

AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL**

**No. 577**

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**Introduced by Senator Pavley**

February 22, 2013

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An act to *amend Sections 4850, 4851, 4854, and 4860 of, to add Section 4868.5 to, and to add and repeal Section 4870 of, the Welfare and Institutions Code, relating to autism.*

LEGISLATIVE COUNSEL'S DIGEST

SB 577, as amended, Pavley. Autism services: pilot program: employment.

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide services and support to individuals with developmental disabilities, including autism. *Existing law governs the habilitation services provided for adult consumers of regional services, including work activity programs, as described, and establishes an hourly rate for supported employment services provided to consumers receiving individualized services.*

This bill would require the State Department of Developmental Services to establish a pilot program for young adults with autism to help them find pathways to financial independence through work. The bill would require the pilot program to develop and implement a new model for providing employment services to autistic individuals and to create financial incentives for employment service providers, as specified, among other requirements. *The bill would require a job exploration and discovery plan, as specified, to be developed if job exploration and discovery services are determined to be a necessary step to achieve a supported employment outcome. The bill would*

*establish an hourly rate for job exploration and discovery services of \$40 per hour for a maximum of 75 hours per calendar quarter for all services identified and provided in the plan.* ~~The~~

*The bill would also establish, only until January 1, 2019, a pilot program operative in specified regional catchment areas, pursuant to which the State Department of Developmental Services would be authorized to allocate moneys for the support of programs provided by the participating regional catchment areas to promote the employment of developmentally disabled persons. The bill would require the State Department of Developmental Services and the Department of Finance to establish, on or before July 1, 2014, the Employment Growth Fund for these purposes, as specified. The fund would consist of moneys appropriated by the Legislature from cost savings resulting from the reduced amount of support payments made to developmentally disabled persons who earn wages from gainful employment attained as a result of their participation in the pilot project, as specified. The bill would impose specified duties on the State Department of Developmental Services relating to the pilot program, including preparing an annual report and designing and implementing an evaluation of the pilot program, as specified.*

*The bill would also set forth related legislative findings and declarations.*

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) One in three adults with autism do not have paid work
- 4 experience or a college or technical education seven years after
- 5 leaving the K-12 school system.
- 6 (b) In order to increase the self-sufficiency of young adults with
- 7 autism, including increased earning capacity and reduced
- 8 government benefit support, it is important that the state implement
- 9 a program to provide individualized skills assessment, social cue
- 10 training, and specific support to ensure their academic and
- 11 employment success.
- 12 (c) The Governor and the Legislature must address the growing
- 13 need for new models of assessment, career training, and expanding

1 employment opportunities and support options for young adults  
2 with autism between 18 and 30 years of age. If this population is  
3 left without purposefully designed pathways into employment,  
4 these young adults will remain at high risk of public dependency  
5 throughout the course of their lives.

6 *SEC. 2. Section 4850 of the Welfare and Institutions Code is*  
7 *amended to read:*

8 4850. (a) The Legislature reaffirms its intent that habilitation  
9 services for adults with developmental disabilities should be  
10 planned and provided as a part of a continuum and that habilitation  
11 services should be available to enable persons with developmental  
12 disabilities to approximate the pattern of everyday living available  
13 to nondisabled people of the same age.

14 (b) The Legislature further intends that habilitation services  
15 shall be provided to adults with developmental disabilities as  
16 specified in this chapter in order to guarantee the rights stated in  
17 Section 4502.

18 (c) *The Legislature further intends that in order to increase*  
19 *effectiveness and opportunity to gain meaningful employment*  
20 *opportunities, habilitation services shall also provide job*  
21 *exploration and discovery services to enhance and promote jobs*  
22 *skills, develop social skills necessary for successful employment,*  
23 *and provide targeted outreach to employers for individuals with*  
24 *developmental disabilities.*

25 *SEC. 3. Section 4851 of the Welfare and Institutions Code is*  
26 *amended to read:*

27 4851. The definitions contained in this chapter shall govern  
28 the construction of this chapter, with respect to habilitation services  
29 provided through the regional center, and unless the context  
30 requires otherwise, the following terms shall have the following  
31 meanings:

32 (a) “Habilitation services” means community-based services  
33 purchased or provided for adults with developmental disabilities,  
34 including services provided under the Work Activity Program and  
35 the Supported Employment Program, to prepare and maintain them  
36 at their highest level of vocational functioning, or to prepare them  
37 for referral to vocational rehabilitation services.

