

AMENDED IN ASSEMBLY JUNE 13, 2012

SENATE BILL

No. 1012

Introduced by Committee on Budget and Fiscal Review

February 6, 2012

An act relating to the Budget Act of 2012. An act to amend Section 95004 of the Government Code, to amend Section 1531.1 of, and to add Sections 1267.75 and 1531.15 to, the Health and Safety Code, to amend Sections 4418.25, 4418.7, 4507, 4519, 4640.6, 4648, 4684.53, 4684.65, 4684.74, 4689, 4791, 6000, 6500, 6501, 6502, 6504, 6504.5, 6506, 6507, 6508, 6509, 6511, 6512, 7502.5, and 7507 of, and to add Sections 4519.5, 4792.1, 6510.5, and 7505 to, the Welfare and Institutions Code, and to amend Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, relating to developmental services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

LEGISLATIVE COUNSEL'S DIGEST

SB 1012, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2012. Developmental services.~~

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. The act requires these services to be provided pursuant to the existing regional center system under the Lanterman Developmental Disabilities Services Act, and further requires the regional centers to comply with that act and its implementing regulations, as specified.

This bill would provide that the use of private health insurance or a health care service plan to pay for early intervention services may not result in the loss of specified benefits for the covered individual or family, may not negatively affect the availability of health coverage for the covered individual or family, and may not be the basis for increasing health insurance or health care service plan premiums for the covered individual or family, as specified.

Existing law authorizes a residential facility licensed as an adult residential facility, group home, small family home, foster family home, or a family home certified by a foster family agency, that serves individuals with developmental disabilities, to install and utilize delayed egress devices, as defined.

This bill would additionally authorize a licensee of an adult residential facility or group home, that is utilizing delayed egress devices, and that serves individuals with developmental disabilities, to install and utilize secured perimeters, as defined, in accordance with specified provisions. This bill would also authorize a licensee of an intermediate care facility/developmentally disabled habilitative, as defined, and an intermediate care facility/developmentally disabled, as defined, to utilize delayed egress devices, as defined, in combination with secured perimeters, as defined, in accordance with specified provisions.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals 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. Existing law vests in the department jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities.

This bill would revise the provisions governing admission and stay in developmental centers, including limiting developmental center admissions for an acute crisis, as defined, to the Fairview Developmental Center, and limiting admission, generally, to persons meeting specified criteria. This bill would make related, conforming, and technical changes.

This bill would require the department to establish a statewide specialized resource service for the purposes of tracking available services, and would require regional centers to complete comprehensive assessments, as specified. This bill would revise certain provisions

relating to out-of-state placements, including limiting the purchase of out-of-state services to no more than 6 months, except as specified.

This bill would require the department and the regional centers to annually compile and post specified data on their respective Internet Web sites. This bill, commencing July 1, 2012, would prohibit a regional center from purchasing new residential services from institutions for mental disease, as defined, except as specified.

Existing law requires the department and regional centers to ensure that supported living arrangements for adults with developmental disabilities are made available, as specified. Existing law requires an independent assessment for consumers receiving supported living who have supported living service costs that exceed 125% of the annual statewide average cost of supported living services, as specified.

This bill would delete the latter provision and would instead require the IPP team to complete a standardized assessment questionnaire at the time of development, review, or modification of a consumer's IPP. The bill would require the department to develop this questionnaire, post it on its Internet Web site, and provide it to the regional centers by June 30, 2012. The bill would require, upon a determination of a reduction in services pursuant to these provisions, that the regional center inform the consumer of the reason for the determination and provide a written notice of fair hearing rights, as specified.

Existing law requires regional centers, in order to implement changes in the level of funding for regional center purchase of services, to reduce certain payments for services and supports by 4.25% from July 1, 2010, to June 30, 2012, except as specified, and authorizes the temporary modification of personnel requirements, functions, or qualifications, or staff training requirements, and suspends prescribed annual review and reporting requirements for affected providers, until June 30, 2012.

This bill would require regional centers, commencing July 1, 2012, until June 30, 2013, to reduce certain payments for services and supports by 1.25%. The bill would extend the authorization of temporary modification of personnel requirements, functions, or qualifications, or staff training requirements, as well as the suspension of the prescribed annual review and reporting requirements for affected providers, until June 30, 2013.

Under existing law, regional center contracts require certain specified staffing levels and expertise, which are suspended from July 1, 2010, to June 30, 2012.

This bill would suspend those staffing requirements until June 30, 2013.

This bill would, if a condition set forth in a specified provision of the Budget Act of 2012 is satisfied, state the intent of the Legislature for the department to identify up to \$50,000,000 in General Fund savings from the developmental services system, as prescribed. This bill would require the department to consider input from prescribed stakeholders. This bill would require, as prescribed, the department to report to the Joint Legislative Budget Committee within 10 days of the specified reduction as directed within the Budget Act of 2012.

This bill would appropriate \$1,000 from the General Fund to the State Department of Developmental Services for administration.

This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~*This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2012.*~~

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

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

- 1 SECTION 1. Section 95004 of the Government Code, as
- 2 amended by Section 1 of Chapter 9 of the Fourth Extraordinary
- 3 Session of the Statutes of 2009, is amended to read:
- 4 95004. The early intervention services specified in this title
- 5 shall be provided as follows:
- 6 (a) Direct services for eligible infants and toddlers and their
- 7 families shall be provided pursuant to the existing regional center
- 8 system under the Lanterman Developmental Disabilities Services
- 9 Act (Division 4.5 (commencing with Section 4500) of the Welfare
- 10 and Institutions Code) and the existing local education agency
- 11 system under appropriate sections of Part 30 (commencing with
- 12 Section 56000) of the Education Code and regulations adopted
- 13 pursuant thereto, and Part C of the *federal* Individuals with
- 14 Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.).
- 15 (b) (1) In providing services under this title, regional centers
- 16 shall comply with the Lanterman Developmental Disabilities
- 17 Services Act (Division 4.5 (commencing with Section 4500) of
- 18 the Welfare and Institutions Code, and its implementing regulations
- 19 (Division 2 (commencing with Section 50201) of Title 17 of the

California Code of Regulations) including, but not limited to, those provisions relating to vendorization and ratesetting, and the Family Cost Participation Program, except where compliance with those provisions would result in any delays in, the provision of early intervention, or otherwise conflict with this title and the regulations implementing this title (Chapter 2 (commencing with Section 52000) of Division 2 of Title 17 of the California Code of Regulations), or Part C of the *federal* Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.), and applicable federal regulations contained in Part 303 (commencing with Section 303.1) of Title 34 of the Code of Federal Regulations. Notwithstanding any other law or regulation to the contrary, a family's private health insurance for medical services or a health care service plan identified in the individualized family service plan, other than for evaluation and assessment, shall be used in compliance with applicable federal and state law and regulation.

(2) When compliance with this subdivision would result in any delays in the provision of early intervention services for the provision of any of these services, the department may authorize a regional center to use a special service code that allows immediate procurement of the service.

(c) *The use of private health insurance or a health care service plan to pay for early intervention services under Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1431 et seq.) shall not:*

(1) *Count towards or result in a loss of benefits due to the annual or lifetime health insurance or health care service plan coverage caps for the infant or toddler with a disability, the parent, or the child's family members who are covered under that health insurance policy or health care service plan contract.*

(2) *Negatively affect the availability of health coverage for the infant or toddler with a disability, the parent, or the child's family members who are covered under that health insurance policy or health care service plan contract, or result in a discontinuance of the health insurance policy or the health care service plan contract or coverage under the health insurance policy or health care service plan contract for these individuals.*

(3) *Be the basis for increasing the health insurance or health care service plan premium of the infant or toddler with a disability,*

1 *the parent, or the child's family members covered under that health*
2 *insurance policy or health care service plan contract.*

3 ~~(e)~~

4 (d) Services shall be provided by family resource centers that
5 provide, but are not limited to, parent-to-parent support,
6 information dissemination and referral, public awareness, family
7 professional collaboration activities, and transition assistance for
8 families.

9 ~~(d)~~

10 (e) Existing obligations of the state to provide these services at
11 state expense shall not be expanded.

12 ~~(e)~~

13 (f) It is the intent of the Legislature that services be provided in
14 accordance with Sections 303.124, 303.126, and 303.527 of Title
15 34 of the Code of Federal Regulations.

16 SEC. 2. Section 1267.75 is added to the Health and Safety
17 Code, to read:

18 1267.75. (a) A licensee of an intermediate care
19 facility/developmentally disabled habilitative, as defined in
20 subdivision (e) of Section 1250, or of an intermediate care
21 facility/developmentally disabled, as defined in subdivision (g) of
22 Section 1250, for no more than 15 residents, that is eligible for
23 and serving clients eligible for federal Medicaid funding may, with
24 the approval of the State Department of Public Health and
25 contingent upon continued eligibility for federal Medicaid funding,
26 install and utilize delayed egress devices of the time delay type in
27 combination with secured perimeters in accordance with the
28 provisions of this section.

29 (b) For purposes of this section, the following definitions shall
30 apply:

31 (1) "Delayed egress device" means a device that precludes the
32 use of exits for a predetermined period of time. These devices shall
33 not delay any resident's departure from the facility for longer than
34 30 seconds.

35 (2) "Secured perimeters" means fences that meet the
36 requirements prescribed by this section.

37 (c) Only individuals meeting all of the following conditions may
38 be admitted to or reside in a facility described in subdivision (a)
39 utilizing delayed egress devices of the time delay type in
40 combination with secured perimeters:

1 (1) The person shall have a developmental disability as defined
2 in Section 4512 of the Welfare and Institutions Code.

3 (2) The person shall be receiving services and case management
4 from a regional center under the Lanterman Developmental
5 Disabilities Services Act (Division 4.5 (commencing with Section
6 4500) of the Welfare and Institutions Code).

7 (3) (A) The person shall be 14 years of age or older.

8 (B) Notwithstanding subparagraph (A), a child who is at least
9 10 years of age and less than 14 years of age may be placed in a
10 licensed facility described in subdivision (a) using delayed egress
11 devices of the time delay type in combination with secured
12 perimeters only if both of the following occur:

13 (i) A comprehensive assessment is conducted and an individual
14 program plan meeting is convened to determine the services and
15 supports needed for the child to receive services in a less
16 restrictive, unlocked residential setting in California, and the
17 regional center requests assistance from the State Department of
18 Developmental Service's statewide specialized resource service
19 to identify options to serve the child in a less restrictive, unlocked
20 residential setting in California.

21 (ii) The regional center requests placement of the child in a
22 facility described in subdivision (a) using delayed egress devices
23 of the time delay type in combination with secured perimeters on
24 the basis that the placement is necessary to prevent out-of-state
25 placement or placement in a more restrictive, locked residential
26 setting and the State Department of Developmental Services
27 approves the request.

28 (4) An interdisciplinary team, through the individual program
29 plan (IPP) process pursuant to Section 4646.5 of the Welfare and
30 Institutions Code, shall have determined that the person lacks
31 hazard awareness or impulse control and, for his or her safety
32 and security, requires the level of supervision afforded by a facility
33 equipped with delayed egress devices of the time delay type in
34 combination with secured perimeters and that, but for this
35 placement, the person would be at risk of admission to, or would
36 have no option but to remain in, a more restrictive placement. The
37 individual program planning team shall determine the continued
38 appropriateness of the placement at least annually.

39 (d) The licensee shall be subject to all applicable fire and
40 building codes, regulations, and standards, and shall receive

1 approval by the county or city fire department, the local fire
2 prevention district, or the State Fire Marshal for the installed
3 devices and secured perimeters.

4 (e) The licensee shall provide staff training regarding the use
5 and operation of the delayed egress devices of the time delay type
6 and secured perimeters, protection of residents' personal rights,
7 lack of hazard awareness and impulse control behavior, and
8 emergency evacuation procedures.

9 (f) The licensee shall revise its facility plan of operation. These
10 revisions shall first be approved by the State Department of
11 Developmental Services. The plan of operation shall not be
12 approved by the State Department of Public Health unless the
13 licensee provides certification that the plan was approved by the
14 State Department of Developmental Services. The plan shall
15 include, but not be limited to, all of the following:

16 (1) A description of how the facility is to be equipped with
17 secured perimeters that are consistent with regulations adopted
18 by the State Fire Marshal pursuant to Section 13143.6.

19 (2) A description of how the facility will provide training for
20 staff.

21 (3) A description of how the facility will ensure the protection
22 of the residents' personal rights consistent with Sections 4502,
23 4503, and 4504 of the Welfare and Institutions Code, and any
24 applicable personal rights provided in Title 22 of the California
25 Code of Regulations.

26 (4) A description of how the facility will manage residents' lack
27 of hazard awareness and impulse control behavior.

28 (5) A description of the facility's emergency evacuation
29 procedures.

30 (g) Delayed egress devices of the time delay type in combination
31 with secured perimeters shall not substitute for adequate staff.

32 (h) Emergency fire and earthquake drills shall be conducted on
33 each shift in accordance with existing licensing requirements, and
34 shall include all facility staff providing resident care and
35 supervision on each shift.

36 (i) Interior and exterior space shall be available on the facility
37 premises to permit clients to move freely and safely.

38 (j) For the purposes of using secured perimeters, the licensee
39 shall not be required to obtain a waiver or exception to a

1 regulation that would otherwise prohibit the locking of a perimeter
2 fence or gate.

3 (k) This section shall become operative only upon the filing of
4 emergency regulations by the State Department of Developmental
5 Services. These regulations shall be developed with stakeholders,
6 including the State Department of Public Health, consumer
7 advocates, and regional centers. The regulations shall establish
8 program standards for homes that include delayed egress devices
9 of the time delay type in combination with secured perimeters,
10 including requirements and timelines for the completion and
11 updating of a comprehensive assessment of the consumer's needs,
12 including the identification through the individual program plan
13 process of the services and supports needed to transition the
14 consumer to a less restrictive living arrangement, and a timeline
15 for identifying or developing those services and supports. The
16 regulations shall establish a statewide limit on the total number
17 of beds in homes with delayed egress devices of the time delay type
18 in combination with secured perimeters. The adoption of these
19 regulations shall be deemed to be an emergency and necessary
20 for the immediate preservation of the public peace, health and
21 safety, or general welfare.

22 (l) This section shall not apply to developmental centers and
23 state-operated community facilities.

24 SEC. 3. Section 1531.1 of the Health and Safety Code is
25 amended to read:

26 1531.1. (a) A residential facility licensed as an adult residential
27 facility, group home, small family home, foster family home, or
28 a family home certified by a foster family agency may install and
29 utilize delayed egress devices of the time delay type.

30 (b) As used in this section, "delayed egress device" means a
31 device that precludes the use of exits for a predetermined period
32 of time. These devices shall not delay any resident's departure
33 from the facility for longer than 30 seconds.

