

SENATE BILL

No. 58

Introduced by Senator Price

September 11, 2009

An act to amend Section 4648.35 of the Welfare and Institutions Code, relating to developmental services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 58, as introduced, Price. Regional centers: purchase of consumer services.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is responsible for providing various services and supports to individuals with developmental disabilities, and for ensuring the appropriateness and quality of those services and supports.

Under existing law, the department contracts with the regional centers to provide services and supports to persons with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP), developed in accordance with prescribed requirements. Under existing law these services and supports may include transportation services.

Existing law imposes various requirements relating to the funding of transportation services, at the time of the development, review, or modification of a consumer's individualized family service plan (IFSP) or IPP, including, but not limited to, the requirement that a regional center fund the least expensive transportation modality that meets the consumer's needs.

This bill would, instead, require that a regional center fund the most cost-effective transportation modality that meets the consumer’s needs and choice.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 4648.35 of the Welfare and Institutions
 2 Code is amended to read:
 3 4648.35. Effective July 1, 2009, at the time of development,
 4 review, or modification of a consumer’s individual program plan
 5 (IPP) or individualized family service plan (IFSP), all of the
 6 following shall apply to a regional center:
 7 (a) A regional center shall not fund private specialized
 8 transportation services for an adult consumer who can safely access
 9 and utilize public transportation, when that transportation is
 10 available.
 11 (b) A regional center shall fund the ~~least-expensive~~ *most*
 12 *cost-effective* transportation modality that meets the consumer’s
 13 needs *and choice*, as set forth in the consumer’s IPP or IFSP.
 14 (c) A regional center shall fund transportation, when required,
 15 from the consumer’s residence to the ~~lowest-cost~~ *most cost-effective*
 16 vendor that provides the service that meets the consumer’s needs
 17 *and choice*, as set forth in the consumer’s IPP or IFSP. For
 18 purposes of this subdivision, the cost of a vendor shall be
 19 determined by combining the vendor’s program costs and the costs
 20 to transport a consumer from the consumer’s residence to the
 21 vendor.

1 (d) A regional center shall fund transportation services for a
2 minor child living in the family residence, only if the family of
3 the child provides sufficient written documentation to the regional
4 center to demonstrate that it is unable to provide transportation for
5 the child.

6 SEC. 2. This act addresses the fiscal emergency declared by
7 the Governor by proclamation on December 19, 2008, pursuant
8 to subdivision (f) of Section 10 of Article IV of the California
9 Constitution.

10 SEC. 3. This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety within
12 the meaning of Article IV of the Constitution and shall go into
13 immediate effect. The facts constituting the necessity are:

14 In order to make the necessary statutory changes to achieve cash
15 savings at the earliest possible time, it is necessary that this act
16 take effect immediately.

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