

AMENDED IN ASSEMBLY JUNE 10, 2014

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 *4519.5 and 4629 of*, and to add Section 4688.05 to, 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.~~

This bill would require regional centers to provide independent living skills services to an adult consumer, consistent with a consumer's individual program plan, that provide the consumer with functional skills training that enables him or her to acquire or maintain skills to live independently in his or her own home, or to achieve greater independence while living in the home of a parent, family member, or other person.

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

(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.

1 (b) The data reported pursuant to subdivision (a) shall also
2 include the number and percentage of individuals, categorized by
3 age, race or ethnicity, and disability, and by residence type, as set
4 forth in paragraph (5) of subdivision (a), who have been determined
5 to be eligible for regional center services but are not receiving
6 purchase of service funds.

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

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

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

1 (f) (1) Each regional center shall annually report to the
2 department regarding its implementation of the requirements of
3 this section. The report shall include, but shall not be limited to,
4 all of the following:

5 (A) Actions the regional center took to improve public
6 attendance and participation at stakeholder meetings, including,
7 but not limited to, attendance and participation by underserved
8 communities.

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

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

15 (2) Each regional center and the department shall annually post
16 the reports required by paragraph (1) on its Internet Web site by
17 August 31.

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

20 4629. (a) The state shall enter into five-year contracts with
21 regional centers, subject to the annual appropriation of funds by
22 the Legislature.

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

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

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

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

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

32 (iii) Develop services and supports identified as necessary to
33 meet identified needs, including culturally and linguistically
34 appropriate services and supports.

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

38 (i) Providing information, in an understandable form, to the
39 community about regional center services and supports, including

1 budget information and baseline data on services and supports and
2 regional center operations.

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

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

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

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

23 (1) Incentives that encourage regional centers to meet or exceed
24 performance standards.

25 (2) Levels of probationary status for regional centers that do
26 not meet, or are at risk of not meeting, performance standards. The
27 department shall require that corrective action be taken by any
28 regional center which is placed on probation. Corrective action
29 may include, but is not limited to, mandated consultation with
30 designated representatives of the Association of Regional Center
31 Agencies or a management team designated by the department, or
32 both. The department shall establish the specific timeline for the
33 implementation of corrective action and monitor its
34 implementation. When a regional center is placed on probation,
35 the department shall provide the appropriate area board and the
36 clients' rights advocacy contractor identified in Section 4433 with
37 a copy of the correction plan, timeline, and any other action taken
38 by the department relating to the probationary status of the regional
39 center.

1 (e) In order to evaluate the regional center’s compliance with
2 its contract performance objectives and legal obligations related
3 to those objectives, the department shall do both of the following:

4 (1) Annually assess each regional center’s achievement of its
5 previous year’s objectives and make the assessment, including
6 baseline data and performance objectives of the individual regional
7 centers, available to the public. The department may make a special
8 commendation of the regional centers that have best engaged the
9 community in the development of contract performance objectives
10 and have made the most meaningful progress in meeting or
11 exceeding contract performance objectives.

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

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

17 (B) Each regional center’s performance objectives for
18 compliance with the criteria set forth in paragraphs (1) and (2) of
19 subdivision (c).

20 (C) Any public comments on regional center performance
21 objectives sent to the department or to the regional centers, and
22 soliciting public input on the public process and final performance
23 standards.

24 (f) The renewal of each contract shall be contingent upon
25 compliance with the contract including, but not limited to, the
26 performance objectives, as determined through the department’s
27 evaluation.

28 ~~SEC. 3. Section 4648 of the Welfare and Institutions Code is~~
29 ~~amended to read:~~

30 ~~4648. In order to achieve the stated objectives of a consumer’s~~
31 ~~individual program plan, the regional center shall conduct activities,~~
32 ~~including, but not limited to, all of the following:~~

33 ~~(a) Securing needed services and supports:~~

34 ~~(1) It is the intent of the Legislature that services and supports~~
35 ~~assist individuals with developmental disabilities in achieving the~~
36 ~~greatest self-sufficiency possible and in exercising personal~~
37 ~~choices. The regional center shall secure services and supports~~
38 ~~that meet the needs of the consumer, as determined in the~~
39 ~~consumer’s individual program plan, and within the context of the~~
40 ~~individual program plan, the planning team shall give highest~~

1 preference to those services and supports which would allow
2 minors with developmental disabilities to live with their families,
3 adult persons with developmental disabilities to live as
4 independently as possible in the community, and that allow all
5 consumers to interact with persons without disabilities in positive,
6 meaningful ways.

