

Date of Hearing: July 2, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

SB 683 (Grove) – As Amended May 21, 2019

SENATE VOTE: 38-0

SUBJECT: Developmental services: regional centers

SUMMARY: Requires the Department of Developmental Services (DDS) and regional centers to provide all numeric data disclosed to the public in a machine-readable format, to be determined by DDS in collaboration with certain stakeholders, requires DDS to develop, provide to regional centers, and post on its internet website transparency guidelines for the disclosure of information, and requires regional centers to include a public disclosures menu on the homepage of their internet websites, consistent with the transparency guidelines, in order to facilitate greater access to certain information. Specifically, **this bill:**

- 1) Requires DDS and regional centers, on or before January 1, 2021, to provide all numeric data disclosed to the public, including, but not limited to, data made available on their internet websites or upon request, in a machine-readable format, such as comma-separate values, in addition to any other format in which the data may be provided.
- 2) Directs DDS, in collaboration with regional centers and other relevant stakeholders, to determine the appropriate machine-readable format to be used by DDS and regional centers to implement provisions of this bill related to providing certain data in a machine readable format.
- 3) Requires DDS, on or before June 30, 2020, to provide to regional centers, and post on DDS' internet website, transparency guidelines for the disclosure of information that regional centers are required to post in their internet websites, as specified.
- 4) Requires the transparency guidelines to include uniform standards for the public disclosures menu created by the provisions of this bill, including, but not limited to, the location and title of the public disclosures menu on the homepage of each regional center's internet website, and the title, format, content, and ease of access of each specific disclosure listed in the public disclosures menu.
- 5) Requires DDS, in formulating the transparency guidelines, to solicit stakeholder input and hold at least one public hearing to allow stakeholders and other interested parties to provide input in person.
- 6) Requires each regional center, on or before January 1, 2021, to ensure both of the following:
 - a) All disclosures of information made by the regional center on its internet website are accessible through a public disclosures menu located on the homepage of its internet website; and,
 - b) The regional center's internet website conforms to the transparency guidelines, including the uniform standards for the public disclosures menu as is required to be developed by the provisions of this bill.

7) Makes technical changes.

EXISTING LAW:

- 1) Establishes the Lanterman Developmental Disabilities Services Act (Lanterman Act), which declares California's responsibility for providing an array of services and supports to meet the needs of each person with developmental disabilities in the least restrictive environment, regardless of age or degree of disability, and to support their integration into the mainstream life of the community. (Welfare and Institutions Code [WIC] Section 4500, *et seq.*)
- 2) Establishes a system of nonprofit regional centers to provide fixed points of contact in the community for all persons with developmental disabilities and their families, to coordinate services and supports best suited to them throughout their lifetime. (WIC 4620)
- 3) Requires DDS and regional centers to annually collaborate to compile data in a uniform manner relating to purchase of service authorization, utilization, and expenditure by each regional center, as specified, and further requires, as of March 31, 2013 and annually thereafter, that each regional center post the data specific to it on their internet website, as well as requires regional centers to post this data on a statewide basis on its internet website. (WIC 4519.5)
- 4) Requires DDS, in collaboration with stakeholders, to develop best practices for the administrative management of regional centers, as provided, and for regional centers to use when purchasing services for consumers and families. Further, requires the department to ensure the implementation of the determined best practices, as specified. (WIC 4620.3)
- 5) Requires a contract between DDS and a regional center to require the regional center to adopt, maintain, and post on its internet website a board-approved policy regarding transparency and access to public information. Further, requires this policy to provide for timely public access to certain information, including, but not limited to, information regarding requests for proposals and contract awards, service provider rates, and documentation related to establishment of negotiated rates, as specified. (WIC 4629.5(a))
- 6) Requires each regional center, in order to promote transparency, to include on its internet website, certain information, including: regional center annual independent audits; biannual fiscal audits conducted by DDS; contract awards, including the organization or entity awarded the contract; and the amount and purpose of the award, and, purchase of services policies, among others. (WIC 4629.5(b))
- 7) Requires DDS to establish and maintain a transparency portal on its internet website site that allows consumers, families, advocates, and others to access provider and regional center information, including, but not be limited to: a link to each regional center's internet website's required transparency postings; biannual fiscal audits conducted by the department; and, vendor audits, among others. (WIC 4629.5(c))
- 8) Requires each regional center to include on its internet website purchase of service policies, and further requires, for respite service, regional centers to include any procedures and assessment tools used by the regional center to determine the level of services needed by each consumer. (WIC 4690.2(c))