34 (c) Within the 30 seconds of delay, facility staff may attempt
35 to redirect a resident who attempts to leave the facility.

36 (d) Any person accepted by a residential facility or family home
37 certified by a foster family agency utilizing delayed egress devices
38 shall meet all of the following conditions:

39 (1) The person shall have a developmental disability as defined
40 in Section 4512 of the Welfare and Institutions Code.

1 (2) The person shall be receiving services and case management
2 from a regional center under the Lanterman Developmental
3 Disabilities Services Act (Division 4.5 (commencing with Section
4 4500) of the Welfare and Institutions Code).

5 (3) An interdisciplinary team, through the Individual Program
6 Plan (IPP) process pursuant to Section 4646.5 of the Welfare and
7 Institutions Code, shall have determined that the person lacks
8 hazard awareness or impulse control and requires the level of
9 supervision afforded by a facility equipped with delayed egress
10 devices, and that but for this placement, the person would be at
11 risk of admission to, or would have no option but to remain in, a
12 more restrictive state hospital or state developmental center
13 placement.

14 (e) The facility shall be subject to all fire and building codes,
15 regulations, and standards applicable to residential care facilities
16 for the elderly utilizing delayed egress devices, and shall receive
17 approval by the county or city fire department, the local fire
18 prevention district, or the State Fire Marshal for the installed
19 delayed egress devices.

20 (f) The facility shall provide staff training regarding the use and
21 operation of the egress control devices utilized by the facility,
22 protection of residents' personal rights, lack of hazard awareness
23 and impulse control behavior, and emergency evacuation
24 procedures.

25 (g) The facility shall develop a plan of operation approved by
26 the State Department of Social Services that includes a description
27 of how the facility is to be equipped with egress control devices
28 that are consistent with regulations adopted by the State Fire
29 Marshal pursuant to Section 13143.

30 (h) The plan shall include, but shall not be limited to, all of the
31 following:

32 (1) A description of how the facility will provide training for
33 staff regarding the use and operation of the egress control devices
34 utilized by the facility.

35 (2) A description of how the facility will ensure the protection
36 of the residents' personal rights consistent with Sections 4502,
37 4503, and 4504 of the Welfare and Institutions Code.

38 (3) A description of how the facility will manage the person's
39 lack of hazard awareness and impulse control behavior.

1 (4) A description of the facility's emergency evacuation
2 procedures.

3 (i) Delayed egress devices shall not substitute for adequate staff.
4 ~~The Except for facilities operating in accordance with Section~~
5 ~~1531.15, the capacity of the facility shall not exceed six residents.~~

6 (j) Emergency fire and earthquake drills shall be conducted at
7 least once every three months on each shift, and shall include all
8 facility staff providing resident care and supervision on each shift.

9 SEC. 4. Section 1531.15 is added to the Health and Safety
10 Code, to read:

11 1531.15. (a) A licensee of an adult residential facility or group
12 home for no more than 15 residents, that is eligible for and serving
13 clients eligible for federal Medicaid funding and utilizing delayed
14 egress devices pursuant to Section 1531.1, may install and utilize
15 secured perimeters in accordance with the provisions of this
16 section.

17 (b) As used in this section, "secured perimeters" means fences
18 that meet the requirements prescribed by this section.

19 (c) Only individuals meeting all of the following conditions may
20 be admitted to or reside in a facility described in subdivision (a)
21 utilizing secured perimeters:

22 (1) The person shall have a developmental disability as defined
23 in Section 4512 of the Welfare and Institutions Code.

24 (2) The person shall be receiving services and case management
25 from a regional center under the Lanterman Developmental
26 Disabilities Services Act (Division 4.5 (commencing with Section
27 4500) of the Welfare and Institutions Code).

28 (3) (A) The person shall be 14 years of age or older, except as
29 specified in subparagraph (B).

30 (B) Notwithstanding subparagraph (A), a child who is at least
31 10 years of age and less than 14 years of age may be placed in a
32 licensed group home described in subdivision (a) using secured
33 perimeters only if both of the following occur:

34 (i) A comprehensive assessment is conducted and an individual
35 program plan meeting is convened to determine the services and
36 supports needed for the child to receive services in a less
37 restrictive, unlocked residential setting in California, and the
38 regional center requests assistance from the State Department of
39 Developmental Service's statewide specialized resource service

1 to identify options to serve the child in a less restrictive, unlocked
2 residential setting in California.

3 (ii) The regional center requests placement of the child in a
4 licensed group home described in subdivision (a) using secured
5 perimeters on the basis that the placement is necessary to prevent
6 out-of-state placement or placement in a more restrictive, locked
7 residential setting and the State Department of Developmental
8 Services approves the request.

9 (4) The person is not a foster child under the jurisdiction of the
10 juvenile court pursuant to Section 300, 301, or 602 of the Welfare
11 and Institutions Code.

12 (5) An interdisciplinary team, through the individual program
13 plan (IPP) process pursuant to Section 4646.5 of the Welfare and
14 Institutions Code, shall have determined the person lacks hazard
15 awareness or impulse control and, for his or her safety and
16 security, requires the level of supervision afforded by a facility
17 equipped with secured perimeters, and, but for this placement, the
18 person would be at risk of admission to, or would have no option
19 but to remain in, a more restrictive placement. The individual
20 program planning team shall determine the continued
21 appropriateness of the placement at least annually.

22 (d) The licensee shall be subject to all applicable fire and
23 building codes, regulations, and standards, and shall receive
24 approval by the county or city fire department, the local fire
25 prevention district, or the State Fire Marshal for the installed
26 secured perimeters.

27 (e) The licensee shall provide staff training regarding the use
28 and operation of the secured perimeters, protection of residents'
29 personal rights, lack of hazard awareness and impulse control
30 behavior, and emergency evacuation procedures.

31 (f) The licensee shall revise its facility plan of operation. These
32 revisions shall be first be approved by the State Department of
33 Developmental Services. The plan of operation shall not be
34 approved by the State Department of Social Services unless the
35 licensee provides certification that the plan was approved by the
36 State Department of Developmental Services. The plan shall
37 include, but not be limited to, all of the following:

38 (1) A description of how the facility is to be equipped with
39 secured perimeters that are consistent with regulations adopted
40 by the State Fire Marshall pursuant to Section 13143.6.

1 (2) A description of how the facility will provide training for
2 staff.

3 (3) A description of how the facility will ensure the protection
4 of the residents' personal rights consistent with Sections 4502,
5 4503, and 4504 of the Welfare and Institutions Code, and any
6 applicable personal rights provided in Title 22 of the California
7 Code of Regulations.

8 (4) A description of how the facility will manage residents' lack
9 of hazard awareness and impulse control behavior.

10 (5) A description of the facility's emergency evacuation
11 procedures.

12 (g) Secured perimeters shall not substitute for adequate staff.

13 (h) Emergency fire and earthquake drills shall be conducted on
14 each shift in accordance with existing licensing requirements, and
15 shall include all facility staff providing resident care and
16 supervision on each shift.

17 (i) Interior and exterior space shall be available on the facility
18 premises to permit clients to move freely and safely.

19 (j) For the purpose of using secured perimeters, the licensee
20 shall not be required to obtain a waiver or exception to a
21 regulation that would otherwise prohibit the locking of a perimeter
22 fence or gate.

23 (k) This section shall become operative only upon the filing of
24 emergency regulations by the State Department of Developmental
25 Services. These regulations shall be developed with stakeholders,
26 including the State Department of Social Services, consumer
27 advocates, and regional centers. The regulations shall establish
28 program standards for homes that include secured perimeters,
29 including requirements and timelines for the completion and
30 updating of a comprehensive assessment of each consumer's needs,
31 including the identification through the individual program plan
32 process of the services and supports needed to transition the
33 consumer to a less restrictive living arrangement, and a timeline
34 for identifying or developing those services and supports. The
35 regulations shall establish a statewide limit on the total number
36 of beds in homes with secured perimeters. The adoption of these
37 regulations shall be deemed to be an emergency and necessary
38 for the immediate preservation of the public peace, health and
39 safety, or general welfare.

1 *SEC. 5. Section 4418.25 of the Welfare and Institutions Code*
2 *is amended to read:*

3 4418.25. (a) The department shall establish policies and
4 procedures for the development of an annual community placement
5 plan by regional centers. The community placement plan shall be
6 based upon an individual program plan process as referred to in
7 subdivision (a) of Section 4418.3 and shall be linked to the
8 development of the annual state budget. The department's policies
9 shall address statewide priorities, plan requirements, and the
10 statutory roles of regional centers, developmental centers, and
11 regional resource development projects in the process of assessing
12 consumers for community living and in the development of
13 community resources.

14 (b) (1) *To reduce reliance on developmental centers and mental*
15 *health facilities, including institutions for mental disease as*
16 *described in Part 5 (commencing with Section 5900) of Division*
17 *5, for which federal funding is not available, and out-of-state*
18 *placements, the department shall establish a statewide specialized*
19 *resource service that does all of the following:*

20 (A) *Tracks the availability of specialty residential beds and*
21 *services.*

22 (B) *Tracks the availability of specialty clinical services.*

23 (C) *Coordinates the need for specialty services and supports in*
24 *conjunction with regional centers.*

25 (D) *Identifies, subject to federal reimbursement, developmental*
26 *center services and supports that can be made available to*
27 *consumers residing in the community, when no other community*
28 *resource has been identified.*

29 (2) *By September 1, 2012, regional centers shall provide the*
30 *department with information about all specialty resources*
31 *developed with the use of community placement plan funds and*
32 *shall make these resources available to other regional centers.*

33 (3) *When allocating funding for community placement plans,*
34 *priority shall be given to the development of needed statewide*
35 *specialty services and supports, including regional community*
36 *crisis homes.*

37 (4) *If approved by the director, funding may be allocated to*
38 *facilities that meet the criteria of Sections 1267.75 and 1531.15*
39 *of the Health and Safety Code.*

1 (5) *The department shall not provide community placement plan*
2 *funds to develop programs that are ineligible for federal funding*
3 *participation unless approved by the director.*

4 ~~(b)~~

5 (c) (1) The community placement plan shall provide for
6 dedicated funding for comprehensive assessments of ~~selected~~
7 developmental center residents, for identified costs of moving
8 ~~selected~~ individuals from developmental centers to the community,
9 and for deflection of ~~selected~~ individuals from developmental
10 center admission. The plans shall, where appropriate, include
11 budget requests for regional center operations, assessments,
12 resource development, and ongoing placement costs. These budget
13 requests are intended to provide supplemental funding to regional
14 centers. The plan is not intended to limit the department's or
15 regional centers' responsibility to otherwise conduct assessments
16 and individualized program planning, and to provide needed
17 services and supports in the least restrictive, most integrated setting
18 in accord with the Lanterman Developmental Disabilities Services
19 Act (Division 4.5 (commencing with Section 4500)).

20 (2) (A) *Regional centers shall complete a comprehensive*
21 *assessment of any consumer residing in a developmental center*
22 *on July 1, 2012, who meets both of the following criteria:*

23 (i) *The consumer is not committed pursuant to Section 1370.1*
24 *of the Penal Code.*

25 (ii) *The consumer has not had such an assessment in the prior*
26 *two years.*

27 (B) *The assessment shall include input from the regional center,*
28 *the consumer, and, when appropriate, the consumer's family, legal*
29 *guardian, conservator, or authorized representative, and shall*
30 *identify the types of community-based services and supports*
31 *available to the consumer.*

32 (C) *Regional centers shall specify in the annual community*
33 *placement plan how they will complete the required assessment*
34 *and the timeframe for completing the assessment for each*
35 *consumer. Initial assessments pursuant to this paragraph for*
36 *individuals residing in a developmental center on July 1, 2012,*
37 *shall be completed by December 31, 2015, unless a regional center*
38 *demonstrates to the department that an extension of time is*
39 *necessary and the department grants such an extension.*

1 (D) *The assessment completed in the prior two years, or the*
2 *assessment completed pursuant to the requirements of this section*
3 *shall be provided to the individual program planning team in order*
4 *to assist the planning team in determining the least restrictive*
5 *environment for the consumer. These assessments shall be updated*
6 *annually as part of the individual program planning process for*
7 *as long as the consumer resides in the developmental center.*

8 ~~(e)~~

9 (d) The department shall review, negotiate, and approve regional
10 center community placement plans for feasibility and
11 reasonableness, including recognition of each regional centers'
12 current developmental center population and their corresponding
13 placement level, as well as each regional centers' need to develop
14 new and innovative service models. The department shall hold
15 regional centers accountable for the development and
16 implementation of their approved plans. The regional centers shall
17 report, as required by the department, on the outcomes of their
18 plans. The department shall make aggregate performance data for
19 each regional center available, upon request, as well as data on
20 admissions to, and placements from, each developmental center.

21 ~~(f)~~

22 (e) Funds allocated by the department to a regional center for
23 a community placement plan developed under this section shall
24 be controlled through the regional center contract to ensure that
25 the funds are expended for the purposes allocated. Funds allocated
26 for community placement plans that are not used for that purpose
27 may be transferred to Item 4300-003-0001 for expenditure in the
28 state developmental centers if their population exceeds the
29 budgeted level. Any unspent funds shall revert to the General Fund.

30 (f) *Commencing May 1, 2013, and then on April 1, 2014, and*
31 *on April 1 annually thereafter, the department shall provide to the*
32 *fiscal and appropriate policy committees of the Legislature*
33 *information on efforts to serve consumers with challenging service*
34 *needs, including, but not limited to, all of the following:*

35 (1) *For each regional center, the number of consumers admitted*
36 *to each developmental center, including the legal basis for the*
37 *admissions.*

38 (2) *For each regional center, the number of consumers described*
39 *in paragraph (2) of subdivision (a) of Section 7505 who were*
40 *admitted to Fairview Developmental Center by court order*

1 pursuant to Article 2 (commencing with Section 6500) of Chapter
2 2 of Part 2 of Division 6, and the number and lengths of stay of
3 consumers, including those who have transitioned back to a
4 community living arrangement.

5 (3) Outcome data related to the assessment process set forth in
6 Section 4418.7, including the number of consumers who received
7 assessments pursuant to Section 4418.7 and the outcomes of the
8 assessments. Each regional center, commencing March 1, 2013,
9 and then on February 1, 2014, and on February 1 annually
10 thereafter, shall provide the department with information on
11 alternative community services and supports provided to those
12 consumers who were able to remain in the community following
13 the assessments, and the unmet service needs that resulted in any
14 consumers being admitted to Fairview Developmental Center.

15 (4) Progress in the development of needed statewide specialty
16 services and supports, including regional community crisis options,
17 as provided in paragraph (3) of subdivision (b). Each regional
18 center shall provide the department with a report containing the
19 information described in this paragraph commencing March 1,
20 2013, and then on February 1, 2014, and on February 1 annually
21 thereafter.

