



ASSOCIATION OF REGIONAL CENTER AGENCIES

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September 9, 2011

Honorable Jerry Brown
Governor
State Capitol, First Floor
Sacramento, CA 95814

RE: Assembly Bill 862 (Silva) – Developmental services: regional centers

Dear Governor Brown:

On behalf of the Association of Regional Center Agencies (ARCA) representing California's independent nonprofit regional centers serving over 246,000 people with developmental disabilities, we are writing to express concerns regarding Assembly Bill 862 (Silva).

ARCA took a neutral position on AB 862 after working through several versions of the bill with the author's office. We appreciated their attempt to address concerns we had with implementation of various provisions and associated costs. However, we feel it is incumbent upon us to advise you of renewed concerns we have with the version the Legislature sends to you for your consideration.

AB 862 was amended and in print on August 30, 2011. We were advised by Assemblyman Silva's staff amendments that were taken in the Senate Appropriations Committee were to help reduce costs affording the bill a better opportunity of getting off the suspense file. ARCA was not consulted regarding the new fiscal impact these amendments would have on the regional centers.

After a comprehensive fiscal analysis, it was determined that while the author's office sought to amend the bill with the goal of reducing costs, the unintended effect was in fact an increase in costs associated with implementing some of these provisions. In addition to fiscal costs, ARCA and the regional centers believe the amendment to be premature in mandating the posting of a document that has not yet been developed.

Existing law through the passage of a budget trailer bill, Senate Bill 74 also provides for oversight of regional center conflict-of-interest statements through the Department of Developmental Services (DDS). The conflict-of-interest statements and policies are reviewed by the DDS pursuant to §4627(b):

“The department shall monitor and ensure the regional centers' compliance with this section and Sections 4626 and 4626.5.”

Section 4626(e), which the author made reference to in one of the amendments in the final version of AB 862, requires the DDS to develop a uniform conflict of interest statement. In

anticipation of this document's release from the DDS, regional centers are hesitant to support the public posting of personal information on their websites absent the full knowledge that the information could not be used to harm or jeopardize the confidentiality of their staff. The unknown factor is what information the form will ask staff to provide and whether that sensitive information can be used for identity theft, skimming or possible harassment.

ARCA and the regional centers believe this bill could not only jeopardize the personal safety and privacy of regional center staff, but would create an additional unfunded workload on regional centers should they be forced to implement these provisions in a way to protect their staff (such as redacting information, blacking out certain sections for privacy and confidentiality, etc.)

ARCA and the regional centers strongly recommend delaying the mandates included in this bill while we continue implementing the accountability and transparency provisions of Senate Bill 74 and await DDS's development of the conflict of interest statement. When we are able to ascertain what specific information will be required by the new forms, regional center would be able to make the necessary adjustments to publicly post this information while protecting their staff and volunteer board members from possible harm, such as identity theft.

If you have any additional questions regarding our concerns, please do not hesitate to contact our office.

Sincerely,

Original signed by

Robert J. Baldo
Executive Director

cc: Assemblyman Jim Silva
Han Wang, Department of Finance
Lishaun Francis, Legislative Analyst's Office
Terri Delgadillo, Department of Developmental Services