



## CDCAN REPORT

### **CALIFORNIA DISABILITY COMMUNITY ACTION NETWORK #065-2010 – APRIL 23, 2010 - FRIDAY**

*Advocacy Without Borders: One Community – Accountability With Action - California Disability Community Action Network Disability Rights News goes out to over 50,000 people with disabilities, mental health needs, seniors, traumatic brain & other injuries, veterans with disabilities and mental health needs, their families, workers, community organizations, including those in Asian/Pacific Islander, Latino, African American communities, policy makers and others across California.*

To reply to this report write: **MARTY OMOTO** at [martyomoto@rcjp.com](mailto:martyomoto@rcjp.com) WEBSITE: [www.cdcan.us](http://www.cdcan.us) TWITTER: [www.twitter.com](http://www.twitter.com) - "MartyOmoto"

#### **California Legislature:**

#### **FOCUS ON DEVELOPMENTAL CENTERS NEXT WEEK**

**4/27 Assembly Oversight Hearing on Final Report on Agnews Closure and  
4/29 Senate Budget Subcommittee Hearing That Includes Proposed Plan To  
Close Lanterman Developmental Center – Issue of Proposed Closure  
Subject of KQED Public Radio "Health Dialogues" Program This Week**

SACRAMENTO, CALIF (CDCAN) [Updated 04/23/2010 04:16 PM (Pacific Time)] - Under the shadow of a still unresolved enormous state budget deficit, the issue of the state owned and operated developmental centers – formerly called state hospitals - where just over 2,100 people with developmental disabilities still reside, will be the focus of a legislative oversight hearing and budget subcommittee hearings next week, with another budget subcommittee hearing on the subject the first week of May. [CDCAN Note: The Department of Mental Health operates five state hospitals and other facilities for persons with mental health needs or disorders placed there by court order or by a conviction. Those facilities are different from the four remaining developmental centers – which in the 1960's were also called state hospitals - that are operated and staffed by the Department of Developmental Services]

#### **Issue of Lanterman Proposed Closure Subject of KQED Radio Program**

The issue of the proposed closure of the state facility was also the focus this week in the KQED public radio series called "Health Dialogues" that included a segment on Lanterman Developmental Center – and also the closure of Agnews Developmental Center, cuts enacted impacting community-based services, the impact of the federal health care reform act, and recent budget reductions impacting dental and early intervention services. .

To listen to the 2 hour show, go to their website at:

<http://www.californiareport.org/archive/R201004222000/a>

or go to the CDCAN website to hear (or download) the broadcast at:

[www.cdcan.us](http://www.cdcan.us)

In addition the issue was the focus this week on KQED public radio's "Health Dialogues" program.

#### **Agnews Closure Report Subject of 4/27 Assembly Oversight Hearing**

The final report on the closure of Agnews Developmental Center in San Jose – which closed its doors in March 2009 after a closure process that lasted 6 years – will be the subject of an oversight informational hearing by the Assembly Human Services Committee and the Assembly Select Committee on Disabilities next week on April 27<sup>th</sup>, Tuesday from 2:30 to 5:00 PM at the State Capitol, in Room 437. There is time allocated on the committee agenda for public testimony and comments.

A 13 page briefing paper to provide committee members with background on the closure of Agnews and related issues and events was released today along with the oversight hearing agenda (see below). [Note: For a copy of the 13 page briefing paper go to the CDCAN website at [www.cdcan.us](http://www.cdcan.us) ]

The April 27<sup>th</sup> oversight hearing will consist of three panels composed of officials from the Department of Developmental Services; executive directors of the local area non-profit regional centers involved with the closing of Agnews; and perspectives of family members and former residents

The Agnews closure process implemented by the Department of Developmental Services has been widely praised by advocates on all sides of the issue and by policymakers from both parties. Observers say that the strong partnership and participation of the local area non-profit regional centers, advocates, workers and local community-based providers working with the State, were key elements for that successful closure.

The issues raised at the April 27<sup>th</sup> oversight hearing on the final report of the closure of Agnews could have impact on the proposed plan to close Lanterman Developmental Center – including the issue of implementing closure and transition during a time of enormous ongoing State budget deficits that have result in major cuts enacted and proposed for community-based services and supports.

### **Beall and Chesbro Committee Chairs for April 27<sup>th</sup> Oversight Hearing and Also Sit As Members of Assembly Budget Subcommittee**

Assemblymember Jim Beall, Jr. (Democrat – San Jose, 24<sup>th</sup> Assembly District) chairs the Assembly Human Services Committee and Assemblymember Wes Chesbro (Democrat – Eureka, 1<sup>st</sup> Assembly District) is chair of the Assembly Select Committee on Disabilities. Both men serve also on the Assembly Budget Subcommittee #1 on Health and Human Services that will act on the closure proposal and plan for Lanterman Developmental Center.

