

AMENDED IN ASSEMBLY JULY 10, 2025

AMENDED IN ASSEMBLY JULY 2, 2025

AMENDED IN ASSEMBLY JUNE 24, 2025

AMENDED IN SENATE MAY 23, 2025

SENATE BILL

No. 471

Introduced by Senator Menjivar

February 19, 2025

An act to add Chapter 1.4 (commencing with Section 4506) to Division 4.5 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 471, as amended, Menjivar. Office of the Developmental Services Ombudsperson.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law requires the department to establish an Office of the Self-Determination Program Ombudsperson to be headed by an individual to be known as the Self-Determination Program Ombudsperson, who is appointed by the Director of Developmental Services. Existing law requires the office to be an independent and autonomous entity within the department and prescribes specified duties and rights of the office, including recommending to the department strategies for change and improvement of the program.

This bill would establish the Office of the Developmental Services Ombudsperson as an independent and autonomous entity within the

department for the purpose of monitoring the implementation of specified services for individuals served by a regional center, as defined. The bill would set forth the duties of the Office of the Developmental Services Ombudsperson, including, among other things, disseminating information and providing training and technical assistance, and receiving and possibly investigating complaints made by or on behalf of individuals served by a regional center. The bill would establish the position of the Developmental Services Ombudsperson to head the office and specify appointment procedures and the duties of that position.

Existing law provides that, except as otherwise provided by statute, all relevant evidence is admissible. The California Constitution provides for the Right to Truth-In-Evidence, which requires a $\frac{2}{3}$ vote of the Legislature to exclude any relevant evidence from any criminal proceeding, as specified.

This bill would prohibit the ombudsperson or their staff from being compelled to testify or be deposed, or to disclose specified records, in a judicial or administrative proceeding. Because this prohibition would affect the admissibility of relevant evidence in criminal proceedings, the bill would require a $\frac{2}{3}$ vote of the Legislature.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Chapter 1.4 (commencing with Section 4506) is
2 added to Division 4.5 of the Welfare and Institutions Code, to read:

3

4 CHAPTER 1.4. OFFICE OF THE DEVELOPMENTAL SERVICES
5 OMBUDSPERSON

6

7 4506. The Legislature finds and declares that the people of
8 California have benefited from the establishment of a long-term
9 care ombudsperson pursuant to Section 9710, a foster care

ombudsperson pursuant to Section 16161 and a Self-Determination Program Ombudsperson pursuant to Section 4685.9. The Legislature further finds it is essential to maintain the nonpartisan nature, integrity, and impartiality of ombudsperson functions and services. It is the intent of the Legislature to provide similar protections for individuals served by a regional center by establishing an Office of the Developmental Services Ombudsperson within the State Department of Developmental Services.

4506.1. (a) The Office of the Developmental Services Ombudsperson shall be established as an independent and autonomous entity within the department for the purpose of monitoring the implementation of this division, including, but not limited to, both of the following:

(1) The Self-Determination Program, as established in Section 4685.8.

(2) The California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code) as it pertains to infants and toddlers applying to or eligible for early intervention services under Section 95014 of the Government Code, receiving and resolving complaints, conducting investigations, suggesting systematic changes, and resolving various issues that may include, but are not limited to, inquiries, questions, or requests for information, assistance, or facilitation in navigating service access.

(b) The Office of the Developmental Services Ombudsperson shall be headed by an individual, to be known as the Developmental Services Ombudsperson.

(c) For purposes of this chapter, “individuals served by a regional center” includes all of the following:

(1) Individuals who receive services through a regional center under this division, including individuals who are in the intake process, are pending assessment, or have reached out to regional centers for information about eligibility.

(2) Individuals who are participating in the early start program under Title 14 (commencing with Section 95000) of the Government Code, including individuals who are in the intake process, pending assessment, or have reached out to regional centers for information about eligibility.

1 (3) Individuals who are determined to be eligible for regional
2 center services under this division, but are not receiving services
3 from a regional center.

4 (d) Pursuant to subdivision (a) of Section 9717, the Office of
5 the Developmental Services Ombudsperson shall enter into a
6 memorandum of understanding with the Office of the State
7 Long-Term Care Ombudsman within the California Department
8 of Aging to coordinate the provision of ombudsperson services
9 for regional center clients residing in long-term care facilities.

10 4506.2. (a) The Director of Developmental Services, in
11 consultation with, and after receiving a list of possible nominees
12 from, a committee of at least five interested individuals that are
13 described in this subdivision, and after obtaining the committee's
14 input, shall appoint an ombudsperson who is qualified by training
15 and experience to perform the duties of the office for a term of
16 four years. The director shall select the committee members, the
17 majority of whom shall be representatives of advocacy
18 organizations and consumers or family members. The director may
19 reappoint the ombudsperson for consecutive terms.

