



**DEPARTMENT OF
FINANCE**
OFFICE OF THE DIRECTOR

ARNOLD SCHWARZENEGGER, GOVERNOR

STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

APR. 1 2004

Honorable Wesley Chesbro, Chair
Senate Budget and Fiscal Review Committee

Attention: Mr. Danny Alvarez, Staff Director (2)

Honorable Darrell Steinberg, Chair
Assembly Budget Committee

Attention: Mr. Christopher W. Woods, Chief Consultant (2)

**Amendment to Various Budget Bill Items and Reimbursements, Support, Emergency
Medical Services Authority**

Paramedic Investigations—Issue 001

Paramedic investigation cases have increased from 104 in 1997 to 351 cases as of June 2003, or 238 percent. The Emergency Medical Services Authority (EMSA) currently has a backlog of 18 paramedic investigation cases that are of high risk to the public, and 19 that are a probable risk to the public. It is proposed that 1.0 Special Investigator position be added to address the case backlog, as well as the increased ongoing caseload of the more serious paramedic enforcement cases. The EMSA will redirect \$59,000 budgeted for student assistants that assist with paramedic enforcement cases and \$28,000 in savings that will result from the establishment of an in-house legal counsel position (see Issue 002 below). However, an augmentation of \$17,000 Emergency Medical Services Personnel (EMSP) Fund will be required to fund the full cost of the position. In addition, overhead funding, including the General Fund, will be adjusted to reflect a higher share-of-costs from the EMSP Fund. Therefore, it is requested that Item 4120-001-0001 be decreased by \$5,000 and Reimbursements be decreased by \$13,000, Item 4120-001-0194 be decreased by \$1,000, Item 4120-001-0312 be increased by \$17,000, and Item 4120-001-0890 be decreased by \$9,000.

In-House Legal Counsel—Issue 002

The Governor's Budget provides \$167,000 for the EMSA to contract with the Attorney General's (AG's) Office to prosecute paramedic misconduct cases, and to provide legal advice and services to the EMSA for the drafting of new regulations and the interpretation of Emergency Medical Service (EMS) policies, procedures, and statutes. It is proposed that a Staff Counsel position be established to provide these services in-house as a cost-effective alternative to contracting with the AG. This proposal would result in savings of \$28,000 to the EMSP Fund, which are proposed to be redirected to fund a portion of the costs of a Special Investigator position (see Issue 001 above).

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The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Mr. Bob Sands, Principal Program Budget Analyst, at (916) 445-6423.

DONNA ARDUIN

Director

By:



for MICHAEL C. GENEST
Chief Deputy Director

Attachment

cc: Honorable Dede Alpert, Chair, Senate Appropriations Committee
Attention: Ms. Anne Maitland, Staff Director
Honorable Richard Ackerman, Vice Chair, Senate Budget and Fiscal Review Committee
Attention: Mr. Jeff Bell, Fiscal Director
Honorable Judy Chu, Chair, Assembly Appropriations Committee
Attention: Mr. Geoff Long, Chief Consultant
Honorable Rick Keene, Vice Chair, Assembly Budget Committee
Attention: Mr. Peter Schaafsma, Staff Director
Honorable Wesley Chesbro, Chair, Senate Budget and Fiscal Review Subcommittee No. 3
Honorable Mervyn Dymally, Chair, Assembly Budget Subcommittee No. 1
Ms. Elizabeth Hill, Legislative Analyst (4)
Ms. Diane Cummins, Senate President pro Tempore's Office
Mr. Craig Cornett, Assembly Speaker's Office (2)
Ms. Julie Sauls, Chief Consultant, Assembly Republican Leader's Office
Honorable S. Kimberly Belshé, Secretary, Health and Human Services Agency
Ms. Terri Delgadillo, Deputy Secretary, Health and Human Services Agency
Mr. Richard E. Watson, Interim Director, Emergency Medical Services Authority
Mr. Daniel R. Smiley, Chief Deputy Director, Emergency Medical Services Authority
Ms. Shirley Tsagris, Manager, Administrative Division, Emergency Medical Services Authority



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Honorable Darrell Steinberg, Chair
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Attention: Mr. Christopher W. Woods, Chief Consultant (2)

**Amendment to Budget Bill Item 4130-001-0632, Support, Health and Human Services
Agency Data Center**

Unemployment Insurance (UI) Modernization Project—Issue 100

The Budget Act of 2003 appropriated \$85.0 million in federal Reed Act funds for UI Modernization projects, with availability of funding contingent upon the Department of Finance (Finance) reviewing and approving a Feasibility Study Report (FSR) for any single project and notification of that approval to the Employment Development Department (EDD) and the Legislature. Finance approved two FSRs to modernize the information technology systems supporting the UI program, the Continued Claims Redesign (CCR), and the Call Center Network Platform and Application Upgrade (CCPAU) Projects. In October 2003, Finance notified the Legislature that it had approved a request for \$1,726,755 California Health and Human Services Agency Data Center (HHSDC) Revolving Fund and 5.0 positions (2.6 personnel years) in fiscal year 2003-04 to begin project activities.

It is proposed that the 5.0 positions be continued for five years and \$17,781,000 HHSDC Revolving Fund be provided in 2004-05 to continue activities related to the CCR and CCPAU projects. Federal Reed Act moneys will be used to cover all one-time development and implementation costs for the EDD UI projects. Following implementation, ongoing costs will be funded through EDD baseline redirections.

