

37033

05/23/19 01:26 PM  
RN 19 15783 PAGE 1

An act to amend Sections 4571, 4572, 4622, 4622.5, 4629, 4629.5, 4642, 4648.12, 4689.1, and 4860 of, and to add Sections 4625.6, 4625.7, 4639.6, 4640.9, 4681.8, and 4691.12 to, the Welfare and Institutions Code, relating to developmental services.



191578337033BILL

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4571 of the Welfare and Institutions Code is amended to read:

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

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

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

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

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

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

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

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

(1) Designing valid quality assurance instruments for developmental service systems.

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

(3) Developing data systems.

(4) Data analysis and report preparation.

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

(6) Issues related to linguistic and cultural competency.



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

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

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

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

(2) All regional center specific reports generated pursuant to this subdivision shall be made publicly available on the regional center's internet website, but shall not contain any personal identifying information about any person assessed.

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

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

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

~~(h)~~

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

~~(i)~~

(j) All data collected pursuant to subdivision (c) shall be provided to the state council, but shall contain no personal identifying information about the persons being surveyed.

~~(j)~~



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

SEC. 2. Section 4572 of the Welfare and Institutions Code is amended to read:

4572. The State Department of Developmental Services shall develop and implement a plan to monitor, evaluate, and improve the quality of community-based services through the use of a performance dashboard. The department shall work with stakeholders, including, but not limited to, regional centers, consumer advocates, providers, and the Legislature, on the development of the dashboard. The dashboard shall be published ~~annually and in a machine-readable format. Each regional center shall publish its own dashboard and shall post a link to the department's dashboard on its internet website.~~ The dashboard shall include, but not be limited to, all of the following metrics:

- (a) Recognized quality and access measures.
- (b) Measures to indicate the movement toward compliance with the federal Home and Community-Based Services Waiver rules (CMS 2249-F and CMS 2296-F).
- (c) Measures to evaluate the changes in the number of consumers who work in competitive integrated employment.
- (d) The number of complaints referred to the department pursuant to subdivision (c) of Section 4731, for every 1,000 consumers served, by each regional center.
- (e) The number of administrative fair hearings held pursuant to Article 3 (commencing with Section 4710) of Chapter 7, separated by eligibility and service issues, for individuals ages three and over, for every one thousand consumers served, by each regional center.

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

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

- (a) The governing board shall be composed of individuals with demonstrated interest in, or knowledge of, developmental disabilities.
- (b) The membership of the governing board shall include persons with legal, ~~management, public relations, management, or board governance expertise not acquired solely by serving on a regional center board, financial, and developmental disability program skills.~~ The governing board of the regional center shall include members with financial expertise and members with management or board governance expertise by August 15, 2020.
- (c) The membership of the governing board shall include representatives of the various categories of disability to be served by the regional center.
- (d) The governing board shall reflect the geographic and ethnic characteristics of the area to be served by the regional center.
- (e) A minimum of 50 percent of the members of the governing board shall be persons with developmental disabilities or their parents or legal guardians. No less than 25 percent of the members of the governing board shall be persons with developmental disabilities.
- (f) Members of the governing board shall not be permitted to serve more than seven years within each eight-year period.
- (g) (1) The regional center shall provide necessary training and support to these board members to facilitate their understanding and participation, including issues relating to linguistic and cultural competency.



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

(3) Each regional center shall post on its ~~Internet Web site~~ internet website information regarding the training and support provided to board members.

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

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

(j) (1) The governing board shall annually review the performance of the director of the regional center.

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

(k) No member of the board who is an employee or member of the governing board of a provider from which the regional center purchases client services shall do any of the following:

(1) Serve as an officer of the board.

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

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

Nothing in this section shall prevent the appointment to a regional center governing board of a person who meets the criteria for more than one of the categories listed above.

