

SECTION 1. Section 4733 of the Health and Safety Code is amended to read:

4733. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his services for each meeting attended by him; provided, that said compensation shall not exceed fifty dollars (\$50) for each meeting of the district board attended by him or for each day's service rendered as a member by request of the board, not to exceed two hundred dollars (\$200) in any one month, together with any expenses incident thereto.

CHAPTER 693

An act to amend Section 25562 of the Government Code, relating to powers of boards of supervisors.

[Approved by Governor September 12, 1975 Filed with
Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 25562 of the Government Code is amended to read:

25562. In counties having a population in excess of 1,000,000, the board of supervisors may provide, by contract with any person, firm, or corporation, for performances within the county including, but not limited to, operas, symphonies, band concerts and other instrumental concerts, historical or commemorative pageants, choral concerts, plays or other related presentations (with or without music), ballet, dance, recitals, exhibitions, and readings. A charge may be made for attendance at such performances. Such contract shall provide that the management and control of such performances shall be under the supervision of the board of supervisors or shall provide specifically for those matters which cannot legally be delegated by the board of supervisors. Such contract may also provide for the reimbursement of the county, insofar as possible out of any net profits derived therefrom by such person, firm, or corporation.

CHAPTER 694

An act to amend Sections 416.95, 416.19, 38001, 38003, 38004, 38053, 38054.2, 38058, 38060, 38062, 38063, 38103, 38104, 38106, 38110, 38120, 38121, 38122, 38123, 38200, 38201, 38205 and 38255 of, and to add Section 38062.1 to, the Health and Safety Code, to amend Section 1461.5 of the Probate Code, and to amend Sections 6500, 6500.1, 7518,

and 10053.8 of the Welfare and Institutions Code, relating to developmentally disabled and making an appropriation therefor.

[Approved by Governor September 12, 1975 Filed with
Secretary of State September 14, 1975]

The people of the State of California do enact as follows:

SECTION 1. Section 416.95 of the Health and Safety Code is amended to read:

416.95. Prior to the appointment of the Director of Health as guardian or conservator of the person and estate or person or estate of a minor or adult developmentally disabled person, the court shall inform such person of the nature and purpose of the guardianship or conservatorship proceedings, that the appointment of a guardian for his person and estate or person or estate is a legal adjudication of his incompetence, and the effect of such an adjudication on his basic rights. After communicating such information to the alleged developmentally disabled person and prior to the appointment of the Director of Health as guardian or conservator, the court shall consult with such person to determine his opinion concerning the appointment.

Any adult developmentally disabled person for whom guardianship or conservatorship is sought pursuant to this article shall be informed by a member or designee of the regional center and by the court of his right to counsel; and if he does not have an attorney for the proceedings the court shall immediately appoint the public defender or other attorney to represent him. The person shall pay the cost for such legal service if he is able.

If an affidavit or certificate has been filed, as provided in Section 416.7, evidencing the inability of the alleged developmentally disabled person to be present at the hearing, the psychologist or social worker assisting in preparing the report and who is required to visit each person as provided in Section 416.8 shall communicate such information to the person during the visit, consult such person to determine his opinion concerning the appointment, and be prepared to testify as to such person's opinion, if any.

SEC. 2. Section 416.19 of the Health and Safety Code is amended to read:

416.19. The services to be rendered by the director as adviser or as guardian or conservator of the person shall be performed through the regional centers or by other agencies or individuals designated by the regional centers.

SEC. 3. Section 38001 of the Health and Safety Code is amended to read:

38001. The State of California accepts a responsibility for its developmentally disabled citizens and an obligation to them which it must discharge. Affecting hundreds of thousands of children and adults directly, and having an important impact on the lives of their

families, neighbors, and whole communities, developmental disabilities present social, medical, economic, and legal problems of extreme importance.

The complexities of providing services to developmentally disabled persons require the coordinated services of state departments and community agencies in order to insure that no gaps occur in communication or provision of services.