The CCR project will provide alternate ways for clients to certify for benefits using the telephone and the Internet. The project will also redesign the UI payment programs, allowing the EDD to interact with claimants during the certification process and collect additional information needed to verify a claimant's identity. The total six-year project costs are estimated to be \$57,788,000. Upon project completion, the EDD expects annual programmatic savings of \$3,651,000 and 59.4 personnel years.

The CCPAU will allow the EDD's adjudication centers to handle incoming UI calls, improve customer access to call center agents, and assist the EDD in meeting federal and State service level objectives and performance measures. The total five-year project cost is estimated to be

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\$37,745,000, consisting of development and implementation costs of \$16,464,000, and ongoing maintenance and operations costs of \$21,281,000. The total estimated annual cost savings is \$528,000, commencing in 2007-08.

Therefore, it is requested that Item 4130-001-0632 be increased by \$17,781,000 to provide the HHSDC the required funding for the EDD UI projects.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Mr. Bob Sands, Principal Program Budget Analyst, at (916) 445-6423.

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Director

By:



for MICHAEL C. GENEST
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Ms. Julie Sauls, Chief Consultant, Assembly Republican Leader's Office
Honorable S. Kimberly Belshé, Secretary, Health and Human Services Agency
Ms. Lorna Fong, Assistant Secretary, Health and Human Services Agency
Mr. John Moise, Director, Health and Human Services Agency Data Center
Ms. Deborah Fraga-Decker, Deputy Director, Administration, Health and Human Services Agency Data Center



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Honorable Darrell Steinberg, Chair
Assembly Budget Committee

Attention: Mr. Christopher W. Woods, Chief Consultant (2)

Amendment to Various Budget Bill Items, Support and Local Assistance, Department of Aging

It is requested that Budget Bill items pertaining to various programs within the California Department of Aging (CDA) be adjusted to reflect the following changes:

Reduction in Medicaid Federal Financial Participation (FFP) for the Long-Term Care Ombudsman (LTCO) Program—Issue 100

The 2004-05 Governor's Budget proposes total funding for the LTCO of \$12,272,000, including a reduction of \$800,000 in Federal Penalties Citation Account funding because of reduced revenues and an increase of \$1,939,000 federal Medicaid Reimbursements.

Subsequent to preparation of the Governor's Budget, the CDA received notification from the federal Center for Medicare and Medicaid (CMS) that Medicaid funds are no longer authorized for the LTCO. Consequently, the \$2,942,000 proposed in the Governor's Budget, will not be available in 2004-05. Although the CDA is appealing the denial of funding through the Department of Health Services, it is not likely that the appeal will be granted.

Therefore, it is requested that Item 4170-001-0001 be amended by decreasing reimbursements by \$43,000 and that Item 4170-101-0001 be amended by decreasing Reimbursements by \$2,899,000.

Increase in Medicaid FFP in the Multipurpose Senior Services Program (MSSP)—Issue 101

The 2004-05 Governor's Budget includes \$214,000 (\$107,000 General Fund) for support of the Nurse Evaluator II positions in the MSSP, based on a FFP rate of 50 percent. However, additional FFP is available at a 75 percent rate. The CDA proposes to shift \$53,000 in funding from the General Fund to federal Reimbursements. Therefore, it is requested that Item 4170-001-0001 be decreased by \$53,000 and that Reimbursements be increased by \$53,000.

The effect of my requested action is reflected on the attachment.

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If you have any questions or need additional information regarding this matter, please call Mr. Bob Sands, Principal Program Budget Analyst, at (916) 445-6423.

DONNA ARDUIN

Director

By:



for MICHAEL C. GENEST
Chief Deputy Director

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Honorable Judy Chu, Chair, Assembly Appropriations Committee
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Honorable Rick Keene, Vice Chair, Assembly Budget Committee
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Ms. Elizabeth Hill, Legislative Analyst (4)
Ms. Diane Cummins, Senate President pro Tempore's Office
Mr. Craig Cornett, Assembly Speaker's Office (2)
Ms. Julie Sauls, Chief Consultant, Assembly Republican Leader's Office
Honorable S. Kimberly Belshé, Secretary, Health and Human Services Agency
Mr. David Topp, Assistant Secretary and Assistant Counsel, Health and Human Services Agency
Ms. Lynda Terry, Director, Department of Aging
Mr. Gary Burris, Chief, Fiscal Operations, Department of Aging
Mr. Dale Kuroda, Budget Officer, Department of Aging



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Honorable Darrell Steinberg, Chair
Assembly Budget Committee

Attention: Mr. Christopher W. Woods, Chief Consultant (2)

Amendments to Various Budget Bill Items, State and Local Assistance, Department of Alcohol and Drug Programs

Additional Staff for Proposition 36 Audits—Issue 002

It is requested that local assistance funding for Proposition 36 programs (as set forth under Health and Safety Code Sections 11999.4 and 11999.6) be reduced by \$428,000 and Item 4200-001-3019 be increased by that amount. This shifts Proposition 36 resources from local assistance to State operations for audits of county Proposition 36 expenditures. It is further requested that position authority be increased by 6.5 positions, including 5.0 auditors, 1.0 audit supervisor, and 0.5 clerical support position, and that Item 4200-001-0001 be amended to reflect these changes. Proposition 36, established by the Substance Abuse and Crime Prevention Act of 2000, provides \$120.0 million General Fund annually, including \$117.0 million for local assistance and \$3.0 million for State operations. Prior audit findings of Proposition 36 resources reveal some county noncompliance with program requirements. Additional funds are needed for audits to ensure the State provides proper fiscal oversight of the program.

