

Senate Bill No. 138

CHAPTER 192

An act to amend Sections 8609 and 8610 of the Family Code, to amend Section 14670.35 of the Government Code, and to amend Sections 4418.7, 4642, 6500, 6509, and 7505 of, and to add Sections 4418.8, 4435, 4435.1, 4435.2, and 19629.5 to, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor September 13, 2023. Filed with
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LEGISLATIVE COUNSEL'S DIGEST

SB 138, Committee on Budget and Fiscal Review. Human services.

(1) Existing law establishes the State Department of Developmental Services and vests in the department jurisdiction over various state hospitals, referred to as developmental centers, to provide care to persons with developmental disabilities. Existing law requires the department to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. Existing law requires a regional center to notify the appropriate regional resource development project when the regional center determines or is informed, as specified, that the community placement of a consumer is at risk of failing and that admittance to an acute crisis home operated by the department is a likelihood or the regional center is notified by a court of a potential admission to an acute crisis home operated by the department.

Existing law requires the department to notify the court, in writing, if the regional resource development project determines that a consumer cannot be safely served in an acute crisis home operated by the department, as specified.

This bill would require the department, when the regional resource development project determines that a consumer cannot be safely served in an acute crisis home operated by the department, to continue to work jointly with the regional center to identify or develop alternative services and supports and implement the alternative services and supports that are identified or developed.

Existing law prohibits the regional resource development project, in consultation with specific parties, from making a determination that admittance to an acute crisis home operated by the department is necessary unless the determination includes a regional center report that details all considered community-based services and supports, including a crisis home and an explanation why the options could not meet the consumer's needs.

The bill would also require the determination that admittance to an acute crisis home is necessary to include consideration of a supported living arrangement, among other options. This bill would prohibit an acute crisis home operated by the department from utilizing specific interventions, including, among other things, prone restraints and seclusion, as defined.

(2) Existing law requires the State Department of Developmental Services, no later than April 1, as specified, to submit a detailed plan to the Legislature whenever the department proposes the closure of a state developmental center. Existing law requires the department, in conjunction with the Governor's proposed 2023–24 budget, to submit to the Legislature an updated version of a specified safety net plan regarding how the department will provide access to crisis services after the closure of a developmental center and how the state will maintain its role in providing residential services to those whom private sector vendors cannot or will not serve. Existing law requires the plan update, among other provisions, to evaluate the progress made to create a safety net, including services or residences intended to facilitate transitions or diversions from institutions for mental disease, the Canyon Springs Community Facility, the secure treatment program at Porterville Developmental Center, prisons or jails, or other restrictive settings.

This bill would authorize the establishment of a residential program in the community for adolescents and adults with complex needs, as defined, as part of the safety net plan to provide access to crisis services, as described above. The bill would authorize the development of up to 3 complex needs homes, as defined, with a maximum capacity of 5 beds per home and would prohibit any stay in a complex needs home from exceeding 18 months, except as specified. The bill establishes certain procedures to be followed prior to, and following, a consumer's admission to a complex needs home due to an acute crisis, as defined. The bill would authorize the department to execute leases, lease-purchases, or leases with the option to purchase for real property necessary for the establishment or maintenance of homes to serve as complex needs homes, as specified. The bill would prohibit complex needs homes from utilizing specified interventions on consumers, including, among other things, prone restraints and seclusion, as defined.

(3) Existing law, the Lanterman Developmental Disabilities Services Act (Lanterman Act), requires the State Department of Developmental Services to enter into contracts with private nonprofit corporations to operate regional centers in order to provide community services and supports for persons with developmental disabilities and their families. The act authorizes the Director of Developmental Services to issue directives to the regional centers as the director deems necessary to protect consumer rights, health, safety, or welfare, or as specified.

This bill would state legislative intent to provide consistency and uniformity and promote equity within the administrative practices and services of regional centers. Under the bill, written directives issued by the department would be consistent with the Lanterman Act and would not

interfere with the discretion of the individual program planning team to determine the needs and services appropriate for the person.

The bill would require the department, by specified deadlines, to take certain standardization-related steps on regional center services in various matters, including common data definitions promoting access and equity, demographic information recording, respite services, person-centered services planning, vendorization procedures, and the intake process, as specified. The bill would impose certain implementation and reporting requirements and timelines for regional centers in response to some of that standardization.

The bill would require the department to provide certain information on the coordination of generic services, to explore the feasibility of including the functionality in the department's new case management system to track utilization of generic services, and to evaluate the availability of common services and supports, as specified.

The bill would require the department to update the Legislature on the implementation of the above-described standardization and information-sharing provisions.

Under existing law, a person believed to have a developmental disability, or a person believed to have a high risk of parenting a developmentally disabled infant, is eligible for initial intake and assessment services in a regional center. Existing law requires that the initial intake be performed within 15 working days following request for assistance, as specified. Existing law requires a regional center to communicate in the consumer's native language, as specified.

This bill would require a regional center, commencing on January 1, 2025, to take certain actions by the end of the 15-day initial intake period, including an eligibility or assessment determination and certain notices to the individual or designated persons of the regional center's action or determination. The bill would require a regional center to communicate in the consumer's preferred language instead.

(4) Existing law authorizes the Director of General Services, with the consent of the State Department of Developmental Services, to let in the best interests of the state and at a price which will permit the development of affordable housing for employees of Fairview State Hospital and to provide transitional housing for patient-clients of Fairview State Hospital returning to the community, to any person, including, but not limited to, any corporation or partnership, real property not exceeding 60 acres located within the grounds of Fairview State Hospital, for the purpose of developing affordable housing, as specified.

This bill would authorize the Director of General Services, with the approval of the State Department of Developmental Services, to amend the existing lease established pursuant to above-described provisions to include a portion of the Fairview Developmental Center property for the purpose of developing complex needs homes, as specified. The bill would require the lease amendment to include a management agreement between the lessee and the State Department of Developmental Services, as specified, and

would require the management agreement to allow the department to determine the type of housing units to be developed for providing services to individuals with complex needs, as defined, and to give the department the first right of refusal for all housing established pursuant to the above-described provisions. The bill would also authorize the department to utilize support funds to facilitate the demolition of any existing improvements in the area of the lease amendment, as specified.

(5) Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of the employee's employment. Existing law requires every employer, except the state, to secure payment of compensation by being insured or by securing a certificate of consent to self-insure.

Existing state and federal laws provide for the establishment of vending facilities to be operated by blind vendors on state and federal property. The program is administered by the Director of Rehabilitation, and requires the director to establish the Business Enterprises Program for the Blind, and to encourage and establish these vending facilities. Existing law requires participants in the program to be licensed and authorizes the department to set aside net proceeds of the operation of the vending facilities for business-related insurance.

This bill would require vendors licensed by the department to operate those vending facilities with workers' compensation insurance provided by the program through the program's group policy. The bill would authorize the department to secure payment of compensation through a self-insurance fund or insurance and to establish additional self-insurance or insurance against operational or financial risks, subject to certain limitations. The bill would clarify that vendors and their employees are not employees of the state within certain legal definitions.

(6) Existing law generally sets forth the procedures and requirements for the adoption of a child. Existing law makes it a crime for an unlicensed person or organization to advertise that they or it will place, accept, supply, provide, or obtain children for adoption, or to cause any advertisement to be published in or by any public medium soliciting, requesting, or asking for any child or children for adoption, unless the person or organization is exempt from licensure, including, among others, an adoption service provider. Existing law makes it a crime for an unlicensed person, organization, association, or corporation to seek to place a child for adoption, unless the person or organization is exempt from licensure, including, among others, an adoption service provider or the birth parent.

This bill would remove adoption service providers from the list of exempted persons or organizations described above and would refer to the legal parent instead of the birth parent. By changing the scope of existing crimes, this bill would impose a state-mandated local program.

Existing law requires any person or organization that performs any of the functions of an adoption agency or holds itself out as performing any of the functions of an adoption agency, as specified, without a valid and unrevoked

license issued by the State Department of Social Services to be deemed an unlicensed adoption agency.

This bill would provide an exception to the above provision if those actions are otherwise permitted under California law.

