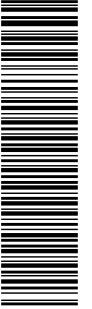


An act to amend Section 10295 of the Public Contract Code, to amend Sections 4435.1, 4620.5, 4622, 4625.5, 4629, 4636, 4648 of, to add Section 4621.6 to, and to repeal and add Section 4625.6 of, of the Welfare and Institutions Code, relating to developmental services.

SECURED
COPY



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

SECTION 1. Section 10295 of the Public Contract Code is amended to read:

10295. (a) All contracts entered into by any state agency for (1) the acquisition of goods or elementary school textbooks, (2) services, whether or not the services involve the furnishing or use of goods or are performed by an independent contractor, (3) the construction, alteration, improvement, repair, or maintenance of property, real or personal, or (4) the performance of work or services by the state agency for or in cooperation with any person, or public body, are void unless and until approved by the department. Every contract shall be transmitted with all papers, estimates, and recommendations concerning it to the department and, if approved by the department, shall be effective from the date of the approval.

(b) This section applies to a state agency that by general or specific statute is expressly or impliedly authorized to enter into transactions referred to in this section.

(c) This section does not apply to any of the following:

(1) A transaction entered into by the Trustees of the California State University, by the Board of Governors of the California Community Colleges, or by a department under the State Contract Act or the California State University Contract Law.

(2) A contract of a type specifically mentioned and authorized to be entered into by the Department of Transportation under Section 14035 or 14035.5 of the Government Code, Sections 99316 to 99319, inclusive, of the Public Utilities Code, or the Streets and Highways Code.

(3) A contract entered into by the Department of Transportation that is not funded by money derived by state tax sources but, rather, is funded by money derived from federal or local tax sources.

(4) A contract entered into by the Department of Human Resources for state employee benefits, occupational health and safety, training services, or combination thereof.

(5) A contract let by the Legislature.

(6) A contract entered into under the authority of Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code.

(7) A contract entered into by the Department of Forestry and Fire Protection for the purpose of providing logistical support for large-scale prescribed fire operations, including, but not limited to, meals, lodging, hired equipment, onsite preparatory efforts, and land use agreements, or any related subcontract.

(8) A letter, contract, or contract amendment issued or entered into by the State Department of Developmental Services for a funding allocation or adjustment to a regional center pursuant to Section 4621.6 of the Welfare and Institutions Code.

SEC. 2. Section 4435.1 of the Welfare and Institutions Code is amended to read:

4435.1. (a) It is the intent of the Legislature to provide more statewide uniformity and consistency and promote equity in the administrative practices and services of regional centers, consistent with the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500)), as specified in this section.

(b) (1) No later than June 30, 2024, the department shall establish common data definitions that shall be used to promote service access and equity in all regional center services and programs. No later than January 1, 2025, regional centers shall start



recording the race and ethnicity and preferred language identified by each individual, subject to paragraph (4), at the time of initial intake, assessment, and the individual program plan meeting following the individual's 18th birthday. Individuals have the right to update their demographic information at any time.

(2) The categories for race and ethnicity shall be based on the latest categories adopted by the United States Core Data for Interoperability set forth by the United States Office of the National Coordinator for Health Information Technology.

(3) "Preferred language" means the language chosen by the applicant or individual, or, when appropriate, the individual's parent, legal guardian or conservator, or authorized representative.

(4) Nothing in this section shall be construed to compel an individual, their parent, their legal guardian or conservator, or their authorized representative to provide requested information regarding the race, ethnicity, or preferred language of any of those persons.

(5) The data requirements described in this subdivision shall be integrated with the department's new case management system.

(c) (1) No later than June 30, 2025, the department shall establish standardized processes, including standardized templates, for assessing a consumer's need for respite services. Regional centers shall implement these standardized processes no later than January 1, 2026.

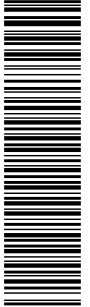
(2) The processes shall include a requirement that the regional center obtain information about respite needs from family members and, when appropriate, from other caregivers. The information obtained from these standardized processes shall be considered by the individual's individual program planning team.

(3) Regional centers shall make any modifications to their purchase-of-service policies as necessary for implementation of this subdivision.

(d) No later than June 30, 2024, the department shall establish a standardized individual program plan template and standardized procedures, including frequency of meetings, that are consistent with person-centered services planning requirements. The template shall be integrated with the department's new case management system. Regional centers shall implement the standardized individual program plan template and procedures no later than January 1, 2025.

(e) (1) No later than June 30, 2025, the department shall establish standardized vendorization procedures. These procedures may include, but are not limited to, standardized vendorization forms and requirements to streamline vendorization elements, including when services are provided through more than one regional center. Regional centers shall implement these standardized vendorization procedures and provide updated vendor lists to the department on a quarterly basis no later than January 1, 2026.

(2) No later than March 1, 2028, the department shall end the practice and processes known as courtesy vendorization. Thereafter, service providers seeking to provide services through authorizations from more than one regional center shall not be required to seek vendorization from regional centers beyond their initially vendorizing regional center. Service providers shall give preference to providing services to individuals served by the service provider's initially vendorizing regional center.



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(f) (1) No later than January 1, 2025, the department shall establish a standardized intake process consistent with the requirements and timelines specified in Section 4642.

(2) No later than June 30, 2025, and to the extent allowed by current data systems, regional centers shall report to the department, quarterly as described in paragraph (4), the number of assessments and the length of time that it took to determine eligibility.

(3) The department shall include all of the following information in its new case management system:

(A) The number of individuals for whom intake was requested.

(B) The outcome of that intake, including whether an assessment was determined to be necessary.

(C) The length of time that it took to complete the assessment.

(D) The number of notices of action sent pursuant to paragraph (3) of subdivision (a) of Section 4642.