Office of Problem Gambling (OPG) Establishment—Issue 003

It is requested that Item 4200-001-0367 be increased by \$3.0 million and position authority increased by 3.0 positions (2.8 personnel years) to establish the OPG. It is further requested that Item 4200-001-0001 be updated to reflect these changes. Chapter 210, Statutes of 2003 (AB 673), required the Department of Alcohol and Drug Programs (DADP) to plan, create, and operate the OPG. The 2003 Budget Act provided \$3.0 million to the DADP to implement the program. The 2004-05 Governor's Budget proposed to eliminate base funding for the program pending a more thorough review of the new functions. This request would restore funding so that implementation of the program may continue.

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Substance Abuse Prevention and Treatment (SAPT) Block Grant—Issue 004

It is requested that Item 4200-101-0890 be increased by \$277,000 and that Item 4200-101-0001 be amended to reflect this change. This action reflects an increase in the Federal Substance Abuse Prevention and Treatment (SAPT) Block Grant for Federal Fiscal Year (FFY) 2005, and the required 20 percent and 5 percent set-asides for prevention and HIV services.

Respectively, counties will receive \$222,000 for prevention services and \$55,000 for HIV services. The total increase in the SAPT Block Grant was \$1.1 million, and the 2004-05 Governor's Budget previously proposed to allocate the balance of \$823,000 for Performance Partnership Grants activities (\$260,000) and to offset General Fund costs for retirement and other state support adjustments (\$563,000). In addition, the DADP submitted a Section 28.00 application to increase Item 4200-101-0890 of the Budget Act by \$1.1 million to reflect the SAPT Block Grant for FFY 2004. Finance will submit separate notification to the Legislature of this current year adjustment pursuant to the provisions of Section 28.00.

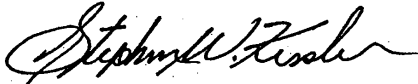
The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Ms. Jody McCoy, Principal Program Budget Analyst, at (916) 445-6423.

DONNA ARDUIN

Director

By:



for MICHAEL C. GENEST
Chief Deputy Director

Attachment

cc: On following page



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Attention: Mr. Christopher W. Woods, Chief Consultant (2)

Proposed Trailer Bill Language and Amendments to Various Budget Bill Items, Support and Local Assistance, Department of Health Services

Convert Child Health and Disability Prevention (CHDP) Gateway Program Limited-Term Positions to Permanent—Issue 250

It is requested that Item 4260-001-0001 be increased by \$105,000 and Item 4260-001-0890 be increased by \$104,000, in order to convert 2.5 limited-term positions to permanent status. The positions are needed to address ongoing workload associated with monitoring activities for the newly established CHDP Gateway to Medi-Cal.

Infant Botulism—Issue 301

It is requested that Item 4260-001-0272 be increased by \$3,785,000 and Item 4260-001-0001 be amended to reflect this change. It is also requested that position authority be increased by 4.0 positions to establish the Infant Botulism Program and initiate the next vaccine production cycle under a recently acquired federal licensure for BabyBIG, the Department of Health Services' (DHS) vaccine for infant botulism. Trailer bill language (TBL) is proposed to provide the technical authority for full production of the vaccine is included in Attachment A.

It is also requested that a loan of \$500,000 from the Health Statistics Special Fund be approved in 2004-05, to assist the DHS in initiation of full-scale vaccine production. The loan is to be paid back by June 30, 2007, with revenues collected from vaccine sales nationwide.

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In addition, Budget Bill language is proposed to prioritize repayment of existing General Fund loans to the BabyBIG before the Health Statistics Special Fund loan is repaid. Both loans will be repaid with revenues from vaccine sales, and the existing General Fund loans are expected to be repaid by the end of 2005-06. Specific language is proposed in the Budget Bill item for the Health Statistics Special Fund Loan:

4260-011-0099—For transfer by the Controller to the Infant Botulism Treatment and Prevention Fund.....(500,000)

Provision:

1. The amount transferred by this item is a loan to the Infant Botulism Treatment and Prevention Fund. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of the transfer. Principal and interest shall be repaid in full after all General Fund loans to the Infant Botulism Program are repaid and no later than June 30, 2007.

Adult Influenza Vaccine Program—Issue 302

It is requested that Item 4260-111-0001 be increased by \$2,527,000 to reflect an augmentation of funding for the purchase of influenza vaccine. Because of increased demand and price inflation over recent years, it is expected that the next flu season will pressure vaccine prices to increase again significantly. To anticipate these price increases and to provide the DHS the ability to maintain a purchase level of 700,000 vaccine doses for elderly and vulnerable populations in California, \$2,527,000 General Fund is requested.

