

AMENDED IN ASSEMBLY MARCH 27, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1147**

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**Introduced by Assembly Member Addis**

February 16, 2023

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An act to amend Sections 4519.5, 4571, 4622, 4626.5, 4642, 4643, 4646, 4646.4, 4646.5, 4647, 4659, 4685.8, 4726, and 4731 of, and to add Sections 4519.20, 4620.6, 4629.1, ~~and 4639.76~~ 4639.76, 4646.51, and 4659.3 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, as amended, Addis. Disability Equity and Accountability Act of 2023.

The Lanterman Developmental Disabilities Services Act makes the State Department of Developmental Services responsible for providing various services and supports to individuals with developmental disabilities, and for ensuring the appropriateness and quality of those services and supports. Pursuant to that law, the department contracts with regional centers to provide services and supports to persons with developmental disabilities.

This bill would enact the Disability Equity and Accountability of 2023, which would make various changes to the act for purposes including gathering relevant data and providing increased oversight of regional center operations and performance. The bill would require an evaluation of regional center performance by the department, which would be implemented using a common set of performance measures. The bill would require the assessments to use performance measures in 7 specific domains: community integration, employment, equity in

access, case management, client and family choice, experience and satisfaction, human and civil rights, and health and safety. The bill would require the department to establish standards for these performance measures, as specified, by July 1, 2024.

The bill would require the department, as part of its planning process for the planning and development of a uniform, statewide data automation system, to develop a ~~charter~~ *project charter*, by March 1, 2024, for approval by the Secretary of the California Health and Human Services Agency and the Department of Technology. The bill would require the charter development process to include the participation and input of program consumers and families, researchers and quality and outcome evaluators, regional centers, and service providers. The bill would require the charter to include specified components, including, but not limited to, an impact statement, project guiding principles, and program goals, including maximizing the performance and business processes for the delivery of intellectual or developmental disabilities (IDD) system services to regional center consumers.

Existing law requires the department, in consultation with stakeholders, to identify a valid and reliable quality assurance instrument that assesses consumer and family satisfaction, provision of services in a linguistically and competent manner, and personal outcomes, as specified.

This bill would require the department by March 1, 2024, to submit a report to the Legislature describing the extent to which the requirements of this section have not been met, including the surveying of all consumers, including those who have not purchased services, and providing specific steps and the schedule by which these requirements will be met.

Existing law requires regional centers to conduct client assessments, and requires those assessments to be performed within 120 days following intake, and within no more than 60 days following initial intake if delay would expose the client to unnecessary risk to their health and safety, as specified.

This bill would revise those timeframes to require an assessment to be completed within 60 days of intake, and within 30 days of intake for at-risk clients.

Existing law declares the intent of the Legislature to ensure that the individual program plan (IPP) and provision of services and supports by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into

account the needs and preferences of the individual and the family, as prescribed. *Existing law requires an IPP to be developed for any person who, following intake and assessment, is found to be eligible for regional center services, and requires these plans to be completed within 60 days of the completion of the assessment, as specified.*

This bill also would declare the intent of the Legislature for the IPP to be developed consistent with the federal Affordable Care Act, as specified, requiring community-based long-term services and supports be person-centered and self-directed, and ensuring that goals in any plan allow for innovation and nontraditional services service delivery. *The bill would authorize a regional center to exceed the time period for developing an IPP, if there is good cause, but no more than 60 days from intake. The bill would require a regional center that fails to meet the 30-day or 60-day deadline to provide the consumer with an adequate notice of action and notify the department of the reason for failure to meet the deadline.*

*This bill would require the department to establish, by January 1, 2025, a common set of services and supports, including supported living services, and would require every regional center to make those services and supports available to consumers in negotiating, developing, and amending the IPP. The bill would require the department, with respect to services and supports requested by a consumer that require an assessment, to complete that assessment within 30 days of the date of request, at no cost to the consumer, as specified. The bill would also require the department to comprehensively review the current processes for vendorizing providers for the delivery of services and supports to regional center consumers and revise those processes to streamline the process and create a uniform statewide vendorization process. The bill would require the department to develop the revised process in consultation with the Association of Regional Center Agencies, consumers and their families, advocacy organizations, and service providers, as specified.*

The bill would revise existing complaint procedures for consumers and their representatives, including requiring complaints to be made to the Director of Developmental Services, and requiring the director to issue a written administrative decision within 30 days of receiving the complaint, and send a copy of the decision to the complainant, the director of the subject regional center or state-operated facility, and the service provider, as prescribed. *The bill would require the department, no later than March 1, 2024, and annually thereafter, to submit a report*

*to the Legislature and post on its internet website specified data relating to health and safety waivers requested and granted for consumers of developmental services.*

The bill would revise the criteria applicable to regional center governing boards with which the state contracts, including with respect to terms, the composition of nominating committees, and training. The bill would require the department to establish and adopt a grievance procedure for governing board members, as specified. The bill also would make regional centers subject to requirements of the California Public Records Act.

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

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

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Disability Equity and Accountability Act of 2023.

3 SEC. 2. (a) The Legislature finds and declares as follows:

4 (1) Recent reports and hearings by the California State Auditor,  
5 the Little Hoover Commission, and advocacy organizations have  
6 found that California's service system for the over 400,000 children  
7 and adults with intellectual and developmental disabilities through  
8 the Lanterman Act, as overseen by the State Department of  
9 Developmental Services, which contracts with 21 regional centers,  
10 is failing in significant ways to deliver critical, adequate, and timely  
11 services to individuals and families. The result is that individuals  
12 and families, particularly those of color, are unable to timely access  
13 services and supports, resulting in barriers to their living  
14 independent, productive, and integrated lives in their communities.

15 (2) California's developmental disability service system is  
16 plagued with racial, ethnic, and geographic disparities that can  
17 dramatically impact the essential services received by children and  
18 adults with developmental disabilities. Systemic inequities and  
19 discrimination within California's 21 regional centers broaden the  
20 gap between inclusive possibilities and segregated limitations.  
21 Data show Latinos are most negatively impacted by these  
22 disparities, but people who are clients of the lowest-performing  
23 regional centers are also significantly affected.

24 (3) California spends nearly \$13,000,000,000 annually on the  
25 administration and delivery of developmental services, but lacks

1 a transparent, common, integrated, and coordinated model for the  
2 delivery and measurement of services throughout the 21 regional  
3 centers, resulting in poor outcomes, poor satisfaction levels by  
4 ~~eons~~ consumer consumers and families, and disparate levels of available  
5 services and performance expectations.

6 (4) The delivery of services through 21 separate private  
7 nonprofit regional centers with separate boards, funding, and  
8 delivery models was originally intended to ensure that the delivery  
9 of services could be more effectively delivered through nonstate  
10 entities. However, with the subsequent caseload and budget growth  
11 since the enactment of the Lanterman Act, local administration  
12 has become more disparate and less accountable. Boards of  
13 directors are untrained and are not providing the oversight needed  
14 of the regional centers. Stronger state oversight of regional centers  
15 by the State Department of Developmental Services is essential  
16 to ensure that services are equitably delivered, performance and  
17 outcomes are uniformly measured and reported, and the system is  
18 transparent and accountable to individuals and families.

19 (5) The department's system lacks a statewide automated  
20 technology system for the delivery of services to persons with  
21 intellectual and developmental disabilities and, as a result, the  
22 current program is constrained by disparate automation systems,  
23 inadequate documentation, the lack of open system architecture,  
24 insufficient data to support administration of the system, and the  
25 lack of data to support program improvements for improving the  
26 quality of life outcomes through new service delivery methods.

27 (6) Statewide uniformity of service delivery practices and  
28 procedures is essential to an effective program and to support  
29 necessary oversight and research for ongoing program  
30 improvements.

31 (7) The department's technical infrastructure is over 40 years  
32 old. The lack of a statewide automation system does not meet  
33 current program needs and significantly contributes to the racial  
34 and geographic disparities in the delivery of services. California  
35 currently lacks clear and consistent service delivery outcomes for  
36 individuals with intellectual and developmental disabilities that  
37 sets high expectations for their quality of life, and must develop a  
38 system for measuring and quantifying the value of service delivery  
39 outcomes.

1       (8) A previous effort to develop an intellectual and  
2 developmental disabilities (IDD) program technology system  
3 failed. As a result, the department and regional centers maintain  
4 a patchwork of at least three case management and fiscal systems  
5 that are not integrated and six legacy case management automation  
6 systems that lack integration, have dissimilar data sources, and are  
7 technically outdated.

8       (9) In the 2021–22 annual budget the Legislature appropriated  
9 \$6,000,000 to the State Department of Developmental Services  
10 for planning purposes related to the implementation of a uniform  
11 fiscal system and consumer electronic records management system.  
12 The department has not developed a vision or scope for a proposed  
13 system development approach.

14       (b) Therefore, it is the intent of the Legislature in enacting this  
15 act to do all of the following:

16       (1) Ensure that racial, ethnic, and geographic service disparities  
17 be systemically addressed and eliminated and that all people,  
18 regardless of their race or ethnicity or where they live, receive  
19 equitable access to services within the regional center system.

20       (2) Ensure that all regional centers offer and provide a consistent  
21 and common set of services and that the services are delivered in  
22 a timely way.

23       (3) Ensure that the delivery of all services and supports comply  
24 with federal law and guidance and are responsive to the needs and  
25 choices of beneficiaries receiving home- and community-based  
26 services, are ~~person-centered and strengths-based~~, *person centered*  
27 and *strengths based*, have high expectations for interdependence,  
28 self-direction, and ~~competitive~~ *competitive*, integrated employment,  
29 provide support coordination to assist with a ~~community-supported~~  
30 *community-supported* life, and achieve a more consistent and  
31 coordinated approach to the administration of policies and  
32 procedures across the state.

33       (4) Provide the department with new tools for holding regional  
34 centers and service providers accountable through the development  
35 of a standardized and coordinated set of performance measures  
36 and related standards that establish targets and standards above  
37 which a regional center may receive incentives for improved  
38 performance, and a separate set of standards that require corrective  
39 action.

1       (5) Improve regional center governance by establishing new  
2 standards and procedures for regional center governing boards to  
3 ensure they can more effectively represent the communities they  
4 serve by providing them with greater independence and protection  
5 from regional center retaliation.

6       (6) Require the State Department of Developmental Services  
7 to develop a written project charter for the planning and  
8 development of a uniform statewide automation system that serves  
9 as a foundation document for the system development, which  
10 includes project guiding principles, scope, strategies and approach,  
11 and project governance, in order to provide transparency to the  
12 Legislature and the public on the system development as has been  
13 used with other statewide system development.

14      SEC. 3. Section 4519.5 of the Welfare and Institutions Code  
15 is amended to read:

16      4519.5. (a) The department and the regional centers shall  
17 annually collaborate to compile data in a uniform manner relating  
18 to purchase of service authorization, utilization, and expenditure  
19 by each regional center with respect to all of the following:

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

21           (A) Birth to two years of age, inclusive.  
22           (B) Three to 21 years of age, inclusive.  
23           (C) Twenty-two years of age and older.

24       (2) Race or ethnicity of the consumer.

25       (3) Preferred language spoken by the consumer, and other related  
26 details, as feasible.

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

30       (5) Residence type, subcategorized by age, race or ethnicity,  
31 and preferred language.

32       (6) Number of instances when the written copy of the individual  
33 program plan was provided at the request of the consumer and,  
34 when appropriate, the consumer's parents, legal guardian or  
35 conservator, or authorized representative, in a language other than  
36 a threshold language, as defined by paragraph (3) of subdivision  
37 (a) of Section 1810.410 of Title 9 of the California Code of  
38 Regulations, if that written copy was provided more than 60 days  
39 after the request.

1       (7) Number of instances when the written copy of the individual  
2 program plan was provided at the request of the consumer and,  
3 when appropriate, the consumer's parents, legal guardian or  
4 conservator, or authorized representative, in a threshold language,  
5 as defined by paragraph (3) of subdivision (a) of Section 1810.410  
6 of Title 9 of the California Code of Regulations, if that written  
7 copy was provided more than 45 days after the request, in violation  
8 of paragraph (5) of subdivision (a) of Section 4646.5.

9       (8) Beginning with data for the fiscal year of 2023–24, the  
10 numbers, percentages, and total and per capita expenditure and  
11 authorization amounts, by age, as applicable, according to race or  
12 ethnicity and preferred language, for all combined residence types  
13 and for consumers living in the family home, regarding the  
14 following service types:

15       (A) Camping and associated travel expenses.  
16       (B) Social recreation activities.  
17       (C) Educational services.  
18       (D) Nonmedical therapies, including, but not limited to,  
19 specialized recreation, art, dance, and music.

20       (b) The data reported pursuant to subdivision (a) shall also  
21 include the number and percentage of individuals, categorized by  
22 age, race or ethnicity, and disability, and by residence type, as set  
23 forth in paragraph (5) of subdivision (a), who have been determined  
24 to be eligible for regional center services, but are not receiving  
25 purchase of service funds.

26       (c) By March 31, 2013, each regional center shall post the data  
27 described in this section that are specific to the regional center on  
28 its *internet* website. Commencing on December 31, 2013, each  
29 regional center shall annually post these data by December 31.  
30 Each regional center shall maintain all previous years' data on its  
31 *internet* website.

32       (d) By March 31, 2013, the department shall post the information  
33 described in this section on a statewide basis on its *internet* website.  
34 Commencing December 31, 2013, the department shall annually  
35 post this information by December 31. The department shall  
36 maintain all previous years' data on its *internet* website. The  
37 department shall also post notice of any regional center stakeholder  
38 meetings on its *internet* website.

