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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 4.1. DEVELOPMENTAL SERVICES [4400 - 4499] (*Division 4.1 added by Stats. 1977, Ch. 1252.*)

PART 1. GENERAL ADMINISTRATION, POWERS AND DUTIES OF THE DEPARTMENT [4400 - 4437] (*Part 1 added by Stats. 1977, Ch. 1252.*)

4400. There is in the Health and Welfare Agency a State Department of Developmental Services.
(*Added by Stats. 1977, Ch. 1252.*)

4401. As used in this division:

- (a) "Department" means the State Department of Developmental Services.
- (b) "Director" means the Director of Developmental Services.
- (c) "State hospital" means any hospital specified in Section 4440.

(*Added by Stats. 1977, Ch. 1252.*)

4404. The department is under the control of an executive officer known as the Director of Developmental Services.
(*Added by Stats. 1977, Ch. 1252.*)

4405. With the consent of the Senate, the Governor shall appoint to serve at his pleasure, the Director of Developmental Services. He shall have the powers of a head of a department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code, and shall receive the salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

Upon recommendation of the director, the Governor may appoint a chief deputy director of the department who shall hold office at the pleasure of the Governor. The salary of the chief deputy director shall be fixed in accordance with law.

(*Amended by Stats. 1978, Ch. 432.*)

4406. The State Department of Developmental Services succeeds to and is vested with the duties, purposes, responsibilities, and jurisdiction exercised by the State Department of Health with respect to developmental disabilities on the date immediately prior to the date this section becomes operative.

(*Added by Stats. 1977, Ch. 1252.*)

4407. The State Department of Developmental Services shall have possession and control of all records, papers, offices, equipment, supplies, moneys, funds, appropriations, land, and other property real or personal held for the benefit or use of the Director of Health in the performance of his duties, powers, purposes, responsibilities, and jurisdiction that are vested in the State Department of Developmental Services by Section 4406.

(*Added by Stats. 1977, Ch. 1252.*)

4408. All officers and employees of the Director of Health who on the operative date of this section are serving in the state civil service, other than as temporary employees, and engaged in the performance of a function vested in the State Department of Developmental Services by Section 4406 shall be transferred to the State Department of Developmental Services. The status, positions, and rights of such persons shall not be affected by the transfer and shall be retained by them as officers and employees of the State Department of Developmental Services pursuant to the State Civil Service Act, except as to positions exempt from civil service.

(*Added by Stats. 1977, Ch. 1252.*)

4408.5. (a) The criminal history check required by this section is limited to a State Department of Developmental Services employee, prospective employee, contractor, subcontractor, and volunteer whose duties include, or would include, access to any of the following:

(1) The developmental center established by Section 7502, the facility described in paragraph (4) of subdivision (a) of Section 7505, or a program described in Section 4418.7.

(2) An individual receiving services at a developmental center, facility, or program, as they are described in paragraph (1), or a consumer receiving services from a regional center.

(3) Individuals who are being evaluated for placement at a developmental center, facility, or program, as they are described in paragraph (1).

(4) Medical information, as defined in Section 56.05 of the Civil Code.

(5) Criminal offender record information, as defined in Section 11075 of the Penal Code, including federal criminal history information obtained pursuant to subdivision (u) of Section 11105 of the Penal Code.

(b) The State Department of Developmental Services shall submit to the Department of Justice fingerprint images and related information required by the Department of Justice of an employee, prospective employee, contractor, subcontractor, and volunteer, specified in subdivision (a), in accordance with subdivision (u) of Section 11105 of the Penal Code.

(c) The Department of Justice shall provide a state- or federal-level response pursuant to subdivision (p) of Section 11105 of the Penal Code.

(d) It is the intent of the Legislature in enacting this section to authorize the department to receive both state- and federal-level information from the Department of Justice following submission of fingerprints for the purpose of performing background checks.

(Added by Stats. 2024, Ch. 997, Sec. 22. (AB 179) Effective September 30, 2024.)

4409. All regulations heretofore adopted by the State Department of Health pursuant to authority now vested in the State Department of Developmental Services by Section 4406 and in effect immediately preceding the operative date of this section shall remain in effect and shall be fully enforceable unless and until readopted, amended or repealed by the Director of Developmental Services.

(Amended by Stats. 1978, Ch. 429.)

4410. With the approval of the Department of General Services and for use in the furtherance of the work of the State Department of Developmental Services, the director may accept any or all of the following:

(a) Grants of interest in real property.

(b) Grants of money received by this state from the United States, the expenditure of which is administered through or under the direction of any department of this state.

(c) Gifts of money from public agencies or from persons, organizations, or associations interested in scientific, educational, charitable, or mental health fields.

(Amended by Stats. 2014, Ch. 144, Sec. 80. (AB 1847) Effective January 1, 2015.)

4411. The department may expend in accordance with law all money now or hereafter made available for its use, or for the administration of any statute administered by the department.

(Added by Stats. 1977, Ch. 1252.)

4412. The department may expend money in accordance with law for the actual and necessary travel expenses of officers and employees of the department who are authorized to absent themselves from the State of California on official business.

For the purposes of this section and of Sections 11030 and 11032 of the Government Code, the following constitutes, among other purposes, official business for said officers and employees for which such officers and employees shall be allowed actual and necessary traveling expenses when incurred either in or out of this state upon approval of the Governor and Director of Finance:

Attending meetings of any national association or organization having as its principal purpose the study of matters relating to administration of institutions, and care and treatment of developmentally disabled patients; conferring with officers or employees of the United States or other states, relative to problems of institutional care, treatment or management; and obtaining information

therefrom, which information would be useful in the conduct of institutional, psychiatric, medical, and similar activities of the State Department of Developmental Services.

(Added by Stats. 1977, Ch. 1252.)

4413. The department may appoint and fix the compensation of such employees as it deems necessary, subject to the laws governing civil service.

(Added by Stats. 1977, Ch. 1252.)

4414. When convening any task force or advisory group, the department shall make its best effort to ensure representation by consumers and family members representing California's multicultural diversity.

(Added by Stats. 1997, Ch. 414, Sec. 1. Effective September 22, 1997.)

