

AMENDED IN SENATE APRIL 14, 2011

SENATE BILL

No. 382

Introduced by Senator Liu
(Principal coauthor: Senator Emmerson)
(Coauthor: Assembly Member Jeffries)

February 15, 2011

An act to amend Sections 4629 and 4648 of, and to add Sections 4639.1, 4639.2, 4639.3, and 4639.4 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 382, as amended, Liu. Developmental services: regional centers: complaints.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide ~~support and services~~ *and supports* to individuals with developmental disabilities. That law authorizes the department to enter into 5-year contracts with regional centers, subject to an annual appropriation of funds by the Legislature. The act requires the contracts to specify that each regional center include annual performance objectives that will meet certain standards and ~~allow~~ *allows* the department to specify additional areas of support that require development or enhancement. The act requires corrective action if a regional center fails to meet the performance standards.

This bill would require the department to specify additional areas of support requiring development or enhancement, as specified. ~~The bill would also require the department to make available on its Internet Web site each regional center's current contract, as well as the annual~~

~~assessment of the regional center's success in achieving the previous year's objectives.~~

~~This bill would prohibit a regional center from retaliating against a regional center vendor, applicant for vendorization, or a regional center employee for filing a complaint with the regional center, the department, or any other governmental entity about the regional center, its board members, or its employees. The bill would establish a process for the reporting and investigation of claims of retaliation and would require the regional center to report allegations of retaliation to the department require the department to develop processes and procedures, as specified, to address issues of retaliation against regional center employees and vendors and would require those processes and procedures to be included in the regional center standard agreement contracts.~~

This bill would require a regional center to report annually to the department the total number of complaints it has received within a fiscal year and would require the department to report the information to the Legislature, as specified. The bill would require the department, in addition to all other audits and reviews, at least once every 36 months, to conduct a review of each regional center's compliance with the procedures for developing individual program plans, as specified, and to utilize the results of the review to develop annual performance objectives. The bill would also, beginning July 1, 2013, require each regional center to post on its Internet Web site a directory of vendorized service providers, and negotiated rates, if applicable, and to update that list ~~every 6 months~~ annually.

The act provides that the regional centers purchase needed services for individuals with developmental disabilities through approved service providers that are identified through a process of vendorization. The act requires services and supports of comparable quality that are offered at different costs by different providers ~~to be assessed and the lower cost provider used unless specified determinations are made.~~

This bill would require the determination of comparability to be made by the program planning team and to include specified criteria.

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 4629 of the Welfare and Institutions Code is amended to read:

4629. (a) The state shall enter into five-year contracts with regional centers, subject to the annual appropriation of funds by the Legislature.

(b) The contracts shall include a provision requiring each regional center to render services in accordance with applicable state laws and regulations.

(c) (1) The contracts shall include annual performance objectives that shall do both of the following:

(A) Be specific, measurable, and designed to do all of the following:

(i) Assist consumers to achieve life quality outcomes.

(ii) Achieve meaningful progress above the current baselines.

(iii) Develop services and supports identified as necessary to meet identified needs.

(B) Be developed through a public process as described in the department's guidelines that includes, but is not limited to, all of the following:

(i) Providing information, in an understandable form, to the community about regional center services and supports, including budget information and baseline data on services and supports and regional center operations.

(ii) Conducting a public meeting where participants can provide input on performance objectives and using focus groups or surveys to collect information from the community.

(iii) Circulating a draft of the performance objectives to the community for input prior to presentation at a regional center board meeting where additional public input will be taken and considered before adoption of the objectives.

(2) In addition to the performance objectives developed pursuant to this section, the department shall specify in the performance contract additional areas of service and support that require development or enhancement by the regional center, including, but not limited to, the requirements of subdivision (c) of Section ~~4639.7~~ 4639.2 and subdivision (d) of Section ~~4639.8~~ 4639.3. In determining those areas, the department shall consider public comments from individuals and organizations within the regional

1 center catchment area, the subject and results of fair hearing
2 decisions, the distribution of services and supports within the
3 regional center catchment area, and review how the availability
4 of services and supports in the regional area catchment area
5 compares with other regional center catchment areas.

6 (d) Each contract with a regional center shall specify steps to
7 be taken to ensure contract compliance, including, but not limited
8 to, all of the following:

9 (1) Incentives that encourage regional centers to meet or exceed
10 performance standards.

