

AMENDED IN SENATE AUGUST 23, 2004
AMENDED IN SENATE AUGUST 18, 2004
AMENDED IN SENATE JULY 28, 2004
AMENDED IN ASSEMBLY MAY 17, 2004
AMENDED IN ASSEMBLY MAY 10, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2100

Introduced by Assembly Members Steinberg and Richman
(Coauthor: Assembly Member Cohn)
(Coauthor: Senator Chesbro)

February 18, 2004

An act to amend Section 1505 of the Health and Safety Code, and to amend Section 4689.1 of, ~~and~~ to add Section 4688.5 to, *and to add and repeal Section 4637.5 of*, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2100, as amended, Steinberg. Developmental services.

Existing law requires the State Department of Developmental Services to contract with private-nonprofit corporations for the establishment of regional centers to provide services and supports for persons with developmental disabilities and their families. Existing law places within the jurisdictions of the department, state developmental centers, including, but not limited to, Agnews Developmental Center.

This bill would, ~~in order to effectuate the closure of Agnews Developmental Center,~~ authorize the department to approve a regional center proposal to provide for payment of a lease or leases for housing for persons with developmental disabilities. The bill would authorize family home agencies to offer services and supports in family teaching homes, as defined. The bill, *until January 1, 2009*, would require the department to *annually* report *vendor* service data to the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1505 of the Health and Safety Code is
- 2 amended to read:
- 3 1505. This chapter does not apply to any of the following:
- 4 (a) Any health facility, as defined by Section 1250.
- 5 (b) Any clinic, as defined by Section 1202.
- 6 (c) Any juvenile placement facility approved by the California
- 7 Youth Authority or any juvenile hall operated by a county.
- 8 (d) Any place in which a juvenile is judicially placed pursuant
- 9 to subdivision (a) of Section 727 of the Welfare and Institutions
- 10 Code.
- 11 (e) Any child day care facility, as defined in Section 1596.750.
- 12 (f) Any facility conducted by and for the adherents of any
- 13 well-recognized church or religious denomination for the purpose
- 14 of providing facilities for the care or treatment of the sick who
- 15 depend upon prayer or spiritual means for healing in the practice
- 16 of the religion of the church or denomination.
- 17 (g) Any school dormitory or similar facility determined by the
- 18 department.
- 19 (h) Any house, institution, hotel, homeless shelter, or other
- 20 similar place that supplies board and room only, or room only, or
- 21 board only, provided that no resident thereof requires any element
- 22 of care as determined by the director.
- 23 (i) Recovery houses or other similar facilities providing group
- 24 living arrangements for persons recovering from alcoholism or
- 25 drug addiction where the facility provides no care or supervision.
- 26 (j) Any alcoholism or drug abuse recovery or treatment facility
- 27 as defined by Section 11834.11.



1 (k) Any arrangement for the receiving and care of persons by
2 a relative or any arrangement for the receiving and care of persons
3 from only one family by a close friend of the parent, guardian, or
4 conservator, if the arrangement is not for financial profit and
5 occurs only occasionally and irregularly, as defined by regulations
6 of the department. For purposes of this chapter, arrangements for
7 the receiving and care of persons by a relative shall include
8 relatives of the child for the purpose of keeping sibling groups
9 together.

10 (l) (1) Any home of a relative caregiver of children who are
11 placed by a juvenile court, supervised by the county welfare or
12 probation department, and the placement of whom is approved
13 according to subdivision (d) of Section 309 of the Welfare and
14 Institutions Code.

15 (2) Any home of a nonrelative extended family member, as
16 described in Section 362.7 of the Welfare and Institutions Code,
17 providing care to children who are placed by a juvenile court,
18 supervised by the county welfare or probation department, and the
19 placement of whom is approved according to subdivision (d) of
20 Section 309 of the Welfare and Institutions Code.

21 (m) Any supported living arrangement for individuals with
22 developmental disabilities as defined in Section 4689 of the
23 Welfare and Institutions Code.

