

AMENDED IN SENATE AUGUST 22, 2014
AMENDED IN SENATE AUGUST 14, 2014
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

Introduced by Assembly Member Chesbro

February 3, 2014

An act to amend Sections 4433, 4433.5, 4474.1, 4478, 4520, 4521, 4525, 4530, 4535, 4540, 4544, 4550, 4552, 4561, 4562, 4564, 4565, 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 Sections 4520.5 and 4541 to, to repeal Sections 4543, 4547, 4560, and 4566 of, and to repeal and add Sections 4545, 4546, 4548, 4551, 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 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, 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 as 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, 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 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 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 state 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.

This bill would incorporate changes to Section 4629 of the Welfare and Institutions Code proposed by both this bill and SB 1093, which would become operative only if both bills are enacted and become effective on or before January 1, 2015, and this bill is chaptered last.

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

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

1 SECTION 1. Section 4433 of the Welfare and Institutions Code
2 is amended to read:
3 4433. (a) The Legislature finds and declares all of the
4 following:
5 (1) The State of California accepts its responsibility to ensure
6 and uphold the rights of persons with developmental disabilities
7 and an obligation to ensure that laws, regulations, and policies on
8 the rights of persons with developmental disabilities are observed
9 and protected.
10 (2) Persons with developmental disabilities are vulnerable to
11 abuse, neglect, and deprivations of their rights.
12 (3) Clients' rights advocacy services provided by the regional
13 centers, the advocacy services currently provided by the department
14 at the state developmental centers, and the services provided by
15 the department's Office of Human Rights may have conflicts of
16 interest or the appearance of a conflict of interest.
17 (4) The services provided to individuals with developmental
18 disabilities and their families are of such a special and unique
19 nature that they cannot satisfactorily be provided by state agencies
20 or regional centers and must be contracted out pursuant to
21 paragraph (3) of subdivision (b) of Section 19130 of the
22 Government Code.
23 (b) (1) To avoid the potential for a conflict of interest or the
24 appearance of a conflict of interest, beginning January 1, 1998,
25 the department shall contract for clients' rights advocacy services.
26 The department shall solicit a single statewide contract with a
27 nonprofit agency that results in at least three responsive bids that
28 meet all of the criteria specified in paragraph (2) to perform the
29 services specified in subdivision (d). If three responsive bids are

1 not received, the department may rebid the contract on a regional
2 basis, not to exceed three regional contracts and one contract for
3 developmental centers and headquarters.

4 (2) Any contractor selected shall meet the following
5 requirements:

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

9 (B) The contractor does not directly or indirectly provide
10 services to individuals with developmental disabilities, except
11 advocacy services.

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

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

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

22 (c) For the purposes of this section, the Legislature further finds
23 and declares that because of a potential conflict of interest or the
24 appearance of a conflict of interest, the goals and purposes of the
25 regional center clients' rights advocacy services, the state hospitals,
26 and the services of the Office of Human Rights, cannot be
27 accomplished through the utilization of persons selected pursuant
28 to the regular civil service system, nor can the services be provided
29 through the department's contracts with regional centers.
30 Accordingly, contracts into which the department enters pursuant
31 to this section are permitted and authorized by paragraphs (3) and
32 (5) of subdivision (b) of Section 19130 of the Government Code.

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

34 (1) Provide clients' rights advocacy services to persons with
35 developmental disabilities who are consumers of regional centers
36 and to individuals who reside in the state developmental centers
37 and hospitals, including ensuring the rights of persons with
38 developmental disabilities, and assisting persons with
39 developmental disabilities in pursuing administrative and legal
40 remedies.

1 (2) Investigate and take action as appropriate and necessary to
2 resolve complaints from or concerning persons with developmental
3 disabilities residing in licensed health and community care facilities
4 regarding abuse, and unreasonable denial, or punitive withholding,
5 of rights guaranteed under this division.

6 (3) Provide consultation, technical assistance, supervision and
7 training, and support services for clients' rights advocates that
8 were previously the responsibility of the Office of Human Rights.

9 (4) Coordinate the provision of clients' rights advocacy services
10 in consultation with the department, stakeholder organizations,
11 and persons with developmental disabilities and their families
12 representing California's multicultural diversity.

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

15 (e) In order to ensure that individuals with developmental
16 disabilities have access to high quality advocacy services, the
17 contractor shall establish a grievance procedure and shall advise
18 persons receiving services under the contract of the availability of
19 other advocacy services, including the services provided by the
20 protection and advocacy agency specified in Division 4.7
21 (commencing with Section 4900).

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

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

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

30 4433.5. Notwithstanding Section 4433, the department may
31 contract with the State Council on Developmental Disabilities for
32 the purpose of providing clients' rights advocacy services to
33 individuals with developmental disabilities who reside in
34 developmental centers.

35 SEC. 3. Section 4474.1 of the Welfare and Institutions Code
36 is amended to read:

37 4474.1. (a) Whenever the State Department of Developmental
38 Services proposes the closure of a state developmental center, the
39 department shall be required to submit a detailed plan to the
40 Legislature not later than April 1 immediately prior to the fiscal

1 year in which the plan is to be implemented, and as a part of the
2 Governor’s proposed budget. A plan submitted to the Legislature
3 pursuant to this section, including any modifications made pursuant
4 to subdivision (b), shall not be implemented without the approval
5 of the Legislature.

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

9 (c) Prior to submission of the plan to the Legislature, the
10 department shall solicit input from the State Council on
11 Developmental Disabilities, the Association of Regional Center
12 Agencies, the protection and advocacy agency specified in Section
13 4901, the local regional center, consumers living in the
14 developmental center, parents, family members, guardians, and
15 conservators of persons living in the developmental centers or their
16 representative organizations, persons with developmental
17 disabilities living in the community, developmental center
18 employees and employee organizations, community care providers,
19 the affected city and county governments, and business and civic
20 organizations, as may be recommended by local state Senate and
21 Assembly representatives.

22 (d) Prior to the submission of the plan to the Legislature, the
23 department shall confer with the county in which the developmental
24 center is located, the regional centers served by the developmental
25 center, and other state departments using similar occupational
26 classifications, to develop a program for the placement of staff of
27 the developmental center planned for closure in other
28 developmental centers, as positions become vacant, or in similar
29 positions in programs operated by, or through contract with, the
30 county, regional centers, or other state departments.

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

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

- 37 (1) A description of the land and buildings affected.
- 38 (2) A description of existing lease arrangements at the
39 developmental center.
- 40 (3) The impact on residents and their families.

- 1 (4) Anticipated alternative placements for residents.
- 2 (5) The impact on regional center services.
- 3 (6) Where services will be obtained that, upon closure of the
- 4 developmental center, will no longer be provided by that facility.
- 5 (7) Potential job opportunities for developmental center
- 6 employees and other efforts made to mitigate the effect of the
- 7 closure on employees.
- 8 (8) The fiscal impact of the closure.
- 9 (9) The timeframe in which closure will be accomplished.

10 SEC. 4. Section 4478 of the Welfare and Institutions Code is
11 amended to read:

12 4478. (a) The chairperson of an advisory board advising a
13 developmental center shall meet annually with the developmental
14 center director, the regional center directors, and a representative
15 of the State Council on Developmental Disabilities.

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

18 (c) It is the intent of the Legislature that the department assist
19 the development of annual regional meetings required by this
20 section.

21 SEC. 5. Section 4520 of the Welfare and Institutions Code is
22 amended to read:

23 4520. (a) A State Council on Developmental Disabilities with
24 authority independent of any single state service agency is hereby
25 created.

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

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

1 individualized supports, and other forms of assistance that promote
2 self-determination for individuals with developmental disabilities
3 and their families. It is the intent of the Legislature that the state
4 council independently exercise its authority and responsibilities
5 under federal law, expend its federal funding allocation, and
6 exercise all powers and duties that may be necessary to carry out
7 the purposes contained in applicable federal law.

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

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

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

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

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

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

1 offices, the number and location of which may be determined by
2 the state council.

3 (f) This chapter, Chapter 3 (commencing with Section 4561),
4 and Division 4.7 (commencing with Section 4900), are intended
5 by the Legislature to secure full compliance with the requirements
6 of the federal Developmental Disabilities Assistance and Bill of
7 Rights Act of 2000 as amended and extended, which provides
8 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 state 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. 6. Section 4520.5 is added to the Welfare and Institutions
21 Code, to read:

22 4520.5. Notwithstanding any other law, the state council shall
23 determine the structure of its organization, as required by the
24 federal Developmental Disabilities Assistance and Bill of Rights
25 Act of 2000 (Public Law 106-402 (42 U.S.C. 15001 et seq.)).

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

28 4521. (a) (1) All references to “council” or “state council” in
29 this division shall be a reference to the State Council on
30 Developmental Disabilities.

31 (2) “Developmental disability,” as used in this chapter, means
32 a developmental disability as defined in Section 15002(8) of Title
33 42 of the United State Code.

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

37 (1) (A) Twenty members of the council shall be nonagency
38 members who reflect the socioeconomic, geographic, disability,
39 racial, ethnic, and language diversity of the state, and who shall
40 be persons with a developmental disability or their parents,

1 immediate relatives, guardians, or conservators residing in
2 California. Of the 20 members:

3 (i) At least seven members shall be persons with developmental
4 disabilities.

5 (ii) At least seven members shall be a person who is a parent,
6 immediate relative, guardian, or conservator of a person with a
7 developmental disability.

8 (iii) At least one of the members shall be a person with a
9 developmental disability who is a current or former resident of an
10 institution or his or her immediate relative, guardian, or
11 conservator.

12 (B) To ensure that state council membership is geographically
13 representative, as required by federal law, the Governor shall
14 appoint the members described in clauses (i) and (ii) of
15 subparagraph (A) from the geographical area of each regional
16 office, if regional offices have been established by the council.
17 Each member described in clauses (i) and (ii) of subparagraph (A)
18 may, in the discretion of the state council, serve as a liaison from
19 the state council to consumers and family members in the
20 geographical area that he or she is from.

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

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

26 (B) The Director of Developmental Services or his or her
27 designee.

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

29 (D) The Superintendent of Public Instruction or his or her
30 designee.

31 (E) A representative from a nongovernmental agency or group
32 concerned with the provision of services to persons with
33 developmental disabilities.

34 (F) One representative from each of the three university centers
35 for excellence in the state, pursuant to Section 15061 et seq. of
36 Title 42 of the United States Code, providing training in the field
37 of developmental services, or his or her designee. These individuals
38 shall have expertise in the field of developmental disabilities.

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

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

7 (I) The Director of the California Department of Aging or his
8 or her designee.

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

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

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

30 SEC. 8. Section 4525 of the Welfare and Institutions Code is
31 amended to read:

32 4525. (a) In order to prevent any potential conflicts of interest,
33 members of the state council may not be employees of a state,
34 local, or private agency or facility that provides services to persons
35 with a developmental disability, or be members of the governing
36 board of any entity providing the service, when the service is
37 funded in whole or in part with state funds.

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

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

3 (1) 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, who
6 is a person with a developmental disability.

7 (2) 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 (3) A person who serves as a member of a regional advisory
12 committee of the state council, established pursuant to Article 6.

