

AMENDED IN SENATE SEPTEMBER 1, 2023

AMENDED IN SENATE JULY 13, 2023

AMENDED IN SENATE JULY 10, 2023

AMENDED IN ASSEMBLY MAY 19, 2023

AMENDED IN ASSEMBLY APRIL 11, 2023

AMENDED IN ASSEMBLY MARCH 27, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1147

**Introduced by Assembly Members Addis and Garcia
(Coauthor: Assembly Member Mathis)**

February 16, 2023

An act to amend Sections ~~4519.5~~, 4571, 4622, 4626.5, 4642, 4646, ~~4646.4~~, ~~4646.5~~, ~~4659~~, ~~4685.8~~, ~~4726~~, and ~~4731~~ ~~4646.5~~, and 4726 of, and to add Sections ~~4519.20~~, ~~4620.6~~, ~~4629.1~~, ~~4629.1~~ and 4639.76 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 Act 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~~ *standards, consisting of benchmarks above which indicate good performance and minimum benchmarks below which a regional center shall undertake efforts to improve*, for these performance measures, as specified, by July 1, 2025. The bill would require the department, in consultation with stakeholders, including consumers and family members, to annually establish, update, and review ~~a uniform process to be used by regional centers to develop corrective action plans that respond to below standard performance.~~ The bill would require the department to oversee the process to develop ~~a corrective action plan and assess corrective action undertaken by a regional center.~~ *these benchmarks.*

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 project charter, by March 1, 2025, 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, 2025, to ~~submit a report to~~ *advise* 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 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 to ensure that goals in any plan allow for innovation and nontraditional service delivery, as specified. The bill would require the service coordinator, as part of the initial IPP meeting and each ~~annual~~ review of the IPP, as specified, to provide the consumer or, if appropriate, their parents, legal guardian, conservator, or authorized representative, oral and written information about the Self-Determination Program, as prescribed. The bill would require the regional center service coordinator to provide specified information regarding the program within 5 business days of the consumer expressing interest.

~~This bill would require the department to establish, by January 1, 2026, 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 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 the Director of Developmental Services 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 revise the criteria applicable to regional center governing boards with which the state contracts, including with respect to training and ongoing support, and executive director performance standards. The bill would require the department to establish and adopt a grievance procedure for governing board members, as specified. The bill also would, beginning on January 1, 2025, make regional centers subject to requirements of the California Public Records Act. ~~Notwithstanding any exemption from that act or any other law authorizing an entity to withhold a record, as specified, other law,~~ the bill would require access to records regarding an applicant for, or recipient of, services to be provided, upon request, to the applicant, recipient, or their authorized representative, as specified, unless expressly prohibited by law.

This bill would incorporate additional changes to Section 4646 of the Welfare and Institutions Code proposed by SB 447 to be operative only if this bill and SB 447 are enacted and this bill is enacted last.

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 and tribal members living~~
13 ~~in rural areas and tribal reservations, are unable to timely access~~
14 ~~services and supports, resulting in barriers to their living~~
15 ~~independent, productive, and integrated lives in their communities.~~

1 ~~(2) California's developmental disability service system is~~
2 ~~plagued with racial, ethnic, and geographic disparities that can~~
3 ~~dramatically impact the essential services received by children and~~
4 ~~adults with developmental disabilities. Systemic inequities and~~
5 ~~discrimination within California's 21 regional centers broaden the~~
6 ~~gap between inclusive possibilities and segregated limitations.~~
7 ~~Data show Latinos are most negatively impacted by these~~
8 ~~disparities, but people who are clients of the lowest-performing~~
9 ~~regional centers are also significantly affected.~~

10 ~~(3) California spends nearly \$13,000,000,000 annually on the~~
11 ~~administration and delivery of developmental services, but lacks~~
12 ~~a transparent, common, integrated, and coordinated model for the~~
13 ~~delivery and measurement of services throughout the 21 regional~~
14 ~~centers, resulting in poor outcomes, poor satisfaction levels by~~
15 ~~consumers and families, and disparate levels of available services~~
16 ~~and performance expectations.~~

17 ~~(4) The delivery of services through 21 separate private~~
18 ~~nonprofit regional centers with separate boards, funding, and~~
19 ~~delivery models was originally intended to ensure that the delivery~~
20 ~~of services could be more effectively delivered through nonstate~~
21 ~~entities. However, with the subsequent caseload and budget growth~~
22 ~~since the enactment of the Lanterman Act, local administration~~
23 ~~has become more disparate and less accountable. Boards of~~
24 ~~directors are untrained and are not providing the oversight needed~~
25 ~~of the regional centers. Stronger state oversight of regional centers~~
26 ~~by the State Department of Developmental Services is essential~~
27 ~~to ensure that services are equitably delivered, performance and~~
28 ~~outcomes are uniformly measured and reported, and the system is~~
29 ~~transparent and accountable to individuals and families.~~

30 ~~(5) The department's system lacks a statewide automated~~
31 ~~technology system for the delivery of services to persons with~~
32 ~~intellectual and developmental disabilities and, as a result, the~~
33 ~~current program is constrained by disparate automation systems,~~
34 ~~inadequate documentation, the lack of open system architecture,~~
35 ~~insufficient data to support administration of the system, and the~~
36 ~~lack of data to support program improvements for improving the~~
37 ~~quality of life outcomes through new service delivery methods.~~

38 ~~(6) Statewide uniformity of service delivery practices and~~
39 ~~procedures is essential to an effective program and to support~~

1 necessary oversight and research for ongoing program
2 improvements.

3 (7) The department's technical infrastructure is over 40 years
4 old. The lack of a statewide automation system does not meet
5 current program needs and significantly contributes to the racial
6 and geographic disparities in the delivery of services. California
7 currently lacks clear and consistent service delivery outcomes for
8 individuals with intellectual and developmental disabilities that
9 sets high expectations for their quality of life, and must develop a
10 system for measuring and quantifying the value of service delivery
11 outcomes.

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

19 (9) In the 2021–22 annual budget the Legislature appropriated
20 \$6,000,000 to the State Department of Developmental Services
21 for planning purposes related to the implementation of a uniform
22 fiscal system and consumer electronic records management system.
23 The department has not developed a vision or scope for a proposed
24 system development approach.

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

27 (1) Ensure that racial, ethnic, and geographic service disparities,
28 including Native Americans living on or off tribal reservations,
29 be systemically addressed and eliminated and that all people,
30 regardless of their race or ethnicity or where they live, receive
31 equitable access to services within the regional center system.

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

35 (3) Ensure that the delivery of all services and supports comply
36 with federal law and guidance and are responsive to the needs and
37 choices of beneficiaries receiving home- and community-based
38 services, are person centered and strengths based, have high
39 expectations for interdependence, self-direction, and competitive,
40 integrated employment, provide support coordination to assist with

1 a community-supported life, and achieve a more consistent and
2 coordinated approach to the administration of policies and
3 procedures across the state.

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

11 (5) Improve regional center governance by establishing new
12 standards and procedures for regional center governing boards to
13 ensure they can more effectively represent the communities they
14 serve by providing them with greater independence and protection
15 from regional center retaliation.

16 (6) Require the State Department of Developmental Services
17 to develop a written project charter for the planning and
18 development of a uniform statewide automation system that serves
19 as a foundation document for the system development, which
20 includes project guiding principles, scope, strategies and approach,
21 and project governance, in order to provide transparency to the
22 Legislature and the public on the system development as has been
23 used with other statewide system development.

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

26 4519.5. (a) The department and the regional centers shall
27 annually collaborate to compile data in a uniform manner relating
28 to purchase of service authorization, utilization, and expenditure
29 by each regional center with respect to all of the following:

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

31 (A) Birth to two years of age, inclusive.

32 (B) Three to 21 years of age, inclusive.

33 (C) Twenty-two years of age and older.

34 (2) Race or ethnicity of the consumer.

35 (3) Tribal affiliation.

36 (4) Preferred language spoken by the consumer, and other related
37 details, as feasible.

38 (5) Disability detail, in accordance with the categories
39 established by subdivision (a) of Section 4512, and, if applicable,
40 a category specifying that the disability is unknown.

