

**Introduced by Senator Emmerson**February 15, 2013

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

## LEGISLATIVE COUNSEL'S DIGEST

SB 295, as introduced, Emmerson. Developmental services: protection and advocacy agencies.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with appropriate agencies to provide community services and support for persons with developmental disabilities and their families, including, but not limited to, regional centers, and sets forth the duties of the regional centers, including, but not limited to, development of individual program plan and the purchase of needed services to implement the plan. Existing law prohibits an employee or agent of a facility, program or service from subjecting a person with a disability to reprisal or harassment that would prevent the person, his or her legally authorized representative, or family member from reporting to the protection and advocacy agency designated by the Governor information pertaining to suspected abuse, neglect, or other violations of the person's rights.

This bill would make technical, nonsubstantive changes to those provisions.

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~~ *an*
- 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~~ *the* facts or information relative to suspected abuse, neglect,
- 10 or other violations of the person's rights.
- 11 (b) ~~Any~~ *An* attempt to involuntarily remove from a facility,
- 12 program, or service, or to deny privileges or rights without good
- 13 cause to a person with a disability by whom or for whom a
- 14 complaint has been made to the protection and advocacy agency,
- 15 within 60 days after the date the complaint is made or within 60
- 16 days after the conclusion of ~~any~~ *a* proceeding resulting from the
- 17 complaint, shall raise a presumption that the action was taken in
- 18 retaliation for the filing of the complaint.