

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1244

**Introduced by Assembly Member Chesbro
(Coauthors: Assembly Members Ammiano and Beall)**

February 18, 2011

An act to add Section 4685.8 to the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1244, as amended, Chesbro. Developmental services: ~~individual choice budgets~~. *Self-Determination Program*.

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. Under existing law, the regional centers purchase needed services *and supports* for individuals with developmental disabilities through approved service providers or arrange for their provision through other publicly funded agencies. 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. *Existing law establishes, contingent upon approval of a federal waiver, the Self-Directed Services Program, and requires the program be available in every regional center catchment area to provide participants, within an individual budget, and greater control over needed services and supports.*

~~This bill would state the intent of the Legislature to enact legislation that would support the implementation of individual choice budgets for regional center consumers.~~

This bill would establish the Self-Determination Program to be available in every regional center catchment area to enable individuals with developmental disabilities to exercise their rights to make choices in their own lives. This bill would require that program participants be provided with a capitated individual funding allocation, as prescribed, to be used for the purchase of services and supports necessary to implement the participant's individual program plan. This bill would require the department to take all steps necessary to ensure federal financial participation is available for all program services and supports by applying for amendments to a specified federal waiver or by applying for a new waiver.

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

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

- 1 SECTION 1. Section 4685.8 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 4685.8. (a) (1) The Self-Determination Program (SD
- 4 Program) is hereby established and shall be available in every
- 5 regional center catchment area to enable individuals with
- 6 developmental disabilities to exercise their rights to make choices
- 7 in their own lives, as described in subdivision (j) of Section 4502.
- 8 The program shall give participants greater control over access
- 9 to, and the flexibility to access, a wide range of needed and desired
- 10 services and supports, including, but not limited to, hiring their
- 11 own workers and purchasing needed items. The SD Program shall
- 12 be consistent with the requirements set forth in this section.
- 13 (2) SD Program participants shall be provided with a capitated
- 14 individual funding allocation computed in a fair, transparent, and
- 15 equitable manner, based on consumer characteristics and needs.
- 16 The allocation shall be used for the purchase of services and
- 17 supports necessary to implement the participant's individual
- 18 program plan.
- 19 (b) The Self-Determination Program shall be designed to
- 20 promote, and shall be evaluated against, core quality outcomes
- 21 for the participants, including, but not limited to, all of the
- 22 following:
- 23 (1) Participants' welfare, health, and safety.

1 (2) Whether participants are living in a place called home,
2 under one's own control, including living with family, friends, or
3 on one's own.

4 (3) Whether participants have meaningful participation and
5 membership in their own community.

6 (4) Whether participants are maintaining reciprocal long-term
7 relationships, including relationships that assist the participant
8 to live a healthy, included life.

9 (5) Whether participants are generating private income, through
10 typical jobs in regular employment settings or through
11 self-employment.

12 (6) Whether participants have control over transportation.

13 (c) It is the intent of the Legislature that the purchase of services
14 and supports through the SD Program be eligible for federal
15 Medicaid match funding. The department shall take all steps
16 necessary to ensure federal financial participation is available for
17 all SD Program services and supports by applying for amendments
18 to the current home and community-based waiver for individuals
19 with developmental disabilities or for a new waiver pursuant to
20 Section 1396n of Title 42 of the United States Code. The
21 department shall seek to maximize federal financial participation
22 by applying for an enhanced federal match through the federal
23 Community First Choice Option pursuant to Section 1396n(k) of
24 Title 42 of the United States Code.

25 (d) Individuals shall have the right to utilize their allocation to
26 hire workers of their choice, and supervise, direct, schedule,
27 evaluate, train, and terminate employees. The state shall support
28 the quality, availability, and stability of direct support workers by
29 establishing a base compensation package to ensure decent pay
30 standards for workers in this program. Individuals may use their
31 allocation and private sources of funds to pay direct support
32 workers above the base established by the state, develop job
33 descriptions, and otherwise organize and incentivize their support
34 workers.

35 ~~SECTION 1. The Legislature finds and declares all of the~~
36 ~~following:~~

37 ~~(a) The Legislature recognizes the aspirations of people with~~
38 ~~developmental disabilities to make their own life decisions, such~~
39 ~~as where and with whom one lives, the role one plays within his~~
40 ~~or her community, when to enter into and whether to sustain~~

1 long-term relationships, and how to pursue economic and spiritual
2 goals.

3 ~~(b) Individual choice budgets offer regional center consumers~~
4 ~~authority over a fixed budget allocation, the freedom to design~~
5 ~~supports of their choosing, and the support necessary to maximize~~
6 ~~control over their services and their lives. This option promotes~~
7 ~~core quality outcomes based on universal human aspirations.~~

8 ~~(c) Individuals who have the choice to spend their allocation~~
9 ~~on a wide range of supports and services, such as hiring their own~~
10 ~~workers and purchasing items and services, have the ability to~~
11 ~~make creative, nontraditional purchases based on their individual~~
12 ~~needs and aspirations.~~

13 ~~(d) Direct support workers are the foundation for the supports~~
14 ~~necessary for people with developmental disabilities to access full~~
15 ~~citizenship and employment opportunities and to pursue a life of~~
16 ~~meaning in the ways that they choose. Therefore, individuals~~
17 ~~should have the right to utilize their allocation to hire workers of~~
18 ~~their choice and to supervise, direct, schedule, evaluate, train, and~~
19 ~~terminate employees.~~

20 ~~(e) It is the intent of the Legislature to enact legislation that~~
21 ~~would support the implementation of individual choice budgets~~
22 ~~for regional center consumers.~~