

**Assembly Bill No. 1191**

\_\_\_\_\_

Passed the Assembly    September 4, 2001

\_\_\_\_\_  
*Chief Clerk of the Assembly*

\_\_\_\_\_

Passed the Senate    August 30, 2001

\_\_\_\_\_  
*Secretary of the Senate*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2001, at \_\_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to add and repeal Article 2.5 (commencing with Section 4659.5) of Chapter 5 of Division 4.5 of the Welfare and Institutions Code, relating to services for the developmentally disabled.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1191, Longville. Developmental disabilities.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is authorized to contract with regional centers to provide support and services to individuals with developmental disabilities. The regional centers purchase needed services for individuals with developmental disabilities through approved service providers or arrange for their provision through other publicly funded agencies.

This bill, until January 1, 2005, would establish procedures for the resolution of disputes between a regional center and any publicly funded agency, as defined, over provision of, or payment for, services that are contained in an individualized family service plan or individualized program plan for any child under 6 years of age.

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

SECTION 1. Article 2.5 (commencing with Section 4659.5) is added to Chapter 5 of Division 4.5 of the Welfare and Institutions Code, to read:

Article 2.5. Interagency Dispute Resolution

4659.5. (a) This article shall apply to any dispute over the provision of services between a regional center and any publicly funded agency referred to in paragraph (8) of subdivision (a) of Section 4648 with respect to services that are contained in the individualized family service plan or individualized program plan for any child under six years of age.

(b) This article shall apply only to disputes over which entity is to deliver or pay for a specific type, frequency, or duration of services, or any combination thereof, when the services are



contained in the individualized family service plan or individualized program plan for any child under six years of age. This article shall not apply to the resolution of disputes between a consumer or his or her authorized representative and a regional center over the provision of, or payment for, a service, nor shall this article apply to the determination of eligibility for any service.

(c) This article shall not apply when the dispute has been decided after a due process hearing or resolved by the agreement of all parties, in a proceeding under the California Early Intervention Act, Title 14 (commencing with Section 95000) of the Government Code, in which the regional center and local education agency have been joined.

(d) This article does not apply to a dispute when a consumer has requested mediation or a due process hearing under the California Early Intervention Act, Title 14 (commencing with Section 95000) of the Government Code, and the regional center and local agency have been joined in the proceeding.

(e) This article does not modify the mandated responsibility of a regional center or a local educational agency to fund services identified in the individual family service plan as set forth in subdivision (g) of Section 95007 of the Government Code and Sections 52106, 52107, and 52108 of Title 17 of the California Code of Regulations.

(f) This article does not modify the responsibilities of regional centers to fund services pursuant to this division.

4659.7. (a) Whenever there is a dispute between a regional center and another local agency regarding responsibility for providing or paying for a service required pursuant to Section 4648 or Section 95020 of the Government Code and specified in the consumer's individualized family service plan or individualized program plan, the regional center may submit a written notification of the failure to provide the service and a request for dispute resolution to the appropriate local agency the regional center believes is responsible for providing the service or services at issue. Any regional center that files written notification of the failure to provide a service and to pursue the dispute resolution process with another publicly funded agency as set forth in this section, shall provide written notification of its request for resolution to the consumer's parent, legal guardian, or authorized



representative. The regional center may withdraw its request for dispute resolution at any time during this process.

(b) Upon receipt of the written notification made by the regional center, the appropriate local agency and the regional center shall have 15 calendar days to meet to resolve the dispute. The local agency and the regional center shall prepare a written copy of the meeting resolution which shall be mailed to the parent, guardian, or other authorized representative within 10 calendar days of the meeting. The resolution shall specify the type, frequency, and duration of the service or services to be provided as specified in the consumer's individualized program plan or individualized family service plan, and shall also specify the regional center or local agency responsible for providing the service.

(c) (1) If the dispute cannot be resolved within 10 calendar days of the meeting to the satisfaction of the regional center and the appropriate local agency, each party shall submit his or her contentions on the issue in writing to the Director of the Office of Administrative Hearings within 30 calendar days of the meeting. The Director of the Office of Administrative Hearings, or his or her designee, shall review the issue and issue a written decision within 30 calendar days of receipt of the case. The decision shall specify the type, frequency, and duration of the service or services to be provided as specified in the consumer's individualized program plan or individualized family service plan, as well as the regional center or local agency responsible for the service or services. The Office of Administrative Hearings may award reimbursement retroactively to the date the prevailing party initiated the provision of the services that were in dispute. A written copy of the resolution shall be mailed to the parent, guardian, or authorized representative, the Director of Developmental Services, the regional center, and the local agency involved in the dispute resolution process.

(2) The decision of the Director of the Office of Administrative Hearings, or his or her designee, shall be binding on all agencies that are parties to the dispute.

(d) (1) The submission of a notification pursuant to subdivision (a) shall not interfere with a consumer's right to receive the services and supports in his or her individualized



family service plan or individualized program plan on a timely basis.

(2) Arrangements for the provision of an interim service or services may be made by written agreement between the regional center and public agency, provided the child's individualized family service plan or individualized program plan is not altered, except as to which agency delivers or pays for the service if the specification is included in the individualized family service plan or individualized program plan.

(e) Nothing in this section shall prevent a consumer or his or her authorized representative from filing for a due process hearing pursuant to Section 4710.5 or pursuing a remedy through civil action in any court of competent jurisdiction.

(f) Once the dispute resolution procedures have been completed, the local agency determined responsible for the service shall pay for and provide the service, and shall reimburse the other agency that provided the service pursuant to subdivision (d), if applicable.

(g) The State Department of Developmental Services shall pay for the services provided by the Office of Administrative Hearings pursuant to this section.

4659.9. (a) The resolution under this article of whether a regional center or local agency is the responsible party for providing the service in a particular matter shall not set a precedent for the resolution of any other matter.

(b) This article shall remain in effect only until January 1, 2005, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2005, deletes or extends that date.



Approved \_\_\_\_\_, 2001

\_\_\_\_\_  
*Governor*

i

