

AMENDED IN SENATE JUNE 18, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1595**

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**Introduced by Assembly Member Chesbro**

February 3, 2014

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An act to amend Sections 4433, 4433.5, 4474.1, 4478, 4520, 4521, 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 add Section 4541 to*, to repeal Sections ~~4543 and 4560~~ *4543, 4547, 4560, and 4566* of, and to repeal and add Sections *4545, 4546, 4548, 4551, and 4553* *4553, and 4563* 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~~ *conduct* 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 law requires the Governor to appoint 31 voting members to the council, including 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~~ *members, including the nonagency members*, of the council prior to appointing specified members and would require those members to serve no more than 2 terms.

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 revise and recast the area boards as regional offices or ~~the~~ *as* 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.~~ *and would make the establishment of the regional offices and the regional advisory committees discretionary. The bill would require any regional officers and regional advisory committees established to be constituted and operated according to policies and procedures set by the state council.* The bill would require the regional advisory ~~committees to~~ *to, upon the request of the state council, among other things,* 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~~ *state council to appoint an executive director* 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.~~  
13    ~~SECTION 1.~~ Section 4433 of the Welfare and Institutions Code  
14    is amended to read:  
15    4433. (a) The Legislature finds and declares all of the  
16    following:  
17    (1) The State of California accepts its responsibility to ensure  
18    and uphold the rights of persons with developmental disabilities  
19    and an obligation to ensure that laws, regulations, and policies on  
20    the rights of persons with developmental disabilities are observed  
21    and protected.  
22    (2) Persons with developmental disabilities are vulnerable to  
23    abuse, neglect, and deprivations of their rights.  
24    (3) Clients’ rights advocacy services provided by the regional  
25    centers, the advocacy services currently provided by the department  
26    at the state ~~hospitals~~, *developmental centers*, and the services  
27    provided by the department’s Office of Human Rights may have  
28    conflicts of interest or 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 developmental  
16 disabilities residing in licensed health and community care facilities  
17 regarding abuse, and unreasonable denial, or punitive withholding,  
18 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.~~

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

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

9 ~~SEC. 4.~~

10 *SEC. 3.* Section 4474.1 of the Welfare and Institutions Code  
11 is amended to read:

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

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

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

37 (d) Prior to the submission of the plan to the Legislature, the  
38 department shall confer with the county in which the developmental  
39 center is located, the regional centers served by the developmental  
40 center, and other state departments using similar occupational

1 classifications, to develop a program for the placement of staff of  
2 the developmental center planned for closure in other  
3 developmental centers, as positions become vacant, or in similar  
4 positions in programs operated by, or through contract with, the  
5 county, regional centers, or other state departments.

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

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

- 12 (1) A description of the land and buildings affected.
- 13 (2) A description of existing lease arrangements at the  
14 developmental center.
- 15 (3) The impact on residents and their families.
- 16 (4) Anticipated alternative placements for residents.
- 17 (5) The impact on regional center services.
- 18 (6) Where services will be obtained that, upon closure of the  
19 developmental center, will no longer be provided by that facility.
- 20 (7) Potential job opportunities for developmental center  
21 employees and other efforts made to mitigate the effect of the  
22 closure on employees.
- 23 (8) The fiscal impact of the closure.
- 24 (9) The timeframe in which closure will be accomplished.

25 ~~SEC. 5.~~

26 *SEC. 4.* Section 4478 of the Welfare and Institutions Code is  
27 amended to read:

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

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

34 (c) It is the intent of the Legislature that the department assist  
35 the development of annual regional meetings required by this  
36 section.

37 ~~SEC. 6.~~

38 *SEC. 5.* Section 4520 of the Welfare and Institutions Code is  
39 amended to read:

1 4520. (a) ~~The Legislature finds that services for persons with~~  
2 ~~developmental disabilities constitute a major expenditure of public~~  
3 ~~funds, that these programs are provided by hundreds of public and~~  
4 ~~private statewide and local agencies, that the legal, civil, and~~  
5 ~~service rights of persons with developmental disabilities are~~  
6 ~~frequently denied, and that there is no effective method for~~  
7 ~~planning and coordinating the state's resources to assure these~~  
8 ~~rights. Therefore, a~~ State Council on Developmental Disabilities  
9 with authority independent of any single state service agency is  
10 needed and is hereby created to conduct advocacy, capacity  
11 building, and systemic change activities, as required by the federal  
12 Developmental Disabilities Assistance and Bill of Rights Act of  
13 2000 (Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.)). *created.*

14 (b) ~~The Legislature further finds that the state faces unique~~  
15 ~~challenges because of its size and diversity, and that neighborhoods~~  
16 ~~and communities lack the support necessary to monitor system~~  
17 ~~functions and advocate for the rights and interests of persons with~~  
18 ~~developmental disabilities. Therefore, in order to ensure that the~~  
19 ~~council is accessible and responsive to the diverse geographic,~~  
20 ~~racial, ethnic, and language needs of persons with developmental~~  
21 ~~disabilities and their families throughout California, the council~~  
22 ~~shall establish, maintain, and operate regional offices, and~~  
23 ~~determine the number and location of its regional offices.~~

24 (b) *The Legislature finds that in each of the 56 states and*  
25 *territories, the federal Developmental Disabilities Assistance and*  
26 *Bill of Rights Act of 2000 (Public Law 106-402 (42 U.S.C. 15001*  
27 *et seq.)) establishes State Councils on Developmental Disabilities*  
28 *that work to promote the core values of the act, including*  
29 *self-determination, independence, productivity, integration, and*  
30 *inclusion in all aspects of community life.*

31 (c) *The Legislature finds that California's State Council on*  
32 *Developmental Disabilities was established pursuant to the federal*  
33 *Developmental Disabilities Assistance and Bill of Rights Act of*  
34 *2000 to engage in advocacy, capacity building, and systemic*  
35 *change activities that are consistent with the policy contained in*  
36 *federal law and contribute to a coordinated, consumer- and*  
37 *family-centered, consumer- and family-directed, comprehensive*  
38 *system that includes the provision of needed community services,*  
39 *individualized supports, and other forms of assistance that promote*  
40 *self-determination for individuals with developmental disabilities*

1 *and their families. It is the intent of the Legislature that the state*  
2 *council independently exercise its authority and responsibilities*  
3 *under federal law, expend its federal funding allocation, and*  
4 *exercise all powers and duties that may be necessary to carry out*  
5 *the purposes contained in applicable federal law.*

6 *(d) The Legislature finds that the federal Developmental*  
7 *Disabilities Assistance and Bill of Rights Act of 2000 requires the*  
8 *council to promote certain principles that include all of the*  
9 *following:*

10 *(1) Individuals with developmental disabilities, including those*  
11 *with the most severe developmental disabilities, are capable of*  
12 *self-determination, independence, productivity, and integration*  
13 *and inclusion in all facets of community life, but often require the*  
14 *provision of community services, individualized supports, and*  
15 *other forms of assistance.*

16 *(2) Individuals with developmental disabilities and their families*  
17 *have competencies, capabilities, and personal goals that should*  
18 *be recognized, supported, and encouraged, and any assistance to*  
19 *these individuals should be provided in an individualized manner,*  
20 *consistent with the unique strengths, resources, priorities,*  
21 *concerns, abilities, and capabilities of these individuals.*

22 *(3) Individuals with developmental disabilities and their families*  
23 *are the primary decision makers regarding the services and*  
24 *supports these individuals and their families receive, including*  
25 *choosing where an individual lives from available options, and*  
26 *have decision making roles in policies and programs that affect*  
27 *the lives of these individuals and their families.*

28 *(e) (1) The Legislature finds that the council faces unique*  
29 *challenges in ensuring access and furthering these principles due*  
30 *to the state's size, diversity, and a service delivery system that*  
31 *promotes significant local control.*

32 *(2) Therefore, it is the intent of the Legislature that the state*  
33 *council, consistent with its authority and responsibilities under*  
34 *federal law, ensure that the council is accessible and responsive*  
35 *to the diverse, geographic, racial, ethnic, and language needs of*  
36 *persons with developmental disabilities and their families*  
37 *throughout California, which in part may, as determined by the*  
38 *council, be achieved through the establishment of regional offices,*  
39 *the number and location of which may be determined by the*  
40 *council.*

1 (e)

2 (f) This chapter, Chapter 3 (commencing with Section 4561),  
3 ~~Chapter 4 (commencing with Section 4571)~~, and Division 4.7  
4 (commencing with Section 4900), are intended by the Legislature  
5 to secure full compliance with the requirements of the *federal*  
6 *Developmental Disabilities Assistance and Bill of Rights Act of*  
7 *2000 (Public Law 106-402)*, as amended and extended, which  
8 provides federal funds to assist the state in planning, coordinating,  
9 monitoring, and evaluating services for persons with developmental  
10 disabilities and in establishing a system to protect and advocate  
11 the legal and civil rights of persons with developmental disabilities.

12 (g) *The state council may use funds and other moneys allocated*  
13 *to the council in accordance with the purposes of the federal*  
14 *Developmental Disabilities Assistance and Bill of Rights Act of*  
15 *2000. This section does not preclude the state council from using*  
16 *moneys other than moneys provided through the federal*  
17 *Developmental Disabilities Assistance and Bill of Rights Act of*  
18 *2000 in any manner consistent with applicable federal and state*  
19 *law.*

20 ~~SEC. 7.~~

21 *SEC. 6.* Section 4521 of the Welfare and Institutions Code is  
22 amended to read:

23 4521. (a) (1) All references to “council” or “state council” in  
24 this division shall be a reference to the State Council on  
25 Developmental Disabilities.

26 (2) “Developmental disability,” as used in this chapter, means  
27 a developmental disability as defined in Section 15002(8) of Title  
28 42 of the United State Code.

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

32 (1) (A) Twenty members of the council shall be nonagency  
33 members who reflect the socioeconomic, geographic, disability,  
34 racial, ethnic, and language diversity of the state, and who shall  
35 be persons with a developmental disability or their parents,  
36 immediate relatives, guardians, or conservators residing in  
37 California. Of the 20 members:

38 ~~(A)~~

39 (i) At least seven members shall be persons with developmental  
40 disabilities.

