



**EXECUTIVE COMMITTEE NOTICE/AGENDA**

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<b>PARTICIPANT CODE:</b>	<b>2982825</b>

**DATE:** Thursday, August 20, 2015

**TIME:** 1:00 p.m. – 5:00 p.m.

**LOCATION:** State Council on Developmental Disabilities  
1507 21<sup>st</sup> Street, Suite 210  
Sacramento, CA 95811

**TELECONFERENCE LOCATION(S):**

2118 University Park Drive Sacramento, CA 95825 Please Call for Access	UCLA - Tarjan Center 760 Westwood Plaza #58-228 Los Angeles CA 90095-1759
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Stadium Chiropractic Sports Rehab.  
2029 W. Oranewood Avenue  
Orange Ca 92886

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**AGENDA**

**Page**

- |                                 |         |
|---------------------------------|---------|
| 1. <b>CALL TO ORDER</b>         | N. Yang |
| 2. <b>ESTABLISH QUORUM</b>      | N. Yang |
| 3. <b>WELCOME/INTRODUCTIONS</b> | N. Yang |

4. **PUBLIC COMMENTS**

*This item is for members of the public only to provide comments and/or present information to the Council on matters **not** on the agenda. Each person will be afforded up to three minutes to speak. Written requests, if any, will be considered first.*

5.	<b>APPROVAL OF JUNE 23 &amp; 24, 2015 MINUTES</b>	N. Yang	3
6.	<b>AIDD/MTARS UPDATE</b>	A. Carruthers	8
7.	<b>SELF-DETERMINATION WAIVER</b>	S. Bingaman	20
8.	<b>BUDGET UPDATE</b>	A. Carruthers	
9.	<b>CONFLICT OF INTEREST WAIVER (COI) REQUEST AND INTERIM PROCESS</b>	N. Bocanegra	
10.	<b>EXECUTIVE DIRECTOR EVALUATION</b>	N. Bocanegra	
11.	<b>ESTABLISH SEPTEMBER COUNCIL AGENDA</b>	All	
12.	<b>FUTURE MEETING DATES</b>	R. Maitino	
13.	<b>ADJOURNMENT</b>	N. Yang	

**APPROVE  
MEETING  
MINUTES**

**DRAFT**  
**Executive Committee Meeting Minutes**  
**June 23, 2015**

**Attending Members**

April Lopez (FA)  
David Forderer (SA)  
Janelle Lewis (FA)  
Kecia Weller (SA)  
Nancy Clyde (SA)  
Ning Yang (SA)  
Sandra Smith (FA)

**Members Absent**

**Others Attending**

Aaron Carruthers  
Emma Beza  
Lynn Cach  
Natalie Bocanegra  
Robin Maitino  
Sabrina Smith  
Wayne Glusker

1. **Call to Order**

Chairperson Ning Yang (SA) called the meeting to order at 3:35 p.m. and established a quorum.

2. **Welcome and Introductions**

Members and others introduced themselves.

3. **Public Comments**

There were no public comments.

4. **Approval of Meeting Minutes**

It was moved/seconded (Smith [FA]/Lopez [FA]) and carried to approve the April 14, 2015 Executive Committee minutes as amended. (For: Forderer, Lopez, Smith, and Yang. Abstain: Weller, Lewis, Clyde)

April 14, 2015 Meeting Minutes Amendment

- Page 1, under Members Absent, add (FA) next to Janelle Lewis' name

It was moved/seconded (Smith [FA]/Lopez [FA]) and carried to approve the April 21, 2015 Executive Committee minutes as amended.

(Unanimous: Forderer, Lopez, Smith, Yang, Weller, Lewis, and Clyde)

April 21, 2015 Meeting Minutes Amendment

- Page 1, under Members Absent, add (FA) next to Janelle Lewis' name

It was moved/seconded (Smith [FA]/Lopez [FA]) and carried to approve the May 18, 2015 Executive Committee minutes as amended.