4415. Except as in this chapter otherwise prescribed, the provisions of the Government Code relating to state officers and departments shall apply to the State Department of Developmental Services.

(Added by Stats. 1977, Ch. 1252.)

4415.5. (a) The Chief of the Office of Protective Services, who has the responsibility and authority to manage all protective service components within the department's law enforcement and fire protection divisions, including those at each state developmental center, shall be known as the Director of Protective Services. The director shall be an experienced law enforcement officer with a Peace Officers Standards and Training Management Certificate or higher, and with extensive management experience directing uniformed peace officer and investigation operations.

(b) The Director of Protective Services shall be appointed by, and shall serve at the pleasure of, the Secretary of California Health and Human Services.

(Added by Stats. 2012, Ch. 660, Sec. 2. (SB 1051) Effective September 27, 2012.)

4416. Unless otherwise indicated in this code, the State Department of Developmental Services has jurisdiction over the execution of the laws relating to the care, custody, and treatment of developmentally disabled persons, as provided in this code.

As used in this division, "establishment" and "institutions" include every hospital, sanitarium, boarding home, or other place receiving or caring for developmentally disabled persons.

(Added by Stats. 1977, Ch. 1252.)

4416.5. The State Department of Developmental Services may contract with one or more qualified organizations to provide the services required by Section 1919 of the Social Security Act (P.L. 100-203) to persons eligible for those services who are not otherwise within the scope of Division 4.1 (commencing with Section 4400), Division 4.5 (commencing with Section 4500), Division 6 (commencing with Section 6000), or Chapter 3 (commencing with Section 7500) of Division 7. Contracts entered into pursuant to this section may be awarded on either a competitive bidding basis or on a noncompetitive bidding basis.

(Added by Stats. 1989, Ch. 973, Sec. 2. Effective September 29, 1989.)

4417. (a) The State Department of Developmental Services may:

- (1) Disseminate educational information relating to the prevention, diagnosis and treatment of persons with intellectual disabilities.
- (2) Upon request, advise all public officers, organizations and agencies interested in the developmental disabilities of the people of the state.
- (3) Conduct educational and related work that will tend to encourage the development of proper facilities for persons with developmental disabilities throughout the state.

(b) The department may organize, establish, and maintain community mental health clinics for the prevention, early diagnosis, and treatment of intellectual disability. These clinics may be maintained only for persons not requiring institutional care, who voluntarily seek the aid of the clinics. These clinics may be maintained at the locations in the communities of the state designated by the director, or at any institution under the jurisdiction of the department designated by the director.

(c) The department may establish rules and regulations that are necessary to carry out this section. This section does not authorize any form of compulsory medical or physical examination, treatment, or control of any person.

(Amended by Stats. 2014, Ch. 144, Sec. 81. (AB 1847) Effective January 1, 2015.)

4418. The State Department of Developmental Services may obtain psychiatric, medical and other necessary aftercare services for judicially committed patients on leave of absence from state hospitals by contracting with any city, county, local health district, or other public officer or agency, or with any private person or agency to furnish such services to patients in or near the home community of the patient. Any city, county, local health district, or other public officer or agency authorized by law to provide mental health and aftercare services is authorized to enter such contracts.

(Added by Stats. 1977, Ch. 1252.)

4418.2. The department shall support, utilizing regional resource development projects, the activities specified in Sections 4418.25, 4418.3, and 4418.7.

(Added by Stats. 2002, Ch. 1161, Sec. 27. Effective September 30, 2002.)

4418.25. (a) (1) The department shall establish policies and procedures for the development of an annual community placement plan by regional centers. The community placement plan shall be based upon an individual program plan process as referred to in subdivision (a) of Section 4418.3 and shall be linked to the development of the annual State Budget. The department's policies shall address statewide priorities, plan requirements, and the statutory roles of regional centers, developmental centers, and regional resource development projects in the process of assessing consumers for community living and in the development of community resources.

(2) (A) In addition to the existing priorities to support the closure of the developmental centers and the development of services and supports to transition individuals from restrictive settings, including institutions for mental disease, the department also shall establish guidelines by which community placement plan funds appropriated through the budget process may be utilized for community resource development to address the needs for services and supports of consumers living in the community in accordance with Section 4679.

(B) The department may allocate funds to regional centers for purposes of community resource development as provided in this paragraph when the department determines that sufficient funding has been appropriated and reserved for a fiscal year for development of the resources that are necessary to address the needs of persons moving from a developmental center pursuant to Section 4474.11, and no sooner than 30 days after the department has provided notice of this determination to the Joint Legislative Budget Committee and the appropriate policy and fiscal committees of the Legislature.

(b) (1) To reduce reliance on developmental centers and mental health facilities, including institutions for mental disease as described in Part 5 (commencing with Section 5900) of Division 5, for which federal funding is not available, and out-of-state placements, the department shall establish a statewide specialized resource service that does all of the following:

(A) Tracks the availability of specialty residential beds and services.

(B) Tracks the availability of specialty clinical services.

(C) Coordinates the need for specialty services and supports in conjunction with regional centers.

(D) Identifies, subject to federal reimbursement, developmental center services and supports that can be made available to consumers residing in the community, when no other community resource has been identified.

(2) By September 1, 2012, regional centers shall provide the department with information about all specialty resources developed with the use of community placement plan funds and shall make these resources available to other regional centers.

(3) When allocating funding for community placement plans, priority shall be given to the development of needed statewide specialty services and supports, including regional community crisis homes.

(4) If approved by the director, funding may be allocated to facilities that meet the criteria of Sections 1267.75 and 1531.15 of the Health and Safety Code.

(5) The department shall not provide community placement plan funds to develop programs that are ineligible for federal funding participation unless approved by the director.

(c) (1) The community placement plan shall provide for dedicated funding for comprehensive assessments of developmental center residents, for identified costs of moving individuals from developmental centers to the community, and for deflection of individuals from developmental center admission. The plans shall, where appropriate, include budget requests for regional center operations, assessments, resource development, and ongoing placement costs. These budget requests are intended to provide supplemental funding to regional centers. The plan is not intended to limit the department's or regional centers' responsibility to otherwise conduct

assessments and individualized program planning, and to provide needed services and supports in the least restrictive, most integrated setting in accord with the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500)).