### **Senate Budget Subcommittee Hearing on April 29<sup>th</sup> Includes Lanterman Proposed Closure Plan**

The Assembly oversight hearing on the final report of the closure of Agnews will be followed by the Senate Budget Subcommittee #3 on Health and Human Services budget hearing on April 29<sup>th</sup>, at 09:30 AM (or whenever the State Senate floor session adjourns that day) at the State Capitol in Room 4203, on developmental services – including the proposed closure plan. The subcommittee is chaired by Sen. Mark Leno (Democrat – San Francisco, 3<sup>rd</sup> State Senate District)

The Assembly Budget Subcommittee #1 on Health and Human Services is scheduled to review the proposed closure plan (along with other issues impacting the developmental services budget) on May 5 Wednesday at 1:30 PM. The subcommittee is chaired by Assemblymember Dave Jones (Democrat – Sacramento, 9<sup>th</sup> Assembly District).

### **Governor Announced January 29<sup>th</sup> Intention to Propose Closure**

The Schwarzenegger Administration announced January 29th that it intended to propose budget related legislation calling for the closure of Lanterman Developmental Center, which provides 24 hour residential care for about 380 persons with developmental disabilities, overseen by the Department of Developmental Services.

As required by state law, the Department of Developmental Services submitted a proposed closure plan to the Legislature, on April 1. The plan for closure includes a general outline for the transition of the people who are residents of the facility and also the people who work there. The proposed closure plan is officially the second and a very crucial step in what is at least a two year or longer process, and requires approval of the Legislature before any closure activities can begin.

### **Legislature Seems Likely to Approve Proposed Closure**

Most observers agree that it is likely the Legislature – which has never in the last 30 years rejected a governor’s proposal to close a developmental center – will approve the proposal to close Lanterman Developmental Center. However the Legislature is also likely to make some changes to the proposed closure plan, as it did when the plan to close Agnews Developmental Center in 2003 was approved.

The proposed closure and transition plan itself will also have tremendous impact on the surrounding communities including local regional centers, providers and others. The submission of a proposed plan however is a critical step – because any actual closure activities cannot happen until is approved by the Legislature and signed by the Governor.

### **Proposal Has Impact To US Supreme Court “Olmstead Decision”**

- How the plan is finalized (including any specific legislation) and whether closure is approved or not has impact to the 1999 US Supreme Court “Olmstead Decision” under the federal Americans with Disabilities Act.
- That landmark decision, filed in the mid-1990’s by two women from Georgia with developmental and other disabilities (Elaine Wilson and Lois Curtis), among other things, required the states to take steps to avoid the unnecessary or unjustified institutionalization of people with disabilities, mental health needs and seniors.
- Advocates on different sides of the issue of closing a developmental center have contended that the Olmstead Decision and other federal laws support their position, especially in terms of health and safety.

### **Department of Developmental Services Oversees Developmental Centers and Non-Profit Regional Centers**

The Department of Developmental Services is the state agency under the California Health and Human Services Agency that oversees the operation of the four remaining state owned and operated developmental centers and one smaller facility for 2,109 people with developmental disabilities [as of March 31, 2010].

The department also contracts with 21 non-profit regional centers that coordinate regional center funded community-based services and supports to over 240,000 children and adults with developmental disabilities that are provided by thousands of different community-based organizations and individuals.

Thousands of people with developmental disabilities also receive services through other agencies that are not coordinated by the regional centers or overseen by the Department of Developmental Services, including special education services, In-Home Supportive Services, and Medi-Cal services including Adult Day Health Care.

### **Lanterman DC Once Had Over 3,000 People**

The developmental center, which opened in 1927 at its present location in Pomona, borders the cities of Pomona, Diamond Bar and Walnut in Los Angeles County and is within the area served by San Gabriel/Pomona Regional Center. The facility consists of 21 client residences, 1 acute hospital unit; a variety of training and work sites; a Vocational Training Center; and recreation facilities, including a swimming pool, playgrounds, camp, carousel, equestrian center, track, and a ballpark.

Lanterman Developmental Center at one time served more than 3,000 residents, and as of March 31, 2010, had 389 people with developmental disabilities still living at the facility, with the population declining 10% or more each year. The developmental center employs (as of January 2009) about 1,300 state employees or persons under contract with the State.

