

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 555

Introduced by Senator Correa
(Principal coauthor: Senator Padilla)

February 22, 2013

An act to amend Section 95020 of the Government Code, and to amend Sections 4512, 4641, 4642, 4643, 4646, 4646.5, 4648, and 4685 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 555, as amended, Correa. Developmental services: *regional centers*: individual program plans and ~~individual~~ *individualized* family service plans.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide services and supports to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan (IPP) or ~~individual~~ *individualized* family service plan (IFSP), developed in accordance with prescribed requirements. Existing law states that it is the intent of the Legislature to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, as specified.

~~This bill would state the intent of the Legislature to enact legislation that would require an IPP or IFSP to consider the needs of the consumer,~~

and his or her family, in order to provide services and supports in a culturally and linguistically appropriate manner.

This bill would require those provisions to be implemented in a manner that meets the cultural preferences, values, lifestyle, and native language of the consumer and the consumer's family, and require the IPP or IFSP, and the services and supports provided under the IPP or IFSP, to be designed to meet the cultural preferences, values, and lifestyle of the consumer and the consumer's family, and provided in their native language, as defined.

Under existing law, regional centers are required to conduct casefinding activities, including notification of the availability of services in English and other languages that are appropriate to the service area.

This bill would require the department and the regional centers to ensure that consumers and their families receive culturally and linguistically competent information, including written documents, about the IPP and the IFSP, and related processes and procedures, as prescribed. This bill would require each regional center to make this information available to the public, and require the department and the regional centers to make this information available on the department's and regional center's Internet Web sites.

Under existing law, a person believed to have a developmental disability or to have a high risk of parenting a developmentally disabled infant is eligible for initial intake and assessment in the regional centers, as specified.

This bill would require all communication with the consumer and his or her family pursuant to those provisions to be in their native language.

This bill would make other conforming changes.

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

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

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) California's diverse language and ethnic communities
- 3 account for about 60 percent of its population. The number of
- 4 people in the United States who do not speak English as their
- 5 native language has grown 140 percent over the past three
- 6 decades. In California, about 40 percent of Californians speak a

1 *language other than English at home, and the number of*
2 *individuals whose first language is not English is rapidly growing.*

3 *(b) Health disparities can result in significant health, social,*
4 *and economic consequences. Culturally and linguistically*
5 *competent health care services can assist in achieving health*
6 *equity. Health literacy plays a central role in promoting quality*
7 *of life, health development, and health behaviors across all groups*
8 *and life stages.*

9 *(c) To address any disparities in the regional center system, it*
10 *is the intent of the Legislature that the State Department of*
11 *Developmental Services and regional centers ensure that all*
12 *consumers and their families receive culturally and linguistically*
13 *competent information, including written documents, about the*
14 *individual program plan and individualized family service plan*
15 *processes and procedures. It is also the intent of the Legislature*
16 *that each regional center make available culturally and*
17 *linguistically competent information to individuals living in its*
18 *geographic catchment area about regional center services,*
19 *processes, and procedures.*

20 *SEC. 2. Section 95020 of the Government Code is amended to*
21 *read:*

22 95020. (a) An eligible infant or toddler shall have an
23 individualized family service plan. The individualized family
24 service plan shall be used in place of an individualized education
25 program required pursuant to Sections 4646 and 4646.5 of the
26 Welfare and Institutions Code, the individualized program plan
27 required pursuant to Section 56340 of the Education Code, or any
28 other applicable service plan.

29 (b) For an infant or toddler who has been evaluated for the first
30 time, a meeting to share the results of the evaluation, to determine
31 eligibility and, for children who are eligible, to develop the initial
32 individualized family service plan shall be conducted within 45
33 calendar days of receipt of the written referral. Evaluation results
34 and determination of eligibility may be shared in a meeting with
35 the family prior to the individualized family service plan. Written
36 parent consent to evaluate and assess shall be obtained within the
37 45-day timeline. A regional center, local educational agency, or
38 the designee of one of those entities shall initiate and conduct this
39 meeting. Families shall be afforded the opportunity to participate
40 in all decisions regarding eligibility and services. During intake

1 and assessment, but no later than the ~~IFSP~~ *individualized family*
2 *service plan* meeting, the parents, legal guardian, or conservator
3 shall provide copies of any health benefit cards under which the
4 consumer is eligible to receive health benefits, including, but not
5 limited to, private health insurance, a health care service plan,
6 Medi-Cal, Medicare, and TRICARE. If the individual, or, where
7 appropriate, the parents, legal guardians, or conservators, have no
8 such benefits, the regional center shall not use that fact to
9 negatively impact the services that the individual may or may not
10 receive from the regional center.

