

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1595

Introduced by Assembly Member Chesbro

February 3, 2014

An act to amend Sections 4433, 4433.5, 4474.1, 4478, 4520, 4521, ~~and 4525, 4530, 4535, 4540, 4544, 4545, 4547, 4550, 4552, 4561, 4562, 4563, 4564, 4565, 4566, 4626, 4628, 4629, 4635, 4640.6, 4646, 4646.5, 4648, 4649, 4650, 4659, 4662, 4669.2, 4677, 4685.8, 4701, 4702.6, 4705, 4775, 4830, 4831, 4832, and 4835 of~~, to amend the heading of Article 3 (commencing with Section 4530) of, to amend the heading of Article 6 (commencing with Section 4543) of, to amend the heading of Article 7 (commencing with Section 4550) of, Chapter 2 of Division 4.5 of, to repeal Sections 4543 and 4560 of, and to repeal and add Sections 4546, 4548, 4551, and 4553 of, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1595, as amended, Chesbro. State Council on Developmental Disabilities.

Existing federal law, the Developmental Disabilities Assistance and Bill of Rights Act of 2000, provides federal funds to assist the state in planning, coordinating, monitoring, and evaluating services for persons with developmental disabilities and in establishing a system to protect and advocate the legal and civil rights of persons with developmental disabilities.

Existing law establishes the State Council on Developmental Disabilities to, among other things, serve as the state planning council responsible for developing the California Developmental Disabilities State Plan and monitoring and evaluating the implementation of the plan. *Existing law requires the council to conduct activities related to meeting the objectives of the state plan. Existing law requires these activities to include, among other things, supporting and conducting technical assistance activities to assist public and private entities to contribute to the objectives of the state plan, and authorizes the activities to include, among other things, supporting and conducting activities to assist neighborhoods and communities to respond positively to individuals with disabilities and their families.*

This bill would revise the activities the council is authorized to do to include, among other things, encouraging and assisting in the establishment or strengthening of self-advocacy organizations led by individuals with developmental disabilities and appoint an authorized representative for persons with developmental disabilities, as specified. The bill would make additional changes relating to the activities of the council.

Existing

Existing law requires the Governor to appoint 31 voting members to the council, including ~~one member who is a parent, immediate relative, guardian, or conservator of a resident of a developmental center.~~ 13 members from the area boards and 7 members at large. Existing law requires the Governor, prior to appointing specified council members, to request and consider recommendations from organizations representing, or providing services to, or both, persons with developmental disabilities. Existing law also limits the term of those members to 3 years.

This bill would instead require 20 members of the council to be nonagency members who reflect the socioeconomic, geographic, disability, racial, ethnic, and language diversity of the state, and who shall be persons with a developmental disability, or their parents, immediate relatives, guardians, or conservators residing in California, as specified. The bill would additionally require the Governor to consult with the current members of the council prior to appointing specified members and would require those members to serve no more than 2 terms.

Existing

Existing law also establishes the area boards on developmental disabilities to, among other things, conduct the local advocacy, capacity building, and systemic change activities required by the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, and to assist the council on implementing provisions of the act. Existing law requires area boards to locally assist the state council with the implementation of specified federal provisions and provides for the composition of area boards.

~~This bill would instead require the Governor to appoint a person with developmental disabilities who is a current or former resident of an institution or his or her immediate relative, guardian, or conservator and would require the council to conduct advocacy, capacity building, and systemic change activities, as specified. The bill would make additional changes relating to the term of membership on the council.~~

This bill would revise and recast the area boards as regional offices or the regional advisory committees of the regional offices, and transfer certain existing duties of the area boards to the regional offices or the regional advisory committees. The bill would require the regional advisory committees to advise the state council and its regional office on local issues and to identify and provide input regarding local systemic needs within its community. The bill would also transfer other certain duties of the area boards to the state council, including, among others, the duty to conduct the local, advocacy, capacity building, and systemic change activities required by the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000. The bill would make conforming changes.

Existing law requires the state council chairperson to appoint an executive director and to appoint an executive director for each area board, as specified. Existing law requires the state council to have responsibility for the selection, hiring, and supervision of all state council personnel.

This bill would instead require the executive director to appoint a director for each regional office and would instead require the state council, through its executive director, to have responsibility for the selection, hiring, and supervision of all state council personnel.

Existing law establishes the State Department of Developmental Services and sets forth its powers and duties, including, but not limited to, the administration of state developmental centers and the administration and oversight of community programs providing services to consumers with developmental disabilities and their families. Existing

law authorizes the department to contract with the council for the purpose of utilizing area boards to provide clients' rights advocacy services to individuals with developmental disabilities who reside in developmental centers and state hospitals.

This bill would instead authorize the department to contract with the council to provide clients' rights advocacy services to individuals with developmental disabilities who reside in developmental centers. The bill would make other conforming changes.

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. The Legislature finds and declares the following:

2 (a) The State Council on Developmental Disabilities engages
3 in advocacy, capacity building, and systems change activities so
4 that individuals with developmental disabilities and their families
5 are assisted by a comprehensive system of services and supports
6 to achieve self-determination, independence, productivity, and
7 inclusion in all aspects of community life.

8 (b) The council is funded through an appropriation governed
9 by the federal Developmental Disabilities Assistance and Bill of
10 Rights Act of 2000 (Public Law 106-402)(42 U.S.C. 15001 et
11 seq.).

12 SEC. 2. Section 4433 of the Welfare and Institutions Code is
13 amended to read:

14 4433. (a) The Legislature finds and declares all of the
15 following:

16 (1) The State of California accepts its responsibility to ensure
17 and uphold the rights of persons with developmental disabilities
18 and an obligation to ensure that laws, regulations, and policies on
19 the rights of persons with developmental disabilities are observed
20 and protected.

21 (2) Persons with developmental disabilities are vulnerable to
22 abuse, neglect, and deprivations of their rights.

23 (3) Clients' rights advocacy services provided by the regional
24 centers, the advocacy services currently provided by the department
25 at the state hospitals, and the services provided by the department's
26 Office of Human Rights may have conflicts of ~~interest~~, *interest* or
27 the appearance of a conflict of interest.

1 (4) The services provided to individuals with developmental
2 disabilities and their families are of such a special and unique
3 nature that they cannot satisfactorily be provided by state agencies
4 or regional centers and must be contracted out pursuant to
5 paragraph (3) of subdivision (b) of Section 19130 of the
6 Government Code.

7 (b) (1) To avoid the potential for a conflict of interest or the
8 appearance of a conflict of interest, beginning January 1, 1998,
9 the department shall contract for clients' rights advocacy services.
10 The department shall solicit a single statewide contract with a
11 nonprofit agency that results in at least three responsive bids that
12 meet all of the criteria specified in paragraph (2) to perform the
13 services specified in subdivision (d). If three responsive bids are
14 not received, the department may rebid the contract on a regional
15 basis, not to exceed three regional contracts and one contract for
16 developmental centers and headquarters.

17 (2) Any contractor selected shall meet the following
18 requirements:

19 (A) The contractor can demonstrate the capability to provide
20 statewide advocacy services to individuals with developmental
21 disabilities living in developmental centers and in the community.

22 (B) The contractor does not directly or indirectly provide
23 services to individuals with developmental disabilities, except
24 advocacy services.

25 (C) The contractor has knowledge of the service system,
26 entitlements, and service rights of persons receiving services from
27 regional centers and in state hospitals.

28 (D) The contractor can demonstrate the capability of
29 coordinating services with the protection and advocacy agency
30 specified in Division 4.7 (commencing with Section 4900).

31 (E) The contractor has not provided any services, except
32 advocacy services, to, or been employed by, any regional center
33 or the Association of Regional Center Agencies during the two-year
34 period prior to the effective date of the contract.

35 (c) For the purposes of this section, the Legislature further finds
36 and declares that because of a potential conflict of interest or the
37 appearance of a conflict of interest, the goals and purposes of the
38 regional center clients' rights advocacy services, the state hospitals,
39 and the services of the Office of Human Rights, cannot be
40 accomplished through the utilization of persons selected pursuant

1 to the regular civil service system, nor can the services be provided
2 through the department’s contracts with regional centers.
3 Accordingly, contracts into which the department enters pursuant
4 to this section are permitted and authorized by paragraphs (3) and
5 (5) of subdivision (b) of Section 19130 of the Government Code.

6 (d) The contractor shall do all of the following:

7 (1) Provide clients’ rights advocacy services to persons with
8 developmental disabilities who are consumers of regional centers
9 and to individuals who reside in the state developmental centers
10 and hospitals, including ensuring the rights of persons with
11 developmental disabilities, and assisting persons with
12 developmental disabilities in pursuing administrative and legal
13 remedies.

14 (2) Investigate and take action as appropriate and necessary to
15 resolve complaints from, or concerning persons ~~with,~~ *with*
16 developmental disabilities residing in licensed health and
17 community care facilities regarding abuse, and unreasonable denial,
18 or punitive withholding, of rights guaranteed under this division.

19 (3) Provide consultation, technical assistance, supervision and
20 training, and support services for clients’ rights advocates that
21 were previously the responsibility of the Office of Human Rights.

22 (4) Coordinate the provision of clients’ rights advocacy services
23 in consultation with the department, stakeholder organizations,
24 and persons with developmental disabilities and their families
25 representing California’s multicultural diversity.

26 (5) Provide at least two self-advocacy trainings for consumers
27 and family members.

28 (e) In order to ensure that individuals with developmental
29 disabilities have access to high quality advocacy services, the
30 contractor shall establish a grievance procedure and shall advise
31 persons receiving services under the contract of the availability of
32 other advocacy services, including the services provided by the
33 protection and advocacy agency specified in Division 4.7
34 (commencing with Section 4900).

35 (f) The department shall contract on a multiyear basis for a
36 contract term of up to five years, subject to the annual appropriation
37 of funds by the Legislature.

38 (g) This section shall not prohibit the department and the
39 regional centers from advocating for the rights, including the right
40 to generic services, of persons with developmental disabilities.

1 SEC. 3. Section 4433.5 of the Welfare and Institutions Code
2 is amended to read:

3 4433.5. Notwithstanding Section 4433, the department may
4 contract with the State Council on Developmental Disabilities for
5 the purpose of providing clients' rights advocacy services to
6 individuals with developmental disabilities who reside in
7 developmental centers.

8 SEC. 4. Section 4474.1 of the Welfare and Institutions Code
9 is amended to read:

10 4474.1. (a) Whenever the State Department of Developmental
11 Services proposes the closure of a state developmental center, the
12 department shall be required to submit a detailed plan to the
13 Legislature not later than April 1 immediately prior to the fiscal
14 year in which the plan is to be implemented, and as a part of the
15 Governor's proposed budget. A plan submitted to the Legislature
16 pursuant to this section, including any modifications made pursuant
17 to subdivision (b), shall not be implemented without the approval
18 of the Legislature.

19 (b) A plan submitted on or before April 1 immediately prior to
20 the fiscal year in which the plan is to be implemented may be
21 subsequently modified during the legislative review process.

22 (c) Prior to submission of the plan to the Legislature, the
23 department shall solicit input from the State Council on
24 Developmental Disabilities, the Association of Regional Center
25 Agencies, the protection and advocacy agency specified in Section
26 4901, the local regional center, consumers living in the
27 developmental center, parents, family members, guardians, and
28 conservators of persons living in the developmental centers or their
29 representative organizations, persons with developmental
30 disabilities living in the community, developmental center
31 employees and employee organizations, community care providers,
32 the affected city and county governments, and business and civic
33 organizations, as may be recommended by local state Senate and
34 Assembly representatives.

35 (d) Prior to the submission of the plan to the Legislature, the
36 department shall confer with the county in which the developmental
37 center is located, the regional centers served by the developmental
38 center, and other state departments using similar occupational
39 classifications, to develop a program for the placement of staff of
40 the developmental center planned for closure in other

1 developmental centers, as positions become vacant, or in similar
2 positions in programs operated by, or through contract with, the
3 county, regional centers, or other state departments.

4 (e) Prior to the submission of the plan to the Legislature, the
5 department shall hold at least one public hearing in the community
6 in which the developmental center is located, with public comment
7 from that hearing summarized in the plan.

8 (f) The plan submitted to the Legislature pursuant to this section
9 shall include all of the following:

10 (1) A description of the land and buildings affected.

11 (2) A description of existing lease arrangements at the
12 developmental center.

13 (3) The impact on residents and their families.

14 (4) Anticipated alternative placements for residents.

15 (5) The impact on regional center services.

16 (6) Where services will be obtained that, upon closure of the
17 developmental center, will no longer be provided by that facility.

18 (7) Potential job opportunities for developmental center
19 employees and other efforts made to mitigate the effect of the
20 closure on employees.

21 (8) The fiscal impact of the closure.

22 (9) The timeframe in which closure will be accomplished.

23 SEC. 5. Section 4478 of the Welfare and Institutions Code is
24 amended to read:

25 4478. (a) The chairperson of an advisory board advising a
26 developmental center shall meet annually with the developmental
27 center director, the regional center directors, and a representative
28 of the State Council on Developmental Disabilities.

29 (b) The chairpersons shall be allowed necessary expenses
30 incurred in attending these meetings.

31 (c) It is the intent of the Legislature that the department assist
32 the development of annual regional meetings required by this
33 section.

34 SEC. 6. Section 4520 of the Welfare and Institutions Code is
35 amended to read:

36 4520. (a) The Legislature finds that services for persons with
37 developmental disabilities constitute a major expenditure of public
38 funds, that these programs are provided by hundreds of public and
39 private statewide and local agencies, that the legal, civil, and
40 service rights of persons with developmental disabilities are

1 frequently denied, and that there is no effective method for
2 planning and coordinating the state's resources to assure these
3 rights. Therefore, a State Council on Developmental Disabilities
4 with authority independent of any single state service agency is
5 needed and is hereby created to conduct advocacy, capacity
6 building, and systemic change activities, as required by the federal
7 Developmental Disabilities Assistance and Bill of Rights Act of
8 2000 (Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.)).

9 (b) The Legislature further finds that the state faces unique
10 challenges because of its size and diversity, and that neighborhoods
11 and communities lack the support necessary to monitor system
12 functions and advocate for the rights and interests of persons with
13 developmental disabilities. Therefore, ~~local area boards on~~
14 ~~developmental disabilities shall be established to conduct the local~~
15 ~~advocacy, capacity building, and systemic change activities~~
16 ~~required by the federal Developmental Disabilities Assistance and~~
17 ~~Bill of Rights Act of 2000 (Public Law 106-402 (42 U.S.C. Sec.~~
18 ~~15001))~~; *in order to ensure that the council is accessible and*
19 *responsive to the diverse geographic, racial, ethnic, and language*
20 *needs of persons with developmental disabilities and their families*
21 *throughout California, the council shall establish, maintain, and*
22 *operate regional offices, and determine the number and location*
23 *of its regional offices.*

24 (c) This chapter, Chapter 3 (commencing with Section ~~4560~~),
25 ~~4561~~), Chapter 4 (commencing with Section 4571), and Division
26 4.7 (commencing with Section 4900), are intended by the
27 Legislature to secure full compliance with the requirements of the
28 Developmental Disabilities Assistance and Bill of Rights Act of
29 2000 (Public Law 106-402), as amended and extended, which
30 provides federal funds to assist the state in planning, coordinating,
31 monitoring, and evaluating services for persons with developmental
32 disabilities and in establishing a system to protect and advocate
33 the legal and civil rights of persons with developmental disabilities.

34 SEC. 7. Section 4521 of the Welfare and Institutions Code is
35 amended to read:

36 4521. (a) (1) All references to "*council*" or "*state council*"
37 in this ~~part~~ *division* shall be a reference to the State Council on
38 Developmental Disabilities.

1 (2) “Developmental disability,” as used in this chapter, means
 2 a developmental disability as defined in Section 15002(8) of Title
 3 42 of the United State Code.

4 (b) There shall be 31 voting members on the state council
 5 appointed by the Governor *from among the residents of the state*,
 6 as follows:

7 ~~(1) One member from each of the 13 area boards on~~
 8 ~~developmental disabilities described in Article 6 (commencing~~
 9 ~~with Section 4543), nominated by the area board to serve as a~~
 10 ~~council member, who shall be persons with a developmental~~
 11 ~~disability, as defined in Section 15002(8) of Title 42 of the United~~
 12 ~~States Code, or parents or guardians of minors with developmental~~
 13 ~~disabilities or conservators of adults with developmental disabilities~~
 14 ~~residing in California. Five of these members shall be persons with~~
 15 ~~a developmental disability, as defined in Section 15002(8) of Title~~
 16 ~~42 of the United States Code, three shall be parents, immediate~~
 17 ~~relatives, guardians, or conservators of persons with developmental~~
 18 ~~disabilities, and five shall be either a person with a developmental~~
 19 ~~disability or a parent, immediate relatives, guardian, or conservator~~
 20 ~~of a person with a developmental disability. The nominee from~~
 21 ~~each area board shall be an area board member who was appointed~~
 22 ~~by the Governor.~~

23 (1) *Twenty members of the council shall be nonagency members*
 24 *who reflect the socioeconomic, geographic, disability, racial,*
 25 *ethnic, and language diversity of the state, and who shall be*
 26 *persons with a developmental disability or their parents, immediate*
 27 *relatives, guardians, or conservators residing in California. Of*
 28 *the 20 members:*

29 (A) *At least seven members shall be persons with developmental*
 30 *disabilities.*

31 (B) *At least seven members shall be a person who is a parent,*
 32 *immediate relative, guardian, or conservator of a person with a*
 33 *developmental disability.*

34 (C) *At least one member shall be from each of the geographic*
 35 *areas of the regional offices established by the council, and those*
 36 *persons shall be a person described in subparagraph (A) or (B)*
 37 *and shall be a liaison of the state council to the local regional*
 38 *constituency and the state council regional advisory committee of*
 39 *the region.*

1 (D) *At least one of the members shall be a person with a*
2 *developmental disability who is a current or former resident of an*
3 *institution or his or her immediate relative, guardian, or*
4 *conservator.*

5 (2) Eleven members of the council shall include the following:

6 (A) The Secretary of California Health and Human Services,
7 or his or her designee, who shall represent the agency and the state
8 agency that administers funds under Title XIX of the Social
9 Security Act for people with developmental disabilities.

10 (B) The Director of Developmental Services or his or her
11 designee.

12 (C) The Director of Rehabilitation or his or her designee.

13 (D) The Superintendent of Public Instruction or his or her
14 designee.

15 (E) A representative from a nongovernmental agency or group
16 concerned with the provision of services to persons with
17 developmental disabilities.

18 (F) One representative from each of the three university centers
19 for excellence in the state, pursuant to Section 15061 et seq. of
20 Title 42 of the United States Code, providing training in the field
21 of developmental services, *or its designee*. These individuals shall
22 have expertise in the field of developmental disabilities.

23 (G) The Director of Health Care Services or his or her designee.

24 (H) The executive director of the agency established in
25 California to fulfill the requirements and assurance of Title I,
26 Subtitle C, of the federal Developmental Disabilities Assistance
27 and Bill of Rights Act of 2000 for a system to protect and advocate
28 the rights of persons with developmental disabilities, or his or her
29 designee.

30 (I) The Director of the California Department of Aging or his
31 or her designee.

32 ~~(3) Seven members at large, appointed by the Governor, as~~
33 ~~follows:~~

34 ~~(A) Three shall be persons with developmental disabilities, as~~
35 ~~defined in Section 15002(8) of Title 42 of the United States Code.~~

36 ~~(B) One shall be a person with developmental disabilities who~~
37 ~~is a current or former resident of an institution or his or her~~
38 ~~immediate relative, guardian, or conservator.~~

1 ~~(C) One shall be a person who is a parent, immediate relative,~~
 2 ~~guardian, or conservator of a person with a developmental disability~~
 3 ~~living in the community.~~

4 ~~(D) One shall be a person who is a parent, immediate relative,~~
 5 ~~guardian, or conservator of a person with a developmental disability~~
 6 ~~living in the community, nominated by the Speaker of the~~
 7 ~~Assembly.~~

8 ~~(E) One shall be a person with developmental disabilities, as~~
 9 ~~defined in Section 15002(8) of Title 42 of the United States Code,~~
 10 ~~nominated by the Senate Committee on Rules.~~

11 ~~(c) Prior to appointing the 31 members pursuant to this section,~~
 12 ~~described in paragraph (1) of, and subparagraph (E) of paragraph~~
 13 ~~(2) of, subdivision (b), the Governor shall request consult with the~~
 14 ~~current members of the council, and consider recommendations~~
 15 ~~from organizations representing persons with a broad range of~~
 16 ~~developmental disabilities, or persons interested in, or providing~~
 17 ~~services to, or both, persons with developmental disabilities, and~~
 18 ~~shall take into account socioeconomic, ethnic, and geographic~~
 19 ~~considerations of the state. disabilities.~~

20 ~~(d) The term of each member described in paragraph (1) of, and~~
 21 ~~subparagraph (E) of paragraph (2) of, and paragraph (3) of,~~
 22 ~~subdivision (b) shall be for three years. Of the members first~~
 23 ~~appointed by the Governor pursuant to paragraph (1) of subdivision~~
 24 ~~(b), five shall hold office for three years, four shall hold office for~~
 25 ~~two years, and four shall hold office for one year. In no event shall~~
 26 ~~any member described in paragraph (1) of, subparagraphs (E) and~~
 27 ~~(H) of paragraph (2) of, and paragraph (3) of, subdivision (b) serve~~
 28 ~~for more than a total of six years of service. Service by any~~
 29 ~~individual on any state council on developmental disabilities~~
 30 ~~existing on and after January 1, 2003, shall be included in~~
 31 ~~determining the total length of service. The term of these members~~
 32 ~~shall begin on the date of appointment by the Governor and these~~
 33 ~~members shall serve no more than two terms.~~

34 ~~(e) A member may continue to serve following the expiration~~
 35 ~~of his or her term until the Governor appoints that member's~~
 36 ~~successor. The state council shall notify the Governor regarding~~
 37 ~~membership requirements of the council and shall notify the~~
 38 ~~Governor, in writing, immediately when a vacancy occurs prior~~
 39 ~~to the expiration of a member's term, at least 60 days six months~~

1 before a member’s term expires, and when a vacancy on the council
2 remains unfilled for more than 60 days.