Services should be planned and provided as a part of a continuum. A pattern of facilities and eligibility should be established which is so complete as to meet the needs of each developmentally disabled person, regardless of age or degree of handicap, and at each stage of his life's development.

SEC. 4. Section 38003 of the Health and Safety Code is amended to read:

38003. As used in this division:

(a) "Regional center" means a regional diagnostic, counseling and service center for developmentally disabled persons and their families.

(b) "Director" means the Director of Health.

(c) "Department" means the State Department of Health.

(d) "Secretary" means the Secretary of the Health and Welfare Agency.

(e) "State council" means the State Developmental Disabilities Planning and Advisory Council.

(f) "Area board" means an areawide developmental disabilities program board.

(g) "Area plan" means an areawide developmental disabilities plan.

(h) "Developmental disability" means a disability which originates before an individual attains age 18, continues, or can be expected to continue, indefinitely, and constitutes a substantial handicap for such individual. As defined by the Director of Health this term includes disabilities found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals. Such disabilities may be attributable to mental retardation, cerebral palsy, epilepsy, autism, or other neurological handicapping conditions.

SEC. 5. Section 38004 of the Health and Safety Code is amended to read:

38004. Notwithstanding any other provision of law, developmentally disabled persons shall not be released from state hospitals on leaves of absence, except for short home visits not to exceed 60 days, but shall be referred to a regional center for services pursuant to this division. Developmentally disabled persons may also be released from state hospitals for provisional placement, with parental consent in the case of a minor or with the consent of an adult developmentally disabled person or his guardian or conservator, not to exceed six months and shall be referred to a regional center for services pursuant to this division. Any person placed pursuant to this

section shall have an automatic right of return to the state hospital during the period of provisional placement.

SEC. 6. Section 38053 of the Health and Safety Code is amended to read:

38053. Of the members first appointed, five shall serve for one year, five shall serve for two years, and the remaining members shall serve for three years. Subsequent members shall serve for three years. In counties with more than 100,000 population, no member shall serve more than two consecutive three-year terms.

SEC. 7. Section 38054.2 of the Health and Safety Code is amended to read:

38054.2. The governing bodies of the counties in each area and the Governor shall request recommendations for persons who have a demonstrated and direct interest in developmental disabilities to be appointed to the area boards from:

- (a) Organizations representing parents of persons who are developmentally disabled;
- (b) Professional organizations representing the various professional disciplines to be included on the board; and
- (c) Such mental retardation coordinating councils as may exist.

SEC. 8. Section 38058 of the Health and Safety Code is amended to read:

38058. Each area board shall adopt an areawide developmental disabilities plan.

The purpose of an area plan shall be to ensure the provision of services as specified in this division in such a manner as to avoid duplication, fragmentation of services, and unnecessary expenditures. To achieve this purpose, an area plan shall provide for the most appropriate and economical use of all existing public and private developmental disabilities agencies and professional personnel. An area plan must include the fullest possible participation by Short-Doyle agencies, state hospitals and clinics, public and private hospitals, public and private education, health and welfare agencies, and all such other public and private agencies and professional personnel as are required to, or may agree to, participate in the area plan.

SEC. 9. Section 38060 of the Health and Safety Code is amended to read:

38060. Area plans shall be submitted to the Areawide Comprehensive Health Planning Agency for review, to the State Developmental Disabilities Council for review, and to the secretary for approval and transmission to the Advisory Health Council.

SEC. 10. Section 38062 of the Health and Safety Code is amended to read:

38062. Each area board shall, by majority vote of the voting members, elect its own chairman from among the appointed members, and shall establish such committees as it deems necessary or desirable. The board chairman shall appoint all members of committees of the area board.

An area board may appoint such advisory consultants and committees composed of professional persons serving the developmentally disabled as necessary for technical assistance and may call upon representatives of state agencies for help in implementing the plan.

