

AMENDED IN SENATE JANUARY 6, 2014  
AMENDED IN SENATE SEPTEMBER 11, 2013  
AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL**

**No. 579**

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

February 22, 2013

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An act to add *and repeal* Section 4751-~~to~~ of 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~~. *Models*.

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 Models~~ to investigate methods of implementing a unified *and consistent* 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~~ *require the Governor, Senate Committee on Rules, and the Speaker of the Assembly to appoint members* to serve on the commission, as prescribed.

The bill would require the commission to ~~develop a~~ *recommend a strategy for* uniform data collection system that provides reliable, valid, and actionable data from multiple stakeholder perspectives ~~to be and that may be~~ consistently deployed at regional centers. This bill would require the commission to ~~review~~ *review* current ~~regulatory standards regulations and relevant statutes~~ 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 June~~ *June* 30, 2015, to determine the best methods for collecting input on relevant regulatory standards *and statutes*, and to request public input on those standards, as specified. The bill would require the commission to review and compile, by September 30, ~~2015, 2016~~, the input received and to submit, by December 30, ~~2015, its recommendations~~ *31, 2016, a report on its recommended regulatory and statutory changes to the Legislature and the State Department of Developmental Services.*

This bill would require the commission to ~~create~~ *propose, in its report,* a process ~~to review~~ *by which* relevant regulations *and statutes* 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: may be reviewed by a future commission.~~

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~~, *commission*, 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. *These provisions would be repealed on January 1, 2018.*

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~~*4751* is added to the Welfare and  
2 Institutions Code, to read:

3 ~~4571.~~

4 *4751.* (a) The Legislature finds and declares all of the  
5 following:

6 (1) Evaluation of the services that people with developmental  
7 disabilities receive from both service providers and regional centers  
8 is a critical component of the service system.

9 (2) There is evidence that the current system, in which three  
10 state-funded entities, the State Department of Developmental  
11 Services, the regional centers, and the Community Care Licensing  
12 Division of the State Department of Social Services, are charged  
13 with monitoring and maintaining quality services and supports for  
14 people with developmental disabilities, is duplicative and confusing  
15 and fails to produce data essential for service improvement.

16 (3) The efficiency and efficacy of the oversight and quality  
17 review processes can be significantly enhanced by unifying the  
18 current duplicative quality review system, thus conserving limited  
19 state and service providers' resources while simultaneously  
20 improving the lives of people with developmental disabilities in  
21 California.

22 (b) The Commission on ~~the~~ Oversight Efficiency and Quality  
23 Enhancement ~~Model shall be~~ *Models is* established to investigate  
24 methods of implementing a unified *and consistent* oversight and  
25 quality enhancement process. This process shall ensure the welfare,  
26 community participation, health, and safety of all those with

1 developmental disabilities who are served in programs currently  
2 licensed by the Community Care Licensing Division of the State  
3 Department of Social Services. *The commission shall give the*  
4 *utmost attention to ensure that the results of its work do not reduce*  
5 *the quality of oversight and monitoring of the health and safety of*  
6 *persons with developmental disabilities.* This process shall also  
7 enhance accountability and quality review processes for the  
8 services directly provided by regional centers. At the conclusion  
9 of the investigation, it is the intent of the Legislature that, based  
10 upon the information, analysis, and recommendations of the  
11 commission, the State Department of Developmental Services  
12 shall identify regional center catchment areas for voluntary  
13 participation in a pilot project consistent with the recommendations  
14 of the commission.

15 ~~(e) (1) (A) On or before February 14, 2015, State Department~~  
16 ~~of Developmental Services, the State Council on Developmental~~  
17 ~~Disabilities, and the Association of Regional Center Agencies shall~~  
18 ~~each select three representatives to serve on the commission, for~~  
19 ~~a total of nine representatives.~~

20 ~~(B) Each agency shall select each of the following types of~~  
21 ~~representatives to serve on the commission:~~

22 ~~(i) One representative who is a service provider, or an employee~~  
23 ~~of a service provider.~~

24 ~~(ii) One representative who is an individual served by a regional~~  
25 ~~center, or the family member of that individual.~~

26 ~~(iii) One representative who is a professional with experience~~  
27 ~~in quality systems or reviews.~~

28 ~~(C) The commission may select up to three additional public~~  
29 ~~members to serve on the commission to meet representational or~~  
30 ~~expertise needs.~~

31 ~~(c) The commission shall be composed of not more than 12~~  
32 ~~members.~~