(Unanimous: Forderer, Lopez, Smith, Yang, Weller, Lewis, and Clyde)

May 18, 2015 Meeting Minutes Amendment

- Page 1, under Members Absent, add (FA) next to Janelle Lewis' name

It was moved/seconded (Smith [FA]/Lopez [FA]) and carried to approve the May 19, 2015 Executive Committee minutes as amended.

(Unanimous: Forderer, Lopez, Smith, Yang, Weller, Lewis, and Clyde)

May 19, 2015 Meeting Minutes Amendment

- Page 1, under Members Absent, add (FA) next to Janelle Lewis' name

5. **AIDD Compliance Task Chart**

Executive Director (A) Aaron Carruthers provided an update on the Council's compliance task progress stating 58% of the MTARS deliverables have been submitted. Director Carruthers also reported the great news that the MOU between SCDD and the DSA had been signed and that the June 15<sup>th</sup> quarterly call with Project Manager Allison Cruz went very well.

6. **Budget Update**

Executive Director Carruthers provided an overview of the monthly budget projections for fiscal year 2014-15 through April 2015. Additionally, Director Carruthers provided a general update on the DD system's budget as a whole stating that there would be a Special Legislative Session held to determine how and where potential increases could/would be proposed.

7. **Conflict of Interest Waiver (COI) Request**

The Executive Committee considered waiver requests submitted by Kevin MacDonald, Westside Regional Center Executive Director, and Patricia Del Monico, Harbor Regional Center Executive Director. The Committee reviewed 2013 correspondence from the Council to the Department of Developmental Services regarding "Conflict of Interest Standards for Regional Center Board Members, Employees, and Others Acting on Behalf of the Regional Center." In light of the 2013 letter, the

Committee decided not to act based on concerns about the Council's role and function. The Committee also noted that it declined to take a different approach at this time. Legal Counsel provided information that amendments need to be made to the DDS regulations and reported that SCDD has a meeting scheduled with DDS so that the executive director conflict of interest issues can be vetted.

8. **Closed Session – Personnel**

The Committee went into closed session.

9. **Reconvene Open Session**

The following action was reported out in open session:

*Action 1*

Committee acted to approve clarifying edits to ED search interview questions.

10. **Adjournment**

Chairperson Yang adjourned the meeting at 5:17 p.m.

**DRAFT**  
**Executive Committee Meeting Minutes**  
**June 24, 2015**

**Attending Members**

April Lopez (FA)  
David Forderer (SA)  
Janelle Lewis (FA)  
Kecia Weller (SA)  
Nancy Clyde (SA)  
Ning Yang (SA)  
Sandra Smith (FA)

**Members Absent**

**Others Attending**

Natalie Bocanegra  
Robin Maitino  
Wayne Glusker  
Emma Beza  
Sabrina Smith

1. **Call to Order**

Chairperson Ning Yang (SA) called the meeting to order at 9:50 a.m. and established a quorum.

2. **Welcome and Introductions**

Members and others introduced themselves.

3. **Public Comments**

There were no public comments.

4. **Closed Session – Personnel**

The Committee went into closed session.

5. **Reconvene Open Session**

The following actions were reported out in open session:

The Executive Committee acted to invite identified interviewees to participate in July interviews for the position of SCDD Executive Director which remains open until filled.

6. **Adjournment**

Chairperson Yang (SA) adjourned the meeting at 6:30 p.m.

