

INITIAL STATEMENT OF REASONS

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

Section 46-430, Title

Specific Purpose:

This section is necessary to make a grammatical correction in the title.

Factual Basis:

A comma is missing after the word "care". Inclusion of this comma is necessary to clarify that care and maintenance are two separate elements of the Assistance Dog Special Allowance (ADSA) program.

New Section 46-430.1(c)(1)

Specific Purpose:

The specific purpose of this section is to define the phrase "Cash Assistance Program for Immigrants" (CAPI).

Factual Basis:

Welfare and Institutions Code Sections 12553 and 12554 state that ADSA benefits are available to recipients of the Supplemental Security Income (SSI), State Supplementary Payment (SSP), and Social Security Disability Insurance (SSDI) programs.

It is the Department's policy that ADSA benefits are available to In-Home Supportive Services (IHSS) recipients who do not also receive SSI or SSP since IHSS is a subcategory of benefits authorized under the SSP program.

In 1998, the Legislature established the CAPI Program, a fully state-funded benefits program from which cash assistance is provided to aged, blind, and disabled legal immigrants. These recipients, who, but for their immigration status, would qualify for SSI or SSP benefits (per Division 9, Part 6, Chapter 10.3, Section 18937, Welfare and Institutions Code). Welfare and Institutions Code Section 18941 requires that CAPI benefits be equivalent to SSI/SSP benefits, less \$10 per month for individuals and \$20 per month for couples. SSI/SSP recipients who use the services of an assistance dog are categorically eligible for the ADSA allowance. The Department has interpreted Welfare and Institutions Code Section 18941 as providing the same categorical eligibility for the ADSA program to CAPI recipients as to SSI/SSP recipients.

Section 46-430.1(e)(1)

Specific Purpose:

The specific purpose is to include recipients of CAPI benefits as “eligible recipients” of the ADSA program. Technical and grammatical corrections are also being made for clarity.

Factual Basis:

See the factual basis for Section 46-430.1(c)(1).

Section 46-430.1(i)(1)

Specific Purpose:

The specific purpose is to amend this section to define the term "In Home Supportive Services (IHSS)".

Factual Basis:

Only defining the acronym "IHSS" and not the term "In Home Supportive Services" creates a clarity problem. This section now correctly defines the term "In Home Supportive Services". Technical corrections referencing Section 12300 of the Welfare and Institutions Code and Manual of Policy and Procedures (MPP) Section 30-700.1 have been incorporated to ensure clarity.

Section 46-430.1(i)(2)

Specific Purpose:

The specific purpose is to ensure that the definition of the term "Income" is consistent with the definition of "Income" as defined in the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L.

Factual Basis:

A clarity problem exists due to the lack of a cross-reference to "income" as defined in the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L. This section now ensures clarity by including the cross-reference to the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L.

Section 46-430.1(r)(1)

Specific Purpose:

The specific purpose is to ensure that the definition of the term "Resources" is consistent with the definition of "Resources" as defined in the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L.

Factual Basis:

A clarity problem exists due to the lack of a cross-reference to "Resources" as defined in the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L. This section now ensures clarity by including the cross-reference to the Code of Federal Regulations, Title 20, Volume 2, Part 416, Subpart L.

Section 46-430.1(s)(1)

Specific Purpose:

The specific purpose is to insert the word "the" before the phrase "California Department of Social Services".

Factual Basis:

Inclusion of the word "the" before the phrase "California Department of Social Services" is a stylistic change.

Section 46-430.1(s)(5)

Specific Purpose:

The specific purpose is to define the phrase "Social Security Disability Insurance".

Factual Basis:

Defining the acronym "SSDI" and not the phrase "Social Security Disability Insurance" creates a clarity problem. This section now correctly defines the phrase "Social Security Disability Insurance". Technical corrections clarify the applicability of the "Social Security Disability Insurance" program under Title II of the Federal Social Security Act (42 U.S.C. Section 401, et seq.).

Section 46-430.1(s)(6)

Specific Purpose:

The specific purpose is to define the phrase "Supplemental Security Income".

Factual Basis:

Defining the acronym "SSI" and not the phrase "Supplemental Security Income" creates a clarity problem. This section now correctly defines the phrase "Supplemental Security Income". Technical corrections clarify the applicability of "Supplemental Security Income" under Title XVI of the Federal Social Security Act (42 U.S.C. Section 1381, et seq.).

Section 46-430.1(s)(7)

Specific Purpose:

The specific purpose is to define the phrase "State Supplementary Program".

Factual Basis:

Defining the acronym "SSP" and not the phrase "State Supplementary Program" creates a clarity problem. This section now correctly defines the phrase "State Supplementary Program". Technical corrections clarify the applicability of the "State Supplementary Program" under Division 9, Part 3, Chapter 3 of the Welfare and Institutions Code (commencing with Section 12000).

Section 46-430.24

Specific Purpose:

The specific purpose is to 1) include CAPI as one of the five program sources of categorical eligibility for the ADSA allowance and 2) to make a conforming technical change to delete the previous reference to four programs.

Factual Basis:

See the factual basis for Section 46-430.1(c)(1).

New Section 46-430.241

Specific Purpose:

The specific purpose is to specify that SSDI recipients must also have income and resources equal to or less than the federal poverty level as defined in MPP Sections 46-430.1(i)(2) and (r)(1).

Factual Basis:

See the factual basis for Section 46-430.1(c)(1).

Section 46-430.31

Specific Purpose:

The specific purpose is to include a reference to CAPI, and the revision date of 6/01 on the ADSA program application form, ADSA 1. This section is also being amended to make technical and grammatical corrections for clarity.

Factual Basis:

See the factual basis for Section 46-430.1(c)(1).

Section 46-430.32

Specific Purpose:

The specific purpose is to include the 6/01 revision date on the SSDI recipient application form, ADSA 1B.

Factual Basis:

The SSDI recipient application form, ADSA 1B, was revised on 6/01.

Section 46-430.34

Specific Purpose:

The specific purpose is to delete the word “the” before the acronym CDSS.

Factual Basis:

Deletion of the word "the" before the acronym CDSS is a stylistic change.

Section 46-430.41

Specific Purpose:

The specific purpose is to specify that the monthly allowance for all ADSA recipients is \$50.

Factual Basis:

Senate Bill 1190 (Chapter 452, Statutes of 2001) increased the monthly allowance for SSDI recipients from \$35 to \$50. This amendment implements the provisions of SB 1190.

Also see the factual basis for Section 46-430.1(c)(1).

Section 46-430.42

Specific Purpose:

The specific purpose is to repeal Section 46-430.42 and reserve this space.

Factual Basis:

The monthly allowance for SSDI recipients previously specified in Section 46-430.42 is now specified in Section 46-430.41. Section 46-430.42 is no longer necessary.

Section 46-430.52

Specific Purpose:

The specific purpose is to include the 4/01 revision date on the ADSA program application form, ADSA 1A.

Factual Basis:

See the factual basis for Section 46-430.1(c)(1). The ADSA 1A form was most recently revised on 4/01 to include CAPI.

Section 46-430.531

Specific Purpose:

The specific purpose is to include CAPI recipients on the list of all recipients required to notify the Department if they cease to be eligible for ADSA program benefits specified in Section 46-430.24.

Factual Basis:

See the factual basis for Section 46-430.1(c)(1).

b) Identification of Documents Upon Which Department Is Relying

Senate Bill 1190 (Chapter 452, Statutes of 2001)

c) Local Mandate Statement

There are no state-mandated local costs in these regulations that require reimbursement under Section 17500 et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS has determined 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.