

AMENDED IN SENATE MAY 27, 2014
AMENDED IN SENATE APRIL 24, 2014
AMENDED IN SENATE APRIL 10, 2014
AMENDED IN SENATE MARCH 27, 2014

SENATE BILL

No. 1093

Introduced by Senator Liu

February 19, 2014

An act to amend Sections 4519.5, 4629, and 4648 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as amended, Liu. Developmental services: regional centers: culturally and linguistically competent services.

(1) The Lanterman Developmental Disabilities Services Act requires 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, which include services and supports that are directed toward the achievement and maintenance of an independent, productive, and normal life for the consumer such as daily living skills training, are contained in an individual program plan or individualized family service plan developed in accordance with prescribed requirements.

This bill would require that independent living skills services be available to all adult consumers who live in the home of a parent, relative, or other person, or who live independently.

(2) Existing law requires that contracts entered into with regional centers include annual performance objectives, including annual

performance objectives that are specific, measurable, ~~and, among other things,~~ *and designed to, among other things,* develop services and supports identified as necessary to meet identified needs. Existing law also requires that each contract with a regional center specify steps to be taken to ensure contract compliance, and, if a regional center is placed on probation pursuant to these steps, requires the department to provide the appropriate area board with a copy of the correction plan, timeline, and any other action taken by the department.

This bill would require that annual performance ~~objectives, among other things,~~ *objectives to be designed to, among other things,* develop services and supports identified as necessary to meet identified needs, which includes culturally and linguistically appropriate services and supports. The bill would require that, if a regional center is placed on probation, the department also provide a copy of the correction plan, timeline, and any other action taken by the department to a specified clients' rights advocacy contractor.

~~This bill would also require each regional center, in addition to those performance objectives, to develop and implement a plan with specific and measurable objectives that include activities and timelines that will lead to an increase in the utilization of services by consumers impacted by purchase of service disparities. The bill would require a regional center to utilize a specified public process and consult with specified stakeholders in developing that plan.~~

(3) Existing law requires the department and regional centers to annually collaborate to compile specified data relating to purchase of service authorization, utilization, and expenditure by each regional center and requires that data to include the number and percentage of individuals, categorized by age, race or ethnicity, and disability, who have been determined to be eligible for regional center services, but who are not receiving purchase of service funds. Existing law requires each regional center and the department to annually post this information on their respective Internet Web sites, as prescribed, and requires each regional center to hold annual stakeholder meetings regarding the data.

This bill would additionally require the data to include, and be categorized by, residence type and subcategorized by age, race or ethnicity, and primary language. The bill would also require the department and each regional center to maintain all preceding years' data on its Internet Web site. The bill would require that regional centers hold the annual stakeholder meetings regarding the data separately from any meetings of its board of directors, schedule the meetings at times

and locations designed to result in a high turnout by the public and underserved communities, and, in holding the meetings, consider the language needs of the community. The bill would require the regional centers to provide participants of these meetings with the data and associated information and to conduct a discussion of the data and associated information in a manner that is culturally and linguistically appropriate for that community, as specified.

This bill would also require each regional center to annually report to the department specified information regarding its implementation of those provisions. The bill would require the reports to be posted on the department's and each regional center's Internet Web site by August 31 of each year.

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 4519.5 of the Welfare and Institutions
2 Code is amended to read:
3 4519.5. (a) The department and the regional centers shall
4 annually collaborate to compile data in a uniform manner relating
5 to purchase of service authorization, utilization, and expenditure
6 by each regional center with respect to all of the following:
7 (1) The age of consumer, categorized by the following:
8 (A) Birth to age two, inclusive.
9 (B) Three to 21, inclusive.
10 (C) Twenty-two and older.
11 (2) Race or ethnicity of the consumer.
12 (3) Primary language spoken by the consumer, and other related
13 details, as feasible.
14 (4) Disability detail, in accordance with the categories
15 established by subdivision (a) of Section 4512, and, if applicable,
16 a category specifying that the disability is unknown.
17 (5) Residence type, subcategorized by age, race or ethnicity,
18 and primary language.
19 (b) The data reported pursuant to subdivision (a) shall also
20 include the number and percentage of individuals, categorized by
21 age, race or ethnicity, and disability, and by residence type, as set
22 forth in paragraph (5) of subdivision (a), who have been determined

1 to be eligible for regional center services but are not receiving
2 purchase of service funds.

