

Assembly Bill No. 514

Passed the Assembly August 31, 1995

Chief Clerk of the Assembly

Passed the Senate July 30, 1995

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1995, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER ____

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, House. Habilitation services.

Under existing law, the Department of Rehabilitation is required to purchase 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.

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 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 under specified circumstances.

The bill would permit the department to adopt emergency regulations, that would be effective for a period of 120 days.

The people of the State of California do enact as follows:

SECTION 1. Section 19352 of the Welfare and Institutions Code is amended to read:

19352. As used in this chapter:



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

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

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

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

(e) “Work-activity program” includes, but is not limited to, sheltered workshops, or workshops or work-activity centers accredited under departmental regulations.

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

(1) The regional center case manager.

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

(3) A habilitation specialist designated by the department.

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

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

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

(i) “Half day of service” means, for purposes of billing, (1) all days of attendance in which the consumer’s attendance does not meet the criteria for billing for a full



day of service as defined in subdivision (h), and (2) the consumer attends the work activity program not less than two hours excluding the lunch period.

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

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

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

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

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

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

19358.6. (a) In accordance with regulations to be adopted by the department, hourly billing shall be permitted, provided that it is cost-neutral and does not increase the department’s costs when used in lieu of full-day or half-day billing, if agreed upon by the work-activity program and the department. A work-activity program shall be required to submit a request for the hourly billing option to the department not less than 60 days prior to the program’s implementation of this billing option.

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

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



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

19358.7. (a) The Department of Rehabilitation may allow for payment to work-activity programs based on their average daily consumer attendance during days in which there has been a state of emergency declared in the program's local city or county.

(b) The department may implement this section through the adoption of emergency regulations.

SEC. 5. After consultation with statewide constituency organizations, including but not limited to, the California Rehabilitation Association and the Association of Retarded Citizens of California, the department may adopt emergency regulations to implement this act pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The initial adoption of emergency regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety or general welfare. Those regulations shall remain in effect for no more than 120 days.



Approved _____, 1995

Governor

