

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 982

Introduced by Senator McGuire

February 10, 2016

~~An act to amend Section 416.7 of the Health and Safety Code, relating to conservatorship and guardianship. An act to add and repeal Section 4474.12 of the Welfare and Institutions Code, relating to developmental services.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 982, as amended, McGuire. ~~Developmentally disabled persons: conservatorships and guardianships. State Department of Developmental Services: Sonoma State Hospital.~~

Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to individuals with developmental disabilities, including the Sonoma State Hospital. Existing law requires the department to comply with procedural requirements when closing a developmental center. Existing law required, on or before October 1, 2015, the State Department of Developmental Services to submit to the Legislature a plan or plans to close one or more developmental centers.

This bill would require, until January 1, 2021, the department to develop and conduct a 3-year longitudinal study, over the course of the 2017–18 through 2019–20, inclusive, fiscal years, to assess the quality of life and outcomes of developmental center residents that relocate from the Sonoma State Hospital as a result of the closure of that center. The bill would specify the contents of the study, including assessments of the residents before they leave the center and at one-year and

two-year intervals after they relocate from the center. The bill would require the department to submit interim reports to the Legislature regarding the study at the end of the first and second years of the study. The bill would require, upon the completion of the study, the department to submit the study to the Legislature, as specified.

~~Existing law authorizes the Director of Developmental Services, upon nomination and acceptance, to be appointed as either guardian or conservator of the person or estate, or both, of a developmentally disabled person. Existing law provides that the director may petition for his appointment to act as conservator or guardian in the superior court of the county where the main administrative office of the regional center serving the developmentally disabled person is located.~~

~~Existing law requires the alleged developmentally disabled person to be present at the hearing if he or she is within the state and is able to attend. Existing law provides that if he or she is unable to attend the hearing by reason of physical or other inability, that inability shall be evidenced by the affidavit or certificate of a duly licensed medical practitioner, as specified. Existing law requires that the affidavit or certificate be filed no later than 10 days prior to the time of the hearing.~~

~~This bill would instead require the affidavit or certificate described above to be filed no later than 5 days prior to the time of the hearing. The bill would also make technical, nonsubstantive changes to these provisions:~~

~~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 4474.12 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 4474.12. (a) The department shall develop and conduct a
- 4 three-year longitudinal study to assess the quality of life and
- 5 outcomes of developmental center residents that relocate from the
- 6 Sonoma State Hospital as a result of the closure of that center.
- 7 The study shall be conducted over the course of the 2017–18
- 8 through 2019–20, inclusive, fiscal years.
- 9 (b) The study conducted pursuant to this section shall do all of
- 10 the following:
- 11 (1) Measure the residents' quality of life, their satisfaction with
- 12 services, the degree to which the residents achieve their goals,

1 *such as independence, and other dimensions as determined by the*
2 *department.*

3 *(2) Include assessments of the residents before they leave the*
4 *center and at one-year and two-year intervals after they relocate*
5 *from the center.*

6 *(3) Track the residential locations of the former residents of the*
7 *center for purposes of conducting the one-year and two-year*
8 *postrelocation reassessments.*

9 *(4) Include a written report that does all of the following:*

10 *(A) Summarizes the findings based on the data collected.*

11 *(B) Provides recommendations regarding how the closure could*
12 *have been conducted in a manner that better served the needs of*
13 *the residents and their families.*

14 *(C) Specifies any community-based services for former residents*
15 *that need to be improved.*

16 *(c) (1) For purposes of conducting the study, the department*
17 *shall maintain and update the addresses of, and contact*
18 *information for, former residents of the center who relocated as*
19 *a result of the closure of the center.*

20 *(2) The department shall ensure, to the extent permitted by law,*
21 *that researchers conducting the study have access to data and*
22 *other information necessary to conduct the study, including the*
23 *addresses of, and contact information for, former residents of the*
24 *center who relocated due to the closure of the center.*

25 *(d) The department shall submit interim reports to the*
26 *Legislature regarding the study at the end of the first and second*
27 *years of the study, in accordance with the requirements of Section*
28 *9795 of the Government Code. Upon the completion of the study,*
29 *the department shall submit the study to the Legislature, in*
30 *accordance with the requirements of Section 9795 of the*
31 *Government Code.*

32 *(e) This section shall remain in effect only until January 1, 2021,*
33 *and as of that date is repealed, unless a later enacted statute, that*
34 *is enacted before January 1, 2021, deletes or extends that date.*

35 ~~SECTION 1. Section 416.7 of the Health and Safety Code is~~
36 ~~amended to read:~~

37 ~~416.7. If the alleged developmentally disabled person is within~~
38 ~~the state and is able to attend, he or she shall be present at the~~
39 ~~hearing. If he or she is unable to attend by reason of physical or~~
40 ~~other inability, that inability shall be evidenced by the affidavit or~~

1 ~~certificate of a duly licensed medical practitioner as provided in~~
2 ~~Section 1825 of the Probate Code. The affidavit or certificate shall~~
3 ~~be filed no later than five business days prior to the time of the~~
4 ~~hearing.~~

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