

Potential Legislative Ideas for 2016

Attached you will find a list of legislative ideas (in rough outlines) that were gleaned from various conversations, emails, and other forms of communication with RACs, regional managers, and SCDD staff.

The purpose of a portion of today's meeting is to discuss the legislative potential for each of these suggestions.

When distilled down to the bare essence, the basics of legislation can perhaps be summed up as follows:

What is the problem you are trying to solve?

How do you plan to solve it?

How do you plan to pay for it?

Each of these ideas should be examined based on its strengths, weaknesses, opportunities, and threats. Who will support the idea? Who will oppose it? How much will it cost to implement and where will the funding come from? What is the likelihood of passage in a best case scenario, and does it reflect the stated goals and objectives of the State Council on Developmental Disabilities?

Also, please keep in mind that some of these issues may be more effectively explored or improved *via non-legislative channels*, such as dialogue with other state agencies, and working collaboratively with like-minded groups or organizations that are already active in these policy areas.

1. SCDD sponsor a bill that (using same language from federal statute) that all California Contracts to require 7% of workforce be people with disabilities (that is the same at the federal requirement for contracts).
2. That DDS Contract language include a requirement that any business conducted by an RC in carrying out the DDS contract be done under Bagley Keene.
3. Supported Decision Making – A less restrictive alternative to conservatorship/guardianship through which people with disabilities use friends, family members, and professionals to help them understand the situations and the choices they face, so they may make their decision without the “need” for a guardian.
4. Serve; Not Sex Bill: Introduce a bill to safeguard individuals with I/DD from being sexually abused by their care givers. Draw a line that a care giver cannot have sex with the person he/she is working for.
5. Phase out sheltered workshops via a lawsuit; perhaps legislation could accomplish the same outcome in California.
6. The disparity of regional center services available to white vs. people of color has now been well documented. Strong legislation to address this inequity is urgently needed, from outreach to diverse communities, to training about available services, and then the actual provision of services.
7. The issue of training for law enforcement and other first responders in how to appropriately identify and interact with people with developmental disabilities has become a hot topic in local communities, arising from needless deaths that have occurred nationally. Addressing this legislatively may be a way to bring uniformity and require and enforce what currently varies greatly from one agency to another statewide.
8. Replace the services that were cut to individuals with developmental disabilities in 2009, such as non-medical therapies, respite, camp, Medi-Cal optional benefits, etc.
9. Reinstate SSP payment.
10. Orange County Child Care & Development Planning Council (OCCCDPC): At the last meeting, the collaborative discussed a question on the licensing application (LIC200A), that inquires how many non-ambulatory children the prospective child care provider serves. Typically, the number is zero because they are a *new* provider just going through the licensing process. However, this number is then used as the basis for determining the provider’s capacity for non-ambulatory care on their license. The committee reported that as part of the new provider orientation, it fails to include information/training about ADA laws re: accessibility and inclusion of children-with-disabilities, etc.
11. Changing the cap on Social Security Taxable wage income was mentioned as a way to shore up Social Security and it raised the question of should the cap be raised above the current limit?
12. Ethan Saylor bill.
13. SCDD's top legislative/public policy priority should be figuring out a way to increase funding for service providers and regional centers, consistent with the Lanterman Coalition's position; take a more active role in advocating for increased funding for the DD System. SCDD could sponsor a bill that restores the rate for Supported Employment. Supported Employment was the only rate not restored after the

recession (and the rate was already too low before the reduction). If we (California) are truly committed to Employment-First, then we have to adequately fund Supported Employment.

14. Elder/Dependent Adult Abuse Registry -

- Prevent facility-hopping of (suspected &/or convicted offenders)
- Facilitate a 'background' process on those being considered for positions as IHSS caregivers
- Allow law enforcement to track movements of those convicted of PC §368, §288, etc. involving criminal acts against an elder/dependent adult
- Encourage the use of such a registry in negotiating voluntary plea bargains and allow the judiciary the enhancement of such a registry for sentencing purposes

15. Have pediatric wheelchairs changed from their current classification as a Class II Medical Device to a Class I.

16. Co-sponsor bills with DRC.

17. Whistle-blower protection for RC clients.

18. Self-Determination clean-up bill.

19. EFC/CECY related bills.

20. Employment First issue-Could a Surgical Rate Increase for Supported Employment Rates be proposed?

21. SB 577 was passed with the intention to provide services to a pilot group at five of the regional centers, but funding was never identified for this purpose. Given the conversations held by ODEP with employers who hire people with IDD, these skills are essential, so RO 13 would like to propose that the ball NOT be dropped on these services.

22. Plain language Miranda Rights.

23. Increase wages for people with I/DD.

24. Special Ed oversight.

25. Improved transportation across counties.

26. Employment.

27. Tax benefits for employing PWD.

28. High school diploma for all students.

29. Set same requirements for federal/state to hire PWD.

30. Increase incentives/grants to businesses that make reasonable accommodations.

31. Affordable and accessible housing.

32. Better criminal justice training.

33. Healthcare for undocumented PWD.

34. RC board training with SCDD involvement.

35. Partners in policymaking funding.

36. Encourage self-employment for people with PWD.

37. Amend Section 4535 (a) of the W & I Code to say that the Council only has to meet four times a year (quarterly).

38. The new Self-Determination law has the following wording from Section 2, 4685.8 (n) (A) (ii) (I) and (II):

(A) (i) Except as specified in clause (ii), for a participant who is a current consumer of the regional center, his or her individual budget shall be the total amount of the most recently available 12 months of purchase of service **expenditures** for the participant.

(ii) An adjustment may be made to the amount specified in clause (i) if both of the following occur:

(I) The IPP team determines that an adjustment to this amount is necessary due to a change in the participant's circumstances, needs, or resources that would result in an increase or decrease in purchase of service expenditures, or the IPP team identifies prior needs or resources that were unaddressed in the IPP, which would have resulted in an increase or decrease in purchase of service expenditures.

(II) The regional center certifies on the individual budget document that regional center expenditures for the individual budget, including any adjustment, would have occurred regardless of the individual's participation in the Self-Determination Program.

The underlined section creates endless obstacles and potential disputes and appeals for families who have been looking forward to self-determination as a means to finally obtain services they have been desperately needing and seeking. Alternative wording that removes some of the power of regional centers to keep denying services should replace this.