(4) Regional centers shall report the data described in this subdivision to the department on a quarterly basis, based on the criteria specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 4519.5.

(g) The department shall develop the standardized processes specified in this section with input from stakeholders, including consumers and families, who reflect the demographic diversity of California, to the extent practicable. In developing the standardized processes specified in this section, the department shall address barriers that may impact access to services.

(h) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific this section through written directives until regulations are effective.

(i) As part of its quarterly updates to the Legislature pursuant to Section 4474.17, the department shall provide information on the status of implementation of this section.

SEC. 3. Section 4620.5 of the Welfare and Institutions Code is amended to read:

4620.5. (a) Beginning as early as possible after July 1, 2021, but no later than September 1, 2021, the department shall convene a workgroup, which shall be composed of individuals described under subdivision (b), to make recommendations to the department for the development of standard performance improvement indicators and benchmarks to incentivize high-quality regional center operations.

(b) The director shall appoint members to the stakeholder group and shall consider all of the following individuals to serve as members of that group:

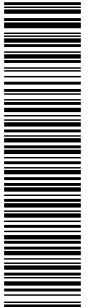
(1) Individuals or consultants with expertise in developing performance indicators and incentive programs within developmental disability systems or community-based long-term services and supports systems.

(2) Consumers and families across different geographic regions of the state, who have diverse racial and ethnic backgrounds, diverse consumer age groups, and disabilities.

(3) Regional center representatives.

(4) Service providers.

(5) Representatives of other state agencies or entities with whom the department routinely collaborates for the coordination of services for people with developmental disabilities, and who additionally have expertise in setting or reporting indicators and



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benchmarks, including reporting to the federal Centers for Medicare and Medicaid Services.

(6) Representatives of California's University Centers for Excellence in Developmental Disabilities, the State Council on Developmental Disabilities, the protection and advocacy agency specified in Division 4.7 (commencing with Section 4900), and consumer and family advocacy groups.

(c) By January 10, 2022, as part of the Governor's Budget, the department shall provide a status update based on recommendations provided by the stakeholder workgroup, with an additional status update at the time of the Governor's May Revision. These recommendations may include all of the following:

(1) Priority areas for performance indicators and benchmarks, including, but not limited to, all of the following:

- (A) Equity in service access and purchase of services.
- (B) Consumer employment and associated metrics.
- (C) Integration of consumers in the community.
- (D) Person-centered planning.
- (E) Compliance with federal home and community-based standards.
- (F) Consumer and family experience and satisfaction.
- (G) Innovation in service availability and delivery.

(2) Surveys or other measures to assess consumer and family experience, satisfaction, and recommendations, in addition the use of data available through the National Core Indicators.

(3) Benchmarks, and a method for establishing benchmarks, to create meaningful comparisons and understanding of variation in performance within and between regional centers.

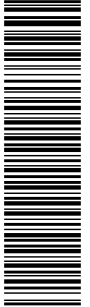
(4) Measures under development or already implemented by federal funding agencies for long-term services and supports, home and community-based services, incentive payments, required reporting, and the efficient and effective implementation of performance improvement systems.

(5) Additional criteria for demonstrating performance improvement, including improvement beyond benchmarks.

(6) The methodology, structure, and types of incentives to be used, including, if appropriate, a payment schedule and implementation timeline, for incentive payments to regional centers to achieve or exceed performance benchmarks. This methodology and structure shall include how the department shall take into consideration variations among regional centers, expectations for regional center community engagement activities, and any significant demographic, including economic or other differences, impacting a regional center's performance and how the department might build the identified benchmarks into regional center performance contracts.

(7) A process, based on the input from regional centers and other stakeholders, the department shall use on at least an annual basis to evaluate the success of a quality improvement process, including any incentive payment program.

(d) Department-approved performance measures developed pursuant to this section shall be incorporated into regional center contracts, as set forth in Section 4629, to standardize outcome measures and benchmarks that incentivize high-quality regional center operations. The department shall give consideration to the availability of regional center operations funding when establishing these measures.



SEC. 4. Section 4621.6 is added to the Welfare and Institutions Code, to read:
4621.6. (a) It is the intent of the Legislature to allow for uninterrupted supports for individuals with intellectual and developmental disabilities and provide for the timely allocation of resources to regional centers.

(b) Notwithstanding any other law, the department shall issue and adjust funding allocations to the regional centers, as specified in Section 4620. Funding allocations and adjustments may be done, at the department's discretion, by letter, contract, or contract amendment, and shall be consistent with, and subject to, funding appropriated in the annual Budget Act. Funding allocations and adjustments made pursuant to this section are exempt from the Public Contract Code and the State Contracting Manual, and are not subject to the approval of the Department of General Services pursuant to subdivision (c) of Section 10295 of the Public Contract Code.

(c) The exemptions provided in subdivision (b) do not apply to funding allocations and adjustments for contracts for noninformation technology goods or information technology goods and services.

SEC. 5. Section 4622 of the Welfare and Institutions Code is amended to read:
4622. The state shall contract only with ~~agencies~~, agencies to serve as regional centers as described in Section 4620, the governing boards of which conform to all of the following ~~criteria~~: criteria by no later than July 1, 2027:

(a) The governing board shall be composed of a minimum of 10 and no more than 15 individuals with demonstrated interest in, or knowledge of, developmental disabilities.

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

~~(b) The membership of the governing board shall include representatives of the various categories of disability to be served by the regional center.~~ possess expertise in all of the following topics:

(1) Legal, as evidenced by at least two years of experience in the practice of law.

(2) Management, as evidenced by at least two years of management experience managing subordinate supervisors.

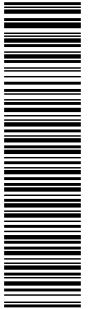
(3) Board governance, as evidenced by at least one year of experience serving on the board of an entity that is not a regional center or its parent organization.

