

AMENDED IN ASSEMBLY APRIL 17, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 514

Introduced by Assembly Member House
(Principal coauthor: Assembly Member Bordonaro)
(Coauthor: Senator Monteith)

February 17, 1995

An act to amend Section 19352 of, to add Sections 19358.6 and 19358.7 to, and to repeal Section 19358.5 of, the Welfare and Institutions Code, relating to habilitation.

LEGISLATIVE COUNSEL'S DIGEST

AB 514, as amended, House. Habilitation services.

Under existing law, the Department of Rehabilitation is required to contract with the State Department of Developmental Services for the responsibility of purchasing community-based habilitation services for persons with developmental disabilities to prepare them for competitive employment, to prepare and maintain them at their highest level of vocational functioning, or to prepare them for referral to vocational rehabilitation services. Existing law also requires the Department of Rehabilitation to purchase habilitation services it determines to be necessary in the habilitation component of the individual program plan for eligible adults with developmental disabilities.

Under existing law, work-activity programs providing habilitation services may bill the Department of Rehabilitation either on a full-day or half-day basis.

This bill would redefine, retroactively to October 9, 1991, the term full day of service for billing purposes.

Existing law makes specific provision for the billing for services *on a full-day basis* when the consumer cannot attend a fully approved work-activity day, but attends a fully approved work-activity program for a minimum of 4 hours a day, excluding the lunch period.

This bill would repeal this provision.

The bill would, however, in accordance with departmental regulations, permit hourly billing at the request of a work-activity program and when agreed to by the department.

The bill would permit the department to adopt emergency regulations, that would be effective without the review and approval of the Office of Administrative Law, for a period of 180 days.

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. *Section 19352 of the Welfare and*
2 *Institutions Code is amended to read:*

3 19352. As used in this chapter:

4 (a) “Habilitation services” means those
5 community-based services purchased or provided for
6 adults with developmental disabilities including work
7 activity and supported employment, to prepare and
8 maintain them at their highest level of vocational
9 functioning, or to prepare them for referral to vocational
10 rehabilitation services.

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

13 (c) “Individual habilitation component” means the
14 plan developed for each eligible person for whom
15 services are purchased under this chapter.

16 (d) “Department” means the Department of
17 Rehabilitation.

18 (e) “Work-activity program” includes, but is not
19 limited to, sheltered workshops, or workshops or



1 work-activity centers accredited under departmental
2 regulations.

3 (f) “Habilitation team” means a group, which shall be
4 established for each work-activity program or supported
5 employment services, which shall be composed of the
6 following members:

7 (1) The regional center case manager.

8 (2) The work-activity program case-responsible
9 person.

10 (3) A habilitation specialist designated by the
11 department.

12 (4) The work-activity program consumer, and where
13 appropriate, his or her parent, legal guardian, or
14 conservator.

15 (g) “Work-activity program day” means the period of
16 time during which a work-activity program provides
17 services to clients.

18 (h) “Full day of service” means, for purposes of billing,
19 a day in which ~~either of the following occur:~~

20 ~~(1) The consumer attends a fully approved
21 work-activity program day.~~

22 ~~(2) The consumer cannot attend a fully approved
23 work-activity program, but attends for a minimum of four
24 hours, excluding the lunch period, if the fully approved
25 work-activity program day is available to the consumer
26 *the consumer attends a minimum of the declared and
27 approved work-activity program day, less 30 minutes,
28 excluding the lunch period.*~~

29 (i) “Half day of service” means, for purposes of billing,
30 (1) all days of attendance in which the consumer’s
31 attendance does not meet the criteria for billing for a full
32 day of service as defined in subdivision (h), and (2) the
33 consumer attends the work activity program not less than
34 two hours excluding the lunch period.

35 (j) “Supported employment program” means a
36 program which meets the requirements of Sections
37 19356.6 and 19356.7.

38 (k) “Consumer” means any person who receives
39 services purchased under this chapter.



1 (l) “Consumer with special needs” means any person
2 who needs an enriched program of services due to
3 multiple disabling conditions or other unique needs of the
4 consumer which include, but shall not be limited to,
5 mobility impairments, blindness, deafness, or psychiatric
6 impairment.

7 (m) “Accreditation” means a determination of
8 compliance with the set of standards appropriate to the
9 delivery of services by a work-activity program or
10 supported employment program, developed by the
11 Commission on Accreditation of Rehabilitation Facilities,
12 and applied by the commission or the department.

13 SEC. 2. Section 19358.5 of the Welfare and Institutions
14 Code is repealed.

15 SEC. 3. Section 19358.6 is added to the Welfare and
16 Institutions Code, to read:

17 19358.6. (a) In accordance with regulations to be
18 adopted by the department, hourly billing shall be
19 permitted, if agreed upon by the work-activity program
20 and the department. A work-activity program shall be
21 required to submit a request for the hourly billing option
22 to the department not less than 60 days prior to the
23 beginning of the department’s fiscal year.

24 (b) If a work-activity program and the department
25 elect to utilize hourly billing, the hourly billing process
26 shall be required to be used for a minimum of one year.

27 (c) When the hourly billing process is being used, the
28 definitions contained in subdivisions (h) and (i) of
29 Section 19352 shall not apply.

30 SEC. 4. Section 19358.7 is added to the Welfare and
31 Institutions Code, to read:

32 19358.7. The department shall not find as an audit
33 exception, nor shall a work-activity program
34 retroactively bill, based on the definition of a full day of
35 service contained in subdivision (h) of Section 19352.

36 SEC. 5. The amendments to subdivision (h) of
37 Section 19352 of the Welfare and Institutions Code
38 contained in Section 1 of this act, shall be applied
39 retroactively to October 9, 1991.



1 SEC. 6. (a) *The Department of Rehabilitation may*
2 *adopt emergency regulations pursuant to Chapter 3.5*
3 *(commencing with Section 11340) of Part 1 of Division 3*
4 *of Title 2 of the Government Code, to implement this act.*

5 (b) *The initial adoption of emergency regulations by*
6 *the Department of Rehabilitation shall be deemed to be*
7 *an emergency and necessary for the immediate*
8 *preservation of the public peace, health and safety or*
9 *general welfare. Initial emergency regulations by the*
10 *Department of Rehabilitation shall be exempt from*
11 *review by the Office of Administrative Law. The*
12 *emergency regulations authorized by this subdivision*
13 *shall be submitted to the Office of Administrative Law for*
14 *filing with the Secretary of State and publication in the*
15 *California Code of Regulations and shall remain in effect*
16 *for no more than 180 days.*