(2) (A) Regional centers shall complete a comprehensive assessment of a consumer residing in a developmental center on July 1, 2012, who meets both of the following criteria:

(i) The consumer is not committed pursuant to Section 1370.1 of the Penal Code.

(ii) The consumer has not had such an assessment in the prior two years.

(B) The assessment shall include input from the regional center, the consumer, and, if appropriate, the consumer's family, legal guardian, conservator, or authorized representative, and shall identify the types of community-based services and supports available to the consumer that would enable the consumer to move to a community setting. Necessary services and supports not currently available in the community setting shall be considered for development pursuant to community placement planning and funding.

(C) Regional centers shall specify in the annual community placement plan how they will complete the required assessment and the timeframe for completing the assessment for each consumer. Initial assessments pursuant to this paragraph for individuals residing in a developmental center on July 1, 2012, shall be completed by December 31, 2015, unless a regional center demonstrates to the department that an extension of time is necessary and the department grants such an extension.

(D) The assessment completed in the prior two years, or the assessment completed pursuant to the requirements of this section, including any updates pursuant to subparagraph (E), shall be provided to both of the following:

(i) The individual program planning team and clients' rights advocate for the regional center in order to assist the planning team in determining the least restrictive environment for the consumer.

(ii) The superior court with jurisdiction over the consumer's placement at the developmental center, including the consumer's attorney of record and other parties known to the regional center. For judicial proceedings pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6, the comprehensive assessment shall be included in the regional center's written report required by Section 6504.5. For all other proceedings, the regional center shall provide the comprehensive assessment to the court and parties to the case at least 14 days in advance of regularly scheduled judicial review. This clause shall not apply to consumers committed pursuant to Section 1370.1 of the Penal Code.

(E) The assessments described in subparagraph (D) shall be updated annually as part of the individual program planning process for as long as the consumer resides in the developmental center. To the extent appropriate, the regional center shall also provide relevant information from the statewide specialized resource service. The regional center shall notify the clients' rights advocate for the regional center of the time, date, and location of each individual program plan meeting that includes discussion of the results of the comprehensive assessment and updates to that assessment. The regional center shall provide this notice as soon as practicable following the completion of the comprehensive assessment or update and not less than 30 calendar days before the meeting. The clients' rights advocate may participate in the meeting unless the consumer objects on their own behalf.

(d) The department shall review, negotiate, and approve regional center community placement plans for feasibility and reasonableness, including recognition of each regional centers' current developmental center population and their corresponding placement level, as well as each regional centers' need to develop new and innovative service models. The department shall hold regional centers accountable for the development and implementation of their approved plans. The regional centers shall report, as required by the department, on the outcomes of their plans. The department shall make aggregate performance data for each regional center available, upon request, as well as data on admissions to, and placements from, each developmental center.

(e) Funds allocated by the department to a regional center for a community placement plan developed under this section shall be controlled through the regional center contract to ensure that the funds are expended for the purposes allocated. Funds allocated for community placement plans that are not used for that purpose may be transferred to Item 4300-003-0001 for expenditure in the state developmental centers if their population exceeds the budgeted level. Any unspent funds shall revert to the General Fund.

(f) Commencing May 1, 2013, and then on April 1, 2014, and on April 1 annually thereafter, the department shall provide to the fiscal and appropriate policy committees of the Legislature, and to the contractor for regional center clients' rights advocacy services under Section 4433, information on efforts to serve consumers with challenging service needs, including, but not limited to, all of the following:

(1) For each regional center, the number of consumers admitted to each developmental center, including the legal basis for the admissions.

(2) For each regional center, the number of consumers described in paragraph (2) of subdivision (a) of Section 7505 who were admitted to Fairview Developmental Center by court order pursuant to Article 2 (commencing with Section 6500) of Chapter 2 of Part 2 of Division 6, and the number and lengths of stay of consumers, including those who have transitioned back to a community living arrangement.

(3) Outcome data related to the assessment process set forth in Section 4418.7, including the number of consumers who received assessments pursuant to Section 4418.7 and the outcomes of the assessments. Each regional center, commencing March 1, 2013, and then on February 1, 2014, and on February 1 annually thereafter, shall provide the department with information on alternative community services and supports provided to those consumers who were able to remain in the community following the assessments, and the unmet service needs that resulted in any consumers being admitted to Fairview Developmental Center.

(4) Progress in the development of needed statewide specialty services and supports, including regional community crisis options, as provided in paragraph (3) of subdivision (b). Each regional center shall provide the department with a report containing the information described in this paragraph commencing March 1, 2013, and then on February 1, 2014, and on February 1 annually thereafter.

(5) Progress in reducing reliance on mental health facilities ineligible for federal Medicaid funding, and out-of-state placements, including information on the utilization of those facilities, which shall include, by regional center, all of the following:

(A) The total number and age range of consumers placed in those facilities.

(B) The number of admissions.

(C) The reasons for admissions by category, including, but not limited to, incompetent-to-stand-trial (IST) commitment, Section 6500 commitment, crisis stabilization, and lack of appropriate community placement.

(D) The lengths of stay of consumers.

(E) The type of facility.

(6) Information on the utilization of facilities serving consumers with challenging service needs that utilize delayed egress devices and secured perimeters, pursuant to Section 1267.75 or 1531.15 of the Health and Safety Code, including the number of admissions, reasons for admissions, and lengths of stay of consumers, including those who have transitioned to less restrictive living arrangements.

(7) If applicable, any recommendations regarding additional rate exceptions or modifications beyond those allowed for under existing law that the department identifies as necessary to meet the needs of consumers with challenging service needs.

(g) Each regional center, commencing March 1, 2013, and then on February 1, 2014, and on February 1 annually thereafter, shall provide information to the department regarding the facilities described in paragraph (6) of subdivision (f), including, but not limited to, the number of admissions, reasons for admissions, and lengths of stay of consumers, including those who have transitioned to less restrictive living arrangements.

