

HEALTH OR SAFETY WAIVER: VENDOR TRAINING

By Juan Gonzalez Jr



SD|R|C

San Diego Regional Center

WHAT IS A HEALTH OR SAFETY WAIVER?

[SDRC / Health and Safety Waiver](#)

This letter provides updated instructions for when and how to submit new or renewal Health or Safety (HS) Waiver requests to the Department of Developmental Services (Department) on or after July 1, 2025. Welfare & Institutions Code (WIC) sections 4681.6, 4648.4(b), 4681.5, 4684.55, 4689.8, 4691.6 and 4691.9 authorize the Department to approve waivers to rate freezes for the purpose of mitigating health or safety risks to individual(s).

- ▶ Impact to current client services
 - ▶ Client need - staffing
- ▶ Services/Supports to be provided to meet the individual's needs
 - ▶ The plan
- ▶ Specialized support needs that cannot be met by another vendor
 - ▶ What you offer
- ▶ All generic services, supplemental staffing, alternative vendors or service codes have been explored
- ▶ Risks to individuals needs if HS Waiver is not approved
 - ▶ Worse case scenario
- ▶ **Client Needs**
 - ▶ Behavior excesses that exceed the scope of the service
 - ▶ Medical support needs requiring special qualifications (non-nursing level)
 - ▶ Language support needs requiring special qualifications (ESL, ASL)
 - ▶ Individuals living in a remote area where it is difficult to retain staff

Per DDS directive dated June 18, 2025: The HS Waiver process is not meant to address issues with general business operations, financial hardship, issues with rate models, or difficulty in hiring staff.

The Department may deny a request, delay approval, or request additional information to establish a health or safety need. The Department may, at its discretion, reduce or modify the requested HS Waiver rate if justification for all parts of a request is not substantiated.

WHAT IS THE H&S OR HS RATE?

- ▶ HS only elevates rates currently in the vendor rate table
 - ▶ 2025 benchmark rate (rate reform)
- ▶ Health or Safety (HS) rate DOES NOT REPLACE the vendor's current rate
- ▶ The HS rate acts as a supplement
- ▶ The HS rate is only applicable to the clients identified in waiver
 - ▶ Which will be identified in the rate description (capacity permitting)
 - ▶ Approval email or DDS Letter

SPECIAL NOTE: Planning Team/SDRC dictates hours, duration and appropriateness of HS Waiver rate application. HS is only a rate increase and does not supersede decisions and/or assessment protocols implemented by SDRC.

Resource # [REDACTED]				
Show More/Show Less				
Srvc Code	Sub Code	Description	Effective Dates	Cost / Type
062	H&S	H&S RATE PER DDS: [REDACTED]	03/01/2024 To 06/30/2026	40.120 HD
062	100	PERSONAL ASSISTANCE 1:1	01/01/2025 To 06/30/2026	37.270 HD

SDRC STEPS PRIOR TO REQUESTING A HEALTH OR SAFETY WAIVER

- ▶ SDRC must thoroughly review vendors' requests for enhanced rates for an individual(s) before submitting them to the Department.
- ▶ SDRC must **FIRST** consider:
 - ▶ Generic services
 - ▶ New benchmark (rate reform) rates
 - ▶ Supplemental staffing
 - ▶ 109; 110; 1:2; 1:3; Increase hours
 - ▶ Alternative vendors
 - ▶ **Denials**
 - ▶ **Terminations**
 - ▶ Alternative service codes
 - ▶ **EXAMPLE:** Level 7 Residential Facility requesting facility rate increase to address retention of more specialized staff to serve clients recently placed from an Enhanced Behavioral Supports Home (EBSH)
 - ▶ Supplemental staffing (109) chosen instead to meet client needs
 - ▶ Vendor will need to complete the new vendorization process for the respective service code
 - ▶ DDS is requesting service codes that are being assessed/elevated via HS, also be federally reimbursable.
- ▶ The HS Waiver process shall be used as a last resort

COMMUNITY SERVICES HS ASSESSMENT FORM

► Alternative Services Assessed

- Generic Services
- Supplemental Staffing Options
- Alternative Vendors

- terminations
- denials

► Alternative Service Code Options

- IH Respite (862) to Personal Assistance (062)
 - Supplemental (109; 110)
- ## ► Comparable Wage Analysis
- Justification for wages
 - Similar service fields

Note: Client services only complete 1-4

Community Services Health or Safety Waiver Assessment Form

UCI: <input type="text" value="1234567"/>	UCI: <input type="text"/>	Vendor Name & #: <input type="text" value="ABC SL #HQ1234"/>
UCI: <input type="text"/>	UCI: <input type="text"/>	