3 *SEC. 8. Section 4525 of the Welfare and Institutions Code is*
4 *amended to read:*

5 4525. (a) In order to prevent any potential conflicts of interest,
6 members of the state council may not be employees of a state,
7 local, or private agency or facility that provides services to persons
8 with a developmental disability, or be members of the governing
9 board of any entity providing the service, when the service is
10 funded in whole or in part with state funds.

11 (b) For purposes of this section, “employees of a state, local, or
12 private agency or facility that provides services to persons with a
13 developmental disability” shall not be deemed to include any of
14 the following:

15 (1) A parent, relative, guardian or conservator, who receives
16 public funds expressly for the purpose of providing direct services
17 to his or her child, relative, ward or conservatee, respectively, who
18 is a person with a developmental disability.

19 (2) A person with a developmental disability who receives
20 employment services through a provider receiving state or federal
21 funds, *or who receives funds directly to pay for his or her own*
22 *services and supports.*

23 (3) A person who serves as a member of ~~an area board~~, *a*
24 *regional advisory committee of the state council, established*
25 *pursuant to Article 6.*

26 (c) This section shall not apply to the appointments made
27 pursuant to subparagraphs (A), (B), (C), (D), (F), (G), (H), and (I)
28 of paragraph (2) of subdivision (b) of Section 4521.

29 *SEC. 9. The heading of Article 3 (commencing with Section*
30 *4530) of Chapter 2 of Division 4.5 of the Welfare and Institutions*
31 *Code is amended to read:*

32

33 ~~Article 3. Location of State Council Designated State Agency~~

34

35 *SEC. 10. Section 4530 of the Welfare and Institutions Code is*
36 *amended to read:*

37 ~~4530. For administrative purposes only, the state council shall~~
38 ~~be attached to~~ *(a) In accordance with federal law, the California*
39 *Health and Human Services Agency shall be the designated state*
40 *agency for support to the state council. The agency secretary shall*

1 ensure the state council is provided efficient accounting, financial
2 management, personnel, and other reasonable support services
3 when requested by the council in the performance of its mandated
4 responsibilities.

5 ~~The attachment of the state council to~~

6 (b) *The designation of the California Health and Human Services*
7 Agency shall not limit the council's scope of concern to health
8 programs or limit the council's responsibilities or functions
9 regarding all other pertinent state and local programs, as defined
10 in Article 5 (commencing with Section 4540) of this chapter.

11 ~~The administrative attachment of the state council to~~

12 (c) *The designation of the California Health and Human Services*
13 Agency shall not ~~be construed to~~ interfere in any way with the
14 provisions of Section 4552 requiring all personnel employed by
15 the council to be solely responsible, organizationally and
16 administratively, to the council.

17 *SEC. 11. Section 4535 of the Welfare and Institutions Code is*
18 *amended to read:*

19 4535. (a) The state council shall meet ~~at least six times each~~
20 ~~year, and, on call of its chairperson,~~ as often as necessary to fulfill
21 its duties. All meetings and records of the state council shall be
22 open to the public.

23 (b) The state council shall, by majority vote of the voting
24 members, elect its own chairperson and vice chairperson who shall
25 have full voting rights on all state council actions, from among the
26 appointed members, described in paragraph (1) ~~or (3)~~ of, *and*
27 *subparagraph (E) of paragraph (2) of*, subdivision (b) of Section
28 ~~4521, and 4521. The council~~ shall establish any committees it
29 deems necessary or desirable. The chairperson shall appoint all
30 members of committees of the state council. The chairs and vice
31 chairs of the state council and its standing committees shall be
32 individuals with a developmental disability, or the parent, sibling,
33 guardian, or conservator of an individual with a developmental
34 disability.

35 (c) The state council may appoint technical advisory consultants
36 and may establish committees composed of professional persons
37 serving persons with developmental disabilities as necessary for
38 technical assistance. The state council may call upon
39 representatives of all agencies receiving state or federal funds for
40 assistance and information, and shall invite persons with

1 developmental disabilities, their parents, guardians, or conservators,
2 professionals, or members of the general public to participate on
3 state council committees, when appropriate.

4 (d) When convening any task force or advisory group, the state
5 council shall make its best effort to ensure representation by
6 consumers and family members representing the state's
7 multicultural diversity.

8 ~~SEC. 8.~~

9 *SEC. 12.* Section 4540 of the Welfare and Institutions Code is
10 amended to read:

11 4540. In order to comply with the intent and requirements of
12 this division and Public Law 106-402 (42 U.S.C. Sec. 15001 et
13 seq.), the state council, in addition to any other responsibilities
14 established under this division and to the extent that resources are
15 available, shall do all of the following:

16 (a) Serve as an advocate for individuals with developmental
17 disabilities and, through council members, staff, consultants, and
18 contractors and grantees, conduct advocacy, capacity building,
19 and systemic change activities.

20 (b) Serve as the "state planning council" responsible for
21 developing the "California Developmental Disabilities State Plan,"
22 in accordance with requirements issued by the United States
23 Secretary of Health and Human Services, monitoring and
24 evaluating the implementation of this plan, reviewing and
25 commenting on other plans and programs in the state affecting
26 persons with developmental disabilities, and submitting these
27 reports as the United States Secretary of Health and Human
28 Services may reasonably request.

29 (c) Serve as the official agency responsible for planning the
30 provision of the federal funds allotted to the state under Public
31 Law 106-402 (42 U.S.C. Sec. 15001 et seq.), ~~and apportion these~~
32 ~~funds among agencies and area developmental disabilities boards~~
33 *by conducting and supporting advocacy, capacity building, and*
34 *systemic change activities. The council may itself conduct these*
35 *activities and may provide grant funding to local agencies in*
36 *compliance with applicable state and federal law, for those same*
37 *purposes.*

38 (d) Prepare and approve a budget, for the use of amounts paid
39 to the state to hire any staff and to obtain the services of any
40 professional, technical, or clerical personnel consistent with state

1 and federal law, as the council determines to be necessary to carry
2 out its functions.

3 (e) (1) Conduct activities related to meeting the objectives of
4 the state plan. To the extent that resources are available, these
5 activities shall include, *but are not limited to*, all of the following:

6 ~~(A) Through support of the area boards, engaging in~~
7 ~~geographically based outreach and individual and systemic~~
8 ~~advocacy to assist and enable individuals and families to obtain~~
9 ~~services, supports, and other forms of assistance.~~

10 (A) *Encouraging and assisting in the establishment or*
11 *strengthening of self-advocacy organizations led by individuals*
12 *with developmental disabilities.*

13 (B) *Supporting and conducting geographically based outreach*
14 *activities to identify individuals with developmental disabilities*
15 *and their families who otherwise might not come to the attention*
16 *of the council and assist and enable the individuals and families*
17 *to obtain services, individualized supports, and other forms of*
18 *assistance, including access to special adaptation of generic*
19 *community services or specialized services.*

20 (C) *Supporting and conducting training for persons who are*
21 *individuals with developmental disabilities, their families, and*
22 *personnel, including professionals, paraprofessionals, students,*
23 *volunteers, and other community members, to enable those persons*
24 *to obtain access to, or to provide, community services,*
25 *individualized supports, and other forms of assistance, including*
26 *special adaptation of generic community services or specialized*
27 *services for individuals with developmental disabilities and their*
28 *families.*

29 ~~(B) Support and conduct~~

30 (D) *Supporting and conducting technical assistance activities*
31 *to assist public and private entities to contribute to the objectives*
32 *of the state plan.*

33 (E) *Supporting and conducting activities to assist neighborhoods*
34 *and communities to respond positively to individuals with*
35 *developmental disabilities and their families.*

36 ~~(C) Support and conduct~~

37 (F) *Supporting and conducting activities to promote interagency*
38 *collaboration and coordination at the state and local levels to better*
39 *serve, support, assist, or advocate for individuals with*
40 *developmental disabilities and their families.*

1 (G) *Coordinating with related councils, committees, and*
2 *programs to enhance coordination of services.*

3 (H) *Supporting and conducting activities to eliminate barriers*
4 *to access and use of community services by individuals with*
5 *disabilities, enhance systems design and redesign, and enhance*
6 *citizen participation to address issues identified in the state plan.*

7 ~~(D) Support and conduct~~

8 (I) *Supporting and conducting activities to educate the public*
9 *about the capabilities, preferences, and needs of individuals with*
10 *developmental disabilities and their families, and to develop and*
11 *support coalitions that support the policy agenda of the council,*
12 *including training in self-advocacy, education of policymakers,*
13 *and citizen leadership roles.*

14 ~~(E) Support and conduct~~

15 (J) *Supporting and conducting activities to provide information*
16 *to policymakers: policymakers by supporting and conducting*
17 *studies and analyses, gathering information, and developing and*
18 *disseminating model policies and procedures, information,*
19 *approaches, strategies, findings, conclusions, and*
20 *recommendations. The council may provide the information directly*
21 *to federal, state, and local policymakers, including the Congress*
22 *of the United States, the federal executive branch, the Governor,*
23 *the Legislature, and state agencies in order to increase the abilities*
24 *of those policymakers to offer opportunities and enhance or adapt*
25 *generic services to meet the needs of, or provide specialized*
26 *services to, individuals with developmental disabilities and their*
27 *families.*

28 (K) *Supporting, on a time-limited basis, activities to demonstrate*
29 *new approaches to serving individuals with developmental*
30 *disabilities that are a part of an overall strategy for systemic*
31 *change.*

32 (2) These activities may also include, but shall not be limited
33 to, all of the following:

34 ~~(A) Support and conduct training for persons with developmental~~
35 ~~disabilities, their families, and personnel, to enable these~~
36 ~~individuals to obtain access to, or to provide, community services,~~
37 ~~individualized supports, and other forms of assistance.~~

38 ~~(B) Support and conduct activities to assist neighborhoods and~~
39 ~~communities to respond positively to individuals with disabilities~~
40 ~~and their families.~~

- 1 ~~(C) Support and conduct activities to eliminate barriers to access~~
- 2 ~~and use of community services by individuals with developmental~~
- 3 ~~disabilities, enhance system design and redesign, and enhance~~
- 4 ~~citizen participation.~~
- 5 ~~(D) Support and conduct, on a time-limited basis, activities to~~
- 6 ~~demonstrate new approaches to serving individuals with~~
- 7 ~~developmental disabilities that are a part of an overall strategy for~~
- 8 ~~systemic change.~~
- 9 ~~(f) Conduct other activities, including, but not limited to,~~
- 10 (A) *Appointing an authorized representative for persons with*
- 11 *developmental disabilities according to all of the following:*
- 12 (i) *To ensure the protection of civil and service rights of persons*
- 13 *with developmental disabilities, the state council may appoint a*
- 14 *representative to assist the person in expressing his or her desires*
- 15 *and in making decisions and advocating his or her needs,*
- 16 *preferences, and choices, when the person with developmental*
- 17 *disabilities has no parent, guardian, or conservator legally*
- 18 *authorized to represent him or her and the person has either*
- 19 *requested the appointment of a representative or the rights or*
- 20 *interests of the person, as determined by the state council, will not*
- 21 *be properly protected or advocated without the appointment of a*
- 22 *representative.*
- 23 (ii) *When there is no guardian or conservator, the individual’s*
- 24 *choice, if expressed, including the right to reject the assistance of*
- 25 *a representative, shall be honored. If the person does not express*
- 26 *a preference, the order of preference for selection of the*
- 27 *representative shall be the person’s parent, involved family*
- 28 *members, or a volunteer selected by the state council. In*
- 29 *establishing these preferences, it is the intent of the Legislature*
- 30 *that parents or involved family members shall not be required to*
- 31 *be appointed guardian or conservator in order to be selected.*
- 32 *Unless the person with developmental disabilities expresses*
- 33 *otherwise, or good cause otherwise exists, the request of the*
- 34 *parents or involved family members to be appointed the*
- 35 *representative shall be honored.*
- 36 (iii) *Pursuant to this section, the state council shall appoint a*
- 37 *representative to advocate the rights and protect the interest of a*
- 38 *person residing in a developmental center for whom community*
- 39 *placement is proposed pursuant to Section 4803. The representative*

1 *may obtain the advocacy assistance of the regional center clients’*
2 *rights advocate.*

3 *(B) Conducting public hearings and forums and the evaluation*
4 *and issuance of public reports on the programs identified in the*
5 *state plan, as may be necessary to carry out the duties of the state*
6 *council.*

7 *(C) Identifying the denial of rights of persons with disabilities*
8 *and informing the appropriate local, state, or federal officials of*
9 *their findings, and assisting these officials in eliminating all forms*
10 *of discrimination against persons with developmental disabilities*
11 *in housing, recreation, education, health and mental health care,*
12 *employment, and other service programs available to the general*
13 *population.*

14 ~~*(g) Review and comment*~~

15 *(D) Reviewing and commenting on pertinent portions of the*
16 *proposed plans and budgets of all state agencies serving persons*
17 *with developmental disabilities to include, but not be limited to,*
18 *the State Department of Education, the Department of*
19 *Rehabilitation, and the State Department of Developmental*
20 *Services. This review may include public hearings prior to the*
21 *submission of the Governor’s Budget to the Legislature, with*
22 *advice directed to the Governor, and after introduction of the*
23 *Governor’s Budget, with advice directed to the Legislature.*
24 *Services, and local agencies to the extent resources allow.*

25 ~~*(h) (1) Prepare an annual written report of its activities, its*~~
26 ~~*recommendations, and an evaluation of the efficiency of the*~~
27 ~~*administration of this division to the Governor and the Legislature.*~~

28 ~~*(2) This report shall include both the statewide activities of the*~~
29 ~~*state council and the local activities of the area boards.*~~

30 ~~*(i) Review and publicly comment*~~

31 *(E) (i) Reviewing the policies and practices of publicly funded*
32 *agencies that serve or may serve persons with developmental*
33 *disabilities to determine if the programs are meeting its obligations,*
34 *under local, state and federal laws. This authority shall include a*
35 *notice from a regional center to the state council when the regional*
36 *center believes a publicly funded program is failing to meet its*
37 *obligations in serving persons with developmental disabilities.*
38 *The regional center may provide the state council with a*
39 *comprehensive summary of the issues and the statute or regulation*
40 *alleged to be violated. If the state council finds that the agency is*

1 *not meeting its obligations, the state council shall inform the*
 2 *director and the managing board of the noncomplying agency, in*
 3 *writing, of its findings.*

4 *(ii) Within 15 days, the agency shall respond, in writing, to the*
 5 *state council’s findings. Following receipt of the agency’s response,*
 6 *if the state council continues to find that the agency is not meeting*
 7 *its obligations, the state council shall pursue informal efforts to*
 8 *resolve the issue.*

9 *(iii) If, within 30 days of implementing informal efforts to resolve*
 10 *the issue, the state council continues to find that the agency is not*
 11 *meeting its obligations under local, state, or federal statutes, the*
 12 *state council shall conduct a public hearing to receive testimony*
 13 *on its findings.*

14 *(iv) The executive director of the state council shall review the*
 15 *findings developed pursuant to this subdivision and may conduct*
 16 *additional fact finding investigations. The executive director shall*
 17 *report his or her finding to the state council within 30 days and*
 18 *shall recommend a course of action to be pursued by the state*
 19 *council or other state administrative or legislative officials.*

20 *(v) The state council shall review the report of the executive*
 21 *director and shall take any action it deems necessary to resolve*
 22 *the problem.*

23 *(F) Reviewing and publicly commenting on significant*
 24 *regulations proposed to be promulgated by any state agency in the*
 25 *implementation of this division.*

26 ~~*(j) Monitor the execution of this division and report directly to*~~
 27 ~~*the Governor and the Legislature any delay in the rapid execution*~~
 28 ~~*of this division.*~~

29 ~~*(k) Be responsible for monitoring*~~

30 *(G) Monitoring and evaluating the effectiveness of appeals*
 31 *procedures established in this division.*

32 ~~*(t) Provide*~~

33 *(H) Providing testimony to legislative committees reviewing*
 34 *fiscal or policy matters pertaining to persons with developmental*
 35 *disabilities.*

36 ~~*(m) (1) Conduct, or cause*~~

37 *(I) Conducting, or causing to be conducted, investigations or*
 38 *public hearings to resolve disagreements between state agencies,*
 39 *or between state and regional or local agencies, or between persons*
 40 *with developmental disabilities and agencies receiving state funds.*

1 These investigations or public hearings shall be conducted at the
2 discretion of the state council only after all other appropriate
3 administrative procedures for appeal, as established in state and
4 federal law, have been fully utilized.

5 (f) *Prepare an annual written report of its activities, its*
6 *recommendations, and an evaluation of the efficiency of the*
7 *administration of this division to the Governor and the Legislature.*
8 *This report shall include both the statewide and regional activities*
9 *of the state council.*

10 (2)

11 (g) Except as otherwise provided in this division, the state
12 council shall not engage in the administration of the day-to-day
13 operation of service programs identified in the state plan, nor in
14 the financial management and accounting of funds. These activities
15 shall be performed by appropriate agencies designated in the state
16 plan.

17 ~~(n) To the greatest extent possible, area boards shall participate~~
18 ~~in conducting the activities described in this section.~~

19 *SEC. 13. The heading of Article 6 (commencing with Section*
20 *4543) of Chapter 2 of Division 4.5 of the Welfare and Institutions*
21 *Code is amended to read:*

22

23 *Article 6. Area Boards on Developmental Disabilities-State*
24 *Council Regional Offices and Advisory Committees*

25

26 *SEC. 14. Section 4543 of the Welfare and Institutions Code is*
27 *repealed.*

28 ~~4543. (a) Because of the vast size, complexity, and diversity~~
29 ~~of the State of California, the Legislature finds that the planning~~
30 ~~activities of the State Council on Developmental Disabilities~~
31 ~~depend upon the direct involvement of local representatives~~
32 ~~familiar with the structure and operation of services and programs~~
33 ~~for persons with developmental disabilities. The Legislature further~~
34 ~~finds that the legal, civil, and service rights of persons with~~
35 ~~developmental disabilities cannot be adequately guaranteed~~
36 ~~throughout the state, and the state plan cannot be implemented,~~
37 ~~unless monitoring responsibility is established on a regional basis~~
38 ~~through area boards on developmental disabilities.~~

1 ~~(b) For administrative purposes and to ensure compliance with~~
2 ~~federal and state laws, the area boards shall be attached to the state~~
3 ~~council.~~

4 *SEC. 15. Section 4544 of the Welfare and Institutions Code is*
5 *amended to read:*

6 4544. (a) ~~The area boards state council shall establish regional~~
7 ~~offices that are accessible and responsive to the diverse~~
8 ~~geographic, ethnic, and language needs of consumers and families~~
9 ~~throughout the state. As of January 1, 2015, regional offices of~~
10 ~~the state council, in existence as of January 1, 2003, December~~
11 ~~31, 2014, shall continue to exist, within the same geographic~~
12 ~~regions of the state after January 1, 2003, but shall thereafter be~~
13 ~~constituted and shall operate according to this article state.~~

14 (b) *To ensure involvement of persons with developmental*
15 *disabilities, their families, and other members of the public at the*
16 *regional level and to ensure the responsiveness of the state council*
17 *and its regional offices to the geographic, ethnic, and language*
18 *diversity of the state, each regional office shall be advised by a*
19 *regional advisory committee. As of January 1, 2015, advisory*
20 *boards of the regional offices, known as area boards on*
21 *developmental disabilities, in existence on December 31, 2014,*
22 *shall thereafter be known as state council regional advisory*
23 *committees.*

24 (c) *All references to “regional office” in this chapter shall be*
25 *a reference to the state council regional offices. All references to*
26 *“regional advisory committees” in this chapter shall be a reference*
27 *to the state council regional advisory committees.*

28 (d) *State council regional offices and advisory committees shall*
29 *be constituted and shall operate according to this article.*

30 *SEC. 16. Section 4545 of the Welfare and Institutions Code is*
31 *amended to read:*

32 ~~4545. The State Council on Developmental Disabilities state~~
33 ~~council shall periodically conduct a thorough review of the~~
34 ~~geographic boundaries served by area boards regional offices to~~
35 ~~determine whether existing area board boundaries or the number~~
36 ~~of regional offices should be changed, or additional area boards~~
37 ~~should be established changed to more effectively implement this~~
38 ~~division. In conducting this review, the state council shall seek~~
39 ~~input from area boards, state council regional advisory committees,~~
40 ~~persons with developmental disabilities, family members, service~~

1 providers, advocates, and other interested parties. Prior to
2 recommending the establishment of new geographic boundaries,
3 the state council shall hold a public hearing within any existing
4 ~~area board~~ *regional office* geographic area affected by the proposed
5 change. The state council shall ~~submit to~~ *inform* the Governor and
6 the Legislature *at least 120 days before any recommendations for*
7 ~~changes in area board boundaries or recommendations that~~
8 ~~additional area boards be established. Any area board established~~
9 ~~after January 1, 2003, shall nominate a member to be appointed~~
10 ~~by the Governor as a voting member of the state council pursuant~~
11 ~~to Section 4521. the number or boundaries of regional offices.~~

12 *SEC. 17. Section 4546 of the Welfare and Institutions Code is*
13 *repealed.*

14 ~~4546. After January 1, 2003, area boards shall be comprised~~
15 ~~as follows:~~

