

AMENDED IN SENATE SEPTEMBER 11, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 579

**Introduced by Senator Berryhill
(Coauthor: Senator Emmerson)**

February 22, 2013

An act to add Section 4751 to the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 579, as amended, Berryhill. Developmental services: *Commission on Oversight Efficiency and Quality Enhancement Model*.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. 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.

The California Community Care Facilities Act provides for the licensure and regulation of community care facilities, including residential facilities, adult day programs, small family homes, and group homes, by the State Department of Social Services.

Existing law requires the State Department of Public Health to license and regulate various types of health facilities, and requires the State Department of Public Health and the State Department of Developmental Services to jointly develop and implement licensing regulations appropriate for intermediate care facilities/developmentally disabled-nursing and intermediate care facility/developmentally disabled-continuous nursing.

This bill would establish the Commission on the Oversight Efficiency and Quality Enhancement Model to investigate methods of implementing a unified oversight and quality enhancement process that ensures the welfare, community participation, health, and safety of individuals with developmental disabilities who are served in programs licensed by the Community Care Licensing Division of the State Department of Social Services. The bill would require the process to also enhance accountability and quality review processes for the services directly provided by regional centers. The bill would state the intent of the Legislature that the State Department of Developmental Services identify regional center catchment areas for voluntary participation in a pilot project consistent with the recommendations of the commission. The bill would require, by February 14, 2015, the State Department of Developmental Services, the State Council on Developmental Disabilities, and the Association of Regional Center Agencies to select representatives to serve on the commission, as prescribed.

The bill would require the commission to develop a uniform data collection system that provides reliable, valid, and actionable data from multiple stakeholder perspectives to be consistently deployed at regional centers. This bill would require the commission to review current regulatory standards to better focus on reliable data to measure outcomes for individuals served and the impact of services on the lives of individuals and their families, in accordance with prescribed characteristics. The bill would require the commission, by March 30, 2015, to determine the best methods for collecting input on relevant regulatory standards and to request public input on those standards, as specified. The bill would require the commission to review and compile, by September 30, 2015, the input received and to submit, by December 30, 2015, its recommendations to the State Department of Developmental Services.

This bill would require the commission to create a process to review relevant regulations governing the Licensing and Certification Division of the State Department of Public Health and to report on that process to the Legislature by December 31, 2015.

This bill would require regional centers that seek consideration for participation in any program to pilot new quality enhancement systems to collect baseline data, as determined by the department, in programs and services for people with developmental disabilities that are licensed by the Community Care Licensing Division of the State Department of Social Services.

~~This bill would, commencing January 1, 2014, and to the extent that funds are made available, establish a 4 ½-year Oversight Efficiency and Quality Enhancement Model pilot project in specified regional center catchment areas to implement a unified oversight and quality enhancement process, as specified, shifting the oversight of the service providers from the Community Care Licensing Division of the State Department of Social Services and the Licensing and Certification Division of the State Department of Public Health to the department and the pilot regional centers.~~

~~This bill would require the Legislative Analyst’s Office to conduct a study identifying all of the financial and human resources expended in relation to current quality assurance activities for the licensed programs identified in the pilot project and to determine the amount of current quality assurance costs that are covered by federal dollars and what could be federally funded if the system and waiver were changed. The bill, by October 1, 2016, would also require the department to contract with an independent agency or organization to evaluate the pilot project and prepare a written report of its findings.~~

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

The people of the State of California do enact as follows:

1 SECTION 1. Section 4571 is added to the Welfare and
 2 Institutions Code, to read:
 3 4571. (a) The Legislature finds and declares all of the
 4 following:
 5 (1) Evaluation of the services that people with developmental
 6 disabilities receive from both service providers and regional
 7 centers is a critical component of the service system.
 8 (2) There is evidence that the current system, in which three
 9 state-funded entities, the State Department of Developmental
 10 Services, the regional centers, and the Community Care Licensing
 11 Division of the State Department of Social Services, are charged
 12 with monitoring and maintaining quality services and supports
 13 for people with developmental disabilities, is duplicative and
 14 confusing and fails to produce data essential for service
 15 improvement.
 16 (3) The efficiency and efficacy of the oversight and quality
 17 review processes can be significantly enhanced by unifying the