- 1     ~~(B)~~  
 2     (ii) At least seven members shall be a person who is a parent,  
 3 immediate relative, guardian, or conservator of a person with a  
 4 developmental disability.  
 5     ~~(C) At least one member shall be from each of the geographic~~  
 6 ~~areas of the regional offices established by the council, and those~~  
 7 ~~persons shall be a person described in subparagraph (A) or (B)~~  
 8 ~~and shall be a liaison of the state council to the local regional~~  
 9 ~~constituency and the state council regional advisory committee of~~  
 10 ~~the region.~~  
 11     ~~(D)~~  
 12     (iii) At least one of the members shall be a person with a  
 13 developmental disability who is a current or former resident of an  
 14 institution or his or her immediate relative, guardian, or  
 15 conservator.  
 16     *(B) To ensure that council membership is geographically*  
 17 *representative, as required by federal law, the Governor shall*  
 18 *appoint the members described in clauses (i) and (ii) of*  
 19 *subparagraph (A) from the geographical area of each regional*  
 20 *office, if regional offices have been established by the council.*  
 21 *Each member described in clauses (i) and (ii) of subparagraph*  
 22 *(A) may, in the discretion of the council, serve as a liaison from*  
 23 *the council to consumers and family members in the geographical*  
 24 *area that he or she is from.*  
 25     (2) Eleven members of the council shall include the following:  
 26     (A) The Secretary of California Health and Human Services,  
 27 or his or her designee, who shall represent the agency and the state  
 28 agency that administers funds under Title XIX of the Social  
 29 Security Act for people with developmental disabilities.  
 30     (B) The Director of Developmental Services or his or her  
 31 designee.  
 32     (C) The Director of Rehabilitation or his or her designee.  
 33     (D) The Superintendent of Public Instruction or his or her  
 34 designee.  
 35     (E) A representative from a nongovernmental agency or group  
 36 concerned with the provision of services to persons with  
 37 developmental disabilities.  
 38     (F) One representative from each of the three university centers  
 39 for excellence in the state, pursuant to Section 15061 et seq. of  
 40 Title 42 of the United States Code, providing training in the field

1 of developmental services, or ~~its~~ *his or her* designee. These  
2 individuals shall have expertise in the field of developmental  
3 disabilities.

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

5 (H) The executive director of the agency established in  
6 California to fulfill the requirements and assurance of Title I,  
7 Subtitle C, of the federal Developmental Disabilities Assistance  
8 and Bill of Rights Act of 2000 for a system to protect and advocate  
9 the rights of persons with developmental disabilities, or his or her  
10 designee.

11 (I) The Director of the California Department of Aging or his  
12 or her designee.

13 (c) Prior to appointing the members described in paragraph (1)  
14 of, and subparagraph (E) of paragraph (2) of, subdivision (b), the  
15 Governor shall consult with the current members of the council,  
16 *including nonagency members of the council*, and consider  
17 recommendations from organizations representing persons with a  
18 broad range of developmental disabilities, or persons interested  
19 in, or providing services to, or both, persons with developmental  
20 disabilities.

21 (d) The term of each member described in paragraph (1) of, and  
22 subparagraph (E) of paragraph (2) of, subdivision (b) shall be for  
23 three years. The term of these members shall begin on the date of  
24 appointment by the Governor and these members shall serve no  
25 more than two terms.

26 (e) A member may continue to serve following the expiration  
27 of his or her term until the Governor appoints that member's  
28 successor. The state council shall notify the Governor regarding  
29 membership requirements of the council and shall notify the  
30 Governor, in writing, immediately when a vacancy occurs prior  
31 to the expiration of a member's term, at least six months before a  
32 member's term expires, and when a vacancy on the council remains  
33 unfilled for more than 60 days.

34 ~~SEC. 8.~~

35 *SEC. 7.* Section 4525 of the Welfare and Institutions Code is  
36 amended to read:

37 4525. (a) In order to prevent any potential conflicts of interest,  
38 members of the state council may not be employees of a state,  
39 local, or private agency or facility that provides services to persons  
40 with a developmental disability, or be members of the governing

1 board of any entity providing the service, when the service is  
2 funded in whole or in part with state funds.

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

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

11 (2) A person with a developmental disability who receives  
12 employment services through a provider receiving state or federal  
13 funds, or who receives funds directly to pay for his or her own  
14 services and supports.

15 (3) A person who serves as a member of a regional advisory  
16 committee of the state council, established pursuant to Article 6.

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

20 ~~SEC. 9.~~

21 *SEC. 8.* The heading of Article 3 (commencing with Section  
22 4530) of Chapter 2 of Division 4.5 of the Welfare and Institutions  
23 Code is amended to read:

24  
25 Article 3. Designated State Agency

26  
27 ~~SEC. 10.~~

28 *SEC. 9.* Section 4530 of the Welfare and Institutions Code is  
29 amended to read:

30 4530. (a) ~~In accordance with federal law, the~~ *The* California  
31 Health and Human Services Agency shall be the designated state  
32 agency for support to the state council. The agency secretary shall  
33 ensure the state council is provided efficient accounting, financial  
34 management, personnel, and other reasonable support services  
35 when requested by the council in the performance of its mandated  
36 responsibilities.

37 (b) The designation of the California Health and Human Services  
38 Agency shall not limit the council’s scope of concern to health  
39 programs or limit the council’s responsibilities or functions

1 regarding all other pertinent state and local programs, as defined  
2 in Article 5 (commencing with Section 4540) of this chapter.

3 (c) The designation of the California Health and Human Services  
4 Agency shall not interfere in any way with the provisions of  
5 Section 4552 requiring all personnel employed by the council to  
6 be solely responsible, organizationally and administratively, to the  
7 council.

8 ~~SEC. 11.~~

9 *SEC. 10.* Section 4535 of the Welfare and Institutions Code is  
10 amended to read:

11 4535. (a) The state council shall meet *at least six times per*  
12 *year, and, upon call of its chairperson,* as often as necessary to  
13 fulfill its duties. All meetings and records of the state council shall  
14 be open to the public.

15 (b) The state council shall, by majority vote of the voting  
16 members, elect its own chairperson and vice chairperson who shall  
17 have full voting rights on all state council actions, from among the  
18 appointed members, described in paragraph (1) of, and  
19 subparagraph (E) of paragraph (2) of, subdivision (b) of Section  
20 4521. The council shall establish any committees it deems  
21 necessary or desirable. The chairperson shall appoint all members  
22 of committees of the state council. The chairs and vice chairs of  
23 the state council and its standing committees shall be individuals  
24 with a developmental disability, or the parent, sibling, guardian,  
25 or conservator of an individual with a developmental disability.

26 (c) The state council may appoint technical advisory consultants  
27 and may establish committees composed of professional persons  
28 serving persons with developmental disabilities as necessary for  
29 technical assistance. The state council may call upon  
30 representatives of all agencies receiving state or federal funds for  
31 assistance and information, and shall invite persons with  
32 developmental disabilities, their parents, guardians, or conservators,  
33 professionals, or members of the general public to participate on  
34 state council committees, when appropriate.

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

1 ~~SEC. 12.~~

2 *SEC. 11.* Section 4540 of the Welfare and Institutions Code is  
3 amended to read:

4 4540. ~~In order to comply with the intent and requirements of~~  
5 ~~this division and Public Law 106-402 (42 U.S.C. Sec. 15001 et~~  
6 ~~seq.), the state council, in addition to any other responsibilities~~  
7 ~~established under this division and to the extent that resources are~~  
8 ~~available, shall do all of the following:~~ *The state council,*  
9 *established pursuant to the federal Developmental Disabilities*  
10 *Assistance and Bill of Rights Act of 2000 (Public Law 106-402*  
11 *(42 U.S.C. 15001 et seq.)), shall do all of the following:*

12 (a) Serve as an advocate for individuals with developmental  
13 disabilities and, through council members, staff, consultants, and  
14 contractors and grantees, conduct advocacy, capacity building,  
15 and systemic change activities.

16 (b) ~~Serve as the “state planning council” responsible for~~  
17 ~~developing the “California Developmental Disabilities State Plan,”~~  
18 *Develop and implement the state plan* in accordance with  
19 requirements issued by the United States Secretary of Health and  
20 Human Services, ~~monitoring monitor and evaluating evaluate~~ the  
21 implementation of this plan, ~~reviewing and commenting on other~~  
22 ~~plans and programs in the state affecting persons with~~  
23 ~~developmental disabilities, and submitting these and submit~~ reports  
24 as the United States Secretary of Health and Human Services may  
25 reasonably request. *The council may review and comment on other*  
26 *plans and programs in the state affecting individuals with*  
27 *developmental disabilities.*

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

35 (d) Prepare and approve a budget, for the use of amounts paid  
36 to the state to hire any staff and to obtain the services of any  
37 professional, technical, or clerical personnel consistent with state  
38 and federal law, as the council determines to be necessary to carry  
39 out its functions.

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

4 *(e) To the extent that resources are available, implement the*  
5 *state plan by conducting activities including, but not limited to,*  
6 *all of the activities specified in paragraphs (1) to (11), inclusive.*

7 ~~(A)~~

8 (1) Encouraging and assisting in the establishment or  
9 strengthening of self-advocacy organizations led by individuals  
10 with developmental disabilities.

11 ~~(B)~~

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

19 ~~(C)~~

20 (3) 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 ~~(D)~~

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

33 ~~(E)~~

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

37 ~~(F)~~

38 (6) Supporting and conducting activities to promote interagency  
39 collaboration and coordination at the state and local levels to better

1 serve, support, assist, or advocate for individuals with  
2 developmental disabilities and their families.

3 ~~(G)~~

4 (7) Coordinating with related councils, committees, and  
5 programs to enhance coordination of services.

6 ~~(H)~~

7 (8) Supporting and conducting activities to eliminate barriers  
8 to access and use of community services by individuals with  
9 disabilities, enhance systems design and redesign, and enhance  
10 citizen participation to address issues identified in the state plan.

11 ~~(I)~~

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

18 ~~(J)~~

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

31 ~~(K)~~

32 (11) Supporting, on a time-limited basis, activities to  
33 demonstrate new approaches to serving individuals with  
34 developmental disabilities that are a part of an overall strategy for  
35 systemic change.

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

38 ~~(A) Appointing an authorized representative for persons with~~  
39 ~~developmental disabilities according to all of the following:~~

1 (i) ~~To ensure the protection of civil and service rights of persons~~  
2 ~~with developmental disabilities, the state council may appoint a~~  
3 ~~representative to assist the person in expressing his or her desires~~  
4 ~~and in making decisions and advocating his or her needs,~~  
5 ~~preferences, and choices, when the person with developmental~~  
6 ~~disabilities has no parent, guardian, or conservator legally~~  
7 ~~authorized to represent him or her and the person has either~~  
8 ~~requested the appointment of a representative or the rights or~~  
9 ~~interests of the person, as determined by the state council, will not~~  
10 ~~be properly protected or advocated without the appointment of a~~  
11 ~~representative.~~

12 (ii) ~~When there is no guardian or conservator, the individual's~~  
13 ~~choice, if expressed, including the right to reject the assistance of~~  
14 ~~a representative, shall be honored. If the person does not express~~  
15 ~~a preference, the order of preference for selection of the~~  
16 ~~representative shall be the person's parent, involved family~~  
17 ~~members, or a volunteer selected by the state council. In~~  
18 ~~establishing these preferences, it is the intent of the Legislature~~  
19 ~~that parents or involved family members shall not be required to~~  
20 ~~be appointed guardian or conservator in order to be selected. Unless~~  
21 ~~the person with developmental disabilities expresses otherwise,~~  
22 ~~or good cause otherwise exists, the request of the parents or~~  
23 ~~involved family members to be appointed the representative shall~~  
24 ~~be honored.~~

25 (iii) ~~Pursuant to this section, the state council shall appoint a~~  
26 ~~representative to advocate the rights and protect the interest of a~~  
27 ~~person residing in a developmental center for whom community~~  
28 ~~placement is proposed pursuant to Section 4803. The representative~~  
29 ~~may obtain the advocacy assistance of the regional center clients'~~  
30 ~~rights advocate.~~

31 (B) ~~Conducting public hearings and forums and the evaluation~~  
32 ~~and issuance of public reports on the programs identified in the~~  
33 ~~state plan, as may be necessary to carry out the duties of the state~~  
34 ~~council.~~

35 (C) ~~Identifying the denial of rights of persons with disabilities~~  
36 ~~and informing the appropriate local, state, or federal officials of~~  
37 ~~their findings, and assisting these officials in eliminating all forms~~  
38 ~~of discrimination against persons with developmental disabilities~~  
39 ~~in housing, recreation, education, health and mental health care,~~

1 employment, and other service programs available to the general  
2 population.