39       (e) Within three months of compiling the data with the  
40 department, and annually thereafter, each regional center shall

1 meet with stakeholders in one or more public meetings regarding  
2 the data. The meeting or meetings shall be held separately from  
3 any meetings held pursuant to Section 4660. The regional center  
4 shall provide participants of these meetings with the data and any  
5 associated information related to improvements in the provision  
6 of developmental services to underserved communities and shall  
7 conduct a discussion of the data and the associated information in  
8 a manner that is culturally and linguistically appropriate for that  
9 community, including providing alternative communication  
10 services, as required by Sections 11135 to 11139.7, inclusive, of  
11 the Government Code and implementing regulations. Regional  
12 centers shall inform the department of the scheduling of those  
13 public meetings 30 days prior to the meeting. Notice of the  
14 meetings shall also be posted on the regional center's *internet*  
15 website 30 days prior to the meeting and shall be sent to individual  
16 stakeholders and groups representing underserved communities  
17 in a timely manner. Each regional center shall, in holding the  
18 meetings required by this subdivision, consider the language needs  
19 of the community and shall schedule the meetings at times and  
20 locations designed to result in a high turnout by the public and  
21 underserved communities.

22 (f) (1) Each regional center shall annually report to the  
23 department regarding its implementation of the requirements of  
24 this section. The report shall include, but shall not be limited to,  
25 all of the following:

26 (A) Actions the regional center took to improve public  
27 attendance and participation at stakeholder meetings, including,  
28 but not limited to, attendance and participation by underserved  
29 communities.

30 (B) Copies of minutes from the meeting and attendee comments.

31 (C) Whether the data described in this section indicate a need  
32 to reduce disparities in the purchase of services among consumers  
33 in the regional center's catchment area. If the data do indicate that  
34 need, the regional center's recommendations and plan to promote  
35 equity, and reduce disparities, in the purchase of services.

36 (2) Each regional center and the department shall annually post  
37 the reports required by paragraph (1) on its *internet* website by  
38 August 31.

39 (g) (1) The department shall consult with stakeholders,  
40 including consumers and families that reflect the ethnic and

1 language diversity of regional center consumers, regional centers,  
2 advocates, providers, family resource centers, the protection and  
3 advocacy agency described in Section 4901, and those entities  
4 designated as University Centers for Excellence in Developmental  
5 Disabilities Education, Research, and Service pursuant to Section  
6 15061 of Title 42 of the United States Code, to achieve the  
7 following objectives:

- 8 (A) Review the data compiled pursuant to subdivision (a).
- 9 (B) Identify barriers to equitable access to services and supports  
10 among consumers and develop recommendations to help reduce  
11 disparities in purchase of service expenditures.
- 12 (C) Encourage the development and expansion of culturally  
13 appropriate services, service delivery, and service coordination.
- 14 (D) Identify best practices to reduce disparity and promote  
15 equity.

16 (2) The department shall report the status of its efforts to satisfy  
17 the requirements of paragraph (1) during the 2016–17 legislative  
18 budget subcommittee hearing process.

19 (h) (1) Subject to available funding, the department shall  
20 allocate funding to regional centers or community-based  
21 organizations with department oversight to assist with  
22 implementation of the recommendations and plans developed  
23 pursuant to subdivisions (f) and (g). Activities funded through  
24 these allocations may include, but are not limited to, pay  
25 differentials supporting direct care bilingual staff of  
26 community-based service providers, parent or caregiver education  
27 programs, cultural competency training for regional center staff,  
28 outreach to underserved populations, or additional culturally  
29 appropriate service types or service delivery models.

30 (2) Each regional center shall consult with stakeholders  
31 regarding activities that may be effective in addressing disparities  
32 in the receipt of regional center services and the regional center's  
33 proposed requests for the funding specified in paragraph (1). Each  
34 regional center shall identify the stakeholders it consulted with  
35 and include information on how it incorporated the input of  
36 stakeholders into its requests.

37 (3) A community-based organization may submit a request for  
38 grant funding pursuant to this subdivision. The organization shall  
39 submit the request concurrently to the regional center of the  
40 jurisdiction in which the organization is located and to the

1 department. The regional center shall provide the department with  
2 input regarding the request prior to the department's final  
3 determination on the request.

4 (4) The department shall review requests for funding within 45  
5 days from the deadline specified in the department's guidance to  
6 regional centers and community-based organizations.

7 (5) Each regional center and community-based organization  
8 receiving funding shall report annually to the department, in a  
9 manner determined by the department, on how the funding  
10 allocations were used and shall include recommendations of  
11 priorities for activities that may be effective in addressing  
12 disparities, based on the consultation with stakeholders.

13 (6) The department shall post the following information on its  
14 *internet* website:

15 (A) By September 1 of any year in which grant funding is  
16 available and has not been allocated, a structure for the grant  
17 program, including all of the following information:

18 (i) How community-based organizations reflecting groups that  
19 are disadvantaged by disparities in the purchase of services will  
20 be invited to participate in the grant program.

21 (ii) How statewide strategies were considered.

22 (iii) How the department will ensure grant funds are not used  
23 for activities that regional centers are otherwise required by statute  
24 or regulation to conduct.

25 (iv) How funded activities will be evaluated.

26 (B) By October 1 of any year in which grant funding is available  
27 and has not been allocated, the final invitation for requests for  
28 funding or another mechanism through which requests for funding  
29 are solicited.

30 (C) By January 1 of any year in which grant funding has been  
31 allocated, a list of grant recipients, funding level per grant, and a  
32 description of the funded project.

33 (D) By May 1 of any year in which the information is available,  
34 evaluation results from prior grants. To ensure the department  
35 complies with this subparagraph, regional centers and  
36 community-based organizations receiving funding shall provide  
37 the department, by March 1 of the same year, with an evaluation  
38 of funded activities and the effectiveness of those activities in  
39 reducing disparities in the purchase of services, to the extent  
40 information is available.

1       (i) On or before December 31, 2021, the department shall  
2 contract with an entity or entities with demonstrated experience  
3 in quantitative and qualitative data evaluation to design and conduct  
4 an independent evaluation of the efforts to promote equity and  
5 reduce disparities pursuant to subdivision (h).

6       (j) For the purposes of this section, the department shall require  
7 all of the following:

8       (1) The use by the department and regional centers, when  
9 reporting data by race and ethnicity, of consistent classifications  
10 of race and ethnicity, based on categories current in use by the  
11 United States Census Bureau.

12       (2) Confirmation of the race and ethnicity identification of each  
13 consumer at the time of the annual review of the consumer's  
14 individual program plan (IPP).

15       (3) When reporting by residence types, separate presentation  
16 of data for those in independent living services and those in  
17 supported living services.

18       (4) Consistent standards and requirements for regional center  
19 internet websites, using the same placement and language for all  
20 information required by this division, including that data be posted  
21 in a machine-readable format.

22       SEC. 4. Section 4519.20 is added to the Welfare and  
23 Institutions Code, to read:

24       4519.20. As part of the department's planning process for the  
25 planning and development of a uniform statewide data automation  
26 system, the department, in consultation with stakeholders shall  
27 develop, by       , *March 1, 2024*, a project charter that shall be  
28 approved by the Secretary of the California Health and Human  
29 Services Agency and the Department of Technology. The charter  
30 development process shall include the participation and input of  
31 program consumers and families, researchers and quality and  
32 outcome evaluators, regional centers, and service providers. The  
33 project charter shall include all of the following:

34       (a) An impact statement on the primary entities and individuals  
35 impacted by the system development.

36       (b) Project guiding principles that are foundational to the project  
37 approach to be used throughout the planning, development,  
38 implementation, and maintenance of the system.

39       (c) Project scope that addresses business problems required to  
40 be solved by the system, including all of the following:

1       (1) Worker effectiveness and accountability that are constrained  
2 by the lack of timely, adequate, and accurate data, the lack of  
3 uniformity, and the current system's limited functionality.

4       (2) Service delivery that is constrained by the lack of timely,  
5 adequate, ~~accurate~~ *accurate*, and accessible data, the lack of clear  
6 understandable communication of information, lack of uniformity,  
7 and the system's limited functionality.

8       (3) Current system maintainability that is constrained by  
9 disparate systems, inadequate documentation, the lack of open  
10 system architecture, and business changes.

11      (4) Disparate systems, complex business rules, the number of  
12 locations and variability of local system delivery, and changes in  
13 the way of doing business.

14      (5) Limited access of researchers and program evaluators to the  
15 set of person-level data that they need to assess program  
16 effectiveness.

17       (d) Program goals, which shall include all of the following:

18        (1) Maximizing the performance and the business processes for  
19 the delivery of intellectual or developmental disability (IDD)  
20 system services to consumers at the regional centers.

21        (2) Improving data quality, privacy, confidentiality, and  
22 integration of all data sources at an individual level.

23        (3) Enabling data-driven decisionmaking and performance  
24 measures for the effective administration of the program.

25        (4) Improving the business processes administered by the  
26 department to support regional center service delivery.

27        (5) Supporting access to ~~individual~~ *individual*-level *individual-level* data  
28 to support program evaluation and other research.

29       (e) Technology goals that recognize that a statewide system  
30 solution not only meets requirements, but also ensures effective  
31 transition, while minimizing disruption to existing services.

32       (f) Project strategies and approaches for development and  
33 implementation.

34       (g) Project governance.

35       (h) Technology that can readily be enhanced and modernized  
36 for the expected system life. In selecting the new system,  
37 consideration shall be given to the extent to which the candidate  
38 systems employ open architectures and standards and the future  
39 ability of the selected system to provide enhancements that will

1 improve long-term effectiveness of program management of the  
2 statewide service delivery system.

3 SEC. 5. Section 4571 of the Welfare and Institutions Code is  
4 amended to read:

5 4571. (a) It is the intent of the Legislature to ensure the  
6 well-being of consumers, taking into account their informed and  
7 expressed choices. It is further the intent of the Legislature to  
8 support the satisfaction and success of consumers through the  
9 delivery of quality services and supports. Evaluation of the services  
10 that consumers receive is a key aspect to the service system.  
11 Utilizing the information that consumers and their families provide  
12 about those services in a reliable and meaningful way is also critical  
13 to enable the department to assess the performance of the state's  
14 developmental services system and to improve services for  
15 consumers in the future. To that end, the State Department of  
16 Developmental Services, on or before January 1, 2010, shall  
17 implement an improved, unified quality assessment system, in  
18 accordance with this section.

19 (b) The department, in consultation with stakeholders, shall  
20 identify a valid and reliable quality assurance instrument that  
21 assesses consumer and family satisfaction, provision of services  
22 in a linguistically and culturally competent manner, and personal  
23 outcomes. The instrument shall do all of the following:

24 (1) Provide nationally validated, benchmarked, consistent,  
25 reliable, and measurable data for the department's Quality  
26 Management System.

27 (2) Enable the department and regional centers to compare the  
28 performance of California's developmental services system against  
29 other states' developmental services systems and to assess quality  
30 and performance among all of the regional centers.

31 (3) Include outcome-based measures such as health, safety,  
32 well-being, relationships, interactions with people who do not have  
33 a disability, employment, quality of life, integration, choice,  
34 service, and consumer satisfaction.

35 (4) Include outcome-based measures to evaluate the linguistic  
36 and cultural competency of regional center services that are  
37 provided to consumers across their lifetimes.

38 (c) To the extent that funding is available, the instrument  
39 identified in subdivision (b) may be expanded to collect additional  
40 data requested by the State Council on Developmental Disabilities.

1       (d) (1) The department shall contract with an independent  
2 agency or organization to implement, by January 1, 2010, the  
3 quality assurance instrument described in subdivision (b). The  
4 contractor shall be experienced in all of the following:

5       (A) Designing valid quality assurance instruments for  
6 developmental service systems.

7       (B) Tracking outcome-based measures such as health, safety,  
8 well-being, relationships, interactions with people who do not have  
9 a disability, employment, quality of life, integration, choice,  
10 service, and consumer satisfaction.

11       (C) Developing data systems.

12       (D) Data analysis and report preparation.

13       (E) Assessments of the services received by consumers who are  
14 moved from developmental centers to the community, given the  
15 Legislature's historic recognition of a special obligation to ensure  
16 the well-being of these persons.

17       (F) Issues related to linguistic and cultural competency.

18       (2) Notwithstanding any other law, the contract and any  
19 amendments pursuant to this section shall be exempt from all of  
20 the following:

21       (A) The personal services contracting requirements of Article  
22 4 (commencing with Section 19130) of Chapter 5 of Part 2 of  
23 Division 5 of Title 2 of the Government Code.

24       (B) The Public Contract Code, the State Contracting Manual,  
25 and the State Administration Manual.

26       (C) The approval of the Department of General Services.

27       (D) The approval of the Department of Technology.

28       (3) The exemptions specified in paragraph (2) shall remain in  
29 effect until there is more than one available assessment that meets  
30 the criteria in subdivision (b) from an organization that also meets  
31 the criteria in this subdivision.

32       (e) The department, in consultation with the contractor described  
33 in subdivision (d), shall establish the methodology by which the  
34 quality assurance instrument shall be administered, including, but  
35 not limited to, how often and to whom the quality assurance will  
36 be administered, and the design of a stratified, random sample  
37 among the entire population of consumers served by regional  
38 centers. The contractor shall provide aggregate information for all  
39 regional centers and the state as a whole. At the request of a  
40 consumer or the family member of a consumer, the survey shall

1 be conducted in the primary language of the consumer or family  
2 member surveyed.

3 (f) The department shall contract with the state council to collect  
4 data for the quality assurance instrument described in subdivision  
5 (b). If, during the data collection process, the state council identifies  
6 any suspected violation of the legal, civil, or service rights of a  
7 consumer, or if it determines that the health and welfare of a  
8 consumer is at risk, that information shall be provided immediately  
9 to the regional center providing case management services to the  
10 consumer. At the request of the consumer or family, when  
11 appropriate, a copy of the completed survey shall be provided to  
12 the regional center providing case management services to improve  
13 the consumer's quality of services through the individual planning  
14 process.