7 (2) (A) In implementing individual program plans, regional
8 centers, through the planning team, shall first consider services
9 and supports in natural community, home, work, and recreational
10 settings. Services and supports shall be flexible and individually
11 tailored to the consumer and, when appropriate, his or her family.

12 (B) Independent living skills services shall be available to all
13 adult consumers who live in the home of a parent, relative, or other
14 person, or who live independently.

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

21 (A) Vendorization or contracting is the process for identification,
22 selection, and utilization of service vendors or contractors, based
23 on the qualifications and other requirements necessary in order to
24 provide the service.

25 (B) A regional center may reimburse an individual or agency
26 for services or supports provided to a regional center consumer if
27 the individual or agency has a rate of payment for vendored or
28 contracted services established by the department, pursuant to this
29 division, and is providing services pursuant to an emergency
30 vendorization or has completed the vendorization procedures or
31 has entered into a contract with the regional center and continues
32 to comply with the vendorization or contracting requirements. The
33 director shall adopt regulations governing the vendorization process
34 to be utilized by the department, regional centers, vendors and the
35 individual or agency requesting vendorization.

36 (C) Regulations shall include, but not be limited to: the vendor
37 application process, and the basis for accepting or denying an
38 application; the qualification and requirements for each category
39 of services that may be provided to a regional center consumer
40 through a vendor; requirements for emergency vendorization;

1 procedures for termination of vendorization; the procedure for an
2 individual or an agency to appeal any vendorization decision made
3 by the department or regional center.

4 ~~(D) A regional center may vendorize a licensed facility for
5 exclusive services to persons with developmental disabilities at a
6 capacity equal to or less than the facility's licensed capacity. A
7 facility already licensed on January 1, 1999, shall continue to be
8 vendorized at their full licensed capacity until the facility agrees
9 to vendorization at a reduced capacity.~~

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

16 ~~(4) Notwithstanding subparagraph (B) of paragraph (3), a
17 regional center may contract or issue a voucher for services and
18 supports provided to a consumer or family at a cost not to exceed
19 the maximum rate of payment for that service or support
20 established by the department. If a rate has not been established
21 by the department, the regional center may, for an interim period,
22 contract for a specified service or support with, and establish a
23 rate of payment for, any provider of the service or support
24 necessary to implement a consumer's individual program plan.
25 Contracts may be negotiated for a period of up to three years, with
26 annual review and subject to the availability of funds.~~

27 ~~(5) In order to ensure the maximum flexibility and availability
28 of appropriate services and supports for persons with
29 developmental disabilities, the department shall establish and
30 maintain an equitable system of payment to providers of services
31 and supports identified as necessary to the implementation of a
32 consumers' individual program plan. The system of payment shall
33 include provision for a rate to ensure that the provider can meet
34 the special needs of consumers and provide quality services and
35 supports in the least restrictive setting as required by law.~~

36 ~~(6) The regional center and the consumer, or where appropriate,
37 his or her parents, legal guardian, conservator, or authorized
38 representative, including those appointed pursuant to subdivision
39 (d) of Section 4548, subdivision (b) of Section 4701.6, or
40 subdivision (e) of Section 4705, shall, pursuant to the individual~~

1 ~~program plan, consider all of the following when selecting a~~
2 ~~provider of consumer services and supports:~~

3 ~~(A) A provider's ability to deliver quality services or supports~~
4 ~~which can accomplish all or part of the consumer's individual~~
5 ~~program plan.~~

6 ~~(B) A provider's success in achieving the objectives set forth~~
7 ~~in the individual program plan.~~