Alternative Services Assessed	Yes	No	N/A	Notes
*Client Services staff only complete 1-4				
1. Generic services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
a. <input type="text" value="Medi-Cal"/> b. <input type="text" value="IHSS"/> c. <input type="text"/>	Generic services in place but do not offer any assistance with behavioral needs.			
2. Supplemental staffing options	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Staffing ratio: <input type="text" value="1:3"/> Monthly hours: <input type="text" value="200"/> POS status: <input type="text" value="Pending"/>	Supplemental staffing was attempted but staff turn-over continued due to the inability to redirect or limit behaviors and injuries to staff			
3. Alternative vendors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Name/#: <input type="text" value="CDE SL HQ78910"/> Name/#: <input type="text" value="FGH SL HQ101112"/> Name/#: <input type="text" value="159A"/>	Multiple SL vendors assessed but were unwilling to agree to provide service due to the severe behaviors 159A has been out for review for more than 6 months without success			
4. Alternative service code options	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Service code: <input type="text" value="117"/> Service code: <input type="text" value="612"/> Service code: <input type="text"/>	Specialized Therapeutic Services (117) and Behavior Analyst (612) assessed but were deemed not appropriate			
5. Comparable wage analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Website: <input type="text" value="Indeed.com"/> Website: <input type="text" value="Care.com"/> Website: <input type="text"/>	Current recruitment for staff with similar qualifications to include, RBT or BCAT, average between \$24-\$30 per hour. Wage analysis was completed with a review in the general area where client resides.			

WHO'S ELIGIBLE FOR THE HEALTH OR SAFETY WAIVER?

- ▶ Independent & Supported Living (520 & 896)
- ▶ Personal Assistance (062)
- ▶ Residential Facilities (113)
- ▶ Supplemental Residential & Day Program Support (109; 110; 111)
- ▶ Community Based Programs, Activity Centers, Adult Development Centers (505; 510; 525; 055; 063)
- ▶ In-Home Day Program (091)
- ▶ Behavioral Management Day Programs (515)
- ▶ Behavioral Services (612; 620)
- ▶ Behavior Management Assistant (615)
- ▶ Behavior Technician-Paraprofessional (616)
- ▶ Associate Behavior Analyst (613)
- ▶ Specialized Therapeutic Services (115; 116; 117; 805)
- ▶ Adaptive Skills Training Specialist (605)
- ▶ In-Home Respite Agencies (862)
- ▶ Transportation Providers (875; 880)



WHO'S NOT ELIGIBLE FOR THE HEALTH OR SAFETY WAIVER?

- ▶ **California Department of Health Care Services' Medi-Cal Schedule of Maximum Allowances (SMA), Self-Determination Program (SDP) and Family Home Agencies (FHA) rates are not eligible for Health & Safety Waivers as those rates are already established outside of the regional center**
 - ▶ Per W&I 4691.9:
 - ▶ (1) A regional center shall not pay an existing service provider, for services where rates are determined through a negotiation between the regional center and the provider.
 - ▶ Specialized Therapeutic Services (116; 117) is eligible
- ▶ **Level 2-6 Adult Residential Facilities are not eligible for facility rate increases as they can still be negotiated up to the applicable median rate which removes these service codes from the frozen rate criteria**
 - ▶ Per W&I 4681.5:
 - ▶ (a) Notwithstanding any other law or regulation, a regional center shall not approve a service level for a residential service provider, as defined in Section 56002 of Title 17 of the California Code of Regulations, if the approval would result in an increase in state costs or the rate to be paid to the provider that is greater than the rate that is in effect on June 30, 2008, or, for residential service providers subject to subdivision. (b), unless the regional center demonstrates to the department that the approval is necessary to protect the consumer's health or safety and the department has granted prior written authorization.
 - ▶ Supplemental Residential Support (109) is eligible



APPROVAL OF A HEALTH OR SAFETY WAIVER PRIOR TO SERVICE DELIVERY

- ▶ The Department accepts HS Waiver requests before the start of service for situations such as:
- ▶ **EXAMPLES:**
 - ▶ Transitions from Institutions of Mental Disease
 - ▶ Out-of-state, crisis homes, or for new specialized services.
- ▶ **In general situations, SDRC requests that client services be currently active while the vendor is seeking a Health or Safety Waiver**
 - ▶ Access base services under new benchmark (rate reform) rates

EXPEDITED HEALTH OR SAFETY WAIVER REQUESTS

- ▶ Expedited review scenarios may include, but are not limited to:
 - ▶ Preventing admission to restrictive settings
 - ▶ Addressing crisis situations
 - ▶ Maintaining critical services when no alternatives exist
- ▶ SDRC will contact the Department as soon as the potential need for expedited is identified with an [executive director's signed request letter](#)
- ▶ The Department will respond with a decision within five working days.