Proposition 50—Issue 304

It is requested that Item 4260-111-6031 be increased by \$90,951,000 and Item 4260-111-0001 be amended to reflect this change. It is further requested that funding for safe drinking water activities be increased by \$102.0 million pursuant to Health and Safety Code Section 116760.40. These actions are required to facilitate the provision of safe drinking water grants and loans to local water agencies as required by Chapters 3 and 4 of Proposition 50, the Water Security, Clean Drinking Water, Coastal, and Beach Protection Act of 2002. In addition, it is requested that two items be added to allow for the distribution of \$102.0 million in Proposition 50 funds and that corresponding reductions be made to reflect technical changes to the amount proposed in the Governor's Budget, and to reflect a shift of funding in the Safe Drinking Water State Revolving Fund. Item 4260-115-0890 would be increased by \$85.0 million and Item 4260-115-6031 by \$17.0 million.

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Position Authority for New Federally Funded Bioterrorism Workload—Issue 305

It is requested that authority for 10.0 positions be approved to provide the DHS the ability to coordinate on a regional basis local establishment of bioterrorism plans and protocol, and to perform fiscal monitoring of grant expenditures awarded through the DHS from the federal government. A position will be responsible for coordinating at the local level the national stockpile, a reserve of pharmaceuticals, medical supplies, and equipment to be accessed by the government during events of emergency. Local guidance and liaison activities to maintain proper direction of local activities consistent with federal guidelines will be provided by 6.0 positions. Another 3.0 positions will provide fiscal monitoring and accounting of local grant expenditures to ensure consistency with federal spending guidelines and rules. The \$761,000 for these positions will be redirected from Operating Expenses and Equipment and no additional funding is requested.

Genetic Disease Branch Administrative Workload—Issue 401

It is requested that Item 4260-001-0203 be increased by \$394,000, position authority be increased by 7.0 positions, and Item 4260-001-0001 be amended to reflect these changes to address workload backlog in the DHS' Genetic Disease Testing Program. This request would fund 4.0 positions on a limited-term basis until claim backlog has been reduced, and 3.0 positions on a permanent basis to increase the Genetic Disease Testing Program's ability to process test fee claims backlog. It is expected that the positions will increase collection of program test fee revenue by approximately \$600,000 to \$1.0 million annually, thereby increasing program resources for additional testing.

TBL: Elimination of the Methadone Regulatory Program

It is requested that TBL be added to the 2004-05 Health Trailer Bill to remove the DHS' statutory requirements to operate a State-only Methadone laboratory regulatory program. The resources for this program have already been eliminated pursuant to Control Section 4.10 of the 2003 Budget Act. Although the DHS will no longer be operating the program, various laboratories statewide will continue to provide these services under federal standards. The proposed language is reflected in Attachment B to this letter.

The effect of my requested action is reflected in the attachment.

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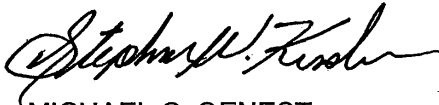
-4-

If you have any questions or need additional information regarding this matter, please call Mr. Tom Lutzenberger, Principal Program Budget Analyst, at (916) 445-6423.

DONNA ARDUIN

Director

By:



for MICHAEL C. GENEST
Chief Deputy Director

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Mr. David Topp, Assistant Secretary and Assistant Counsel, Health and Human Services Agency
Mr. Tom McCaffery, Chief Deputy Director, Department of Health Services
Mr. Mark Hutchinson, Deputy Director, Administration, Department of Health Services
Mr. Jose Ortiz, Chief, Financial Management Branch, Department of Health Services
Mr. John Eastman, Chief, Budget Section, Department of Health Services

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Attachment A

Trailer Bill Language for Infant Botulism

Amend Health and Safety Code, Section 123707 as follows:

~~123707. (a) If the results of the clinical trial do not qualify BIG for product licensure by the United States Food and Drug Administration, then this article shall become inoperative on the date that the Commissioner of the United States Food and Drug Administration or his or her delegate so notifies the State Department of Health Services, and shall be repealed on January 1 following the receipt of the notice, unless a later enacted statute operative on or before that date deletes or extends that date. The director shall transmit a written notice to the Secretary of the Senate and the Chief Clerk of the Assembly commemorating receipts of the notice from the commissioner.~~

(a), the California Department of Health Services is authorized to manufacture, test, distribute and maintain licensure of the product Botulism Immune Globulin Intravenous (Human) if any necessary federal licenses are obtained. The Department was issued U.S. License No. 1622 on October 23, 2003 by the United States Food and Drug Administration under the authority of section 351(a) of the Public Health Service Act controlling the manufacture and sale of biological products. The product may be labeled with the proprietary name BabyBIG®.

(b) The United States Food and Drug Administration license agreement has stipulated the contracts and commodity purchases required to manufacture, test, distribute and maintain licensure of Botulism Immune Globulin Intravenous (Human); therefore, contracts and commodity purchases for any manufacture, testing, distribution, packaging, development and licensure of Botulism Immune Globulin Intravenous (Human) by the Department shall be exempt from competitive bidding and shall be exempt from the requirements of Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

~~(b)-(c)~~ (c) Since the incidence of infant botulism in California can vary by as much as 60 percent from year to year, and since continuity of program operations is critical to the health and well-being of these infants, any funds not expended at the end of the fiscal year shall be carried forward into the next fiscal year, notwithstanding any other provision of law.

~~(e)-(d)~~ (d) In carrying out this article, the Infant Botulism Treatment and Prevention Unit may adopt regulations, make and receive grants, and enter into contracts and interagency agreements.