38 (b) “Individual program plan” means the overall plan developed  
39 by a regional center pursuant to Section 4646.

1 (c) “Individual habilitation service plan” means the service plan  
2 developed by the habilitation service vendor to meet employment  
3 goals in the individual program plan.

4 (d) “Department” means the State Department of Developmental  
5 Services.

6 (e) “Work activity program” includes, but is not limited to,  
7 sheltered workshops or work activity centers, or community-based  
8 work activity programs certified pursuant to subdivision (f) or  
9 accredited by CARF, the Rehabilitation Accreditation Commission.

10 (f) “Certification” means certification procedures developed by  
11 the Department of Rehabilitation.

12 (g) “Work activity program day” means the period of time  
13 during which a Work Activity Program provides services to  
14 consumers.

15 (h) “Full day of service” means, for purposes of billing, a day  
16 in which the consumer attends a minimum of the declared and  
17 approved work activity program day, less 30 minutes, excluding  
18 the lunch period.

19 (i) “Half day of service” means, for purposes of billing, any day  
20 in which the consumer’s attendance does not meet the criteria for  
21 billing for a full day of service as defined in subdivision (g), and  
22 the consumer attends the work activity program not less than two  
23 hours, excluding the lunch period.

24 (j) “Supported employment program” means a program that  
25 meets the requirements of subdivisions (n) to (s), inclusive.

26 (k) “Consumer” means any adult who receives services  
27 purchased under this chapter.

28 (l) “Accreditation” means a determination of compliance with  
29 the set of standards appropriate to the delivery of services by a  
30 work activity program or supported employment program,  
31 developed by CARF, the Rehabilitation Accreditation Commission,  
32 and applied by the commission or the department.

33 (m) “CARF” means CARF the Rehabilitation Accreditation  
34 Commission.

35 (n) “Supported employment” means paid work that is integrated  
36 in the community for individuals with developmental disabilities.

37 (o) “Integrated work” means the engagement of an employee  
38 with a disability in work in a setting typically found in the  
39 community in which individuals interact with individuals without  
40 disabilities other than those who are providing services to those

1 individuals, to the same extent that individuals without disabilities  
2 in comparable positions interact with other persons.

3 (p) “Supported employment placement” means the employment  
4 of an individual with a developmental disability by an employer  
5 in the community, directly or through contract with a supported  
6 employment program. This includes provision of ongoing support  
7 services necessary for the individual to retain employment.

8 (q) “Allowable supported employment services” means the  
9 services approved in the individual program plan and specified in  
10 the individual habilitation service plan for the purpose of achieving  
11 supported employment as an outcome, and may include any of the  
12 following:

13 (1) Job development, to the extent authorized by the regional  
14 center.

15 (2) Program staff time for conducting job analysis of supported  
16 employment opportunities for a specific consumer.

17 (3) Program staff time for the direct supervision or training of  
18 a consumer or consumers while they engage in integrated work  
19 unless other arrangements for consumer supervision, including,  
20 but not limited to, employer supervision reimbursed by the  
21 supported employment program, are approved by the regional  
22 center.

23 (4) Community-based training in adaptive functional and social  
24 skills necessary to ensure job adjustment and retention.

25 (5) Counseling with a consumer’s significant other to ensure  
26 support of a consumer in job adjustment.

27 (6) Advocacy or intervention on behalf of a consumer to resolve  
28 problems affecting the consumer’s work adjustment or retention.

29 (7) Ongoing support services needed to ensure the consumer’s  
30 retention of the job.

31 (r) “Group services” means job coaching in a group supported  
32 employment placement at a job coach-to-consumer ratio of not  
33 less than one-to-three nor more than one-to-eight where services  
34 to a minimum of three consumers are funded by the regional center  
35 or the Department of Rehabilitation. For consumers receiving  
36 group services, ongoing support services shall be limited to job  
37 coaching and shall be provided at the worksite.

38 (s) “Individualized services” means job coaching and other  
39 supported employment services for regional center-funded  
40 consumers in a supported employment placement at a job

1 coach-to-consumer ratio of one-to-one, and that decrease over time  
2 until stabilization is achieved. Individualized services may be  
3 provided on or off the jobsite.

4 (t) “Job exploration and discovery” means (1) services provided  
5 to enhance employment readiness, (2) social skill development  
6 services necessary to obtain and maintain employment and to  
7 secure and support participation in internship and volunteer  
8 opportunities, (3) services to access and participate in  
9 postsecondary education or career technical education, (4) services  
10 to develop resume and interview skills, and (5) services to conduct  
11 targeted employer outreach to secure employment.

