

AMENDED IN ASSEMBLY JUNE 16, 1998

AMENDED IN SENATE MAY 20, 1997

**SENATE BILL**

**No. 1038**

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**Introduced by Senator Thompson**

February 27, 1997

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An act to ~~add Section 4681.4 to~~ amend Sections 4512, 4640, 4646, 4646.5, 4648, 4648.1, 4670, 4675, 4676, 4677, 4681.1, 4685, 4712, 4712.5, 4740, 4741, 4742, 4743, 4744, 4745, and 4747 of, to add Sections 4685.1, 4685.2, 4697, and 4742.1 to, to add and repeal Section 4685.5 of, to repeal Section 4541 of, and to repeal and add Section 4696.1 of, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1038, as amended, M. Thompson. ~~Community living facilities for developmentally disabled: payment rates~~  
*Developmental disabilities.*

*Existing law, the Lanterman Developmental Disabilities Services Act (hereafter the act) requires the State Department of Developmental Services to contract with regional centers for the provision of various services and supports to persons with developmental disabilities.*

*Existing law requires that the services and supports to be provided to each regional center client be determined pursuant to the development of an individual program plan.*

*Existing law requires that the plan be developed jointly with a planning team, as defined.*

*This bill would add to those members who may, where appropriate, be on a planning team, the authorized representative of a person with a developmental disability.*

*Existing law requires that the process for the development of an individual program plan include specified elements.*

*This bill would also require this planning process to include, when agreed to by the consumer, the parents, the legal guardian of a minor consumer, the conservator of an adult consumer, or the consumer's authorized representative, a review of all prescription medications taken by the consumer and the reasons for the medications.*

*Existing law permits a regional center, pursuant to vendorization or a contract, to purchase services and supports for a consumer from any individual or agency which the regional center and consumer or, where appropriate, his or her parents, legal guardian or conservator or authorized representative, will best accomplish all or any part of the consumer's individual program plan.*

*This bill would permit a regional center to vendorize a licensed facility for exclusive services to persons with developmental disabilities at a capacity equal to or less than the facility's licensed capacity.*

*Existing law permits a regional center to place a person with a developmental disability in a community living arrangement under certain circumstances.*

*Existing law provides that a person with a developmental disability who is placed in a community living arrangement has certain rights that are required to be brought to the person's attention by any means the director may designate by regulation.*

*This bill would require that these means be any means necessary to communicate these rights, and would require that, at a minimum, the Director of Developmental Services prepare, provide, and require to be clearly posted in all residential facilities and day programs a poster using simplified language and pictures that is designed to be more understandable by persons with cognitive disabilities and that the rights information shall also be available through the regional center to each residential facility and day program in alternative formats.*



*Existing law permits the department and regional centers to monitor services purchased for consumers with or without notice, except that monitoring without prior notice is limited to situations where the department or regional center determines that the purpose of the visit would be thwarted if advance notice were given.*

*This bill would delete this limitation, and would, instead, require that not less than one monitoring visit to a licensed community care facility or family home agency home each year shall be unannounced.*

*Existing law requires that the state plan developed under the act be the primary method used for determining, in an orderly way, the programs and facilities that shall be developed, expanded, terminated, or reduced.*

*This bill would, instead, require that the state plan be a method used for determining, in an orderly way, the services and supports that shall be developed to address unavailable or emerging service and support needs.*

*Existing law requires that all parental fees collected by or for regional centers be remitted to the State Treasury for deposit in the Developmental Disabilities Program Development Fund, which is created for the purpose of providing resources needed to initiate new programs consistent with approved priorities for program development in the state plan.*

*This bill would, instead, provide that the purpose of this fund is to provide resources needed to initiate new services and supports and to test new strategies in the delivery of services and supports, consistent with approved priorities for program development in the state plan. It would also impose certain other requirements related to procedures for making decisions concerning proposed expenditures from this fund and for examining expenditures made from the fund.*

*Existing law requires the department to establish rates for out-of-home care of eligible persons with developmental disabilities residing in community care facilities, in accordance with an Alternative Residential Model, with these rates being required to include an adequate amount to care for basic living needs, as defined.*



*This bill would make various changes to these provisions, including a requirement that the department adopt regulations for the establishment of these rates. It would also impose requirements for the periodic updating of these reimbursement rates.*

*The bill would also require a regional center, whenever a minor child with a developmental disability requires an out-of-home living arrangement, as determined in the individual program plan, to make every effort to secure a living arrangement in reasonably close proximity to the family home. If a living arrangement in close proximity to the child's home cannot be secured, the regional center would, under specified circumstances, be required to undertake certain efforts aimed at either returning the child to his or her home or securing a living arrangement in close proximity to his or her own home.*

*The bill would permit a regional center to provide or secure an array of services and supports for adults with developmental disabilities living in their family's home that meet specific goals.*

*The bill would require the department to conduct a 3-year pilot project to provide funding to local self-determination programs that will enhance the ability of a consumer and his or her family to control the decisions and resources required to meet all or some of the objectives in his or her program plan.*

*The bill would require regional centers and county mental health agencies to undertake various joint efforts with respect to persons dually diagnosed as mentally ill and developmentally disabled, and would require state agency participation in these cases when certain conditions exist. It would also require the department, by May 15 of each year, to provide specified information to the Legislature relating to persons with this dual diagnosis. Since the bill would impose specified duties upon county mental health agencies, it would impose a state-mandated local program.*

*The bill would also require the department, by January 15, 1999, to establish a task force, composed as specified, to examine the current models of community-based service and support delivery, the associated ratesetting methodologies for*



*service providers, supports to persons with developmental disabilities and their families, and methods of monitoring the quality of services and supports. The task force would be required to make recommendations to the Legislature by June 15, 1999.*

*Existing law permits regional center clients and persons acting on their behalf to have a fair hearing before an administrative law judge in order to appeal regional center decisions.*

*Existing law requires these administrative law judges to have training in the laws and regulations governing services to developmentally disabled individuals.*

*This bill would require these judges to have training related to the needs of persons with developmental disabilities, in accordance with specified requirements.*

*The bill would require the department to collect and maintain or cause to be collected and maintained copies of all redacted administrative hearing decisions issued under the act, and make copies available to the public upon request, at a cost per page not greater than that charged by the department for documents sought under the California Public Records Act.*

*Existing law requires that a regional center or its designated representative monitor the care and services provided the consumer to ensure that care and services are provided in accordance with the individual program plan.*

*This bill would provide that a statement made by a regional center representative when discharging his or her obligation to monitor the provision of services and supports pursuant to the act shall be a privileged communication, unless a party to a judicial action demonstrates that the regional center representative made the disputed statement with knowledge of its falsity or with reckless disregard for the truth.*

*Existing law permits a regional center or its designee, if an adult person with a developmental disability or the parent, guardian, or conservator on behalf of a child, requests relocation, to provide assistance in locating and moving to another residence.*

*This bill would, instead, require the regional center, if requested by an adult or by the parent, legal guardian or*



*conservator, or authorized representative on behalf of a child, to either provide this assistance or schedule an individual program plan meeting, if appropriate.*

*Existing law prohibits a regional center or its designee from encouraging the client to move from a residential facility without reasonable cause, and requires that, if reasonable cause exists, the regional center or its designee must give at least 15 days' written notice to the facility administrator of the intent prior to counseling the client to move.*

*This bill would delete these provisions.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law requires the State Department of Developmental Disabilities to establish rates for out-of-home care of eligible individuals with developmental disabilities, and requires that the rates established for all facilities shall include an adequate amount to care for basic living needs, as defined.~~

~~This bill would require the department to conduct a comprehensive evaluation of the adult residential model and the extent to which the rate formula accomplishes various specified goals, and to convene an advisory group to assist in the evaluation.~~

~~The bill would require the department to submit a report on the evaluation to the appropriate committees of the Legislature no later than January 31, 1999.~~

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



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

1    ~~SECTION 1. Section 4681.4 is added to the Welfare~~  
2 ~~and Institutions Code, to read:~~  
3    ~~4681.4. (a) The State Department of Developmental~~  
4 ~~Services shall conduct a comprehensive evaluation of the~~  
5 ~~Adult Residential Model process contained in Section~~  
6 ~~4681.1. This evaluation shall include, but not be limited to,~~  
7 ~~an assessment of the extent to which the rate formula~~  
8 ~~accomplishes the following:~~  
9    ~~(1) Provides individuals with developmental~~  
10 ~~disabilities access to required training, treatment,~~  
11 ~~supervision, and other services in the residential setting.~~  
12    ~~(2) Ensures that residential services are provided at~~  
13 ~~the level and intensity appropriate to the individual~~  
14 ~~consumer.~~  
15    ~~(3) Promotes quality, economy, and efficiency in the~~  
16 ~~delivery of these services.~~  
17    ~~(4) Encourages effective integration of these services~~  
18 ~~with other essential programs.~~  
19    ~~(5) Supports provider compliance with existing~~  
20 ~~licensure and regulatory requirements.~~  
21    ~~(6) Provides equitable reimbursement for owner- and~~  
22 ~~staff-operated facilities.~~  
23    ~~(7) Recognizes provider cost differences by~~  
24 ~~geographic area.~~  
25    ~~(8) Enhances the overall stability of the provider~~  
26 ~~system.~~  
27    ~~(b) The department shall submit a report on the~~  
28 ~~evaluation described in subdivision (a) to the appropriate~~  
29 ~~committee of the Legislature no later than January 31,~~  
30 ~~1999. This report shall include, but not be limited to, the~~  
31 ~~following:~~  
32    ~~(1) Detailed findings on each of the items described in~~  
33 ~~subdivision (a).~~  
34    ~~(2) Specific recommendations for improvements in~~  
35 ~~any of the identified areas.~~  
36    ~~(3) A fiscal analysis of any costs associated with the~~  
37 ~~recommended improvements.~~



1 ~~(4) Proposed statutory amendments necessary to~~  
2 ~~effect the recommended improvements.~~

3 ~~(5) A precise timeline for implementation of the~~  
4 ~~recommended improvements.~~

5 ~~(e) The department shall convene an advisory group~~  
6 ~~to assist in the evaluation described in subdivision (a) and~~  
7 ~~the development of the report described in subdivision~~  
8 ~~(b). This advisory group shall include, but not be limited~~  
9 ~~to, representatives from the following:~~

10 ~~(1) Consumers of residential services.~~

11 ~~(2) Family members of consumers of residential~~  
12 ~~services.~~

13 ~~(3) Providers of residential services.~~

14 ~~(4) Regional centers.~~

15 ~~(5) Other organizations directly involved in the~~  
16 ~~delivery of residential services.~~

17 ~~(6) Advocacy organizations.~~

18 ~~(d) The evaluation required by this section shall be~~  
19 ~~conducted in conjunction with the determination of the~~  
20 ~~cost of basic living needs required by paragraph (1) of~~  
21 ~~subdivision (b) of Section 4681.1, so that not more than~~  
22 ~~one hundred fifty thousand dollars (\$150,000) shall be~~  
23 ~~expended for the additional elements of the evaluation~~  
24 ~~required by this section.~~

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

27 4512. As used in this part:

28 (a) "Developmental disability" means a disability  
29 which originates before an individual attains age 18,  
30 continues, or can be expected to continue, indefinitely,  
31 and constitutes a substantial disability for that individual.  
32 As defined by the Director of Developmental Services, in  
33 consultation with the Superintendent of Public  
34 Instruction, this term shall include mental retardation,  
35 cerebral palsy, epilepsy, and autism. This term shall also  
36 include disabling conditions found to be closely related to  
37 mental retardation or to require treatment similar to that  
38 required for ~~mentally-retarded~~ individuals *with mental*  
39 *retardation*, but shall not include other handicapping  
40 conditions that are solely physical in nature.