(4) Fiscal or financial, as evidence by at least two years of paid work experience in fiscal or financial subjects.

(5) Developmental disability programs, as evidenced by at least one year of paid or unpaid policy advocacy work at the municipal, county, or state level, or at least three years of service or program administration, beyond personal or family lived experience with a developmental disability.

~~(d)~~

~~(c) The governing board shall reflect the ~~geographic~~ geographic, disability, and ethnic characteristics of the area ~~to be~~ served by the regional center.~~



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~~(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.~~

(d) The governing board shall encourage persons with intellectual or developmental disabilities and their parents, legal guardians, or family members to become members of the governing board and its committees.

~~(f)~~

~~(e) 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.~~

(f) (1) All members of the governing board, prior to assuming their role and annually thereafter to maintain their role, shall complete trainings provided by or approved by the department. Training topics shall include, but are not limited to, the following topics:

(A) Board management and operations, including the following:

(i) Mission.

(ii) Bylaws.

(iii) Organization structure.

(iv) Roles and responsibilities.

(v) Policies.

(vi) Fiduciary responsibilities.

(vii) Conflicts of interest.

(viii) Robert's Rules of Order or other boardsmanship rules.

(B) Ethics.

(C) Regional center contract requirements.

(D) Legal requirements for open meetings, catchment description, and demographics.

(E) Overviews of the programs and services under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500)) and early start program under Title 14 (commencing with Section 95000) of the Government Code.

(2) The annual training required by paragraph (1) may be shorter than the initial training, as determined by the department following consultation with regional centers.

~~(2)~~

~~(3) As part of its monitoring responsibility, the department shall review and approve the method by which the training and support are provided to board members to ensure verify that it enables maximum understanding and participation by board members.~~

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

(g) Whenever possible, materials and information provided to board members shall be in plain language so that a member of the community with no prior experience serving on a public or charitable board of directors can understand their responsibilities and exercise appropriate oversight as board members of the regional center.



(h) The governing board ~~may~~ shall appoint a consumers' advisory committee composed of persons with developmental disabilities representing the various categories of disability served by the regional center. The committee shall designate two of its members to serve on the governing board as full voting members.

(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 review the performance of the regional center executive director on an annual basis on metrics that include, but are not limited to, the following:

(A) The regional center's compliance with contract objectives.

(B) Compliance with required audits.

(C) Clean annual independent fiscal audit with no significant material findings.

(2)

(3) The governing board shall also annually review the performance of the regional center in providing services that are linguistically and culturally appropriate and may provide recommendations to the executive 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 the member's financial interests, as defined in Section 87103, to the regional center board.

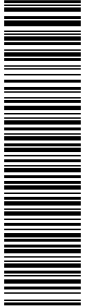
~~Nothing~~

(l) 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. 6. Section 4625.5 of the Welfare and Institutions Code is amended to read:

4625.5. (a) The governing board of each regional center shall adopt and maintain a written policy requiring the board to review and approve any regional center contract of two hundred fifty thousand dollars (\$250,000) or more, before entering into the contract.

(b) No regional center contract of two hundred fifty thousand dollars (\$250,000) or more shall be valid unless approved by the governing board of the regional center in compliance with its written policy pursuant to subdivision (a).



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(c) For purposes of this section, ~~contracts do not include vendor approval letters issued by regional centers pursuant to Section 54322 of Title 17 of the California Code of Regulations.~~ section:

(1) (A) Until July 1, 2030, contracts shall have an identified monetary value of three hundred fifty thousand dollars (\$350,000) or more and shall be based on a proposal or bid for services.

(B) As of July 1, 2030, the monetary value for the contract specified in subparagraph (A) shall be four hundred fifty thousand dollars (\$450,000), and every five years thereafter, it shall be increased by fifty thousand dollars (\$50,000).

(2) Contracts shall not include either of the following:

(A) Vendor approval letters issued by regional centers pursuant to Section 54322 of Title 17 of the California Code of Regulations.

(B) Purchase of service authorizations.

SEC. 7. Section 4625.6 of the Welfare and Institutions Code is repealed.

~~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. 8. Section 4625.6 is added to the Welfare and Institutions Code, to read:

4625.6. (a) To ensure compliance with applicable laws and regulations, and to assist with governance and organizational structure, the governing board of the regional center shall retain or employ an attorney by no later than July 1, 2027, to provide general legal advice and counsel. The attorney shall have at least five years of legal experience in representing a private or nonprofit public benefit corporation, government agency, or other public entity.

(b) To ensure the delivery of independent legal advice, an attorney retained or employed by the governing board of the regional center shall not be an employee of the regional center.

(c) The board's attorney shall be present at all regional center board meetings and executive committee meetings where final decisions are made.

SEC. 9. 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 provisions of federal and state laws and regulations.~~ regulations and written directives from the department.

(c) (1) The contracts shall include annual performance ~~objectives~~ improvement indicators and benchmarks, hereinafter collectively referred to as "performance measures," developed pursuant to Section 4620.5 and outcome measures 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:~~ (b). These performance measures shall comply with all 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.



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(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.

(vi) Measure progress and report on performance measures to implement programs that incentivize high-quality regional center operations pursuant to Section 4620.5.

(B) Be developed through a public process as described in the department's guidelines led by the department 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~~ measures and using focus groups or surveys to collect information from the community.

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

(2) In addition to the performance ~~objectives~~ developed measures utilized 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~~ a regional center. In determining those areas, the department shall consider public comments from individuals and ~~organizations within the regional center catchment area~~; organizations, the distribution of services and supports within ~~the regional center~~ a regional center's catchment area, and review how the availability of services and supports in the regional ~~area~~ center 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~~; measures.