22 (5) Progress in reducing reliance on mental health facilities
23 ineligible for federal Medicaid funding, and out-of-state
24 placements.

25 (6) Information on the utilization of facilities serving consumers
26 with challenging service needs that utilize delayed egress devices
27 and secured perimeters, pursuant to Section 1267.75 or 1531.15
28 of the Health and Safety Code, including the number of admissions,
29 reasons for admissions, and lengths of stay of consumers, including
30 those who have transitioned to less restrictive living arrangements.

31 (7) If applicable, any recommendations regarding additional
32 rate exceptions or modifications beyond those allowed for under
33 existing law that the department identifies as necessary to meet
34 the needs of consumers with challenging service needs.

35 (g) Each regional center, commencing March 1, 2013, and then
36 on February 1, 2014, and on February 1 annually thereafter, shall
37 provide information to the department regarding the facilities
38 described in paragraph (6) of subdivision (f), including, but not
39 limited to, the number of admissions, reasons for admissions, and

1 *lengths of stay of consumers, including those who have transitioned*
2 *to less restrictive living arrangements.*

3 *SEC. 6. Section 4418.7 of the Welfare and Institutions Code*
4 *is amended to read:*

5 4418.7. (a) If the regional center determines, or is informed
6 by the consumer's parents, legal guardian, conservator, or
7 authorized representative that the community placement of a
8 consumer is at risk of failing, and that admittance to a state
9 developmental center is a likelihood, *or the regional center is*
10 *notified by a court of a potential admission to a developmental*
11 *center consistent with Section 7505, the regional center shall*
12 *immediately notify the appropriate regional resource development*
13 *project, the consumer, and the consumer's parents, legal guardian,*
14 *or conservator.*

15 (b) In these cases, the regional resource development project
16 shall immediately arrange for an assessment of the situation,
17 including, visiting the consumer, if appropriate, determining
18 barriers to successful integration, and recommending the most
19 appropriate means necessary to assist the consumer to remain in
20 the community. *The regional center shall request assistance from*
21 *the statewide specialized resource service pursuant to Section*
22 *4418.25 as necessary in order to determine the most appropriate*
23 *means necessary to assist the consumer to remain in the community*
24 *and shall provide the information obtained from the statewide*
25 *specialized resource service to the regional resource developmental*
26 *project.* If, based on the assessment, the regional resource
27 development project determines that additional or different services
28 and supports are necessary, the department shall ensure that the
29 regional center provides those services and supports on an
30 emergency basis. An individual program plan meeting, including
31 the regional resource development project's representative, shall
32 be convened as soon as possible to review the emergency services
33 and supports and determine the consumer's ongoing needs for
34 services and supports. The regional resource development project
35 shall follow up with the regional center as to the success of the
36 recommended interventions until the consumer's living
37 arrangement is stable.

38 (c) (1) *If the regional resource development project determines,*
39 *based on the assessment conducted pursuant to subdivision (b),*
40 *that the consumer referred to the regional resource development*

1 *project by the court cannot be safely served in the developmental*
2 *center, the department shall notify the court in writing.*

3 *(e)*

4 *(2) (A) If the regional resource development project, in*
5 *consultation with the regional center, the consumer, and the*
6 *consumer's parents, legal guardian, or conservator, when*
7 *appropriate, determines that admittance to a state developmental*
8 *center is necessary due to ~~prevent a substantial risk to the~~ an acute crisis, as defined in*
9 *~~individual's health and safety, the~~ paragraph (1) of subdivision (d), the regional resource development*
10 *~~project center shall immediately facilitate that admission. pursue~~*
11 *~~the obtainment of a court order for short-term admission and crisis~~*
12 *~~stabilization.~~*

14 *(B) (i) The regional resource development project, in*
15 *consultation with the regional center, the consumer, and, when*
16 *appropriate, the consumer's parents, legal guardian, conservator,*
17 *or authorized representative, shall not make a determination that*
18 *admittance to a state developmental center is necessary due to an*
19 *acute crisis as defined in paragraph (1) of subdivision (d) unless*
20 *the determination includes a regional center report detailing all*
21 *considered community-based services and supports and an*
22 *explanation of why those options could not meet the consumer's*
23 *needs at the time of such a determination.*

24 *(ii) For purposes of complying with clause (i), the regional*
25 *center shall not be required to consider out-of-state placements*
26 *or mental health facilities, including institutions for mental disease,*
27 *as described in Part 5 (commencing with Section 5900) of Division*
28 *5, that are ineligible for federal Medicaid funding.*

29 *(d) (1) For purposes of this section, an "acute crisis" means*
30 *a situation in which the consumer meets the criteria of Section*
31 *6500 and, as a result of the consumer's behavior, all of the*
32 *following are met:*

33 *(A) There is imminent risk for substantial harm to self or others.*

34 *(B) The service and support needs of the consumer cannot be*
35 *met in the community, including with supplemental services as set*
36 *forth in subparagraph (E) of paragraph (9) of subdivision (a) of*
37 *Section 4648 and emergency and crisis intervention services as*
38 *set forth in paragraph (10) of subdivision (a) of Section 4648.*

1 (C) Due to serious and potentially life-threatening conditions,
2 the consumer requires a more restrictive environment for crisis
3 stabilization.

4 (2) For purposes of paragraph (1), out-of-state placements or
5 mental health facilities and other facilities, including institutions
6 for mental disease, as described in Part 5 (commencing with
7 Section 5900) of Division 5, for which federal Medicaid funding
8 is not available, shall not be deemed to be supplemental services
9 or emergency and crisis intervention services.

10 (e) When an admission occurs due to an acute crisis, all of the
11 following shall apply:

12 (1) As soon as possible following admission to a developmental
13 center, a comprehensive assessment shall be completed by the
14 regional center in coordination with the developmental center.
15 The comprehensive assessment shall include the identification of
16 the services and supports needed for crisis stabilization and the
17 timeline for identifying or developing the services and supports
18 needed to transition the consumer back to the community. The
19 regional center shall immediately submit a copy of the
20 comprehensive assessment to the committing court. Immediately
21 following the assessment, and not later than 30 days following
22 admission, the regional center and the developmental center shall
23 jointly convene an individual program plan meeting to determine
24 the services and supports needed for crisis stabilization and to
25 develop a plan to transition the consumer into community living
26 pursuant to Section 4418.3. The clients' rights advocate for the
27 regional center shall be notified of the admission and the individual
28 program plan meeting and may participate in the individual
29 program plan meeting unless the consumer objects on his or her
30 own behalf.

31 (2) If transition is not expected within 90 days of admission, an
32 individual program plan meeting shall be held to discuss the status
33 of transition and to determine if the consumer is still in need of
34 crisis stabilization. If crisis services continue to be necessary, the
35 regional center shall submit to the department an updated
36 transition plan and a request for an extension of stay at the
37 developmental center of up to 90 days.

38 (3) (A) A consumer shall reside in the developmental center no
39 longer than six months before being placed into a community living

1 arrangement pursuant to Section 4418.3, unless, prior to the end
2 of the six months, all of the following have occurred:

3 (i) The regional center has conducted an additional
4 comprehensive assessment based on information provided by the
5 regional center, and the department determines that the consumer
6 continues to be in an acute crisis.

7 (ii) The individual program planning team has developed a plan
8 that identifies the specific services and supports necessary to
9 transition the consumer into the community, and the plan includes
10 a timeline to obtain or develop those services and supports.

11 (iii) The committing court has reviewed and, if appropriate,
12 extended the commitment.

13 (B) The clients' rights advocate for the regional center shall be
14 notified of the proposed extension pursuant to clause (iii) of
15 subparagraph (A) and the individual program plan meeting to
16 consider the extension, and may participate in the individual
17 program plan meeting unless the consumer objects on his or her
18 own behalf.

19 (C) (i) In no event shall a consumer's placement at the
20 developmental center exceed one year unless both of the following
21 occur:

22 (I) The regional center demonstrates significant progress toward
23 implementing the plan specified in clause (ii) of subparagraph (A)
24 identifying the specific services and supports necessary to
25 transition the consumer into the community.

26 (II) Extraordinary circumstances exist beyond the regional
27 center's control that have prevented the regional center from
28 obtaining those services and supports within the timeline based
29 on the plan.

30 (ii) If both of the circumstances described in subclauses (I) and
31 (II) exist, the regional center may request, and the committing
32 court may grant, an additional extension of the commitment, not
33 to exceed 30 days.

34 (D) Consumers placed in the community after admission to a
35 developmental center pursuant to this section shall be considered
36 to have moved from a developmental center for purposes of Section
37 4640.6.

38 ~~(e)~~

39 (f) The department shall collect data on the outcomes of efforts
40 to assist at-risk consumers to remain in the community. The

1 department shall make aggregate data on the implementation of
2 the requirements of this section available, upon request.

3 *(g) Notwithstanding any other law or regulation, commencing*
4 *July 1, 2012, Fairview Developmental Center shall be the only*
5 *developmental center authorized to admit a consumer pursuant to*
6 *a court order for an acute crisis as described in this section.*

7 *SEC. 7. Section 4507 of the Welfare and Institutions Code is*
8 *amended to read:*

9 4507. Developmental disabilities alone shall not constitute
10 sufficient justification for judicial commitment. Instead, persons
11 with developmental disabilities shall receive services pursuant to
12 this division. Persons who constitute a danger to themselves or
13 others may be judicially committed *pursuant to Article 2*
14 *(commencing with Section 6500) of Chapter 2 of Part 2 of Division*
15 *6 if evidence of such danger is proven in court.*

16 *SEC. 8. Section 4519 of the Welfare and Institutions Code is*
17 *amended to read:*

18 4519. (a) The department shall not expend funds, and a
19 regional center shall not expend funds allocated to it by the
20 department, for the purchase of any service outside the state unless
21 the Director of Developmental Services or the director's designee
22 has received, reviewed, and approved a plan for out-of-state service
23 in the client's individual program plan developed pursuant to
24 Sections 4646 to 4648, inclusive. *Prior to submitting a request for*
25 *out-of-state services, the regional center shall conduct a*
26 *comprehensive assessment and convene an individual program*
27 *plan meeting to determine the services and supports needed for*
28 *the consumer to receive services in California and shall request*
29 *assistance from the department's statewide specialized resource*
30 *service in identifying options to serve the consumer in California.*
31 *The request shall include details regarding all options considered*
32 *and an explanation of why these options cannot meet the*
33 *consumer's needs. The department shall authorize for no more*
34 *than six months the purchase of out-of-state services when the*
35 *director determines the proposed service or an appropriate*
36 *alternative, as determined by the director, is not available from*
37 *resources and facilities within the state. Any extension beyond six*
38 *months shall be based on a new and complete comprehensive*
39 *assessment of the consumer's needs, review of available options,*
40 *and determination that the consumer's needs cannot be met in*

1 *California. An extension shall not exceed six months.* For the
2 purposes of this section, the department shall be considered a
3 service agency under Chapter 7 (commencing with Section 4700).

4 (b) No funds shall be expended for the cost of interstate travel
5 or transportation by regional center staff in connection with the
6 purchase of any service outside the state unless authorized by the
7 director or the director's designee.

8 (c) When a regional center places a client ~~out of state~~ *out of*
9 *state* pursuant to subdivision (a), it shall prepare a report for
10 inclusion in the client's individual program plan. This report shall
11 summarize the regional center's efforts to locate, develop, or adapt
12 an appropriate program for the client within the state. This report
13 shall be reviewed and updated every ~~six~~ *three* months and a copy
14 sent to the director. *Each comprehensive assessment and report*
15 *shall include identification of the services and supports needed*
16 *and the timeline for identifying or developing those services needed*
17 *to transition the consumer back to California.*

18 (d) Notwithstanding subdivisions (a), (b), and (c), the State
19 Department of Developmental Services or a regional center may
20 expend funds allocated to it for the purchase of services for
21 residents of this state and administrative costs incurred in providing
22 services in the border areas of a state adjacent to California when
23 the purchase is approved by the regional center director.

24 (e) *Each regional center shall submit to the department by*
25 *December 31, 2012, a transition plan for all consumers residing*
26 *out of state as of June 30, 2012, for whom the regional center is*
27 *purchasing services.*

28 SEC. 9. Section 4519.5 is added to the Welfare and Institutions
29 Code, to read:

30 4519.5. (a) *The department and the regional centers shall*
31 *annually collaborate to compile data relating to purchase of*
32 *service authorization, utilization, and expenditure by each regional*
33 *center with respect to all of the following:*

34 (1) *The age of consumer, categorized by the following:*

35 (A) *Birth to age two, inclusive.*

36 (B) *Three to 21, inclusive.*

37 (C) *Twenty-two and older.*

38 (2) *Race or ethnicity of the consumer.*

39 (3) *Primary language spoken by the consumer, and other related*
40 *details, as feasible.*

1 (4) Disability detail, in accordance with the categories
2 established by subdivision (a) of Section 4512, and, if applicable,
3 a category specifying that the disability is unknown.

4 (b) The data reported pursuant to subdivision (a) shall also
5 include the number and percentage of individuals, categorized by
6 age, race or ethnicity, and disability, who have been determined
7 to be eligible for regional center services but are not receiving
8 purchase of service funds.

9 (c) By March 31, 2013, each regional center shall post the data
10 described in this section that is specific to the regional center on
11 its Internet Web site. Commencing on December 31, 2013, each
12 regional center shall annually post this data by December 31.

13 (d) By March 31, 2013, the department shall post the
14 information described in this section on a statewide basis on its
15 Internet Web site. Commencing December 31, 2013, the department
16 shall annually post this information by December 31.

17 (e) Within three months of compiling the data with the
18 department, and annually thereafter, each regional center shall
19 meet with stakeholders in a public meeting regarding the data.

20 SEC. 10. Section 4640.6 of the Welfare and Institutions Code
21 is amended to read:

22 4640.6. (a) In approving regional center contracts, the
23 department shall ensure that regional center staffing patterns
24 demonstrate that direct service coordination are the highest priority.

25 (b) Contracts between the department and regional centers shall
26 require that regional centers implement an emergency response
27 system that ensures that a regional center staff person will respond
28 to a consumer, or individual acting on behalf of a consumer, within
29 two hours of the time an emergency call is placed. This emergency
30 response system shall be operational 24 hours per day, 365 days
31 per year.

32 (c) Contracts between the department and regional centers shall
33 require regional centers to have service coordinator-to-consumer
34 ratios, as follows:

35 (1) An average service coordinator-to-consumer ratio of 1 to
36 62 for all consumers who have not moved from the developmental
37 centers to the community since April 14, 1993. In no case shall a
38 service coordinator for these consumers have an assigned caseload
39 in excess of 79 consumers for more than 60 days.