1 (b) “Services and supports for persons with  
2 developmental disabilities” means specialized services  
3 and supports or special adaptations of generic services  
4 and supports directed toward the alleviation of a  
5 developmental disability or toward the social, personal,  
6 physical, or economic habilitation or rehabilitation of an  
7 individual with a developmental disability, or toward the  
8 achievement and maintenance of independent,  
9 productive, normal lives. The determination of which  
10 services and supports are necessary for each consumer  
11 shall be made through the individual program plan  
12 process. The determination shall be made on the basis of  
13 the needs and preferences of the consumer or, when  
14 appropriate, the consumer’s family, and shall include  
15 consideration of a range of service options proposed by  
16 individual program plan participants, the effectiveness of  
17 each option in meeting the goals stated in the individual  
18 program plan, and the cost-effectiveness of each option.  
19 Services and supports listed in the individual program  
20 plan may include, but are not limited to, diagnosis,  
21 evaluation, treatment, personal care, day care,  
22 domiciliary care, special living arrangements, physical,  
23 occupational, and speech therapy, training, education,  
24 supported and sheltered employment, mental health  
25 services, recreation, counseling of the individual with a  
26 developmental disability and of his or her family,  
27 protective and other social and sociolegal services,  
28 information and referral services, follow-along services,  
29 adaptive equipment and supplies; advocacy assistance,  
30 including self-advocacy training, facilitation and peer  
31 advocates; assessment; assistance in locating a home;  
32 childcare; behavior training and behavior modification  
33 programs; camping; community integration services;  
34 community support; daily living skills training;  
35 emergency and crisis intervention; facilitating circles of  
36 support; habilitation; homemaker services; infant  
37 stimulation programs; paid roommates; paid neighbors;  
38 respite; short term out-of-home care; social skills training;  
39 specialized medical and dental care; supported living  
40 arrangements; technical and financial assistance; travel



1 training; training for parents of children with  
2 developmental disabilities; training for parents with  
3 developmental disabilities; vouchers; and transportation  
4 services necessary to ensure delivery of services to  
5 persons with developmental disabilities. Nothing in this  
6 subdivision is intended to expand or authorize a new or  
7 different service or support for any consumer unless that  
8 service or support is contained in his or her individual  
9 program plan.

10 (c) Notwithstanding subdivision (a) and (b), for any  
11 organization or agency receiving federal financial  
12 participation under the federal Developmental  
13 Disabilities Assistance and Bill of Rights Act, as amended  
14 “developmental disability” and “services for persons with  
15 developmental disabilities” means such terms as defined  
16 in the federal act to the extent required by federal law.

17 (d) “Consumer” means a person who has a disability  
18 that meets the definition of developmental disability set  
19 forth in subdivision (a).

20 (e) “Natural supports” means personal associations  
21 and relationships typically developed in the community  
22 that enhance the quality and security of life for people,  
23 including, but not limited to, family relationships;  
24 friendships reflecting the diversity of the neighborhood  
25 and the community; associations with fellow students or  
26 employees in regular classrooms and workplaces; and  
27 associations developed through participation in clubs,  
28 organizations, and other civic activities.

29 (f) “Circle of support” means a committed group of  
30 community members, which may include family  
31 members, meeting regularly with an individual with  
32 developmental disabilities in order to share experiences,  
33 promote autonomy and community involvement, and  
34 assist the individual in establishing and maintaining  
35 natural supports. Such a circle of support generally  
36 includes a plurality of members who neither provide nor  
37 receive services or supports for persons with  
38 developmental disabilities and who do not receive  
39 payment for participation in the circle of support.



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

8 (h) “Family support services” means services and  
9 supports that are provided to a child with developmental  
10 disabilities or his or her family and that contribute to the  
11 ability of the family to reside together.

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

18 (j) “Planning team” means the individual with  
19 developmental disabilities, the parents or legally  
20 appointed guardian of a minor consumer, or the legally  
21 appointed conservator of an adult consumer, *the*  
22 *authorized representative, including those appointed*  
23 *pursuant to Section 4590 and subdivision (e) of Section*  
24 *4705, one or more regional center representatives,*  
25 *including the designated regional center service*  
26 *coordinator pursuant to subdivision (b) of Section 4640.7,*  
27 *and any individual, including a service provider, invited*  
28 *by the consumer, the parents or legally appointed*  
29 *guardian of a minor consumer, or the legally appointed*  
30 *conservator of an adult consumer; or the authorized*  
31 *representative, including those appointed pursuant to*  
32 *Section 4590 and subdivision (e) of Section 4705.*

33 (k) “Stakeholder organizations” means statewide  
34 organizations representing the interests of consumers,  
35 family members, service providers, and statewide  
36 advocacy organizations.

37 *SEC. 2. Section 4541 of the Welfare and Institutions*  
38 *Code is repealed.*

39 ~~4541. (a) The Legislature finds and declares that~~  
40 ~~assurance of high quality services to persons with~~



1 ~~developmental disabilities is adversely affected by the~~  
2 ~~lack of clear standards, the lack of a method for setting~~  
3 ~~rates of reimbursement based upon these standards, and~~  
4 ~~the lack of effective enforcement of these standards.~~

5 ~~(b) The State Council on Developmental Disabilities,~~  
6 ~~in consultation with the Health and Welfare Agency, shall~~  
7 ~~conduct a study to determine the most feasible method~~  
8 ~~of establishing and enforcing quality assurance standards~~  
9 ~~and the most feasible method of setting rates based upon~~  
10 ~~these standards.~~

11 ~~Participants in this study shall include, but not be~~  
12 ~~limited to, the State Department of Developmental~~  
13 ~~Services, the California Association of Rehabilitation~~  
14 ~~Facilities, the Association for Retarded~~  
15 ~~Citizens California, The Association of Regional Center~~  
16 ~~Agencies, and other interested community and provider~~  
17 ~~groups.~~

18 ~~The study shall include, but not be limited to, the~~  
19 ~~following:~~

20 ~~(1) The feasibility of creating a standards and rates~~  
21 ~~commission.~~

22 ~~(2) The feasibility of providing an existing state~~  
23 ~~agency with the authority to set standards and rates as an~~  
24 ~~alternative to paragraph (1).~~

25 ~~(3) The results of the state council's study of~~  
26 ~~alternative reimbursement mechanisms for day~~  
27 ~~programs as required by Chapter 168 of the Statutes of~~  
28 ~~1982.~~

29 ~~(e) On or before September 1, 1983, the State Council~~  
30 ~~on Developmental Disabilities shall submit the results of~~  
31 ~~the study pursuant to subdivision (b) to the Legislature~~  
32 ~~together with a detailed plan, based upon the results of~~  
33 ~~the study, to implement standards for quality assurance,~~  
34 ~~rates based upon the standards, a method to enforce the~~  
35 ~~standards, and processes for the vendorization or~~  
36 ~~accreditation of service providers. The report shall~~  
37 ~~include recommendations for specific legislation~~  
38 ~~necessary to implement the proposed plan.~~

39 ~~(d) For the purpose of the study required by this~~  
40 ~~section, the Health and Welfare Agency and all~~



1 ~~departments under its jurisdiction shall make available~~  
2 ~~personnel, equipment, and information required for~~  
3 ~~completion of the study.~~

4 *SEC. 3. Section 4640 of the Welfare and Institutions*  
5 *Code is amended to read:*

6 4640. (a) Contracts between the department and  
7 regional centers shall specify the service area and the  
8 categories of persons that regional centers shall be  
9 expected to serve and the services *and supports* to be  
10 provided.

11 (b) In order to ensure uniformity in the application of  
12 the definition of developmental disability contained in  
13 this division, the Director of Developmental Services  
14 shall, by March 1, 1977, issue regulations that delineate, by  
15 diagnostic category and degree of disability, those  
16 persons who are eligible for services and supports by  
17 regional centers. In issuing the regulations, the director  
18 shall invite and consider the views of regional center  
19 contracting agencies, the state council, and persons with  
20 a demonstrated and direct interest in developmental  
21 disabilities.

22 *SEC. 4. Section 4646 of the Welfare and Institutions*  
23 *Code is amended to read:*

24 4646. (a) It is the intent of the Legislature to ensure  
25 that the individual program plan and provision of services  
26 and supports by the regional center system is centered on  
27 the individual and the family of the individual with  
28 developmental disabilities and takes into account the  
29 needs and preferences of the individual and the family,  
30 where appropriate, as well as promoting community  
31 integration, independent, productive, and normal lives,  
32 and stable and healthy environments. It is the further  
33 intent of the Legislature to ensure that the provision of  
34 services to consumers and their families be effective in  
35 meeting the goals stated in the individual program plan,  
36 reflect the preferences and choices of the consumer, and  
37 reflect the cost-effective use of public resources.

38 (b) The individual program plan is developed through  
39 a process of individualized needs determination. The  
40 individual with developmental disabilities and, where



1 appropriate, his or her parents, legal guardian or  
2 conservator, *or authorized representative*, shall have the  
3 opportunity to actively participate in the development of  
4 the plan.

5 (c) An individual program plan shall be developed for  
6 any person who, following intake and assessment, is found  
7 to be eligible for regional center services. These plans  
8 shall be completed within 60 days of the completion of the  
9 assessment. At the time of intake, the regional center shall  
10 inform the consumer and, where appropriate, his or her  
11 parents, legal guardian or conservator, *or authorized*  
12 *representative*, of the services available through the local  
13 area board and the protection and advocacy agency  
14 designated by the Governor pursuant to federal law, and  
15 shall provide the address and telephone numbers of those  
16 agencies.

17 (d) Individual program plans shall be prepared jointly  
18 by the planning team. Decisions concerning the  
19 consumer's goals, objectives, and services and supports  
20 that will be included in the consumer's individual  
21 program plan and purchased by the regional center or  
22 obtained from generic agencies shall be made by  
23 agreement between the regional center representative  
24 and the consumer or, where appropriate, the parents,  
25 legal guardian, conservator, or authorized representative  
26 at the program plan meeting.

27 (e) Regional centers shall comply with the request of  
28 a consumer, or where appropriate, the request of his or  
29 her parents, legal guardian, or conservator, that a  
30 designated representative receive written notice of all  
31 meetings to develop or revise his or her individual  
32 program plan and of all notices sent to the consumer  
33 pursuant to Section 4710. The designated representative  
34 may be a parent or family member.

35 (f) If a final agreement regarding the services and  
36 supports to be provided to the consumer cannot be  
37 reached at a program plan meeting, then a subsequent  
38 program plan meeting shall be convened within 15 days,  
39 or later at the request of the consumer or, when  
40 appropriate, the parents, legal guardian, conservator, or



1 authorized representative or when agreed to by the  
2 planning team. Additional program plan meetings may  
3 be held with the agreement of the regional center  
4 representative and the consumer or, where appropriate,  
5 the parents, legal guardian, conservator, or authorized  
6 representative.

7 (g) An authorized representative of the regional  
8 center and the consumer or, where appropriate, his or  
9 her parents, legal guardian, or conservator, shall sign the  
10 individual program plan prior to its implementation. If  
11 the consumer or, where appropriate, his or her parents,  
12 legal guardian, or conservator, does not agree with all  
13 components of the plan, they may indicate that  
14 disagreement on the plan. Disagreement with specific  
15 plan components shall not prohibit the implementation  
16 of services and supports agreed to by the consumer or,  
17 where appropriate, his or her parents, legal guardian, or  
18 conservator. If the consumer or, where appropriate, his  
19 or her parents, legal guardian, or conservator, does not  
20 agree with the plan in whole or in part, he or she shall be  
21 sent written notice of the fair hearing rights, as required  
22 by Section 4701.

23 *SEC. 5. Section 4646.5 of the Welfare and Institutions*  
24 *Code is amended to read:*

25 4646.5. (a) The planning process for the individual  
26 program plan described in Section 4646 shall include all  
27 of the following:

28 (1) Gathering information and conducting  
29 assessments to determine the life goals, capabilities and  
30 strengths, preferences, barriers, and concerns or  
31 problems of the person with developmental disabilities.  
32 For children with developmental disabilities, this process  
33 should include a review of the strengths, preferences, and  
34 needs of the child and the family unit as a whole.  
35 Assessments shall be conducted by qualified individuals  
36 and performed in natural environments whenever  
37 possible. Information shall be taken from the consumer,  
38 his or her parents and other family members, his or her  
39 friends, advocates, providers of services and supports, and  
40 other agencies. The assessment process shall reflect



1 awareness of, and sensitivity to, the lifestyle and cultural  
2 background of the consumer and the family.

3 (2) A statement of goals, based on the needs,  
4 preferences, and life choices of the individual with  
5 developmental disabilities, and a statement of specific,  
6 time-limited objectives for implementing the person's  
7 goals and addressing his or her needs. These objectives  
8 shall be stated in terms that allow measurement of  
9 progress or monitoring of service delivery. These goals  
10 and objectives should maximize opportunities for the  
11 consumer to develop relationships, be part of community  
12 life in the areas of community participation, housing,  
13 work, school, and leisure, increase control over his or her  
14 life, acquire increasingly positive roles in community life,  
15 and develop competencies to help accomplish these  
16 goals.

17 (3) When developing individual program plans for  
18 children, regional centers shall be guided by the  
19 principles, process, and services and support parameters  
20 set forth in Section 4685.