Existing law requires petitioners in a proceeding for adoption of a child to file with the court a full accounting report, as specified, of all disbursements of anything of value made or agreed to be made by them or on their behalf in connection with the birth of the child, the placement of the child with the petitioners, any medical or hospital care received by the child's birth mother or by the child in connection with the child's birth, any other expenses of either birth parent, or the adoption. Existing law exempts from this provision an adoption by a stepparent where one birth parent or adoptive parent retains custody and control of the child.

This bill would instead exempt from this provision an adoption by a stepparent if at least one legal parent retains custody and control of the child.

(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(8) The Budget Act of 2021 made appropriations for the support of state government for the 2021–22 fiscal year.

This bill would reappropriate specified amounts from the Budget Act of 2021 to extend the period to liquidate encumbrances of those funds to March 31, 2025.

(9) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

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

SECTION 1. Section 8609 of the Family Code is amended to read:

8609. (a) Any person or organization that advertises in any periodical or newspaper, by radio, or other public medium, that the person or organization will place children for adoption, or accept, supply, provide, or obtain children for adoption, or that causes any advertisement to be published in or by any public medium soliciting, requesting, or asking for any child or children for adoption, is guilty of a misdemeanor, unless one of the following conditions apply:

(1) The person or organization holds a valid and unrevoked license to operate as a licensed adoption agency, as defined in Section 8530, and is authorized to place children for adoption.

(2) The person or organization is exempt from licensure pursuant to subdivision (w) or (x) of Section 1505 of the Health and Safety Code.

(b) Any person, organization, association, or corporation that seeks to place any child for adoption is guilty of a misdemeanor, unless one of the following conditions applies:

(1) The person, organization, or corporation holds a valid and unrevoked license to operate as a licensed adoption agency, as defined in Section 8530, and is authorized to place children for adoption.

(2) The person, organization, or corporation is exempt from licensure pursuant to subdivision (w) or (x) of Section 1505 of the Health and Safety Code.

(3) The person is the legal parent.

(c) Any person or organization that performs any of the functions of an adoption agency or holds itself out as performing any of the functions of an adoption agency, as described in paragraphs (9) and (10) of subdivision (a) of Section 1502 of the Health and Safety Code, without a valid and unrevoked license issued by the department shall be deemed an unlicensed adoption agency, as referenced in paragraph (6) of subdivision (a) of Section 1503.5 of Health and Safety Code, unless otherwise permitted under California law.

SEC. 2. Section 8610 of the Family Code is amended to read:

8610. (a) The petitioners in a proceeding for adoption of a child shall file with the court a full accounting report of all disbursements of anything of value made or agreed to be made by them or on their behalf in connection with the birth of the child, the placement of the child with the petitioners, any medical or hospital care received by the child's birth mother or by the child in connection with the child's birth, any other expenses of either birth parent, or the adoption. The accounting report shall be made under penalty of perjury and shall be submitted to the court on or before the date set for the hearing on the adoption petition, unless the court grants an extension of time.

(b) The accounting report shall be itemized in detail and shall show the services relating to the adoption or to the placement of the child for adoption that were received by the petitioners, by either birth parent, or by the child. The report shall also include the dates of each payment, the names and addresses of each attorney, physician and surgeon, hospital, licensed adoption agency, or any other person or organization that received payment.

(c) This section does not apply to an adoption by a stepparent if at least one legal parent retains custody and control of the child.

SEC. 3. Section 14670.35 of the Government Code is amended to read:

14670.35. (a) Notwithstanding Section 14670, the Director of General Services, with the consent of the State Department of Developmental Services, may let in the best interests of the state and at a price which will permit the development of affordable housing for persons eligible under this section, to any person, including, but not limited to, any corporation or partnership, real property not exceeding 60 acres located within the grounds of Fairview State Hospital, for the purpose of developing affordable housing, which may include manufactured housing, for the employees of Fairview State Hospital, and for a period not to exceed 55 years. The lease authorized

by this section shall be nonassignable, except it may be assignable, subject to approval by the Department of General Services and the State Department of Developmental Services, to a partnership in which the lessee has an interest of not less than 50 percent or to an individual, corporation or partnership which has a net worth of at least three million dollars (\$3,000,000) and has experience substantially equal to that of the lessee in building, marketing, managing, and leasing residences of the type to be built under the lease, and is subject to review every five years by the Director of General Services, to assure the state that the original purposes of the lease are being carried out.

(b) In the event of default by the lessee under the terms of the lease, the state shall take all necessary steps to cure the default but in no event shall state general funds, except funds collected pursuant to Section 15863, be expended to operate the property.

(c) (1) The housing developed pursuant to this section shall be available for the employees of Fairview State Hospital and to provide transitional housing for patient-clients of Fairview State Hospital returning to the community; provided that the housing available for transitional housing for patient-clients shall not be in excess of 10 percent of the units developed. In the event that vacancies occur in the units which cannot be filled by either employees of Fairview State Hospital or transitional patient-clients, then the units may be made available to persons who are in need of affordable housing and whose incomes do not exceed 80 percent of the median income for Orange County as that income may be defined from time to time by the United States Department of Housing and Urban Development. If any vacancies exist in excess of 60 days after lessee has conducted a marketing program in cooperation with the Orange County Housing Authority and approved by the State Department of Developmental Services, and during the 60 days the vacancies were made available to employees, transitional patient-clients, and persons whose incomes do not exceed 80 percent of the median income for Orange County, then, upon approval by the State Department of Developmental Services, the vacant units may be made available to any persons employed in the City of Costa Mesa.

(2) The housing developed for employees of Fairview State Hospital or transitional patient-clients pursuant to paragraph (1) shall first be available for individuals with developmental disabilities receiving services from a regional center pursuant to Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code, and then to individuals in need of affordable housing as described in this subdivision.

(d) The Director of General Services, with the approval of the State Department of Developmental Services, shall, no later than July 1, 2017, amend the existing lease established pursuant to subdivision (a) to include a portion of the Fairview Developmental Center property in the area of Mark Lane for the purpose of developing additional housing units to serve individuals with developmental disabilities. The amendment shall provide that the additional acreage is subject to the existing lease conditions. The amendment shall require that a management agreement between the lessee

and the State Department of Developmental Services be established, including terms and conditions determined by the Director of Developmental Services to be in the best interests of the state. The management agreement shall allow the State Department of Developmental Services to determine the type of housing units to be developed and whether housing is developed by renovation of existing units or construction of new units suitable for providing services to individuals with developmental disabilities. The management agreement shall also give the State Department of Developmental Services the right of first refusal for all housing established pursuant to this section on the subject acreage.

(e) The Director of General Services, with the approval of the State Department of Developmental Services, may amend the existing lease established pursuant to subdivision (a) to include a portion of the Fairview Developmental Center property for the purpose of developing complex needs homes pursuant to Section 4418.8 of the Welfare and Institutions Code. The amendment shall provide that the additional acreage is subject to the existing lease conditions, except any changes determined by the Director of General Services to be in the best interests of the state, including the term of the lease. The amendment shall require that a management agreement between the lessee and the State Department of Developmental Services be established, including terms and conditions determined by the Director of Developmental Services to be in the best interests of the state. The management agreement shall allow the State Department of Developmental Services to determine the type of housing units to be developed for providing services to individuals with complex needs, as defined in paragraph (2) of subdivision (h) of Section 4418.8 of the Welfare and Institutions Code. The management agreement shall also give the State Department of Developmental Services the right of first refusal for all housing established pursuant to this section on the subject acreage.

(f) To expedite the delivery of the housing authorized under subdivision (e), the Department of Developmental Services may utilize support funds to facilitate the demolition of any existing improvements within the area of the lease amendment. Alternatively, the Department of Developmental Services, acting by and through the Department of General Services, may directly undertake the demolition of such improvements utilizing the same funds.

(g) The Legislature finds and declares that the provision of decent and affordable housing for state employees and transitional patients (i.e. clients of state mental hospitals) is a public purpose of great statewide importance.

SEC. 4. Section 4418.7 of the Welfare and Institutions Code is amended to read:

4418.7. (a) (1) If the regional center determines, or is informed by the consumer's parents, legal guardian, conservator, or authorized representative that the community placement of a consumer is at risk of failing, and that admittance to an acute crisis home operated by the department is a likelihood, or the regional center is notified by a court of a potential admission to an acute crisis home operated by the department, the regional center shall

immediately notify the appropriate regional resource development project, the consumer, the consumer's parents, legal guardian, or conservator, and the regional center clients' rights advocate. For purposes of this section, "acute crisis home operated by the department" means property used to provide Stabilization, Training, Assistance and Reintegration (STAR) services.