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

16 SEC. 9. The heading of Article 3 (commencing with Section
17 4530) of Chapter 2 of Division 4.5 of the Welfare and Institutions
18 Code is amended to read:

19

20

Article 3. Designated State Agency

21

22 SEC. 10. Section 4530 of the Welfare and Institutions Code is
23 amended to read:

24 4530. (a) The California Health and Human Services Agency
25 shall be the designated state agency for support to the state council.
26 The agency secretary shall ensure the state council is provided
27 efficient accounting, financial management, personnel, and other
28 reasonable support services when requested by the council in the
29 performance of its mandated responsibilities.

30 (b) The designation of the California Health and Human Services
31 Agency shall not limit the council’s scope of concern to health
32 programs or limit the council’s responsibilities or functions
33 regarding all other pertinent state and local programs, as defined
34 in Article 5 (commencing with Section 4540) of this chapter.

35 (c) The designation of the California Health and Human Services
36 Agency shall not interfere in any way with the provisions of
37 Section 4552 requiring all personnel employed by the council to
38 be solely responsible, organizationally and administratively, to the
39 council.

1 SEC. 11. Section 4535 of the Welfare and Institutions Code is
 2 amended to read:

3 4535. (a) The state council shall meet at least six times per
 4 year, and, upon call of its chairperson, as often as necessary to
 5 fulfill its duties. All meetings and records of the state council shall
 6 be open to the public.

7 (b) The state council shall, by majority vote of the voting
 8 members, elect its own chairperson and vice chairperson who shall
 9 have full voting rights on all state council actions, from among the
 10 appointed members, described in paragraph (1) of subdivision (b)
 11 of Section 4521. The council shall establish any committees it
 12 deems necessary or desirable. The chairperson shall appoint all
 13 members of committees of the state council. The chairs and vice
 14 chairs of the state council and its standing committees shall be
 15 individuals with a developmental disability, or the parent, sibling,
 16 guardian, or conservator of an individual with a developmental
 17 disability.

18 (c) The state council may appoint technical advisory consultants
 19 and may establish committees composed of professional persons
 20 serving persons with developmental disabilities as necessary for
 21 technical assistance. The state council may call upon
 22 representatives of all agencies receiving state or federal funds for
 23 assistance and information, and shall invite persons with
 24 developmental disabilities, their parents, guardians, or conservators,
 25 professionals, or members of the general public to participate on
 26 state council committees, when appropriate.

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

31 SEC. 12. Section 4540 of the Welfare and Institutions Code is
 32 amended to read:

33 4540. The state council, established pursuant to the federal
 34 Developmental Disabilities Assistance and Bill of Rights Act of
 35 2000 (Public Law 106-402 (42 U.S.C. 15001 et seq.)), shall do all
 36 of the following:

37 (a) Serve as an advocate for individuals with developmental
 38 disabilities and, through council members, staff, consultants, and
 39 contractors and grantees, conduct advocacy, capacity building,
 40 and systemic change activities.

1 (b) Develop and implement the state plan in accordance with
2 requirements issued by the United States Secretary of Health and
3 Human Services, monitor and evaluate the implementation of this
4 plan, and submit reports as the United States Secretary of Health
5 and Human Services may reasonably request. The state council
6 may review and comment on other plans and programs in the state
7 affecting individuals with developmental disabilities.

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

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

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

23 (1) Encouraging and assisting in the establishment or
24 strengthening of self-advocacy organizations led by individuals
25 with developmental disabilities.

26 (2) Supporting and conducting geographically based outreach
27 activities to identify individuals with developmental disabilities
28 and their families who otherwise might not come to the attention
29 of the council and assist and enable the individuals and families
30 to obtain services, individualized supports, and other forms of
31 assistance, including access to special adaptation of generic
32 community services or specialized services.

33 (3) Supporting and conducting training for persons who are
34 individuals with developmental disabilities, their families, and
35 personnel, including professionals, paraprofessionals, students,
36 volunteers, and other community members, to enable those persons
37 to obtain access to, or to provide, community services,
38 individualized supports, and other forms of assistance, including
39 special adaptation of generic community services or specialized

1 services for individuals with developmental disabilities and their
2 families.

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

6 (5) Supporting and conducting activities to assist neighborhoods
7 and communities to respond positively to individuals with
8 developmental disabilities and their families.

9 (6) Supporting and conducting activities to promote interagency
10 collaboration and coordination at the state and local levels to better
11 serve, support, assist, or advocate for individuals with
12 developmental disabilities and their families.

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

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

19 (9) Supporting and conducting activities to educate the public
20 about the capabilities, preferences, and needs of individuals with
21 developmental disabilities and their families, and to develop and
22 support coalitions that support the policy agenda of the council,
23 including training in self-advocacy, education of policymakers,
24 and citizen leadership roles.

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

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

1 (f) Prepare an annual written report of its activities, its
2 recommendations, and an evaluation of the efficiency of the
3 administration of this division to the Governor and the Legislature.
4 This report shall include both the statewide and regional activities
5 of the state council. This report shall be submitted to the Legislature
6 in accordance with Section 9795 of the Government Code.

7 (g) Except as otherwise provided in this division, the state
8 council shall not engage in the administration of the day-to-day
9 operation of service programs identified in the state plan, nor in
10 the financial management and accounting of funds.

11 SEC. 13. Section 4541 is added to the Welfare and Institutions
12 Code, immediately following Section 4540, to read:

13 4541. The state council may, in its discretion, and in addition
14 to the activities specified in subdivision (e) of Section 4540,
15 implement the state plan by conducting activities that may include,
16 but are not limited to, the following:

17 (a) Appointing an authorized representative for persons with
18 developmental disabilities according to all of the following:

19 (1) To ensure the protection of civil and service rights of persons
20 with developmental disabilities, the state council may appoint a
21 representative to assist the person in expressing his or her desires
22 and in making decisions and advocating his or her needs,
23 preferences, and choices, when the person with developmental
24 disabilities has no parent, guardian, or conservator legally
25 authorized to represent him or her and the person has either
26 requested the appointment of a representative or the rights or
27 interests of the person, as determined by the state council, will not
28 be properly protected or advocated without the appointment of a
29 representative.

30 (2) When there is no guardian or conservator, the individual's
31 choice, if expressed, including the right to reject the assistance of
32 a representative, shall be honored. If the person does not express
33 a preference, the order of preference for selection of the
34 representative shall be the person's parent, involved family
35 members, or a volunteer selected by the state council. In
36 establishing these preferences, it is the intent of the Legislature
37 that parents or involved family members shall not be required to
38 be appointed guardian or conservator in order to be selected. Unless
39 the person with developmental disabilities expresses otherwise,
40 or good cause otherwise exists, the request of the parents or

1 involved family members to be appointed the representative shall
2 be honored.

3 (3) Pursuant to this section, the state council shall appoint a
4 representative to advocate the rights and protect the interest of a
5 person residing in a developmental center for whom community
6 placement is proposed pursuant to Section 4803. The representative
7 may obtain the advocacy assistance of the regional center clients'
8 rights advocate.

9 (b) Conducting public hearings and forums and the evaluation
10 and issuance of public reports on the programs identified in the
11 state plan, as may be necessary to carry out the duties of the state
12 council.

13 (c) Identifying the denial of rights of persons with disabilities
14 and informing the appropriate local, state, or federal officials of
15 their findings, and assisting these officials in eliminating all forms
16 of discrimination against persons with developmental disabilities
17 in housing, recreation, education, health and mental health care,
18 employment, and other service programs available to the general
19 population.

20 (d) Reviewing and commenting on pertinent portions of the
21 proposed plans and budgets of all state agencies serving persons
22 with developmental disabilities including, but not be limited to,
23 the State Department of Education, the Department of
24 Rehabilitation, and the State Department of Developmental
25 Services, and local agencies to the extent resources allow.

26 (e) (1) Promoting systems change and implementation by
27 reviewing the policies and practices of publicly funded agencies
28 that serve or may serve persons with developmental disabilities to
29 determine if the programs are meeting their obligations, under
30 local, state, and federal laws. If the state council finds that the
31 agency is not meeting its obligations, the state council may inform
32 the director and the governing board of the noncomplying agency,
33 in writing, of its findings.

34 (2) Within 15 days, the agency shall respond, in writing, to the
35 state council's findings. Following receipt of the agency's response,
36 if the state council continues to find that the agency is not meeting
37 its obligations, the state council may pursue informal efforts to
38 resolve the issue.

39 (3) If, within 30 days of implementing informal efforts to resolve
40 the issue, the state council continues to find that the agency is not

1 meeting its obligations under local, state, or federal statutes, the
2 state council may conduct a public hearing to receive testimony
3 on its findings.

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

6 (f) Reviewing and publicly commenting on significant
7 regulations proposed to be promulgated by any state agency in the
8 implementation of this division.

9 (g) Monitoring and evaluating the effectiveness of appeals
10 procedures established in this division.

11 (h) Providing testimony to legislative committees reviewing
12 fiscal or policy matters pertaining to persons with developmental
13 disabilities.

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

22 (j) Any other activities prescribed in statute that are consistent
23 with the purposes of the federal Developmental Disabilities
24 Assistance and Bill of Rights Act of 2000 (Public Law 106-402
25 (42 U.S.C. Sec. 15001 et seq.)) and the state plan developed
26 pursuant to subdivision (b) of Section 4540.

27 SEC. 14. The heading of Article 6 (commencing with Section
28 4543) of Chapter 2 of Division 4.5 of the Welfare and Institutions
29 Code is amended to read:

30

31 Article 6. State Council Regional Offices and Advisory
32 Committees

33

34 SEC. 15. Section 4543 of the Welfare and Institutions Code is
35 repealed.

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

38 4544. (a) (1) The state council may establish regional offices
39 that are accessible to and responsive to the diverse geographic,
40 ethnic, and language needs of consumers and families throughout

1 the state. As of January 1, 2015, regional offices of the state council
2 in existence as of December 31, 2014, shall continue to exist,
3 within the same geographic regions of the state.

4 (2) Effective January 1, 2015, the state council shall have full
5 authority to establish, maintain, and operate regional offices,
6 including the number and location of those offices.

7 (b) To ensure involvement of persons with developmental
8 disabilities, their families, and other members of the public at the
9 regional level and to ensure the responsiveness of the state council
10 to the geographic, ethnic, and language diversity of the state, any
11 regional office established by the state council may be advised by
12 a regional advisory committee. As of January 1, 2015, advisory
13 boards of the regional offices, known as area boards on
14 developmental disabilities, in existence on December 31, 2014,
15 shall thereafter be known as state council regional advisory
16 committees.

17 (c) All references to “regional office” in this chapter shall be a
18 reference to state council regional offices. All references to
19 “regional advisory committees” in this chapter shall be a reference
20 to state council regional advisory committees.

21 (d) Any state council regional offices and advisory committees
22 established by the state council shall be constituted and shall
23 operate according to policies and procedures that may be
24 established by the council.

