

Trailer Bill re Reduction in Payments to Specified Providers

SEC. 1. Section 4791 is added to the Welfare and Institutions Code to read:

4791. (a) Notwithstanding any other provision of law or regulation, effective July 1, 2010 through June 30, 2011, regional centers may temporarily modify personnel requirements, functions, or qualifications or staff training requirements for providers, except for licensed or certified residential providers, whose payments are reduced in Section 2 by 4.25 percent:

(b) The temporary modification, effective during any agreed upon time period between July 1, 2010 and June 30, 2011, may only be approved when the regional center determines that the change will not:

- (1) Adversely affect the health and safety of any consumer receiving services or supports from the provider,
- (2) Result in the consumer receiving services in a more restrictive environment,
- (3) Negatively impact the availability of federal financial participation, or
- (4) Violate any state licensing or labor laws or other provisions of Title 17 of the California Code of Regulations not eligible for modification pursuant to this section.

(c) A temporary modification shall be:

- (1) Described in a written service contract between the regional center purchasing the service and the provider, and
- (2) Documentation shall be retained by the provider and the regional centers purchasing the services from the vendor.

(d) Notwithstanding any other provision of law or regulation, the Department shall suspend, from July 1, 2010 to June 30, 2011, the requirements described in Title 17, Sections 56732 and 56800 of the California Code of Regulations that day programs and in-home respite agencies conduct annual self assessments of program effectiveness in relation to their program design and submit written reports to vendoring and user regional centers and the Department.

(e) Notwithstanding any other provision of law or regulation, from July 1, 2010 to June 30, 2011, a residential service provider, vendored by a regional center and whose payment is reduced by 4.25 percent, shall not be required to complete quarterly and semiannual progress reports required in Title 17, Section 56026 (b) and (c) of the California Code of Regulations. During program reviews, the provider shall inform the regional center case manager of the consumer's progress and any barrier to the implementation of the individual program plan for each consumer residing in the residence.

SEC. 2. Section 3 of Chapter 4 of the Eighth Extraordinary Session of the Statutes of 2010 is amended to read:

SEC. 3. (a) Notwithstanding any other provision of law, in order to implement changes in the level of funding for regional center purchase of services, regional centers shall reduce payments for services and supports provided pursuant to Title 14 (commencing with Section 95000) of the Government Code and Division

4.1 (commencing with Section 4400) and Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code. From February 1, 2009, to June 30, ~~2011~~2010, inclusive, regional centers shall reduce all payments for these services and supports paid from purchase of services funds for services delivered on or after February 1, 2009, by 3 percent, and from July 1, 2010, to June 30, 2011, inclusive, by 4.25 percent, unless the regional center demonstrates that a nonreduced payment is necessary to protect the health and safety of the individual for whom the services and supports are proposed to be purchased, and the State Department of Developmental Services has granted prior written approval.

(b) Regional centers shall not reduce payments pursuant to subdivision (a) for the following:

(1) Supported employment services with rates set by Section 4860 of the Welfare and Institutions Code.

(2) Services with "usual and customary" rates established pursuant to Section 57210 of Title 17 of the California Code of Regulations.

(3) Payments to offset reductions in Supplemental Security Income/State Supplementary Payment (SSI/SSP) benefits for consumers receiving supported and independent living services.

(c) Notwithstanding any other provision of law, in order to implement changes in the level of funding appropriated for regional centers, the department shall amend regional center contracts to adjust regional center budgets accordingly for the 2008-09 fiscal year through the 2010-11 fiscal year. The contract amendments and budget adjustments shall be exempt from the provisions of Article 1 (commencing with Section 4620) of Chapter 5 of Division 4.5 of the Welfare and Institutions Code.

May 10, 2010