

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