SEC. 4. Section 4622.5 of the Welfare and Institutions Code is amended to read:

4622.5. By August 15 of each year, the governing board of each regional center shall submit to the department detailed documentation, as determined by the department, demonstrating that the composition of the board is in compliance with Section 4622. If the composition of the governing board is not in compliance with Section 4622, the governing board shall submit a plan to the department with its board composition survey setting forth how and when the board will come into compliance with Section 4622.

SEC. 5. Section 4625.6 is added to the Welfare and Institutions Code, to read:



4625.6. To ensure the delivery of independent legal advice, an attorney retained or employed by the governing board of the regional center to provide legal services shall not be an employee of the regional center.

SEC. 6. Section 4625.7 is added to the Welfare and Institutions Code, to read:

4625.7. The governing board of a regional center shall meet with representatives of the department upon a request by the Director of Developmental Services and, if requested, the board shall exclude regional center employees from the meeting. The governing board shall meet with the department's representatives without preconditions for the meeting and at a time and date determined by the department.

SEC. 7. Section 4629 of the Welfare and Institutions Code is amended to read:

4629. (a) The state shall enter into five-year contracts with regional centers, subject to the annual appropriation of funds by the Legislature.

(b) The contracts shall include a provision requiring each regional center to render services in accordance with applicable provision of state laws and regulations.

(c) (1) The contracts shall include annual performance objectives that the department determines are necessary to ensure each regional center is complying with the requirement specified in subdivision (b), including, but not limited to, objectives that do both of the following:

(A) Be specific, measurable, and designed to do all of the following:

(i) Assist consumers to achieve life quality outcomes.

(ii) Achieve meaningful progress above the current baselines.

(iii) Develop services and supports identified as necessary to meet identified needs, including culturally and linguistically appropriate services and supports.

(iv) Measure progress in reducing disparities and improving equity in purchase of service expenditures.

(v) Measure progress, and report outcomes, in implementing the Employment First Policy, which may include, but are not limited to, measures addressing both of the following:

(I) Establishment of local partnership agreements between regional centers, local educational agencies, and the Department of Rehabilitation districts.

(II) The provision of information to consumers regarding the Employment First Policy, opportunities for employment, and available supports to achieve integrated competitive employment.

(B) Be developed through a public process as described in the department's guidelines that includes, but is not limited to, all of the following:

(i) Providing information, in an understandable form, to the community about regional center services and supports, including budget information and baseline data on services and supports and regional center operations.

(ii) Conducting a public meeting where participants can provide input on performance objectives and using focus groups or surveys to collect information from the community.

(iii) Circulating a draft of the performance objectives to the community for input prior to presentation at a regional center board meeting where additional public input will be taken and considered before adoption of the objectives.

(2) In addition to the performance objectives developed pursuant to this section, the department may specify in the performance contract additional areas of service and support that require development or enhancement by the regional center. In determining



those areas, the department shall consider public comments from individuals and organizations within the regional center catchment area, the distribution of services and supports within the regional center catchment area, and review how the availability of services and supports in the regional area catchment area compares with other regional center catchment areas.

(d) Each contract with a regional center shall specify steps to be taken to ensure contract compliance, including, but not limited to, all of the following:

(1) Incentives that encourage regional centers to meet or exceed performance standards.

(2) Levels of probationary status for regional centers that do not meet, or are at risk of not meeting, performance standards. The department shall require that corrective action be taken by any regional center that is placed on probation. Corrective action may include, but is not limited to, mandated consultation with designated representatives of the Association of Regional Center Agencies or a management team designated by the department, or both. The department shall establish the specific timeline for the implementation of corrective action and monitor its implementation. When a regional center is placed on probation, the department shall provide the state council and the clients' rights advocacy contractor identified in Section 4433 with a copy of the correction plan, timeline, and any other action taken by the department relating to the probationary status of the regional center.