- 9) Requires DDS, as part of its responsibility to monitor regional centers, to collect and review printed materials used by the regional centers, including, but not limited to, purchase of services policies, and other policies and guidelines utilized by regional centers when determining the service needs of a consumer, instructions and training materials for regional center staff, board meeting agendas and minutes, and general policy and notifications provided to all providers and consumers and families. (WIC 4434(d))
- 10) Requires each regional center and each vendor that contracts with a regional center to provide services to consumers to conspicuously post in its internet website, if any, a link to the department's internet website page that provides a description of the appeals procedure and a department telephone number available for answering consumer and applicant appeals procedure questions. (WIC 4704.6)
- 11) Requires all recipients and applicants, and persons having legal responsibility for recipients or applicants, to be informed verbally of, and notified in writing in a language which they comprehend, the service agency's mediation and fair hearing procedure when they apply for service, when they are denied service, when notice of service modification is given, as specified, and upon request. (WIC 4705(d))
- 12) Permits, if, in the opinion of any person, the rights or interests of a claimant who has not personally authorized a representative will not be properly protected or advocated, the State Council on Developmental Disabilities to appoint a person or agency as representative, as specified, to assist the claimant in the mediation and fair hearing procedure. Further, requires the appointment to be in writing to the authorized representative and requires a copy of the appointment to be immediately mailed to the service agency director. (WIC 4705(e))
- 13) Requires adequate notice be provided to an applicant or recipients and their authorized representative by certified mail at least 30 days prior to certain actions, including: the agency makes a decision without the mutual consent of the service recipient or authorized representative to reduce, terminate, or change services set forth in an individual program plan or a recipient is determined to be no longer eligible for agency services. (WIC 4710(a))
- 14) Requires DDS to annually compile the number of complaints filed, by each regional center and developmental center catchment area, the subject matter of each complaint, and a summary of each decision, and further, requires copies of this information be made available to any person upon request. (WIC 4731(d))

FISCAL EFFECT: According to the Senate Appropriations Committee on April 25, 2019, this bill may result in the following costs:

- 1) Unknown, one-time costs for DDS to determine an appropriate machine readable format for the regional centers and to determine transparency guidelines (General Fund [GF]);
- 2) One-time costs for DDS to solicit stakeholder input and hold at least one public hearing to gather input (GF); and,
- 3) Unknown cost pressure to provide additional funding to regional centers to pay for the costs to conform to the transparency guidelines developed by DDS (GF and federal funds).

COMMENTS:

Developmental Services: The Lanterman Developmental Disabilities Act (Lanterman Act), adopted in 1977, established that individuals with developmental disabilities and their families have the right to receive services and supports necessary to live independently in the community. The Lanterman Act outlines the rights of individuals and their families, what services are available to them, and how regional centers and service providers may best serve these individuals. The term “developmental disability” is defined as a disability that presents before an individual reaches 18 years of age, is expected to continue indefinitely, and is a significant disability for that individual; such disabilities include epilepsy, cerebral palsy, and autism spectrum disorder, among others. Additionally, part of the Lanterman Act’s legacy is the creation of California’s 21 regional centers, which are tasked with providing information to, and helping coordinate services and supports for, individuals with developmental disabilities and their families. It is important to note that regional centers do not directly provide services to individuals, but, rather, help link consumers and their families to service providers in the community.

Regional centers: 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. However, 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.

Transparency in the developmental services system: In recent years, Legislation has been introduced to increase transparency among the various components of the developmental services system, including regional center and DDS activities, as much of a regional center’s operational practices are determined by administrators and boards of directors. Such legislation includes:

- SB 853 (Committee on Budget), Chapter 50, Statutes of 2018, sought to ensure the means used to determine the level of respite services a consumer is eligible for are made available to the public by requiring each regional center to include on its internet website any procedures and assessment tools used to determine the level of respite services needed by a consumer.
- SB 134 (Hernández), Chapter 975, Statutes of 2018, sought to increase transparency about the costs of regional center operations and compensation of management by requiring regional centers to include information about managers’ salaries, wages, and benefits on its internet website. SB 134 also required certain regional center contracts to include procedures for employee retention when operation of a regional center is transferred to a new contractor.
- AB 959 (Holden), Chapter 474, Statutes of 2017, sought to increase transparency about what services are available to regional consumers by requiring DDS to establish and maintain a page on its internet website that includes a list of what services are purchased or provided by regional centers, and also required regional centers to provide a link to the page on their own

internet websites. AB 959 sought to address issues of disparities in accessing services by ensuring that regional center consumers are made aware of services that are available to them and for which they may be eligible.