3 ~~(D) Reviewing and commenting on pertinent portions of the~~  
4 ~~proposed plans and budgets of all state agencies serving persons~~  
5 ~~with developmental disabilities to include, but not be limited to,~~  
6 ~~the State Department of Education, the Department of~~  
7 ~~Rehabilitation, and the State Department of Developmental~~  
8 ~~Services, and local agencies to the extent resources allow.~~

9 ~~(E) (i) Reviewing the policies and practices of publicly funded~~  
10 ~~agencies that serve or may serve persons with developmental~~  
11 ~~disabilities to determine if the programs are meeting its obligations,~~  
12 ~~under local, state and federal laws. This authority shall include a~~  
13 ~~notice from a regional center to the state council when the regional~~  
14 ~~center believes a publicly funded program is failing to meet its~~  
15 ~~obligations in serving persons with developmental disabilities. The~~  
16 ~~regional center may provide the state council with a comprehensive~~  
17 ~~summary of the issues and the statute or regulation alleged to be~~  
18 ~~violated. If the state council finds that the agency is not meeting~~  
19 ~~its obligations, the state council shall inform the director and the~~  
20 ~~managing board of the noncomplying agency, in writing, of its~~  
21 ~~findings.~~

22 ~~(ii) Within 15 days, the agency shall respond, in writing, to the~~  
23 ~~state council's findings. Following receipt of the agency's response,~~  
24 ~~if the state council continues to find that the agency is not meeting~~  
25 ~~its obligations, the state council shall pursue informal efforts to~~  
26 ~~resolve the issue.~~

27 ~~(iii) If, within 30 days of implementing informal efforts to~~  
28 ~~resolve the issue, the state council continues to find that the agency~~  
29 ~~is not meeting its obligations under local, state, or federal statutes,~~  
30 ~~the state council shall conduct a public hearing to receive testimony~~  
31 ~~on its findings.~~

32 ~~(iv) The executive director of the state council shall review the~~  
33 ~~findings developed pursuant to this subdivision and may conduct~~  
34 ~~additional factfinding investigations. The executive director shall~~  
35 ~~report his or her finding to the state council within 30 days and~~  
36 ~~shall recommend a course of action to be pursued by the state~~  
37 ~~council or other state administrative or legislative officials.~~

38 ~~(v) The state council shall review the report of the executive~~  
39 ~~director and shall take any action it deems necessary to resolve~~  
40 ~~the problem.~~

1 ~~(F) Reviewing and publicly commenting on significant~~  
2 ~~regulations proposed to be promulgated by any state agency in the~~  
3 ~~implementation of this division.~~

4 ~~(G) Monitoring and evaluating the effectiveness of appeals~~  
5 ~~procedures established in this division.~~

6 ~~(H) Providing testimony to legislative committees reviewing~~  
7 ~~fiscal or policy matters pertaining to persons with developmental~~  
8 ~~disabilities.~~

9 ~~(I) Conducting, or causing to be conducted, investigations or~~  
10 ~~public hearings to resolve disagreements between state agencies,~~  
11 ~~or between state and regional or local agencies, or between persons~~  
12 ~~with developmental disabilities and agencies receiving state funds.~~  
13 ~~These investigations or public hearings shall be conducted at the~~  
14 ~~discretion of the state council only after all other appropriate~~  
15 ~~administrative procedures for appeal, as established in state and~~  
16 ~~federal law, have been fully utilized.~~

17 (f) Prepare an annual written report of its activities, its  
18 recommendations, and an evaluation of the efficiency of the  
19 administration of this division to the Governor and the Legislature.  
20 This report shall include both the statewide and regional activities  
21 of the state council. *This report shall be submitted to the*  
22 *Legislature in accordance with Section 9795 of the Government*  
23 *Code.*

24 (g) Except as otherwise provided in this division, the state  
25 council shall not engage in the administration of the day-to-day  
26 operation of service programs identified in the state plan, nor in  
27 the financial management and accounting of funds. ~~These activities~~  
28 ~~shall be performed by appropriate agencies designated in the state~~  
29 ~~plan.~~

30 *SEC. 12. Section 4541 is added to the Welfare and Institutions*  
31 *Code, immediately following Section 4540, to read:*

32 *4541. The state council may, in its discretion, and in addition*  
33 *to the activities specified in subdivision (e) of Section 4540,*  
34 *implement the state plan by conducting activities that may include,*  
35 *but are not limited to, the following:*

36 *(a) Appointing an authorized representative for persons with*  
37 *developmental disabilities according to all of the following:*

38 *(1) To ensure the protection of civil and service rights of persons*  
39 *with developmental disabilities, the state council may appoint a*  
40 *representative to assist the person in expressing his or her desires*

1 *and in making decisions and advocating his or her needs,*  
2 *preferences, and choices, when the person with developmental*  
3 *disabilities has no parent, guardian, or conservator legally*  
4 *authorized to represent him or her and the person has either*  
5 *requested the appointment of a representative or the rights or*  
6 *interests of the person, as determined by the state council, will not*  
7 *be properly protected or advocated without the appointment of a*  
8 *representative.*

9 (2) *When there is no guardian or conservator, the individual's*  
10 *choice, if expressed, including the right to reject the assistance of*  
11 *a representative, shall be honored. If the person does not express*  
12 *a preference, the order of preference for selection of the*  
13 *representative shall be the person's parent, involved family*  
14 *members, or a volunteer selected by the state council. In*  
15 *establishing these preferences, it is the intent of the Legislature*  
16 *that parents or involved family members shall not be required to*  
17 *be appointed guardian or conservator in order to be selected.*  
18 *Unless the person with developmental disabilities expresses*  
19 *otherwise, or good cause otherwise exists, the request of the*  
20 *parents or involved family members to be appointed the*  
21 *representative shall be honored.*

22 (3) *Pursuant to this section, the state council shall appoint a*  
23 *representative to advocate the rights and protect the interest of a*  
24 *person residing in a developmental center for whom community*  
25 *placement is proposed pursuant to Section 4803. The representative*  
26 *may obtain the advocacy assistance of the regional center clients'*  
27 *rights advocate.*

28 (b) *Conducting public hearings and forums and the evaluation*  
29 *and issuance of public reports on the programs identified in the*  
30 *state plan, as may be necessary to carry out the duties of the state*  
31 *council.*

32 (c) *Identifying the denial of rights of persons with disabilities*  
33 *and informing the appropriate local, state, or federal officials of*  
34 *their findings, and assisting these officials in eliminating all forms*  
35 *of discrimination against persons with developmental disabilities*  
36 *in housing, recreation, education, health and mental health care,*  
37 *employment, and other service programs available to the general*  
38 *population.*

39 (d) *Reviewing and commenting on pertinent portions of the*  
40 *proposed plans and budgets of all state agencies serving persons*

1 *with developmental disabilities to include, but not be limited to,*  
2 *the State Department of Education, the Department of*  
3 *Rehabilitation, and the State Department of Developmental*  
4 *Services, and local agencies to the extent resources allow.*

5 *(e) (1) Promoting systems change and implementation by*  
6 *reviewing the policies and practices of publicly funded agencies*  
7 *that serve or may serve persons with developmental disabilities*  
8 *to determine if the programs are meeting their obligations, under*  
9 *local, state, and federal laws. If the state council finds that the*  
10 *agency is not meeting its obligations, the state council may inform*  
11 *the director and the governing board of the noncomplying agency,*  
12 *in writing, of its findings.*

13 *(2) Within 15 days, the agency shall respond, in writing, to the*  
14 *state council's findings. Following receipt of the agency's response,*  
15 *if the state council continues to find that the agency is not meeting*  
16 *its obligations, the state council may pursue informal efforts to*  
17 *resolve the issue.*

18 *(3) If, within 30 days of implementing informal efforts to resolve*  
19 *the issue, the state council continues to find that the agency is not*  
20 *meeting its obligations under local, state, or federal statutes, the*  
21 *state council may conduct a public hearing to receive testimony*  
22 *on its findings.*

23 *(4) The state council may take any action it deems necessary to*  
24 *resolve the problem.*

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

28 *(g) Monitoring and evaluating the effectiveness of appeals*  
29 *procedures established in this division.*

30 *(h) Providing testimony to legislative committees reviewing*  
31 *fiscal or policy matters pertaining to persons with developmental*  
32 *disabilities.*

33 *(i) Conducting, or causing to be conducted, investigations or*  
34 *public hearings to resolve disagreements between state agencies,*  
35 *or between state and regional or local agencies, or between*  
36 *persons with developmental disabilities and agencies receiving*  
37 *state funds. These investigations or public hearings shall be*  
38 *conducted at the discretion of the state council only after all other*  
39 *appropriate administrative procedures for appeal, as established*  
40 *in state and federal law, have been fully utilized.*

1 (j) Any other activities prescribed in statute that are consistent  
 2 with the purposes of the federal Developmental Disabilities  
 3 Assistance and Bill of Rights Act of 2000 (Public Law 106-402  
 4 (42 U.S.C. Sec. 15001 et seq.)) and the state plan developed  
 5 pursuant to subdivision (b) of Section 4540.

6 SEC. 13. The heading of Article 6 (commencing with Section  
 7 4543) of Chapter 2 of Division 4.5 of the Welfare and Institutions  
 8 Code is amended to read:

9  
 10 Article 6. State Council Regional Offices and Advisory  
 11 Committees  
 12

13 SEC. 14. Section 4543 of the Welfare and Institutions Code is  
 14 repealed.

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

17 4544. (a) The state council ~~shall~~ may establish regional offices  
 18 that are accessible to and responsive to the diverse geographic,  
 19 ethnic, and language needs of consumers and families throughout  
 20 the state. As of January 1, 2015, regional offices of the state  
 21 council, in existence as of December 31, 2014, shall continue to  
 22 exist, within the same geographic regions of the state.

