

AMENDED IN SENATE JANUARY 15, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE SEPTEMBER 11, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 579

Introduced by Senator Berryhill

February 22, 2013

An act to add and repeal Section 4751 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 579, as amended, Berryhill. Developmental services: Commission on Oversight Efficiency and Quality Enhancement Models.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services 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, developed in accordance with prescribed requirements.

The California Community Care Facilities Act provides for the licensure and regulation of community care facilities, including residential facilities, adult day programs, small family homes, and group homes, by the State Department of Social Services.

Existing law requires the State Department of Public Health to license and regulate various types of health facilities, and requires the State Department of Public Health and the State Department of Developmental Services to jointly develop and implement licensing regulations appropriate for intermediate care facilities/developmentally

disabled-nursing and intermediate care facility/developmentally disabled-continuous nursing.

This bill would establish the Commission on Oversight Efficiency and Quality Enhancement Models to investigate methods of implementing a unified and consistent oversight and quality enhancement process that ensures the welfare, community participation, health, and safety of individuals with developmental disabilities who are served in programs licensed by the Community Care Licensing Division of the State Department of Social Services. The bill would require the process to also enhance accountability and quality review processes for the services directly provided by regional centers. ~~The bill would state the intent of the Legislature that the State Department of Developmental Services identify regional center catchment areas for voluntary participation in a pilot project consistent with the recommendations of the commission.~~ The bill would require the Governor, Senate Committee on Rules, and the Speaker of the Assembly to appoint members to serve on the commission, as prescribed.

The bill would require the commission to recommend a strategy for uniform data collection that provides reliable, valid, and actionable data from multiple stakeholder perspectives and that may be consistently deployed at regional centers. This bill would require the commission to review current regulations and relevant statutes to better focus on reliable data to measure outcomes for individuals served and the impact of services on the lives of individuals and their families, in accordance with prescribed characteristics. The bill would require the commission, by June 30, 2015, to determine the best methods for collecting input on relevant regulatory standards and statutes, and to request public input on those standards, as specified. The bill would require the commission to review and compile, by September 30, 2016, the input received and to submit, by December 31, 2016, a report on its recommended regulatory and statutory changes to the Legislature and the State Department of Developmental Services.

This bill would require the commission to propose, in its report, a process by which relevant regulations and statutes governing the Licensing and Certification Division of the State Department of Public Health may be reviewed by a future commission.

~~This bill would require regional centers that seek consideration for participation in any program to pilot new quality enhancement systems to collect baseline data, as determined by the commission, in programs and services for people with developmental disabilities that are licensed~~

by the Community Care Licensing Division of the State Department of Social Services. These

These provisions would be repealed on January 1, 2018.

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 4751 is added to the Welfare and
2 Institutions Code, to read:

3 4751. (a) The Legislature finds and declares all of the
4 following:

5 (1) Evaluation of the services that people with developmental
6 disabilities receive from both service providers and regional centers
7 is a critical component of the service system.

8 (2) There is evidence that the current system, in which three
9 state-funded entities, the State Department of Developmental
10 Services, the regional centers, and the Community Care Licensing
11 Division of the State Department of Social Services, are charged
12 with monitoring and maintaining quality services and supports for
13 people with developmental disabilities, is duplicative and confusing
14 and fails to produce data essential for service improvement.

15 (3) The efficiency and efficacy of the oversight and quality
16 review processes can be significantly enhanced by unifying the
17 current duplicative quality review system, thus conserving limited
18 state and service providers' resources while simultaneously
19 improving the lives of people with developmental disabilities in
20 California.

