

DEPARTMENT OF DEVELOPMENTAL SERVICES

1600 NINTH STREET, Room 320, MS 3-9
SACRAMENTO, CA 95814
TTY (916) 654-2054 (For the Hearing Impaired)
(916) 654-1958



October 19, 2018

TO: REGIONAL CENTER EXECUTIVE DIRECTORS AND BOARD PRESIDENTS

SUBJECT: JUNE 2018 TRAILER BILL LANGUAGE AFFECTING REGIONAL CENTERS

The purpose of this correspondence is to transmit a summary of the recently enacted Developmental Services Budget Trailer Bill, Senate Bill (SB) 853 (Chapter 50, Statutes of 2018), which directly impacts regional centers, developmental centers and the developmental services system. SB 853 effects the following changes:

- For provisions relating to the failure of community placement and admittance to a developmental center or Department¹-operated facility, replaces “developmental centers or State Developmental Services operated facility” with “acute crisis home(s) operated by the Department,” and includes the acute crisis centers at Fairview Developmental Center and Sonoma Developmental Center within the definition of an acute crisis home operated by the Department.
- Requires, as a condition of admittance to the secure treatment facility at Porterville Developmental Center, the regional center to notify the regional resource development project and other specified individuals of the potential admission, and requires an assessment of the individual’s service and support needs.
- Authorizes disclosure of confidential client information to the regional center clients’ rights advocate for the purpose of providing advocacy unless the consumer objects on his or her own behalf.
- Requires the Department and stakeholders to prioritize use of federal funds generated by former participants of the self-determination pilot projects to meet the needs of Self-Determination Program participants and to successfully implement the program.
- Requires each regional center to include on its website any procedures and assessment tools used by the regional center to determine the level of respite services needed by each consumer.
- Appropriates \$1,500,000 from the General Fund to the Department to fund a contract awarded to the Best Buddies Program.

¹ “Department” means the Department of Developmental Services unless otherwise noted

While this correspondence provides a high-level summary of SB 853, a complete and thorough review of the bill is imperative for regional centers' statutory compliance. Clarifying information regarding implementation of SB 853 is included in several areas below. Regional centers should continue to educate their communities regarding these legislative changes.

Department-Operated Acute Crisis Homes

Trailer Bill Language (TBL) Section 1: Section 4418.7 of the Welfare and Institutions Code² was amended to replace the language “developmental centers or State Developmental Services operated facility” with “acute crisis home(s) operated by the Department.” The bill defines “acute crisis homes operated by the department” to include the acute crisis centers at Fairview Developmental Center and Sonoma Developmental Center.

*Implementation: The Department will replace the language “developmental centers or State Developmental Services operated facility” with “acute crisis home(s) operated by the Department” for all future references. These include acute crisis homes at Fairview Developmental Center and Sonoma Developmental Center.*³

Admittance to the Secure Treatment Facility at Porterville Developmental Center

TBL Section 5: Section 7502.5 was amended to require, as a condition of admittance to the secure treatment facility at Porterville Developmental Center, regional centers to notify the regional resource development project, the regional center clients' rights advocate, the individual, or the individuals' legal guardian or conservator, of the potential admission; and requires the regional resource development project to complete an assessment of the individual's service and support needs, including by visiting the consumer, if appropriate. The assessment shall include consideration of placement options and other necessary services and supports that could meet the individual's needs in the community.

² All citations are to the Welfare and Institutions Code unless otherwise noted.

³ On September 28, 2018, the Governor signed SB 175 (McGuire, Chapter 884, Statutes of 2018), which, until June 30, 2021, authorizes a court to admit an individual experiencing an acute crisis to a discrete, 10-bed unit at Canyon Springs Community Facility under the same criteria, procedures, and timelines that apply to the acute crisis homes at Fairview DC and Sonoma DC. As an urgency measure, SB 175 took effect immediately. The Department will send separate correspondence to regional centers regarding this change.

Disclosure of Confidential Consumer Information to the Regional Center Clients' Rights Advocate

TBL Section 2: Section 4514 was amended to allow for the disclosure of confidential consumer information to the regional center clients' rights advocate who provides services pursuant to section 4433, unless the consumer objects on his or her own behalf, for the purpose of providing advocacy services pursuant to sections 4418.25 or 4418.7; 4648(a)(9)(B) or (C); 4684.80 to 4684.87, inclusive; 4698; 7502.5; or Health and Safety Code sections 1267.75 or 1531.15.

Federal Funds and Self-Determination Program

TBL Section 3: Section 4685.8 was amended to state that additional federal financial participation funds generated by the former participants of the self-determination pilot projects must be used to maximize the ability of the Self-Determination Program participants to direct their own lives and to ensure successful implementation of the program by the Department and regional centers. The Department, in consultation with stakeholders, including a statewide self-determination advisory workgroup, must prioritize the use of the funds to meet the needs of participants and to implement the program including costs associated with all of the following:

- Independent facilitators to assist with a participant's initial person-centered planning meeting.
- Development of the participant's initial individual budget.
- Joint training of consumers, family members, regional center staff, and members of the local volunteer advisory committee established pursuant to section 4685.8(x)(1).
- Regional center operations for caseload ratio enhancement.
- Offsetting the costs to regional centers in implementing the Self-Determination Program.

Implementation: The Department will work with stakeholders, including a statewide self-determination advisory workgroup, to prioritize the use of the funds to meet the needs of participants and to implement the Self-Determination Program.

Transparency on Procedures and Assessment Tools for Respite Services

TBL Section 4: Section 4690.2 was amended to require regional centers to include on their websites, procedures and assessment tools used to determine the level of respite services needed by each consumer.

Regional Center Executive Directors and Board Presidents
October 19, 2018
Page four

Implementation: Section 4629.5 and Article I, Section 19 of the Department's regional center contract requires each regional center to post its purchase of service policies on its website. Regional centers must now also post on their websites the procedures and assessment tools it uses to determine the level of respite services needed by each consumer.

Best Buddies Program

TBL Section 6: Section 7502.5 appropriates \$1,500,000 from the General Fund to the Department to fund a contract awarded to the Best Buddies Program.

If you have questions regarding this correspondence, please contact me at brian.winfield@dds.ca.gov or Jim Knight, Assistant Deputy Director at jim.knight@dds.ca.gov, or call (916) 654-1954.

Sincerely,

Original Signed by:

BRIAN WINFIELD
Deputy Director
Community Services Division

cc: Regional Center Chief Counselors
Regional Center Administrators
Regional Center Community Services Directors
Association of Regional Center Agencies