

AMENDED IN SENATE AUGUST 5, 2010

AMENDED IN ASSEMBLY APRIL 20, 2010

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CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2702

Introduced by Assembly Member Chesbro

February 19, 2010

An act to amend Section 4646.4 of, and to add Section 4646.7 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL’S DIGEST

AB 2702, as amended, Chesbro. Developmental services: planning teams.

Existing law, the California Early Intervention Services Act, provides a statewide system of coordinated, comprehensive, family-centered, multidisciplinary, and interagency programs that are responsible for providing appropriate early intervention services and support to all eligible infants and toddlers, as defined, and their families and requires an eligible infant or toddler receiving services under the act to have an individualized family service plan (IFSP).

Under existing law, the Lanterman Developmental Disabilities Services Act, the State Department of Developmental Services is responsible for providing various services and supports to individuals with developmental disabilities, and for ensuring the appropriateness and quality of those services and supports. Under existing law, the department contracts with regional centers to provide services and supports to persons with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in

an individual program plan (IPP), developed in accordance with prescribed requirements.

Under existing law, development and monitoring of IFSPs and IPPs is done by planning teams, as defined, that include specified participants. Existing law requires the final decision regarding a consumer's IPP or IFSP to be made pursuant to the relevant statute.

This bill would, instead, require a regional center to ensure, at the time of the development, scheduled review, or modification of an IFSP or IPP, that ~~the plan is~~ *all decisions pertaining to the purchase and provision of services to that consumer are made pursuant to the relevant statute statutes.*

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

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

- 1 SECTION 1. Section 4646.4 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 4646.4. (a) Effective September 1, 2008, regional centers shall
- 4 ensure, at the time of development, scheduled review, or
- 5 modification of a consumer's individual program plan developed
- 6 pursuant to Sections 4646 and 4646.5, or of an individualized
- 7 family service plan pursuant to Section 95020 of the Government
- 8 Code, the establishment of an internal process. This internal process
- 9 shall ensure adherence with federal and state law and regulation,
- 10 and when purchasing services and supports, shall ensure all of the
- 11 following:
- 12 (1) Conformance with the regional center's purchase of service
- 13 policies, as approved by the department pursuant to subdivision
- 14 (d) of Section 4434.
- 15 (2) Utilization of generic services and supports when
- 16 appropriate.
- 17 (3) Utilization of other services and sources of funding as
- 18 contained in Section 4659.
- 19 (4) Consideration of the family's responsibility for providing
- 20 similar services and supports for a minor child without disabilities
- 21 in identifying the consumer's service and support needs as provided
- 22 in the least restrictive and most appropriate setting. In this
- 23 determination, regional centers shall take into account the

1 consumer's need for extraordinary care, services, supports, and
2 supervision, and the need for timely access to this care.

3 (b) By no later than April 1, 2009, the department shall provide
4 the fiscal and policy committees of the Legislature with a written
5 update regarding the implementation of this section.

6 SEC. 2. Section 4646.7 is added to the Welfare and Institutions
7 Code, to read:

8 4646.7. (a) ~~Notwithstanding any other provision of law, a~~ A
9 regional center shall ensure, at the time of development, scheduled
10 review, or modification of a consumer's individual program plan,
11 that all decisions *pursuant to Chapter 9 of the Fourth*
12 *Extraordinary Session of the Statutes of 2009 pertaining to the*
13 *purchase and provision of services to that consumer* shall be made
14 pursuant to the ~~procedure~~ procedures required by ~~Section 4646~~
15 *Sections 4646 and 4646.5.*

16 (b) ~~Notwithstanding any other provision of law, a~~ A regional
17 center shall ensure, at the time of development, scheduled review,
18 or modification of a consumer's individualized family service plan,
19 that all decisions *pursuant to Chapter 9 of the Fourth*
20 *Extraordinary Session of the Statutes of 2009 pertaining to the*
21 *purchase and provision of services to that consumer* shall be made
22 pursuant to the procedure required by Section 95020 of the
23 Government Code.

24 (c) Subdivisions (a) and (b) shall apply only to procedure.
25 Nothing in this section shall modify or affect a substantive
26 requirement in Chapter 9 of the Fourth Extraordinary Session of
27 the Statutes of 2009.

28 (d) Nothing in this section shall modify or affect a provision
29 that is not in Chapter 9 of the Fourth Extraordinary Session of the
30 Statutes of 2009.