(2) For purposes of this section, notification to the clients' rights advocate for the consumer's regional center shall include a copy of the most recent comprehensive assessment or updated assessment, and the time, date, and location of an individual program plan meeting held pursuant to subdivision (b). The regional center shall provide this notice as soon as practicable, but not less than seven calendar days prior to the meeting.

(b) In these cases, the regional resource development project shall immediately arrange for an assessment of the situation, including, visiting the consumer, if appropriate, determining barriers to successful integration, and recommending the most appropriate means necessary to assist the consumer to remain in the community. The regional center shall request assistance from the statewide specialized resource service pursuant to Section 4418.25, as necessary, in order to determine the most appropriate means necessary to assist the consumer to remain in the community and shall provide the information obtained from the statewide specialized resource service to the regional resource development project. If, based on the assessment, the regional resource development project determines that additional or different services and supports are necessary, the department shall ensure that the regional center provides those services and supports on an emergency basis. An individual program plan meeting, including the regional resource development project's representative, if necessary shall be convened as soon as possible to review the emergency services and supports and determine the consumer's ongoing needs for services and supports. The regional resource development project shall follow up with the regional center as to the success of the recommended interventions until the consumer's living arrangement is stable.

(c) (1) If the regional resource development project determines, based on the assessment conducted pursuant to subdivision (b), that the consumer referred to the regional resource development project by the court cannot be safely served in an acute crisis home operated by the department, the department shall notify the court in writing and shall continue to work jointly with the regional center to identify or develop alternative services and supports and implement the alternative services and supports that are identified or developed.

(2) (A) If the regional resource development project, in consultation with the regional center, the consumer, and the consumer's parents, legal guardian, or conservator, when appropriate, determines that admittance to an acute crisis home operated by the department is necessary due to an acute crisis, as defined in paragraph (1) of subdivision (d), and the director of the department or their designee has approved admission, the regional center

shall immediately pursue the obtainment of a court order pursuant to Section 6506 for short-term admission and crisis stabilization.

(B) (i) The regional resource development project, in consultation with the regional center, the consumer, and, when appropriate, the consumer's parents, legal guardian, conservator, or authorized representative, shall not make a determination that admittance to an acute crisis home operated by the department is necessary due to an acute crisis, as defined in paragraph (1) of subdivision (d), unless the determination includes a regional center report detailing all considered community-based services and supports, including, but not limited to, a community crisis home certified pursuant to Article 8 (commencing with Section 4698) of Chapter 6 of Division 4.5, a supported living arrangement pursuant to Section 4689, including rental subsidies described in subdivision (i) of Section 4689, environmental accessibility adaptations or other home modifications, supplemental services and emergency and crisis intervention services described in subdivision (a) of Section 4648, whether rate adjustments are necessary to secure the services and supports considered, and an explanation of why those options could not meet the consumer's needs at the time of the determination.

(ii) For purposes of complying with clause (i), the regional center shall not be required to consider out-of-state placements or mental health facilities, including institutions for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5, that are ineligible for federal Medicaid funding.

(d) (1) For purposes of this section, the following terms have the following meanings:

(A) "Acute crisis" means, as a result of the consumer's behavior, all of the following are met:

(i) There is imminent risk for substantial harm to the consumer or others.

(ii) The service and support needs of the consumer cannot be met in the community, including with supplemental services, as set forth in subparagraph (F) of paragraph (10) of subdivision (a) of Section 4648, and emergency and crisis intervention services, as set forth in paragraph (11) of subdivision (a) of Section 4648.

(iii) Due to serious and potentially life-threatening conditions, the consumer requires a specialized environment for crisis stabilization.

(B) "Containment" has the same meaning as defined in Section 59000 of Title 17 of the California Code of Regulations.

(C) "Emergency intervention" has the same meaning as defined in Section 59000 of Title 17 of the California Code of Regulations.

(D) "Physical restraint" has the same meaning as defined in Section 59000 of Title 17 of the California Code of Regulations.

(E) "Prone restraint" has the same meaning as defined in Section 59000 of Title 17 of the California Code of Regulations.

(F) "Seclusion" has the same meaning as defined in Section 59000 of Title 17 of the California Code of Regulations.

(2) For purposes of paragraph (1), out-of-state placements or mental health facilities and other facilities, including institutions for mental disease,

as described in Part 5 (commencing with Section 5900) of Division 5, for which federal Medicaid funding is not available, shall not be deemed to be supplemental services or emergency and crisis intervention services.

(e) When an admission occurs due to an acute crisis, all of the following shall apply:

(1) As soon as possible following admission to an acute crisis home operated by the department, a comprehensive assessment shall be completed by the regional center in coordination with the regional resource development project and the acute crisis service staff. The comprehensive assessment shall include the identification of the services and supports needed for crisis stabilization and the timeline for identifying or developing the services and supports needed to transition the consumer back to a noncrisis community setting. The regional center shall immediately submit a copy of the comprehensive assessment to the committing court. Immediately following the assessment, and not later than 30 days following admission, the regional center and the acute crisis home operated by the department shall jointly convene an individual program plan meeting to determine the services and supports needed for crisis stabilization and to develop a plan to transition the consumer into community living pursuant to Section 4418.3. The clients' rights advocate for the regional center shall be notified of the admission and the individual program plan meeting and may participate in the individual program plan meeting unless the consumer objects on their own behalf.

(2) If transition is not expected within 90 days of admission, an individual program plan meeting shall be held to discuss the status of transition and to determine if the consumer is still in need of crisis stabilization. If crisis services continue to be necessary, the regional center shall submit to the department an updated transition plan and a request for an extension of stay at the acute crisis home operated by the department of up to 90 days.

(3) (A) A consumer shall reside in an acute crisis home operated by the department no longer than six months before being placed into a community living arrangement pursuant to Section 4418.3, unless, prior to the end of the six months, all of the following have occurred:

(i) The regional center has conducted an additional comprehensive assessment based on information provided by the regional center, and the department determines that the consumer continues to be in an acute crisis.

(ii) The individual program planning team has developed a plan that identifies the specific services and supports necessary to transition the consumer into the community, and the plan includes a timeline to obtain or develop those services and supports.

(iii) The committing court has reviewed and, if appropriate, extended the commitment.

(B) The clients' rights advocate for the regional center shall be notified of the proposed extension pursuant to clause (iii) of subparagraph (A) and the individual program plan meeting to consider the extension, and may participate in the individual program plan meeting unless the consumer objects on their own behalf.

(C) (i) A consumer's placement at an acute crisis home operated by the department shall not exceed one year unless both of the following occur:

(I) The regional center demonstrates significant progress toward implementing the plan specified in clause (ii) of subparagraph (A) identifying the specific services and supports necessary to transition the consumer into the community.

(II) Extraordinary circumstances exist beyond the regional center's control that have prevented the regional center from obtaining those services and supports within the timeline based on the plan.

(ii) If both of the circumstances described in subclauses (I) and (II) of clause (i) exist, the regional center may request, and the committing court may grant, an additional extension of the commitment, not to exceed 30 days.

(D) Consumers placed in the community after admission to an acute crisis home operated by the department pursuant to this section shall be considered to have moved from a developmental center for purposes of Section 4640.6.

(f) The department shall collect data on the outcomes of efforts to assist at-risk consumers to remain in the community. The department shall make aggregate data on the implementation of the requirements of this section available, upon request.

(g) Commencing January 1, 2015, admissions to an acute crisis home operated by the department pursuant to a court order for an acute crisis, as described in this section, shall be limited to a property used to provide STAR services.

(h) Acute crisis consumers may participate in day, work, education and recreational programs when the individual program plan identifies it is appropriate and consistent with the individual's treatment plan. The acute crisis homes shall assist the consumer with transitioning back to their prior residence, or an alternative community based residential setting, within the timeframe described in this section.

(i) The department may execute leases, lease-purchases, or leases with the option to purchase for real property necessary for the establishment or maintenance of STAR homes to serve as acute crisis homes operated by the department.