25 SEC. 17. Section 4545 of the Welfare and Institutions Code is
26 repealed.

27 SEC. 18. Section 4545 is added to the Welfare and Institutions
28 Code, to read:

29 4545. The state council may periodically review the number
30 and geographic boundaries of regional offices needed to effectively
31 implement this division, by methods including, but not limited to,
32 conducting public hearings in affected regions and seeking input
33 from regional advisory committees, persons with developmental
34 disabilities, family members, service providers, advocates, and
35 other interested parties. Public notice shall be provided at least
36 120 days before any changes in the number of or boundaries of
37 regional offices.

38 SEC. 19. Section 4546 of the Welfare and Institutions Code is
39 repealed.

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

3 4546. The membership of any regional advisory committees
4 established or continued by the state council prior to January 1,
5 2015, shall, upon expiration of the terms of individuals who are
6 members of those committees on January 1, 2015, be determined
7 through policies and procedures established by the council.

8 SEC. 21. Section 4547 of the Welfare and Institutions Code is
9 repealed.

10 SEC. 22. Section 4548 of the Welfare and Institutions Code is
11 repealed.

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

14 4548. Any regional advisory committee established shall, at
15 the request of the state council, do all of the following:

16 (a) Advise the state council and its regional office on local issues
17 and identify and provide input regarding local systemic needs
18 within its community.

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

21 (c) Provide public information programs for consumers, families,
22 professional groups, and for the general public to increase
23 professional and public awareness of areas identified in the state
24 plan.

25 (d) Engage in other activities as requested by the state council.

26 SEC. 24. The heading of Article 7 (commencing with Section
27 4550) of Chapter 2 of Division 4.5 of the Welfare and Institutions
28 Code is amended to read:

29

30 Article 7. State Council Costs and Support Services

31

32 SEC. 25. Section 4550 of the Welfare and Institutions Code is
33 amended to read:

34 4550. The state council's operating costs may include honoraria
35 for state council members and actual and necessary expenses for
36 state council members and regional advisory committee members,
37 as described in this article, and other administrative, professional,
38 and secretarial support services necessary to the operation of the
39 state council. Federal developmental disability funds received by
40 the state under Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.),

1 shall be allotted in any one year for these operating costs. Each
2 member of the state council shall receive one hundred dollars
3 (\$100) per day for each full day of work performed directly related
4 to council business, not to exceed 50 days in any fiscal year, and
5 shall be reimbursed for any actual and necessary expenses incurred
6 in connection with the performance of their duties under this
7 division.

8 SEC. 26. Section 4551 of the Welfare and Institutions Code is
9 repealed.

10 SEC. 27. Section 4551 is added to the Welfare and Institutions
11 Code, to read:

12 4551. (a) Within the limit of funds allotted for these purposes,
13 the state council shall appoint an executive director. All state
14 council employees that the state council may require shall be
15 appointed by the executive director.

16 (b) The executive director of the state council shall be exempt
17 from civil service. All state council staff positions exempt from
18 civil service on December 31, 2014, shall remain exempt on
19 January 1, 2015, and thereafter, until the position becomes vacant
20 or is transitioned to a civil service position.

21 (c) Each person who is a member of the state council staff, is
22 exempt from civil service, and is employed by the state council
23 on December 31, 2014, shall continue to be employed in a job
24 classification at the same or higher salary by the state council on
25 January 1, 2015, and thereafter, unless he or she resigns or is
26 terminated from employment.

27 (d) The state council may transition staff positions that were
28 exempt from civil service on December 31, 2014, to civil service
29 positions. Civil service positions shall be established for any
30 positions that are transitioned pursuant to this subdivision.

31 (e) Notwithstanding any other law, a person who was a state
32 council employee exempt from civil service on December 31,
33 2014, shall be eligible to apply for civil service examinations,
34 including promotional civil service examinations described in
35 Section 18992 of the Government Code. A person receiving a
36 passing score shall have his or her name placed on lists resulting
37 from these examinations, or otherwise gain eligibility for
38 appointment. In evaluating minimum qualifications, experience
39 in state council exempt positions shall be considered state civil

1 service experience in a class deemed comparable by the State
2 Personnel Board, based on the duties and responsibilities assigned.

3 SEC. 28. Section 4552 of the Welfare and Institutions Code is
4 amended to read:

5 4552. The state council may contract for additional assistance
6 with any public or private agency or individual to carry out
7 planning, monitoring, evaluation, and other responsibilities under
8 this division. In order to comply with Public Law 106-402 (42
9 U.S.C. Sec. 15001 et seq.) regulations, all personnel employed by
10 the state council shall be solely responsible, organizationally and
11 administratively, to the state council. The state council, through
12 its executive director, shall have responsibility for the selection,
13 hiring, and supervision of all its personnel.

14 SEC. 29. Section 4553 of the Welfare and Institutions Code is
15 repealed.

16 SEC. 30. Section 4553 is added to the Welfare and Institutions
17 Code, to read:

18 4553. To the extent provided in Public Law 106-402 (42 U.S.C.
19 Sec. 15001 et seq.), the state council shall have full authority on
20 how it uses its funds for implementation of the state plan, including
21 establishing, maintaining, and operating any regional offices.

22 SEC. 31. Section 4560 of the Welfare and Institutions Code is
23 repealed.

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

26 4561. (a) A state plan shall be prepared by the state council
27 not less often than once every five years, and shall be reviewed
28 and revised, as necessary, on an annual basis. All references in
29 this part to “state plan” shall be references to the state plan
30 described by Public Law 106-402 (42 U.S.C. Sec. 15001 et seq.).

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

36 SEC. 33. Section 4562 of the Welfare and Institutions Code is
37 amended to read:

38 4562. (a) The state council shall conduct activities necessary
39 to develop and implement the state plan in the various regions of
40 the state.

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

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

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

17 SEC. 34. Section 4563 of the Welfare and Institutions Code is
18 repealed.

19 SEC. 35. Section 4563 is added to the Welfare and Institutions
20 Code, to read:

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

27 SEC. 36. Section 4564 of the Welfare and Institutions Code is
28 amended to read:

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

32 SEC. 37. Section 4565 of the Welfare and Institutions Code is
33 amended to read:

34 4565. (a) The state plan shall be given to the Governor, the
35 Secretary of the California Health and Human Services Agency,
36 the University Centers for Excellence in Developmental Disabilities
37 established pursuant to the federal Developmental Disabilities
38 Assistance and Bill of Rights Act of 2000, the protection and
39 advocacy agency designated by the Governor to fulfill the
40 requirements and assurances of the federal Developmental

1 Disabilities Assistance and Bill of Rights Act of 2000, and the
2 Superintendent of Public Instruction for review and comment prior
3 to its submission by the chairperson of the state council to the
4 United States Secretary of Health and Human Services.

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

11 SEC. 38. Section 4566 of the Welfare and Institutions Code is
12 repealed.

13 SEC. 39. Section 4626 of the Welfare and Institutions Code is
14 amended to read:

15 4626. (a) The department shall give a very high priority to
16 ensuring that regional center board members and employees act
17 in the course of their duties solely in the best interest of the regional
18 center consumers and their families without regard to the interests
19 of any other organization with which they are associated or persons
20 to whom they are related. Board members, employees, and others
21 acting on the regional center's behalf, as defined in regulations
22 issued by the department, shall be free from conflicts of interest
23 that could adversely influence their judgment, objectivity, or loyalty
24 to the regional center, its consumers, or its mission.

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

28 (1) An employee of the State Department of Developmental
29 Services or any state or local agency that provides services to a
30 regional center consumer, if employed in a capacity which includes
31 administrative or policymaking responsibility, or responsibility
32 for the regulation of the regional center.

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

35 (3) Except as otherwise provided in subdivision (h) of Section
36 4622, an employee or member of the governing board of any entity
37 from which the regional center purchases consumer services.

38 (4) Any person who has a financial interest, as defined in Section
39 87103 of the Government Code, in regional center operations,
40 except as a consumer of regional center services.

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

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

11 (e) The department shall develop and publish a standard
12 conflict-of-interest reporting statement. The conflict-of-interest
13 statement shall be completed by each regional center governing
14 board member and each regional center employee specified in
15 regulations, including, at a minimum, the executive director, every
16 administrator, every program director, every service coordinator,
17 and every employee who has decisionmaking or policymaking
18 authority or authority to obligate the regional center's resources.

19 (f) Every new regional center governing board member and
20 regional center executive director shall complete and file the
21 conflict-of-interest statement described in subdivision (e) with his
22 or her respective governing board within 30 days of being selected,
23 appointed, or elected. Every new regional center employee
24 referenced in subdivision (e) and every current regional center
25 employee referenced in subdivision (e) accepting a new position
26 within the regional center shall complete and file the
27 conflict-of-interest statement with his or her respective regional
28 center within 30 days of assuming the position.

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

32 (h) Every regional center board member and regional center
33 employee referenced in subdivision (e) shall complete and file a
34 subsequent conflict-of-interest statement upon any change in status
35 that creates a potential or present conflict of interest. For the
36 purposes of this subdivision, a change in status includes, but is not
37 limited to, a change in financial interests, legal commitment,
38 regional center or board position or duties, or both, or outside
39 position or duties, or both, whether compensated or not.

1 (i) The governing board shall submit a copy of the completed
2 conflict-of-interest statements of the governing board members
3 and the regional center executive director to the department within
4 10 days of receipt of the statements.

5 (j) A person who knowingly provides false information on a
6 conflict-of-interest statement required by this section shall be
7 subject to a civil penalty in an amount up to fifty thousand dollars
8 (\$50,000), in addition to any civil remedies available to the
9 department. An action for a civil penalty under this provision may
10 be brought by the department or any public prosecutor in the name
11 of the people of the State of California.

12 (k) The director of the regional center shall review the
13 conflict-of-interest statement of each regional center employee
14 referenced in subdivision (e) within 10 days of receipt of the
15 statement. If a potential or present conflict of interest is identified
16 for a regional center employee that cannot be eliminated, the
17 regional center shall, within 30 days of receipt of the statement,
18 submit to the department a copy of the conflict-of-interest statement
19 and a plan that proposes mitigation measures, including timeframes
20 and actions the regional center or the employee, or both, will take
21 to mitigate the conflict of interest.

22 (l) The department and the regional center governing board shall
23 review the conflict-of-interest statement of the regional center
24 executive director and each regional center board member to ensure
25 that no conflicts of interest exist. If a present or potential conflict
26 of interest is identified for a regional center director or a board
27 member that cannot be eliminated, the regional center governing
28 board shall, within 30 days of receipt of the statement, submit to
29 the department and the state council a copy of the
30 conflict-of-interest statement and a plan that proposes mitigation
31 measures, including timeframes and actions the regional center
32 governing board or the individual, or both, will take to mitigate
33 the conflict of interest.

34 SEC. 40. Section 4628 of the Welfare and Institutions Code is
35 amended to read:

36 4628. If, for good reason, a contracting agency is unable to
37 meet all the criteria for a governing board established in this
38 chapter, the director may waive those criteria for a period of time,
39 not to exceed one year, with the approval of the state council.

1 SEC. 41. Section 4629 of the Welfare and Institutions Code is
2 amended to read:

3 4629. (a) The state shall enter into five-year contracts with
4 regional centers, subject to the annual appropriation of funds by
5 the Legislature.

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

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

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

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

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

15 (iii) Develop services and supports identified as necessary to
16 meet identified needs.