11 (c) Parents shall be fully informed of their rights, including the
12 right to invite another person, including a family member or an
13 advocate or peer parent, or any or all of them, to accompany them
14 to any or all individualized family service plan meetings. With
15 parental consent, a referral shall be made to the local family
16 resource center or network.

17 (d) The individualized family service plan shall be in writing
18 and shall address all of the following:

19 (1) A statement of the infant's or toddler's present levels of
20 physical development including vision, hearing, and health status,
21 cognitive development, communication development, social and
22 emotional development, and adaptive developments.

23 (2) With the concurrence of the family, a statement of the
24 family's concerns, priorities, and resources related to meeting the
25 special developmental needs of the eligible infant or toddler.

26 (3) A statement of the major outcomes expected to be achieved
27 for the infant or toddler and family where services for the family
28 are related to meeting the special developmental needs of the
29 eligible infant or toddler.

30 (4) The criteria, procedures, and timelines used to determine
31 the degree to which progress toward achieving the outcomes is
32 being made and whether modifications or revisions are necessary.

33 (5) (A) A statement of the specific early intervention services
34 necessary to meet the unique needs of the infant or toddler as
35 identified in paragraph (3), including, but not limited to, the
36 frequency, intensity, location, duration, and method of delivering
37 the services, and ways of providing services in natural generic
38 environments, including group training for parents on behavioral
39 intervention techniques in lieu of some or all of the in-home parent
40 training component of the behavior intervention services, and

1 purchase of neighborhood preschool services and needed qualified
2 personnel in lieu of infant development programs.

3 (B) Effective July 1, 2009, at the time of development, review,
4 or modification of an infant's or toddler's individualized family
5 service plan, the regional center shall consider both of the
6 following:

7 (i) The use of group training for parents on behavior intervention
8 techniques, in lieu of some or all of the in-home parent training
9 component of the behavior intervention services.

10 (ii) The purchase of neighborhood preschool services and needed
11 qualified personnel, in lieu of infant development programs.

12 (6) A statement of the agency responsible for providing the
13 identified services.

14 (7) The name of the service coordinator who shall be responsible
15 for facilitating implementation of the plan and coordinating with
16 other agencies and persons.

17 (8) The steps to be taken to ensure transition of the infant or
18 toddler upon reaching three years of age to other appropriate
19 services. These may include, as appropriate, special education or
20 other services offered in natural environments.

21 (9) The projected dates for the initiation of services in paragraph
22 (5) and the anticipated duration of those services.

23 (e) Each service identified on the individualized family service
24 plan shall be designated as one of three types:

25 (1) An early intervention service, as defined in subsection (4)
26 of Section 1432 of Title 20 of the United States Code, and
27 applicable regulations, that is provided or purchased through the
28 regional center, local educational agency, or other participating
29 agency. The State Department of Health Care Services, State
30 Department of Social Services, and State Department of Alcohol
31 and Drug Programs shall provide services in accordance with state
32 and federal law and applicable regulations, and up to the level of
33 funding as appropriated by the Legislature. Early intervention
34 services identified on an individualized family service plan that
35 exceed the funding, statutory, and regulatory requirements of these
36 departments shall be provided or purchased by regional centers or
37 local educational agencies under subdivisions (b) and (c) of Section
38 95014. The State Department of Health Care Services, State
39 Department of Social Services, and State Department of Alcohol
40 and Drug Programs shall not be required to provide early

1 intervention services over their existing funding, statutory, and
2 regulatory requirements.

3 (2) Another service, other than those specified in paragraph (1),
4 which the eligible infant or toddler or his or her family may receive
5 from other state programs, subject to the eligibility standards of
6 those programs.

7 (3) A referral to a nonrequired service that may be provided to
8 an eligible infant or toddler or his or her family. Nonrequired
9 services are those services that are not defined as early intervention
10 services or do not relate to meeting the special developmental
11 needs of an eligible infant or toddler related to the disability, but
12 that may be helpful to the family. The granting or denial of
13 nonrequired services by a public or private agency is not subject
14 to appeal under this title. Notwithstanding any other provision of
15 law or regulation to the contrary, effective July 1, 2009, with the
16 exception of durable medical equipment, regional centers shall not
17 purchase nonrequired services, but may refer a family to a
18 nonrequired service that may be available to an eligible infant or
19 toddler or his or her family.