(j) Notwithstanding any other law or regulation, an acute crisis home operated by the department shall not utilize any of the following interventions:

(1) A prone restraint.

(2) A physical restraint or containment, unless the consumer presents an imminent risk of serious physical harm to themselves or others that cannot be prevented using a less restrictive technique. In no circumstance shall an acute crisis home operated by the department utilize an emergency intervention technique that obstructs a consumer's respiratory airway or impairs the consumer's breathing or respiratory capacity.

(3) Seclusion.

(4) The emergency interventions described in Section 85102 of Title 22 of the California Code of Regulations.

(5) Psychotropic or behavior-modifying medications used to control behavior or to restrict a person's freedom of movement if that medication is not a standard treatment for the person's individualized medical or psychiatric condition.

SEC. 5. Section 4418.8 is added to the Welfare and Institutions Code, to read:

4418.8. (a) (1) As part of the safety net plan required by Section 4474.16, the department may develop a residential program in the community for adolescents and adults with complex needs. This program shall consist of up to three complex needs homes described in this section. A complex needs home shall not exceed five beds per home and any stay shall not exceed 18 months, except as provided by paragraph (5) of subdivision (e).

(2) If the regional center determines, or is informed by the consumer's parents, legal guardian, conservator, or authorized representative, that the community placement of a consumer is at risk of failing and that admittance to a complex needs residential home is a likelihood, or the regional center is notified by a court of a potential admission to a complex needs home, the regional center shall immediately notify the appropriate regional resource development project, the consumer, the consumer's parents, legal guardian, or conservator, and the regional center clients' rights advocate.

(3) For purposes of this section, notification to the clients' rights advocate for the consumer's regional center shall include a copy of the most recent comprehensive assessment or updated assessment and the time, date, and location of the individual program plan meeting to be held pursuant to paragraph (3) of subdivision (b). The regional center shall provide this notice as soon as practicable, but no later than seven calendar days prior to the meeting.

(b) (1) Upon notification by the regional center, the regional resource development project shall immediately conduct an assessment of the situation that includes all of the following:

(A) Visiting the consumer, if appropriate.

(B) Determining barriers to successful community inclusion.

(C) Providing recommendations on the most appropriate means necessary to assist the consumer to reside in the most inclusive living arrangement.

(2) The regional center shall immediately request assistance from the statewide specialized resource service established pursuant to Section 4418.25 in order to determine the most appropriate means necessary to assist the consumer to reside in the most inclusive living arrangement and shall provide the information obtained from the statewide specialized resource service to the regional resource development project. If, based on the assessment required by paragraph (1), the regional resource development project determines that additional or different services and supports are necessary, the regional center shall provide those services and supports on an emergency basis.

(3) An individual program plan meeting, including the regional resource development project's representative, if necessary, shall be convened as soon as possible to review the emergency services and supports required by the consumer and to determine the consumer's ongoing needs for services and supports. The regional resource development project shall follow up with the regional center as to the success of the recommended interventions until the consumer's living arrangement is stable.

(c) (1) If the regional resource development project determines, based on the assessment conducted pursuant to subdivision (b), that the consumer referred to the regional resource development project by the court cannot be safely served in a complex needs home, the department shall notify the court of that determination in writing and shall continue to work jointly with the regional center to identify or develop alternative services and supports and implement the alternative services and supports that are identified or developed.

(2) (A) If the regional resource development project, in consultation with the regional center, the consumer, and, when appropriate, the consumer's parents, legal guardian, conservator, or authorized representative, determines that admission to a complex needs home is necessary due to an acute crisis and the director of the department or their designee has approved that admission, the regional center shall immediately pursue a court order for short-term admission and crisis stabilization pursuant to Section 6506.

(B) A determination that admission to a complex needs home is necessary due to an acute crisis shall not be made until the regional center completes a report that includes all of the community-based services and supports considered, including, but not limited to, a community crisis home certified pursuant to Article 8 (commencing with Section 4698) of Chapter 6 of Division 4.5, a supported living arrangement pursuant to Section 4689, including rental subsidies described in subdivision (i) of that section, environmental accessibility adaptations or other home modifications, supplemental services and emergency and crisis intervention services described in subdivision (a) of Section 4648, whether rate adjustments are necessary to secure the services and supports considered, and the reasons those options will not meet the consumer's needs.

(C) For purposes for the report described in subparagraph (B), a regional center shall not be required to consider out-of-state placements or mental health facilities, including institutions for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5, that are ineligible for federal Medicaid funding.

(d) For purposes of this section, out-of-state placements or mental health facilities and other facilities, including institutions for mental disease, as described in Part 5 (commencing with Section 5900) of Division 5, for which federal Medicaid funding is not available, shall not be deemed to be supplemental services or emergency and crisis intervention services under subdivision (a) of Section 4648.

(e) An admission of an adolescent or adult with complex needs to a complex needs home due to an acute crisis shall meet all of the following requirements:

(1) An initial court commitment pursuant to this section shall not exceed six months. As soon as possible following admission to a complex needs home, a comprehensive assessment shall be completed by the regional center in coordination with the regional resource development project and the complex needs service staff. The comprehensive assessment shall include an identification of the services and supports needed for crisis stabilization and the timeline for identifying or developing the services and supports needed to transition the consumer back to a non-crisis community setting. Upon completion of the assessment, the regional center shall submit a copy of the assessment to the committing court.

(2) Immediately following the assessment, and not later than 30 days following admission, the regional center and the complex needs home shall jointly convene an individual program plan meeting to determine the services and supports needed for crisis stabilization and to develop a plan to transition the consumer back to community living pursuant to Section 4418.3. The clients' rights advocate for the regional center shall be notified of the consumer's admission and the time, date, and place of the individual program plan meeting and may participate in the meeting unless the consumer objects on their own behalf.

(3) If transition back to the community is not expected to be achieved within 180 days of admission, an individual program plan meeting shall be held to discuss the status of the transition and to determine if the consumer is still in need of crisis stabilization. If crisis services continue to be necessary, the regional center shall submit to the department an updated transition plan and a request for an extension of the consumer's stay at the complex needs home for a period not to exceed 180 days. A consumer may reside in a complex needs home for up to one year, after which the consumer shall transition into a community living arrangement pursuant to Section 4418.3.

(4) (A) Notwithstanding paragraph (3), a consumer may continue to reside in a complex needs home for a period not to exceed 18 months if all of the following conditions are met:

(i) After an additional comprehensive assessment by the regional center, the department determines that the consumer requires continued placement in a complex needs home.

(ii) An individual program plan is developed that identifies the specific services and supports necessary for the consumer to transition back into the community and includes a timeline to obtain those supports and services.

(iii) The committing court has reviewed and, if appropriate, extended the commitment.

(B) The clients' rights advocate for the regional center shall be notified of any proposed extension under subparagraph (A). The client's rights advocate shall also be notified of the time, date, and place of any individual

program plan meeting to consider the extension and may participate in the meeting unless the consumer objects on their own behalf.

(5) Notwithstanding paragraph (4), the regional center may request, and the committing court may grant, an additional extension of a consumer's commitment, not to exceed 90 days, if both of the following conditions are met:

(A) The regional center has demonstrated significant progress towards implementing the individual program plan required by clause (ii) of subparagraph (A) of paragraph (4).

(B) Extraordinary circumstances exist beyond the regional center's control that prevent the regional center from obtaining the services and supports required by the consumer according to the timeline included in the individual program plan.

(6) A consumer who transitions into the community after admission to a complex needs home pursuant to this section shall be considered to have complex needs for purposes of Section 4640.6.

(f) Consumers with complex needs may participate in day, work, educational, and recreational programs when the individual program plan identifies it is appropriate and consistent with the individual's treatment plan. The complex needs homes shall assist the consumer with transitioning back to their prior residence, or an alternative community-based residential setting, within the timeframe described in this section.

(g) (1) The department may execute leases, lease-purchases, or leases with the option to purchase for real property necessary for the establishment or maintenance of homes to serve as complex needs homes.

(2) A complex needs home shall not be established or maintained in an existing building on the grounds of a developmental center described in Section 7505 that, at any point prior to June 30, 2023, had been licensed as a skilled nursing facility, intermediate care facility, or general acute care hospital, or was otherwise used for the purpose of the treatment or residential placement of consumers.

