

January 14, 2025

D-2025-Case Management-001

TO: REGIONAL CENTER EXECUTIVE DIRECTORS

SUBJECT: UPDATE TO TIMELY ACCESS TO AN INDIVIDUAL'S RECORDS

This letter describes an update to Welfare and Institutions Code (WIC) Section 4726 regarding timely access to records about an individual. This update was made by Chapter 902, Statutes of 2024, and became effective January 1, 2025.

Previous Law	New Law, Effective January 1, 2025
These records are available to the applicant, recipient, or their authorized representative, including the person appointed as a developmental services decisionmaker, <u>for purposes of an appeal</u> pursuant to WIC Section 4700 et seq.	These records are available to the applicant, recipient, or their authorized representative, including the person appointed as a developmental services decisionmaker, <u>for any purpose</u> .

Records regarding an applicant for, or recipient of, services are available to the applicant, recipient, or their authorized representative, including the person appointed as a developmental services decisionmaker. Starting January 1, 2025, access to these records continues to be required no later than three business days following the request, within the business hours of the regional center. However, access to records must be provided for any purpose, not just for purposes of an appeal.

For ease of reference, WIC Section 4726, as amended and effective January 1, 2025, states:

“Notwithstanding any other law, access to records regarding an applicant for, or recipient of, services shall be provided, upon request, to the applicant, recipient, or their authorized representative, including the person appointed as a developmental services decisionmaker pursuant to Section 319, 361, or 726, for any purpose, including, but not limited to, the appeal process under this chapter, unless disclosure of the record is expressly prohibited by law.”

Also for ease of reference, WIC Section 4728 was not amended, and continues to reference WIC Section 4726:

“Each regional center and the department for its state-operated facilities shall adopt procedures for granting of requests by persons authorized under Section 4726 for access to records during regular business hours, provided that access

shall be granted no later than three business days following the date of receipt of the oral or written request for access. Procedures shall include notice of the location of all records and the provision of qualified personnel to interpret records if requested.”

This law applies to verbal requests, including requests made over the phone, during an in-person conversation, and to written requests. Regional centers must update their procedures for accessing records to align with this change in law.

If you have questions, please contact your regional center’s primary liaison or Tiffani Andrade, Assistant Deputy Director, Office of Community Operations, at (916) 654-3016, or by email at Tiffani.Andrade@dds.ca.gov.

Sincerely,

Original Signed by:

ERNIE CRUZ
Deputy Director
Community Services Division

cc: Regional Center Administrators
Regional Center Directors of Consumer Services
Regional Center Community Services Directors
Association of Regional Center Agencies
Pete Cervinka, Department of Developmental Services
Michi Gates, Department of Developmental Services
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