

ASSEMBLY BILL

No. 2204

Introduced by Assembly Member Beall

February 18, 2010

An act to amend Section 4512 of, and to add Section 4512.5 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2204, as introduced, Beall. Developmental services: stakeholder groups.

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services contracts with local nonprofit regional centers to provide various services and supports to individuals with developmental disabilities. The department is required to consult with stakeholders for various reasons, including, but not limited to, coordinating client advocacy, planning programs, and creating alternative service delivery models to obtain services and supports.

This bill would require the department, in convening stakeholder groups pursuant to the act, to take into account the state's ethnic, geographic, and socioeconomic diversity and to use best efforts to include stakeholder groups that, collectively, reflect the interests of the state's diverse population. The bill would also require the department to include in appropriate reports to the Legislature a description of how it has complied with the requirement of stakeholder group diversity.

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

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

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

4512. As used in this division:

(a) "Developmental disability" means a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature.

(b) "Services and supports for persons with developmental disabilities" means specialized services and supports or special adaptations of generic services and supports directed toward the alleviation of a developmental disability or toward the social, personal, physical, or economic habilitation or rehabilitation of an individual with a developmental disability, or toward the achievement and maintenance of independent, productive, normal lives. The determination of which services and supports are necessary for each consumer shall be made through the individual program plan process. The determination shall be made on the basis of the needs and preferences of the consumer or, when appropriate, the consumer's family, and shall include consideration of a range of service options proposed by individual program plan participants, the effectiveness of each option in meeting the goals stated in the individual program plan, and the cost-effectiveness of each option. Services and supports listed in the individual program plan may include, but are not limited to, diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, physical, occupational, and speech therapy, training, education, supported and sheltered employment, mental health services, recreation, counseling of the individual with a developmental disability and of his or her family, protective and other social and sociolegal services, information and referral services, follow-along services, adaptive equipment and supplies,

1 advocacy assistance, including self-advocacy training, facilitation
2 and peer advocates, assessment, assistance in locating a home,
3 child care, behavior training and behavior modification programs,
4 camping, community integration services, community support,
5 daily living skills training, emergency and crisis intervention,
6 facilitating circles of support, habilitation, homemaker services,
7 infant stimulation programs, paid roommates, paid neighbors,
8 respite, short-term out-of-home care, social skills training,
9 specialized medical and dental care, supported living arrangements,
10 technical and financial assistance, travel training, training for
11 parents of children with developmental disabilities, training for
12 parents with developmental disabilities, vouchers, and
13 transportation services necessary to ensure delivery of services to
14 persons with developmental disabilities. Nothing in this subdivision
15 is intended to expand or authorize a new or different service or
16 support for any consumer unless that service or support is contained
17 in his or her individual program plan.

18 (c) Notwithstanding subdivisions (a) and (b), for any
19 organization or agency receiving federal financial participation
20 under the federal Developmental Disabilities Assistance and Bill
21 of Rights Act, as amended “developmental disability” and “services
22 for persons with developmental disabilities” means the terms as
23 defined in the federal act to the extent required by federal law.

24 (d) “Consumer” means a person who has a disability that meets
25 the definition of developmental disability set forth in subdivision
26 (a).

27 (e) “Natural supports” means personal associations and
28 relationships typically developed in the community that enhance
29 the quality and security of life for people, including, but not limited
30 to, family relationships, friendships reflecting the diversity of the
31 neighborhood and the community, associations with fellow students
32 or employees in regular classrooms and workplaces, and
33 associations developed through participation in clubs,
34 organizations, and other civic activities.

35 (f) “Circle of support” means a committed group of community
36 members, who may include family members, meeting regularly
37 with an individual with developmental disabilities in order to share
38 experiences, promote autonomy and community involvement, and
39 assist the individual in establishing and maintaining natural
40 supports. A circle of support generally includes a plurality of

1 members who neither provide nor receive services or supports for
2 persons with developmental disabilities and who do not receive
3 payment for participation in the circle of support.

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

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

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

19 (j) “Planning team” means the individual with developmental
20 disabilities, the parents or legally appointed guardian of a minor
21 consumer or the legally appointed conservator of an adult
22 consumer, the authorized representative, including those appointed
23 pursuant to subdivision (d) of Section 4548 and subdivision (e) of
24 Section 4705, one or more regional center representatives,
25 including the designated regional center service coordinator
26 pursuant to subdivision (b) of Section 4640.7, any individual,
27 including a service provider, invited by the consumer, the parents
28 or legally appointed guardian of a minor consumer or the legally
29 appointed conservator of an adult consumer, or the authorized
30 representative, including those appointed pursuant to subdivision
31 (d) of Section 4548 and subdivision (e) of Section 4705.

32 (k) “Stakeholder organizations” or “*stakeholder groups*” means
33 statewide *advocacy organizations* and organizations representing
34 the interests of consumers, family members, *and* service providers;
35 ~~and statewide advocacy organizations.~~

36 (l) “Substantial disability” means the existence of significant
37 functional limitations in three or more of the following areas of
38 major life activity, as determined by a regional center, and as
39 appropriate to the age of the person:

40 (1) Self-care.

1 (2) Receptive and expressive language.

2 (3) Learning.

3 (4) Mobility.

4 (5) Self-direction.

5 (6) Capacity for independent living.

6 (7) Economic self-sufficiency.

7 Any reassessment of substantial disability for purposes of
8 continuing eligibility shall utilize the same criteria under which
9 the individual was originally made eligible.

10 SEC. 2. Section 4512.5 is added to the Welfare and Institutions
11 Code, to read:

12 4512.5. (a) In convening stakeholder groups pursuant to this
13 division, the department shall take into account the state's ethnic,
14 geographic, and socioeconomic diversity and shall use best efforts
15 to include stakeholder groups that, collectively, reflect the interests
16 of the state's diverse population.

17 (b) In preparing any reports required to be submitted to the
18 Legislature pursuant to this division, the department shall, when
19 applicable, include a description of how it has complied with this
20 section with respect to stakeholder group diversity.