24 (n) (1) Any family home agency, family home, or family
25 teaching home as defined in Section 4689.1 of the Welfare and
26 Institutions Code, that is vendored by the State Department of
27 Developmental Services and that does any of the following:

28 (A) As a family home approved by a family home agency,
29 provides 24-hour care for one or two adults with developmental
30 disabilities in the residence of the family home provider or
31 providers and the family home provider or providers' family, and
32 the provider is not licensed by the State Department of Social
33 Services or the State Department of Health Services or certified by
34 a licensee of the State Department of Social Services or the State
35 Department of Health Services.

36 (B) As a family teaching home approved by a family home
37 agency, provides 24-hour care for a maximum of three adults with
38 developmental disabilities in independent residences, whether
39 contiguous or attached, and the provider is not licensed by the State
40 Department of Social Services or the State Department of Health



1 Services or certified by a licensee of the State Department of
2 Social Services or the State Department of Health Services.

3 (C) As a family home agency, engages in recruiting, approving,
4 and providing support to family homes.

5 (2) No part of this subdivision shall be construed as
6 establishing by implication either a family home agency or family
7 home licensing category.

8 (o) Any facility in which only Indian children who are eligible
9 under the federal Indian Child Welfare Act, Chapter 21
10 (commencing with Section 1901) of Title 25 of the United States
11 Code are placed and that is one of the following:

12 (1) An extended family member of the Indian child, as defined
13 in Section 1903 of Title 25 of the United States Code.

14 (2) A foster home that is licensed, approved, or specified by the
15 Indian child’s tribe pursuant to Section 1915 of Title 25 of the
16 United States Code.

17 (p) Any housing for elderly or disabled persons, or both, that
18 is approved and operated pursuant to Section 202 of Public Law
19 86-372 (12 U.S.C.A. Sec. 1701g), or Section 811 of Public Law
20 101-625 (42 U.S.C.A. Sec. 8013), or whose mortgage is insured
21 pursuant to Section 236 of Public Law 90-448 (12 U.S.C.A. Sec.
22 1715z), or that receives mortgage assistance pursuant to Section
23 221d (3) of Public Law 87-70 (12 U.S.C.A. Sec. 17151), where
24 supportive services are made available to residents at their option,
25 as long as the project owner or operator does not contract for or
26 provide the supportive services. The project owner or operator
27 may coordinate, or help residents gain access to, the supportive
28 services, either directly, or through a service coordinator.

29 (q) Any similar facility determined by the director.

30 SEC. 2. *Section 4637.5 is added to the Welfare and*
31 *Institutions Code, to read:*

32 *4637.5. (a) The State Department of Developmental Services*
33 *shall provide data, by regional center, regarding all vendors*
34 *providing services to regional center consumers for each fiscal*
35 *year beginning with the 2003–04 fiscal year. The data shall include*
36 *a list of the services provided by each vendor; to the extent data is*
37 *available, an unduplicated count of consumers receiving the*
38 *services, the total amount paid to each vendor for each service,*
39 *and the average cost for each service. For parent voucher services,*



1 *the department shall summarize the information for each regional*
2 *center.*

3 *(b) The department shall compile the data and submit the*
4 *information to the chairs and vice chairs of each fiscal committee*
5 *by March 1 of the fiscal year following the close of the prior fiscal*
6 *year. The data shall not include personal or confidential consumer*
7 *information.*

8 *(c) The department shall evaluate and report on the adequacy*
9 *of the data provided through March 1, 2008, and recommend*
10 *changes, if needed. By March 1, 2008, the report shall be provided*
11 *to the chair and vice chair of each fiscal committee.*

12 *(d) This section shall become inoperative on July 1, 2008, and,*
13 *as of January 1, 2009, is repealed, unless a later enacted statute,*
14 *that becomes operative on or before January 1, 2009, deletes or*
15 *extends the dates on which it becomes inoperative and is repealed.*

16 *SEC. 3. Section 4688.5 is added to the Welfare and*
17 *Institutions Code, to read:*

18 4688.5. (a) Notwithstanding any other provision of law to the
19 contrary, ~~and in order to effectuate the closure of Agnews~~
20 ~~Developmental Center,~~ the department may approve a proposal or
21 proposals by Golden Gate Regional Center, Regional Center of the
22 East Bay, and San Andreas Regional Center to provide for, *secure,*
23 *and assure* the payment of a lease or leases on housing, developed
24 pursuant to this section, based on the level of occupancy in each
25 home, if all of the following conditions are met:

26 (1) The acquired or developed real property is occupied by
27 individuals eligible for regional center services and is integrated
28 with housing for people without disabilities.