21 (4) A schedule of the type and amount of services and  
22 supports to be purchased by the regional center or  
23 obtained from generic agencies or other resources in  
24 order to achieve the individual program plan goals and  
25 objectives, and identification of the provider or providers  
26 of service responsible for attaining each objective,  
27 including, but not limited to, vendors, contracted  
28 providers, generic service agencies, and natural supports.  
29 The plan shall specify the approximate scheduled start  
30 date for services and supports and shall contain timelines  
31 for actions necessary to begin services and supports,  
32 including generic services.

33 (5) *When agreed to by the consumer, the parents or*  
34 *legally appointed guardian of a minor consumer, or the*  
35 *legally appointed conservator of an adult consumer or the*  
36 *authorized representative, including those appointed*  
37 *pursuant to Section 4590 and subdivision (e) of Section*  
38 *4705, the planning team shall review all prescription*  
39 *medications taken by the consumer and the reasons for*  
40 *the medications.*



1 (6) A schedule of regular periodic review and  
2 reevaluation to ascertain that planned services have been  
3 provided, that objectives have been fulfilled within the  
4 times specified, and that consumers and families are  
5 satisfied with the individual program plan and its  
6 implementation.

7 (b) For all active cases, individual program plans shall  
8 be reviewed and modified by the planning team, through  
9 the process described in Section 4646, as necessary, in  
10 response to the person's achievement or changing needs,  
11 and no less often than once every three years. If the  
12 consumer or, where appropriate, the consumer's parents,  
13 legal guardian, or conservator requests an individual  
14 program plan review, the individual program shall be  
15 reviewed within 30 days after the request is submitted.

16 (c) (1) The department, with the participation of  
17 representatives of a statewide consumer organization,  
18 the Association of Regional Center Agencies, an  
19 organized labor organization representing service  
20 coordination staff, and the Organization of Area Boards  
21 shall prepare training material and a standard format and  
22 instructions for the preparation of individual program  
23 plans, which embodies an approach centered on the  
24 person and family.

25 (2) Each regional center shall use the training  
26 materials and format prepared by the department  
27 pursuant to paragraph (1).

28 (3) The department shall annually review a random  
29 sample of individual program plans at each regional  
30 center to assure that these plans are being developed and  
31 modified in compliance with Section 4646 and this  
32 section.

33 *SEC. 6. Section 4648 of the Welfare and Institutions*  
34 *Code is amended to read:*

35 4648. In order to achieve the stated objectives of a  
36 consumer's individual program plan, the regional center  
37 shall conduct activities including, but not limited to, all of  
38 the following:

39 (a) Securing needed services and supports.



1 (1) It is the intent of the Legislature that services and  
2 supports assist individuals with developmental disabilities  
3 in achieving the greatest self-sufficiency possible and in  
4 exercising personal choices. The regional center shall  
5 secure services and supports that meet the needs of the  
6 consumer, as determined in the consumer's individual  
7 program plan, and within the context of the individual  
8 program plan, the planning team shall give highest  
9 preference to those services and supports which would  
10 allow minors with developmental disabilities to live with  
11 their families, adult persons with developmental  
12 disabilities to live as independently as possible in the  
13 community, and that allow all consumers to interact with  
14 persons without disabilities in positive, meaningful ways.

15 (2) In implementing individual program plans,  
16 regional centers, through the planning team, shall first  
17 consider services and supports in natural community,  
18 home, work, and recreational settings. Services and  
19 supports shall be flexible and individually tailored to the  
20 consumer and, where appropriate, his or her family.

21 (3) A regional center may, pursuant to vendorization  
22 or a contract, purchase services or supports for a  
23 consumer from any individual or agency which the  
24 regional center and consumer or, where appropriate, his  
25 or her parents, legal guardian, or conservator, *or*  
26 *authorized representatives*, determines will best  
27 accomplish all or any part of that consumer's program  
28 plan.

29 (A) Vendorization or contracting is the process for  
30 identification, selection, and utilization of service  
31 vendors or contractors, based on the qualifications and  
32 other requirements necessary in order to provide the  
33 service.

34 (B) A regional center may reimburse an individual or  
35 agency for services or supports provided to a regional  
36 center consumer if the individual or agency has a rate of  
37 payment for vendored or contracted services established  
38 by the department, pursuant to this division, and is  
39 providing services pursuant to an emergency  
40 vendorization or has completed the vendorization



1 procedures or has entered into a contract with the  
2 regional center and continues to comply with the  
3 vendorization or contracting requirements. The director  
4 shall adopt regulations governing the vendorization  
5 process to be utilized by the department, regional  
6 centers, vendors and the individual or agency requesting  
7 vendorization.

8 (C) Regulations shall include, but not be limited to:  
9 the vendor application process, and the basis for  
10 accepting or denying an application; the qualification and  
11 requirements for each category of services that may be  
12 provided to a regional center consumer through a  
13 vendor; requirements for emergency vendorization;  
14 procedures for termination of vendorization; the  
15 procedure for an individual or an agency to appeal any  
16 vendorization decision made by the department or  
17 regional center.

18 (D) *A regional center may vendorize a licensed*  
19 *facility for exclusive services to persons with*  
20 *developmental disabilities at a capacity equal to or less*  
21 *than the facility's licensed capacity. A facility already*  
22 *licensed on January 1, 1999, shall continue to be*  
23 *vendorized at their full licensed capacity until the facility*  
24 *agrees to vendorization at a reduced capacity.*

25 (4) Notwithstanding subparagraph (B), a regional  
26 center may contract or issue a voucher for services and  
27 supports provided to a consumer or family at a cost not to  
28 exceed the maximum rate of payment for that service or  
29 support established by the department. If a rate has not  
30 been established by the department, the regional center  
31 may, for an interim period, contract for a specified service  
32 or support with, and establish a rate of payment for, any  
33 provider of the service or support necessary to  
34 implement a consumer's individual program plan.  
35 Contracts may be negotiated for a period of up to three  
36 years, with annual review and subject to the availability  
37 of funds.

38 (5) In order to ensure the maximum flexibility and  
39 availability of appropriate services and supports for  
40 persons with developmental disabilities, the department



1 shall establish and maintain an equitable system of  
2 payment to providers of services and supports identified  
3 as necessary to the implementation of a consumers'  
4 individual program plan. The system of payment shall  
5 include provision for a rate to ensure that the provider  
6 can meet the special needs of consumers and provide  
7 quality services and supports in the least restrictive  
8 setting as required by law.

9 (6) The regional center and the consumer, or where  
10 appropriate, his or her parents, legal guardian,  
11 conservator, or authorized representative, *including*  
12 *those appointed pursuant to Section 4590 or subdivision*  
13 *(e) of Section 4705*, shall, pursuant to the individual  
14 program plan, consider all of the following when  
15 selecting a provider of consumer services and supports:

16 (A) A provider's ability to deliver quality services or  
17 supports which can accomplish all or part of the  
18 consumer's individual program plan.

19 (B) A provider's success in achieving the objectives set  
20 forth in the individual program plan.

21 (C) Where appropriate, the existence of licensing,  
22 accreditation, or professional certification.

23 (D) The cost of providing services or supports of  
24 comparable quality by different providers, if available.

25 (E) The consumer's or, where appropriate, the  
26 parents, legal guardian, or conservator of a consumer's  
27 choice of providers.

28 (7) No service or support provided by any agency or  
29 individual shall be continued unless the consumer or,  
30 where appropriate, his or her parents, legal guardian, or  
31 conservator, *or authorized representative, including*  
32 *those appointed pursuant to Section 4590 or subdivision*  
33 *(e) of Section 4705*, is satisfied and the regional center and  
34 the consumer or, when appropriate, the person's parents  
35 or legal guardian or conservator agree that planned  
36 services and supports have been provided, and  
37 reasonable progress toward objectives have been made.

38 (8) Regional center funds shall not be used to supplant  
39 the budget of any agency which has a legal responsibility



1 to serve all members of the general public and is  
2 receiving public funds for providing those services.

3 (9) (A) A regional center may, directly or through an  
4 agency acting on behalf of the center, provide placement  
5 in, purchase of, or follow-along services to persons with  
6 developmental disabilities in, appropriate community  
7 living arrangements, including, but not limited to,  
8 support service for consumers in homes they own or lease,  
9 foster family placements, health care facilities, and  
10 licensed community care facilities. In considering  
11 appropriate placement alternatives for children with  
12 developmental disabilities, approval by the child's parent  
13 or guardian shall be obtained before placement is made.

14 (B) Each person with developmental disabilities  
15 placed by the regional center in a community living  
16 arrangement shall have the rights specified in this  
17 division. These rights shall be brought to the person's  
18 attention by any means *necessary to reasonably*  
19 *communicate these rights to each resident or the director*  
20 *may designate by regulation, provided that, at a*  
21 *minimum, the Director of Developmental Services*  
22 *prepare, provide, and require to be clearly posted in all*  
23 *residential facilities and day programs a poster using*  
24 *simplified language and pictures that is designed to be*  
25 *more understandable by persons with cognitive*  
26 *disabilities and that the rights information shall also be*  
27 *available through the regional center to each residential*  
28 *facility and day program in alternative formats,*  
29 *including, but not limited to, other languages, braille, and*  
30 *audio tapes, when necessary to meet the communication*  
31 *needs of consumers.*

32 (C) Consumers are eligible to receive supplemental  
33 services including, but not limited to, additional staffing,  
34 pursuant to the process described in subdivision (d) of  
35 Section 4646. Necessary additional staffing that is not  
36 specifically included in the rates paid to the service  
37 provider may be purchased by the regional center if the  
38 additional staff are in excess of the amount required by  
39 regulation and the individual's planning team determines  
40 the additional services are consistent with the provisions



1 of the individual program plan. Additional staff should be  
2 periodically reviewed by the planning team for  
3 consistency with the individual program plan objectives  
4 in order to determine if continued use of the additional  
5 staff is necessary and appropriate and if the service is  
6 producing outcomes consistent with the individual  
7 program plan. Regional centers shall monitor programs  
8 to ensure that the additional staff is being provided and  
9 utilized appropriately.

10 (10) Emergency and crisis intervention services  
11 including, but not limited to, mental health services and  
12 behavior modification services, may be provided, as  
13 needed, to maintain persons with developmental  
14 disabilities in the living arrangement of their own choice.  
15 Crisis services shall first be provided without disrupting  
16 a person's living arrangement. If crisis intervention  
17 services are unsuccessful, emergency housing shall be  
18 available in the person's home community. If dislocation  
19 cannot be avoided, every effort shall be made to return  
20 the person to his or her living arrangement of choice, with  
21 all necessary supports, as soon as possible.

22 (11) Among other service and support options,  
23 planning teams shall consider the use of paid roommates  
24 or neighbors, personal assistance, technical and financial  
25 assistance, and all other service and support options  
26 which would result in greater self-sufficiency for the  
27 consumer and cost-effectiveness to the state.

28 (12) When facilitation as specified in an individual  
29 program plan requires the services of an individual, the  
30 facilitator shall be of the consumer's choosing.

31 (13) The community support may be provided to assist  
32 individuals with developmental disabilities to fully  
33 participate in community and civic life, including, but not  
34 limited to, programs, services, work opportunities,  
35 business, and activities available to persons without  
36 disabilities. This facilitation shall include, but not be  
37 limited to, any of the following:

38 (A) Outreach and education to programs and services  
39 within the community.



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

3 (C) Developing unpaid natural supports when  
4 possible.

5 (14) Other services and supports may be provided as  
6 set forth in Sections 4685, 4686, 4687, 4688, and 4689, when  
7 necessary.

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

11 (2) Whenever the advocacy efforts of a regional  
12 center to secure or protect the civil, legal, or service  
13 rights of any of its consumers prove ineffective, the  
14 regional center or the person with developmental  
15 disabilities or his or her parents, legal guardian, or other  
16 representative may request the area board to initiate  
17 action under the provisions defining area board advocacy  
18 functions established in this division.

19 (c) The regional center may assist consumers and  
20 families directly, or through a provider, in identifying and  
21 building circles of support within the community.

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

25 (1) Identify services and supports that are ineffective  
26 or of poor quality and provide or secure consultation,  
27 training, or technical assistance services for any agency or  
28 individual provider to assist that agency or individual  
29 provider in upgrading the quality of services or supports.

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

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



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

4 (2) Requesting funds from the Program Development  
5 Fund, pursuant to Section 4677, or community placement  
6 plan funds designated from that fund, to reimburse the  
7 startup costs needed to initiate a new program of services  
8 and supports.

