

AMENDED IN ASSEMBLY MARCH 27, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1147

Introduced by Assembly Member Addis

February 16, 2023

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 ~~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.

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six legacy case management automation systems that lack integration, have dissimilar data sources, and are technically outdated.

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

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

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

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

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

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

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

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

(A) Camping and associated travel expenses.

(B) Social recreation activities.

(C) Educational services.

(D) Nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music.

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

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

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

(e) Within three months of compiling the data with the 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.

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

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

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

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

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

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

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

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

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

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

(c) Project scope that addresses business problems required to 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-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

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

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

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

(1) Community integration, including all of the following:

(A) The percentage of consumers who report spending their days primarily with people without disabilities who are not paid to be with them.

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

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

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

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

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

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

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

(2) Employment, including all of the following:

(A) The percentage of adult consumers in—~~competitive~~ *competitive*, integrated employment and the length of time in the 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 ~~Medicaid 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 vouchered 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~~ 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 vendored 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-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 vendored 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).

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

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

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

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

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

(2) Develop and implement an outreach and training plan about the Self-Determination ~~program~~ *Program* for the diverse communities served by the regional center, including in congregate settings. Information shall be provided in plain language, in alternative formats and alternative modes of ~~communication~~ *communication*, and provide language access as required by state 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 deeming
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 nonvended 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.