21 (b) The Commission on Oversight Efficiency and Quality
22 Enhancement Models is established to investigate methods of
23 implementing a unified and consistent oversight and quality
24 enhancement process. This process shall ensure the welfare,
25 community participation, health, and safety of all those with
26 developmental disabilities who are served in programs currently
27 licensed by the Community Care Licensing Division of the State
28 Department of Social Services. The commission shall give the
29 utmost attention to ensure that the results of its work do not reduce
30 the quality of oversight and monitoring of the health and safety of
31 persons with developmental disabilities. This process shall also
32 enhance accountability and quality review processes for the

1 services directly provided by regional centers. ~~At the conclusion~~
2 ~~of the investigation, it is the intent of the Legislature that, based~~
3 ~~upon the information, analysis, and recommendations of the~~
4 ~~commission, the State Department of Developmental Services~~
5 ~~shall identify regional center catchment areas for voluntary~~
6 ~~participation in a pilot project consistent with the recommendations~~
7 ~~of the commission.~~

8 (c) The commission shall be composed of not more than 12
9 ~~members. members as follows:~~

10 ~~(1) The Governor, the Senate Committee on Rules, and the~~
11 ~~Speaker of the Assembly shall each appoint three members to serve~~
12 ~~on the commission consistent with subparagraphs (A) and (B).~~

13 ~~(A) The appointed members shall meet both of the following~~
14 ~~requirements:~~

15 ~~(i) Have professional experience in quality assurance within the~~
16 ~~developmental disabilities field.~~

17 ~~(ii) Represent statewide organizations.~~

18 ~~(B) Each appointing authority shall appoint a member~~
19 ~~representing, as broadly as possible, each of the following areas:~~

20 ~~(i) The service provider community.~~

21 ~~(ii) The advocacy and consumer services community.~~

22 ~~(iii) Regional centers.~~

23 ~~(1) Three public members appointed by the Senate Committee~~
24 ~~on Rules, with one appointee who is from the advocacy community,~~
25 ~~one appointee who is a provider of day program services, and one~~
26 ~~appointee who represents regional centers.~~

27 ~~(2) Three public members appointed by the Speaker of the~~
28 ~~Assembly, with one appointee who is a consumer or family member,~~
29 ~~one appointee who is a provider of residential services, and one~~
30 ~~appointee who represents regional centers.~~

31 ~~(3) Three public members appointed by the Governor with the~~
32 ~~consent of the Senate. The Governor shall request and consider~~
33 ~~nominations of persons from the advocacy community, the provider~~
34 ~~community, the regional center system, consumers and family~~
35 ~~members, and subject experts in data collection and licensing~~
36 ~~oversight for these appointments.~~

37 ~~(2)~~

38 (4) The State Department of Developmental Services, the State
39 Department of Social Services, and the California Health and

1 Human Services Agency may each select a representative to
2 participate on the commission.

3 (d) The commission may appoint advisory groups to provide
4 specialized input to assist the commission in its work.

5 (e) The commission shall examine existing regulations and
6 statutes, and recommend changes to the State Department of
7 Developmental Services, as specified in subdivision (g).

8 (f) (1) The commission shall recommend, and include in its
9 final report, a strategy for uniform data collection that provides
10 reliable, valid, and actionable data from multiple stakeholder
11 perspectives and that may be consistently deployed at regional
12 centers. The strategy shall address, to the fullest extent possible,
13 all of the following:

14 (A) Service provider and regional performance.

15 (B) Outcomes consistent with individual program plan goals.

16 (C) Flexibility of implementation.

17 (D) Field-based data entry and analysis.

18 (E) Documentation, measurement, and analysis of the strategy's
19 implementation.

20 (F) Usage of data currently being collected by regional centers
21 and the State Department of Developmental Services.

22 (G) Regional center and service provider resource needs to
23 implement the strategy.

24 (2) The commission shall consider, but is not limited to, the
25 experience, outcomes, and data provided by the National Core
26 Indicators, the Agnews Developmental Center, and the Bay Area
27 Quality Management System, and from current quality reviews of
28 unlicensed Lanterman Developmental Disabilities Services Act
29 support models, including family home agencies and supported
30 living, in developing the strategy's structure, standards, and data
31 collection methodologies.

32 (g) The commission shall review current sections in Titles 17
33 and 22 of the California Code of Regulations and relevant statutes
34 to better focus on reliable data to measure outcomes for individuals
35 served and the impact of services on the lives of individuals and
36 their families. Recommendations for the strategy and regulatory
37 change shall reflect the following characteristics:

38 (1) Be lean, simple, efficient, and understood by the people
39 served and those who serve them.

1 (2) Avoid unnecessary redundancies of process, permissions,
2 oversight, and enforcement.