(e) In order to evaluate the regional center's compliance with its contract performance objectives and legal obligations related to those objectives, the department shall do both of the following:

(1) Annually assess each regional center's achievement of its previous year's objectives and make the assessment, including baseline data and performance objectives of the individual regional centers, available to the public. The department may make a special commendation of the regional centers that have best engaged the community in the development of contract performance objectives and have made the most meaningful progress in meeting or exceeding contract performance objectives.

(2) ~~Monitor~~ Regularly monitor the activities of the regional center to ensure compliance with the provisions of its contracts, including, but not limited to, reviewing all of the following:

(A) The regional center's public process for compliance with the procedures set forth in paragraph (2) of subdivision (c).

(B) Each regional center's performance objectives for compliance with the criteria set forth in paragraphs (1) and (2) of subdivision (c).

(C) Any public comments on regional center performance objectives sent to the department or to the regional centers, and soliciting public input on the public process and final performance standards.

(f) (1) Beginning May 1, 2020, and annually thereafter, each regional center's governing board shall hold one or more public meetings regarding its prior year's contract performance objectives and outcomes. The meetings shall be held separately from meetings held pursuant to Section 4660. The regional center shall provide individuals attending these meetings with data and any associated information to facilitate discussion and community input. Regional centers shall inform the department that a meeting has been scheduled at least 30 days prior to the meeting. Notice of the meetings shall also be posted on the regional center's internet website at least 30 days



prior to the meeting and shall be sent to individual stakeholders in a timely manner. Each regional center shall, in holding the meetings required by this subdivision, consider the language needs of the community and shall schedule the meetings at times and locations designed to promote attendance by the public.

(2) Each regional center governing board shall report to the department regarding the outcomes of a public meeting held pursuant to paragraph (1) within 90 days of the meeting. The report shall include, but shall not be limited to, both of the following:

(A) Copies of minutes from the meeting, including attendee comments.

(B) The regional center's recommendations and a plan to address areas where improvement is needed.

(f)

(g) The renewal of each contract shall be contingent upon compliance with the contract contract, including, but not limited to, the performance objectives, objectives and achievement of sufficient progress towards meeting the requirements of any corrective action plan imposed by the state, as determined through the department's evaluation.

SEC. 8. Section 4629.5 of the Welfare and Institutions Code is amended to read:

4629.5. (a) In addition to the requirements set forth in Section 4629, the department's contract with a regional center shall require the regional center to adopt, maintain, and post on its ~~Internet Web site~~ internet website a board-approved policy regarding transparency and access to public information. The transparency and public information policy shall provide for timely public access to information, including, but not limited to, information regarding requests for proposals and contract awards, service provider rates, documentation related to establishment of negotiated rates, audits, and IRS Form 990. The transparency and public information policy shall be in compliance with applicable law relating to the confidentiality of consumer service information and records, including, but not limited to, Section 4514.

(b) To promote transparency, each regional center shall include on its ~~Internet Web site~~, internet website, as expeditiously as possible, at least all of the following:

(1) Regional center annual independent audits.

(2) Biannual fiscal audits conducted by the department.

(3) Regional center annual reports pursuant to Section 4639.5.

(4) Contract awards, including the organization or entity awarded the contract, and the amount and purpose of the award.

(5) Purchase of service policies.

(6) The names, types of service, and contact information of all vendors, except consumers or family members of consumers.

(7) Board meeting agendas and approved minutes of open meetings of the board and all committees of the board.

(8) Bylaws of the regional center governing board.

(9) The annual performance contract and yearend performance contract entered into with the department pursuant to this division.

(10) The biannual Home and Community-based Services Waiver program review conducted by the department and the State Department of Health Care Services.

(11) The board-approved transparency and public information policy.

(12) The board-approved conflict-of-interest policy.





(13) Reports required pursuant to Section 4639.5.

(14) A link to the page on the department's ~~Internet Web site~~ internet website specified in subdivision (d).

(15) The salaries, wages, and employee benefits for all managerial positions for which the primary purpose is the administrative management of the regional center, including, but not limited to, directors and chief executive officers.