SEC. 11. Section 38062.1 is added to the Health and Safety Code, to read:

38062.1. Notwithstanding any other provision of law, any contract entered into between the department and an area board 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.

SEC. 12. Section 38063 of the Health and Safety Code is amended to read:

38063. Each area board may appoint an executive secretary who may appoint persons to such staff positions as the area board may authorize. In approving funding for such positions, the secretary shall give due consideration to the relative population and geographic area served within each area. The affirmative votes of a majority of the members of the area board shall be necessary for the appointment or removal of an executive secretary.

SEC. 13. Section 38103 of the Health and Safety Code is amended to read:

38103. A regional center shall investigate every appropriate and economically feasible alternative for care of a developmentally disabled person available within the region. If suitable care cannot be found within the region, services may be obtained outside of the region.

Except for those developmentally disabled persons placed in state hospitals pursuant to the Lanterman-Petris-Short Act, no developmentally disabled person shall be admitted to a state hospital except upon the referral of a regional center. Upon discharge from a state hospital, a developmentally disabled person shall be referred to an appropriate regional center. The department may contract with appropriate agencies for regional center services in those regions where a regional center is not yet fully operative.

SEC. 14. Section 38104 of the Health and Safety Code is amended to read:

38104. Any person believed to be developmentally disabled shall be eligible for initial intake and for diagnostic and counseling services in the regional centers. In order to assure uniformity in the application of the definition contained in subdivision (h) of Section 38003, the director shall issue guidelines that delineate, by diagnostic category and degree of handicap, those persons who are eligible for services under this division. In issuing the guidelines, the director shall consider the views of regional center directors, the state council, and persons with a demonstrated and direct interest in developmental disabilities. In addition to any person eligible for

regional center services under this section, regional centers may provide or cause to be provided genetic counseling services to any pregnant woman determined to be at high risk of delivering a defective or handicapped infant because of genetic disorder.

SEC. 15. Section 38106 of the Health and Safety Code is amended to read:

38106. The regional centers shall provide and perform or cause to be performed services including, but not limited to, the following:

- (a) Diagnosis.
- (b) Counseling on a continuing basis. Counseling shall include advice and guidance to any developmentally disabled person and his family, to assist them in locating and using suitable facilities, including, but not limited to: special medical services; nursery and preschool training; public education; recreation; vocational rehabilitation; suitable residential facilities; and state hospital facilities.
- (c) Provide state funds to vendors of service to the developmentally disabled.
- (d) Maintain a registry and individual case records.
- (e) Systematic followup of the developmentally disabled as indicated.
- (f) Call public attention to unmet needs in community care and services, defining and interpreting standards of community care and services as used by the regional center, and stimulating the community to develop such services as needed.
- (g) Maintain a staff according to standards set by the director.
- (h) Report as required to the area board and the secretary on services provided and unmet needs in the region.
- (i) Develop a plan for developmental disabilities services in the region to be submitted to the area board at such time and in such form as required by the area board or the secretary.

SEC. 16. Section 38110 of the Health and Safety Code is amended to read:

38110. In accordance with this section, the director of a regional center or physician designated by the director which has placed a developmentally disabled person in an out-of-home placement may give consent to medical, dental, and surgical treatment of the developmentally disabled person and provide for such treatment to be given to the person.

If the developmentally disabled person's parent, guardian, or conservator legally authorized to consent to such treatment, does not respond within a reasonable time to the request of the director of the regional center or physician designated by the director for the granting or denying of consent for such treatment, the director of the regional center or physician designated by the director may consent, on behalf of the developmentally disabled person, to such treatment and provide for such treatment to be given to such person.

If the developmentally disabled person has no parent, guardian, or conservator legally authorized to consent to medical, dental, or

surgical treatment on behalf of the developmentally disabled person, the director of the regional center or physician designated by the director may consent to such treatment on behalf of the developmentally disabled person and provide for such treatment to be given to the developmentally disabled person. The director of the regional center or physician designated by the director may thereupon also initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator legally authorized to consent to medical, dental, or surgical services.