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Attachment B

Trailer Bill Language for the State Methadone Program

Amend the following Health and Safety Code Sections as follows:

Article 3. Narcotic Treatment Programs Sections 11875 - 11882

~~11881. The State Department of Health Services shall establish criteria for acceptable performance from those laboratories performing urinalysis or other body fluid analysis and shall not permit utilization of laboratories unable to meet an acceptable level of performance. The results of any performance evaluation of any laboratory shall immediately be made available to the local programs upon request. Nothing in this section shall prohibit body fluid analysis to be performed by a licensed methadone program upon approval of the State Department of Health Services.~~

Article 4. Methadone Program Body Fluids Testing Sections 11885-11896

~~11885. The State Department of Health Services shall adopt and publish such rules and regulations to be used in approving and governing the operation of laboratories engaging in the performance of tests referred to in Section 11886, including, but not limited to, the qualifications of the employees of such laboratories who perform such tests, as it determines are reasonably necessary to insure the competence of such laboratories and employees to prepare, analyze, and report the results of such tests.~~

~~11886. The testing of urine or other body fluid analysis for the methadone programs operating in the state shall be performed only by a laboratory approved and licensed by the State Department of Health Services for the performance of such tests. or other biological specimens under the methadone program regulated by the Department of Alcohol and Drug Programs shall only be performed by a clinical laboratory that possesses a current and valid CLIA certificate under the Clinical Laboratory Improvement Amendments of 1988 (42 U.S.C. Sec. 263a; P.L. 100-578), and as defined at Business and Professions Code section 1202.5 and is licensed as a clinical laboratory under Section 1265 of the Business and Professions Code appropriate for the type and complexity of tests performed.~~

~~11887. Each laboratory in this state which performs the test referred to in Section 11886 shall be licensed by the State Director of Health Services. Each such laboratory, other than a laboratory operated by the state, county, city, or city and county, other public agency, or a clinical laboratory licensed pursuant to subdivision (f) of Section 1300 of the Business and Professions Code, shall, upon application for licensing, pay a fee to the State Department of Health Services in an amount to be determined by such department, which will reimburse the department for the costs incurred by the department in the issuance and renewal of such licenses. On or before July 1 of each year thereafter, each such laboratory shall pay to the State Department of Health Services a fee so determined by such department, for the renewal of its license.~~

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11888. The State Department of Health Services shall enforce the provisions of this article and such rules and regulations as are adopted by such department.

11889. The State Department of Health Services shall annually publish a list of approved and licensed laboratories engaging in the performance of tests referred to in Section 11886.

11890. Every laboratory which has been approved and for which a license has been issued shall be periodically inspected by a duly authorized representative of the State Department of Health Services. Reports of each such inspection shall be prepared by the representative conducting it upon forms prepared and furnished by the State Department of Health Services and shall be filed with that department.

11891. Any license issued pursuant to Section 11887 may be suspended or revoked by the State Director of Health Services for any of the reasons set forth in Section 11992. The State Director of Health Services may refuse to issue a license to any applicant for any of the reasons set forth in Section 11992. Any proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code, and the State Director of Health Services shall have the powers and duties granted therein.

11892. The State Director of Health Services may deny a license if any of the following apply to the applicant, or any partner, officer, or director thereof:

- (a) Such person fails to meet the qualifications established by the State Department of Health Services pursuant to this chapter for the issuance of the license applied for.
- (b) Such person was previously the holder of a license issued under this chapter, which license has been revoked and never reissued or which license was suspended and the terms of the suspension have not been fulfilled.
- (c) Such person has committed any act involving dishonesty, fraud, or deceit, whereby another was injured or whereby applicant has benefited.

11893. The State Director of Health Services may suspend, revoke, or take other disciplinary action against a licensee as provided in this chapter, if the licensee or any partner, officer, or director thereof does any of the following:

- (a) Violates any of the regulations promulgated by the State Department of Health Services pursuant to this article.
- (b) Commits any act of dishonesty, fraud or deceit, whereby another is injured or whereby the licensee benefited.
- (c) Misrepresents any material fact in obtaining a license.

11894. The State Director of Health Services may take disciplinary action against any licensee after a hearing as provided in this article by any of the following:

- (a) Imposing probation upon terms and conditions to be set forth

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by the State Director of Health Services:

—(b) Suspending the license;

—(c) Revoking the license;

~~11895. All accusations against licensees shall be filed within three years after the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging a violation of subdivision (c) of Section 11893, the accusation shall be filed within two years after the discovery by the State Department of Health Services of the alleged facts constituting the fraud or misrepresentation prohibited by such section.~~

~~11896. After suspension of the license upon any of the grounds set forth in this article, the license shall not be reinstated or reissued within a period of one year after the effective date of revocation. After one year after the effective date of the revocation, the State Department of Health Services may reinstate the license upon proof of compliance by the applicant with all provisions of the decision as to reinstatement.~~



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Honorable Wesley Chesbro, Chair
Senate Budget and Fiscal Review Committee

Attention: Mr. Danny Alvarez, Staff Director (2)

Honorable Darrell Steinberg, Chair
Assembly Budget Committee

Attention: Mr. Christopher W. Woods, Chief Consultant (2)

Amendment to Budget Bill Item 4300-001-0001, Support and Item 4300-101-0001, Local Assistance, Department of Developmental Services

Regional Center Cost Containment, State Administration—Issue 002

It is requested that Item 4300-001-0001 be increased by \$727,000, and amended to reflect an increase of \$171,000 in Reimbursements for a total increase of \$898,000. These resources are necessary to implement proposed cost containment measures for the regional centers. Funding of \$898,000 will support 9.0 positions that will implement four regional center cost containment measures proposed in the 2004-05 Governor's Budget, including: (1) statewide purchase of service standards, (2) the family cost participation assessment plan, (3) standardization of rates, and (4) self-directed service expansion.