# **AIDD/MTARS UPDATE**

## AIDD/MTARS - Compliance Status- At a Glance – As of 7/1/15

CAP ITEM	Task Description	Date of Submission	Status
A-1	AB 1595, Bylaws	12/1/14	MET Compliance
A-2	Executive Director Job Description	1/1/15	Compliance NOT MET- requires continuous monitoring.
B-1	Bylaws	12/1/14	MET Compliance- additional clarification requested
B-2	Membership Committee meeting minutes & report to Council, list of organizations on distribution list, recruitment materials.	4/1/15	MET Compliance
C-1	Bylaws	12/1/14	MET Compliance
C-2	Demographic analysis of Governor's appointees to the Council	12/1/14	Compliance NOT MET – requires continuous monitoring
D-1	AB 1595, Bylaws	12/1/14	MET Compliance
D-2	Council roster showing membership and changes for 2015	12/1/14	MET Compliance
E-1	AB 1595, Bylaws	12/1/14	MET Compliance
E-2	Council roster showing membership and changes for 2015		
F-1	Bylaws, administrative procedure	12/1/14	MET Compliance
F-2	Membership Committee reports to Council	4/1/15	MET Compliance
G-1a.	Orientation binder, welcome letter	1/1/15	MET Compliance
G-1b.	Annual Councilmember training	4/1/15	MET Compliance
G-2	Welcome letter for agency reps	2/1/15	Compliance NOT MET – requesting additional information
G-3b.	SAAC packets and materials for 2015, evidence of facilitator attendance for 2015		
H-1a.	State Plan development process		
H-1b.	Documentation of public outreach, meetings, surveys, use of available data sources (NCI, ICI, CDER, etc). Copies of staff products submitted to committees and Council to support integration of data and public input. Various other documents showing committee work and council review and revisions of state		

<b>CAP ITEM</b>	<b>Task Description</b>	<b>Date of Submission</b>	<b>Status</b>
H-2	Documentation of public outreach, meetings, surveys, use of available data sources (NCI, ICI, CDER, etc). Copies of staff products submitted to committees and Council to support integration of data and public input. Various other documents showing committee work and council review and revisions of state plan.		
I-1	MOU		Submitted July 1, 2015
I-2	MOU		Submitted July 1, 2015
I-3	DSS Invoices	2/1/15	MET Compliance
I-4	DSS Invoices	2/1/15	MET Compliance
I-5	AB 1595, Bylaws	12/1/14	MET Compliance
I-6	Bylaws, Form 700, Gov't Codes 1090 and 87100	1/1/15	MET Compliance
I-7	Bylaws	12/1/14	MET Compliance- additional clarification requested
I-8	Breakdown of staff by funding source, training materials, staff orientation binder		Submitted July 1, 2015
I-9	See A (Staff), H (Five Year State Plan), and M (Fiscal Requirement)		
J-1a.	State Plan work plan		
J-1b.	Evidence of periodic meetings and joint activities.		Submitted July 1, 2015
J-2	Amended plan and supporting documentation.		MET Compliance
J-3	Approval of new state plan.		
J-4	PPR		
K-1	Documentation of TA received and products based on TA		
K-2	Evaluation plan		
K-3	PPR		
L-1	State accounting policies, budget development directives	2/1/15	Compliance NOT MET – requesting additional information
L-2	Month's expenditures by object code for entire budget	2/1/15	Compliance NOT MET – requesting additional information
M-1	State accounting policies, budget development directives	2/1/15	Compliance NOT MET – requesting additional information
M-2	AB 1595	12/1/14	MET Compliance

<b>CAP ITEM</b>	<b>Task Description</b>	<b>Date of Submission</b>	<b>Status</b>
<b>M-3</b>	<b>Council reviews of monthly budget projections, Council votes on resource allocation, including cost-reductions</b>		<b>Submitted July 1, 2015</b>
<b>N-1</b>	<b>Contract Manual</b>	<b>12/1/14</b>	<b>MET Compliance</b>
<b>N-2</b>	<b>RFP, Overview of RFP process, summary pages of selected vendor</b>		
<b>O-1</b>	<b>State Accounting policies</b>	<b>2/1/15</b>	<b>MET Compliance</b>
<b>O-2</b>	<b>DSA Annual Evaluation</b>		<b>Submitted July 1, 2015</b>