20 (b) The ombudsperson shall, in the performance of their duties
21 during the duration of their appointment, be independent, and the
22 exercise of their discretion related to the duties and powers set
23 forth in this chapter shall not be controlled, supervised, or directed,
24 directly or indirectly, by the director or any other official. The
25 ombudsperson shall devote their entire time to the duties and
26 powers set forth in this chapter and may not be removed from
27 office for exercising their independence and discretion in
28 furtherance of those duties and powers.

29 (c) If the term of an ombudsperson expires without the
30 appointment of a successor under this chapter, the incumbent
31 ombudsperson may continue in office until a successor is
32 appointed. If the ombudsperson dies, resigns, becomes ineligible
33 to serve, or is removed or suspended from office, the director shall
34 designate an acting ombudsperson until the ombudsperson is
35 appointed. The director shall appoint a new ombudsperson pursuant
36 to this section within the nine months from the date the office
37 became vacant. The acting ombudsperson shall not remain in office
38 longer than nine months before a new ombudsperson is appointed
39 pursuant to this section.

1 4506.3. The Developmental Services Ombudsperson, in
2 consultation with the department, shall hire the necessary personnel
3 to perform the functions of the office, including one designated
4 lead staff member who has expertise on the Self-Determination
5 Program. The ombudsperson shall endeavor to hire individuals
6 with lived experience with the developmental services system,
7 including, but not limited to, individuals with developmental
8 disabilities.

9 4506.4. (a) The Office of the Developmental Services
10 Ombudsperson shall do all of the following:

11 (1) (A) Disseminate information and provide training and
12 technical assistance to individuals served by a regional center,
13 family members, regional center staff, tribes, advocacy groups,
14 service provider organizations, and other interested parties on the
15 rights of persons with developmental disabilities and services
16 provided by the office. The information shall include methods of
17 contacting the office and notification that conversations with the
18 office may be disclosed to other persons, as necessary, to
19 adequately investigate and resolve a complaint. The information
20 and training shall include information about the rights of persons
21 with developmental disabilities under this division, including the
22 rights specified in Chapter 1.3 (commencing with Section 4502)
23 and the Self-Determination Program under Section 4685.8.

24 (B) Commencing on January 1, 2028, at the end of every
25 two-year legislative session, review amendments to the laws
26 applicable to individuals served by a regional center and determine
27 whether updates to the rights should be recommended in the
28 compilation prepared pursuant to paragraph (6). The office shall
29 update the standardized information prepared pursuant to paragraph
30 (1) of subdivision (c), and any training materials prepared pursuant
31 to subparagraph (A), in accordance with the legislative review.
32 The department shall maintain updated information on the standard
33 information packet.

34 (2) Receive complaints made by or on behalf of individuals
35 served by a regional center related to their care, placement, or
36 services.

37 (3) Decide, in its discretion, whether to investigate a complaint,
38 or refer complaints to another agency for investigation. After
39 rendering a decision to investigate a complaint, attempt to resolve
40 the complaint without using a judicial or administrative proceeding,

1 including attempting to facilitate solutions to disagreements about
2 eligibility and services.

3 (4) Upon rendering a decision to investigate a complaint from
4 a complainant, notify the complainant of the intention to
5 investigate. If the office declines to investigate a complaint or
6 continue an investigation, the office shall notify the complainant
7 of the reason for the action of the office.

8 (5) Update the complainant on the progress of the investigation
9 and the attempts to resolve the complaint, and notify the
10 complainant of the final outcome.

11 (6) (A) Compile and make available data to the Legislature in
12 their quarterly legislative updates. This data shall include, but is
13 not limited to, the number of contacts to the office, the number of
14 contacts specific to the Self-Determination Program, the number
15 of complaints made and the modality of the submission of those
16 complaints, the number of investigations performed by the office,
17 the trends and issues that arose in the course of resolving
18 complaints, the number of referrals made, and the number of
19 unresolved contacts. The office shall include recommendations
20 consistent with this data for improving the developmental services
21 system.

22 (B) Present this compiled data, on an annual basis, at appropriate
23 conferences, forums, and other events, as determined by the
24 department, that may include presentations to, but are not limited
25 to, representatives of the Legislature, the Association of Regional
26 Center Agencies, the State Council on Developmental Disabilities,
27 tribes, developmental services organizations, advocacy groups,
28 consumer and service provider organizations, and other interested
29 parties.