8 ~~(C) When appropriate, the existence of licensing, accreditation,~~
9 ~~or professional certification.~~

10 ~~(D) The cost of providing services or supports of comparable~~
11 ~~quality by different providers, if available, shall be reviewed, and~~
12 ~~the least costly available provider of comparable service, including~~
13 ~~the cost of transportation, who is able to accomplish all or part of~~
14 ~~the consumer's individual program plan, consistent with the~~
15 ~~particular needs of the consumer and family as identified in the~~
16 ~~individual program plan, shall be selected. In determining the least~~
17 ~~costly provider, the availability of federal financial participation~~
18 ~~shall be considered. The consumer shall not be required to use the~~
19 ~~least costly provider if it will result in the consumer moving from~~
20 ~~an existing provider of services or supports to more restrictive or~~
21 ~~less integrated services or supports.~~

22 ~~(E) The consumer's choice of providers, or, where appropriate,~~
23 ~~the consumer's parent's, legal guardian's, authorized~~
24 ~~representative's, or conservator's choice of providers.~~

25 ~~(7) No service or support provided by any agency or individual~~
26 ~~shall be continued unless the consumer or, where appropriate, his~~
27 ~~or her parents, legal guardian, or conservator, or authorized~~
28 ~~representative, including those appointed pursuant to subdivision~~
29 ~~(d) of Section 4548, subdivision (b) of Section 4701.6, or~~
30 ~~subdivision (c) of Section 4705, is satisfied and the regional center~~
31 ~~and the consumer or, when appropriate, the person's parents or~~
32 ~~legal guardian or conservator agree that planned services and~~
33 ~~supports have been provided, and reasonable progress toward~~
34 ~~objectives have been made.~~

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

39 ~~(9) (A) A regional center may, directly or through an agency~~
40 ~~acting on behalf of the center, provide placement in, purchase of,~~

1 or follow-along services to persons with developmental disabilities
2 in, appropriate community living arrangements, including, but not
3 limited to, support service for consumers in homes they own or
4 lease, foster family placements, health care facilities, and licensed
5 community care facilities. In considering appropriate placement
6 alternatives for children with developmental disabilities, approval
7 by the child's parent or guardian shall be obtained before placement
8 is made.

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

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

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

25 (iii) A residential facility licensed as a mental health
26 rehabilitation center by the State Department of State Hospitals or
27 successor agency under any of the following circumstances:

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

29 (II) The facility has a department-approved plan in place by
30 June 30, 2013, to transition to a program structure eligible for
31 federal Medicaid funding, and this transition will be completed by
32 June 30, 2014. The department may grant an extension for the date
33 by which the transition will be completed if the facility
34 demonstrates that it has made significant progress toward transition,
35 and states with specificity the timeframe by which the transition
36 will be completed and the specified steps that will be taken to
37 accomplish the transition. A regional center may pay for the costs
38 of care and treatment of a consumer residing in the facility on June
39 30, 2012, until June 30, 2013, inclusive, and, if the facility has a
40 department-approved plan in place by June 30, 2013, may continue

1 to pay the costs under this subparagraph until June 30, 2014, or
2 until the end of any period during which the department has granted
3 an extension.

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

23 (C) (i) Effective July 1, 2012, notwithstanding any other law
24 or regulation to the contrary, a regional center shall not purchase
25 new residential services from, or place a consumer in, institutions
26 for mental disease, as described in Part 5 (commencing with
27 Section 5900) of Division 5, for which federal Medicaid funding
28 is not available. Effective July 1, 2013, this prohibition applies
29 regardless of the availability of federal funding.

30 (ii) The prohibition described in clause (i) shall not apply to
31 emergencies, as determined by the regional center, when a regional
32 center cannot locate alternate services to meet the consumer's
33 needs. As soon as possible within 30 days of admission due to an
34 emergency, an assessment shall be completed by the regional
35 center. An individual program plan meeting shall be convened
36 immediately following the assessment, to determine the services
37 and supports needed for stabilization and to develop a plan to
38 transition the consumer from the facility to the community. If
39 transition is not expected within 90 days of admission, an
40 emergency program plan meeting shall be held to discuss the status

1 of the transition and to determine if the consumer is still in need
2 of placement in the facility. If emergency services continue to be
3 necessary, the regional center shall submit an updated transition
4 plan to the department for an extension of up to 90 days. Placement
5 shall not exceed 180 days.