15 (g) The department, in consultation with stakeholders, shall  
16 annually review the data collected from and the findings of the  
17 quality assurance instrument described in subdivision (b) and  
18 accept recommendations regarding additional or different criteria  
19 for the quality assurance instrument in order to assess the  
20 performance of the state's developmental services system and  
21 improve services for consumers.

22 (h) (1) Each regional center shall annually present data collected  
23 from, and the findings of, the quality assurance instrument  
24 described in subdivision (b) for that regional center, at a public  
25 meeting of its governing board in order to assess the comparative  
26 performance of the regional center and identify needed  
27 improvements in services for consumers, including, but not limited  
28 to, case management services. Notice of this meeting shall also be  
29 posted on the regional center's internet website at least 30 days  
30 prior to the meeting and shall be sent to regional center consumers  
31 and families and individual stakeholders at least 30 days prior to  
32 the meeting. The governing board shall provide a sufficient public  
33 comment period so members of the public may provide comments.  
34 Each regional center, in holding the meeting required by this  
35 subdivision, shall ensure that the meeting and meeting materials  
36 provide language access, as required by state and federal law.

37 (2) All regional center-specific reports generated by the  
38 department pursuant to this subdivision shall be made publicly  
39 available on the regional center's internet website in a

1 machine-readable format, but shall not contain any personal  
2 identifying information about any person assessed.

3 (3) Within 60 days following its annual presentation, each  
4 regional center shall submit a report to the department regarding  
5 its implementation of the requirements of this section. The report  
6 shall include, but shall not be limited to, both of the following:

7 (A) Copies of the presentation described in paragraph (1),  
8 minutes from the meeting, and attendee comments.

9 (B) The regional center's recommendations and plans to use  
10 the information to address regional center priorities, strategic  
11 directions to improve specific areas of performance, or both.

12 (i) All reports generated pursuant to this section shall be made  
13 publicly available, but shall not contain any personal identifying  
14 information about any person assessed.

15 (j) All data collected pursuant to subdivision (c) shall be  
16 provided to the state council, but shall not contain personal  
17 identifying information about the persons being surveyed.

18 (k) Implementation of this section shall be subject to an annual  
19 appropriation of funds in the Budget Act for this purpose.

20 (l) By March 1, 2024, the department shall submit a report to  
21 the policy and budget subcommittees of the Legislature describing  
22 the extent to which the requirements of this section have not been  
23 met, including the surveying of all consumers, including those  
24 with no purchase of services, and providing specific steps and the  
25 schedule by which these requirements will be met.

26 *SEC. 6. Section 4620.6 is added to the Welfare and Institutions  
27 Code, to read:*

28 *4620.6. (a) (1) To provide uniformity, consistency, and  
29 cost-effectiveness in the delivery of services by regional centers  
30 throughout the state, the department shall establish, by January  
31 1, 2025, a common set of services and supports, including  
32 supported living services, that every regional center in the state  
33 shall make available to consumers in negotiating, developing, or  
34 amending the individualized program plan as required by Sections  
35 4646 and 4646.5. The common set of services and supports shall  
36 be prominently posted on each regional center's internet website.*

37 *(2) The department shall develop the common set of services  
38 and supports in consultation with the Association of Regional  
39 Center Agencies, consumers and their families, advocacy  
40 organizations, and service providers.*

1       (b) In each contract with a regional center, the department shall  
2 require the common set of services and supports developed  
3 pursuant to this section to be available to consumers in the  
4 development of an individual program plan.

5       (c) It is the intent of the Legislature that this section not be  
6 construed to control or interfere with the discretion of the  
7 individual program planning team to determine the needs and  
8 services appropriate for each person with a developmental  
9 disability who is entitled to services under this division.

10      SEC. 6.

11      SEC. 7. Section 4622 of the Welfare and Institutions Code is  
12 amended to read:

13      4622. The state shall contract only with agencies, the governing  
14 boards of which conform to all of the following criteria:

15       (a) The governing board shall be composed of individuals with  
16 demonstrated interest in, or knowledge of, developmental  
17 disabilities.

18       (b) The membership of the governing board shall include  
19 persons with legal, management or board governance, financial,  
20 and developmental disability program expertise. Board governance  
21 expertise may not be acquired solely by serving on a regional  
22 center board. The governing board of the regional center shall  
23 include members with financial expertise and members with  
24 management or board governance expertise by August 15, 2020.

25       (c) The membership of the governing board shall include  
26 representatives of the various categories of disability to be served  
27 by the regional center.

28       (d) The governing board shall reflect the geographic and ethnic  
29 characteristics of the area to be served by the regional center.

30       (e) A minimum of 50 percent of the members of the governing  
31 board shall be persons with developmental disabilities or their  
32 parents or legal guardians. No less than 25 percent of the members  
33 of the governing board shall be persons with developmental  
34 disabilities.

35       (f) (1) Members of the governing board shall not be permitted  
36 to serve more than a six-year term, and may return to the board  
37 for a subsequent term after five years. The members of each  
38 regional center governing board nominating committee shall be  
39 comprised of current board members and members of the

1 community, and should be representative of the community served  
2 in the regional center's catchment area.

3 (2) The board nominating committee shall solicit interests and  
4 nominations from the broader community through outreach. The  
5 committee shall interview candidates for the board and make  
6 recommendations to the governing board for election. During the  
7 meeting at which the board elects new members, a candidate may  
8 be nominated by a board member with a second by another board  
9 member for the open positions. A regional center executive director  
10 shall be prohibited from any involvement in the recruitment or  
11 election of governing board members.

12 (g) (1) The department shall provide necessary training and  
13 support to these board members to facilitate their understanding  
14 and participation, including issues relating to linguistic and cultural  
15 competency. The training shall be developed with community  
16 input, including persons served and family members. Ongoing  
17 support by the department shall include surveying board members  
18 about their ability to meaningfully participate in, and understand  
19 the subjects and votes at, board meetings. If board members report  
20 that they are unable to meaningfully participate, the department  
21 shall work with the regional center and the board member to ensure  
22 adequate and appropriate accommodations are provided.

23 (2) As part of its monitoring responsibility, the department shall  
24 review and approve the method by which training and support are  
25 provided to board members to ensure maximum understanding  
26 and participation by board members.

27 (3) Each regional center shall post on its internet website  
28 information regarding the training and support provided to board  
29 members.

30 (h) The governing board may appoint a consumers' advisory  
31 committee composed of persons with developmental disabilities  
32 representing the various categories of disability served by the  
33 regional center.

34 (i) The governing board shall appoint an advisory committee  
35 composed of a wide variety of persons representing the various  
36 categories of providers from which the regional center purchases  
37 client services. The advisory committee shall provide advice,  
38 guidance, recommendations, and technical assistance to the  
39 regional center board in order to assist the regional center in  
40 carrying out its mandated functions. The advisory committee shall

1 designate one of its members to serve as a member of the regional  
2 center board.

3 (j) (1) The governing board shall annually review the  
4 performance of the director of the regional center. The department  
5 shall establish guidelines for governing boards to measure  
6 executive director performance, including with respect to issues  
7 of equity and diversity.

8 (2) The governing board shall annually review the performance  
9 of the regional center in providing services that are linguistically  
10 and culturally appropriate and may provide recommendations to  
11 the director of the regional center based on the results of that  
12 review.

13 (k) A member of the board who is an employee or member of  
14 the governing board of a provider from which the regional center  
15 purchases client services shall not do any of the following:

16 (1) Serve as an officer of the board.

17 (2) Vote on any fiscal matter affecting the purchase of services  
18 from any regional center provider.

19 (3) Vote on any issue other than as described in paragraph (2),  
20 in which the member has a financial interest, as defined in Section  
21 87103 of the Government Code, and determined by the regional  
22 center board. The member shall provide a list of the member's  
23 financial interests, as defined in Section 87103, to the regional  
24 center board.

25 (l) The department shall establish, and each board shall adopt,  
26 an antiretaliation policy for board members that requires  
27 department approval for any reduction in services for consumer  
28 board members or the family member of family board members.

29 (m) The department shall establish and adopt a grievance  
30 procedure whereby a governing board member who has concerns,  
31 complaints, or questions may contact a specific executive at the  
32 department.

33 (n) This section does not prevent the appointment to a regional  
34 center governing board of a person who meets the criteria for more  
35 than one of the categories listed above.

36 **SEC. 7.**

37 **SEC. 8.** Section 4626.5 of the Welfare and Institutions Code  
38 is amended to read:

39 4626.5. Each regional center shall submit a conflict-of-interest  
40 policy to the department by July 1, 2011, and shall post the policy

1 on its internet website by August 1, 2011. The policy shall do, or  
2 comply with, all of the following:

3 (a) Contain the elements of this section and be consistent with  
4 applicable law.

5 (b) Define conflicts of interest.

6 (c) Identify positions within the regional center required to  
7 complete and file a conflict-of-interest statement.

8 (d) Facilitate disclosure of information to identify conflicts of  
9 interest.

10 (e) Require candidates for nomination, election, or appointment  
11 to a regional center board, and applicants for regional center  
12 director to disclose any potential or present conflicts of interest  
13 prior to being appointed, elected, or confirmed for hire by the  
14 regional center or the regional center governing board.

15 (f) Require the regional center and its governing board to  
16 regularly and consistently monitor and enforce compliance with  
17 its conflict-of-interest policy.

18 (g) Prohibit a regional center employee from accepting a gift  
19 or gifts from a service provider, consumer, or consumer's family  
20 member valued over ten dollars (\$10) per year.

21 (h) Establish a policy prohibiting regional center senior staff  
22 from hiring relatives at the center or any ancillary foundation and  
23 organization. The policy shall be included in the regional center  
24 contract and shall be included in training of the governing board.

25 **SEC. 8.**

26 *SEC. 9.* Section 4629.1 is added to the Welfare and Institutions  
27 Code, to read:

28 4629.1. (a) Notwithstanding any other law, the evaluation of  
29 regional center performance shall be implemented using a common  
30 set of performance measures, which shall be administered by the  
31 department. This includes the performance requirements under the  
32 regional center contracts pursuant to Section 4629, the performance  
33 incentives established under Section 4620.5, and the quality  
34 assessment instrument required under Section 4571. These  
35 measures shall be annually reported and made available to the  
36 public through posting of the measures results in machine-readable  
37 formats.

38 (b) By July 1, 2024, the department shall establish standards  
39 for each measure above, for which a regional center may receive  
40 rewards for good performance, and a separate set of minimal

1 standards, below which the regional center is subject to each level  
2 of probation required under Section 4629. The department shall  
3 establish the process for assessing corrective action undertaken by  
4 a regional center and the process by which a regional center may  
5 end its probation status.

6 (c) The performance measures shall encompass the domains  
7 and the associated measures as itemized in subdivision (d).  
8 Additional measures may be adopted by the department as needed.  
9 Modification of the domain and measures shall be accomplished  
10 through a process of consultation that includes the engagement of  
11 stakeholders in a manner consistent with that required by  
12 subdivision (b) of Section 4620.5. The measures may be amended  
13 as reporting mechanisms mature as the department develops new  
14 information technology capabilities.

15 (d) The performance measures for purposes of this section shall  
16 be organized under seven domains, as follows:

17 (1) Community integration, including all of the following:  
18 (A) The percentage of consumers who report spending their  
19 days primarily with people without disabilities who are not paid  
20 to be with them.

21 (B) The percentage of consumers who report they feel part of  
22 their communities, participate in community activities, know their  
23 neighbors, and have friends.

24 (C) The percentage of minor consumers living in licensed group  
25 homes or other institutional settings.

26 (D) The percentage of adult consumers living in licensed group  
27 homes, intermediate care facilities, or other institutional settings.

28 (E) The percentage of adult consumers living in their own homes  
29 with independent living services.

30 (F) The percentage of adult consumers living in their own homes  
31 with supported living services.

32 (G) The percentage of adult consumers seeking affordable and  
33 accessible housing.

34 (H) The percentage of adult consumers that have secured  
35 housing outside of their family home, if desired.

36 (2) Employment, including all of the following:

37 (A) The percentage of adult consumers in—competitive  
38 competitive, integrated employment and the length of time in the  
39 job.

1     (B) The percentage of employed adult consumers reporting  
2 increased wages and opportunities for advancement.  
3     (C) The percentage of employed adult consumers reporting  
4 satisfaction with their jobs with the ability to learn new skills and  
5 interact with coworkers.  
6     (D) The average per capita annual wages of employed adult  
7 consumers.  
8     (E) The percentage of participants in the paid internship program  
9 that led to permanent employment.  
10    (F) The average hourly wage for competitive, integrated  
11 employment.  
12    (G) The average number of hours per week in competitive,  
13 integrated employment.  
14    (H) The percentage of adult consumers in—competitive  
15 competitive, integrated employment, by race and ethnicity.  
16    (3) Equity in service access, including all of the following:  
17      (A) Per capita spending, by race and ethnicity.  
18      (B) Per capita spending, by primary language.  
19      (C) Timely eligibility determination, by race and ethnicity.  
20      (D) Access to Early Start ~~services~~ services, by race and ethnicity.  
21      (E) Per capita spending on adult consumers, by residence type  
22 and by race and ethnicity.  
23      (F) Per capita spending on adult consumers, by residence type  
24 and regional center.  
25      (G) The percentage of consumers with no purchase of services,  
26 by regional center.  
27      (H) The percentage of consumers with no purchase of services,  
28 by race and ethnicity.  
29      (4) Case management, including all of the following:  
30       (A) Timeliness of intake for eligibility.  
31       (B) Timeliness of initiation of services for Early Start.  
32       (C) Timeliness of development of IPPs.  
33       (D) Timeliness of delivery of IPP services after authorization.  
34       (E) Share of consumers reporting that the regional center service  
35 coordinator assisted them in attaining generic resources.  
36       (F) Responsiveness of service coordinator.  
37       (G) Consumer or family directs their own person-centered  
38 planning process.  
39       (H) Timeliness of translated IPPs and other documents.

