



# Legislation



State Council on Developmental Disabilities

May 2012



# Legislation - **AB 2325**



## **AB 2325 – Access**

Similar to SB 783 that failed last year. It proposed process requirements before a person could sue under state civil rights and equal access to public or housing accommodation laws, including the ADA.

A strategy of “notice and delay” bills has been used to undermine the ADA. These hurdles for persons with disabilities are unfair since other “protected classes” are not subject to these delays.

### **Notes:**

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**LPPC Position: Oppose**



# Legislation - **SB 1163**



## **SB 1163 - Access**

SB 1163 is also similar to SB 783 that suggested similar process requirements before a person could pursue a lawsuit under state civil rights and equal access to the public or housing accommodation laws, including ADA.

### **NOTES:**

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LPPC Position: Oppose



# Legislation - **AB 1994**



## **AB 1994 - Access**

Also similar because of requirements before a person could pursue a lawsuit under state civil rights and equal access to the public or housing accommodation laws, including ADA.

Would establish county programs where complaints are filed first and travel through a process (which prevents lawsuits from being filed early).

### **NOTES:**

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**LPPC Position: Oppose**



# Legislation - **AB 2623**



## **AB 2623 – Firearms**

Would require peace officers at state hospitals (Patton, Coalinga, Atascadero, Napa, Metropolitan, to carry guns while doing their job (outside “secure” treatment area). It addresses Mental Health facilities, but there are similarities to DDS facilities.

Existing law allows this, if authorized by employing agency. DDS position is no firearms at Developmental Centers.

### **NOTES:**

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LPPC Position: Oppose



# Legislation - **SB 1377**



## **SB 1377 - Confidential Information**

Would give access to non-confidential information about:

Citations, licensing, survey reports, plan of correction, prepared by the agency issuing a license or certificate of a facility, service or program serving persons with disabilities.

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LPPC Position: Support



# Legislation - **SB 764**



## **SB 764 – Telehealth**

Would permit Regional Centers (pilot project) to provide applied behavior analysis (ABA) and/or intensive behavioral intervention services (IBI) by “telehealth” systems.

Using IPP process and approval by person or guardian/conservator.

### **NOTES:**

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### **LPPC Position:**

Support if amended to state telehealth is one choice, not first or only choice (not replace face-to-face services), and address cultural needs. May want to also amend to include an evaluation and length of project.



# Legislation - **AB 2538**



## **AB 2538 - IHSS**

Would require Department of Social Services to request a copy of proposed IHSS provider criminal record from county IHSS or Public Authority.

### **NOTES:**

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LPPC Position: Watch, need more information



# Legislation - **AB 1841**



## **AB 1841 - IHSS**

Would not allow IHSS user to seek “exception” from Department of Social Services for an IHSS provider with a criminal record (felony within last 10 years). (Does not eliminate this “waiver” process.)

### **NOTES:**

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#### **LPPC Position:**

Support, if amended to include IHSS user in exception process or stronger review process.



# Legislation - AB 2074



## AB 2074 – IHSS

Would require Department of Social Services to develop training for IHSS providers in “telehealth:”

Use of internet resources

Patient safety, use of patient care computerized records

Standard practice to maintain patient records, confidentiality

Use of health care devices commonly used

### NOTES:

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### LPPC Position:

Watch, not sure how managed care will impact this – worries about a move back to medial model?



# Legislation - **AB 2370**



## **AB 2370 – "R" Word**

Would change current law to use ~~intellectual disability~~ or person with an intellectual disability to replace "mental retardation" or "mentally retarded person."

### **NOTES:**

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# Legislation - **SB 1381**



## **SB 1381– "R" Word**

Would change current law to use intellectual disability or person with an intellectual disability to replace "mental retardation" or "mentally retarded person."

Changes to happen during routine revisions  
(not costing more money).

### **NOTES**

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LPPC Position: Support.



# Legislation - **AB 2338**



## **AB 2338 - Employment First**

Includes parts that say EF Policy is in line with Lanterman Act and does not take away rights to make choices about services or supports.

Includes a part that says EF Policy does not expand entitlement.

Likely to be less costly since it only requires a planning team to talk about school-to-work at IPP and inform the person about EF Policy.

(no requirements for school-to-work plans for students 14yrs. & older, and no requirements for DDS to collect data on EF progress – DDS “may” collect data)

### **NOTES:**

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# Legislation - **AB 2338**



## **AB 2338 - Employment First/2**

Disability Services Association (DSA) opposed AB 2338 unless amended. The Arc had similar position as DSA.

The bill's authors' and Council staff developed concepts tying an employment first policy to **existing** intent of Lanterman Act.

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# Legislation - **AB 2338**



## **AB 2338 - Employment First/3**

*Policy revision*, “it is the policy of the state that opportunities for integrated, competitive employment shall be given the highest priority for working age individuals with developmental disabilities, regardless of the severity of their disabilities.”

ARCA indicated support, with minor changes.

### **NOTES:**

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LPPC Position: Council supported AB 287 (2009) and submitted first Employment First report to governor/legislature in 2011. In 2011, Council sponsored AB 254. Council both supports and is sponsor of AB 2338.