THE HEALTH OR SAFETY WAIVER PROCESS

- ▶ Referral received directly or inquiry made @ hswaiver@sdrc.org
- ▶ SC/PM/Vendor complete **Client Services HS Inquiry Form**
- ▶ HSW Specialist meets with vendor and SC to assesses for need
 - ▶ **Community Services HS Assessment Form completed**
- ▶ 4-Step email is relayed to vendor
- ▶ Rate model completed
- ▶ HSW Specialist reviews IPP's, Program Design, Fiscal Audit (if applicable), assesses for any CAP's/Sanctions
- ▶ Proposed rates are reviewed with the Department
- ▶ Proposed rate accepted by vendor
- ▶ SDRC HSW Letter of Support created and forwarded for review by CSM, Director, Associate Executive Director, Executive Director
- ▶ SDRC HSW Letter of Support signed by **Executive Office**
- ▶ File submitted to the Department for final review/approval **(45-60 day turnaround, can vary)**
 - ▶ SDRC HSW Letter of Support
 - ▶ IPP's
 - ▶ Program Design
 - ▶ Organizational Chart
 - ▶ Staffing Schedules
 - ▶ Fiscal Audit (if applicable)
 - ▶ CAP (if applicable)
 - ▶ Vendor Exemption Request Letter
 - ▶ Payroll
 - ▶ HS Waiver Worksheet

SPECIAL NOTE:

Client services staff do not complete any portion of the rate model!

Health and Safety Request - Hourly Services					
General Info	Regional Center:	SDRC			
	Service Provider Name	ABC SL			
	Vendor Number	HQ1234			
	Vendor Address	0			
	Comprable Rate Study Service	Supported Living Services, 1:1			
	Rate Study Service Code:	896			
	Rate Study Baseline Rate:	\$40.73			
	Current Hourly Rate:	\$40.73			
Incremental Rate Calculation					
<p>Direct Care Staff are frontline staff. When they work with someone for an hour, they generate one billed unit.</p> <p>The baseline (Non-H&S) costs are entered in the boxes on the left.</p> <p>The proposed wage is entered on the right.</p> <p>The final rate is the difference in the two costs (Column H) added to your existing rate.</p>					
Direct Care Staff	Baseline Costs	Current	Proposed	Difference	
	Direct Support Staff Wage:	\$18.00	\$18.00	\$24.00	\$6.00
	Fixed Payroll Costs:	8.35%	\$1.50	\$2.00	\$0.50
	B&A Worker's Compensation	3.50%	\$0.63	\$0.84	\$0.21
	State Unemployment Insurance (SUI)	3.50%	\$0.63	\$0.84	\$0.21
	PTO Earned Per month (1 Full-time Employee)	3.33	\$0.40	\$0.53	\$0.13
	Unbillable time per month	30.00	\$3.59	\$4.79	\$1.20
	Overtime Factor (percentage of all hours)	5%	\$0.53	\$0.71	\$0.18
	Total cost per hour worked:		\$25.28	\$33.71	\$8.43
	H&S Justification (Direct Care Staff)	Health and Safety Justification		Staffing Ratio: 1:1	
Reason for the increased staff wage, additional staff qualifications, comprable wages in the area for similar staff.		Difference per billed unit: \$8.43			
		Starting Rate: \$40.73			
		Difference per unit: \$8.43			
		Final Rate (vendor's costs): \$49.16			
		<i>Rate using B&A payroll & productivity: \$50.38</i>			
		Units Billed per month: 500.00			
		Monthly Cost: \$24,579.10			
		Monthly Fiscal Impact: \$4,214.10			
		Other	Explanation of H&S need:		Cost
			Increased Monthly Cost: \$1,200.00		
			Cost per hour: \$2.40		
		New Final Rate: \$51.56			

HEALTH OR SAFETY FISCAL AUDIT REQUIREMENT

- ▶ DDS requires that vendors who receive over \$500,000 in payments from SDRC obtain a fiscal review/audit in order to rule out fraud
 - ▶ Per California Welfare and Institutions Code - WIC 4652.5
 - ▶ (a)(1) An entity that receives payments from one or more regional centers shall contract with an independent accounting firm to obtain an independent audit or independent review report of its financial statements relating to payments made by regional centers, subject to both of the following:
 - ▶ (A) If the amount received from the regional center or regional centers during each state fiscal year is more than or equal to five hundred thousand dollars (\$500,000), but less than two million dollars (\$2,000,000), the entity shall obtain an independent review report of its financial statements for the entity's fiscal year that includes the last day of the most recent state fiscal year.
- ▶ How often is this needed?
 - ▶ Reviews/Audits should be obtained at a minimum of once per year, unless waived by the Director of Community Services
 - ▶ You will need to hire your own independent accounting service (CPA Firm)

SDRC CLIENT SERVICES HS INQUIRY FORM

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- ▶ SC's to complete with Program Manager and Vendor
- ▶ 1-4 must all be a "YES" to move forward
 - ▶ Are there present issues that are impacting current client services?
 - ▶ Are there present staffing barriers and/or shortfalls above and beyond the normal scope of service?
 - ▶ Are there specialized support needs that cannot be met by another vendor?
 - ▶ Were generic services, supplemental staffing, alternative vendors or service codes explored?
 - ▶ **Risks to individuals needs if HS Waiver is not approved**
- ▶ Client Needs
 - ▶ Behavior excesses that exceed the scope of the service
 - ▶ Medical support needs requiring special qualifications (tube feeding, paramedical)
 - ▶ Language support needs requiring special qualifications (ASL, ESL)
 - ▶ Individuals living in a remote area where it is difficult to retain staff

