

AMENDED IN ASSEMBLY JUNE 25, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 24, 2014

AMENDED IN SENATE APRIL 3, 2014

SENATE BILL

No. 1160

Introduced by Senator Beall

February 20, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1160, as amended, Beall. Developmental services: 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~~ *individual* program plan and abilities with the goal of achieving stabilization, when possible.

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. 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~~
- 9 ~~with developmental disabilities that is age-appropriate for~~
- 10 ~~employment remains unemployed or underemployed.~~
- 11 ~~(b)~~
- 12 (a) Persons with developmental disabilities should have
- 13 employment opportunities with job training, reasonable
- 14 accommodation, and individual supports that enable them to move
- 15 towards being economically self-sufficient.
- 16 (e)
- 17 (b) Regional center service coordinators, community-based
- 18 program providers, disability advocates, and family members
- 19 involved in employment-related services for persons with
- 20 developmental disabilities have the responsibility to provide
- 21 information to them regarding the full spectrum of employment
- 22 options.
- 23 SEC. 2. Section 4851 of the Welfare and Institutions Code is
- 24 amended to read:

1 4851. The definitions contained in this chapter shall govern
2 the construction of this chapter, with respect to habilitation services
3 provided through the regional center, and unless the context
4 requires otherwise, the following terms shall have the following
5 meanings:

6 (a) “Habilitation services” means community-based services
7 purchased or provided for adults with developmental disabilities,
8 including services provided under the Work Activity Program and
9 the Supported Employment Program, to prepare and maintain them
10 at their highest level of vocational functioning, or to prepare them
11 for referral to vocational rehabilitation services.

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

14 (c) “Individual habilitation service plan” means the service plan
15 developed by the habilitation service vendor to meet employment
16 goals in the individual program plan.

17 (d) “Department” means the State Department of Developmental
18 Services.

19 (e) “Work activity program” includes, but is not limited to,
20 sheltered workshops or work activity centers, or community-based
21 work activity programs certified pursuant to subdivision (f) or
22 accredited by CARF, the Commission on Accreditation of
23 Rehabilitation Facilities.

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

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

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

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

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

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

3 (l) “Accreditation” means a determination of compliance with
 4 the set of standards appropriate to the delivery of services by a
 5 work activity program or supported employment program,
 6 developed by CARF, and applied by the commission or the
 7 department.

8 (m) “CARF” means the Commission on Accreditation of
 9 Rehabilitation Facilities.

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

12 (o) “Integrated work” means the engagement of an employee
 13 with a disability in work in a setting typically found in the
 14 community in which individuals interact with individuals without
 15 disabilities other than those who are providing services to those
 16 individuals, to the same extent that individuals without disabilities
 17 in comparable positions interact with other persons.

18 (p) “Supported employment placement” means the employment
 19 of an individual with a developmental disability by an employer
 20 in the community, directly or through contract with a supported
 21 employment program. This includes provision of ongoing support
 22 services necessary for the individual to retain employment.

23 (q) “Allowable supported employment services” means the
 24 services approved in the individual program plan and specified in
 25 the individual habilitation service plan for the purpose of achieving
 26 supported employment as an outcome, and may include any of the
 27 following:

28 (1) Job development, to the extent authorized by the regional
 29 center.

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

32 (3) Program staff time for the direct supervision or training of
 33 a consumer or consumers while they engage in integrated work
 34 unless other arrangements for consumer supervision, including,
 35 but not limited to, employer supervision reimbursed by the
 36 supported employment program, are approved by the regional
 37 center.

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

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

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

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

7 (r) “Group services” means job coaching in a group supported
8 employment placement at a job coach-to-consumer ratio of not
9 less than 1 to 2 nor more than 1 to 8 where services to a minimum
10 of two consumers are funded by the regional center or the
11 Department of Rehabilitation. For consumers receiving group
12 services, ongoing support services shall be limited to job coaching
13 and shall be provided at the worksite.

14 (s) “Individualized services” means job coaching and other
15 supported employment services for regional center-funded
16 consumers in a supported employment placement at a job
17 coach-to-consumer ratio of 1 to 1 and that decrease over time,
18 consistent with the consumer’s ~~individualized~~ *individual* program
19 plan and abilities with the goal of achieving stabilization, when
20 possible. Individualized services may be provided on or off the
21 jobsite.