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

20 (i) Providing information, in an understandable form, to the
21 community about regional center services and supports, including
22 budget information and baseline data on services and supports and
23 regional center operations.

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

27 (iii) Circulating a draft of the performance objectives to the
28 community for input prior to presentation at a regional center board
29 meeting where additional public input will be taken and considered
30 before adoption of the objectives.

31 (2) In addition to the performance objectives developed pursuant
32 to this section, the department may specify in the performance
33 contract additional areas of service and support that require
34 development or enhancement by the regional center. In determining
35 those areas, the department shall consider public comments from
36 individuals and organizations within the regional center catchment
37 area, the distribution of services and supports within the regional
38 center catchment area, and review how the availability of services
39 and supports in the regional area catchment area compares with
40 other regional center catchment areas.

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

4 (1) Incentives that encourage regional centers to meet or exceed
5 performance standards.

6 (2) Levels of probationary status for regional centers that do
7 not meet, or are at risk of not meeting, performance standards. The
8 department shall require that corrective action be taken by any
9 regional center which is placed on probation. Corrective action
10 may include, but is not limited to, mandated consultation with
11 designated representatives of the Association of Regional Center
12 Agencies or a management team designated by the department, or
13 both. The department shall establish the specific timeline for the
14 implementation of corrective action and monitor its
15 implementation. When a regional center is placed on probation,
16 the department shall provide the state council with a copy of the
17 correction plan, timeline, and any other action taken by the
18 department relating to the probationary status of the regional center.

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

22 (1) Annually assess each regional center's achievement of its
23 previous year's objectives and make the assessment, including
24 baseline data and performance objectives of the individual regional
25 centers, available to the public. The department may make a special
26 commendation of the regional centers that have best engaged the
27 community in the development of contract performance objectives
28 and have made the most meaningful progress in meeting or
29 exceeding contract performance objectives.

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

33 (A) The regional center's public process for compliance with
34 the procedures set forth in paragraph (2) of subdivision (c).

35 (B) Each regional center's performance objectives for
36 compliance with the criteria set forth in paragraph (1) of
37 subdivision (c).

38 (C) Any public comments on regional center performance
39 objectives sent to the department or to the regional centers, and

1 soliciting public input on the public process and final performance
2 standards.

3 (f) The renewal of each contract shall be contingent upon
4 compliance with the contract including, but not limited to, the
5 performance objectives, as determined through the department's
6 evaluation.

7 *SEC. 41.5. Section 4629 of the Welfare and Institutions Code*
8 *is amended to read:*

9 4629. (a) The state shall enter into five-year contracts with
10 regional centers, subject to the annual appropriation of funds by
11 the Legislature.

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

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

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

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

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

21 (iii) Develop services and supports identified as necessary to
22 meet identified ~~needs~~: *needs, including culturally and linguistically*
23 *appropriate services and supports.*

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

27 (i) Providing information, in an understandable form, to the
28 community about regional center services and supports, including
29 budget information and baseline data on services and supports and
30 regional center operations.

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

34 (iii) Circulating a draft of the performance objectives to the
35 community for input prior to presentation at a regional center board
36 meeting where additional public input will be taken and considered
37 before adoption of the objectives.

38 (2) In addition to the performance objectives developed pursuant
39 to this section, the department may specify in the performance
40 contract additional areas of service and support that require

1 development or enhancement by the regional center. In determining
2 those areas, the department shall consider public comments from
3 individuals and organizations within the regional center catchment
4 area, the distribution of services and supports within the regional
5 center catchment area, and review how the availability of services
6 and supports in the regional area catchment area compares with
7 other regional center catchment areas.

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

11 (1) Incentives that encourage regional centers to meet or exceed
12 performance standards.

13 (2) Levels of probationary status for regional centers that do
14 not meet, or are at risk of not meeting, performance standards. The
15 department shall require that corrective action be taken by any
16 regional center which is placed on probation. Corrective action
17 may include, but is not limited to, mandated consultation with
18 designated representatives of the Association of Regional Center
19 Agencies or a management team designated by the department, or
20 both. The department shall establish the specific timeline for the
21 implementation of corrective action and monitor its
22 implementation. When a regional center is placed on probation,
23 the department shall provide the ~~appropriate area board~~ *state*
24 *council and the clients' rights advocacy contractor identified in*
25 *Section 4433* with a copy of the correction plan, timeline, and any
26 other action taken by the department relating to the probationary
27 status of the regional center.

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

31 (1) Annually assess each regional center's achievement of its
32 previous year's objectives and make the assessment, including
33 baseline data and performance objectives of the individual regional
34 centers, available to the public. The department may make a special
35 commendation of the regional centers that have best engaged the
36 community in the development of contract performance objectives
37 and have made the most meaningful progress in meeting or
38 exceeding contract performance objectives.

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

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

6 (B) Each regional center’s performance objectives for
7 compliance with the criteria set forth in ~~paragraph (1)~~ paragraphs
8 (1) and (2) of subdivision (c).

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

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

17 SEC. 42. Section 4635 of the Welfare and Institutions Code is
18 amended to read:

19 4635. (a) If any regional center finds that it is unable to comply
20 with the requirements of this division or its contract with the state,
21 the regional center shall be responsible for informing the
22 department immediately that it does not expect to fulfill its
23 contractual obligations. Failure to provide the notification to the
24 department in a timely manner shall constitute grounds for possible
25 revocation or nonrenewal of the contract. If any regional center
26 makes a decision to cancel or not renew its contract with the
27 department, the regional center shall give a minimum of 90 days’
28 written notice of its decision.

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

35 (2) If the department’s efforts to resolve the problem are not
36 successful, the department shall issue a letter of noncompliance.
37 The letter of noncompliance shall state the noncompliant activities
38 and establish a specific timeline for the development and
39 implementation of a corrective action plan. The department shall
40 approve the plan and monitor its implementation. Letters of

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

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

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

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

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

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

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

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

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

31 SEC. 43. Section 4640.6 of the Welfare and Institutions Code
32 is amended to read:

33 4640.6. (a) In approving regional center contracts, the
34 department shall ensure that regional center staffing patterns
35 demonstrate that direct service coordination are the highest priority.

36 (b) Contracts between the department and regional centers shall
37 require that regional centers implement an emergency response
38 system that ensures that a regional center staff person will respond
39 to a consumer, or individual acting on behalf of a consumer, within
40 two hours of the time an emergency call is placed. This emergency

1 response system shall be operational 24 hours per day, 365 days
2 per year.

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

6 (1) An average service coordinator-to-consumer ratio of 1 to
7 62 for all consumers who have not moved from the developmental
8 centers to the community since April 14, 1993. In no case shall a
9 service coordinator for these consumers have an assigned caseload
10 in excess of 79 consumers for more than 60 days.

11 (2) An average service coordinator-to-consumer ratio of 1 to
12 45 for all consumers who have moved from a developmental center
13 to the community since April 14, 1993. In no case shall a service
14 coordinator for these consumers have an assigned caseload in
15 excess of 59 consumers for more than 60 days.

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

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

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

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

30 (4) For purposes of paragraph (3), service coordinators may
31 have a mixed caseload of consumers three years of age and
32 younger, consumers enrolled in the Home and Community-based
33 Services Waiver program for persons with developmental
34 disabilities, and other consumers if the overall average caseload
35 is weighted proportionately to ensure that overall regional center
36 average service coordinator-to-consumer ratios as specified in
37 paragraph (3) are met. For purposes of paragraph (3), in no case
38 shall a service coordinator have an assigned caseload in excess of
39 84 for more than 60 days.

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

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

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

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

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

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

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

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

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

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

38 (f) The department shall provide technical assistance and require
39 a plan of correction for any regional center that, for two consecutive
40 reporting periods, fails to maintain service coordinator caseload

1 ratios required by this section or otherwise demonstrates an
2 inability to maintain appropriate staffing patterns pursuant to this
3 section. Plans of correction shall be developed following input
4 from the state council, local organizations representing consumers,
5 family members, regional center employees, including recognized
6 labor organizations, and service providers, and other interested
7 parties.

8 (g) Contracts between the department and regional center shall
9 require the regional center to have, or contract for, all of the
10 following areas:

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

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

17 (3) Family support expertise to assist the regional center in
18 maximizing the effectiveness of support and services provided to
19 families.

20 (4) Housing expertise to assist the regional center in accessing
21 affordable housing for consumers in independent or supportive
22 living arrangements.

23 (5) Community integration expertise to assist consumers and
24 families in accessing integrated services and supports and improved
25 opportunities to participate in community life.

26 (6) Quality assurance expertise, to assist the regional center to
27 provide the necessary coordination and cooperation with the state
28 council, in conducting quality-of-life assessments and coordinating
29 the regional center quality assurance efforts.

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

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

36 (h) Any regional center proposing a staffing arrangement that
37 substantially deviates from the requirements of this section shall
38 request a waiver from the department. Prior to granting a waiver,
39 the department shall require a detailed staffing proposal, including,
40 but not limited to, how the proposed staffing arrangement will

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

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

19 (1) The service coordinator-to-consumer ratio requirements of
20 paragraph (1), and subparagraph (C) of paragraph (3), of
21 subdivision (c).

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

26 (3) The requirements of paragraphs (1) to (6), inclusive, of
27 subdivision (g).

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

30 (1) The service coordinator-to-consumer ratio requirements of
31 paragraph (1), and subparagraph (C) of paragraph (3), of
32 subdivision (c).

33 (2) The requirements of paragraphs (1) to (6), inclusive, of
34 subdivision (g).

35 (k) (1) Any contract between the department and a regional
36 center entered into on and after January 1, 2003, shall require that
37 all employment contracts entered into with regional center staff
38 or contractors be available to the public for review, upon request.
39 For purposes of this subdivision, an employment contract or portion

1 thereof may not be deemed confidential nor unavailable for public
2 review.

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

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

8 SEC. 44. Section 4646 of the Welfare and Institutions Code is
9 amended to read:

10 4646. (a) It is the intent of the Legislature to ensure that the
11 individual program plan and provision of services and supports
12 by the regional center system is centered on the individual and the
13 family of the individual with developmental disabilities and takes
14 into account the needs and preferences of the individual and the
15 family, where appropriate, as well as promoting community
16 integration, independent, productive, and normal lives, and stable
17 and healthy environments. It is the further intent of the Legislature
18 to ensure that the provision of services to consumers and their
19 families be effective in meeting the goals stated in the individual
20 program plan, reflect the preferences and choices of the consumer,
21 and reflect the cost-effective use of public resources.

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

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

38 (d) Individual program plans shall be prepared jointly by the
39 planning team. Decisions concerning the consumer's goals,
40 objectives, and services and supports that will be included in the

1 consumer's individual program plan and purchased by the regional
2 center or obtained from generic agencies shall be made by
3 agreement between the regional center representative and the
4 consumer or, where appropriate, the parents, legal guardian,
5 conservator, or authorized representative at the program plan
6 meeting.

