

FINAL STATEMENT OF REASONS

Update to the Initial Statement of Reasons

As authorized by Government Code Section 11346.9(d), the California Department of Public Health (Department) incorporates by reference the Initial Statement of Reasons prepared for this rulemaking.

The information contained in the Initial Statement of Reasons at the time of the Public Notice has been updated to address the following issues:

Necessity

In sections 73103, 74023, 74653, and 76149 of the proposed regulations, the requirement that an unlicensed social worker must have a MSW degree from an accredited school is necessary to demonstrate to the Department that the person providing social work services in a licensed facility has the education needed to perform the required tasks and to meet professional and community standards of care. The requirement that an unlicensed social worker must have one year of social work experience in a health care setting is necessary to demonstrate to the Department that the unlicensed social worker is familiar with the psychosocial aspects of persons with serious or long-term health conditions.

These proposed amendments align the definition of “social worker” with the definition used in the Code of Federal Regulations (42 C.F.R. § 484.115(m)), providing greater consistency between state and federal regulatory structures. In addition, the adoption of this definition of “social worker” ensures consistency across different facility types.

Updated citations to the Code of Federal Regulations (C.F.R.)

Citations to 42 C.F.R. sections 484.4 and 484.430, subdivision (b)(5)(vi) have been revised to 484.115 subdivision (m) and 483.430, subdivision (b)(5)(vi), respectively.

Alternatives Considered:

The Department has determined that no alternative considered by the Department 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 regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Local Mandate Determination:

The Department has determined that the regulations will not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with section 17500) of Division 4 of the Government Code.

Impact on Small Business:

The Department has determined that the proposed regulations would not have any significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Summary and Response to Comments Received During the Initial (45-Day) Notice Period of October 11 – November 25, 2019:

The Department mailed the notice of proposed regulations to those persons specified in Government Code section 11346.4(a)(1) through (6). This regulation was made available to the public from October 11, 2019 through November 25, 2019, ending at 5:00 p.m. A public hearing was not scheduled and was not requested by the public during the above referenced notice period.