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

11 (f) Except in emergency situations, a regional center  
12 shall not provide direct treatment and therapeutic  
13 services, but shall utilize appropriate public and private  
14 community agencies and service providers to obtain  
15 those services for its consumers.

16 (g) Where there are identified gaps in the system of  
17 services and supports or where there are identified  
18 consumers for whom no provider will provide services  
19 and supports contained in his or her individual program  
20 plan, the department may provide the services and  
21 supports directly.

22 *SEC. 7. Section 4648.1 of the Welfare and Institutions*  
23 *Code is amended to read:*

24 4648.1. (a) The State Department of Developmental  
25 Services and regional centers may monitor services *and*  
26 *supports* purchased for regional center consumers with or  
27 without prior notice. ~~Monitoring without prior notice~~  
28 ~~shall be limited to situations where the department or~~  
29 ~~regional center determines that the purpose of the visit~~  
30 ~~would be thwarted if advance notice were given. Not less~~  
31 ~~than one monitoring visit to a licensed community care~~  
32 ~~facility or family home agency home each year shall be~~  
33 ~~unannounced.~~ The department may conduct fiscal  
34 reviews and audits of the service providers' records.

35 (b) Department and regional center staff involved in  
36 monitoring or auditing services provided to the regional  
37 centers' consumers by a service provider shall have access  
38 to the provider's grounds, buildings, and service program,  
39 and to all related records, including books, papers,  
40 computerized data, accounting records, and related



1 documentation. All persons connected with the service  
2 provider's program, including, but not limited to,  
3 program administrators, staff, consultants, and  
4 accountants, shall provide information and access to  
5 facilities as required by the department or regional  
6 center.

7 (c) The department, in cooperation with regional  
8 centers, shall ensure that all providers of services and  
9 supports purchased by regional centers for their  
10 consumers are informed of all of the following:

11 (1) The provisions of this section.  
12 (2) The responsibility of providers to comply with laws  
13 and regulations governing both their service program  
14 and the provision of services and supports to people with  
15 developmental disabilities.

16 (3) The responsibility of providers to comply with  
17 conditions of any contract or agreement between the  
18 regional center and the provider, and between the  
19 provider and the department.

20 (4) The rights of providers established in regulations  
21 adopted pursuant to Sections ~~4647, 4647.2, 4647.5, 4647.7,~~  
22 4648.2, 4748, and 4780.5, to appeal actions taken by  
23 regional centers or the department as a result of their  
24 monitoring and auditing findings.

25 (d) A regional center may terminate payments for  
26 services, and may terminate its contract or authorization  
27 for the purchase of consumer services if it determines that  
28 the provider has not complied with provisions of its  
29 contract or authorization with the regional center or with  
30 applicable state laws and regulations. When terminating  
31 payments for services or its contract or authorization for  
32 the purchase of consumer services, a regional center shall  
33 make reasonable efforts to avoid unnecessary disruptions  
34 of consumer services.

35 (e) A regional center or the department may recover  
36 from the provider funds paid for services when the  
37 department or the regional center determines that either  
38 of the following has occurred:



1 (1) The services were not provided in accordance with  
2 the regional center's contract or authorization with the  
3 provider, or with applicable state laws or regulations.

4 (2) The rate paid is based on inaccurate data  
5 submitted by the provider on a provider cost statement.

6 Any funds so recovered shall be remitted to the  
7 department.

8 (f) Any evidence of suspected licensing violations  
9 found by department or regional center personnel shall  
10 be reported immediately to the appropriate state  
11 licensing agency.

12 (g) Regional centers may establish volunteer teams,  
13 made up of consumers, parents, other family members,  
14 and advocates to conduct the monitoring activities  
15 described in this section.

16 (h) *In meeting its responsibility to monitor*  
17 *community living arrangements for persons with*  
18 *developmental disabilities, including, but not limited to,*  
19 *licensed residential facilities, family home agencies, and*  
20 *supported or independent living arrangements, a*  
21 *regional center shall utilize the "Looking at Service*  
22 *Quality-Provider's Handbook" developed by the*  
23 *department.*

24 *SEC. 8. Section 4670 of the Welfare and Institutions*  
25 *Code is amended to read:*

26 4670. The Legislature finds that there is a shortage of  
27 ~~programs and facilities~~ *service and support providers* to  
28 ~~provide a meet the~~ comprehensive ~~network~~ *needs* of  
29 ~~habilitation services to~~ persons with developmental  
30 disabilities throughout the state.

31 In order to assure the development and necessary  
32 support for a comprehensive network of ~~programs~~  
33 *providers* of good quality, in every area of the state, in an  
34 orderly and economic manner, the following procedures  
35 are established.

36 *SEC. 9. Section 4675 of the Welfare and Institutions*  
37 *Code is amended to read:*

38 ~~4675. On and after January 1, 1978, the~~ *The* state plan  
39 established in this division shall be ~~the primary~~ *a* method  
40 used for determining, in an orderly way, the ~~programs~~



1 ~~and facilities—services and supports~~ that shall be  
2 developed, ~~expanded, terminated, or reduced~~ to address  
3 ~~unavailable or emerging service and support needs.~~ The  
4 state plan shall also state the objectives of ~~such programs~~  
5 ~~these services and supports,~~ amounts and sources of  
6 required funding, priorities for development, timing,  
7 agencies responsible for implementation, and procedures  
8 for evaluation.

9 *SEC. 10. Section 4676 of the Welfare and Institutions*  
10 *Code is amended to read:*

11 4676. Prior to making an appropriation or allocating  
12 any state or federal funds for new or major expansions of  
13 ~~programs or facilities—services and supports~~ for persons  
14 with developmental disabilities, the state plan shall be  
15 reviewed to determine if the proposed expenditure is  
16 consistent with the priorities approved in the plan.

17 If any expenditure of such funds for new or major  
18 expansions of ~~programs or facilities—services and supports~~  
19 is proposed by any agency that does not conform to the  
20 priorities approved in the state plan, the state council  
21 shall review and publicly comment on such proposed  
22 expenditure.

23 *SEC. 11. Section 4677 of the Welfare and Institutions*  
24 *Code is amended to read:*

25 4677. (a) All parental fees collected by or for regional  
26 centers shall be remitted to the State Treasury to be  
27 deposited in the Developmental Disabilities Program  
28 Development Fund, which is hereby created and  
29 hereinafter called the Program Development Fund. The  
30 purpose of the Program Development Fund shall be to  
31 provide resources needed to initiate new ~~programs~~  
32 ~~services and supports and to test new strategies in the~~  
33 ~~delivery of services and supports,~~ consistent with  
34 approved priorities for program development in the state  
35 plan. *If moneys from the Program Development Fund*  
36 *are used to initiate new services and supports in a specific*  
37 *regional center catchment area, the funded proposals*  
38 *shall reflect the regional center performance contract*  
39 *goals and objectives. If moneys in the Program*  
40 *Development Fund are to be used to provide startup*



1 *costs for new services and supports intended to be*  
2 *permanent within a specific regional center catchment*  
3 *area, the department and the regional center shall, prior*  
4 *to the awarding of a grant of these moneys, review the*  
5 *proposal to ensure its ongoing fiscal viability once the*  
6 *moneys have been expended.*

7 In no event shall an allocation from the Program  
8 Development Fund be granted for more than 24 months.

9 (b) The State Council on Developmental Disabilities  
10 shall, not less than once every three years, request from  
11 all regional centers information on the ~~types and amounts~~  
12 ~~of unavailable and emerging~~ services and supports  
13 ~~needed, but currently unavailable~~ by consumers and  
14 families within its catchment area. A regional center shall  
15 also submit this information to the appropriate area board  
16 and the area board shall submit comments on the regional  
17 center information to the State Council on  
18 Developmental Disabilities. Based on the information  
19 provided by the regional centers, area boards, and other  
20 agencies, the State Council on Developmental  
21 Disabilities shall develop an assessment of the level of  
22 need for new community services and support, *provide*  
23 *a copy of that assessment to the appropriate legislative*  
24 *policy and budget committees*, and make that assessment  
25 available to the public. This needs assessment shall be  
26 included in the state plan. The State Council on  
27 Developmental Disabilities, in consultation with the  
28 State Department of Developmental Services, shall make  
29 a recommendation to the Department of Finance as to  
30 the level of funding for program development to be  
31 included in the Governor's Budget, based upon this needs  
32 assessment.

33 (c) Parental fee schedules shall be evaluated pursuant  
34 to Section 4784 and adjusted annually by the department,  
35 with the approval of the state council. Fees for  
36 out-of-home care shall bear an equitable relationship to  
37 the cost of the care and the ability of the family to pay.

38 (d) In addition to parental fees and General Fund  
39 appropriations, the Program Development Fund may be  
40 augmented by federal funds available to the state for



1 program development purposes, when these funds are  
2 allotted to the Program Development Fund in the state  
3 plan. The Program Development Fund is hereby  
4 appropriated to the department, and subject to any  
5 allocations which may be made in the annual Budget Act.  
6 In no event shall any of these funds revert to the General  
7 Fund.

8 (e) The department may allocate funds from the  
9 Program Development Fund for any legal purpose,  
10 provided that requests for proposals and allocations are  
11 approved by the state council in consultation with the  
12 department, and are consistent with the priorities for  
13 program development in the state plan. Allocations from  
14 the Program Development Fund shall take into  
15 consideration the following factors:

16 (1) The future fiscal impact of the allocations on other  
17 state supported services and supports for persons with  
18 developmental disabilities.

19 ~~(2) The information on priority services and supports~~  
20 ~~needed, but currently unavailable, submitted by the~~  
21 ~~regional centers.~~

22 ~~Consistent with the level of need as determined in the~~  
23 ~~state plan, excess parental fees may be used for purposes~~  
24 ~~other than new program development only when~~  
25 ~~specifically appropriated to the State Department of~~  
26 ~~Developmental Services for those purposes.~~

27 ~~(f)~~

28 ~~(2) The unavailable and emerging needs assessment~~  
29 ~~described in subdivision (b).~~

30 ~~(3) The inclusion of an outcome-based assessment of~~  
31 ~~the services and supports being funded.~~

32 ~~(f) The state council shall annually provide the~~  
33 ~~Legislature with information about expenditures from~~  
34 ~~the Program Development Fund made during the~~  
35 ~~previous year, including, but not limited to, all of the~~  
36 ~~following:~~

37 ~~(1) A description of each project or service and~~  
38 ~~support funded.~~



1 (2) *Each agency or organization to whom moneys*  
2 *were allocated and the amount of moneys provided to*  
3 *each agency or organization.*

4 (3) *The region of the state in which each project or*  
5 *service and support will be developed.*

6 (4) *How the project or service and support meet the*  
7 *goals of the state plan and, where appropriate, the*  
8 *regional center performance contract goals and*  
9 *objectives.*

10 (5) *The level of community support demonstrated for*  
11 *the proposal.*

12 (6) *A description of the evaluation process for the*  
13 *proposal, including the method by which the results will*  
14 *be determined.*

15 (g) Under no circumstances shall the deposit of  
16 federal moneys into the Program Development Fund be  
17 construed as requiring the State Department of  
18 Developmental Services to comply with a definition of  
19 “developmental disabilities” and “services for persons  
20 with developmental disabilities” other than as specified  
21 in subdivisions (a) and (b) of Section 4512 for the  
22 purposes of determining eligibility for developmental  
23 services or for allocating parental fees and state general  
24 funds deposited in the Program Development Fund.

25 *SEC. 12. The Legislature finds and declares all of the*  
26 *following:*

27 (a) *Residential services provided by licensed*  
28 *community care facilities serving persons with*  
29 *developmental disabilities are an essential element in*  
30 *California’s system of community care.*

31 (b) *The Alternative Residential Model (ARM)*  
32 *currently used to reimburse services provided by these*  
33 *facilities has not been updated since 1988, and certain*  
34 *changes are required to encourage optimum consumer*  
35 *growth and development.*

36 (c) *ARM must be updated in order to do all of the*  
37 *following:*

38 (1) *Focus more on individual consumer services than*  
39 *on facility classification.*



1 (2) Allow additional flexibility in the delivery and  
2 reimbursement of consumer services.

3 (3) Promote greater integration, independence,  
4 productivity, and satisfaction among consumers.

5 (4) Make changes to the model without creating major  
6 disruptions for affected facilities or consumers.