11 (2) Levels of probationary status for regional centers that do
12 not meet, or are at risk of not meeting, performance standards. The
13 department shall require that corrective action be taken by any
14 regional center which is placed on probation. Corrective action
15 may include, but is not limited to, mandated consultation with
16 designated representatives of the Association of Regional Center
17 Agencies or a management team designated by the department, or
18 both. The department shall establish the specific timeline for the
19 implementation of corrective action and monitor its
20 implementation. When a regional center is placed on probation,
21 the department shall provide the appropriate area board with a
22 copy of the correction plan, timeline, and any other action taken
23 by the department relating to the probationary status of the regional
24 center.

25 (e) In order to evaluate the regional center's compliance with
26 its contract performance objectives and legal obligations related
27 to those objectives, the department shall do both of the following:

28 (1) Annually assess each regional center's achievement of its
29 previous year's objectives and make the assessment, including
30 baseline data and performance objectives of the individual regional
31 centers, available to the public. The department may make a special
32 commendation of the regional centers that have best engaged the
33 community in the development of contract performance objectives
34 and have made the most meaningful progress in meeting or
35 exceeding contract performance objectives.

36 (2) Monitor the activities of the regional center to ensure
37 compliance with the provisions of its contracts, including, but not
38 limited to, reviewing all of the following:

39 (A) The regional center's public process for compliance with
40 the procedures-sets set forth in paragraph (2) of subdivision (c).

(B) Each regional center's performance objectives for compliance with the criteria set forth in paragraph (1) of subdivision (c).

(C) Any public comments on regional center performance objectives sent to the department or to the regional centers, and soliciting public input on the public process and final performance standards.

(f) The renewal of each contract shall be contingent upon compliance with the contract including, but not limited to, the performance objectives, as determined through the department's evaluation.

~~(g) The department shall make available on its Internet Web site each regional center's current contract, as well as the annual assessment of the regional center's success in achieving the previous year's objectives.~~

SEC. 2. Section 4639.1 is added to the Welfare and Institutions Code, to read:

~~4639.1. (a) A regional center shall not retaliate against a regional center vendor, applicant for vendorization, or a regional center employee for filing a complaint with the regional center, the department, or any other governmental entity about the regional center, its board members, or its employees.~~

~~(b) A regional center shall report all allegations of retaliation to the department.~~

~~(c) A regional center vendor, applicant for vendorization, or a regional center employee may report retaliation directly to the department. Upon receiving the allegation of retaliation, the department shall investigate. If, after investigating, the department finds that retaliation has occurred, the department shall send a copy of its investigative report to the regional center and may place the regional center on probationary status, pursuant to Section 4629. If more than one instance of retaliation is found within a five-year contract period, the department shall place the regional center on probationary status. Failure to comply with corrective actions shall be considered a violation of the contract and grounds for contract termination, at the department's discretion. The department shall identify and communicate to regional centers through a directive as to what constitutes a single instance of retaliation.~~

~~(d) The department shall report the outcome of investigations undertaken pursuant to subdivision (c) to the Legislature. If the~~

1 ~~department reasonably believes that the investigative report may~~
2 ~~involve criminal actions, the department shall also report this~~
3 ~~information to the Attorney General.~~

4 ~~(e) This section shall not be deemed to diminish the rights,~~
5 ~~privileges, or remedies of an employee under any other federal or~~
6 ~~state law, or under any employment contract or collective~~
7 ~~bargaining agreement. This section shall not allow the release of~~
8 ~~information protected under Section 4514.~~

9 4639.1. (a) No later than July 1, 2012, the State Department
10 of Developmental Services shall develop processes and procedures
11 to address issues of retaliation against regional center employees
12 and vendors. These processes and procedures shall be included
13 in the regional center standard agreement contract after
14 development. At a minimum, the processes and procedures shall
15 include the following:

16 (1) For the purposes of the contract, a definition of
17 “retaliation.”

18 (2) A requirement for the regional center to report all
19 allegations of retaliation to its board members and to the
20 department, although the department shall not be required to
21 investigate the allegation unless received directly from the party
22 making the allegation.

23 (3) A process for corrective action by the regional center and
24 a process for verification of corrective action by the department.

25 (4) (A) A provision of notice to employees and vendors, made
26 by the regional center, of the processes and procedures that are
27 developed, detailing to whom they can make a complaint of
28 retaliation and who will investigate the complaint.

29 (B) The provision of notice shall specify that the department
30 will not investigate a complaint of retaliation unless the
31 complainant directly files that complaint with the department. The
32 provision of notice shall also specify the department’s policy on
33 responding to whistleblower complaints and the right to make a
34 complaint directly to the department.

35 (C) The provision of notice may be disseminated in the same
36 manner as other notices disseminated to stakeholders concerning
37 their rights when filing a complaint.