~~(6) Residence type, subcategorized by age, race or ethnicity, and preferred language.~~

~~(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 language other than 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 60 days after the request.~~

~~(8) 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.~~

~~(9) 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, music, and tribal culture and ceremony.~~

~~(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 (6) 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.~~

1 Each regional center shall maintain all previous years' data on its
2 internet website.

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

10 (e) ~~Within three months of compiling the data with the~~
11 ~~department, and annually thereafter, each regional center shall~~
12 ~~meet with stakeholders in one or more public meetings regarding~~
13 ~~the data. The meeting or meetings shall be held separately from~~
14 ~~any meetings held pursuant to Section 4660. The regional center~~
15 ~~shall provide participants of these meetings with the data and any~~
16 ~~associated information related to improvements in the provision~~
17 ~~of developmental services to underserved communities and shall~~
18 ~~conduct a discussion of the data and the associated information in~~
19 ~~a manner that is culturally and linguistically appropriate for that~~
20 ~~community, including providing alternative communication~~
21 ~~services, as required by Sections 11135 to 11139.7, inclusive, of~~
22 ~~the Government Code and implementing regulations. Regional~~
23 ~~centers shall inform the department of the scheduling of those~~
24 ~~public meetings 30 days prior to the meeting. Notice of the~~
25 ~~meetings shall also be posted on the regional center's internet~~
26 ~~website 30 days prior to the meeting and shall be sent to individual~~
27 ~~stakeholders and groups representing underserved communities~~
28 ~~in a timely manner. Each regional center shall, in holding the~~
29 ~~meetings required by this subdivision, consider the language needs~~
30 ~~of the community and shall schedule the meetings at times and~~
31 ~~locations designed to result in a high turnout by the public and~~
32 ~~underserved communities.~~

33 (f) (1) ~~Each regional center shall annually report to the~~
34 ~~department regarding its implementation of the requirements of~~
35 ~~this section. The report shall include, but shall not be limited to,~~
36 ~~all of the following:~~

37 (A) ~~Actions the regional center took to improve public~~
38 ~~attendance and participation at stakeholder meetings, including,~~
39 ~~but not limited to, attendance and participation by underserved~~
40 ~~communities.~~

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

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

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

~~(g) (1) The department shall consult with stakeholders, including consumers and families that reflect the ethnic and language diversity of regional center consumers, regional centers, advocates, providers, family resource centers, the protection and advocacy agency described in Section 4901, and those entities designated as University Centers for Excellence in Developmental Disabilities Education, Research, and Service pursuant to Section 15061 of Title 42 of the United States Code, to achieve the following objectives:~~

~~(A) Review the data compiled pursuant to subdivision (a).~~

~~(B) Identify barriers to equitable access to services and supports among consumers and develop recommendations to help reduce disparities in purchase of service expenditures.~~

~~(C) Encourage the development and expansion of culturally appropriate services, service delivery, and service coordination.~~

~~(D) Identify best practices to reduce disparity and promote equity.~~

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

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

1 ~~(2) Each regional center shall consult with stakeholders~~
2 ~~regarding activities that may be effective in addressing disparities~~
3 ~~in the receipt of regional center services and the regional center's~~
4 ~~proposed requests for the funding specified in paragraph (1). Each~~
5 ~~regional center shall identify the stakeholders it consulted with~~
6 ~~and include information on how it incorporated the input of~~
7 ~~stakeholders into its requests.~~

8 ~~(3) A community-based organization may submit a request for~~
9 ~~grant funding pursuant to this subdivision. The organization shall~~
10 ~~submit the request concurrently to the regional center of the~~
11 ~~jurisdiction in which the organization is located and to the~~
12 ~~department. The regional center shall provide the department with~~
13 ~~input regarding the request prior to the department's final~~
14 ~~determination on the request.~~

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

18 ~~(5) Each regional center and community-based organization~~
19 ~~receiving funding shall report annually to the department, in a~~
20 ~~manner determined by the department, on how the funding~~
21 ~~allocations were used and shall include recommendations of~~
22 ~~priorities for activities that may be effective in addressing~~
23 ~~disparities, based on the consultation with stakeholders.~~

24 ~~(6) The department shall post the following information on its~~
25 ~~internet website:~~

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

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

32 ~~(ii) How statewide strategies were considered.~~

33 ~~(iii) How the department will ensure grant funds are not used~~
34 ~~for activities that regional centers are otherwise required by statute~~
35 ~~or regulation to conduct.~~

36 ~~(iv) How funded activities will be evaluated.~~

37 ~~(B) By October 1 of any year in which grant funding is available~~
38 ~~and has not been allocated, the final invitation for requests for~~
39 ~~funding or another mechanism through which requests for funding~~
40 ~~are solicited.~~

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

4 ~~(D) By May 1 of any year in which the information is available,~~
5 ~~evaluation results from prior grants. To ensure the department~~
6 ~~complies with this subparagraph, regional centers and~~
7 ~~community-based organizations receiving funding shall provide~~
8 ~~the department, by March 1 of the same year, with an evaluation~~
9 ~~of funded activities and the effectiveness of those activities in~~
10 ~~reducing disparities in the purchase of services, to the extent~~
11 ~~information is available.~~

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

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

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

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

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

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

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

35 ~~4519.20. As part of the department's planning process for the~~
36 ~~planning and development of a uniform statewide data automation~~
37 ~~system, the department, in consultation with stakeholders shall~~
38 ~~develop, by March 1, 2025, a project charter that shall be approved~~
39 ~~by the Secretary of the California Health and Human Services~~
40 ~~Agency and the Department of Technology. The charter~~

1 development process shall include the participation and input of
2 program consumers and families, researchers and quality and
3 outcome evaluators, regional centers, and service providers. The
4 project charter shall include all of the following:

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

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

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

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

15 (2) Service delivery that is constrained by the lack of timely,
16 adequate, accurate, and accessible data, the lack of clear
17 understandable communication of information, lack of uniformity,
18 and the system's limited functionality.

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

22 (4) Disparate systems, complex business rules, the number of
23 locations and variability of local system delivery, and changes in
24 the way of doing business.

25 (5) Limited access of researchers and program evaluators to the
26 set of person-level data that they need to assess program
27 effectiveness.

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

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

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

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

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

38 (5) Supporting access to individual-level data to support program
39 evaluation and other research.

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

~~(f) Project strategies and approaches for development and implementation.~~

~~(g) Project governance.~~

~~(h) Technology that can readily be enhanced and modernized for the expected system life. In selecting the new system, consideration shall be given to the extent to which the candidate systems employ open architectures and standards and the future ability of the selected system to provide enhancements that will improve long-term effectiveness of program management of the statewide service delivery system.~~

~~SEC. 5.~~

SEC. 2. Section 4571 of the Welfare and Institutions Code is amended to read:

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

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

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

(2) Enable the department and regional centers to compare the performance of California's developmental services system against

1 other states' developmental services systems and to assess quality
2 and performance among all of the regional centers.

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

7 (4) Include outcome-based measures to evaluate the linguistic
8 and cultural competency, including tribal culture competency, of
9 regional center services that are provided to consumers across their
10 lifetimes.

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

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

18 (A) Designing valid quality assurance instruments for
19 developmental service systems.

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

24 (C) Developing data systems.

25 (D) Data analysis and report preparation.

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

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

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

34 (A) The personal services contracting requirements of Article
35 4 (commencing with Section 19130) of Chapter 5 of Part 2 of
36 Division 5 of Title 2 of the Government Code.

37 (B) The Public Contract Code, the State Contracting Manual,
38 and the State Administration Manual.

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

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

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

5 (e) The department, in consultation with the contractor described
6 in subdivision (d), shall establish the methodology by which the
7 quality assurance instrument shall be administered, including, but
8 not limited to, how often and to whom the quality assurance will
9 be administered, and the design of a stratified, random sample
10 among the entire population of consumers served by regional
11 centers. The contractor shall provide aggregate information for all
12 regional centers and the state as a whole. At the request of a
13 consumer or the family member of a consumer, the survey shall
14 be conducted in the primary language of the consumer or family
15 member surveyed.

16 (f) The department shall contract with the state council to collect
17 data for the quality assurance instrument described in subdivision
18 (b). If, during the data collection process, the state council identifies
19 any suspected violation of the legal, civil, or service rights of a
20 consumer, or if it determines that the health and welfare of a
21 consumer is at risk, that information shall be provided immediately
22 to the regional center providing case management services to the
23 consumer. At the request of the consumer or family, when
24 appropriate, a copy of the completed survey shall be provided to
25 the regional center providing case management services to improve
26 the consumer's quality of services through the individual planning
27 process.

28 (g) The department, in consultation with stakeholders, shall
29 annually review the data collected from and the findings of the
30 quality assurance instrument described in subdivision (b) and
31 accept recommendations regarding additional or different criteria
32 for the quality assurance instrument in order to assess the
33 performance of the state's developmental services system and
34 improve services for consumers.