If the developmentally disabled person is an adult and has neither a guardian or conservator, consent to treatment may be given by someone other than the developmentally disabled person on the developmentally disabled person's behalf only if the developmentally disabled person is mentally incapable of giving his own consent.

SEC. 17. Section 38120 of the Health and Safety Code is amended to read:

38120. Every adult who is or has been admitted or committed to a state hospital, community care facility as defined in Section 1504, or health facility as defined in Section 1250, as a developmentally disabled patient shall have a right to a hearing by writ of habeas corpus for his release from the hospital, community care facility or health facility after he or any person acting on his behalf makes a request for release to any member of the staff of the state hospital, community care facility or health facility or to any employee of a regional center.

The member of the staff or regional center employee to whom a request for release is made shall promptly provide the person making the request for his signature or mark a copy of the form set forth below. The member of the staff, or regional center employee, as the case may be, shall fill in his own name and the date, and, if the person signs by mark, shall fill in the person's name, and shall then deliver the completed copy to the medical director of the state hospital, the administrator or director of the community care facility or the administrator or director of the health facility, as the case may be, or his designee, notifying him of the request. As soon as possible, the person notified shall inform the superior court for the county in which the state hospital, community care facility, or health facility is located of the request for release and shall transmit a copy of the request for release to the person's parent, guardian, or conservator together with a statement that notice of judicial proceedings taken pursuant to such request will be forwarded by the court. The copy of the request for release and such notice shall be sent by the person notified by registered or certified mail with proper postage prepaid addressed to the addressee's last known address and with a return receipt requested. The person notified shall also transmit a copy of the request for release and the name and address of the person's parent, guardian, or conservator to the court.

Any person who intentionally violates this section is guilty of a

misdemeanor.

The form for a request for release shall be substantially as follows:

(Name of the state hospital, community care facility, or health facility or regional center) _____ day of _____ 19__

I, _____ (member of the staff of the state hospital, community care facility, or health facility or employee of the regional center), have today received a request for the release from _____ (name of state hospital) State Hospital, community care facility, or health facility of _____ (name of patient) from the undersigned patient on his own behalf or from the undersigned person on behalf of the patient.

Signature or mark of patient making request for
release

Signature or mark of person making request on
behalf of patient

SEC. 18. Section 38121 of the Health and Safety Code is amended to read:

38121. Judicial review shall be in the superior court for the county in which the state hospital, community care facility, or health facility is located. The adult requesting to be released shall be informed of his right to counsel by a member of the staff of the state hospital, community care facility, or health facility and by the court; and if he does not have an attorney for the proceedings, the court shall immediately appoint the public defender or other attorney to assist him in preparation of a petition for the writ of habeas corpus and to represent him in the proceedings. The person shall pay the costs of such legal service if he is able.

At the time the petition for the writ of habeas corpus is filed with court, the clerk of the court shall transmit a copy of the petition, together with notification as to the time and place of any evidentiary hearing in the matter, to the parent, guardian, or conservator of the person seeking release or for whom release is sought and to the director of the appropriate regional center. Such notice shall be sent by registered or certified mail with proper postage prepaid addressed to the addressee's last known address and with a return receipt requested.

The court shall either release the adult or order an evidentiary hearing to be held not sooner than five judicial days nor more than 10 judicial days after the petition and notice to the adult's parent, guardian, or conservator and to the director of the appropriate regional center are deposited in the United States mail pursuant to this section. If the court finds (a) that the adult requesting release or for whom release is requested is not developmentally disabled, or (b) that he is developmentally disabled and that he is able to provide safely for his basic personal needs for food, shelter, and clothing, he

shall be immediately released. If the court finds that he is developmentally disabled and that he is unable to provide safely for his basic personal needs for food, shelter, or clothing, but that a responsible person or a regional center or other public or private agency is willing and able to provide therefor, the court shall release the developmentally disabled adult to such responsible person or regional center or other public or private agency, as the case may be, subject to any conditions which the court deems proper for the welfare of the developmentally disabled adult and which are consistent with the purposes of this division.