(h) Each institution for mental disease that, in the preceding year, has admitted a regional center consumer, including consumers whose placements are not funded by a regional center, shall report quarterly on February 1, May 1, August 1, and November 1, to the department, the regional center providing services to the consumer, and the contractor for regional center clients' rights advocacy services under Section 4433, all of the following in a format prescribed by the department:

(1) The total number and age, race, and ethnicity of consumers placed in that facility.

(2) The number of admissions.

(3) The reasons for admissions by category.

(4) The lengths of stay of consumers.

(5) The funding source.

(Amended by Stats. 2022, Ch. 49, Sec. 12. (SB 188) Effective June 30, 2022.)

4418.3. (a) It is the intent of the Legislature to ensure that the transition process from a developmental center to a community living arrangement is based upon the individual's needs, developed through the individual program plan process, and ensures that needed services and supports will be in place at the time the individual moves. It is further the intent of the Legislature that regional centers, developmental centers, and regional resource development projects coordinate with each other for the benefit of their activities in assessment, in the development of individual program plans, and in planning, transition, and deflection, and for the benefit of consumers.

(b) As individuals are identified for possible movement to the community, an individual planning meeting shall be initiated by the developmental center, which shall notify the planning team, pursuant to subdivision (j) of Section 4512, and the regional resource development project of the meeting. The regional resource development project shall make services available to the developmental center and the regional center, including, but not limited to, consultations with the planning teams and the identification of services and supports necessary for the consumer to succeed in community living.

(c) The development of the individual program plan shall be consistent with Sections 4646 and 4646.5. For the purpose of this section, the planning team shall include developmental center staff knowledgeable about the service and support needs of the consumer.

(d) Regional resource development project services may include providing information in an understandable form to consumers and, where appropriate, their families, conservators, legal guardians, or authorized representatives, that will assist them in making decisions about community living and services and supports. This information may include affording the consumer the opportunity to visit a variety of community living arrangements that could meet his or her needs. If the visits are not feasible, as determined by the planning team, a family member or other representative of the consumer may conduct the visits. Regional resource development projects may be requested to facilitate these visits. The availability of this service shall be made known by the planning team to consumers and, where appropriate, their families, conservators, legal guardians, or authorized representative.

(e) Once the individual program plan is completed and providers of services and supports are identified and agreed to, pursuant to subdivision (b) of Section 4646.5, and no less than 15 days prior to the move, unless otherwise ordered by a court, a transition conference, which may be facilitated by a regional resource development project, shall be held. Participants in the transition conference shall include, but not be limited to, the consumer, where appropriate the consumer's parents, legal guardian, conservator, or authorized representative, a regional center representative, a developmental center representative, and a representative of each provider of primary services and supports identified in the individual program plan. This meeting may take place in the catchment area to which the consumer is moving. If necessary, conferees may participate by telephone or video conference. The purpose of this conference shall be to ensure a smooth transition from the developmental center to the community.

(f) The department, through the appropriate regional resource development project, shall provide, in cooperation with regional centers and developmental centers, followup services to help ensure a smooth transition to the community. Followup services shall include, but shall not be limited to, all of the following:

- (1) Regularly scheduled as well as on an as-needed basis, contacts and visits with consumers and service providers during the 12 months following the consumers movement date.
- (2) Participation in the development of an individual program plan in accordance with Sections 4646 and 4646.5.
- (3) Identification of issues that need resolution.
- (4) Arrangement for the provision of developmental center services, including, but not limited to, medication review, crisis services, and behavioral consultation.

(g) To ascertain that the individual program plan is being implemented, that planned services are being provided, and that the consumer and, where appropriate the consumer's parents, legal guardian, or conservator, are satisfied with the community living arrangement, the regional center shall schedule face-to-face reviews no less than once every 30 days for the first 90 days. Following the first 90 days, and following notification to the department, the regional center may conduct these reviews less often as specified in the individual program plan.

(h) The regional center and the regional resource development project shall coordinate their followup reviews required pursuant to subdivisions (f) and (g) and shall share with each other information obtained during the course of the followup visits.

(Amended by Stats. 2002, Ch. 1161, Sec. 29. Effective September 30, 2002.)

4418.5. The department may provide protective social services for the care of developmentally disabled patients released from state hospitals of the department or to prevent the unnecessary admission of developmentally disabled persons to hospitals at public expense or to facilitate the release of developmentally disabled patients for whom such hospital care is no longer the appropriate treatment; provided that such services may be rendered only if provision for such services is made in the California Developmental Disabilities State Plan.

The department, to the extent funds are appropriated and available, shall pay for the cost of providing for care in a private home for developmentally disabled persons described in, and subject to the request and plan conditions of, the immediately preceding paragraph. The monthly rate for such private home care shall be set by the department at an amount which will provide the best possible care at minimum cost and also insure:

- (1) That the person will receive proper treatment and may be expected to show progress in achieving the maximum adjustment toward returning to community life; and
- (2) That sufficient homes can be recruited to achieve the stated objectives of this section.

It is the legislative intent that the department may make the fullest possible use of available resources in serving developmentally disabled persons.

The department may provide services pursuant to this section directly or through contract with public or private entities.

Notwithstanding any other provision of law, any contract or grant entered into with a public or private nonprofit corporation for the provision of services to developmentally disabled persons may provide for periodic advance payments for services to be performed under such contract. No advanced payment made pursuant to this section shall exceed 25 percent of the total annual contract amount.

The department may provide protective social services, including the cost of care in a private home pursuant to this section or in a suitable facility as specified in Section 7354, for judicially committed developmentally disabled patients released from a state hospital on leave of absence or parole, and payments therefor shall be made from funds available to the department for that purpose or for the support of patients in state hospitals.

(Amended by Stats. 1979, Ch. 1142.)

4418.6. The department may establish within its family care program respite care services for the developmentally disabled. Such respite care services may be available to both family home caretakers and to persons referred by the regional centers for the developmentally disabled. For purposes of this section, respite care means temporary and intermittent care provided for short periods of time.