6 ~~(iii) To the extent feasible, prior to any admission, the regional~~
7 ~~center shall consider resource options identified by the statewide~~
8 ~~specialized resource service established pursuant to subdivision~~
9 ~~(b) of Section 4418.25.~~

10 ~~(iv) The clients' rights advocate shall be notified of each~~
11 ~~admission and individual program planning meeting pursuant to~~
12 ~~this subparagraph and may participate in all individual program~~
13 ~~planning meetings unless the consumer objects on his or her own~~
14 ~~behalf.~~

15 ~~(v) Regional centers shall complete a comprehensive assessment~~
16 ~~of any consumer residing in an institution for mental disease as of~~
17 ~~July 1, 2012, for which federal Medicaid funding is not available,~~
18 ~~and for any consumer residing in an institution for mental disease~~
19 ~~as of July 1, 2013, without regard to federal funding. The~~
20 ~~comprehensive assessment shall be completed prior to the~~
21 ~~consumer's next scheduled individual program plan meeting and~~
22 ~~shall include identification of the services and supports needed~~
23 ~~and the timeline for identifying or developing those services needed~~
24 ~~to transition the consumer back to the community. Effective~~
25 ~~October 1, 2012, the regional center shall also consider resource~~
26 ~~options identified by the statewide specialized resource service.~~
27 ~~For each individual program plan meeting convened pursuant to~~
28 ~~this subparagraph, the clients' rights advocate for the regional~~
29 ~~center shall be notified of the meeting and may participate in the~~
30 ~~meeting unless the consumer objects on his or her own behalf.~~

31 ~~(D) Each person with developmental disabilities placed by the~~
32 ~~regional center in a community living arrangement shall have the~~
33 ~~rights specified in this division. These rights shall be brought to~~
34 ~~the person's attention by any means necessary to reasonably~~
35 ~~communicate these rights to each resident, provided that, at a~~
36 ~~minimum, the Director of Developmental Services prepare,~~
37 ~~provide, and require to be clearly posted in all residential facilities~~
38 ~~and day programs a poster using simplified language and pictures~~
39 ~~that is designed to be more understandable by persons with~~
40 ~~cognitive disabilities and that the rights information shall also be~~

1 available through the regional center to each residential facility
2 and day program in alternative formats, including, but not limited
3 to, other languages, braille, and audio tapes, when necessary to
4 meet the communication needs of consumers.

5 ~~(E) Consumers are eligible to receive supplemental services~~
6 ~~including, but not limited to, additional staffing, pursuant to the~~
7 ~~process described in subdivision (d) of Section 4646. Necessary~~
8 ~~additional staffing that is not specifically included in the rates paid~~
9 ~~to the service provider may be purchased by the regional center if~~
10 ~~the additional staff are in excess of the amount required by~~
11 ~~regulation and the individual's planning team determines the~~
12 ~~additional services are consistent with the provisions of the~~
13 ~~individual program plan. Additional staff should be periodically~~
14 ~~reviewed by the planning team for consistency with the individual~~
15 ~~program plan objectives in order to determine if continued use of~~
16 ~~the additional staff is necessary and appropriate and if the service~~
17 ~~is producing outcomes consistent with the individual program plan.~~
18 ~~Regional centers shall monitor programs to ensure that the~~
19 ~~additional staff is being provided and utilized appropriately.~~

20 ~~(10) Emergency and crisis intervention services including, but~~
21 ~~not limited to, mental health services and behavior modification~~
22 ~~services, may be provided, as needed, to maintain persons with~~
23 ~~developmental disabilities in the living arrangement of their own~~
24 ~~choice. Crisis services shall first be provided without disrupting a~~
25 ~~person's living arrangement. If crisis intervention services are~~
26 ~~unsuccessful, emergency housing shall be available in the person's~~
27 ~~home community. If dislocation cannot be avoided, every effort~~
28 ~~shall be made to return the person to his or her living arrangement~~
29 ~~of choice, with all necessary supports, as soon as possible.~~