7 SEC. 13. Section 4681.1 of the Welfare and Institutions  
8 Code is amended to read:

9 4681.1. (a) ~~By July 1 each year, the department shall~~  
10 ~~establish rates, that shall be reviewed by the state council.~~  
11 ~~Payment of these rates shall be subject to the~~  
12 ~~appropriation of sufficient funds for that purpose in the~~  
13 ~~Budget Act. In reviewing the sufficiency of these rates~~  
14 ~~that is required by March 1, 1989, the department shall~~  
15 ~~take into account the findings and recommendations of~~  
16 ~~the study conducted by the State Council on~~  
17 ~~Developmental Disabilities pursuant to Section 4541.~~

18 (b) ~~In establishing rates to be paid for out-of-home~~  
19 ~~care, the department shall include each of the cost~~  
20 ~~elements in this section as follows:~~

21 (1) ~~Rates established for all facilities shall include an~~  
22 ~~adequate amount to care for “basic living needs” of a~~  
23 ~~person with developmental disabilities. The department~~  
24 ~~shall adopt regulations that specify rates for community~~  
25 ~~care facilities serving persons with developmental~~  
26 ~~disabilities. These rates shall be calculated on the basis of~~  
27 ~~a cost model designed by the department which ensures~~  
28 ~~that aggregate facility payments support the provision of~~  
29 ~~services to each person in accordance with his or her~~  
30 ~~individual program plan and applicable program~~  
31 ~~requirements. The cost model shall reflect cost elements~~  
32 ~~that shall include, but are not limited to, all of the~~  
33 ~~following:~~

34 (1) ~~“Basic living needs” shall include housing, shelter,~~  
35 ~~utilities, furnishings, food, supplies, incidental~~  
36 ~~transportation, housekeeping, and personal care items,~~  
37 ~~and other items necessary to ensure a quality~~  
38 ~~environment for persons with developmental disabilities.~~  
39 ~~The amount required identified for the basic living needs~~  
40 ~~element of the rate shall be calculated each year as the~~



1 average *projected* cost of these items in an *economically*  
2 *and efficiently operated* community care facilities  
3 *facility*. The department shall annually publish a listing of  
4 the allowable cost components of these cost items and the  
5 methodology used to determine the amounts of each  
6 item. The amount for basic living needs shall be adjusted  
7 depending on the extent to which there is a demonstrated  
8 variation based on the size of the out-of-home facility.  
9 These amounts shall be adjusted annually to reflect  
10 cost-of-living changes. A redetermination of basic living  
11 costs shall be undertaken every three years by the State  
12 Department of Developmental Services, using the best  
13 available estimating methods. The first report shall be  
14 made on March 1, 2001. The department shall convene an  
15 advisory committee and develop a plan, including a  
16 proposal for an appropriate study methodology, for the  
17 redetermination of basic living costs. The advisory  
18 committee shall include, but not be limited to, service  
19 consumers, family members, residential service  
20 providers, and advocacy groups.

21 (2) Rates established for all facilities that provide  
22 direct supervision for persons with developmental  
23 disabilities shall include an amount for “direct  
24 supervision.” The cost of “direct supervision” shall vary  
25 with

26 (2) “Direct care” includes salaries, wages, benefits,  
27 and other expenses necessary to supervise or support the  
28 person’s functioning in the areas of self-care and daily  
29 living skills, physical coordination and mobility, and  
30 behavioral self-control. and shall reflect one of the  
31 following:

32 (A) Basic self-help and daily living skills, no significant  
33 limitations in physical coordination and mobility, and  
34 behavioral self-control.

35 (B) Poor self-help and daily living skills, some  
36 limitations in physical coordination and mobility, or some  
37 disruptive or self-injurious behavior.

38 (C) Severe deficits in self-care and daily living skills,  
39 severe impairments in physical coordination and  
40 mobility, or severely disruptive or self-injurious behavior.



1 ~~The individual program plan developed pursuant to~~  
2 ~~Section 4646 shall determine the amount of direct~~  
3 ~~supervision required for each individual. The cost of~~  
4 ~~direct supervision shall be calculated as the wage and~~  
5 ~~benefit costs of caregiving staff depending on the level of~~  
6 ~~service being provided to meet the functional needs of~~  
7 ~~the person with developmental disabilities. These rates~~  
8 ~~shall be adjusted annually to reflect wage changes and~~  
9 ~~shall comply with all federal regulations for hospitals and~~  
10 ~~residential care establishments under the federal Fair~~  
11 ~~Labor Standards Act.~~

12 ~~(3) Rates established for all facilities that provide~~  
13 ~~“special services” for persons with developmental~~  
14 ~~disabilities shall include an amount to pay for such~~  
15 ~~“special services” for each person receiving special~~  
16 ~~services. The amount identified for direct care shall be~~  
17 ~~calculated as the average projected cost of providing the~~  
18 ~~level of service required to meet each person’s functional~~  
19 ~~needs in an economically and efficiently operated~~  
20 ~~community care facility. The direct care portion of the~~  
21 ~~rate shall reflect specific service levels defined by the~~  
22 ~~department on the basis of relative resident need and the~~  
23 ~~individual program plan.~~

24 ~~(3) “Special services” include specialized training,~~  
25 ~~treatment, supervision, or other services which the a~~  
26 ~~person’s individual program plan of each person requires~~  
27 ~~to be provided by the residential facility in addition to the~~  
28 ~~direct supervision care provided pursuant to the person’s~~  
29 ~~individual program plan in subdivision (b) under~~  
30 ~~paragraph (2). Facilities shall be paid for providing The~~  
31 ~~amount identified for special services for each individual~~  
32 ~~to the extent that such shall be calculated for each~~  
33 ~~individual based on the additional services are specified~~  
34 ~~in the person’s individual program plan and the facility is~~  
35 ~~a designated provider of such special services. Rates of~~  
36 ~~payment for special services shall be the same as~~  
37 ~~prevailing rates paid for similar services in the area. The~~  
38 ~~special services portion of the rate shall reflect a~~  
39 ~~negotiated agreement between the facility and the~~  
40 ~~regional center in accordance with Section 4648.~~



1     ~~(4) To the extent applicable, rates established for~~  
2 ~~facilities shall include a reasonable amount for~~  
3 ~~“unallocated services.” These costs shall be determined~~  
4 ~~using generally accepted accounting principles.~~  
5 ~~“Unallocated services” means the indirect costs of~~  
6 ~~managing a facility and includes costs of “Indirect costs”~~  
7 ~~include managerial personnel, facility operation,~~  
8 ~~maintenance and repair, other nondirect care, employee~~  
9 ~~benefits, contracts, training, travel, licenses, taxes,~~  
10 ~~interest, insurance, depreciation, and general and~~  
11 ~~administrative support expenses. If a facility serves other~~  
12 ~~persons in addition to developmentally disabled persons,~~  
13 ~~unallocated services expenses shall be reimbursed under~~  
14 ~~this section, only for the proportion of the costs associated~~  
15 ~~with the care of developmentally disabled persons. The~~  
16 ~~amount for unallocated services identified for indirect~~  
17 ~~costs shall be adjusted depending on the extent to which~~  
18 ~~there is a demonstrated variation due to such factors as~~  
19 ~~facility size or administrative structure calculated each~~  
20 ~~year as the average projected cost for these expenses in~~  
21 ~~an economically and efficiently operated community~~  
22 ~~care facility.~~

23     ~~(5) Rates established for facilities shall include an~~  
24 ~~amount to reimburse facilities for the depreciation of~~  
25 ~~“mandated capital improvements and equipment” as~~  
26 ~~established in the state’s uniform accounting manual. For~~  
27 ~~purposes of this section, “mandated capital~~  
28 ~~improvements and equipment” are only those~~  
29 ~~remodeling and equipment costs incurred by a facility~~  
30 ~~because an agency of government has required such~~  
31 ~~remodeling or equipment as a condition for the use of the~~  
32 ~~facility as a provider of out-of-home care to persons with~~  
33 ~~developmental disabilities.~~

34     ~~(6) When applicable, rates established for proprietary~~  
35 ~~facilities shall include a reasonable “proprietary fee.”~~

36     ~~(7) Rates established for all facilities shall include as a~~  
37 ~~“factor” an amount to reflect differences in the cost of~~  
38 ~~living for different geographic areas in the state.~~

39     ~~(8)~~



1 (5) "Property costs" include mortgages, leases, rent,  
2 taxes, capital or lease hold improvements, depreciation,  
3 and other expenses related to the physical structure. The  
4 amount identified for property costs shall be based on the  
5 fair rental value of a model facility which is adequately  
6 designed, constructed, and maintained to meet the needs  
7 of persons with developmental disabilities. The amount  
8 identified for property costs shall be calculated each year  
9 as the average projected fair rental value of an  
10 economically and efficiently operated community care  
11 facility.

12 (b) The cost model shall take into account factors  
13 which include, but are not limited to, all of the following:

14 (1) Facility size, as defined by the department on the  
15 basis of the number of facility beds licensed by the State  
16 Department of Social Services and vendorized by the  
17 regional center.

18 (2) Specific geographic areas, as defined by the  
19 department on the basis of cost of living and other  
20 pertinent economic indicators.

21 (3) Common levels of direct care, as defined by the  
22 department on the basis of services specific to an  
23 identifiable group of persons as determined through the  
24 individual program plan.

25 (4) Positive outcomes, as defined by the department  
26 on the basis of increased integration, independence, and  
27 productivity at the aggregate facility and individual  
28 consumer level.

29 (5) Owner-operated and staff-operated  
30 reimbursement which shall, not differ for facilities that  
31 are required to comply with the same program  
32 requirements.

33 (c) The rates established for individual community  
34 care facilities serving persons with developmental  
35 disabilities shall reflect all of the model cost elements and  
36 rate development factors described in this section. The  
37 identified cost model elements shall be updated annually  
38 as necessary to maintain relative facility purchasing  
39 power. The entire cost model shall be rebased every five  
40 years to ensure continued correlation with program



1 requirements and the cost experience of economically  
2 and efficiently operated facilities. The process used to  
3 update the cost model elements shall address variables  
4 that include, but are not limited to, all of the following:

5 (1) Economic trends in California.

6 (2) New state or federal program requirements.

7 (3) Changes in the state or federal minimum wage.

8 (4) Increases in fees, taxes, or other business costs.

9 (5) Increases in federal supplemental security  
10 income/state supplementary program for the aged,  
11 blind, and disabled payments.

12 (d) Rates established for developmentally disabled  
13 persons who are also ~~mentally disordered~~ dually  
14 diagnosed with a mental disorder may be fixed at a higher  
15 rate. The department shall work with the State  
16 Department of Mental Health ~~shall~~ to establish criteria  
17 upon which higher rates may be fixed pursuant to this  
18 subdivision. The higher rate for developmentally  
19 disabled persons who are also ~~mentally disordered~~ dually  
20 diagnosed with a mental disorder may be paid when  
21 requested by the director of the regional center and  
22 approved by the Director of Developmental Services.