35 (h) (1) Each regional center shall annually present data collected
36 from, and the findings of, the quality assurance instrument
37 described in subdivision (b) for that regional center, at a public
38 meeting of its governing board in order to assess the comparative
39 performance of the regional center and identify needed
40 improvements in services for consumers, including, but not limited

1 to, case management services. Notice of this meeting shall also be
2 posted on the regional center's internet website at least 30 days
3 prior to the meeting and shall be sent to regional center consumers
4 and families and individual stakeholders at least 30 days prior to
5 the meeting. The governing board shall provide a sufficient public
6 comment period so members of the public may provide comments.
7 Each regional center, in holding the meeting required by this
8 subdivision, shall ensure that the meeting and meeting materials
9 provide language access, as required by state and federal law.

10 (2) All regional center-specific reports generated by the
11 department pursuant to this subdivision shall be made publicly
12 available on the regional center's internet website in a
13 machine-readable format, but shall not contain any personal
14 identifying information about any person assessed.

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

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

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

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

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

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

32 (l) By March 1, 2025, the department shall ~~submit a report to~~
33 *advise* the policy and budget subcommittees of the Legislature
34 describing the extent to which the requirements of this section
35 have ~~not~~ been met, including the surveying of all consumers,
36 including those with no purchase of services, and providing specific
37 steps and the schedule by which these requirements will be met.

38 ~~SEC. 6. Section 4620.6 is added to the Welfare and Institutions~~
39 ~~Code, to read:~~

1 ~~4620.6. (a) (1) To provide uniformity, consistency, and~~
2 ~~cost-effectiveness in the delivery of services by regional centers~~
3 ~~throughout the state, the department shall establish, by January 1,~~
4 ~~2026, a common set of services and supports, including supported~~
5 ~~living services, that every regional center in the state shall make~~
6 ~~available to consumers in negotiating, developing, or amending~~
7 ~~the individualized program plan as required by Sections 4646 and~~
8 ~~4646.5. The common set of services and supports shall be~~
9 ~~prominently posted on each regional center's internet website.~~

10 ~~(2) The department shall develop the common set of services~~
11 ~~and supports in consultation with the Association of Regional~~
12 ~~Center Agencies, consumers and their families, advocacy~~
13 ~~organizations, and service providers.~~

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

18 ~~(c) It is the intent of the Legislature that this section not be~~
19 ~~construed to control or interfere with the discretion of the individual~~
20 ~~program planning team to determine the needs and services~~
21 ~~appropriate for each person with a developmental disability who~~
22 ~~is entitled to services under this division. It is further the intent of~~
23 ~~the Legislature that the common set of services and supports~~
24 ~~developed pursuant to this section shall be deemed the minimum~~
25 ~~level of services and supports and does not preclude other services~~
26 ~~and supports from being included in a negotiated individualized~~
27 ~~program plan.~~

28 ~~SEC. 7.~~

29 ~~SEC. 3. Section 4622 of the Welfare and Institutions Code is~~
30 ~~amended to read:~~

31 ~~4622. The state shall contract only with agencies, the governing~~
32 ~~boards of which conform to all of the following criteria:~~

33 ~~(a) The governing board shall be composed of individuals with~~
34 ~~demonstrated interest in, or knowledge of, developmental~~
35 ~~disabilities.~~

36 ~~(b) The membership of the governing board shall include~~
37 ~~persons with legal, management or board governance, financial,~~
38 ~~and developmental disability program expertise. Board governance~~
39 ~~expertise may not be acquired solely by serving on a regional~~
40 ~~center board. The governing board of the regional center shall~~

1 include members with financial expertise and members with
2 management or board governance expertise by August 15, 2020.

3 (c) The membership of the governing board shall include
4 representatives of the various categories of disability to be served
5 by the regional center.

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

8 (e) A minimum of 50 percent of the members of the governing
9 board shall be persons with developmental disabilities or their
10 parents or legal guardians. No less than 25 percent of the members
11 of the governing board shall be persons with developmental
12 disabilities.

13 (f) (1) Members of the governing board shall not be permitted
14 to serve more than seven years within each eight-year period.

15 (2) The board nominating committee shall solicit interests and
16 nominations from the broader community through outreach. The
17 committee shall interview candidates for the board and make
18 recommendations to the governing board for election. During the
19 meeting at which the board elects new members, a candidate may
20 be nominated by a board member with a second by another board
21 member for the open positions. A regional center executive director
22 shall be prohibited from any involvement in the recruitment or
23 election of governing board members.

24 (g) (1) The department shall provide necessary training and
25 support to these board members to facilitate their understanding
26 and participation, including issues relating to linguistic and cultural
27 competency. The training shall be developed with community
28 input, including persons served and family members. Ongoing
29 support by the department shall include surveying board members
30 about their ability to meaningfully participate in, and understand
31 the subjects and votes at, board meetings. If board members report
32 that they are unable to meaningfully participate, the department
33 shall work with the regional center and the board member to ensure
34 adequate and appropriate accommodations are provided.

35 (2) As part of its monitoring responsibility, the department shall
36 review and approve the method by which training and support are
37 provided to board members to ensure maximum understanding
38 and participation by board members.

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

4 (h) The governing board may appoint a consumers' advisory
5 committee composed of persons with developmental disabilities
6 representing the various categories of disability served by the
7 regional center.

8 (i) The governing board shall appoint an advisory committee
9 composed of a wide variety of persons representing the various
10 categories of providers from which the regional center purchases
11 client services. The advisory committee shall provide advice,
12 guidance, recommendations, and technical assistance to the
13 regional center board in order to assist the regional center in
14 carrying out its mandated functions. The advisory committee shall
15 designate one of its members to serve as a member of the regional
16 center board.

17 (j) (1) The governing board shall annually review the
18 performance of the director of the regional center. The department
19 shall establish guidelines for governing boards to measure
20 executive director performance, including with respect to issues
21 of equity and diversity.

22 (2) The governing board shall annually review the performance
23 of the regional center in providing services that are linguistically
24 and culturally appropriate and may provide recommendations to
25 the director of the regional center based on the results of that
26 review.

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

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

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

33 (3) Vote on any issue other than as described in paragraph (2),
34 in which the member has a financial interest, as defined in Section
35 87103 of the Government Code, and determined by the regional
36 center board. The member shall provide a list of the member's
37 financial interests, as defined in Section 87103, to the regional
38 center board.

39 (l) The department shall establish, and each board shall adopt,
40 an antiretaliation policy for board members that requires

1 department approval for any reduction in services for consumer
2 board members or the family member of family board members.

3 (m) The department shall establish and adopt a grievance
4 procedure whereby a governing board member who has concerns,
5 complaints, or questions may contact a specific executive at the
6 department.

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

10 ~~SEC. 8.~~

11 *SEC. 4.* Section 4626.5 of the Welfare and Institutions Code
12 is amended to read:

13 4626.5. Each regional center shall submit a conflict-of-interest
14 policy to the department by July 1, 2011, and shall post the policy
15 on its internet website by August 1, 2011. The policy shall do, or
16 comply with, all of the following:

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

19 (b) Define conflicts of interest.

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

22 (d) Facilitate disclosure of information to identify conflicts of
23 interest.

24 (e) Require candidates for nomination, election, or appointment
25 to a regional center board, and applicants for regional center
26 director to disclose any potential or present conflicts of interest
27 prior to being appointed, elected, or confirmed for hire by the
28 regional center or the regional center governing board.

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

32 (g) Prohibit a regional center employee from accepting a gift
33 or gifts from a service provider, consumer, or consumer's family
34 member valued over fifteen dollars (\$15) per year.

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

39 ~~SEC. 9.~~ Section 4629.1 is added to the Welfare and Institutions
40 Code, to read:

1 ~~4629.1. (a) Notwithstanding any other law, the evaluation of~~
2 ~~regional center performance shall be implemented using a common~~
3 ~~set of performance measures, which shall be administered by the~~
4 ~~department. This includes the performance requirements under the~~
5 ~~regional center contracts pursuant to Section 4629, the performance~~
6 ~~incentives established under Section 4620.5, and the quality~~
7 ~~assessment instrument required under Section 4571. These~~
8 ~~measures shall be annually reported and made available to the~~
9 ~~public through posting of the measures results in machine-readable~~
10 ~~formats.~~

11 ~~(b) (1) By July 1, 2025, the department shall establish standards~~
12 ~~for each measure above that contain thresholds above which a~~
13 ~~regional center may be eligible to receive rewards for good~~
14 ~~performance and thresholds below which a regional center may~~
15 ~~be subject to each level of probation required under Section 4629.~~
16 ~~The department shall establish the process for assessing corrective~~
17 ~~action undertaken by a regional center and the process by which~~
18 ~~a regional center may end its probation status.~~

19 ~~(2) The department, in consultation with stakeholders, including~~
20 ~~consumers and family members, shall annually establish, update,~~
21 ~~and review the standards related to good performance.~~

22 ~~(3) (A) The department, in consultation with stakeholders,~~
23 ~~including consumers and family members, shall annually establish,~~
24 ~~update, and review a uniform process to be used by regional centers~~
25 ~~to develop corrective action plans that respond to below standard~~
26 ~~performance.~~

27 ~~(B) The process shall include all of the following:~~

28 ~~(i) Technical assistance and training from the department either~~
29 ~~directly or through subject matter experts.~~

30 ~~(ii) The sharing of resources from other regional centers that~~
31 ~~have met the performance measures.~~

32 ~~(iii) Participation by the board of directors of the regional center~~
33 ~~in developing and monitoring the implementation of the corrective~~
34 ~~action plan in consultation with local stakeholders, including~~
35 ~~consumers and family members.~~

36 ~~(C) The department shall oversee the process to develop the~~
37 ~~corrective action plan and assess corrective action undertaken by~~
38 ~~the regional center.~~

39 ~~(e) The performance measures shall encompass the domains as~~
40 ~~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.