1 (2) An average service coordinator-to-consumer ratio of 1 to
2 45 for all consumers who have moved from a developmental center
3 to the community since April 14, 1993. In no case shall a service
4 coordinator for these consumers have an assigned caseload in
5 excess of 59 consumers for more than 60 days.

6 (3) Commencing January 1, 2004, the following
7 coordinator-to-consumer ratios shall apply:

8 (A) All consumers three years of age and younger and for
9 consumers enrolled in the Home and Community-based Services
10 Waiver program for persons with developmental disabilities, an
11 average service coordinator-to-consumer ratio of 1 to 62.

12 (B) All consumers who have moved from a developmental
13 center to the community since April 14, 1993, and have lived
14 continuously in the community for at least 12 months, an average
15 service coordinator-to-consumer ratio of 1 to 62.

16 (C) All consumers who have not moved from the developmental
17 centers to the community since April 14, 1993, and who are not
18 described in subparagraph (A), an average service
19 coordinator-to-consumer ratio of 1 to 66.

20 (4) For purposes of paragraph (3), service coordinators may
21 have a mixed caseload of consumers three years of age and
22 younger, consumers enrolled in the Home and Community-based
23 Services Waiver program for persons with developmental
24 disabilities, and other consumers if the overall average caseload
25 is weighted proportionately to ensure that overall regional center
26 average service coordinator-to-consumer ratios as specified in
27 paragraph (3) are met. For purposes of paragraph (3), in no case
28 shall a service coordinator have an assigned caseload in excess of
29 84 for more than 60 days.

30 (d) For purposes of this section, “service coordinator” means a
31 regional center employee whose primary responsibility includes
32 preparing, implementing, and monitoring consumers’ individual
33 program plans, securing and coordinating consumer services and
34 supports, and providing placement and monitoring activities.

35 (e) In order to ensure that caseload ratios are maintained
36 pursuant to this section, each regional center shall provide service
37 coordinator caseload data to the department, annually for each
38 fiscal year. The data shall be submitted in the format, including
39 the content, prescribed by the department. Within 30 days of receipt
40 of data submitted pursuant to this subdivision, the department shall

1 make a summary of the data available to the public upon request.
2 The department shall verify the accuracy of the data when
3 conducting regional center fiscal audits. Data submitted by regional
4 centers pursuant to this subdivision shall:

5 (1) Only include data on service coordinator positions as defined
6 in subdivision (d). Regional centers shall identify the number of
7 positions that perform service coordinator duties on less than a
8 full-time basis. Staffing ratios reported pursuant to this subdivision
9 shall reflect the appropriate proportionality of these staff to
10 consumers served.

11 (2) Be reported separately for service coordinators whose
12 caseload includes any of the following:

13 (A) Consumers who are three years of age and older and who
14 have not moved from the developmental center to the community
15 since April 14, 1993.

16 (B) Consumers who have moved from a developmental center
17 to the community since April 14, 1993.

18 (C) Consumers who are younger than three years of age.

19 (D) Consumers enrolled in the Home and Community-based
20 Services Waiver program.

21 (3) Not include positions that are vacant for more than 60 days
22 or new positions established within 60 days of the reporting month
23 that are still vacant.

24 (4) For purposes of calculating caseload ratios for consumers
25 enrolled in the Home and Community-based Services Waiver
26 program, vacancies shall not be included in the calculations.

27 (f) The department shall provide technical assistance and require
28 a plan of correction for any regional center that, for two consecutive
29 reporting periods, fails to maintain service coordinator caseload
30 ratios required by this section or otherwise demonstrates an
31 inability to maintain appropriate staffing patterns pursuant to this
32 section. Plans of correction shall be developed following input
33 from the local area board, local organizations representing
34 consumers, family members, regional center employees, including
35 recognized labor organizations, and service providers, and other
36 interested parties.

37 (g) Contracts between the department and regional center shall
38 require the regional center to have, or contract for, all of the
39 following areas:

1 (1) Criminal justice expertise to assist the regional center in
2 providing services and support to consumers involved in the
3 criminal justice system as a victim, defendant, inmate, or parolee.

4 (2) Special education expertise to assist the regional center in
5 providing advocacy and support to families seeking appropriate
6 educational services from a school district.

7 (3) Family support expertise to assist the regional center in
8 maximizing the effectiveness of support and services provided to
9 families.

10 (4) Housing expertise to assist the regional center in accessing
11 affordable housing for consumers in independent or supportive
12 living arrangements.

13 (5) Community integration expertise to assist consumers and
14 families in accessing integrated services and supports and improved
15 opportunities to participate in community life.

16 (6) Quality assurance expertise, to assist the regional center to
17 provide the necessary coordination and cooperation with the area
18 board in conducting quality-of-life assessments and coordinating
19 the regional center quality assurance efforts.

20 (7) Each regional center shall employ at least one consumer
21 advocate who is a person with developmental disabilities.

22 (8) Other staffing arrangements related to the delivery of
23 services that the department determines are necessary to ensure
24 maximum cost-effectiveness and to ensure that the service needs
25 of consumers and families are met.

26 (h) Any regional center proposing a staffing arrangement that
27 substantially deviates from the requirements of this section shall
28 request a waiver from the department. Prior to granting a waiver,
29 the department shall require a detailed staffing proposal, including,
30 but not limited to, how the proposed staffing arrangement will
31 benefit consumers and families served, and shall demonstrate clear
32 and convincing support for the proposed staffing arrangement from
33 constituencies served and impacted, that include, but are not limited
34 to, consumers, families, providers, advocates, and recognized labor
35 organizations. In addition, the regional center shall submit to the
36 department any written opposition to the proposal from
37 organizations or individuals, including, but not limited to,
38 consumers, families, providers, and advocates, including
39 recognized labor organizations. The department may grant waivers
40 to regional centers that sufficiently demonstrate that the proposed

1 staffing arrangement is in the best interest of consumers and
2 families served, complies with the requirements of this chapter,
3 and does not violate any contractual requirements. A waiver shall
4 be approved by the department for up to 12 months, at which time
5 a regional center may submit a new request pursuant to this
6 subdivision.

7 (i) From February 1, 2009, to June 30, 2010, inclusive, the
8 following shall not apply:

9 (1) The service coordinator-to-consumer ratio requirements of
10 paragraph (1), and subparagraph (C) of paragraph (3), of
11 subdivision (c).

12 (2) The requirements of subdivision (e). The regional centers
13 shall, instead, maintain sufficient service coordinator caseload data
14 to document compliance with the service coordinator-to-consumer
15 ratio requirements in effect pursuant to this section.

16 (3) The requirements of paragraphs (1) to (6), inclusive, of
17 subdivision (g).

18 (j) From July 1, 2010, ~~to until June 30, 2012, inclusive, 2013,~~
19 the following shall not apply:

20 (1) The service coordinator-to-consumer ratio requirements of
21 paragraph (1), and subparagraph (C) of paragraph (3), of
22 subdivision (c).

23 (2) The requirements of paragraphs (1) to (6), inclusive, of
24 subdivision (g).

25 (k) (1) Any contract between the department and a regional
26 center entered into on and after January 1, 2003, shall require that
27 all employment contracts entered into with regional center staff
28 or contractors be available to the public for review, upon request.
29 For purposes of this subdivision, an employment contract or portion
30 thereof may not be deemed confidential nor unavailable for public
31 review.

32 (2) Notwithstanding paragraph (1), the social security number
33 of the contracting party may not be disclosed.

34 (3) The term of the employment contract between the regional
35 center and an employee or contractor shall not exceed the term of
36 the state's contract with the regional center.

37 *SEC. 11. Section 4648 of the Welfare and Institutions Code is*
38 *amended to read:*

1 4648. In order to achieve the stated objectives of a consumer's
2 individual program plan, the regional center shall conduct activities,
3 including, but not limited to, all of the following:

4 (a) Securing needed services and supports.

5 (1) It is the intent of the Legislature that services and supports
6 assist individuals with developmental disabilities in achieving the
7 greatest self-sufficiency possible and in exercising personal
8 choices. The regional center shall secure services and supports
9 that meet the needs of the consumer, as determined in the
10 consumer's individual program plan, and within the context of the
11 individual program plan, the planning team shall give highest
12 preference to those services and supports which would allow
13 minors with developmental disabilities to live with their families,
14 adult persons with developmental disabilities to live as
15 independently as possible in the community, and that allow all
16 consumers to interact with persons without disabilities in positive,
17 meaningful ways.

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

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

29 (A) Vendorization or contracting is the process for identification,
30 selection, and utilization of service vendors or contractors, based
31 on the qualifications and other requirements necessary in order to
32 provide the service.

33 (B) A regional center may reimburse an individual or agency
34 for services or supports provided to a regional center consumer if
35 the individual or agency has a rate of payment for vendored or
36 contracted services established by the department, pursuant to this
37 division, and is providing services pursuant to an emergency
38 vendorization or has completed the vendorization procedures or
39 has entered into a contract with the regional center and continues
40 to comply with the vendorization or contracting requirements. The

1 director shall adopt regulations governing the vendorization process
2 to be utilized by the department, regional centers, vendors and the
3 individual or agency requesting vendorization.

4 (C) Regulations shall include, but not be limited to: the vendor
5 application process, and the basis for accepting or denying an
6 application; the qualification and requirements for each category
7 of services that may be provided to a regional center consumer
8 through a vendor; requirements for emergency vendorization;
9 procedures for termination of vendorization; the procedure for an
10 individual or an agency to appeal any vendorization decision made
11 by the department or regional center.

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

18 (E) Effective July 1, 2009, notwithstanding any other provision
19 of law or regulation to the contrary, a regional center shall not
20 newly vendor a State Department of Social Services licensed
21 24-hour residential care facility with a licensed capacity of 16 or
22 more beds, unless the facility qualifies for receipt of federal funds
23 under the Medicaid Program.

24 (4) Notwithstanding subparagraph (B), a regional center may
25 contract or issue a voucher for services and supports provided to
26 a consumer or family at a cost not to exceed the maximum rate of
27 payment for that service or support established by the department.
28 If a rate has not been established by the department, the regional
29 center may, for an interim period, contract for a specified service
30 or support with, and establish a rate of payment for, any provider
31 of the service or support necessary to implement a consumer's
32 individual program plan. Contracts may be negotiated for a period
33 of up to three years, with annual review and subject to the
34 availability of funds.

35 (5) In order to ensure the maximum flexibility and availability
36 of appropriate services and supports for persons with
37 developmental disabilities, the department shall establish and
38 maintain an equitable system of payment to providers of services
39 and supports identified as necessary to the implementation of a
40 consumers' individual program plan. The system of payment shall

1 include provision for a rate to ensure that the provider can meet
2 the special needs of consumers and provide quality services and
3 supports in the least restrictive setting as required by law.

4 (6) The regional center and the consumer, or where appropriate,
5 his or her parents, legal guardian, conservator, or authorized
6 representative, including those appointed pursuant to subdivision
7 (d) of Section 4548, subdivision (b) of Section 4701.6, or
8 subdivision (e) of Section 4705, shall, pursuant to the individual
9 program plan, consider all of the following when selecting a
10 provider of consumer services and supports:

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

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

16 (C) Where appropriate, the existence of licensing, accreditation,
17 or professional certification.

18 (D) The cost of providing services or supports of comparable
19 quality by different providers, if available, shall be reviewed, and
20 the least costly available provider of comparable service, including
21 the cost of transportation, who is able to accomplish all or part of
22 the consumer's individual program plan, consistent with the
23 particular needs of the consumer and family as identified in the
24 individual program plan, shall be selected. In determining the least
25 costly provider, the availability of federal financial participation
26 shall be considered. The consumer shall not be required to use the
27 least costly provider if it will result in the consumer moving from
28 an existing provider of services or supports to more restrictive or
29 less integrated services or supports.

30 (E) The consumer's choice of providers, or, where appropriate,
31 the consumer's parent's, legal guardian's, authorized
32 representative's, or conservator's choice of providers.

33 (7) No service or support provided by any agency or individual
34 shall be continued unless the consumer or, where appropriate, his
35 or her parents, legal guardian, or conservator, or authorized
36 representative, including those appointed pursuant to subdivision
37 (d) of Section 4548, subdivision (b) of Section 4701.6, or
38 subdivision (e) of Section 4705, is satisfied and the regional center
39 and the consumer or, when appropriate, the person's parents or
40 legal guardian or conservator agree that planned services and

1 supports have been provided, and reasonable progress toward
2 objectives have been made.

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

7 (9) (A) A regional center may, directly or through an agency
8 acting on behalf of the center, provide placement in, purchase of,
9 or follow-along services to persons with developmental disabilities
10 in, appropriate community living arrangements, including, but not
11 limited to, support service for consumers in homes they own or
12 lease, foster family placements, health care facilities, and licensed
13 community care facilities. In considering appropriate placement
14 alternatives for children with developmental disabilities, approval
15 by the child's parent or guardian shall be obtained before placement
16 is made.

17 (B) Effective July 1, 2012, notwithstanding any other provision
18 of law or regulation to the contrary, a regional center shall not
19 purchase residential services from a State Department of Social
20 Services licensed 24-hour residential care facility with a licensed
21 capacity of 16 or more beds. This prohibition on regional center
22 purchase of residential services shall not apply to ~~either~~ any of the
23 following:

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

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

34 (iii) *A residential facility licensed as a mental health*
35 *rehabilitation center by the State Department of Mental Health or*
36 *successor agency under any of the following circumstances:*

37 (I) *The facility is eligible for Medicaid reimbursement.*

38 (II) *The facility has a department-approved plan in place by*
39 *June 30, 2013, to transition to a program structure eligible for*
40 *federal Medicaid funding, and this transition will be completed*

1 by June 30, 2014. The department may grant an extension for the
2 date by which the transition will be completed if the facility
3 demonstrates that it has made significant progress toward
4 transition, and states with specificity the timeframe by which the
5 transition will be completed and the specified steps that will be
6 taken to accomplish the transition. A regional center may pay for
7 the costs of care and treatment of a consumer residing in the
8 facility on June 30, 2012, until June 30, 2013, inclusive, and, if
9 the facility has a department-approved plan in place by June 30,
10 2013, may continue to pay the costs under this subparagraph until
11 June 30, 2014, or until the end of any period during which the
12 department has granted an extension.

13 (III) There is an emergency circumstance in which the regional
14 center determines that it cannot locate alternate federally eligible
15 services to meet the consumer's needs. Under such an emergency
16 circumstance, an assessment shall be completed by the regional
17 center as soon as possible and within 30 days of admission. An
18 individual program plan meeting shall be convened immediately
19 following the assessment to determine the services and supports
20 needed for stabilization and to develop a plan to transition the
21 consumer from the facility into the community. If transition is not
22 expected within 90 days of admission, an individual program plan
23 meeting shall be held to discuss the status of transition and to
24 determine if the consumer is still in need of placement in the
25 facility. Commencing October 1, 2012, this determination shall
26 be made after also considering resource options identified by the
27 statewide specialized resource service. If it is determined that
28 emergency services continue to be necessary, the regional center
29 shall submit an updated transition plan that can cover a period of
30 up to 90 days. In no event shall placements under these emergency
31 circumstances exceed 180 days.