23 ~~(e) This section shall apply to facility rates paid under  
24 the alternative residential model originally authorized in  
25 Item 4300-101-001 of the Budget Act of 1985 and as  
26 identified in the department's report of April 1987  
27 entitled Alternative Residential Model (ARM).~~

28 ~~(d) The department shall approve additional facilities  
29 to receive rates pursuant to this section upon the  
30 appropriation of funds for that purpose.~~

31 ~~(e) It is the intent of the Legislature that the  
32 department phase in implementation of the alternative  
33 residential model during the fiscal years 1987-88, 1988-89,  
34 1989-90, and 1990-91. The department shall include all  
35 facilities providing services pursuant to this article in the  
36 alternative residential model by January 1, 1991.~~

37 ~~(f)~~

38 ~~(e) By April 1, 1989 January 1, 2000, the State  
39 Department of Developmental Services department  
40 shall prepare draft proposed regulations establishing~~

1 ~~quality service standards for facilities and procedures for~~  
2 ~~administering the alternative residential model. The~~  
3 ~~department shall confer with interested parties~~  
4 ~~concerning the draft regulations by July 1, 1989. By July~~  
5 ~~1, 1990, the department shall submit to the Office of~~  
6 ~~Administrative Law regulations establishing quality~~  
7 ~~service standards for facilities, procedures for~~  
8 ~~administering the Alternative Residential Model, and~~  
9 ~~ratesetting methodology. Full statewide implementation~~  
10 ~~of the Alternative Residential Model shall not occur until~~  
11 ~~the department has submitted these regulations.~~

12 ~~(g) In addition to establishing rates as required by this~~  
13 ~~section, the State Department of Developmental~~  
14 ~~Services shall detail obstacles to ensuring sufficient~~  
15 ~~numbers of living arrangements for persons served by the~~  
16 ~~department, and to providing an adequate quality of care~~  
17 ~~and services to persons served by the department who~~  
18 ~~reside in residential facilities, and make~~  
19 ~~recommendations for overcoming these obstacles. to~~  
20 ~~implement the changes outlined in this section. The~~  
21 ~~department may use a private firm to assist in the~~  
22 ~~development of these changes and shall confer with~~  
23 ~~consumers, providers, and other interested parties~~  
24 ~~concerning the proposed regulations. By May 15, 2000,~~  
25 ~~and each year thereafter, the department shall provide~~  
26 ~~the Legislature with an annual community care facility~~  
27 ~~rate study, which includes the draft amendments to the~~  
28 ~~regulations required to update or rebase the cost model~~  
29 ~~as described in subdivision (c). By July 1, 2000, and each~~  
30 ~~year thereafter, the department shall adopt emergency~~  
31 ~~regulations which establish the annual rates for~~  
32 ~~community care facilities serving persons with~~  
33 ~~developmental disabilities for each fiscal year.~~

34 ~~(f) During the first year of operation under the revised~~  
35 ~~rate model, individual facilities shall be held harmless for~~  
36 ~~any reduction in aggregate facility payments caused~~  
37 ~~solely by the change in reimbursement methodology.~~

38 ~~SEC. 14. Section 4685 of the Welfare and Institutions~~  
39 ~~Code is amended to read:~~



1 4685. (a) Consistent with state and federal law, the  
2 Legislature finds and declares that children with  
3 developmental disabilities most often have greater  
4 opportunities for educational and social growth when  
5 they live with their families. The Legislature further finds  
6 and declares that the cost of providing necessary services  
7 and supports which enable a child with developmental  
8 disabilities to live at home is typically equal to or lower  
9 than the cost of providing out-of-home placement. The  
10 Legislature places a high priority on providing  
11 opportunities for children with developmental  
12 disabilities to live with their families, when living at home  
13 is the preferred objective in the child's individual  
14 program plan.

15 (b) It is the intent of the Legislature that regional  
16 centers provide or secure family support services that do  
17 all of the following:

18 (1) Respect and support the decisionmaking authority  
19 of the family.

20 (2) Be flexible and creative in meeting the unique and  
21 individual needs of families as they evolve over time.

22 (3) Recognize and build on family strengths, natural  
23 supports, and existing community resources.

24 (4) Be designed to meet the cultural preferences,  
25 values, and lifestyles of families.

26 (5) Focus on the entire family and promote the  
27 inclusion of children with disabilities in all aspects of  
28 school and community.

29 (c) In order to provide opportunities for children to  
30 live with their families, the following procedures shall be  
31 adopted:

32 (1) The department and regional centers shall give a  
33 very high priority to the development and expansion of  
34 services and supports designed to assist families that are  
35 caring for their children at home, when that is the  
36 preferred objective in the individual program plan. This  
37 assistance may include, but is not limited to specialized  
38 medical and dental care, special training for parents,  
39 infant stimulation programs, respite for parents,  
40 homemaker services, camping, day care, short-term



1 out-of-home care, child care, counseling, mental health  
2 services, behavior modification programs, special  
3 adaptive equipment such as wheelchairs, hospital beds,  
4 communication devices, and other necessary appliances  
5 and supplies, and advocacy to assist persons in securing  
6 income maintenance, educational services, and other  
7 benefits to which they are entitled.

8 (2) When children with developmental disabilities  
9 live with their families, the individual program plan shall  
10 include a family plan component which describes those  
11 services and supports necessary to successfully maintain  
12 the child at home. Regional centers shall consider every  
13 possible way to assist families in maintaining their  
14 children at home, when living at home will be in the best  
15 interest of the child, before considering out-of-home  
16 placement alternatives. When the regional center first  
17 becomes aware that a family ~~is considering~~ *may consider*  
18 *an out-of-home placement, or is in need of additional*  
19 *specialized services to assist in caring for the child in the*  
20 *home,* the regional center shall meet with the family to  
21 discuss the situation and the family's current needs, solicit  
22 from the family what supports would be necessary to  
23 maintain the child in the home, and utilize creative and  
24 innovative ways of meeting the family's needs and  
25 providing adequate supports to keep the family together,  
26 if possible.

27 (3) To ensure that these services and supports are  
28 provided in the most cost-effective and beneficial  
29 manner, regional centers may utilize innovative  
30 service-delivery mechanisms, including, but not limited  
31 to, vouchers; alternative respite options such as foster  
32 families, vacant community facility beds, crisis child care  
33 facilities; and alternative child care options such as  
34 supplemental support to generic child care facilities and  
35 parent child care cooperatives.

36 (4) If the parent of any child receiving services and  
37 supports from a regional center believes that the regional  
38 center is not offering adequate assistance to enable the  
39 family to keep the child at home, the parent may initiate  
40 a request for fair hearing as established in this division. A



1 *family shall not be required to start a placement process*  
2 *or to commit to placing a child in order to receive*  
3 *requested services.*

4 (5) Nothing in this section shall be construed to  
5 encourage the continued residency of adult children in  
6 the home of their parents when that residency is not in  
7 the best interests of the person.

8 (6) When purchasing or providing a voucher for day  
9 care services for parents who are caring for children at  
10 home, the regional center may pay only the cost of the  
11 day care service that exceeds the cost of providing day  
12 care services to a child without disabilities. The regional  
13 center may pay in excess of this amount when a family can  
14 demonstrate a financial need and when doing so will  
15 enable the child to remain in the family home.

16 (7) A regional center may purchase or provide a  
17 voucher for diapers for children three years of age or  
18 older. A regional center may purchase or provide  
19 vouchers for diapers under three years of age when a  
20 family can demonstrate a financial need and when doing  
21 so will enable the child to remain in the family home.

22 *SEC. 15. Section 4685.1 is added to the Welfare and*  
23 *Institutions Code, to read:*

24 *4685.1. (a) When a minor child requires a living*  
25 *arrangement outside of the family home, as determined*  
26 *in the individual program plan developed pursuant to*  
27 *Section 4646 and Section 4648, the regional center shall*  
28 *make every effort to secure a living arrangement in*  
29 *reasonably close proximity to the family home.*

30 *(b) When the parents or guardian of a minor child*  
31 *requests that an out-of-home living arrangement for a*  
32 *minor child be in close proximity to the family home, and*  
33 *when such a living arrangement cannot be secured by the*  
34 *regional center, the regional center shall include with the*  
35 *individual program plan a written statement of its efforts*  
36 *to locate, develop, or adapt appropriate services and*  
37 *supports in a living arrangement within close proximity*  
38 *to the family home and what steps will be taken by the*  
39 *regional center to develop the services and supports*  
40 *necessary to return the child to the family home or within*



1 close proximity of the family home. This statement shall  
2 be updated every six months and a copy shall be  
3 forwarded to the parents or guardians of the minor and  
4 to the director of the department.

5 (c) For the purpose of this section, “close proximity”  
6 means within the regional center catchment area or  
7 within two hours of the family home, whichever is less.

8 SEC. 16. Section 4685.2 is added to the Welfare and  
9 Institutions Code, to read:

10 4685.2. (a) The Legislature finds and declares that  
11 for some adults with developmental disabilities, living in  
12 their family home is the preferred objective in the  
13 consumer’s individual program plan.

14 (b) A regional center may provide or secure services  
15 and supports for adults choosing to live in their family’s  
16 home that do all of the following:

17 (1) Respect and support the decisionmaking of the  
18 adult consumer.

19 (2) Be flexible and creative in meeting the unique  
20 needs of the adult consumer and his or her family as they  
21 evolve over time.

22 (3) Recognize and build on family strengths, natural  
23 supports, and existing community resources.

24 (4) Be designated to meet the cultural preferences,  
25 values, and lifestyles of the adult consumer and his or her  
26 family.

27 (5) Focus on enabling the adult consumer to achieve  
28 the most independent, productive, and normal life  
29 possible, foster his or her developmental potential, and  
30 promote the integration of adults with disabilities in  
31 community life.

32 (c) The range of services and supports available to an  
33 adult consumer living in his or her family’s home shall  
34 include, but are not limited to, all of the following:

35 (1) Assessment of consumer needs.

36 (2) Facilitating circles of support to encourage the  
37 development of natural supports in the community.

38 (3) Training in independent living skills such as  
39 shopping, cooking, and money management.

40 (4) Advocacy and self-advocacy facilitation.



1 (5) *Development of employment goals.*

2 (6) *Social, behavioral, and daily living skills training*  
3 *and support.*

4 (7) *Securing and maintaining adaptive equipment*  
5 *and supplies.*

6 (8) *Training and hiring individuals to provide*  
7 *personal care and other assistance.*

8 (9) *Twenty-four hour emergency response systems.*

9 (10) *Providing respite and emergency relief and*  
10 *facilitating community participation.*

11 (d) *Services and supports may be provided to an adult*  
12 *consumer living together with his or her family when*  
13 *those services and supports are the choice of the adult*  
14 *consumer, provided by a vendored agency or individual*  
15 *who is not a family member residing with a consumer,*  
16 *and will accomplish the objectives of the individual*  
17 *program plan.*

18 SEC. 17. *Section 4685.5 is added to the Welfare and*  
19 *Institutions Code, to read:*

20 4685.5. (a) *Notwithstanding any other provision of*  
21 *law, commencing January 1, 1999, the department shall*  
22 *conduct a three-year pilot project under which funds*  
23 *shall be allocated for local self-determination pilot*  
24 *programs that will enhance the ability of a consumer and*  
25 *his or her family to control the decisions and resources*  
26 *required to meet all or some of the objectives in his or her*  
27 *individual program plan.*

28 (b) *Local self-determination pilot programs funded*  
29 *pursuant to this section may include, but not be limited*  
30 *to, all of the following:*

31 (1) *Programs that provide for consumer and family*  
32 *control over which services best meet their needs and the*  
33 *objectives in the individual program plan.*

34 (2) *Programs that provide allowances or subsidies to*  
35 *consumers and their families.*

36 (3) *Programs providing for the use of debit cards.*

37 (4) *Programs that provide for the utilization of parent*  
38 *vendors, direct pay options, individual budgets for the*  
39 *procurement of services and supports, alternative case*  
40 *management, and vouchers.*



1 (c) The department shall allocate funds for pilot  
2 programs in three regional center catchment areas and  
3 shall, to the extent possible, test a variety of mechanisms  
4 outlined in subdivision (b).

5 (d) The department shall develop and issue a request  
6 for proposals soliciting regional center participation in  
7 the pilot program. Consumers, families, regional centers,  
8 advocates, and service providers shall be consulted  
9 during the development of the request for proposal and  
10 selection of the pilot areas.

11 (e) Each area receiving funding under this section  
12 shall demonstrate joint regional center and area board  
13 support for the local self-determination pilot program,  
14 and shall establish a local advisory committee, appointed  
15 jointly by the regional center and area board, made up of  
16 consumers, family members, advocates, and community  
17 leaders and that shall reflect the multicultural diversity  
18 and geographic profile of the catchment area. The local  
19 advisory committee shall review the development and  
20 ongoing progress of the local self-determination pilot  
21 program and may make ongoing recommendations for  
22 improvement to the regional center. By September 1,  
23 2000, the local advisory committee shall submit to the  
24 department recommendations for the continuation and  
25 expansion of the program.

26 (f) The department shall issue a report to the  
27 Legislature no later than January 1, 2001, on the status of  
28 each pilot program funded by this section and  
29 recommendations with respect to continuation and  
30 expansion.

31 (g) From funds unexpended by regional centers  
32 during the 1997–98 fiscal year that, after reversion, are  
33 available to the department for reallocation, pursuant to  
34 Item 4300-490-001 of the Budget Act of 1997, the first  
35 seven hundred fifty thousand dollars (\$750,000) shall be  
36 allocated for purposes of implementing this section.

37 (h) This section shall remain in effect only until  
38 January 1, 2002, and as of that date is repealed, unless a  
39 later enacted statute, that becomes effective on or before  
40 January 1, 2002, extends or deletes that date.

