## **DEPARTMENT OF REHABILITATION**

## **Notice Filed on November 25, 2022**

**INITIAL NOTICE OF PROPOSED RULEMAKING**

**Application**

The California Department of Rehabilitation (hereinafter “Department”) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Department will hold a virtual public hearing on this proposed action starting at 9:00 a.m. on January 13, 2023, via Zoom meeting. At the meeting, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board respectfully requests that any person who makes an oral comment also submits a written copy of their comment, as well.

**WRITTEN COMMENT PERIOD**

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to:

Department of Rehabilitation

Office of Legal Affairs and Regulations

Attention: Michele Welz, Regulations Analyst

721 Capitol Mall

Sacramento, California 95814

Comments may also be submitted by email to Legal@dor.ca.gov.

The written comment period closes at 5:00 p.m. on January 17, 2023. The Department will consider only comments received at the Department by that time. The Department respectfully requests that persons submitting comments include reference to the regulation section commented on. For example, “My comment is in relation to Section 7041.”

**AUTHORITY**

Welfare and Institutions Code sections 19006 and 19016 authorize the Department to adopt these proposed regulations.

**REFERENCE**

The proposed regulations implement, interpret, and make specific the following federal and state laws and regulations: 29 United States Code section 701, 705, 721, 722, 723, and 3151; 5 United Sates Code section 552a; 42 United States Code section 290dd-2; 34 Code of Federal Regulations sections 361.5, 361.36, 361.37, 361.38, 361.41, 361.42, 361.43, 361.44, 361.45, 361.46, 361.47, 361.48, 361.52, 361.53, 361.55, and 361.57; 42 Code of Federal Regulations sections 2.33, 2.51, 2.52, 2.61, and 2.63; Civil Code sections 1798 and 1798.14-1798.23; Welfare and Institutions Code sections 19011 and 19102.

**INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

This rulemaking action modifies how individuals apply for vocational rehabilitation services from the Department. The Department’s current regulations allow individuals interested in vocational rehabilitation services to apply in one of three ways: (1) completing and signing a DR 222 Vocational Rehabilitation Services Application, (2) completing and signing a common intake application from the one-stop center requesting vocational rehabilitation services, or (3) otherwise requesting vocational rehabilitation services from the Department. With an increasingly technological population, many individuals are choosing to apply for vocational rehabilitation services via a newly developed online portal. However, regardless of how individuals apply for vocational rehabilitation services, the Department’s current regulations require every individual to complete and sign a DR 222 Vocational Rehabilitation Services Application even if they did not utilize that method of application. This rulemaking action deletes this unnecessary, paper-based requirement.

This rulemaking action modifies the information an individual must provide to apply for vocational rehabilitation services. The Department’s current application, the DR 222 Vocational Rehabilitation Services Application, requires individuals to provide information that is not required for the Department to determine the individual’s eligibility. The proposed amendments will also delete the reference to the DR 222 Vocational Rehabilitation Services Application and instead identify the minimum information an individual must provide to apply for vocational rehabilitation services.

This rulemaking action will also make conforming changes to align with changes in federal law and regulation made by the Workforce Innovation and Opportunity Act (hereinafter “WIOA”) (Pub. L. No. 113-128 (July 22, 2014)) and implementing regulations.

Lastly, this rulemaking action will add gender-neutral language.

Anticipated Benefits of the Proposed Regulation

The broad objective of the regulations is to increase openness and promote transparency for individuals who wish to apply for vocational rehabilitation services. The proposed regulations will also remove unnecessary, duplicative processes for individuals who choose to apply using the online portal or using another method. The proposed regulations will align the Department’s regulatory text with federal law and regulations and will utilize gender-neutral language.

Determination of Inconsistency and Incompatibility with Existing State Regulations

The Department has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulation that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the DR 222 Vocational Rehabilitation Services Application.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The Department has made the following initial determinations:

* Mandate imposed on local agencies or school districts: None.
* Costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq.: None.
* Cost or savings to any state agency: None.
* Other nondiscretionary cost or savings imposed on local agencies: None.
* Cost or savings in federal funding to the state: None.
* Significant effect on housing costs: None.
* Significant statewide adverse economic impact directly affecting businesses, including ability to compete: None.

Results of the Economic Impact Analysis or Assessment

The Department concludes that it is: (1) unlikely that the proposed regulations will create or eliminate jobs within California, (2) unlikely that the proposed regulations will create new businesses or eliminate existing businesses within California, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business with the State.

Benefits of the Proposed Action: The proposed regulations will increase openness and promote transparency for individuals who wish to apply for vocational rehabilitation services, therefore positively impacting the health and welfare of CA residents. The state’s environment will benefit from reduced paperwork but there is no anticipated effect to workers safety.

Costs Impacts on representative Person or Business

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Small Business Determination

The Department has determined that these proposed regulations will not affect small businesses, as the regulations relate only to the application form and information an individual must provide to apply for vocational rehabilitation services at the Department. Small businesses are not involved in the Department’s application process.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of the law.

The Department invites interested people to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

**DISABILITY ACCOMODATION STATEMENT**

The Department shall provide, upon request, a narrative description of the proposed changes included in the proposed action, in the manner provided by Government Code section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law. Providing the description of proposed changes may require extending the period of public comment on the proposed action for the requesting party.

**CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Department of Rehabilitation

Office of Legal Affairs and Regulations

Attention: Michele Welz, Regulations Analyst

721 Capitol Mall

Sacramento, California 95814

Telephone: (916) 558-5825

Email: Legal@dor.ca.gov

The backup contact person for these inquiries is:

Department of Rehabilitation

Office of Legal Affairs and Regulations

Attention: Elizabeth Colegrove, Attorney III

721 Capitol Mall

Sacramento, California 95814

Telephone: (916) 558-5825

Email: Legal@dor.ca.gov

Please direct requests for copies of the Proposed Text of the Regulations Proposed Text of the Regulations with Word Cues, Initial Statement of Reasons, Modified Proposed Text of Regulations, if any, or other information upon which the rulemaking is based to Michele Welz at the address above. These documents are also available on the Department’s website at <https://www.dor.ca.gov/Home/ProposedRulemakingandRegs>. The Department will also provide copies of the regulation proposal in large print, braille, audiotape, compact disk, or transmit copies of the regulation proposal electronically, upon request.

**AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address by appointment and on its website at <https://www.dor.ca.gov/Home/ProposedRulemakingandRegs>. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Rulemaking, Proposed Text of the Regulations, and Initial Statement of Reasons. The Proposed Text of Regulations with Word Cues, indicating strikeout and underline, is also available in the rulemaking file and on the Department’s website. To request copies or make an appointment to inspect the rulemaking file at the Department’s office, please contact Michele Welz at the address, email, or phone number listed above.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the public hearing, if requested, and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 calendar days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Michele Welz at the address or email indicated above. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they were made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Michele Welz at the address or email above. The Final Statement of Reasons will also be available on the Department’s website at <https://www.dor.ca.gov/Home/ProposedRulemakingandRegs>.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, Proposed Text of the Regulations with underline and strikeout, Proposed Text of Regulations with Word Cues indicating strikeout and underline, and Initial Statement of Reasons are available on the Department’s website at <https://www.dor.ca.gov/Home/ProposedRulemakingandRegs>.