## AIDD Compliance Task Timeline

<u>Date Due</u>	<u>Item No.</u>	<u>Task Description</u>	<u>Documentation/Evidence of Progress</u>	<u>Who</u>
December 1, 2014	A1.	AB 1595, Bylaws	Policies and/or procedures (with other documentation as necessary) providing evidence of the Council Directors responsibilities of hiring, supervising and evaluating staff	E.D. Legal Council
December 1, 2014	B1.	Bylaws	Policies and/or procedures (with other documentation as necessary) providing evidence of the Council's membership nomination and appointment process and procedures	E.D. Legal Council
December 1, 2014	C1.	Bylaws	Policies and/or procedures (with other documentation as necessary) providing evidence of outreach efforts to recruit members that reflect the state's diverse geographic locations, race and ethnicity	E.D. Legal Council
December 1, 2014	C2.	Demographic analysis of Governor's appointees to the Council	Direct evidence that the Council's membership reflects the state's diverse geographic locations, race and ethnicity	H.R.
December 1, 2014	D1.	AB 1595, Bylaws	Policies and/or procedure with other documentation as necessary providing evidence of Council provisions to rotate membership	E.D. Legal Council
December 1, 2014	E1.	AB 1595, Bylaws	Policies and/or procedures (with other documentation as necessary) providing evidence of Council provisions that allow continuation of membership until a new member is appointment	E.D. Legal Council
December 1, 2014	F1.	Bylaws, administrative procedure	Policies and/or procedures (with other documentation as necessary) providing evidence of appointment process to notify Governor of membership and vacancies	E.D. Legal C.D.D. Council
December 1, 2014	I5.	AB 1595, Bylaws	Policies and procedures (with other documentation as necessary) providing evidence of how the Council addresses Conflict of Interest, particularly findings in the MTARS	E.D.

## AIDD Compliance Task Timeline

<u>Date Due</u>	<u>Item No.</u>	<u>Task Description</u>	<u>Documentation/Evidence of Progress</u>	<u>Who</u>
December 1, 2014	16.	Bylaws, Form 700, Gov't Codes 1090 and 87100	Direct evidence that the Council is following its policy and procedures with regards to conflict of interest	E.D. Legal
December 1, 2014	17.	Bylaws	Policies and/or procedures (with other documentation as necessary) regarding : (a) Council staff carrying out solely the responsibilities duties of the Council as described in the DD Act; (b) training on the DD Act, the DD Council's federal mandate to conduct and support advocacy, capacity building, and systemic change on a statewide level; (c) state plan implementation, data collection and analysis, supports to engage self-advocate members in council meetings and activities; (d) standard orientation tools for staff, policy manuals and trainings to learn Council programs and administrative requirements	CDD Legal HR
December 1, 2014	M2.	AB 1595	Policies and/or procedures revised (with other documentation as necessary) as a result of the Lanterman Act	ED Legal
December 1, 2014	N1.	Contract Manual	Policies and/or procedures (with other documentation as necessary) providing evidence the Council carries out appropriate subcontracting activities, accurate financial accounting and record keeping	CDD
January 1, 2015	A2.	Executive Director job description	Demonstration of the Director's ability to hire, supervise and annually evaluate the staff of the Council	H.R.
January 1, 2015	G1a.	Orientation binder, welcome letter	Since the MTARS visit, documentation of Council compliance with membership composition requirement, standard orientation or mentoring process for Chair and new members, including training in the DD Act, the Council program federal mandate, and organization governance	E.D., TA

## AIDD Compliance Task Timeline

<u>Date Due</u>	<u>Item No.</u>	<u>Task Description</u>	<u>Documentation/Evidence of Progress</u>	<u>Who</u>
January 1, 2015	G3a.	Facilitation Policy	Direct evidence of supports for engaging self-advocate members of the Council in council meetings and council activities.	E.D.
February 1, 2015	G2.	Welcome letter for agency reps	Direct evidence of state agency representatives understanding their role and actively engaging in Council meetings	E.D., TA
February 1, 2015	I3.	DSS Invoices	Direct evidence that the DSA rates are charged to the Council consistent with documents	CDD
February 1, 2015	I4.	DSS Invoices	Direct evidence that DSA provided match to the Council.	CDD
February 1, 2015	L1.	State accounting policies, budget development directives	Policies and/or procedures (with other documentation as necessary) providing evidence of how the Council's budget is developed, executed, and how the expenditure data is calculated	CDD
February 1, 2015	L2.	Month's expenditures by object code for entire budget	Review of fiscal documents to assess whether the Council is following its policies and procedures and federal grant requirements	CDD
February 1, 2015	M1.	State accounting policies, budget development directives	Policies and/or procedures (with other documentation as necessary) providing evidence of how the Council's budget is developed, executed, and how the expenditure data is calculated	CDD