3 (3) Base objective reviews on quality standards that, in
4 accordance with Lanterman Developmental Disabilities Services
5 Act principles, address individual outcomes, including, but not
6 limited to, health, safety, independence, choice, empowerment,
7 inclusion, and participation in community life. Outcome measures
8 are to be consistent with performance measures for regional centers.

9 (4) Base subjective reviews of the impact on individuals and
10 families on satisfaction data collected by an independent third
11 party that surveys a statistically significant sample of service
12 providers and individuals and families providing or receiving those
13 services.

14 (5) Shift the focus of quality efforts to a service enhancement
15 model that encourages and recognizes service provider and regional
16 center improvements.

17 (6) Include multiple options for proactive consumer protections,
18 including screening for qualified providers, an emphasis on an
19 evolving improvement system of coaching and mentoring service
20 providers toward quality, and an immediate response capacity to
21 address people in imminent danger.

22 (7) Report aggregate service and individual outcomes to
23 highlight excellence, innovation, and satisfaction in the services
24 provided and in the lives of individuals with developmental
25 disabilities.

26 (8) Enhance transparency, accountability, quality standards, and
27 measurement processes for the services directly provided by
28 regional centers consistent with regional center performance
29 contracts.

30 (9) Provide consumers, families, service providers, and regional
31 center staff the opportunity to participate in system evaluation.

32 (10) Ensure that the results of oversight, quality enhancement,
33 and assurance review activities are available in plain language to
34 people with developmental disabilities and their families so they
35 can be informed consumers of the services that they receive.

36 (h) (1) On or before June 30, 2015, the commission shall
37 determine the best methods of collecting input on relevant statutes
38 and sections of Titles 17 and 22 of the California Code of
39 Regulations.

1 (2) These methods shall include, but not be limited to, the
2 following:

3 (A) At least two public meetings, with one meeting held in
4 southern California and one meeting held in northern California.

5 (B) The electronic submission of comments.

6 (3) The commission shall request public input concerning the
7 revision, retention, or removal of relevant statutes and sections of
8 Titles 17 and 22 of the California Code of Regulations affecting
9 only programs meeting both of the following:

10 (A) Under the partial or exclusive oversight of the Community
11 Care Licensing Division of the State Department of Social Services.

12 (B) Provide services and supports exclusively or primarily to
13 persons with developmental disabilities.

14 (4) The commission shall solicit comment on issue areas
15 including, but not limited to, the following:

16 (A) Certification and vendorization processes.

17 (B) Complaints.

18 (C) Quality oversight and monitoring requirements.

19 (D) Decertification and devendorization processes.

20 (E) Conflict and duplication in statutes and regulations.

21 (i) (1) On or before September 30, 2016, the commission shall
22 review and compile the input received based on its relevance to
23 the criteria described in subdivision (g). On or before December
24 31, 2016, the commission shall submit to the Legislature and the
25 State Department of Developmental Services a report on its
26 recommended changes to Titles 17 and 22 of the California Code
27 of Regulations and any recommended statutory changes. The
28 commission shall also recommend, based on input received, the
29 most effective entity or entities for enforcing the regulations.

30 (2) In its report, the commission shall propose a process by
31 which relevant regulations and statutes governing the Licensing
32 and Certification Division of the State Department of Public Health,
33 guided by the criteria described in subdivision (g), may be reviewed
34 by a future commission if one is established.

35 ~~(j) From January 1, 2016, to December 31, 2016, inclusive,~~
36 ~~regional centers that seek consideration for participation in any~~
37 ~~program to pilot new quality enhancement systems shall collect~~
38 ~~baseline data, as determined by the commission, on existing service~~
39 ~~quality and quality assurance processes in programs and services~~
40 ~~for people with developmental disabilities that are licensed by the~~

1 ~~Community Care Licensing Division of the State Department of~~
2 ~~Social Services:~~

3 ~~(k)~~

4 (j) A report to be submitted pursuant to subdivision (i) shall be
5 submitted in compliance with Section 9795 of the Government
6 Code.

7 ~~(l)~~

8 (k) This section shall remain in effect only until January 1, 2018,
9 and as of that date is repealed, unless a later enacted statute, that
10 is enacted before January 1, 2018, deletes or extends that date.