

Assembly Bill No. 1543

CHAPTER 474

An act to amend Sections 4669.2, 4669.75, and 4669.8 of the Welfare and Institutions Code, relating to human services.

[Approved by Governor September 24, 1997. Filed
with Secretary of State September 25, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1543, Committee on Human Services. Developmental disabilities: regional centers.

Existing law provides for the delivery of services to persons with developmental disabilities through regional centers pursuant to contracts with the State Department of Developmental Services. Existing law, until June 30, 1998, authorizes a regional center, with the approval of the department, and in consultation with specified entities, to implement regional center service delivery alternatives for consumers living in the community. Under existing law, a regional center is required to conduct at least one public hearing to receive comments on its proposal regarding service delivery alternatives.

This bill would revise these provisions to, among other things, require regional centers to submit an annual report to the department, require notice of the public hearing to contain specified information, and prohibit the department from delegating its authority to review and approve these proposals. The bill would extend the operation of this program to January 1, 2000.

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

SECTION 1. Section 4669.2 of the Welfare and Institutions Code is amended to read:

4669.2. (a) Notwithstanding any other provision of law, and provided that there shall be no reduction in direct service to persons eligible for services under this article, a regional center, with the approval of the State Department of Developmental Services, and in consultation with the local area boards, consumer and vendor advisory committees, and local advocacy organizations, may explore and implement any regional center service delivery alternative included in this section for consumers living in the community, as follows:

- (1) Alternative service coordination for consumers.
- (2) Technical and financial support to consumers, and where appropriate, their families, to provide or secure their own services in lieu of services that regional centers would otherwise provide,



purchase, or secure. These programs shall be cost-effective in the aggregate, and shall be limited to consumers who are at imminent risk of moving to a more restrictive setting.

(3) Procedures whereby regional centers may negotiate levels of payment with providers for delivery of specific services to a group of consumers through a mutually agreed upon contract with a specific term and a guaranteed reimbursement amount. Contracted services may be for any specific service or combination of services across vendor categories.

(4) Procedures whereby consumers, regional center representatives, area board representatives, and local service providers may jointly examine and make recommendations to the department for reduced reporting and recording requirements of regional centers. The recommendations shall be made available upon request.

(5) Proposals to reduce reporting and recordkeeping requirements at a regional center.

(6) Procedures whereby a regional center may lease a facility and contract for the provision of services in that facility for regional center clients.

(7) Procedures that encourage innovative approaches to the sharing of administrative resources between regional centers and other public and private agencies serving persons with developmental disabilities.

(8) Proposals for a regional center to purchase a facility for its own office space if it can be shown to be cost-effective. No funds from a regional center's purchase of services budget shall be used for this purchase.

(b) Consultation pursuant to subdivision (a) shall occur during the development of the proposal prior to the public hearing conducted in accordance with Section 4669.75 and after the completion of the public hearing.

(c) The regional center shall annually submit to the State Department of Developmental Services a report on the implementation of the service delivery options approved by the department under this section. The report shall review the effects of the proposal, if applicable, upon the regional center purchase of service budget and the state budget, the impact on other regional center services, and the impact on consumers served under the proposal. This report shall be completed within 90 days of the end of each fiscal year.

SEC. 2. Section 4669.75 of the Welfare and Institutions Code is amended to read:

4669.75. (a) Any proposal approved by the department pursuant to this article may be implemented immediately upon approval. Prior to submitting a proposal to the department, the regional center shall conduct a public hearing to receive comments on the proposal.



Notice of the public hearing shall be given at least 10 business days in advance of the hearing. The public hearing shall be conducted in accordance with this section.

(b) Notice shall include a summary of the proposal, analysis of the effect of the proposal upon the regional center budget and the state budget, the impact on regional center services, and the impact on consumers served under the proposal, and a list of the statutes and regulations that will be waived under the proposal. No proposal approved under this article shall authorize a regional center to implement proposals that have not met all the requirements of this article. The department may not delegate its authority to review and approve proposals in accordance with this article.

(c) Each written comment submitted prior to the close of the final public hearing, and a summary of verbal testimony received, shall be considered by the regional center, and a summary of the responses to all comments shall be submitted as part of the proposal to the department. These comments and responses shall be made available, along with the proposal, for public review.

(d) A service delivery alternative shall be required to be implemented within the existing regional center funding allocation and shall be cost-effective to the state. No additional allocation shall be made to permit a regional center to implement a service delivery alternative. No proposal approved under this article shall authorize or give authority to a regional center to go forward with any other specific action or proposal that has not met all of the requirements of this article. The department may not delegate its authority to review and approve proposals in accordance with this article to a regional center or any other entity.

(e) Proposals approved by the department shall meet freedom of choice requirements pursuant to the assurances required in the home and community-based services waiver under Section 1396n of Title 42 of the United States Code.

(f) Information on regional center alternative systems, including recommendations regarding the maintenance or expansion of service delivery alternatives, shall be available to the Legislature, upon request, not later than March 31, 1998.

SEC. 3. Section 4669.8 of the Welfare and Institutions Code is amended to read:

4669.8. This article shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2000, deletes or extends that date.