16 (a) ~~For areas consisting of one to four counties, the area board~~
17 ~~shall consist of a total of 12 voting members appointed by the~~
18 ~~governing bodies of the counties, each county appointing an equal~~
19 ~~number of voting members, and five voting members appointed~~
20 ~~by the Governor.~~

21 (b) ~~For areas consisting of five to seven counties, the area board~~
22 ~~shall consist of two voting members appointed by the governing~~
23 ~~body of each county, and five voting members appointed by the~~
24 ~~Governor.~~

25 (c) ~~For areas consisting of eight or more counties, the area board~~
26 ~~shall consist of one voting member appointed by the governing~~
27 ~~body of each county, and five members appointed by the Governor.~~

28 ~~Of the members first appointed, five shall serve for one year,~~
29 ~~five shall serve for two years, and the remaining members shall~~
30 ~~serve for three years. Subsequent members shall serve for three~~
31 ~~years. In counties with a population of more than 100,000, no~~
32 ~~member shall serve more than two consecutive three-year terms.~~

33 (d) ~~The governing bodies of the counties in each area shall select~~
34 ~~their appointees from among the following groups, and, to the~~
35 ~~extent feasible, in the following proportions:~~

36 (1) ~~Sixty percent from persons with developmental disabilities~~
37 ~~or the immediate relatives, guardians, or conservators of these~~
38 ~~persons.~~

39 (2) ~~Forty percent from representatives of the general public.~~

1 ~~(e) The appointments made by the Governor shall meet the~~
2 ~~requirements of paragraph (1) of subdivision (b) of Section 4521.~~

3 ~~(f) (1) Prior to making their appointments, the Governor and~~
4 ~~the governing bodies of counties shall request recommendations~~
5 ~~from professional organizations, from organizations within the~~
6 ~~area representing persons with developmental disabilities, and~~
7 ~~from organizations and agencies within the area that deliver~~
8 ~~services to these individuals.~~

9 ~~(2) In making their appointments, the Governor and the~~
10 ~~governing bodies of counties shall appoint persons who have~~
11 ~~demonstrated interest and leadership in human service activities.~~

12 ~~(g) (1) In order to prevent any potential conflicts of interest,~~
13 ~~voting members of area boards shall not be employees of a state,~~
14 ~~local, or private agency or facility that provides service to a person~~
15 ~~with a developmental disability, or be members of the governing~~
16 ~~board of any entity providing this service, when the service is~~
17 ~~funded in whole or in part with state funds.~~

18 ~~(2) For purposes of this section “employees of a state, local, or~~
19 ~~private agency or facility that provides services to a person with~~
20 ~~a developmental disability” shall not be deemed to include any of~~
21 ~~the following:~~

22 ~~(A) A parent, relative, guardian, or conservator who receives~~
23 ~~public funds expressly for the purpose of providing direct services~~
24 ~~to his or her child, relative, ward, or conservatee, respectively,~~
25 ~~who is a person with a developmental disability.~~

26 ~~(B) A person with a developmental disability who receives~~
27 ~~employment services through a provider receiving state or federal~~
28 ~~funds.~~

29 ~~(C) A person who serves as a member of the state council.~~

30 ~~(h) The Governor shall give consideration to the relative~~
31 ~~populations of the counties within the area in selecting appointees~~
32 ~~to the area boards.~~

33 ~~(i) A member may continue to serve following the expiration~~
34 ~~of his or her term until the Governor or appointing body of the~~
35 ~~county appoints that member’s successor. The state council shall~~
36 ~~notify the Governor or the appointing body of the county regarding~~
37 ~~membership requirements of the area boards and shall notify the~~
38 ~~Governor or the appointing body of the county at least 60 days~~
39 ~~before a member’s term expires, and when a vacancy on an area~~
40 ~~board remains unfilled for more than 60 days.~~

1 ~~(j) All members of the area board shall be residents of the area.~~
2 ~~(k) The members of an area board shall serve without~~
3 ~~compensation, but shall be reimbursed for any actual and necessary~~
4 ~~expenses incurred in connection with the performance of their~~
5 ~~duties as members of the board or of committees established by~~
6 ~~the board.~~

7 *SEC. 18. Section 4546 is added to the Welfare and Institutions*
8 *Code, to read:*

9 *4546. The state council shall establish procedures, according*
10 *to all of the following requirements, for recruiting and appointing*
11 *the membership of the regional advisory committees:*

12 *(a) Membership of the regional advisory committees shall reflect*
13 *the geographic, racial, ethnic, and language diversity of the local*
14 *region. The regional advisory committees shall include an equal*
15 *number of representatives from each one of the counties within its*
16 *jurisdiction.*

17 *(b) The composition of the regional advisory committees shall*
18 *be in the following proportions:*

19 *(1) At least 60 percent of the committee shall be persons with*
20 *developmental disabilities or their parents, immediate relatives,*
21 *guardians, or conservators.*

22 *(2) No more than 40 percent of the committee shall be*
23 *representative of the general public.*

24 *(c) Members shall serve for three-year terms. Members' terms*
25 *shall begin upon the date of their appointment. In counties with a*
26 *population of more than 100,000, no member shall serve more*
27 *than two consecutive three-year terms.*

28 *(d) (1) In order to prevent any potential conflicts of interest,*
29 *members of regional advisory committees shall not be employees*
30 *of a state, local, or private agency or facility that provides service*
31 *to a person with a developmental disability, or be members of the*
32 *governing board of any entity providing this service, when the*
33 *service is funded in whole or in part with state funds.*

34 *(2) For purposes of this section "employees of a state, local, or*
35 *private agency or facility that provides services to a person with*
36 *a developmental disability" shall not be deemed to include any of*
37 *the following:*

38 *(A) A parent, relative, guardian, or conservator who receives*
39 *public funds expressly for the purpose of providing direct services*

1 to his or her child, relative, ward, or conservatee, respectively,
 2 who is a person with a developmental disability.

3 (B) A person with a developmental disability who receives
 4 employment services through a provider receiving state or federal
 5 funds or who receives funds directly to pay for his or her own
 6 services and supports.

7 (C) A person who serves as a member of the state council.

8 (e) All members of the regional advisory committee shall be
 9 residents of the area served by the regional office.

10 (f) The members of a regional advisory committee shall serve
 11 without compensation, but shall be reimbursed for any actual and
 12 necessary expenses incurred in connection with the performance
 13 of their duties as members of the regional advisory committee or
 14 of its subcommittees.

15 SEC. 19. Section 4547 of the Welfare and Institutions Code is
 16 amended to read:

17 4547. (a) Each ~~area board~~ regional advisory committee shall
 18 meet at least quarterly, and on call of the board chairperson, as
 19 often as necessary to fulfill its duties. All meetings and records of
 20 the ~~area board~~ regional advisory committee shall be open to the
 21 public.

22 (b) (1) Each ~~area board~~ regional advisory committee shall, by
 23 majority vote of the voting members, elect its own chairperson
 24 from among ~~the appointed~~ its members who are persons with
 25 developmental disabilities, or parents, immediate relatives,
 26 guardians, or conservators of these persons, and shall establish
 27 any committees it deems necessary or desirable. The ~~board~~
 28 chairperson shall appoint all members of committees of the ~~area~~
 29 ~~board~~ regional advisory committee.

30 (2) ~~An area board~~ A regional advisory committee may call upon
 31 representatives of all agencies receiving state funds, for assistance
 32 and information, and shall invite persons with developmental
 33 disabilities, their parents, immediate relatives, guardians, or
 34 conservators, professionals, or members of the general public to
 35 participate on ~~area board~~ committees. the regional advisory
 36 committee.

37 (3) When convening any task force or advisory group, the ~~area~~
 38 ~~board~~ regional advisory committee shall make its best effort to
 39 ensure representation by consumers and family members
 40 representing the community's multicultural diversity.

1 ~~SEC. 20. Section 4548 of the Welfare and Institutions Code is~~
2 ~~repealed.~~

3 ~~4548. (a) Area boards shall locally assist the state council with~~
4 ~~the implementation of subtitles A and B of Title I of Public Law~~
5 ~~106-402 (42 U.S.C. Sec. 15001 et seq.).~~

6 ~~(b) Area boards shall protect and advocate the rights of all~~
7 ~~persons in the area with developmental disabilities.~~

8 ~~(c) Area boards shall conduct capacity building activities and~~
9 ~~provide advocacy for systemic change.~~

10 ~~(d) (1) The area board shall have the authority to pursue legal,~~
11 ~~administrative, and other appropriate remedies to ensure the~~
12 ~~protection of the legal, civil, and service rights of persons who~~
13 ~~require services or who are receiving services in the area. In~~
14 ~~carrying out this responsibility, area boards may appoint a~~
15 ~~representative to assist the person in expressing his or her desires~~
16 ~~and in making decisions and advocating his or her needs,~~
17 ~~preferences, and choices, where the person with developmental~~
18 ~~disabilities has no parent, guardian, or conservator legally~~
19 ~~authorized to represent him or her and the person has either~~
20 ~~requested the appointment of a representative or the rights or~~
21 ~~interests of the person, as determined by the area board, will not~~
22 ~~be properly protected or advocated without the appointment of a~~
23 ~~representative.~~

24 ~~(2) Where there is no guardian or conservator, the person's~~
25 ~~choice, if expressed, including the right to reject the assistance of~~
26 ~~a representative, shall be honored. If the person does not express~~
27 ~~a preference, the order of preference for selection of the~~
28 ~~representative shall be the person's parent, involved family~~
29 ~~member, or a volunteer selected by the area board. In establishing~~
30 ~~these preferences, it is the intent of the Legislature that parents or~~
31 ~~involved family members shall not be required to be appointed~~
32 ~~guardian or conservator in order to be selected. Unless the~~
33 ~~consumer expresses otherwise, or good cause otherwise exists, the~~
34 ~~request of the parents or involved family members to be appointed~~
35 ~~the representative shall be honored.~~

36 ~~(3) Where appropriate pursuant to this section, the area board~~
37 ~~shall appoint a representative to advocate the rights and protect~~
38 ~~the interests of a person residing in a developmental center for~~
39 ~~whom community placement is proposed pursuant to Section 4803.~~

1 ~~(4) The area board shall identify any evidence of the denial of~~
2 ~~these rights, shall inform the appropriate local, state, or federal~~
3 ~~officials of their findings, and shall assist these officials in~~
4 ~~eliminating all forms of discrimination against persons with~~
5 ~~developmental disabilities in housing, recreation, education, health~~
6 ~~and mental health care, employment, and other service programs~~
7 ~~available to the general population.~~

8 ~~(e) Area boards shall conduct, or cause to be conducted, public~~
9 ~~information programs for consumers, families, professional groups,~~
10 ~~and for the general public, to increase professional and public~~
11 ~~awareness of prevention and habilitation programs, and to eliminate~~
12 ~~barriers to social integration, employment, and participation of~~
13 ~~persons with developmental disabilities in all community activities.~~

14 ~~(f) Area boards shall encourage and assist in the establishment~~
15 ~~or strengthening of self-advocacy organizations led by individuals~~
16 ~~with developmental disabilities.~~

17 ~~(g) (1) To the extent that resources are available, area boards~~
18 ~~shall review the policies and practices of publicly funded agencies~~
19 ~~that serve or may serve persons with developmental disabilities,~~
20 ~~to determine if the programs are meeting their obligations under~~
21 ~~local, state, and federal laws. A regional center may notify the area~~
22 ~~board when the regional center believes a publicly funded program~~
23 ~~is failing to meet its obligations in serving persons with~~
24 ~~developmental disabilities. The regional center may provide the~~
25 ~~area board with a comprehensive summary of the issues and the~~
26 ~~statute or regulation alleged to be violated. If the area board finds~~
27 ~~that the agency is not meeting its obligations, the area board shall~~
28 ~~inform the director and the managing board of the noncomplying~~
29 ~~agency, in writing, of its findings.~~

30 ~~(2) Within 15 days, the agency shall respond, in writing, to the~~
31 ~~area board's findings. Following receipt of the agency's response,~~
32 ~~if the area board continues to find that the agency is not meeting~~
33 ~~its obligations, the area board shall pursue informal efforts to~~
34 ~~resolve the issue.~~

35 ~~(3) If, within 30 days of implementing informal efforts to resolve~~
36 ~~the issue, the area board continues to find that the agency is not~~
37 ~~meeting its obligations under local, state, or federal statutes, the~~
38 ~~area board shall conduct a public hearing to receive testimony on~~
39 ~~its findings.~~

1 ~~(4) If the problem has not been resolved within 30 days~~
2 ~~following the public hearing, the area board may provide the state~~
3 ~~council with its findings and may request authorization to initiate~~
4 ~~legal action. An area board shall not initiate legal action without~~
5 ~~prior authorization from the state council. However, the area board~~
6 ~~may assist any other person, agency, or organization that may~~
7 ~~pursue litigation related to the area board's findings.~~

8 ~~(5) The executive director of the state council shall review the~~
9 ~~findings developed pursuant to this subdivision and may conduct~~
10 ~~additional factfinding investigations. The executive director shall~~
11 ~~report his or her findings to the state council within 30 days and~~
12 ~~shall recommend a course of action to be pursued by the council,~~
13 ~~the area board, or other state administrative or legislative officials.~~

14 ~~(6) The state council shall review the report of the executive~~
15 ~~director and shall take any action it deems necessary to resolve~~
16 ~~the problem. If the state council authorizes the area board to initiate~~
17 ~~legal action, the state council shall make legal assistance available~~
18 ~~to the area board pursuant to the legal services provisions of Public~~
19 ~~Law 106-402 (42 U.S.C. Sec. 15001 et seq.).~~

20 ~~(h) Area boards shall encourage the development of needed~~
21 ~~services and supports of good quality that do not result in~~
22 ~~duplication, fragmentation of services, and unnecessary~~
23 ~~expenditures. Prior to providing additional funds for major~~
24 ~~expansion of existing programs, creation of new programs, or~~
25 ~~establishment of pilot projects to test new methodologies of service~~
26 ~~delivery for persons with developmental disabilities within an area~~
27 ~~board catchment area, the department or regional center, as~~
28 ~~appropriate, shall consult with the area board regarding the~~
29 ~~appropriateness of those program developments.~~

30 ~~(i) In carrying out their review functions, area boards shall solicit~~
31 ~~the advice of knowledgeable professionals, consumers, and~~
32 ~~consumer representatives about problems within the service~~
33 ~~delivery system in the region. In enacting this article, it is the intent~~
34 ~~of the Legislature that the area boards not duplicate the functions~~
35 ~~assigned to other agencies that are routinely responsible for~~
36 ~~monitoring, regulating, or licensing programs for persons with~~
37 ~~developmental disabilities. Area boards may call upon these~~
38 ~~agencies for information and assistance in order to carry out their~~
39 ~~responsibilities more effectively. Unless otherwise prohibited by~~
40 ~~law, these agencies shall provide information requested by the area~~

1 boards, and shall cooperate fully in complying with all reasonable
2 requests for assistance.

3 (j) (1) Area boards shall remain informed about the quality of
4 services in the area, and shall inform appropriate state and local
5 licensing agencies of alleged fire, safety, health, or other violations
6 of legally established standards, in any facility providing service
7 to persons with developmental disabilities, that may be brought to
8 the attention of the area board.

9 (2) If an area board receives evidence of criminal misconduct
10 by an individual or agency funded in whole or in part with state
11 funds under this division, the area board shall immediately inform
12 appropriate public safety agencies about the alleged misconduct.

13 (k) (1) Area boards shall cooperate with county coordinating
14 councils on developmental disabilities, other regional planning
15 bodies, and consumer organizations in the area. Area boards shall
16 comply with the reasonable requests of these groups and may
17 request the assistance of the groups in carrying out area board
18 responsibilities.

19 (2) The governing body of any county within the area may
20 request that the area board study or investigate programs in the
21 county for persons with developmental disabilities. The area board
22 shall cooperate with county governments to the fullest extent
23 possible within the limitations of the resources of the board.

24 (l) Each area board shall submit to the state council a summary
25 of its activities and accomplishments in the previous year. The
26 state council, in consultation with area boards, shall determine the
27 timing of, and format for, this summary.

28 (m) It is the intent of the Legislature that area boards shall
29 maintain local discretion in conducting their advocacy activities.
30 The state council shall not direct the advocacy activities of the
31 area boards, except when specifically authorized by law, or when
32 necessary to ensure compliance with federal requirements.

33 *SEC. 21. Section 4548 is added to the Welfare and Institutions*
34 *Code, to read:*

35 *4548. (a) State council regional advisory committees shall*
36 *advise the state council and its regional office on local issues and*
37 *identify and provide input regarding local systemic needs within*
38 *their community. The regional advisory committees shall provide*
39 *input and be a source of data for the council to consider in the*
40 *formulation of the state plan and shall be a source of data for the*

1 state council's regional office reporting on state plan
2 implementation.

3 (b) Regional advisory committees may conduct, or cause to be
4 conducted, public information programs for consumers, families,
5 professional groups, and for the general public, to increase
6 professional and public awareness of prevention and habilitation
7 programs, and to eliminate barriers to social integration,
8 employment, and participation of persons with developmental
9 disabilities in all community activities and other areas identified
10 in the state plan.

11 (c) Regional advisory committees shall remain informed about
12 the quality of services in the region.

13 (d) Regional advisory committees shall cooperate with county
14 coordinating councils on developmental disabilities, other regional
15 planning bodies, and consumer organizations in the region.

16 (e) Each regional advisory committee shall submit to the state
17 council a summary of its activities and accomplishments in the
18 previous year. The state council shall determine the timing of, and
19 format for, this summary.

20 SEC. 22. The heading of Article 7 (commencing with Section
21 4550) of Chapter 2 of Division 4.5 of the Welfare and Institutions
22 Code is amended to read:

23

24 Article 7. State Council ~~and Area Board~~ Costs and Support
25 Services
26

27 SEC. 23. Section 4550 of the Welfare and Institutions Code is
28 amended to read:

29 4550. The state council's operating costs shall include honoraria
30 for state council members and actual and necessary expenses for
31 state council members, ~~costs associated with the area boards,~~
32 members and regional advisory committee members, as described
33 in this article, and other administrative, professional, and secretarial
34 support services necessary to the operation of the state council.
35 Federal developmental disability funds received by the state under
36 Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), shall be
37 allotted in any one year for these operating costs. Each member
38 of the state council shall receive one hundred dollars (\$100) per
39 day for each full day of work performed directly related to council
40 business, not to exceed 50 days in any fiscal year, and shall be

1 reimbursed for any actual and necessary expenses incurred in
2 connection with the performance of their duties under this division.
3 *SEC. 24. Section 4551 of the Welfare and Institutions Code is*
4 *repealed.*

5 ~~4551. (a) (1) Within the limit of funds allotted for these~~
6 ~~purposes, the state council chairperson, with the concurrence of a~~
7 ~~majority of the state council, shall appoint an executive director~~
8 ~~and, pursuant to paragraph (1) of subdivision (c) of Section 4553,~~
9 ~~shall appoint an executive director for each area board. The~~
10 ~~Governor, upon the recommendation of the executive director of~~
11 ~~the state council following consultation with the area boards, shall~~
12 ~~appoint a deputy director for area board operations. The Governor,~~
13 ~~upon recommendation of the executive director of the state council,~~
14 ~~shall appoint not more than two deputy directors. All other state~~
15 ~~council employees that the state council may require shall be~~
16 ~~appointed by the executive director, with the approval of the state~~
17 ~~council.~~

18 ~~(2) The executive director, all deputy directors, and each area~~
19 ~~board executive director, shall be paid a salary that is comparable~~
20 ~~to the director, deputy director, or manager of other state boards,~~
21 ~~commissions, or state department regional offices with similar~~
22 ~~responsibilities. The executive director and three deputy directors~~
23 ~~of the state council and the executive director of each area board~~
24 ~~shall be exempt from civil service.~~

25 ~~(b) Among other duties as the executive director of the state~~
26 ~~council may require, the deputy director for area board operations~~
27 ~~shall provide assistance to the area boards, including, but not~~
28 ~~limited to, resolving common problems, improving coordination,~~
29 ~~and fostering the exchange of information among the area boards~~
30 ~~and between the area boards and the state council.~~

31 ~~(c) Each area board executive director employed by the state~~
32 ~~on December 31, 2002, shall continue to be employed in a job~~
33 ~~classification at the same or higher salary by the council on January~~
34 ~~1, 2003, and thereafter, unless he or she resigns or is terminated~~
35 ~~from employment for good cause. The Executive Director of the~~
36 ~~Organization of Area Boards on December 31, 2002, shall continue~~
37 ~~to be employed in a job classification at the same or higher salary~~
38 ~~by the council on January 1, 2003, and shall serve as the deputy~~
39 ~~director of area board operations unless he or she resigns or is~~
40 ~~terminated from employment for good cause.~~

1 *SEC. 25. Section 4551 is added to the Welfare and Institutions*
2 *Code, to read:*

3 4551. (a) *Within the limit of funds allotted for these purposes,*
4 *the state council chairperson, with the concurrence of a majority*
5 *of the state council, shall appoint an executive director. The*
6 *executive director of the state council shall appoint a director for*
7 *each regional office. All state council employees that the state*
8 *council may require shall be appointed by the executive director.*

9 (b) *The executive director shall be paid a salary that is at least*
10 *comparable to the director of other state boards, commissions, or*
11 *state department regional offices with similar responsibilities. The*
12 *executive director and any deputy directors of the state council*
13 *shall be exempt from civil service.*

14 (c) *Each deputy director and other council staff positions*
15 *appointed by the Governor and employed by the state on December*
16 *31, 2014, shall continue to be employed in a job classification at*
17 *the same or higher salary by the council on January 1, 2015, and*
18 *thereafter, unless he or she resigns or is terminated from*
19 *employment for good cause.*

20 *SEC. 26. Section 4552 of the Welfare and Institutions Code is*
21 *amended to read:*

22 4552. *The state council may contract for additional assistance*
23 *with any public or private agency or individual to carry out*
24 *planning, monitoring, evaluation, and other responsibilities under*
25 *this division. In order to comply with Public Law 106-402 (42*
26 *U.S.C. Sec. 15001 et seq.) regulations, all personnel employed by*
27 *the state council shall be solely responsible, organizationally and*
28 *administratively, to the state council. The state council, through*
29 *its executive director, shall have responsibility for the selection,*
30 *hiring, and supervision of all this personnel.*

31 *SEC. 27. Section 4553 of the Welfare and Institutions Code is*
32 *repealed.*

33 ~~4553. (a) The Legislature finds and declares that the advocaey,~~
34 ~~coordinating, appeals, and other related functions of area boards~~
35 ~~cannot be effectively provided unless area boards have staff support~~
36 ~~services from personnel directly responsible and accountable to~~
37 ~~the area board and state council. Area board staff shall be state~~
38 ~~employees of the state council.~~

39 ~~(b) (1) Each area board shall provide to the state council all~~
40 ~~information and documentation required by the council to prepare~~

1 and account for the expenditures of an annual budget that includes
2 the basic funding necessary for the area boards to meet the
3 requirements of applicable state and federal law. The state council,
4 in consultation with the area boards, shall determine the timing
5 of, and format for, the provision of this information and
6 documentation. An area board may present for consideration by
7 the state council a proposal for funds to support any additional
8 activities of the area board not anticipated to be funded through
9 their basic allocation. The state council shall review all area board
10 proposals and shall determine the amount of federal funds under
11 Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.) that shall be
12 allotted to each area board. Nothing in this section shall prevent
13 the appropriation of additional funds to the state council or area
14 boards, or both, from the General Fund or other sources. These
15 funds shall be used only for purposes of extending the activities
16 of the state council or area boards, or both, as authorized by state
17 or federal law.