32 (C) (i) Effective July 1, 2012, notwithstanding any other
33 provision of law or regulation to the contrary, a regional center
34 shall not purchase new residential services from institutions for
35 mental disease, as described in Part 5 (commencing with Section
36 5900) of Division 5, for which federal Medicaid funding is not
37 available.

38 (ii) The prohibition described in clause (i) shall not apply to
39 emergencies, as determined by the regional center, when a regional
40 center cannot locate alternate federally eligible services to meet

1 the consumer's needs. As soon as possible within 30 days of
2 admission due to an emergency, an assessment shall be completed
3 by the regional center. An individual program plan meeting shall
4 be convened immediately following the assessment, to determine
5 the services and supports needed for stabilization and to develop
6 a plan to transition the consumer from the facility to the
7 community. If transition is not expected within 90 days of
8 admission, an emergency, program plan meeting shall be held to
9 discuss the status of transition and to determine if the consumer
10 is still in need of placement in the facility. If emergency services
11 continue to be necessary, the regional center shall submit an
12 updated transition plan to the department for an extension of up
13 to 90 days. Placement shall not exceed 180 days.

14 (iii) Regional centers shall complete a comprehensive
15 assessment of any consumer residing in an institution for mental
16 disease as of July 1, 2012, for which federal Medicaid funding is
17 not available. The comprehensive assessment shall be completed
18 prior to the consumer's next scheduled individual program plan
19 meeting and shall include identification of the services and
20 supports needed and the timeline for identifying or developing
21 those services needed to transition the consumer back to the
22 community. Effective October 1, 2012, the regional center shall
23 also consider resource options identified by the statewide
24 specialized resource service. For each individual program plan
25 meeting convened pursuant to this subparagraph, the clients' rights
26 advocate for the regional center shall be notified of the meeting
27 and may participate in the meeting unless the consumer objects
28 on his or her own behalf.

29 (C)

30 (D) Each person with developmental disabilities placed by the
31 regional center in a community living arrangement shall have the
32 rights specified in this division. These rights shall be brought to
33 the person's attention by any means necessary to reasonably
34 communicate these rights to each resident, provided that, at a
35 minimum, the Director of Developmental Services prepare,
36 provide, and require to be clearly posted in all residential facilities
37 and day programs a poster using simplified language and pictures
38 that is designed to be more understandable by persons with
39 cognitive disabilities and that the rights information shall also be
40 available through the regional center to each residential facility

1 and day program in alternative formats, including, but not limited
2 to, other languages, braille, and audio tapes, when necessary to
3 meet the communication needs of consumers.

4 ~~(D)~~

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

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

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

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

38 (13) The community support may be provided to assist
39 individuals with developmental disabilities to fully participate in
40 community and civic life, including, but not limited to, programs,

1 services, work opportunities, business, and activities available to
2 persons without disabilities. This facilitation shall include, but not
3 be limited to, any of the following:

4 (A) Outreach and education to programs and services within
5 the community.

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

8 (C) Developing unpaid natural supports when possible.

9 *(14) When feasible and recommended by the individual program*
10 *planning team, for purposes of facilitating better and cost-effective*
11 *services for consumers or family members, technology, including*
12 *telecommunication technology, may be used in conjunction with*
13 *other services and supports. Technology in lieu of a consumer's*
14 *in-person appearances at judicial proceedings or administrative*
15 *due process hearings may be used only if the consumer or, when*
16 *appropriate, the consumer's parent, legal guardian, conservator,*
17 *or authorized representative, gives informed consent. Technology*
18 *may be used in lieu of, or in conjunction with, in-person training*
19 *for providers, as appropriate.*

20 ~~(14)~~

21 (15) Other services and supports may be provided as set forth
22 in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.

23 ~~(15)~~

24 (16) Notwithstanding any other provision of law or regulation
25 to the contrary, effective July 1, 2009, regional centers shall not
26 purchase experimental treatments, therapeutic services, or devices
27 that have not been clinically determined or scientifically proven
28 to be effective or safe or for which risks and complications are
29 unknown. Experimental treatments or therapeutic services include
30 experimental medical or nutritional therapy when the use of the
31 product for that purpose is not a general physician practice. For
32 regional center consumers receiving these services as part of their
33 individual program plan (IPP) or individualized family service
34 plan (IFSP) on July 1, 2009, this prohibition shall apply on August
35 1, 2009.

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

39 (2) Whenever the advocacy efforts of a regional center to secure
40 or protect the civil, legal, or service rights of any of its consumers

1 prove ineffective, the regional center or the person with
2 developmental disabilities or his or her parents, legal guardian, or
3 other representative may request the area board to initiate action
4 under the provisions defining area board advocacy functions
5 established in this division.

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

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

12 (1) Identify services and supports that are ineffective or of poor
13 quality and provide or secure consultation, training, or technical
14 assistance services for any agency or individual provider to assist
15 that agency or individual provider in upgrading the quality of
16 services or supports.

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

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

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

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

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

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

37 (g) Where there are identified gaps in the system of services
38 and supports or where there are identified consumers for whom
39 no provider will provide services and supports contained in his or

1 her individual program plan, the department may provide the
2 services and supports directly.

3 (h) At least annually, regional centers shall provide the
4 consumer, his or her parents, legal guardian, conservator, or
5 authorized representative a statement of services and supports the
6 regional center purchased for the purpose of ensuring that they are
7 delivered. The statement shall include the type, unit, month, and
8 cost of services and supports purchased.

9 *SEC. 12. Section 4684.53 of the Welfare and Institutions Code*
10 *is amended to read:*

11 4684.53. (a) The State Department of Developmental Services
12 and the State Department of Social Services shall jointly implement
13 a licensing program to provide special health care and intensive
14 support services to adults in homelike community settings.

15 (b) ~~The pilot project program shall be implemented through the~~
16 ~~following regional centers only:~~ *approved community placement*
17 *plans as follows:*

18 (1) *For closure of Agnews Developmental Center, through the*
19 *following regional centers:*

20 ~~(1)~~

21 (A) The San Andreas Regional Center.

22 ~~(2)~~

23 (B) The Regional Center of the East Bay.

24 ~~(3)~~

25 (C) The Golden Gate Regional Center.

26 ~~(4)~~

27 (2) All regional centers involved in the closure of the Lanterman
28 Developmental Center, as determined by the State Department of
29 Developmental Services.

30 (3) *All regional centers transitioning developmental center*
31 *residents to placements in the community.*

32 (c) Each ARFPSHN shall possess a community care facility
33 license issued pursuant to Article 9 (commencing with Section
34 1567.50) of Chapter 3 of Division 2 of the Health and Safety Code,
35 and shall be subject to the requirements of Chapter 1 (commencing
36 with Section 80000) of Division 6 of Title 22 of the California
37 Code of Regulations, except for Article 8 (commencing with
38 Section 80090).

39 (d) For purposes of this article, a health facility licensed pursuant
40 to subdivision (e) or (h) of Section 1250 may place its licensed

1 bed capacity in voluntary suspension for the purpose of licensing
2 the facility to operate an ARFPSHN if the facility is selected to
3 participate pursuant to Section 4684.58. Consistent with
4 subdivision (a) of Section 4684.50, any facility licensed pursuant
5 to this section shall serve up to five adults. A facility's bed capacity
6 shall not be placed in voluntary suspension until all consumers
7 residing in the facility under the license to be suspended have been
8 relocated. No consumer may be relocated unless it is reflected in
9 the consumer's individual program plan developed pursuant to
10 Sections 4646 and 4646.5.

11 (e) Each ARFPSHN shall be subject to the requirements of
12 Subchapters 5 through 9 of Chapter 1 of, and Subchapters 2 and
13 4 of Chapter 3 of, Division 2 of Title 17 of the California Code of
14 Regulations.

15 (f) Each ARFPSHN shall ensure that an operable automatic fire
16 sprinkler system is installed and maintained.

17 (g) Each ARFPSHN shall have an operable automatic fire
18 sprinkler system that is approved by the State Fire Marshal and
19 that meets the National Fire Protection Association (NFPA) 13D
20 standard for the installation of sprinkler systems in single- and
21 two-family dwellings and manufactured homes. A local jurisdiction
22 shall not require a sprinkler system exceeding this standard by
23 amending the standard or by applying standards other than NFPA
24 13D. A public water agency shall not interpret this section as
25 changing the status of a facility from a residence entitled to
26 residential water rates, nor shall a new meter or larger connection
27 pipe be required of the facility.

28 (h) Each ARFPSHN shall provide an alternative power source
29 to operate all functions of the facility for a minimum of six hours
30 in the event the primary power source is interrupted. The alternative
31 power source shall comply with the manufacturer's
32 recommendations for installation and operation. The alternative
33 power source shall be maintained in safe operating condition, and
34 shall be tested every 14 days under the full load condition for a
35 minimum of 10 minutes. Written records of inspection,
36 performance, exercising period, and repair of the alternative power
37 source shall be regularly maintained on the premises and available
38 for inspection by the State Department of Developmental Services.

39 *SEC. 13. Section 4684.65 of the Welfare and Institutions Code*
40 *is amended to read:*

1 4684.65. (a) A regional center shall not place, or fund the
2 placement for, any consumer in an ARFPSHN until the individual
3 health care plan team has prepared a written individual health care
4 plan that can be fully and immediately implemented upon the
5 consumer's placement.

6 (b) (1) An ARFPSHN shall only accept, for initial admission,
7 consumers who meet *both of* the following requirements:

8 (A) ~~Reside at Lanterman Developmental Center in a~~
9 ~~developmental center~~ at the time of the proposed placement.

10 (B) Have an individual program plan that specifies *special health*
11 *care and intensive support needs that indicate the appropriateness*
12 *of* placement in an ARFPSHN.

13 ~~(C) Have special health care and intensive support needs.~~

14 (2) Except as provided in paragraph (3), when a vacancy in an
15 ARFPSHN occurs due to the permanent relocation or death of a
16 resident, the vacancy may ~~only~~ be filled by a consumer who meets
17 the requirements of paragraph (1).

18 (3) If there is no resident residing in a developmental center
19 ~~from any regional center~~ who meets the requirements of
20 ~~subparagraphs subparagraph (B) and (C) of paragraph (1), a~~
21 ~~vacancy may be filled by a consumer of any regional center who~~
22 ~~is at risk of placement into does not reside in a developmental~~
23 ~~center, as determined by center if the regional center, and who~~
24 ~~consumer otherwise meets the requirements of subparagraphs~~
25 ~~subparagraph (B) and (C) of paragraph (1).~~ (1), the regional center
26 demonstrates that the placement is necessary to protect the
27 consumer's health or safety, and the department has granted prior
28 written authorization.

29 (c) The ARFPSHN shall not admit a consumer if the individual
30 health care plan team determines that the consumer is likely to
31 exhibit behaviors posing a threat of substantial harm to others, or
32 has a serious health condition that is unpredictable or unstable. A
33 determination that the individual is a threat to others may only be
34 based on objective evidence or recent behavior and a determination
35 that the threat cannot be mitigated by reasonable interventions.

36 SEC. 14. Section 4684.74 of the Welfare and Institutions Code
37 is amended to read:

38 4684.74. The State Department of Developmental Services
39 shall only approve the development of Adult Residential Facilities
40 for Persons with Special Health Care Needs (ARFPSHNs) that are

1 directly associated with the ~~orderly closure~~ *community placement*
2 ~~of the Lanterman Developmental Center, unless a later enacted~~
3 ~~statute deletes or extends this provision.~~ *developmental center*
4 *residents.*

5 *SEC. 15. Section 4689 of the Welfare and Institutions Code is*
6 *amended to read:*

7 4689. Consistent with state and federal law, the Legislature
8 places a high priority on providing opportunities for adults with
9 developmental disabilities, regardless of the degree of disability,
10 to live in homes that they own or lease with support available as
11 often and for as long as it is needed, when that is the preferred
12 objective in the individual program plan. In order to provide
13 opportunities for adults to live in their own homes, the following
14 procedures shall be adopted:

15 (a) The department and regional centers shall ensure that
16 supported living arrangements adhere to the following principles:

17 (1) Consumers shall be supported in living arrangements which
18 are typical of those in which persons without disabilities reside.

19 (2) The services or supports that a consumer receives shall
20 change as his or her needs change without the consumer having
21 to move elsewhere.

22 (3) The consumer's preference shall guide decisions concerning
23 where and with whom he or she lives.

24 (4) Consumers shall have control over the environment within
25 their own home.

26 (5) The purpose of furnishing services and supports to a
27 consumer shall be to assist that individual to exercise choice in his
28 or her life while building critical and durable relationships with
29 other individuals.

30 (6) The services or supports shall be flexible and tailored to a
31 consumer's needs and preferences.

32 (7) Services and supports are most effective when furnished
33 where a person lives and within the context of his or her day-to-day
34 activities.

35 (8) Consumers shall not be excluded from supported living
36 arrangements based solely on the nature and severity of their
37 disabilities.

38 (b) Regional centers may contract with agencies or individuals
39 to assist consumers in securing their own homes and to provide
40 consumers with the supports needed to live in their own homes.

(c) The range of supported living services and supports available include, but are not limited to, assessment of consumer needs; assistance in finding, modifying and maintaining a home; facilitating circles of support to encourage the development of unpaid and natural supports in the community; advocacy and self-advocacy facilitation; development of employment goals; social, behavioral, and daily living skills training and support; development and provision of 24-hour emergency response systems; securing and maintaining adaptive equipment and supplies; recruiting, training, and hiring individuals to provide personal care and other assistance, including in-home supportive services workers, paid neighbors, and paid roommates; providing respite and emergency relief for personal care attendants; and facilitating community participation. Assessment of consumer needs may begin before 18 years of age to enable the consumer to move to his or her own home when he or she reaches 18 years of age.

(d) Regional centers shall provide information and education to consumers and their families about supported living principles and services.

(e) Regional centers shall monitor and ensure the quality of services and supports provided to individuals living in homes that they own or lease. Monitoring shall take into account all of the following:

(1) Adherence to the principles set forth in this section.

(2) Whether the services and supports outlined in the consumer's individual program plan are congruent with the choices and needs of the individual.

(3) Whether services and supports described in the consumer's individual program plan are being delivered.

(4) Whether services and supports are having the desired effects.

(5) Whether the consumer is satisfied with the services and supports.

(f) The planning team, established pursuant to subdivision (j) of Section 4512, for a consumer receiving supported living services shall confirm that all appropriate and available sources of natural and generic supports have been utilized to the fullest extent possible for that consumer.