(2) Employment.

(3) Equity in service access.

(4) Case management.

(5) Consumer and family choice, experience, and satisfaction.

(6) Human and civil rights.

(7) Health and safety.

SEC. 5. Section 4629.1 is added to the Welfare and Institutions Code, to read:

4629.1. (a) Notwithstanding any other law, the evaluation of regional center performance shall be implemented using a common set of performance measures administered by the department in conformance with the performance requirements under the regional center contracts pursuant to Section 4629, the performance incentives established under Section 4620.5, and the quality assessment instrument required under Section 4571. These measures shall be annually reported and made available to the public through posting of the measures results in machine-readable formats.

(b) (1) By July 1, 2025, the department shall establish standards for each of the performance measures to support the provisions of subdivision (d) of Section 4629. The standards shall consist of benchmarks above which indicate good performance and a regional center may be eligible to receive rewards for good performance, and minimum benchmarks below which a regional center shall undertake efforts to improve. The department may offer technical assistance and training to regional centers not meeting performance measures from the department either directly or through subject matter experts and may facilitate the sharing of expertise and other resources from other regional centers that have met the performance measures.

1 (2) *The department, in consultation with stakeholders, including*
2 *consumers and family members, shall annually establish, update,*
3 *and review the established benchmarks.*

4
5 ~~SEC. 10.~~

6 SEC. 6. Section 4639.76 is added to the Welfare and Institutions
7 Code, to read:

8 4639.76. (a) A regional center with which the department
9 maintains a contract pursuant to Section 4629 shall be subject to
10 the California Public Records Act (Chapter 1 (commencing with
11 Section 7920.000) of Division 10 of Title 1 of the Government
12 Code).

13 (b) This section shall become operative on January 1, 2025.

14 ~~SEC. 11.~~

15 SEC. 7. Section 4642 of the Welfare and Institutions Code is
16 amended to read:

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

32 (2) (A) Initial intake shall be performed within 15 working
33 days following request for assistance. Initial intake shall include,
34 but need not be limited to, information and advice about the nature
35 and availability of services provided by the regional center and by
36 other agencies in the community, including guardianship,
37 conservatorship, income maintenance, mental health, housing,
38 education, work activity and vocational training, medical, dental,
39 recreational, and other services or programs that may be useful to

1 persons with developmental disabilities or their families. Intake
2 shall also include a decision to provide assessment.

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

8 (3) (A) The department shall create, with input from
9 stakeholders, standardized information packets to be provided to
10 any person seeking services from a regional center. There shall be
11 one information packet related to services provided under the
12 California Early Intervention Services Act and another information
13 packet related to services provided under the Lanterman
14 Developmental Disabilities Services Act. The information packets
15 shall be translated to provide language access, as required by state
16 and federal law, shall be reasonably culturally competent for
17 diverse racial and ethnic communities, including immigrants and
18 Native Americans, shall be available in alternative formats and
19 alternative modes of communication, as required by federal law,
20 and shall include, at a minimum, all of the following:

- 21 (i) An overview of the regional center system.
- 22 (ii) A resource guide for consumers and their families.
- 23 (iii) Consumer rights, including the appeals procedures specified
24 in Chapter 7 (commencing with Section 4700).
- 25 (iv) Contact information for the regional center, the department,
26 the office of clients’ rights advocacy, and the protection and
27 advocacy agency specified in Division 4.7 (commencing with
28 Section 4900).
- 29 (v) Information on the Self-Determination Program, including
30 the eligibility requirements specified in subdivision (d) of Section
31 4685.8.

32 (B) Each regional center shall distribute the information packets
33 at intake, upon transfer to receiving services under the Lanterman
34 Developmental Disabilities Services Act, and upon request. Each
35 regional center shall begin distributing the information packets
36 within 60 days following the department providing the information
37 packets and issuing directives regarding the distribution of the
38 information packets. In addition to, and not in lieu of, this
39 requirement, each regional center shall post the full content of the
40 most updated information packet on its internet website.

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

SEC. 12.— Section 4646 of the Welfare and Institutions Code is amended to read:

4646. (a) It is the intent of the Legislature to ensure that the individual program plan 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, if appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. It is the further intent of the Legislature to ensure that goals in any plan allow for innovation and nontraditional service delivery and not be limited by the lack of easily identified services or supports, the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.

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

(c) An individual program plan shall be developed for any person who, following intake and assessment, is found to be eligible for regional center services. These plans shall be completed

1 within 60 days of the completion of the assessment. At the time
2 of intake, the regional center shall inform the consumer and, if
3 appropriate, the consumer's parents, legal guardian or conservator,
4 or authorized representative, of the services available through the
5 state council and the protection and advocacy agency designated
6 by the Governor pursuant to federal law, and shall provide the
7 address and telephone numbers of those agencies.

8 (d) (1) As part of the initial individual program plan meeting
9 and each annual review required by subdivision (b) of Section
10 4646.5, the consumer or, if appropriate, their parents, legal
11 guardian, conservator, or authorized representative, shall be
12 provided by the service coordinator oral and written information
13 about the Self-Determination Program. The information shall
14 include each of the provisions specified in subdivision (d) of
15 Section 4685.8. Each individual program plan shall include a
16 provision stating that the consumer or authorized representative
17 was informed about the availability of the Self-Determination
18 Program. If the consumer chooses not to participate in the program,
19 the individual program plan shall include an explanation of the
20 reason or reasons for that decision, or, if the consumer is ineligible
21 for the program, the reason or reasons for that ineligibility.

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

30 (e) Individual program plans shall be prepared jointly by the
31 planning team. Decisions concerning the consumer's goals,
32 objectives, and services and supports that will be included in the
33 consumer's individual program plan and purchased by the regional
34 center or obtained from generic agencies shall be made by
35 agreement between the regional center representative and the
36 consumer or, if appropriate, the parents, legal guardian,
37 conservator, or authorized representative at the program plan
38 meeting.

39 (f) Regional centers shall comply with the request of a consumer
40 or, if appropriate, the request of the consumer's parents, legal

1 guardian, conservator, or authorized representative, that a
2 designated representative receive written notice of all meetings to
3 develop or revise the individual program plan and of all notices
4 sent to the consumer pursuant to Section 4710. The designated
5 representative may be a parent or family member.

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

12 (h) At the conclusion of an individual program plan meeting,
13 an authorized representative of the regional center shall provide
14 to the consumer, in written or electronic format, a list of the
15 agreed-upon services and supports, and, if known, the projected
16 start date, the frequency and duration of the services and supports,
17 and the provider. The authorized representative of the regional
18 center shall sign the list of agreed-upon services and supports at
19 that time. The consumer, or if appropriate, the consumer's parent,
20 legal guardian, conservator, or authorized representative shall sign
21 the list of agreed-upon services and supports prior to its
22 implementation. The consumer, or if appropriate, the consumer's
23 parent, legal guardian, conservator, or authorized representative,
24 may elect to delay receipt of the list of agreed-upon services and
25 supports pending final agreement, as described in subdivision (h).
26 If the consumer, or if appropriate, the consumer's parent, legal
27 guardian, conservator, or authorized representative, elects to delay
28 the receipt of the list of agreed-upon services and supports for 15
29 days, the list shall be provided in the preferred language of the
30 consumer, or of the consumer's parent, legal guardian, or
31 authorized representative.