1       (5) Consumer and family choice, experience, and satisfaction,  
2 including all of the following:  
3       (A) Overall satisfaction and happiness.  
4       (B) Service coordinator cultural competency.  
5       (C) Service coordinator who speaks consumer's language.  
6       (D) Access to approved services.  
7       (E) Access to services provided by individuals who speak the  
8 consumer's language.  
9       (F) Consumers report they are treated with dignity and respect.  
10      (G) Access to the Self-Determination Program.  
11      (H) The ability to select their services and providers from among  
12 a range of choices.  
13      (I) The ability to select the place where they live, with whom  
14 they live, and who supports them.  
15      (J) The percentage of consumers who report having a way to  
16 communicate and express choices and decisions.  
17      (K) The percentage of consumers or families who report that  
18 they understand the information provided to them by their regional  
19 center.  
20      (L) The percentage of consumers or families reporting they feel  
21 comfortable in their interactions with the regional center, and if  
22 they are aware they can change their service coordinator.  
23      (6) Human and civil rights, including all of the following:  
24       (A) The number of special incident reports, and number of  
25 incidents of seclusion and restraint or other types of abuse by  
26 regional center.  
27       (B) The percentage of consumers reporting they have a private  
28 space, if they live out of their family home.  
29       (C) The percentage of adult consumers who vote in elections.  
30       (D) The percentage of adult consumers who are conserved.  
31      (7) Health and safety, including all of the following:  
32       (A) Hospitalization and mortality rates among regional center  
33 consumers.  
34       (B) The percentage of consumers receiving regular preventative  
35 care, vaccinations, and cancer screenings.  
36      **SEC. 9.**  
37      SEC. 10. Section 4639.76 is added to the Welfare and  
38 Institutions Code, to read:  
39      4639.76. A regional center with which the department maintains  
40 a contract pursuant to Section 4629 shall be subject to the

1 California Public Records Act (Chapter 1 (commencing with  
2 Section 7920.000) of Division 10 of Title 1 of the Government  
3 Code).

4 **SEC. 10.**

5 *SEC. 11.* Section 4642 of the Welfare and Institutions Code is  
6 amended to read:

7 4642. (a) (1) Any person believed to have a developmental  
8 disability, and any person believed to have a high risk of parenting  
9 an infant with a developmental disability shall be eligible for initial  
10 intake and assessment services in the regional centers. In addition,  
11 any infant having a high risk of becoming developmentally disabled  
12 may be eligible for initial intake and assessment services in the  
13 regional centers. For purposes of this section, “high-risk infant”  
14 means a child less than 36 months of age whose genetic, medical,  
15 or environmental history is predictive of a substantially greater  
16 risk for developmental disability than that for the general  
17 population. The department, in consultation with the State  
18 Department of Public Health, shall develop specific risk and service  
19 criteria for the high-risk infant program on or before July 1, 1983.  
20 These criteria may be modified in subsequent years based on  
21 analysis of actual clinical experience.

22 (2) (A) Initial intake shall be performed within 15 working days  
23 following request for assistance. Initial intake shall include, but  
24 need not be limited to, information and advice about the nature  
25 and availability of services provided by the regional center and by  
26 other agencies in the community, including guardianship,  
27 conservatorship, income maintenance, mental health, housing,  
28 education, work activity and vocational training, medical, dental,  
29 recreational, and other services or programs that may be useful to  
30 persons with developmental disabilities or their families. Intake  
31 shall also include a decision to provide assessment.

32 (B) *For purposes of this section, “request for assistance”*  
33 *includes any initial contact or inquiry from an individual, or a*  
34 *person acting on their behalf, on the nature of services or supports*  
35 *available or provided by the regional center, and the individual’s*  
36 *eligibility to receive them.*

37 (3) (A) The department shall create, with input from  
38 stakeholders, standardized information packets to be provided to  
39 any person seeking services from a regional center. There shall be  
40 one information packet related to services provided under the

1 California Early Intervention Services Act and another information  
2 packet related to services provided under the Lanterman  
3 Developmental Disabilities Services Act. The information packets  
4 shall be translated to provide language access, as required by state  
5 and federal law, shall be available in alternative formats and  
6 alternative modes of communication, as required by federal law,  
7 and shall include, at a minimum, all of the following:  
8 (i) An overview of the regional center system.  
9 (ii) A resource guide for consumers and their families.  
10 (iii) Consumer rights, including the appeals procedures specified  
11 in Chapter 7 (commencing with Section 4700).  
12 (iv) Contact information for the regional center, the department,  
13 the office of clients' rights advocacy, and the protection and  
14 advocacy agency specified in Division 4.7 (commencing with  
15 Section 4900).  
16 (v) Information on the Self-Determination Program, including  
17 the eligibility requirements specified in subdivision (d) of Section  
18 4685.8.

19 (B) Each regional center shall distribute the information packets  
20 at intake, upon transfer to receiving services under the Lanterman  
21 Developmental Disabilities Services Act, and upon request. Each  
22 regional center shall begin distributing the information packets  
23 within 60 days following the department providing the information  
24 packets and issuing directives regarding the distribution of the  
25 information packets. In addition to, and not in lieu of, this  
26 requirement, each regional center shall post the full content of the  
27 most updated information packet on its internet website.

28 (b) A regional center shall communicate with the consumer and  
29 the consumer's family pursuant to this section in their native  
30 language, including providing alternative communication services  
31 and alternative formats, as required by state and federal law.

32 **SEC. 11.**

33 **SEC. 12.** Section 4643 of the Welfare and Institutions Code is  
34 amended to read:

35 4643. (a) If assessment is needed, the regional center shall  
36 require the assessment to be completed within 60 days following  
37 initial intake. Assessment shall be commenced as soon as possible,  
38 and in no event more than 30 days following initial intake when  
39 any delay would expose the client to unnecessary risk to their  
40 health and safety or to significant further delay in mental or

1 physical development, or the client would be at imminent risk of  
2 placement in a more restrictive environment. Assessment may  
3 include collection and review of available historical diagnostic  
4 data, provision or procurement of necessary tests and evaluations,  
5 and summarization of developmental levels and service needs and  
6 is conditional upon receipt of the release of information specified  
7 in subdivision (b).

8 (b) In determining if an individual meets the definition of  
9 developmental disability contained in subdivision (a) of Section  
10 4512, the regional center may consider evaluations and tests,  
11 including, but not limited to, intelligence tests, adaptive functioning  
12 tests, neurological and neuropsychological tests, diagnostic tests  
13 performed by a physician, psychiatric tests, and other tests or  
14 evaluations that have been performed by, and are available from,  
15 other sources.

16 (c) At the time of assessment, the individual, or, where  
17 appropriate, the parents, legal guardian, or conservator, shall  
18 provide copies of any health benefit cards under which the  
19 consumer is eligible to receive health benefits, including, but not  
20 limited to, private health insurance, a health care service plan,  
21 Medi-Cal, Medicare, and TRICARE. If the individual, or where  
22 appropriate, the parents, legal guardians, or conservators, have no  
23 such benefits, the regional center shall not use that fact to  
24 negatively impact the services that the individual may or may not  
25 receive from the regional center.

26 (d) A regional center shall communicate with the consumer and  
27 the consumer's family pursuant to this section in their preferred  
28 language, including providing alternative communication services,  
29 as required by Sections 11135 to 11139.7, inclusive, of the  
30 Government Code and implementing regulations.

31 **SEC. 12.**

32 **SEC. 13.** Section 4646 of the Welfare and Institutions Code is  
33 amended to read:

34 4646. (a) It is the intent of the Legislature to ensure that the  
35 individual program plan and provision of services and supports  
36 by the regional center system is centered on the individual and the  
37 family of the individual with developmental disabilities and takes  
38 into account the needs and preferences of the individual and the  
39 family, if appropriate, as well as promoting community integration,  
40 independent, productive, and normal lives, and stable and healthy

1 environments. It is the further intent of the Legislature that  
2 individual program plans shall be developed consistent with the  
3 federal Affordable Care Act and the regulations and federal  
4 guidance adopted pursuant to the act requiring that  
5 community-based long-term services and supports be  
6 person-centered and self-directed. It is the further intent of the  
7 Legislature to ensure that goals in any plan allow for innovation  
8 and nontraditional service delivery and not be limited by the lack  
9 of easily identified services or supports, the provision of services  
10 to consumers and their families be effective in meeting the goals  
11 stated in the individual program plan, reflect the preferences and  
12 choices of the consumer, and reflect the cost-effective use of public  
13 resources.

14 (b) (1) Notwithstanding any other law, the individual program  
15 ~~plan plan, including all assessments~~, shall be developed through  
16 a process of individualized needs determination and  
17 person-centered service planning developed pursuant to, and  
18 consistent with, Section 2402(a) of the federal Affordable Care  
19 Act (Pub. L. 111-148) and amendments thereto, Section 441.725  
20 of Title 42 of the Code of Federal Regulations, and federal  
21 guidance issued by the Centers for ~~Medieaid and Medicare~~  
22 *Medicare and Medicaid* Services on June 6, 2014, requiring  
23 community-based, long-term services and supports to be  
24 person-centered, strengths-based, and self-directed. The individual  
25 with developmental disabilities and, if appropriate, the individual's  
26 parents, legal guardian or conservator, or authorized representative,  
27 shall have the opportunity to actively participate in the development  
28 of the plan. The individual shall lead the service planning process  
29 to the greatest extent possible.

30 (c) An individual program plan shall be developed for any  
31 person who, following intake and assessment, is found to be  
32 eligible for regional center services. ~~A final~~ *An initial* assessment  
33 agreement shall be completed and provided to the consumer within  
34 30 days of an intake unless there is good cause for the regional  
35 center to exceed the 30-day time period, but in no event shall the  
36 assessment be completed any later than 60 days from the ~~intake~~  
37 ~~unless the consumer or, if appropriate, the parents, legal guardian,~~  
38 ~~conservator, or authorized representative request additional time~~  
39 ~~pursuant to subdivision (h).~~ If a completed assessment recommends  
40 the delivery of services, those services shall be provided within

1 seven days of the receipt of the assessment by the regional center.  
2 *intake. If the assessment is not completed within the 30- or 60-day*  
3 *time period, as applicable, the regional center shall provide the*  
4 *consumer with an adequate notice of action, which shall be subject*  
5 *to Chapter 7 (commencing with Section 4700), and shall notify*  
6 *the department of the reason for not meeting the deadline.* At the  
7 time of intake, the regional center shall inform the consumer and,  
8 if appropriate, the consumer's parents, legal guardian or  
9 conservator, or authorized representative, of the services available  
10 through the state council and the protection and advocacy agency  
11 designated by the Governor pursuant to federal law, and shall  
12 provide the address and telephone numbers of those agencies.

13 (d) (1) As part of the initial individual program plan meeting  
14 and each annual review required by subdivision (b) of Section  
15 4646.5, the consumer or, if appropriate, their parents, legal  
16 guardian, conservator, or authorized representative, shall be  
17 provided by the service coordinator oral and written information  
18 about the Self-Determination Program. The information shall  
19 include each of the provisions specified in subdivision (d) of  
20 Section 4685. Each individual program plan shall include a  
21 provision stating that the consumer or authorized representative  
22 was informed about the availability of the Self-Determination  
23 Program. If the consumer chooses not to participate in the program,  
24 the individual program plan shall include an explanation of the  
25 reason or reasons for that decision, or, if the consumer is ineligible  
26 for the program, the reason or reasons for that ineligibility.

27 (2) If the consumer is interested in participating in the program  
28 or wants additional information or assistance, the service  
29 coordinator, within five days of expressing the interest, shall  
30 provide the consumer a date for the Self-Determination Program  
31 orientation, training resources, dates of local volunteer  
32 Self-Determination Program advisory committee meetings, and  
33 other information to assist the consumer in participating in the  
34 program.

35 (e) Individual program plans shall be prepared jointly by the  
36 planning team. Decisions concerning the consumer's goals,  
37 objectives, and services and supports that will be included in the  
38 consumer's individual program plan and purchased by the regional  
39 center or obtained from generic agencies shall be made by  
40 agreement between the regional center representative and the

1 consumer or, if appropriate, the parents, legal guardian,  
2 conservator, or authorized representative at the program plan  
3 meeting.

4 (f) Regional centers shall comply with the request of a consumer  
5 or, if appropriate, the request of the consumer's parents, legal  
6 guardian, conservator, or authorized representative, that a  
7 designated representative receive written notice of all meetings to  
8 develop or revise the individual program plan and of all notices  
9 sent to the consumer pursuant to Section 4710. The designated  
10 representative may be a parent or family member.

11 (g) Notwithstanding any other law, a meeting regarding the  
12 provision of services and supports by the regional center, including  
13 a meeting to develop or revise the individual program plan, shall  
14 be held by remote electronic communications if requested by the  
15 consumer or, if appropriate, if requested by the consumer's parents,  
16 legal guardian, conservator, or authorized representative.

17 (h) At the conclusion of an individual program plan meeting,  
18 an authorized representative of the regional center shall provide  
19 to the consumer, in written or electronic format, a list of the  
20 agreed-upon services and supports and the start date, the frequency  
21 and duration of the services and supports, and the provider, and a  
22 summary page written in plain language. The identified services  
23 and supports specified in an individual program plan referred to a  
24 provider shall begin on the date specified in the plan. In the event  
25 the services or supports are not started by the provider within 45  
26 days of the specified start date, a referral shall be made within 14  
27 days to another provider for delivery of the specified services and  
28 supports. The authorized representative of the regional center shall  
29 sign the list of agreed-upon services and supports at that time. The  
30 consumer, or if appropriate, the consumer's parent, legal guardian,  
31 conservator, or authorized representative shall sign the list of  
32 agreed-upon services and supports prior to its implementation.  
33 The consumer, or if appropriate, the consumer's parent, legal  
34 guardian, conservator, or authorized representative, may elect to  
35 delay receipt of the list of agreed-upon services and supports  
36 pending final agreement, as described in subdivision (h). If the  
37 consumer, or if appropriate, the consumer's parent, legal guardian,  
38 conservator, or conservator or authorized representative, elects to  
39 delay the receipt of the list of agreed-upon services and supports  
40 for 15 days, the list shall be provided in the preferred language of

1 the consumer, or of the consumer's parent, legal guardian, or  
2 authorized representative.