18 (2) ~~The state council may receive, on behalf of the council or~~
19 ~~on behalf of any area board, grants of funds in addition to any~~
20 ~~allocation of state funds or federal funds under Public Law 106-402~~
21 ~~(42 U.S.C. Sec. 15001 et seq.), as authorized under this division.~~
22 ~~These funds shall be used only for purposes of extending the~~
23 ~~council's or area boards' activities as authorized by state or federal~~
24 ~~law.~~

25 (e) (1) ~~Each area board shall have an executive director,~~
26 ~~nominated by the affirmative votes of a majority of the members~~
27 ~~of the area board, appointed by the executive director of the state~~
28 ~~council, and approved by the state council. The executive director~~
29 ~~shall select and supervise persons to serve in any staff positions~~
30 ~~as the area board and state council may authorize, pursuant to~~
31 ~~subdivision (a) of Section 4551. The affirmative votes of a majority~~
32 ~~of the members of the area board and approval of the state council~~
33 ~~shall be necessary for removal of an executive director by the~~
34 ~~executive director of the state council.~~

35 (2) ~~Each area board, with the approval of the state council, may~~
36 ~~contract for additional assistance to carry out its duties as~~
37 ~~established by this division.~~

38 (3) ~~Notwithstanding the Bagley-Keene Open Meeting Act~~
39 ~~(Article 9 (commencing with Section 11120) of Chapter 1 of Part~~
40 ~~1 of Division 3 of Title 2), an area board may meet in executive~~

1 session for purposes of discussing confidential matters, including,
2 but not limited to, personnel matters.

3 *SEC. 28. Section 4553 is added to the Welfare and Institutions*
4 *Code, to read:*

5 *4553. To the extent provided in Public Law 106-402 (42 U.S.C.*
6 *Sec. 15001 et seq.), the state council shall have full authority on*
7 *how it uses its funds for implementation of the state plan, including*
8 *establishing, maintaining, and operating its regional offices.*

9 *SEC. 29. Section 4560 of the Welfare and Institutions Code is*
10 *repealed.*

11 ~~4560. The Legislature finds that whenever multiple,~~
12 ~~uncoordinated, and duplicative planning activities are conducted~~
13 ~~by different state agencies on behalf of persons with developmental~~
14 ~~disabilities, the result is confusion of responsibilities, a lack of~~
15 ~~systemwide priorities, and failure to make the most appropriate~~
16 ~~use of all federal, state, and local funds and programs.~~

17 *SEC. 30. Section 4561 of the Welfare and Institutions Code is*
18 *amended to read:*

19 ~~4561. In order to integrate all relevant state planning and~~
20 ~~budgeting, and in order to comply with federal requirements, a~~
21 *(a) A California Developmental Disabilities State Plan shall be*
22 *prepared by the state council not less often than once every five*
23 *years, and shall be reviewed and revised, as necessary, on an annual*
24 *basis. All references in this part to “state plan” shall be references*
25 *to the California Developmental Disabilities State Plan.*

26 ~~The~~

27 *(b) The state plan shall include, but not be limited to, all state*
28 *plan requirements contained in subtitles A and B of Title I of Public*
29 *Law 106-402 (42 U.S.C. Sec. 15001 et seq.), or requirements*
30 *established by the United States Secretary of Health and Human*
31 *Services.*

32 *SEC. 31. Section 4562 of the Welfare and Institutions Code is*
33 *amended to read:*

34 ~~4562. (a) The state council and the area boards on~~
35 ~~developmental disabilities shall conduct activities necessary to~~
36 ~~develop or and implement the state plan in the various regions of~~
37 ~~the state.~~

38 *(b) The state plan and its implementation shall be responsive*
39 *to the needs of the state’s diverse geographic, racial, ethnic, and*
40 *language communities.*

1 ~~(b)~~

2 (c) In preparing this plan, the council shall utilize information
 3 provided by the ~~area boards~~, *regional offices and regional advisory*
 4 *committees of the state council*, statewide and local entities,
 5 individuals with developmental disabilities, family members, and
 6 other interested parties, to help identify and prioritize actions
 7 needed to improve California’s system of services and supports
 8 for persons with developmental disabilities. ~~The~~

9 (d) *The purpose of the plan shall be to ensure a coordinated*
 10 *and comprehensive system of community services and supports*
 11 *that is consumer and family centered and consumer and family*
 12 *directed, and to enable individuals with developmental disabilities*
 13 *to exercise self-determination, independence, productivity, and to*
 14 *be integrated and included in all facets of community life.*

15 *SEC. 32. Section 4563 of the Welfare and Institutions Code is*
 16 *amended to read:*

17 4563. (a) ~~Area boards~~ *The state council regional offices,*
 18 *assisted by the regional advisory committees,* shall assess the extent
 19 to which services, supports, and other forms of assistance are
 20 available to individuals with developmental disabilities and their
 21 families within the ~~area board catchment area~~, *regions*, and shall
 22 make recommendations of objectives in both policy reform and
 23 service demonstration, based on identified service and support
 24 needs and priorities within the ~~area board catchment area~~, *the*
 25 *region* to be included in the state plan.

26 (b) ~~Area boards~~ *The state council regional offices* shall
 27 participate ~~with the state council~~ in the development and
 28 implementation of the state plan and shall ~~submit~~ *prepare* any
 29 information concerning the ~~area’s region’s~~ services, needs, and
 30 priorities to the state council in a time and format as ~~may be~~
 31 ~~required~~ *the council may determine to be necessary* to meet federal
 32 reporting requirements.

33 *SEC. 33. Section 4564 of the Welfare and Institutions Code is*
 34 *amended to read:*

35 4564. The ~~state council, in conjunction with the area boards,~~
 36 *council* shall conduct open hearings on the state plan and related
 37 budgetary issues prior to submission of the plan pursuant to Section
 38 4565.

39 *SEC. 34. Section 4565 of the Welfare and Institutions Code is*
 40 *amended to read:*

1 4565. (a) The state plan shall be given to the Governor, the
2 Secretary of the California Health and Human Services Agency,
3 the protection and advocacy agency designated by the Governor
4 to fulfill the requirements and assurances of the federal
5 Developmental Disabilities Assistance and Bill of Rights Act of
6 2000, the Superintendent of Public Instruction, ~~and the Legislature,~~
7 ~~and to the chairpersons of all area boards~~ *Legislature* for review
8 and comment prior to its submission by the chairperson of the state
9 council to the United States Secretary of Health and Human
10 Services.

11 **Copies**

12 (b) *Copies* of the state plan shall be provided, no later than
13 November 1 of each year, to the Director of Finance and to the
14 Legislature for guidance in the development of the Governor's
15 Budget and legislative review of the budget, and for guidance in
16 other legislation pertaining to programs for persons with
17 developmental disabilities.

18 *SEC. 35. Section 4566 of the Welfare and Institutions Code is*
19 *amended to read:*

20 4566. The state plan shall, in addition to the requirements
21 established herein, comply in substance and format with requests
22 of the *United States* Secretary of Health and Human Services.

23 *SEC. 36. Section 4626 of the Welfare and Institutions Code is*
24 *amended to read:*

25 4626. (a) The department shall give a very high priority to
26 ensuring that regional center board members and employees act
27 in the course of their duties solely in the best interest of the regional
28 center consumers and their families without regard to the interests
29 of any other organization with which they are associated or persons
30 to whom they are related. Board members, employees, and others
31 acting on the regional center's behalf, as defined in regulations
32 issued by the department, shall be free from conflicts of interest
33 that could adversely influence their judgment, objectivity, or loyalty
34 to the regional center, its consumers, or its mission.

35 (b) In order to prevent potential conflicts of interest, ~~no~~ a
36 member of the governing board or member of the program policy
37 committee of a regional center shall *not* be any of the following:

38 (1) An employee of the State Department of Developmental
39 Services or any state or local agency that provides services to a
40 regional center consumer, if employed in a capacity which includes

1 administrative or policymaking responsibility, or responsibility
2 for the regulation of the regional center.

3 (2) An employee or a member of the state council or ~~an area~~
4 ~~board~~: *a state council regional advisory committee*.

5 (3) Except as otherwise provided in subdivision (h) of Section
6 4622, an employee or member of the governing board of any entity
7 from which the regional center purchases consumer services.

8 (4) Any person who has a financial interest, as defined in Section
9 87103 of the Government Code, in regional center operations,
10 except as a consumer of regional center services.

11 (c) A person with a developmental disability who receives
12 employment services through a regional center provider shall not
13 be precluded from serving on the governing board of a regional
14 center based solely upon receipt of these employment services.

15 (d) The department shall ensure that no regional center employee
16 or board member has a conflict of interest with an entity that
17 receives regional center funding, including, but not limited to, a
18 nonprofit housing organization and an organization qualified under
19 Section 501(c)(3) of the Internal Revenue Code, that actively
20 functions in a supporting relationship to the regional center.

21 (e) The department shall develop and publish a standard
22 conflict-of-interest reporting statement. The conflict-of-interest
23 statement shall be completed by each regional center governing
24 board member and each regional center employee specified in
25 regulations, including, at a minimum, the executive director, every
26 administrator, every program director, every service coordinator,
27 and every employee who has decisionmaking or policymaking
28 authority or authority to obligate the regional center's resources.

29 (f) Every new regional center governing board member and
30 regional center executive director shall complete and file the
31 conflict-of-interest statement described in subdivision (e) with his
32 or her respective governing board within 30 days of being selected,
33 appointed, or elected. Every new regional center employee
34 referenced in subdivision (e) and every current regional center
35 employee referenced in subdivision (e) accepting a new position
36 within the regional center shall complete and file the
37 conflict-of-interest statement with his or her respective regional
38 center within 30 days of assuming the position.

1 (g) Every regional center board member and regional center
2 employee referenced in subdivision (e) shall complete and file the
3 conflict-of-interest statement by August 1 of each year.

4 (h) Every regional center board member and regional center
5 employee referenced in subdivision (e) shall complete and file a
6 subsequent conflict-of-interest statement upon any change in status
7 that creates a potential or present conflict of interest. For the
8 purposes of this subdivision, a change in status includes, but is not
9 limited to, a change in financial interests, legal commitment,
10 regional center or board position or duties, or both, or outside
11 position or duties, or both, whether compensated or not.

12 (i) The governing board shall submit a copy of the completed
13 conflict-of-interest statements of the governing board members
14 and the regional center executive director to the department within
15 10 days of receipt of the statements.

16 (j) A person who knowingly provides false information on a
17 conflict-of-interest statement required by this section shall be
18 subject to a civil penalty in an amount up to fifty thousand dollars
19 (\$50,000), in addition to any civil remedies available to the
20 department. An action for a civil penalty under this provision may
21 be brought by the department or any public prosecutor in the name
22 of the people of the State of California.

23 (k) The director of the regional center shall review the
24 conflict-of-interest statement of each regional center employee
25 referenced in subdivision (e) within 10 days of receipt of the
26 statement. If a potential or present conflict of interest is identified
27 for a regional center employee that cannot be eliminated, the
28 regional center shall, within 30 days of receipt of the statement,
29 submit to the department a copy of the conflict-of-interest statement
30 and a plan that proposes mitigation measures, including timeframes
31 and actions the regional center or the employee, or both, will take
32 to mitigate the conflict of interest.

33 (l) The department and the regional center governing board shall
34 review the conflict-of-interest statement of the regional center
35 executive director and each regional center board member to ensure
36 that no conflicts of interest exist. If a present or potential conflict
37 of interest is identified for a regional center director or a board
38 member that cannot be eliminated, the regional center governing
39 board shall, within 30 days of receipt of the statement, submit to
40 the department and the state council a copy of the

1 conflict-of-interest statement and a plan that proposes mitigation
2 measures, including timeframes and actions the regional center
3 governing board or the individual, or both, will take to mitigate
4 the conflict of interest.

5 *SEC. 37. Section 4628 of the Welfare and Institutions Code is*
6 *amended to read:*

7 4628. If, for good reason, a contracting agency is unable to
8 meet all the criteria for a governing board established in this
9 chapter, the director may waive ~~such~~ *those* criteria for a period of
10 time, not to exceed one year, with the approval of ~~the area board~~
11 ~~in the area and with the approval of~~ the state council.

12 *SEC. 38. Section 4629 of the Welfare and Institutions Code is*
13 *amended to read:*

14 4629. (a) The state shall enter into five-year contracts with
15 regional centers, subject to the annual appropriation of funds by
16 the Legislature.

17 (b) The contracts shall include a provision requiring each
18 regional center to render services in accordance with applicable
19 provision of state laws and regulations.

20 (c) (1) The contracts shall include annual performance
21 objectives that shall do both of the following:

22 (A) Be specific, measurable, and designed to do all of the
23 following:

24 (i) Assist consumers to achieve life quality outcomes.

25 (ii) Achieve meaningful progress above the current baselines.

26 (iii) Develop services and supports identified as necessary to
27 meet identified needs.

28 (B) Be developed through a public process as described in the
29 department's guidelines that includes, but is not limited to, all of
30 the following:

31 (i) Providing information, in an understandable form, to the
32 community about regional center services and supports, including
33 budget information and baseline data on services and supports and
34 regional center operations.

35 (ii) Conducting a public meeting where participants can provide
36 input on performance objectives and using focus groups or surveys
37 to collect information from the community.

38 (iii) Circulating a draft of the performance objectives to the
39 community for input prior to presentation at a regional center board

1 meeting where additional public input will be taken and considered
2 before adoption of the objectives.

3 (2) In addition to the performance objectives developed pursuant
4 to this section, the department may specify in the performance
5 contract additional areas of service and support that require
6 development or enhancement by the regional center. In determining
7 those areas, the department shall consider public comments from
8 individuals and organizations within the regional center catchment
9 area, the distribution of services and supports within the regional
10 center catchment area, and review how the availability of services
11 and supports in the regional area catchment area compares with
12 other regional center catchment areas.

13 (d) Each contract with a regional center shall specify steps to
14 be taken to ensure contract compliance, including, but not limited
15 to, all of the following:

16 (1) Incentives that encourage regional centers to meet or exceed
17 performance standards.

18 (2) Levels of probationary status for regional centers that do
19 not meet, or are at risk of not meeting, performance standards. The
20 department shall require that corrective action be taken by any
21 regional center which is placed on probation. Corrective action
22 may include, but is not limited to, mandated consultation with
23 designated representatives of the Association of Regional Center
24 Agencies or a management team designated by the department, or
25 both. The department shall establish the specific timeline for the
26 implementation of corrective action and monitor its
27 implementation. When a regional center is placed on probation,
28 the department shall provide the ~~appropriate area board~~ *state*
29 *council* with a copy of the correction plan, timeline, and any other
30 action taken by the department relating to the probationary status
31 of the regional center.

32 (e) In order to evaluate the regional center's compliance with
33 its contract performance objectives and legal obligations related
34 to those objectives, the department shall do both of the following:

35 (1) Annually assess each regional center's achievement of its
36 previous year's objectives and make the assessment, including
37 baseline data and performance objectives of the individual regional
38 centers, available to the public. The department may make a special
39 commendation of the regional centers that have best engaged the
40 community in the development of contract performance objectives

1 and have made the most meaningful progress in meeting or
 2 exceeding contract performance objectives.

3 (2) Monitor the activities of the regional center to ensure
 4 compliance with the provisions of its contracts, including, but not
 5 limited to, reviewing all of the following:

6 (A) The regional center’s public process for compliance with
 7 the procedures sets forth in paragraph (2) of subdivision (c).

8 (B) Each regional center’s performance objectives for
 9 compliance with the criteria set forth in paragraph (1) of
 10 subdivision (c).

11 (C) Any public comments on regional center performance
 12 objectives sent to the department or to the regional centers, and
 13 soliciting public input on the public process and final performance
 14 standards.

15 (f) The renewal of each contract shall be contingent upon
 16 compliance with the contract including, but not limited to, the
 17 performance objectives, as determined through the department’s
 18 evaluation.

19 *SEC. 39. Section 4635 of the Welfare and Institutions Code is*
 20 *amended to read:*

21 4635. (a) If any regional center finds that it is unable to comply
 22 with the requirements of this division or its contract with the state,
 23 the regional center shall be responsible for informing the
 24 department immediately that it does not expect to fulfill its
 25 contractual obligations. Failure to provide the notification to the
 26 department in a timely manner shall constitute grounds for possible
 27 revocation or nonrenewal of the contract. If any regional center
 28 makes a decision to cancel or not renew its contract with the
 29 department, the regional center shall give a minimum of 90 days’
 30 written notice of its decision.

31 (b) (1) If the department finds that any regional center is not
 32 fulfilling its contractual obligations, the department shall make
 33 reasonable efforts to resolve the problem within a reasonable period
 34 of time with the cooperation of the regional center, including the
 35 action described in paragraph (2) of subdivision (b) of Section
 36 4629 or renegotiation of the contract.

37 (2) If the department’s efforts to resolve the problem are not
 38 successful, the department shall issue a letter of noncompliance.
 39 The letter of noncompliance shall state the noncompliant activities
 40 and establish a specific timeline for the development and

1 implementation of a corrective action plan. The department shall
2 approve the plan and monitor its implementation. Letters of
3 noncompliance shall be made available to the public upon request.
4 The letter of noncompliance shall not include privileged or
5 confidential consumer information or information that would
6 violate the privacy rights of regional center board members or
7 employees. The department shall notify the ~~appropriate area board~~
8 *state council* and shall provide the ~~area board~~ *state council* with a
9 copy of the corrective action plan, the timeline, and any other
10 action taken by the department relating to the requirements for
11 corrective action.

12 (c) If the department finds that any regional center continues to
13 fail in fulfilling its contractual obligations after reasonable efforts
14 have been made, and finds that other regional centers are able to
15 fulfill similar obligations under similar contracts, and finds that it
16 will be in the best interest of the persons being served by the
17 regional center, the department shall take steps to terminate the
18 contract and to negotiate with another governing board to provide
19 regional center services in the area. These findings may also
20 constitute grounds for possible nonrenewal of the contract in
21 addition to, or in lieu of, other grounds.

22 (d) If the department makes a decision to cancel or not renew
23 its contract with the regional center, the department shall give a
24 minimum of 90 days' written notice of its decision, unless it has
25 determined that the 90 days' notice would jeopardize the health
26 or safety of the regional center's consumers, or constitutes willful
27 misuse of state funds, as determined by the Attorney General.
28 Within 14 days after receipt of the notice, the regional center may
29 make a written protest to the department of the decision to
30 terminate or not renew the contract. In that case, the department
31 shall: (1) arrange to meet with the regional center and the
32 ~~appropriate area board~~ *state council* within 30 days after receipt
33 of the protest to discuss the decision and to provide its rationale
34 for the termination or nonrenewal of the contract, and to discuss
35 any feasible alternatives to termination or nonrenewal, including
36 the possibility of offering a limited term contract of less than one
37 fiscal year; and (2) initiate the procedures for resolving disputes
38 contained in Section 4632. To the extent allowable under state and
39 federal law, any outstanding audit exceptions or other deficiency

1 reports, appeals, or protests shall be made available and subject to
2 discussion at the meeting arranged under clause (1).

3 (e) When terminating or not renewing a regional center contract
4 and negotiating with another governing board for a regional center
5 contract, the department shall do all of the following:

6 (1) Notify the ~~area board~~, State Council on Developmental
7 Disabilities, all personnel employed by the regional center, all
8 service providers to the regional center, and all consumers of the
9 regional center informing them that it proposes to terminate or not
10 renew the contract with the regional center, and that the state will
11 continue to fulfill its obligations to ensure a continuity of services,
12 as required by state law, through a contract with a new governing
13 board.

14 (2) Issue a request for proposals prior to selecting and
15 negotiating with another governing board for a regional center
16 contract. The ~~local area board~~ *state council* shall review all
17 proposals and make recommendations to the department.

