

ASSEMBLY BILL

No. 286

Introduced by Assembly Member Achadjian
(Coauthor: Senator Monning)

February 11, 2015

An act to amend Section 4689 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 286, as introduced, Achadjian. Developmental services: supported living services.

Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to contract with regional centers to provide services and supports, including supported living services, to individuals with developmental disabilities and their families. Existing law lists the range of supported living services and supports to include, among other things, recruiting, training, and hiring individuals to provide personal care and other assistance, and requires supported living service providers to conduct comprehensive assessments for the purpose of getting to know the consumer they will be supporting.

This bill would require direct care workers providing supported living services to satisfactorily complete 15 hours of training in behavioral intervention within 3 months from the date the provider was hired.

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 4689 of the Welfare and Institutions Code
2 is amended to read:

3 4689. Consistent with state and federal law, the Legislature
4 places a high priority on providing opportunities for adults with
5 developmental disabilities, regardless of the degree of disability,
6 to live in homes that they own or lease with support available as
7 often and for as long as it is needed, when that is the preferred
8 objective in the individual program plan. In order to provide
9 opportunities for adults to live in their own homes, the following
10 procedures shall be adopted:

11 (a) The department and regional centers shall ensure that
12 supported living arrangements adhere to the following principles:

13 (1) Consumers shall be supported in living arrangements ~~which~~
14 *that* are typical of those in which persons without disabilities reside.

15 (2) The services or supports that a consumer receives shall
16 change as his or her needs change without the consumer having
17 to move elsewhere.

18 (3) The consumer’s preference shall guide decisions concerning
19 where and with whom he or she lives.

20 (4) Consumers shall have control over the environment within
21 their own home.

22 (5) The purpose of furnishing services and supports to a
23 consumer shall be to assist that individual to exercise choice in his
24 or her life while building critical and durable relationships with
25 other individuals.

26 (6) The services or supports shall be flexible and tailored to a
27 consumer’s needs and preferences.

28 (7) Services and supports are most effective when furnished
29 where a person lives and within the context of his or her day-to-day
30 activities.

31 (8) Consumers shall not be excluded from supported living
32 arrangements based solely on the nature and severity of their
33 disabilities.

34 (b) Regional centers may contract with agencies or individuals
35 to assist consumers in securing their own homes and to provide
36 consumers with the supports needed to live in their own homes.

37 (c) The range of supported living services and supports available
38 include, but are not limited to, assessment of consumer needs;

1 assistance in finding, ~~modifying~~ *modifying*, and maintaining a
2 home; facilitating circles of support to encourage the development
3 of unpaid and natural supports in the community; advocacy and
4 self-advocacy facilitation; development of employment goals;
5 social, behavioral, and daily living skills training and support;
6 development and provision of 24-hour emergency response
7 systems; securing and maintaining adaptive equipment and
8 supplies; recruiting, training, and hiring individuals to provide
9 personal care and other assistance, including in-home supportive
10 services workers, paid neighbors, and paid roommates; providing
11 respite and emergency relief for personal care attendants; and
12 facilitating community participation. Assessment of consumer
13 needs may begin before 18 years of age to enable the consumer to
14 move to his or her own home when he or she reaches 18 years of
15 age.

16 (d) Regional centers shall provide information and education
17 to consumers and their families about supported living principles
18 and services.

19 (e) Regional centers shall monitor and ensure the quality of
20 services and supports provided to individuals living in homes that
21 they own or lease. Monitoring shall take into account all of the
22 following:

23 (1) Adherence to the principles set forth in this section.

24 (2) Whether the services and supports outlined in the consumer's
25 individual program plan are congruent with the choices and needs
26 of the individual.

27 (3) Whether services and supports described in the consumer's
28 individual program plan are being delivered.

29 (4) Whether services and supports are having the desired effects.

30 (5) Whether the consumer is satisfied with the services and
31 supports.

32 (f) The planning team, established pursuant to subdivision (j)
33 of Section 4512, for a consumer receiving supported living services
34 shall confirm that all appropriate and available sources of natural
35 and generic supports have been utilized to the fullest extent possible
36 for that consumer.

37 (g) Regional centers shall utilize the same supported living
38 provider for consumers who reside in the same domicile, provided
39 that each individual consumer's particular needs can still be met
40 pursuant to his or her individual program plans.

1 (h) Rent, mortgage, and lease payments of a supported living
2 home and household expenses shall be the responsibility of the
3 consumer and any roommate who resides with the consumer.

4 (i) A regional center shall not make rent, mortgage, or lease
5 payments on a supported living home, or pay for household
6 expenses of consumers receiving supported living services, except
7 under the following circumstances:

8 (1) If all of the following conditions are met, a regional center
9 may make rent, mortgage, or lease payments as follows:

10 (A) The regional center executive director verifies in writing
11 that making the rent, mortgage, or lease payments or paying for
12 household expenses is required to meet the specific care needs
13 unique to the individual consumer as set forth in an addendum to
14 the consumer's individual program plan, and is required when a
15 consumer's demonstrated medical, behavioral, or psychiatric
16 condition presents a health and safety risk to himself or herself,
17 or another.

18 (B) During the time period that a regional center is making rent,
19 mortgage, or lease payments, or paying for household expenses,
20 the supported living services vendor shall assist the consumer in
21 accessing all sources of generic and natural supports consistent
22 with the needs of the consumer.