The rate of reimbursement for such respite care service shall be established by the department after it conducts a study to determine if there are increased costs inherent in the provision of an intermittent and irregular service.

(Added by renumbering Section 10053.9 by Stats. 1978, Ch. 429.)

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.

(Amended by Stats. 2024, Ch. 80, Sec. 129. (SB 1525) Effective January 1, 2025.)

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 clients' 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.

(Amended by Stats. 2024, Ch. 80, Sec. 130. (SB 1525) Effective January 1, 2025.)

4419. Within the limits of available funds it is the intent of the Legislature that the department shall require all personnel working directly with patients to complete, within a reasonable time after the effective date of this section or after their appointments, whichever is later, or have completed, training with regard to the care and treatment of such patients.

(Added by Stats. 1977, Ch. 1252.)

4420. In order to assure an adequate number of qualified psychiatric technicians, psychiatrists, physicians and surgeons, psychologists, nurses, social workers, laboratory and other technicians, and ancillary workers, the department shall negotiate with any or all of the following: the University of California, the state colleges, the community colleges, private universities and colleges, and public and private hospitals, and arrange such affiliations or make such contracts for educational or training programs and awards training grants or stipends as may be necessary. Arrangements may be made in the hospitals and clinics operated by the department for the clinical experience essential to such educational and training programs, and positions in the department as interns and residents may be established.

(Amended by Stats. 1979, Ch. 373.)

4421. In order to assure an adequate number of qualified psychiatrists and psychologists with forensic skills, the State Department of Developmental Services shall plan with the University of California, private universities, and the California Postsecondary Education Commission, for the development of programs for the training of psychiatrists and psychologists with forensic skills.

(Added by Stats. 1977, Ch. 1252.)

4422. The department may examine all public and private hospitals, boarding homes or other establishments whether or not licensed by the department, receiving or caring for developmentally disabled persons and may inquire into their methods of government, and the treatment of all patients thereof.

It may examine the condition of all buildings, grounds, or other property connected with such institutions, and may inquire into all matters relating to their management. For the purposes specified in this paragraph the department shall have free access to the grounds, buildings, and books and papers of any such institution, and every person connected therewith shall give such information and afford such facilities for examination or inquiry as the department requires.

Any evidence found of suspected licensing violations shall be reported immediately to the State Department of Health Services or the State Department of Social Services, whichever has jurisdiction.

(Amended by Stats. 1978, Ch. 432.)

4423. In every place in which a developmentally disabled person may be involuntarily held, the persons confined therein shall be permitted access to and examination or inspection of copies of this code.

(Added by Stats. 1977, Ch. 1252.)

4424. The department shall adopt, for all hospitals, rules and regulations, books of record for all departments, blank forms for clinical records and other purposes, questions for examination of employees, and questions for examination, in all the different branches of medicine and surgery and especially in the subject of diseases affecting the brain and nervous system, of all officers and interns, for the special use of the hospital.

(Added by Stats. 1977, Ch. 1252.)

4425. The department shall keep in its office a record showing the following facts concerning each patient in custody in the several institutions:

(a) Name, residence, sex, age, place of birth, occupation, and civil condition.

(b) The date of commitment, and the respective names and residences of

(1) The person who made the petition for commitment,

(2) The persons who signed the medical certificate, and

(3) The judge who made the order of commitment.

(c) The name of the institution in which he is confined, the date of his admission thereto, and whether he was brought from his home or from another institution. If he was brought from another institution, the record shall show also the name of that institution, by whom he was brought therefrom and his condition.

(d) If discharged, the date of discharge, to whose care he was committed, and whether recovered, improved, unimproved, or not in need of commitment.

(e) If transferred, for what cause the transfer was made, and to what institution.

(f) If dead, the date and cause of death.

(Added by Stats. 1977, Ch. 1252.)

4426. The department may inquire into the manner in which a person with an intellectual disability who is subject to commitment, not confined in a state hospital, is cared for and maintained. If, in its judgment, the person is not properly and suitably cared for, the department may apply to a judge of the superior court for an order to commit him or her to a state hospital under the provisions of this code. This order shall not be made unless the judge finds, and certifies in the order, that the person is not properly or suitably cared for by his or her relatives, legal guardian, or conservator, or that it is dangerous to the public to allow him or her to be cared for and maintained by the relatives, legal guardian, or conservator.

(Amended by Stats. 2012, Ch. 457, Sec. 47. (SB 1381) Effective January 1, 2013.)

4427. When the department has reason to believe that any person held in custody as developmentally disabled is wrongfully deprived of his liberty, or is cruelly or negligently treated, or that inadequate provision is made for the skillful medical care, proper supervision, and safekeeping of any such person, it may ascertain the facts. It may issue compulsory process for the attendance of witnesses and the production of papers, and may exercise the powers conferred upon a referee in a superior court. It may make such orders for the care and treatment of such person as it deems proper.

Whenever the department undertakes an investigation into the general management and administration of any establishment or place of detention for the developmentally disabled, it may give notice of such investigation to the Attorney General, who shall appear personally or by deputy, to examine witnesses in attendance and to assist the department in the exercise of the powers conferred upon it in this code.

The department may at any time cause the patients of any county or city almshouse to be visited and examined, in order to ascertain if developmentally disabled persons are kept therein.

(Added by Stats. 1977, Ch. 1252.)

4427.5. (a) (1) A developmental center or State Department of Developmental Services-operated facility shall immediately, but no later than within two hours of the developmental center or State Department of Developmental Services-operated facility observing, obtaining knowledge of, or suspecting abuse, report the following incidents involving a resident to the local law enforcement agency having jurisdiction over the city or county in which the developmental center or State Department of Developmental Services-operated facility is located, regardless of whether the Office of Protective Services has investigated the facts and circumstances relating to the incident:

(A) A death.

(B) A sexual assault, as defined in Section 15610.63.

(C) An assault with a deadly weapon, as described in Section 245 of the Penal Code, by a nonresident of the developmental center or State Department of Developmental Services-operated facility.

(D) An assault with force likely to produce great bodily injury, as described in Section 245 of the Penal Code.

(E) An injury to the genitals when the cause of the injury is undetermined.