If in any proceeding under this section, the court finds that the adult is developmentally disabled and has no parent, guardian, or conservator, and is in need of a guardian or conservator, the court shall order the appropriate regional center or the Department of Health to initiate, or cause to be initiated, proceedings for the appointment of a guardian or conservator for the developmentally disabled adult.

SEC. 19. Section 38122 of the Health and Safety Code is amended to read:

38122. This chapter shall not be construed to impair the right of a guardian or conservator of an adult developmentally disabled patient to remove the patient from the state hospital at any time pursuant to Section 38150.

SEC. 20. Section 38123 of the Health and Safety Code is amended to read:

38123. If a regional center recommends that an adult be admitted to a state hospital as a developmentally disabled patient or to a community care facility or health facility as a developmentally disabled resident, the employee or designee of the regional center responsible for making such recommendations shall certify in writing that neither the person recommended for admission to the state hospital, community care facility, or health facility, nor any other person on behalf of the person so recommended for admission has made objection to such admission to the person making such recommendation. The regional center shall transmit such certificate, or a copy thereof, to the state hospital, community care facility, or health facility.

A state hospital, community care facility, or health facility, shall not admit any adult as a developmentally disabled patient on recommendation of a regional center unless a copy of such certificate has been transmitted pursuant to this section.

Any person who, knowing that objection to state hospital, community care facility, or health facility, admission has been made, certifies that no objection has been made, is guilty of a misdemeanor.

SEC. 21. Section 38200 of the Health and Safety Code is amended to read:

38200. There is in the Health and Welfare Agency the State Developmental Disabilities Planning and Advisory Council.

The council shall consist of 15 voting members. Six members shall

represent consumers of services for persons with developmental disabilities of whom one member shall be the parent of a developmentally disabled person who is not in a state hospital and one member shall be the parent of a developmentally disabled child who is a patient in a state hospital.

Five members shall be representatives of local agencies, nongovernmental organizations, and groups concerned with services for persons with developmental disabilities.

The Governor shall appoint the following seven members of the council: the six representatives of consumers of services for persons with developmental disabilities and one representative of a local agency or nongovernmental organization serving the developmentally disabled. The Senate Rules Committee and the Speaker of the Assembly shall each appoint two representatives of local agencies or nongovernmental organizations serving the developmentally disabled.

The Director of Health, the Director of Benefit Payments, the Superintendent of Public Instruction, and the Director of the Department of Rehabilitation shall serve as members of the council.

Of the members appointed by the Governor, three shall hold office for three years, two shall hold office for two years, and two shall hold office for one year. Subsequent members appointed by the Governor shall hold office for three years. The members appointed by the Senate Rules Committee and by the Speaker of the Assembly each shall hold office for three years. In no event shall any member be appointed for more than two consecutive three-year terms.

SEC. 22. Section 38201 of the Health and Safety Code is amended to read:

38201. The members of the state council shall serve without compensation but shall be reimbursed for any actual and necessary expenses incurred in connection with the performance of their duties under this division.

The state council shall meet at least quarterly, and on call of the council chairman as often as necessary to fulfill its duties. All meetings and records of the council shall be open to the public.

The state council shall, by majority vote of the voting members, elect its own chairman from among the 11 appointed members, and shall establish such committees as it deems necessary or desirable. The council chairman shall appoint all members of committees of the state council. The chairman may appoint such consultants and advisory committees composed of professional persons serving the developmentally disabled as necessary for technical assistance.

SEC. 23. Section 38205 of the Health and Safety Code is amended to read:

38205. The state council may appoint an executive secretary who may appoint persons to such staff positions as the council may authorize. The secretary shall provide the council with a reasonable budget to support such positions. The affirmative votes of a majority of the members of the council shall be necessary for the appointment

or removal of the executive secretary.