(16) Regional center specific reports generated pursuant to, and for the purposes of, subdivision (h) of Section 4571.

(c) The department shall establish and maintain a transparency portal on its ~~Internet Web site~~ internet website that allows consumers, families, advocates, and others to access provider and regional center information. Posted information on the department's ~~Internet Web site~~ internet website transparency portal shall include, but need not be limited to, all of the following:

(1) A link to each regional center's ~~Internet Web site~~ internet website information referenced in subdivision (b).

(2) Biannual fiscal audits conducted by the department.

(3) Vendor audits.

(4) Biannual Home and Community-based Services Waiver program reviews conducted by the department and the State Department of Health Care Services.

(5) Biannual targeted case management program and federal nursing home reform program reviews conducted by the department.

(6) Early Start Program reviews conducted by the department.

(7) Annual performance contract and year-end performance contract reports.

(d) The department shall establish and maintain a page on its ~~Internet Web site~~ internet website that includes both a list of services purchased by regional centers or provided directly to consumers by regional centers and a brief description of those services.

SEC. 9. Section 4639.6 is added to the Welfare and Institutions Code, to read:

4639.6. The Director of Developmental Services may issue directives to the regional centers as the director deems necessary to protect consumer health, safety, or welfare. The regional center shall comply with any directive issued by the director pursuant to this section.

SEC. 10. Section 4640.9 is added to the Welfare and Institutions Code, to read:

4640.9. Beginning July 1, 2020, each regional center shall provide to the department a copy of any corrective action plans issued to a service provider, which shall include the name of the service provider, the type of action taken, and the date of action. Copies of corrective action plans shall be submitted quarterly, no later than 45 days following the end of each fiscal quarter.

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

4642. (a) (1) Any person believed to have a developmental disability, and any person believed to have a high risk of parenting a developmentally disabled infant shall be eligible for initial intake and assessment services in the regional centers. In addition, any infant having a high risk of becoming developmentally disabled may be eligible for initial intake and assessment services in the regional centers. For purposes of this section, "high-risk infant" means a child less than 36 months of age whose genetic, medical, or environmental history is predictive of a substantially greater risk for developmental disability than that for the general population. The department, in



consultation with the State Department of Public Health, shall develop specific risk and service criteria for the high-risk infant program on or before July 1, 1983. These criteria may be modified in subsequent years based on analysis of actual clinical experience.

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

(3) (A) The department shall create, with input from stakeholders, standardized information packets to be provided to any person seeking services from a regional center. There shall be one information packet related to services provided under the California Early Intervention Services Act and another information packet related to services provided under the Lanterman Developmental Disabilities Services Act. The information packets shall include, at a minimum, all of the following:

- (i) An overview of the regional center system.
- (ii) A resource guide for consumers and their families.
- (iii) Consumer rights.

(iv) Contact information for the regional center, the department, and the protection and advocacy agency.

(B) Each regional center shall distribute the information packets at intake, upon transfer to receiving services under the Lanterman Developmental Disabilities Services Act, and upon request. Each regional center shall begin distributing the information packets within 60 days following the department providing the information packets and issuing directives regarding the distribution of the information packets.

(b) A regional center shall communicate with the consumer and his or her the consumer's family pursuant to this section in their native language, including providing alternative communication services, as required by Sections 11135 to 11139.7, inclusive, of the Government Code and implementing regulations. services.

SEC. 12. Section 4648.12 of the Welfare and Institutions Code is amended to read:

4648.12. (a) The Legislature finds and declares that under federal and state law, certain individuals and entities are ineligible to provide Medicaid services.