12 SEC. 4. Section 4854 of the Welfare and Institutions Code is  
13 amended to read:

14 4854. (a) In developing the individual habilitation service  
15 plan pursuant to Section 4853, the habilitation service provider  
16 shall develop specific and measurable objectives to determine  
17 whether the consumer demonstrates ability to reach or maintain  
18 individual employment goals in all of the following areas:

- 19 ~~(a)~~
- 20 (1) Participation in paid work for a specified period of time.
- 21 ~~(b)~~
- 22 (2) Obtaining or sustaining a specified productivity rate.
- 23 ~~(c)~~
- 24 (3) Obtaining or sustaining a specified attendance level.
- 25 ~~(d)~~
- 26 (4) Demonstration of appropriate behavior for a work setting.

27 (b) If job exploration and discovery services are determined to  
28 be a necessary step to achieve a supported employment outcome,  
29 a job exploration and discovery plan shall be developed.

30 SEC. 5. Section 4860 of the Welfare and Institutions Code is  
31 amended to read:

32 4860. (a) (1) The hourly rate for supported employment  
33 services provided to consumers receiving individualized services  
34 shall be thirty dollars and eighty-two cents (\$30.82).

35 (2) Job coach hours spent in travel to consumer worksites may  
36 be reimbursable for individualized services only when the job  
37 coach travels from the vendor’s headquarters to the consumer’s  
38 worksite or from one consumer’s worksite to another, and only  
39 when the travel is one way.

1 (b) The hourly rate for group services shall be thirty dollars and  
2 eighty-two cents (\$30.82), regardless of the number of consumers  
3 served in the group. Consumers in a group shall be scheduled to  
4 start and end work at the same time, unless an exception that takes  
5 into consideration the consumer's compensated work schedule is  
6 approved in advance by the regional center. The department, in  
7 consultation with stakeholders, shall adopt regulations to define  
8 the appropriate grounds for granting these exceptions. When the  
9 number of consumers in a supported employment placement group  
10 drops to fewer than the minimum required in subdivision (r) of  
11 Section 4851, the regional center may terminate funding for the  
12 group services in that group, unless, within 90 days, the program  
13 provider adds one or more regional centers, or Department of  
14 Rehabilitation-funded supported employment consumers to the  
15 group.

16 (c) Job coaching hours for group services shall be allocated on  
17 a prorated basis between a regional center and the Department of  
18 Rehabilitation when regional center and Department of  
19 Rehabilitation consumers are served in the same group.

20 (d) When Section 4855 applies, fees shall be authorized for the  
21 following:

22 (1) A three-hundred-sixty-dollar (\$360) fee shall be paid to the  
23 program provider upon intake of a consumer into a supported  
24 employment program. No fee shall be paid if that consumer  
25 completed a supported employment intake process with that same  
26 supported employment program within the previous 12 months.

27 (2) A seven-hundred-twenty-dollar (\$720) fee shall be paid  
28 upon placement of a consumer in an integrated job, except that no  
29 fee shall be paid if that consumer is placed with another consumer  
30 or consumers assigned to the same job coach during the same hours  
31 of employment.

32 (3) A seven-hundred-twenty-dollar (\$720) fee shall be paid after  
33 a 90-day retention of a consumer in a job, except that no fee shall  
34 be paid if that consumer has been placed with another consumer  
35 or consumers, assigned to the same job coach during the same  
36 hours of employment.

37 (e) *The hourly rate for job exploration and discovery services*  
38 *shall be forty dollars (\$40) per hour for a maximum of 75 hours*  
39 *per calendar quarter for all services identified and provided in*

1 *the job exploration and discovery plan as developed pursuant to*  
2 *subdivision (b) of Section 4854.*

3 (e)

4 (f) Notwithstanding paragraph (4) of subdivision (a) of Section  
5 4648, the regional center shall pay the supported employment  
6 program rates established by this section.

7 ~~SEC. 2.~~

8 SEC. 6. Section 4868.5 is added to the Welfare and Institutions  
9 Code, to read:

10 4868.5. (a) The State Department of Developmental Services  
11 shall establish a pilot program for young adults with autism to help  
12 them find pathways to financial independence through work. The  
13 program shall be developed and implemented to assist individuals  
14 with autism to obtain integrated employment outcomes that result  
15 in sufficient wages and benefits in order to decrease, over time,  
16 their dependency on public financial support.