## AIDD Compliance Task Timeline

<u>Date Due</u>	<u>Item No.</u>	<u>Task Description</u>	<u>Documentation/Evidence of Progress</u>	<u>Who</u>
February 1, 2015	O1.	State accounting policies	Policies and/or procedures (with other documentation as necessary) providing evidence the DSA has promoted: Accurate receipt, accounting, and disbursement of funds; Provision of appropriate fiscal control and fund accounting procedures necessary to assure proper disbursement of, and accounting for, funds paid; Access to records as the Secretary and Council may determine necessary; and timely development and dissemination of financial reports regarding status of expenditures, obligations, and liquidation by agency or Council, and use of Federal and non-Federal shares	CDD Legal
April 1, 2015	B2.	Membership Committee meeting minutes & report to Council, list of organizations on distribution list, recruitment materials.	Direct evidence that the appointment process procedures are being implemented.	E.D. Committee
April 1, 2015	F2.	Membership Committee reports to Council	Direct evidence of notifying Governor of membership recommendations and vacancies	E.D. Committee
April 1, 2015	G1b.	Annual Councilmember training	Since the MTARS visit, documentation of Council compliance with membership composition requirement, standard orientation or mentoring process for Chair and new members, including training in the DD Act, the Council program federal mandate, and organization governance	E.D., TA
July 1, 2015	I1.	MOU	Direct evidence/documentation of MOU between the Council and the Legal DSA in support of the Council	Legal
July 1, 2015	I2.	MOU	Direct evidence/documentation of DSA's indirect policy	Legal

## AIDD Compliance Task Timeline

<u>Date Due</u>	<u>Item No.</u>	<u>Task Description</u>	<u>Documentation/Evidence of Progress</u>	<u>Who</u>
July 1, 2015	I8.	Breakdown of staff by funding source, training materials, staff orientation binder	Direct evidence that the policies and procedures above are being carried out consistent with the policy	CDD CCPP HR
July 1, 2015	J1b.	Evidence of periodic meetings and joint activities.	Policies and/or procedures (with other documentation as needed) providing evidence of how the Council will develop and address state plan goals on a statewide basis; plans for collaboration with the DD Network Partners	ED
July 1, 2015	M3.	Council reviews of monthly budget projections, Council votes on resource allocation, including cost-reductions	Direct evidence that the full Council is developing, approving and managing its budget	ED CDD Committee Council
July 1, 2015	O2.	DSA Annual Evaluation	Direct evidence that the DSA is carrying out the policies and procedures.	CDD, Comm
September 1, 2015	J1a.	State Plan work plan	Policies and/or procedures (with other documentation as needed) providing evidence of how the Council will develop and address state plan goals on a statewide basis; plans for collaboration with the DD Network Partners	ED DDP Committee TA
October 1, 2015	H1a	State Plan development process	Evidence of activities, process and/or procedures (with other documentation as necessary) to develop a 5 year strategic plan that addresses systems change, capacity building and advocacy on a statewide basis	DDPP, Comm, Council, TA
January 1, 2016	D2.	Council roster showing membership and changes for 2015	Direct evidence that the Council is rotating its members per the Council's policy	E.D.
January 1, 2016	E2.	Council roster showing membership and changes for 2015	Direct evidence that the Council is following its members membership policy	E.D.