SDRC Client Services Health or Safety Inquiry Form

* Service Coordinator to review form with Program Manager and Vendor

* All answers must be checked "YES" on the first section before moving forward and contacting the Health or Safety Waiver Specialist at hs waiver@sdrc.org

UCI: <input type="text"/>	UCI: <input type="text"/>	Service Coordinator: <input type="text"/>
UCI: <input type="text"/>	UCI: <input type="text"/>	Program Manager: <input type="text"/>
UCI: <input type="text"/>	UCI: <input type="text"/>	Vendor Name & #: <input type="text"/>

(All must be present for eligibility. Please elaborate on all applicable sections)	Yes	No	N/A	Notes
1. Are there present issues that are impacting current client services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2. Are there present staffing barriers and/or shortfalls above and beyond the normal scope of service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Are there specialized support needs that cannot be met by another vendor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4. Were generic services, supplemental staffing, alternative vendors or service codes explored?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5. Risks to individuals needs if HS Waiver is not approved	(Please elaborate)			
6. Are the following client needs present? (Please check and elaborate on all that apply)				
a. Behavior excesses that exceed the scope of the service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
b. Medical support needs requiring special qualifications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
c. Language support needs requiring special qualifications	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
d. Individuals living in a remote area where it is difficult to retain staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

VENDOR HEALTH OR SAFETY WAIVER EXEMPTION REQUEST

▶ Request must include the following:

- ▶ Company Letterhead
- ▶ Program Name
- ▶ Vendor Number & Service Code
- ▶ Reason for Health & Safety Waiver Exemption Request
 - ▶ Impact to current client services and necessary changes needed to protect individuals Health & Safety
 - ▶ Services/Supports to be Provided to Meet the Individual's Needs
 - ▶ Specialized support needs that cannot be met by another vendor
 - ▶ Risks to individuals needs if HS Waiver is not approved
- ▶ Comparable Wage Analysis
 - ▶ For requests that include a wage increase for staff, provide the proposed rate and any regional analysis in similar service fields
- ▶ Name and UCI for the client for which the Health or Safety Exemption is being requested
 - ▶ Behavior excesses that exceed the scope of the service
 - ▶ Medical support needs requiring special qualifications
 - ▶ Language support needs requiring special qualifications
 - ▶ Individuals living in a remote area where it is difficult to retain staff
- ▶ If a program closure or loss of services is imminent, please provide the proposed date of loss and/or closure (if applicable)

SPECIAL NOTE: Separate request for each individual client

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San Diego Regional Center
4355 Rufin Road, San Diego, CA 92123
858-576-2996 / www.sdrc.org

Serving individuals with developmental disabilities in San Diego and Imperial Counties

To: Eligible San Diego Regional Center (SDRC) Vended Service Provider

RE: **Vendor Health or Safety Waiver Exemption Request Guide**

This letter provides updated instructions for when and how to submit new or renewal Health or Safety (HS) Waiver requests to the Department of Developmental Services (Department) on or after July 1, 2025. Welfare & Institutions Code (WIC) sections 4681.6, 4648.4(b), 4681.5, 4684.55, 4689.8, 4691.6 and 4691.9 authorize the Department to approve waivers to rate freezes for the purpose of mitigating health or safety risks to individual(s).

Regional Center Review of Health or Safety Risk

- The HS Waiver process is not meant to address issues with general business operations, financial hardship, issues with rate models, or difficulty in hiring staff. The HS Waiver must specifically address risks to an individual's health or safety.
- The Department may deny a request, delay approval, or request additional information to establish a health or safety need.
- The Department may, at its discretion, reduce or modify the requested HS Waiver rate if justification for all parts of a request is not substantiated.

The first step in the process for a HS request is to make an initial inquiry and/or submit a signed, formal written request (s) on company letterhead to hs waiver@sdrc.org with the following information:

- Program Name
- Vendor Number & Service Code
- Reason for Health or Safety Waiver Exemption Request and please elaborate on the following:
 - Impact to current client services and necessary changes needed to protect individuals Health or Safety
 - Services/Supports to be Provided to Meet the Individual's Needs
 - Specialized support needs that cannot be met by another vendor
 - Risks to individuals needs if HS Waiver is not approved
- Comparable Wage Analysis
 - For requests that include a wage increase for staff, provide the proposed rate and any regional analysis of comparable wages in similar service fields
- Name and UCI for Client for which a Health or Safety Waiver exemption is being requested:
 - Please elaborate on all client needs that apply:
 - a. Behavior excesses that exceed the scope of the service
 - b. Medical support needs requiring special qualifications
 - c. Language support needs requiring special qualifications
 - d. Individuals living in a remote area where it is difficult to retain staff