23 (b) To ensure involvement of persons with developmental  
 24 disabilities, their families, and other members of the public at the  
 25 regional level and to ensure the responsiveness of the state council  
 26 ~~and its regional offices~~ to the geographic, ethnic, and language  
 27 diversity of the state, ~~each any regional office shall established by~~  
 28 ~~the council may~~ be advised by a regional advisory committee. As  
 29 of January 1, 2015, advisory boards of the regional offices, known  
 30 as area boards on developmental disabilities, in existence on  
 31 December 31, 2014, shall thereafter be known as state council  
 32 regional advisory committees.

33 (c) All references to “regional office” in this chapter shall be a  
 34 reference to ~~the~~ state council regional offices. All references to  
 35 “regional advisory committees” in this chapter shall be a reference  
 36 to ~~the~~ state council regional advisory committees.

37 ~~(d) State council regional offices and advisory committees shall~~  
 38 ~~be constituted and shall operate according to this article.~~

39 (d) Any state council regional offices and advisory committees  
 40 established by the state council shall be constituted and shall

1 *operate according to policies and procedures that may be*  
2 *established by the council.*

3 ~~SEC. 16. Section 4545 of the Welfare and Institutions Code is~~  
4 ~~amended to read:~~

5 ~~4545. The state council shall periodically conduct a thorough~~  
6 ~~review of the geographic boundaries served by regional offices to~~  
7 ~~determine whether existing boundaries or the number of regional~~  
8 ~~offices should be changed to more effectively implement this~~  
9 ~~division. In conducting this review, the state council shall seek~~  
10 ~~input from state council regional advisory committees, persons~~  
11 ~~with developmental disabilities, family members, service providers,~~  
12 ~~advocates, and other interested parties. Prior to the establishment~~  
13 ~~of new geographic boundaries, the state council shall hold a public~~  
14 ~~hearing within any existing regional office geographic area affected~~  
15 ~~by the proposed change. The state council shall inform the~~  
16 ~~Governor and the Legislature at least 120 days before any changes~~  
17 ~~in the number or boundaries of regional offices.~~

18 ~~SEC. 16. Section 4545 of the Welfare and Institutions Code is~~  
19 ~~repealed.~~

20 ~~4545. The State Council on Developmental Disabilities shall~~  
21 ~~periodically conduct a thorough review of the geographic~~  
22 ~~boundaries served by area boards to determine whether existing~~  
23 ~~area board boundaries should be changed, or additional area boards~~  
24 ~~should be established to more effectively implement this division.~~  
25 ~~In conducting this review, the state council shall seek input from~~  
26 ~~area boards, persons with developmental disabilities, family~~  
27 ~~members, service providers, advocates, and other interested parties.~~  
28 ~~Prior to recommending the establishment of new geographic~~  
29 ~~boundaries, the state council shall hold a public hearing within~~  
30 ~~any existing area board geographic area affected by the proposed~~  
31 ~~change. The state council shall submit to the Governor and the~~  
32 ~~Legislature any recommendations for changes in area board~~  
33 ~~boundaries or recommendations that additional area boards be~~  
34 ~~established. Any area board established after January 1, 2003, shall~~  
35 ~~nominate a member to be appointed by the Governor as a voting~~  
36 ~~member of the state council pursuant to Section 4521.~~

37 ~~SEC. 17. Section 4545 is added to the Welfare and Institutions~~  
38 ~~Code, to read:~~

39 ~~4545. The state council may periodically review the number~~  
40 ~~and geographic boundaries of regional offices needed to effectively~~

1 *implement this division, by methods including, but not limited to,*  
2 *conducting public hearings in affected regions and seeking input*  
3 *from regional advisory committees, persons with developmental*  
4 *disabilities, family members, service providers, advocates, and*  
5 *other interested parties. Public notice shall be provided at least*  
6 *120 days before any changes in the number of or boundaries of*  
7 *regional offices.*

8 ~~SEC. 17.~~

9 ~~SEC. 18.~~ Section 4546 of the Welfare and Institutions Code is  
10 repealed.

11 ~~SEC. 18.~~ Section 4546 is added to the Welfare and Institutions  
12 Code, to read:

13 ~~4546.~~ The state council shall establish procedures, according  
14 to all of the following requirements, for recruiting and appointing  
15 the membership of the regional advisory committees:

16 (a) ~~Membership of the regional advisory committees shall reflect~~  
17 ~~the geographic, racial, ethnic, and language diversity of the local~~  
18 ~~region. The regional advisory committees shall include an equal~~  
19 ~~number of representatives from each one of the counties within~~  
20 ~~its jurisdiction.~~

21 (b) ~~The composition of the regional advisory committees shall~~  
22 ~~be in the following proportions:~~

23 (1) ~~At least 60 percent of the committee shall be persons with~~  
24 ~~developmental disabilities or their parents, immediate relatives,~~  
25 ~~guardians, or conservators.~~

26 (2) ~~No more than 40 percent of the committee shall be~~  
27 ~~representative of the general public.~~

28 (c) ~~Members shall serve for three-year terms. Members' terms~~  
29 ~~shall begin upon the date of their appointment. In counties with a~~  
30 ~~population of more than 100,000, no member shall serve more~~  
31 ~~than two consecutive three-year terms.~~

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

38 (2) ~~For purposes of this section "employees of a state, local, or~~  
39 ~~private agency or facility that provides services to a person with~~

1 a developmental disability” shall not be deemed to include any of  
2 the following:

3 (A) A parent, relative, guardian, or conservator who receives  
4 public funds expressly for the purpose of providing direct services  
5 to his or her child, relative, ward, or conservatee, respectively,  
6 who is a person with a developmental disability.

7 (B) A person with a developmental disability who receives  
8 employment services through a provider receiving state or federal  
9 funds or who receives funds directly to pay for his or her own  
10 services and supports.

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

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

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

19 SEC. 19. Section 4546 is added to the Welfare and Institutions  
20 Code, to read:

21 4546. The membership of any regional advisory committees  
22 established or continued by the state council prior to January 1,  
23 2015, shall, upon expiration of the terms of individuals who are  
24 members of those committees on January 1, 2015, be determined  
25 through policies and procedures established by the council.

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

28 4547. (a) Each regional advisory committee shall meet at least  
29 quarterly, and on call of the board chairperson, as often as  
30 necessary to fulfill its duties. All meetings and records of the  
31 regional advisory committee shall be open to the public.

32 (b) (1) Each regional advisory committee shall, by majority  
33 vote of the voting members, elect its own chairperson from among  
34 its members who are persons with developmental disabilities, or  
35 parents, immediate relatives, guardians, or conservators of these  
36 persons, and shall establish any committees it deems necessary or  
37 desirable. The chairperson shall appoint all members of committees  
38 of the regional advisory committee.

39 (2) A regional advisory committee may call upon  
40 representatives of all agencies receiving state funds, for assistance

1 and information, and shall invite persons with developmental  
2 disabilities, their parents, immediate relatives, guardians, or  
3 conservators, professionals, or members of the general public to  
4 participate on the regional advisory committee.

5 (3) When convening any task force or advisory group, the  
6 regional advisory committee shall make its best effort to ensure  
7 representation by consumers and family members representing the  
8 community's multicultural diversity.

9 *SEC. 20. Section 4547 of the Welfare and Institutions Code is*  
10 *repealed.*

11 4547. (a) Each area board shall meet at least quarterly, and on  
12 call of the board chairperson, as often as necessary to fulfill its  
13 duties. All meetings and records of the area board shall be open  
14 to the public.

15 (b) (1) Each area board shall, by majority vote of the voting  
16 members, elect its own chairperson from among the appointed  
17 members who are persons with developmental disabilities, or  
18 parents, immediate relatives, guardians, or conservators of these  
19 persons, and shall establish any committees it deems necessary or  
20 desirable. The board chairperson shall appoint all members of  
21 committees of the area board.

22 (2) An area board may call upon representatives of all agencies  
23 receiving state funds, for assistance and information, and shall  
24 invite persons with developmental disabilities, their parents,  
25 immediate relatives, guardians, or conservators, professionals, or  
26 members of the general public to participate on area board  
27 committees.

28 (3) When convening any task force or advisory group, the area  
29 board shall make its best effort to ensure representation by  
30 consumers and family members representing the community's  
31 multicultural diversity.

32 *SEC. 20.*

33 *SEC. 21. Section 4548 of the Welfare and Institutions Code is*  
34 *repealed.*

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

37 4548. (a) State council regional advisory committees shall  
38 advise the state council and its regional office on local issues and  
39 identify and provide input regarding local systemic needs within  
40 their community. The regional advisory committees shall provide

1 input and be a source of data for the council to consider in the  
2 formulation of the state plan and shall be a source of data for the  
3 state council's regional office reporting on state plan  
4 implementation.

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

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

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

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

22 *SEC. 22. Section 4548 is added to the Welfare and Institutions*  
23 *Code, to read:*

24 *4548. Any regional advisory committee established shall, at*  
25 *the request of the council, do all of the following:*

26 (a) *Advise the council and its regional office on local issues*  
27 *and identify and provide input regarding local systemic needs*  
28 *within its community.*

29 (b) *Provide input and be a source of data for the council to*  
30 *consider in the formulation of the state plan.*

31 (c) *Provide public information programs for consumers,*  
32 *families, professional groups, and for the general public to increase*  
33 *professional and public awareness of areas identified in the state*  
34 *plan.*

35 (d) *Engage in other activities as requested by the council.*

36 ~~SEC. 22.~~

37 *SEC. 23. The heading of Article 7 (commencing with Section*  
38 *4550) of Chapter 2 of Division 4.5 of the Welfare and Institutions*  
39 *Code is amended to read:*

Article 7. State Council Costs and Support Services

~~SEC. 23.~~

SEC. 24. Section 4550 of the Welfare and Institutions Code is amended to read:

4550. The state council’s operating costs ~~shall~~ *may* include honoraria for state council members and actual and necessary expenses for state council members and regional advisory committee members, as described in this article, and other administrative, professional, and secretarial support services necessary to the operation of the state council. Federal developmental disability funds received by the state under Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.), shall be allotted in any one year for these operating costs. Each member of the state council shall receive one hundred dollars (\$100) per day for each full day of work performed directly related to council business, not to exceed 50 days in any fiscal year, and shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

~~SEC. 24.~~

SEC. 25. Section 4551 of the Welfare and Institutions Code is repealed.

~~SEC. 25.~~

SEC. 26. Section 4551 is added to the Welfare and Institutions Code, to read:

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

(b) ~~The executive director shall be paid a salary that is at least comparable to the director of other state boards, commissions, or state department regional offices with similar responsibilities. The executive director and any deputy directors of the state council shall be exempt from civil service. All council staff positions exempt from civil service on December 31, 2014, shall remain exempt on January 1, 2015 and thereafter.~~

(c) ~~Each deputy director and other council staff positions appointed by the Governor and employed by the state on December~~

1 31, 2014, shall continue to be employed in a job classification at  
2 the same or higher salary by the council on January 1, 2015, and  
3 thereafter, unless he or she resigns or is terminated from  
4 employment for good cause: *employment*.