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

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

24 (g) An authorized representative of the regional center and the
25 consumer or, when appropriate, his or her parent, legal guardian,
26 conservator, or authorized representative shall sign the individual
27 program plan prior to its implementation. If the consumer or, when
28 appropriate, his or her parent, legal guardian, conservator, or
29 authorized representative, does not agree with all components of
30 the plan, he or she may indicate that disagreement on the plan.
31 Disagreement with specific plan components shall not prohibit the
32 implementation of services and supports agreed to by the consumer
33 or, when appropriate, his or her parent, legal guardian, conservator,
34 or authorized representative. If the consumer or, when appropriate,
35 his or her parent, legal guardian, conservator, or authorized
36 representative, does not agree with the plan in whole or in part, he
37 or she shall be sent written notice of the fair hearing rights, as
38 required by Section 4701.

39 (h) (1) A regional center shall communicate in the consumer's
40 native language, or, when appropriate, the native language of his

1 or her family, legal guardian, conservator, or authorized
2 representative, during the planning process for the individual
3 program plan, including during the program plan meeting, and
4 including providing alternative communication services, as required
5 by Sections 11135 to 11139.7, inclusive, of the Government Code
6 and implementing regulations.

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

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

16 SEC. 45. Section 4646.5 of the Welfare and Institutions Code
17 is amended to read:

18 4646.5. (a) The planning process for the individual program
19 plan described in Section 4646 shall include all of the following:

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

34 (2) A statement of goals, based on the needs, preferences, and
35 life choices of the individual with developmental disabilities, and
36 a statement of specific, time-limited objectives for implementing
37 the person's goals and addressing his or her needs. These objectives
38 shall be stated in terms that allow measurement of progress or
39 monitoring of service delivery. These goals and objectives should
40 maximize opportunities for the consumer to develop relationships,

1 be part of community life in the areas of community participation,
2 housing, work, school, and leisure, increase control over his or her
3 life, acquire increasingly positive roles in community life, and
4 develop competencies to help accomplish these goals.

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

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

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

23 (6) When agreed to by the consumer, the parents, legally
24 appointed guardian, or authorized representative of a minor
25 consumer, or the legally appointed conservator of an adult
26 consumer or the authorized representative, including those
27 appointed pursuant to subdivision (a) of Section 4541, subdivision
28 (b) of Section 4701.6, and subdivision (e) of Section 4705, a review
29 of the general health status of the adult or child, including medical,
30 dental, and mental health needs, shall be conducted. This review
31 shall include a discussion of current medications, any observed
32 side effects, and the date of the last review of the medication.
33 Service providers shall cooperate with the planning team to provide
34 any information necessary to complete the health status review. If
35 any concerns are noted during the review, referrals shall be made
36 to regional center clinicians or to the consumer's physician, as
37 appropriate. Documentation of health status and referrals shall be
38 made in the consumer's record by the service coordinator.

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

1 (i) The regional center is purchasing private, specialized
2 transportation services or services from a residential, day, or other
3 provider, excluding vouchered service providers, to transport the
4 consumer to and from day or work services.

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

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

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

18 (8) A schedule of regular periodic review and reevaluation to
19 ascertain that planned services have been provided, that objectives
20 have been fulfilled within the times specified, and that consumers
21 and families are satisfied with the individual program plan and its
22 implementation.

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

31 (c) (1) The department, with the participation of representatives
32 of a statewide consumer organization, the Association of Regional
33 Center Agencies, an organized labor organization representing
34 service coordination staff, and the state council shall prepare
35 training material and a standard format and instructions for the
36 preparation of individual program plans, which embody an
37 approach centered on the person and family.

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

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

5 SEC. 46. Section 4648 of the Welfare and Institutions Code is
6 amended to read:

7 4648. In order to achieve the stated objectives of a consumer's
8 individual program plan, the regional center shall conduct activities,
9 including, but not limited to, all of the following:

10 (a) Securing needed services and supports.

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

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

29 (3) A regional center may, pursuant to vendorization or a
30 contract, purchase services or supports for a consumer from any
31 individual or agency that the regional center and consumer or,
32 when appropriate, his or her parents, legal guardian, or conservator,
33 or authorized representatives, determines will best accomplish all
34 or any part of that consumer's program plan.

35 (A) Vendorization or contracting is the process for identification,
36 selection, and utilization of service vendors or contractors, based
37 on the qualifications and other requirements necessary in order to
38 provide the service.

39 (B) A regional center may reimburse an individual or agency
40 for services or supports provided to a regional center consumer if

1 the individual or agency has a rate of payment for vendored or
2 contracted services established by the department, pursuant to this
3 division, and is providing services pursuant to an emergency
4 vendorization or has completed the vendorization procedures or
5 has entered into a contract with the regional center and continues
6 to comply with the vendorization or contracting requirements. The
7 director shall adopt regulations governing the vendorization process
8 to be utilized by the department, regional centers, vendors, and
9 the individual or agency requesting vendorization.

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

18 (D) A regional center may vendorize a licensed facility for
19 exclusive services to persons with developmental disabilities at a
20 capacity equal to or less than the facility's licensed capacity. A
21 facility already licensed on January 1, 1999, shall continue to be
22 vendorized at their full licensed capacity until the facility agrees
23 to vendorization at a reduced capacity.

24 (E) Effective July 1, 2009, notwithstanding any other law or
25 regulation, a regional center shall not newly vendor a State
26 Department of Social Services licensed 24-hour residential care
27 facility with a licensed capacity of 16 or more beds, unless the
28 facility qualifies for receipt of federal funds under the Medicaid
29 Program.

30 (4) Notwithstanding subparagraph (B) of paragraph (3), a
31 regional center may contract or issue a voucher for services and
32 supports provided to a consumer or family at a cost not to exceed
33 the maximum rate of payment for that service or support
34 established by the department. If a rate has not been established
35 by the department, the regional center may, for an interim period,
36 contract for a specified service or support with, and establish a
37 rate of payment for, any provider of the service or support
38 necessary to implement a consumer's individual program plan.
39 Contracts may be negotiated for a period of up to three years, with
40 annual review and subject to the availability of funds.

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

10 (6) The regional center and the consumer, or when appropriate,
11 his or her parents, legal guardian, conservator, or authorized
12 representative, including those appointed pursuant to subdivision
13 (a) of Section 4541, subdivision (b) of Section 4701.6, or
14 subdivision (e) of Section 4705, shall, pursuant to the individual
15 program plan, consider all of the following when selecting a
16 provider of consumer services and supports:

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

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

22 (C) Where appropriate, the existence of licensing, accreditation,
23 or professional certification.

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

36 (E) The consumer's choice of providers, or, when appropriate,
37 the consumer's parent's, legal guardian's, authorized
38 representative's, or conservator's choice of providers.

39 (7) No service or support provided by any agency or individual
40 shall be continued unless the consumer or, when appropriate, his

1 or her parents, legal guardian, or conservator, or authorized
2 representative, including those appointed pursuant to subdivision
3 (a) of Section 4541, subdivision (b) of Section 4701.6, or
4 subdivision (e) of Section 4705, is satisfied and the regional center
5 and the consumer or, when appropriate, the person's parents or
6 legal guardian or conservator agree that planned services and
7 supports have been provided, and reasonable progress toward
8 objectives have been made.

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

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

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

29 (i) A residential facility with a licensed capacity of 16 or more
30 beds that has been approved to participate in the department's
31 Home and Community Based Services Waiver or another existing
32 waiver program or certified to participate in the Medi-Cal program.

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

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

- 4 (I) The facility is eligible for Medicaid reimbursement.
- 5 (II) The facility has a department-approved plan in place by
6 June 30, 2013, to transition to a program structure eligible for
7 federal Medicaid funding, and this transition will be completed by
8 June 30, 2014. The department may grant an extension for the date
9 by which the transition will be completed if the facility
10 demonstrates that it has made significant progress toward transition,
11 and states with specificity the timeframe by which the transition
12 will be completed and the specified steps that will be taken to
13 accomplish the transition. A regional center may pay for the costs
14 of care and treatment of a consumer residing in the facility on June
15 30, 2012, until June 30, 2013, inclusive, and, if the facility has a
16 department-approved plan in place by June 30, 2013, may continue
17 to pay the costs under this subparagraph until June 30, 2014, or
18 until the end of any period during which the department has granted
19 an extension.
- 20 (III) There is an emergency circumstance in which the regional
21 center determines that it cannot locate alternate federally eligible
22 services to meet the consumer’s needs. Under such an emergency
23 circumstance, an assessment shall be completed by the regional
24 center as soon as possible and within 30 days of admission. An
25 individual program plan meeting shall be convened immediately
26 following the assessment to determine the services and supports
27 needed for stabilization and to develop a plan to transition the
28 consumer from the facility into the community. If transition is not
29 expected within 90 days of admission, an individual program plan
30 meeting shall be held to discuss the status of transition and to
31 determine if the consumer is still in need of placement in the
32 facility. Commencing October 1, 2012, this determination shall
33 be made after also considering resource options identified by the
34 statewide specialized resource service. If it is determined that
35 emergency services continue to be necessary, the regional center
36 shall submit an updated transition plan that can cover a period of
37 up to 90 days. In no event shall placements under these emergency
38 circumstances exceed 180 days.
- 39 (C) (i) Effective July 1, 2012, notwithstanding any other law
40 or regulation, a regional center shall not purchase new residential

1 services from, or place a consumer in, institutions for mental
2 disease, as described in Part 5 (commencing with Section 5900)
3 of Division 5, for which federal Medicaid funding is not available.
4 Effective July 1, 2013, this prohibition applies regardless of the
5 availability of federal funding.

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

22 (iii) To the extent feasible, prior to any admission, the regional
23 center shall consider resource options identified by the statewide
24 specialized resource service established pursuant to subdivision
25 (b) of Section 4418.25.

26 (iv) The clients' rights advocate shall be notified of each
27 admission and individual program planning meeting pursuant to
28 this subparagraph and may participate in all individual program
29 planning meetings unless the consumer objects on his or her own
30 behalf. For purposes of this clause, notification to the clients' rights
31 advocate shall include a copy of the most recent comprehensive
32 assessment or updated assessment and the time, date, and location
33 of the meeting, and shall be provided as soon as practicable, but
34 not less than seven calendar days prior to the meeting.

35 (v) Regional centers shall complete a comprehensive assessment
36 of any consumer residing in an institution for mental disease as of
37 July 1, 2012, for which federal Medicaid funding is not available,
38 and for any consumer residing in an institution for mental disease
39 as of July 1, 2013, without regard to federal funding. The
40 comprehensive assessment shall be completed prior to the

1 consumer’s next scheduled individual program plan meeting and
2 shall include identification of the services and supports needed
3 and the timeline for identifying or developing those services needed
4 to transition the consumer back to the community. Effective
5 October 1, 2012, the regional center shall also consider resource
6 options identified by the statewide specialized resource service.
7 For each individual program plan meeting convened pursuant to
8 this subparagraph, the clients’ rights advocate for the regional
9 center shall be notified of the meeting and may participate in the
10 meeting unless the consumer objects on his or her own behalf. For
11 purposes of this clause, notification to the clients’ rights advocate
12 shall include the time, date, and location of the meeting, and shall
13 be provided as soon as practicable, but not less than seven calendar
14 days prior to the meeting.

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 intellectual disabilities and that the rights information shall also
25 be available through the regional center to each residential facility
26 and day program in alternative formats, including, but not limited
27 to, other languages, braille, and audiotapes, when necessary to
28 meet the communication needs of consumers.