SDRC HEALTH OR SAFETY WAIVER (HSW) LETTER OF SUPPORT

- ▶ Health or Safety Need
 - ▶ Description of the health or safety risk(s) for the individual served
- ▶ Current Services Provided
 - ▶ Information about the services and supports that are currently being provided
- ▶ Alternative Resources Considered
 - ▶ Generic services
 - ▶ Supplemental staffing options
 - ▶ Alternative vendors
 - ▶ Alternative service code options
- ▶ Additional Supports Needed
 - ▶ Description of the additional support needed
 - ▶ staff expertise/training
- ▶ Services/Supports to be Provided to Meet the Individual's Needs
 - ▶ Service to be provided by the vendor, which will meet the additional supports needed
- ▶ Comparable Wage Analysis
 - ▶ SDRC analysis of wages for similar service fields
- ▶ Executive Director Certification
 - ▶ Statement from the SDRC executive director certifying all above, that the request is essential to:
 - ▶ protect the individuals health or safety
 - ▶ prevent placement in a more restrictive setting

SPECIAL NOTE: Separate letter for each individual client



SDRC

San Diego Regional Center
4355 Ruffin Road, San Diego, CA 92123
858-576-2996 / www.sdrc.org
Serving individuals with developmental disabilities in San Diego and Imperial Counties

July 9, 2025

Dr. Michi Gates, Deputy Director
Community Services Division
Department of Developmental Services
P.O. Box 944202
Sacramento, CA 94244-2020

Dear Dr. Gates:

The San Diego Regional Center (SDRC) is requesting a health or safety waiver for the above referenced vendor, ABC SL (#HQ1234), pursuant to Welfare and Institutional Code sections 4681.6, 4648.4(b), 4681.5, 4684.55, 4689.8, and 4691.9, which authorizes the Department to approve exemptions to frozen rates for the purpose of mitigating risks to consumer's health and safety. SDRC has thoroughly reviewed the health or safety request from ABC SL (#HQ1234) and the risk cannot be mitigated through any other means. The request is specific to J.G. (#1234567) and SDRC has explored alternative services and supports.

Vendor Information

Vendor Name: ABC SL
Vendor Number: HQ1234
Service Code & Type: 896
Current on Independent Audit (Y/N): Y
Currently on a Correction Action Plan (Y/N): N

Individual Information and Rate Request

Individual Initials: J.G.
UCI: 1234567
Date of Initial Request by Vendor: 7/01/2025
Requested Effective Date: 7/01/2025
Current Rate: \$40.73
Proposed/Requested Rate: \$50.73
Current Monthly Units: 300

Health or Safety Need

J.G. (#1234567/Hispanic), is a 23-year-old male diagnosed with Autism. J.G. moved into his own apartment under 1:2 ABC SL support on 5/06/2025 from the Alpine Special Treatment Center. J.G. experiences auditory hallucinations and often responds to internal stimuli. J.G. engages in weekly physical aggression; punching, kicking others and property destruction, such as tearing down kitchen cabinets and making holes in walls. On several occasions, he has tried to hide an episode of incontinence by flushing articles of clothing and excessive paper products in the toilet. This has resulted in the replacing of major plumbing fixtures on many occasions.

Current Services Provided

J.G. is currently receiving 300 hours a month of ABC SL support at a 1:2 ratio, monthly behavior management consultation services and Safety Alert Inc. (SAI) mobile crisis team on a as per needed basis. The added support has not assisted in lowering the frequency of severe behaviors, causing a high turnover of SL staff who have left due to injuries suffered. J.G. was previously assessed by two additional supported living agencies who could not meet the behavioral needs required.

Alternative Resources Considered

SDRC Planning Team provided residential options but have been unsuccessful in securing long-term placement in the past 6 months. J.G. was also previously assessed by two additional supported living agencies who could not meet the behavioral needs required.

Additional Supports Needed

ABC SL requires staff who have experience working with individuals with severe Autism, implementing behavior support plans, responding to behaviors consistent with a client transitioning from a Special Treatment Center to supported living and is unable to do so at the current rate of \$40.73 per hour. J.G. also requires staff who are considered Behavior Technicians and either hold certifications such as an RBT or BCAT or who have demonstrated education and experience that would be equivalent to a certification. J.G. will be best supported by a 2:1 staffing ratio, 24-hours a day, seven days a week (outside of day program hours) for the first six months of service in his own apartment home.

Services/Supports to be Provided to Meet the Individual's Needs

ABC SL recommends that Behavior Technicians should be the second staff member during day hours who would assist in implementing the behavior support plan, responding to crises, reinforcing communication, planning and implementing rotating activities, and collecting data (see proposed schedule attached). His support must include oversight by a Board-Certified Behavior Analyst (BCBA) to write, plan, implement, and train on behavior support plans and crisis plans, supervise RBTs (or other cert), maintain and analyze data, and attend meetings with J.G.'s ID Team to discuss behavior services and overall progress.

Comparable Wage Analysis

Current recruitment for staff with similar qualifications to include, RBT or BCAT, average between \$24-\$30 per hour. Wage analysis was completed with a review of Indeed.com and Care.com in the general area where client resides.

Executive Director Certification

I, Mark Klaus, Executive Director, am certifying that the request is essential to protect the individual's health or safety and prevent placement in a more restrictive setting; that alternative resources have been exhausted; that the enhanced rate represents the minimum increase necessary to provide safe, appropriate services for this individual's needs; and the requested effective date.