18 (3) Request the ~~area board~~ *state council* and any other
19 community agencies to assist the state by locating or organizing
20 a new governing board to contract with the department to operate
21 the regional center in the area. ~~Area boards~~ *The state council* shall
22 cooperate with the department when that assistance is requested.

23 (4) Provide any assistance ~~which~~ *that* may be required to ensure
24 that the transfer of responsibility to a new regional center will be
25 accomplished with minimum disruption to the clients of the service
26 program.

27 (f) In no event shall the procedures for termination or
28 nonrenewal of a regional center contract limit or abridge the state's
29 authority to contract with any duly authorized organization for the
30 purpose of service delivery, nor shall these procedures be
31 interpreted to represent a continued contractual obligation beyond
32 the limits of any fiscal year contract.

33 *SEC. 40. Section 4640.6 of the Welfare and Institutions Code*
34 *is amended to read:*

35 4640.6. (a) In approving regional center contracts, the
36 department shall ensure that regional center staffing patterns
37 demonstrate that direct service coordination are the highest priority.

38 (b) Contracts between the department and regional centers shall
39 require that regional centers implement an emergency response
40 system that ensures that a regional center staff person will respond

1 to a consumer, or individual acting on behalf of a consumer, within
2 two hours of the time an emergency call is placed. This emergency
3 response system shall be operational 24 hours per day, 365 days
4 per year.

5 (c) Contracts between the department and regional centers shall
6 require regional centers to have service coordinator-to-consumer
7 ratios, as follows:

8 (1) An average service coordinator-to-consumer ratio of 1 to
9 62 for all consumers who have not moved from the developmental
10 centers to the community since April 14, 1993. In no case shall a
11 service coordinator for these consumers have an assigned caseload
12 in excess of 79 consumers for more than 60 days.

13 (2) An average service coordinator-to-consumer ratio of 1 to
14 45 for all consumers who have moved from a developmental center
15 to the community since April 14, 1993. In no case shall a service
16 coordinator for these consumers have an assigned caseload in
17 excess of 59 consumers for more than 60 days.

18 (3) Commencing January 1, 2004, the following
19 coordinator-to-consumer ratios shall apply:

20 (A) All consumers three years of age and younger and for
21 consumers enrolled in the Home and Community-based Services
22 Waiver program for persons with developmental disabilities, an
23 average service coordinator-to-consumer ratio of 1 to 62.

24 (B) All consumers who have moved from a developmental
25 center to the community since April 14, 1993, and have lived
26 continuously in the community for at least 12 months, an average
27 service coordinator-to-consumer ratio of 1 to 62.

28 (C) All consumers who have not moved from the developmental
29 centers to the community since April 14, 1993, and who are not
30 described in subparagraph (A), an average service
31 coordinator-to-consumer ratio of 1 to 66.

32 (4) For purposes of paragraph (3), service coordinators may
33 have a mixed caseload of consumers three years of age and
34 younger, consumers enrolled in the Home and Community-based
35 Services Waiver program for persons with developmental
36 disabilities, and other consumers if the overall average caseload
37 is weighted proportionately to ensure that overall regional center
38 average service coordinator-to-consumer ratios as specified in
39 paragraph (3) are met. For purposes of paragraph (3), in no case

1 shall a service coordinator have an assigned caseload in excess of
2 84 for more than 60 days.

3 (d) For purposes of this section, “service coordinator” means a
4 regional center employee whose primary responsibility includes
5 preparing, implementing, and monitoring consumers’ individual
6 program plans, securing and coordinating consumer services and
7 supports, and providing placement and monitoring activities.

8 (e) In order to ensure that caseload ratios are maintained
9 pursuant to this section, each regional center shall provide service
10 coordinator caseload data to the department, annually for each
11 fiscal year. The data shall be submitted in the format, including
12 the content, prescribed by the department. Within 30 days of receipt
13 of data submitted pursuant to this subdivision, the department shall
14 make a summary of the data available to the public upon request.
15 The department shall verify the accuracy of the data when
16 conducting regional center fiscal audits. Data submitted by regional
17 centers pursuant to this subdivision shall:

18 (1) Only include data on service coordinator positions as defined
19 in subdivision (d). Regional centers shall identify the number of
20 positions that perform service coordinator duties on less than a
21 full-time basis. Staffing ratios reported pursuant to this subdivision
22 shall reflect the appropriate proportionality of these staff to
23 consumers served.

24 (2) Be reported separately for service coordinators whose
25 caseload includes any of the following:

26 (A) Consumers who are three years of age and older and who
27 have not moved from the developmental center to the community
28 since April 14, 1993.

29 (B) Consumers who have moved from a developmental center
30 to the community since April 14, 1993.

31 (C) Consumers who are younger than three years of age.

32 (D) Consumers enrolled in the Home and Community-based
33 Services Waiver program.

34 (3) Not include positions that are vacant for more than 60 days
35 or new positions established within 60 days of the reporting month
36 that are still vacant.

37 (4) For purposes of calculating caseload ratios for consumers
38 enrolled in the Home and Community-based Services Waiver
39 program, vacancies shall not be included in the calculations.

1 (f) The department shall provide technical assistance and require
2 a plan of correction for any regional center that, for two consecutive
3 reporting periods, fails to maintain service coordinator caseload
4 ratios required by this section or otherwise demonstrates an
5 inability to maintain appropriate staffing patterns pursuant to this
6 section. Plans of correction shall be developed following input
7 from the ~~local area board~~, *state council*, local organizations
8 representing consumers, family members, regional center
9 employees, including recognized labor organizations, and service
10 providers, and other interested parties.

11 (g) Contracts between the department and regional center shall
12 require the regional center to have, or contract for, all of the
13 following areas:

14 (1) Criminal justice expertise to assist the regional center in
15 providing services and support to consumers involved in the
16 criminal justice system as a victim, defendant, inmate, or parolee.

17 (2) Special education expertise to assist the regional center in
18 providing advocacy and support to families seeking appropriate
19 educational services from a school district.

20 (3) Family support expertise to assist the regional center in
21 maximizing the effectiveness of support and services provided to
22 families.

23 (4) Housing expertise to assist the regional center in accessing
24 affordable housing for consumers in independent or supportive
25 living arrangements.

26 (5) Community integration expertise to assist consumers and
27 families in accessing integrated services and supports and improved
28 opportunities to participate in community life.

29 (6) Quality assurance expertise, to assist the regional center to
30 provide the necessary coordination and cooperation with the ~~area~~
31 ~~board~~ *state council*, in conducting quality-of-life assessments and
32 coordinating the regional center quality assurance efforts.

33 (7) Each regional center shall employ at least one consumer
34 advocate who is a person with developmental disabilities.

35 (8) Other staffing arrangements related to the delivery of
36 services that the department determines are necessary to ensure
37 maximum cost-effectiveness and to ensure that the service needs
38 of consumers and families are met.

39 (h) Any regional center proposing a staffing arrangement that
40 substantially deviates from the requirements of this section shall

1 request a waiver from the department. Prior to granting a waiver,
2 the department shall require a detailed staffing proposal, including,
3 but not limited to, how the proposed staffing arrangement will
4 benefit consumers and families served, and shall demonstrate clear
5 and convincing support for the proposed staffing arrangement from
6 constituencies served and impacted, that include, but are not limited
7 to, consumers, families, providers, advocates, and recognized labor
8 organizations. In addition, the regional center shall submit to the
9 department any written opposition to the proposal from
10 organizations or individuals, including, but not limited to,
11 consumers, families, providers, and advocates, including
12 recognized labor organizations. The department may grant waivers
13 to regional centers that sufficiently demonstrate that the proposed
14 staffing arrangement is in the best interest of consumers and
15 families served, complies with the requirements of this chapter,
16 and does not violate any contractual requirements. A waiver shall
17 be approved by the department for up to 12 months, at which time
18 a regional center may submit a new request pursuant to this
19 subdivision.

20 (i) From February 1, 2009, to June 30, 2010, inclusive, the
21 following shall not apply:

22 (1) The service coordinator-to-consumer ratio requirements of
23 paragraph (1), and subparagraph (C) of paragraph (3), of
24 subdivision (c).

25 (2) The requirements of subdivision (e). The regional centers
26 shall, instead, maintain sufficient service coordinator caseload data
27 to document compliance with the service coordinator-to-consumer
28 ratio requirements in effect pursuant to this section.

29 (3) The requirements of paragraphs (1) to (6), inclusive, of
30 subdivision (g).

31 (j) From July 1, 2010, until June 30, 2013, the following shall
32 not apply:

33 (1) The service coordinator-to-consumer ratio requirements of
34 paragraph (1), and subparagraph (C) of paragraph (3), of
35 subdivision (c).

36 (2) The requirements of paragraphs (1) to (6), inclusive, of
37 subdivision (g).

38 (k) (1) Any contract between the department and a regional
39 center entered into on and after January 1, 2003, shall require that
40 all employment contracts entered into with regional center staff

1 or contractors be available to the public for review, upon request.
2 For purposes of this subdivision, an employment contract or portion
3 thereof may not be deemed confidential nor unavailable for public
4 review.

5 (2) Notwithstanding paragraph (1), the social security number
6 of the contracting party may not be disclosed.

7 (3) The term of the employment contract between the regional
8 center and an employee or contractor shall not exceed the term of
9 the state's contract with the regional center.

10 *SEC. 41. Section 4646 of the Welfare and Institutions Code is*
11 *amended to read:*

12 4646. (a) It is the intent of the Legislature to ensure that the
13 individual program plan and provision of services and supports
14 by the regional center system is centered on the individual and the
15 family of the individual with developmental disabilities and takes
16 into account the needs and preferences of the individual and the
17 family, where appropriate, as well as promoting community
18 integration, independent, productive, and normal lives, and stable
19 and healthy environments. It is the further intent of the Legislature
20 to ensure that the provision of services to consumers and their
21 families be effective in meeting the goals stated in the individual
22 program plan, reflect the preferences and choices of the consumer,
23 and reflect the cost-effective use of public resources.

24 (b) The individual program plan is developed through a process
25 of individualized needs determination. The individual with
26 developmental disabilities and, where appropriate, his or her
27 parents, legal guardian or conservator, or authorized representative,
28 shall have the opportunity to actively participate in the development
29 of the plan.

30 (c) An individual program plan shall be developed for any
31 person who, following intake and assessment, is found to be
32 eligible for regional center services. These plans shall be completed
33 within 60 days of the completion of the assessment. At the time
34 of intake, the regional center shall inform the consumer and, where
35 appropriate, his or her parents, legal guardian or conservator, or
36 authorized representative, of the services available through the
37 ~~local area board~~ *state council* and the protection and advocacy
38 agency designated by the Governor pursuant to federal law, and
39 shall provide the address and telephone numbers of those agencies.

1 (d) Individual program plans shall be prepared jointly by the
2 planning team. Decisions concerning the consumer's goals,
3 objectives, and services and supports that will be included in the
4 consumer's individual program plan and purchased by the regional
5 center or obtained from generic agencies shall be made by
6 agreement between the regional center representative and the
7 consumer or, where appropriate, the parents, legal guardian,
8 conservator, or authorized representative at the program plan
9 meeting.

10 (e) Regional centers shall comply with the request of a
11 consumer, or when appropriate, the request of his or her parents,
12 legal guardian, conservator, or authorized representative, that a
13 designated representative receive written notice of all meetings to
14 develop or revise his or her individual program plan and of all
15 notices sent to the consumer pursuant to Section 4710. The
16 designated representative may be a parent or family member.

17 (f) If a final agreement regarding the services and supports to
18 be provided to the consumer cannot be reached at a program plan
19 meeting, then a subsequent program plan meeting shall be
20 convened within 15 days, or later at the request of the consumer
21 or, when appropriate, the parents, legal guardian, conservator, or
22 authorized representative or when agreed to by the planning team.
23 Additional program plan meetings may be held with the agreement
24 of the regional center representative and the consumer or, where
25 appropriate, the parents, legal guardian, conservator, or authorized
26 representative.

27 (g) An authorized representative of the regional center and the
28 consumer or, when appropriate, his or her parent, legal guardian,
29 conservator, or authorized representative shall sign the individual
30 program plan prior to its implementation. If the consumer or, when
31 appropriate, his or her parent, legal guardian, conservator, or
32 authorized representative, does not agree with all components of
33 the plan, he or she may indicate that disagreement on the plan.
34 Disagreement with specific plan components shall not prohibit the
35 implementation of services and supports agreed to by the consumer
36 or, when appropriate, his or her parent, legal guardian, conservator,
37 or authorized representative. If the consumer or, when appropriate,
38 his or her parent, legal guardian, conservator, or authorized
39 representative, does not agree with the plan in whole or in part, he

1 or she shall be sent written notice of the fair hearing rights, as
2 required by Section 4701.

3 (h) (1) A regional center shall communicate in the consumer's
4 native language, or, when appropriate, the native language of his
5 or her family, legal guardian, conservator, or authorized
6 representative, during the planning process for the individual
7 program plan, including during the program plan meeting, and
8 including providing alternative communication services, as required
9 by Sections 11135 to 11139.7, inclusive, of the Government Code
10 and implementing regulations.

11 (2) A regional center shall provide alternative communication
12 services, including providing a copy of the individual program
13 plan in the native language of the consumer or his or her family,
14 legal guardian, conservator, or authorized representative, or both,
15 as required by Sections 11135 to 11139.7, inclusive, of the
16 Government Code and implementing regulations.

17 (3) The native language of the consumer or his or her family,
18 legal guardian, conservator, or authorized representative, or both,
19 shall be documented in the individual program plan.

20 *SEC. 42. Section 4646.5 of the Welfare and Institutions Code*
21 *is amended to read:*

22 4646.5. (a) The planning process for the individual program
23 plan described in Section 4646 shall include all of the following:

24 (1) Gathering information and conducting assessments to
25 determine the life goals, capabilities and strengths, preferences,
26 barriers, and concerns or problems of the person with
27 developmental disabilities. For children with developmental
28 disabilities, this process should include a review of the strengths,
29 preferences, and needs of the child and the family unit as a whole.
30 Assessments shall be conducted by qualified individuals and
31 performed in natural environments whenever possible. Information
32 shall be taken from the consumer, his or her parents and other
33 family members, his or her friends, advocates, authorized
34 representative, if applicable, providers of services and supports,
35 and other agencies. The assessment process shall reflect awareness
36 of, and sensitivity to, the lifestyle and cultural background of the
37 consumer and the family.

38 (2) A statement of goals, based on the needs, preferences, and
39 life choices of the individual with developmental disabilities, and
40 a statement of specific, time-limited objectives for implementing

1 the person's goals and addressing his or her needs. These objectives
2 shall be stated in terms that allow measurement of progress or
3 monitoring of service delivery. These goals and objectives should
4 maximize opportunities for the consumer to develop relationships,
5 be part of community life in the areas of community participation,
6 housing, work, school, and leisure, increase control over his or her
7 life, acquire increasingly positive roles in community life, and
8 develop competencies to help accomplish these goals.

9 (3) When developing individual program plans for children,
10 regional centers shall be guided by the principles, process, and
11 services and support parameters set forth in Section 4685.

12 (4) When developing an individual program plan for a transition
13 age youth or working age adult, the planning team shall consider
14 the Employment First Policy described in Chapter 14 (commencing
15 with Section 4868).

16 (5) A schedule of the type and amount of services and supports
17 to be purchased by the regional center or obtained from generic
18 agencies or other resources in order to achieve the individual
19 program plan goals and objectives, and identification of the
20 provider or providers of service responsible for attaining each
21 objective, including, but not limited to, vendors, contracted
22 providers, generic service agencies, and natural supports. The
23 individual program plan shall specify the approximate scheduled
24 start date for services and supports and shall contain timelines for
25 actions necessary to begin services and supports, including generic
26 services.

27 (6) When agreed to by the consumer, the parents, legally
28 appointed guardian, or authorized representative of a minor
29 consumer, or the legally appointed conservator of an adult
30 consumer or the authorized representative, including those
31 appointed pursuant to ~~subdivision (d) of Section 4548,~~
32 *subparagraph (A) of paragraph (2) of subdivision (e) of Section*
33 *4540*, subdivision (b) of Section 4701.6, and subdivision (e) of
34 Section 4705, a review of the general health status of the adult or
35 child, including medical, dental, and mental health needs, shall be
36 conducted. This review shall include a discussion of current
37 medications, any observed side effects, and the date of the last
38 review of the medication. Service providers shall cooperate with
39 the planning team to provide any information necessary to complete
40 the health status review. If any concerns are noted during the

1 review, referrals shall be made to regional center clinicians or to
2 the consumer's physician, as appropriate. Documentation of health
3 status and referrals shall be made in the consumer's record by the
4 service coordinator.

5 (7) (A) The development of a transportation access plan for a
6 consumer when all of the following conditions are met:

7 (i) The regional center is purchasing private, specialized
8 transportation services or services from a residential, day, or other
9 provider, excluding vouchered service providers, to transport the
10 consumer to and from day or work services.

11 (ii) The planning team has determined that a consumer's
12 community integration and participation could be safe and
13 enhanced through the use of public transportation services.

14 (iii) The planning team has determined that generic
15 transportation services are available and accessible.

16 (B) To maximize independence and community integration and
17 participation, the transportation access plan shall identify the
18 services and supports necessary to assist the consumer in accessing
19 public transportation and shall comply with Section 4648.35. These
20 services and supports may include, but are not limited to, mobility
21 training services and the use of transportation aides. Regional
22 centers are encouraged to coordinate with local public
23 transportation agencies.

24 (8) A schedule of regular periodic review and reevaluation to
25 ascertain that planned services have been provided, that objectives
26 have been fulfilled within the times specified, and that consumers
27 and families are satisfied with the individual program plan and its
28 implementation.

29 (b) For all active cases, individual program plans shall be
30 reviewed and modified by the planning team, through the process
31 described in Section 4646, as necessary, in response to the person's
32 achievement or changing needs, and no less often than once every
33 three years. If the consumer or, where appropriate, the consumer's
34 parents, legal guardian, authorized representative, or conservator
35 requests an individual program plan review, the individual program
36 shall be reviewed within 30 days after the request is submitted.

37 (c) (1) The department, with the participation of representatives
38 of a statewide consumer organization, the Association of Regional
39 Center Agencies, an organized labor organization representing
40 service coordination staff, and the ~~Organization of Area Boards~~

1 *state council* shall prepare training material and a standard format
2 and instructions for the preparation of individual program plans,
3 which embody an approach centered on the person and family.

4 (2) Each regional center shall use the training materials and
5 format prepared by the department pursuant to paragraph (1).

6 (3) The department shall biennially review a random sample of
7 individual program plans at each regional center to ensure that
8 these plans are being developed and modified in compliance with
9 Section 4646 and this section.

10 *SEC. 43. Section 4648 of the Welfare and Institutions Code is*
11 *amended to read:*

12 4648. In order to achieve the stated objectives of a consumer's
13 individual program plan, the regional center shall conduct activities,
14 including, but not limited to, all of the following:

15 (a) Securing needed services and supports.

16 (1) It is the intent of the Legislature that services and supports
17 assist individuals with developmental disabilities in achieving the
18 greatest self-sufficiency possible and in exercising personal
19 choices. The regional center shall secure services and supports
20 that meet the needs of the consumer, as determined in the
21 consumer's individual program plan, and within the context of the
22 individual program plan, the planning team shall give highest
23 preference to those services and supports which would allow
24 minors with developmental disabilities to live with their families,
25 adult persons with developmental disabilities to live as
26 independently as possible in the community, and that allow all
27 consumers to interact with persons without disabilities in positive,
28 meaningful ways.

29 (2) In implementing individual program plans, regional centers,
30 through the planning team, shall first consider services and supports
31 in natural community, home, work, and recreational settings.
32 Services and supports shall be flexible and individually tailored
33 to the consumer and, where appropriate, his or her family.

34 (3) A regional center may, pursuant to vendorization or a
35 contract, purchase services or supports for a consumer from any
36 individual or agency ~~which~~ *that* the regional center and consumer
37 or, ~~where~~ *when* appropriate, his or her parents, legal guardian, or
38 conservator, or authorized representatives, determines will best
39 accomplish all or any part of that consumer's program plan.

1 (A) Vendorization or contracting is the process for identification,
2 selection, and utilization of service vendors or contractors, based
3 on the qualifications and other requirements necessary in order to
4 provide the service.

5 (B) A regional center may reimburse an individual or agency
6 for services or supports provided to a regional center consumer if
7 the individual or agency has a rate of payment for vendored or
8 contracted services established by the department, pursuant to this
9 division, and is providing services pursuant to an emergency
10 vendorization or has completed the vendorization procedures or
11 has entered into a contract with the regional center and continues
12 to comply with the vendorization or contracting requirements. The
13 director shall adopt regulations governing the vendorization process
14 to be utilized by the department, regional centers, vendors and the
15 individual or agency requesting vendorization.

16 (C) Regulations shall include, but not be limited to: the vendor
17 application process, and the basis for accepting or denying an
18 application; the qualification and requirements for each category
19 of services that may be provided to a regional center consumer
20 through a vendor; requirements for emergency vendorization;
21 procedures for termination of vendorization; the procedure for an
22 individual or an agency to appeal any vendorization decision made
23 by the department or regional center.

24 (D) A regional center may vendorize a licensed facility for
25 exclusive services to persons with developmental disabilities at a
26 capacity equal to or less than the facility's licensed capacity. A
27 facility already licensed on January 1, 1999, shall continue to be
28 vendorized at their full licensed capacity until the facility agrees
29 to vendorization at a reduced capacity.

30 (E) Effective July 1, 2009, notwithstanding any other ~~provision~~
31 ~~of~~ law or regulation to the contrary, a regional center shall not
32 newly vendor a State Department of Social Services licensed
33 24-hour residential care facility with a licensed capacity of 16 or
34 more beds, unless the facility qualifies for receipt of federal funds
35 under the Medicaid Program.