## AIDD Compliance Task Timeline

Date Due	Item No.	Task Description	Documentation/Evidence of Progress	Who
January 1, 2016	G3b.	SAAC packets and materials for 2015, evidence of facilitator attendance for 2015	Direct evidence of supports for engaging self-advocate members of the Council in council meetings and council activities.	E.D.
January 1, 2016	J2.	Amended plan and supporting documentation.	For the remainder of the 2011-2016 state plan, evidence of amended and implemented goals on a statewide basis.	DDPP Committee Council TA
January 1, 2016	K1.	Documentation of TA received and products based on TA	Policies and/or procedures (with other documentation as needed) providing evidence for the Council to develop a high quality cohesive and comprehensive PPR as described in the guidance provided by ITACC and AIDD	DDPP TA
January 1, 2016	N2.	RFP, Overview of RFP process, summary pages of selected vendor	Direct evidence that the Council is following its subcontracting policies.	CDD
October 1, 2016	H1b.	Documentation of public outreach, meetings, surveys, use of available data sources (NCI, ICI, CDER, etc). Copies of staff products submitted to committees and Council to support integration of data and public input. Various other documents showing committee work and council review and revisions of state plan.	Evidence of activities, process and/or procedures (with other documentation as necessary) to develop a 5 year strategic plan that addresses systems change, capacity building and advocacy on a statewide basis	DDPP Committee Council Technical Assistance

## AIDD Compliance Task Timeline

Date Due	<u>Item No.</u> <u>Task Description</u>	<u>Documentation/Evidence of Progress</u>	<u>Who</u>
October 1, 2016	H2. Documentation of public outreach, meetings, surveys, use of available data sources (NCI, ICI, CDER, etc). Copies of staff products submitted to committees and Council to support integration of data and public input. Various other documents showing committee work and council review and revisions of state plan.	Direct evidence of process and/or procedures (with other documentation as necessary) for the Council to make data driven decisions and evaluate the progress and impact of state plan implementation	DDPP Committee Council Technical Assistance
October 1, 2016	I9. See A (Staff), H (Five Year State Plan), and M (Fiscal Requirement)	Direct evidence the Council is functioning free of DSA interference as identified in the MTARS findings	ED CDD DDPP Legal Committee Council TA
October 1, 2016	K2. Evaluation plan	Council evaluation plan submitted in the State Plan.	DDPP Committee Council TA
January 1, 2017	J3. Approval of new state plan	Approval of new state plan for FY 2016-2021	DDPP Committee Council TA

## AIDD Compliance Task Timeline

Date Due	<u>Item No.</u>	<u>Task Description</u>	<u>Documentation/Evidence of Progress</u>	<u>Who</u>
January 1, 2018	J4. PPR		Review of PPRs to assess the extent to which the Council is conducting and supporting advocacy, capacity building and systemic change activities consistent with the DD Act	DDPP Committee Council TA
January 1, 2018	K3. PPR		Review of PPRs to assess whether the Council is utilizing its evaluation plan	DDPP TA

# **SELF-DETERMINATION WAIVER**

## **Statewide Self-Determination Program Update August 6, 2015**

*The Legislature finds that in each of the 56 states and territories, the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106–402 (42 U.S.C. 15001 et seq.)) establishes State Councils on Developmental Disabilities that work to promote the core values of the act, including self–determination, independence, productivity, integration, and inclusion in all aspects of community life.*

### **Overview**

The Department of Developmental Services (DDS) shall implement a statewide Self–Determination Program. The Self–Determination Program shall be available in every regional center catchment area to provide participants and their families, within an individual budget, increased flexibility and choice, and greater control over decisions, resources, and needed and desired services and supports to implement their IPP. The statewide Self–Determination Program shall be phased in over three years, and during this phase–in period, shall serve up to 2,500 regional center consumers. Following the phase–in period, the program shall be available on a voluntary basis to all regional center consumers who are eligible for the Self–Determination Program. The program shall be available to individuals who reflect the disability, ethnic, and geographic diversity of the state.

“Self–Determination” means a voluntary delivery system consisting of a defined and comprehensive mix of services and supports, selected and directed by a participant through person–centered planning, in order to meet the objectives in his or her IPP. Self–Determination services and supports are designed to assist the participant to achieve personally defined outcomes in community settings that promote inclusion. The Self-Determination Program shall only fund services and supports provided pursuant to this division that the federal Centers for Medicare and Medicaid Services determines are eligible for federal financial participation.