(F) A broken bone when the cause of the break is undetermined.

(2) If the incident is reported to the law enforcement agency by telephone, a written report of the incident shall also be submitted to the agency, within two working days.

(3) The reporting requirements of this subdivision are in addition to, and do not substitute for, the reporting requirements of mandated reporters, and any other reporting and investigative duties of the developmental center or State Department of Developmental Services-operated facility and the department as required by law.

(4) This section does not prevent the developmental center or State Department of Developmental Services-operated facility from reporting any other criminal act constituting a danger to the health or safety of the residents of the developmental center or State Department of Developmental Services-operated facility to the local law enforcement agency.

(b) (1) The department shall report to the agency described in subdivision (i) of Section 4900 any of the following incidents involving a resident of a developmental center or State Department of Developmental Services-operated facility:

(A) Any unexpected or suspicious death, regardless of whether the cause is immediately known.

(B) Any allegation of sexual assault, as defined in Section 15610.63, in which the alleged perpetrator is an employee or contractor of a developmental center or State Department of Developmental Services-operated facility.

(C) Any report made to the local law enforcement agency in the jurisdiction in which the facility is located that involves physical abuse, as defined in Section 15610.63, in which a staff member is implicated.

(2) A report pursuant to this subdivision shall be made no later than the close of the first business day following the discovery of the reportable incident. The report shall include the unique identifier of the person involved, and the name, street address, and telephone number of the facility.

(c) The department shall do both of the following:

(1) Annually provide written information to every employee of a developmental center or State Department of Developmental Services-operated facility regarding all of the following:

(A) The statutory and departmental requirements for mandatory reporting of suspected or known abuse.

(B) The rights and protections afforded to individuals' reporting of suspected or known abuse.

(C) The penalties for failure to report suspected or known abuse.

(D) The telephone numbers for reporting suspected or known abuse or neglect to designated investigators of the department and to local law enforcement agencies.

(2) On or before August 1, 2001, in consultation with employee organizations, advocates, consumers, and family members, develop a poster that encourages staff, residents, and visitors to report suspected or known abuse and provides information on how to make these reports.

(d) A failure to report an incident under subdivision (a) shall be deemed a class B violation as provided in Section 1424.6 of the Health and Safety Code if the incident occurs in a distinct part long-term health care facility. If the incident occurs in the general acute care hospital or acute psychiatric hospital portion of the developmental center, a failure to report the incident under subdivision (a) shall be subject to a civil penalty specified in Section 1280.4 of the Health and Safety Code.

(Amended by Stats. 2017, Ch. 18, Sec. 7. (AB 107) Effective June 27, 2017.)

4427.7. (a) Designated investigators of developmental centers shall request a sexual assault forensic medical examination for any resident of a developmental center who is a victim or reasonably suspected to be a victim of sexual assault, as defined in Section 15610.63, performed at an appropriate facility off the grounds of the developmental center in accordance with Sections 13823.5 to 13823.12, inclusive, of the Penal Code, which includes, but is not limited to, the requirement that the law enforcement agency having jurisdiction over the city or county in which the developmental center is located be notified by the person performing the sexual assault forensic medical examination and that consent is obtained as required by subdivisions (a) and (c) of Section 13823.11 of the Penal Code.

(b) The sexual assault forensic medical examination described in subdivision (a) may be performed at a developmental center by an independent sexual assault forensic examiner designated to perform examinations of victims of sexual assault in the jurisdiction of the developmental center only if it is deemed safer for the victim and the developmental center's examination facilities are equipped with forensic examination and evidence collection capability comparable to that of the designated community examination facility, as determined by the independent sexual assault forensic examiner.

(Added by Stats. 2013, Ch. 724, Sec. 6. (SB 651) Effective January 1, 2014.)

4428. When complaint is made to the department regarding the officers or management of any hospital or institution for the developmentally disabled, or regarding the management of any person detained therein or regarding any person held in custody, the department may, before making an examination regarding such complaint, require it to be made in writing and sworn to before an officer authorized to administer oaths. On receipt of such a complaint, sworn to if so required, the department shall direct that a copy of the complaint be served on the authorities of the hospital or institution or the person against whom complaint is made, together with notice of the time and place of the investigation, as the department directs.

(Added by Stats. 1977, Ch. 1252.)

4429. The department shall biennially report to the Legislature its acts and proceedings for the two years ending the June 30th last preceding, with such facts regarding the management of the institution for the developmentally disabled as it deems necessary for the information of the Legislature, including estimates of the amounts required for the use of such hospitals and the reasons therefor, and including annual reports for each state hospital.

(Added by Stats. 1977, Ch. 1252.)

4430. The department shall report to the Legislature the prospective needs for the care, custody, and treatment of developmentally disabled persons, together with its recommendations therefor. For the purpose of preventing overcrowding, it shall recommend such plans for the development of additional medical facilities as, in its judgment, will best meet the requirements of such persons.

(Added by Stats. 1977, Ch. 1252.)

4431. Charges made by the department for the care and treatment of each patient in a facility maintained by the department shall not exceed the actual cost thereof as determined by the director in accordance with standard accounting practices. The director is not prohibited from including the amount of expenditures for capital outlay or the interest thereon, or both, in his determination of actual cost.

As used in this section, the terms "care" and "care and treatment" include care, treatment, support, maintenance, and other services rendered by the department to a patient in the state hospital or other facility maintained by or under the jurisdiction of the department.

(Added by Stats. 1977, Ch. 1252.)

4432. (a) The State Department of Developmental Services shall report proposed allocations for level-of-care staffing in state hospitals that serve persons with developmental disabilities that shall include the following:

(1) All assumptions underlying estimates of state hospital developmentally disabled population.

(2) A comparison of the actual and estimated population levels for the year to date. If the actual populations differ from the estimated population by 50 or more, the department shall include in its reports a description of the change and the fiscal impact. The department shall make this information available to the Legislature during the budget process, but no later than January 10 of each year and no later than the release of the May revision of the Governor's proposed budget each year.