30 ~~(11) Among other service and support options, planning teams~~
31 ~~shall consider the use of paid roommates or neighbors, personal~~
32 ~~assistance, technical and financial assistance, and all other service~~
33 ~~and support options which would result in greater self-sufficiency~~
34 ~~for the consumer and cost-effectiveness to the state.~~

35 ~~(12) When facilitation as specified in an individual program~~
36 ~~plan requires the services of an individual, the facilitator shall be~~
37 ~~of the consumer's choosing.~~

38 ~~(13) The community support may be provided to assist~~
39 ~~individuals with developmental disabilities to fully participate in~~
40 ~~community and civic life, including, but not limited to, programs,~~

1 services, work opportunities, business, and activities available to
2 persons without disabilities. This facilitation shall include, but not
3 be limited to, any of the following:

4 (A) Outreach and education to programs and services within
5 the community.

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

8 (C) Developing unpaid natural supports when possible.

9 (14) When feasible and recommended by the individual program
10 planning team, for purposes of facilitating better and cost-effective
11 services for consumers or family members, technology, including
12 telecommunication technology, may be used in conjunction with
13 other services and supports. Technology in lieu of a consumer's
14 in-person appearances at judicial proceedings or administrative
15 due process hearings may be used only if the consumer or, when
16 appropriate, the consumer's parent, legal guardian, conservator,
17 or authorized representative, gives informed consent. Technology
18 may be used in lieu of, or in conjunction with, in-person training
19 for providers, as appropriate.

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

22 (16) Notwithstanding any other law or regulation, effective July
23 1, 2009, regional centers shall not purchase experimental
24 treatments, therapeutic services, or devices that have not been
25 clinically determined or scientifically proven to be effective or
26 safe or for which risks and complications are unknown.
27 Experimental treatments or therapeutic services include
28 experimental medical or nutritional therapy when the use of the
29 product for that purpose is not a general physician practice. For
30 regional center consumers receiving these services as part of their
31 individual program plan (IPP) or individualized family service
32 plan (IFSP) on July 1, 2009, this prohibition shall apply on August
33 1, 2009.

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

37 (2) Whenever the advocacy efforts of a regional center to secure
38 or protect the civil, legal, or service rights of any of its consumers
39 prove ineffective, the regional center or the person with
40 developmental disabilities or his or her parents, legal guardian, or

1 other representative may request the area board to initiate action
2 under the provisions defining area board advocacy functions
3 established in this division.

4 (e) The regional center may assist consumers and families
5 directly, or through a provider, in identifying and building circles
6 of support within the community.

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

10 (1) Identify services and supports that are ineffective or of poor
11 quality and provide or secure consultation, training, or technical
12 assistance services for any agency or individual provider to assist
13 that agency or individual provider in upgrading the quality of
14 services or supports.

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

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

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

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

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

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

35 (g) When there are identified gaps in the system of services and
36 supports, or when there are identified consumers for whom no
37 provider will provide services and supports contained in his or her
38 individual program plan, the department may provide the services
39 and supports directly.

1 ~~(h) At least annually, regional centers shall provide the~~
2 ~~consumer, his or her parents, legal guardian, conservator, or~~
3 ~~authorized representative a statement of services and supports the~~
4 ~~regional center purchased for the purpose of ensuring that they are~~
5 ~~delivered. The statement shall include the type, unit, month, and~~
6 ~~cost of services and supports purchased.~~

7 *SEC. 3. Section 4688.05 is added to the Welfare and Institutions*
8 *Code, to read:*

9 *4688.05. Regional centers shall provide independent living*
10 *skills services to an adult consumer, consistent with his or her*
11 *individual program plan, that provide the consumer with functional*
12 *skills training that enables him or her to acquire or maintain skills*
13 *to live independently in his or her own home, or to achieve greater*
14 *independence while living in the home of a parent, family member,*
15 *or other person.*