36 (4) Notwithstanding subparagraph (B) of paragraph (3), a
37 regional center may contract or issue a voucher for services and
38 supports provided to a consumer or family at a cost not to exceed
39 the maximum rate of payment for that service or support
40 established by the department. If a rate has not been established

1 by the department, the regional center may, for an interim period,
2 contract for a specified service or support with, and establish a
3 rate of payment for, any provider of the service or support
4 necessary to implement a consumer's individual program plan.
5 Contracts may be negotiated for a period of up to three years, with
6 annual review and subject to the availability of funds.

7 (5) In order to ensure the maximum flexibility and availability
8 of appropriate services and supports for persons with
9 developmental disabilities, the department shall establish and
10 maintain an equitable system of payment to providers of services
11 and supports identified as necessary to the implementation of a
12 consumers' individual program plan. The system of payment shall
13 include provision for a rate to ensure that the provider can meet
14 the special needs of consumers and provide quality services and
15 supports in the least restrictive setting as required by law.

16 (6) The regional center and the consumer, or ~~where~~ *when*
17 appropriate, his or her parents, legal guardian, conservator, or
18 authorized representative, including those appointed pursuant to
19 ~~subdivision (d) of Section 4548, subparagraph (A) of paragraph~~
20 *(2) of subdivision (e) of Section 4540*, subdivision (b) of Section
21 4701.6, or subdivision (e) of Section 4705, shall, pursuant to the
22 individual program plan, consider all of the following when
23 selecting a provider of consumer services and supports:

24 (A) A provider's ability to deliver quality services or supports
25 ~~which~~ *that* can accomplish all or part of the consumer's individual
26 program plan.

27 (B) A provider's success in achieving the objectives set forth
28 in the individual program plan.

29 (C) ~~Where~~ *When* appropriate, the existence of licensing,
30 accreditation, or professional certification.

31 (D) The cost of providing services or supports of comparable
32 quality by different providers, if available, shall be reviewed, and
33 the least costly available provider of comparable service, including
34 the cost of transportation, who is able to accomplish all or part of
35 the consumer's individual program plan, consistent with the
36 particular needs of the consumer and family as identified in the
37 individual program plan, shall be selected. In determining the least
38 costly provider, the availability of federal financial participation
39 shall be considered. The consumer shall not be required to use the
40 least costly provider if it will result in the consumer moving from

1 an existing provider of services or supports to more restrictive or
2 less integrated services or supports.

3 (E) The consumer's choice of providers, or, ~~where~~ *when*
4 appropriate, the consumer's parent's, legal guardian's, authorized
5 representative's, or conservator's choice of providers.

6 (7) No service or support provided by any agency or individual
7 shall be continued unless the consumer or, ~~where~~ *when* appropriate,
8 his or her parents, legal guardian, or conservator, or authorized
9 representative, including those appointed pursuant to ~~subdivision~~
10 ~~(d) of Section 4548, subparagraph (A) of paragraph (2) of~~
11 *subdivision (e) of Section 4540*, subdivision (b) of Section 4701.6,
12 or subdivision (e) of Section 4705, is satisfied and the regional
13 center and the consumer or, when appropriate, the person's parents
14 or legal guardian or conservator agree that planned services and
15 supports have been provided, and reasonable progress toward
16 objectives have been made.

17 (8) Regional center funds shall not be used to supplant the
18 budget of any agency that has a legal responsibility to serve all
19 members of the general public and is receiving public funds for
20 providing those services.

21 (9) (A) A regional center may, directly or through an agency
22 acting on behalf of the center, provide placement in, purchase of,
23 or follow-along services to persons with developmental disabilities
24 in, appropriate community living arrangements, including, but not
25 limited to, support service for consumers in homes they own or
26 lease, foster family placements, health care facilities, and licensed
27 community care facilities. In considering appropriate placement
28 alternatives for children with developmental disabilities, approval
29 by the child's parent or guardian shall be obtained before placement
30 is made.

31 (B) Effective July 1, 2012, notwithstanding any other law or
32 ~~regulation to the contrary, regulation~~, a regional center shall not
33 purchase residential services from a State Department of Social
34 Services licensed 24-hour residential care facility with a licensed
35 capacity of 16 or more beds. This prohibition on regional center
36 purchase of residential services shall not apply to any of the
37 following:

38 (i) A residential facility with a licensed capacity of 16 or more
39 beds that has been approved to participate in the department's

1 Home and Community Based Services Waiver or another existing
2 waiver program or certified to participate in the Medi-Cal program.

3 (ii) A residential facility service provider that has a written
4 agreement and specific plan prior to July 1, 2012, with the
5 vendoring regional center to downsize the existing facility by
6 transitioning its residential services to living arrangements of 15
7 beds or less or restructure the large facility to meet federal
8 Medicaid eligibility requirements on or before June 30, 2013.

9 (iii) A residential facility licensed as a mental health
10 rehabilitation center by the State Department of Mental Health or
11 successor agency under any of the following circumstances:

12 (I) The facility is eligible for Medicaid reimbursement.

13 (II) The facility has a department-approved plan in place by
14 June 30, 2013, to transition to a program structure eligible for
15 federal Medicaid funding, and this transition will be completed by
16 June 30, 2014. The department may grant an extension for the date
17 by which the transition will be completed if the facility
18 demonstrates that it has made significant progress toward transition,
19 and states with specificity the timeframe by which the transition
20 will be completed and the specified steps that will be taken to
21 accomplish the transition. A regional center may pay for the costs
22 of care and treatment of a consumer residing in the facility on June
23 30, 2012, until June 30, 2013, inclusive, and, if the facility has a
24 department-approved plan in place by June 30, 2013, may continue
25 to pay the costs under this subparagraph until June 30, 2014, or
26 until the end of any period during which the department has granted
27 an extension.

28 (III) There is an emergency circumstance in which the regional
29 center determines that it cannot locate alternate federally eligible
30 services to meet the consumer's needs. Under such an emergency
31 circumstance, an assessment shall be completed by the regional
32 center as soon as possible and within 30 days of admission. An
33 individual program plan meeting shall be convened immediately
34 following the assessment to determine the services and supports
35 needed for stabilization and to develop a plan to transition the
36 consumer from the facility into the community. If transition is not
37 expected within 90 days of admission, an individual program plan
38 meeting shall be held to discuss the status of transition and to
39 determine if the consumer is still in need of placement in the
40 facility. Commencing October 1, 2012, this determination shall

1 be made after also considering resource options identified by the
2 statewide specialized resource service. If it is determined that
3 emergency services continue to be necessary, the regional center
4 shall submit an updated transition plan that can cover a period of
5 up to 90 days. In no event shall placements under these emergency
6 circumstances exceed 180 days.

7 (C) (i) Effective July 1, 2012, notwithstanding any other law
8 ~~or regulation to the contrary~~, *regulation*, a regional center shall
9 not purchase new residential services from, or place a consumer
10 in, institutions for mental disease, as described in Part 5
11 (commencing with Section 5900) of Division 5, for which federal
12 Medicaid funding is not available. Effective July 1, 2013, this
13 prohibition applies regardless of the availability of federal funding.

14 (ii) The prohibition described in clause (i) shall not apply to
15 emergencies, as determined by the regional center, when a regional
16 center cannot locate alternate services to meet the consumer's
17 needs. As soon as possible within 30 days of admission due to an
18 emergency, an assessment shall be completed by the regional
19 center. An individual program plan meeting shall be convened
20 immediately following the assessment, to determine the services
21 and supports needed for stabilization and to develop a plan to
22 transition the consumer from the facility to the community. If
23 transition is not expected within 90 days of admission, an
24 emergency program plan meeting shall be held to discuss the status
25 of the transition and to determine if the consumer is still in need
26 of placement in the facility. If emergency services continue to be
27 necessary, the regional center shall submit an updated transition
28 plan to the department for an extension of up to 90 days. Placement
29 shall not exceed 180 days.

30 (iii) To the extent feasible, prior to any admission, the regional
31 center shall consider resource options identified by the statewide
32 specialized resource service established pursuant to subdivision
33 (b) of Section 4418.25.

34 (iv) The clients' rights advocate shall be notified of each
35 admission and individual program planning meeting pursuant to
36 this subparagraph and may participate in all individual program
37 planning meetings unless the consumer objects on his or her own
38 behalf.

39 (v) Regional centers shall complete a comprehensive assessment
40 of any consumer residing in an institution for mental disease as of

1 July 1, 2012, for which federal Medicaid funding is not available,
2 and for any consumer residing in an institution for mental disease
3 as of July 1, 2013, without regard to federal funding. The
4 comprehensive assessment shall be completed prior to the
5 consumer's next scheduled individual program plan meeting and
6 shall include identification of the services and supports needed
7 and the timeline for identifying or developing those services needed
8 to transition the consumer back to the community. Effective
9 October 1, 2012, the regional center shall also consider resource
10 options identified by the statewide specialized resource service.
11 For each individual program plan meeting convened pursuant to
12 this subparagraph, the clients' rights advocate for the regional
13 center shall be notified of the meeting and may participate in the
14 meeting unless the consumer objects on his or her own behalf.

15 (D) ~~Each~~ A person with developmental disabilities placed by
16 the regional center in a community living arrangement shall have
17 the rights specified in this division. These rights shall be brought
18 to the person's attention by any means necessary to reasonably
19 communicate these rights to each resident, provided that, at a
20 minimum, the Director of Developmental Services prepare,
21 provide, and require to be clearly posted in all residential facilities
22 and day programs a poster using simplified language and pictures
23 that is designed to be more understandable by persons with
24 cognitive disabilities and that the rights information shall also be
25 available through the regional center to each residential facility
26 and day program in alternative formats, including, but not limited
27 to, other languages, braille, and audio tapes, when necessary to
28 meet the communication needs of consumers.

29 (E) Consumers are eligible to receive supplemental services
30 including, but not limited to, additional staffing, pursuant to the
31 process described in subdivision (d) of Section 4646. Necessary
32 additional staffing that is not specifically included in the rates paid
33 to the service provider may be purchased by the regional center if
34 the additional staff are in excess of the amount required by
35 regulation and the individual's planning team determines the
36 additional services are consistent with the provisions of the
37 individual program plan. Additional staff should be periodically
38 reviewed by the planning team for consistency with the individual
39 program plan objectives in order to determine if continued use of
40 the additional staff is necessary and appropriate and if the service

1 is producing outcomes consistent with the individual program plan.
2 Regional centers shall monitor programs to ensure that the
3 additional staff is being provided and utilized appropriately.

4 (10) Emergency and crisis intervention services including, but
5 not limited to, mental health services and behavior modification
6 services, may be provided, as needed, to maintain persons with
7 developmental disabilities in the living arrangement of their own
8 choice. Crisis services shall first be provided without disrupting a
9 person's living arrangement. If crisis intervention services are
10 unsuccessful, emergency housing shall be available in the person's
11 home community. If dislocation cannot be avoided, every effort
12 shall be made to return the person to his or her living arrangement
13 of choice, with all necessary supports, as soon as possible.

14 (11) Among other service and support options, planning teams
15 shall consider the use of paid roommates or neighbors, personal
16 assistance, technical and financial assistance, and all other service
17 and support options which would result in greater self-sufficiency
18 for the consumer and cost-effectiveness to the state.

19 (12) When facilitation as specified in an individual program
20 plan requires the services of an individual, the facilitator shall be
21 of the consumer's choosing.

22 (13) The community support may be provided to assist
23 individuals with developmental disabilities to fully participate in
24 community and civic life, including, but not limited to, programs,
25 services, work opportunities, business, and activities available to
26 persons without disabilities. This facilitation shall include, but not
27 be limited to, any of the following:

28 (A) Outreach and education to programs and services within
29 the community.

30 (B) Direct support to individuals ~~which~~ *that* would enable them
31 to more fully participate in their community.

32 (C) Developing unpaid natural supports when possible.

33 (14) When feasible and recommended by the individual program
34 planning team, for purposes of facilitating better and cost-effective
35 services for consumers or family members, technology, including
36 telecommunication technology, may be used in conjunction with
37 other services and supports. Technology in lieu of a consumer's
38 in-person appearances at judicial proceedings or administrative
39 due process hearings may be used only if the consumer or, when
40 appropriate, the consumer's parent, legal guardian, conservator,

1 or authorized representative, gives informed consent. Technology
2 may be used in lieu of, or in conjunction with, in-person training
3 for providers, as appropriate.

4 (15) Other services and supports may be provided as set forth
5 in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.

6 (16) Notwithstanding any other ~~provision of law or regulation~~
7 ~~to the contrary~~, *regulation*, effective July 1, 2009, regional centers
8 shall not purchase experimental treatments, therapeutic services,
9 or devices that have not been clinically determined or scientifically
10 proven to be effective or safe or for which risks and complications
11 are unknown. Experimental treatments or therapeutic services
12 include experimental medical or nutritional therapy when the use
13 of the product for that purpose is not a general physician practice.
14 For regional center consumers receiving these services as part of
15 their individual program plan (IPP) or individualized family service
16 plan (IFSP) on July 1, 2009, this prohibition shall apply on August
17 1, 2009.

18 (b) (1) Advocacy for, and protection of, the civil, legal, and
19 service rights of persons with developmental disabilities as
20 established in this division.

21 (2) Whenever the advocacy efforts of a regional center to secure
22 or protect the civil, legal, or service rights of any of its consumers
23 prove ineffective, the regional center or the person with
24 developmental disabilities or his or her parents, legal guardian, or
25 other representative may request ~~the area board to initiate action~~
26 ~~under the provisions defining area board advocacy functions~~
27 ~~established in this division.~~ *assistance from the state council.*

28 (c) The regional center may assist consumers and families
29 directly, or through a provider, in identifying and building circles
30 of support within the community.

31 (d) In order to increase the quality of community services and
32 protect consumers, the regional center shall, when appropriate,
33 take either of the following actions:

34 (1) Identify services and supports that are ineffective or of poor
35 quality and provide or secure consultation, training, or technical
36 assistance services for any agency or individual provider to assist
37 that agency or individual provider in upgrading the quality of
38 services or supports.

39 (2) Identify providers of services or supports that may not be
40 in compliance with local, state, and federal statutes and regulations

1 and notify the appropriate licensing or regulatory authority, or
2 request the ~~area board~~ *state council* to investigate the possible
3 noncompliance.

4 (e) When necessary to expand the availability of needed services
5 of good quality, a regional center may take actions that include,
6 but are not limited to, the following:

7 (1) Soliciting an individual or agency by requests for proposals
8 or other means, to provide needed services or supports not presently
9 available.

10 (2) Requesting funds from the Program Development Fund,
11 pursuant to Section 4677, or community placement plan funds
12 designated from that fund, to reimburse the startup costs needed
13 to initiate a new program of services and supports.

14 (3) Using creative and innovative service delivery models,
15 including, but not limited to, natural supports.

16 (f) Except in emergency situations, a regional center shall not
17 provide direct treatment and therapeutic services, but shall utilize
18 appropriate public and private community agencies and service
19 providers to obtain those services for its consumers.

20 (g) ~~Where~~ *When* there are identified gaps in the system of
21 services and supports or ~~where~~ *when* there are identified consumers
22 for whom no provider will provide services and supports contained
23 in his or her individual program plan, the department may provide
24 the services and supports directly.

25 (h) At least annually, regional centers shall provide the
26 consumer, his or her parents, legal guardian, conservator, or
27 authorized representative a statement of services and supports the
28 regional center purchased for the purpose of ensuring that they are
29 delivered. The statement shall include the type, unit, month, and
30 cost of services and supports purchased.

31 *SEC. 44. Section 4649 of the Welfare and Institutions Code is*
32 *amended to read:*

33 4649. Regional centers shall cooperate with ~~area boards~~ *the*
34 *state council* in joint efforts to inform the public of services
35 available to persons with developmental disabilities and of their
36 unmet needs, provide materials and education programs to
37 community groups and agencies with interest in, or responsibility
38 for, persons with developmental disabilities, and develop resource
39 materials, if necessary, containing information about local agencies,

1 facilities, and service providers offering services to persons with
 2 developmental disabilities.

3 *SEC. 45. Section 4650 of the Welfare and Institutions Code is*
 4 *amended to read:*

5 4650. Regional centers shall be responsible for developing an
 6 annual plan and program budget to be submitted to the director no
 7 later than September 1 of each fiscal year. An information copy
 8 shall be submitted to the ~~area board~~ and state council by the same
 9 date.

10 *SEC. 46. Section 4659 of the Welfare and Institutions Code is*
 11 *amended to read:*

12 4659. (a) Except as otherwise provided in subdivision (b) or
 13 (e), the regional center shall identify and pursue all possible sources
 14 of funding for consumers receiving regional center services. These
 15 sources shall include, but not be limited to, both of the following:

16 (1) Governmental or other entities or programs required to
 17 provide or pay the cost of providing services, including Medi-Cal,
 18 Medicare, the Civilian Health and Medical Program for Uniform
 19 Services, school districts, and federal supplemental security income
 20 and the state supplementary program.

21 (2) Private entities, to the maximum extent they are liable for
 22 the cost of services, aid, insurance, or medical assistance to the
 23 consumer.

24 (b) Any revenues collected by a regional center pursuant to this
 25 section shall be applied against the cost of services prior to use of
 26 regional center funds for those services. This revenue shall not
 27 result in a reduction in the regional center's purchase of services
 28 budget, except as it relates to federal supplemental security income
 29 and the state supplementary program.

30 (c) Effective July 1, 2009, notwithstanding any other ~~provision~~
 31 ~~of law or regulation to the contrary~~, regional centers shall not
 32 purchase any service that would otherwise be available from
 33 Medi-Cal, Medicare, the Civilian Health and Medical Program for
 34 Uniform Services, In-Home Support Services, California Children's
 35 Services, private insurance, or a health care service plan when a
 36 consumer or a family meets the criteria of this coverage but chooses
 37 not to pursue that coverage. If, on July 1, 2009, a regional center
 38 is purchasing that service as part of a consumer's individual
 39 program plan (IPP), the prohibition shall take effect on October
 40 1, 2009.

1 (d) (1) Effective July 1, 2009, notwithstanding any other
2 ~~provision of law or regulation to the contrary~~, a regional center
3 shall not purchase medical or dental services for a consumer three
4 years of age or older unless the regional center is provided with
5 documentation of a Medi-Cal, private insurance, or a health care
6 service plan denial and the regional center determines that an
7 appeal by the consumer or family of the denial does not have merit.
8 If, on July 1, 2009, a regional center is purchasing the service as
9 part of a consumer's IPP, this provision shall take effect on August
10 1, 2009. Regional centers may pay for medical or dental services
11 during the following periods:

12 (A) While coverage is being pursued, but before a denial is
13 made.

14 (B) Pending a final administrative decision on the administrative
15 appeal if the family has provided to the regional center a
16 verification that an administrative appeal is being pursued.

17 (C) Until the commencement of services by Medi-Cal, private
18 insurance, or a health care service plan.

19 (2) When necessary, the consumer or family may receive
20 assistance from the regional center, the Clients' Rights Advocate
21 funded by the department, ~~or area boards on developmental~~
22 ~~disabilities~~ *the state council* in pursuing these appeals.

23 (e) This section shall ~~not be construed to~~ impose any additional
24 liability on the parents of children with developmental disabilities,
25 or to restrict eligibility for, or deny services to, any individual who
26 qualifies for regional center services but is unable to pay.

27 (f) In order to best utilize generic resources, federally funded
28 programs, and private insurance programs for individuals with
29 developmental disabilities, the department and regional centers
30 shall engage in the following activities:

31 (1) Within existing resources, the department shall provide
32 training to regional centers, no less than once every two years, in
33 the availability and requirements of generic, federally funded and
34 private programs available to persons with developmental
35 disabilities, including, but not limited to, eligibility requirements,
36 the application process and covered services, and the appeal
37 process.

38 (2) Regional centers shall disseminate information and training
39 to all service coordinators regarding the availability and

1 requirements of generic, federally funded and private insurance
2 programs on the local level.

3 *SEC. 47. Section 4662 of the Welfare and Institutions Code is*
4 *amended to read:*

5 4662. In the case of an emergency situation involving matters
6 upon which prompt action is necessary due to the disruption or
7 threatened disruption of regional center services, an emergency
8 meeting may be called without complying with the advanced notice
9 requirement of Section 4661. For the purposes of this article,
10 “emergency situation” means any activity which severely impairs
11 public health, safety, or both, as determined by a majority of the
12 members of the regional center board. In these situations, advance
13 notice shall be provided if practicable. In addition, ~~the area board~~
14 *state council regional office* shall be notified by telephone of each
15 emergency meeting. The minutes of an emergency meeting,
16 including a description of any actions taken at the meeting, shall
17 be mailed immediately to those persons described in Section 4661.

18 *SEC. 48. Section 4669.2 of the Welfare and Institutions Code*
19 *is amended to read:*

20 4669.2. (a) Notwithstanding any other ~~provision of law~~, and
21 provided that there shall be no reduction in direct service to persons
22 eligible for services under this article, a regional center, with the
23 approval of the State Department of Developmental Services, and
24 in consultation with ~~the local area boards~~, *state council*, consumer
25 and vendor advisory committees, and local advocacy organizations,
26 may explore and implement any regional center service delivery
27 alternative included in this section for consumers living in the
28 community, as follows:

- 29 (1) Alternative service coordination for consumers.
- 30 (2) Technical and financial support to consumers, and where
31 appropriate, their families, to provide or secure their own services
32 in lieu of services that regional centers would otherwise provide,
33 purchase, or secure. These programs shall be cost-effective in the
34 aggregate, and shall be limited to consumers who are at imminent
35 risk of moving to a more restrictive setting.
- 36 (3) Procedures whereby regional centers may negotiate levels
37 of payment with providers for delivery of specific services to a
38 group of consumers through a mutually agreed upon contract with
39 a specific term and a guaranteed reimbursement amount. Contracted

1 services may be for any specific service or combination of services
2 across vendor categories.