SEC. 24. Section 38255 of the Health and Safety Code is amended to read:

38255. The director shall establish rates of state payment for services purchased by regional centers for developmentally disabled persons. An equitable system of rates shall be developed, maintained, and revised as necessary under this chapter. In developing such a rate system the director shall meet, at least annually, with appropriate representatives of the County Supervisors Association for the purpose of comparing state and county rate policies. It is the intent of the Legislature that to the maximum extent feasible state and county rates so established shall be consistent and equitable.

SEC. 25. Section 1461.5 of the Probate Code is amended to read:

1461.5. Prior to the appointment of a guardian for the person and estate or person or estate of an insane or an incompetent person, the court shall inform the alleged insane or incompetent person as to the nature and purpose of the guardianship proceeding, that the appointment of a guardian for his person or estate or person or estate is a legal adjudication of his incompetence, the effect of such an adjudication on his basic rights, and the identity of the person who has been nominated as his guardian. After communicating such information to the person and prior to the appointment of his guardian, the court shall consult the person to determine his opinion concerning the appointment. Any adult developmentally disabled person for whom guardianship or conservatorship is sought pursuant to this article shall be informed of his right to counsel by the court; and if he does not have an attorney for the proceedings the court shall immediately appoint the public defender or other attorney to represent him. The person shall pay the cost for such legal service if he is able.

If the alleged insane or incompetent person is unable to attend the hearing and such inability has been medically certified pursuant to Section 1461, the provisions of this section shall not apply.

SEC. 26. Section 6500 of the Welfare and Institutions Code is amended to read:

6500. As used in this article, "mentally retarded persons" means those persons, not psychotic, who are so mentally retarded from infancy or before reaching maturity that they are incapable of managing themselves and their affairs independently, with ordinary prudence, or of being taught to do so, and who require supervision, control, and care, for their own welfare, or for the welfare of others, or for the welfare of the community.

Wherever in this code or in any provision of statute heretofore or hereafter enacted the terms "feble-minded" and "feble-mindedness" are used, they shall be construed to refer to and mean "mentally retarded" and "mental retardation," respectively, as defined in this section. All persons heretofore committed or admitted as feble-minded to any state hospital for the mentally retarded, or committed to the State Department of Health for

placement therein, shall be deemed to have been committed or admitted thereto as mentally retarded persons.

SEC. 27. Section 6500.1 of the Welfare and Institutions Code is amended to read:

6500.1. On and after July 1, 1971, no mentally retarded person may be committed to the State Department of Health pursuant to this article, unless he is a danger to himself or others.

Any order of commitment made pursuant to this article shall expire automatically one year after the order of commitment is made. This section shall not be construed to prohibit any party enumerated in Section 6502 from filing subsequent petitions for additional periods of commitment. In the event such subsequent petitions are filed, the procedures followed shall be the same as with an initial petition for commitment.

In any proceedings conducted under the authority of this article the alleged mentally retarded person shall be informed of his right to counsel by the court; and if he does not have an attorney for the proceedings the court shall immediately appoint the public defender or other attorney to represent him. The person shall pay the cost for such legal service if he is able.

SEC. 28. Section 7518 of the Welfare and Institutions Code is amended to read:

7518. In accordance with this section, the medical director of a state hospital with programs for developmentally disabled patients, as defined in Section 38003 of the Health and Safety Code, may give consent to medical, dental, and surgical treatment of a minor developmentally disabled patient of the hospital and provide for such treatment to be given to the patient.

If the patient's parent, guardian, or conservator legally authorized to consent to such treatment, does not respond within a reasonable time to the request of the medical director for the granting or denying of consent for such treatment, the medical director may consent, on behalf of the patient, to such treatment and provide for such treatment to be given the patient.

