

ASSEMBLY BILL

No. 1285

Introduced by Assembly Member Thurmond

February 27, 2015

An act to amend Section 4659 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1285, as introduced, Thurmond. Developmental services: regional centers.

Existing law, 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 and their families, and requires regional centers to identify and pursue all possible sources of funding for consumers receiving those services.

This bill would make technical, nonsubstantive changes to those provisions.

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

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

- 1 SECTION 1. Section 4659 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 4659. (a) Except as otherwise provided in subdivision (b) or
- 4 (e), the regional center shall identify and pursue all possible sources
- 5 of funding for consumers receiving regional center services. These
- 6 sources shall include, but not be limited to, both of the following:

1 (1) Governmental or other entities or programs required to
2 provide or pay the cost of providing services, including Medi-Cal,
3 Medicare, the Civilian Health and Medical Program for Uniform
4 Services, school districts, and federal supplemental security income
5 and the state supplementary program.

6 (2) Private entities, to the maximum extent they are liable for
7 the cost of services, aid, insurance, or medical assistance to the
8 consumer.

9 (b) Any revenues collected by a regional center pursuant to this
10 section shall be applied against the cost of services prior to use of
11 regional center funds for those services. This revenue shall not
12 result in a reduction in the regional center's purchase of services
13 budget, except as it relates to federal supplemental security income
14 and the state supplementary program.

15 (c) Effective July 1, 2009, notwithstanding any other law or
16 regulation, regional centers shall not purchase any service that
17 would otherwise be available from Medi-Cal, Medicare, the
18 Civilian Health and Medical Program for Uniform Services,
19 In-Home Support Services, California Children's Services, private
20 insurance, or a health care service plan when a consumer or a
21 *consumer's* family meets the criteria of this coverage but chooses
22 not to pursue that coverage. If, on July 1, 2009, a regional center
23 is purchasing that service as part of a consumer's individual
24 program plan (IPP), the prohibition shall take effect on October
25 1, 2009.

26 (d) (1) Effective July 1, 2009, notwithstanding any other law
27 or regulation, a regional center shall not purchase medical or dental
28 services for a consumer three years of age or older unless the
29 regional center is provided with documentation of a Medi-Cal,
30 private insurance, or a health care service plan denial and the
31 regional center determines that an appeal by the consumer or *the*
32 *consumer's* family of the denial does not have merit. If, on July
33 1, 2009, a regional center is purchasing the service as part of a
34 consumer's IPP, this provision shall take effect on August 1, 2009.
35 Regional centers may pay for medical or dental services during
36 the following periods:

37 (A) While coverage is being pursued, but before a denial is
38 made.

1 (B) Pending a final administrative decision on the administrative
2 appeal if the *consumer's* family has provided to the regional center
3 a verification that an administrative appeal is being pursued.

4 (C) Until the commencement of services by Medi-Cal, private
5 insurance, or a health care service plan.

6 (2) When necessary, the consumer or *the consumer's* family
7 may receive assistance from the regional center, the Clients' Rights
8 Advocate funded by the department, or the state council in pursuing
9 these appeals.

10 (e) This section shall not impose any additional liability on the
11 parents of children with developmental disabilities, or to restrict
12 eligibility for, or deny services to, any individual who qualifies
13 for regional center services but is unable to pay.

14 (f) In order to best utilize generic resources, federally funded
15 programs, and private insurance programs for individuals with
16 developmental disabilities, the department and regional centers
17 shall engage in the following activities:

18 (1) Within existing resources, the department shall provide
19 training to regional centers, no less than once every two years, in
20 the availability and requirements of generic, federally funded and
21 private programs available to persons with developmental
22 disabilities, including, but not limited to, eligibility requirements,
23 the application process and covered services, and the appeal
24 process.

25 (2) Regional centers shall disseminate information and training
26 to all service coordinators regarding the availability and
27 requirements of generic, federally funded, and private insurance
28 programs on the local level.