3 (i) If a final agreement regarding the services and supports to  
4 be provided to the consumer cannot be reached at a program plan  
5 meeting, then a subsequent program plan meeting shall be  
6 convened within 15 days, or later at the request of the consumer  
7 or, if appropriate, the parents, legal guardian, conservator, or  
8 authorized representative or if agreed to by the planning team. The  
9 list of the agreed-upon services and supports described in  
10 subdivision (h) and signed by the authorized representative of the  
11 regional center shall be provided, in writing or electronically, at  
12 the conclusion of the subsequent program plan meeting, and shall  
13 be provided in the preferred language of the consumer, or of the  
14 consumer's parent, legal guardian, conservator, or authorized  
15 representative. Additional program plan meetings may be held  
16 with the agreement of the regional center representative and the  
17 consumer or, if appropriate, the parents, legal guardian,  
18 conservator, or authorized representative.

19 (j) An authorized representative of the regional center and the  
20 consumer or, if appropriate, the consumer's parent, legal guardian,  
21 conservator, or authorized representative shall sign the individual  
22 program plan and the list of the agreed-upon services and supports  
23 prior to its implementation. If the consumer or, if appropriate, the  
24 consumer's parent, legal guardian, conservator, or authorized  
25 representative, does not agree with all components of the individual  
26 program plan, the consumer may indicate that disagreement on  
27 the plan. Disagreement with specific plan components shall not  
28 prohibit the implementation of services and supports agreed to by  
29 the consumer or, if appropriate, the consumer's parent, legal  
30 guardian, conservator, or authorized representative. If the consumer  
31 or, if appropriate, the consumer's parent, legal guardian,  
32 conservator, or authorized representative, does not agree with the  
33 plan in whole or in part, the consumer shall be sent written notice  
34 of their appeal rights, as required by Sections 4701 and 4710.

35 (k) (1) A regional center shall communicate in the consumer's  
36 preferred language, or, if appropriate, the preferred language of  
37 the consumer's family, legal guardian, conservator, or authorized  
38 representative, during the planning process for the individual  
39 program plan, including during the program plan meeting, and  
40 including providing alternative communication services, as required

1 by Sections 11135 to 11139.8, inclusive, of the Government Code  
2 and implementing regulations.

3 (2) A regional center shall provide alternative communication  
4 services, including providing copies of the list of services and  
5 supports, and the individual program plan in the preferred language  
6 of the consumer or the consumer's family, legal guardian,  
7 conservator, or authorized representative, or both, as required by  
8 Sections 11135 to 11139.8, inclusive, of the Government Code  
9 and implementing regulations.

10 (3) The preferred language of the consumer or the consumer's  
11 family, legal guardian, conservator, or authorized representative,  
12 or both, shall be documented in the individual program plan.

13 **SEC. 13.**

14 **SEC. 14.** Section 4646.4 of the Welfare and Institutions Code  
15 is amended to read:

16 4646.4. (a) Regional centers shall ensure, at the time of  
17 development, scheduled review, or modification of a consumer's  
18 individual program plan developed pursuant to Sections 4646 and  
19 4646.5, or of an individualized family service plan pursuant to  
20 Section 95020 of the Government Code, the establishment of an  
21 internal process. This internal process shall ensure adherence with  
22 federal and state law and regulation, and if purchasing services  
23 and supports, shall ensure all of the following:

24 (1) Conformance with the regional center's purchase of service  
25 policies, as approved by the department pursuant to subdivision  
26 (d) of Section 4434.

27 (2) Utilization of generic services and supports if appropriate.  
28 The individualized family service planning team for infants and  
29 toddlers eligible under Section 95014 of the Government Code  
30 and the individual program plan team pursuant to Section 4646  
31 may determine that a service provided by a generic agency, as  
32 defined by subdivision (g) of Section 4659.5, or a service or source  
33 of funding contained in Section 4659 identified in the  
34 individualized family service plan or individual program plan is  
35 not available, and, therefore, will be funded by the regional center.

36 (3) Utilization of other services and sources of funding as  
37 contained in Section 4659.

38 (4) Consideration of the family's responsibility for providing  
39 similar services and supports for a minor child without disabilities  
40 in identifying the consumer's service and support needs as provided

1 in the least restrictive and most appropriate setting. In this  
2 determination, regional centers shall take into account the  
3 consumer's need for extraordinary care, services, supports and  
4 supervision, and the need for timely access to this care.

5 (5) Commencing October 1, 2022, consideration of information  
6 obtained from the consumer and, if appropriate, the parents, legal  
7 guardian, conservator, or authorized representative about the  
8 consumer's need for the services, barriers to service access, and  
9 other information.

10 (b) At the time of development, scheduled review, or  
11 modification of a consumer's individual program plan developed  
12 pursuant to Sections 4646 and 4646.5, or of an individualized  
13 family service plan pursuant to Section 95020 of the Government  
14 Code, the consumer, or, if appropriate, the parents, legal guardian,  
15 or conservator, shall provide copies of their health benefit cards  
16 under which the consumer is eligible to receive health benefits,  
17 including, but not limited to, private health insurance, a health care  
18 service plan, Medi-Cal, Medicare, and TRICARE. If the individual,  
19 or, if appropriate, the parents, legal guardians, or conservators, do  
20 not have health benefits, the regional center shall not use that fact  
21 to negatively impact the services that the individual may or may  
22 not receive from the regional center.

23 (c) Final decisions regarding the consumer's individual program  
24 plan shall be made pursuant to Section 4646.

25 (d) Final decisions regarding the individualized family service  
26 plan shall be made pursuant to Section 95020 of the Government  
27 Code.

28 **SEC. 14.**

29 *SEC. 15.* Section 4646.5 of the Welfare and Institutions Code  
30 is amended to read:

31 4646.5. (a) The planning process for the individual program  
32 plan described in Section 4646 shall include all of the following:

33 (1) Gathering information and conducting assessments to  
34 determine the life goals, capabilities and strengths, preferences,  
35 barriers, and concerns or problems of the person with  
36 developmental disabilities. For children with developmental  
37 disabilities, this process should include a review of the strengths,  
38 preferences, and needs of the child and the family unit as a whole.  
39 Assessments shall be conducted by qualified individuals and  
40 performed in natural environments whenever possible. Information

1 shall be taken from the consumer, the consumer's parents and other  
2 family members, the consumer's friends, advocates, authorized  
3 representative, if applicable, providers of services and supports,  
4 and other agencies. The assessment process shall reflect awareness  
5 of, and sensitivity to, the lifestyle and cultural background of the  
6 consumer and the family.

7 (2) A statement of goals, based on the needs, preferences, and  
8 life choices of the individual with developmental disabilities, and  
9 a statement of specific, time-limited objectives for implementing  
10 the person's goals and addressing the person's needs. These  
11 objectives shall be stated in terms that allow measurement of  
12 progress or monitoring of service delivery. These goals and  
13 objectives should maximize opportunities for the consumer to  
14 develop relationships, be part of community life in the areas of  
15 community participation, housing, work, school, and leisure,  
16 increase control over the consumer's life, acquire increasingly  
17 positive roles in community life, and develop competencies to help  
18 accomplish these goals.

19 (3) In developing individual program plans for children, regional  
20 centers shall be guided by the principles, process, and services and  
21 support parameters set forth in Section 4685.

22 (4) In developing an individual program plan for a transition  
23 age youth or working age adult, the planning team shall consider  
24 the Employment First Policy described in Chapter 14 (commencing  
25 with Section 4868).

26 (5) A schedule of the type and amount of services and supports  
27 to be purchased by the regional center or obtained from generic  
28 agencies or other resources in order to achieve the individual  
29 program plan goals and objectives, and identification of the  
30 provider or providers of service responsible for attaining each  
31 objective, including, but not limited to, vendors, contracted  
32 providers, generic service agencies, and natural supports. The  
33 individual program plan shall specify the approximate scheduled  
34 start date for services and supports and shall contain timelines for  
35 actions necessary to begin services and supports, including generic  
36 services. In addition to the requirements of subdivision (h) of  
37 Section 4646, each regional center shall offer, and upon request  
38 provide, a written copy of the individual program plan to the  
39 consumer, and, if appropriate, the consumer's parents, legal  
40 guardian or conservator, or authorized representative within 45

1 days of their request in a threshold language, as defined by  
2 paragraph (3) of subdivision (a) of Section 1810.410 of Title 9 of  
3 the California Code of Regulations.

4 (6) If agreed to by the consumer, the parents, legally appointed  
5 guardian, or authorized representative of a minor consumer, or the  
6 legally appointed conservator of an adult consumer or the  
7 authorized representative, including those appointed pursuant to  
8 subdivision (a) of Section 4541, subdivision (b) of Section 4701.6,  
9 and subdivision (e) of Section 4705, a review of the general health  
10 status of the adult or child, including medical, dental, and mental  
11 health needs, shall be conducted. This review shall include a  
12 discussion of current medications, any observed side effects, and  
13 the date of the last review of the medication. Service providers  
14 shall cooperate with the planning team to provide any information  
15 necessary to complete the health status review. If any concerns  
16 are noted during the review, referrals shall be made to regional  
17 center clinicians or to the consumer's physician, as appropriate.  
18 Documentation of health status and referrals shall be made in the  
19 consumer's record by the service coordinator.

20 (7) (A) The development of a transportation access plan for a  
21 consumer when all of the following conditions are met:

22 (i) The regional center is purchasing private, specialized  
23 transportation services or services from a residential, day, or other  
24 provider, excluding voucherized service providers, to transport the  
25 consumer to and from day or work services.

26 (ii) The planning team has determined that a consumer's  
27 community integration and participation could be safe and  
28 enhanced through the use of public transportation services.

29 (iii) The planning team has determined that generic  
30 transportation services are available and accessible.

31 (B) To maximize independence and community integration and  
32 participation, the transportation access plan shall identify the  
33 services and supports necessary to assist the consumer in accessing  
34 public transportation and shall comply with Section 4648.35. These  
35 services and supports may include, but are not limited to, mobility  
36 training services and the use of transportation aides. Regional  
37 centers are encouraged to coordinate with local public  
38 transportation agencies.

39 (8) A schedule of regular periodic review and reevaluation to  
40 ascertain that planned services have been provided, that objectives

1 have been fulfilled within the times specified, and that consumers  
2 and families are satisfied with the individual program plan and its  
3 implementation.

4 (b) For all active cases, individual program plans shall be  
5 reviewed and modified by the planning team, through the process  
6 described in Section 4646, as necessary, in response to the person's  
7 achievement or changing needs, and no less often than once every  
8 12 months. If the consumer or, if appropriate, the consumer's  
9 parents, legal guardian, authorized representative, or conservator  
10 requests an individual program plan review, the individual program  
11 plan shall be reviewed within 30 days after the request is submitted,  
12 or no later than 7 days after the request is submitted if necessary  
13 for the consumer's health and safety or to maintain the consumer  
14 in their home.

15 (c) (1) The department, with the participation of representatives  
16 of a statewide consumer organization, the Association of Regional  
17 Center Agencies, an organized labor organization representing  
18 service coordination staff, and the state council shall prepare  
19 training material and a standard format and instructions for the  
20 preparation of individual program plans, which embody a  
21 person-centered planning process consistent with federal law,  
22 ~~regulations~~ and guidance.

23 (2) The department shall require each regional center to use,  
24 for all new and modified individual program plans, the training  
25 materials and the standard format plan prepared by the department  
26 pursuant to paragraph (1) by no later than March 1, 2024.

27 (3) The department shall biennially review a random sample of  
28 individual program plans at each regional center to ensure that  
29 these plans are being developed and modified in compliance with  
30 Section 4646 and this section.

31 *SEC. 16. Section 4646.51 is added to the Welfare and  
32 Institutions Code, to read:*

33 *4646.51. (a) If any services or supports that require an  
34 assessment are requested by a consumer at any time after an  
35 individual program plan is in place, and for as long as the  
36 individual remains eligible for services, the assessment shall be  
37 completed, at no cost to the consumer, within 30 days from the  
38 date of request.*

39 *(b) (1) If the assessment recommends services or supports, the  
40 services or supports shall be authorized by the regional center*

1 *within seven days and the consumer shall be referred to a provider*  
2 *within seven days from the date of the authorization.*

3 *(2) If the services or supports are not commenced by the*  
4 *provider within 45 days of the referral, a referral shall be made*  
5 *to another provider within seven days for the specified services*  
6 *and supports.*

7 *(c) A consumer shall be entitled to an adequate notice of action*  
8 *and the appeal procedures in Chapter 7 (commencing with Section*  
9 *4700) if the regional center does not comply with the deadlines*  
10 *specified in this section.*

11 **SEC. 15.**

12 **SEC. 17.** Section 4647 of the Welfare and Institutions Code is  
13 amended to read:

14 4647. (a) Pursuant to Section 4640.7, service coordination  
15 shall include those activities necessary to implement an individual  
16 program plan, including, but not limited to, participation in the  
17 individual program plan process; assurance that the planning team  
18 considers all appropriate options for meeting each individual  
19 program plan objective; securing, through purchasing or by  
20 obtaining from generic agencies or other resources, services and  
21 supports specified in the person's individual program plan;  
22 coordination of service and support programs; collection and  
23 dissemination of information; and monitoring implementation of  
24 the plan to ascertain that objectives have been fulfilled and to assist  
25 in revising the plan as necessary, and ensuring service coordinators  
26 are accessible to consumers and their representatives by telephone  
27 and other electronic means, which shall include responding to  
28 consumer inquiries within ~~48 hours~~ *two business days* of the  
29 inquiry.