17 (b) The pilot program described in subdivision (a) shall do all  
18 of the following:

19 (1) Develop and implement a new model for providing  
20 employment services to autistic individuals or modify an existing  
21 model for providing those services.

22 (2) Identify existing support services that may be modified or  
23 combined with supplemental services to provide skills assessment,  
24 training, and transition services.

25 (3) Utilize available federal and state incentive programs.

26 (4) Create financial incentives for employment service providers  
27 who assist the individuals served by the pilot program to become  
28 successfully employed in jobs that pay wages that equal or exceed  
29 the Social Security Administration’s substantial gainful activity  
30 level or result in the individual obtaining employer-based health  
31 benefits.

32 (5) Develop and implement a protocol for collecting and  
33 evaluating data regarding the outcomes of autistic individuals who  
34 participate in the pilot program.

35 SEC. 7. Section 4870 is added to the Welfare and Institutions  
36 Code, to read:

37 4870. (a) *There is hereby established a pilot program in the*  
38 *following regional catchment areas: Golden Gate Regional Center,*  
39 *East Bay Regional Center, Alta California Regional Center,*

1 *Tri-Counties Regional Center, and San Diego Regional Center.*  
2 *The pilot program shall include all of the following:*

3 *(1) The State Department of Developmental Services and the*  
4 *Department of Finance shall establish, on or before July 1, 2014,*  
5 *the Employment Growth Fund for purposes of the pilot project.*  
6 *The fund shall consist of moneys appropriated by the Legislature*  
7 *for purposes of this section from cost savings resulting from the*  
8 *reduced amount of support payments made to developmentally*  
9 *disabled persons who earn wages from gainful employment*  
10 *attained as a result of their participation in the pilot project, as*  
11 *follows:*

12 *(A) The sum of two hundred dollars (\$200) shall be allocated*  
13 *to the fund for each consumer of regional center services for each*  
14 *month that he or she is enrolled in an employer-paid health benefit*  
15 *plan.*

16 *(B) The sum of one thousand dollars (\$1,000) shall be allocated*  
17 *to the fund for each consumer of regional center services who*  
18 *earns a monthly wage that exceeds the substantial gainful activity*  
19 *level, as established by the federal Social Security Administration,*  
20 *for at least nine consecutive months. This sum shall be allocated*  
21 *on a one-time basis for each consumer who meets that criteria.*

22 *(C) The total amount allocated pursuant to paragraphs (A) and*  
23 *(B) shall be deposited into the fund on a quarterly basis.*

24 *(2) Each participating regional catchment area shall submit*  
25 *the following information to the State Department of*  
26 *Developmental Services:*

27 *(A) Information regarding each consumer who receives*  
28 *Medi-Cal benefits and is subsequently enrolled in an employer-paid*  
29 *health benefit plan.*

30 *(B) Information regarding each consumer who earns a monthly*  
31 *wage that exceeds the substantial gainful activity level, as*  
32 *established by the federal Social Security Administration, for at*  
33 *least nine consecutive months.*

34 *(3) On and after July 1, 2015 the State Department of*  
35 *Developmental Services may allocate funds from the Employment*  
36 *Growth Fund for the support of programs provided by the*  
37 *participating regional catchment areas to promote the habilitation*  
38 *of developmentally disabled persons.*

39 *(4) The State Department of Developmental Services shall do*  
40 *all of the following:*

1 (A) Biannually determine the cost of providing habilitative  
2 services to developmentally disabled persons who receive services  
3 from the participating regional catchment areas and compare that  
4 cost to the statewide average of providing those services.

5 (B) Prepare an annual report regarding the number of  
6 developmentally disabled persons who receive habilitative services  
7 from the participating regional catchment areas, and estimating  
8 the cost savings to the state resulting as a result of the program,  
9 and submit the report to the Legislature.

10 (C) Design and implement an evaluation of the pilot program.  
11 If the pilot project results in a 10% or greater average annual  
12 increase in the number of individuals who receive habilitative  
13 services through the pilot project being placed in supported  
14 employment, the department shall submit a recommendation to  
15 the Legislature that the program be expanded statewide.

16 (b) This section shall become inoperative on July 1, 2018, and,  
17 as of January 1, 2019, is repealed, unless a later enacted statute,  
18 that becomes operative on or before January 1, 2019, deletes or  
19 extends the dates on which it becomes inoperative and is repealed.