5 ~~SEC. 26.~~

6 *SEC. 27.* Section 4552 of the Welfare and Institutions Code is  
7 amended to read:

8 4552. The state council may contract for additional assistance  
9 with any public or private agency or individual to carry out  
10 planning, monitoring, evaluation, and other responsibilities under  
11 this division. In order to comply with Public Law 106-402 (42  
12 U.S.C. Sec. 15001 et seq.) regulations, all personnel employed by  
13 the state council shall be solely responsible, organizationally and  
14 administratively, to the state council. The state council, through  
15 its executive director, shall have responsibility for the selection,  
16 hiring, and supervision of all this personnel.

17 ~~SEC. 27.~~

18 *SEC. 28.* Section 4553 of the Welfare and Institutions Code is  
19 repealed.

20 ~~SEC. 28.~~

21 *SEC. 29.* Section 4553 is added to the Welfare and Institutions  
22 Code, to read:

23 4553. To the extent provided in Public Law 106-402 (42 U.S.C.  
24 Sec. 15001 et seq.), the state council shall have full authority on  
25 how it uses its funds for implementation of the state plan, including  
26 establishing, maintaining, and operating ~~its~~ *any* regional offices.

27 ~~SEC. 29.~~

28 *SEC. 30.* Section 4560 of the Welfare and Institutions Code is  
29 repealed.

30 ~~SEC. 30.~~

31 *SEC. 31.* Section 4561 of the Welfare and Institutions Code is  
32 amended to read:

33 ~~4561. (a) A California Developmental Disabilities State Plan~~  
34 *state plan* shall be prepared by the state council not less often than  
35 once every five years, and shall be reviewed and revised, as  
36 necessary, on an annual basis. All references in this part to “state  
37 plan” shall be references to the ~~California Developmental~~  
38 ~~Disabilities State Plan.~~ *state plan described by Public Law 106-402*  
39 *(42 U.S.C. Sec. 15001 et seq.).*

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

6 ~~SEC. 31.~~

7 ~~SEC. 32.~~ Section 4562 of the Welfare and Institutions Code is  
8 amended to read:

9 4562. (a) The state council shall conduct activities necessary  
10 to develop and implement the state plan in the various regions of  
11 the state.

12 (b) The state plan and its implementation shall be responsive  
13 to the needs of the state’s diverse geographic, racial, ethnic, and  
14 language communities.

15 (c) In preparing this plan, the council ~~shall~~ *may* utilize  
16 information provided by ~~the~~ *any* regional offices and regional  
17 advisory committees of the state council, statewide and local  
18 entities, individuals with developmental disabilities, family  
19 members, and other interested parties, to help identify and prioritize  
20 actions needed to improve California’s system of services and  
21 supports for persons with developmental disabilities.

22 (d) The purpose of the plan shall be to ensure a coordinated  
23 and comprehensive system of community services and supports  
24 that is consumer and family centered and consumer and family  
25 directed, and to enable individuals with developmental disabilities  
26 to exercise self-determination, independence, productivity, and to  
27 be integrated and included in all facets of community life.

28 ~~SEC. 32.~~ Section 4563 of the Welfare and Institutions Code is  
29 amended to read:

30 ~~4563. (a) The state council regional offices, assisted by the~~  
31 ~~regional advisory committees, shall assess the extent to which~~  
32 ~~services, supports, and other forms of assistance are available to~~  
33 ~~individuals with developmental disabilities and their families within~~  
34 ~~the regions, and shall make recommendations of objectives in both~~  
35 ~~policy reform and service demonstration, based on identified~~  
36 ~~service and support needs and priorities within the region to be~~  
37 ~~included in the state plan.~~

38 ~~(b) The state council regional offices shall participate in the~~  
39 ~~development and implementation of the state plan and shall prepare~~  
40 ~~any information concerning the region’s services, needs, and~~

1 ~~priorities to the state council in a time and format as the council~~  
2 ~~may determine to be necessary to meet federal reporting~~  
3 ~~requirements.~~

4 *SEC. 33. Section 4563 of the Welfare and Institutions Code is*  
5 *repealed.*

6 ~~4563. (a) Area boards shall assess the extent to which services,~~  
7 ~~supports, and other forms of assistance are available to individuals~~  
8 ~~with developmental disabilities and their families within the area~~  
9 ~~board catchment area, and shall make recommendations of~~  
10 ~~objectives in both policy reform and service demonstration, based~~  
11 ~~on identified service and support needs and priorities within the~~  
12 ~~area board catchment area, to be included in the state plan.~~

13 ~~(b) Area boards shall participate with the state council in the~~  
14 ~~development and implementation of the state plan and shall submit~~  
15 ~~any information concerning the area's services, needs, and priorities~~  
16 ~~to the state council in a time and format as may be required to meet~~  
17 ~~federal reporting requirements.~~

18 *SEC. 34. Section 4563 is added to the Welfare and Institutions*  
19 *Code, to read:*

20 *4563. The state council shall assess the extent to which services,*  
21 *supports, and other forms of assistance are available to individuals*  
22 *with developmental disabilities and their families throughout the*  
23 *state and for the diverse populations of the state. The council shall*  
24 *develop goals and objectives, based on the identified needs and*  
25 *priorities, to be included in the state plan.*

26 ~~SEC. 33.~~

27 *SEC. 35. Section 4564 of the Welfare and Institutions Code is*  
28 *amended to read:*

29 *4564. The state council shall conduct ~~open~~ public hearings on*  
30 *the state plan and related budgetary issues prior to submission of*  
31 *the plan pursuant to Section 4565.*

32 ~~SEC. 34.~~

33 *SEC. 36. Section 4565 of the Welfare and Institutions Code is*  
34 *amended to read:*

35 *4565. (a) The state plan shall be given to the Governor, the*  
36 *Secretary of the California Health and Human Services Agency,*  
37 *the University Centers for Excellence in Developmental Disabilities*  
38 *established pursuant to the federal Developmental Disabilities*  
39 *Assistance and Bill of Rights Act of 2000, the protection and*  
40 *advocacy agency designated by the Governor to fulfill the*

1 requirements and assurances of the federal Developmental  
2 Disabilities Assistance and Bill of Rights Act of 2000, *and* the  
3 Superintendent of Public ~~Instruction, and the Legislature~~  
4 *Instruction* for review and comment prior to its submission by the  
5 chairperson of the state council to the United States Secretary of  
6 Health and Human Services.

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

13 ~~SEC. 35. Section 4566 of the Welfare and Institutions Code is~~  
14 ~~amended to read:~~

15 ~~4566. The state plan shall, in addition to the requirements~~  
16 ~~established herein, comply in substance and format with requests~~  
17 ~~of the United States Secretary of Health and Human Services.~~

18 ~~SEC. 37. Section 4566 of the Welfare and Institutions Code is~~  
19 ~~repealed.~~

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

23 ~~SEC. 36.~~

24 ~~SEC. 38. Section 4626 of the Welfare and Institutions Code is~~  
25 ~~amended to read:~~

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

36 (b) In order to prevent potential conflicts of interest, a member  
37 of the governing board or member of the program policy committee  
38 of a regional center shall not be any of the following:

39 (1) An employee of the State Department of Developmental  
40 Services or any state or local agency that provides services to a

1 regional center consumer, if employed in a capacity which includes  
2 administrative or policymaking responsibility, or responsibility  
3 for the regulation of the regional center.

4 (2) An employee or a member of the state council or a state  
5 council regional advisory committee.

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

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

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

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

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

30 (f) Every new regional center governing board member and  
31 regional center executive director shall complete and file the  
32 conflict-of-interest statement described in subdivision (e) with his  
33 or her respective governing board within 30 days of being selected,  
34 appointed, or elected. Every new regional center employee  
35 referenced in subdivision (e) and every current regional center  
36 employee referenced in subdivision (e) accepting a new position  
37 within the regional center shall complete and file the  
38 conflict-of-interest statement with his or her respective regional  
39 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.~~

6 *SEC. 39.* Section 4628 of the Welfare and Institutions Code is  
7 amended to read:

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

12 ~~SEC. 38.~~

13 *SEC. 40.* Section 4629 of the Welfare and Institutions Code is  
14 amended to read:

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

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

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

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

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

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

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

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

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

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

39 (iii) Circulating a draft of the performance objectives to the  
40 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 state council with a copy of the  
29 correction plan, timeline, and any other action taken by the  
30 department relating to the probationary status of the regional center.

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

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

20 *SEC. 41.* Section 4635 of the Welfare and Institutions Code is  
21 amended to read:

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

32 (b) (1) If the department finds that any regional center is not  
33 fulfilling its contractual obligations, the department shall make  
34 reasonable efforts to resolve the problem within a reasonable period  
35 of time with the cooperation of the regional center, including the  
36 action described in paragraph (2) of subdivision (b) of Section  
37 4629 or renegotiation of the contract.

38 (2) If the department's efforts to resolve the problem are not  
39 successful, the department shall issue a letter of noncompliance.  
40 The letter of noncompliance shall state the noncompliant activities

1 and establish a specific timeline for the development and  
2 implementation of a corrective action plan. The department shall  
3 approve the plan and monitor its implementation. Letters of  
4 noncompliance shall be made available to the public upon request.  
5 The letter of noncompliance shall not include privileged or  
6 confidential consumer information or information that would  
7 violate the privacy rights of regional center board members or  
8 employees. The department shall notify the state council and shall  
9 provide the state council with a copy of the corrective action plan,  
10 the timeline, and any other action taken by the department relating  
11 to the requirements for 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 state  
32 council within 30 days after receipt of the protest to discuss the  
33 decision and to provide its rationale for the termination or  
34 nonrenewal of the contract, and to discuss any feasible alternatives  
35 to termination or nonrenewal, including the possibility of offering  
36 a limited term contract of less than one fiscal year; and (2) initiate  
37 the procedures for resolving disputes contained in Section 4632.  
38 To the extent allowable under state and federal law, any  
39 outstanding audit exceptions or other deficiency reports, appeals,

1 or protests shall be made available and subject to discussion at the  
2 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 State Council on Developmental Disabilities, all  
7 personnel employed by the regional center, all service providers  
8 to the regional center, and all consumers of the regional center  
9 informing them that it proposes to terminate or not renew the  
10 contract with the regional center, and that the state will continue  
11 to fulfill its obligations to ensure a continuity of services, as  
12 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 state council shall review all proposals and make  
17 recommendations to the department.