(2) Levels of probationary status for regional centers that do not meet, or are at risk of not meeting, performance ~~standards~~; measures. 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~~; contractor, 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~~ measures and legal obligations related to those ~~objectives~~, measures, the department shall do both of the following:

(1) Annually assess each regional center's achievement of its previous year's ~~objectives~~ performance measures and make the assessment, including baseline data and performance ~~objectives~~ measures 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~~ measures and have made the most meaningful progress in meeting or exceeding contract performance ~~objectives~~, measures.

(2) 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~~: status relative to the established performance measures.

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

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

(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~~ compliance and performance measures and outcomes. The meetings may 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 regional center consumers and families and individual stakeholders at least 30 days prior to the meeting. Each regional center, in holding the meetings required by this subdivision, shall ensure that the meetings and meeting materials provide language access, as required by state and federal law, and shall schedule the meetings at times and locations designed to promote attendance by the public. To encourage participation by diverse language, racial, and ethnic communities, the regional center shall consider strategies to promote opportunities for public comment.

(2) Each regional center governing board shall report to the department regarding the outcomes of each 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 each meeting and comments obtained from other strategies utilized to provide opportunities for public comment from diverse language, racial, and ethnic communities.

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



(g) The renewal of each contract shall be contingent upon compliance with the contract, including, but not limited to, the performance ~~objectives~~ measures, 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. 10. Section 4636 of the Welfare and Institutions Code is amended to read:

4636. If necessary, to avoid disruption of the service program, the department may ~~directly~~ directly, or through contract, operate a regional center during the interim period between the termination of its contract with one governing board and the assumption of operating responsibility by a regional center contract with another governing board. ~~In no event shall the department directly operate a regional center program for longer than 120 days before contracting with a new governing board.~~ The department may, if requested by the new governing board, ~~continue to provide~~ arrange for additional assistance to avoid disruption of the service program, until such time as the new governing board has assumed full responsibility for the operation of the program.

SEC. 11. Section 4648 of the Welfare and Institutions Code is amended to read:

4648. In order to achieve the stated objectives of a consumer's individual program plan, the regional center shall conduct activities, including, but not limited to, all of the following:

(a) Securing needed services and supports.

(1) It is the intent of the Legislature that services and supports assist individuals with developmental disabilities to achieve the greatest self-sufficiency possible and to exercise personal choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer's individual program plan, and within the context of the individual program plan, the planning team shall give highest preference to those services and supports that would allow minors with developmental disabilities to live with their families, adult persons with developmental disabilities to live as independently as possible in the community, and that allow all consumers to interact with persons without disabilities in positive, meaningful ways.

(2) In implementing individual program plans, regional centers, through the planning team, shall first consider services and supports in natural community, home, work, and recreational settings. Services and supports shall be flexible and individually tailored to the consumer and, if appropriate, the consumer's family.

(3) A regional center may, pursuant to vendorization or a contract, purchase services or supports for a consumer from an individual or agency that the regional center and consumer or, if appropriate, the consumer's parents, legal guardian, or conservator, or authorized representatives, determines will best accomplish all or part of that consumer's program plan.

(A) Vendorization or contracting is the process for identification, selection, and utilization of service vendors or contractors, based on the qualifications and other requirements necessary in order to provide the service.

(B) A regional center may reimburse an individual or agency for services or supports provided to a regional center consumer if the individual or agency has a rate of payment for vendored or contracted services established by the department, pursuant to this division, and is providing services pursuant to an emergency vendorization or has completed the vendorization procedures or has entered into a contract with the regional center and continues to comply with the vendorization or contracting



requirements. The director shall adopt regulations governing the vendorization process to be utilized by the department, regional centers, vendors, and the individual or agency requesting vendorization.

(C) Regulations shall include, but not be limited to: the vendor application process, and the basis for accepting or denying an application; the qualification and requirements for each category of services that may be provided to a regional center consumer through a vendor; requirements for emergency vendorization; procedures for termination of vendorization; and the procedure for an individual or an agency to appeal a vendorization decision made by the department or regional center.

(D) A regional center may vendorize a licensed facility for exclusive services to persons with developmental disabilities at a capacity equal to or less than the facility's licensed capacity. A facility already licensed on January 1, 1999, shall continue to be vendorized at their full licensed capacity until the facility agrees to vendorization at a reduced capacity.

(E) Effective July 1, 2009, notwithstanding any other law or regulation, a regional center shall not newly vendor a State Department of Social Services licensed 24-hour residential care facility with a licensed capacity of 16 or more beds, unless the facility qualifies for receipt of federal funds under the Medicaid program.

(F) (i) Notwithstanding any other law or regulation, effective January 1, 2027, a vendor shall not be required to maintain a physical location within a regional center's service area unless a physical location is required for the delivery of services, such as, but not limited to, in a licensed residential facility.

(ii) The department may repeal or amend any regulations necessary to implement clause (i).

(4) Notwithstanding subparagraph (B) of paragraph (3), a regional center may contract or issue a voucher for services and supports provided to a consumer or family at a cost not to exceed the maximum rate of payment for that service or support established by the department. If a rate has not been established by the department, the regional center may, for an interim period, contract for a specified service or support with, and establish a rate of payment for, a provider of the service or support necessary to implement a consumer's individual program plan. Contracts may be negotiated for a period of up to three years, with annual review and subject to the availability of funds.

(5) In order to ensure the maximum flexibility and availability of appropriate services and supports for persons with developmental disabilities, the department shall establish and maintain an equitable system of payment to providers of services and supports identified as necessary to the implementation of a consumer's individual program plan. The system of payment shall include a provision for a rate to ensure that the provider can meet the special needs of consumers and provide quality services and supports in the least restrictive setting as required by law.

(6) The regional center and the consumer, or if appropriate, the consumer's parents, legal guardian, conservator, or authorized representative, including those appointed pursuant to subdivision (a) of Section 4541, subdivision (b) of Section 4701.6, or subdivision (e) of Section 4705, shall, pursuant to the individual program plan, consider all of the following when selecting a provider of consumer services and supports:

(A) A provider's ability to deliver quality services or supports that can accomplish all or part of the consumer's individual program plan.



