently forwarded to CDSS, Office of Regulations Development, to begin the formal regulatory process as required under the Administrative Procedures Act (APA).

Upon completion of the draft regulations, the first step for the formal regulatory process requires a notice that is issued for a proposed rulemaking, which includes:

1) Publishing a notice in the California Regulatory Notice Register; 2) Mailing the notice to those persons who have filed for a notice of regulatory actions or; 3) Posting the notice, text and statement of reasons on its website. <http://www.oal.ca.gov/notice.htm>.

In order to meet Office of Administrative Law's (OAL's) timeline process for website posting CDSS forwarded the notice, text and statement of reason to OAL on March 21, 2006. The publishing of the notice in the California Regulatory Notice Register by OAL is expected to be on March 31, 2006.

Page Two
March 27, 2006

For purposes of the proposed draft IHSS Hourly Task Guidelines, the public testimony period will begin upon OAL posting the public notice, expected by March 31, 2006. **Following the notice, the APA requires, at minimum, a 45-day opportunity to comment in writing, by fax, or E-mail on the regulation changes as initially proposed by the agency.** The CDSS has chosen the option to hold a public hearing.

The public hearing for the Hourly Task Guidelines is expected to occur on May 17, 2006.

The APA requirements also include a summarization and response on the record to timely comments that are directed at the proposed draft regulations. Upon completion of these procedures, the regulations will be submitted to the OAL. Presently there is no date identified as to when these draft regulations must be submitted to OAL in order to achieve the August 30, 2006, target date. Once regulations are received, OAL has 30 working days in which to review the rulemaking record to determine whether it demonstrates that the rulemaking agency satisfied the procedural requirements of the APA, and to review regulations for compliance with the standards.

We expect to continue our discussions with the Hourly Task Guidelines Workgroup and the IHSS stakeholders as we move through the formal regulatory process.

Sincerely,

Original Signed By
Eva L. Lopez on March 27, 2006
EVA L. LOPEZ, Chief
Adult Programs Branch
Disability and Adult Programs Division