

AMENDED IN SENATE MARCH 25, 2014

SENATE BILL

No. 1445

Introduced by Senator Evans

February 21, 2014

An act to amend Section 4512 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1445, as amended, Evans. Developmental services: regional centers: individual program ~~plans and individualized family service plans~~: telehealth.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts 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 or individualized family service plan~~, developed in accordance with prescribed requirements, *and may include, but are not limited to, diagnosis, treatment, personal care, information and referral services, and counseling.*

This bill would ~~state the intent of the Legislature to enact legislation to promote the use of telehealth services and supports for persons with developmental disabilities and to include telehealth services and support as a type of services and support that may be in the individual program plans or the individualized family service plans~~ *supports among the services and supports authorized to be included as part of an individual program plan.*

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

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

1 *SECTION 1. Section 4512 of the Welfare and Institutions Code*
2 *is amended to read:*

3 4512. As used in this division:

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

15 (b) “Services and supports for persons with developmental
16 disabilities” means specialized services and supports or special
17 adaptations of generic services and supports directed toward the
18 alleviation of a developmental disability or toward the social,
19 personal, physical, or economic habilitation or rehabilitation of an
20 individual with a developmental disability, or toward the
21 achievement and maintenance of independent, productive, and
22 normal lives. The determination of which services and supports
23 are necessary for each consumer shall be made through the
24 individual program plan process. The determination shall be made
25 on the basis of the needs and preferences of the consumer or, when
26 appropriate, the consumer’s family, and shall include consideration
27 of a range of service options proposed by individual program plan
28 participants, the effectiveness of each option in meeting the goals
29 stated in the individual program plan, and the cost-effectiveness
30 of each option. Services and supports listed in the individual
31 program plan may include, but are not limited to, *telehealth*
32 *services and support, as defined in Section 2290.5 of the Business*
33 *and Professions Code*, diagnosis, evaluation, treatment, personal
34 care, day care, domiciliary care, special living arrangements,
35 physical, occupational, and speech therapy, training, education,
36 supported and sheltered employment, mental health services,
37 recreation, counseling of the individual with a developmental
38 disability and of his or her family, protective and other social and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ~~SECTION 1. It is the intent of the Legislature to enact~~
20 ~~legislation to promote the use of telehealth services and supports~~
21 ~~for persons with developmental disabilities and to include telehealth~~
22 ~~services and support as a type of services and support that may be~~
23 ~~in the individual program plans or the individualized family service~~
24 ~~plans.~~