3 (4) Procedures whereby consumers, regional center
4 representatives, ~~area board representatives,~~ *the state council*, and
5 local service providers may jointly examine and make
6 recommendations to the department for reduced reporting and
7 recording requirements of regional centers. The recommendations
8 shall be made available upon request.

9 (5) Proposals to reduce reporting and recordkeeping
10 requirements at a regional center.

11 (6) Procedures whereby a regional center may lease a facility
12 and contract for the provision of services in that facility for regional
13 center clients.

14 (7) Procedures that encourage innovative approaches to the
15 sharing of administrative resources between regional centers and
16 other public and private agencies serving persons with
17 developmental disabilities.

18 (8) Proposals for a regional center to purchase a facility for its
19 own office space if it can be shown to be cost-effective. ~~No funds~~
20 *Funds* from a regional center's purchase of services budget shall
21 *not* be used for this purchase.

22 (b) Consultation pursuant to subdivision (a) shall occur during
23 the development of the proposal prior to the public hearing
24 conducted in accordance with Section 4669.75 and after the
25 completion of the public hearing.

26 (c) The regional center shall annually submit to the State
27 Department of Developmental Services a report on the
28 implementation of the service delivery options approved by the
29 department under this section. The report shall review the effects
30 of the proposal, if applicable, upon the regional center purchase
31 of service budget and the state budget, the impact on other regional
32 center services, and the impact on consumers served under the
33 proposal. This report shall be completed within 90 days of the end
34 of each fiscal year.

35 *SEC. 49. Section 4677 of the Welfare and Institutions Code is*
36 *amended to read:*

37 4677. (a) (1) All parental fees collected by or for regional
38 centers shall be remitted to the State Treasury to be deposited in
39 the Developmental Disabilities Program Development Fund, which
40 is hereby created and hereinafter called the Program Development

1 Fund. The purpose of the Program Development Fund shall be to
2 provide resources needed to initiate new programs, and to expand
3 or convert existing programs. Within the context of, and consistent
4 with, approved priorities for program development in the state
5 plan, program development funds shall promote integrated
6 residential, work, instructional, social, civic, volunteer, and
7 recreational services and supports that increase opportunities for
8 self-determination and maximum independence of persons with
9 developmental disabilities. Notwithstanding any other ~~provision~~
10 ~~of law or regulation to the contrary~~, commencing July 1, 2009,
11 parental fees remitted to the State Treasury shall be deposited in
12 accordance with Section 4784.

13 (2) In no event shall an allocation from the Program
14 Development Fund be granted for more than 24 months.

15 (b) (1) The State Council on Developmental Disabilities shall,
16 at least once every five years, request from all regional centers
17 information on the types and amounts of services and supports
18 needed, but currently unavailable.

19 (2) The state council shall work collaboratively with the
20 department and the Association of Regional Center Agencies to
21 develop standardized forms and protocols that shall be used by all
22 regional centers and ~~area boards~~ *the state council* in collecting and
23 reporting this information. In addition to identifying services and
24 supports that are needed, but currently unavailable, the forms and
25 protocols shall also solicit input and suggestions on alternative
26 and innovative service delivery models that would address
27 consumer needs.

28 (3) In addition to the information provided pursuant to paragraph
29 (2), the state council may utilize information from other sources,
30 including, but not limited to, public hearings, quality assurance
31 assessments conducted pursuant to Section 4571, regional center
32 reports on alternative service delivery submitted to the department
33 pursuant to Section 4669.2, and the annual report on self-directed
34 services produced pursuant to Section 4685.7.

35 (4) The department shall provide additional information, as
36 requested by the state council.

37 (5) Based on the information provided by the regional centers
38 and other agencies, the state council shall develop an assessment
39 of the need for new, expanded, or converted community services
40 and support, and make that assessment available to the public. The

1 assessment shall include a discussion of the type and amount of
2 services and supports necessary but currently unavailable including
3 the impact on consumers with common characteristics, including,
4 but not limited to, disability, specified geographic regions, age,
5 and ethnicity, face distinct challenges. The assessment shall
6 highlight alternative and innovative service delivery models
7 identified through their assessment process.

8 (6) This needs assessment shall be conducted at least once every
9 five years and updated annually. The assessment shall be included
10 in the state plan and shall be provided to the department and to the
11 appropriate committees of the Legislature. The assessment and
12 annual updates shall be made available to the public. The State
13 Council on Developmental Disabilities, in consultation with the
14 department, shall make a recommendation to the Department of
15 Finance as to the level of funding for program development to be
16 included in the Governor's Budget, based upon this needs
17 assessment.

18 (c) Parental fee schedules shall be evaluated pursuant to Section
19 4784 and adjusted annually, as needed, by the department, with
20 the approval of the state council. The July 1, 2009, parental fee
21 adjustment shall be exempt from this approval requirement. Fees
22 for out-of-home care shall bear an equitable relationship to the
23 cost of the care and the ability of the family to pay.

24 (d) In addition to parental fees and General Fund appropriations,
25 the Program Development Fund may be augmented by federal
26 funds available to the state for program development purposes,
27 when these funds are allotted to the Program Development Fund
28 in the state plan. The Program Development Fund is hereby
29 appropriated to the department, and subject to any allocations that
30 may be made in the annual Budget Act. In no event shall any of
31 these funds revert to the General Fund.

32 (e) The department may allocate funds from the Program
33 Development Fund for any legal purpose, provided that requests
34 for proposals and allocations are approved by the state council in
35 consultation with the department, and are consistent with the
36 priorities for program development in the state plan. Allocations
37 from the Program Development Fund shall take into consideration
38 the following factors:

1 (1) The future fiscal impact of the allocations on other state
2 supported services and supports for persons with developmental
3 disabilities.

4 (2) (A) The information on priority services and supports
5 needed, but currently unavailable, submitted by the regional
6 centers.

7 **Consistent**

8 (B) *Consistent* with the level of need as determined in the state
9 plan, excess parental fees may be used for purposes other than
10 programs specified in subdivision (a) only when specifically
11 appropriated to the State Department of Developmental Services
12 for those purposes.

13 (f) Under no circumstances shall the deposit of federal moneys
14 into the Program Development Fund be construed as requiring the
15 State Department of Developmental Services to comply with a
16 definition of “developmental disabilities” and “services for persons
17 with developmental disabilities” other than as specified in
18 subdivisions (a) and (b) of Section 4512 for the purposes of
19 determining eligibility for developmental services or for allocating
20 parental fees and state general funds deposited in the Program
21 Development Fund.

22 *SEC. 50. Section 4685.8 of the Welfare and Institutions Code*
23 *is amended to read:*

24 4685.8. (a) The department shall implement a statewide
25 Self-Determination Program. The Self-Determination Program
26 shall be available in every regional center catchment area to provide
27 participants and their families, within an individual budget,
28 increased flexibility and choice, and greater control over decisions,
29 resources, and needed and desired services and supports to
30 implement their IPP. The statewide Self-Determination Program
31 shall be phased in over three years, and during this phase-in period,
32 shall serve up to 2,500 regional center consumers, inclusive of the
33 remaining participants in the self-determination pilot projects
34 authorized pursuant to Section 13 of Chapter 1043 of the Statutes
35 of 1998, as amended, and Article 4 (commencing with Section
36 4669.2) of Chapter 5. Following the phase-in period, the program
37 shall be available on a voluntary basis to all regional center
38 consumers who are eligible for the Self-Determination Program.
39 The program shall be available to individuals who reflect the
40 disability, ethnic, and geographic diversity of the state.

1 (b) The department in establishing the statewide program shall
2 do both of the following:

3 (1) For the first three years of the Self-Determination Program,
4 determine, as part of the contracting process described in Sections
5 4620 and 4629, the number of participants each regional center
6 shall serve in its Self-Determination Program. To ensure that the
7 program is available on an equitable basis to participants in all
8 regional center catchment areas, the number of Self-Determination
9 Program participants in each regional center shall be based on the
10 relative percentage of total consumers served by the regional
11 centers minus any remaining participants in the self-determination
12 pilot projects authorized pursuant to Section 13 of Chapter 1043
13 of the Statutes of 1998, as amended, and Article 4 (commencing
14 with Section 4669.2) of Chapter 5 or another equitable basis.

15 (2) Ensure all of the following:

16 (A) Oversight of expenditure of self-determined funds and the
17 achievement of participant outcomes over time.

18 (B) Increased participant control over which services and
19 supports best meet their needs and the IPP objectives. A
20 participant's unique support system may include the purchase of
21 existing service offerings from service providers or local
22 businesses, hiring his or her own support workers, or negotiating
23 unique service arrangements with local community resources.

24 (C) Comprehensive person-centered planning, including an
25 individual budget and services that are outcome based.

26 (D) Consumer and family training to ensure understanding of
27 the principles of self-determination, the planning process, and the
28 management of budgets, services, and staff.

29 (E) Choice of independent facilitators who can assist with the
30 person-centered planning process and choice of financial
31 management services providers vendored by regional centers who
32 can assist with payments and provide employee-related services.

33 (F) Innovation that will more effectively allow participants to
34 achieve their goals.

35 (c) For purposes of this section, the following definitions shall
36 apply:

37 (1) "Financial management services" means services or
38 functions that assist the participant to manage and direct the
39 distribution of funds contained in the individual budget, and ensure
40 that the participant has the financial resources to implement his or

1 her IPP throughout the year. These may include bill paying services
2 and activities that facilitate the employment of service and support
3 workers by the participant, including, but not limited to, fiscal
4 accounting, tax withholding, compliance with relevant state and
5 federal employment laws, assisting the participant in verifying
6 provider qualifications, including criminal background checks,
7 and expenditure reports. The financial management services
8 provider shall meet the requirements of Sections 58884, 58886,
9 and 58887 of Title 17 of the California Code of Regulations and
10 other specific qualifications established by the department. The
11 costs of financial management services shall be paid by the
12 participant out of his or her individual budget, except for the cost
13 of obtaining the criminal background check specified in subdivision
14 (w).

15 (2) “Independent facilitator” means a person, selected and
16 directed by the participant, who is not otherwise providing services
17 to the participant pursuant to his or her IPP and is not employed
18 by a person providing services to the participant. The independent
19 facilitator may assist the participant in making informed decisions
20 about the individual budget, and in locating, accessing, and
21 coordinating services and supports consistent with the participant’s
22 IPP. He or she is available to assist in identifying immediate and
23 long-term needs, developing options to meet those needs, leading,
24 participating, or advocating on behalf of the participant in the
25 person-centered planning process and development of the IPP, and
26 obtaining identified services and supports. The cost of the
27 independent facilitator, if any, shall be paid by the participant out
28 of his or her individual budget. An independent facilitator shall
29 receive training in the principles of self-determination, the
30 person-centered planning process, and the other responsibilities
31 described in this paragraph at his or her own cost.

32 (3) “Individual budget” means the amount of regional center
33 purchase of service funding available to the participant for the
34 purchase of services and supports necessary to implement the IPP.
35 The individual budget shall be determined using a fair, equitable,
36 and transparent methodology.

37 (4) “IPP” means individual program plan, as described in Section
38 4646.

39 (5) “Participant” means an individual, and when appropriate,
40 his or her parents, legal guardian or conservator, or authorized

1 representative, who has been deemed eligible for, and has
2 voluntarily agreed to participate in, the Self-Determination
3 Program.

4 (6) “Self-determination” means a voluntary delivery system
5 consisting of a defined and comprehensive mix of services and
6 supports, selected and directed by a participant through
7 person-centered planning, in order to meet the objectives in his or
8 her IPP. Self-determination services and supports are designed to
9 assist the participant to achieve personally defined outcomes in
10 community settings that promote inclusion. The Self-Determination
11 Program shall only fund services and supports provided pursuant
12 to this division that the federal Centers for Medicare and Medicaid
13 Services determines are eligible for federal financial participation.

14 (d) Participation in the Self-Determination Program is fully
15 voluntary. A participant may choose to participate in, and may
16 choose to leave, the Self-Determination Program at any time. A
17 regional center shall not require or prohibit participation in the
18 Self-Determination Program as a condition of eligibility for, or
19 the delivery of, services and supports otherwise available under
20 this division. Participation in the Self-Determination Program shall
21 be available to any regional center consumer who meets the
22 following eligibility requirements:

23 (1) The participant has a developmental disability, as defined
24 in Section ~~4512~~ 4512, and is receiving services pursuant to this
25 division.

26 (2) The consumer does not live in a licensed long-term health
27 care facility, as defined in paragraph (44) of subdivision (a) of
28 Section 54302 of Title 17 of the California Code of Regulations.
29 An individual, and when appropriate his or her parent, legal
30 guardian or conservator, or authorized representative, who is not
31 eligible to participate in the Self-Determination Program pursuant
32 to this paragraph may request that the regional center provide
33 person-centered planning services in order to make arrangements
34 for transition to the Self-Determination Program, provided that he
35 or she is reasonably expected to transition to the community within
36 90 days. In that case, the regional center shall initiate
37 person-centered planning services within 60 days of that request.

38 (3) The participant agrees to all of the following terms and
39 conditions:

1 (A) The participant shall receive an orientation to the
2 Self-Determination Program prior to enrollment, which includes
3 the principles of self-determination, the role of the independent
4 facilitator and the financial management services provider,
5 person-centered planning, and development of a budget.

6 (B) The participant shall utilize the services and supports
7 available within the Self-Determination Program only when generic
8 services and supports are not available.

9 (C) The participant shall only purchase services and supports
10 necessary to implement his or her IPP and shall comply with any
11 and all other terms and conditions for participation in the
12 Self-Determination Program described in this section.

13 (D) The participant shall manage Self-Determination Program
14 services and supports within his or her individual budget.

15 (E) The participant shall utilize the services of a financial
16 management services provider of his or her own choosing and who
17 is vendored by a regional center.

18 (F) The participant may utilize the services of an independent
19 facilitator of his or her own choosing for the purpose of providing
20 services and functions as described in paragraph (2) of subdivision
21 (c). If the participant elects not to use an independent facilitator,
22 he or she may use his or her regional center service coordinator to
23 provide the services and functions described in paragraph (2) of
24 subdivision (c).

25 (e) A participant who is not Medi-Cal eligible may participate
26 in the Self-Determination Program and receive self-determination
27 services and supports if all other program eligibility requirements
28 are met and the services and supports are otherwise eligible for
29 federal financial participation.

30 (f) An individual receiving services and supports under a
31 self-determination pilot project authorized pursuant to Section 13
32 of Chapter 1043 of the Statutes of 1998, as amended, or pursuant
33 to Article 4 (commencing with Section 4669.2) of Chapter 5, may
34 elect to continue to receive self-determination services and supports
35 pursuant to this section or the regional center shall provide for the
36 participant's transition from the self-determination pilot program
37 to other services and supports. This transition shall include the
38 development of a new IPP that reflects the services and supports
39 necessary to meet the individual's needs. The regional center shall

1 ensure that there is no gap in services and supports during the
2 transition period.

3 (g) The additional federal financial participation funds generated
4 by the former participants of the self-determination pilot projects
5 authorized pursuant to Section 13 of Chapter 1043 of the Statutes
6 of 1998, as amended, or pursuant to Article 4 (commencing with
7 Section 4669.2) of Chapter 5, shall be used as follows:

8 (1) First, to offset the cost to the department for the criminal
9 background check conducted pursuant to subdivision (w), and
10 other administrative costs incurred by the department in
11 implementing the Self-Determination Program.

12 (2) With the remaining funds, to offset the costs to the regional
13 centers in implementing the Self-Determination Program,
14 including, but not limited to, operations costs for caseload ratio
15 enhancement, training for regional center staff, costs associated
16 with the participant's initial person-centered planning meeting,
17 the development of the participant's initial individual budget, and
18 the costs associated with training consumers and family members.

19 (h) If at any time during participation in the Self-Determination
20 Program a regional center determines that a participant is no longer
21 eligible to continue in, or a participant voluntarily chooses to exit,
22 the Self-Determination Program, the regional center shall provide
23 for the participant's transition from the Self-Determination Program
24 to other services and supports. This transition shall include the
25 development of a new IPP that reflects the services and supports
26 necessary to meet the individual's needs. The regional center shall
27 ensure that there is no gap in services and supports during the
28 transition period.

29 (i) An individual determined to be ineligible for or who
30 voluntarily exits the Self-Determination Program shall be permitted
31 to return to the Self-Determination Program upon meeting all
32 applicable eligibility criteria and upon approval of the participant's
33 planning team, as described in subdivision (j) of Section 4512. An
34 individual who has voluntarily exited the Self-Determination
35 Program shall not return to the program for at least 12 months.
36 During the first three years of the program, the individual's right
37 to return to the program is conditioned on his or her regional center
38 not having reached the participant cap imposed by paragraph (1)
39 of subdivision (b).

1 (j) An individual who participates in the Self-Determination
2 Program may elect to continue to receive self-determination
3 services and supports if he or she transfers to another regional
4 center catchment area, provided that he or she remains eligible for
5 the Self-Determination Program pursuant to subdivision (d). The
6 balance of the participant's individual budget shall be reallocated
7 to the regional center to which he or she transfers.

8 (k) The IPP team shall utilize the person-centered planning
9 process to develop the IPP for a participant. The IPP shall detail
10 the goals and objectives of the participant that are to be met through
11 the purchase of participant-selected services and supports. The
12 IPP team shall determine the individual budget to ensure the budget
13 assists the participant to achieve the outcomes set forth in his or
14 her IPP and ensures his or her health and safety. The completed
15 individual budget shall be attached to the IPP.

16 (l) The participant shall implement his or her IPP, including
17 choosing and purchasing the services and supports allowable under
18 this section necessary to implement the plan. A participant is
19 exempt from the cost control restrictions regarding the purchases
20 of services and supports pursuant to Sections 4648.5 and 4686.5.
21 A regional center shall not prohibit the purchase of any service or
22 support that is otherwise allowable under this section.

23 (m) A participant shall have all the rights established in Sections
24 4646 to 4646.6, inclusive, and Chapter 7 (commencing with Section
25 4700).

26 (n) (1) Except as provided in paragraph (4), the IPP team shall
27 determine the initial and any revised individual budget for the
28 participant using the following methodology:

29 (A) (i) Except as specified in clause (ii), for a participant who
30 is a current consumer of the regional center, his or her individual
31 budget shall be the total amount of the most recently available 12
32 months of purchase of service expenditures for the participant.

33 (ii) An adjustment may be made to the amount specified in
34 clause (i) if both of the following occur:

35 (I) The IPP team determines that an adjustment to this amount
36 is necessary due to a change in the participant's circumstances,
37 needs, or resources that would result in an increase or decrease in
38 purchase of service expenditures, or the IPP team identifies prior
39 needs or resources that were unaddressed in the IPP, which would

1 have resulted in an increase or decrease in purchase of service
2 expenditures.

3 (II) The regional center certifies on the individual budget
4 document that regional center expenditures for the individual
5 budget, including any adjustment, would have occurred regardless
6 of the individual's participation in the Self-Determination Program.

7 (iii) For purposes of clauses (i) and (ii), the amount of the
8 individual budget shall not be increased to cover the cost of the
9 independent facilitator or the financial management services.

10 (B) For a participant who is either newly eligible for regional
11 center services or who does not have 12 months of purchase service
12 expenditures, his or her individual budget shall be calculated as
13 follows:

14 (i) The IPP team shall identify the services and supports needed
15 by the participant and available resources, as required by Section
16 4646.

17 (ii) The regional center shall calculate the cost of providing the
18 services and supports to be purchased by the regional center by
19 using the average cost paid by the regional center for each service
20 or support unless the regional center determines that the consumer
21 has a unique need that requires a higher or lower cost. The regional
22 center shall certify on the individual budget document that this
23 amount would have been expended using regional center purchase
24 of service funds regardless of the individual's participation in the
25 Self-Determination Program.

26 (iii) For purposes of clauses (i) and (ii), the amount of the
27 individual budget shall not be increased to cover the cost of the
28 independent facilitator or the financial management services.

29 (2) The amount of the individual budget shall be available to
30 the participant each year for the purchase of program services and
31 supports. An individual budget shall be calculated no more than
32 once in a 12-month period, unless revised to reflect a change in
33 circumstances, needs, or resources of the participant using the
34 process specified in clause (ii) of subparagraph (A) of paragraph
35 (1).

36 (3) The individual budget shall be assigned to uniform budget
37 categories developed by the department in consultation with
38 stakeholders and distributed according to the timing of the
39 anticipated expenditures in the IPP and in a manner that ensures

1 that the participant has the financial resources to implement his or
2 her IPP throughout the year.

3 (4) The department, in consultation with stakeholders, may
4 develop alternative methodologies for individual budgets that are
5 computed in a fair, transparent, and equitable manner and are based
6 on consumer characteristics and needs, and that include a method
7 for adjusting individual budgets to address a participant's change
8 in circumstances or needs.

9 (o) Annually, participants may transfer up to 10 percent of the
10 funds originally distributed to any budget category set forth in
11 paragraph (3) of subdivision (n) to another budget category or
12 categories. Transfers in excess of 10 percent of the original amount
13 allocated to any budget category may be made upon the approval
14 of the regional center or the participant's IPP team.

15 (p) Consistent with the implementation date of the IPP, the IPP
16 team shall annually ascertain from the participant whether there
17 are any circumstances or needs that require a change to the annual
18 individual budget. Based on that review, the IPP team shall
19 calculate a new individual budget consistent with the methodology
20 identified in subdivision (n).

21 (q) (1) On or before December 31, 2014, the department shall
22 apply for federal Medicaid funding for the Self-Determination
23 Program by doing one or more of the following:

24 (A) Applying for a state plan amendment.

25 (B) Applying for an amendment to a current home- and
26 community-based waiver for individuals with developmental
27 disabilities.