23 (C) The regional center shall not make rent, mortgage, or lease
24 payments on a supported living home or pay for household
25 expenses for more than six months, unless the regional center finds
26 that it is necessary to meet the individual consumer's particular
27 needs pursuant to the consumer's individual program plan. The
28 regional center shall review a finding of necessity on a quarterly
29 basis and the regional center executive director shall annually
30 verify in an addendum to the consumer's individual program plan
31 that the requirements set forth in subparagraph (A) continue to be
32 met.

33 (2) A regional center that has been contributing to rent,
34 mortgage, or lease payments or paying for household expenses
35 prior to July 1, 2009, shall at the time of development, review, or
36 modification of a consumer's individual program plan determine
37 if the conditions in paragraph (1) are met. If the planning team
38 determines that these contributions are no longer appropriate under
39 this section, a reasonable time for transition, not to exceed six
40 months, shall be permitted.

1 (j) All paid roommates and live-in support staff in supported
2 living arrangements in which regional centers have made rent,
3 mortgage, or lease payments, or have paid for household expenses
4 pursuant to subdivision (i) shall pay their share of the rent,
5 mortgage, or lease payments or household expenses for the
6 supported living home, subject to the requirements of Industrial
7 Welfare Commission Order No. 15-2001 and the Housing Choice
8 Voucher Program, as set forth in Section 1437f of Title 42 of the
9 United States Code.

10 (k) Regional centers shall ensure that the supported living
11 services vendors' administrative costs are necessary and reasonable,
12 given the particular services that they are providing and the number
13 of consumers to whom the vendor provides services.
14 Administrative costs shall be limited to allowable costs for
15 community-based day programs, as defined in Section 57434 of
16 Title 17 of the California Code of Regulations, or its successor.

17 (l) Regional centers shall ensure that the most cost effective of
18 the rate methodologies is utilized to determine the negotiated rate
19 for vendors of supported living services, consistent with Section
20 4689.8 and Title 17 of the California Code of Regulations.

21 (m) For purposes of this section, "household expenses" means
22 general living expenses and includes, but is not limited to, utilities
23 paid and food consumed within the home.

24 (n) A supported living services provider shall provide assistance
25 to a consumer who is a Medi-Cal beneficiary in applying for
26 in-home supportive services, as set forth in Section 12300, within
27 five days of the consumer moving into a supported living services
28 arrangement.

29 (o) For consumers receiving supported living services who share
30 a household with one or more adults receiving supported living
31 services, efficiencies in the provision of service may be achieved
32 if some tasks can be shared, meaning the tasks can be provided at
33 the same time while still ensuring that each person's individual
34 needs are met. These tasks shall only be shared to the extent they
35 are permitted under the Labor Code and related regulations,
36 including, but not limited to, Industrial Welfare Commission
37 Minimum Wage Order No. 15. The planning team, as defined in
38 subdivision (j) of Section 4512, at the time of development, review,
39 or modification of a consumer's individual program plan (IPP),
40 for housemates currently in a supported living arrangement or

1 planning to move together into a supported living arrangement, or
2 for consumers who live with a housemate not receiving supported
3 living services who is responsible for the task, shall consider, with
4 input from the service provider, whether any tasks, such as meal
5 preparation and cleanup, menu planning, laundry, shopping, general
6 household tasks, or errands can appropriately be shared. If tasks
7 can be appropriately shared, the regional center shall purchase the
8 prorated share of the activity. Upon a determination of a reduction
9 in services pursuant to this section, the regional center shall inform
10 the consumer of the reason for the determination, and shall provide
11 a written notice of fair hearing rights pursuant to Section 4701.

12 (p) (1) To ensure that consumers in or entering into supported
13 living arrangements receive the appropriate amount and type of
14 supports to meet the person’s choice and needs as determined by
15 the IPP team, and that generic resources are utilized to the fullest
16 extent possible, the IPP team shall complete a standardized
17 assessment questionnaire at the time of development, review, or
18 modification of a consumer’s IPP. The questionnaire shall be used
19 during the individual program plan meetings, in addition to the
20 provider’s assessment, to assist in determining whether the services
21 provided or recommended are necessary and sufficient and that
22 the most cost-effective methods of supported living services are
23 utilized. With input from stakeholders, including regional centers,
24 the department shall develop and post the questionnaire on its
25 Internet Web site, and, by June 30, 2012, shall provide it to the
26 regional centers.

27 (2) Supported living service providers shall conduct
28 comprehensive assessments for the purpose of getting to know the
29 consumer they will be supporting and developing a support plan
30 congruent with the choices and needs of the individual and
31 consistent with the principles of supported living set forth in this
32 section and in Subchapter 19 (commencing with Section 58600)
33 of Chapter 3 of Division 2 of Title 17 of the California Code of
34 Regulations. The independent assessment required by this
35 paragraph is not intended to take the place of or repeat the service
36 provider’s comprehensive assessment.

37 (3) Upon a determination of a reduction in services pursuant to
38 this section, the regional center shall inform the consumer of the
39 reason for the determination, and shall provide a written notice of
40 fair hearing rights pursuant to Section 4701.

1 (4) Nothing in this section precludes the completion of an
2 independent assessment.
3 (q) *Direct care workers providing supported living services*
4 *shall satisfactorily complete 15 hours of training in behavioral*
5 *intervention within three months from the date the direct care*
6 *worker was hired.*

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