(b) The department shall provide the information required by subdivision (a) on the same dates as specified in subdivision (a) to the State Council on Developmental Disabilities created by Section 4520. The State Council on Developmental Disabilities shall provide the Legislature with review and comment on the information in a report.

(Amended by Stats. 1992, Ch. 713, Sec. 34. Effective September 15, 1992.)

4433. (a) The Legislature finds and declares all of the following:

(1) The State of California accepts its responsibility to ensure and uphold the rights of persons with developmental disabilities and an obligation to ensure that laws, regulations, and policies on the rights of persons with developmental disabilities are observed and protected.

(2) Persons with developmental disabilities are vulnerable to abuse, neglect, and deprivations of their rights.

(3) Clients' rights advocacy services provided by the regional centers, the advocacy services currently provided by the department at the state developmental centers, and the services provided by the department's Office of Human Rights may have conflicts of interest or the appearance of a conflict of interest.

(4) The services provided to individuals with developmental disabilities and their families are of such a special and unique nature that they cannot satisfactorily be provided by state agencies or regional centers and must be contracted out pursuant to paragraph (3) of subdivision (b) of Section 19130 of the Government Code.

(b) (1) To avoid the potential for a conflict of interest or the appearance of a conflict of interest, beginning January 1, 1998, the department shall contract for clients' rights advocacy services. The department shall solicit a single statewide contract with a nonprofit agency that results in at least three responsive bids that meet all of the criteria specified in paragraph (2) to perform the services specified in subdivision (d). If three responsive bids are not received, the department may rebid the contract on a regional basis, not to exceed three regional contracts and one contract for developmental centers and headquarters.

(2) Any contractor selected shall meet the following requirements:

(A) The contractor can demonstrate the capability to provide statewide advocacy services to individuals with developmental disabilities living in developmental centers and in the community.

(B) The contractor does not directly or indirectly provide services to individuals with developmental disabilities, except advocacy services.

(C) The contractor has knowledge of the service system, entitlements, and service rights of persons receiving services from regional centers and in state hospitals.

(D) The contractor can demonstrate the capability of coordinating services with the protection and advocacy agency specified in Division 4.7 (commencing with Section 4900).

(E) The contractor has not provided any services, except advocacy services, to, or been employed by, any regional center or the Association of Regional Center Agencies during the two-year period prior to the effective date of the contract.

(c) For the purposes of this section, the Legislature further finds and declares that because of a potential conflict of interest or the appearance of a conflict of interest, the goals and purposes of the regional center clients' rights advocacy services, the state hospitals, and the services of the Office of Human Rights, cannot be accomplished through the utilization of persons selected pursuant to the regular civil service system, nor can the services be provided through the department's contracts with regional centers. Accordingly, contracts into which the department enters pursuant to this section are permitted and authorized by paragraphs (3) and (5) of subdivision (b) of Section 19130 of the Government Code.

(d) The contractor shall do all of the following:

(1) Provide clients' rights advocacy services to persons with developmental disabilities who are consumers of regional centers and to individuals who reside in the state developmental centers and hospitals, including ensuring the rights of persons with

developmental disabilities, and assisting persons with developmental disabilities in pursuing administrative and legal remedies.

(2) Investigate and take action as appropriate and necessary to resolve complaints from or concerning persons with developmental disabilities residing in licensed health and community care facilities regarding abuse, and unreasonable denial, or punitive withholding, of rights guaranteed under this division.

(3) Provide consultation, technical assistance, supervision and training, and support services for clients' rights advocates that were previously the responsibility of the Office of Human Rights.

(4) Coordinate the provision of clients' rights advocacy services in consultation with the department, stakeholder organizations, and persons with developmental disabilities and their families representing California's multicultural diversity.

(5) Provide at least two self-advocacy trainings for consumers and family members.

(e) In order to ensure that individuals with developmental disabilities have access to high quality advocacy services, the contractor shall establish a grievance procedure and shall advise persons receiving services under the contract of the availability of other advocacy services, including the services provided by the protection and advocacy agency specified in Division 4.7 (commencing with Section 4900).

(f) The department shall contract on a multiyear basis for a contract term of up to five years, subject to the annual appropriation of funds by the Legislature.

(g) This section shall not prohibit the department and the regional centers from advocating for the rights, including the right to generic services, of persons with developmental disabilities.

(Amended by Stats. 2014, Ch. 409, Sec. 1. (AB 1595) Effective January 1, 2015.)

4433.5. Notwithstanding Section 4433, the department may contract with the State Council on Developmental Disabilities for the purpose of providing clients' rights advocacy services to individuals with developmental disabilities who reside in developmental centers.

(Amended by Stats. 2014, Ch. 409, Sec. 2. (AB 1595) Effective January 1, 2015.)

4434. (a) Notwithstanding preexisting rights to enforce the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500)), it is the intent of the Legislature that the department ensure that the regional centers operate in compliance with federal and state law and regulation and provide services and supports to consumers in compliance with the principles and specifics of this division.

(b) The department shall take all necessary actions to support regional centers to successfully achieve compliance with this section and provide high quality services and supports to consumers and their families.

(c) The contract between the department and individual regional centers required by Chapter 5 (commencing with Section 4620) of Division 4.5 shall include a provision requiring each regional center to render services in accordance with applicable provisions of state laws and regulations. In the event that the department finds a regional center has violated this requirement, or whenever it appears that a regional center has engaged in, or is about to engage in, any act or practice constituting a violation of any provision of Division 4.5 (commencing with Section 4500) or any regulation adopted thereunder, the department shall promptly take the appropriate steps necessary to ensure compliance with the law, including actions authorized under Section 4632 or 4635. The department, as the director deems appropriate, may pursue other legal or equitable remedies for enforcement of the obligations of regional centers including, but not limited to, seeking specific performance of the contract between the department and the regional center or otherwise act to enforce compliance with Division 4.5 (commencing with Section 4500) or any regulation adopted thereunder.