20 (f) An annual review, and other periodic reviews, of the
21 individualized family service plan for an infant or toddler and the
22 infant's or toddler's family shall be conducted to determine the
23 degree of progress that is being made in achieving the outcomes
24 specified in the plan and whether modification or revision of the
25 outcomes or services is necessary. The frequency, participants,
26 purpose, and required processes for annual and periodic reviews
27 shall be consistent with the statutes and regulations under Part C
28 of the federal Individuals with Disabilities Education Act (20
29 U.S.C. Sec. 1431 et seq.) and this title, and shall be specified in
30 regulations adopted pursuant to Section 95028. At the time of the
31 review, the parents, legal guardian, or conservator shall provide
32 copies of any health benefit cards under which the consumer is
33 eligible to receive health benefits, including, but not limited to,
34 private health insurance, a health care service plan, Medi-Cal,
35 Medicare, and TRICARE. If the parents, legal guardian, or
36 conservator have no such benefit cards, the regional center shall
37 not use that fact to negatively impact the services that the individual
38 may or may not receive from the regional center.

39 (g) *Individualized family service plans and the provision of*
40 *services and supports shall be designed to meet the cultural*

1 *preferences, values, and lifestyle of the infant or toddler and his*
2 *or her family, and shall be provided in their native language. A*
3 *copy of the individualized family service plan shall be provided in*
4 *their native language.*

5 *SEC. 3. Section 4512 of the Welfare and Institutions Code is*
6 *amended to read:*

7 4512. As used in this division:

8 (a) “Developmental disability” means a disability that originates
9 before an individual attains age 18 years, continues, or can be
10 expected to continue, indefinitely, and constitutes a substantial
11 disability for that individual. As defined by the Director of
12 Developmental Services, in consultation with the Superintendent
13 of Public Instruction, this term shall include mental retardation,
14 cerebral palsy, epilepsy, and autism. This term shall also include
15 disabling conditions found to be closely related to mental
16 retardation or to require treatment similar to that required for
17 individuals with mental retardation, but shall not include other
18 handicapping conditions that are solely physical in nature.

19 (b) “Services and supports for persons with developmental
20 disabilities” means specialized services and supports or special
21 adaptations of generic services and supports directed toward the
22 alleviation of a developmental disability or toward the social,
23 personal, physical, or economic habilitation or rehabilitation of an
24 individual with a developmental disability, or toward the
25 achievement and maintenance of independent, productive, normal
26 lives. The determination of which services and supports are
27 necessary for each consumer shall be made through the individual
28 program plan process. The determination shall be made on the
29 basis of the needs and preferences of the consumer or, when
30 appropriate, the consumer’s family, and shall include consideration
31 of a range of service options proposed by individual program plan
32 participants, the effectiveness of each option in meeting the goals
33 stated in the individual program plan, and the cost-effectiveness
34 of each option. Services and supports listed in the individual
35 program plan may include, but are not limited to, diagnosis,
36 evaluation, treatment, personal care, day care, domiciliary care,
37 special living arrangements, physical, occupational, and speech
38 therapy, training, education, supported and sheltered employment,
39 mental health services, recreation, counseling of the individual
40 with a developmental disability and of his or her family, protective

1 and other social and sociolegal services, information and referral
2 services, follow-along services, adaptive equipment and supplies,
3 advocacy assistance, including self-advocacy training, facilitation
4 and peer advocates, assessment, assistance in locating a home,
5 child care, behavior training and behavior modification programs,
6 camping, community integration services, community support,
7 daily living skills training, emergency and crisis intervention,
8 facilitating circles of support, habilitation, homemaker services,
9 infant stimulation programs, paid roommates, paid neighbors,
10 respite, short-term out-of-home care, social skills training,
11 specialized medical and dental care, supported living arrangements,
12 technical and financial assistance, travel training, training for
13 parents of children with developmental disabilities, training for
14 parents with developmental disabilities, vouchers, and
15 transportation services necessary to ensure delivery of services to
16 persons with developmental disabilities. Nothing in this subdivision
17 is intended to expand or authorize a new or different service or
18 support for any consumer unless that service or support is contained
19 in his or her individual program plan.

20 (c) Notwithstanding subdivisions (a) and (b), for any
21 organization or agency receiving federal financial participation
22 under the federal Developmental Disabilities Assistance and Bill
23 of Rights Act of 2000, as amended, “developmental disability”
24 and “services for persons with developmental disabilities” mean
25 the terms as defined in the federal act to the extent required by
26 federal law.

27 (d) “Consumer” means a person who has a disability that meets
28 the definition of developmental disability set forth in subdivision
29 (a).

30 (e) “Natural supports” means personal associations and
31 relationships typically developed in the community that enhance
32 the quality and security of life for people, including, but not limited
33 to, family relationships, friendships reflecting the diversity of the
34 neighborhood and the community, associations with fellow students
35 or employees in regular classrooms and workplaces, and
36 associations developed through participation in clubs,
37 organizations, and other civic activities.