If the patient has no parent, guardian, or conservator legally authorized to consent to medical, dental, or surgical treatment on behalf of the patient, the medical director may consent to such treatment on behalf of the patient and provide for such treatment to be given to the patient. The medical director may immediately thereupon also request the appropriate regional center for the developmentally disabled to initiate or cause to be initiated proceedings for the appointment of a guardian or conservator legally authorized to consent to medical, dental, or surgical treatment.

If the patient is an adult and has neither a guardian or conservator, consent to treatment may be given by someone other than the patient on the patient's behalf only if the patient is mentally incapable of giving his own consent.

SEC. 29. Section 10053.8 of the Welfare and Institutions Code is amended to read:

10053.8. The State Department of Health or through the county department may provide protective social services:

(a) For the care of mentally retarded and developmentally disabled patients released from state hospitals of the State Department of Health, or to prevent the unnecessary admission of mentally retarded and developmentally disabled persons to hospitals at public expense or to facilitate the release of mentally retarded and 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 areawide mental retardation plan.

(b) For the care of mentally disordered patients released from state hospitals or to prevent the unnecessary admission of mentally disordered persons to hospitals at public expense or to facilitate the release of mentally disordered 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 county Short-Doyle plan for the county.

The State Department of Benefit Payments to the extent funds are appropriated and available, shall pay for the cost of providing for care in a private home, certified by the State Department of Health, for mentally disordered, mentally retarded or developmentally disabled persons described in, and subject to the request and plan conditions of, subdivisions (a) and (b) above. The monthly rate for such private home care shall be set by the State Department of Health 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.

For all such persons without public or private financial resources who are placed in private homes at state expense, the State Department of Benefit Payments may provide from local assistance budget funds, at a rate to be determined by the Secretary of the Health and Welfare Agency, moneys necessary to furnish clothing and to meet incidental living expenses. No such moneys shall be provided by the State Department of Health for mentally retarded patients after July 1, 1971.

It is the legislative intent that the State Department of Health may make the fullest possible use of available resources in serving mentally retarded and developmentally disabled persons.

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 mentally retarded and 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.

Any funds expended for the care of persons in a private home certified by the State Department of Health, including costs of administration and staffing and including money necessary to furnish clothing and to meet incidental living expenses, at the request of the local director of a mental health service pursuant to this section shall be expended by the Department of Benefit Payments only if the State Department of Health and the local mental health service enter a contract in accordance with the Short-Doyle Act (commencing with Section 5600) under which the county shall reimburse the Department of Benefit Payments for 10 percent of the amount expended by the State Department of Health, exclusive of such portion of the cost as is provided by the federal government.

The provision for such 10 percent county share shall be inapplicable with respect to any county with a population of under 100,000 which has not elected to participate financially in providing services under Division 5 (commencing with Section 5000) in accordance with Section 5709.5.

The State Department of Health may provide services pursuant to this section directly or through contract with public or private entities.

The State Department of Health, or through the county 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 patients released from a state hospital on leave of absence or parole, and payments therefor shall be made from funds available to the Department of Benefit Payments or the State Department of Health for that purpose or for the support of patients in state hospitals.

In facilitating the release of mentally disordered patients or persons who have been mentally disordered patients to suitably licensed facilities, the State Department of Health shall provide the licensee with information concerning the previous conduct of the patients which would be relevant in determining the suitability of the particular facility for the patient and the suitability of placement of such patient in such facility. The release of this information shall be consistent with the confidentiality guidelines under the Lanterman-Petris-Short Act and the Short-Doyle Act.

SEC. 30. The sum of twenty-two thousand dollars (\$22,000) is hereby appropriated from the General Fund to the State Controller for allocation and disbursement to local agencies pursuant to Section 2231 of the Revenue and Taxation Code to reimburse such agencies for costs incurred by them pursuant to this act; provided, claims for direct and indirect costs hereunder shall be filed as prescribed by the State Controller.