32 (i) If a final agreement regarding the services and supports to
33 be provided to the consumer cannot be reached at a program plan
34 meeting, then a subsequent program plan meeting shall be
35 convened within 15 days, or later at the request of the consumer
36 or, if appropriate, the parents, legal guardian, conservator, or
37 authorized representative or if agreed to by the planning team. The
38 list of the agreed-upon services and supports described in
39 subdivision (h) and signed by the authorized representative of the
40 regional center shall be provided, in writing or electronically, at

1 the conclusion of the subsequent program plan meeting, and shall
2 be provided in the preferred language of the consumer, or of the
3 consumer's parent, legal guardian, conservator, or authorized
4 representative. Additional program plan meetings may be held
5 with the agreement of the regional center representative and the
6 consumer or, if appropriate, the parents, legal guardian,
7 conservator, or authorized representative.

8 (j) An authorized representative of the regional center and the
9 consumer or, if appropriate, the consumer's parent, legal guardian,
10 conservator, or authorized representative shall sign the individual
11 program plan and the list of the agreed-upon services and supports
12 prior to its implementation. If the consumer or, if appropriate, the
13 consumer's parent, legal guardian, conservator, or authorized
14 representative, does not agree with all components of the individual
15 program plan, the consumer may indicate that disagreement on
16 the plan. Disagreement with specific plan components shall not
17 prohibit the implementation of services and supports agreed to by
18 the consumer or, if appropriate, the consumer's parent, legal
19 guardian, conservator, or authorized representative. If the consumer
20 or, if appropriate, the consumer's parent, legal guardian,
21 conservator, or authorized representative, does not agree with the
22 plan in whole or in part, the consumer shall be sent written notice
23 of their appeal rights, as required by Sections 4701 and 4710.

24 (k) (1) A regional center shall communicate in the consumer's
25 preferred language, or, if appropriate, the preferred language of
26 the consumer's family, legal guardian, conservator, or authorized
27 representative, during the planning process for the individual
28 program plan, including during the program plan meeting, and
29 including providing alternative communication services, as required
30 by Sections 11135 to 11139.8, inclusive, of the Government Code
31 and implementing regulations.

32 (2) A regional center shall provide alternative communication
33 services, including providing copies of the list of services and
34 supports, and the individual program plan in the preferred language
35 of the consumer or the consumer's family, legal guardian,
36 conservator, or authorized representative, or both, as required by
37 Sections 11135 to 11139.8, inclusive, of the Government Code
38 and implementing regulations.

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

4 *SEC. 8. Section 4646 of the Welfare and Institutions Code is*
5 *amended to read:*

6 4646. (a) It is the intent of the Legislature to ensure that the
7 individual program plan and provision of services and supports
8 by the regional center system is centered on the individual and the
9 family of the individual with developmental disabilities and takes
10 into account the needs and preferences of the individual and the
11 family, if appropriate, as well as promoting community integration,
12 independent, productive, and normal lives, and stable and healthy
13 environments. It is the further intent of the Legislature to ensure
14 that *goals in any plan allow for innovation and nontraditional*
15 *service delivery and not be limited by the lack of easily identified*
16 *services or supports*, the provision of services to consumers and
17 their families be effective in meeting the goals stated in the
18 individual program plan, reflect the preferences and choices of the
19 consumer, and reflect the cost-effective use of public resources.

20 (b) ~~The individual program plan is~~ *Notwithstanding any other*
21 *law, the individual program plan, including all assessments, shall*
22 *be developed through a process of individualized needs*
23 ~~determination.~~ *determination and person-centered service planning*
24 *requiring community-based, long-term services and supports to*
25 *be person-centered, strengths-based, and self-directed.* The
26 individual with developmental disabilities and, if appropriate, the
27 individual's parents, legal guardian or conservator, or authorized
28 representative, shall have the opportunity to actively participate
29 in the development of the plan. *The individual shall lead the service*
30 *planning process to the greatest extent possible.*

31 (c) An individual program plan shall be developed for any
32 person who, following intake and assessment, is found to be
33 eligible for regional center services. These plans shall be completed
34 within 60 days of the completion of the assessment. At the time
35 of intake, the regional center shall inform the consumer and, if
36 appropriate, the consumer's parents, legal guardian or conservator,
37 or authorized representative, of the services available through the
38 state council and the protection and advocacy agency designated
39 by the Governor pursuant to federal law, and shall provide the
40 address and telephone numbers of those agencies.

1 (d) (1) As part of the initial individual program plan meeting
2 and each review required by subdivision (b) of Section 4646.5, the
3 consumer or, if appropriate, their parents, legal guardian,
4 conservator, or authorized representative, shall be provided by
5 the service coordinator oral and written information about the
6 Self-Determination Program. The information shall include each
7 of the provisions specified in subdivision (d) of Section 4685.8.
8 Each individual program plan shall include a provision stating
9 that the consumer or authorized representative was informed about
10 the availability of the Self-Determination Program. If the consumer
11 chooses not to participate in the program, the individual program
12 plan shall include an explanation of the reason or reasons for that
13 decision, or, if the consumer is ineligible for the program, the
14 reason or reasons for that ineligibility.

15 (2) If the consumer is interested in participating in the program
16 or wants additional information or assistance, the service
17 coordinator, within five business days of expressing the interest,
18 shall provide the consumer a date for the Self-Determination
19 Program orientation, training resources, dates of local volunteer
20 Self-Determination Program advisory committee meetings, and
21 other information to assist the consumer in participating in the
22 program.

23 ~~(d)~~
24 (e) Individual program plans shall be prepared jointly by the
25 planning team. Decisions concerning the consumer's goals,
26 objectives, and services and supports that will be included in the
27 consumer's individual program plan and purchased by the regional
28 center or obtained from generic agencies shall be made by
29 agreement between the regional center representative and the
30 consumer or, if appropriate, the parents, legal guardian,
31 conservator, or authorized representative at the program plan
32 meeting.

33 ~~(e)~~
34 (f) Regional centers shall comply with the request of a consumer
35 or, if appropriate, the request of the consumer's parents, legal
36 guardian, conservator, or authorized representative, that a
37 designated representative receive written notice of all meetings to
38 develop or revise the individual program plan and of all notices
39 sent to the consumer pursuant to Section 4710. The designated
40 representative may be a parent or family member.

1 ~~(f)~~

2 (g) Notwithstanding any other law, until June 30, 2024, a
3 meeting regarding the provision of services and supports by the
4 regional center, including a meeting to develop or revise the
5 individual program plan, shall be held by remote electronic
6 communications if requested by the consumer or, if appropriate,
7 if requested by the consumer's parents, legal guardian, conservator,
8 or authorized representative.

9 ~~(g)~~

10 (h) At the conclusion of an individual program plan meeting,
11 an authorized representative of the regional center shall provide
12 to the consumer, in written or electronic format, a list of the
13 agreed-upon services and supports, and, if known, the projected
14 start date, the frequency and duration of the services and supports,
15 and the provider. The authorized representative of the regional
16 center shall sign the list of agreed-upon services and supports at
17 that time. The consumer, or if appropriate, the consumer's parent,
18 legal guardian, conservator, or authorized representative shall sign
19 the list of agreed-upon services and supports prior to its
20 implementation. The consumer, or if appropriate, the consumer's
21 parent, legal guardian, conservator, or authorized representative,
22 may elect to delay receipt of the list of agreed-upon services and
23 supports pending final agreement, as described in subdivision ~~(h)~~:
24 (i). If the consumer, or if appropriate, the consumer's parent, legal
25 guardian, conservator, or authorized representative, elects to delay
26 the receipt of the list of agreed-upon services and supports for 15
27 days, the list shall be provided in the preferred language of the
28 consumer, or of the consumer's parent, legal guardian, or
29 authorized representative.

30 ~~(h)~~

31 (i) If a final agreement regarding the services and supports to
32 be provided to the consumer cannot be reached at a program plan
33 meeting, then a subsequent program plan meeting shall be
34 convened within 15 days, or later at the request of the consumer
35 or, if appropriate, the parents, legal guardian, conservator, or
36 authorized representative or if agreed to by the planning team. The
37 list of the agreed-upon services and supports described in
38 subdivision ~~(g)~~ (h) and signed by the authorized representative of
39 the regional center shall be provided, in writing or electronically,
40 at the conclusion of the subsequent program plan meeting, and

1 shall be provided in the preferred language of the consumer, or of
2 the consumer's parent, legal guardian, conservator, or authorized
3 representative. Additional program plan meetings may be held
4 with the agreement of the regional center representative and the
5 consumer or, if appropriate, the parents, legal guardian,
6 conservator, or authorized representative.