### **Role of SCDD**

Each regional center shall establish a local volunteer advisory committee to provide oversight of the Self–Determination Program. The regional center and the State Council on Developmental Disabilities shall each appoint one–half of the membership of the committee and, in addition, shall include

the regional center clients' rights advocate (from OCRA). The committee shall consist of consumers, family members, and other advocates, and community leaders.

The State Council on Developmental Disabilities shall form a volunteer committee, to be known as the Statewide Self-Determination Advisory Committee, comprised of the chairs of the 21 local advisory committees or their designees. The council shall convene the Statewide Self-Determination Advisory Committee twice annually, or more frequently in the sole discretion of the council.

The State Council on Developmental Disabilities, in collaboration with the protection and advocacy agency may work with regional centers to survey participants regarding participant satisfaction under the Self-Determination Program and, when data is available, the traditional service delivery system, including the proportion of participants who report that their choices and decisions are respected and supported and who report that they are able to recruit and hire qualified service providers, and to identify barriers to participation and recommendations for improvement.

The Council, in collaboration with the protection and advocacy agency shall issue a report to the Legislature, no later than three years following the approval of the federal funding on the status of the Self-Determination Program and provide recommendations to enhance the effectiveness of the program. This review shall include the program's effectiveness in furthering the principles of self-determination, including all of the following:

- **Freedom**, which includes the ability of adults with developmental disabilities to exercise the same rights as all citizens to establish, with freely chosen supporters, family and friends, where they want to live, with whom they want to live, how their time will be occupied, and who supports them; and for families to have the freedom to receive unbiased assistance of their own choosing when developing a plan and to select all personnel and supports to further the life goals of a minor child.
- **Authority**, which includes the ability of a person with a disability, or family, to control a certain sum of dollars in order to purchase services and supports of their choosing.
- **Support**, which includes the ability to arrange resources and personnel, both formal and informal, that will assist a person with a disability to live

a life in his or her community that is rich in community participation and contributions.

- **Responsibility**, which includes the ability of participants to take responsibility for decisions in their own lives and to be accountable for the use of public dollars, and to accept a valued role in their community through, for example, competitive employment, organizational affiliations, spiritual development, and general caring of others in their community.
- **Confirmation**, which includes confirmation of the critical role of participants and their families in making decisions in their own lives and designing and operating the system that they rely on.

### **Facts on Self-Determination**

#### **Eligibility**

- Have a developmental disability and currently receiving services from a regional center or be a new consumer of a regional center.
- Be over the age of 3.
- Live at home, in the community, or in a group home. An individual who lives in a licensed long-term health care facility (i.e., a Skilled Nursing Facility, Intermediate Care Facility, or a Developmental Center) is not eligible to participate in the Self-Determination Program unless you are transitioning from that facility.
- Be a responsible participant including attending an orientation/training and working with a Fiscal Manager.

#### **Services and supports**

- The consumer and/or planning team who determines the services and supports needed.
- Consumers are not required to use agencies vendored by the Regional Center.
- Consumers will have the same rights established under the traditional service model (e.g. appeals, eligibility determinations, all rights associated with the IPP process).

### Independent Facilitator

- A person hired by the consumer to assist in their person centered plan.
  - It is wise to have a person who is experienced in the broad range of services and opportunities in the community, to assist consumers in reaching your goals.
- Must be a person who does not provide services to the consumer.
- Regional Center Service Coordinators may provide the services and supports necessary to implement the IPP, if a consumer elects not to use an independent facilitator.

### Individual Budget

- The amount of regional center funding available to purchase services and supports needed to implement the IPP.
  - For current regional center consumers, the budget will equal 100% of the amount of the total expenditures made by the regional center on services during the past 12 months. This amount can be adjusted, up or down, if the IPP team determines that the individual's needs, circumstances, or resources has changed. Additionally, the IPP team may adjust the budget to support any prior needs or resources that were not addressed in the IPP.
  - For consumers new to the regional center, the individual budget amount is determined by the IPP team, and is based upon the average POS cost of services and supports, paid by the regional center, that are identified in the individual's IPP. The average cost may be adjusted, up or down, by the regional center, if needed to meet the individual's unique needs.