As of March 31, 2010, a total of 2,109 people with developmental disabilities reside in the 4 remaining developmental centers (formerly called “state hospitals”) and 1 smaller facility:

- Agnews Developmental Center (San Jose) – 0 (closed as of March 2009)
- Fairview Developmental Center (Costa Mesa) – 456 persons
- Lanterman Developmental Center (Pomona) – 389 persons
- Porterville Developmental Center (Bakersfield) – 578 persons
- Sonoma Developmental Center (Eldridge – Sonoma County) – 632 persons
- Canyon Springs facility (Cathedral City) – 54 persons
- Sierra Vista facility (Yuba City) – 0 (closed as of February 2010)

### **WHAT HAPPENS NEXT IN THE PROPOSED CLOSURE PROCESS FOR LANTERMAN DEVELOPMENTAL CENTER**

- The Legislature must approve, as part of the 2010-2011 State Budget, the proposal to close Lanterman Developmental Center – and a proposed closure plan, before any actual closure activities can begin. The budget subcommittees and full budget

committees have jurisdiction (say) over the proposal to close Lanterman Developmental Center and on the proposed closure plan.

- State law requires that approval of the closure proposal and plan must be done as part of the 2010-2011 State Budget. It is possible the Legislature could approve the closure proposal and plan in legislation separate from the budget if a long budget stalemate develops.
- The process to approve the closure, and develop the final plan for transition and closure of Agnews Developmental Center in San Jose took six years from the date then Governor Gray Davis proposed closure in January 2003 and when the facility actually closed its doors in March of last year. State officials expect, in the case of Lanterman Developmental Center, assuming approval of the plan for transition and closure of the facility to take about 2 years.

### **IMPORTANT DATES & UPCOMING HEARINGS REGARDING LANTERMAN**

- January 29, 2010: The Department of Developmental Services announced that the Governor would submit a proposal to the Legislature to close Lanterman Developmental Center. That proposal set in motion a process defined in existing state law (Welfare and Institutions Code section 4474.1) for closing a state owned and operated developmental center that includes requirements regarding time frames, community outreach, at least one public hearing and a detailed closure plan to the Legislature by April 1 before the year closure activities begin.
- February 24, 2010: The Department of Developmental Services held a public hearing on the proposed closure of the facility at Lanterman Developmental Center site.
- March 17, 2010 – The director and other senior officials with the Department of Developmental Services and advocates including those from Lanterman Developmental Center participated in a statewide CDCAN Townhall Telemeeting on the proposed closure. Over 350 people participated and asked questions directly to state officials [Note: a copy of the audio recording of that and other CDCAN townhall telemeetings can be heard or downloaded from the CDCAN website at [www.cdcan.us](http://www.cdcan.us) ]
- April 1, 2010: Schwarzenegger Administration through the Department of Developmental Services submits to the Legislature proposed plan to close Lanterman Developmental Center.
- April 27, 2010: Assembly Human Services Committee and Assembly Select Committee on Disabilities Joint Oversight Hearing on the Final Report on the Closure of Agnews Developmental Center. Public testimony allowed.
- April 29, 2010: Senate Budget Subcommittee #3 on Health and Human Services budget hearing on developmental services budget, with “special order” (meaning it will be heard at a specific time during the hearing) for the proposed closure plan of Lanterman Developmental Center. Brief public testimony allowed.
- May 5, 2010: Assembly Budget Subcommittee #1 on Health and Human Services budget hearing on developmental services budget – including the proposed closure plan for Lanterman Developmental Center. Also scheduled to be on the agenda is In-Home Supportive Services. Brief public testimony allowed.
- May 14, 2010: Governor is scheduled to release revisions to his proposed State Budget for 2010-2011 that he released January 8<sup>th</sup>. The revisions could provide

additional information and updated figures regarding the proposed closure of Lanterman Developmental Center. Advocates fear that the revision will likely also include proposals for more additional cuts to health and human services in order to close what will likely still be an enormous budget deficit.

