

WELFARE AND INSTITUTIONS CODE

Section 4688.22

---

4688.22. (a) The Legislature finds and declares both of the following:

(1) The Legislature places a high priority on promoting the full inclusion and independence of individuals with developmental disabilities, including through opportunities for recreation, consistent with Section 4501 and paragraphs (6) and (7) of subdivision (b) of Section 4502.

(2) As such, it is the intent of the Legislature for social recreation services, camping services, and nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music, to be among the services and supports within the meaning of subdivision (b) of Section 4512 and be made widely available to consumers, not only for socialization, but to lead the lives that they want in the community. It is further the intent of the Legislature that regional centers, when developing purchase-of-service policies and related procedures, and that the department, when reviewing regional center purchase-of-service policies and related procedures, reduce administrative barriers to the utilization of these services by consumers to the fullest possible extent.

(b) The regional centers shall use the following principles when purchasing social recreation services, camping services, and nonmedical therapies:

(1) Consumers shall receive services and supports in settings that are typical of those in which persons without disabilities engage in social recreation, camping, or nonmedical therapies.

(2) The services described in this section shall promote community inclusion by providing opportunities to build ongoing relationships through or around shared interests or activities, and shall include both of the following:

(A) Activities that directly support a consumer's ability to participate in typical social recreation or other community activities without paid support present.

(B) Activities that may identify or develop specific interests or skills, enable the consumer to engage with others around shared affinities or goals, or otherwise build informal social networks that reduce isolation, strengthen community ties, assist the consumer in advancing their own interests and well-being, and can be a source of voluntary natural supports.

(3) (A) Regional center purchase-of-service policies and related procedures shall promote access to the services described in this section for consumers who are children, for consumers who experience disparities in the receipt of regional center services, and for consumers or their representatives who are unable to afford paying for services upfront and awaiting reimbursement.

(B) Regional center purchase-of-service policies and procedures shall refer consumers and their families to existing opportunities for social recreation services

and camping services by funding those services directly along with the supports they may need to access them.

(4) Regional center purchase-of-service policies and procedures related to services described in this section shall not do any of the following:

(A) Restrict funding of the services described in this section to only those that are specialized or directed toward the alleviation of a developmental disability within the meaning of subdivision (b) of Section 4512.

(B) Require the services described in this section to meet both a recreational and socialization need, or prohibit the purchase of one-on-one services, including private lessons.

(C) In order to further the legislative intent of making such services widely available to consumers, generally prohibit or disfavor purchase of these services.

(c) (1) The department shall prioritize and expedite any policies, procedures, or written directives that may be necessary to facilitate regional center efforts to increase access, collect data, or track expenditures pertaining to these services.

(2) (A) By October 1, 2024, regional centers shall designate one or more employees to serve as a point of contact for consumers, families, caregivers, and stakeholders regarding access to social recreation services, camping services, and nonmedical therapies, and any policies, procedures, or written directives related to these services. Regional centers shall provide the department with the names and contact information of these designees by October 1, 2024, and shall provide an updated list of designees semiannually thereafter.

(B) By January 1, 2025, regional centers shall adopt procedures aimed at increasing the availability of vendors and expediting vendorizations accordingly. These efforts shall include procedures that enable services described in this section, including, but not limited to, nonmedical therapies, to be funded directly through participant-directed services, consistent with directives or other guidance issued by the department pursuant to subdivision (e), without the need for consumers, family members, or other representatives to be reimbursed after paying for services or supports upfront. Furthermore, payments for these services shall be aligned with the typical processes used by local businesses or community resources.

(d) Effective July 1, 2023, a regional center shall not require a consumer or family member to do any of the following:

(1) Exhaust services under the In-Home Supportive Services program (Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9) in order for their regional center to consider funding or to authorize purchasing social recreation services, camping services, and nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music.

(2) Exchange respite hours or any other service or support authorized by the regional center for service hours of social recreation services, camping services, or nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music, as a condition of service authorization by the regional center of social recreation services, camping services, and nonmedical therapies.

(3) Pay a copayment, or a similar shared pay arrangement aimed at offsetting costs, in order to receive social recreation services, camping services, or nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music.

(e) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement the provision of social recreation services, camping services, and nonmedical therapies, including, but not limited to, specialized recreation, art, dance, and music, by means of written directives or similar instructions consistent with this section, including, but not limited to, the provision of those services as participant-directed services.

(f) (1) (A) By March 1, 2025, regional center staff, including supervisors, program managers, appeals hearing specialists, and employees who are involved in developing and implementing purchase-of-service policies, shall complete training about the services described in this section. The training curriculum shall include, at a minimum, statutes, directives, and policies related to social recreation services, camping services, and nonmedical therapies, including, but not limited to, the requirements and legislative intent of this section.

(B) By March 1, 2025, regional centers shall make any training curriculum or materials or other information utilized as part of the training described in subparagraph (A), along with the dates that training was provided to regional center staff, available on the corresponding regional center's internet website.

(2) Training for appeals hearing officers, as required by subdivision (b) of Section 4712, shall include information about statutes, directives, and policies related to social recreation services, camping services, and nonmedical therapies, including, but not limited to, the requirements and legislative intent of this section.

(g) As part of its quarterly briefings to the Legislature pursuant to Section 4474.17, the department shall provide, at a minimum, all of the following information on the status of implementation of this section:

(1) The number, subject matter, and status or outcome of complaints, received by the Office of Community Operations or by the ombudsperson, related to consumer requests for social recreation, camp, or nonmedical therapies.

(2) The numbers and summaries of community concerns and issues obtained by the department pertaining to regional center purchase-of-service policies and procedures regarding the services and supports described in this section. These summaries shall be itemized by regional center and shall include the dates and sources of the concerns or issues.

(3) Trends in mediations, appeals, and hearing requests regarding the services and supports described in this section, including, but not limited to, trends related to the number of mediations and appeals by regional center, mediation outcomes, and nature of issues heard and decided on appeal.

(4) A summary of any technical assistance provided to regional centers or other department actions taken based on the information described in this subdivision for the purpose of ensuring and improving timely and equitable consumer access to services and supports pursuant to this section and consistent with legislative intent.

(5) All data reporting regarding the services described in this section, as required by paragraph (8) of subdivision (a) of Section 4519.5, including the total and per capita expenditure and authorization amounts by age, as applicable, according to race or ethnicity and preferred language, for all combined residence types and for consumers living in the family home.

(Amended by Stats. 2024, Ch. 47, Sec. 11. (AB 162) Effective July 2, 2024.)