

AMENDED IN ASSEMBLY JUNE 25, 2014

AMENDED IN ASSEMBLY MAY 20, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 15, 2013

AMENDED IN SENATE APRIL 9, 2013

SENATE BILL

No. 577

**Introduced by Senator Pavley
(Coauthor: Senator DeSaulnier)**

(Coauthors: Assembly Members Buchanan, Garcia, *Grove*, and
Waldron)

February 22, 2013

An act to amend Sections 4850, 4851, 4854, and 4860 ~~of~~ *of, and to add and repeal Section 4850.3 of*, the Welfare and Institutions Code, relating to developmental disabilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 577, as amended, Pavley. Autism and other developmental disabilities: 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 centers, 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 department, contingent upon receiving federal financial participation, to conduct a 4-year demonstration project to determine whether community-based vocational development services will increase employment outcomes for consumers and reduce purchase of service costs for working age adults, as specified. The bill would require the department to publish a notice on the department's Internet Web site when the demonstration project has been implemented, and to make determinations and notify the Legislature concerning the project's effectiveness, as specified, at the project's conclusion. The bill would repeal these provisions as of January 1, 2025.

This bill would require the development and semiannual review of a plan, as specified, if community-based vocational development services, as defined, are determined to be a necessary step to achieve a supported employment outcome. The bill would establish an hourly rate for community-based vocational development services of \$40 per hour for a maximum of 75 hours per calendar quarter for all services identified and provided in the plan. ~~The bill would limit the community-based vocational development services that may be provided in conjunction with other community-based day services to no more than 30 hours of service a week for up to 2 years, as specified.~~ *The bill would provide that a consumer's hours of participation in community-based vocational development services may be provided in lieu of hours of participation in other community-based day program services, for up to 2 years, except as specified.*

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

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ 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) Individuals with developmental disabilities have to struggle
- 4 to find gainful employment. Unemployment amongst the
- 5 developmentally disabled population is approximately 80 percent.
- 6 (b) Within the developmentally disabled community, autism is
- 7 the fastest growing population, making up approximately 50
- 8 percent of the annual new caseload of regional centers in some
- 9 parts of the state.

1 (c) One in three adults with autism do not have paid work
2 experience or a college or technical education seven years after
3 leaving the K–12 school system.

4 (d) In order to increase the self-sufficiency of young adults with
5 autism and other developmental disabilities, including increased
6 earning capacity and reduced government benefit support, it is
7 important that the state implement a program to provide
8 individualized skills assessment, social cue training, and specific
9 support to ensure their academic and employment success.

10 (e) The Governor and the Legislature must address the growing
11 need for new models of assessment, career training, and expanding
12 employment opportunities and support options for young adults
13 with autism and other developmental disabilities between 18 and
14 30 years of age. If this population is left without purposefully
15 designed pathways into employment, these young adults will
16 remain at high risk of public dependency throughout the course
17 of their lives.

18 (f) The passage of the State of California’s Employment First
19 Policy requires the state to increase the opportunities for individuals
20 with developmental disabilities to achieve integrated competitive
21 employment.

22 SEC. 2. Section 4850 of the Welfare and Institutions Code is
23 amended to read:

24 4850. (a) The Legislature reaffirms its intent that habilitation
25 services for adults with developmental disabilities should be
26 planned and provided as a part of a continuum and that habilitation
27 services should be available to enable persons with developmental
28 disabilities to approximate the pattern of everyday living available
29 to nondisabled people of the same age.

30 (b) The Legislature further intends that habilitation services
31 shall be provided to adults with developmental disabilities as
32 specified in this chapter in order to guarantee the rights stated in
33 Section 4502.

34 (c) The Legislature further intends that in order to increase
35 effectiveness and opportunity to gain meaningful integrated
36 employment opportunities, habilitation services shall also provide
37 community-based vocational development services to enhance
38 community employment readiness, develop social skills necessary
39 for successful community employment, and build a network of

1 community and employment opportunities for individuals with
2 developmental disabilities.

