An act to add Section 4648.8 to the Welfare and Institutions Code, relating to developmental services, and declaring the urgency thereof, to take effect immediately.

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

SECTION 1. Section 4648.8 is added to the Welfare and Institutions Code, to read:

4648.8. Notwithstanding any other provision of law to the contrary:

(a) To provide more uniformity and consistency in the services, funding, and administrative practices of regional centers throughout the state while ensuring consistency with Lanterman Act values and maintaining the entitlement to services, and to increase cost effectiveness, the Department of Developmental Services (department), with input from stakeholders, shall develop standards for regional centers to use when purchasing services for consumers and families. In developing these standards, the department shall consider eligibility for the service; duration; frequency and efficacy of the service; service providers qualifications and performance; rates; parental and consumer responsibilities and self directed service options. The department shall ensure that changes are made through the Individual Program Planning process outlined in the Lanterman Act and specify the notification requirements. The department shall also consider the impact of the standards, coupled with prior reductions in the service area, on consumers, families, and providers. The department shall submit the standards to the Legislature by _____ with draft statutory language necessary to implement required changes. The department shall include specific cost savings estimates associated with the standards.

(b) Standards developed pursuant to this section may vary by service category and:

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(1) Establish criteria and limits on the type, scope, amount, duration, location, and intensity of services and supports purchased by regional centers for consumers and their families.

(2) Prohibit the purchase of specified services.

(3) Change payment rates.

(4) Impact family and consumer responsibilities.

(c) In developing these standards, the department shall consider provisions for limited individual exceptions to ensure the health and safety of the consumer or to avoid out-of-home placement or institutionalization.

(d) Standards developed pursuant to this section shall not:

(1) Endanger a consumer's health or safety.

(2) Compromise the state's ability to meet its commitments to the federal Centers for Medicare and Medicaid Services for participation in the Home and Community-based Services waiver or other federal funding of services for persons with developmental disabilities.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to make changes necessary for implementation of the Budget Act of 2011, it is necessary that this act take effect immediately.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Regional center purchase of services standards.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to enter into contracts with private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families, including, but not limited to, residential placement. Existing law sets forth the duties of the regional centers, including, but not limited to, development of individual program plans, the purchase of needed services to implement the plan, and the monitoring of services.

This bill would require the department to develop purchase of services standards for use by regional centers when purchasing services for consumers and families. The bill would require the department to submit the standards, and draft statutory language necessary to implement required changes, to the Legislature by an unspecified date.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.