29 (2) The regional center has approved the proposed ownership
30 entity, management entity, and developer or development entity
31 for each project, and, prior to granting the approval, has consulted
32 with the department and has provided to the department a proposal
33 that includes the credentials of the proposed entities.

34 (3) The costs associated with the proposal are reasonable.

35 (4) The proposal includes a plan for a transfer at a time certain
36 of the real property's ownership to a nonprofit entity to be
37 approved by the regional center.

38 (b) Prior to approving a regional center proposal pursuant to
39 subdivision (a), the department, in consultation with the California



1 Housing Finance Agency and the Department of Housing and
2 Community Development shall review all of the following:

3 (1) The terms and conditions of the financing structure for
4 acquisition and/or development of the real property.

5 (2) Any and all agreements that govern the real property's
6 ownership, occupancy, maintenance, management, and operation,
7 to ensure that the use of the property is maintained for the benefit
8 of persons with developmental disabilities.

9 (c) No sale encumbrance, hypothecation, assignment,
10 refinancing, pledge, conveyance, exchange or transfer in any other
11 form of the real property, or of any of its interest therein, shall
12 occur without the prior written approval of the department and the
13 Health and Human Services Agency.

14 (d) Notice of the restrictions pursuant to this section shall be
15 recorded against the acquired or developed real property subject
16 to this section.

17 (e) At least 45 days prior to granting approval under
18 subdivision (c), the department shall provide notice to the chairs
19 and vice chairs of the fiscal committees of the Assembly and the
20 Senate, the Secretary of the Health and Human Services Agency,
21 and the Director of Finance.

22 (f) The regional center shall not be eligible to acquire or
23 develop real property for the purpose of residential housing.

24 ~~SEC. 3.—~~

25 *SEC. 4.* Section 4689.1 of the Welfare and Institutions Code,
26 as amended by Chapter 193 of the Statutes of 2004, is amended to
27 read:

28 4689.1. (a) The Legislature declares that it places a high
29 priority on providing opportunities for adults with developmental
30 disabilities to live with families approved by family home agencies
31 and to receive services and supports in those settings as determined
32 by the individual program plan. Family home agencies may offer
33 services and supports in family homes or family teaching homes.
34 All requirements of this section and Sections 4689.2 to 4689.6,
35 inclusive, shall apply to a family home and a family teaching
36 home.

37 (b) For purposes of this section, "family home" means a home
38 that is owned, leased, or rented by, and is the family residence of,
39 the family home provider or providers, and in which services and
40 supports are provided to a maximum of two adults with



1 developmental disabilities regardless of their degree of disability,
2 and who do not require continuous skilled nursing care.

3 (c) For purposes of this section, “family teaching home”
4 means a home that is owned, leased, or rented by the family home
5 agency wherein the family home provider and the individual have
6 independent residences, either contiguous or attached, and in
7 which services and supports are provided to a maximum of three
8 adults with developmental disabilities regardless of their degree of
9 disability, and who do not require continuous skilled nursing care.

10 (d) For purposes of this section, “family home agency” means
11 a private not-for-profit agency that is vendored to do all of the
12 following:

13 (1) Recruit, approve, train, and monitor family home
14 providers.

15 (2) Provide social services and in-home support to family home
16 providers.

17 (3) Assist adults with developmental disabilities in moving into
18 approved family homes.

19 (e) For purposes of ensuring that regional centers may secure
20 high quality services that provide supports in natural settings and
21 promote inclusion and meaningful participation in community life
22 for adults with developmental disabilities, the department shall
23 promulgate regulations for family home agencies, family teaching
24 homes, and family homes that shall include, but not be limited to,
25 standards and requirements related to all of the following:

26 (1) Selection criteria for regional centers to apply in vendoring
27 family home agencies, including, but not limited to, all of the
28 following:

29 (A) The need for service.

30 (B) The experience of the agency or key personnel in providing
31 the same or comparable services.

32 (C) The reasonableness of the agency’s overhead.