38 (f) “Circle of support” means a committed group of community
39 members, who may include family members, meeting regularly
40 with an individual with developmental disabilities in order to share

1 experiences, promote autonomy and community involvement, and
2 assist the individual in establishing and maintaining natural
3 supports. A circle of support generally includes a plurality of
4 members who neither provide nor receive services or supports for
5 persons with developmental disabilities and who do not receive
6 payment for participation in the circle of support.

7 (g) “Facilitation” means the use of modified or adapted
8 materials, special instructions, equipment, or personal assistance
9 by an individual, such as assistance with communications, that
10 will enable a consumer to understand and participate to the
11 maximum extent possible in the decisions and choices that effect
12 his or her life.

13 (h) “Family support services” means services and supports that
14 are provided to a child with developmental disabilities or his or
15 her family and that contribute to the ability of the family to reside
16 together.

17 (i) “Voucher” means any authorized alternative form of service
18 delivery in which the consumer or family member is provided with
19 a payment, coupon, chit, or other form of authorization that enables
20 the consumer or family member to choose his or her own service
21 provider.

22 (j) “Planning team” means the individual with developmental
23 disabilities, the parents or legally appointed guardian of a minor
24 consumer or the legally appointed conservator of an adult
25 consumer, the authorized representative, including those appointed
26 pursuant to subdivision (d) of Section 4548 and subdivision (e) of
27 Section 4705, one or more regional center representatives,
28 including the designated regional center service coordinator
29 pursuant to subdivision (b) of Section 4640.7, any individual,
30 including a service provider, invited by the consumer, the parents
31 or legally appointed guardian of a minor consumer or the legally
32 appointed conservator of an adult consumer, or the authorized
33 representative, including those appointed pursuant to subdivision
34 (d) of Section 4548 and subdivision (e) of Section 4705, and
35 including a minor’s, dependent’s, or ward’s court-appointed
36 developmental services decisionmaker appointed pursuant to
37 Section 319, 361, or 726.

38 (k) “Stakeholder organizations” means statewide organizations
39 representing the interests of consumers, family members, service
40 providers, and statewide advocacy organizations.

1 (l) “Substantial disability” means the existence of significant
2 functional limitations in three or more of the following areas of
3 major life activity, as determined by a regional center, and as
4 appropriate to the age of the person:

- 5 (1) Self-care.
- 6 (2) Receptive and expressive language.
- 7 (3) Learning.
- 8 (4) Mobility.
- 9 (5) Self-direction.
- 10 (6) Capacity for independent living.
- 11 (7) Economic self-sufficiency.

12 Any reassessment of substantial disability for purposes of
13 continuing eligibility shall utilize the same criteria under which
14 the individual was originally made eligible.

15 (m) “Native language” means the language normally used by
16 the individual and, when appropriate, his or her parent, legal
17 guardian or conservator, or authorized representative.

18 SEC. 4. Section 4641 of the Welfare and Institutions Code is
19 amended to read:

20 4641. (a) All regional centers shall conduct casefinding
21 activities, including notification of availability of service in English
22 and such other languages as may be appropriate to the service area,
23 outreach services in areas with a high incidence of developmental
24 disabilities, and identification of persons who may need service.

25 (b) The department and the regional centers shall ensure that
26 consumers and their families receive culturally and linguistically
27 competent information, including written documents, about the
28 individual program plan required by Section 4646, and the
29 individualized family service plan required by Section 95020 of
30 the Government Code, and related processes and procedures.
31 Each regional center shall make available to the public information
32 about regional center services, processes, and procedures. The
33 department and the regional centers shall fulfill these obligations
34 in a manner that meets the standards set forth in Sections 7295.2
35 and 7296.2 of the Government Code, and ensure that its materials
36 are written in plain, straightforward language and in an easily
37 readable style. The materials provided by the department and the
38 regional centers shall also be available on the department’s and
39 the regional centers’ Internet Web sites.

1 *SEC. 5. Section 4642 of the Welfare and Institutions Code is*
2 *amended to read:*

3 4642. (a) (1) Any person believed to have a developmental
4 disability, and any person believed to have a high risk of parenting
5 a developmentally disabled infant shall be eligible for initial intake
6 and assessment services in the regional centers. In addition, any
7 infant having a high risk of becoming developmentally disabled
8 may be eligible for initial intake and assessment services in the
9 regional centers. For purposes of this section, "high-risk infant"
10 means a child less than 36 months of age whose genetic, medical,
11 or environmental history is predictive of a substantially greater
12 risk for developmental disability than that for the general
13 population. The department, in consultation with the State
14 Department of *Public Health Services*, shall develop specific risk
15 and service criteria for the high-risk infant program on or before
16 July 1, 1983. These criteria may be modified in subsequent years
17 based on analysis of actual clinical experience.