1 *current duplicative quality review system, thus conserving limited*
2 *state and service providers' resources while simultaneously*
3 *improving the lives of people with developmental disabilities in*
4 *California.*

5 *(b) The Commission on the Oversight Efficiency and Quality*
6 *Enhancement Model shall be established to investigate methods*
7 *of implementing a unified oversight and quality enhancement*
8 *process. This process shall ensure the welfare, community*
9 *participation, health, and safety of all those with developmental*
10 *disabilities who are served in programs currently licensed by the*
11 *Community Care Licensing Division of the State Department of*
12 *Social Services. This process shall also enhance accountability*
13 *and quality review processes for the services directly provided by*
14 *regional centers. At the conclusion of the investigation, it is the*
15 *intent of the Legislature that, based upon the information, analysis,*
16 *and recommendations of the commission, the State Department of*
17 *Developmental Services shall identify regional center catchment*
18 *areas for voluntary participation in a pilot project consistent with*
19 *the recommendations of the commission.*

20 *(c) (1) (A) On or before February 14, 2015, State Department*
21 *of Developmental Services, the State Council on Developmental*
22 *Disabilities, and the Association of Regional Center Agencies shall*
23 *each select three representatives to serve on the commission, for*
24 *a total of nine representatives.*

25 *(B) Each agency shall select each of the following types of*
26 *representatives to serve on the commission:*

27 *(i) One representative who is a service provider, or an employee*
28 *of a service provider.*

29 *(ii) One representative who is an individual served by a regional*
30 *center, or the family member of that individual.*

31 *(iii) One representative who is a professional with experience*
32 *in quality systems or reviews.*

33 *(C) The commission may select up to three additional public*
34 *members to serve on the commission to meet representational or*
35 *expertise needs.*

36 *(2) The commission shall examine existing regulations and*
37 *recommend changes to the State Department of Developmental*
38 *Services, as specified in subdivision (d).*

39 *(3) The commission shall develop a uniform data collection*
40 *system that provides reliable, valid, and actionable data from*

1 *multiple stakeholder perspectives to be consistently deployed at*
2 *regional centers. The data system shall include information on*
3 *service provider and regional center performance, as well as*
4 *outcomes consistent with individual program plan goals. The data*
5 *system shall be flexible, and have the capacity to allow field-based*
6 *data entry and analysis and to document, measure, and analyze*
7 *the implementation of the model. To the extent possible, data*
8 *currently being collected by regional centers or the department*
9 *shall be utilized in the data system.*

10 (4) *The commission shall consider the experience and outcomes*
11 *from the Agnews Developmental Center, Bay Area Quality*
12 *Management System and from current quality reviews of unlicensed*
13 *Lanterman Developmental Disabilities Services Act support*
14 *models, including family home agencies and supported living, in*
15 *developing the structure, standards, and data collection*
16 *methodologies for the system.*

17 (d) *The commission shall review current standards in Titles 17*
18 *and 22 of the California Code of Regulations to better focus on*
19 *reliable data to measure outcomes for individuals served and the*
20 *impact of services on the lives of individuals and their families.*
21 *Recommendations for system design and regulatory change shall*
22 *reflect the following characteristics:*

23 (1) *Be lean, simple, efficient, and understood by the people*
24 *served and those who serve them.*

25 (2) *Avoid unnecessary redundancies of process, permissions,*
26 *oversight, and enforcement.*

27 (3) *Base objective reviews on quality standards that, in*
28 *accordance with Lanterman Developmental Disabilities Services*
29 *Act principles, address individual outcomes, including, but not*
30 *limited to, health, safety, independence, choice, empowerment,*
31 *inclusion, and participation in community life. Outcome measures*
32 *are to be consistent with performance measures for regional*
33 *centers.*

34 (4) *Base subjective reviews of the impact on individuals and*
35 *families on satisfaction data collected by an independent third*
36 *party that surveys a statistically significant sample of service*
37 *providers and individuals and families providing or receiving those*
38 *services.*

1 (5) Shift the focus of quality efforts to a service enhancement
2 model that encourages and recognizes service provider and
3 regional center improvements.