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

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

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

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

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

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

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

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

32 (C) Developing unpaid natural supports when possible.

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

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

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

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

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

21 (2) Whenever the advocacy efforts of a regional center to secure
22 or protect the civil, legal, or service rights of any of its consumers
23 prove ineffective, the regional center or the person with
24 developmental disabilities or his or her parents, legal guardian, or
25 other representative may request advocacy assistance from the
26 state council.

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

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

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

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

1 and notify the appropriate licensing or regulatory authority to
2 investigate the possible noncompliance.

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

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

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

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

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

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

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

30 SEC. 47. Section 4649 of the Welfare and Institutions Code is
31 amended to read:

32 4649. Regional centers shall cooperate with the state council
33 in joint efforts to inform the public of services available to persons
34 with developmental disabilities and of their unmet needs, provide
35 materials and education programs to community groups and
36 agencies with interest in, or responsibility for, persons with
37 developmental disabilities, and develop resource materials, if
38 necessary, containing information about local agencies, facilities,
39 and service providers offering services to persons with
40 developmental disabilities.

1 SEC. 48. Section 4650 of the Welfare and Institutions Code is
2 amended to read:

3 4650. Regional centers shall be responsible for developing an
4 annual plan and program budget to be submitted to the director no
5 later than September 1 of each fiscal year. An information copy
6 shall be submitted to the state council by the same date.

7 SEC. 49. Section 4659 of the Welfare and Institutions Code is
8 amended to read:

9 4659. (a) Except as otherwise provided in subdivision (b) or
10 (e), the regional center shall identify and pursue all possible sources
11 of funding for consumers receiving regional center services. These
12 sources shall include, but not be limited to, both of the following:

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

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

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

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

37 (d) (1) Effective July 1, 2009, notwithstanding any other law
38 or regulation, a regional center shall not purchase medical or dental
39 services for a consumer three years of age or older unless the
40 regional center is provided with documentation of a Medi-Cal,

1 private insurance, or a health care service plan denial and the
2 regional center determines that an appeal by the consumer or family
3 of the denial does not have merit. If, on July 1, 2009, a regional
4 center is purchasing the service as part of a consumer's IPP, this
5 provision shall take effect on August 1, 2009. Regional centers
6 may pay for medical or dental services during the following
7 periods:

8 (A) While coverage is being pursued, but before a denial is
9 made.

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

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

15 (2) When necessary, the consumer or family may receive
16 assistance from the regional center, the Clients' Rights Advocate
17 funded by the department, or the state council in pursuing these
18 appeals.

19 (e) This section shall not impose any additional liability on the
20 parents of children with developmental disabilities, or to restrict
21 eligibility for, or deny services to, any individual who qualifies
22 for regional center services but is unable to pay.

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

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

34 (2) Regional centers shall disseminate information and training
35 to all service coordinators regarding the availability and
36 requirements of generic, federally funded, and private insurance
37 programs on the local level.

38 SEC. 50. Section 4662 of the Welfare and Institutions Code is
39 amended to read:

1 4662. In the case of an emergency situation involving matters
 2 upon which prompt action is necessary due to the disruption or
 3 threatened disruption of regional center services, an emergency
 4 meeting may be called without complying with the advanced notice
 5 requirement of Section 4661. For the purposes of this article,
 6 “emergency situation” means any activity which severely impairs
 7 public health, safety, or both, as determined by a majority of the
 8 members of the regional center board. In these situations, advance
 9 notice shall be provided if practicable. In addition, the state council
 10 shall be notified by telephone of each emergency meeting. The
 11 minutes of an emergency meeting, including a description of any
 12 actions taken at the meeting, shall be mailed immediately to those
 13 persons described in Section 4661.

14 SEC. 51. Section 4669.2 of the Welfare and Institutions Code
 15 is amended to read:

16 4669.2. (a) Notwithstanding any other law, and provided that
 17 there shall be no reduction in direct service to persons eligible for
 18 services under this article, a regional center, with the approval of
 19 the State Department of Developmental Services, and in
 20 consultation with the state council, consumer and vendor advisory
 21 committees, and local advocacy organizations, may explore and
 22 implement any regional center service delivery alternative included
 23 in this section for consumers living in the community, as follows:

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

1 reduced reporting and recording requirements of regional centers.

2 The recommendations shall be made available upon request.

3 (5) Proposals to reduce reporting and recordkeeping
4 requirements at a regional center.

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

8 (7) Procedures that encourage innovative approaches to the
9 sharing of administrative resources between regional centers and
10 other public and private agencies serving persons with
11 developmental disabilities.

12 (8) Proposals for a regional center to purchase a facility for its
13 own office space if it can be shown to be cost-effective. Funds
14 from a regional center's purchase of services budget shall not be
15 used for this purchase.

16 (b) Consultation pursuant to subdivision (a) shall occur during
17 the development of the proposal prior to the public hearing
18 conducted in accordance with Section 4669.75 and after the
19 completion of the public hearing.

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

29 SEC. 52. Section 4677 of the Welfare and Institutions Code is
30 amended to read:

31 4677. (a) (1) All parental fees collected by or for regional
32 centers shall be remitted to the State Treasury to be deposited in
33 the Developmental Disabilities Program Development Fund, which
34 is hereby created and hereinafter called the Program Development
35 Fund. The purpose of the Program Development Fund shall be to
36 provide resources needed to initiate new programs, and to expand
37 or convert existing programs. Within the context of, and consistent
38 with, approved priorities for program development in the state
39 plan, program development funds shall promote integrated
40 residential, work, instructional, social, civic, volunteer, and

1 recreational services and supports that increase opportunities for
 2 self-determination and maximum independence of persons with
 3 developmental disabilities. Notwithstanding any other law or
 4 regulation, commencing July 1, 2009, parental fees remitted to the
 5 State Treasury shall be deposited in accordance with Section 4784.
 6 (2) In no event shall an allocation from the Program
 7 Development Fund be granted for more than 24 months.
 8 (b) (1) The State Council on Developmental Disabilities shall,
 9 at least once every five years, request from all regional centers
 10 information on the types and amounts of services and supports
 11 needed, but currently unavailable.
 12 (2) The state council shall work collaboratively with the
 13 department and the Association of Regional Center Agencies to
 14 develop standardized forms and protocols that shall be used by all
 15 regional centers and the state council in collecting and reporting
 16 this information. In addition to identifying services and supports
 17 that are needed, but currently unavailable, the forms and protocols
 18 shall also solicit input and suggestions on alternative and innovative
 19 service delivery models that would address consumer needs.
 20 (3) In addition to the information provided pursuant to paragraph
 21 (2), the state council may utilize information from other sources,
 22 including, but not limited to, public hearings, quality assurance
 23 assessments conducted pursuant to Section 4571, regional center
 24 reports on alternative service delivery submitted to the department
 25 pursuant to Section 4669.2, and the annual report on self-directed
 26 services produced pursuant to Section 4685.7.
 27 (4) The department shall provide additional information, as
 28 requested by the state council.
 29 (5) Based on the information provided by the regional centers
 30 and other agencies, the state council shall develop an assessment
 31 of the need for new, expanded, or converted community services
 32 and support, and make that assessment available to the public. The
 33 assessment shall include a discussion of the type and amount of
 34 services and supports necessary but currently unavailable including
 35 the impact on consumers with common characteristics, including,
 36 but not limited to, disability, specified geographic regions, age,
 37 and ethnicity, face distinct challenges. The assessment shall
 38 highlight alternative and innovative service delivery models
 39 identified through their assessment process.

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

11 (c) Parental fee schedules shall be evaluated pursuant to Section
12 4784 and adjusted annually, as needed, by the department, with
13 the approval of the state council. The July 1, 2009, parental fee
14 adjustment shall be exempt from this approval requirement. Fees
15 for out-of-home care shall bear an equitable relationship to the
16 cost of the care and the ability of the family to pay.

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

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

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

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

38 (B) Consistent with the level of need as determined in the state
39 plan, excess parental fees may be used for purposes other than
40 programs specified in subdivision (a) only when specifically

1 appropriated to the State Department of Developmental Services
2 for those purposes.

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

12 SEC. 53. Section 4685.8 of the Welfare and Institutions Code
13 is amended to read:

14 4685.8. (a) The department shall implement a statewide
15 Self-Determination Program. The Self-Determination Program
16 shall be available in every regional center catchment area to provide
17 participants and their families, within an individual budget,
18 increased flexibility and choice, and greater control over decisions,
19 resources, and needed and desired services and supports to
20 implement their IPP. The statewide Self-Determination Program
21 shall be phased in over three years, and during this phase-in period,
22 shall serve up to 2,500 regional center consumers, inclusive of the
23 remaining participants in the self-determination pilot projects
24 authorized pursuant to Section 13 of Chapter 1043 of the Statutes
25 of 1998, as amended, and Article 4 (commencing with Section
26 4669.2) of Chapter 5. Following the phase-in period, the program
27 shall be available on a voluntary basis to all regional center
28 consumers who are eligible for the Self-Determination Program.
29 The program shall be available to individuals who reflect the
30 disability, ethnic, and geographic diversity of the state.

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

33 (1) For the first three years of the Self-Determination Program,
34 determine, as part of the contracting process described in Sections
35 4620 and 4629, the number of participants each regional center
36 shall serve in its Self-Determination Program. To ensure that the
37 program is available on an equitable basis to participants in all
38 regional center catchment areas, the number of Self-Determination
39 Program participants in each regional center shall be based on the
40 relative percentage of total consumers served by the regional

1 centers minus any remaining participants in the self-determination
2 pilot projects authorized pursuant to Section 13 of Chapter 1043
3 of the Statutes of 1998, as amended, and Article 4 (commencing
4 with Section 4669.2) of Chapter 5 or another equitable basis.

5 (2) Ensure all of the following:

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

8 (B) Increased participant control over which services and
9 supports best meet his or her needs and the IPP objectives. A
10 participant's unique support system may include the purchase of
11 existing service offerings from service providers or local
12 businesses, hiring his or her own support workers, or negotiating
13 unique service arrangements with local community resources.

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

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

19 (E) Choice of independent facilitators who can assist with the
20 person-centered planning process and choice of financial
21 management services providers vendedored by regional centers who
22 can assist with payments and provide employee-related services.

23 (F) Innovation that will more effectively allow participants to
24 achieve their goals.

25 (c) For purposes of this section, the following definitions apply:

26 (1) "Financial management services" means services or
27 functions that assist the participant to manage and direct the
28 distribution of funds contained in the individual budget, and ensure
29 that the participant has the financial resources to implement his or
30 her IPP throughout the year. These may include bill paying services
31 and activities that facilitate the employment of service and support
32 workers by the participant, including, but not limited to, fiscal
33 accounting, tax withholding, compliance with relevant state and
34 federal employment laws, assisting the participant in verifying
35 provider qualifications, including criminal background checks,
36 and expenditure reports. The financial management services
37 provider shall meet the requirements of Sections 58884, 58886,
38 and 58887 of Title 17 of the California Code of Regulations and
39 other specific qualifications established by the department. The
40 costs of financial management services shall be paid by the

1 participant out of his or her individual budget, except for the cost
2 of obtaining the criminal background check specified in subdivision
3 (w).