18 ~~Initial~~

19 (2) *Initial* intake shall be performed within 15 working days
20 following request for assistance. *Initial* intake shall include, but
21 need not be limited to, information and advice about the nature
22 and availability of services provided by the regional center and by
23 other agencies in the community, including guardianship,
24 conservatorship, income maintenance, mental health, housing,
25 education, work activity and vocational training, medical, dental,
26 recreational, and other services or programs that may be useful to
27 persons with developmental disabilities or their families. Intake
28 shall also include a decision to provide assessment.

29 (b) *All communication with the consumer and his or her family*
30 *pursuant to this section shall be in their native language.*

31 *SEC. 6. Section 4643 of the Welfare and Institutions Code is*
32 *amended to read:*

33 4643. (a) If assessment is needed, the assessment shall be
34 performed within 120 days following initial intake. Assessment
35 shall be performed as soon as possible and in no event more than
36 60 days following initial intake where any delay would expose the
37 client to unnecessary risk to his or her health and safety or to
38 significant further delay in mental or physical development, or the
39 client would be at imminent risk of placement in a more restrictive
40 environment. Assessment may include collection and review of

1 available historical diagnostic data, provision or procurement of
2 necessary tests and evaluations, and summarization of
3 developmental levels and service needs and is conditional upon
4 receipt of the release of information specified in subdivision (b).

5 (b) In determining if an individual meets the definition of
6 developmental disability contained in subdivision (a) of Section
7 4512, the regional center may consider evaluations and tests,
8 including, but not limited to, intelligence tests, adaptive functioning
9 tests, neurological and neuropsychological tests, diagnostic tests
10 performed by a physician, psychiatric tests, and other tests or
11 evaluations that have been performed by, and are available from,
12 other sources.

13 (c) At the time of assessment, the individual, or, where
14 appropriate, the parents, legal guardian, or conservator, shall
15 provide copies of any health benefit cards under which the
16 consumer is eligible to receive health benefits, including, but not
17 limited to, private health insurance, a health care service plan,
18 Medi-Cal, Medicare, and TRICARE. If the individual, or where
19 appropriate, the parents, legal guardians, or conservators, have no
20 such benefits, the regional center shall not use that fact to
21 negatively impact the services that the individual may or may not
22 receive from the regional center.

23 (d) *All communication with the consumer and his or her family*
24 *pursuant to this section shall be in their native language.*

25 *SEC. 7. Section 4646 of the Welfare and Institutions Code is*
26 *amended to read:*

27 4646. (a) It is the intent of the Legislature to ensure that the
28 individual program plan and provision of services and supports
29 by the regional center system is centered on the individual and the
30 family of the individual with developmental disabilities and takes
31 into account the needs and preferences of the individual and the
32 family, where appropriate, as well as promoting community
33 integration, independent, productive, and normal lives, and stable
34 and healthy environments. It is the further intent of the Legislature
35 to ensure that the provision of services to consumers and their
36 families be effective in meeting the goals stated in the individual
37 program plan, reflect the preferences and choices of the consumer,
38 and reflect the cost-effective use of public resources.

39 (b) The individual program plan is developed through a process
40 of individualized needs determination. The individual with

1 developmental disabilities and, where appropriate, his or her
2 parents, legal guardian or conservator, or authorized representative,
3 shall have the opportunity to actively participate in the development
4 of the plan.

5 (c) An individual program plan shall be developed for any
6 person who, following intake and assessment, is found to be
7 eligible for regional center services. These plans shall be completed
8 within 60 days of the completion of the assessment. At the time
9 of intake, the regional center shall inform the consumer and, where
10 appropriate, his or her parents, legal guardian or conservator, or
11 authorized representative, of the services available through the
12 local area board and the protection and advocacy agency designated
13 by the Governor pursuant to federal law, and shall provide the
14 address and telephone numbers of those agencies.

15 (d) Individual program plans shall be prepared jointly by the
16 planning team. Decisions concerning the consumer's goals,
17 objectives, and services and supports that will be included in the
18 consumer's individual program plan and purchased by the regional
19 center or obtained from generic agencies shall be made by
20 agreement between the regional center representative and the
21 consumer or, where appropriate, the parents, legal guardian,
22 conservator, or authorized representative at the program plan
23 meeting.

24 (e) Regional centers shall comply with the request of a
25 consumer, or where appropriate, the request of his or her parents,
26 legal guardian, conservator, or authorized representative, that a
27 designated representative receive written notice of all meetings to
28 develop or revise his or her individual program plan and of all
29 notices sent to the consumer pursuant to Section 4710. The
30 designated representative may be a parent or family member.