Regional Center Cost Containment, Consultant Services—Issue 002

It is requested that Item 4300-101-0001 be increased by \$600,000 to support consultant and project contracts to implement proposed cost containment measures for the regional centers. These contracts will be issued by the Department of Developmental Services (DDS) for the following activities affecting regional center operations: (1) development of a standardized rate system, (2) technology enhancements to integrate the new rate system into the current computer system, and (3) development of a Federal Independence Plus Waiver to ensure expansion of the self-directed service model is cost neutral to the State.

Trailer Bill Language (TBL): Regional Center Reporting Reduction

It is requested that additional language be included in the 2004-05 Health Trailer Bill to provide regional centers additional flexibility and relief from current reporting requirements in order to implement the proposed operations reduction in the 2004-05 Governor's Budget. Specifically,

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this language would simplify reporting of salary schedule information for regional centers, which is provided annually to the DDS. The proposed TBL is included in Attachment A.

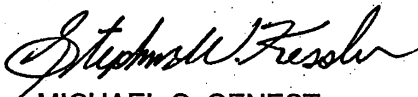
The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Ms. Jody McCoy, Principal Program Budget Analyst, at (916) 445-6423.

DONNA ARDUIN

Director

By:

for 
MICHAEL C. GENEST
Chief Deputy Director

Attachment

cc: Honorable Dede Alpert, Chair, Senate Appropriations Committee
Attention: Ms. Anne Maitland, Staff Director
Honorable Richard Ackerman, Vice Chair, Senate Budget and Fiscal Review Committee
Attention: Mr. Jeff Bell, Fiscal Director
Honorable Judy Chu, Chair, Assembly Appropriations Committee
Attention: Mr. Geoff Long, Chief Consultant
Honorable Rick Keene, Vice Chair, Assembly Budget Committee
Attention: Mr. Peter Schaafsma, Staff Director
Honorable Wesley Chesbro, Chair, Senate Budget and Fiscal Review Subcommittee No. 3
Honorable Mervyn Dymally, Chair, Assembly Budget Subcommittee No. 1
Ms. Elizabeth Hill, Legislative Analyst (4)
Ms. Diane Cummins, Senate President pro Tempore's Office
Mr. Craig Cornett, Assembly Speaker's Office (2)
Ms. Julie Sauls, Chief Consultant, Assembly Republican Leader's Office
Honorable S. Kimberly Belshé, Secretary, Health and Human Services Agency
Ms. Eileen Cubanski, Assistant Secretary, Health and Human Services Agency
Mr. Ken Buono, Acting Chief Deputy Director, Department of Developmental Services
Ms. Deborah Aldama, Manager, Financial Services Branch, Department of Developmental Services
Ms. Jean Barawed, Chief, Budget Section, Department of Developmental Services

Proposed Trailer Bill Language

Regional Center Reporting Reduction Language – Issue 011

Section _____. Section 4639.5 Welfare and Institutions Code is amended to read:

4639.5. (a) By December 1 of each year, each regional center shall provide a listing to the State Department of Developmental Services a complete current salary schedule for all personnel classifications used by the regional center. The information shall be provided in a format prescribed by the department. The department shall provide this information to the public upon request.

(b) ~~By December 1 of each year~~ At the request of the Department of Developmental Services, each regional center shall report ~~information to the State Department of Developmental Services~~ on all prior fiscal year expenditures from the regional center operations budget for all administrative services, including managerial, consultant, accounting, personnel, labor relations, and legal services, whether procured under a written contract or otherwise. Expenditures for the maintenance, repair or purchase of equipment or property shall not be required to be reported for purposes of this subdivision. The report shall be prepared in a format prescribed by the department and shall include, at a minimum, for each recipient the amount of funds expended, the type of service, and purpose of the expenditure. The department shall provide this information to the public upon request.



**DEPARTMENT OF
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OFFICE OF THE DIRECTOR

ARNOLD SCHWARZENEGGER, GOVERNOR

STATE CAPITOL ■ ROOM 1145 ■ SACRAMENTO CA ■ 95814-4998 ■ WWW.DOF.CA.GOV

APR 1 2004

Honorable Wesley Chesbro, Chair
Senate Budget and Fiscal Review Committee

Attention: Mr. Danny Alvarez, Staff Director (2)

Honorable Darrell Steinberg, Chair
Assembly Budget Committee

Attention: Mr. Christopher W. Woods, Chief Consultant (2)

Amendments to Budget Bill Item 4440-101-0890, Local Assistance, Department of Mental Health

Substance Abuse and Mental Health Services Administration (SAMHSA) Block Grant—Issue 002

It is requested that Item 4440-101-0890 be decreased by \$1,149,000 to reflect a reduction in federal funds available from the SAMHSA Block Grant. In fiscal year 2003-04, these block grant funds support formula-based allocations to all counties and competitive awards to seven counties participating in the final year of the three-year Youth Development and Crime Prevention Demonstration Project. Most of the reduction will be applied to the \$1.1 million that currently funds the demonstration project. A small portion of the reduction that is not absorbed by the end of the demonstration project will be spread among the base allocations of the larger counties.