7 (i)

8 (j) An authorized representative of the regional center and the
9 consumer or, if appropriate, the consumer's parent, legal guardian,
10 conservator, or authorized representative shall sign the individual
11 program plan and the list of the agreed-upon services and supports
12 prior to its implementation. If the consumer or, if appropriate, the
13 consumer's parent, legal guardian, conservator, or authorized
14 representative, does not agree with all components of the individual
15 program plan, the consumer may indicate that disagreement on
16 the plan. Disagreement with specific plan components shall not
17 prohibit the implementation of services and supports agreed to by
18 the consumer or, if appropriate, the consumer's parent, legal
19 guardian, conservator, or authorized representative. If the consumer
20 or, if appropriate, the consumer's parent, legal guardian,
21 conservator, or authorized representative, does not agree with the
22 plan in whole or in part, the consumer shall be sent written notice
23 of their appeal rights, as required by Sections 4701 and 4710.

24 (j)

25 (k) (1) A regional center shall communicate in the consumer's
26 preferred language, or, if appropriate, the preferred language of
27 the consumer's family, legal guardian, conservator, or authorized
28 representative, during the planning process for the individual
29 program plan, including during the program plan meeting, and
30 including providing alternative communication services, as required
31 by Sections 11135 to 11139.8, inclusive, of the Government Code
32 and implementing regulations.

33 (2) A regional center shall provide alternative communication
34 services, including providing copies of the list of services and
35 supports, and the individual program plan in the preferred language
36 of the consumer or the consumer's family, legal guardian,
37 conservator, or authorized representative, or both, as required by
38 Sections 11135 to 11139.8, inclusive, of the Government Code
39 and implementing regulations.

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

SEC. 8.5. Section 4646 of the Welfare and Institutions Code is amended to read:

4646. (a) It is the intent of the Legislature to ensure that the individual program plan 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, if appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. It is the further intent of the Legislature to ensure that ~~the goals in any plan allow for innovation and nontraditional service delivery and not be limited by the lack of easily identified services or supports,~~ the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.

(b) ~~The individual program plan is~~ *Notwithstanding any other law, the individual program plan, including all assessments, shall be developed through a process of individualized needs determination, determination and person-centered service planning requiring community-based, long-term services and supports to be person-centered, strengths-based, and self-directed.* The individual with developmental disabilities and, if appropriate, the individual's parents, legal guardian or conservator, or authorized representative, shall have the opportunity to actively participate in the development of the plan. *The individual shall lead the service planning process to the greatest extent possible.*

(c) An individual program plan shall be developed for any person who, following intake and assessment, is found to be eligible for regional center services. These plans shall be completed within 60 days of the completion of the assessment. At the time of intake, the regional center shall inform the consumer and, if appropriate, the consumer's parents, legal guardian or conservator, or authorized representative, of the services available through the state council and the protection and advocacy agency designated by the Governor pursuant to federal law, and shall provide the address and telephone numbers of those agencies.

1 (d) (1) As part of the initial individual program plan meeting
2 and each review required by subdivision (b) of Section 4646.5, the
3 consumer or, if appropriate, their parents, legal guardian,
4 conservator, or authorized representative, shall be provided by
5 the service coordinator oral and written information about the
6 Self-Determination Program. The information shall include each
7 of the provisions specified in subdivision (d) of Section 4685.8.
8 Each individual program plan shall include a provision stating
9 that the consumer or authorized representative was informed about
10 the availability of the Self-Determination Program. If the consumer
11 chooses not to participate in the program, the individual program
12 plan shall include an explanation of the reason or reasons for that
13 decision, or, if the consumer is ineligible for the program, the
14 reason or reasons for that ineligibility.

15 (2) If the consumer is interested in participating in the program
16 or wants additional information or assistance, the service
17 coordinator, within five business days of expressing the interest,
18 shall provide the consumer a date for the Self-Determination
19 Program orientation, training resources, dates of local volunteer
20 Self-Determination Program advisory committee meetings, and
21 other information to assist the consumer in participating in the
22 program.

23 ~~(d)~~
24 (e) Individual program plans shall be prepared jointly by the
25 planning team. Decisions concerning the consumer's goals,
26 objectives, and services and supports that will be included in the
27 consumer's individual program plan and purchased by the regional
28 center or obtained from generic agencies shall be made by
29 agreement between the regional center representative and the
30 consumer or, if appropriate, the parents, legal guardian,
31 conservator, or authorized representative at the program plan
32 meeting.

33 ~~(e)~~
34 (f) Regional centers shall comply with the request of a consumer
35 or, if appropriate, the request of the consumer's parents, legal
36 guardian, conservator, or authorized representative, that a
37 designated representative receive written notice of all meetings to
38 develop or revise the individual program plan and of all notices
39 sent to the consumer pursuant to Section 4710. The designated
40 representative may be a parent or family member.

1 ~~(f)~~

2 (g) Notwithstanding any other law, until June 30, 2024, a
3 meeting regarding the provision of services and supports by the
4 regional center, including a meeting to develop or revise the
5 individual program plan, shall be held by remote electronic
6 communications if requested by the consumer or, if appropriate,
7 if requested by the consumer's parents, legal guardian, conservator,
8 or authorized representative.

9 ~~(g)~~

10 (h) At the conclusion of an individual program plan meeting,
11 an authorized representative of the regional center shall provide
12 to the consumer, in written or electronic format, a list of the
13 agreed-upon services and supports, and, if known, the projected
14 start date, the frequency and duration of the services and supports,
15 and the provider. The authorized representative of the regional
16 center shall sign the list of agreed-upon services and supports at
17 that time. The consumer, or if appropriate, the consumer's parent,
18 legal guardian, conservator, or authorized representative shall sign
19 the list of agreed-upon services and supports prior to its
20 implementation. The consumer, or if appropriate, the consumer's
21 parent, legal guardian, conservator, or authorized representative,
22 may elect to delay receipt of the list of agreed-upon services and
23 supports pending final agreement, as described in subdivision ~~(h)~~:
24 (i). If the consumer, or if appropriate, the consumer's parent, legal
25 guardian, conservator, or authorized representative, elects to delay
26 the receipt of the list of agreed-upon services and supports for 15
27 days, the list shall be provided in the preferred language of the
28 consumer, or of the consumer's parent, legal guardian, or
29 authorized representative.

30 ~~(h)~~

31 (i) If a final agreement regarding the services and supports to
32 be provided to the consumer cannot be reached at a program plan
33 meeting, then a subsequent program plan meeting shall be
34 convened within 15 days, or later at the request of the consumer
35 or, if appropriate, the parents, legal guardian, conservator, or
36 authorized representative or if agreed to by the planning team. The
37 list of the agreed-upon services and supports described in
38 subdivision ~~(g)~~ (h) and signed by the authorized representative of
39 the regional center shall be provided, in writing or electronically,
40 at the conclusion of the subsequent program plan meeting, and

1 shall be provided in the preferred language of the consumer, or of
2 the consumer's parent, legal guardian, conservator, or authorized
3 representative. Additional program plan meetings may be held
4 with the agreement of the regional center representative and the
5 consumer or, if appropriate, the parents, legal guardian,
6 conservator, or authorized representative.

7 (i)

8 (j) An authorized representative of the regional center and the
9 consumer or, if appropriate, the consumer's parent, legal guardian,
10 conservator, or authorized representative shall sign the individual
11 program plan and the list of the agreed-upon services and supports
12 prior to its implementation. If the consumer or, if appropriate, the
13 consumer's parent, legal guardian, conservator, or authorized
14 representative, does not agree with all components of the individual
15 program plan, the consumer may indicate that disagreement on
16 the plan. Disagreement with specific plan components shall not
17 prohibit the implementation of services and supports agreed to by
18 the consumer or, if appropriate, the consumer's parent, legal
19 guardian, conservator, or authorized representative. If the consumer
20 or, if appropriate, the consumer's parent, legal guardian,
21 conservator, or authorized representative, does not agree with the
22 plan in whole or in part, the consumer shall be sent written notice
23 of their appeal rights, as required by Sections 4701 and 4710.

24 (j)

25 (k) (1) A regional center shall communicate in the consumer's
26 preferred language, or, if appropriate, the preferred language of
27 the consumer's family, legal guardian, conservator, or authorized
28 representative, during the planning process for the individual
29 program plan, including during the program plan meeting, and
30 including providing alternative communication services, as required
31 by Sections 11135 to ~~11139.8~~, 11139, inclusive, of the Government
32 Code and implementing regulations.

33 (2) A regional center shall provide alternative communication
34 services, including providing copies of the list of services and
35 supports, and the individual program plan in the preferred language
36 of the consumer or the consumer's family, legal guardian,
37 conservator, or authorized representative, or both, as required by
38 Sections 11135 to ~~11139.8~~, 11139, inclusive, of the Government
39 Code and implementing regulations.

