

Date of Hearing: April 21, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 813 (Mullin) – As Amended April 14, 2021

SUBJECT: Developmental services: service outcome pilot project

SUMMARY: Requires the State Department of Developmental Services (DDS) to establish a pilot project to develop metrics and methods of data collection to evaluate the outcomes of services authorized by regional centers and provided through an approved vendor. Specifically, **this bill:**

- 1) Makes Legislative findings and declarations pertaining to delivery of services and supports for people with developmental disabilities.
- 2) States Legislative intent to initiate a pilot project with DDS to provide meaningful data about service effectiveness and ensure that individual recipients are receiving quality services.
- 3) Requires DDS, on or before July 1, 2023, to establish a pilot project to develop metrics and methods of data collection to evaluate the outcomes of services authorized by regional centers and provided through an approved provider to consumers.
- 4) Requires DDS, as part of the pilot project, to do all of the following:
 - a) Select at least three regional centers, from among those that are interested, to participate in the pilot project;
 - b) In consultation with stakeholders, identify up to four types of services provided to consumers by regional centers for which metrics and methods of data collection will be developed in the pilot project;
 - c) Develop metrics and methods of data collection that evaluate, at a minimum, outcomes related to method of service delivery, service quality, and consumer and family satisfaction with provided services;
 - d) Develop clear definitions of services and their specifications to allow persons with developmental disabilities to achieve and maintain access to their chosen ways of life. DDS may temporarily modify service codes to align with the goals and outcomes of this pilot project, which shall be limited to the service codes associated with the four identified services and the modification shall be limited to the duration of the pilot project; and,
 - e) Use service definition and specification methods to allow an individual user's race, culture, language, gender identification, and sexual orientation to be respected when using services to access their chosen way of life.
- 5) Requires a regional center that participates in the pilot project to be responsible for both of the following:

- a) Permitting its service delivery system to be used to test the metrics and methods of data collection developed; and,
 - b) Ensuring that regional center employees and service providers participate in the necessary training to test the metrics and methods of data collection developed, as specified; and, agree, in writing, to the terms of the pilot project prior to participating.
- 6) Prohibits a regional center that participates in the pilot project from changing, limiting, or otherwise altering the services provided to a consumer as a result of its participation in the pilot project.
 - 7) Authorizes DDS, in consultation with stakeholders, to contract for services to support the pilot project, including information technology and technical assistance, and project management, as specified.
 - 8) Authorizes DDS to implement, interpret, or make specific these provisions by means of program directives or similar instructions, without taking any regulatory action.
 - 9) Repeals these provisions on January 1, 2027.

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) Creates a process by which regional centers may “vendorize” service providers, thereby providing a path to contract for services with that provider and ensuring maximum flexibility and availability of appropriate services and supports for persons with developmental disabilities. (WIC 4648)
- 5) Identifies the service area and the categories of persons that regional centers must serve and the services and supports that regional centers must provide. (WIC 4640 *et seq.*)
- 6) States Legislative intent that regional centers assist persons with developmental disabilities and their families in securing those services and supports which maximize opportunities and choices for living, working, learning, and recreating in the community. (WIC 4640.7)
- 7) States Legislative intent to ensure that the individual program plan and provision of services and supports by the regional center system is centered on the individual and the family of the

individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, when appropriate, as well as promoting community integration, independent, productive, and normal lives, and stable and healthy environments. Further, states Legislative intent to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources. (WIC 4646)

- 8) Requires a regional center, in contracts between DDS and a regional center, to have, or contract for criminal justice expertise, special education expertise, family support expertise, housing expertise, community integration expertise, quality assurance expertise, a consumer advocate who is a person with developmental disabilities, and other staffing arrangements related to the delivery of relevant services. (WIC 4640.6(g))
- 9) Requires regional centers to provide emergency and crisis intervention services as needed to maintain individuals in the living arrangement of their choice and establish emergency housing in the individual's home community in the event that crisis intervention services are unsuccessful. (WIC 4648(a)(10))
- 10) Authorizes DDS and regional centers to monitor services and supports purchased for regional center consumers with or without prior notice, as specified.

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. Before a vendor can provide services to a consumer, the vendor must undergo the

“vendorization” process, in which the provider applies for contracts that enable them to serve individuals in the community. The vendorization process enables regional centers to verify that an applicant meets specific requirements and standards prior to the provision of services to consumers. While the vendorization process makes a provider eligible to provide services paid for by regional centers, there is no guarantee that a regional center will refer customers to any given vendor. It is also possible for a vendor to be vendorized by more than one regional center, which allows vendors to serve consumers in multiple catchment areas.

Evaluating consumers’ services: The National Core Indicators survey is a voluntary effort by public developmental disabilities agencies to measure and track their own performance. The core indicators are standard measures to assess the outcomes of services provided to individuals and families. Indicators address key areas of concern including employment, rights, service planning, community inclusion, choice, and health and safety. The survey interviews approximately 400 people from each regional center who receives services. Once answers are collected, the Human Services Research Institute analyzes the data and shares the results in a report with DDS and regional centers. DDS then shares the report with representatives from the regional centers, area boards, parents, and self-advocates and posts the report on the department’s website.

The Legislative Analyst’s Office’s 2020-21 Budget: Analysis of the DDS Budget states that, “The current data available about DDS consumers and services are not comprehensive and are not collected in a systematic manner. This makes understanding the extent to which service needs go unmet across the state difficult. In particular, DDS does not collect enough data to quantify whether service providers have sufficient capacity to meet consumers’ diverse needs or whether consumers have sufficient choice among providers.”

Need for this bill: According to the author, “Individuals with developmental disabilities have the opportunity to choose their way of life and must be offered services to support these choices. It is critical that the options afforded to these individuals approximate everyday living patterns available to people without disabilities of the same age, and that these options become the focus in the provision of developmental disability services.

“However, California currently lacks clear and consistent service delivery outcomes for individuals with developmental disabilities and must develop a mechanism for measuring and quantifying the value of delivery outcomes. [This bill] takes a step towards solving this data gap by establishing a three-year administrative pilot program, through the Department of Developmental Services, to better track and measure outcomes and quality in the developmental disability service area. These outcomes will include clear and consistent standards for service delivery, and measure the success that consumers experience as they use these services to access their chosen ways of life. Information from this pilot can then be used to help the state understand how to provide quality services in a manner that balances the intent of the Lanterman Act, but also provides value.”

REGISTERED SUPPORT / OPPOSITION:

Support

California Community Living Network
Caltash
Institute for Applied Behavior Analysis
Jay Nolan Community Services

Lanterman Housing Alliance
Progressive Employment Concepts
The California Respite Association

Opposition

None on file

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