(h) For purposes of this section, the following definitions shall apply:

(1) "Acute crisis" means a circumstance that necessitates the admission of a consumer to a complex needs home due to the existence of both of the following conditions:

(A) There is imminent risk for substantial harm to the consumer or others.

(B) Existing services and supports available to the consumer in the community, including supplemental services and emergency and crisis intervention services provided pursuant to subdivision (a) of Section 4648, are insufficient and a more specialized environment for crisis stabilization is required to meet the consumer's needs.

(2) "Complex needs" means the concurrent dual diagnosis of an intellectual or developmental disability and a mental health disorder.

(3) "Complex needs home" means a property operated by the department and designated to provide Stabilization, Training, Assistance and Reintegration (STAR) services for complex needs.

(4) “Containment” has the same meaning as that term is defined in Section 59000 of Title 17 of the California Code of Regulations.

(5) “Emergency intervention” has the same meaning as that term is defined in Section 59000 of Title 17 of the California Code of Regulations.

(6) “Prone restraint” has the same meaning as that term is defined in Section 59000 of Title 17 of the California Code of Regulations.

(7) “Physical restraint” has the same meaning as that term is defined in Section 59000 of Title 17 of the California Code of Regulations.

(8) “Seclusion” has the same meaning as that term is defined in Section 59000 of Title 17 of the California Code of Regulations.

(i) Notwithstanding any other law or regulation, a complex needs home shall not utilize any of the following interventions:

(1) A prone restraint.

(2) A physical restraint or containment procedure, unless the consumer presents an imminent risk of serious physical harm to themselves or others that cannot be prevented using a less restrictive technique. In no circumstance shall a complex needs home utilize an emergency intervention technique that obstructs a consumer’s respiratory airway or impairs the consumer’s breathing or respiratory capacity.

(3) Seclusion.

(4) The emergency interventions described in Section 85102 of Title 22 of the California Code of Regulations.

(5) Psychotropic or behavior-modifying medications used to control behavior or to restrict the person’s freedom of movement if that medication is not a standard treatment for the person’s individualized medical or psychiatric condition.

SEC. 6. Section 4435 is added to the Welfare and Institutions Code, to read:

4435. (a) It is the intent of the Legislature to advance regional center service provision that is person centered and more uniform, consistent, and equitable, while enhancing the experiences of individuals and families. It is the further intent of the Legislature that the department shall, consistent with these equity goals, have the authority under this division to oversee and monitor the manner in which regional centers provide services pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500)).

(b) Written directives issued by the department shall be consistent with the Lanterman Developmental Disabilities Services Act, and shall not interfere with the discretion of the individual program planning team to determine the needs and services appropriate for each person with a developmental disability who is entitled to services under the Lanterman Developmental Disabilities Services Act.

SEC. 7. Section 4435.1 is added to the Welfare and Institutions Code, to read:

4435.1. (a) It is the intent of the Legislature to provide more statewide uniformity and consistency and promote equity in the administrative practices and services of regional centers, consistent with the Lanterman

Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500)), as specified in this section.

(b) (1) No later than June 30, 2024, the department shall establish common data definitions that shall be used to promote service access and equity in all regional center services and programs. No later than January 1, 2025, regional centers shall start recording the race and ethnicity and preferred language identified by each individual, subject to paragraph (4), at the time of initial intake, assessment, and the individual program plan meeting following the individual's 18th birthday. Individuals have the right to update their demographic information at any time.

(2) The categories for race and ethnicity shall be based on the latest categories adopted by the United States Core Data for Interoperability set forth by the United States Office of the National Coordinator for Health Information Technology.

(3) "Preferred language" means the language chosen by the applicant or individual, or, when appropriate, the individual's parent, legal guardian or conservator, or authorized representative.

(4) Nothing in this section shall be construed to compel an individual, their parent, their legal guardian or conservator, or their authorized representative to provide requested information regarding the race, ethnicity, or preferred language of any of those persons.

(5) The data requirements described in this subdivision shall be integrated with the department's new case management system.

(c) (1) No later than June 30, 2025, the department shall establish standardized processes, including standardized templates, for assessing a consumer's need for respite services. Regional centers shall implement these standardized processes no later than January 1, 2026.

(2) The processes shall include a requirement that the regional center obtain information about respite needs from family members and, when appropriate, from other caregivers. The information obtained from these standardized processes shall be considered by the individual's individual program planning team.

(3) Regional centers shall make any modifications to their purchase-of-service policies as necessary for implementation of this subdivision.

(d) No later than June 30, 2024, the department shall establish a standardized individual program plan template and standardized procedures, including frequency of meetings, that are consistent with person-centered services planning requirements. The template shall be integrated with the department's new case management system. Regional centers shall implement the standardized individual program plan template and procedures no later than January 1, 2025.

(e) No later than June 30, 2025, the department shall establish standardized vendorization procedures. These procedures may include, but are not limited to, standardized vendorization forms and requirements to streamline vendorization elements, including when services are provided through more than one regional center. Regional centers shall implement

these standardized vendorization procedures and provide updated vendor lists to the department on a quarterly basis no later than January 1, 2026.

(f) (1) No later than January 1, 2025, the department shall establish a standardized intake process consistent with the requirements and timelines specified in Section 4642.

(2) No later than June 30, 2025, and to the extent allowed by current data systems, regional centers shall report to the department, quarterly as described in paragraph (4), the number of assessments and the length of time that it took to determine eligibility.

(3) The department shall include all of the following information in its new case management system:

(A) The number of individuals for whom intake was requested.

(B) The outcome of that intake, including whether an assessment was determined to be necessary.

(C) The length of time that it took to complete the assessment.

(D) The number of notices of action sent pursuant to paragraph (3) of subdivision (a) of Section 4642.

(4) Regional centers shall report the data described in this subdivision to the department on a quarterly basis, based on the criteria specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 4519.5.

(g) The department shall develop the standardized processes specified in this section with input from stakeholders, including consumers and families, who reflect the demographic diversity of California, to the extent practicable. In developing the standardized processes specified in this section, the department shall address barriers that may impact access to services.

(h) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department may implement, interpret, or make specific this section through written directives until regulations are effective.

(i) As part of its quarterly updates to the Legislature pursuant to Section 4474.17, the department shall provide information on the status of implementation of this section.

SEC. 8. Section 4435.2 is added to the Welfare and Institutions Code, to read:

4435.2. (a) No later than July 1, 2025, the department, with input from stakeholders, including consumers and families, relevant state agencies, and other entities overseeing benefits or services considered generic services by regional centers, including representatives of the State Department of Education, the Department of Rehabilitation, the State Department of Social Services, and the State Department of Health Care Services, shall provide all of the following information to the Legislature in accordance with Section 9795 of the Government Code:

(1) A definition of generic services.

(2) Options to improve coordination of generic services for individuals and families.

(3) A description of regional center efforts to coordinate generic services for individuals and families.

(4) Identified barriers to accessing generic services.

(b) The department shall explore the feasibility of including the functionality in its new case management system to track utilization of generic services. This functionality shall be used to the extent that data are available.

(c) (1) The department shall, with input from stakeholders, including consumers and families, evaluate the availability of common services and supports that individuals served by regional centers can access when determined necessary by their individual program planning team or their individualized family service plan team.

(2) The department shall evaluate these common services and supports for all of the following:

(A) Inconsistencies in the availability of services or supports across the state.

(B) Availability of services or supports based on the preferred language of consumers.

(C) Recommendations for addressing inconsistencies, including data collection and related infrastructure requirements that may be necessary to analyze service or support use patterns.

(3) By January 10, 2025, the department shall provide a status update on efforts to complete the evaluation described in this subdivision and a projected date for completing the evaluation.

(d) As part of its quarterly updates to the Legislature pursuant to Section 4474.17, the department shall provide information on the status of implementation of this section.

