

Respite Proposals

Welfare & Institutions Code section 4686.5 is added to read:

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

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

(2) A regional center shall neither purchase more than 21 days of out-of-home respite services in a fiscal year nor 75 hours of in-home respite services in a quarter, for a consumer.

(3) A regional center shall not purchase more than 300 hours of a combination of in-home and out-of-home respite in a fiscal year.

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

(5) A regional center may grant an exemption to the requirements set forth in subdivisions (1) through (3) if it is demonstrated that the consumer or a family member of the consumer has experienced one of the following events which impacts the care and supervision needs of the consumer: the death of a close relative or family member, the incapacity or long-term absence of a family member of the consumer, a behavioral or medical emergency for the consumer, or a catastrophic event. For purposes of this section, "family member" means an individual who: (A) has a consumer residing with him or her; (B) is responsible for the 24-hour care and supervision of the consumer; and (C) is not a licensed or certified residential care facility or foster family home receiving funds from any public agency or regional center for the care and supervision provided.

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

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

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