

## Respite Proposals

Welfare & Institutions Code section 4686.5 is added to read:

4686.5 (a) Effective July 1, 2009, notwithstanding any other provision of law or regulation to the contrary:

(1) A regional center may only purchase respite services when the care and supervision needs of a consumer exceed that of an individual of the same age without developmental disabilities.

(2) A regional center shall not purchase more than 21 days of out-of-home respite services in a fiscal year nor 90 hours of in-home respite services in a quarter, for a consumer.

(3) Neither unused out-of-home respite days nor unused in-home respite hours may be utilized in subsequent fiscal years.

(4)(A) A regional center may grant an exemption to the requirements set forth in subdivision (a)(1) and (2) if it is demonstrated that:

(i) the intensity of the consumer's care and supervision needs are such that additional respite hours are necessary to maintain the consumer in the family home, or

(ii) there is an extraordinary event that impacts the family member's ability to meet the care and supervision needs of the consumer.

(B) For purposes of this section, "family member" means an individual who: (i) has a consumer residing with him or her; (ii) is responsible for the 24-hour care and supervision of the consumer; and (iii) is not a licensed or certified residential care facility or foster family home receiving funds from any public agency or regional center for the care and supervision provided.

Notwithstanding this provision, a relative who receives foster care funds shall not be precluded from receiving respite.

(5) A regional center shall not purchase day care services to replace or supplant respite services. For purposes of this section, "day care" is defined as regularly provided care, protection, and supervision of a consumer living in the home of his or her parents, for periods of less than 24 hours per day, while the parents are engaged in employment outside of the home and/or educational activities leading to employment.

(6) A regional center shall only consider in-home supportive services a generic resource when the approved in-home supportive services meets the respite need

as identified in the consumer's individual program plan or individualized family service plan.

(b) For consumers receiving respite services on July 1, 2009 as part of their IPP or IFSP, subdivision (a) shall take effect on August 1, 2009.

(c) This section shall remain in effect until implementation of the individual choice budget pursuant to section 4648.6 and certification by the Director of the Department of Developmental Services that the individual choice budget has been implemented and will result in State budget savings sufficient to offset the costs associated with the repeal of this section. This section shall be repealed on the date of certification.

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