Federal Projects for Assistance in Transition from Homelessness—Issue 003

It is requested that Item 4440-101-0890 be increased by \$1,037,000 to reflect additional federal funds available from the Projects for Assistance in Transition from Homelessness formula grant. These funds will be allocated to counties, based on the current Cigarette and Tobacco Surtax formula, to support a variety of services to the homeless.

Trailer Bill Language: Indeterminate Commitment of Sexually Violent Predators (SVPs)

It is requested that modified language be included in the 2004-05 Health Trailer Bill to clarify the Administration's reform proposal related to the commitment of SVPs. Specifically, the revised language would amend the SVP Act to change the commitment period from two years to an indeterminate commitment for all SVPs currently and prospectively committed. The requested amendment is provided in Attachment 1.

The effect of my requested action is reflected on the attachment.

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If you have any questions or need additional information regarding this matter, please call Ms. Jody McCoy, Principal Program Budget Analyst, at (916) 445-6423.

DONNA ARDUIN

Director

By:



for MICHAEL C. GENEST
Chief Deputy Director

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Ms. Elizabeth Hill, Legislative Analyst (4)
Ms. Diane Cummins, Senate President pro Tempore's Office
Mr. Craig Cornett, Assembly Speaker's Office (2)
Ms. Julie Sauls, Chief Consultant, Assembly Republican Leader's Office
Honorable S. Kimberly Belshé, Secretary, Health and Human Services Agency
Ms. Eileen Cubanski, Assistant Secretary, Health and Human Services Agency
Dr. Stephen W. Mayberg, Director, Department of Mental Health
Ms. Carol S. Hood, Deputy Director, Systems of Care, Department of Mental Health
Ms. Fran Coletti, Chief, Financial Services, Department of Mental Health

Attachment 1
REQUESTED TRAILER BILL AMENDMENT

Amend language related to commitment of sexually violent predators—Issue 004

Note -- The additional amendment to language already requested in the 2004-05 Governor's Budget is highlighted in bold.

Section 6604 of the Welfare and Institutions Code is amended to read:

6604. The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct that the person be released at the conclusion of the term for which he or she was initially sentenced, or that the person be unconditionally released at the end of parole, whichever is applicable. If the court or jury determines that the person is a sexually violent predator, the person shall be committed for two years to the custody of the State Department of Mental Health for appropriate treatment and confinement in a secure facility designated by the Director of Mental Health, and the A person committed pursuant to this article shall be confined in a secure facility designated by the Director of Mental Health until the person's diagnosed mental disorder has so changed that either conditional release, with supervision and treatment, or unconditional release in accordance with the procedures in this article is appropriate and ordered by the court. The person shall not be kept in actual custody longer than two years unless a subsequent extended commitment is obtained from the court incident to the filing of a petition for extended commitment under this article or unless the term of commitment changes pursuant to subdivision (e) of Section 6605. Time spent on conditional release shall not count toward the two-year term of commitment, unless the person is placed in a locked facility by the conditional release program, in which case the time in a locked facility shall count toward the two-year term of commitment. released from confinement in a secure treatment facility except for either conditional release or unconditional release after hearing or trial and order of the committing court in accordance with the procedures of this article. The facility shall be located on the grounds of an institution under the jurisdiction of the Department of Corrections.

The amendments made in this section regarding the term of commitment by legislation enacted in 2004 shall apply to all persons under commitment on the effective date of these amendments, as well as all persons previously committed, even when delays have resulted in more than two years having elapsed since the last commitment. It is the intent of the Legislature that all commitments under this article shall be indeterminate in length, so that, following the initial commitment, repeated recommitment proceedings will not be required for each person, that this change shall apply to all persons under commitment or in custody who have been committed at least once in a prior proceeding since being brought into custody under the provisions of this article, and that no additional recommitment proceedings shall be conducted that have not been completed by the effective date of this amendment.



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APR 1 2004

Honorable Wesley Chesbro, Chair
Senate Budget and Fiscal Review Committee

Attention: Mr. Danny Alvarez, Staff Director (2)

Honorable Darrell Steinberg, Chair
Assembly Budget Committee

Attention: Mr. Christopher W. Woods, Chief Consultant (2)

Addition of Budget Bill Item 4440-496, Capital Outlay, Department of Mental Health

It is requested that Item 4440-496 be added to revert \$3,873,000 from Item 4440-301-0660, Schedule (2), Budget Act of 2003 for the Metropolitan State Hospital: Construct New Kitchen and Remodel Satellite Serving Kitchens—Preliminary plans, working drawings, and construction project. This project consists of design and construction of a new kitchen building and renovation of satellite serving kitchens in several buildings throughout the hospital campus. The amount reverted reflects the project cost attributable to the satellite serving kitchens. Consistent with the 2004-05 Governor's Budget, the satellite serving kitchens component is proposed to be funded with General Fund, as the nature of these improvements is not compatible with lease-revenue financing.

The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Kathryn C. Amann, Principal Program Budget Analyst, at 445-9694.