(b) An individual, partnership, group association, corporation, institution, or entity, and the officers, directors, owners, managing employees, or agents thereof, that has been convicted of any felony or misdemeanor involving fraud or abuse in any government program, or related to neglect or abuse of an elder or dependent adult or child, or in connection with the interference with, or obstruction of, any investigation into health care related fraud or abuse, or that has been found liable for fraud or abuse in any civil proceeding, or that has entered into a settlement in lieu of conviction for fraud or abuse in any government program, within the previous 10 years, shall be ineligible to be a regional center vendor. The regional center shall not deny vendorization to an otherwise qualified applicant whose felony or misdemeanor charges did not result in a conviction solely on the basis of the prior charges.



(c) In order to ensure compliance with federal disclosure requirements and to preserve federal funding of consumer services, the department shall do all of the following:

(1) (A) (i) Beginning January 1, 2020, require a criminal background check for direct care staff that provide personal assistance, as defined in Section 4691.9, supported living services, as defined in Section 4691.9, supported employment, as defined in Section 4851, supplemental program supports, and transportation assistance. For the purposes of this paragraph, "direct care staff" has the same meaning as in Section 54302 of Title 17 of the California Code of Regulations.

(ii) The department shall administer the criminal background checks required pursuant to this subparagraph consistent with the authority and the process described in Sections 4689.2 to 4689.6, inclusive.

~~(1) (A) Adopt~~

(B) Adopt emergency regulations to amend provider and vendor eligibility and disclosure criteria to meet federal participation requirements. These emergency regulations shall address, at a minimum, disclosure requirements of current and prospective vendors, including information about entity ownership and control, contracting interests, and criminal convictions or civil proceedings involving fraud or abuse in any government program, or abuse or neglect of an elder, dependent adult, or child.

~~(B)~~

(C) Adopt emergency regulations to meet federal requirements applicable to vouchered services.

~~(C)~~

(D) The adoption, amendment, repeal, or readoption of a regulation authorized by this paragraph is deemed to be necessary for the immediate preservation of the public peace, health and safety, or general welfare, for purposes of Sections 11346.1 and 11349.9 of the Government Code, and the department is hereby exempted from that requirement. For purposes of subdivision (e) of Section 11346.1 of the Government Code, the 120-day period, as applicable to the effective period of an emergency regulatory action and submission of specified materials to the Office of Administrative Law, is hereby extended to 180 days.

(2) Adopt nonemergency regulations to implement the terms of paragraph (1) through the regular rulemaking process pursuant to Sections 11346 and 11349.1 of the Government Code within 18 months of the adoption of emergency regulations pursuant to paragraph (1).

SEC. 13. Section 4681.8 is added to the Welfare and Institutions Code, to read:  
4681.8. Notwithstanding any other law or regulation, from January 1, 2020, to December 31, 2021, inclusive, to the extent funds are appropriated in the annual Budget Act, and contingent upon approval of federal financial participation, rates for community care facilities paid through the Alternative Residential Model rate structure shall be established by the department, as set forth in the rate schedule posted on the department's internet website.

SEC. 14. Section 4689.1 of the Welfare and Institutions Code is amended to read:

4689.1. (a) The Legislature declares that it places a high priority on providing opportunities for adults with developmental disabilities to live with families approved



by family home agencies and to receive services and supports in those settings as determined by the individual program plan. Family home agencies may offer services and supports in family homes or family teaching homes. All requirements of this section and Sections 4689.2 to 4689.6, inclusive, shall apply to a family home and a family teaching home.

(b) For purposes of this section, "family home" means a home that is owned, leased, or rented by, and is the family residence of, the family home provider or providers, and in which services and supports are provided to a maximum of two adults with developmental disabilities regardless of their degree of disability, and who do not require continuous skilled nursing care.

(c) For purposes of this section, "family teaching home" means a home that is owned, leased, or rented by the family home agency wherein the family home provider and the individual have independent residences, either contiguous or attached, and in which services and supports are provided to a maximum of three adults with developmental disabilities regardless of their degree of disability, and who do not require continuous skilled nursing care.

