

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES
Lisa Calderon, Chair
AB 445 (Calderon) – As Introduced February 8, 2021

SUBJECT: Developmental services: information collection

SUMMARY: Repeals the requirement that the following information is collected by each regional center for each new case and is also collected at each review of all regional center clients in out-of-home placement:

- 1) The social security number of the parents of the client;
- 2) The birthday of the parents of the client;
- 3) The disability status of the parents of the client; and,
- 4) Whether the parents of the client are deceased or not.

EXISTING LAW:

- 1) Establishes an entitlement to services for individuals with developmental disabilities under the “Lanterman Developmental Disabilities Services Act” (Lanterman Act). (Welfare Institutions Code Section [WIC] 4500 *et seq.*)
- 2) Grants all individuals with developmental disabilities, among all other rights and responsibilities established for any individual by the United States Constitution and laws and the California Constitution and laws, the right to treatment and habilitation services and supports in the least restrictive environment. (WIC 4502)
- 3) Establishes a system of 21 nonprofit regional centers throughout the state to identify needs and coordinate services for eligible individuals with developmental disabilities and requires DDS to contract with regional centers to provide case management services and arrange for or purchase services that meet the needs of individuals with developmental disabilities, as defined. (WIC 4620 *et seq.*)
- 4) Requires that the following information is collected by each regional center for each new case and is also collected at each review of all regional center clients in out-of-home placement:
 - a) The social security number of the parents of the client;
 - b) The birthday of the parents of the client;
 - c) The disability status of the parents of the client; and,
 - d) Whether the parents of the client are deceased or not. (WIC 4657)
- 5) Requires regional centers to identify and pursue all possible sources of funding for consumers receiving regional center services and that any sources of funding collected by a

regional center be applied against the cost of services prior to use of regional center funds for those services. Further, provides that possible sources of funding shall not pose an additional liability on parents of children with developmental disabilities, or to restrict eligibility for, or deny services to any individual who qualifies for regional center services but is unable to pay. (WIC 4659)

FISCAL EFFECT: Unknown

COMMENTS:

Developmental Services: The Lanterman Act guides the provision of services and supports for Californians with developmental disabilities. Each individual (referred to as “consumer”) under the Act is legally entitled to treatment and habilitation services and supports in the least restrictive environment. The Lanterman Act established that individuals with developmental disabilities and their families have a right to receive the necessary supports and services required to live independently in the community. The term “developmental disability” is defined as a disability that originates before a person reaches 18 years of age, is expected to continue indefinitely, and is a significant disability for those individuals; such disabilities include, among others: intellectual disability, epilepsy, autism, and cerebral palsy. Other developmental disabilities are those disabling conditions similar to an intellectual disability that require care and management similar to that required by individuals with intellectual disabilities, but does not include conditions that are solely psychiatric or physical in nature. DDS currently serves over 350,000 consumers.

Regional centers: DDS contracts with 21 regional centers, which are private nonprofit entities whose primary purpose is to connect consumers with services in the community. While regional centers do not directly provide services to individuals and their families, they are charged with providing information and coordinating the delivery of services to consumers, such as residential placements, supported living services, respite care, transportation, day treatment programs, work support programs, and various social and therapeutic services and activities. Because regional centers do not directly provide services, their primary objective is to contract with and supply funding to vendors in the surrounding area to provide services to regional center consumers.

As a payer of last resort, regional centers only pay for services that no other entity is required to provide. Therefore, if a school district, insurance provider, other government entity, or public resource should provide a service, then the regional center cannot pay for that service unless a consumer has been denied by the primary entity. However, if a consumer does need services and supports that no one else has to cover or is more than the consumer and their family can cover, the regional center must provide and pay for that service.

Eligible services: Regional center consumers are eligible for various public social services. Medi-Cal is the state Medicaid insurance program that is available to low income, elderly and disabled residents. For people with disabilities, there is no income requirement. Any person who qualifies for regional center services, also qualifies for Medi-Cal. The Supplemental Security Income/State Supplement Payment (SSI/SSP) provides a basic income for every eligible person. If a consumer meets certain eligibility criteria based on a lifelong disability, they are eligible for SSI/SSP. Any adult who is a regional center client is also eligible for the SSI/SSP benefit. Children of retired, disabled, or deceased workers may also receive benefits if they are a minor child under the age of 18, a high school student under the age of 19, or an adult who qualifies as a Disabled Adult Child— these benefits are up to 50% to 75% of the worker’s full benefit.

Data collection: SB 1336 (Seymour), Chapter 1317, Statutes of 1984, added the requirements that regional centers collect specified information on parents of the consumers that they service. This information included parents' social security number, birthday, disability status, and whether the parents is alive or deceased. This information was collected to ensure that consumers are able to receive social benefits from other entities that they are eligible for.

Need for this bill: The use of the social security number has expanded significantly since its inception in 1936. The social security number enables government agencies to identify individuals in their records and allows businesses to track an individual's financial information. Unfortunately, this universality has led to abuse as the social security number is a key piece of information used to commit identity theft. The Federal Trade Commission estimates that as many as 9 million Americans have their identities stolen each year. For this reason, many individuals have become wary of disclosing their social security number when the individual feels uncomfortable doing so. This reluctance to disclose the social security number may lead to some families and individuals not pursuing regional center services. Additionally, undocumented individuals do not have a social security number and may also feel pressured to not pursue regional center services for fear of revealing their immigration status due to not having a social security number. This bill seeks to remove the requirement to disclose a parent's social security number and other sensitive information when applying for regional center services.

According to the author, "[This bill] removes the requirement that individuals provide specified personal parental information by repealing Welfare and Institutions Code §4657. This personal information serves no purpose in regional centers' ability to provide services. Furthermore, some families are hesitant to provide this information due to privacy concerns, or due to general lack of access to this information. Through this repeal, a small but significant barrier to service will be removed, and a bureaucratic hurdle eliminated."

REGISTERED SUPPORT / OPPOSITION:

Support

Association of Regional Center Agencies (Sponsor)
Autism Business Association
California Community Living Network
Central Valley Regional Center
Disability Rights California
Eastern Los Angeles Regional Center
Easterseals Southern California
Educate. Advocate.
Empower Family California
Home of Guiding Hands
Los Angeles Coalition of Service Providers
New Horizons
Pathpoint
Rollens Consulting
San Diego Regional Center
San Gabriel/Pomona Regional Center
The Arc and United Cerebral Palsy California Collaboration
Valley Mountain Regional Center

Opposition

None on file

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