3 (c) By March 31, 2013, each regional center shall post the data
4 described in this section that is specific to the regional center on
5 its Internet Web site. Commencing on December 31, 2013, each
6 regional center shall annually post this data by December 31. Each
7 regional center shall maintain all previous years' data on its Internet
8 Web site.

9 (d) By March 31, 2013, the department shall post the information
10 described in this section on a statewide basis on its Internet Web
11 site. Commencing December 31, 2013, the department shall
12 annually post this information by December 31. The department
13 shall maintain all previous years' data on its Internet Web site.
14 The department shall also post notice of any regional center
15 stakeholder meetings on its Internet Web site.

16 (e) Within three months of compiling the data with the
17 department, and annually thereafter, each regional center shall
18 meet with stakeholders in one or more public meetings regarding
19 the data. The meeting or meetings shall be held separately from
20 any meetings held pursuant to Section 4660. The regional center
21 shall provide participants of these meetings with the data and any
22 associated information, and shall conduct a discussion of the data
23 and the associated information in a manner that is culturally and
24 linguistically appropriate for that community, including providing
25 alternative communication services, as required by Sections 11135
26 to 11139.7, inclusive, of the Government Code and implementing
27 regulations. Regional centers shall inform the department of the
28 scheduling of those public meetings 30 days prior to the meeting.
29 Notice of the meetings shall also be posted on the regional center's
30 Internet Web site 30 days prior to the meeting and shall be sent to
31 individual stakeholders and groups representing underserved
32 communities in a timely manner. Each regional center shall, in
33 holding the meetings required by this subdivision, consider the
34 language needs of the community and shall schedule the meetings
35 at times and locations designed to result in a high turnout by the
36 public and underserved communities.

37 (f) (1) *Each regional center shall annually report to the*
38 *department regarding its implementation of the requirements of*
39 *this section. The report shall include, but shall not be limited to,*
40 *all of the following:*

1 (A) *Actions the regional center took to improve public*
2 *attendance and participation at stakeholder meetings, including,*
3 *but not limited to, attendance and participation by underserved*
4 *communities.*

5 (B) *Copies of minutes from the meeting and attendee comments.*

6 (C) *Whether the data described in this section indicates a need*
7 *to reduce disparities in the purchase of services among consumers*
8 *in the regional center's catchment area. If the data does indicate*
9 *that need, the regional center's recommendations and plan to*
10 *promote equity, and reduce disparities, in the purchase of services.*

11 (2) *Each regional center and the department shall annually post*
12 *the reports required by paragraph (1) on its Internet Web site by*
13 *August 31.*

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

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

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

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

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

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

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

28 (iii) Develop services and supports identified as necessary to
29 meet identified needs, including culturally and linguistically
30 appropriate services and supports.

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

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

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

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

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

15 ~~(3) In addition to the performance objectives developed pursuant~~
16 ~~to this section, the department shall require each regional center~~
17 ~~to develop and implement a plan with specific and measurable~~
18 ~~objectives that include activities and timelines that will lead to an~~
19 ~~increase in the utilization of services by consumers impacted by~~
20 ~~the purchase of service disparities identified pursuant to Sections~~
21 ~~4519.5 and 4519.6. In developing that plan, a regional center shall~~
22 ~~utilize the public process described in subparagraph (B) of~~
23 ~~paragraph (1), and shall consider stakeholder input from the State~~
24 ~~Council on Developmental Disabilities, the clients' rights advocacy~~
25 ~~contractor identified in Section 4433, and the protection and~~
26 ~~advocacy agency described in Section 4901, and input gathered~~
27 ~~from meetings held pursuant to subdivision (c) of Section 4519.5.~~

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

31 (1) Incentives that encourage regional centers to meet or exceed
32 performance standards.

33 (2) Levels of probationary status for regional centers that do
34 not meet, or are at risk of not meeting, performance standards. The
35 department shall require that corrective action be taken by any
36 regional center which is placed on probation. Corrective action
37 may include, but is not limited to, mandated consultation with
38 designated representatives of the Association of Regional Center
39 Agencies or a management team designated by the department, or
40 both. The department shall establish the specific timeline for the

1 implementation of corrective action and monitor its
2 implementation. When a regional center is placed on probation,
3 the department shall provide the appropriate area board and the
4 clients' rights advocacy contractor identified in Section 4433 with
5 a copy of the correction plan, timeline, and any other action taken
6 by the department relating to the probationary status of the regional
7 center.