HEALTH OR SAFETY INTERIM & FORMAL APPROVALS

- ▶ When the Department approves a request, an **Interim Approval email** will be issued to SDRC immediately
- ▶ A formal letter will then be issued by the Department at a later time
- ▶ Language in the formal letter will supersede the interim approval, and **there is no appeal process for a denial, rate reduction or change to the effective date**
 - ▶ SDRC can submit a new request with additional information or justification supporting the need for a rate increase
- ▶ Current Rate-Comments
 - ▶ Reason for request
- ▶ Approved Rate-Comments
 - ▶ Basis for rate
- ▶ Effective Date
- ▶ All HSW's are reviewed yearly, as long as services are being accessed by client and the approval does not have an end date, then waivers remain active and ongoing

SPECIAL NOTE: Community Services will review payroll 3 months after approval.

Hi Juan,

The Department of Developmental Services has approved SDRC's Health and Safety (H&S) request for **SUPPLEMENTAL RESIDENTIAL, Vendor # [REDACTED]** with the following details:

Date of SDRC Request: July 3, 2024
Date of Vendor Request: May 17, 2024
Individual: J.S. (UCI # [REDACTED])
Vendor: [REDACTED] SUPPLEMENTAL RESIDENTIAL, Vendor # [REDACTED]
Service Code 109
Current Rate: \$22.19 per hour
Comments: SDRC reports that the current rate is insufficient to hire and retain qualified staff to support the needs of the identified individual.

The Department approves SDRC's request to meet the reported health and safety needs of the above-listed individual. The specifics of this approval, including the effective date, and approved rates, are as follows:

Effective Date: **July 1, 2024**
Approved Rate: **\$29.63 per hour**
Comments: The approved rate is based on a reported staff wage of \$19.65 per hour.

The approved rate applies to the above-listed individuals only. H&S rates shall not be applied to additional individuals without the Department's written authorization. Please inform us if any of the above information is incorrect. A formal letter will be forthcoming. However, you may use this email as interim approval. Any formal correspondence regarding this request will supersede the interim approval.



State of California—Health and Human Services Agency
Department of Developmental Services
1215 O Street, Sacramento, CA 95814
www.dds.ca.gov



October 30, 2024

Mark Klaus - Executive Director
San Diego Regional Center
4355 Ruffin Road, Suite 200
San Diego, CA 92123

Dear Mark Klaus:

Welfare & Institutions Code sections 4681.6, 4684.4(b), 4681.5, 4684.55, 4689.8, 4691.6, and 4691.9 authorize the Department of Developmental Services (Department) to approve exemptions to rate freezes to mitigate risks to individual health and safety. Per Department instructions dated September 13, 2018, San Diego Regional Center (SDRC) requested a Health and Safety (H&S) Waiver with the following details:

Date of SDRC Request: July 3, 2024
Date of Vendor Request: May 17, 2024
Individual: J.S. ([REDACTED])
Vendor: [REDACTED] SUPPLEMENTAL RESIDENTIAL, Vendor # [REDACTED]
Service Code 109
Current Rate: \$22.19 per hour
Comment: SDRC reports the current rate is insufficient to hire and retain qualified staff to support the needs of the identified individual.


The Department approves SDRC's request to meet the reported health and safety needs of the above-listed individual. The specifics of this approval, including the effective date and approved rate, are as follows:

Effective Date: **July 1, 2024**
Approved Rate: **\$29.63 per hour**
Comment: The approved rate is based on a reported staff wage of \$19.65 per hour.

The approved rate applies to the above-listed individual only. H&S rates shall not be applied to additional individuals without the Department's written authorization. It is the responsibility of SDRC to monitor and inform the Department annually of the necessity for the rate increase based on the services and supports required by the individual. SDRC must ensure the vendor provides the support and wages to staff based upon the allowances that were factored in establishing the rate.

HEALTH OR SAFETY POS PROCESS

- ▶ SDRC Business Services RETRO POS instructions
 - ▶ HSW Specialist will notify vendor via email when funds need to be returned to then be reimbursed at the HS rate
 - ▶ Vendor Refund Form will be attached
 - ▶ SDRC Fiscal Supervisor CC'd
 - ▶ Individual POS' are needed for all RETRO months
 - ▶ The requirement is to return those funds to then have SDRC Business Services reimburse you at the new H&S rate.
 - ▶ SDRC Business Services can hold a postdated check and will not cash until new POS' are paying out the new H&S rate



SDRC

San Diego Regional Center
 4355 Ruffin Road, San Diego, CA 92123
 858-576-2996 / www.sdr.org

Serving individuals with developmental disabilities in San Diego and Imperial Counties

Vendor Name _____

Date _____

Vendor # _____

POS REFUND

VENDOR NUMBER	SERVICE MONTH	UCI	AUTHORIZATION #	SERVICE CODE	SUB-CODE	UNITS OVERPAID	RATE	AMOUNT OVERPAID	For SDRC Use Only
								0.00	
								0.00	
								0.00	
								0.00	
								0.00	
								0.00	
								0.00	
								0.00	
								0.00	
								0.00	
Total						0.00		\$ -	

Important Note:
 Please create a separate worksheet for each vendor # and for each service month.