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(B) A provider's success in achieving the objectives set forth in the individual program plan.

(C) If appropriate, the existence of licensing, accreditation, or professional certification.

(D) (i) The cost of providing services or supports of comparable quality by different providers, if available, shall be reviewed, and the least costly available provider of comparable service, including the cost of transportation, who is able to accomplish all or part of the consumer's individual program plan, consistent with the particular needs of the consumer and family as identified in the individual program plan, shall be selected. In determining the least costly provider, the availability of federal financial participation shall be considered. The consumer shall not be required to use the least costly provider if it will result in the consumer moving from an existing provider of services or supports to more restrictive or less integrated services or supports.

(ii) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department shall, with input from the community, issue a written directive defining the term "cost effective" for the purposes of all programs, including, but not limited to, the Self-Determination Program, no later than August 1, 2026. This directive shall remain in effect until regulations are adopted, but in no case for longer than two years following its issuance. Upon notification by the department to the Legislature that the written directive has been issued, clause (i) shall be ineffective.

(iii) For purposes of clause (ii), input from the community shall include, but not be limited to, consultation with the department's Lived Experience Advisory Group, individuals and families, caregivers, advocates and associations, service providers, regional centers, the State Council on Developmental Disabilities Statewide Self-Determination Advisory Committee, and legislative staff. The department shall provide adequate notice, or 45 days at a minimum, for the community to review and provide feedback on the draft written directive, with review and consideration by the department of feedback prior to finalization for the August 1, 2026, deadline.

(E) The consumer's choice of providers, or, if appropriate, the consumer's parent's, legal guardian's, authorized representative's, or conservator's choice of providers.

(7) A service or support provided by an agency or individual shall not be continued unless the consumer or, if appropriate, the consumer's parents, legal guardian, or conservator, or authorized representative, including those appointed pursuant to subdivision (a) of Section 4541, subdivision (b) of Section 4701.6, or subdivision (e) of Section 4705, is satisfied and the regional center and the consumer or, if appropriate, the consumer's parents or legal guardian or conservator agree that planned services and supports have been provided, and reasonable progress toward objectives have been made.

(8) Regional center funds shall not be used to supplant the budget of an agency that has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services.

(9) (A) To maximize federal financial participation and facilitate timely access to residential placements of consumers in foster care, the department shall enter into interagency agreements to obtain state and federal funding with the state departments



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that oversee the agencies that have the legal responsibility to serve all members of the general public and receive public funds for providing those services. The interagency agreement shall specify the proportion or amount of funds reimbursed by each state department or other responsible agency. Following completion of the interagency agreement, the departments shall jointly notify the local agencies.

(B) Notwithstanding any other provision of law, and if specified in the joint notification received pursuant to subparagraph (A), regional centers shall fund the vendored residential service types specified in the joint notification provided to a regional center consumer who is a child or nonminor dependent who has been adjudged a dependent of the court pursuant to Section 300 or has not been adjudged a dependent of the court pursuant to Section 300 but is in the custody of the county welfare department, or has been adjudged a ward of the court pursuant to Section 601 or 602 and placed in the care and custody of the county probation department. The residential services and supports purchased by the regional center shall be consistent with the consumer's individual program plan regardless of the placing agency or placing authority. This section shall not apply to placements made in an institution for mental diseases, as defined in Section 435.1010 of Title 42 of the Code of Federal Regulations.

(C) This paragraph shall be implemented in consultation with the County Welfare Directors Association of California and the Association of Regional Center Agencies.

(10) (A) A regional center may, directly or through an agency acting on behalf of the center, provide placement in, purchase of, or follow-along services to persons with developmental disabilities in, appropriate community living arrangements, including, but not limited to, support service for consumers in homes they own or lease, foster family placements, health care facilities, and licensed community care facilities. In considering appropriate placement alternatives for children with developmental disabilities, approval by the child's parent or guardian shall be obtained before placement is made.

(B) Effective July 1, 2012, notwithstanding any other law or regulation, a regional center shall not purchase residential services from a State Department of Social Services licensed 24-hour residential care facility with a licensed capacity of 16 or more beds. This prohibition on regional center purchase of residential services does not apply to either of the following:

(i) A residential facility with a licensed capacity of 16 or more beds that has been approved to participate in the department's Home and Community Based Services Waiver or another existing waiver program or certified to participate in the Medi-Cal program.

(ii) A residential facility licensed as a mental health rehabilitation center by the State Department of Health Care Services under any of the following circumstances:

(I) The facility is eligible for Medicaid reimbursement and the individual's planning team determines that there are no less restrictive placements appropriate for the individual.

(II) There is an emergency circumstance in which the regional center determines that it cannot locate alternate federally eligible services to meet the consumer's needs. Under an emergency circumstance, an assessment shall be completed by the regional center as soon as possible and within 30 days of admission. An individual program plan meeting shall be convened immediately following the assessment to determine the services and supports needed for stabilization and to develop a plan to transition



the consumer from the facility into the community. If transition is not expected within 90 days of admission, an individual program plan meeting shall be held to discuss the status of transition and to determine if the consumer is still in need of placement in the facility. Commencing October 1, 2012, this determination shall be made after also considering resource options identified by the statewide specialized resource service. If it is determined that emergency services continue to be necessary, the regional center shall submit an updated transition plan that can cover a period of up to 90 days. In no event shall placements under these emergency circumstances exceed 180 days.

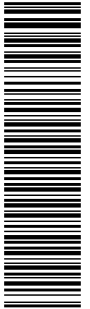
(III) The clients' rights advocate shall be notified of each admission and individual program planning meeting pursuant to this clause and may participate in all individual program planning meetings unless the consumer objects on their own behalf. For purposes of this subclause, notification to the clients' rights advocate shall include a copy of the most recent comprehensive assessment or updated assessment and the time, date, and location of the meeting, and shall be provided as soon as practicable, but not less than seven calendar days before the meeting.