DONNA ARDUIN

Director

By:

for MICHAEL C. GENEST
Chief Deputy Director

Attachment

cc: On following page

APR 1 2004

-2-

cc: Honorable Dede Alpert, Chair, Senate Appropriations Committee
Attention: Ms. Anne Maitland, Staff Director
Honorable Richard Ackerman, Vice Chair, Senate Budget and Fiscal Review Committee
Attention: Mr. Jeff Bell, Fiscal Director
Honorable Judy Chu, Chair, Assembly Appropriations Committee
Attention: Mr. Geoff Long, Chief Consultant
Honorable Rick Keene, Vice Chair, Assembly Budget Committee
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Ms. Elizabeth Hill, Legislative Analyst (4)
Ms. Diane Cummins, Senate President pro Tempore's Office
Mr. Craig Cornett, Assembly Speaker's Office (2)
Ms. Julie Sauls, Chief Consultant, Assembly Republican Leader's Office
Mr. John Rodriguez, Deputy Director, Department of Mental Health
Mr. Dave Gerard, Acting Chief, Hospital Operations, Department of Mental Health



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Senate Budget and Fiscal Review Committee

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Honorable Darrell Steinberg, Chair
Assembly Budget Committee

Attention: Mr. Christopher W. Woods, Chief Consultant (2)

Amendment to Various Budget Bill Items, Support and Local Assistance, Department of Rehabilitation

Social Security Reimbursement Reduction and Fund Shift—Issue 010

The 2004-05 Governor's Budget proposed total expenditures of \$20.8 million from Social Security Reimbursements (SSR) received by the Department of Rehabilitation (DOR) for assisting recipients of Social Security Disability Insurance (SSDI) and Social Security Income (SSI) to attain employment and discontinue SSI/SSDI payments. However, based on the revised estimate of SSR resources available to the Department, a reduction of \$4,269,000 will be required to adjust expenditures to available resources. It is proposed that SSR funding in State operations personal services be reduced in the amount of \$2,771,000, that SSR local assistance funding be reduced by \$1,498,000, and that \$2,771,000 in various funding be redirected from operating expenses and equipment to offset the personal services reduction, as discussed below.

The DOR will implement various efficiencies in the Vocational Rehabilitation Program (VRP) to achieve savings of \$771,000. Additionally, the DOR is proposing to reduce establishment grants in the VRP by \$2.0 million. The DOR has \$4.0 million federal funds budgeted for establishment grants that are provided to nonprofit organizations, that must provide the 21.3 percent match, to launch new programs that provide services needed in the community in support of the VRP. These grants are available for only three years, at which time the organization must have secured another funding source. According to the DOR, the reduction in establishment grant funds would only provide a delay in the development of these services and would not negatively impact client services. It is proposed that current personal services funding of \$2,771,000 SSR be reduced and the reduction offset by a redirection of the savings discussed above, which are budgeted in operating expenses and equipment. In the absence of the redirection, the reduction of SSR support in State operations would result in the layoff of 107.5 positions (93.5 VRP direct services staff). This, in turn, would result in a change in the Order of Selection, whereby only the most significantly disabled clients would receive services, which would ultimately result in increased General Fund costs in the Habilitation Services Program because of increased caseload. Therefore, it is requested that Item 5160-001-0890 be decreased by \$2,771,000.

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It is also proposed that SSR funding of \$538,000 for a contract with the Center for the Partially Sighted (CPS) be eliminated because the VRP clients currently underutilize the contract services. Of the 650 clients the CPS serves, approximately only 20 are VRP clients. The estimated cost for the VRP clients using the CPS services is \$52,000. The DOR proposes to eliminate the CPS contract and to utilize a fee-for-service approach when services are required, funded by the VRP. Therefore, it is requested that Item 5160-101-0890 be decreased by \$538,000.

Finally, it is proposed that assistive technology (AT) grants be reduced by \$960,000. The Governor's Budget proposes the continuation of the \$3.2 million for AT grants. Of the \$3.2 million, \$300,000 is provided to the California Foundation of Independent Living Centers (CFILC) and the remainder is provided to the ILCs, which use the funds to support two AT counselors in each ILC. The AT counselors provide outreach, community education, maintenance of an equipment registry, community and systems advocacy, and assistance to approximately 4,800 clients to obtain necessary AT devices. Further, to coordinate the reduction in AT grant funding, the Administration proposes the attached trailer bill language to reduce the statutory amount of AT funding provided to the CFILC, for the coordination and maintenance of the equipment registry, by a similar percentage as the AT grant funding reduction. Therefore, it is requested that Item 5160-101-0890 be decreased by \$960,000.

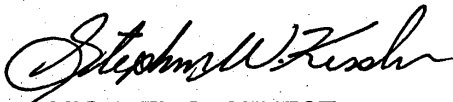
The effect of my requested action is reflected on the attachment.

If you have any questions or need additional information regarding this matter, please call Mr. Bob Sands, Principal Program Budget Analyst, at (916)-445-6423.

DONNA ARDUIN

Director

By:



for MICHAEL C. GENEST
Chief Deputy Director

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Ms. Eileen Cubanski, Assistant Secretary, Health and Human Services Agency
Dr. Catherine Campisi, Director, Department of Rehabilitation
Ms. Juney Lee, Deputy Director, Administration, Department of Rehabilitation
Mr. John Doyle, Budget Chief, Department of Rehabilitation