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

23 (4) Provide any assistance that may be required to ensure that  
24 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.~~

34 *SEC. 42.* Section 4640.6 of the Welfare and Institutions Code  
35 is amended to read:

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

39 (b) Contracts between the department and regional centers shall  
40 require that regional centers implement an emergency response

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

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

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

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

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

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

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

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

33 (4) For purposes of paragraph (3), service coordinators may  
34 have a mixed caseload of consumers three years of age and  
35 younger, consumers enrolled in the Home and Community-based  
36 Services Waiver program for persons with developmental  
37 disabilities, and other consumers if the overall average caseload  
38 is weighted proportionately to ensure that overall regional center  
39 average service coordinator-to-consumer ratios as specified in  
40 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 state council, local organizations representing consumers,  
8 family members, regional center employees, including recognized  
9 labor organizations, and service providers, and other interested  
10 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 state  
31 council, in conducting quality-of-life assessments and coordinating  
32 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.~~

11 *SEC. 43.* Section 4646 of the Welfare and Institutions Code is  
12 amended to read:

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

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

31 (c) An individual program plan shall be developed for any  
32 person who, following intake and assessment, is found to be  
33 eligible for regional center services. These plans shall be completed  
34 within 60 days of the completion of the assessment. At the time  
35 of intake, the regional center shall inform the consumer and, where  
36 appropriate, his or her parents, legal guardian or conservator, or  
37 authorized representative, of the services available through the  
38 state council and the protection and advocacy agency designated  
39 by the Governor pursuant to federal law, and shall provide the  
40 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.~~

21 *SEC. 44.* Section 4646.5 of the Welfare and Institutions Code  
22 is amended to read:

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

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

39 (2) A statement of goals, based on the needs, preferences, and  
40 life choices of the individual with developmental disabilities, and

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

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

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

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

28 (6) When agreed to by the consumer, the parents, legally  
29 appointed guardian, or authorized representative of a minor  
30 consumer, or the legally appointed conservator of an adult  
31 consumer or the authorized representative, including those  
32 appointed pursuant to ~~subparagraph (A) of paragraph (2) of~~  
33 ~~subdivision (e) of Section 4540, subdivision (a) of Section 4541,~~  
34 subdivision (b) of Section 4701.6, and subdivision (e) of Section  
35 4705, a review of the general health status of the adult or child,  
36 including medical, dental, and mental health needs, shall be  
37 conducted. This review shall include a discussion of current  
38 medications, any observed side effects, and the date of the last  
39 review of the medication. Service providers shall cooperate with  
40 the planning team to provide any information necessary to complete

1 the health status review. If any concerns are noted during the  
2 review, referrals shall be made to regional center clinicians or to  
3 the consumer’s physician, as appropriate. Documentation of health  
4 status and referrals shall be made in the consumer’s record by the  
5 service coordinator.

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

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

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

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

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

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

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

38 (c) (1) The department, with the participation of representatives  
39 of a statewide consumer organization, the Association of Regional  
40 Center Agencies, an organized labor organization representing

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

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

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

11 ~~SEC. 43.~~

12 *SEC. 45.* Section 4648 of the Welfare and Institutions Code is  
13 amended to read:

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

17 (a) Securing needed services and supports.

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

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

36 (3) A regional center may, pursuant to vendorization or a  
37 contract, purchase services or supports for a consumer from any  
38 individual or agency that the regional center and consumer or,  
39 when appropriate, his or her parents, legal guardian, or conservator,

1 or authorized representatives, determines will best accomplish all  
2 or any part of that consumer's program plan.

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

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

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

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

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

38 (4) Notwithstanding subparagraph (B) of paragraph (3), a  
39 regional center may contract or issue a voucher for services and  
40 supports provided to a consumer or family at a cost not to exceed

1 the maximum rate of payment for that service or support  
2 established by the department. If a rate has not been established  
3 by the department, the regional center may, for an interim period,  
4 contract for a specified service or support with, and establish a  
5 rate of payment for, any provider of the service or support  
6 necessary to implement a consumer's individual program plan.  
7 Contracts may be negotiated for a period of up to three years, with  
8 annual review and subject to the availability of funds.

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

18 (6) The regional center and the consumer, or when appropriate,  
19 his or her parents, legal guardian, conservator, or authorized  
20 representative, including those appointed pursuant to ~~subparagraph~~  
21 ~~(A) of paragraph (2) of subdivision (c) of Section 4540, subdivision~~  
22 ~~(a) of Section 4541, subdivision (b) of Section 4701.6, or~~  
23 ~~subdivision (e) of Section 4705, shall, pursuant to the individual~~  
24 ~~program plan, consider all of the following when selecting a~~  
25 ~~provider of consumer services and supports:~~

26 (A) A provider's ability to deliver quality services or supports  
27 that can accomplish all or part of the consumer's individual  
28 program plan.

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

31 (C) When appropriate, the existence of licensing, accreditation,  
32 or professional certification.

33 (D) The cost of providing services or supports of comparable  
34 quality by different providers, if available, shall be reviewed, and  
35 the least costly available provider of comparable service, including  
36 the cost of transportation, who is able to accomplish all or part of  
37 the consumer's individual program plan, consistent with the  
38 particular needs of the consumer and family as identified in the  
39 individual program plan, shall be selected. In determining the least  
40 costly provider, the availability of federal financial participation

1 shall be considered. The consumer shall not be required to use the  
 2 least costly provider if it will result in the consumer moving from  
 3 an existing provider of services or supports to more restrictive or  
 4 less integrated services or supports.

5 (E) The consumer’s choice of providers, or, when appropriate,  
 6 the consumer’s parent’s, legal guardian’s, authorized  
 7 representative’s, or conservator’s choice of providers.

8 (7) No service or support provided by any agency or individual  
 9 shall be continued unless the consumer or, when appropriate, his  
 10 or her parents, legal guardian, or conservator, or authorized  
 11 representative, including those appointed pursuant to ~~subparagraph~~  
 12 ~~(A) of paragraph (2) of subdivision (c) of Section 4540, subdivision~~  
 13 ~~(a) of Section 4541, subdivision (b) of Section 4701.6, or~~  
 14 ~~subdivision (e) of Section 4705, is satisfied and the regional center~~  
 15 ~~and the consumer or, when appropriate, the person’s parents or~~  
 16 ~~legal guardian or conservator agree that planned services and~~  
 17 ~~supports have been provided, and reasonable progress toward~~  
 18 ~~objectives have been made.~~

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

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

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

39 (i) A residential facility with a licensed capacity of 16 or more  
 40 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, a regional center shall not purchase new residential  
9 services from, or place a consumer in, institutions for mental  
10 disease, as described in Part 5 (commencing with Section 5900)  
11 of Division 5, for which federal Medicaid funding is not available.  
12 Effective July 1, 2013, this prohibition applies regardless of the  
13 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) A person with developmental disabilities placed by the  
16 regional center in a community living arrangement shall have the  
17 rights specified in this division. These rights shall be brought to  
18 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~~ *intellectual* disabilities and that the rights information  
25 shall also be available through the regional center to each  
26 residential facility and day program in alternative formats,  
27 including, but not limited to, other languages, braille, and audio  
28 tapes, when necessary to meet the communication needs of  
29 consumers.

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

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

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

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

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

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

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

31 (B) Direct support to individuals that would enable them to  
32 more fully participate in their community.

33 (C) Developing unpaid natural supports when possible.

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

1 appropriate, the consumer's parent, legal guardian, conservator,  
2 or authorized representative, gives informed consent. Technology  
3 may be used in lieu of, or in conjunction with, in-person training  
4 for providers, as appropriate.

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

7 (16) Notwithstanding any other law or regulation, effective July  
8 1, 2009, regional centers shall not purchase experimental  
9 treatments, therapeutic services, or devices that have not been  
10 clinically determined or scientifically proven to be effective or  
11 safe or for which risks and complications are unknown.  
12 Experimental treatments or therapeutic services include  
13 experimental medical or nutritional therapy when the use of the  
14 product for that purpose is not a general physician practice. For  
15 regional center consumers receiving these services as part of their  
16 individual program plan (IPP) or individualized family service  
17 plan (IFSP) on July 1, 2009, this prohibition shall apply on August  
18 1, 2009.

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

22 (2) Whenever the advocacy efforts of a regional center to secure  
23 or protect the civil, legal, or service rights of any of its consumers  
24 prove ineffective, the regional center or the person with  
25 developmental disabilities or his or her parents, legal guardian, or  
26 other representative may request advocacy assistance from the  
27 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 state council authority 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) When there are identified gaps in the system of services and  
21 supports or when there are identified consumers for whom no  
22 provider will provide services and supports contained in his or her  
23 individual program plan, the department may provide the services  
24 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.~~

32 *SEC. 46.* Section 4649 of the Welfare and Institutions Code is  
33 amended to read:

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

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

3 ~~SEC. 45.~~

4 *SEC. 47.* Section 4650 of the Welfare and Institutions Code is  
5 amended to read:

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

10 ~~SEC. 46.~~

11 *SEC. 48.* Section 4659 of the Welfare and Institutions Code is  
12 amended to read:

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

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

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

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

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

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

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

4 *SEC. 49.* Section 4662 of the Welfare and Institutions Code is  
5 amended to read:

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

19 ~~SEC. 48.~~

20 *SEC. 50.* Section 4669.2 of the Welfare and Institutions Code  
21 is amended to read:

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

30 (1) Alternative service coordination for consumers.

31 (2) Technical and financial support to consumers, and where  
32 appropriate, their families, to provide or secure their own services  
33 in lieu of services that regional centers would otherwise provide,  
34 purchase, or secure. These programs shall be cost-effective in the  
35 aggregate, and shall be limited to consumers who are at imminent  
36 risk of moving to a more restrictive setting.

37 (3) Procedures whereby regional centers may negotiate levels  
38 of payment with providers for delivery of specific services to a  
39 group of consumers through a mutually agreed upon contract with  
40 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, the state council, and local service providers may  
5 jointly examine and make recommendations to the department for  
6 reduced reporting and recording requirements of regional centers.  
7 The recommendations shall be made available upon request.

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

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

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

17 (8) Proposals for a regional center to purchase a facility for its  
18 own office space if it can be shown to be cost-effective. Funds  
19 from a regional center’s purchase of services budget shall not be  
20 used for this purchase.

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

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

34 ~~SEC. 49.~~

35 *SEC. 51.* 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 law or  
10 regulation, commencing July 1, 2009, parental fees remitted to the  
11 State Treasury shall be deposited in accordance with Section 4784.

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

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

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

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

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

35 (5) Based on the information provided by the regional centers  
36 and other agencies, the state council shall develop an assessment  
37 of the need for new, expanded, or converted community services  
38 and support, and make that assessment available to the public. The  
39 assessment shall include a discussion of the type and amount of  
40 services and supports necessary but currently unavailable including

1 the impact on consumers with common characteristics, including,  
2 but not limited to, disability, specified geographic regions, age,  
3 and ethnicity, face distinct challenges. The assessment shall  
4 highlight alternative and innovative service delivery models  
5 identified through their assessment process.