(g) Regional centers shall utilize the same supported living provider for consumers who reside in the same domicile, provided

1 that each individual consumer's particular needs can still be met
2 pursuant to his or her individual program plans.

3 (h) Rent, mortgage, and lease payments of a supported living
4 home and household expenses shall be the responsibility of the
5 consumer and any roommate who resides with the consumer.

6 (i) A regional center shall not make rent, mortgage, or lease
7 payments on a supported living home, or pay for household
8 expenses of consumers receiving supported living services, except
9 under the following circumstances:

10 (1) If all of the following conditions are met, a regional center
11 may make rent, mortgage, or lease payments as follows:

12 (A) The regional center executive director verifies in writing
13 that making the rent, mortgage, or lease payments or paying for
14 household expenses is required to meet the specific care needs
15 unique to the individual consumer as set forth in an addendum to
16 the consumer's individual program plan, and is required when a
17 consumer's demonstrated medical, behavioral, or psychiatric
18 condition presents a health and safety risk to himself or herself,
19 or another.

20 (B) During the time period that a regional center is making rent,
21 mortgage, or lease payments, or paying for household expenses,
22 the supported living services vendor shall assist the consumer in
23 accessing all sources of generic and natural supports consistent
24 with the needs of the consumer.

25 (C) The regional center shall not make rent, mortgage, or lease
26 payments on a supported living home or pay for household
27 expenses for more than six months, unless the regional center finds
28 that it is necessary to meet the individual consumer's particular
29 needs pursuant to the consumer's individual program plan. The
30 regional center shall review a finding of necessity on a quarterly
31 basis and the regional center executive director shall annually
32 verify in an addendum to the consumer's individual program plan
33 that the requirements set forth in subparagraph (A) continue to be
34 met.

35 (2) A regional center that has been contributing to rent,
36 mortgage, or lease payments or paying for household expenses
37 prior to July 1, 2009, shall at the time of development, review, or
38 modification of a consumer's individual program plan determine
39 if the conditions in paragraph (1) are met. If the planning team
40 determines that these contributions are no longer appropriate under

1 this section, a reasonable time for transition, not to exceed six
2 months, shall be permitted.

3 (j) All paid roommates and live-in support staff in supported
4 living arrangements in which regional centers have made rent,
5 mortgage, or lease payments, or have paid for household expenses
6 pursuant to subdivision (i) shall pay their share of the rent,
7 mortgage, or lease payments or household expenses for the
8 supported living home, subject to the requirements of Industrial
9 Welfare Commission Order No. 15-2001 and the Housing Choice
10 Voucher Program, as set forth in Section 1437f of Title 42 of the
11 United States Code.

12 (k) Regional centers shall ensure that the supported living
13 services vendors' administrative costs are necessary and reasonable,
14 given the particular services that they are providing and the number
15 of consumers to whom the vendor provides services.
16 Administrative costs shall be limited to allowable costs for
17 community-based day programs, as defined in Section 57434 of
18 Title 17 of the California Code of Regulations, or its successor.

19 (l) Regional centers shall ensure that the most cost-effective of
20 the rate methodologies is utilized to determine the negotiated rate
21 for vendors of supported living services, consistent with Section
22 4689.8 and Title 17 of the California Code of Regulations.

23 (m) For purposes of this section, "household expenses" means
24 general living expenses and includes, but is not limited to, utilities
25 paid and food consumed within the home.

26 (n) A supported living services provider shall provide assistance
27 to a consumer who is a Medi-Cal beneficiary in applying for
28 in-home supportive services, as set forth in Section 12300, within
29 five days of the consumer moving into a supported living services
30 arrangement.

31 (o) For consumers receiving supported living services who share
32 a household with one or more adults receiving supported living
33 services, efficiencies in the provision of service may be achieved
34 if some tasks can be shared, meaning the tasks can be provided at
35 the same time while still ensuring that each person's individual
36 needs are met. These tasks shall only be shared to the extent they
37 are permitted under the Labor Code and related regulations,
38 including, but not limited to, Industrial Welfare Commission
39 Minimum Wage Order No. 15. The planning team, as defined in
40 subdivision (j) of Section 4512, at the time of development, review,

1 or modification of a consumer's individual program plan (IPP),
 2 for housemates currently in a supported living arrangement or
 3 planning to move together into a supported living arrangement, or
 4 for consumers who live with a housemate not receiving supported
 5 living services who is responsible for the task, shall consider, with
 6 input from the service provider, whether any tasks, such as meal
 7 preparation and cleanup, menu planning, laundry, shopping, general
 8 household tasks, or errands can appropriately be shared. If tasks
 9 can be appropriately shared, the regional center shall purchase the
 10 prorated share of the activity. Upon a determination of a reduction
 11 in services pursuant to this section, the regional center shall inform
 12 the consumer of the reason for the determination, and shall provide
 13 a written notice of fair hearing rights pursuant to Section 4701.

14 (p) (1) To ensure that consumers in *or entering into* supported
 15 living arrangements receive the appropriate amount and type of
 16 supports, ~~an independent assessment shall be required for~~
 17 ~~consumers currently receiving, or initially entering, supported~~
 18 ~~living who have supported living services costs, or have an initial~~
 19 ~~recommendation for service costs, that exceed 125 percent of~~
 20 ~~supports to meet the annual statewide average cost of supported~~
 21 ~~living services, person's choice and needs as published determined~~
 22 ~~by the department commencing June 30, 2011. Notwithstanding~~
 23 ~~any other provision of law, commencing July 1, 2011, regional~~
 24 ~~centers shall identify consumers currently receiving supported~~
 25 ~~living services, pursuant to this section, whose annual supported~~
 26 ~~living service costs exceed 125 percent of the annual statewide~~
 27 ~~average cost of supported living services. The regional center shall~~
 28 ~~also identify consumers who have an initial recommendation for~~
 29 ~~supported living service costs IPP team, and that exceed 125~~
 30 ~~percent of the annual statewide average cost of supported living~~
 31 ~~services. For those consumers identified pursuant generic resources~~
 32 ~~are utilized to this subdivision, the regional center shall arrange~~
 33 ~~for an independent assessment to be completed prior to fullest~~
 34 ~~extent possible, the next scheduled IPP for consumers currently in~~
 35 ~~team shall complete a supported living arrangement and within 30~~
 36 ~~days standardized assessment questionnaire at the time of~~
 37 ~~identification development, review, or modification of consumers~~
 38 ~~with an initial recommendation for services: a consumer's IPP.~~
 39 The independent assessment questionnaire shall be completed by
 40 an impartial entity or individual other than the supported living

1 ~~services agency providing, or planning to provide, the service and~~
2 ~~shall be used during IPP meetings the individual program plan~~
3 ~~meetings, in addition to assist the team provider's assessment, to~~
4 ~~determine assist in determining whether the services provided or~~
5 ~~recommended are necessary and sufficient and that the most~~
6 ~~cost-effective methods of service supported living services are~~
7 ~~utilized. Decisions about supported living With input from~~
8 ~~stakeholders, including regional centers, the department shall be~~
9 ~~made by develop and post the IPP team. The independent~~
10 ~~assessment process questionnaire on its Internet Web site, and, by~~
11 ~~June 30, 2012, shall adhere provide it to all of the following:~~
12 ~~regional centers.~~

13 ~~(1)~~

14 (2) Supported living service providers shall conduct
15 comprehensive assessments for the purpose of getting to know the
16 consumer they will be supporting and developing a support plan
17 congruent with the choices and needs of the individual and
18 consistent with the principles of supported living set forth in this
19 section and in Subchapter 19 (commencing with Section 58600)
20 of Chapter 3 of Division 2 of Title 17 of the California Code of
21 Regulations. The independent assessment required by this
22 paragraph is not intended to take the place of or repeat the service
23 provider's comprehensive assessment. ~~The purpose of the~~
24 ~~independent assessment is to provide an additional look at whether~~
25 ~~the supported living services being provided, or being proposed~~
26 ~~for a person initially entering supported living, are necessary,~~
27 ~~sufficient, or cost-effective to meet the person's choices and needs,~~
28 ~~as determined by the comprehensive assessment and the planning~~
29 ~~team. The independent needs assessment may include, but is not~~
30 ~~limited to, use of natural and generic support, technology that~~
31 ~~provides support otherwise necessary through direct staffing hours,~~
32 ~~shared housing, support alternatives, learning methods, lifting and~~
33 ~~transferring, bathroom, grooming, meals, communication,~~
34 ~~transportation, mobility, emergency procedures, medication~~
35 ~~management, household responsibilities, personal needs,~~
36 ~~interpersonal relationships, and behavioral, medical, and overnight~~
37 ~~supports.~~

38 ~~(2) A consumer shall not be excluded from supported living~~
39 ~~services based on an independent assessment.~~

~~(3) The entity or individual conducting independent assessments shall not be an employee of a regional center or the consumer's service provider. Current supported living providers may conduct independent assessments for consumers being supported, or about to be supported, by other providers. However a provider who conducts an independent assessment may not provide direct services to a consumer it has assessed for a period of one year. Each regional center shall publicly identify the entities and individuals it will use to conduct independent assessments. Regional centers shall ensure there are sufficient independent assessors so that assessments can be provided when required without undue delay.~~

~~(4) Initial entry into supported living shall not be delayed for more than 30 days following the determination to request an independent assessment due to the need for an independent assessment pursuant to this section. If the independent assessment cannot be conducted within that time period, the individual may move into supported living with the amount of supports recommended by the service provider's comprehensive assessment and an additional IPP to consider the results of the independent assessment shall be conducted when that assessment becomes available, if necessary. For individuals currently in a supported living arrangement, supports shall continue at the same level while the independent assessment is being conducted.~~

~~(5) Independent assessors shall meet all of the following qualifications:~~

~~(A) Have a demonstrated understanding of the foundation of supported living as a service that assists an individual to live in his or her own home with supports as needed to be part of their community and of the principles and operational requirements of supported living set forth in this section and in Subchapter 19 (commencing with Section 58600) of Chapter 3 of Division 2 of Title 17 of the California Code of Regulations.~~

~~(B) Have a demonstrated understanding of the IPP process and the legal rights of people with developmental disabilities in California.~~

~~(C) Have experience with the provision of supported living services in California.~~

~~(6) The department shall establish a rate of payment for an independent assessment.~~

~~(7) The planning team, as defined in subdivision (j) of Section 4512, shall consider the independent assessment along with the provider's assessment, if available, and any other relevant information in determining whether there should be any adjustment to the amount or type of supports currently being received by individuals in supported living arrangement or recommended for individuals initially entering supported living arrangement. Any decisions to reduce supports shall not be applied retroactively.~~

~~(8) A consumer shall be reassessed as described in this subdivision every three years in conjunction with the consumer's IPP review to determine whether all services are necessary and sufficient and to ensure that the most cost-effective methods of service are being utilized.~~

~~(9) Individuals who are moving to a supported living arrangement or have moved to a supported living arrangement from a developmental center or state-operated community facility shall not be required to have an additional assessment during the first 12 months following placement.~~

~~(10)~~

~~(3) Upon a determination of a reduction in services pursuant to this section, the regional center shall inform the consumer of the reason for the determination, and shall provide a written notice of fair hearing rights pursuant to Section 4701.~~

~~(11)~~

~~(4) Nothing in this section precludes the completion of an independent assessment for other purposes. assessment.~~

SEC. 16. Section 4791 of the Welfare and Institutions Code is amended to read:

4791. (a) Notwithstanding any other provision of law or regulation, ~~between from July 1, 2010, and until June 30, 2012, inclusive, 2013,~~ regional centers may temporarily modify personnel requirements, functions, or qualifications, or staff training requirements for providers, except for licensed or certified residential providers, whose payments are reduced by ~~4.25~~ 1.25 percent pursuant to the amendments to Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, as amended by ~~Section 164 of Chapter 717 of the Statutes of 2010.~~ *act amending this section.*

(b) A temporary modification pursuant to subdivision (a), effective during any agreed upon period of time ~~between from July~~

1 1, 2010, ~~and until June 30, 2012, inclusive, 2013,~~ may only be
2 approved when the regional center determines that the change will
3 not do any of the following:

4 (1) Adversely affect the health and safety of a consumer
5 receiving services or supports from the provider.

6 (2) Result in a consumer receiving services in a more restrictive
7 environment.

8 (3) Negatively impact the availability of federal financial
9 participation.

10 (4) Violate any state licensing or labor laws or other provisions
11 of Title 17 of the California Code of Regulations not eligible for
12 modification pursuant to this section.

13 (c) A temporary modification pursuant to subdivision (a) shall
14 be described in a written services contract between the regional
15 center purchasing the services and the provider, and a copy of the
16 written services contract and any related documentation shall be
17 retained by the provider and the regional center purchasing the
18 services from the provider.

19 (d) Notwithstanding any other provision of law or regulation,
20 the department shall suspend, from July 1, 2010, ~~to until June 30,~~
21 ~~2012, inclusive, 2013,~~ the requirements described in Sections
22 56732 and 56800 of Title 17 of the California Code of Regulations
23 requiring community-based day programs and in-home respite
24 agencies to conduct annual reviews and to submit written reports
25 to vendoring regional centers, user regional centers, and the
26 department.

27 (e) Notwithstanding any other provision of law or regulation,
28 from July 1, 2010, ~~to until June 30, 2012, inclusive, 2013,~~ a
29 residential service provider, vendored by a regional center and
30 whose payment is reduced by ~~4.25~~ 1.25 percent pursuant to the
31 amendments to Section 10 of Chapter 13 of the Third Extraordinary
32 Session of the Statutes of 2009, as amended by ~~Section 164 of~~
33 ~~Chapter 717 of the Statutes of 2010, act amending this section,~~
34 shall not be required to complete quarterly and semiannual progress
35 reports required in subdivisions (b) and (c) of Section 56026 of
36 Title 17 of the California Code of Regulations. During program
37 review, the provider shall inform the regional center case manager
38 of the consumer's progress and any barrier to the implementation
39 of the individual program plan for each consumer residing in the
40 residence.

1 SEC. 17. Section 4792.1 is added to the Welfare and Institutions
2 Code, to read:

3 4792.1. (a) This section shall only be operative if the condition
4 set forth in subdivision (a) of Section 3.62 of the Budget Act of
5 2012 is satisfied. It is the intent of the Legislature for the
6 department to identify up to fifty million dollars (\$50,000,000) in
7 General Fund savings from within the overall developmental
8 services system, including any savings or reductions within state
9 administrative support, operation of the developmental centers,
10 and operation of the regional centers, including administration
11 and the purchase of services where applicable.

12 (b) It is the intent of the Legislature to keep the reductions made
13 pursuant to this section as far away as feasible from consumer's
14 direct needs, services, and supports, including health, safety, and
15 quality of life.