30 (b) The regional center shall ensure that every consumer has a  
31 service coordinator who shall be responsible for implementing,  
32 overseeing, and monitoring each individual program plan. The  
33 service coordinator may be an employee of the regional center or  
34 may be a qualified individual or employee of an agency with whom  
35 the regional center has contracted to provide service coordination  
36 services, or persons described in Section 4647.2. The regional  
37 center shall provide the consumer or, where appropriate, the  
38 consumer's parents, legal guardian, or conservator or authorized  
39 representative, with written notification of any temporary or  
40 permanent change in the assigned service coordinator within 10

1 business days. A person shall not continue to serve as a service  
2 coordinator for any individual program plan unless there is  
3 agreement by all parties that the person should continue to serve  
4 as service coordinator.

5 (c) Where appropriate, a consumer or the consumer's parents  
6 or other family members, legal guardian, or conservator, may  
7 perform all or part of the duties of the service coordinator described  
8 in this section if the regional center director agrees and it is  
9 feasible.

10 (d) If a person described in subdivision (c) is designated as the  
11 service coordinator, that person shall not deviate from the  
12 agreed-upon program plan and shall provide any reasonable  
13 information and reports required by the regional center director.

14 (e) If ~~any~~ a person described in subdivision (c) is designated as  
15 the service coordinator, the regional center shall provide ongoing  
16 information and support as necessary, to assist the person to  
17 perform all or part of the duties of service coordinator.

18 **SEC. 16.**

19 **SEC. 18.** Section 4659 of the Welfare and Institutions Code is  
20 amended to read:

21 4659. (a) Except as otherwise provided in subdivision (b), (d),  
22 or (e), the regional center shall identify and pursue all possible  
23 sources of funding for consumers receiving regional center services.  
24 These sources shall include, but not be limited to, both of the  
25 following:

26 (1) Governmental or other entities or programs required to  
27 provide or pay the cost of providing services, including Medi-Cal,  
28 Medicare, the Civilian Health and Medical Program for Uniform  
29 Services, school districts, and federal supplemental security income  
30 and the state supplementary program.

31 (2) Private entities, to the maximum extent they are liable for  
32 the cost of services, aid, insurance, or medical assistance to the  
33 consumer.

34 (b) Any revenues collected by a regional center pursuant to this  
35 section shall be applied against the cost of services prior to use of  
36 regional center funds for those services. This revenue shall not  
37 result in a reduction in the regional center's purchase of services  
38 budget, except as it relates to federal supplemental security income  
39 and the state supplementary program.

1       (c) Effective July 1, 2009, notwithstanding any other law or  
2 regulation, regional centers shall not purchase any service that  
3 would otherwise be available from Medi-Cal, Medicare, the  
4 Civilian Health and Medical Program for Uniform Services,  
5 In-Home—~~Support~~ *Supportive* Services, California Children's  
6 Services, private insurance, or a health care service plan when a  
7 consumer or a family meets the criteria of this coverage but chooses  
8 not to pursue that coverage after being advised of the provisions  
9 of subdivision (d). If, on July 1, 2009, a regional center is  
10 purchasing that service as part of a consumer's individual program  
11 plan (IPP), the prohibition shall take effect on October 1, 2009.

12     (d) (1) Notwithstanding Section 4646.4, a regional center may  
13 request a consumer or family member to pursue a service or source  
14 of funding from an entity described in subdivision (a) or (c) of this  
15 section, or pursuant to subdivision (g) of Section 4659.5, if the  
16 request is documented with specificity in the individual program  
17 plan or individualized family plan and the plan contains detailed  
18 instructions for the consumer or family pursuing the service. The  
19 individual program plan or individualized family plan shall also  
20 specify the ways in which the regional center will initially assist  
21 the consumer or family to apply for and pursue the service or  
22 source of funding and specify that it will provide additional  
23 assistance when requested by the consumer or family.

24     (2) The regional center shall purchase the service when either  
25 of the following occurs:

26       (A) The entity denies the service.

27       (B) The entity does not provide the requested service within 45  
28 days from the date of the request, or 15 days after the statutory or  
29 regulatory time limit, if any, for the entity to make an initial  
30 decision, whichever is shorter.

31     (3) A consumer, or their family, shall not be required to appeal  
32 an entity's denial of the requested service for the regional center  
33 to purchase that service pursuant to this subdivision. The regional  
34 center may file an appeal on behalf of the consumer, but the appeal  
35 shall not delay the payment of the requested service by the regional  
36 center as specified in subparagraph (B) of paragraph (2).

37     (4) This section does not prohibit a consumer or their family,  
38 where appropriate, from filing a formal appeal of an entity's denial  
39 of the service at issue, or a regional center from seeking  
40 reimbursement from the entity it believes is responsible for

1 providing the service and from requesting assistance with filing  
2 the appeal or from utilizing assistance from other advocacy  
3 organizations.

4 (e) This section shall not impose any additional liability on the  
5 parents of children with developmental disabilities, or to restrict  
6 eligibility for, or deny services to, any individual who qualifies  
7 for regional center services but is unable to pay.

8 (f) In order to best utilize generic resources, federally funded  
9 programs, and private insurance programs for individuals with  
10 developmental disabilities, the department and regional centers  
11 shall engage in the following activities:

12 (1) Within existing resources, the department shall provide  
13 training to regional centers, no less than once every two years, in  
14 the availability and requirements of generic, federally funded  
15 funded, and private programs available to persons with  
16 developmental disabilities, including, but not limited to, eligibility  
17 requirements, the application process and covered services, and  
18 the appeal process.

19 (2) Regional centers shall disseminate information and training  
20 to all service coordinators regarding the availability and  
21 requirements of generic, federally funded, and private insurance  
22 programs on the local level.

23 (g) (1) *To provide uniformity, consistency, and  
24 cost-effectiveness, to reduce barriers, and to increase the number  
25 of service providers throughout the state, the department shall  
26 comprehensively review the current processes for vendorizing  
27 providers for the delivery of services and supports to regional  
28 center consumers and revise those processes to streamline the  
29 process and create a uniform statewide vendorization process.*  
30 *The department shall develop the revised processes, in consultation  
31 with the Association of Regional Center Agencies, consumers and  
32 their families, advocacy organizations, and service providers.*

33 (2) *It is the intent of the Legislature to ensure that a service  
34 provider vendorized in one regional center shall automatically,  
35 without additional requirements, be eligible to provide services  
36 in all regional centers. It is the further intent of the Legislature  
37 that this section shall not be construed to control or interfere with  
38 the discretion of the individual program planning team to  
39 determine the needs and services appropriate for each person with*

1 *a developmental disability who is entitled to services under this*  
2 *division.*

3 *SEC. 19. Section 4659.3 is added to the Welfare and Institutions*  
4 *Code, to read:*

5 *4659.3. (a) No later than March 1, 2024, and on March 1*  
6 *annually thereafter, the department shall submit a report to the*  
7 *Legislature and post on its internet website the following data,*  
8 *statewide and for each regional center, broken down by qualifying*  
9 *disability category, race or ethnicity, and age categories 0–21*  
10 *years of age, 22–64 years of age, and 65 years of age and over:*

11 *(1) The number of consumers for whom health and safety*  
12 *waivers have been requested.*

13 *(2) The number of consumers for whom health and safety*  
14 *waivers have been granted.*

15 *(3) The number of days elapsed between the date on which the*  
16 *department received the health and safety waiver request worksheet*  
17 *from the service provider and the date the service provider was*  
18 *notified of the outcome.*

19 *(4) The percentage of health and safety waiver requests that*  
20 *are due to behavioral challenges.*

21 *(b) The department shall also post on its internet website brief*  
22 *summaries, with any individual identifying information redacted,*  
23 *of the health and safety risks and challenges, and the service*  
24 *changes that are necessary to protect the health and safety, of the*  
25 *affected consumer or consumers, contained in each health and*  
26 *safety waiver request worksheet received by the department.*

27 **SEC. 17.**

28 *SEC. 20. Section 4685.8 of the Welfare and Institutions Code*  
29 *is amended to read:*

30 *4685.8. (a) The department shall implement a statewide*  
31 *Self-Determination Program. The Self-Determination Program*  
32 *shall be available in every regional center catchment area to provide*  
33 *participants and their families, within an individual budget,*  
34 *increased flexibility and choice, and greater control over decisions,*  
35 *resources, and needed and desired services and supports to*  
36 *implement their IPP. As of July 1, 2021, the program shall begin*  
37 *to be available on a voluntary basis to all regional center consumers*  
38 *who are eligible for the Self-Determination Program.*

39 *(b) The department, in establishing the statewide program, shall*  
40 *do both of the following:*

1       (1) Set targets and benchmarks as set forth in paragraph (1) of  
2 subdivision (r).

3       (2) Address all of the following:

4           (A) Oversight of expenditure of self-determined funds and the  
5 achievement of participant outcomes over time.

6           (B) Increased participant control over which services and  
7 supports best meet the participant's needs and the IPP objectives.  
8 A participant's unique support system may include the purchase  
9 of existing service offerings from service providers or local  
10 businesses, hiring their own support workers, or negotiating unique  
11 service arrangements with local community resources.

12          (C) Comprehensive person-centered planning, including an  
13 individual budget and services that are outcome based.

14          (D) Consumer and family training to ensure understanding of  
15 the principles of self-determination, the planning process, and the  
16 management of budgets, services, and staff.

17          (E) Choice of independent facilitators, who meet standards and  
18 certification requirements established by the department, and who  
19 can assist with the functions specified in paragraph (2) of  
20 subdivision (c).

21          (F) Choice of financial management services providers who  
22 meet standards and certification requirements established by the  
23 department, and who can carry out the functions specified in  
24 paragraph (1) of subdivision (c).

25          (G) Innovation that will more effectively allow participants to  
26 achieve their goals.

27          (H) Long-term sustainability of the Self-Determination Program  
28 by doing all of the following:

29            (i) Requiring IPP teams, when developing the individual budget,  
30 to determine the services, ~~supports~~ *supports*, and goods necessary  
31 for each consumer based on the needs and preferences of the  
32 ~~consumer, and consumer and~~, when appropriate *appropriate*, the  
33 consumer's family, ~~and~~ the effectiveness of each option in meeting  
34 the goals specified in the IPP, and the ~~cost~~ *cost-effectiveness*  
35 *cost-effectiveness* of each option, as specified in subparagraph (D)  
36 of paragraph (6) of subdivision (a) of Section 4648.

37            (ii) The department may review final individual budgets that  
38 are at or above a spending threshold determined by the department  
39 of all individual budgets and use information from its review in

1 the aggregate to develop additional program guidance and verify  
2 compliance with federal and state laws and other requirements.

3 (c) For purposes of this section, the following definitions apply:

4 (1) “Financial management services” means services or  
5 functions that assist the participant to manage and direct the  
6 distribution of funds contained in the individual budget, and ensure  
7 that the participant has the financial resources to implement their  
8 IPP throughout the year. These may include bill paying services  
9 and activities that facilitate the employment of service and support  
10 workers by the participant, including, but not limited to, fiscal  
11 accounting, tax withholding, compliance with relevant state and  
12 federal employment laws, assisting the participant in verifying  
13 provider qualifications, including criminal background checks,  
14 and expenditure reports. The financial management services  
15 provider shall meet the applicable requirements of Title 17 of the  
16 California Code of Regulations and other specific qualifications  
17 or certifications established by the department.

18 (2) “Independent facilitator” means a person, selected and  
19 directed by the participant, who is not otherwise providing services  
20 to the participant pursuant to their IPP and is not employed by a  
21 person providing services to the participant. The independent  
22 facilitator may assist the participant in making informed decisions  
23 about the individual budget, and in locating, accessing, and  
24 coordinating services and supports consistent with the participant’s  
25 IPP. The independent facilitator is available to assist in identifying  
26 immediate and long-term needs, developing options to meet those  
27 needs, leading, participating, or advocating on behalf of the  
28 participant in the person-centered planning process and  
29 development of the IPP, and obtaining identified services and  
30 supports. The cost of the independent facilitator, if any, shall be  
31 paid by the participant out of the participant’s individual budget.  
32 An independent facilitator shall receive training in the principles  
33 of self-determination, the person-centered planning process, and  
34 the other responsibilities described in this paragraph at the  
35 independent facilitator’s own cost. The independent facilitator  
36 shall meet standards and certification requirements established by  
37 the department.

38 (3) “Individual budget” means the amount of regional center  
39 purchase of service funding available to the participant for the  
40 purchase of services and supports necessary to implement the IPP.

1 The individual budget shall be determined using a fair, equitable,  
2 and transparent methodology.

3 (4) “IPP” means individual program plan, as described in Section  
4 4646.

5 (5) “Participant” means an individual, and *individual and*, when  
6 appropriate, the participant’s parents, legal guardian or conservator,  
7 or authorized representative, who has been deemed eligible for,  
8 and has voluntarily agreed to participate in, the Self-Determination  
9 Program.

10 (6) “Self-determination” means a voluntary delivery system  
11 consisting of a defined and comprehensive mix of services and  
12 supports, selected and directed by a participant through  
13 person-centered planning, in order to meet the objectives in their  
14 IPP. Self-determination services and supports are designed to assist  
15 the participant to achieve personally defined outcomes in  
16 community settings that promote inclusion. The Self-Determination  
17 Program shall only fund services and supports provided pursuant  
18 to this division that the federal Centers for Medicare and Medicaid  
19 Services determines are eligible for federal financial participation.

20 (7) “Spending Plan” means the plan the participant develops to  
21 use their available individual budget funds to purchase goods,  
22 services, and supports necessary to implement their individual  
23 program plan (IPP). The spending plan shall identify the cost of  
24 each good, service, and support that will be purchased with regional  
25 center funds. The total amount of the spending plan cannot exceed  
26 the amount of the individual budget. A copy of the spending plan  
27 shall be attached to the participant’s IPP.