1 *SEC. 18. Section 4696.1 of the Welfare and Institutions*  
2 *Code is repealed:*

3 ~~4696.1. The State Department of Developmental~~  
4 ~~Services, in consultation with the State Department of~~  
5 ~~Mental Health, shall submit a report to the Legislature no~~  
6 ~~later than March 15, 1987, which shall include, but not be~~  
7 ~~limited to, all of the following:~~

8 (a) ~~Recommendations on client evaluation and~~  
9 ~~referral procedures for regional center clients needing~~  
10 ~~mental health services.~~

11 (b) ~~Recommendations for professional training and~~  
12 ~~curriculum, which should be made available in order to~~  
13 ~~ensure that regional centers and local mental health~~  
14 ~~programs have the necessary, qualified personnel to meet~~  
15 ~~the needs of clients who may require the services as~~  
16 ~~specified in the individual program plan pursuant to~~  
17 ~~Sections 4646 and 4648.~~

18 (c) ~~Recommendations for the level and type of~~  
19 ~~professional services necessary for each regional center to~~  
20 ~~provide 24-hour crises intervention services.~~

21 (d) ~~Options for effectively delivering the services~~  
22 ~~required in subdivision (c).~~

23 (e) ~~Recommendations for amendments to the~~  
24 ~~Lanterman-Petris Short Act, Part 1 (commencing with~~  
25 ~~Section 5000) of Division 5, in order to ensure that~~  
26 ~~regional center clients receive necessary mental health~~  
27 ~~services.~~

28 (f) ~~Costs of providing services recommended in the~~  
29 ~~report.~~

30 *SEC. 19. Section 4696.1 is added to the Welfare and*  
31 *Institutions Code, to read:*

32 *4696.1. (a) The Legislature finds and declares that*  
33 *improved cooperative efforts between regional centers*  
34 *and county mental health agencies are necessary in order*  
35 *to achieve each of the following:*

36 *(1) Increasing leadership, communication, and*  
37 *organizational effectiveness between regional centers*  
38 *and county mental health agencies.*



1 (2) *Decreasing costs and minimizing fiscal risk in*  
2 *servicing persons who are dually diagnosed with mental*  
3 *illness and developmental disabilities.*

4 (3) *Ensuring continuity of services.*

5 (4) *Improving the quality of mental health outcomes*  
6 *for persons who are dually diagnosed.*

7 (5) *Optimizing the utilization of agency resources by*  
8 *building on the strengths of each organization.*

9 (b) *In order to achieve the outcomes specified in*  
10 *subdivision (a), each regional center and county mental*  
11 *health agency shall identify a staff liaison to do all of the*  
12 *following:*

13 (1) *Coordinate service activity between the two*  
14 *agencies.*

15 (2) *Identify dually diagnosed consumers of mutual*  
16 *concern.*

17 (3) *Conduct problem resolution for those consumers*  
18 *serviced by both systems.*

19 (c) *Regional centers and county mental health*  
20 *agencies shall collaborate on developing a general plan*  
21 *for crisis intervention for persons served by both systems.*  
22 *The plan shall include after-hours emergency response*  
23 *systems, interagency notification guidelines, and*  
24 *followup protocols.*

25 (d) *Each dually diagnosed consumer shall be the*  
26 *subject of a case conference conducted jointly by both*  
27 *regional center staff and county mental health as soon as*  
28 *possible after admission into a county operated or*  
29 *contracted acute, inpatient mental health facility. The*  
30 *case conference shall confirm the diagnosis and the*  
31 *treatment plan.*

32 (e) *Discharge planning for dually diagnosed*  
33 *consumers admitted to a mental health inpatient facility*  
34 *shall be conducted collaboratively by both the regional*  
35 *center and the local mental health agency and shall*  
36 *commence as soon as possible or as deemed appropriate*  
37 *by the treatment staff. The discharge plan shall include*  
38 *subsequent treatment needs and the agency responsible*  
39 *for those services.*



1 (f) Regional center staff and county mental health  
2 staff shall collaborate to plan and provide training to  
3 community service providers, including day programs,  
4 residential facilities, and intermediate care facilities,  
5 regarding effective services to persons who are dually  
6 diagnosed. This training shall include crisis prevention  
7 with a focus on proactively recognizing crisis and  
8 intervening effectively with consumers who are dually  
9 diagnosed.

10 (g) The department and the State Department of  
11 Mental Health shall collaborate to provide a statewide  
12 perspective and technical assistance to local service  
13 regions when local problem resolution mechanisms have  
14 been exhausted and state level participation has been  
15 requested by both local agencies.

16 (h) The director of the local regional center and the  
17 director of the county mental health agency or their  
18 designees shall meet as needed but no less than annually  
19 to do all of the following:

20 (1) Review the effectiveness of the interagency  
21 collaboration.

22 (2) Address any outstanding policy issues between the  
23 two agencies.

24 (3) Establish the direction and priorities for ongoing  
25 collaboration efforts between the two agencies.

26 (i) The regional center and the county mental health  
27 agency shall work toward agreement on a  
28 consumer-by-consumer basis on the presenting diagnosis  
29 and medical necessity as defined by regulations of the  
30 State Department of Mental Health.

31 (j) (1) Regional center consumers admitted into  
32 psychiatric inpatient facilities due to a mental disorder  
33 shall be the responsibility of the county mental health  
34 department. A regional center shall be notified of the  
35 admission of its clients to a psychiatric inpatient facility  
36 and shall participate in discharge planning.

37 (2) The mental health department shall provide  
38 psychiatric treatment until there is no further medical  
39 necessity for acute inpatient care.



1 (3) Once it is determined that no medical necessity  
2 exists, the regional center shall be responsible for the  
3 placement of the consumer from the psychiatric  
4 inpatient program.

5 (4) If placement by the regional center is delayed, the  
6 consumer may remain in the psychiatric inpatient facility  
7 for up to four administrative days pending his or her  
8 placement.

9 (5) If the regional center is unable to effect an  
10 appropriate placement for the consumer within the  
11 four-day period prescribed in paragraph (3), the regional  
12 center shall reimburse the county mental health  
13 department for an administrative inpatient stay at the  
14 administrative day rate established by the State  
15 Department of Mental Health.

16 (k) By May 15 of each year, the department shall  
17 provide all of the following information to the  
18 Legislature:

19 (1) The availability of mobile crisis intervention  
20 services, including generic services, by regional center  
21 catchment area, including the names of vendors and rates  
22 paid.

23 (2) A description of each regional center's funded  
24 emergency housing options, including the names and  
25 types of vendors, the number of beds and rates, including,  
26 but not limited to, crisis emergency group homes, crisis  
27 beds in a regular group home, crisis foster homes, motel  
28 or hotel or psychiatric facility beds, and whether each  
29 emergency housing option serves minors or adults and  
30 whether it is physically accessible.

31 SEC. 20. Section 4697 is added to the Welfare and  
32 Institutions Code, to read:

33 4697. (a) The Legislature finds and declares all of the  
34 following:

35 (1) The methods of establishing rates of payment for  
36 providers of services and supports to persons with  
37 developmental disabilities in the community do not  
38 always address the actual costs of ensuring high quality  
39 and stability.



1 (2) State law and regulations no longer reflect the type  
2 and design of community-based services and supports  
3 necessary to best meet the needs and choices of  
4 individuals with developmental disabilities and their  
5 families.

6 (3) Monitoring of service and support providers is  
7 necessary to ensure the safety and satisfaction of  
8 consumers and the monitoring system in California is  
9 often complex, duplicative, inappropriately intrusive,  
10 and contentious in fulfilling its charge.

11 (b) By January 15, 1999, the department shall establish  
12 a task force to examine the current models of  
13 community-based service and support delivery, the  
14 associate ratesetting methodologies for providers of  
15 services and supports to persons with developmental  
16 disabilities and their families and the methods of  
17 monitoring the quality of services and supports.

18 (c) The task force shall be composed of  
19 representatives from the department, provider  
20 representatives from each residential provider category,  
21 provider representatives from each day and work  
22 program vendor category, regional centers, area boards,  
23 the state council, other statewide advocacy organizations,  
24 legislative representatives, consumers, and family  
25 members. One-third of the task force shall be composed  
26 of consumers and family members, one-half of which shall  
27 be appointed by the department and one-half of which  
28 shall be appointed by the Organization of Area Boards.  
29 The department shall pay reasonable travel costs for all  
30 consumers and family members who are appointed to the  
31 task force. The task force shall reflect the geographic and  
32 cultural diversity of the state. Representatives from the  
33 State Department of Social Services and the State  
34 Department of Health Services shall participate as  
35 members of the task force when monitoring functions are  
36 discussed and recommendations developed.

37 (d) By June 15, 1999, the task force shall make  
38 recommendations to the Legislature in all the following  
39 areas:



1 (1) Proposed additions, deletions, and changes in  
2 design of the continuum of community-based service and  
3 support options.

4 (2) Proposed changes to ratesetting methodologies,  
5 including, but not limited to each of the following:

6 (A) Adjustments for geographic differences.

7 (B) Maintaining, eliminating, or altering the rate  
8 differential between owner- and staff-operated facilities.

9 (C) Incentives or disincentives that may influence  
10 program size.

11 (D) Elimination of barriers to meeting individual  
12 consumer needs and choices.

13 (E) Statewide guidelines and standards by which  
14 regional centers may negotiate rates, service and support  
15 components, and expected outcomes with service and  
16 support providers, including an independent appeal  
17 process through which providers may challenge their  
18 rate of payment.

19 (3) Proposed changes as to how eligibility and  
20 allowable costs for supported living services are  
21 determined.

22 (4) Proposed changes in the vendorization process to  
23 allow greater flexibility in fostering desirable and quality  
24 services and supports while maintaining a meaningful  
25 choice for consumers and families in selecting service and  
26 support providers.

27 (5) Proposed changes to the methods of monitoring  
28 service and support providers, including, but not limited  
29 to, each of the following:

30 (A) The consolidation of various monitoring and  
31 licensing functions under a single agency.

32 (B) Improved coordination between monitoring  
33 agencies.

34 (C) Enhancements in technical support and positive  
35 incentives to improve the quality of services and  
36 supports.

37 (D) Program requirements based on consumer needs  
38 and goals.

39 (E) Training of monitors.



1 (F) Establishing a quality feedback system to correct  
2 identified problems.

3 SEC. 21. Section 4712 of the Welfare and Institutions  
4 Code is amended to read:

5 4712. (a) The fair hearing shall be held within 20 days  
6 of the receipt of a request for fair hearing by the  
7 responsible state agency director. Either party may  
8 request a continuance, which shall be granted at the  
9 discretion of the hearing officer. Any continuance shall  
10 not extend the time for a hearing beyond 30 days of  
11 receipt of the request for the fair hearing unless it is  
12 determined that good cause exists for an additional  
13 continuance. A continuance for good cause beyond 30  
14 days of the receipt of the request for fair hearing shall not  
15 affect the provision of services pending a final  
16 administrative decision. For purposes of this section, good  
17 cause includes, but is not limited to, the following  
18 circumstances:

19 (1) Death of a spouse, parent, child, brother, sister,  
20 grandparent of the claimant or authorized  
21 representative, or legal guardian or conservator of the  
22 claimant.

23 (2) Personal illness or injury of the claimant or  
24 authorized representative.

25 (3) Sudden and unexpected emergencies, including,  
26 but not limited to, court appearances of the claimant or  
27 authorized representative, conflicting schedules of the  
28 authorized representative if the conflict is beyond the  
29 control of the authorized representative.

30 (4) Unavailability of a witness or evidence, the  
31 absence of which would result in serious prejudice to the  
32 claimant.