Return funds to:
 San Diego Regional Center
 Business Services -Fiscal Supervisor
 4355 Ruffin Rd. Suite 119
 San Diego, Ca. 92123

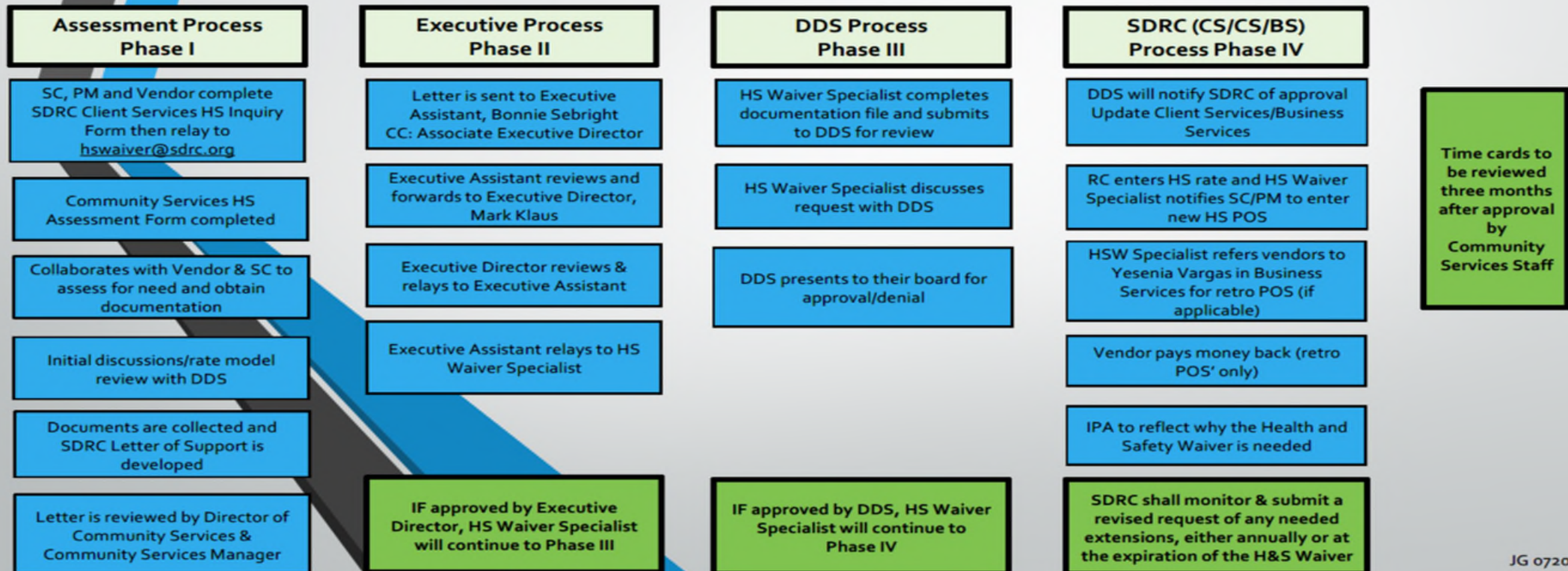
The information on the attached form should match the funds being returned.

HEALTH OR SAFETY WAIVER NOTES/CLARIFICATIONS

- ▶ Existing HS Waivers are not affected by the 7/01/2025 directive until they are reviewed by the Department (DDS)
 - ▶ No more client add-ons to active waivers
 - ▶ They will be treated as new requests and must adhere to all requirements
- ▶ HS **RETRO DATE** requests are **NOT COMMON PRACTICE** and are **NEVER GUARANTEED**
- ▶ HSW processing timelines can vary due to pending documentation, the review process by the SDRC Executive office and DDS
- ▶ All HSW's are reviewed monthly, as long as services are being accessed by client and the approval does not have an end date, then waivers remain active and ongoing
- ▶ **DDS may, at its discretion, reduce or modify the requested HS Waiver rate if justification for all parts of a request is not substantiated**
- ▶ **There is no appeal process for a denial, rate reduction or change to the effective date**
 - ▶ SDRC may submit a new request with additional information

HEALTH OR SAFETY WAIVER FLOWCHART

HEALTH OR SAFETY WAIVER FLOWCHART



HEALTH OR SAFETY WAIVER START GUIDE

HEALTH OR SAFETY WAIVER START GUIDE

WHAT IS THE HEALTH OR SAFETY WAIVER?

This letter provides updated instructions for when and how to submit new or renewal Health or Safety (HS) Waiver requests to the Department of Developmental Services (Department) on or after July 1, 2025. Welfare & Institutions Code (WIC) sections 4681.6, 4648.4(b), 4681.5, 4684.55, 4689.8, 4691.6 and 4691.9 authorize the Department to approve waivers to rate freezes for the purpose of mitigating health or safety risks to individual(s).