31 (f) If a final agreement regarding the services and supports to
32 be provided to the consumer cannot be reached at a program plan
33 meeting, then a subsequent program plan meeting shall be
34 convened within 15 days, or later at the request of the consumer
35 or, when appropriate, the parents, legal guardian, conservator, or
36 authorized representative or when agreed to by the planning team.
37 Additional program plan meetings may be held with the agreement
38 of the regional center representative and the consumer or, where
39 appropriate, the parents, legal guardian, conservator, or authorized
40 representative.

1 (g) An authorized representative of the regional center and the
 2 consumer or, where appropriate, his or her parents, legal guardian,
 3 conservator, or authorized representative shall sign the individual
 4 program plan prior to its implementation. If the consumer or, where
 5 appropriate, his or her parents, legal guardian, conservator, or
 6 authorized representative, does not agree with all components of
 7 the plan, he or she may indicate that disagreement on the plan.
 8 Disagreement with specific plan components shall not prohibit the
 9 implementation of services and supports agreed to by the consumer
 10 or, where appropriate, his or her parents, legal guardian,
 11 conservator, or authorized representative. If the consumer or, where
 12 appropriate, his or her parents, legal guardian, conservator, or
 13 authorized representative, does not agree with the plan in whole
 14 or in part, he or she shall be sent written notice of the fair hearing
 15 rights, as required by Section 4701.

16 (h) *Individual program plans and the provision of services and*
 17 *supports shall be designed to meet the cultural preferences, values,*
 18 *and lifestyle of the individual and, when appropriate, his or her*
 19 *parent, legal guardian or conservator, or authorized*
 20 *representative, and shall be provided in their native language. A*
 21 *copy of the individual program plan shall be provided in their*
 22 *native language.*

23 SEC. 8. *Section 4646.5 of the Welfare and Institutions Code*
 24 *is amended to read:*

25 4646.5. (a) The planning process for the individual program
 26 plan described in Section 4646 shall include all of the following:

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

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

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

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

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

1 appropriate. Documentation of health status and referrals shall be
2 made in the consumer's record by the service coordinator.

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

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

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

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

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

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

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

35 (c) (1) The department, with the participation of representatives
36 of a statewide consumer organization, the Association of Regional
37 Center Agencies, an organized labor organization representing
38 service coordination staff, and the Organization of Area Boards
39 shall prepare training material and a standard format and

1 instructions for the preparation of individual program plans, which
2 embodies an approach centered on the person and family.

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

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

9 *(d) This section shall be implemented in a manner that meets*
10 *the cultural preferences, values, lifestyle, and native language of*
11 *the individual and, when appropriate, his or her parent, legal*
12 *guardian or conservator, or authorized representative.*

13 *SEC. 9. Section 4648 of the Welfare and Institutions Code is*
14 *amended to read:*

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

18 (a) Securing needed services and supports.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (C) Where appropriate, the existence of licensing, accreditation,
31 or professional certification.

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

1 least costly provider if it will result in the consumer moving from
2 an existing provider of services or supports to more restrictive or
3 less integrated services or supports.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (iii) Regional centers shall complete a comprehensive
30 assessment of any consumer residing in an institution for mental
31 disease as of July 1, 2012, for which federal Medicaid funding is
32 not available. The comprehensive assessment shall be completed
33 prior to the consumer's next scheduled individual program plan
34 meeting and shall include identification of the services and supports
35 needed and the timeline for identifying or developing those services
36 needed to transition the consumer back to the community. Effective
37 October 1, 2012, the regional center shall also consider resource
38 options identified by the statewide specialized resource service.
39 For each individual program plan meeting convened pursuant to
40 this subparagraph, the clients' rights advocate for the regional

1 center shall be notified of the meeting and may participate in the
2 meeting unless the consumer objects on his or her own behalf.

3 (D) Each person with developmental disabilities placed by the
4 regional center in a community living arrangement shall have the
5 rights specified in this division. These rights shall be brought to
6 the person's attention by any means necessary to reasonably
7 communicate these rights to each resident, provided that, at a
8 minimum, the Director of Developmental Services prepare,
9 provide, and require to be clearly posted in all residential facilities
10 and day programs a poster using simplified language and pictures
11 that is designed to be more understandable by persons with
12 cognitive disabilities and that the rights information shall also be
13 available through the regional center to each residential facility
14 and day program in alternative formats, including, but not limited
15 to, other languages, braille, and audio tapes, when necessary to
16 meet the communication needs of consumers.