(d) For purposes of this section, "family home agency" means a private for-profit or not-for-profit agency that is vendored to do all of the following:

- (1) Recruit, approve, train, and monitor family home providers.
- (2) Provide social services and in-home support to family home providers.
- (3) Assist adults with developmental disabilities in moving into approved family homes.

(e) For purposes of ensuring that regional centers may secure high-quality services that provide supports in natural settings and promote inclusion and meaningful participation in community life for adults with developmental disabilities, the department shall promulgate regulations for family home agencies, family teaching homes, and family homes that shall include, but not be limited to, standards and requirements related to all of the following:

(1) Selection criteria for regional centers to apply in vendoring family home agencies, including, but not limited to, all of the following:

- (A) The need for service.
- (B) The experience of the agency or key personnel in providing the same or comparable services.
- (C) The reasonableness of the agency's overhead.
- (D) The capability of the regional center to monitor and evaluate the vendor.

(2) Vendorization.

(3) Operation of family home agencies, including, but not limited to, all of the following:

- (A) Recruitment.
  - (B) Approval of family homes.
  - (C) Qualifications, training, and monitoring of family home providers.
  - (D) Assistance to consumers in moving into approved family homes.
  - (E) The range of services and supports to be provided.
  - (F) Family home agency staffing levels, qualifications, and training.
- (4) Program design.
  - (5) Program and consumer records.
  - (6) Family homes.



(7) (A) Rates of payment for family home agencies and approved family home providers. In developing the rates pursuant to regulation, the department may require family home agencies and family homes to submit program cost or other information, as determined by the department.

(B) Regional center reimbursement to family home agencies for services in a family home shall not exceed rates for similar individuals when residing in other types of out-of-home care established pursuant to Section 4681.1.

(C) Notwithstanding any other law or regulation, from January 1, 2020, to December 31, 2021, inclusive, to the extent funds are appropriated in the annual Budget Act, and contingent upon approval of federal financial participation, rates for family home agencies shall be established by the department, as set forth in the rate schedule posted on the department's internet website.

(8) The department and regional center's monitoring and evaluation of the family home agency and approved homes, which shall be designed to ensure that services do all of the following:

(A) Conform to applicable laws and regulations and provide for the consumer's health and well-being.

(B) Assist the consumer in understanding and exercising his or her the consumer's individual rights.

(C) Are consistent with the family home agency's program design and the consumer's individual program plan.

(D) Maximize the consumer's opportunities to have choices in where he or she the consumer lives, works, and socializes.

(E) Provide a supportive family home environment, available to the consumer 24 hours a day, that is clean, comfortable, and accommodating to the consumer's cultural preferences, values, and lifestyle.

(F) Are satisfactory to the consumer, as indicated by the consumer's quality of life as assessed by the consumer, his or her the consumer's family, and if appointed, conservator, or significant others, or all of these, as well as by evaluation of outcomes relative to individual program plan objectives.

(9) Monthly monitoring visits by family home agency social service staff to approved family homes and family teaching homes.

(10) Procedures whereby the regional center and the department may enforce applicable provisions of law and regulation, investigate allegations of abuse or neglect, and impose sanctions on family home agencies and approved family homes and family teaching homes, including, but not limited to, all of the following:

(A) Requiring movement of a consumer from a family home under specified circumstances.

(B) Termination of approval of a family home or family teaching home.

(C) Termination of the family home agency's vendorization.

(11) Appeal procedures.

(f) Each adult with developmental disabilities placed in a family home or family teaching home shall have the rights specified in this division, including, but not limited to, the rights specified in Section 4503.

(g) Prior to placement in a family home of an adult with developmental disabilities who has a conservator, consent of the conservator shall be obtained.



(h) The adoption of any emergency regulations to implement this section that are filed with the Office of Administrative Law within one year of the date on which the act that added this section took effect shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare.