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

11 (1) Annually assess each regional center's achievement of its
12 previous year's objectives and make the assessment, including
13 baseline data and performance objectives of the individual regional
14 centers, available to the public. The department may make a special
15 commendation of the regional centers that have best engaged the
16 community in the development of contract performance objectives
17 and have made the most meaningful progress in meeting or
18 exceeding contract performance objectives.

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

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

24 (B) Each regional center's performance objectives for
25 compliance with the criteria set forth in paragraphs (1) ~~to (3)~~;
26 ~~inclusive~~, and (2) of subdivision (c).

27 (C) Any public comments on regional center performance
28 objectives sent to the department or to the regional centers, and
29 soliciting public input on the public process and final performance
30 standards.

31 (f) The renewal of each contract shall be contingent upon
32 compliance with the contract including, but not limited to, the
33 performance objectives, as determined through the department's
34 evaluation.

35 SEC. 3. Section 4648 of the Welfare and Institutions Code is
36 amended to read:

37 4648. In order to achieve the stated objectives of a consumer's
38 individual program plan, the regional center shall conduct activities,
39 including, but not limited to, all of the following:

40 (a) Securing needed services and supports.

1 (1) It is the intent of the Legislature that services and supports
2 assist individuals with developmental disabilities in achieving the
3 greatest self-sufficiency possible and in exercising personal
4 choices. The regional center shall secure services and supports
5 that meet the needs of the consumer, as determined in the
6 consumer's individual program plan, and within the context of the
7 individual program plan, the planning team shall give highest
8 preference to those services and supports which would allow
9 minors with developmental disabilities to live with their families,
10 adult persons with developmental disabilities to live as
11 independently as possible in the community, and that allow all
12 consumers to interact with persons without disabilities in positive,
13 meaningful ways.

14 (2) (A) In implementing individual program plans, regional
15 centers, through the planning team, shall first consider services
16 and supports in natural community, home, work, and recreational
17 settings. Services and supports shall be flexible and individually
18 tailored to the consumer and, ~~where~~ *when* appropriate, his or her
19 family.

20 ~~(B) In order to ensure that regional center services are provided~~
21 ~~in a culturally competent manner and available to consumers from~~
22 ~~diverse language, ethnic, and racial populations, independent~~
23 *Independent* living skills services shall be available to all adult
24 consumers who live in the home of a parent, relative, or other
25 person, or who live independently.

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

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

36 (B) A regional center may reimburse an individual or agency
37 for services or supports provided to a regional center consumer if
38 the individual or agency has a rate of payment for vendored or
39 contracted services established by the department, pursuant to this
40 division, and is providing services pursuant to an emergency

1 vendorization or has completed the vendorization procedures or
2 has entered into a contract with the regional center and continues
3 to comply with the vendorization or contracting requirements. The
4 director shall adopt regulations governing the vendorization process
5 to be utilized by the department, regional centers, vendors and the
6 individual or agency requesting vendorization.

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

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

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

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

38 (5) In order to ensure the maximum flexibility and availability
39 of appropriate services and supports for persons with
40 developmental disabilities, the department shall establish and

1 maintain an equitable system of payment to providers of services
2 and supports identified as necessary to the implementation of a
3 consumers' individual program plan. The system of payment shall
4 include provision for a rate to ensure that the provider can meet
5 the special needs of consumers and provide quality services and
6 supports in the least restrictive setting as required by law.

7 (6) The regional center and the consumer, or where appropriate,
8 his or her parents, legal guardian, conservator, or authorized
9 representative, including those appointed pursuant to subdivision
10 (d) of Section 4548, subdivision (b) of Section 4701.6, or
11 subdivision (e) of Section 4705, shall, pursuant to the individual
12 program plan, consider all of the following when selecting a
13 provider of consumer services and supports:

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

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

19 (C) When appropriate, the existence of licensing, accreditation,
20 or professional certification.

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

33 (E) The consumer's choice of providers, or, where appropriate,
34 the consumer's parent's, legal guardian's, authorized
35 representative's, or conservator's choice of providers.

36 (7) No service or support provided by any agency or individual
37 shall be continued unless the consumer or, where appropriate, his
38 or her parents, legal guardian, or conservator, or authorized
39 representative, including those appointed pursuant to subdivision
40 (d) of Section 4548, subdivision (b) of Section 4701.6, or

1 subdivision (e) of Section 4705, is satisfied and the regional center
2 and the consumer or, when appropriate, the person's parents or
3 legal guardian or conservator agree that planned services and
4 supports have been provided, and reasonable progress toward
5 objectives have been made.

