

PROPOSAL FOR SECTION 1915(i) STATE PLAN OPTION

SECTION XX.

Section 4688.3 is added to the Welfare and Institutions Code to read:

(a) The Department of Health Care Services and the Department of Developmental Services shall jointly seek a Centers for Medicare and Medicaid Services' approved 1915(i) state plan amendment to expand federal financial participation for services to persons with developmental disabilities provided by regional centers pursuant to Division 4.5 (commencing with section 4500).

(b) Services provided pursuant to this section shall be rendered under the administrative direction of the Department of Developmental Services. The department may issue program directives to regional centers for implementing the approved state plan amendment.

(c) If the Centers for Medicare and Medicaid Services approve the state plan amendment pursuant to 1915 (i) of the Social Security Act, the director of Health Care Services shall execute a declaration stating that this approval has been granted. The director shall retain the declaration and this section shall become operative on the date that the director executes a declaration pursuant to this subdivision.

(d) The Department of Developmental Services may adopt regulations to implement this section and any sections in Division 4.5 necessary to implement the terms of the 1915(i) state plan amendment. The adoption, amendment, repeal, or readoption of a regulation authorized by this section is deemed to be necessary for the immediate preservation of the public peace, health and safety, or general welfare, for purposes of Sections 11346.1 and 11349.9 of the Government Code, and the department is hereby exempted from the requirement. For purposes of subdivision (e) of Section 11346.1 of the Government Code, the 120-day period, as applicable to the effective period of an emergency regulatory action and submission of specified materials to the Office of Administrative Law is hereby extended to 180 days.

(e) The Department of Developmental Services shall adopt regulations to implement the terms of the 1915(i) state plan amendment through the regular rulemaking process pursuant to Sections 11346 and 11349.1 of the Government Code within 18 months of the adoption of emergency regulations pursuant to subdivision (d).

(f) The Department of Developmental Services shall consult with stakeholders as defined in Section 4512, subdivision (k).

(g) The Department of Health Care Services shall post a copy of, or a link to, the approved state plan amendment and any Department of Developmental Services

regulations and/or program directives issued pursuant to this Section on its website.