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

21 (3) “Individual budget” means the amount of regional center
22 purchase of service funding available to the participant for the
23 purchase of services and supports necessary to implement the IPP.
24 The individual budget shall be determined using a fair, equitable,
25 and transparent methodology.

26 (4) “IPP” means individual program plan, as described in Section
27 4646.

28 (5) “Participant” means an individual, and when appropriate,
29 his or her parents, legal guardian or conservator, or authorized
30 representative, who has been deemed eligible for, and has
31 voluntarily agreed to participate in, the Self-Determination
32 Program.

33 (6) “Self-determination” means a voluntary delivery system
34 consisting of a defined and comprehensive mix of services and
35 supports, selected and directed by a participant through
36 person-centered planning, in order to meet the objectives in his or
37 her IPP. Self-determination services and supports are designed to
38 assist the participant to achieve personally defined outcomes in
39 community settings that promote inclusion. The Self-Determination
40 Program shall only fund services and supports provided pursuant

1 to this division that the federal Centers for Medicare and Medicaid
2 Services determines are eligible for federal financial participation.

3 (d) Participation in the Self-Determination Program is fully
4 voluntary. A participant may choose to participate in, and may
5 choose to leave, the Self-Determination Program at any time. A
6 regional center shall not require or prohibit participation in the
7 Self-Determination Program as a condition of eligibility for, or
8 the delivery of, services and supports otherwise available under
9 this division. Participation in the Self-Determination Program shall
10 be available to any regional center consumer who meets the
11 following eligibility requirements:

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

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

26 (3) The participant agrees to all of the following terms and
27 conditions:

28 (A) The participant shall receive an orientation to the
29 Self-Determination Program prior to enrollment, which includes
30 the principles of self-determination, the role of the independent
31 facilitator and the financial management services provider,
32 person-centered planning, and development of a budget.

33 (B) The participant shall utilize the services and supports
34 available within the Self-Determination Program only when generic
35 services and supports are not available.

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

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

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

6 (F) The participant may utilize the services of an independent
7 facilitator of his or her own choosing for the purpose of providing
8 services and functions as described in paragraph (2) of subdivision
9 (c). If the participant elects not to use an independent facilitator,
10 he or she may use his or her regional center service coordinator to
11 provide the services and functions described in paragraph (2) of
12 subdivision (c).

13 (e) A participant who is not Medi-Cal eligible may participate
14 in the Self-Determination Program and receive self-determination
15 services and supports if all other program eligibility requirements
16 are met and the services and supports are otherwise eligible for
17 federal financial participation.

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

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

35 (1) First, to offset the cost to the department for the criminal
36 background check conducted pursuant to subdivision (w), and
37 other administrative costs incurred by the department in
38 implementing the Self-Determination Program.

39 (2) With the remaining funds, to offset the costs to the regional
40 centers in implementing the Self-Determination Program,

1 including, but not limited to, operations costs for caseload ratio
2 enhancement, training for regional center staff, costs associated
3 with the participant's initial person-centered planning meeting,
4 the development of the participant's initial individual budget, and
5 the costs associated with training consumers and family members.

6 (h) If at any time during participation in the Self-Determination
7 Program a regional center determines that a participant is no longer
8 eligible to continue in, or a participant voluntarily chooses to exit,
9 the Self-Determination Program, the regional center shall provide
10 for the participant's transition from the Self-Determination Program
11 to other services and supports. This transition shall include the
12 development of a new IPP that reflects the services and supports
13 necessary to meet the individual's needs. The regional center shall
14 ensure that there is no gap in services and supports during the
15 transition period.

16 (i) An individual determined to be ineligible for or who
17 voluntarily exits the Self-Determination Program shall be permitted
18 to return to the Self-Determination Program upon meeting all
19 applicable eligibility criteria and upon approval of the participant's
20 planning team, as described in subdivision (j) of Section 4512. An
21 individual who has voluntarily exited the Self-Determination
22 Program shall not return to the program for at least 12 months.
23 During the first three years of the program, the individual's right
24 to return to the program is conditioned on his or her regional center
25 not having reached the participant cap imposed by paragraph (1)
26 of subdivision (b).

27 (j) An individual who participates in the Self-Determination
28 Program may elect to continue to receive self-determination
29 services and supports if he or she transfers to another regional
30 center catchment area, provided that he or she remains eligible for
31 the Self-Determination Program pursuant to subdivision (d). The
32 balance of the participant's individual budget shall be reallocated
33 to the regional center to which he or she transfers.

34 (k) The IPP team shall utilize the person-centered planning
35 process to develop the IPP for a participant. The IPP shall detail
36 the goals and objectives of the participant that are to be met through
37 the purchase of participant-selected services and supports. The
38 IPP team shall determine the individual budget to ensure the budget
39 assists the participant to achieve the outcomes set forth in his or

1 her IPP and ensures his or her health and safety. The completed
2 individual budget shall be attached to the IPP.

3 (l) The participant shall implement his or her IPP, including
4 choosing and purchasing the services and supports allowable under
5 this section necessary to implement the plan. A participant is
6 exempt from the cost control restrictions regarding the purchases
7 of services and supports pursuant to Sections 4648.5 and 4686.5.
8 A regional center shall not prohibit the purchase of any service or
9 support that is otherwise allowable under this section.

10 (m) A participant shall have all the rights established in Sections
11 4646 to 4646.6, inclusive, and Chapter 7 (commencing with Section
12 4700).

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

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

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

22 (I) The IPP team determines that an adjustment to this amount
23 is necessary due to a change in the participant's circumstances,
24 needs, or resources that would result in an increase or decrease in
25 purchase of service expenditures, or the IPP team identifies prior
26 needs or resources that were unaddressed in the IPP, which would
27 have resulted in an increase or decrease in purchase of service
28 expenditures.

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

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

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

1 (i) The IPP team shall identify the services and supports needed
2 by the participant and available resources, as required by Section
3 4646.

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

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

16 (2) The amount of the individual budget shall be available to
17 the participant each year for the purchase of program services and
18 supports. An individual budget shall be calculated no more than
19 once in a 12-month period, unless revised to reflect a change in
20 circumstances, needs, or resources of the participant using the
21 process specified in clause (ii) of subparagraph (A) of paragraph
22 (1).

23 (3) The individual budget shall be assigned to uniform budget
24 categories developed by the department in consultation with
25 stakeholders and distributed according to the timing of the
26 anticipated expenditures in the IPP and in a manner that ensures
27 that the participant has the financial resources to implement his or
28 her IPP throughout the year.

29 (4) The department, in consultation with stakeholders, may
30 develop alternative methodologies for individual budgets that are
31 computed in a fair, transparent, and equitable manner and are based
32 on consumer characteristics and needs, and that include a method
33 for adjusting individual budgets to address a participant's change
34 in circumstances or needs.

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

1 (p) Consistent with the implementation date of the IPP, the IPP
2 team shall annually ascertain from the participant whether there
3 are any circumstances or needs that require a change to the annual
4 individual budget. Based on that review, the IPP team shall
5 calculate a new individual budget consistent with the methodology
6 identified in subdivision (n).

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

10 (A) Applying for a state plan amendment.

11 (B) Applying for an amendment to a current home- and
12 community-based waiver for individuals with developmental
13 disabilities.

14 (C) Applying for a new waiver.

15 (D) Seeking to maximize federal financial participation through
16 other means.

17 (2) To the extent feasible, the state plan amendment, waiver, or
18 other federal request described in paragraph (1) shall incorporate
19 the eligibility requirements, benefits, and operational requirements
20 set forth in this section. Except for the provisions of subdivisions
21 (k), (m), (p), and this subdivision, the department may modify
22 eligibility requirements, benefits, and operational requirements as
23 needed to secure approval of federal funding.

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

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

31 (2) Notwithstanding paragraph (1) and Chapter 3.5 (commencing
32 with Section 11340) of Part 1 of Division 3 of Title 2 of the
33 Government Code, and only to the extent that all necessary federal
34 approvals are obtained, the department, without taking any further
35 regulatory action, shall implement, interpret, or make specific this
36 section by means of program directives or similar instructions until
37 the time regulations are adopted. It is the intent of the Legislature
38 that the department be allowed this temporary authority as
39 necessary to implement program changes only until completion
40 of the regulatory process.

1 (s) The department, in consultation with stakeholders, shall
2 develop informational materials about the Self-Determination
3 Program. The department shall ensure that regional centers are
4 trained in the principles of self-determination, the mechanics of
5 the Self-Determination Program, and the rights of consumers and
6 families as candidates for, and participants in, the
7 Self-Determination Program.

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

12 (1) Contract with local consumer or family-run organizations
13 to conduct outreach through local meetings or forums to consumers
14 and their families to provide information about the
15 Self-Determination Program and to help ensure that the program
16 is available to a diverse group of participants, with special outreach
17 to underserved communities.

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

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

27 (v) Only the financial management services provider is required
28 to apply for vendorization in accordance with Subchapter 2
29 (commencing with Section 54300) of Chapter 3 of Division 2 of
30 Title 17 of the California Code of Regulations, for the
31 Self-Determination Program. All other service and support
32 providers shall not be on the federal debarment list and shall have
33 applicable state licenses, certifications, or other state required
34 documentation, including documentation of any other qualifications
35 required by the department, but are exempt from the vendorization
36 requirements set forth in Title 17 of the California Code of
37 Regulations when serving participants in the Self-Determination
38 Program.

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

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

8 (A) Individuals who provide direct personal care services to a
9 participant.

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

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

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

27 (4) When received, the Department of Justice shall forward to
28 the Federal Bureau of Investigation requests for federal summary
29 criminal history information received pursuant to this section. The
30 Department of Justice shall review the information returned from
31 the Federal Bureau of Investigation and compile and disseminate
32 a response to the department.

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

36 (6) The department shall request from the Department of Justice
37 subsequent notification service, as provided pursuant to Section
38 11105.2 of the Penal Code, for persons described in paragraph (1).

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

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

13 (9) If the criminal record information report shows a criminal
14 history, the department shall take the steps specified in Section
15 4689.2. The department may prohibit a provider of services and
16 supports from becoming employed, or continuing to be employed,
17 based on the criminal background check, as authorized in Section
18 4689.6. The provider of services and supports who has been denied
19 employment shall have the rights set forth in Section 4689.6.

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

25 (11) Consistent with subdivision (h) of Section 4689.2, the
26 participant or financial management service that denies or
27 terminates employment based on written notification from the
28 department shall not incur civil liability or unemployment insurance
29 liability.

30 (x) To ensure the effective implementation of the
31 Self-Determination Program and facilitate the sharing of best
32 practices and training materials commencing with the
33 implementation of the Self-Determination Program, local and
34 statewide advisory committees shall be established as follows:

35 (1) Each regional center shall establish a local volunteer advisory
36 committee to provide oversight of the Self-Determination Program.
37 The regional center and the State Council on Developmental
38 Disabilities shall each appoint one-half of the membership of the
39 committee. The committee shall consist of the regional center
40 clients' rights advocate, consumers, family members, and other

1 advocates, and community leaders. A majority of the committee
2 shall be consumers and their family members. The committee shall
3 reflect the multicultural diversity and geographic profile of the
4 catchment area. The committee shall review the development and
5 ongoing progress of the Self-Determination Program, including
6 whether the program advances the principles of self-determination
7 and is operating consistent with the requirements of this section,
8 and may make ongoing recommendations for improvement to the
9 regional center and the department.