30 (C) It is the intent of the Legislature that representatives of the
31 organizations described in subparagraph (B) consider this data in
32 the development of any recommendations offered toward
33 improving the developmental services system.

34 (D) The deidentified compiled data shall be posted so that it is
35 available to the public on the existing internet website of the office.

36 (E) Nothing shall preclude the office from issuing data, findings,
37 or reports other than the annual compilation of data described in
38 this paragraph.

39 (7) Have access to copies of any record of a state agency, local
40 agency, or regional center, and contractors or vendors with the

1 state agency, local agencies, and regional centers that is necessary
2 to carry out their responsibilities, and may meet or communicate
3 with an individual served by a regional center in their placement
4 or elsewhere.

5 (b) (1) Information obtained by the office from a complaint,
6 regardless of whether it is investigated by the office, referred to
7 another entity for investigation, or determined not to be the proper
8 subject of an investigation, shall remain confidential under relevant
9 state and federal confidentiality laws. Disclosure of information
10 that is not confidential under state and federal confidentiality laws
11 shall occur only as necessary to carry out the mission of the office,
12 including as necessary to provide explanation and support for the
13 office's recommendations for improving the developmental
14 services system to the Legislature and state and local agencies that
15 provide services and supports to an individual served by a regional
16 center.

17 (2) The ombudsperson shall maintain confidentiality with respect
18 to the identities of the complainants or witnesses coming before
19 them, except insofar as disclosure may be necessary to enable the
20 ombudsperson to carry out the duties of the office set forth in
21 paragraphs (2) to (5), inclusive, of subdivision (a). The
22 ombudsperson may not disclose a record that is confidential under
23 relevant state and federal confidentiality ~~laws~~. *laws, except as*
24 *authorized by law.*

25 (3) If an individual served by a regional center is represented
26 by a conservator, legal guardian, or counsel, the office may notify
27 the conservator, legal guardian, or counsel of a complaint in order
28 for those entities to satisfy their obligations specified in this
29 division. Notifying these entities of an investigation shall not limit
30 the ombudsperson's ability to investigate or resolve a complaint
31 or take any other action authorized by this section. If appropriate,
32 the office may also share the outcome of any investigation
33 performed by the office with the consumer's conservator, legal
34 guardian, or counsel.

35 (c) (1) The office, in consultation with the Association of
36 Regional Center Agencies, the State Council on Developmental
37 Disabilities, tribes located in the state, consumer advocates,
38 provider organizations, and other interested parties, shall update
39 the standardized information explaining the rights specified in
40 Section 4502. The information shall be developed in an accessible

1 manner, and shall reflect any relevant licensing requirements with
2 respect to providers' responsibilities to adequately provide care
3 for consumers of developmental services.

4 (2) The office, regional centers, service providers, vendors, and
5 others shall use the information developed in paragraph (1) in
6 carrying out their responsibilities to inform consumers, or if
7 appropriate, their parents, legal guardians, conservator, or
8 authorized representative, of their rights pursuant to Section 4502.

9 (3) The office shall measure the distribution of the standardized
10 materials for purposes of evaluating and improving the degree to
11 which consumers of developmental services are adequately
12 informed of their rights. This data shall be included in the
13 compilation prepared pursuant to paragraph (6) of subdivision (a).

14 4506.5. As part of the office's efforts to resolve complaints
15 related to the developmental services system, the ombudsperson
16 may do all of the following:

17 (a) Establish policies and procedures for receiving and
18 processing complaints, conducting investigations, and reporting
19 findings.

20 (b) Develop and maintain a page on the department's internet
21 website with information about the office, how to access the office,
22 including via an online portal to submit questions and complaints,
23 general information about this division and regional centers, and
24 links to relevant materials.

25 (c) Conduct whatever investigation reasonably related to the
26 complaint and to developmental services that the ombudsperson
27 deems necessary, including, but not limited to, both of the
28 following:

29 (1) Access to, and inspection of, premises within the control of
30 a state agency, local agency, or a regional center, or a contractor
31 or vendor with a state agency, local agency, or regional center,
32 and access to, and inspection of, a licensed or approved residential
33 facility, at any time, with or without prior notice, for the purpose
34 of carrying out the duties of the office. The ombudsperson shall
35 be granted access to records and individuals served by a regional
36 center at all times for the purpose of carrying out the duties of the
37 office.

38 (A) For purposes of this section, "access" means the right to do
39 all of the following:

1 (i) Enter any licensed or approved developmental services
2 residential facility, upon providing identification. A private home
3 may be entered only with consent of the individual served by a
4 regional center or their legal representative.