28 (d) Participation in the Self-Determination Program is fully  
29 voluntary. A participant may choose to participate in, and may  
30 choose to leave, the Self-Determination Program at any time. A  
31 regional center shall not require or prohibit participation in the  
32 Self-Determination Program as a condition of eligibility for, or  
33 the delivery of, services and supports otherwise available under  
34 this division. Participation in the Self-Determination Program shall  
35 be available to any regional center consumer who meets the  
36 following eligibility requirements:

37 (1) The participant has a developmental disability, as defined  
38 in Section 4512, and is receiving services pursuant to this division.

39 (2) The consumer does not live in a licensed long-term health  
40 care facility, as defined in paragraph (44) of subdivision (a) of

1 Section 54302 of Title 17 of the California Code of Regulations.  
2 ~~An individual, and when appropriate individual and, when~~  
3 ~~appropriate~~, the individual's parent, legal guardian or conservator,  
4 or authorized representative, who is not eligible to participate in  
5 the Self-Determination Program pursuant to this paragraph may  
6 request that the regional center provide person-centered planning  
7 services in order to make arrangements for transition to the  
8 Self-Determination Program, provided that the individual is  
9 reasonably expected to transition to the community within 90 days.  
10 In that case, the regional center shall initiate person-centered  
11 planning services within 60 days of that request.

12 (3) The participant agrees to all of the following terms and  
13 conditions:

14 (A) The participant shall receive an orientation that meets the  
15 standards set or developed by the department to the  
16 Self-Determination Program prior to enrollment, which includes  
17 the principles of self-determination, the role of the independent  
18 facilitator and the financial management services provider,  
19 person-centered planning, and development of a budget.

20 (B) The participant shall utilize the services and supports  
21 available within the Self-Determination Program only when generic  
22 services and supports are not available.

23 (C) The participant shall only purchase services and supports  
24 necessary to implement their IPP and shall comply with any and  
25 all other terms and conditions for participation in the  
26 Self-Determination Program described in this section.

27 (D) The participant shall manage Self-Determination Program  
28 services and supports within the participant's individual budget.

29 (E) The participant shall utilize the services of a financial  
30 management services provider of their own choosing and who is  
31 vendedored by a regional center and who meets the qualifications in  
32 paragraph (1) of subdivision (c).

33 (F) The participant may utilize the services of an independent  
34 facilitator of their own choosing for the purpose of providing  
35 services and functions as described in paragraph (2) of subdivision  
36 (c). If the participant elects not to use an independent facilitator,  
37 the participant may use their regional center service coordinator  
38 to provide the services and functions described in paragraph (2)  
39 of subdivision (c).

1       (G) If eligible, with the assistance of the regional center, if  
2       needed, timely apply for Medi-Cal in order to maximize federal  
3       funding. The participant may consider institutional deeming in  
4       order to qualify for Medi-Cal services.

5       (e) A participant who is not Medi-Cal eligible may participate  
6       in the Self-Determination Program and receive self-determination  
7       services and supports if all other program eligibility requirements  
8       are met and the services and supports are otherwise eligible for  
9       federal financial participation.

10      (f) The additional federal financial participation funds generated  
11     by the former participants of the self-determination pilot projects  
12     authorized pursuant to Section 13 of Chapter 1043 of the Statutes  
13     of 1998, as amended, or pursuant to Article 4 (commencing with  
14     Section 4669.2) of Chapter 5, shall be used to maximize the ability  
15     of Self-Determination Program participants to direct their own  
16     lives and to ensure the department and regional centers successfully  
17     implement the program as follows:

18       (1) First, to offset the cost to the department for the criminal  
19       background check conducted pursuant to subdivision (v) and other  
20       administrative costs incurred by the department in implementing  
21       the Self-Determination Program.

22       (2) With the remaining funds, the department, in consultation  
23       with stakeholders, including a statewide self-determination  
24       advisory workgroup, shall prioritize the use of the funds to meet  
25       the needs of participants, increase service access and equity, and  
26       reduce disparities, and to implement the program, including costs  
27       associated with all of the following:

28       (A) Independent facilitators to assist with a participant's initial  
29       person-centered planning meeting.

30       (B) Development of the participant's initial individual budget.

31       (C) Joint training of consumers, family members, regional center  
32       staff, and members of the local volunteer advisory committee  
33       established pursuant to paragraph (1) of subdivision (w).

34       (D) Regional center operations to increase support for transition  
35       to the Self-Determination Program or for caseload ratio  
36       enhancement.

37       (E) To offset the costs to the regional centers in implementing  
38       the Self-Determination Program.

1       (F) To support the Statewide Self-Determination Advisory  
2 Committee established pursuant to paragraph (2) of subdivision  
3 (w).

4       (g) If at any time during participation in the Self-Determination  
5 Program a regional center determines that a participant is no longer  
6 eligible to continue in, or a participant voluntarily chooses to exit,  
7 the Self-Determination Program, the regional center shall provide  
8 for the participant's transition from the Self-Determination Program  
9 to other services and supports. This transition shall include the  
10 development of a new IPP that reflects the services and supports  
11 necessary to meet the individual's needs. The regional center shall  
12 ensure that there is no gap in services and supports during the  
13 transition period.

14       (h) An individual determined to be ineligible for or who  
15 voluntarily exits the Self-Determination Program shall be permitted  
16 to return to the Self-Determination Program upon meeting all  
17 applicable eligibility criteria and upon approval of the participant's  
18 planning team, as described in subdivision (j) of Section 4512. An  
19 individual who has voluntarily exited the Self-Determination  
20 Program shall not return to the program for at least 12 months.

21       (i) An individual who participates in the Self-Determination  
22 Program may elect to continue to receive self-determination  
23 services and supports if the individual transfers to another regional  
24 center catchment area, provided that the individual remains eligible  
25 for the Self-Determination Program pursuant to subdivision (d).  
26 The balance of the participant's individual budget shall be  
27 reallocated to the regional center to which the participant transfers.

28       (j) The IPP team shall utilize the person-centered planning  
29 process to develop the IPP for a participant. The IPP shall detail  
30 the goals and objectives of the participant that are to be met through  
31 the purchase of participant-selected services and supports. The  
32 IPP team shall determine the individual budget to ensure the budget  
33 assists the participant to achieve the outcomes set forth in the  
34 participant's IPP and ensures their health and safety. The completed  
35 individual budget shall be attached to the IPP.

36       (k) The participant shall implement their IPP, including choosing  
37 and purchasing the services and supports allowable under this  
38 section necessary to implement the plan. A participant is exempt  
39 from the cost control restrictions regarding the purchases of  
40 services and supports pursuant to Section 4648.5. A regional center

1 shall not prohibit the purchase of any service or support that is  
2 otherwise allowable under this section.

3 (l) A participant shall have all the rights established in Sections  
4 4646 to 4646.6, inclusive, and Chapter 7 (commencing with Section  
5 4700).

6 (m) (1) Except as provided in paragraph (4), the IPP team shall  
7 determine the initial and any revised individual budget for the  
8 participant using the following methodology:

9 (A) (i) Except as specified in clause (ii), for a participant who  
10 is a current consumer of the regional center, their individual budget  
11 shall be the total amount of the most recently available 12 months  
12 of purchase of service expenditures for the participant.

13 (ii) An adjustment may be made to the amount specified in  
14 clause (i) if both of the following occur:

15 (I) The IPP team determines that an adjustment to this amount  
16 is necessary due to a change in the participant's circumstances,  
17 needs, or resources that would result in an increase or decrease in  
18 purchase of service expenditures, or the IPP team identifies prior  
19 needs or resources that were unaddressed in the IPP, which would  
20 have resulted in an increase or decrease in purchase of service  
21 expenditures. When adjusting the budget, the IPP team shall  
22 document the specific reason for the adjustment in the IPP.

23 (II) The regional center certifies on the individual budget  
24 document that regional center expenditures for the individual  
25 budget, including any adjustment, would have occurred regardless  
26 of the individual's participation in the Self-Determination Program.

27 (iii) For purposes of clauses (i) and (ii), the amount of the  
28 individual budget shall not be increased to cover the cost of the  
29 independent facilitator.

30 (B) For a participant who is either newly eligible for regional  
31 center services or who does not have 12 months of purchase service  
32 expenditures, the participant's individual budget shall be calculated  
33 as follows:

34 (i) The IPP team shall identify the services and supports needed  
35 by the participant and available resources, as required by Section  
36 4646.

37 (ii) The regional center shall calculate the cost of providing the  
38 services and supports to be purchased by the regional center by  
39 using the average cost paid by the regional center for each service  
40 or support unless the regional center determines that the consumer

1 has a unique need that requires a higher or lower cost. The IPP  
2 team also shall document the specific reason for the adjustment in  
3 the IPP. The regional center shall certify on the individual budget  
4 document that this amount would have been expended using  
5 regional center purchase of service funds regardless of the  
6 individual's participation in the Self-Determination Program.

7 (iii) For purposes of clauses (i) and (ii), the amount of the  
8 individual budget shall not be increased to cover the cost of the  
9 independent facilitator.

10 (2) The amount of the individual budget shall be available to  
11 the participant each year for the purchase of program services and  
12 supports. An individual budget shall be calculated no more than  
13 once in a 12-month period, unless revised to reflect a change in  
14 circumstances, needs, or resources of the participant using the  
15 process specified in clause (ii) of subparagraph (A) of paragraph  
16 (1).

17 (3) The spending plan shall be assigned to uniform budget  
18 categories developed by the department in consultation with  
19 stakeholders and distributed according to the timing of the  
20 anticipated expenditures in the IPP and in a manner that ensures  
21 that the participant has the financial resources to implement the  
22 IPP throughout the year.

23 (4) The department, in consultation with stakeholders, may  
24 develop alternative methodologies for individual budgets that are  
25 computed in a fair, transparent, and equitable manner and are based  
26 on consumer characteristics and needs, and that include a method  
27 for adjusting individual budgets to address a participant's change  
28 in circumstances or needs.

29 (n) Annually, participants may transfer up to 10 percent of the  
30 funds originally distributed to any budget category set forth in  
31 paragraph (3) of subdivision (m) to another budget category or  
32 categories. Transfers in excess of 10 percent of the original amount  
33 allocated to any budget category may be made upon the approval  
34 of the regional center or the participant's IPP team.

35 (o) Consistent with the implementation date of the IPP, the IPP  
36 team shall annually ascertain from the participant whether there  
37 are any circumstances or needs that require a change to the annual  
38 individual budget. Based on that review, the IPP team shall  
39 calculate a new individual budget consistent with the methodology  
40 identified in subdivision (m).

1       (p) (1) The department, as it determines necessary, may adopt  
2 regulations to implement the procedures set forth in this section.  
3 Any regulations shall be adopted in accordance with the  
4 requirements of Chapter 3.5 (commencing with Section 11340) of  
5 Part 1 of Division 3 of Title 2 of the Government Code.

6       (2) Notwithstanding paragraph (1) and Chapter 3.5 (commencing  
7 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
8 Government Code, and only to the extent that all necessary federal  
9 approvals are obtained, the department, without taking any further  
10 regulatory action, shall implement, interpret, or make specific this  
11 section by means of program directives or similar instructions until  
12 the time regulations are adopted. It is the intent of the Legislature  
13 that the department be allowed this temporary authority as  
14 necessary to implement program changes only until completion  
15 of the regulatory process.

16       (q) The department, in consultation with stakeholders, shall  
17 develop informational materials about the Self-Determination  
18 Program. The department shall ensure that regional centers are  
19 trained in the principles of self-determination, the mechanics of  
20 the Self-Determination Program, and the rights of consumers and  
21 families as candidates for, and participants in, the  
22 Self-Determination Program.

23       (r) Each regional center shall be responsible for implementing  
24 the Self-Determination Program as a term of its contract under  
25 Section 4629. As part of implementing the program, the regional  
26 center shall do all of the following:

27           (1) Meet the Self-Determination *Program* targets approved by  
28 the department, meet benchmarks established by the department  
29 in areas including timely enrollment, diversity of consumers served,  
30 and reduction of disparities in the individual budget of participants  
31 from racial and ethnic communities, and be eligible for incentives  
32 for exceeding these targets and benchmarks once the department  
33 has established a performance incentives program.

34           (2) Develop and implement an outreach and training plan about  
35 the Self-Determination—*program* *Program* for the diverse  
36 communities served by the regional center, including in congregate  
37 settings. Information shall be provided in plain language, in  
38 alternative formats and alternative modes of—*communication*  
39 *communication*, and provide language access as required by state  
40 and federal law. Obtain input from stakeholders, including

1 consumers and families *families*, that reflect the ethnic and  
2 language diversity of the regional center's consumers, about the  
3 effectiveness of this outreach and training and other activities that  
4 may be effective in reducing disparities in these programs.

5 (3) Annually report the enrollment, individual budget data, and  
6 purchase of service expenditure data for the Self-Determination  
7 Program consistent with the criteria in subdivisions (a) to (c),  
8 inclusive, of Section 4519.5.

9 (4) Assist eligible participants and their families in applying for  
10 Medi-Cal, in order to maximize federal funding and assist  
11 interested participants who wish to pursue institutional deemings  
12 in order to qualify for Medi-Cal services.

13 (5) At least annually, in addition to annual certification, conduct  
14 an additional review of all final individual budgets for participants  
15 at the regional center which are at or above a spending threshold  
16 that is specified by the department through directive consistent  
17 with federal and state requirements. This information may be used  
18 in the aggregate to provide training, program guidance, and verify  
19 compliance with state and federal requirements.

20 (6) Review the spending plan to verify that goods and services  
21 eligible for federal financial participation are not used to fund  
22 goods or services available through generic agencies.