SEC. 15. Section 4691.12 is added to the Welfare and Institutions Code, to read:

4691.12. (a) Notwithstanding any other law or regulation, from January 1, 2020, to December 31, 2021, inclusive, to the extent funds are appropriated in the annual Budget Act, and contingent upon approval of federal financial participation, rates for personal assistance, supported living services, supplemental program support services, and transportation assistance shall be established by the department, as set forth in the rate schedule posted on the department's internet website.

(b) For purposes of this section, the following terms have the following meanings:

(1) "Personal assistance" is limited only to those services provided by vendors classified by the regional center as personal assistance providers, pursuant to the miscellaneous services provisions contained in Title 17 of the California Code of Regulations.

(2) "Supported living services" are limited only to those services defined as supported living services in Title 17 of the California Code of Regulations.

(3) "Supplemental program support services," including supplemental residential program support, supplemental day services program support, and supplemental program support (other), is limited only to those services provided by vendors classified by the regional center as supplemental program support services, pursuant to the miscellaneous services provisions contained in Title 17 of the California Code of Regulations.

(4) "Transportation assistant" is limited only to those services defined as transportation assistant in Title 17 of the California Code of Regulations.

SEC. 16. Section 4860 of the Welfare and Institutions Code is amended to read:

4860. (a) (1) The hourly rate for supported employment services provided to consumers receiving individualized services is thirty-six dollars and fifty-seven cents (\$36.57).

(2) Notwithstanding any other law or regulation, from January 1, 2020, to December 31, 2021, inclusive, to the extent funds are appropriated in the annual Budget Act, and contingent upon approval of federal financial participation, rates for personal assistance, supported living services, supplemental program support services, and transportation assistance shall be established by the department, as set forth in the rate schedule posted on the department's internet website.

~~(2)~~

(3) Job coach hours spent in travel to consumer worksites may be reimbursable for individualized services only when the job coach travels from the vendor's headquarters to the consumer's worksite or from one consumer's worksite to another, and only when the travel is one way.

(b) (1) The hourly rate for group services is thirty-six dollars and fifty-seven cents (\$36.57), regardless of the number of consumers served in the group. Consumers in a group shall be scheduled to start and end work at the same time, unless an exception that takes into consideration the consumer's compensated work schedule is approved in advance by the regional center. The department, in consultation with stakeholders,



shall adopt regulations to define the appropriate grounds for granting these exceptions. When the number of consumers in a supported employment placement group drops to fewer than the minimum required in subdivision (r) of Section 4851, the regional center may terminate funding for the group services in that group, unless, within 90 days, the program provider adds one or more regional centers, or Department of Rehabilitation-funded supported employment consumers to the group.

(2) Notwithstanding any other law or regulation, from January 1, 2020, to December 31, 2021, inclusive, to the extent funds are appropriated in the annual Budget Act, and contingent upon approval of federal financial participation, rates for personal assistance, supported living services, supplemental program support services, and transportation assistance shall be established by the department, as set forth in the rate schedule posted on the department's internet website.

(c) Job coaching hours for group services shall be allocated on a prorated basis between a regional center and the Department of Rehabilitation when regional center and Department of Rehabilitation consumers are served in the same group.

(d) When Section 4855 applies, fees shall be authorized for the following:

(1) A three-hundred-sixty-dollar (\$360) fee shall be paid to the program provider upon intake of a consumer into a supported employment program. No fee shall be paid if that consumer completed a supported employment intake process with that same supported employment program within the previous 12 months.

(2) A seven-hundred-twenty-dollar (\$720) fee shall be paid upon placement of a consumer in an integrated job, except that no fee shall be paid if that consumer is placed with another consumer or consumers assigned to the same job coach during the same hours of employment.

(3) A seven-hundred-twenty-dollar (\$720) fee shall be paid after a 90-day retention of a consumer in a job, except that no fee shall be paid if that consumer has been placed with another consumer or consumers, assigned to the same job coach during the same hours of employment.

(e) Notwithstanding paragraph (4) of subdivision (a) of Section 4648, the regional center shall pay the supported employment program rates established by this section.

