

AMENDED IN SENATE APRIL 3, 2014

SENATE BILL

No. 1160

Introduced by Senator Beall

February 20, 2014

An act to amend Section ~~4440~~ 4851 of, and to add Section 4870 to, the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1160, as amended, Beall. ~~Developmental centers.~~ *Employment.*

The Lanterman Developmental Disabilities Services Act authorizes the State Department of Developmental Services to contract with regional centers to provide support and services to individuals with developmental disabilities. The services and supports to be provided to a regional center consumer are contained in an individual program plan, developed in accordance with prescribed requirements. Under existing law, as part of the individual program plan, the regional center may refer an adult consumer to habilitation services, including group services and individualized services in the context of employment. Existing law defines "group services" for these purposes to mean job coaching in a group supported employment placement at a job coach-to-consumer ratio of not less than 1 to 3 nor more than 1 to 8 where services to a minimum of 3 consumers are funded by the regional center or the Department of Rehabilitation. Existing law defines "individualized services" to mean job coaching and other supported employment services for regional center-funded consumers in a supported employment placement at a job coach-to-consumer ratio of 1 to 1, and that decrease over time until stabilization is achieved.

This bill would require, for group services, a job coach-to-consumer ratio of not less than 1 to 2 nor more than 1 to 8 where services to a

minimum of 2 consumers are funded by the regional center or the Department of Rehabilitation. The bill would recast the definition of “individualized services” to provide, in part, job coaching and other supported employment services that decrease over time consistent with the consumer’s individualized program plan and abilities with the goal of achieving stabilization, when possible.

Existing law establishes the “Employment First Policy” which provides that it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working-age individuals with developmental disabilities, regardless of the severity of their disabilities.

This bill would require, when awarding a contract for goods or services, that an awarding department of the state give a preference of 5% in the scoring of a bid by a business that proposes to provide the goods or services to the state when at least 10% of the personnel of the business involved in doing so are California residents with developmental disabilities receiving support services under the Lanterman Developmental Disabilities Services Act. The bill would state findings and declarations of the Legislature regarding the employment of persons with developmental disabilities.

~~Under existing law, the State Department of Developmental Services has jurisdiction over the execution of the laws relating to the care, custody, and treatment of developmentally disabled persons. Existing law also provides that the department has jurisdiction over state hospitals for the developmentally disabled, also known as developmental centers.~~

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

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 the following:*
- 2 *(a) With broad support, in 2013, the “Employment First Policy”*
- 3 *legislation was signed into law in California, declaring that it is*
- 4 *the policy of the state that employment for persons with*
- 5 *developmental disabilities be given the highest priority. However,*
- 6 *due to cuts in the state budget, employment rates for*
- 7 *community-based supported employment programs remain 10*
- 8 *percent below 2006 levels, and over 70 percent of the population*

1 *with developmental disabilities that is age-appropriate for*
2 *employment remains unemployed or underemployed.*

3 *(b) Persons with developmental disabilities should have*
4 *employment opportunities with job training, reasonable*
5 *accommodation, and individual supports that enable them to move*
6 *towards being economically self-sufficient.*

7 *(c) Regional center service coordinators, community-based*
8 *program providers, disability advocates, and family members*
9 *involved in employment-related services for persons with*
10 *developmental disabilities have the responsibility to provide*
11 *information to them regarding the full spectrum of employment*
12 *options.*

13 *(d) All relevant federal and state laws and regulations designed*
14 *to protect persons with significant developmental disabilities from*
15 *economic manipulation or abuse should be fully enforced. The*
16 *Department of Developmental Services should provide adequate*
17 *training, technical assistance, oversight, and other reviews to*
18 *ensure full compliance with the law.*

19 *SEC. 2. Section 4851 of the Welfare and Institutions Code is*
20 *amended to read:*

21 4851. The definitions contained in this chapter shall govern
22 the construction of this chapter, with respect to habilitation services
23 provided through the regional center, and unless the context
24 requires otherwise, the following terms shall have the following
25 meanings:

26 (a) “Habilitation services” means community-based services
27 purchased or provided for adults with developmental disabilities,
28 including services provided under the Work Activity Program and
29 the Supported Employment Program, to prepare and maintain them
30 at their highest level of vocational functioning, or to prepare them
31 for referral to vocational rehabilitation services.