4 (6) Include multiple options for proactive consumer protections,
5 including screening for qualified providers, an emphasis on an
6 evolving improvement system of coaching and mentoring service
7 providers toward quality, and an immediate response capacity to
8 address people in imminent danger.

9 (7) Report aggregate service and individual outcomes to
10 highlight excellence, innovation, and satisfaction in the services
11 provided and in the lives of individuals with developmental
12 disabilities.

13 (8) Enhance transparency, accountability, quality standards,
14 and measurement processes for the services directly provided by
15 regional centers consistent with regional center performance
16 contracts.

17 (9) Provide consumers, families, service providers, and regional
18 center staff the opportunity to participate in system evaluation.

19 (10) Ensure that the results of oversight, quality enhancement,
20 and assurance review activities are available in plain language
21 to people with developmental disabilities and their families so they
22 can be informed consumers of the services that they receive.

23 (e) On or before March 30, 2015, the commission shall
24 determine the best methods of collecting input on relevant sections
25 of Titles 17 and 22 of the California Code of Regulations.

26 (1) These methods shall include, but not be limited to, the
27 following:

28 (A) At least two public meetings, with one meeting held in
29 southern California and one meeting held in northern California.

30 (B) The electronic submission of comments.

31 (2) The commission shall request public input concerning the
32 revision, retention, or removal of relevant sections of Titles 17
33 and 22 of the California Code of Regulations.

34 (A) The commission shall solicit comment on issue areas
35 including, but not limited to, the following:

36 (i) Certification and vendorization processes.

37 (ii) Complaints.

38 (iii) Quality oversight and monitoring requirements.

39 (iv) Decertification and devendorization processes.

1 (B) *The commission shall take comment on the following*
2 *regulations:*

3 (i) *Articles 2 (commencing with Section 54302), 4 (commencing*
4 *with Section 54370), and 5 (commencing with Section 54830) of*
5 *Subchapter 2 of Chapter 3 of Division 2 of Title 17 of the*
6 *California Code of Regulations.*

7 (ii) *Sections 56003, 56005, and 56009 of Article 2 of Subchapter*
8 *4 of Chapter 3 of Title 17 of the California Code of Regulations.*

9 (iii) *Articles 3 (commencing with Section 56013), 5 (commencing*
10 *with Section 56022), 8 (commencing with Section 56046), 9*
11 *(commencing with Section 56053), and 11 (commencing with*
12 *Section 56061) of Subchapter 4 of Chapter 3 of Division 2 of Title*
13 *17 of the California Code of Regulations.*

14 (iv) *Sections 56712, 56732, and 56742 of Subchapter 5 of*
15 *Chapter 3 of Division 2 of Title 17 of the Code of Regulations.*

16 (v) *Chapters 3 (commencing with Section 82000), 4*
17 *(commencing with Section 83000), 5 (commencing with Section*
18 *84000), and 6 (commencing with Section 85000) of Division 6 of*
19 *Title 22 of the Code of Regulations.*

20 (f) *On or before September 30, 2015, the commission shall*
21 *review and compile the input received based on its relevance to*
22 *the criteria described in subdivision (d). On or before December*
23 *31, 2015, the commission shall submit to the State Department of*
24 *Developmental Services its recommended changes to Titles 17 and*
25 *22 of the California Code of Regulations. The commission shall*
26 *also recommend, based on input received, the most effective entity*
27 *or entities for enforcing the regulations.*

28 (g) *On or before March 30, 2015, the commission shall create*
29 *a process to review relevant regulations governing the Licensing*
30 *and Certification Division of the State Department of Public*
31 *Health, guided by the criteria described in subdivision (d). The*
32 *commission shall report on this process to the Legislature on or*
33 *before December 31, 2015.*

34 (h) *From January 1, 2015, to December 1, 2015, inclusive,*
35 *regional centers that seek consideration for participation in any*
36 *program to pilot new quality enhancement systems shall collect*
37 *baseline data, as determined by the commission, on existing service*
38 *quality and quality assurance processes in programs and services*
39 *for people with developmental disabilities that are licensed by the*

1 *Community Care Licensing Division of the State Department of*
2 *Social Services.*

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, April 9, 2013. (JR11)**

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