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

4 SEC. 13. ~~Section 4646.4 of the Welfare and Institutions Code~~
5 ~~is amended to read:~~

6 ~~4646.4. (a) Regional centers shall ensure, at the time of~~
7 ~~development, scheduled review, or modification of a consumer's~~
8 ~~individual program plan developed pursuant to Sections 4646 and~~
9 ~~4646.5, or of an individualized family service plan pursuant to~~
10 ~~Section 95020 of the Government Code, the establishment of an~~
11 ~~internal process. This internal process shall ensure adherence with~~
12 ~~federal and state law and regulation, and if purchasing services~~
13 ~~and supports, shall ensure all of the following:~~

14 ~~(1) Conformance with the regional center's purchase of service~~
15 ~~policies, as approved by the department pursuant to subdivision~~
16 ~~(d) of Section 4434.~~

17 ~~(2) Utilization of generic services and supports if appropriate.~~
18 ~~The individualized family service planning team for infants and~~
19 ~~toddlers eligible under Section 95014 of the Government Code~~
20 ~~and the individual program plan team pursuant to Section 4646~~
21 ~~may determine that a service provided by a generic agency, as~~
22 ~~defined by subdivision (g) of Section 4659.5, or a service or source~~
23 ~~of funding contained in Section 4659 identified in the~~
24 ~~individualized family service plan or individual program plan is~~
25 ~~not available, and, therefore, will be funded by the regional center.~~

26 ~~(3) Utilization of other services and sources of funding as~~
27 ~~contained in Section 4659.~~

28 ~~(4) Consideration of the family's responsibility for providing~~
29 ~~similar services and supports for a minor child without disabilities~~
30 ~~in identifying the consumer's service and support needs as provided~~
31 ~~in the least restrictive and most appropriate setting. In this~~
32 ~~determination, regional centers shall take into account the~~
33 ~~consumer's need for extraordinary care, services, supports and~~
34 ~~supervision, and the need for timely access to this care.~~

35 ~~(5) Commencing October 1, 2022, consideration of information~~
36 ~~obtained from the consumer and, if appropriate, the parents, legal~~
37 ~~guardian, conservator, or authorized representative about the~~
38 ~~consumer's need for the services, barriers to service access, and~~
39 ~~other information.~~

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

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

16 ~~(d) Final decisions regarding the individualized family service~~
17 ~~plan shall be made pursuant to Section 95020 of the Government~~
18 ~~Code.~~

19 ~~SEC. 14.~~

20 *SEC. 9.* Section 4646.5 of the Welfare and Institutions Code
21 is amended to read:

22 4646.5. (a) The planning process for the individual program
23 plan described in Section 4646 shall include all of the following:

24 (1) Gathering information and conducting assessments to
25 determine the life goals, capabilities and strengths, preferences,
26 barriers, and concerns or problems of the person with
27 developmental disabilities. For children with developmental
28 disabilities, this process should include a review of the strengths,
29 preferences, and needs of the child and the family unit as a whole.
30 Assessments shall be conducted by qualified individuals and
31 performed in natural environments whenever possible. Information
32 shall be taken from the consumer, the consumer's parents and other
33 family members, the consumer's friends, advocates, authorized
34 representative, if applicable, providers of services and supports,
35 and other agencies. The assessment process shall reflect awareness
36 of, and sensitivity to, the lifestyle and cultural background of the
37 consumer and the family.

38 (2) A statement of goals, based on the needs, preferences, and
39 life choices of the individual with developmental disabilities, and
40 a statement of specific, time-limited objectives for implementing

1 the person's goals and addressing the person's needs. These
2 objectives shall be stated in terms that allow measurement of
3 progress or monitoring of service delivery. These goals and
4 objectives should maximize opportunities for the consumer to
5 develop relationships, be part of community life in the areas of
6 community participation, housing, work, school, and leisure,
7 increase control over the consumer's life, acquire increasingly
8 positive roles in community life, and develop competencies to help
9 accomplish these goals.

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

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

17 (5) A schedule of the type and amount of services and supports
18 to be purchased by the regional center or obtained from generic
19 agencies or other resources in order to achieve the individual
20 program plan goals and objectives, and identification of the
21 provider or providers of service responsible for attaining each
22 objective, including, but not limited to, vendors, contracted
23 providers, generic service agencies, and natural supports. The
24 individual program plan shall specify the approximate scheduled
25 start date for services and supports and shall contain timelines for
26 actions necessary to begin services and supports, including generic
27 services. In addition to the requirements of subdivision (h) of
28 Section 4646, each regional center shall offer, and upon request
29 provide, a written copy of the individual program plan to the
30 consumer, and, if appropriate, the consumer's parents, legal
31 guardian or conservator, or authorized representative within 45
32 days of their request in a threshold language, as defined by
33 paragraph (3) of subdivision (a) of Section 1810.410 of Title 9 of
34 the California Code of Regulations.

35 (6) If agreed to by the consumer, the parents, legally appointed
36 guardian, or authorized representative of a minor consumer, or the
37 legally appointed conservator of an adult consumer or the
38 authorized representative, including those appointed pursuant to
39 subdivision (a) of Section 4541, subdivision (b) of Section 4701.6,
40 and subdivision (e) of Section 4705, a review of the general health

1 status of the adult or child, including medical, dental, and mental
2 health needs, shall be conducted. This review shall include a
3 discussion of current medications, any observed side effects, and
4 the date of the last review of the medication. Service providers
5 shall cooperate with the planning team to provide any information
6 necessary to complete the health status review. If any concerns
7 are noted during the review, referrals shall be made to regional
8 center clinicians or to the consumer's physician, as appropriate.
9 Documentation of health status and referrals shall be made in the
10 consumer's record by the service coordinator.

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

13 (i) The regional center is purchasing private, specialized
14 transportation services or services from a residential, day, or other
15 provider, excluding vouchered service providers, to transport the
16 consumer to and from day or work services.

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

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

22 (B) To maximize independence and community integration and
23 participation, the transportation access plan shall identify the
24 services and supports necessary to assist the consumer in accessing
25 public transportation and shall comply with Section 4648.35. These
26 services and supports may include, but are not limited to, mobility
27 training services and the use of transportation aides. Regional
28 centers are encouraged to coordinate with local public
29 transportation agencies.

30 (8) A schedule of regular periodic review and reevaluation to
31 ascertain that planned services have been provided, that objectives
32 have been fulfilled within the times specified, and that consumers
33 and families are satisfied with the individual program plan and its
34 implementation.

35 (b) For all active cases, individual program plans shall be
36 reviewed and modified by the planning team, through the process
37 described in Section 4646, as necessary, in response to the person's
38 achievement or changing needs, and no less often than once every
39 24 months. If the consumer or, if appropriate, the consumer's
40 parents, legal guardian, authorized representative, or conservator

1 requests an individual program plan review, the individual program
2 plan shall be reviewed within 30 days after the request is submitted,
3 or no later than 7 days after the request is submitted if necessary
4 for the consumer's health and safety or to maintain the consumer
5 in their home.

6 (c) (1) The department, with the participation of representatives
7 of a statewide consumer organization, the Association of Regional
8 Center Agencies, an organized labor organization representing
9 service coordination staff, and the state council shall prepare
10 training material and a standard format and instructions for the
11 preparation of individual program plans, which embody ~~a~~
12 ~~person-centered planning process consistent with federal law,~~
13 ~~regulations, and guidance:~~ *an approach centered on the person*
14 *and family.*

15 (2) ~~The department shall require each regional center to use,~~
16 ~~for all new and modified individual program plans, Each regional~~
17 ~~center shall use the training materials and the standard format plan~~
18 ~~prepared by the department pursuant to paragraph (1) by no later~~
19 ~~than March 1, 2025: (1).~~

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

24 ~~SEC. 15. Section 4659 of the Welfare and Institutions Code is~~
25 ~~amended to read:~~

26 ~~4659. (a) Except as otherwise provided in subdivision (b), (d),~~
27 ~~or (e), the regional center shall identify and pursue all possible~~
28 ~~sources of funding for consumers receiving regional center services.~~
29 ~~These sources shall include, but not be limited to, both of the~~
30 ~~following:~~

31 ~~(1) Governmental or other entities or programs required to~~
32 ~~provide or pay the cost of providing services, including Medi-Cal,~~
33 ~~Medicare, the Civilian Health and Medical Program for Uniform~~
34 ~~Services, school districts, and federal supplemental security income~~
35 ~~and the state supplementary program.~~

36 ~~(2) Private entities, to the maximum extent they are liable for~~
37 ~~the cost of services, aid, insurance, or medical assistance to the~~
38 ~~consumer.~~

39 ~~(b) Any revenues collected by a regional center pursuant to this~~
40 ~~section shall be applied against the cost of services prior to use of~~

1 regional center funds for those services. This revenue shall not
2 result in a reduction in the regional center's purchase of services
3 budget, except as it relates to federal supplemental security income
4 and the state supplementary program.

