

INITIAL STATEMENT OF REASONS

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

Section 30-702 and Title

Specific Purpose/Factual Basis:

Section 30-702 and Title are being adopted to implement new Quality Assurance (QA)/Quality Improvement (QI) monitoring requirements for the In-Home Supportive Services (IHSS) program, and to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements for style in Government Code Section 11343.1.

Sections 30-702.1 et seq.

Specific Purpose:

Section 30-702.1 is being adopted to specify the requirements for counties to establish a QA/QI function and to identify the core activities which must be performed.

Section 30-702.11 is being adopted to specify the requirement for counties to develop and review their policies, instructions, and timelines for implementing QA/QI programs.

Section 30-702.12 et seq. is being adopted to specify the requirements for county QA/QI activities. This section specifies the county must have a standardized process with regularly scheduled reviews; the case sample must include cases from all district offices and all workers involved in the needs assessment process; the county must utilize both desk and home-visit reviews; and the county must review, verify, and discuss the specific program items identified. The section also instructs the county to submit a written proposal to CDSS when county staff is unable to complete case reviews. CDSS is to determine if the proposal is acceptable.

Sections 30-702.13 and 30-702.131 et seq. are being adopted to specify the requirement for counties to develop procedures for reporting findings from QA/QI reviews and for identifying and correcting any deficiencies. This section identifies the core elements which must be included in the procedures, such as established time frames and a process for addressing any immediate actions necessary and that systemic problems are identified and corrected.

Sections 30-702.14 and 30-702.141 are being adopted to specify the requirement for counties to review and respond appropriately to data match information provided from agencies that provide services to recipients and to ensure confidentiality requirements are not violated in performing this activity.

Section 30-702.15 is being adopted to ensure that counties include procedures in the quality assurance process that are specific to preventing and detecting fraud.

Section 30-702.16 is being adopted to instruct counties to conduct the appropriate follow-up if fraud is suspected and to seek collection of overpayments, as appropriate.

Section 30-702.17 et seq. is being adopted to specify that counties identify and refer clients to any potential third-party liability sources that can meet the needs, and to give examples of potential third-party liability sources.

Section 30-702.18 is being adopted to specify the requirement for counties to conduct joint case reviews with State quality assurance staff.

Section 30-702.19 et seq. is being adopted to specify that counties must plan and perform targeted QA/QI studies utilizing pertinent data systems and to identify data sources. The section also requires counties to complete a Quarterly Report on the SOC 824 Form regarding their QA/QI activities fifteen days after the end of the report Quarter.

Factual Basis:

The adoption of Sections 30-702.1 et seq. are necessary to implement and make specific the terms of Welfare and Institutions Code Section 12305.71, enacted by SB 1104 (Chapter 229, Statutes of 2004), which requires counties to establish a specialized unit or function to perform certain core quality assurance activities, including joint case reviews with State QA staff. The SOC 824 Form is necessary to provide counties with a form to document the quality assurance activities as set forth in Welfare and Institutions Code Section 12305.71.

Section 30-701.2 et seq.

Specific Purpose:

Sections 30-702.2 et seq. is being adopted to specify that counties submit an annual plan for Quality Assurance/Quality Improvement (QA/QI), the due date of the plan, and the identifying information the plan must include.

Factual Basis:

This adoption is necessary to ensure that counties are correcting systemic problems identified through the quality assurance monitoring process as contemplated by Welfare and Institutions Code Section 12305.71, enacted by SB 1104 (Chapter 229, Statutes of 2004).

Section 30-760.13

Specific Purpose:

This section is being amended to add cooperation with quality assurance and fraud activities to the recipient's list of responsibilities and for clarity and consistency with newly established quality assurance monitoring regulations.

Factual Basis:

The amendment is necessary to comply with the terms of Welfare and Institutions Code Section 12305.71, enacted by SB 1104 (Chapter 229, Statutes of 2004) which requires quality assurance monitoring and whose purpose could be frustrated by recipient noncooperation.

Section 30-760.13 through .16 (Renumbered)

Specific Purpose/Factual Basis:

The purpose is the renumber existing Sections 30-760.13 through 30-760.16. Renumbering these sections is necessary to maintain a consistent numerical sequence due to the adoption of new Section 30-760.13.

b) Identification of Documents Upon Which Department Is Relying

Senate Bill (SB) 1104, Chapter 229, Statutes of 2004

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not on school districts. However, the regulations do not impose costs on local agencies that are reimbursable pursuant to Government Code Section 17500 et seq. in that the costs, if any, are costs mandated by the federal government within the meaning of Government Code Section 17513.

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

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.