38 (b) The department shall develop the processes and procedures
39 described in subdivision (a) in conjunction with the Association
40 of Regional Center Agencies (ARCA), and in consultation with

1 *other stakeholder groups representing employees, consumers and*
2 *their families, and vendors.*

3 SEC. 3. Section 4639.2 is added to the Welfare and Institutions
4 Code, to read:

5 4639.2. (a) A regional center shall report ~~to annually~~ *annually*
6 *to the department the total number of complaints it has received*
7 *within a fiscal year, including the method in which the complaint*
8 *was received, the type of complaint, the number of days pending*
9 *to resolution, and the disposition of each complaint.*

10 (b) The department shall report annually to the Legislature the
11 total volume, method, type of complaint, days pending, and
12 disposition of complaints for each regional center that the regional
13 center has received in a fiscal year. The department shall also
14 provide to the Legislature the total volume, method, type of
15 complaint, days pending, and disposition of complaints for each
16 regional center that the department has directly received in a fiscal
17 year. The department shall ascertain to the best of its ability which
18 complaints have been filed with both the regional center and the
19 department to avoid duplicate counting of complaints.

20 (c) The department shall use the complaint data gathered pursuant
21 to this subdivision, accounting for population size, service needs,
22 and availability, to develop annual performance objectives for each
23 regional center that will improve each regional center's resolution
24 of complaints, where necessary.

25 SEC. 4. Section 4639.3 is added to the Welfare and Institutions
26 Code, to read:

27 4639.3. (a) In addition to all other audits and reviews the
28 department conducts of regional centers, the department shall
29 conduct a review of each regional center's compliance with the
30 procedures for developing individual program plans required by
31 law and regulation. The review shall consist of an evaluation of
32 whether the regional center has appropriate individual program
33 plan procedures in place, as well as a sampling of individual
34 program plans to determine whether procedures are being followed.
35 The regional center shall have the duty of demonstrating
36 compliance with respect to the development and ongoing
37 requirements of individual program plans. The department shall
38 issue necessary guidance to aid regional centers in retaining or
39 producing documentation that constitutes demonstration of
40 compliance.

(b) The department shall include this review in any fiscal audit, Medicaid waiver review, or the follow up to an audit or review, but the department shall conduct the review no less than once every 36 months. If a regional center has been found to be noncompliant with state law or regulation, with respect to the development or ongoing requirements of individual program plans, the department shall monitor the regional center as necessary to ensure that corrective actions are taken by the regional center.

(c) The department shall utilize the results of this review to develop annual performance objectives for each regional center that will improve each regional center's compliance with state law and regulation with respect to the development and ongoing requirements of individual program plans.

(d) The department shall include the results of this review in its published annual review, pursuant to subdivision (g) of Section 4629.

SEC. 5. Section 4639.4 is added to the Welfare and Institutions Code, to read:

4639.4. In order to provide consumers and their families with information about service providers, and to provide greater transparency in the rates paid to service providers, beginning July 1, 2013, each regional center shall publish a directory of vendorized service providers on its Internet Web site, listing them by category of service. For vendors who have negotiated rates, the negotiated rate shall be published. The directory of service providers and their rates shall be updated ~~every six months~~ *annually*.

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

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

(a) Securing needed services and supports.

(1) It is the intent of the Legislature that services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible and in exercising personal choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer's individual program plan, and within the context of the individual program plan, the planning team shall give highest preference to those services and supports which would allow

1 minors with developmental disabilities to live with their families,
2 adult persons with developmental disabilities to live as
3 independently as possible in the community, and that allow all
4 consumers to interact with persons without disabilities in positive,
5 meaningful ways.

6 (2) In implementing individual program plans, regional centers,
7 through the planning team, shall first consider services and supports
8 in natural community, home, work, and recreational settings.
9 Services and supports shall be flexible and individually tailored
10 to the consumer and, where appropriate, his or her family.

11 (3) A regional center may, pursuant to vendorization or a
12 contract, purchase services or supports for a consumer from any
13 individual or agency which the regional center and consumer or,
14 where appropriate, his or her parents, legal guardian, or
15 conservator, or authorized representatives, determines will best
16 accomplish all or any part of that consumer's program plan.

17 (A) Vendorization or contracting is the process for identification,
18 selection, and utilization of service vendors or contractors, based
19 on the qualifications and other requirements necessary in order to
20 provide the service.