33 (D) The capability of the regional center to monitor and
34 evaluate the vendor.

35 (2) Vendorization.

36 (3) Operation of family home agencies, including, but not
37 limited to, all of the following:

38 (A) Recruitment.

39 (B) Approval of family homes.



- 1 (C) Qualifications, training, and monitoring of family home
2 providers.
- 3 (D) Assistance to consumers in moving into approved family
4 homes.
- 5 (E) The range of services and supports to be provided.
- 6 (F) Family home agency staffing levels, qualifications, and
7 training.
- 8 (4) Program design.
- 9 (5) Program and consumer records.
- 10 (6) Family homes.
- 11 (7) (A) Rates of payment for family home agencies and
12 approved family home providers. In developing the rates pursuant
13 to regulation, the department may require family home agencies
14 and family homes to submit program cost or other information, as
15 determined by the department.
- 16 (B) Regional center reimbursement to family home agencies
17 for services in a family home shall not exceed rates for similar
18 individuals when residing in other types of out-of-home care
19 established pursuant to Section 4681.1.
- 20 (8) The department and regional center’s monitoring and
21 evaluation of the family home agency and approved homes, which
22 shall be designed to ensure that services do all of the following:
23 (A) Conform to applicable laws and regulations and provide
24 for the consumer’s health and well-being.
- 25 (B) Assist the consumer in understanding and exercising his or
26 her individual rights.
- 27 (C) Are consistent with the family home agency’s program
28 design and the consumer’s individual program plan.
- 29 (D) Maximize the consumer’s opportunities to have choices in
30 where he or she lives, works, and socializes.
- 31 (E) Provide a supportive family home environment, available
32 to the consumer 24 hours a day, that is clean, comfortable, and
33 accommodating to the consumer’s cultural preferences, values,
34 and lifestyle.
- 35 (F) Are satisfactory to the consumer, as indicated by the
36 consumer’s quality of life as assessed by the consumer, his or her
37 family, and if appointed, conservator, or significant others, or all
38 of these, as well as by evaluation of outcomes relative to individual
39 program plan objectives.



1 (9) Monthly monitoring visits by family home agency social
2 service staff to approved family homes and family teaching
3 homes.

4 (10) Procedures whereby the regional center and the
5 department may enforce applicable provisions of law and
6 regulation, investigate allegations of abuse or neglect, and impose
7 sanctions on family home agencies and approved family homes
8 and family teaching homes, including, but not limited to, all of the
9 following:

10 (A) Requiring movement of a consumer from a family home
11 under specified circumstances.

12 (B) Termination of approval of a family home or family
13 teaching home.

14 (C) Termination of the family home agency's vendorization.

15 (11) Appeal procedures.

16 (f) Each adult with developmental disabilities placed in a
17 family home or family teaching home shall have the rights
18 specified in this division, including, but not limited to, the rights
19 specified in Section 4503.

20 (g) Prior to placement in a family home of an adult with
21 developmental disabilities who has a conservator, consent of the
22 conservator shall be obtained.

23 (h) The adoption of any emergency regulations to implement
24 this section that are filed with the Office of Administrative Law
25 within one year of the date on which the act that added this section
26 took effect shall be deemed to be an emergency and necessary for
27 the immediate preservation of the public peace, health and safety,
28 or general welfare.

29 ~~SEC. 4. (a) The State Department of Developmental~~
30 ~~Services shall provide data, by regional center, regarding all~~
31 ~~vendors providing services to regional center consumers in the~~
32 ~~2003-04 fiscal year. The data shall include all of the following:~~

33 ~~(1) A list of the services provided by each vendor.~~

34 ~~(2) To the extent data is available, an unduplicated count of~~
35 ~~consumers receiving the services.~~

36 ~~(3) The total amount paid to each vendor for each service, and~~
37 ~~the average cost for each service.~~

38 ~~(b) For parent voucher service, the department shall summarize~~
39 ~~the information set forth in subdivision (a) for each regional center.~~



1 ~~(c) The department shall compile the data and submit the~~
2 ~~information to the chairs and vice chairs of the fiscal committee of~~
3 ~~the Assembly and the Senate by March 1, 2005. The data shall not~~
4 ~~include personal or confidential consumer information.~~

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