

Department of Developmental Services (DDS)
Health and Safety (H&S) Waiver Requests
Fiscal Years 2014/15, 2015/16, 2016/17 and 2017/18

Welfare and Institutions Code (WIC) sections 4648.4(b), 4681.6, 4684.55, 4689.8, 4691.6 and 4691.9 authorize the Department of Developmental Services (Department) to approve exemptions to rate freezes for the purpose of mitigating risks to consumer health and safety. Below is information related to health and safety requests received from regional centers for the past three fiscal years (FY) (FY 2014/15, 2015/16, 2016/17) and part of FY 2017/18:

H&S Waiver Requests Received by DDS

A regional center may submit one request for multiple services. The number of requests received by DDS in each fiscal year is as follows:

- FY 2014/15: 53
- FY 2015/16: 67
- FY 2016/17: 125
- FY 2017/18: 114 (As of February 28, 2018)

This table displays by fiscal year and service type the number of requests that were approved, denied, rescinded or remain pending (on hold at the regional center's request), as well as the number of consumers associated with those requests.

Service Type	Approved		Denied		Rescinded		Pending		Total	
	Requests	Consumers	Requests	Consumers	Requests	Consumers	Requests	Consumers	Requests	Consumers
FY 14/15										
Adaptive Skills Trainer	0	0	1	1	0	0	0	0	1	1
Day Program	3	18	2	40	0	0	0	0	5	58
Specialized Residential Facility	4	15	0	0	1	4	0	0	5	19
Supplemental Staffing	3	4	1	1	0	0	0	0	4	5
Supported Employment Program	0	0	1	65	0	0	0	0	1	65
Supported Living Service	14	17	6	6	6	43	0	0	26	66
Transportation	0	0	8	1,375	3	25	0	0	11	1,400
FY 14/15 Total	24	54	19	1,488	10	72	0	0	53	1,614
FY 15/16										
Adaptive Skills Trainer	1	1	0	0	0	0	0	0	1	1
Day Program	2	88	1	1	0	0	0	0	3	89
Family Home Agency	0	0	0	0	1	2	0	0	1	2
Specialized Residential Facility	4	29	0	0	11	23	0	0	15	52
Supplemental Staffing	11	144	0	0	0	0	0	0	11	144
Supported Living Service	30	84	0	0	1	4	0	0	31	88
Transportation	0	0	3	5	0	0	0	0	3	5
¹ Requests with Multiple Codes	2	2	0	0	0	0	0	0	2	2
FY 15/16 Total	50	348	4	6	13	29	0	0	67	383

Service Type	Approved		Denied		Rescinded		Pending		Total	
	Requests	Consumers	Requests	Consumers	Requests	Consumers	Requests	Consumers	Requests	Consumers
FY 16/17 (As of February 28, 2018)										
Adaptive Skills Trainer	0	0	9	227	0	0	0	0	9	227
Behavior Analyst	0	0	3	100	0	0	0	0	3	100
Behavior Management Assistant	0	0	4	84	0	0	0	0	4	84
Day Care	1	1	2	13	3	889	2	48	8	951
Day Program	0	0	9	326	0	0	0	0	9	326
Early Start	0	0	1	12	0	0	0	0	1	12
Parenting Support Services	0	0	1	53	0	0	0	0	1	53
Specialized Residential Facility	3	6	1	14	1	1	0	0	5	21
Supplemental Staffing	9	9	10	1,461	3	3	6	128	28	1,601
Supported Employment	0	0	1	18	0	0	0	0	1	18
Supported Living Service	9	9	10	164	3	4	26	78	48	255
Transportation	1	1	0	0	1	89	1	21	3	111
Work Activity	0	0	3	292	0	0	1	41	4	333
¹ Requests with Multiple Codes	0	0	0	0	1	1	0	0	1	1
(As of February 28, 2018) FY 16/17 Total	23	26	54	2,764	12	987	36	316	125	4,093
FY 17/18 (As of February 28, 2018)										
Day Care	0	0	0	0	1	723	0	0	1	723
Day Program	0	0	0	0	1	1	8	584	9	585
Family Home Agency	0	0	0	0	0	0	10	30	10	30
Specialized Residential Facility	8	26	1	4	0	0	2	12	11	42
Supplemental Staffing	3	3	0	0	2	49	12	76	17	128
Supported Living Service	0	0	0	0	0	0	51	82	51	82
Transportation	0	0	0	0	0	0	14	553	14	553
¹ Requests with Multiple Codes	0	0	0	0	1	1	0	0	1	1
(As of February 28, 2018) FY 17/18 Total	11	29	1	4	5	774	97	1,337	114	2,144
FY 2014/15-2017/18 Total <i>(As of February 28, 2018)</i>	108	457	78	4,262	40	1,862	133	1,653	359	8,234

H&S Waiver Requests Received by DDS - Continued

Note: In addition to the pending requests above, FY 13/14 has one pending request from TCRC for Day Program. This request has been temporarily approved until DDS grants permanent approval.