17 (E) Consumers are eligible to receive supplemental services
18 including, but not limited to, additional staffing, pursuant to the
19 process described in subdivision (d) of Section 4646. Necessary
20 additional staffing that is not specifically included in the rates paid
21 to the service provider may be purchased by the regional center if
22 the additional staff are in excess of the amount required by
23 regulation and the individual's planning team determines the
24 additional services are consistent with the provisions of the
25 individual program plan. Additional staff should be periodically
26 reviewed by the planning team for consistency with the individual
27 program plan objectives in order to determine if continued use of
28 the additional staff is necessary and appropriate and if the service
29 is producing outcomes consistent with the individual program plan.
30 Regional centers shall monitor programs to ensure that the
31 additional staff is being provided and utilized appropriately.

32 (10) Emergency and crisis intervention services including, but
33 not limited to, mental health services and behavior modification
34 services, may be provided, as needed, to maintain persons with
35 developmental disabilities in the living arrangement of their own
36 choice. Crisis services shall first be provided without disrupting a
37 person's living arrangement. If crisis intervention services are
38 unsuccessful, emergency housing shall be available in the person's
39 home community. If dislocation cannot be avoided, every effort

1 shall be made to return the person to his or her living arrangement
2 of choice, with all necessary supports, as soon as possible.

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

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

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

17 (A) Outreach and education to programs and services within
18 the community.

19 (B) Direct support to individuals which would enable them to
20 more fully participate in their community.

21 (C) Developing unpaid natural supports when possible.

22 (14) When feasible and recommended by the individual program
23 planning team, for purposes of facilitating better and cost-effective
24 services for consumers or family members, technology, including
25 telecommunication technology, may be used in conjunction with
26 other services and supports. Technology in lieu of a consumer's
27 in-person appearances at judicial proceedings or administrative
28 due process hearings may be used only if the consumer or, when
29 appropriate, the consumer's parent, legal guardian, conservator,
30 or authorized representative, gives informed consent. Technology
31 may be used in lieu of, or in conjunction with, in-person training
32 for providers, as appropriate.

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

35 (16) Notwithstanding any other provision of law or regulation
36 to the contrary, effective July 1, 2009, regional centers shall not
37 purchase experimental treatments, therapeutic services, or devices
38 that have not been clinically determined or scientifically proven
39 to be effective or safe or for which risks and complications are
40 unknown. Experimental treatments or therapeutic services include

1 experimental medical or nutritional therapy when the use of the
2 product for that purpose is not a general physician practice. For
3 regional center consumers receiving these services as part of their
4 individual program plan (IPP) or individualized family service
5 plan (IFSP) on July 1, 2009, this prohibition shall apply on August
6 1, 2009.

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

10 (2) Whenever the advocacy efforts of a regional center to secure
11 or protect the civil, legal, or service rights of any of its consumers
12 prove ineffective, the regional center or the person with
13 developmental disabilities or his or her parents, legal guardian, or
14 other representative may request the area board to initiate action
15 under the provisions defining area board advocacy functions
16 established in this division.

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

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

23 (1) Identify services and supports that are ineffective or of poor
24 quality and provide or secure consultation, training, or technical
25 assistance services for any agency or individual provider to assist
26 that agency or individual provider in upgrading the quality of
27 services or supports.

28 (2) Identify providers of services or supports that may not be
29 in compliance with local, state, and federal statutes and regulations
30 and notify the appropriate licensing or regulatory authority, or
31 request the area board to investigate the possible noncompliance.

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

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

38 (2) Requesting funds from the Program Development Fund,
39 pursuant to Section 4677, or community placement plan funds

1 designated from that fund, to reimburse the startup costs needed
2 to initiate a new program of services and supports.

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

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

9 (g) Where there are identified gaps in the system of services
10 and supports or where there are identified consumers for whom
11 no provider will provide services and supports contained in his or
12 her individual program plan, the department may provide the
13 services and supports directly.

14 (h) At least annually, regional centers shall provide the
15 consumer, his or her parents, legal guardian, conservator, or
16 authorized representative a statement of services and supports the
17 regional center purchased for the purpose of ensuring that they are
18 delivered. The statement shall include the type, unit, month, and
19 cost of services and supports purchased.

20 (i) *Ensuring that individual program plans and the provision*
21 *of services and supports shall be designed to meet the cultural*
22 *preferences, values, and lifestyle of the individual and, when*
23 *appropriate, his or her parent, legal guardian or conservator, or*
24 *authorized representative, and shall be provided in their native*
25 *language.*

26 *SEC. 10. Section 4685 of the Welfare and Institutions Code is*
27 *amended to read:*

28 4685. (a) Consistent with state and federal law, the Legislature
29 finds and declares that children with developmental disabilities
30 most often have greater opportunities for educational and social
31 growth when they live with their families. The Legislature further
32 finds and declares that the cost of providing necessary services
33 and supports which enable a child with developmental disabilities
34 to live at home is typically equal to or lower than the cost of
35 providing out-of-home placement. The Legislature places a high
36 priority on providing opportunities for children with developmental
37 disabilities to live with their families, when living at home is the
38 preferred objective in the child’s individual program plan.