28 (C) Applying for a new waiver.

29 (D) Seeking to maximize federal financial participation through
30 other means.

31 (2) To the extent feasible, the state plan amendment, waiver, or
32 other federal request described in paragraph (1) shall incorporate
33 the eligibility requirements, benefits, and operational requirements
34 set forth in this section. Except for the provisions of subdivisions
35 (k), (m), (p), and this subdivision, the department may modify
36 eligibility requirements, benefits, and operational requirements as
37 needed to secure approval of federal funding.

38 (3) Contingent upon approval of federal funding, the
39 Self-Determination Program shall be established.

1 (r) (1) The department, as it determines necessary, may adopt
2 regulations to implement the procedures set forth in this section.
3 Any regulations shall be adopted in accordance with the
4 requirements of Chapter 3.5 (commencing with Section 11340) of
5 Part 1 of Division 3 of Title 2 of the Government Code.

6 (2) Notwithstanding paragraph (1) and Chapter 3.5 (commencing
7 with Section 11340) of Part 1 of Division 3 of Title 2 of the
8 Government Code, and only to the extent that all necessary federal
9 approvals are obtained, the department, without taking any further
10 regulatory action, shall implement, interpret, or make specific this
11 section by means of program directives or similar instructions until
12 the time regulations are adopted. It is the intent of the Legislature
13 that the department be allowed this temporary authority as
14 necessary to implement program changes only until completion
15 of the regulatory process.

16 (s) The department, in consultation with stakeholders, shall
17 develop informational materials about the Self-Determination
18 Program. The department shall ensure that regional centers are
19 trained in the principles of self-determination, the mechanics of
20 the Self-Determination Program, and the rights of consumers and
21 families as candidates for, and participants in, the
22 Self-Determination Program.

23 (t) Each regional center shall be responsible for implementing
24 the Self-Determination Program as a term of its contract under
25 Section 4629. As part of implementing the program, the regional
26 center shall do both of the following:

27 (1) Contract with local consumer or family-run organizations
28 to conduct outreach through local meetings or forums to consumers
29 and their families to provide information about the
30 Self-Determination Program and to help ensure that the program
31 is available to a diverse group of participants, with special outreach
32 to underserved communities.

33 (2) Collaborate with the local consumer or family-run
34 organizations identified in paragraph (1) to jointly conduct training
35 about the Self-Determination Program.

36 (u) The financial management services provider shall provide
37 the participant and the regional center service coordinator with a
38 monthly individual budget statement that describes the amount of
39 funds allocated by budget category, the amount spent in the

1 previous 30-day period, and the amount of funding that remains
2 available under the participant's individual budget.

3 (v) Only the financial management services provider is required
4 to apply for vendorization in accordance with Subchapter 2
5 (commencing with Section 54300) of Chapter 3 of *Division 2 of*
6 Title 17 of the California Code of Regulations, for the
7 Self-Determination Program. All other service and support
8 providers shall not be on the federal debarment list and shall have
9 applicable state licenses, certifications, or other state required
10 documentation, including documentation of any other qualifications
11 required by the department, but are exempt from the vendorization
12 requirements set forth in Title 17 of the California Code of
13 Regulations when serving participants in the Self-Determination
14 Program.

15 (w) To protect the health and safety of participants in the
16 Self-Determination Program, the department shall require a
17 criminal background check in accordance with all of the following:

18 (1) The department shall issue a program directive that identifies
19 nonvendored providers of services and supports who shall obtain
20 a criminal background check pursuant to this subdivision. At a
21 ~~minimum~~ *minimum*, these staff shall include both of the following:

22 (A) Individuals who provide direct personal care services to a
23 participant.

24 (B) Other nonvendored providers of services and supports for
25 whom a criminal background check is requested by a participant
26 or the participant's financial management service.

27 (2) Subject to the procedures and requirements of this
28 subdivision, the department shall administer criminal background
29 checks consistent with the department's authority and the process
30 described in Sections 4689.2 to 4689.6, inclusive.

31 (3) The department shall electronically submit to the Department
32 of Justice fingerprint images and related information required by
33 the Department of Justice of nonvendored providers of services
34 and supports, as specified in paragraph (1), for the purposes of
35 obtaining information as to the existence and content of a record
36 of state or federal convictions and state or federal arrests and also
37 information as to the existence and content of a record of state or
38 federal arrests for which the Department of Justice establishes that
39 the person is free on bail or on his or her recognizance pending
40 trial or appeal.

1 (4) When received, the Department of Justice shall forward to
2 the Federal Bureau of Investigation requests for federal summary
3 criminal history information received pursuant to this section. The
4 Department of Justice shall review the information returned from
5 the Federal Bureau of Investigation and compile and disseminate
6 a response to the department.

7 (5) The Department of Justice shall provide a state or federal
8 response to the department pursuant to paragraph (1) of subdivision
9 (p) of Section 11105 of the Penal Code.

10 (6) The department shall request from the Department of Justice
11 subsequent notification service, as provided pursuant to Section
12 11105.2 of the Penal Code, for persons described in paragraph (1).

13 (7) The Department of Justice shall charge a fee sufficient to
14 cover the cost of processing the request described in this
15 subdivision.

16 (8) The fingerprints of any provider of services and supports
17 who is required to obtain a criminal background check shall be
18 submitted to the Department of Justice prior to employment. The
19 costs of the fingerprints and the financial management service's
20 administrative cost authorized by the department shall be paid by
21 the services and supports provider or his or her employing agency.
22 Any administrative costs incurred by the department pursuant to
23 this subdivision shall be offset by the funds specified in subdivision
24 (g).

25 (9) If the criminal record information report shows a criminal
26 history, the department shall take the steps specified in Section
27 4689.2. The department may prohibit a provider of services and
28 supports from becoming employed, or continuing to be employed,
29 based on the criminal background check, as authorized in Section
30 4689.6. The provider of services and supports who has been denied
31 employment shall have the rights set forth in Section 4689.6.

32 (10) The department may utilize a current department-issued
33 criminal record clearance to enable a provider to serve more than
34 one participant, as long as the criminal record clearance has been
35 processed through the department and no subsequent arrest
36 notifications have been received relative to the cleared applicant.

37 (11) Consistent with subdivision (h) of Section 4689.2, the
38 participant or financial management service that denies or
39 terminates employment based on written notification from the

1 department shall not incur civil liability or unemployment insurance
2 liability.

3 (x) To ensure the effective implementation of the
4 Self-Determination Program and facilitate the sharing of best
5 practices and training materials commencing with the
6 implementation of the Self-Determination Program, local and
7 statewide advisory committees shall be established as follows:

8 (1) Each regional center shall establish a local volunteer advisory
9 committee to provide oversight of the Self-Determination Program.
10 The regional center and the ~~area board~~ *State Council on*
11 *Developmental Disabilities* shall each appoint one-half of the
12 membership of the committee. The committee shall consist of the
13 regional center clients' rights advocate, consumers, family
14 members, and other advocates, and community leaders. A majority
15 of the committee shall be consumers and their family members.
16 The committee shall reflect the multicultural diversity and
17 geographic profile of the catchment area. The committee shall
18 review the development and ongoing progress of the
19 Self-Determination Program, including whether the program
20 advances the principles of self-determination and is operating
21 consistent with the requirements of this section, and may make
22 ongoing recommendations for improvement to the regional center
23 and the department.

24 (2) The State Council on Developmental Disabilities shall form
25 a volunteer committee, to be known as the Statewide
26 Self-Determination Advisory Committee, comprised of the chairs
27 of the 21 local advisory committees or their designees. The council
28 shall convene the Statewide Self-Determination Advisory
29 Committee twice annually, or more frequently in the sole discretion
30 of the council. The Statewide Self-Determination Advisory
31 Committee shall meet by teleconference or other means established
32 by the council, to identify self-determination best practices,
33 effective consumer and family training materials, implementation
34 concerns, systemic issues, ways to enhance the program, and
35 recommendations regarding the most effective method for
36 participants to learn of individuals who are available to provide
37 services and supports. The council shall synthesize information
38 received from the Statewide Self-Determination Advisory
39 Committee, local advisory committees, and other sources, shall
40 share the information with consumers, families, regional centers,

1 and the department, and shall make recommendations, as
2 appropriate, to increase the program’s effectiveness in furthering
3 the principles of self-determination.

4 (y) Commencing January 10, 2017, the department shall
5 annually provide the following information to the appropriate
6 policy and fiscal committees of the Legislature:

7 (1) Number and characteristics of participants, by regional
8 center.

9 (2) Types and amount of services and supports purchased under
10 the Self-Determination Program, by regional center.

11 (3) Range and average of individual budgets, by regional center,
12 including adjustments to the budget to address the adjustments
13 permitted in clause (ii) of subparagraph (A) of paragraph (1) of
14 subdivision (n).

15 (4) The number and outcome of appeals concerning individual
16 budgets, by regional center.

17 (5) The number and outcome of fair hearing appeals, by regional
18 center.

19 (6) The number of participants who voluntarily withdraw from
20 the Self-Determination Program and a summary of the reasons
21 why, by regional center.

22 (7) The number of participants who are subsequently determined
23 to no longer be eligible for the Self-Determination Program and a
24 summary of the reasons why, by regional center.

25 (z) (1) The State Council on Developmental Disabilities, in
26 collaboration with the protection and advocacy agency identified
27 in Section 4900 and the federally funded University Centers for
28 Excellence in Developmental Disabilities Education, Research,
29 and Service, may work with regional centers to survey participants
30 regarding participant satisfaction under the Self-Determination
31 Program, and, when data is available, the traditional service
32 delivery system, including the proportion of participants who report
33 that their choices and decisions are respected and supported and
34 who report that they are able to recruit and hire qualified service
35 providers, and to identify barriers to participation and
36 recommendations for improvement.

37 (2) The council, in collaboration with the protection and
38 advocacy agency identified in Section 4900 and the federally
39 funded University Centers for Excellence in Developmental
40 Disabilities Education, Research, and Service, shall issue a report

1 to the Legislature, in compliance with Section 9795 of the
2 Government Code, no later than three years following the approval
3 of the federal funding on the status of the Self-Determination
4 Program authorized by this section, and provide recommendations
5 to enhance the effectiveness of the program. This review shall
6 include the program's effectiveness in furthering the principles of
7 self-determination, including all of the following:

8 (A) Freedom, which includes the ability of adults with
9 developmental disabilities to exercise the same rights as all citizens;
10 to establish, with freely chosen supporters, family and friends,
11 where they want to live, with whom they want to live, how their
12 time will be occupied, and who supports them; and, for families,
13 to have the freedom to receive unbiased assistance of their own
14 choosing when developing a plan and to select all personnel and
15 supports to further the life goals of a minor child.

16 (B) Authority, which includes the ability of a person with a
17 disability, or family, to control a certain sum of dollars in order to
18 purchase services and supports of their choosing.

19 (C) Support, which includes the ability to arrange resources and
20 personnel, both formal and informal, that will assist a person with
21 a disability to live a life in his or her community that is rich in
22 community participation and contributions.

23 (D) Responsibility, which includes the ability of participants to
24 take responsibility for decisions in their own lives and to be
25 accountable for the use of public dollars, and to accept a valued
26 role in their community through, for example, competitive
27 employment, organizational affiliations, spiritual development,
28 and general caring of others in their community.

29 (E) Confirmation, which includes confirmation of the critical
30 role of participants and their families in making decisions in their
31 own lives and designing and operating the system that they rely
32 on.

33 *SEC. 51. Section 4701 of the Welfare and Institutions Code is*
34 *amended to read:*

35 4701. "Adequate notice" means a written notice informing the
36 applicant, recipient, and authorized representative of at least all of
37 the following:

38 (a) The action that the service agency proposes to take, including
39 a statement of the basic facts upon which the service agency is
40 relying.

- 1 (b) The reason or reasons for that action.
2 (c) The effective date of that action.
3 (d) The specific law, regulation, or policy supporting the action.
4 (e) The responsible state agency with whom a state appeal may
5 be filed, including the address of the state agency director.
6 (f) That if a fair hearing is requested, the claimant has the
7 following rights:
8 (1) The opportunity to be present in all proceedings and to
9 present written and oral evidence.
10 (2) The opportunity to confront and cross-examine witnesses.
11 (3) The right to appear in person with counsel or other
12 representatives of his or her own choosing.
13 (4) The right to access to records pursuant to Article 5
14 (commencing with Section 4725).
15 (5) The right to an interpreter.
16 (g) Information on availability of advocacy assistance, including
17 referral to the developmental center or regional center clients'
18 rights advocate, ~~area board~~, *the State Council on Developmental*
19 *Disabilities*, publicly funded legal services corporations, and other
20 publicly or privately funded advocacy organizations, including the
21 protection and advocacy system required under federal Public Law
22 95-602, the Developmental Disabilities Assistance and Bill of
23 Rights Act (42 U.S.C.A. Sec. 6000 et seq.).
24 (h) The fair hearing procedure, including deadlines, access to
25 service agency records under Article 5 (commencing with Section
26 4725), the opportunity to request an informal meeting to resolve
27 the issue or issues, and the opportunity to request mediation which
28 shall be voluntary for both the claimant and the service agency.
29 (i) If the claimant has requested an informal meeting,
30 information that it shall be held within 10 days of the date the
31 hearing request form is received by the service agency.
32 (j) The option of requesting mediation prior to a fair hearing,
33 as provided in Section 4711.5. ~~Nothing in this~~ *This* section shall
34 *not* preclude the claimant or his or her authorized representative
35 from proceeding directly to a fair hearing in the event that
36 mediation is unsuccessful.
37 (k) The fair hearing shall be completed and a final administrative
38 decision rendered within 90 days of the date the hearing request
39 form is received by the service agency, unless the fair hearing

1 request has been withdrawn or the time period has been extended
2 in accordance with this chapter.

3 (l) Prior to a voluntary informal meeting, voluntary mediation
4 or a fair hearing, the claimant or his or her authorized representative
5 shall have the right to examine any or all documents contained in
6 the individual's service agency file. Access to records shall be
7 provided pursuant to Article 5 (commencing with Section 4725).

8 (m) An explanation that a request for mediation may constitute
9 a waiver of the rights of a medicaid home and community-based
10 waiver participant to receive a fair hearing decision within 90 days
11 of the date the hearing request form is received by the service
12 agency, as specified in subdivision (c) of Section 4711.5.

13 (n) That if a request for a fair hearing by a recipient is
14 postmarked or received by a service agency no later than 10 days
15 after receipt of the notice of the proposed action mailed pursuant
16 to subdivision (a) of Section 4710, current services shall continue
17 as provided in Section 4715. The notice shall be in clear,
18 nontechnical language in English. If the claimant or authorized
19 representative does not comprehend English, the notice shall be
20 provided in ~~such~~ any other language as the claimant or authorized
21 representative comprehends.

22 (o) A statement indicating whether the recipient is a participant
23 in the home and community-based services waiver.

24 *SEC. 52. Section 4702.6 of the Welfare and Institutions Code*
25 *is amended to read:*

26 4702.6. "Hearing request form" means a document that shall
27 include the name, address, and birth date of the claimant, date of
28 request, reason for the request, and name, address, and relationship
29 to the claimant of the authorized representative, if any, and whether
30 the claimant is a participant in the medicaid home and
31 community-based waiver. The hearing request form shall also
32 indicate whether the claimant or his or her authorized representative
33 is requesting mediation. A copy of the appointment of the
34 authorized representative, by the claimant or the ~~area board~~ *State*
35 *Council on Developmental Disabilities* if any, shall also be
36 included.

37 *SEC. 53. Section 4705 of the Welfare and Institutions Code is*
38 *amended to read:*

39 4705. (a) (1) Every service agency shall, as a condition of
40 continued receipt of state funds, have an agency fair hearing

1 procedure for resolving conflicts between the service agency and
2 recipients of, or applicants for, service. The State Department of
3 Developmental Services shall promulgate regulations to implement
4 this chapter by July 1, 1999, which shall be binding on every
5 service agency.

6 ~~Any~~

7 (2) *Any* public or private agency receiving state funds for the
8 purpose of serving persons with developmental disabilities not
9 otherwise subject to the provisions of this chapter shall, as a
10 condition of continued receipt of state funds, adopt and periodically
11 review a written internal grievance procedure.

12 (b) An agency that employs a fair hearing procedure mandated
13 by any other statute shall be considered to have an approved
14 procedure for purposes of this chapter.

15 (c) The service agency's mediation and fair hearing procedure
16 shall be stated in writing, in English and any other language that
17 may be appropriate to the needs of the consumers of the agency's
18 service. A copy of the procedure and a copy of the provisions of
19 this chapter shall be prominently displayed on the premises of the
20 service agency.

21 (d) All recipients and applicants, and persons having legal
22 responsibility for recipients or applicants, shall be informed
23 verbally of, and shall be notified in writing in a language which
24 they comprehend of, the service agency's mediation and fair
25 hearing procedure when they apply for service, when they are
26 denied service, when notice of service modification is given
27 pursuant to Section 4710, and upon request.

28 (e) If, in the opinion of any person, the rights or interests of a
29 claimant who has not personally authorized a representative will
30 not be properly protected or advocated, the ~~local area board~~ *State*
31 *Council on Developmental Disabilities* and the clients' right
32 advocate assigned to the regional center or developmental center
33 shall be notified, and the ~~area board~~ *State Council on*
34 *Developmental Disabilities* may appoint a person or agency as
35 representative, pursuant to ~~subdivision (d) of Section 4548,~~
36 *subparagraph (A) of paragraph (2) of subdivision (e) of Section*
37 *4540*, to assist the claimant in the mediation and fair hearing
38 procedure. The appointment shall be in writing to the authorized
39 representative and a copy of the appointment shall be immediately
40 mailed to the service agency director.

1 *SEC. 54. Section 4775 of the Welfare and Institutions Code is*
2 *amended to read:*

3 4775. The Legislature finds that the method of appropriating
4 funds for numerous programs for the developmentally disabled
5 affects the availability and distribution of services and must be
6 related to statewide planning. Therefore, the process for
7 determining levels of funding of programs must involve
8 consideration of the state plan established pursuant to Chapter 3
9 (commencing with Section ~~4560~~ 4561) of this division and the
10 participation of citizens who may be directly affected by funding
11 decisions.

12 *SEC. 55. Section 4830 of the Welfare and Institutions Code is*
13 *amended to read:*

14 4830. As used in this chapter:

15 (a) “Continuum” means a coordinated multicomponent services
16 system within the geographic borders of each of the ~~13 area boards~~
17 ~~on developmental disabilities~~ *regional offices of the State Council*
18 *on Developmental Disabilities* whose design shall support the
19 sequential developmental needs of persons ~~such~~ *so* that the pattern
20 of these services provides an unbroken chain of experience,
21 maximum personal growth and liberty.

22 (b) “Normalization” means making available programs, methods,
23 and titles ~~which~~ *that* are culturally normative, and patterns and
24 conditions of everyday life ~~which~~ *that* are as close as possible to
25 the norms and patterns of the mainstream of society.

26 (c) “Designated agency” means the legal entity selected by the
27 State Department of Developmental Services to be responsible for
28 organizing or providing services within each continuum or both.

29 *SEC. 56. Section 4831 of the Welfare and Institutions Code is*
30 *amended to read:*

31 4831. The State Department of Developmental Services may
32 develop the design and phase-in plan for continuums and may
33 designate one or more designated agencies to implement
34 community living continuums throughout the state, after
35 consideration of a recommendation from the ~~respective area board~~
36 ~~on developmental disabilities~~ *State Council on Developmental*
37 *Disabilities* in conjunction with recommendations from the
38 appropriate regional center.

39 *SEC. 57. Section 4832 of the Welfare and Institutions Code is*
40 *amended to read:*

1 4832. ~~An area board~~ (a) *The State Council on Developmental*
2 *Disabilities* may review and evaluate existing and proposed
3 community living arrangement programs within ~~their jurisdiction~~
4 *the various regions of the state* and may make a recommendation
5 to the Director of ~~the Department of~~ Developmental Services
6 concerning programs ~~which~~ *that* should be considered as the most
7 appropriate agency to be designated as responsible for the
8 implementation of the community living continuum within their
9 area. These programs shall include, but not be limited to, those
10 ~~which~~ *that* have been funded through the issuance of Mental
11 Retardation Private Institutions' Fund grants, Developmental
12 Disability Community Development grants, and model state
13 hospital programs. Consideration shall be given to all of the
14 following:

- 15 (a)
- 16 (1) Private nonprofit corporations.
- 17 (b)
- 18 (2) Public agencies.
- 19 (c)
- 20 (3) A joint powers agreement agency.

21 ~~At~~
22 (b) *At* least one-third of the board of directors, public or private
23 or an advisory committee in the event a public agency is selected,
24 shall be composed of consumer representatives, including members
25 of the immediate family of the consumer.

26 ~~No~~
27 (c) A person shall *not* serve as a director or advisory committee
28 member who has a financial interest, as defined in Section 87103
29 of the Government Code, in designated agency operations, except
30 with respect to any interest as a consumer of a designated agency
31 or regional center services.

32 *SEC. 58. Section 4835 of the Welfare and Institutions Code is*
33 *amended to read:*

34 4835. (a) The Director of Developmental Services may
35 establish uniform operational procedures, performance and
36 evaluation standards and utilization criteria for designated agencies
37 pursuant to this chapter.

38 ~~These~~
39 (b) *These* standards and criteria shall be developed with
40 participation by consumer organizations, ~~area boards on~~

1 ~~developmental disabilities~~, *the State Council on Developmental*
2 *Disabilities*, the Association of Regional Center Agencies, the
3 State Department of Social Services, the State Department of
4 Health Care Services, the State Department of Education, and the
5 Department of Rehabilitation, and consultations with individuals
6 with experience in developmental services programming.

O