33 ~~(1) The Governor, the Senate Committee on Rules, and the~~  
34 ~~Speaker of the Assembly shall each appoint three members to serve~~  
35 ~~on the commission consistent with subparagraphs (A) and (B).~~

36 ~~(A) The appointed members shall meet both of the following~~  
37 ~~requirements:~~

38 ~~(i) Have professional experience in quality assurance within~~  
39 ~~the developmental disabilities field.~~

40 ~~(ii) Represent statewide organizations.~~

- 1 (B) Each appointing authority shall appoint a member  
2 representing, as broadly as possible, each of the following areas:  
3 (i) The service provider community.  
4 (ii) The advocacy and consumer services community.  
5 (iii) Regional centers.  
6 (2) The State Department of Developmental Services, the State  
7 Department of Social Services, and the California Health and  
8 Human Services Agency may each select a representative to  
9 participate on the commission.  
10 (d) The commission may appoint advisory groups to provide  
11 specialized input to assist the commission in its work.  
12 ~~(2)~~  
13 (e) The commission shall examine existing regulations and  
14 statutes, and recommend changes to the State Department of  
15 Developmental Services, as specified in subdivision ~~(d)~~ (g).  
16 ~~(3)~~  
17 (f) (1) The commission shall ~~develop a~~ recommend, and include  
18 in its final report, a strategy for uniform data collection system  
19 that provides reliable, valid, and actionable data from multiple  
20 stakeholder perspectives ~~to be~~ and that may be consistently  
21 deployed at regional centers. The ~~data system shall include~~  
22 information on service provider and regional center performance,  
23 as well as outcomes consistent with individual program plan goals.  
24 The ~~data system shall be flexible, and have the capacity to allow~~  
25 field-based data entry and analysis and to document, measure, and  
26 analyze the implementation of the model. To the extent possible,  
27 data currently being collected by regional centers or the department  
28 shall be utilized in the data system. ~~strategy shall address, to the~~  
29 fullest extent possible, all of the following:  
30 (A) Service provider and regional performance.  
31 (B) Outcomes consistent with individual program plan goals.  
32 (C) Flexibility of implementation.  
33 (D) Field-based data entry and analysis.  
34 (E) Documentation, measurement, and analysis of the strategy's  
35 implementation.  
36 (F) Usage of data currently being collected by regional centers  
37 and the State Department of Developmental Services.  
38 (G) Regional center and service provider resource needs to  
39 implement the strategy.  
40 ~~(4)~~

1 (2) The commission shall consider ~~the experience and outcomes~~  
 2 ~~from, but is not limited to, the experience, outcomes, and data~~  
 3 ~~provided by the National Core Indicators, the Agnews~~  
 4 ~~Developmental Center, and the Bay Area Quality Management~~  
 5 ~~System System, and from current quality reviews of unlicensed~~  
 6 ~~Lanterman Developmental Disabilities Services Act support~~  
 7 ~~models, including family home agencies and supported living, in~~  
 8 ~~developing the strategy's structure, standards, and data collection~~  
 9 ~~methodologies for the system. methodologies.~~

10 (d)

11 (g) The commission shall review current ~~standards sections~~ in  
 12 Titles 17 and 22 of the California Code of Regulations *and relevant*  
 13 *statutes* to better focus on reliable data to measure outcomes for  
 14 individuals served and the impact of services on the lives of  
 15 individuals and their families. Recommendations for ~~system design~~  
 16 *the strategy* and regulatory change shall reflect the following  
 17 characteristics:

18 (1) Be lean, simple, efficient, and understood by the people  
 19 served and those who serve them.

20 (2) Avoid unnecessary redundancies of process, permissions,  
 21 oversight, and enforcement.

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

28 (4) Base subjective reviews of the impact on individuals and  
 29 families on satisfaction data collected by an independent third  
 30 party that surveys a statistically significant sample of service  
 31 providers and individuals and families providing or receiving those  
 32 services.

33 (5) Shift the focus of quality efforts to a service enhancement  
 34 model that encourages and recognizes service provider and regional  
 35 center improvements.

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

1 (7) Report aggregate service and individual outcomes to  
2 highlight excellence, innovation, and satisfaction in the services  
3 provided and in the lives of individuals with developmental  
4 disabilities.

5 (8) Enhance transparency, accountability, quality standards, and  
6 measurement processes for the services directly provided by  
7 regional centers consistent with regional center performance  
8 contracts.

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

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

15 (e)

16 (h) (1) On or before ~~March~~ *June* 30, 2015, the commission  
17 shall determine the best methods of collecting input on relevant  
18 *statutes and* sections of Titles 17 and 22 of the California Code of  
19 Regulations.

