

COMMISSION ON STATE MANDATES

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August 4, 2009

Mr. Keith Petersen
 SixTen and Associates
 3270 Arena Boulevard, Suite 400-363
 Sacramento, CA 95834

And Interested Parties and Affected State Agencies (See enclosed mailing list)

**Re: Adopted Statement of Decision and Timeline for Claimant's Review
 of Draft Parameters and Guidelines or Submittal of Reasonable Reimbursement
 Methodology**

*Child Abuse & Neglect Reporting, 01-TC-21, Consolidated with
 Interagency Child Abuse and Neglect (ICAN) Investigative Report, 00-TC-22*
 Penal Code Sections 273a, 11164, 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.5,
 11165.6, 11165.7, 11165.9, 11165.12, 11165.14, 11166, 11166.2, 11166.5, 11168, 11169,
 11170, and 11174.3, Including Former Penal Code Sections 11161.5, 11161.6, 11161.7
 Statutes 1975, Chapter 226 (AB 1063), Statutes 1976, Chapters 242 (AB 2641) and 1139
 (SB 42), Statutes 1977, Chapter 958 (AB 1058), Statutes 1978, Chapter 136 (AB 2238),
 Statutes 1979, Chapter 373 (SB 925), Statutes 1980, Chapters 855 (AB 2497), 1071
 (SB 781), and 1117 (SB 1877), Statutes 1981, Chapters 29 (SB 322) and 435, (AB 518),
 Statutes 1982, Chapters 162 (AB 2303) and 905 (SB 1848), Statutes 1984, Chapters 1170
 (AB 2702), 1391 (SB 1124), 1423 (SB 1899), 1613 (AB 2709), and 1718 (AB 2710),
 Statutes 1985, Chapters 189 (AB 701), 464 (SB 254), 1068 (AB 366), 1420 (AB 442),
 1528 (SB 1306), 1572 (SB 1358), and 1598 (AB 505), Statutes 1986, Chapters 248
 (SB 245), 1289 (AB 1981), and 1496 (AB 3608),
 Statutes 1987 Chapters 82 (AB 80), 531 (AB 1632), 640 (AB 285), 1020 (SB 691), 1418
 (AB 1359), 1444 (SB 646), and 1459 (SB 1219) Statutes 1988, Chapters 39 (AB 1241),
 269 (AB 3022), 1497 (SB 2457), and 1580 (AB 4584), Statutes 1989, Chapter 153
 (AB 627), Statutes 1990, Chapters 650 (SB 2423), 931 (AB 3521), 1330 (SB 2788), 1363
 (AB 3532), and 1603 (SB 2669), Statutes 1991, Chapters 132 (AB 1133) and 1102
 (AB 2232), Statutes 1992, Chapter 459 (SB 1695), Statutes 1993, Chapters 219 (AB 500),
 346 (AB 331), 510 (SB 665), and 1253 (AB 897), Statutes 1994, Chapter 1263
 (AB 1328), Statutes 1996, Chapters 1080 (AB 295), 1081 (AB 3354), and 1090
 (AB 3215), Statutes 1997, Chapters 83 (AB 327), 134 (AB 273), 842 (SB 644), 843
 (AB 753), and 844 (AB 1065), Statutes 1998, Chapter 311 (SB 933), Statutes 1999,
 Chapters 475 (SB 654) and 1012 (SB 525), Statutes 2000, Chapters 287 (SB 1955), and
 916 (AB 1241), Statutes 2001, Chapters 133 (AB 102) and 754 (AB 1697)

Dear Mr. Petersen:

The Commission on State Mandates adopted the attached Statement of Decision on July 31, 2009. State law provides that reimbursement, if any, is subject to Commission approval of parameters and guidelines for reimbursement of the mandated program, approval of a statewide cost estimate, a specific legislative appropriation for such purpose, a timely-filed claim for reimbursement, and subsequent review of the claim by the State Controller's Office.

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Following is a description of the responsibilities of all parties and of the Commission during the parameters and guidelines phase.