(IV) If a consumer is placed in a mental health rehabilitation center by another entity, the mental health rehabilitation center shall inform the regional center of the placement within five days of the date the consumer is admitted. If an individual's records indicate that the individual is a regional center consumer, the mental health rehabilitation center shall make every effort to contact the local regional center or the department to determine which regional center to provide notice. As soon as possible within 30 days of admission to a mental health rehabilitation center due to an emergency pursuant to subclause (II), or within 30 days of notification of admission to a mental health rehabilitation center by an entity other than a regional center, an assessment shall be completed by the regional center.

(C) (i) Effective July 1, 2012, notwithstanding any other law or regulation, a regional center shall not purchase new residential services from, or place a consumer in, institutions for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5, for which federal Medicaid funding is not available. Effective July 1, 2013, this prohibition applies regardless of the availability of federal funding.

(ii) The prohibition described in clause (i) shall not apply to emergencies, as determined by the regional center, if a regional center cannot locate alternate services to meet the consumer's needs. As soon as possible within 30 days of admission due to an emergency, an assessment shall be completed by the regional center. An individual program plan meeting shall be convened immediately following the assessment, to determine the services and supports needed for stabilization and to develop a plan to transition the consumer from the facility to the community. If transition is not expected within 90 days of admission, an emergency program plan meeting shall be held to discuss the status of the transition and to determine if the consumer is still in need of placement in the facility. If emergency services continue to be necessary, the regional center shall submit an updated transition plan to the department for an extension of up to 90 days. Placement shall not exceed 180 days.

(iii) Effective January 1, 2020, the exception in clause (ii) shall no longer apply. As of this date, the prohibition in clause (i) shall not apply to acute crises when the following conditions are met prior to a regional center purchasing new residential services from, or placing a consumer in, an institution for mental disease:



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(I) The regional center prepares an assessment for inclusion in the consumer's file detailing all considered community-based services and supports, including, but not limited to, rate adjustments, as provided by law, supplemental services, as set forth in subparagraph (F), emergency and crisis intervention services, as set forth in paragraph (11), community crisis home, pursuant to Article 8 (commencing with Section 4698) of Chapter 6, and an explanation of why those options could not meet the consumer's needs.

(II) The director of the regional center confirms that there are no community-based options that can meet the consumer's needs.

(iv) For purposes of this section, "acute crisis" has the same meaning as defined in paragraph (1) of subdivision (d) of Section 4418.7.

(v) When admission occurs due to an acute crisis, all of the following shall apply:

(I) If the regional center does not expect the consumer to transition back to a community setting within 72 hours, or if the consumer does not transition back to a community setting within 72 hours, the regional center shall do both of the following:

(ia) No later than 10 calendar days from the date the consumer is placed in the institution for mental disease, complete any documentation necessary to support the filing of a petition for commitment pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 and request the person authorized to present allegations pursuant to Section 6500 file a petition for commitment.

(ib) Complete a comprehensive assessment in coordination with the institution for mental disease staff. The comprehensive assessment shall include the identification of the services and supports needed for crisis stabilization and the timeline for identifying or developing the services and supports needed to transition the consumer back to a community setting. The regional center shall immediately submit a copy of the comprehensive assessment to the committing court. Immediately following the assessment, and not later than 30 days following admission, the regional center and the institution for mental disease shall jointly convene an individual program plan meeting to determine the services and supports needed for crisis stabilization and to develop a plan to transition the consumer into the community.

(II) If transition is not expected within 90 days of admission, an individual program plan meeting shall be held to discuss the status of the transition and to determine if the consumer is still in need of crisis stabilization.

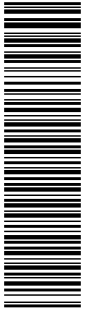
(III) A consumer shall reside in an institution for mental disease no longer than six months before being placed into a community living arrangement, unless, prior to the end of the six months, all of the following have occurred:

(ia) The regional center has conducted an additional comprehensive assessment based on current information and determines that the consumer continues to be in an acute crisis.

(ib) The individual program planning team has developed a plan that identifies the specific services and supports necessary to transition the consumer into the community, and the plan includes a timeline to obtain or develop those services and supports.

(ic) The committing court has reviewed and, if appropriate, extended the commitment.

(IV) (ia) A consumer's placement at an institution for mental disease shall not exceed one year unless both of the following occur:



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(Ia) The regional center demonstrates significant progress toward implementing the plan to transition the consumer into the community.

(Ib) Extraordinary circumstances exist beyond the regional center's control that have prevented the regional center from obtaining those services and supports within the timeline based on the plan.

(ib) If both of the circumstances under sub-subclause (ia) exist, the regional center may request, and the committing court may grant, an additional extension of the commitment, not to exceed 30 days.

(V) Institutions for mental disease staff shall assist the consumer with transitioning back to the consumer's prior residence, or an alternative community-based residential setting, within the timeframe described in this subparagraph.

(vi) The department shall monitor placements pursuant to this subparagraph and subsequent transitions back to community-based settings.

(vii) The clients' rights advocate shall be notified of each admission and individual program planning meeting pursuant to this subparagraph and may participate in all individual program planning meetings unless the consumer objects on their own behalf. For purposes of this clause, notification to the clients' rights advocate shall include a copy of the most recent comprehensive assessment or updated assessment and the time, date, and location of the meeting, and shall be provided as soon as practicable, but not less than seven calendar days before the meeting.