16 (c) A variety of strategies, including, but not limited to, all of
17 the following, may be used to achieve this reduction:

18 (1) Savings attributable to caseload adjustments, changes in
19 expenditure trends, unexpended contract funds, or other
20 administrative savings or restructuring.

21 (2) Savings attributable to the establishment of best practices
22 for the administrative management of regional centers and for
23 regional centers to use when purchasing services for consumers
24 and families. In order to achieve these savings, the department
25 shall review and submit to the Legislature best practices pursuant
26 to subdivisions (b) to (g), inclusive, of Section 4620.3. The
27 department shall submit the proposed best practices to the fiscal
28 and applicable policy committees of the Legislature. This
29 submission shall include a description of the process that was
30 followed to collaborate with system stakeholders, the anticipated
31 impact of the best practices coupled with prior reductions on
32 consumers, families, and providers, estimated cost savings
33 associated with each practice, and draft statutory language
34 necessary to implement the best practices. Consistent with
35 subdivision (h) of Section 4620.3, implementation of the best
36 practices shall take effect only upon subsequent legislative
37 enactment.

38 (d) The department shall consider input from stakeholders,
39 including consumers and family members, consumer-focused
40 advocacy groups, service provider representatives, regional center

representatives, developmental center representatives, other stakeholders, and staff of the Legislature, to develop General Fund savings proposals as necessary.

(e) If the condition set forth in subdivision (a) of Section 3.62 of the Budget Act of 2012 is satisfied, and the department is directed to identify up to fifty million dollars (\$50,000,000) in General Fund savings from within the developmental services system, any savings or reductions identified shall be reported to the Joint Legislative Budget Committee within 10 days of the reduction as directed by subdivision (e) of Section 3.62 of the Budget Act of 2012.

SEC. 18. Section 6000 of the Welfare and Institutions Code is amended to read:

6000. (a) Pursuant to applicable rules and regulations established by the State Department of Mental Health or the State Department of Developmental Services, the medical director of a state hospital for the mentally disordered or developmentally disabled may receive in such hospital, as a boarder and patient, any person who is a suitable person for care and treatment in such hospital, upon receipt of a written application for the admission of the person into the hospital for care and treatment made in accordance with the following requirements:

(a)

(1) In the case of an adult person, the application shall be made voluntarily by the person, at a time when he is in such condition of mind as to render him competent to make it or, if he is a conservatee with a conservator of the person or person and estate who was appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 with the right as specified by court order under Section 5358 to place his conservatee in a state hospital, by his conservator.

(b)

(2) In the case of a minor person, the application shall be made by his parents, or by the parent, guardian, conservator, or other person entitled to his custody to any of such mental hospitals as may be designated by the Director of Mental Health or the Director of Developmental Services to admit minors on voluntary applications. If the minor has a conservator of the person, or the person and the estate, appointed under Chapter 3 (commencing with Section 5350) of Part 1 of Division 5, with the right as

1 specified by court order under Section 5358 to place the
2 conservatee in a state hospital the application for the minor shall
3 be made by his conservator.

4 Any such person received in a state hospital shall be deemed a
5 voluntary patient.

6 Upon the admission of a voluntary patient to a state hospital the
7 medical director shall immediately forward to the office of the
8 State Department of Mental Health or the State Department of
9 Developmental Services the record of such voluntary patient,
10 showing the name, residence, age, sex, place of birth, occupation,
11 civil condition, date of admission of such patient to such hospital,
12 and such other information as is required by the rules and
13 regulations of the department.

14 The charges for the care and keeping of a mentally disordered
15 person in a state hospital shall be governed by the provisions of
16 Article 4 (commencing with Section 7275) of Chapter 3 of Division
17 7 relating to the charges for the care and keeping of mentally
18 disordered persons in state hospitals.

19 A voluntary adult patient may leave the hospital or institution
20 at any time by giving notice of his desire to leave to any member
21 of the hospital staff and completing normal hospitalization
22 departure procedures. A conservatee may leave in a like manner
23 if notice is given by his conservator.

24 A minor person who is a voluntary patient may leave the hospital
25 or institution after completing normal hospitalization departure
26 procedures after notice is given to the superintendent or person in
27 charge by the parents, or the parent, guardian, conservator, or other
28 person entitled to the custody of the minor, of their desire to
29 remove him from the hospital.

30 No person received into a state hospital, private mental
31 institution, or county psychiatric hospital as a voluntary patient
32 during his minority shall be detained therein after he reaches the
33 age of majority, but any such person, after attaining the age of
34 majority, may apply for admission into the hospital or institution
35 for care and treatment in the manner prescribed in this section for
36 applications by adult persons.

37 (b) The State Department of Mental Health or the State
38 Department of Developmental Services shall establish such rules
39 and regulations as are necessary to carry out properly the provisions
40 of this section.

1 (c) Commencing July 1, 2012, the department shall not admit
2 any person to a developmental center pursuant to this section.

3 SEC. 19. Section 6500 of the Welfare and Institutions Code is
4 amended to read:

5 6500. ~~On and after July 1, 1971, no mentally retarded person~~
6 ~~may be committed to the State Department of Developmental~~
7 ~~Services pursuant to this article, unless he or she is a danger to~~
8 ~~himself or herself, or others. For the purposes of this article,~~
9 ~~dangerousness to self or others shall be considered to~~

10 6500. (a) For purposes of this article, the following definitions
11 shall apply:

12 (1) “Dangerousness to self or others” shall include, but not
13 be limited to, a finding of incompetence to stand trial pursuant to
14 the provisions of Chapter 6 (commencing with Section 1367) of
15 Title 10 of Part 2 of the Penal Code when the defendant has been
16 charged with murder, mayhem, aggravated mayhem, a violation
17 of Section 207, 209, or 209.5 of the Penal Code in which the victim
18 suffers intentionally inflicted great bodily injury, robbery
19 perpetrated by torture or by a person armed with a dangerous or
20 deadly weapon or in which the victim suffers great bodily injury,
21 carjacking perpetrated by torture or by a person armed with a
22 dangerous or deadly weapon or in which the victim suffers great
23 bodily injury, a violation of subdivision (b) of Section 451 of the
24 Penal Code, a violation of paragraph (1) or (2) of subdivision (a)
25 of Section 262 or paragraph (2) or (3) of subdivision (a) of Section
26 261 of the Penal Code, a violation of Section 288 of the Penal
27 Code, any of the following acts when committed by force, violence,
28 duress, menace, fear of immediate and unlawful bodily injury on
29 the victim or another person: a violation of paragraph (1) or (2) of
30 subdivision (a) of Section 262 of the Penal Code, a violation of
31 Section 264.1, 286, or 288a of the Penal Code, or a violation of
32 subdivision (a) of Section 289 of the Penal Code; a violation of
33 Section 459 of the Penal Code in the first degree, assault with
34 intent to commit murder, a violation of Section 220 of the Penal
35 Code in which the victim suffers great bodily injury, a violation
36 of Section 18725, 18740, 18745, 18750, or 18755 of the Penal
37 Code, or if the defendant has been charged with a felony involving
38 death, great bodily injury, or an act which poses a serious threat
39 of bodily harm to another person.

1 (2) “Developmental disability” shall have the same meaning
2 as defined in subdivision (a) of Section 4512.

3 (b) (1) A person with a developmental disability shall not be
4 committed to the State Department of Developmental Services
5 pursuant to this article unless he or she is a person described in
6 paragraph (2) or (3) of subdivision (a) of Section 7505 and is
7 dangerous to self or others.

8 If

9 (2) ~~If the mentally retarded person~~ person with a developmental
10 disability is in the care or treatment of a state hospital,
11 developmental center, or other facility at the time a petition for
12 commitment is filed pursuant to this article, proof of a recent overt
13 act while in the care and treatment of a state hospital,
14 developmental center, or other facility is not required in order to
15 find that the person is a danger to self or others.

16 ~~Any order of commitment made pursuant to this article shall~~
17 ~~expire automatically one year after the order of commitment is~~
18 ~~made. This section shall not be construed to prohibit any party~~
19 ~~enumerated in Section 6502 from filing subsequent petitions for~~
20 ~~additional periods of commitment. In the event subsequent petitions~~
21 ~~are filed, the procedures followed shall be the same as with an~~
22 ~~initial petition for commitment.~~

23 In

24 (3) In any proceedings conducted under the authority of this
25 article, the ~~person alleged mentally retarded person~~ to have a
26 developmental disability shall be informed of his or her right to
27 counsel by the court, and if the person does not have an attorney
28 for the proceedings, the court shall immediately appoint the public
29 defender or other attorney to represent him or her. The person shall
30 pay the cost for the legal services if he or she is able to do so. At
31 any judicial proceeding under the provisions of this article,
32 allegations that a person ~~is mentally retarded~~ has a developmental
33 disability and ~~a danger~~ is dangerous to himself or herself or to
34 others shall be presented by the district attorney for the county
35 unless the board of supervisors, by ordinance or resolution,
36 delegates this authority to the county counsel. ~~The clients’ rights~~
37 ~~advocate for the regional center may attend any judicial~~
38 ~~proceedings to assist in protecting the individual’s rights.~~

39 (c) (1) Any order of commitment made pursuant to this article
40 with respect to a person described in paragraph (3) of subdivision

1 (a) of Section 7505 shall expire automatically one year after the
2 order of commitment is made. This section shall not be construed
3 to prohibit any party enumerated in Section 6502 from filing
4 subsequent petitions for additional periods of commitment. In the
5 event subsequent petitions are filed, the procedures followed shall
6 be the same as with an initial petition for commitment.

7 (2) Any order of commitment made pursuant to this article with
8 respect to a person described in paragraph (2) of subdivision (a)
9 of Section 7505 shall expire automatically six months after the
10 earlier of the order of commitment pursuant to this section or the
11 order of a placement in a developmental center pursuant to Section
12 6506, unless the regional center, prior to the expiration of the
13 order of commitment, notifies the court in writing of the need for
14 an extension. The required notice shall state facts demonstrating
15 that the individual continues to be in acute crisis as defined in
16 paragraph (1) of subdivision (d) of Section 4418.7 and the
17 justification for the requested extension, and shall be accompanied
18 by the comprehensive assessment and plan described in subdivision
19 (e) of Section 4418.7. An order granting an extension shall not
20 extend the total period of commitment beyond one year, including
21 any placement in a developmental center pursuant to Section 6506.
22 If, prior to expiration of one year, the regional center notifies the
23 court in writing of facts demonstrating that, due to circumstances
24 beyond the regional center's control, the placement cannot be
25 made prior to expiration of the extension, and the court determines
26 that good cause exists, the court may grant one further extension
27 of up to 30 days. The court may also issue any orders the court
28 deems appropriate to ensure that necessary steps are taken to
29 ensure that the individual can be safely and appropriately
30 transitioned to the community in a timely manner. The required
31 notice shall state facts demonstrating that the regional center has
32 made significant progress implementing the plan described in
33 subdivision (e) of Section 4418.7 and that extraordinary
34 circumstances exist beyond the regional center's control that have
35 prevented the plan's implementation. Nothing in this paragraph
36 precludes the individual or any person acting on his or her behalf
37 from making a request for release pursuant to Section 4800, or
38 counsel for the individual from filing a petition for habeas corpus
39 pursuant to Section 4801. Notwithstanding subdivision (a) of
40 Section 4801, for purposes of this paragraph, judicial review shall

1 *be in the superior court of the county that issued the order of*
2 *commitment pursuant to this section.*

3 *SEC. 20. Section 6501 of the Welfare and Institutions Code is*
4 *amended to read:*

5 6501. If a person is charged with a violent felony, as described
6 in Section 667.5 of the Penal Code, and the individual has been
7 committed to the State Department of Developmental Services
8 pursuant to Section 1370.1 of the Penal Code or Section 6500 for
9 placement in a secure treatment facility, as described in subdivision
10 (e) of Section 1370.1 of the Penal Code, the department shall give
11 priority to placing the individual at Porterville Developmental
12 Center prior to placing the individual at any other ~~developmental~~
13 ~~center that has been designated as a secure treatment facility.~~

14 *SEC. 21. Section 6502 of the Welfare and Institutions Code is*
15 *amended to read:*

16 6502. A petition for the commitment of a ~~mentally retarded~~
17 ~~person~~ *person with a developmental disability* to the State
18 Department of Developmental Services who has been found
19 incompetent to stand trial pursuant to Chapter 6 (commencing with
20 Section 1367) of Title 10 of Part 2 of the Penal Code when the
21 defendant has been charged with one or more of the offenses
22 identified or described in Section 6500, may be filed in the superior
23 court of the county that determined the question of mental
24 competence of the defendant. All other petitions may be filed in
25 the county in which that person is physically present. The following
26 persons may request the person authorized to present allegations
27 pursuant to Section 6500 to file a petition for commitment:

28 (a) The parent, guardian, conservator, or other person charged
29 with the support of the ~~mentally retarded person.~~ *person with a*
30 *developmental disability.*

31 (b) The probation officer.

32 (c) ~~The Youth Authority.~~ *Department of Corrections and*
33 *Rehabilitation, Division of Juvenile Justice.*

34 (d) Any person designated for that purpose by the judge of the
35 court.

36 (e) ~~The Director Secretary of Corrections.~~ *the Department of*
37 *Corrections and Rehabilitation.*

38 (f) The regional center director or his or her designee.

1 The request shall state the petitioner's reasons for supposing the
2 person to be eligible for admission thereto, and shall be verified
3 by affidavit.

4 *SEC. 22. Section 6504 of the Welfare and Institutions Code is*
5 *amended to read:*

6 6504. In all cases the court shall require due notice of the
7 hearing of the petition to be given to the *person alleged-mentally*
8 ~~retarded person~~ *to have a developmental disability*. Whenever a
9 petition is filed, the court shall require such notice of the hearing
10 of the petition as it deems proper to be given to any parent,
11 guardian, conservator, or other person charged with the support
12 of the person mentioned in the petition.

13 *SEC. 23. Section 6504.5 of the Welfare and Institutions Code*
14 *is amended to read:*

15 6504.5. Wherever a petition is filed pursuant to this article, the
16 court shall appoint the director of a regional center for the
17 developmentally disabled established under Division 4.5 ~~of this~~
18 ~~code~~, (commencing with Section 4500), or the designee of the
19 director, to examine the *person alleged-mentally-retarded person*.
20 *to have a developmental disability*.

21 Within 15 judicial days after his or her appointment, the regional
22 center director or designee shall submit to the court in writing a
23 report containing his or her evaluation of the *person alleged*
24 ~~mentally-retarded person~~ *to have a developmental disability*. *If*
25 *the person is an individual described in paragraph (2) of*
26 *subdivision (a) of Section 7505, the report shall include the results*
27 *of the assessment conducted pursuant to subdivision (b) of Section*
28 *4418.7*. The report shall contain a recommendation of a facility or
29 facilities in which the alleged developmentally disabled person
30 may be placed.