23 (7) Contract with local consumer or family-run organizations  
24 and consult with the local volunteer advisory committee established  
25 pursuant to paragraph (1) of subdivision (w) to conduct outreach  
26 through local meetings or forums to consumers and their families  
27 to provide information about the Self-Determination Program and  
28 to help ensure that the program is available to a diverse group of  
29 participants, with special outreach to underserved communities.

30 (8) Collaborate with the local consumer or family-run  
31 organizations identified in paragraph (1) to jointly conduct training  
32 about the Self-Determination Program. The regional center shall  
33 consult with the local volunteer advisory committee established  
34 pursuant to paragraph (1) of subdivision (w) in planning for the  
35 training, and the local volunteer advisory committee may designate  
36 members to represent the advisory committee at the training.

37 (9) Train all service coordinators and fair hearing specialists in  
38 the principles of self-determination, the mechanics of the  
39 Self-Determination Program, and the rights of consumers and

1 families. The training shall be conducted in collaboration with the  
2 local volunteer advisory committee.

3 (10) Provide payment to the financial management services  
4 provider for spending plan expenses through a not less than  
5 semi-monthly *semimonthly* pay schedule.

6 (11) Ensure that each individual plan includes the information  
7 required by subdivision (d) of Section 4646.

8 (s) The financial management services provider shall provide  
9 the participant and the regional center service coordinator with a  
10 monthly individual budget statement that describes the amount of  
11 funds allocated by budget category, the amount spent in the  
12 previous 30-day period, and the amount of funding that remains  
13 available under the participant's individual budget.

14 (t) Only the financial management services provider is required  
15 to apply for vendorization in accordance with Subchapter 2  
16 (commencing with Section 54300) of Chapter 3 of Division 2 of  
17 Title 17 of the California Code of Regulations for the  
18 Self-Determination Program. All other service and support  
19 providers shall not be on the federal debarment list and shall have  
20 applicable state licenses, certifications, or other state required  
21 documentation, including documentation of any other qualifications  
22 required by the department, but are exempt from the vendorization  
23 requirements set forth in Title 17 of the California Code of  
24 Regulations when serving participants in the Self-Determination  
25 Program.

26 (u) The regional center shall pay the full costs of the  
27 participant's financial management services provider.

28 (v) To protect the health and safety of participants in the  
29 Self-Determination Program, the department shall require a  
30 criminal background check in accordance with all of the following:

31 (1) The department shall issue a program directive that identifies  
32 nonvendored providers of services and supports who shall obtain  
33 a criminal background check pursuant to this subdivision. At a  
34 minimum, these staff shall include both of the following:

35 (A) Individuals who provide direct personal care services to a  
36 participant.

37 (B) Other nonvendored providers of services and supports for  
38 whom a criminal background check is requested by a participant  
39 or the participant's financial management service.

1       (2) Subject to the procedures and requirements of this  
2 subdivision, the department shall administer criminal background  
3 checks consistent with the department's authority and the process  
4 described in Sections 4689.2 to 4689.6, inclusive.

5       (3) The department shall electronically submit to the Department  
6 of Justice fingerprint images and related information required by  
7 the Department of Justice of nonvendored providers of services  
8 and supports, as specified in paragraph (1), for purposes of  
9 obtaining information as to the existence and content of a record  
10 of state or federal convictions and state or federal arrests and also  
11 information as to the existence and content of a record of state or  
12 federal arrests for which the Department of Justice establishes that  
13 the person is free on bail or on their own recognizance pending  
14 trial or appeal.

15     (4) When received, the Department of Justice shall forward to  
16 the Federal Bureau of Investigation requests for federal summary  
17 criminal history information received pursuant to this section. The  
18 Department of Justice shall review the information returned from  
19 the Federal Bureau of Investigation and compile and disseminate  
20 a response to the department.

21     (5) The Department of Justice shall provide a state or federal  
22 response to the department pursuant to paragraph (1) of subdivision  
23 (p) of Section 11105 of the Penal Code.

24     (6) The department shall request from the Department of Justice  
25 subsequent notification service, as provided pursuant to Section  
26 11105.2 of the Penal Code, for persons described in paragraph (1).

27     (7) The Department of Justice shall charge a fee sufficient to  
28 cover the cost of processing the request described in this  
29 subdivision.

30     (8) The fingerprints of any provider of services and supports  
31 who is required to obtain a criminal background check shall be  
32 submitted to the Department of Justice prior to employment. The  
33 costs of the fingerprints and the financial management service's  
34 administrative cost authorized by the department shall be paid by  
35 the services and supports provider or the provider's employing  
36 agency. Any administrative costs incurred by the department  
37 pursuant to this subdivision shall be offset by the funds specified  
38 in subdivision (g).

39     (9) If the criminal record information report shows a criminal  
40 history, the department shall take the steps specified in Section

1 4689.2. The department may prohibit a provider of services and  
2 supports from becoming employed, or continuing to be employed,  
3 based on the criminal background check, as authorized in Section  
4 4689.6. The provider of services and supports who has been denied  
5 employment shall have the rights set forth in Section 4689.6.

6 (10) The department may utilize a current department-issued  
7 criminal record clearance to enable a provider to serve more than  
8 one participant, as long as the criminal record clearance has been  
9 processed through the department and no subsequent arrest  
10 notifications have been received relative to the cleared applicant.

11 (11) Consistent with subdivision (h) of Section 4689.2, the  
12 participant or financial management service that denies or  
13 terminates employment based on written notification from the  
14 department shall not incur civil liability or unemployment insurance  
15 liability.

16 (w) To ensure the effective implementation of the  
17 Self-Determination Program and facilitate the sharing of best  
18 practices and training materials commencing with the  
19 implementation of the Self-Determination Program, local and  
20 statewide advisory committees shall be established as follows:

21 (1) Each regional center shall establish a local volunteer advisory  
22 committee to provide oversight of the Self-Determination Program  
23 and identify a regional center liaison to the committee. The regional  
24 center and the State Council on Developmental Disabilities shall  
25 each appoint one-half of the membership of the committee. The  
26 committee shall consist of the regional center clients' rights  
27 advocate, consumers, family members, and other advocates, and  
28 community leaders, including a representative from a family  
29 resource center. A majority of the committee shall be consumers  
30 and their family members. The committee shall reflect the  
31 multicultural diversity and geographic profile of the catchment  
32 area. The committee shall review the development and ongoing  
33 progress of the Self-Determination Program, including whether  
34 the program advances the principles of self-determination and is  
35 operating consistent with the requirements of this section, and may  
36 make ongoing recommendations for improvement to the regional  
37 center and the department. Annually, the regional center shall  
38 confirm, in writing, that the committee meets the requirements  
39 specified in this paragraph and provide the department with the  
40 name of the staff liaison and the names of the committee members,

1 the positions they fill on the committee, and which entity appointed  
2 them to the committee.

3 (2) The State Council on Developmental Disabilities shall form  
4 a volunteer committee, to be known as the Statewide  
5 Self-Determination Advisory Committee, comprised of the chairs  
6 of the 21 local advisory committees or their designees. The council  
7 shall convene the Statewide Self-Determination Advisory  
8 Committee twice annually, or more frequently in the sole discretion  
9 of the council. The Statewide Self-Determination Advisory  
10 Committee shall meet by teleconference or other means established  
11 by the council to identify self-determination best practices,  
12 effective consumer and family training materials, implementation  
13 concerns, systemic issues, ways to enhance the program, and  
14 recommendations regarding the most effective method for  
15 participants to learn of individuals who are available to provide  
16 services and supports. The council shall synthesize information  
17 received from the Statewide Self-Determination Advisory  
18 Committee, local advisory committees, and other sources, share  
19 the information with consumers, families, regional centers, and  
20 the department, and make recommendations, as appropriate, to  
21 increase the program's effectiveness in furthering the principles  
22 of self-determination.

23 (x) The department shall annually provide the following  
24 information to the appropriate policy and fiscal committees of the  
25 Legislature:

26 (1) Number and characteristics of participants, by regional  
27 center, including the number of participants who entered the  
28 program upon movement from a developmental center.

29 (2) Types and amount of services and supports purchased under  
30 the Self-Determination Program, by regional center.

31 (3) Range and average of individual budgets, by regional center,  
32 including adjustments to the budget to address the adjustments  
33 permitted in clause (ii) of subparagraph (A) of paragraph (1) of  
34 subdivision (m).

35 (4) The number and outcome of appeals concerning individual  
36 budgets, by regional center.

37 (5) The number and outcome of fair hearing appeals, by regional  
38 center.

1       (6) The number of participants who voluntarily withdraw from  
2 the Self-Determination Program and a summary of the reasons  
3 why, by regional center.

4       (7) The number of participants who are subsequently determined  
5 to no longer be eligible for the Self-Determination Program and a  
6 summary of the reasons why, by regional center.

7       (y) (1) The State Council on Developmental Disabilities shall  
8 issue an interim report to the Legislature, in compliance with  
9 Section 9795 of the Government Code, no later than June 30, 2021,  
10 on the status of the Self-Determination Program authorized by this  
11 section, barriers to its implementation, and recommendations to  
12 enhance the effectiveness of the program. The interim report shall  
13 provide an update to the program's status, each regional center's  
14 cap on participation and progress toward that cap, the most recent  
15 statewide and per-regional-center participant count, and the  
16 historical trend in the statewide participation count since the start  
17 of the program. The department shall assist in providing available  
18 information to the council in order to facilitate the timely issuance  
19 of the report.

20       (2) The council, in collaboration with the protection and  
21 advocacy agency identified in Section 4900 and the federally  
22 funded University Centers for Excellence in Developmental  
23 Disabilities Education, Research, and Service, may work with  
24 regional centers to survey participants regarding participant  
25 satisfaction under the Self-Determination Program and, when data  
26 is available, the traditional service delivery system, including the  
27 proportion of participants who report that their choices and  
28 decisions are respected and supported and who report that they are  
29 able to recruit and hire qualified service providers, and to identify  
30 barriers to participation and recommendations for improvement.

31       (3) The council, in collaboration with the protection and  
32 advocacy agency identified in Section 4900 and the federally  
33 funded University Centers for Excellence in Developmental  
34 Disabilities Education, Research, and Service, shall issue a report  
35 to the Legislature, in compliance with Section 9795 of the  
36 Government Code, by June 30, 2023, on the status of the  
37 Self-Determination Program authorized by this section, and provide  
38 recommendations to enhance the effectiveness of the program.  
39 This review shall include the program's effectiveness in furthering  
40 the principles of self-determination, including all of the following:

1     (A) Freedom, which includes the ability of adults with  
2     developmental disabilities to exercise the same rights as all citizens  
3     to establish, with freely chosen supporters, family and friends,  
4     where they want to live, with whom they want to live, how their  
5     time will be occupied, and who supports them; and for families to  
6     have the freedom to receive unbiased assistance of their own  
7     choosing when developing a plan and to select all personnel and  
8     supports to further the life goals of a minor child.

9     (B) Authority, which includes the ability of a person with a  
10    disability, or family, to control a certain sum of dollars in order to  
11    purchase services and supports of their choosing.

12    (C) Support, which includes the ability to arrange resources and  
13    personnel, both formal and informal, that will assist a person with  
14    a disability to live a life in the community that is rich in community  
15    participation and contributions.

16    (D) Responsibility, which includes the ability of participants to  
17    take responsibility for decisions in their own lives and to be  
18    accountable for the use of public dollars, and to accept a valued  
19    role in their community through, for example, competitive  
20    employment, organizational affiliations, spiritual development,  
21    and general caring of others in their community.

22    (E) Confirmation, which includes confirmation of the critical  
23    role of participants and their families in making decisions in their  
24    own lives and designing and operating the system that they rely  
25    on.

26    **SEC. 18.**

27    *SEC. 21.* Section 4726 of the Welfare and Institutions Code is  
28    amended to read:

29    4726. Notwithstanding Sections 4639.76 and 5328, access to  
30    records shall be provided to an applicant for, or recipient of,  
31    services or to their authorized representative, including the person  
32    appointed as a developmental services decisionmaker pursuant to  
33    Section 319, 361, or 726, for purposes of the appeal process under  
34    this chapter.

35    **SEC. 19.**

36    *SEC. 22.* Section 4731 of the Welfare and Institutions Code is  
37    amended to read:

38    4731. (a) Each consumer or any representative acting on behalf  
39    of any consumer or consumers, who believes that any right to  
40    which a consumer is entitled has been abused, punitively withheld,

1 or improperly or unreasonably denied by a regional center,  
2 state-operated facility, or service provider, may pursue a complaint  
3 as provided in this section.

4 (b) Any complaint made pursuant to this section shall be made  
5 to the Director of Developmental Services. The director, within  
6 30 days of receiving a complaint, shall issue a written  
7 administrative decision and send a copy of the decision to the  
8 complainant, the director of the regional center or state-operated  
9 facility, and the service provider, if applicable.

10 (c) The department, on a quarterly basis, shall compile the  
11 number of complaints filed, by each regional center and  
12 state-operated facility, the subject matter of each complaint, and  
13 a summary of each decision, and post the compilation on its internet  
14 website at the end of each quarter. Copies of any decision included  
15 in the compilation shall be made available within 10 days, with  
16 all individually identifiable information redacted, to any person  
17 upon request.

18 (d) This section shall not be used to resolve disputes concerning  
19 the nature, scope, or amount of services and supports that should  
20 be included in an individual program plan, for which there is an  
21 appeals procedure established in this division, or disputes regarding  
22 rates or audit appeals for which there is an appeals procedure  
23 established in regulations. Those disputes shall be resolved through  
24 the appeals procedure established by this division or in regulations.

25 (e) All consumers or, if appropriate, their authorized  
26 representative, shall be notified in writing in their preferred  
27 language of the right to file a complaint pursuant to this section  
28 when they apply for services from a regional center or a  
29 state-operated facility, and at each regularly scheduled planning  
30 meeting.