SEC. 9. Section 4642 of the Welfare and Institutions Code is amended to read:

4642. (a) (1) Any person believed to have a developmental disability, and any person believed to have a high risk of parenting a developmentally disabled infant shall be eligible for initial intake and assessment services in the regional centers. In addition, any infant having a high risk of becoming developmentally disabled may be eligible for initial intake and assessment services in the regional centers. For purposes of this section, “high-risk infant” means a child less than 36 months of age whose genetic, medical, or environmental history is predictive of a substantially greater risk for developmental disability than that for the general population. The department, in consultation with the State Department of Public Health, shall develop specific risk and service criteria for the high-risk infant program on or before July 1, 1983. These criteria may be modified in subsequent years based on analysis of actual clinical experience.

(2) Initial intake shall be performed within 15 working days following request for assistance. Initial intake shall include, but need not be limited to, information and advice about the nature and availability of services provided by the regional center and by other agencies in the community, including guardianship, conservatorship, income maintenance, mental health, housing, education, work activity and vocational training, medical, dental, recreational, and other services or programs that may be useful to persons

with developmental disabilities or their families. Intake shall also include a decision to provide assessment.

(3) Commencing on January 1, 2025, the regional center shall take the following actions by the end of the 15-day initial intake period described in paragraph (2):

(A) Either of the following actions:

(i) Determine if the individual is eligible for regional center services.

(ii) Determine if the regional center will initiate the assessment specified in Section 4643.

(B) Inform the individual requesting intake of the regional center's action.

(C) If the regional center determines that the individual is not eligible for regional center services, or that the regional center is not initiating the assessment specified in Section 4643, provide the individual requesting intake and, if appropriate, the individual's parents, legal guardian or conservator, or authorized representative, with adequate notice as required by Section 4710.

(4) (A) The department shall create, with input from stakeholders, standardized information packets to be provided to any person seeking services from a regional center. There shall be one information packet related to services provided under the California Early Intervention Services Act and another information packet related to services provided under the Lanterman Developmental Disabilities Services Act. The information packets shall be translated to provide language access, as required by state and federal law, shall be available in alternative formats and alternative modes of communication, as required by federal law, and shall include, at a minimum, all of the following:

(i) An overview of the regional center system.

(ii) A resource guide for consumers and their families.

(iii) Consumer rights.

(iv) Contact information for the regional center, the department, the office of clients' rights advocacy, and the protection and advocacy agency specified in Division 4.7 (commencing with Section 4900).

(B) Each regional center shall distribute the information packets at intake, upon transfer to receiving services under the Lanterman Developmental Disabilities Services Act, and upon request. Each regional center shall begin distributing the information packets within 60 days following the department providing the information packets and issuing directives regarding the distribution of the information packets. In addition to, and not in lieu of, this requirement, each regional center shall post the full content of the most updated information packet on its internet website.

(b) A regional center shall communicate with the consumer and the consumer's family pursuant to this section in their preferred language, including providing alternative communication services and alternative formats, as required by state and federal law.

SEC. 10. Section 6500 of the Welfare and Institutions Code is amended to read:

6500. (a) For purposes of this article, the following definitions shall apply:

(1) “Dangerousness to self or others” shall include, but not be limited to, a finding of incompetence to stand trial pursuant to the provisions of Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code when the defendant has been charged with murder, mayhem, aggravated mayhem, a violation of Section 207, 209, or 209.5 of the Penal Code in which the victim suffers intentionally inflicted great bodily injury, robbery perpetrated by torture or by a person armed with a dangerous or deadly weapon or in which the victim suffers great bodily injury, carjacking perpetrated by torture or by a person armed with a dangerous or deadly weapon or in which the victim suffers great bodily injury, a violation of subdivision (b) of Section 451 of the Penal Code, a violation of paragraph (1) or (2) of subdivision (a) of former Section 262 or paragraph (2) or (3) of subdivision (a) of Section 261 of the Penal Code, a violation of Section 288 of the Penal Code, any of the following acts when committed by force, violence, duress, menace, fear of immediate and unlawful bodily injury on the victim or another person: a violation of paragraph (1) or (2) of subdivision (a) of former Section 262 of the Penal Code, a violation of Section 264.1, 286, or 287 of, or former Section 288a of, the Penal Code, or a violation of subdivision (a) of Section 289 of the Penal Code; a violation of Section 459 of the Penal Code in the first degree, assault with intent to commit murder, a violation of Section 220 of the Penal Code in which the victim suffers great bodily injury, a violation of Section 18725, 18740, 18745, 18750, or 18755 of the Penal Code, or if the defendant has been charged with a felony involving death, great bodily injury, or an act that poses a serious threat of bodily harm to another person.

(2) “Developmental disability” shall have the same meaning as defined in subdivision (a) of Section 4512.

(b) (1) A person with a developmental disability may be committed to the State Department of Developmental Services for residential placement other than in a developmental center or state-operated community facility, as provided in subdivision (a) of Section 6509, if the person is found to be a danger to self or others.

(A) An order of commitment made pursuant to this paragraph shall expire automatically one year after the order of commitment is made.

(B) This paragraph does not prohibit any party enumerated in Section 6502 from filing subsequent petitions for additional periods of commitment. If subsequent petitions are filed, the procedures followed shall be the same as with the initial petition for commitment.

(2) A person with a developmental disability shall not be committed to the State Department of Developmental Services for placement in a developmental center or state-operated community facility pursuant to this article unless the person meets the criteria for admission to a developmental center or state-operated community facility pursuant to paragraph (2), (3), (4), (5), or (7) of subdivision (a) of Section 7505 and is dangerous to self or others, or as a result of an acute crisis, or the person currently is a resident

of a state developmental center or state-operated community facility pursuant to an order of commitment made pursuant to this article prior to July 1, 2012, and is being recommitted pursuant to paragraph (4) of this subdivision.

(3) If the person with a developmental disability is in the care or treatment of a state hospital, developmental center, or other facility at the time a petition for commitment is filed pursuant to this article, proof of a recent overt act while in the care and treatment of a state hospital, developmental center, or other facility is not required in order to find that the person is a danger to self or others.

(4) If subsequent petitions are filed with respect to a resident of a developmental center or a state-operated community facility committed prior to July 1, 2012, the procedures followed and criteria for recommitment shall be the same as with the initial petition for commitment.

(5) In any proceedings conducted under the authority of this article, the person alleged to have a developmental disability shall be informed of their right to counsel by the court and, if the person does not have an attorney for the proceedings, the court shall immediately appoint the public defender or other attorney to represent them. The person shall pay the cost for the legal services if the person is able to do so. At any judicial proceeding under this article, allegations that a person has a developmental disability and is dangerous to self or others, or as a result of an acute crisis, shall be presented by the district attorney for the county unless the board of supervisors, by ordinance or resolution, delegates this authority to the county counsel. The regional center shall inform the clients' rights advocate, as described in Section 4433, when a petition is filed under this section and when a petition expires. The clients' rights advocate for the regional center may attend any judicial proceedings to assist in protecting the individual's rights.

(c) (1) An order of commitment made pursuant to this article with respect to a person described in paragraph (3) of subdivision (a) of Section 7505 shall expire automatically one year after the order of commitment is made. This section does not prohibit a party enumerated in Section 6502 from filing subsequent petitions for additional periods of commitment. If subsequent petitions are filed, the procedures followed shall be the same as with an initial petition for commitment.

(2) An order of commitment made pursuant to this article on or after July 1, 2012, with respect to the admission to a developmental center or state-operated community facility of a person described in paragraph (2), (4), or (7) of subdivision (a) of Section 7505 shall expire automatically six months after the earlier of the order of commitment pursuant to this section or the order of a placement in a developmental center pursuant to Section 6506, unless the regional center, prior to the expiration of the order of commitment, notifies the court in writing of the need for an extension. The required notice shall state facts demonstrating that the individual continues to be in acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7, and the justification for the requested extension, and shall be accompanied by the comprehensive assessment and plan described in subdivision (e) of Section 4418.7. An order granting an extension shall not

extend the total period of commitment beyond one year, including a placement in a developmental center pursuant to Section 6506. If, prior to expiration of one year, the regional center notifies the court in writing of facts demonstrating that, due to circumstances beyond the regional center's control, the placement cannot be made prior to expiration of the extension, and the court determines that good cause exists, the court may grant one further extension of up to 30 days. The court may also issue any orders the court deems appropriate to ensure that necessary steps are taken to ensure that the individual can be safely and appropriately transitioned to the community in a timely manner. The required notice shall state facts demonstrating that the regional center has made significant progress implementing the plan described in subdivision (e) of Section 4418.7 and that extraordinary circumstances exist beyond the regional center's control that have prevented the plan's implementation. This paragraph does not preclude the individual or a person acting on the person's behalf from making a request for release pursuant to Section 4800, or counsel for the individual from filing a petition for habeas corpus pursuant to Section 4801. Notwithstanding subdivision (a) of Section 4801, for purposes of this paragraph, judicial review shall be in the superior court of the county that issued the order of commitment pursuant to this section.