31 The report shall include a description of the least restrictive
32 residential placement necessary to achieve the purposes of
33 treatment. In determining the least restrictive residential placement,
34 consideration shall be given to public safety. If placement into or
35 out of a developmental center is recommended, the regional center
36 director or designee simultaneously shall submit the report to the
37 executive director of the developmental center or his or her
38 designee. The executive director of the developmental center or
39 his or her designee may, within 15 days of receiving the regional
40 center report, submit to the court a written report evaluating the

1 ability of the developmental center to achieve the purposes of
2 treatment for this person and whether the developmental center
3 placement can adequately provide the security measures or systems
4 required to protect the public health and safety from the potential
5 dangers posed by the person's known behaviors.

6 The reports prepared by the regional center director and
7 developmental center director, if applicable, shall also address
8 suitable interim placements for the person as provided for in
9 Section 6506.

10 *SEC. 24. Section 6506 of the Welfare and Institutions Code is*
11 *amended to read:*

12 6506. Pending the hearing, the court may order that the alleged
13 dangerous ~~mentally retarded person~~ *person alleged to have a*
14 *developmental disability* may be left in the charge of his or her
15 parent, guardian, conservator, or other suitable person, or placed
16 in a state hospital ~~for the developmentally disabled~~, *developmental*
17 *center*, in the county psychiatric hospital, or in any other suitable
18 placement as determined by the court. Prior to the issuance of an
19 order under this section, the regional center and developmental
20 center, if applicable, shall recommend to the court a suitable person
21 or facility to care for the ~~person alleged mentally retarded person.~~
22 *to have a developmental disability.* The determination of a suitable
23 person or facility shall be the least restrictive option that provides
24 for the person's treatment needs and that has existing security
25 systems or measures in place to adequately protect the public safety
26 from any known dangers posed by the person. In determining
27 whether the public safety will be adequately protected, the court
28 shall make the finding required by subparagraph (D) of paragraph
29 (1) of subdivision (a) of Section 1370.1 of the Penal Code.

30 Pending the hearing, the court may order that the person receive
31 necessary habilitation, care, and treatment, including medical and
32 dental treatment.

33 Orders made pursuant to this section shall expire at the time set
34 for the hearing pursuant to Section 6503. If the court upon a
35 showing of good cause grants a continuance of the hearing on the
36 matter, it shall order that the person be detained pursuant to this
37 section until the hearing on the petition is held.

38 *SEC. 25. Section 6507 of the Welfare and Institutions Code is*
39 *amended to read:*

6507. The court shall inquire into the condition or status of the person alleged ~~mentally retarded person~~ *to have a developmental disability*. For this purpose it may by subpoena require the attendance before it of a physician who has made a special study of ~~mental retardation~~ *developmental disabilities* and is qualified as a medical examiner, and of a clinical psychologist, or of two such physicians, or of two such psychologists, to examine the person and testify concerning his ~~mentality~~ *or her developmental disability*. The court may also by subpoena require the attendance of such other persons as it deems advisable, to give evidence.

SEC. 26. *Section 6508 of the Welfare and Institutions Code is amended to read:*

6508. Each psychologist and physician shall receive for each attendance mentioned in Section 6507 the sum of five dollars (\$5) for each person examined, together with his necessary actual expenses occasioned thereby, and other witnesses shall receive for such attendance such fees and expenses as the court in its discretion allows, if any, not exceeding the fees and expenses allowed by law in other cases in the superior court.

Any fees or traveling expenses payable to a psychologist, physician, or witness as provided in this section and all expenses connected with the execution of any process under the provisions of this article, which are not paid by the parent, guardian, conservator, or person charged with the support of the ~~person with the supposed mentally retarded person~~ *developmental disability*, shall be paid by the county treasurer of the county in which the person resides, upon the presentation to the treasurer of a certificate of the judge that the claimant is entitled thereto.

SEC. 27. *Section 6509 of the Welfare and Institutions Code is amended to read:*

6509. (a) If the court finds that the person ~~is mentally retarded~~ *has a developmental disability*, and that he or she is a *person described in paragraph (2) or (3) of subdivision (a) of Section 7505 and is a danger to himself, herself, or to others*, the court may make an order that the person be committed to the State Department of Developmental Services for suitable treatment and habilitation services. Suitable treatment and habilitation services is defined as the least restrictive residential placement necessary to achieve the purposes of treatment. Care and treatment of a person committed to the State Department of Developmental Services

1 may include placement in ~~any state hospital, developmental center,~~
2 ~~any Fairview Developmental Center if the person is an individual~~
3 ~~described in paragraph (2) of subdivision (a) of Section 7505, the~~
4 ~~secure treatment program at Porterville Developmental Center if~~
5 ~~the person is an individual described in paragraph (3) of~~
6 ~~subdivision (a) of Section 7505, any~~ licensed community care
7 facility, as defined in Section 1504, or any health facility, as
8 defined in Section 1250, or any other appropriate placement
9 permitted by law. The court shall hold a hearing as to the available
10 placement alternatives and consider the reports of the regional
11 center director or designee and the developmental center director
12 or designee submitted pursuant to Section 6504.5. After hearing
13 all the evidence, the court shall order that the person be committed
14 to that placement that the court finds to be the most appropriate
15 *and least restrictive* alternative. If the court finds that release of
16 the person can be made subject to conditions that the court deems
17 proper and adequate for the protection and safety of others and the
18 welfare of the person, the person shall be released subject to those
19 conditions.

20 The court, however, may commit a ~~mentally retarded person~~
21 *person with a developmental disability* who is not a resident of
22 this state under Section 4460 for the purpose of transportation of
23 the person to the state of his or her legal residence pursuant to
24 Section 4461. The State Department of Developmental Services
25 shall receive the person committed to it and shall place the person
26 in the placement ordered by the court.

27 (b) If the person has at any time been found mentally
28 incompetent pursuant to Chapter 6 (commencing with Section
29 1367) of Title 10 of Part 2 of the Penal Code arising out of a
30 complaint charging a felony offense specified in Section 290 of
31 the Penal Code, the court shall order the State Department of
32 Developmental Services to give notice of that finding to the
33 designated placement facility and the appropriate law enforcement
34 agency or agencies having local jurisdiction at the site of the
35 placement facility.

36 (c) If the Department of Developmental Services decides that
37 a change in placement is necessary, it shall notify in writing the
38 court of commitment, the district attorney, and the attorney of
39 record for the person and the regional center of its decision at least
40 15 days in advance of the proposed change in placement. The court

1 may hold a hearing and (1) approve or disapprove of the change,
2 or (2) take no action in which case the change shall be deemed
3 approved. At the request of the district attorney or of the attorney
4 for the person, a hearing shall be held.

5 *SEC. 28. Section 6510.5 is added to the Welfare and Institutions*
6 *Code, to read:*

7 *6510.5. Under no circumstances shall the court order*
8 *placement of a person described in this article or a dangerous*
9 *person committed pursuant to Section 1370.1 of the Penal Code*
10 *to a developmental center if the department has specifically notified*
11 *the court in writing that the individual cannot be safely served in*
12 *that developmental center.*

13 *SEC. 29. Section 6511 of the Welfare and Institutions Code is*
14 *amended to read:*

15 *6511. Any person who knowingly contrives to have any person*
16 *adjudged—mentally retarded to have a developmental disability*
17 *under the provisions of this article, unlawfully or improperly, is*
18 *guilty of a misdemeanor.*

19 *SEC. 30. Section 6512 of the Welfare and Institutions Code is*
20 *amended to read:*

21 *6512. If, when a boy or girl is brought before a juvenile court*
22 *under the juvenile court law, it appears to the court, either before*
23 *or after adjudication, that the person is—mentally retarded, has a*
24 *developmental disability, or if, on the conviction of any person of*
25 *a crime by any court, it appears to the court that the person*
26 *is—mentally retarded, has a developmental disability, the court may*
27 *adjourn the proceedings or suspend the sentence, as the case may*
28 *be, and direct some suitable person to take proceedings under this*
29 *article against the person before the court, and the court may order*
30 *that, pending the preparation, filing, and hearing of the petition,*
31 *the person before the court be detained in a place of safety, or be*
32 *placed under the guardianship of some suitable person, on his*
33 *entering into a recognizance for the appearance of the person upon*
34 *trial or under conviction when required. If, upon the hearing of*
35 *the petition, or upon a subsequent hearing, the person upon trial*
36 *or under conviction is not found to—be mentally retarded, have a*
37 *developmental disability, the court may proceed with the trial or*
38 *impose sentence, as the case may be.*

39 *SEC. 31. Section 7502.5 of the Welfare and Institutions Code*
40 *is amended to read:*

1 7502.5. (a) The total number of developmental center residents
2 in the secure treatment facility at Porterville Developmental Center,
3 including those residents receiving services in the Porterville
4 Developmental Center transition treatment program, shall not
5 exceed 230.

6 (b) As of the effective date of this subdivision, the State
7 Department of Developmental Services shall not admit any persons
8 into the secure treatment facility at Porterville Developmental
9 Center ~~until~~ unless the population of the secure treatment facility
10 is less than 230 persons, *including 60 residents receiving services*
11 *in the transition treatment program.*

12 ~~(c) To maximize federal financial participation, the State~~
13 ~~Department of Developmental Services shall not admit any more~~
14 ~~than 104 people who are ineligible to participate in programs~~
15 ~~certified for federal financial participation into the secure treatment~~
16 ~~facility at Porterville Developmental Center.~~

17 SEC. 32. Section 7505 is added to the Welfare and Institutions
18 Code, to read:

19 7505. (a) Notwithstanding any other provision of law,
20 commencing July 1, 2012, the State Department of Developmental
21 Services shall not admit anyone to a developmental center unless
22 the person has been determined eligible for services under Division
23 4.5 (commencing with Section 4500) and the person is:

24 (1) Committed by a court to Porterville Developmental Center,
25 secure treatment program, pursuant to Section 1370.1 of the Penal
26 Code.

27 (2) Committed by a court to Fairview Developmental Center
28 pursuant to Article 2 (commencing with Section 6500) of Chapter
29 2 of Part 2 of Division 6 due to an acute crisis, pursuant to Section
30 4418.7.

31 (3) Committed by a court to Porterville Developmental Center,
32 secure treatment program, pursuant to Article 2 (commencing with
33 Section 6500) of Chapter 2 of Part 2 of Division 6 as a result of
34 involvement with the criminal justice system, and the court has
35 determined the person is mentally incompetent to stand trial.

36 (4) A person described in Section 4508.

37 (5) A juvenile committed to Porterville Developmental Center,
38 secure treatment program, pursuant to Section 709.

39 (b) Under no circumstances shall the State Department of
40 Developmental Services admit a person to a developmental center

1 after July 1, 2012, as a result of a criminal conviction or where
2 the person is competent to stand trial for the criminal offense and
3 the admission is ordered in lieu of trial.

4 SEC. 33. Section 7507 of the Welfare and Institutions Code is
5 amended to read:

6 7507. Subject to the provisions of ~~Section 6509~~, Sections 6509
7 and 7505, each ~~state hospital for the developmentally disabled~~
8 developmental center shall admit persons duly committed or
9 transferred thereto in accordance with law.

10 SEC. 34. Section 10 of Chapter 13 of the Statutes of 2009,
11 Third Extraordinary Session, as amended by Section 24 of Chapter
12 37 of the Statutes of 2011, is amended to read:

13 Sec. 10. (a) Notwithstanding any other provision of law, in
14 order to implement changes in the level of funding for regional
15 center purchase of services, regional centers shall reduce payments
16 for services and supports provided pursuant to Title 14
17 (commencing with Section 95000) of the Government Code and
18 Division 4.1 (commencing with Section 4400) and Division 4.5
19 (commencing with Section 4500) of the Welfare and Institutions
20 Code. From February 1, 2009, to June 30, 2010, inclusive, regional
21 centers shall reduce all payments for these services and supports
22 paid from purchase of services funds for services delivered on or
23 after February 1, 2009, by 3 percent, from July 1, 2010, to June
24 30, 2012, inclusive, by 4.25 percent, and, commencing July 1,
25 2012, until June 30, 2013, by 1.25 percent, unless the regional
26 center demonstrates that a nonreduced payment is necessary to
27 protect the health and safety of the individual for whom the services
28 and supports are proposed to be purchased, and the State
29 Department of Developmental Services has granted prior written
30 approval.

31 (b) Regional centers shall not reduce payments pursuant to
32 subdivision (a) for the following:

33 (1) Supported employment services with rates set by Section
34 4860 of the Welfare and Institutions Code.

35 (2) Services with “usual and customary” rates established
36 pursuant to Section 57210 of Title 17 of the California Code of
37 Regulations, except as provided in subdivision (c).

38 (3) Payments to offset reductions in Supplemental Security
39 Income/State Supplementary Payment (SSI/SSP) benefits for
40 consumers receiving supported and independent living services.

1 (c) The exemption provided for in paragraph (2) of subdivision
2 (b) shall not apply to payments for any of the following services:

3 (1) Crisis and behavioral services provided by a nationally
4 certified or state-licensed professional, consistent with the
5 professional's scope of practice, as set forth in the Business and
6 Professions Code.

7 (2) Services of group practices providing behavioral
8 intervention.

9 (3) Parent-coordinator home-based behavioral intervention for
10 children with autism.

11 (4) Individual or family training.

12 (5) Registered nurse services.

13 (6) Therapy services, including physical, speech, occupational,
14 recreational, and music therapy.

15 (7) Audiology services.

16 (8) Independent living specialist services.

17 (9) Translator and interpreter services.

18 (10) Mobility training, socialization training, or community
19 integration training services.

20 (11) Community activities support, program support, or
21 parenting support services.

22 (12) Personal assistance services.

23 (13) Tutoring services.

24 (14) Creative arts services.

25 (15) Early start specialized therapeutic services.

26 (d) Notwithstanding any other provision of law, in order to
27 implement changes in the level of funding appropriated for regional
28 centers, the department shall amend regional center contracts to
29 adjust regional center budgets accordingly. The contract
30 amendments and budget adjustments shall be exempt from the
31 provisions of Article 1 (commencing with Section 4620) of Chapter
32 5 of Division 4.5 of the Welfare and Institutions Code.

33 SEC. 35. The sum of one thousand dollars (\$1,000) is hereby
34 appropriated from the General Fund to the State Department of
35 Developmental Services for administration.

36 SEC. 36. This act is a bill providing for appropriations related
37 to the Budget Bill within the meaning of subdivision (e) of Section
38 12 of Article IV of the California Constitution, has been identified
39 as related to the budget in the Budget Bill, and shall take effect
40 immediately.

1 SECTION 1. ~~It is the intent of the Legislature to enact statutory~~
2 ~~changes relating to the Budget Act of 2012.~~

O