



Legislation

July 2012



★ = SCDD Action Item



Council Agenda: Legislation



Senate Bill 1186 Special access: liability

Require an attorney to provide written advisory to a building owner or tenant with each complaint or settlement demand for all accessibility claims. Requirement would apply where attorney (or party) has filed a complaint in state or federal court on basis of one or more construction-related accessibility claims.

- Not allow an attorney (or other person) to issue a “~~Demand for Money~~” to a building owner or tenant (or their agent or employee), or from receiving any payment settlement, compensation, or other remuneration following a demand without (or before) the filing of complaint.
- Violation may subject attorney to disciplinary action.

NOTES:

LPPC: OPPOSE. It establishes different standard for people with disabilities to enforce their civil rights. Council opposed similar legislation in past that created legal barriers when trying to achieve integration into community life.



Council Agenda: Legislation



Senate Bill 1051

Reports of death, injury and abuse in developmental centers

Requires:

1. Department of Justice include data on a crime victim's self-report of disability in crime victim's statistics.
2. DDS employ a chief of Office of Protective Service, also known as "Director of Protective Services" with qualifications (POST certified, law enforcement, etc.)
3. Director of Protective Services be appointed by, and serve at pleasure of Secretary of the CA Health and Human Services Agency.
4. DDS and new Dept of State Hospitals report to Disability Rights California within one day any unexpected or suspicious death, sexual assault or report made to law enforcement.
5. Mandated reporters employed by DDS immediately report suspected abuse to Office of Protective Services or to local law enforcement agency.

NOTES:

LPPC: Support with amendments. Clarify reporting relationship of Director of Protective Services (CHHSA/DDS.)



Council Agenda: Legislation



Senate Bill 1522

Reports of death, injury and abuse in Developmental Centers

Requires developmental center to immediately report all resident deaths, sexual assaults, assaults with a deadly weapon/force likely to produce great bodily injury or injury to genitals ---

- To the local law enforcement agency, even if Office of Protective Services has investigated the situation.
- When cause is unknown.

NOTES:

LPPC: Support



Council Agenda: Legislation



Senate Bill 1392 Developmental Services

Permits land from state developmental centers that no longer serve individuals with developmental disabilities –

- Be kept, leased, and funds collected put into a new special fund.
- To be used in accordance with law, including development of integrated housing for individuals eligible for regional center services.

NOTES:

LPPC: Support intent:

1. Standards for land use while DC still serving people with developmental disabilities.
2. Not allow access to special fund to offset General Fund shortages in DDS budgets.
3. Clarify that income from land currently leased be deposited into this special fund.



Council Agenda: Legislation



Senate Bill 1228

Small house skilled nursing facilities

Creates new kind of nursing facility - small house skilled nursing facility, licensed after Jan. 1, 2014, limited to no more than 10 residents.

- Look and feel more like typical home (with personal care, meal preparation, and light housekeeping provided by staff trained in the Green House philosophy and are certified nurse assistants).
- *Green House Project* - has rethought philosophy of care, architecture, and organization related to long-term care. Must be homelike and not institutional.

NOTES:

LPPC: Support.



Council Agenda: Legislation



Senate Bill 1267

Genetic Information Privacy Act

Provide that person's genetic information, as defined, is protected by the right of privacy and may not be released or used without express, signed consent (except in specific situations.)

- Only permissible disclosure would be by "anonymized" data (data with all identifiable information removed) for research or statistical purposes.
- Also provides penalties when any of privacy requirements are violated.

NOTES:



Council Agenda: Legislation



AB 2338 - Employment First (EF)

(like AB254 which did not pass)

Senate Human Services Hearing June 26, 2012 (as amended in May, 2012)

- Require regional centers to **consider** Employment First policy when developing an IPP with a transition age youth or working age adults.
- Require regional centers to inform consumers/families/others about Employment First policy, options for integrated competitive employment and services and supports (including postsecondary education) to enable consumers to transition from school to work, if they choose
- EF policy is in line with Lanterman Act: it does not take away services or rights to choices about services or supports, or force anyone to work if they choose not to.
- EF policy does not expand entitlement.
- Allows DDS to request information from regional centers on current and planned activities related to Employment First policy.



Council Agenda: Legislation



AB 2338

Employment First Policy

“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”

NOTES:

LPPC: 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.