¹ Requests with Multiple Codes

- FY 2015/16:
 - o 1 Day Program, Supplemental Staffing and Supported Living Service
 - o 1 Supplemental Staffing and Supported Living Service
- FY 2016/17:
 - o 1 Supplemental Staffing and Specialized Residential Facility
- FY 2017/18:
 - o 1 Supplemental Staffing and Supported Living Service

H&S Waiver Requests Related to Local Minimum Wage Ordinances

Of the requests received in FYs 2014/15, 2015/16, 2016/17 and 2017/18 the following were related to local minimum wage ordinances:

- FY 2014/15: 11 requests received (47 consumers). 9 were approved and 2 were rescinded.
RCEB: 3 SARC: 8
- FY 2015/16: 32 requests received (208 consumers). All were approved.
RCEB: 29 SARC: 3
- FY 2016/17 (*As of February 28, 2018*): 98 requests received (4052 consumers). 5 were approved, 49 were denied, 10 were rescinded and 34 are pending.
ELARC: 3 GGRC: 1 NLACRC: 48 RCEB: 25 SARC: 4 SDRC: 17
- FY 2017/18 (*As of February 28, 2018*): 93 requests received (2172 consumers). 2 were rescinded and 91 are pending.
GGRC: 2 RCEB: 46 SARC: 43 SGPRC: 2

Common Reasons for Approvals of H&S Waiver Requests

- To maintain consistency in staff/providers whose familiarity and expertise helps maintain the consumer's health and safety.
- To increase services and supports to allow the consumer to maintain safe, independent living, or to remain living in the family home.
- To increase services and supports due to changes in the consumer's medical condition and/or behavior challenges and mitigate identified health and safety risks to the consumer.
- Lack of available (alternative) resources to serve the consumer due to his/her significant behavioral and/or mental health challenges.

Average Amount of Time to Process a H&S Waiver Request

Average number of days from the date a H&S waiver request was received by DDS to the date a formal determination was issued to the regional center:

- FY 2014/15: 143 days
- FY 2015/16: 106 days
- FY 2016/17 (February 28, 2018): 106 days - There are 36 requests that have been pending for an average of 332 days.
- FY 2017/18 (As of February 28, 2018): 59 days

Note: Pending requests are not included in the above figures. Some requests are expedited based on the nature of the H&S risk to the consumer. Also, there are several factors that contribute to the processing time of requests, including missing and inaccurate information requiring follow up with regional centers and vendors. This follow up and obtaining required information can sometimes take several weeks or months.

Expenditures Related to Approved H&S Waiver Requests

The figures below represent the difference between previous rates and approved H&S waiver rates calculated for 12 months. These are the maximum billable amounts for services related to requests approved in each fiscal year. Due to variations in regional center billing and coding practices, DDS is unable to identify actual expenditures related to these requests. Of the requests received in FYs 2014/15 and 2015/16, Regional Center of the East Bay and San Andreas Regional Center were the only 2 Regional Centers that submitted Local Minimum Wage requests. Effective 2016/17, Eastern Los Angeles Regional Center, Golden Gate Regional Center, North Los Angeles County Regional Center, and San Diego Regional Center have begun submitting Local Minimum Wage requests.

- FY 2014/15: \$856,482 (total approved for all regional centers)
 - o Of the amount approved for FY 2014/15, the following is due to Local Minimum Wage:
 - \$38,682 - Regional Center of the East Bay
 - \$98,012 - San Andreas Regional Center
- FY 2015/16: \$2,446,325
 - o Of the amount approved for FY 2015/16, the following is due to Local Minimum Wage:
 - \$776,737 - Regional Center of the East Bay
 - \$150,089 - San Andreas Regional Center
- FY 2016/17: \$1,066,512 (Excludes 36 pending requests for FY 2016/17)
 - o Of the amount approved for FY 2016/17, the following is due to Local Minimum Wage:
 - \$30,414 - Regional Center of the East Bay
 - \$1,420 - San Diego Regional Center
- FY 2017/18: \$183,667 (Excludes 97 pending requests for FY 2017/18)
- Annual Maximum Expenditures for Requests Approved in FYs 2014/15, 2015/16, 2016/17 and 2017/18: \$4,552,986 ²

² Excludes pending requests