3 *SEC. 3. Section 4850.3 is added to the Welfare and Institutions*
4 *Code, to read:*

5 *4850.3. (a) The department shall conduct a four-year*
6 *demonstration project to determine whether community-based*
7 *vocational development services increase integrated competitive*
8 *employment outcomes and reduce purchase of service costs for*
9 *working age adults.*

10 *(b) The department shall select up to five volunteer regional*
11 *centers that reflect the geographic diversity of California to*
12 *participate in the demonstration project.*

13 *(c) The department shall publish a notice on the departments*
14 *Internet Web site when the demonstration project has been*
15 *implemented.*

16 *(d) (1) After conclusion of the demonstration project, the*
17 *department shall review the effectiveness of the demonstration*
18 *project and make determinations whether community-based*
19 *vocational development services (A) increase employment*
20 *outcomes, (B) reduce purchase of service costs, and (C) may be*
21 *implemented on a statewide basis.*

22 *(2) The department shall notify the appropriate fiscal and policy*
23 *committees of both houses of the Legislature of the determinations*
24 *made pursuant to this subdivision.*

25 *(e) This section shall be implemented only to the extent that*
26 *federal financial participation is available and any necessary*
27 *federal approvals have been obtained.*

28 *(f) This section shall remain in effect only until January 1, 2025,*
29 *and as of that date is repealed, unless a later enacted statute, that*
30 *is enacted before January 1, 2025, deletes or extends that date.*

31 ~~SEC. 3.~~

32 *SEC. 4. Section 4851 of the Welfare and Institutions Code is*
33 *amended to read:*

34 *4851. The definitions contained in this chapter shall govern*
35 *the construction of this chapter, with respect to habilitation services*
36 *provided through the regional center, and unless the context*
37 *requires otherwise, the following terms shall have the following*
38 *meanings:*

39 *(a) "Habilitation services" means community-based services*
40 *purchased or provided for adults with developmental disabilities,*

1 including services provided under the Work Activity Program and
2 the Supported Employment Program, to prepare and maintain them
3 at their highest level of vocational functioning, or to prepare them
4 for referral to vocational rehabilitation services.

5 (b) "Individual program plan" means the overall plan developed
6 by a regional center pursuant to Section 4646.

7 (c) "Individual habilitation service plan" means the service plan
8 developed by the habilitation service vendor to meet employment
9 goals in the individual program plan.

10 (d) "Department" means the State Department of Developmental
11 Services.

12 (e) "Work activity program" includes, but is not limited to,
13 sheltered workshops or work activity centers, or community-based
14 work activity programs certified pursuant to subdivision (f) or
15 accredited by CARF, the Rehabilitation Accreditation Commission.

16 (f) "Certification" means certification procedures developed by
17 the Department of Rehabilitation.

18 (g) "Work activity program day" means the period of time
19 during which a Work Activity Program provides services to
20 consumers.

21 (h) "Full day of service" means, for purposes of billing, a day
22 in which the consumer attends a minimum of the declared and
23 approved work activity program day, less 30 minutes, excluding
24 the lunch period.

25 (i) "Half day of service" means, for purposes of billing, any day
26 in which the consumer's attendance does not meet the criteria for
27 billing for a full day of service as defined in subdivision (g), and
28 the consumer attends the work activity program not less than two
29 hours, excluding the lunch period.

30 (j) "Supported employment program" means a program that
31 meets the requirements of subdivisions (n) to (s), inclusive.

32 (k) "Consumer" means any adult who receives services
33 purchased under this chapter.

34 (l) "Accreditation" means a determination of compliance with
35 the set of standards appropriate to the delivery of services by a
36 work activity program or supported employment program,
37 developed by CARF, the Rehabilitation Accreditation Commission,
38 and applied by the commission or the department.

39 (m) "CARF" means CARF the Rehabilitation Accreditation
40 Commission.

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

3 (o) “Integrated work” means the engagement of an employee
4 with a disability in work in a setting typically found in the
5 community in which individuals interact with individuals without
6 disabilities other than those who are providing services to those
7 individuals, to the same extent that individuals without disabilities
8 in comparable positions interact with other persons.

9 (p) “Supported employment placement” means the employment
10 of an individual with a developmental disability by an employer
11 in the community, directly or through contract with a supported
12 employment program. This includes provision of ongoing support
13 services necessary for the individual to retain employment.

14 (q) “Allowable supported employment services” means the
15 services approved in the individual program plan and specified in
16 the individual habilitation service plan for the purpose of achieving
17 supported employment as an outcome, and may include any of the
18 following:

19 (1) Job development, to the extent authorized by the regional
20 center.