(d) As part of its responsibility to monitor regional centers, the department shall collect and review printed materials issued by the regional centers, including, but not limited to, purchase of service policies and other policies, guidelines, or assessment tools utilized by regional centers when determining the service needs of a consumer, instructions and training materials for regional center staff, board meeting agendas and minutes, and general policy and notifications provided to all providers and consumers and families. Within a reasonable period of time, the department shall review new or amended purchase of service policies prior to implementation by the regional center to ensure compliance with statute and regulation. The department shall take appropriate and necessary steps to prevent regional centers from utilizing a policy or guideline that violates any provision of Division 4.5 (commencing with Section 4500) or any regulation adopted thereunder. The department shall confirm that the purchase of service policies and other policies, guidelines, or assessment tools utilized by regional centers when determining the service needs of a consumer are available to the public, as required by paragraph (5) of subdivision (b) of Section 4629.5.

(Amended by Stats. 2019, Ch. 28, Sec. 5. (SB 81) Effective June 27, 2019.)

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.

(Added by Stats. 2023, Ch. 192, Sec. 6. (SB 138) Effective September 13, 2023.)

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.

(Added by Stats. 2023, Ch. 192, Sec. 7. (SB 138) Effective September 13, 2023.)

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.

(Added by Stats. 2023, Ch. 192, Sec. 8. (SB 138) Effective September 13, 2023.)

4436. (a) In order to provide the information necessary to assess the impact of implementing the recommendations of the report submitted by the California Health and Human Services Agency, pursuant to Section 14 of Chapter 25 of the Statutes of 2013, the State Department of Developmental Services shall evaluate enhanced behavioral supports homes, established pursuant to Article 3.6 (commencing with Section 4684.80) of Chapter 6 of Division 4.5, community crisis homes, established pursuant to Article 8 (commencing with Section 4698) of Chapter 6 of Division 4.5, and the acute crisis centers at the Fairview Developmental Center and the Sonoma Developmental Center, as described in subdivision (h) of Section 4418.7.

(b) The evaluation for enhanced behavioral supports homes and community crisis homes shall include information, by regional center catchment area, regarding the number of homes approved, the number of homes opened, the number of beds, the number of placements in a home from outside the regional center catchment area, comparative summary information regarding the characteristics of the persons served in these homes, immediate past residential settings, vacancy rates, and the established fixed facility rates and individual rates.

(c) The evaluation for community crisis homes and the acute crisis centers at the Fairview Developmental Center and the Sonoma Developmental Center shall include comparative information regarding characteristics of the persons served, immediate past residential settings, staffing requirements, the average monthly occupancy, the average length of time to secure placement into the home or center, the average length of stay, the regional center of origin for placements, the number of placements from outside the regional center of origin, the number of individuals with multiple stays, the number of residents whose discharge was delayed due to the unavailability of a residential placement, and the per capita and total cost for each home or center.

(d) The evaluation for enhanced behavioral supports homes shall also include the number of beds in the homes utilizing delayed egress devices in combination with secured perimeters, the extent to which the statewide limit established in regulation on the total number of beds permitted in homes with delayed egress devices in combination with secured perimeters is exceeded, the number of residents requiring out-of-home crisis intervention services, the nature of the services provided, and the ability of residents to return to the same home after temporary placement in another facility.

(e) (1) Notwithstanding Section 10231.5 of the Government Code, the department shall provide the evaluations of enhanced behavioral supports homes and community crisis homes to the budget committees and appropriate policy committees of the Legislature annually, commencing on January 10 of the year after the first enhanced behavioral supports home or community crisis home is opened and services have commenced.

(2) Notwithstanding Section 10231.5 of the Government Code, the department shall provide the evaluations for the acute crisis centers at the following facilities to the budget committees and appropriate policy committees of the Legislature annually:

(A) The Fairview Developmental Center, commencing on January 10, 2015.

(B) The Sonoma Developmental Center, commencing on January 10, 2016.

(Added by Stats. 2014, Ch. 30, Sec. 10. (SB 856) Effective June 20, 2014.)

4436.5. (a) For the purposes of this section, the following definitions apply:

(1) "Physical restraint" means any behavioral or mechanical restraint as defined in Section 1180.1 of the Health and Safety Code.

(2) "Chemical restraint" means a drug that is used to control behavior and that is used in a manner not required to treat the patient's medical conditions.

(3) "Long-term health care facility" means a facility, as defined in Section 1418 of the Health and Safety Code, that is required to report to a regional center pursuant to Section 54327 of Title 17 of the California Code of Regulations.

(4) "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, that is a regional center vendor.

(5) "Regional center vendor" means an agency, individual, or service provider that a regional center has approved to provide vendored or contracted services or supports pursuant to paragraph (3) of subdivision (a) of Section 4648.

(b) The department shall ensure the consistent, timely, and public reporting of data it receives from regional centers pursuant to Section 54327 of Title 17 of the California Code of Regulations regarding the use of physical restraint, chemical restraint, or both, by all regional center vendors who provide residential services or supported living services pursuant to Section 4689, and by long-term health care facilities and acute psychiatric hospitals serving individuals with developmental disabilities.

(c) The department shall publish quarterly on its Internet Web site the following data, segregated by individual regional center vendor that provides residential services or supported living services and each individual long-term health care facility and acute psychiatric hospital that serves persons with developmental disabilities:

(1) The number of incidents of physical restraint.

(2) The number of incidents of chemical restraint.

(Added by Stats. 2015, Ch. 340, Sec. 2. (AB 918) Effective January 1, 2016.)

4437. (a) The State Department of Developmental Services shall, on or before February 1 of each year, report to the Legislature and post on its Internet Web site supplemental budget information, which shall include both of the following:

(1) For each developmental center, an estimate for the annual budget, including a breakdown of the staffing costs for Porterville Developmental Center's general treatment area and secured treatment area.

(2) For each regional center, all of the following information:

(A) Current fiscal year allocations of total and per capita funding for operations and purchase of services.

(B) The number of persons with developmental disabilities being served by the regional center in the current fiscal year.

(C) The past fiscal year and current fiscal year information on the funding for its community placement plan, including a breakdown of the funding for startup, assessment, placement, and deflection.

(D) Staff information.

(b) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(Added by Stats. 2016, Ch. 26, Sec. 4. (AB 1606) Effective June 27, 2016.)