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

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

28 (2) The regional center shall purchase the service when the
29 entity denies the service.

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

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

1 ~~the appeal or from utilizing assistance from other advocacy~~
2 ~~organizations.~~

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

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

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

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

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

32 ~~SEC. 16. Section 4685.8 of the Welfare and Institutions Code~~
33 ~~is amended to read:~~

34 ~~4685.8. (a) The department shall implement a statewide~~
35 ~~Self-Determination Program. The Self-Determination Program~~
36 ~~shall be available in every regional center catchment area to provide~~
37 ~~participants and their families, within an individual budget,~~
38 ~~increased flexibility and choice, and greater control over decisions,~~
39 ~~resources, and needed and desired services and supports to~~
40 ~~implement their IPP. As of July 1, 2021, the program shall begin~~

1 to be available on a voluntary basis to all regional center consumers
2 who are eligible for the Self-Determination Program:

3 (b) The department, in establishing the statewide program, shall
4 do both of the following:

5 (1) Set targets and benchmarks as set forth in paragraph (1) of
6 subdivision (f):

7 (2) Address all of the following:

8 (A) Oversight of expenditure of self-determined funds and the
9 achievement of participant outcomes over time:

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

16 (C) Comprehensive person-centered planning, including an
17 individual budget and services that are outcome based:

18 (D) Consumer and family training to ensure understanding of
19 the principles of self-determination, the planning process, and the
20 management of budgets, services, and staff:

21 (E) Choice of independent facilitators, who meet standards and
22 certification requirements established by the department, and who
23 can assist with the functions specified in paragraph (2) of
24 subdivision (e):

25 (F) Choice of financial management services providers who
26 meet standards and certification requirements established by the
27 department, and who can carry out the functions specified in
28 paragraph (1) of subdivision (e):

29 (G) Innovation that will more effectively allow participants to
30 achieve their goals:

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

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

1 (ii) ~~The department may review final individual budgets that~~
2 ~~are at or above a spending threshold determined by the department~~
3 ~~of all individual budgets and use information from its review in~~
4 ~~the aggregate to develop additional program guidance and verify~~
5 ~~compliance with federal and state laws and other requirements.~~

6 (e) ~~For purposes of this section, the following definitions apply:~~

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

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

1 ~~(3) “Individual budget” means the amount of regional center~~
2 ~~purchase of service funding available to the participant for the~~
3 ~~purchase of services and supports necessary to implement the IPP.~~
4 ~~The individual budget shall be determined using a fair, equitable,~~
5 ~~and transparent methodology.~~

6 ~~(4) “IPP” means individual program plan, as described in Section~~
7 ~~4646.~~

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

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

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

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

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

3 ~~(2) The consumer does not live in a licensed long-term health~~
4 ~~care facility, as defined in paragraph (44) of subdivision (a) of~~
5 ~~Section 54302 of Title 17 of the California Code of Regulations.~~
6 ~~An individual and, when appropriate, the individual's parent, legal~~
7 ~~guardian or conservator, or authorized representative, who is not~~
8 ~~eligible to participate in the Self-Determination Program pursuant~~
9 ~~to this paragraph may request that the regional center provide~~
10 ~~person-centered planning services in order to make arrangements~~
11 ~~for transition to the Self-Determination Program, provided that~~
12 ~~the individual is reasonably expected to transition to the community~~
13 ~~within 90 days. In that case, the regional center shall initiate~~
14 ~~person-centered planning services within 60 days of that request.~~

15 ~~(3) The participant agrees to all of the following terms and~~
16 ~~conditions:~~

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

23 ~~(B) The participant shall utilize the services and supports~~
24 ~~available within the Self-Determination Program only when generic~~
25 ~~services and supports are not available.~~

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

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

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

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

1 to provide the services and functions described in paragraph (2)
2 of subdivision (e).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ethnic and language diversity of the regional center's consumers;
2 about the effectiveness of this outreach and training and other
3 activities that may be effective in reducing disparities in these
4 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 ~~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 ~~nonvended 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 nonvended 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. 17.~~

27 ~~SEC. 10.~~ Section 4726 of the Welfare and Institutions Code is
28 amended to read:

29 4726. Notwithstanding Section 5328, any exemption to the
30 California Public Records Act (Division 10 (commencing with
31 Section 7920.000) of Title 1 of the Government Code), or any
32 other law that authorizes, but does not require, an entity to withhold
33 all or part of a record on the basis of its confidentiality, *any other*
34 *law*, access to records regarding an applicant for, or recipient of,
35 services shall be provided, upon request, to the applicant, recipient,
36 or their authorized representative, including the person appointed
37 as a developmental services decisionmaker pursuant to Section
38 319, 361, or 726, for ~~purposes~~, *any purpose*, including, but not
39 limited to, the appeal process under this chapter, unless disclosure
40 of the record is expressly prohibited by law.

1 ~~SEC. 18. Section 4731 of the Welfare and Institutions Code is~~
2 ~~amended to read:~~

3 ~~4731. (a) Each consumer or any representative acting on behalf~~
4 ~~of any consumer or consumers, who believes that any right to~~
5 ~~which a consumer is entitled has been abused, punitively withheld,~~
6 ~~or improperly or unreasonably denied by a regional center,~~
7 ~~state-operated facility, or service provider, may pursue a complaint~~
8 ~~as provided in this section.~~

9 ~~(b) Initial referral of any complaint taken pursuant to this section~~
10 ~~shall be to the director of the regional center from which the~~
11 ~~consumer receives case management services. If the consumer~~
12 ~~resides in a state-operated facility, the complaint shall be made to~~
13 ~~the director of the state-operated facility. The director shall, within~~
14 ~~20 business days of receiving a complaint, investigate the complaint~~
15 ~~and send a written proposed resolution to the complainant and, if~~
16 ~~applicable, to the service provider. The written proposed resolution~~
17 ~~shall include a telephone number and mailing address for referring~~
18 ~~the proposed resolution in accordance with subdivision (c).~~

19 ~~(c) If the complainant is not satisfied with the proposed~~
20 ~~resolution, the complainant may refer the complaint, in writing,~~
21 ~~to the Director of Developmental Services, within 15 days of~~
22 ~~receipt of the proposed resolution. The director, within 30 days of~~
23 ~~receiving a complaint, shall issue a written administrative decision~~
24 ~~and send a copy of the decision to the complainant, the director of~~
25 ~~the regional center or state-operated facility, and the service~~
26 ~~provider, if applicable. If there is no referral to the department, the~~
27 ~~proposed resolution shall become effective on the 20th working~~
28 ~~day following receipt by the complainant.~~

29 ~~(d) The department shall annually compile the number of~~
30 ~~complaints filed, by each regional center and state-operated facility,~~
31 ~~the subject matter of each complaint, and a summary of each~~
32 ~~decision, and post the compilation on its internet website at the~~
33 ~~end of each quarter. Copies of any decision included in the~~
34 ~~compilation shall be made available within 10 days, with all~~
35 ~~individually identifiable information redacted, to any person upon~~
36 ~~request.~~

37 ~~(e) This section shall not be used to resolve disputes concerning~~
38 ~~the nature, scope, or amount of services and supports that should~~
39 ~~be included in an individual program plan, for which there is an~~
40 ~~appeals procedure established in this division, or disputes regarding~~

1 rates or audit appeals for which there is an appeals procedure
2 established in regulations. Those disputes shall be resolved through
3 the appeals procedure established by this division or in regulations.

4 (f) ~~All consumers or, if appropriate, their authorized~~
5 ~~representative, shall be notified in writing in their preferred~~
6 ~~language of the right to file a complaint pursuant to this section~~
7 ~~when they apply for services from a regional center or a~~
8 ~~state-operated facility, and at each regularly scheduled planning~~
9 ~~meeting.~~

10 *SEC. 11. Section 8.5 of this bill incorporates amendments to*
11 *Section 4646 of the Welfare and Institutions Code proposed by*
12 *both this bill and Senate Bill 447. That section of this bill shall*
13 *only become operative if (1) both bills are enacted and become*
14 *effective on or before January 1, 2024, (2) each bill amends Section*
15 *4646 of the Welfare and Institutions Code, and (3) this bill is*
16 *enacted after Senate Bill 447, in which case Section 8 of this bill*
17 *shall not become operative.*