5 (ii) Communicate privately and without restriction with any
6 individual served by a regional center, caregiver, staff, personnel,
7 or volunteer.

8 (iii) Review and copy any record of an individual served by a
9 regional center or caregiver file.

10 (iv) Observe all resident and staff areas of a facility.

11 (v) Review and reproduce administrative records, policies, and
12 documents of any licensed or approved developmental services
13 care facility.

14 (vi) Review and copy all licensing records maintained by the
15 state, county, or agency, and review and reproduce any records of
16 a state, county, or local agency and their contractors, except sealed
17 court records, which may be obtained only by subpoena or other
18 lawful court order.

19 (vii) Interview all relevant witnesses.

20 (B) For purposes of this section, “record” means a document,
21 paper, memorandum, book, letter, file, drawing, map, plat, photo,
22 photographic file, motion picture, film, microfilm,
23 microphotograph, exhibit, magnetic or paper tape, punched card,
24 or other item developed or received under law or in connection
25 with the transaction of official business, but does not include
26 material that is protected by ~~privilege~~. *privilege, unless the holder*
27 *of the privilege, without coercion, previously disclosed a significant*
28 *part of the material or consents to disclose the material to the*
29 *ombudsperson, as provided in Section 912 of the Evidence Code.*

30 (2) Observe proceedings and attend hearings, consistent with
31 this division.

32 (d) Attempt to resolve the complaint.

33 (e) Submit a written plan to the relevant state agency, local
34 agency, or regional center, or a contractor or vendor with the state
35 agency, local agency, or regional center, recommending a course
36 of action to resolve the complaint. If the ombudsperson makes a
37 written recommendation, the state agency, regional center, or
38 vendor or contractor, shall submit a written response to the
39 ombudsperson within 30 calendar days.

(f) Periodically convene a focus group to advise the office in the performance of its duties described in this chapter. The focus group shall include, but not be limited to, consumers and families across different geographic regions of the state, representatives of diverse racial and ethnic backgrounds, ages, and disabilities, and representatives of regional centers, service providers, and advocacy and community-based organizations.

(g) Recommend to the department any changes to laws, regulations, policies, or communications, including, but not limited to, forms and other actions.

4506.6. In order to encourage candor during the ombudsperson's investigation of complaints made by or on behalf of an individual served by a regional center and to facilitate the ombudsperson's ability to resolve complaints, all of the following shall apply:

(a) The ombudsperson and staff of the ombudsperson shall not be compelled to testify or be deposed in a judicial or administrative proceeding regarding matters coming to their attention in the exercise of their official duties, except as may be necessary to enforce or implement this chapter.

(b) The records of the ombudsperson and the staff of the ombudsperson, including notes, drafts, and records obtained from an individual or agency during the intake, review, or investigation of a complaint, and any reports not released to the public shall not be subject to disclosure or production in response to a subpoena or discovery in a judicial or administrative proceeding, except as necessary to enforce or implement the provisions of this chapter.

(c) When exercising the investigative, complaint resolution, and technical assistance functions of the Office of the Developmental Services Ombudsperson, the ombudsperson and staff of the ombudsperson shall have all immunities under Article 2 (commencing with Section 815) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code afforded to the discharge of discretionary duties by public entities and their employees.

(d) If the ombudsperson believes, based on information received during the exercise of their official duties, that there is a breach of duty or misconduct by an employee of a state agency, local agency, regional center, or their contractors or vendors, in the conduct of the employees' official duties, the ombudsperson shall refer the matter to the regional center or vendor's director, or other

1 responsible officer, and if the conduct would constitute a crime,
2 to an appropriate law enforcement body or agency.

3 4506.7. (a) The office shall establish a toll-free number.

4 (b) Regional center case managers shall provide consumers,
5 and, if appropriate, their parents, legal guardians, conservator, or
6 authorized representative, with the toll-free telephone number for
7 the office and verbal or written information regarding the existence
8 and purpose of the office during the annual individualized program
9 plan or individual family service plan meetings.

10 SEC. 2. The Legislature finds and declares that Section 1 of
11 this act, which adds Section 4506.5 to the Welfare and Institutions
12 Code, imposes a limitation on the public's right of access to the
13 meetings of public bodies or the writings of public officials and
14 agencies within the meaning of Section 3 of Article I of the
15 California Constitution. Pursuant to that constitutional provision,
16 the Legislature makes the following findings to demonstrate the
17 interest protected by this limitation and the need for protecting
18 that interest:

19 In order to protect the confidentiality of consumers of
20 developmental services, it is necessary to maintain the
21 confidentiality of the records described in Section 4506.5.