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

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

33 (1) Number and characteristics of participants, by regional
34 center.

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

37 (3) Range and average of individual budgets, by regional center,
38 including adjustments to the budget to address the adjustments
39 permitted in clause (ii) of subparagraph (A) of paragraph (1) of
40 subdivision (n).

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

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

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

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

11 (z) (1) The State Council on Developmental Disabilities, in
12 collaboration with the protection and advocacy agency identified
13 in Section 4900 and the federally funded University Centers for
14 Excellence in Developmental Disabilities Education, Research,
15 and Service, may work with regional centers to survey participants
16 regarding participant satisfaction under the Self-Determination
17 Program and, when data is available, the traditional service delivery
18 system, including the proportion of participants who report that
19 their choices and decisions are respected and supported and who
20 report that they are able to recruit and hire qualified service
21 providers, and to identify barriers to participation and
22 recommendations for improvement.

23 (2) The council, in collaboration with the protection and
24 advocacy agency identified in Section 4900 and the federally
25 funded University Centers for Excellence in Developmental
26 Disabilities Education, Research, and Service, shall issue a report
27 to the Legislature, in compliance with Section 9795 of the
28 Government Code, no later than three years following the approval
29 of the federal funding on the status of the Self-Determination
30 Program authorized by this section, and provide recommendations
31 to enhance the effectiveness of the program. This review shall
32 include the program's effectiveness in furthering the principles of
33 self-determination, including all of the following:

34 (A) Freedom, which includes the ability of adults with
35 developmental disabilities to exercise the same rights as all citizens
36 to establish, with freely chosen supporters, family and friends,
37 where they want to live, with whom they want to live, how their
38 time will be occupied, and who supports them; and for families to
39 have the freedom to receive unbiased assistance of their own

1 choosing when developing a plan and to select all personnel and
2 supports to further the life goals of a minor child.

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

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

10 (D) Responsibility, which includes the ability of participants to
11 take responsibility for decisions in their own lives and to be
12 accountable for the use of public dollars, and to accept a valued
13 role in their community through, for example, competitive
14 employment, organizational affiliations, spiritual development,
15 and general caring of others in their community.

16 (E) Confirmation, which includes confirmation of the critical
17 role of participants and their families in making decisions in their
18 own lives and designing and operating the system that they rely
19 on.

20 SEC. 54. Section 4701 of the Welfare and Institutions Code is
21 amended to read:

22 4701. "Adequate notice" means a written notice informing the
23 applicant, recipient, and authorized representative of at least all of
24 the following:

25 (a) The action that the service agency proposes to take, including
26 a statement of the basic facts upon which the service agency is
27 relying.

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

29 (c) The effective date of that action.

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

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

33 (f) That if a fair hearing is requested, the claimant has the
34 following rights:

35 (1) The opportunity to be present in all proceedings and to
36 present written and oral evidence.

37 (2) The opportunity to confront and cross-examine witnesses.

38 (3) The right to appear in person with counsel or other
39 representatives of his or her own choosing.

1 (4) The right to access to records pursuant to Article 5
2 (commencing with Section 4725).

3 (5) The right to an interpreter.

4 (g) Information on availability of advocacy assistance, including
5 referral to the developmental center or regional center clients'
6 rights advocate, the State Council on Developmental Disabilities,
7 publicly funded legal services corporations, and other publicly or
8 privately funded advocacy organizations, including the protection
9 and advocacy system required under federal Public Law 95-602,
10 the Developmental Disabilities Assistance and Bill of Rights Act
11 (42 U.S.C.A. Sec. 6000 et seq.).

12 (h) The fair hearing procedure, including deadlines, access to
13 service agency records under Article 5 (commencing with Section
14 4725), the opportunity to request an informal meeting to resolve
15 the issue or issues, and the opportunity to request mediation which
16 shall be voluntary for both the claimant and the service agency.

17 (i) If the claimant has requested an informal meeting,
18 information that it shall be held within 10 days of the date the
19 hearing request form is received by the service agency.

20 (j) The option of requesting mediation prior to a fair hearing,
21 as provided in Section 4711.5. This section shall not preclude the
22 claimant or his or her authorized representative from proceeding
23 directly to a fair hearing in the event that mediation is unsuccessful.

24 (k) The fair hearing shall be completed and a final administrative
25 decision rendered within 90 days of the date the hearing request
26 form is received by the service agency, unless the fair hearing
27 request has been withdrawn or the time period has been extended
28 in accordance with this chapter.

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

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

39 (n) That if a request for a fair hearing by a recipient is
40 postmarked or received by a service agency no later than 10 days

1 after receipt of the notice of the proposed action mailed pursuant
 2 to subdivision (a) of Section 4710, current services shall continue
 3 as provided in Section 4715. The notice shall be in clear,
 4 nontechnical English. If the claimant or authorized representative
 5 does not comprehend English, the notice shall be provided in any
 6 other language as the claimant or authorized representative
 7 comprehends.

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

10 SEC. 55. Section 4702.6 of the Welfare and Institutions Code
 11 is amended to read:

12 4702.6. "Hearing request form" means a document that shall
 13 include the name, address, and birth date of the claimant, date of
 14 request, reason for the request, and name, address, and relationship
 15 to the claimant of the authorized representative, if any, and whether
 16 the claimant is a participant in the medicaid home and
 17 community-based waiver. The hearing request form shall also
 18 indicate whether the claimant or his or her authorized representative
 19 is requesting mediation. A copy of the appointment of the
 20 authorized representative, by the claimant or the State Council on
 21 Developmental Disabilities if any, shall also be included.

22 SEC. 56. Section 4705 of the Welfare and Institutions Code is
 23 amended to read:

24 4705. (a) (1) Every service agency shall, as a condition of
 25 continued receipt of state funds, have an agency fair hearing
 26 procedure for resolving conflicts between the service agency and
 27 recipients of, or applicants for, service. The State Department of
 28 Developmental Services shall promulgate regulations to implement
 29 this chapter by July 1, 1999, which shall be binding on every
 30 service agency.

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

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

39 (c) The service agency's mediation and fair hearing procedure
 40 shall be stated in writing, in English and any other language that

1 may be appropriate to the needs of the consumers of the agency's
2 service. A copy of the procedure and a copy of the provisions of
3 this chapter shall be prominently displayed on the premises of the
4 service agency.

5 (d) All recipients and applicants, and persons having legal
6 responsibility for recipients or applicants, shall be informed
7 verbally of, and shall be notified in writing in a language which
8 they comprehend of, the service agency's mediation and fair
9 hearing procedure when they apply for service, when they are
10 denied service, when notice of service modification is given
11 pursuant to Section 4710, and upon request.

12 (e) If, in the opinion of any person, the rights or interests of a
13 claimant who has not personally authorized a representative will
14 not be properly protected or advocated, the State Council on
15 Developmental Disabilities and the clients' right advocate assigned
16 to the regional center or developmental center shall be notified,
17 and the State Council on Developmental Disabilities may appoint
18 a person or agency as representative, pursuant to subparagraph
19 (A) of paragraph (2) of subdivision (e) of Section 4540, to assist
20 the claimant in the mediation and fair hearing procedure. The
21 appointment shall be in writing to the authorized representative
22 and a copy of the appointment shall be immediately mailed to the
23 service agency director.

24 SEC. 57. Section 4775 of the Welfare and Institutions Code is
25 amended to read:

26 4775. The Legislature finds that the method of appropriating
27 funds for numerous programs for the developmentally disabled
28 affects the availability and distribution of services and must be
29 related to statewide planning. Therefore, the process for
30 determining levels of funding of programs must involve
31 consideration of the state plan established pursuant to Chapter 3
32 (commencing with Section 4561) of this division and the
33 participation of citizens who may be directly affected by funding
34 decisions.

35 SEC. 58. Section 4830 of the Welfare and Institutions Code is
36 amended to read:

37 4830. As used in this chapter:

38 (a) "Continuum" means a coordinated multicomponent services
39 system within geographic regions of the state whose design shall
40 support the sequential developmental needs of persons so that the

1 pattern of these services provides an unbroken chain of experience,
2 maximum personal growth, and liberty.

3 (b) “Normalization” means making available programs, methods,
4 and titles that are culturally normative, and patterns and conditions
5 of everyday life that are as close as possible to the norms and
6 patterns of the mainstream of society.

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

10 SEC. 59. Section 4831 of the Welfare and Institutions Code is
11 amended to read:

12 4831. The State Department of Developmental Services may
13 develop the design and phase-in plan for continuums and may
14 designate one or more designated agencies to implement
15 community living continuums throughout the state, after
16 consideration of a recommendation from the State Council on
17 Developmental Disabilities in conjunction with recommendations
18 from the appropriate regional center.

19 SEC. 60. Section 4832 of the Welfare and Institutions Code is
20 amended to read:

21 4832. (a) The State Council on Developmental Disabilities
22 may review and evaluate existing and proposed community living
23 arrangement programs within the various regions of the state and
24 may make a recommendation to the Director of Developmental
25 Services concerning programs that should be considered as the
26 most appropriate agency to be designated as responsible for the
27 implementation of the community living continuum within their
28 area. These programs shall include, but not be limited to, those
29 that have been funded through the issuance of Mental Retardation
30 Private Institutions’ Fund grants, state council program
31 development grants, and model state hospital programs.
32 Consideration shall be given to all of the following:

- 33 (1) Private nonprofit corporations.
 - 34 (2) Public agencies.
 - 35 (3) A joint powers agreement agency.
- 36 (b) At least one-third of the board of directors, public or private,
37 or an advisory committee in the event a public agency is selected,
38 shall be composed of consumer representatives, including members
39 of the immediate family of the consumer.

1 (c) A person shall not serve as a director or advisory committee
2 member who has a financial interest, as defined in Section 87103
3 of the Government Code, in designated agency operations, except
4 with respect to any interest as a consumer of a designated agency
5 or regional center services.

6 SEC. 61. Section 4835 of the Welfare and Institutions Code is
7 amended to read:

8 4835. (a) The Director of Developmental Services may
9 establish uniform operational procedures, performance and
10 evaluation standards, and utilization criteria for designated agencies
11 pursuant to this chapter.

12 (b) These standards and criteria shall be developed with
13 participation by consumer organizations, the State Council on
14 Developmental Disabilities, the Association of Regional Center
15 Agencies, the State Department of Social Services, the State
16 Department of Health Care Services, the State Department of
17 Education, and the Department of Rehabilitation, and consultations
18 with individuals with experience in developmental services
19 programming.

20 *SEC. 62. Section 41.5 of this bill incorporates amendments to*
21 *Section 4629 of the Welfare and Institutions Code proposed by*
22 *both this bill and Senate Bill 1093. It shall only become operative*
23 *if (1) both bills are enacted and become effective on or before*
24 *January 1, 2015, (2) each bill amends Section 4629 of the Welfare*
25 *and Institutions Code, and (3) this bill is enacted after Senate Bill*
26 *1093, in which case Section 41 of this bill shall not become*
27 *operative.*

O