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

16 (c) Parental fee schedules shall be evaluated pursuant to Section  
17 4784 and adjusted annually, as needed, by the department, with  
18 the approval of the state council. The July 1, 2009, parental fee  
19 adjustment shall be exempt from this approval requirement. Fees  
20 for out-of-home care shall bear an equitable relationship to the  
21 cost of the care and the ability of the family to pay.

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

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

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

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

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

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

18 ~~SEC. 50.~~

19 *SEC. 52.* Section 4685.8 of the Welfare and Institutions Code  
20 is amended to read:

21 4685.8. (a) The department shall implement a statewide  
22 Self-Determination Program. The Self-Determination Program  
23 shall be available in every regional center catchment area to provide  
24 participants and their families, within an individual budget,  
25 increased flexibility and choice, and greater control over decisions,  
26 resources, and needed and desired services and supports to  
27 implement their IPP. The statewide Self-Determination Program  
28 shall be phased in over three years, and during this phase-in period,  
29 shall serve up to 2,500 regional center consumers, inclusive of the  
30 remaining participants in the self-determination pilot projects  
31 authorized pursuant to Section 13 of Chapter 1043 of the Statutes  
32 of 1998, as amended, and Article 4 (commencing with Section  
33 4669.2) of Chapter 5. Following the phase-in period, the program  
34 shall be available on a voluntary basis to all regional center  
35 consumers who are eligible for the Self-Determination Program.  
36 The program shall be available to individuals who reflect the  
37 disability, ethnic, and geographic diversity of the state.

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

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

13 (2) Ensure all of the following:

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

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

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

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

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

31 (F) Innovation that will more effectively allow participants to  
32 achieve their goals.

33 (c) For purposes of this section, the following definitions shall  
34 apply:

35 (1) "Financial management services" means services or  
36 functions that assist the participant to manage and direct the  
37 distribution of funds contained in the individual budget, and ensure  
38 that the participant has the financial resources to implement his or  
39 her IPP throughout the year. These may include bill paying services  
40 and activities that facilitate the employment of service and support

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

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

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

35 (4) “IPP” means individual program plan, as described in Section  
36 4646.

37 (5) “Participant” means an individual, and when appropriate,  
38 his or her parents, legal guardian or conservator, or authorized  
39 representative, who has been deemed eligible for, and has

1 voluntarily agreed to participate in, the Self-Determination  
2 Program.

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

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

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

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

36 (3) The participant agrees to all of the following terms and  
37 conditions:

38 (A) The participant shall receive an orientation to the  
39 Self-Determination Program prior to enrollment, which includes  
40 the principles of self-determination, the role of the independent

1 facilitator and the financial management services provider,  
2 person-centered planning, and development of a budget.

3 (B) The participant shall utilize the services and supports  
4 available within the Self-Determination Program only when generic  
5 services and supports are not available.

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

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

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

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

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

27 (f) An individual receiving services and supports under a  
28 self-determination pilot project authorized pursuant to Section 13  
29 of Chapter 1043 of the Statutes of 1998, as amended, or pursuant  
30 to Article 4 (commencing with Section 4669.2) of Chapter 5, may  
31 elect to continue to receive self-determination services and supports  
32 pursuant to this section or the regional center shall provide for the  
33 participant's transition from the self-determination pilot program  
34 to other services and supports. This transition shall include the  
35 development of a new IPP that reflects the services and supports  
36 necessary to meet the individual's needs. The regional center shall  
37 ensure that there is no gap in services and supports during the  
38 transition period.

39 (g) The additional federal financial participation funds generated  
40 by the former participants of the self-determination pilot projects

1 authorized pursuant to Section 13 of Chapter 1043 of the Statutes  
2 of 1998, as amended, or pursuant to Article 4 (commencing with  
3 Section 4669.2) of Chapter 5, shall be used as follows:

4 (1) First, to offset the cost to the department for the criminal  
5 background check conducted pursuant to subdivision (w), and  
6 other administrative costs incurred by the department in  
7 implementing the Self-Determination Program.

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

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

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

36 (j) An individual who participates in the Self-Determination  
37 Program may elect to continue to receive self-determination  
38 services and supports if he or she transfers to another regional  
39 center catchment area, provided that he or she remains eligible for  
40 the Self-Determination Program pursuant to subdivision (d). The

1 balance of the participant's individual budget shall be reallocated  
2 to the regional center to which he or she transfers.

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

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

18 (m) A participant shall have all the rights established in Sections  
19 4646 to 4646.6, inclusive, and Chapter 7 (commencing with Section  
20 4700).

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

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

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

30 (I) The IPP team determines that an adjustment to this amount  
31 is necessary due to a change in the participant's circumstances,  
32 needs, or resources that would result in an increase or decrease in  
33 purchase of service expenditures, or the IPP team identifies prior  
34 needs or resources that were unaddressed in the IPP, which would  
35 have resulted in an increase or decrease in purchase of service  
36 expenditures.

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

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

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

8 (i) The IPP team shall identify the services and supports needed  
9 by the participant and available resources, as required by Section  
10 4646.

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

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

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

30 (3) The individual budget shall be assigned to uniform budget  
31 categories developed by the department in consultation with  
32 stakeholders and distributed according to the timing of the  
33 anticipated expenditures in the IPP and in a manner that ensures  
34 that the participant has the financial resources to implement his or  
35 her IPP throughout the year.

36 (4) The department, in consultation with stakeholders, may  
37 develop alternative methodologies for individual budgets that are  
38 computed in a fair, transparent, and equitable manner and are based  
39 on consumer characteristics and needs, and that include a method

1 for adjusting individual budgets to address a participant’s change  
2 in circumstances or needs.

3 (o) Annually, participants may transfer up to 10 percent of the  
4 funds originally distributed to any budget category set forth in  
5 paragraph (3) of subdivision (n) to another budget category or  
6 categories. Transfers in excess of 10 percent of the original amount  
7 allocated to any budget category may be made upon the approval  
8 of the regional center or the participant’s IPP team.

9 (p) Consistent with the implementation date of the IPP, the IPP  
10 team shall annually ascertain from the participant whether there  
11 are any circumstances or needs that require a change to the annual  
12 individual budget. Based on that review, the IPP team shall  
13 calculate a new individual budget consistent with the methodology  
14 identified in subdivision (n).

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

18 (A) Applying for a state plan amendment.

19 (B) Applying for an amendment to a current home- and  
20 community-based waiver for individuals with developmental  
21 disabilities.

22 (C) Applying for a new waiver.

23 (D) Seeking to maximize federal financial participation through  
24 other means.

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

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

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

39 (2) Notwithstanding paragraph (1) and Chapter 3.5 (commencing  
40 with Section 11340) of Part 1 of Division 3 of Title 2 of the

1 Government Code, and only to the extent that all necessary federal  
2 approvals are obtained, the department, without taking any further  
3 regulatory action, shall implement, interpret, or make specific this  
4 section by means of program directives or similar instructions until  
5 the time regulations are adopted. It is the intent of the Legislature  
6 that the department be allowed this temporary authority as  
7 necessary to implement program changes only until completion  
8 of the regulatory process.

9 (s) The department, in consultation with stakeholders, shall  
10 develop informational materials about the Self-Determination  
11 Program. The department shall ensure that regional centers are  
12 trained in the principles of self-determination, the mechanics of  
13 the Self-Determination Program, and the rights of consumers and  
14 families as candidates for, and participants in, the  
15 Self-Determination Program.

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

20 (1) Contract with local consumer or family-run organizations  
21 to conduct outreach through local meetings or forums to consumers  
22 and their families to provide information about the  
23 Self-Determination Program and to help ensure that the program  
24 is available to a diverse group of participants, with special outreach  
25 to underserved communities.

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

29 (u) The financial management services provider shall provide  
30 the participant and the regional center service coordinator with a  
31 monthly individual budget statement that describes the amount of  
32 funds allocated by budget category, the amount spent in the  
33 previous 30-day period, and the amount of funding that remains  
34 available under the participant's individual budget.

35 (v) Only the financial management services provider is required  
36 to apply for vendorization in accordance with Subchapter 2  
37 (commencing with Section 54300) of Chapter 3 of Division 2 of  
38 Title 17 of the California Code of Regulations, for the  
39 Self-Determination Program. All other service and support  
40 providers shall not be on the federal debarment list and shall have

1 applicable state licenses, certifications, or other state required  
2 documentation, including documentation of any other qualifications  
3 required by the department, but are exempt from the vendorization  
4 requirements set forth in Title 17 of the California Code of  
5 Regulations when serving participants in the Self-Determination  
6 Program.

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

10 (1) The department shall issue a program directive that identifies  
11 nonvended providers of services and supports who shall obtain  
12 a criminal background check pursuant to this subdivision. At a  
13 minimum, these staff shall include both of the following:

14 (A) Individuals who provide direct personal care services to a  
15 participant.

16 (B) Other nonvended providers of services and supports for  
17 whom a criminal background check is requested by a participant  
18 or the participant's financial management service.

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

23 (3) The department shall electronically submit to the Department  
24 of Justice fingerprint images and related information required by  
25 the Department of Justice of nonvended providers of services  
26 and supports, as specified in paragraph (1), for the purposes of  
27 obtaining information as to the existence and content of a record  
28 of state or federal convictions and state or federal arrests and also  
29 information as to the existence and content of a record of state or  
30 federal arrests for which the Department of Justice establishes that  
31 the person is free on bail or on his or her recognizance pending  
32 trial or appeal.

33 (4) When received, the Department of Justice shall forward to  
34 the Federal Bureau of Investigation requests for federal summary  
35 criminal history information received pursuant to this section. The  
36 Department of Justice shall review the information returned from  
37 the Federal Bureau of Investigation and compile and disseminate  
38 a response to the department.

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

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

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

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

19 (9) If the criminal record information report shows a criminal  
20 history, the department shall take the steps specified in Section  
21 4689.2. The department may prohibit a provider of services and  
22 supports from becoming employed, or continuing to be employed,  
23 based on the criminal background check, as authorized in Section  
24 4689.6. The provider of services and supports who has been denied  
25 employment shall have the rights set forth in Section 4689.6.

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

31 (11) Consistent with subdivision (h) of Section 4689.2, the  
32 participant or financial management service that denies or  
33 terminates employment based on written notification from the  
34 department shall not incur civil liability or unemployment insurance  
35 liability.

36 (x) To ensure the effective implementation of the  
37 Self-Determination Program and facilitate the sharing of best  
38 practices and training materials commencing with the  
39 implementation of the Self-Determination Program, local and  
40 statewide advisory committees shall be established as follows:

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

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

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

39 (1) Number and characteristics of participants, by regional  
40 center.