1. Are the available services to client being impacted?
2. Services/Supports to be provided to meet the individual's needs?
3. Are there specialized support needs that cannot be met by another vendor?
4. Risks to individuals needs if HS Waiver is not approved?
 - Remoteness (access to resources)
 - Behavior excesses that exceed the scope of the service
 - Medical support needs requiring special qualifications
 - Language support needs requiring special qualifications

SPECIAL NOTE!!

- Not everyone will be eligible
- It is the vendor's responsibility to make the request and agree to move forward with a Health or Safety Waiver (HS)

VENDOR STARTING POINT

<https://www.dds.ca.gov/rc/health-safety-waiver-process/>

- DDS Letter to Regional Centers
- Health or Safety Waiver Request Letter Template
- Rate Type H Bulletin

FOR ALL INQUIRIES AFTER REVIEWING THE DDS WEBSITE, PLEASE REACH OUT TO:

hswaiver@sdrc.org



SDRC WEBSITE

▶ Link:

- ▶ [Health or Safety Waivers | SD Regional Center](#)

▶ Access

- ▶ Upcoming HS Trainings
- ▶ Link to DDS HS website
- ▶ Vendor Health or Safety Exemption Request
- ▶ SDRC Client Services Health or Safety Inquiry Form
- ▶ Any additional documents, as outlined on page two of the directive on HS Waivers
 - ▶ [DDS 7/01/2025 HS Directive](#)

[UPCOMING HEALTH OR SAFETY WAIVER VENDOR TRAINING - learn more](#)

Health or Safety Waivers

Health or Safety Waivers Exemption Process

This provides updated instructions for when and how to submit new or renewal Health or Safety (HS) Waiver requests to the Department of Developmental Services (Department) on or after July 1, 2025. Welfare & Institutions Code (WIC) sections 4681.6, 4648.4(b), 4681.5, 4684.55, 4689.8, 4691.6 and 4691.9 authorize the Department to approve waivers to rate freezes for the purpose of mitigating health or safety risks to individual(s). Existing HS Waivers are not affected by this directive until they are reviewed by the Department.

For details visit: <https://www.dds.ca.gov/rc/health-safety-waiver-process/>

The following documents must be submitted to SDRC when requesting a Health or Safety Waiver:

1. Vendor Health or Safety Exemption Request ([link to form](#))
2. SDRC Client Services Health or Safety Inquiry Form ([link to form](#))
3. Any additional documents, as outlined on page two of the directive on HS Waivers ([link to form-see attached under G-2025-Case Management](#))


In addition, please review the enclosed SDRC Health or Safety Waiver Handout ([English](#) | [Spanish](#)) and Brochure ([English](#) | [Spanish](#)) for further details.

More Information:

Vendors may contact, Juan Gonzalez, Health or Safety Waiver Specialist, at Juan.Gonzalez@sdrc.org or hswaiver@sdrc.org
Clients and Families served by SDRC should contact their Service Coordinator.

HEALTH OR SAFETY WAIVER VENDOR STARTING POINT

Health or Safety Waiver Process : CA Department of Developmental Services

 Department of Developmental Services

Search

Consumers Services Regional Centers Vendors Initiatives Transparency

Welfare & Institutions Code (WIC) sections [4681.6](#), [4648.4\(b\)](#), [4681.5](#), [4684.55](#), [4689.8](#), [4691.6](#), and [4691.9](#) authorize the Department to approve waivers to rate freezes for the purpose of mitigating health or safety (HS) risks to individuals. Requests for approval of a HS Waiver will be considered only on the basis of the needs of an individual.

The Department is committed to processing HS Waiver requests in a timely manner. When seeking a HS Waiver, regional centers should submit the request to the Department as soon as possible. The following documentation must be submitted in the request:

1. A complete and accurate written request signed by the regional center Executive Director justifying the need for a rate increase to protect the individual's health or safety. The regional center must thoroughly review information provided by a vendor, to support the request, prior to submitting to the Department.
2. A completed HS Worksheet.
3. A copy of vendor's original request to regional center.
4. Any additional documents, as outlined on page two of the directive on HS Waivers.

📌 Contact Information



Regional centers may contact healthandsafetyrequest@dds.ca.gov to request a worksheet, technical assistance, or to submit a completed request.

Regional center vendors may initiate the process by sending a signed, dated request to their regional center's executive director.

DDS Letter to Regional Centers

Health or Safety Waiver Request Letter Template

Rate Type H Bulletin

Share  

Last modified: June 19, 2025

SPECIAL NOTE:

It is the vendor's responsibility to make the request and agree to move forward with a Health or Safety Waiver (HS) request.

ANY QUESTIONS?



CONTACT INFORMATION

- ▶ Juan Gonzalez Jr., M.Ed.

Health or Safety Waiver Specialist

- ▶ Telephone: 858.302.5419

- ▶ Website: [Health or Safety Waivers | SD Regional Center](#)

- ▶ Email: hswaiver@sdrc.org

Thank you!