21 (B) A regional center may reimburse an individual or agency
22 for services or supports provided to a regional center consumer if
23 the individual or agency has a rate of payment for vendored or
24 contracted services established by the department, pursuant to this
25 division, and is providing services pursuant to an emergency
26 vendorization or has completed the vendorization procedures or
27 has entered into a contract with the regional center and continues
28 to comply with the vendorization or contracting requirements. The
29 director shall adopt regulations governing the vendorization process
30 to be utilized by the department, regional centers, vendors and the
31 individual or agency requesting vendorization.

32 (C) Regulations shall include, but not be limited to: the vendor
33 application process, and the basis for accepting or denying an
34 application; the qualification and requirements for each category
35 of services that may be provided to a regional center consumer
36 through a vendor; requirements for emergency vendorization;
37 procedures for termination of vendorization; the procedure for an
38 individual or an agency to appeal any vendorization decision made
39 by the department or regional center.

1 (D) A regional center may vendorize a licensed facility for
2 exclusive services to persons with developmental disabilities at a
3 capacity equal to or less than the facility's licensed capacity. A
4 facility already licensed on January 1, 1999, shall continue to be
5 vendorized at their full licensed capacity until the facility agrees
6 to vendorization at a reduced capacity.

7 (E) Effective July 1, 2009, notwithstanding any other provision
8 of law or regulation to the contrary, a regional center shall not
9 newly vendor a State Department of Social Services licensed
10 24-hour residential care facility with a licensed capacity of 16 or
11 more beds, unless the facility qualifies for receipt of federal funds
12 under the Medicaid Program.

13 (4) Notwithstanding subparagraph (B), a regional center may
14 contract or issue a voucher for services and supports provided to
15 a consumer or family at a cost not to exceed the maximum rate of
16 payment for that service or support established by the department.
17 If a rate has not been established by the department, the regional
18 center may, for an interim period, contract for a specified service
19 or support with, and establish a rate of payment for, any provider
20 of the service or support necessary to implement a consumer's
21 individual program plan. Contracts may be negotiated for a period
22 of up to three years, with annual review and subject to the
23 availability of funds.

24 (5) In order to ensure the maximum flexibility and availability
25 of appropriate services and supports for persons with
26 developmental disabilities, the department shall establish and
27 maintain an equitable system of payment to providers of services
28 and supports identified as necessary to the implementation of a
29 consumers' individual program plan. The system of payment shall
30 include provision for a rate to ensure that the provider can meet
31 the special needs of consumers and provide quality services and
32 supports in the least restrictive setting as required by law.

33 (6) The regional center and the consumer, or where appropriate,
34 his or her parents, legal guardian, conservator, or authorized
35 representative, including those appointed pursuant to subdivision
36 (d) of Section 4548 or subdivision (e) of Section 4705, shall,
37 pursuant to the individual program plan, consider all of the
38 following when selecting a provider of consumer services and
39 supports:

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

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

6 (C) Where appropriate, the existence of licensing, accreditation,
7 or professional certification.

8 (D) (i) The cost of providing services or supports of comparable
9 quality by different providers, if available, shall be reviewed, and
10 the least costly available provider of comparable service, including
11 the cost of transportation, who is able to accomplish all or part of
12 the consumer's individual program plan, consistent with the
13 particular needs of the consumer and family as identified in the
14 individual program plan, shall be selected. In determining the least
15 costly provider, the availability of federal financial participation
16 shall be considered.

17 (ii) The consumer shall not be required to use the least costly
18 provider if it will result in the consumer moving from an existing
19 provider of services or supports to more restrictive or less
20 integrated services or supports. The determination of comparability
21 shall be made by the individual program plan planning team and
22 shall include, but not be limited to, the criteria in subparagraphs
23 (A), (B), (C), and (E).

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

26 (7) No service or support provided by any agency or individual
27 shall be continued unless the consumer or, where appropriate, his
28 or her parents, legal guardian, or conservator, or authorized
29 representative, including those appointed pursuant to subdivision
30 (d) of Section 4548 or subdivision (e) of Section 4705, is satisfied
31 and the regional center and the consumer or, when appropriate,
32 the person's parents or legal guardian or conservator agree that
33 planned services and supports have been provided, and reasonable
34 progress toward objectives have been made.

35 (8) Regional center funds shall not be used to supplant the
36 budget of any agency which has a legal responsibility to serve all
37 members of the general public and is receiving public funds for
38 providing those services.