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

34 (c) “Individual habilitation service plan” means the service plan
35 developed by the habilitation service vendor to meet employment
36 goals in the individual program plan.

37 (d) “Department” means the State Department of Developmental
38 Services.

39 (e) “Work activity program” includes, but is not limited to,
40 sheltered workshops or work activity centers, or community-based

1 work activity programs certified pursuant to subdivision (f) or
2 accredited by CARF, the Rehabilitation Accreditation Commission.

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

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

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

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

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

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

21 (l) “Accreditation” means a determination of compliance with
22 the set of standards appropriate to the delivery of services by a
23 work activity program or supported employment program,
24 developed by CARF, the Rehabilitation Accreditation Commission,
25 and applied by the commission or the department.

26 (m) “CARF” means CARF the Rehabilitation Accreditation
27 Commission.

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

30 (o) “Integrated work” means the engagement of an employee
31 with a disability in work in a setting typically found in the
32 community in which individuals interact with individuals without
33 disabilities other than those who are providing services to those
34 individuals, to the same extent that individuals without disabilities
35 in comparable positions interact with other persons.

36 (p) “Supported employment placement” means the employment
37 of an individual with a developmental disability by an employer
38 in the community, directly or through contract with a supported
39 employment program. This includes provision of ongoing support
40 services necessary for the individual to retain employment.

1 (q) “Allowable supported employment services” means the
2 services approved in the individual program plan and specified in
3 the individual habilitation service plan for the purpose of achieving
4 supported employment as an outcome, and may include any of the
5 following:

6 (1) Job development, to the extent authorized by the regional
7 center.

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

10 (3) Program staff time for the direct supervision or training of
11 a consumer or consumers while they engage in integrated work
12 unless other arrangements for consumer supervision, including,
13 but not limited to, employer supervision reimbursed by the
14 supported employment program, are approved by the regional
15 center.

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

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

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

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

24 (r) “Group services” means job coaching in a group supported
25 employment placement at a job coach-to-consumer ratio of not
26 less than ~~one-to-three~~ *1 to 2* nor more than ~~one-to-eight~~ *1 to 8*
27 where services to a minimum of ~~three~~ *two* consumers are funded
28 by the regional center or the Department of Rehabilitation. For
29 consumers receiving group services, ongoing support services shall
30 be limited to job coaching and shall be provided at the worksite.

31 (s) “Individualized services” means job coaching and other
32 supported employment services for regional center-funded
33 consumers in a supported employment placement at a job
34 coach-to-consumer ratio of ~~one-to-one~~, *1 to 1* and that decrease
35 over time ~~until stabilization is achieved~~, *consistent with the*
36 *consumer’s individualized program plan and abilities with the*
37 *goal of achieving stabilization, when possible*. Individualized
38 services may be provided on or off the jobsite.

39 *SEC. 3. Section 4870 is added to the Welfare and Institutions*
40 *Code, to read:*

1 4870. When awarding a contract for goods or services, an
2 awarding department of the state shall give a preference of 5
3 percent in the scoring of a bid by a business that proposes to
4 provide the goods or services to the state when at least 10 percent
5 of the personnel of the business involved in doing so are California
6 residents with developmental disabilities receiving support services
7 under the Lanterman Developmental Disabilities Services Act.

8 SECTION 1. ~~Section 4440 of the Welfare and Institutions Code~~
9 ~~is amended to read:~~

10 ~~4440. The department has jurisdiction over all of the following~~
11 ~~institutions:~~

- 12 ~~(a) Agnews State Hospital.~~
- 13 ~~(b) Camarillo State Hospital.~~
- 14 ~~(c) Fairview State Hospital.~~
- 15 ~~(d) Frank D. Lanterman State Hospital.~~
- 16 ~~(e) Porterville State Hospital.~~
- 17 ~~(f) Sonoma State Hospital.~~
- 18 ~~(g) Stockton State Hospital.~~