(f) The department, with regional center participation, shall conduct an annual survey of providers, in a format determined by the department, to collect the following information:

(1) The number of employment placements in the previous 12 months.

(2) Types of employment in which consumers are placed.

(3) The cost components of the rates in subdivisions (a) and (b), including, but not limited to, the amount used for hourly wages of job coaches, administration, and placement search costs.

(4) The number of hours each consumer works and the consumer's hourly wage.

(5) Any other information determined by the department.

(g) In its 2017-18 May Revision fiscal estimate, the department shall describe the results of the survey described in subdivision (f).

SEC. 17. The department may adopt emergency regulations or issue administrative directives to implement this act or any requirement of the Budget Act of 2019. The adoption, amendment, repeal, or reoption of a regulation authorized by this section is deemed to be necessary for the immediate preservation of the public



37033

05/23/19 01:26 PM  
RN 19 15783 PAGE 16

peace, health and safety, or general welfare, for purposes of Section 11346.1 of the Government Code.

- 0 -



191578337033BILL



## LEGISLATIVE COUNSEL'S DIGEST

Bill No.  
as introduced, \_\_\_\_\_.  
General Subject: Developmental services.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to provide various services and supports to persons with developmental disabilities, and to ensure the appropriateness and quality of those services and supports. Existing law authorizes the department to contract with regional centers to provide these services and supports. Existing law establishes governing boards of those regional centers.

This bill would, among other things, require the governing board of a regional center to, by August 15, 2020, include members that have financial skills and members that have specified management or board governance expertise, require the governing board of each regional center, beginning May 1, 2020, and annually thereafter, to hold one or more public meetings regarding the prior year's contract performance objectives and outcomes, and prohibit an attorney retained or hired by the governing board from being an employee of the regional center.

Under existing law, a person believed to have a developmental disability or to have a high risk of parenting a developmentally disabled infant is eligible for initial intake and assessment in the regional centers. Existing law requires that specified information be provided as part of initial intake.

This bill would require the department to develop information packets that include, among other things, an overview of the regional center system, to be provided to a person seeking regional center services. The bill would require regional centers to begin distributing the information packets within 60 days following the department providing the information packets and issuing directives regarding the distribution of the information packets.

Existing law makes persons or entities that have been convicted of prescribed crimes or have been found liable for fraud or abuse in any civil proceeding, or that have entered into a settlement in lieu of conviction for fraud or abuse in any government program, within the previous 10 years, ineligible to be regional center vendors, and requires the department to adopt related emergency and nonemergency regulations.

This bill would require, beginning January 1, 2020, a criminal background check for direct care staff that provide personal assistance, supported living services, supported employment, supplemental program supports, and transportation assistance.



191578337033BILL

Under existing law, regional centers purchase needed services for individuals with developmental disabilities through approved service providers or arrange for those services through other publicly funded agencies. Existing law establishes the rates and wages to be paid to certain service providers and the rates to be paid for certain developmental services. Existing law requires that rates to be paid to other developmental service providers either be set by the department or negotiated between the regional center and the service provider.

This bill would provide, from January 1, 2020, to December 31, 2021, inclusive, that rates for certain services and supports, including, among others, for community care facilities paid through the Alternative Residential Model rate structure, supported living services, and supported employment services, be established by the department as set forth in the rate schedule posted on the department's internet website.

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, and personal outcomes, and, among other things, includes outcome-based measures such as health, safety, and well-being.

This bill would require each regional center to annually present data collected from, and the findings of, the quality assurance instrument at a public meeting of its governing board. The bill would require each regional center to submit a report to the department regarding the presentation and to post a copy of the report on its internet website.

This bill would authorize the department to adopt emergency regulations or issue administrative directives to implement the bill, or any requirement of the Budget Act of 2019, and would deem the adoption, amendment, repeal, or readoption of a regulation pursuant to that authorization necessary for the immediate preservation of the public peace, health and safety, or general welfare.

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