- **Draft Parameters and Guidelines.** Pursuant to California Code of Regulations, title 2, section 1183.12, the Commission staff is expediting the parameters and guidelines process by enclosing draft parameters and guidelines to assist the claimant. The proposed reimbursable activities are limited to those approved in the Statement of Decision by the Commission.
- **Claimant's Review of Draft Parameters and Guidelines.** Pursuant to California Code of Regulations, title 2, section 1183.12, subdivisions (b) and (c), the successful test claimant may file modifications and/or comments on the proposal with Commission staff by **August 19, 2009**. The claimant may also propose a reasonable reimbursement methodology pursuant to Government Code section 17518.5 and California Code of Regulations, title 2, section 1183.13. The claimant is required to submit an original and two (2) copies of written responses to the Commission and to simultaneously serve copies on the state agencies and interested parties on the mailing list.
- **State Agencies and Interested Parties Comments.** State agencies and interested parties may submit recommendations and comments on staff's draft proposal and the claimant's modifications and/or comments within 15 days of service. State agencies and interested parties are required to submit an original and two (2) copies of written responses or rebuttals to the Commission and to simultaneously serve copies on the test claimant, state agencies, and interested parties on the mailing list. The claimant and other interested parties may submit written rebuttals. (See Cal. Code Regs., tit. 2, § 1183.11.)
- **Adoption of Parameters and Guidelines.** After review of the draft parameters and guidelines and all comments, Commission staff will recommend the adoption of an amended, modified, or supplemented version of staff's draft parameters and guidelines. (See Cal. Code Regs., tit. 2, § 1183.14.)
- **Review of Statewide Cost Estimate.** Commission staff may develop the statewide cost estimate based on initial reimbursement claims filed with the Office of the State Controller, application of a reasonable reimbursement methodology, or use a different methodology based on recommendations from the test claimant, the Department of Finance, or other interested parties. Before presenting a statewide cost estimate to the Commission for adoption, Commission staff shall disclose to the parties and interested parties the methodology, basis for any assumptions made, and sources of any data used to develop the estimate. (See Cal. Code Regs., tit. 2, § 1183.3.)
- **Adoption of Statewide Cost Estimate.** At least ten days prior to the next hearing, Commission staff shall issue a final staff analysis and a staff recommendation for adoption of the statewide cost estimate.

Reasonable Reimbursement Methodology and Statewide Estimate of Costs

- **Test Claimant and Department of Finance Submission of Letter of Intent.** Within 30 days of the Commission's adoption of a Statement of Decision on a test claim, the test claimant(s) and the Department of Finance may notify the executive director of the

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- Commission in writing of their intent to follow the process described in Government Code sections 17557.1—17557.2 and section 1183.30 of the Commission's regulations to develop a *reasonable reimbursement methodology* and *statewide estimate of costs* for the initial claiming period and budget year for reimbursement of costs mandated by the state. The letter of intent shall include the date on which the test claimant and the Department of Finance will submit a plan to ensure that costs from a representative sample of eligible claimants are considered in the development of a reasonable reimbursement methodology.
- **Test Claimant and Department of Finance Submission of Plan.** Pursuant to the letter of intent, the test claimant and the Department of Finance shall submit an original and two copies of the *jointly developed plan* for development of a reasonable reimbursement methodology and statewide estimate of costs to the Commission.
- **Test Claimant and Department of Finance Submission of Draft Reasonable Reimbursement Methodology and Statewide Estimate of Costs.** Pursuant to the plan, the test claimant and the Department of Finance shall submit an original and two copies of the *Draft Reasonable Reimbursement Methodology and Statewide Estimate of Costs* to the Commission. See Government Code section 17557.1 for guidance in preparing and filing a timely submission. Any filings made pursuant to Government Code section 17557.1 shall be simultaneously served on the other parties and interested parties on the mailing list.
- **Review of Proposed Reasonable Reimbursement Methodology and Statewide Estimate of Costs.** Upon receipt of the jointly developed proposals, Commission staff shall notify all recipients that they shall have the opportunity to review and provide written comments or recommendations concerning the draft reasonable reimbursement methodology and proposed statewide estimate of costs within fifteen (15) days of service. Claimants, state agencies, and interested parties shall submit an original and two copies of any written responses to Commission staff and shall simultaneously serve a copy on the other parties and interested parties. The test claimant and Department of Finance may submit written rebuttals to Commission staff and simultaneously serve a copy on the other parties and interested parties.
- **Adoption of Reasonable Reimbursement Methodology and Statewide Estimate of Costs.** At least ten days prior to the next hearing, Commission staff shall issue review comments and a staff recommendation on whether the Commission should approve the draft reasonable reimbursement methodology and adopt the proposed statewide estimate of costs pursuant to Government Code section 17557.2.

Please contact Nancy Patton at (916) 323-3562 if you have any questions.

Sincerely,


PAULA HIGASHI
Executive Director