Need for this bill: The provisions of this bill seek to further previous efforts at ensuring the developmental disabilities services system is transparent and that information provided on the internet websites of DDS and regional centers is easily accessible. Specifically, this bill requires DDS and regional centers, no later than January 1, 2021, to provide all numeric data disclosed to the public in a machine-readable format, such as comma-separated values (.csv). This bill also requires DDS, no later than June 30, 2020, to develop, provide to regional centers, and post on its internet website, certain transparency guidelines that a regional center must comply with when disclosing certain information on its internet website. Finally, this bill requires each regional center to ensure that the information provided on its website is easily accessible through a public disclosures menu located on the internet website's homepage, and that its internet website conforms to the aforementioned transparency guidelines.

According to the author, "Regional center are critical partners in ensuring that persons with developmental disabilities receive the services to which they are entitled. Consumers of regional centers and consumers' family members need access to appropriate information. [This bill] is a modest measure that will ensure there is accountability and transparency at all regional centers."

Recommended committee amendments: In order to provide clarity on the process of determining and implementing the requirements of this bill related to machine-readable data, transparency guidelines, and the inclusion of public disclosures menus on regional center websites, ***committee staff recommend the following amendments:***

- 1) *Beginning on line 25 on page 4 of the bill, delete lines 25-40, inclusive.*
- 2) *Beginning on line 1 on page 5 of the bill, delete lines 1-18, inclusive, and insert the following:*

(e)(1) On or before July 1, 2020, the department, in consultation with relevant stakeholders, including, but not limited to, regional centers, regional center consumers, and consumer advocates, shall determine the most appropriate machine-readable format, including, but not limited to, comma-separated values (.csv), to be used by the department and regional centers when disclosing numeric data to the public.

(2) On or before January 1, 2021, the department and regional centers shall provide all numeric data disclosed to the public, including, but not limited to, data made available on their respective internet websites or upon request, in the machine-readable format determined pursuant to paragraph (1).

(f) No later than January 1, 2021, each regional center shall include on its internet website a public disclosures menu in order to facilitate ease of access to information disclosed to the public.

(g)(1) On or before July 1, 2020, the department, in consultation with relevant stakeholders, including, but not limited to, regional centers, regional center consumers, and advocates, shall develop transparency guidelines for the disclosure of information that regional centers are required to post on their internet website, which shall include uniform standards for the public disclosures menu described in subdivision (f).

(A) In developing the transparency guidelines, the department shall hold at least one public hearing to allow members of the public and other interested parties to provide input in person.

(B) The department shall, upon finalization of the transparency guidelines, provide the transparency guidelines to regional centers, and shall post the transparency guidelines on the department's internet website.

(2) On or before January 1, 2021, each regional center shall ensure that all publicly disclosed information made available on its internet website complies with the transparency guidelines created pursuant to subparagraph (A) of paragraph (1) of this subdivision.

RELATED AND PRIOR LEGISLATION:

AB 813 (Frazier) of 2019 would have required regional centers to establish a dispute resolution program, and establishes within DDS the Developmental Disabilities Resolution Advisory Council to promulgate regulations for the dispute resolution programs. AB 813 was held on the Assembly Appropriations Committee suspense file.

AB 812 (Frazier) of 2019 would have created the "Independent Office of the Developmental Services Inspector General" within the state government, and would have vested the Office with various oversight duties and responsibilities over DDS and regional centers. AB 812 was held on the Assembly Appropriations Committee suspense file.

SB 81 (Committee on Budget) of 2019 requires regional centers to post on their internet website policies, guidelines, or assessment tools to determine specified consumer needs, regional center-specific reports on data related to quality assurance in order to assess comparative performance of regional centers and to identify needed improvements, as specified, and requires those reports be made publicly available in a machine-readable format, among other things. SB 81 is currently awaiting signature by the Governor.

SB 134 (Hernández), Chapter 975, Statutes of 2018, required regional centers to include information about managers' salaries, wages, and benefits on a regional center's internet website for purposes of promoting transparency.

SB 853 (Committee on Budget), Chapter 50, Statutes of 2018, required each regional center to include on its internet website any procedures and assessment tools used by the regional center to determine the level of respite services needed by each consumer.

AB 959 (Holden), Chapter 474, Statutes of 2017, required DDS to establish and maintain in its internet website a page that includes a list and description of services purchased or provided by regional centers, and requires regional centers to include a link to this page on its internet website.

REGISTERED SUPPORT / OPPOSITION:

Support

Public Counsel

Opposition

None on file

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