(3) An order of commitment made pursuant to this article on or after January 1, 2020, with respect to the admission to an institution for mental disease, as described in subparagraph (C) of paragraph (9) of subdivision (a) of Section 4648, shall expire automatically six months after the earlier of the order of commitment pursuant to this section, the order of a placement in an institution for mental disease pursuant to Section 6506, or the date the regional center placed the individual in the institution for mental disease, unless the regional center notifies the court in writing of the need for an extension. The required notice shall state facts demonstrating that the individual continues to be in acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7, and the justification for the requested extension, and shall be accompanied by the comprehensive assessment and plan described in clause (v) of subparagraph (C) of paragraph (9) of subdivision (a) of Section 4648. An order granting an extension shall not extend the total period of commitment beyond one year, including a placement in an institution for mental disease pursuant to Section 6506. If, prior to expiration of one year, the regional center notifies the court in writing of facts demonstrating that, due to circumstances beyond the regional center's control, the placement cannot be made prior to expiration of the extension, and the court determines that good cause exists, the court may grant one further extension of up to 30 days. The court may also issue any orders the court deems appropriate in order for necessary steps to be taken to ensure that the individual can be safely and appropriately transitioned to the community in a timely manner. The required notice shall state facts demonstrating that the regional center has made significant progress implementing the plan described in clause (v) of subparagraph (C) of paragraph (9) of subdivision (a) of Section 4648 and that extraordinary

circumstances exist beyond the regional center’s control that have prevented the plan’s implementation. This paragraph does not preclude the individual or any person acting on their own behalf from making a request for release pursuant to Section 4800, or counsel for the individual from filing a petition for habeas corpus pursuant to Section 4801. Notwithstanding subdivision (a) of Section 4801, for purposes of this paragraph, judicial review shall be in the superior court of the county that issued the order of commitment pursuant to this section.

(4) An order of commitment made pursuant to this article on or after July 1, 2024, with respect to the admission to a completed and licensed complex needs home of a person described in paragraph (8) of subdivision (a) of Section 7505 shall expire automatically six months after the earlier of the order of commitment pursuant to this section or the order of a placement pursuant to Section 6506, unless the regional center, prior to the expiration of the order of commitment, notifies the court in writing of the need for an extension. The required notice shall state facts demonstrating that the individual continues to require placement in a complex needs home, as defined in paragraph (3) of subdivision (h) of Section 4418.8, and the justification for the requested extension, and shall be accompanied by the comprehensive assessment and plan described in subdivision (e) of Section 4418.8. An order granting an extension shall not extend the total period of commitment beyond 18 months, except as provided for in subdivision (e) of Section 4418.8, including a placement pursuant to Section 6506. This paragraph does not preclude the individual or a person acting on the person’s behalf from making a request for release pursuant to Section 4800, or counsel for the individual from filing a petition for habeas corpus pursuant to Section 4801. Notwithstanding subdivision (a) of Section 4801, for purposes of this paragraph, judicial review shall be in the superior court of the county that issued the order of commitment pursuant to this section.

SEC. 11. Section 6509 of the Welfare and Institutions Code is amended to read:

6509. (a) If the court finds that the person has a developmental disability, and is a danger to self or to others, or is in acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7, or in paragraph (1) of subdivision (h) of Section 4418.8, the court may make an order that the person be committed to the State Department of Developmental Services for suitable treatment and habilitation services. For purposes of this section, “suitable treatment and habilitation services” means the least restrictive residential placement necessary to achieve the purposes of treatment. Care and treatment of a person committed to the State Department of Developmental Services may include placement in any of the following:

(1) A licensed community care facility, as defined in Section 1502 of the Health and Safety Code, or a health facility, as defined in Section 1250 of the Health and Safety Code, other than a developmental center or state-operated facility.

(2) A property used to provide Stabilization, Training, Assistance and Reintegration (STAR) services operated by the department if the person

meets the criteria for admission pursuant to paragraph (2) of subdivision (a) of Section 7505.

(3) The secure treatment program at Porterville Developmental Center, if the person meets the criteria for admission pursuant to paragraph (3) of subdivision (a) of Section 7505.

(4) Canyon Springs Community Facility, if the person meets the criteria for admission pursuant to paragraph (4), (5), or (6) of subdivision (a) of Section 7505.

(5) On or after July 1, 2019, the acute crisis center at Porterville Developmental Center, if the person meets the criteria for admission pursuant to paragraph (7) of subdivision (a) of Section 7505.

(6) On or after July 1, 2024, upon completion and licensing, a complex needs home as defined in paragraph (3) of subdivision (h) of Section 4418.8, if the person meets the criteria for admission pursuant to subdivision (c) of Section 4418.8.

(7) Any other appropriate placement permitted by law.

(b) (1) The court shall hold a hearing as to the available placement alternatives and consider the reports of the regional center director or designee and the developmental center director or designee submitted pursuant to Section 6504.5. After hearing all the evidence, the court shall order that the person be committed to the placement that the court finds to be the most appropriate and least restrictive alternative. If the court finds that release of the person can be made subject to conditions that the court deems proper and adequate for the protection and safety of others and the welfare of the person, the person shall be released subject to those conditions.

(2) The court, however, may commit a person with a developmental disability who is not a resident of this state under Section 4460 for the purpose of transportation of the person to the state of legal residence pursuant to Section 4461. The State Department of Developmental Services shall receive the person committed to it and shall place the person in the placement ordered by the court.

(c) If the person has at any time been found mentally incompetent pursuant to Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code arising out of a complaint charging a felony offense specified in Section 290 of the Penal Code, the court shall order the State Department of Developmental Services to give notice of that finding to the designated placement facility and the appropriate law enforcement agency or agencies having local jurisdiction at the site of the placement facility.

(d) For persons residing in the secure treatment program at the Porterville Developmental Center, at the person's annual individual program plan meeting the team shall determine if the person should be considered for transition from the secure treatment program to an alternative placement. If the team concludes that an alternative placement is appropriate, the regional center, in coordination with the developmental center, shall conduct a comprehensive assessment and develop a proposed plan to transition the individual from the secure treatment program to the community. The transition plan shall be based upon the individual's needs, developed through

the individual program plan process, and shall ensure that needed services and supports will be in place at the time the individual moves. Individual supports and services shall include, when appropriate for the individual, wrap-around services through intensive individualized support services. The clients' rights advocate for the regional center shall be notified of the individual program plan meeting and may participate in the meeting unless the consumer objects on their own behalf. The individual's transition plan shall be provided to the court as part of the notice required pursuant to subdivision (e).

(e) If the State Department of Developmental Services decides that a change in placement is necessary, it shall notify, in writing, the court of commitment, the district attorney, the attorney of record for the person, and the regional center of its decision at least 15 days in advance of the proposed change in placement. The court may hold a hearing and either approve or disapprove of the change or take no action, in which case the change shall be deemed approved. At the request of the district attorney or of the attorney for the person, a hearing shall be held.

SEC. 12. Section 7505 of the Welfare and Institutions Code is amended to read:

7505. (a) Notwithstanding any other law, the State Department of Developmental Services shall not admit anyone to a developmental center unless the person has been determined eligible for services under Division 4.5 (commencing with Section 4500) and the person is any of the following:

(1) An adult committed by a court to Porterville Developmental Center, secure treatment program, pursuant to Section 1370.1 of the Penal Code.

(2) Committed by a court to an acute crisis home operated by the department pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 due to an acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7.

(3) An adult committed by a court to Porterville Developmental Center, secure treatment program, pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 as a result of involvement with the criminal justice system, and the court has determined the person is mentally incompetent to stand trial.