(viii) If a consumer is placed in an institution for mental disease by another entity, the institution for mental disease shall inform the regional center of the placement within five days of the date the consumer is admitted. If an individual's records indicate that the individual is a regional center consumer, the institution for mental disease shall make every effort to contact the local regional center or department to determine which regional center to provide notice. As soon as possible within 30 days of admission to an institution for mental disease due to an acute crisis pursuant to clause (ii), or within 30 days of notification of admission to an institution for mental disease by an entity other than a regional center, an assessment shall be completed by the regional center.

(ix) Regional centers shall complete a comprehensive assessment of a consumer residing in an institution for mental disease as of July 1, 2012, for which federal Medicaid funding is not available, and for a consumer residing in an institution for mental disease as of July 1, 2013, without regard to federal funding. The comprehensive assessment shall be completed before the consumer's next scheduled individual program plan meeting and shall include identification of the services and supports needed and the timeline for identifying or developing those services needed to transition the consumer back to the community. Effective October 1, 2012, the regional center shall also consider resource options identified by the statewide specialized resource service. For each individual program plan meeting convened pursuant to this subparagraph, the clients' rights advocate for the regional center shall be notified of the meeting and may participate in the meeting unless the consumer objects on their own behalf. For purposes of this clause, notification to the clients' rights advocate shall include the time, date, and location of the meeting, and shall be provided as soon as practicable, but not less than seven calendar days before the meeting.

(D) (i) The transition process from a mental health rehabilitation center or institution for mental disease shall be based upon the individual's needs, developed through the individual program plan process, and shall ensure that needed services and



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supports will be in place at the time the individual moves. Individual supports and services shall include, if appropriate for the individual, wraparound services through intensive individualized support services. The transition shall be to a community living arrangement that is in the least restrictive environment appropriate to the needs of the individual and most protective of the individual's rights to dignity, freedom, and choice as described in subdivision (a).

(ii) Regional centers, through the individual program plan process, shall coordinate for the benefit of the regional center consumers residing in an institution for mental disease, pretransition planning, transition, and access to followup services to help ensure a smooth transition to the community. Individual support services shall include, but shall not be limited to, both of the following:

(I) Defined regional center contacts and visits with consumers and service providers during the 12 months following the consumer's movement date.

(II) Identification of issues that need resolution and an individualized support plan to address these issues.

(E) A person with developmental disabilities placed by the regional center in a community living arrangement shall have the rights specified in this division. These rights shall be brought to the person's attention by any means necessary to reasonably communicate these rights to each resident, provided that, at a minimum, the Director of Developmental Services prepare, provide, and require to be clearly posted in all residential facilities and day programs a poster using simplified language and pictures that is designed to be more understandable by persons with intellectual disabilities and that the rights information shall also be available through the regional center to each residential facility and day program in alternative formats, including, but not limited to, other languages, braille, and audiotapes, if necessary to meet the communication needs of consumers.

(F) Consumers are eligible to receive supplemental services including, but not limited to, additional staffing, pursuant to the process described in subdivision (d) of Section 4646. Necessary additional staffing that is not specifically included in the rates paid to the service provider may be purchased by the regional center if the additional staff are in excess of the amount required by regulation and the individual's planning team determines the additional services are consistent with the provisions of the individual program plan. Additional staff should be periodically reviewed by the planning team for consistency with the individual program plan objectives in order to determine if continued use of the additional staff is necessary and appropriate and if the service is producing outcomes consistent with the individual program plan. Regional centers shall monitor programs to ensure that the additional staff is being provided and utilized appropriately.

(11) Emergency and crisis intervention services including, but not limited to, mental health services and behavior modification services, may be provided, as needed, to maintain persons with developmental disabilities in the living arrangement of their own choice. Crisis services shall first be provided without disrupting a person's living arrangement. If crisis intervention services are unsuccessful, emergency housing shall be available in the person's home community. If dislocation cannot be avoided, every effort shall be made to return the person to their living arrangement of choice, with all necessary supports, as soon as possible.



(12) Among other service and support options, planning teams shall consider the use of paid roommates or neighbors, personal assistance, technical and financial assistance, and all other service and support options that would result in greater self-sufficiency for the consumer and cost-effectiveness to the state.

(13) If facilitation as specified in an individual program plan requires the services of an individual, the facilitator shall be of the consumer's choosing.

(14) The community support may be provided to assist individuals with developmental disabilities to fully participate in community and civic life, including, but not limited to, programs, services, work opportunities, business, and activities available to persons without disabilities. This facilitation shall include, but not be limited to, any of the following:

(A) Outreach and education to programs and services within the community.

(B) Direct support to individuals that would enable them to more fully participate in their community.

(C) Developing unpaid natural supports when possible.

(15) If feasible and recommended by the individual program planning team, for purposes of facilitating better and cost-effective services for consumers or family members, technology, including telecommunication technology, may be used in conjunction with other services and supports. Technology in lieu of a consumer's in-person appearances at judicial proceedings or administrative due process hearings may be used only if the consumer or, if appropriate, the consumer's parent, legal guardian, conservator, or authorized representative, gives informed consent. Technology may be used in lieu of, or in conjunction with, in-person training for providers, as appropriate.

(16) Other services and supports may be provided as set forth in Sections 4685, 4686, 4687, 4688, and 4689, when necessary.

(17) Notwithstanding any other law or regulation, effective July 1, 2009, regional centers shall not purchase experimental treatments, therapeutic services, or devices that have not been clinically determined or scientifically proven to be effective or safe or for which risks and complications are unknown. Experimental treatments or therapeutic services include experimental medical or nutritional therapy when the use of the product for that purpose is not a general physician practice. For regional center consumers receiving these services as part of their individual program plan (IPP) or individualized family service plan (IFSP) on July 1, 2009, this prohibition shall apply on August 1, 2009.

(b) (1) Advocacy for, and protection of, the civil, legal, and service rights of persons with developmental disabilities as established in this division.

(2) If the advocacy efforts of a regional center to secure or protect the civil, legal, or service rights of a consumer prove ineffective, the regional center or the person with developmental disabilities or the person's parents, legal guardian, or other representative may request advocacy assistance from the state council.