39 (9) (A) A regional center may, directly or through an agency
40 acting on behalf of the center, provide placement in, purchase of,

1 or follow-along services to persons with developmental disabilities
2 in, appropriate community living arrangements, including, but not
3 limited to, support service for consumers in homes they own or
4 lease, foster family placements, health care facilities, and licensed
5 community care facilities. In considering appropriate placement
6 alternatives for children with developmental disabilities, approval
7 by the child's parent or guardian shall be obtained before placement
8 is made.

9 (B) Effective July 1, 2012, notwithstanding any other provision
10 of law or regulation to the contrary, a regional center shall not
11 purchase residential services from a State Department of Social
12 Services licensed 24-hour residential care facility with a licensed
13 capacity of 16 or more beds. This prohibition on regional center
14 purchase of residential services shall not apply to either of the
15 following:

16 (i) A residential facility with a licensed capacity of 16 or more
17 beds that has been approved to participate in the department's
18 Home and Community Based Services Waiver or another existing
19 waiver program or certified to participate in the Medi-Cal program.

20 (ii) A residential facility service provider that has a written
21 agreement and specific plan prior to July 1, 2012, with the
22 vendoring regional center to downsize the existing facility by
23 transitioning its residential services to living arrangements of 15
24 beds or less or restructure the large facility to meet federal
25 Medicaid eligibility requirements on or before June 30, 2013.

26 (C) Each person with developmental disabilities placed by the
27 regional center in a community living arrangement shall have the
28 rights specified in this division. These rights shall be brought to
29 the person's attention by any means necessary to reasonably
30 communicate these rights to each resident, provided that, at a
31 minimum, the Director of Developmental Services prepare,
32 provide, and require to be clearly posted in all residential facilities
33 and day programs a poster using simplified language and pictures
34 that is designed to be more understandable by persons with
35 cognitive disabilities and that the rights information shall also be
36 available through the regional center to each residential facility
37 and day program in alternative formats, including, but not limited
38 to, other languages, braille, and audio tapes, when necessary to
39 meet the communication needs of consumers.

(D) Consumers are eligible to receive supplemental services including, but not limited to, additional staffing, pursuant to the process described in subdivision (d) of Section 4646. Necessary additional staffing that is not specifically included in the rates paid to the service provider may be purchased by the regional center if the additional staff are in excess of the amount required by regulation and the individual's planning team determines the additional services are consistent with the provisions of the individual program plan. Additional staff should be periodically reviewed by the planning team for consistency with the individual program plan objectives in order to determine if continued use of the additional staff is necessary and appropriate and if the service is producing outcomes consistent with the individual program plan. Regional centers shall monitor programs to ensure that the additional staff is being provided and utilized appropriately.

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

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

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

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

1 (A) Outreach and education to programs and services within
2 the community.

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

5 (C) Developing unpaid natural supports when possible.

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

8 (15) Notwithstanding any other provision of law or regulation
9 to the contrary, effective July 1, 2009, regional centers shall not
10 purchase experimental treatments, therapeutic services, or devices
11 that have not been clinically determined or scientifically proven
12 to be effective or safe or for which risks and complications are
13 unknown. Experimental treatments or therapeutic services include
14 experimental medical or nutritional therapy when the use of the
15 product for that purpose is not a general physician practice. For
16 regional center consumers receiving these services as part of their
17 individual program plan (IPP) or individualized family service
18 plan (IFSP) on July 1, 2009, this prohibition shall apply on August
19 1, 2009.

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

23 (2) Whenever the advocacy efforts of a regional center to secure
24 or protect the civil, legal, or service rights of any of its consumers
25 prove ineffective, the regional center or the person with
26 developmental disabilities or his or her parents, legal guardian, or
27 other representative may request the area board to initiate action
28 under the provisions defining area board advocacy functions
29 established in this division.

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

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

36 (1) Identify services and supports that are ineffective or of poor
37 quality and provide or secure consultation, training, or technical
38 assistance services for any agency or individual provider to assist
39 that agency or individual provider in upgrading the quality of
40 services or supports.

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

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

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

11 (2) Requesting funds from the Program Development Fund,
12 pursuant to Section 4677, or community placement plan funds
13 designated from that fund, to reimburse the startup costs needed
14 to initiate a new program of services and supports.

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

17 (f) Except in emergency situations, a regional center shall not
18 provide direct treatment and therapeutic services, but shall utilize
19 appropriate public and private community agencies and service
20 providers to obtain those services for its consumers.

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

26 (h) At least annually, regional centers shall provide the
27 consumer, his or her parents, legal guardian, conservator, or
28 authorized representative a statement of services and supports the
29 regional center purchased for the purpose of ensuring that they are
30 delivered. The statement shall include the type, unit, month, and
31 cost of services and supports purchased.