

AMENDED IN ASSEMBLY JUNE 21, 2016

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1427**

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**Introduced by Senator Pavley**

February 19, 2016

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An act to add Section 4850.4 to the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1427, as amended, Pavley. Workforce development: developmentally disabled individuals.

Existing law, the Lanterman Developmental Disabilities Services Act, authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. 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. Existing law requires 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.

This bill would require, on or before July 1, 2017, the department to establish a Work Transition Project with ~~guidelines and an approved a~~ process for regional centers to allow ~~blended or braided~~ *well coordinated* forms of integrated services using allowable services under existing state and federal law and to assist in the state's efforts to reach

compliance with the federal Home and Community-Based Services Waiver regulations. ~~The bill would authorize the department to waive, until March 31, 2019, regulatory requirements that inhibit the provision of services in competitive integrated settings.~~ *The bill would authorize the department to waive certain regulations through the use of modifications that maintain the purpose of the regulation while allowing flexibility to expand activities and choices in service program settings. The bill would set a maximum rate of \$40 per hour for vendors to provide needed job readiness and support services aimed at individualized transition services for consumers currently placed in work activity programs and other similar day services related to work experience and work opportunities who choose to move towards competitive integrated employment.* The bill would require the department to assess the decrease in time that it takes a consumer under these provisions to become job ready and to transition into an integrated work setting and to report that information to the budget committee of each house of the Legislature during the annual budget process.

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. (a) It is the intent of the Legislature to ensure
- 2 that individuals with developmental disabilities who are earning
- 3 income do not lose their vocational opportunities and earning
- 4 power due to changes related to the home- and community-based
- 5 services settings rule due to the implementation of the Workforce
- 6 Innovation and Opportunity Act.
- 7 (b) Individuals with developmental disabilities struggle to find
- 8 gainful employment. Unemployment among the people with
- 9 developmental disabilities has been estimated at more than 80
- 10 percent.
- 11 (c) California's Employment First Policy and changes to the
- 12 federal home- and community-based services settings rule require
- 13 the state to increase opportunities for individuals with
- 14 developmental disabilities to achieve competitive integrated
- 15 employment.
- 16 (d) There are thousands of consumers today earning some
- 17 income in existing employment programs who are complying with
- 18 current rules and deserve specific attention during this transition

1 period to ensure they have the opportunity for, and access to, more  
2 integrated work settings of their choice.

3 (e) In order to increase the self-sufficiency of adults with  
4 developmental disabilities, including increased earning capacity  
5 and reduced government benefit support, it is important that the  
6 state implement a program to provide opportunities for individuals  
7 to engage in job discovery and job readiness training to assist their  
8 transition to more competitive integrated employment and to ensure  
9 employment success.

10 (f) 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 adults with  
13 developmental disabilities who currently work in less integrated  
14 work activity programs and group supported employment earning  
15 less than minimum wage. If this population is left without  
16 purposefully designed pathways into more competitive integrated  
17 employment, these adults will be at higher risk of public  
18 dependency throughout the course of their lives.

19 SEC. 2. Section 4850.4 is added to the Welfare and Institutions  
20 Code, to read:

21 4850.4. (a) (1) On or before July 1, 2017, the department shall  
22 establish a Work Transition Project with ~~guidelines and an~~  
23 ~~approved~~ a process for regional centers to allow ~~blended or braided~~  
24 *well coordinated* forms of integrated services using allowable  
25 services under existing state and federal law. The project shall  
26 assist in the state's efforts to reach compliance with the federal  
27 Home and Community-Based Services Waiver regulations by  
28 March 31, 2019.

29 ~~(2) A maximum of 75 hours per quarter, at no more than an~~  
30 ~~equivalent of \$40 forty dollars (\$40) per hour shall be allowed for~~  
31 ~~vendors to provide needed job readiness and support services aimed~~  
32 ~~at individualized transition services for consumers currently placed~~  
33 ~~in segregated work settings who choose to move toward~~  
34 ~~competitive integrated employment.~~

35 ~~(3) For purposes of this subdivision, "blended or braided forms~~  
36 ~~of integrated services" means services for a single consumer that~~  
37 ~~are funded by multiple agencies or entities and that work as a single~~  
38 ~~program.~~

39 ~~(b) The department shall allow regional centers to customize~~  
40 ~~skill development and job readiness programs for consumers, as~~

1 appropriate, by partnering with work activity programs and group  
2 supported employment vendors to transition those consumers who  
3 choose to move towards integrated competitive employment. The  
4 department may waive, until March 31, 2019, regulatory  
5 requirements that inhibit the provision of services in competitive  
6 integrated settings.

7 (2) Well coordinated forms of integrated services approved  
8 under the project shall be eligible to receive available funding  
9 appropriated for transitioning programs toward compliance with  
10 the federal Home and Community-Based Services Waiver  
11 regulations.

12 (b) (1) The department shall allow regional centers to increase  
13 opportunities for consumers by customizing skill development and  
14 employability programs, as appropriate, by partnering with work  
15 activity programs and other similar day services related to work  
16 experience and work opportunities to support those consumers  
17 who choose to move towards competitive integrated employment.

18 (2) The rate shall be no more than an equivalent of forty dollars  
19 (\$40) per hour for vendors to provide needed job readiness and  
20 support services aimed at individualized transition services for  
21 consumers currently placed in work activity programs and other  
22 similar day services related to work experience and work  
23 opportunities who choose to move towards competitive integrated  
24 employment. Hours of participation in job readiness and support  
25 services may be provided in addition to, or in lieu of, the hours of  
26 participation in existing work activity programs and other similar  
27 day services, as determined by the consumer's individual program  
28 planning team.

29 (3) If necessary to provide flexibility from program requirements  
30 that have the effect of social isolation and restricting community  
31 integration activities, the department may waive certain regulations  
32 through the use of modifications that maintain the purpose of the  
33 regulation while allowing flexibility to expand activities and  
34 choices in service program settings, including Sections 58820 and  
35 58821 of Title 17, and Sections 82079 and 82087.2 of Title 22 of,  
36 the California Code of Regulations.

37 (c) (1) The department shall allow regional centers to support  
38 career pathway development by partnering with group supported  
39 employment programs and other similar day services to support

1 *those consumers who choose to move toward competitive integrated*  
2 *employment.*

3 *(2) As determined by the consumer's individual program*  
4 *planning team, additional job coaching hours at the current*  
5 *established rate may be authorized to provide career pathway*  
6 *development to support those consumers who choose to move*  
7 *toward competitive integrated employment.*

8 ~~(e)~~

9 *(d)* The department shall assess the decrease in time that it takes  
10 a consumer under these provisions to become job ready and to  
11 transition into an integrated work setting. The department shall  
12 report to the budget committee of each house of the Legislature  
13 during the annual budget process regarding the use of these  
14 provisions and the measurable outcomes. Any report submitted  
15 pursuant to this subdivision shall be submitted in compliance with  
16 Section 9795 of the Government Code.

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