

AMENDED IN ASSEMBLY AUGUST 4, 2014

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~~ *of*, and to add Section 4861.1 to, 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 individual program plan and abilities with the goal of achieving stabilization, when possible.

This bill would authorize the State Department of Developmental Services to approve group services at a job coach-to-consumer ratio of not less than 1 to 2 nor more than 1 to 8 and would require the department to consider specified criteria, including individual consumer support needs, in determining the appropriateness of the job coach-to-consumer ratio for a new or modified group.

This bill would incorporate additional changes in Section 4851 of the Welfare and Institutions Code, proposed by SB 577, that would become operative only if SB 577 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

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) Persons with developmental disabilities should have
- 3 employment opportunities with job training, reasonable
- 4 accommodation, and individual supports that enable them to move
- 5 towards being economically self-sufficient.
- 6 (b) Regional center service coordinators, community-based
- 7 program providers, disability advocates, and family members
- 8 involved in employment-related services for persons with
- 9 developmental disabilities have the responsibility to provide
- 10 information to them regarding the full spectrum of employment
- 11 options.

1 SEC. 2. Section 4851 of the Welfare and Institutions Code is
2 amended to read:

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

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

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

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

19 (d) “Department” means the State Department of Developmental
20 Services.

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

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

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

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

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

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

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

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

10 (m) “CARF” means the Commission on Accreditation of
11 Rehabilitation Facilities.

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

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

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

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

30 (1) Job development, to the extent authorized by the regional
31 center.

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

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

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

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

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

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

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

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

23 *SEC. 2.5. Section 4851 of the Welfare and Institutions Code*
24 *is amended to read:*

25 4851. The definitions contained in this chapter shall govern
26 the construction of this chapter, with respect to habilitation services
27 provided through the regional center, and unless the context
28 requires otherwise, the following terms shall have the following
29 meanings:

30 (a) “Habilitation services” means community-based services
31 purchased or provided for adults with developmental disabilities,
32 including services provided under the Work Activity Program and
33 the Supported Employment Program, to prepare and maintain them
34 at their highest level of vocational functioning, or to prepare them
35 for referral to vocational rehabilitation services.

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

38 (c) “Individual habilitation service plan” means the service plan
39 developed by the habilitation service vendor to meet employment
40 goals in the individual program plan.

1 (d) “Department” means the State Department of Developmental
2 Services.

3 (e) “Work activity program” includes, but is not limited to,
4 sheltered workshops or work activity centers, or community-based
5 work activity programs certified pursuant to subdivision (f) or
6 accredited by CARF, ~~the Rehabilitation Accreditation Commission.~~
7 *Commission on Accreditation of Rehabilitation Facilities.*

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

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

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

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

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

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

26 (l) “Accreditation” means a determination of compliance with
27 the set of standards appropriate to the delivery of services by a
28 work activity program or supported employment program,
29 developed by CARF, ~~the Rehabilitation Accreditation Commission,~~
30 and applied by the commission or the department.

31 (m) “CARF” means ~~CARF the Rehabilitation Accreditation~~
32 ~~Commission.~~ *Commission on Accreditation of Rehabilitation*
33 *Facilities.*

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

36 (o) “Integrated work” means the engagement of an employee
37 with a disability in work in a setting typically found in the
38 community in which individuals interact with individuals without
39 disabilities other than those who are providing services to those

1 individuals, to the same extent that individuals without disabilities
2 in comparable positions interact with other persons.

3 (p) “Supported employment placement” means the employment
4 of an individual with a developmental disability by an employer
5 in the community, directly or through contract with a supported
6 employment program. This includes provision of ongoing support
7 services necessary for the individual to retain employment.

8 (q) “Allowable supported employment services” means the
9 services approved in the individual program plan and specified in
10 the individual habilitation service plan for the purpose of achieving
11 supported employment as an outcome, and may include any of the
12 following:

13 (1) Job development, to the extent authorized by the regional
14 center.

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

17 (3) Program staff time for the direct supervision or training of
18 a consumer or consumers while they engage in integrated work
19 unless other arrangements for consumer supervision, including,
20 but not limited to, employer supervision reimbursed by the
21 supported employment program, are approved by the regional
22 center.

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

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

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

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

31 (r) “Group services” means job coaching in a group supported
32 employment placement at a job coach-to-consumer ratio of not
33 less than ~~one to three~~ *1 to 2* nor more than ~~one to eight~~ *1 to 8*
34 where services to a minimum of ~~three~~ *two* consumers are funded
35 by the regional center or the Department of Rehabilitation. For
36 consumers receiving group services, ongoing support services shall
37 be limited to job coaching and shall be provided at the worksite.

38 (s) “Individualized services” means job coaching and other
39 supported employment services for regional center-funded
40 consumers in a supported employment placement at a job

1 coach-to-consumer ratio of ~~one-to-one~~, *1 to 1* and that decrease
2 ~~over time until stabilization is achieved.~~ *time, consistent with the*
3 *consumer's individual program plan and abilities with the goal*
4 *of achieving stabilization, when possible.* Individualized services
5 may be provided on or off the jobsite.

6 (t) “Community-based vocational development services” means
7 (1) services provided to enhance community employment readiness,
8 which may include the use of discovery and job exploration
9 opportunities, (2) social skill development services necessary to
10 obtain and maintain community employment, (3) services to use
11 internship, apprenticeship, and volunteer opportunities to provide
12 community-based vocational development skills development
13 opportunities, (4) services to access and participate in
14 postsecondary education or career technical education, and (5)
15 building a network of community and employment opportunities.

16 SEC. 3. Section 4861.1 is added to the Welfare and Institutions
17 Code, to read:

18 4861.1. (a) The department may approve group services at a
19 job coach-to-consumer ratio of not less than 1 to 2 nor more than
20 1 to 8. In determining the appropriateness of the job
21 coach-to-consumer ratio for a new or modified group, the
22 department shall consider criteria, including, but not limited to,
23 all of the following:

24 (1) Individual consumer support needs as determined by each
25 consumer's individual program plan planning team.

26 (2) Opportunities for integration within the worksite.

27 (3) Consumer wages.

28 (4) Availability of transportation.

29 (5) The business needs of the employer.

30 (b) This section does not limit the department's authority to
31 review, approve, or disapprove of group employment opportunities
32 consistent with other authorities granted under the Lanterman
33 Developmental Disabilities Services Act.

34 SEC. 4. Section 2.5 of this bill incorporates amendments to
35 Section 4851 of the Welfare and Institutions Code proposed by
36 both this bill and Senate Bill 577. It shall only become operative
37 if (1) both bills are enacted and become effective on or before
38 January 1, 2015, (2) each bill amends Section 4851 of the Welfare
39 and Institutions Code, and (3) this bill is enacted after Senate Bill
40 577, in which case Section 2 of this bill shall not become operative.

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