(c) The regional center may assist consumers and families directly, or through a provider, in identifying and building circles of support within the community.

(d) In order to increase the quality of community services and protect consumers, the regional center shall, if appropriate, take either of the following actions:

(1) Identify services and supports that are ineffective or of poor quality and provide or secure consultation, training, or technical assistance services for an agency



or individual provider to assist that agency or individual provider in upgrading the quality of services or supports.

(2) Identify providers of services or supports that may not be in compliance with local, state, and federal statutes and regulations and notify the appropriate licensing or regulatory authority to investigate the possible noncompliance.

(e) If necessary to expand the availability of needed services of good quality, a regional center may take actions that include, but are not limited to, the following:

(1) Soliciting an individual or agency by requests for proposals or other means, to provide needed services or supports not presently available.

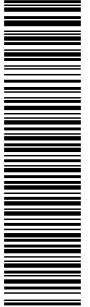
(2) Requesting funds from the Program Development Fund, pursuant to Section 4677, or community placement plan funds designated from that fund, to reimburse the startup costs needed to initiate a new program of services and supports.

(3) Using creative and innovative service delivery models, including, but not limited to, natural supports.

(f) Except in emergency situations, a regional center shall not provide direct treatment and therapeutic services, but shall utilize appropriate public and private community agencies and service providers to obtain those services for its consumers.

(g) If there are identified gaps in the system of services and supports consumers for whom no provider will provide services and supports contained in their individual program plan, the department may provide the services and supports directly.

(h) At least annually, regional centers shall provide the consumer, the consumer's parents, legal guardian, conservator, or authorized representative a statement of services and supports the regional center purchased for the purpose of ensuring that they are delivered. The statement shall include the type, unit, month, and cost of services and supports purchased.



LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Regional centers.

(1) Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families, as specified. Existing law requires the contracts to include a provision requiring each regional center to render services in accordance with applicable state laws and regulations.

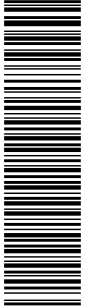
The bill would require department-approved performance measures, as specified, to be incorporated into contracts between the state and regional centers, and would require the department to give consideration to the availability of regional center operations funding when establishing these measures. The bill would also require the contracts to include a provision requiring each regional center to render services in accordance with applicable provisions of federal law and written directives from the department.

(2) Existing law requires that all contracts entered into by a state agency for the acquisition of goods, services, construction, or performance of work or services by the state agency for or in cooperation with any person or public body, be approved by the Department of General Services, except as specified.

The bill would require the State Department of Developmental Services to issue and adjust funding allocations to the regional centers, and would specify that those funding allocations and adjustments may be done, at the department's discretion, by letter, contract, or contract amendment, and require that those funding allocations be consistent with, and subject to, funding appropriated in the annual Budget Act. The bill would also make those funding allocations and adjustments exempt from the Public Contract Code and the State Contracting Manual and not subject to the approval of the Department of General Services.

(3) Existing law states legislative intent to provide consistency and uniformity and promote equity within the administrative practices and services of regional centers. Under existing law, the services and supports to be provided to a regional center consumer are contained in an individual program plan, developed in accordance with prescribed requirements. Existing law requires regional centers to perform specified functions, including securing needed services and supports for an individual to implement their individual program plan, including pursuant to a vendorization or a contract.

The bill would require, no later than March 1, 2028, the department to end the practice and processes known as courtesy vendorization, as specified. The bill would require service providers to give preference to providing services to individuals served by the service provider's initially vendorizing regional center.



Under this bill, effective January 1, 2027, a vendor would not be required to maintain a physical location within a regional center's service area unless a physical location is required for the delivery of services. The bill would authorize the department to repeal or amend any regulations necessary to implement this provision.

(4) Existing law limits the state's authority to contract only with agencies whose governing boards meet certain requirements, including the backgrounds of members of the board. Existing law requires no less than 50% of the members of the governing board to be persons with developmental disabilities and no less than 25% of the members of the governing board to be persons with developmental disabilities.

The bill would limit the state's authority to contract only with agencies whose governing boards meet, no later than July 1, 2027, additional requirements, including, among other things, that the board be composed of a minimum of 10 and no more than 15 individuals with specified expertise, including legal, management, board governance, fiscal or financial, and developmental disability programs. The bill would require the board to complete trainings in specified subject areas, to appoint a consumers' advisory committee, and to review the performance of the regional center executive director on an annual basis.

Existing law requires the governing board of each regional center to adopt and maintain a written policy requiring the board to review and approve any regional center contract of \$250,000 or more before entering into the contract.

The bill would require, until July 1, 2030, contracts of \$350,000 more to be reviewed by the governing board of each regional center and based on a proposal or bid for services. The bill would increase this amount to \$450,000 as of July 1, 2030, and would increase this amount by \$50,000 every 5 years thereafter. The bill would exempt purchase of service authorizations from this requirement.

Existing law prohibits an attorney retained or employed by the governing board of a regional center from being an employee of the regional center to ensure the delivery of independent legal advice.

The bill would instead require, by no later than July 1, 2027, the governing board of a regional center to retain or employ an attorney to provide general legal advice and counsel. The bill would require the attorney to have at least 5 years of specified legal experience. The bill would require the attorney to be present at all regional center board meetings and executive committee meetings where final decisions are made.

(5) Existing law authorizes the department to directly operate a regional center during the interim period between the termination of its contract with one governing board and the assumption of operating responsibility by a regional center contract with another governing board. Existing law prohibits the department from directly operating a regional center program for longer than 120 days before contracting with a new governing board.

The bill would remove the prohibition on the department from directly operating a regional center program for longer than 120 days before contracting with a new governing board. The bill would also authorize the department to operate a regional center during the interim period between governing boards through contract.

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