- Mid to Late May 2010: Budget subcommittee hearings likely on any new proposals by the Governor and final action on other proposals.
- June 2010 – Conference Committee (joint committee composed of 3 members from each house) to go over budget proposals and issues where the State Senate and Assembly did not agree.
- Late June to ? : Legislative leaders and Governor will attempt to come to agreement on a budget deal – that would still need approval from the full Assembly and State Senate

## **AGENDA – APRIL 27<sup>th</sup> OVERSIGHT HEARING BY ASSEMBLY HUMAN SERVICES COMMITTEE AND ASSEMBLY SELECT COMMITTEE ON DISABILITIES**

### *OVERSIGHT HEARING*

#### *FINAL REPORT ON THE CLOSURE OF AGNEWS DEVELOPMENTAL CENTER: KEEPING THE PROMISE OF THE LANTERMAN ACT*

#### *2:30 to 2:40 PM – WELCOME AND OPENING REMARKS*

- *Assembly Member Jim Beall, Jr., Chair, Assembly Committee on Human Services*
- *Assembly Member Wesley Chesbro, Chair, Assembly Select Committee on Disabilities*
- *Committee and Select Committee Members*

#### *2:40 to 3:10 PM – PANEL 1: DEPARTMENT OF DEVELOPMENTAL SERVICES: OVERVIEW OF THE CLOSURE PROCESS AND OUTCOME*

- *Terri Delgadillo, Director – Department of Developmental Services*
- *Patricia Flannery, Deputy Director, Developmental Centers Division, DDS*
- *Julia Mullen, Deputy Director, Community Services and Supports Division, DDS*

*Note: The Final Report on the Closure of Agnews Developmental Center is available on the Department of Developmental Services web site:*

*<http://www.dds.cahwnet.gov/AgnewsClosure/Home.cfm>.*

*The Background Briefing Paper for this hearing is available on the Human Services Committee web site:*

*<http://www.assembly.ca.gov/acs/newcomframeset.asp?committee=13>.*

#### *3:10 to 3:40 PM – PANEL 2: THE BAY AREA REGIONAL CENTERS: COLLABORATION AND PARTNERSHIP*

- *Santi Rogers, Executive Director, San Andreas Regional Center*
- *Jim Burton, Executive Director, Regional Center of the East Bay*
- *Jim Shorter, Executive Director, Golden Gate Regional Center*

*3:40 to 4:00 PM – PANEL 3: SERVICE COORDINATOR/SERVICE PROVIDER PERSPECTIVES*

- *Catherine McCoy, Service Coordinator, San Andreas Regional Center*
- *Remy Sullera, RN; former Agnews Developmental Center employee*
- *Luchie Noriega, Senior Psychiatric Technician; former Agnews employee*

*4:00 to 4:25 PM – PANEL 3: FAMILY MEMBER PERSPECTIVES*

- *Brian Boxall, past president of the Association for the Mentally Retarded at Agnews (AMRA) and sibling of a former Agnews Developmental Center resident*
- *Joanie Pepper, parent of a former Agnews Developmental Center resident*

*4:25 to 4:50 PM – PUBLIC TESTIMONY*

*4:50 to 5:00 PM – CLOSING REMARKS*

*Committee and Select Committee Chairs and Committee and Select Committee Assemblymembers*

**PLEASE HELP CDCAN CONTINUE ITS WORK!!!**

We need your help. CDCAN Townhall Telemeetings, reports and alerts and other activities cannot continue without your help.

To continue the CDCAN website, the CDCAN News Reports. sent out and read by over 50,000 people and organizations, policy makers and media across California and to continue the CDCAN Townhall Telemeetings which since December 2003 have connected thousands of people with disabilities, seniors, mental health needs, people with MS and other disorders, people with traumatic brain and other injuries to public policy makers, legislators, and issues.

Please send your contribution/donation (make payable to "CDCAN" or "California Disability Community Action Network):

**CDCAN**

**1225 8th Street Suite 480 - Sacramento, CA 95814**

paypal on the CDCAN site is not yet working – will be soon.

MANY, MANY THANKS TO the Easter Seals, California Association of Adult Day Health Centers, Valley Mountain Regional Center, Toward Maximum Independence, Inc (TMI), Friends of Children with Special Needs, UCP of Los Angeles, Ventura and Santa Barbara Counties, Southside Arts Center, San Francisco Bay Area Autism Society of America, Hope Services in San Jose, FEAT of Sacramento (Families for Early Autism Treatment), RESCoalition, Sacramento Gray Panthers, Easter Seals of Southern California, Tri-Counties Regional Center, Westside Regional Center, Regional Center of the East Bay, UCP of Orange County, Alta California Regional Center, Life Steps, Parents Helping Parents, Work Training, Foothill Autism Alliance, Arc Contra Costa, Pause4Kids, Manteca CAPS, Training Toward Self Reliance, UCP, California NAELA, Californians for Disability Rights, Inc (CDR) including CDR chapters, CHANCE Inc, , Strategies To Empower People (STEP), Harbor Regional Center, Asian American parents groups, Resources for Independent Living and many other Independent Living Centers, several regional centers, People First chapters, IHSS workers, other self advocacy and family support groups, developmental center families, adoption assistance program families and children, and others across California.