20 (1)

21 (2) These methods shall include, but not be limited to, the  
22 following:

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

25 (B) The electronic submission of comments.

26 (2)

27 (3) The commission shall request public input concerning the  
28 revision, retention, or removal of relevant *statutes and* sections of  
29 Titles 17 and 22 of the California Code of ~~Regulations~~. *Regulations*  
30 *affecting only programs meeting both of the following:*

31 (A) *Under the partial or exclusive oversight of the Community*  
32 *Care Licensing Division of the State Department of Social Services.*

33 (B) *Provide services and supports exclusively or primarily to*  
34 *persons with developmental disabilities.*

35 (A)

36 (4) The commission shall solicit comment on issue areas  
37 including, but not limited to, the following:

38 (i)

39 (A) Certification and vendorization processes.

40 (ii)

1 (B) Complaints.

2 (iii)

3 (C) Quality oversight and monitoring requirements.

4 (iv)

5 (D) Decertification and devendorization processes.

6 (E) *Conflict and duplication in statutes and regulations.*

7 ~~(B) The commission shall take comment on the following~~  
8 ~~regulations:~~

9 ~~(i) Articles 2 (commencing with Section 54302), 4 (commencing~~  
10 ~~with Section 54370), and 5 (commencing with Section 54830) of~~  
11 ~~Subchapter 2 of Chapter 3 of Division 2 of Title 17 of the~~  
12 ~~California Code of Regulations.~~

13 ~~(ii) Sections 56003, 56005, and 56009 of Article 2 of Subchapter~~  
14 ~~4 of Chapter 3 of Title 17 of the California Code of Regulations.~~

15 ~~(iii) Articles 3 (commencing with Section 56013), 5~~  
16 ~~(commencing with Section 56022), 8 (commencing with Section~~  
17 ~~56046), 9 (commencing with Section 56053), and 11 (commencing~~  
18 ~~with Section 56061) of Subchapter 4 of Chapter 3 of Division 2~~  
19 ~~of Title 17 of the California Code of Regulations.~~

20 ~~(iv) Sections 56712, 56732, and 56742 of Subchapter 5 of~~  
21 ~~Chapter 3 of Division 2 of Title 17 of the Code of Regulations.~~

22 ~~(v) Chapters 3 (commencing with Section 82000), 4~~  
23 ~~(commencing with Section 83000), 5 (commencing with Section~~  
24 ~~84000), and 6 (commencing with Section 85000) of Division 6 of~~  
25 ~~Title 22 of the Code of Regulations.~~

26 ~~(f)~~

27 ~~(i) (1) On or before September 30, 2015, 2016, the commission~~  
28 ~~shall review and compile the input received based on its relevance~~  
29 ~~to the criteria described in subdivision ~~(d)~~ (g). On or before~~  
30 ~~December 31, 2015, 2016, the commission shall submit to the~~  
31 ~~Legislature and the State Department of Developmental Services~~  
32 ~~a report on its recommended changes to Titles 17 and 22 of the~~  
33 ~~California Code of Regulations. Regulations and any recommended~~  
34 ~~statutory changes. The commission shall also recommend, based~~  
35 ~~on input received, the most effective entity or entities for enforcing~~  
36 ~~the regulations.~~

37 ~~(g) On or before March 30, 2015, the commission shall create~~

38 ~~(2) In its report, the commission shall propose a process to~~  
39 ~~review by which relevant regulations and statutes governing the~~  
40 ~~Licensing and Certification Division of the State Department of~~

1 Public Health, guided by the criteria described in subdivision ~~(d)~~.  
2 ~~The commission shall report on this process to the Legislature on~~  
3 ~~or before December 31, 2015.~~ (g), *may be reviewed by a future*  
4 *commission if one is established.*

5 ~~(h)~~

6 (j) From January 1, ~~2015, 2016~~, to December ~~1, 2015, 31, 2016~~,  
7 inclusive, regional centers that seek consideration for participation  
8 in any program to pilot new quality enhancement systems shall  
9 collect baseline data, as determined by the commission, on existing  
10 service quality and quality assurance processes in programs and  
11 services for people with developmental disabilities that are licensed  
12 by the Community Care Licensing Division of the State  
13 Department of Social Services.

14 (k) *A report to be submitted pursuant to subdivision (i) shall be*  
15 *submitted in compliance with Section 9795 of the Government*  
16 *Code.*

17 (l) *This section shall remain in effect only until January 1, 2018,*  
18 *and as of that date is repealed, unless a later enacted statute, that*  
19 *is enacted before January 1, 2018, deletes or extends that date.*

O