33 (b) Notwithstanding Sections 19130, 19131, and 19132  
34 of the Government Code, the department shall contract  
35 for the provision of independent hearing officers.  
36 Hearing officers shall have had at least two years of  
37 full-time legal training at a California or American Bar  
38 Association accredited law school or the equivalent in  
39 training and experience as established by regulations to  
40 be ~~promulgated~~ *adopted* by the department pursuant to



1 Section 4705. These hearing officers shall receive training  
2 in the law and regulations governing services to  
3 developmentally disabled individuals and administrative  
4 hearings. *Training shall include, but not be limited to, the*  
5 *Lanterman Developmental Disabilities Services Act and*  
6 *regulations adopted thereunder, relevant case law and*  
7 *relevant superior court decisions known to the*  
8 *department, information about services and supports*  
9 *available to persons with developmental disabilities,*  
10 *including innovative services and supports, and*  
11 *information and training on protecting the rights of*  
12 *consumers at administrative hearings, with emphasis on*  
13 *assisting, where appropriate, those consumers*  
14 *represented by themselves or an advocate inexperienced*  
15 *in administrative hearings, including, but not limited to,*  
16 *the responsibility and means to ensure that the record is*  
17 *fully developed and the standardization of hearing*  
18 *procedures, such as authentication and admission of*  
19 *exhibits, among hearing officers. The State Department*  
20 *of Developmental Services shall seek the advice of the*  
21 *State Council on Developmental Disabilities, the*  
22 *Organization of Area Boards, the protection and*  
23 *advocacy agency designated by the Governor in this state*  
24 *to fulfill the requirements and assurances of the federal*  
25 *Developmental Disabilities Assistance and Bill of Rights*  
26 *Act, contained in Chapter 75 (commencing with Section*  
27 *6000) of Title 42 of the United States Code, the Association*  
28 *of Regional Center Agencies, and other state agencies or*  
29 *organizations as designated by the department in the*  
30 *development of training materials and the*  
31 *implementation of training procedures by the*  
32 *department. The department shall provide formal*  
33 *training for hearing officers on at least an annual basis.*  
34 *The training shall be developed and presented by the*  
35 *department, however, the department shall invite those*  
36 *agencies and organizations listed in this subdivision to*  
37 *participate.*

38 (c) The hearing officer shall not be an employee,  
39 agent, board member, or contractor of the service agency  
40 against whose action the appeal has been filed, or a



1 spouse, parent, child, brother, sister, grandparent, legal  
2 guardian, or conservator of the claimant, or any person  
3 who has a direct financial interest in the outcome of the  
4 fair hearing, or any other interest which would preclude  
5 a fair and impartial hearing.

6 (d) When requested by the hearing officer, a service  
7 agency shall provide information relevant to the matter  
8 under appeal to the hearing officer prior to the fair  
9 hearing. Immediate notice of the documents provided to  
10 the hearing officer shall be mailed by the service agency  
11 to the claimant and the authorized representative, either  
12 of whom may submit additional documentation to the  
13 hearing officer prior to the hearing.

14 (e) The fair hearing shall be held at a time and place  
15 reasonably convenient to the claimant and the  
16 authorized representative. *The fair hearing shall not be*  
17 *held at the regional center if objected to by the claimant*  
18 *or the authorized representative.*

19 (f) Merits of a pending fair hearing shall not be  
20 discussed between the hearing officer and a party outside  
21 the presence of the other party.

22 (g) The hearing officer shall voluntarily disqualify  
23 himself or herself and withdraw from any case in which  
24 he or she cannot accord a fair and impartial hearing or  
25 consideration. Any party may request the disqualification  
26 of the hearing officer by filing an affidavit, prior to the  
27 taking of evidence at a hearing, stating with particularity  
28 the grounds upon which it is claimed that a fair and  
29 impartial hearing cannot be accorded. The issue shall be  
30 decided by the hearing officer.

31 (h) Both parties to the fair hearing shall have the  
32 rights specified in subdivision (a) of Section 4710.6.

33 (i) The fair hearing need not be conducted according  
34 to the technical rules of evidence and those related to  
35 witnesses. Any relevant evidence shall be admitted. All  
36 testimony shall be under oath or affirmation which the  
37 hearing officer is empowered to administer.

38 (j) A recording shall be made of the proceedings  
39 before the hearing officer. Any cost of recording shall be  
40 borne by the responsible state agency.



1 (k) The fair hearing shall be conducted in the English  
2 language. However, if the claimant, the claimant's  
3 guardian or conservator, parent of a minor claimant, or  
4 authorized representative does not understand English,  
5 an interpreter shall be provided by the responsible state  
6 agency.

7 (l) The fair hearing shall be open to the public except  
8 at the request of the claimant or authorized  
9 representative or when personnel matters are being  
10 reviewed.

11 *(m) The agency awarded the contract for*  
12 *independent hearing officers shall annually conduct, or*  
13 *cause to be conducted, an evaluation of the hearing*  
14 *officers who conduct hearings under this part. The*  
15 *department shall approve the methodology used to*  
16 *conduct the annual evaluation. Information and data for*  
17 *this evaluation shall be solicited from consumers who*  
18 *were claimants in an administrative hearing over the past*  
19 *year, their family members or authorized representative*  
20 *if involved in the hearing, regional centers, and*  
21 *nonattorney advocates and attorneys who represented*  
22 *either party in an administrative hearing over the past*  
23 *year. The areas of evaluation shall include, but not be*  
24 *limited to, the hearing officers' demeanor toward parties*  
25 *and witnesses, conduct of the hearing in accord with*  
26 *fairness and standards of due process, ability to fairly*  
27 *develop the record in cases where consumers represent*  
28 *themselves or are represented by an advocate that does*  
29 *not have significant experience in administrative*  
30 *hearings, use of legal authority, clarity of written*  
31 *decisions, and adherence to the requirements of*  
32 *subdivision (b) of Section 4712.5. The department shall be*  
33 *provided with a copy of the evaluation and shall use the*  
34 *evaluation in partial fulfillment of its evaluation of the*  
35 *contract for the provision of independent hearing*  
36 *officers. A summary of the data collected shall be made*  
37 *available to the public upon request, provided that the*  
38 *names of individual hearing officers shall not be disclosed.*

39 SEC. 22. Section 4712.5 of the Welfare and Institutions  
40 Code is amended to read:



1 4712.5. (a) Within 10 days of the concluding day of  
2 the state hearing, the hearing officer shall render a  
3 written decision and shall transmit the decision to each  
4 party and to the director of the responsible state agency.

5 (b) The hearing officer's decision shall be in ordinary  
6 and concise language. It shall contain the following:

7 (1) A summary of facts, a statement of the evidence  
8 from the proceedings which was relied on, a decision on  
9 each of the issues presented, and identification of the  
10 statutes, regulations, and policies supporting the decision.  
11 The decision shall be in ordinary and concise language.

12 (2) Notification that this is the final administrative  
13 decision, both parties shall be bound thereby, and either  
14 party may appeal any final administrative decision to a  
15 court of competent jurisdiction within 90 days.

16 (c) *The department shall collect and maintain, or*  
17 *cause to be collected and maintained, redacted copies of*  
18 *all administrative hearing decisions issued under this*  
19 *division. Hearing decisions shall be categorized by the*  
20 *type of service or support that was the subject of the*  
21 *hearing and by the year of issuance. The department shall*  
22 *make copies of the decisions available to the public upon*  
23 *request at a cost per page not greater than that which it*  
24 *charges for document requests submitted pursuant to*  
25 *Chapter 3.5 (commencing with Section 6250) of Division*  
26 *7 of Title 1 of the Government Code. The department*  
27 *shall use this information in partial fulfillment of its*  
28 *obligation to monitor regional centers and in its*  
29 *evaluation of the contract for the provision of*  
30 *independent hearing officers.*

31 SEC. 23. Section 4740 of the Welfare and Institutions  
32 Code is amended to read:

33 4740. The Legislature finds the following:

34 (a) The quality of care provided to persons with  
35 developmental disabilities by residential facilities is  
36 contingent upon a closely coordinated "team" effort by  
37 the regional center or its designee, the ~~client~~ *person with*  
38 *developmental disabilities*, the parent or representative  
39 if appropriate, the residential facility administrator, and  
40 the licensing agency. The rights and responsibilities of



1 each must be identified in order to assure clear direction  
2 and accountability for each.

3 (b) The quality of care is impaired when inordinate  
4 numbers of staff from placement and licensing agencies  
5 give direction to the facility administrator regarding care  
6 and service requirements.

7 *SEC. 24. Section 4741 of the Welfare and Institutions*  
8 *Code is amended to read:*

9 4741. An adult person with a developmental disability  
10 has the legal right to determine where his or her  
11 residence will be. Except in a situation which presents  
12 immediate danger to the health and well-being of the  
13 individual, the regional center or its designee shall not  
14 remove a ~~client~~ *consumer* from a residential care facility  
15 against the client's wishes unless there has been specific  
16 court action to abridge such right with respect to an adult  
17 or unless the parent, guardian or conservator consents  
18 with respect to a child.

19 *SEC. 25. Section 4742 of the Welfare and Institutions*  
20 *Code is amended to read:*

21 4742. The regional center or its designated  
22 representative shall (a) guide and counsel facility staff  
23 regarding the care and services *and supports* required by  
24 each ~~client~~ *consumer* served by the regional center; and  
25 (b) monitor the care and services *and supports* provided  
26 the individual to ~~assure~~ *ensure* that care and services *and*  
27 *supports* are provided in accordance with the individual  
28 program plan.

29 *SEC. 26. Section 4742.1 is added to the Welfare and*  
30 *Institutions Code, to read:*

31 4742.1. (a) A statement made by a regional center  
32 representative when discharging his or her obligation to  
33 monitor the provision of services and supports pursuant  
34 to this division shall be a privileged communication,  
35 subject to subdivision (b).

36 (b) A statement shall not be privileged pursuant to  
37 subdivision (a) if a party to a judicial action demonstrates  
38 that the regional center representative made the  
39 disputed statement with knowledge of its falsity or with  
40 reckless disregard for the truth.



1 SEC. 27. Section 4743 of the Welfare and Institutions  
2 Code is amended to read:

3 4743. It is the intent of the Legislature that to the  
4 greatest extent possible, the staff of the regional center or  
5 its designee are assigned so as to minimize the number of  
6 persons responsible for programs provided in a given  
7 facility.

8 The regional center or its designee shall designate the  
9 staff person responsible for assuring that each individual  
10 ~~client's~~ *consumer's* program plan is carried out. One  
11 person shall be assigned by the regional center as the  
12 principal liaison to a facility and to monitor the provision  
13 of care and the services provided by that facility in  
14 accordance with the individual program plans. If, due to  
15 the number of regional center ~~clients~~ *consumers* in the  
16 facility, additional staff of a regional center or its designee  
17 serve ~~clients~~ *consumers* in the facility, one person shall be  
18 assigned as having primary responsibility for, and assure  
19 consistency and continuity of, directions to the  
20 administrator and for the monitoring of care and services.

21 SEC. 28. Section 4744 of the Welfare and Institutions  
22 Code is amended to read:

23 4744. The regional center or its designee shall provide  
24 to the residential facility administrator all information in  
25 its possession concerning any history of dangerous  
26 propensity of the ~~client~~ *consumer* prior to the placement  
27 in that facility. However, no confidential ~~client~~ *consumer*  
28 information shall be released pursuant to this section  
29 without the consent of the ~~client~~ *consumer* or authorized  
30 representative.

31 SEC. 29. Section 4745 of the Welfare and Institutions  
32 Code is amended to read:

33 4745. During each visit to the facility, the designated  
34 staff person shall inform the administrator orally of any  
35 substantial inadequacies in the care and services  
36 provided, the specific corrective action necessary and the  
37 date by which corrective action must be completed. The  
38 designated staff person shall confirm this information in  
39 writing to the administrator within 48 hours after the oral



1 notice and inform the administrator *in writing* of the right  
2 to appeal the findings.

3 *SEC. 30. Section 4747 of the Welfare and Institutions*  
4 *Code is amended to read:*

5 4747. If an adult person or the parent, guardian, or  
6 conservator *or authorized representative, including*  
7 *those appointed pursuant to Section 4590 or subdivision*  
8 *(e) of Section 4705, on behalf of a child requests a*  
9 relocation, the regional center or its designee ~~may~~ *shall*  
10 provide assistance in locating and moving to another  
11 residence *or schedule an individual program plan*  
12 *meeting, if appropriate.*

13 ~~The regional center or its designee shall not encourage~~  
14 ~~a client to move from a residential facility without~~  
15 ~~reasonable cause. If reasonable cause does exist, the~~  
16 ~~regional center or its designee shall give at least 15 days'~~  
17 ~~written notice to the facility administrator of the intent,~~  
18 ~~prior to counseling the client to move.~~

19 *SEC. 31. Notwithstanding Section 17610 of the*  
20 *Government Code, if the Commission on State Mandates*  
21 *determines that this act contains costs mandated by the*  
22 *state, reimbursement to local agencies and school*  
23 *districts for those costs shall be made pursuant to Part 7*  
24 *(commencing with Section 17500) of Division 4 of Title*  
25 *2 of the Government Code. If the statewide cost of the*  
26 *claim for reimbursement does not exceed one million*  
27 *dollars (\$1,000,000), reimbursement shall be made from*  
28 *the State Mandates Claims Fund.*

29 *Notwithstanding Section 17580 of the Government*  
30 *Code, unless otherwise specified, the provisions of this act*  
31 *shall become operative on the same date that the act*  
32 *takes effect pursuant to the California Constitution.*