### Financial Management Service (FMS)

- Required, consumers must have an FMS. The FMS is responsible must:
  - Manage and direct the funds contained in the individual budget.
    - Pay the bills to the individuals and organizations that provide support services.
  - Provide a monthly accounting of how funds are being spent on an individual budget.
  - Advise and assist in the facilitation of hiring service and support workers and ensure that all employment laws are being followed.
  - The FMS will be paid from the Individual Budget.

The Self-Determination Program will provide consumers and their families with more freedom, control, and responsibility in choosing services and supports to help them meet objectives in their Individual Program Plan.

### **Self-Determination Program Waiver Application Status or “Where are we now?”**

Implementation of the Self-Determination Program (SDP) is contingent upon approval of federal funding. The Department of Developmental Services (DDS), in consultation with stakeholders, drafted a 1915 (c) Home and Community-Based Services (HCBS) Waiver application that was submitted to the federal Centers for Medicare and Medicaid Services (CMS) on December 31, 2014. Subsequently, CMS asked follow-up questions related to recently enacted federal regulations and policies regarding 1) public input for Waiver applications; and, 2) federal requirements for HCBS settings. DDS, in conjunction with the Department of Health Care Services (DHCS), has had a number of discussions with CMS and provided follow-up information CMS requested. DDS is in the process of posting the Waiver for public input. After 30 days of public input, the final draft will be submitted to CMS. Final approval could take 90 days or longer.

Once the Waiver is approved, the SDP will be available Statewide for up to 2,500 participants during the first three years of the program. Participation in SDP is voluntary. DDS will select the individuals who can participate in the first 3 year phase from a list of consumers who have attended an orientation and are interested in the program. After 3 years, the SDP will be open to any consumers (over the age of 3) who would like to participate. Consumers can transfer back to traditional case management services at any time.

The State Council on Developmental Disabilities (SCDD) is committed to the implementation of the Self-Determination Program. SDP regulations are consistent with the long-standing principles of the State of California’s Lanterman Developmental Disabilities Services Act (Lanterman Act) for community integration and participation as well as the Federal Government’s CMS rules. A SDP advisory group has been formed to assist DDS in shaping the framework of the SDP based on the law that authorizes the program. SCDD staff (Aaron Carruthers and Sonya Bingaman) are

members of the SDP Advisory group which is focused on developing, implementing, and continuing compliance with the federal HCBS requirements. Advisory group members represent the various interests and perspectives impacted by the HCBS regulations by including consumers, family members, providers, regional centers, and advocates. SCDD is informed about partner agencies, DDS, DHCS and CMS.

SCDD staff are also involved with Work Groups of the SDP Advisory Committee to develop training materials for regional center staff and the community. A Self-Determination introduction video produced by DDS, as well as training modules, will be ready in the coming month.

Prepared for the LPPC and Executive Committee meetings by SCDD Sacramento Office staff.

### **BREAKING NEWS – AUGUST 7, 2015**

At the request of the federal government, new language was added to the Self-Determination Program (SDP) Waiver application describing how homes and settings where SDP participants will reside and receive services meet the requirements of the federal home and community-based settings rules that became effective in March 2014.

As a result of this change, the Department is required to repost the Waiver application for at least 30 days.

**The Waiver application will be formally resubmitted to the Centers for Medicare and Medicaid Services shortly after the public comment period, which ends on September 7, 2015.**

**Comments or requests to review a hardcopy of the application can be submitted by:**

**E-Mail: [sdp@dds.ca.gov](mailto:sdp@dds.ca.gov)**

**Phone: (916) 653-7710 or in writing to:**

**Department of Developmental Services (DDS)  
Attention Community Services Division  
1600 Ninth Street, Room 320, MS 3-8  
Sacramento, CA 95814**