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

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

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

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

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

36 (iii) A residential facility licensed as a mental health
37 rehabilitation center by the State Department of ~~Mental Health~~
38 *State Hospitals* or successor agency under any of the following
39 circumstances:

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

1 (II) The facility has a department-approved plan in place by
2 June 30, 2013, to transition to a program structure eligible for
3 federal Medicaid funding, and this transition will be completed by
4 June 30, 2014. The department may grant an extension for the date
5 by which the transition will be completed if the facility
6 demonstrates that it has made significant progress toward transition,
7 and states with specificity the timeframe by which the transition
8 will be completed and the specified steps that will be taken to
9 accomplish the transition. A regional center may pay for the costs
10 of care and treatment of a consumer residing in the facility on June
11 30, 2012, until June 30, 2013, inclusive, and, if the facility has a
12 department-approved plan in place by June 30, 2013, may continue
13 to pay the costs under this subparagraph until June 30, 2014, or
14 until the end of any period during which the department has granted
15 an extension.

16 (III) There is an emergency circumstance in which the regional
17 center determines that it cannot locate alternate federally eligible
18 services to meet the consumer's needs. Under such an emergency
19 circumstance, an assessment shall be completed by the regional
20 center as soon as possible and within 30 days of admission. An
21 individual program plan meeting shall be convened immediately
22 following the assessment to determine the services and supports
23 needed for stabilization and to develop a plan to transition the
24 consumer from the facility into the community. If transition is not
25 expected within 90 days of admission, an individual program plan
26 meeting shall be held to discuss the status of transition and to
27 determine if the consumer is still in need of placement in the
28 facility. Commencing October 1, 2012, this determination shall
29 be made after also considering resource options identified by the
30 statewide specialized resource service. If it is determined that
31 emergency services continue to be necessary, the regional center
32 shall submit an updated transition plan that can cover a period of
33 up to 90 days. In no event shall placements under these emergency
34 circumstances exceed 180 days.

35 (C) (i) Effective July 1, 2012, notwithstanding any other law
36 or regulation to the contrary, a regional center shall not purchase
37 new residential services from, or place a consumer in, institutions
38 for mental disease, as described in Part 5 (commencing with
39 Section 5900) of Division 5, for which federal Medicaid funding

1 is not available. Effective July 1, 2013, this prohibition applies
2 regardless of the availability of federal funding.

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

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

23 (iv) The clients' rights advocate shall be notified of each
24 admission and individual program planning meeting pursuant to
25 this subparagraph and may participate in all individual program
26 planning meetings unless the consumer objects on his or her own
27 behalf.

28 (v) Regional centers shall complete a comprehensive assessment
29 of any consumer residing in an institution for mental disease as of
30 July 1, 2012, for which federal Medicaid funding is not available,
31 and for any consumer residing in an institution for mental disease
32 as of July 1, 2013, without regard to federal funding. The
33 comprehensive assessment shall be completed prior to the
34 consumer's next scheduled individual program plan meeting and
35 shall include identification of the services and supports needed
36 and the timeline for identifying or developing those services needed
37 to transition the consumer back to the community. Effective
38 October 1, 2012, the regional center shall also consider resource
39 options identified by the statewide specialized resource service.
40 For each individual program plan meeting convened pursuant to

1 this subparagraph, the clients' rights advocate for the regional
2 center shall be notified of the meeting and may participate in the
3 meeting unless the consumer objects on his or her own behalf.

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

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

33 (10) Emergency and crisis intervention services including, but
34 not limited to, mental health services and behavior modification
35 services, may be provided, as needed, to maintain persons with
36 developmental disabilities in the living arrangement of their own
37 choice. Crisis services shall first be provided without disrupting a
38 person's living arrangement. If crisis intervention services are
39 unsuccessful, emergency housing shall be available in the person's
40 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 law or regulation, effective July
36 1, 2009, regional centers shall not purchase experimental
37 treatments, therapeutic services, or devices that have not been
38 clinically determined or scientifically proven to be effective or
39 safe or for which risks and complications are unknown.
40 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) When there are identified gaps in the system of services and
10 supports, or when there are identified consumers for whom no
11 provider will provide services and supports contained in his or her
12 individual program plan, the department may provide the services
13 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.