39 (b) It is the intent of the Legislature that regional centers provide
40 or secure family support services that do all of the following:

1 (1) Respect and support the decisionmaking authority of the
2 family.

3 (2) Be flexible and creative in meeting the unique and individual
4 needs of families as they evolve over time.

5 (3) Recognize and build on family strengths, natural supports,
6 and existing community resources.

7 (4) Be designed to meet the cultural preferences, *native*
8 *language*, values, and lifestyles of families.

9 (5) Focus on the entire family and promote the inclusion of
10 children with disabilities in all aspects of school and community.

11 (c) In order to provide opportunities for children to live with
12 their families, the following procedures shall be adopted:

13 (1) The department and regional centers shall give a very high
14 priority to the development and expansion of services and supports
15 designed to assist families that are caring for their children at home,
16 when that is the preferred objective in the individual program plan.
17 This assistance may include, but is not limited to specialized
18 medical and dental care, special training for parents, infant
19 stimulation programs, respite for parents, homemaker services,
20 camping, day care, short-term out-of-home care, child care,
21 counseling, mental health services, behavior modification
22 programs, special adaptive equipment such as wheelchairs, hospital
23 beds, communication devices, and other necessary appliances and
24 supplies, and advocacy to assist persons in securing income
25 maintenance, educational services, and other benefits to which
26 they are entitled.

27 (2) When children with developmental disabilities live with
28 their families, the individual program plan shall include a family
29 plan component which describes those services and supports
30 necessary to successfully maintain the child at home. Regional
31 centers shall consider every possible way to assist families in
32 maintaining their children at home, when living at home will be
33 in the best interest of the child, before considering out-of-home
34 placement alternatives. When the regional center first becomes
35 aware that a family may consider an out-of-home placement, or
36 is in need of additional specialized services to assist in caring for
37 the child in the home, the regional center shall meet with the family
38 to discuss the situation and the family's current needs, solicit from
39 the family what supports would be necessary to maintain the child
40 in the home, and utilize creative and innovative ways of meeting

1 the family's needs and providing adequate supports to keep the
2 family together, if possible.

3 (3) (A) To ensure that these services and supports are provided
4 in the most cost-effective and beneficial manner, regional centers
5 may utilize innovative service-delivery mechanisms, including,
6 but not limited to, vouchers; alternative respite options such as
7 foster families, vacant community facility beds, crisis child care
8 facilities; group training for parents on behavioral intervention
9 techniques in lieu of some or all of the in-home parent training
10 component of the behavioral intervention services; purchase of
11 neighborhood preschool services and needed qualified personnel
12 in lieu of infant development programs; and alternative child care
13 options such as supplemental support to generic child care facilities
14 and parent child care cooperatives.

15 (B) Effective July 1, 2009, at the time of development, review,
16 or modification of a child's individualized family service plan or
17 individual program plan, the regional center shall consider both
18 of the following:

19 (i) The use of group training for parents on behavioral
20 intervention techniques in lieu of some or all of the in-home parent
21 training component of the behavioral intervention services.

22 (ii) The purchase of neighborhood preschool services and needed
23 qualified personnel in lieu of infant development programs.

24 (4) If the parent of any child receiving services and supports
25 from a regional center believes that the regional center is not
26 offering adequate assistance to enable the family to keep the child
27 at home, the parent may initiate a request for fair hearing as
28 established in this division. A family shall not be required to start
29 a placement process or to commit to placing a child in order to
30 receive requested services.

31 (5) Nothing in this section shall be construed to encourage the
32 continued residency of adult children in the home of their parents
33 when that residency is not in the best interests of the person.

34 (6) When purchasing or providing a voucher for day care
35 services for parents who are caring for children at home, the
36 regional center may pay only the cost of the day care service that
37 exceeds the cost of providing day care services to a child without
38 disabilities. The regional center may pay in excess of this amount
39 when a family can demonstrate a financial need and when doing
40 so will enable the child to remain in the family home.

1 (7) A regional center may purchase or provide a voucher for
2 diapers for children three years of age or older. A regional center
3 may purchase or provide vouchers for diapers under three years
4 of age when a family can demonstrate a financial need and when
5 doing so will enable the child to remain in the family home.

6 ~~SECTION 1. It is the intent of the Legislature to enact~~
7 ~~legislation that would require an individual program plan, or~~
8 ~~individual family services plan, to consider the needs of the~~
9 ~~consumer, and his or her family, in order to provide services and~~
10 ~~supports in a culturally and linguistically appropriate manner.~~

O