

Introduced by Senator Emmerson

February 18, 2011

An act to amend Section 4905 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 889, as introduced, Emmerson. The protection and advocacy agency.

Existing law prescribes, in accordance with federal law, the powers of the protection and advocacy agency, which is a private, nonprofit corporation charged with protecting and advocating for the rights of persons with developmental disabilities and mental disorders.

This bill would make a technical, nonsubstantive change to the law relating to the protection and advocacy agency.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

- 1 SECTION 1. Section 4905 of the Welfare and Institutions Code
2 is amended to read:
3 4905. (a) No employee or agent of a facility, program, or
4 service shall subject a person with a disability to reprisal or
5 harassment or directly or indirectly take or threaten to take any
6 action that would prevent the person, his or her legally authorized
7 representative, or family member from reporting or otherwise
8 bringing to the attention of the protection and advocacy agency
9 any facts or information—~~relative~~ *relating* to suspected abuse,
10 neglect, or other violations of the person's rights.

1 (b) Any attempt to involuntarily remove from a facility,
2 program, or service, or to deny privileges or rights without good
3 cause to a person with a disability by whom or for whom a
4 complaint has been made to the protection and advocacy agency,
5 within 60 days after the date the complaint is made or within 60
6 days after the conclusion of any proceeding resulting from the
7 complaint, shall raise a presumption that the action was taken in
8 retaliation for the filing of the complaint.

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