- 1 (2) Types and amount of services and supports purchased under  
2 the Self-Determination Program, by regional center.
- 3 (3) Range and average of individual budgets, by regional center,  
4 including adjustments to the budget to address the adjustments  
5 permitted in clause (ii) of subparagraph (A) of paragraph (1) of  
6 subdivision (n).
- 7 (4) The number and outcome of appeals concerning individual  
8 budgets, by regional center.
- 9 (5) The number and outcome of fair hearing appeals, by regional  
10 center.
- 11 (6) The number of participants who voluntarily withdraw from  
12 the Self-Determination Program and a summary of the reasons  
13 why, by regional center.
- 14 (7) The number of participants who are subsequently determined  
15 to no longer be eligible for the Self-Determination Program and a  
16 summary of the reasons why, by regional center.
- 17 (z) (1) The State Council on Developmental Disabilities, in  
18 collaboration with the protection and advocacy agency identified  
19 in Section 4900 and the federally funded University Centers for  
20 Excellence in Developmental Disabilities Education, Research,  
21 and Service, may work with regional centers to survey participants  
22 regarding participant satisfaction under the Self-Determination  
23 Program, and, when data is available, the traditional service  
24 delivery system, including the proportion of participants who report  
25 that their choices and decisions are respected and supported and  
26 who report that they are able to recruit and hire qualified service  
27 providers, and to identify barriers to participation and  
28 recommendations for improvement.
- 29 (2) The council, in collaboration with the protection and  
30 advocacy agency identified in Section 4900 and the federally  
31 funded University Centers for Excellence in Developmental  
32 Disabilities Education, Research, and Service, shall issue a report  
33 to the Legislature, in compliance with Section 9795 of the  
34 Government Code, no later than three years following the approval  
35 of the federal funding on the status of the Self-Determination  
36 Program authorized by this section, and provide recommendations  
37 to enhance the effectiveness of the program. This review shall  
38 include the program's effectiveness in furthering the principles of  
39 self-determination, including all of the following:

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

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

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

16 (D) Responsibility, which includes the ability of participants to  
17 take responsibility for decisions in their own lives and to be  
18 accountable for the use of public dollars, and to accept a valued  
19 role in their community through, for example, competitive  
20 employment, organizational affiliations, spiritual development,  
21 and general caring of others in their community.

22 (E) Confirmation, which includes confirmation of the critical  
23 role of participants and their families in making decisions in their  
24 own lives and designing and operating the system that they rely  
25 on.

26 ~~SEC. 51.~~

27 *SEC. 53.* Section 4701 of the Welfare and Institutions Code is  
28 amended to read:

29 4701. "Adequate notice" means a written notice informing the  
30 applicant, recipient, and authorized representative of at least all of  
31 the following:

32 (a) The action that the service agency proposes to take, including  
33 a statement of the basic facts upon which the service agency is  
34 relying.

35 (b) The reason or reasons for that action.

36 (c) The effective date of that action.

37 (d) The specific law, regulation, or policy supporting the action.

38 (e) The responsible state agency with whom a state appeal may  
39 be filed, including the address of the state agency director.

- 1 (f) That if a fair hearing is requested, the claimant has the
- 2 following rights:
- 3 (1) The opportunity to be present in all proceedings and to
- 4 present written and oral evidence.
- 5 (2) The opportunity to confront and cross-examine witnesses.
- 6 (3) The right to appear in person with counsel or other
- 7 representatives of his or her own choosing.
- 8 (4) The right to access to records pursuant to Article 5
- 9 (commencing with Section 4725).
- 10 (5) The right to an interpreter.
- 11 (g) Information on availability of advocacy assistance, including
- 12 referral to the developmental center or regional center clients’
- 13 rights advocate, the State Council on Developmental Disabilities,
- 14 publicly funded legal services corporations, and other publicly or
- 15 privately funded advocacy organizations, including the protection
- 16 and advocacy system required under federal Public Law 95-602,
- 17 the Developmental Disabilities Assistance and Bill of Rights Act
- 18 (42 U.S.C.A. Sec. 6000 et seq.).
- 19 (h) The fair hearing procedure, including deadlines, access to
- 20 service agency records under Article 5 (commencing with Section
- 21 4725), the opportunity to request an informal meeting to resolve
- 22 the issue or issues, and the opportunity to request mediation which
- 23 shall be voluntary for both the claimant and the service agency.
- 24 (i) If the claimant has requested an informal meeting,
- 25 information that it shall be held within 10 days of the date the
- 26 hearing request form is received by the service agency.
- 27 (j) The option of requesting mediation prior to a fair hearing,
- 28 as provided in Section 4711.5. This section shall not preclude the
- 29 claimant or his or her authorized representative from proceeding
- 30 directly to a fair hearing in the event that mediation is unsuccessful.
- 31 (k) The fair hearing shall be completed and a final administrative
- 32 decision rendered within 90 days of the date the hearing request
- 33 form is received by the service agency, unless the fair hearing
- 34 request has been withdrawn or the time period has been extended
- 35 in accordance with this chapter.
- 36 (l) Prior to a voluntary informal meeting, voluntary mediation
- 37 or a fair hearing, the claimant or his or her authorized representative
- 38 shall have the right to examine any or all documents contained in
- 39 the individual’s service agency file. Access to records shall be
- 40 provided pursuant to Article 5 (commencing with Section 4725).

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

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

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

17 ~~SEC. 52.~~

18 *SEC. 54.* Section 4702.6 of the Welfare and Institutions Code  
19 is amended to read:

20 4702.6. "Hearing request form" means a document that shall  
21 include the name, address, and birth date of the claimant, date of  
22 request, reason for the request, and name, address, and relationship  
23 to the claimant of the authorized representative, if any, and whether  
24 the claimant is a participant in the medicaid home and  
25 community-based waiver. The hearing request form shall also  
26 indicate whether the claimant or his or her authorized representative  
27 is requesting mediation. A copy of the appointment of the  
28 authorized representative, by the claimant or the State Council on  
29 Developmental Disabilities if any, shall also be included.

30 ~~SEC. 53.~~

31 *SEC. 55.* Section 4705 of the Welfare and Institutions Code is  
32 amended to read:

33 4705. (a) (1) Every service agency shall, as a condition of  
34 continued receipt of state funds, have an agency fair hearing  
35 procedure for resolving conflicts between the service agency and  
36 recipients of, or applicants for, service. The State Department of  
37 Developmental Services shall promulgate regulations to implement  
38 this chapter by July 1, 1999, which shall be binding on every  
39 service agency.

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

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

9 (c) The service agency's mediation and fair hearing procedure  
10 shall be stated in writing, in English and any other language that  
11 may be appropriate to the needs of the consumers of the agency's  
12 service. A copy of the procedure and a copy of the provisions of  
13 this chapter shall be prominently displayed on the premises of the  
14 service agency.

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

22 (e) If, in the opinion of any person, the rights or interests of a  
23 claimant who has not personally authorized a representative will  
24 not be properly protected or advocated, the State Council on  
25 Developmental Disabilities and the clients' right advocate assigned  
26 to the regional center or developmental center shall be notified,  
27 and the State Council on Developmental Disabilities may appoint  
28 a person or agency as representative, pursuant to subparagraph  
29 (A) of paragraph (2) of subdivision (e) of Section 4540, to assist  
30 the claimant in the mediation and fair hearing procedure. The  
31 appointment shall be in writing to the authorized representative  
32 and a copy of the appointment shall be immediately mailed to the  
33 service agency director.

34 ~~SEC. 54.~~

35 *SEC. 56.* Section 4775 of the Welfare and Institutions Code is  
36 amended to read:

37 4775. The Legislature finds that the method of appropriating  
38 funds for numerous programs for the developmentally disabled  
39 affects the availability and distribution of services and must be  
40 related to statewide planning. Therefore, the process for

1 determining levels of funding of programs must involve  
2 consideration of the state plan established pursuant to Chapter 3  
3 (commencing with Section 4561) of this division and the  
4 participation of citizens who may be directly affected by funding  
5 decisions.

6 ~~SEC. 55.~~

7 *SEC. 57.* Section 4830 of the Welfare and Institutions Code is  
8 amended to read:

9 4830. As used in this chapter:

10 (a) "Continuum" means a coordinated multicomponent services  
11 system within the geographic borders of each of the regional offices  
12 of the State Council on Developmental Disabilities *regions of the*  
13 *state* whose design shall support the sequential developmental  
14 needs of persons so that the pattern of these services provides an  
15 unbroken chain of experience, maximum personal growth and  
16 liberty.

17 (b) "Normalization" means making available programs, methods,  
18 and titles that are culturally normative, and patterns and conditions  
19 of everyday life that are as close as possible to the norms and  
20 patterns of the mainstream of society.

21 (c) "Designated agency" means the legal entity selected by the  
22 State Department of Developmental Services to be responsible for  
23 organizing or providing services within each continuum or both.

24 ~~SEC. 56.~~

25 *SEC. 58.* Section 4831 of the Welfare and Institutions Code is  
26 amended to read:

27 4831. The State Department of Developmental Services may  
28 develop the design and phase-in plan for continuums and may  
29 designate one or more designated agencies to implement  
30 community living continuums throughout the state, after  
31 consideration of a recommendation from the State Council on  
32 Developmental Disabilities in conjunction with recommendations  
33 from the appropriate regional center.

34 ~~SEC. 57.~~

35 *SEC. 59.* Section 4832 of the Welfare and Institutions Code is  
36 amended to read:

37 4832. (a) The State Council on Developmental Disabilities  
38 may review and evaluate existing and proposed community living  
39 arrangement programs within the various regions of the state and  
40 may make a recommendation to the Director of Developmental

1 Services concerning programs that should be considered as the  
2 most appropriate agency to be designated as responsible for the  
3 implementation of the community living continuum within their  
4 area. These programs shall include, but not be limited to, those  
5 that have been funded through the issuance of Mental Retardation  
6 Private Institutions' Fund grants, ~~Developmental Disability~~  
7 ~~Community Development state council program development~~  
8 grants, and model state hospital programs. Consideration shall be  
9 given to all of the following:

- 10 (1) Private nonprofit corporations.
- 11 (2) Public agencies.
- 12 (3) A joint powers agreement agency.
- 13 (b) At least one-third of the board of directors, public or private  
14 or an advisory committee in the event a public agency is selected,  
15 shall be composed of consumer representatives, including members  
16 of the immediate family of the consumer.
- 17 (c) A person shall not serve as a director or advisory committee  
18 member who has a financial interest, as defined in Section 87103  
19 of the Government Code, in designated agency operations, except  
20 with respect to any interest as a consumer of a designated agency  
21 or regional center services.

22 ~~SEC. 58.~~

23 *SEC. 60.* Section 4835 of the Welfare and Institutions Code is  
24 amended to read:

25 4835. (a) The Director of Developmental Services may  
26 establish uniform operational procedures, performance and  
27 evaluation standards and utilization criteria for designated agencies  
28 pursuant to this chapter.

29 (b) These standards and criteria shall be developed with  
30 participation by consumer organizations, the State Council on  
31 Developmental Disabilities, the Association of Regional Center  
32 Agencies, the State Department of Social Services, the State  
33 Department of Health Care Services, the State Department of  
34 Education, and the Department of Rehabilitation, and consultations  
35 with individuals with experience in developmental services  
36 programming.

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