

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**

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

February 16, 2023

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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, 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.

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

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

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

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

25       (A) Camping and associated travel expenses.  
26       (B) Social recreation activities.  
27       (C) Educational services.  
28       (D) Nonmedical therapies, including, but not limited to,  
29 specialized recreation, art, dance, music, and tribal culture and  
30 ceremony.

31       (b) The data reported pursuant to subdivision (a) shall also  
32 include the number and percentage of individuals, categorized by  
33 age, race or ethnicity, and disability, and by residence type, as set  
34 forth in paragraph (6) of subdivision (a), who have been determined  
35 to be eligible for regional center services, but are not receiving  
36 purchase of service funds.

37       (e) By March 31, 2013, each regional center shall post the data  
38 described in this section that are specific to the regional center on  
39 its internet website. Commencing on December 31, 2013, each  
40 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.

1       (B) Copies of minutes from the meeting and attendee comments.  
2       (C) Whether the data described in this section indicate a need  
3 to reduce disparities in the purchase of services among consumers  
4 in the regional center's catchment area. If the data do indicate that  
5 need, the regional center's recommendations and plan to promote  
6 equity, and reduce disparities, in the purchase of services.

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

10      (g) (1) The department shall consult with stakeholders,  
11 including consumers and families that reflect the ethnic and  
12 language diversity of regional center consumers, regional centers,  
13 advocates, providers, family resource centers, the protection and  
14 advocacy agency described in Section 4901, and those entities  
15 designated as University Centers for Excellence in Developmental  
16 Disabilities Education, Research, and Service pursuant to Section  
17 15061 of Title 42 of the United States Code, to achieve the  
18 following objectives:

19       (A) Review the data compiled pursuant to subdivision (a).  
20       (B) Identify barriers to equitable access to services and supports  
21 among consumers and develop recommendations to help reduce  
22 disparities in purchase of service expenditures.

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

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

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

30      (h) (1) Subject to available funding, the department shall  
31 allocate funding to regional centers or community-based  
32 organizations with department oversight to assist with  
33 implementation of the recommendations and plans developed  
34 pursuant to subdivisions (f) and (g). Activities funded through  
35 these allocations may include, but are not limited to, pay  
36 differentials supporting direct care bilingual staff of  
37 community-based service providers, parent or caregiver education  
38 programs, cultural competency training for regional center staff,  
39 outreach to underserved populations, or additional culturally  
40 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.

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

4       (f) Project strategies and approaches for development and  
5 implementation.

6       (g) Project governance.

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

14      SEC. 5.

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

17      4571. (a) It is the intent of the Legislature to ensure the  
18 well-being of consumers, taking into account their informed and  
19 expressed choices. It is further the intent of the Legislature to  
20 support the satisfaction and success of consumers through the  
21 delivery of quality services and supports. Evaluation of the services  
22 that consumers receive is a key aspect to the service system.  
23 Utilizing the information that consumers and their families provide  
24 about those services in a reliable and meaningful way is also critical  
25 to enable the department to assess the performance of the state's  
26 developmental services system and to improve services for  
27 consumers in the future. To that end, the State Department of  
28 Developmental Services, on or before January 1, 2010, shall  
29 implement an improved, unified quality assessment system, in  
30 accordance with this section.

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

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

39       (2) Enable the department and regional centers to compare the  
40 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

1 by the department as needed. Modification of the domain and  
2 measures shall be accomplished through a process of consultation  
3 that includes the engagement of stakeholders in a manner consistent  
4 with that required by subdivision (b) of Section 4620.5. The  
5 measures may be amended as reporting mechanisms mature as the  
6 department develops new information technology capabilities.

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

- 9 (1) Community integration.
- 10 (2) Employment.
- 11 (3) Equity in service access.
- 12 (4) Case management.
- 13 (5) Consumer and family choice, experience, and satisfaction.
- 14 (6) Human and civil rights.
- 15 (7) Health and safety.

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

18 4629.1. (a) Notwithstanding any other law, the evaluation of  
19 regional center performance shall be implemented using a common  
20 set of performance measures administered by the department in  
21 conformance with the performance requirements under the regional  
22 center contracts pursuant to Section 4629, the performance  
23 incentives established under Section 4620.5, and the quality  
24 assessment instrument required under Section 4571. These  
25 measures shall be annually reported and made available to the  
26 public through posting of the measures results in machine-readable  
27 formats.

28 (b) (1) By July 1, 2025, the department shall establish standards  
29 for each of the performance measures to support the provisions  
30 of subdivision (d) of Section 4629. The standards shall consist of  
31 benchmarks above which indicate good performance and a  
32 regional center may be eligible to receive rewards for good  
33 performance, and minimum benchmarks below which a regional  
34 center shall undertake efforts to improve. The department may  
35 offer technical assistance and training to regional centers not  
36 meeting performance measures from the department either directly  
37 or through subject matter experts and may facilitate the sharing  
38 of expertise and other resources from other regional centers that  
39 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.

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

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

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

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

38       (c) An individual program plan shall be developed for any  
39 person who, following intake and assessment, is found to be  
40 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       (f)

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       (f)

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.

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. 8.5. Section 4646 of the Welfare and Institutions Code~~  
5 *is 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 *the 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       (f)

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       (f)

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 voucherized 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 (e) 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 (r).

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 vendored by a regional center and who meets the qualifications in  
35 paragraph (1) of subdivision (e).

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 (e). 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 deemинг 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34       (2) Develop and implement an outreach and training plan about  
35 the Self-Determination Program 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 (e),  
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 nonvendored providers of services and supports who shall obtain  
33 a criminal background check pursuant to this subdivision. At a  
34 minimum, these staff shall include both of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26    SEC. 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.*