(4) A person committed by a court to Canyon Springs Community Facility pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 on or before June 30, 2024, or the opening of completed and licensed complex needs homes identified in the safety net plan prepared pursuant to Section 4474.16 and approved for development in the Budget Act of 2023, whichever is earlier, who otherwise meets the criteria for admission described in Section 4418.7 due to an acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7.

(5) (A) A person committed by a court to the Canyon Springs Community Facility pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 on or before June 30, 2024, or the opening of completed and licensed complex needs homes identified in the safety net plan prepared pursuant to Section 4474.16 and approved for development

in the Budget Act of 2023, whichever is earlier, who is currently admitted to either an acute psychiatric hospital or an acute crisis facility pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 due to an acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7, but who requires continued treatment to achieve stabilization and successful community transition.

(B) Prior to admission pursuant to this paragraph, the regional center shall prepare an assessment for inclusion in the consumer's file detailing all considered community-based services and supports, including, but not limited to, rate adjustments as provided by law, supplemental services as set forth in subparagraph (F) of paragraph (10) of subdivision (a) of Section 4648, emergency and crisis intervention services as set forth in paragraph (11) of subdivision (a) of Section 4648, community crisis home services pursuant to Article 8 (commencing with Section 4698) of Chapter 6 of Division 4.5, and an explanation of why those options could not meet the consumer's needs. Prior to admission, the Director of Developmental Services or the director's designee shall certify that there are no community-based options that can meet the consumer's needs.

(C) When a person is admitted to Canyon Springs Community Facility pursuant to this paragraph, the regional center shall notify the clients' rights advocate, as described in Section 4433, of the admission. A comprehensive assessment shall be completed by the regional center in coordination with Canyon Springs Community Facility staff. The comprehensive assessment shall include the identification of the services and supports needed for stabilization and the timeline for identifying or developing the services and supports needed to transition the consumer back to a community setting. Immediately following the comprehensive assessment, and not later than 30 days following admission, the regional center and staff at the Canyon Springs Community Facility shall jointly convene an individual program plan meeting to determine the services and supports needed for crisis stabilization and to develop a plan to transition the consumer into community living pursuant to Section 4418.3. The clients' rights advocate for the regional center shall be notified of the individual program plan meeting and may participate in the individual program plan meeting unless the consumer objects on their own behalf.

(D) The population of consumers admitted pursuant to this paragraph shall not exceed five. An admission to Canyon Springs Community Facility pursuant to this paragraph shall not extend beyond June 30, 2024, or the opening of completed and licensed complex needs homes identified in the safety net plan prepared pursuant to Section 4474.16 and approved for development in the Budget Act of 2023, whichever is earlier.

(E) For purposes of this paragraph, "acute psychiatric hospital" means a facility as defined in subdivision (b) of Section 1250 of the Health and Safety Code, including an institution for mental disease.

(6) (A) A person exercising the right of return described in Section 4508 on or before June 30, 2021.

(B) Prior to admission pursuant to this paragraph, the regional center shall prepare an assessment for inclusion in the consumer's file detailing all considered community-based services and supports, including, but not limited to, rate adjustments as provided by law, supplemental services as set forth in subparagraph (F) of paragraph (10) of subdivision (a) of Section 4648, emergency and crisis intervention services as set forth in paragraph (11) of subdivision (a) of Section 4648, community crisis home services pursuant to Article 8 (commencing with Section 4698) of Chapter 6 of Division 4.5, and an explanation of why those options could not meet the consumer's needs. Prior to admission, the Director of Developmental Services or the director's designee shall certify that there are no community-based options that can meet the consumer's needs.

(C) When a person is admitted pursuant to this paragraph, the regional center shall notify the clients' rights advocate, as described in Section 4433, of the admission. A comprehensive assessment shall be completed by the regional center in coordination with developmental center staff. The comprehensive assessment shall include the identification of the services and supports needed for stabilization and the timeline for identifying or developing the services and supports needed to transition the consumer back to a community setting. Immediately following the comprehensive assessment, and not later than 30 days following admission, the regional center and staff at the developmental center shall jointly convene an individual program plan meeting to determine the services and supports needed for crisis stabilization and to develop a plan to transition the consumer into community living pursuant to Section 4418.3. The clients' rights advocate for the regional center shall be notified of the individual program plan meeting and may participate in the individual program plan meeting unless the consumer objects on their own behalf.

(D) Notwithstanding Section 4508, the population of consumers admitted pursuant to this paragraph shall not exceed five. An admission pursuant to this paragraph shall not extend beyond June 30, 2023.

(7) Committed by a court to Porterville Developmental Center, pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 due to an acute crisis, as described in Section 4418.7. The population of consumers admitted pursuant to this paragraph shall not exceed 10. An admission pursuant to this paragraph shall not extend beyond June 30, 2023, or upon the opening of the state-operated community acute crisis homes approved for development in the Budget Act of 2019.

(8) (A) Committed by a court pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6 to a completed and licensed complex needs home identified in the safety net plan prepared pursuant to Section 4474.16 and approved for development in the Budget Act of 2023.

(B) When a person is admitted pursuant to this paragraph, the department and regional center shall comply with the requirements of Section 4418.8.

(b) A person admitted to the Canyon Springs Community Facility pursuant to paragraphs (4) and (5) of subdivision (a) shall be subject to enhanced monitoring that includes the following:

(1) Department clinical staff shall make monthly monitoring visits to observe the implementation of treatment plans.

(2) The department shall conduct monthly calls with regional centers to update transition planning and identify available placement options.

(3) The facility shall complete an initial transition plan within 60 days from admission.

(4) The facility shall conduct a transition review meeting 45 days prior to transitioning an individual from the facility.

(c) The State Department of Developmental Services shall not admit a person to a developmental center after July 1, 2012, as a result of a criminal conviction or when the person is competent to stand trial for the criminal offense and the admission is ordered in lieu of trial.

(d) Commencing with the first quarterly update to legislative staff after July 1, 2021, in the information provided pursuant to Section 4474.17, the State Department of Developmental Services shall provide a written update regarding efforts to reduce the reliance on Canyon Springs Community Facility for admissions due to an acute crisis, as defined in paragraph (1) of subdivision (d) of Section 4418.7 and the development of additional community resources, including person-centered efforts. The update shall include data and descriptors of people admitted to Canyon Springs Community Facility in the previous year, including age and duration of stay to date, the status of transition planning meetings for those individuals, and their discharge status. For persons admitted to Canyon Springs Community Facility beginning July 1, 2022, the update shall include all alternative placement options examined for each person prior to admission.

SEC. 13. Section 19629.5 is added to the Welfare and Institutions Code, to read:

19629.5. (a) Notwithstanding Section 3700 of the Labor Code, a vendor licensed by the department pursuant to this article shall operate a facility with workers' compensation insurance provided by the Business Enterprises Program through the Business Enterprises Program group policy. The department may secure payment of compensation through a self-insurance fund or insurance against liability. This subdivision does not apply to a vending facility established pursuant to Section 395.33 of Title 34 of the Code of Federal Regulations.

(b) The department may further establish additional self-insurance or insurance against operational or financial risks as it determines necessary to support the vendors operations licensed by the department as provided in this article, subject to Section 11007.7 of the Government Code and paragraph (5) of subdivision (a) of Section 19629 of this code.

(c) Vendors licensed by the department as provided in this article and their employees are not employees of the state within the meaning of Section 18526 or 18529 of the Government Code or Section 2750 of the Labor Code.

SEC. 14. The addition of Section 19629.5 to the Welfare and Institutions Code made by this act does not constitute a change in, but is declaratory of, existing law.

SEC. 15. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

SEC. 16. Notwithstanding any other law, the funds in the following citations are reappropriated for the purpose of extending the period to liquidate encumbrances of these funds to March 31, 2025:

(a) Twenty-four million four hundred sixty-two thousand dollars (\$24,462,000) in Provision 3 of Item 4300-101-0890, Budget Act of 2021 (Chs. 21 and 240, Stats. 2021).

(b) Five hundred thousand dollars (\$500,000) in Provision 2 of Item 4300-001-0890, Budget Act of 2022 (Chs. 43 and 249, Stats. 2022).

(c) Two million four hundred forty-three thousand dollars (\$2,443,000) in Provision 3 of Item 4300-101-0890, Budget Act of 2022 (Chs. 43 and 249, Stats. 2022).

SEC. 17. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.