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An act to add and repeal Section 4510.5 of the Welfare and Institutions
Code, relating to developmental services.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4510.5 is added to the Welfare and Institutions Code, to read:

4510.5. (a) The Legislature finds and declares that federal regulations effective March 17, 2014, require states receiving federal home- and community-based services (HCBS) funding under the federal Medicaid program to submit a plan for how its HCBS programs meet the federal requirements and to implement the requirements no later than March 17, 2019. It is the intent of the Legislature to temporarily authorize the department to issue directives and promulgate emergency regulations, as necessary, to timely comply with the federal HCBS regulations at Section 441 and following of Title 42 of the Code of Federal Regulations.

(b) (1) If the department determines that additional regulations are needed to comply with federal HCBS regulations, or that an existing regulatory provision of Title 17 of the California Code of Regulations conflicts with or is inconsistent with requirements of the federal HCBS regulations, the department may, through the issuance of administrative directives, establish requirements, or modify the requirements or suspend the operation of existing regulations pending the formal adoption, repeal, or amendment of the regulations, as necessary to comply with federal law.

(2) At least 30 days prior to issuance of a directive pursuant to this section, the department shall post on its Internet Web site, and send to every individual who has filed a request for notice of regulatory actions with the department, notice of the intent to issue the directive, which shall include the proposed directive and an explanation of the necessity for the directive. The explanation of necessity shall identify the



provisions of federal regulations that necessitate the program directive, identify any potential adverse impacts on the health and safety of recipients of services, and describe how those impacts will be addressed. The department shall post the final directive on its Internet Web site.

(3) If the department issues a directive, pursuant to this section, establishing new requirements, or modifying or suspending the operation of an existing regulation, the department shall formally adopt, repeal, or amend regulations through the rulemaking process of the Administrative Procedure Act, as needed to comply with federal requirements. Any such adoption, repeal, or amendment of regulations shall be issued within six months of the directive. The adoption, repeal, or amendment of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

(c) This section shall become inoperative on March 1, 2019, and, as of January 1, 2020, is repealed.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Developmental services: home- and community-based services.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income persons receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing federal law provides for various home- and community-based services waivers that promote coverage and services that enable an individual who would otherwise be institutionalized to live at home or in the community. Existing law requires the department to seek all necessary waivers from the United States Department of Health and Human Services in order to provide in-home and community-based care.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is responsible for providing various services and supports to individuals with developmental disabilities, and for ensuring



the appropriateness and quality of those services and supports. Under existing law, the department contracts with regional centers to provide services and supports to persons with developmental disabilities.

This bill would authorize the State Department of Developmental Services, through the issuance of administrative directives, to establish new requirements, or modify or suspend the operation of existing regulations pending the formal adoption, repeal, or amendment of the regulations, as necessary to comply with federal law, if the department determines that additional regulations are needed to comply with federal home- and community-based services (HCBS) regulations, or that an existing regulatory provision conflicts with or is inconsistent with requirements of the federal HCBS regulations. The bill would require the department to post on its Internet Web site and send to every individual who has filed a request for notice of regulatory actions with the department notice of the intent to issue the directive, as specified. These provisions would become inoperative on March 1, 2019, and would be repealed on January 1, 2020.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