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

23 (3) Program staff time for the direct supervision or training of
24 a consumer or consumers while they engage in integrated work
25 unless other arrangements for consumer supervision, including,
26 but not limited to, employer supervision reimbursed by the
27 supported employment program, are approved by the regional
28 center.

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

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

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

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

37 (r) “Group services” means job coaching in a group supported
38 employment placement at a job coach-to-consumer ratio of not
39 less than one-to-three nor more than one-to-eight where services
40 to a minimum of three consumers are funded by the regional center

1 or the Department of Rehabilitation. For consumers receiving
2 group services, ongoing support services shall be limited to job
3 coaching and shall be provided at the worksite.

4 (s) "Individualized services" means job coaching and other
5 supported employment services for regional center-funded
6 consumers in a supported employment placement at a job
7 coach-to-consumer ratio of one-to-one, and that decrease over time
8 until stabilization is achieved. Individualized services may be
9 provided on or off the jobsite.

10 (t) "Community-based vocational development services" means
11 (1) services provided to enhance community employment readiness,
12 which may include the use of discovery and job exploration
13 opportunities, (2) social skill development services necessary to
14 obtain and maintain community employment, (3) services to use
15 internship, apprenticeship, and volunteer opportunities to provide
16 community-based vocational development skills development
17 opportunities, (4) services to access and participate in
18 postsecondary education or career technical education, and (5)
19 building a network of community and employment opportunities.

20 ~~SEC. 4.~~

21 *SEC. 5.* Section 4854 of the Welfare and Institutions Code is
22 amended to read:

23 4854. (a) In developing the individual habilitation service plan
24 pursuant to Section 4853, the habilitation service provider shall
25 develop specific and measurable objectives to determine whether
26 the consumer demonstrates ability to reach or maintain individual
27 employment goals in all of the following areas:

28 (1) Participation in paid work for a specified period of time.

29 (2) Obtaining or sustaining a specified productivity rate.

30 (3) Obtaining or sustaining a specified attendance level.

31 (4) Demonstration of appropriate behavior for a work setting.

32 (b) If community-based vocational development services are
33 determined to be a necessary step to achieve a supported
34 employment outcome, a plan shall be developed and may include,
35 but is not limited to, all of the following:

36 (1) An inventory of potential employment interests.

37 (2) Preferences for types of work environments or situations.

38 (3) Identification of any training or education needed for the
39 consumer's desired job.

(4) Opportunities to explore jobs or self-employment as a means to meet the consumer's desired employment outcome.

(5) Identification of any personal or family networks the consumer may use to achieve his or her desired employment outcomes.

(c) The habilitation service provider and the regional center shall review the plan developed pursuant to subdivision (b) semiannually to document progress towards objectives, additional barriers, and other changes that impact the consumer's desired employment outcome.

~~(d) Community-based—Hours of participation in community-based vocational development services may be provided in conjunction with lieu of hours of participation in other community-based day program services, for no more than 30 hours of service a week as determined by the consumer's individual program planning team, for up to two years. Community-based vocational development services may be authorized beyond the initial for an additional two years, if the consumer, his or her habilitation service provider, and the regional center determine and document consumer's individual program planning team determines and documents at each semiannual review that the consumer is making significant progress toward the habilitation services objectives for more than an additional two years. A consumer's participation in community-based vocational development services shall not exceed a total of four years.~~

~~SEC. 5.~~

SEC. 6. Section 4860 of the Welfare and Institutions Code is amended to read:

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

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

(b) The hourly rate for group services shall be thirty dollars and eighty-two cents (\$30.82), regardless of the number of consumers served in the group. Consumers in a group shall be scheduled to

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

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

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

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

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

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

34 (e) The hourly rate for community-based vocational
35 development services shall be forty dollars (\$40) per hour for a
36 maximum of 75 hours per calendar quarter for all services
37 identified and provided in the community-based vocational
38 development plan as developed pursuant to subdivisions (b) and
39 (c) of Section 4854. Prior to the implementation of

- 1 community-based vocational development services, the department
- 2 shall secure federal Medicaid funding for this service.
- 3 (f) Notwithstanding paragraph (4) of subdivision (a) of Section
- 4 4648, the regional center shall pay the supported employment
- 5 program rates established by this section.

O