

Assembly Bill No. 1427

Passed the Assembly September 12, 2007

Chief Clerk of the Assembly

Passed the Senate September 11, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Section 4695.3 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1427, Krekorian. Developmental services: training pilot program.

Existing law, the Lanterman Developmental Disabilities Services Act, grants persons with developmental disabilities the right to receive treatment and services to meet their needs, regardless of age or degree of disability, at each stage of life. Existing law requires that the state pay for these services through contracts with various private nonprofit corporations for the operation of regional centers for the developmentally disabled, and requires regional centers to develop an Individual Program Plan (IPP) for each consumer that sets forth the treatment and services to be provided for the consumer.

This bill would require the department, commencing July 1, 2008, and terminating June 30, 2011, to establish a developmental services training pilot program using the Quality Improvement Fund, which would be established by the bill, to incentivize, reimburse, and assess the use of recognized training resources for direct support workers in consumer-directed services. The bill would require the department to, by July 2008, enter into a contract with the University of California, or other evaluator, to assess the pilot program and report to the Legislature by April 1, 2011. The bill would establish a Quality Improvement Review Committee and would set forth its duties under the bill. The bill would repeal the pilot program provisions as of January 1, 2012.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) Over the years, new methods of service delivery are introduced to better respond to the needs and the choices of people with developmental disabilities. As community services thus

evolve, new training opportunities should be made available that are designed for the values and methods of these new services.

(b) Many community services for people with developmental disabilities have in the past often been provided by workers who have little formal training in the skills necessary to serve that population. There have been few workforce standards or career options to help train and retain competent and committed people. Though the state has previously established training standards for community care facilities, it has not done so for those services that increase community integration and maximize opportunity for consumers to develop relationships, be part of community life, and increase control over their daily lives. These services include, but are not limited to, independent and supported living, supported employment, and similar services. These are the services in which workers must perform a broad array of tasks in a variety of settings with minimal onsite supervision. Demand for these services is growing, causing utilization to move away from more traditional services; yet the necessary level of training infrastructure and investment have not been in place for this growing part of the service system. Thus, provider agencies for these services have been left with a disproportionate burden of workforce development without state support or guidance.

(c) For a training program to improve the quality and availability of services that promote greater community participation and consumer control, it must do all of the following:

(1) Be based on curriculum and competencies developed for those types of services.

(2) Include consumer, family, and worker involvement in the planning and implementation of the program.

(3) Reward completion of training milestones with compensation increases or promotional and career opportunities.

(4) Train consumers and family members, as appropriate, in advocacy and interacting with paid and natural supports.

(d) The College of Direct Support is a national standard and an example of a values-based training curriculum for services that support greater community participation and consumer control.

(e) It is the intent of the Legislature to establish a pilot program establishing a Quality Improvement Fund to incentivize, reimburse, and assess the use of state-of-the-art training resources for direct support workers in services that support greater community

participation and consumer control. The pilot should include an independent assessment of workforce and consumer outcomes to inform future decisions on the use of this funding model and development of a training model and standards. Therefore, participation should be limited to specific service types and agencies that maintain data systems adequate to evaluate training outcomes.

(f) It is the intent of the Legislature that the training and reimbursement systems in this pilot program be expanded, through a future act of the Legislature, to benefit consumers, and their direct support staff, participating in the Self-Directed Services Program, after that program is implemented.

SEC. 2. Section 4695.3 is added to the Welfare and Institutions Code, to read:

4695.3. (a) Notwithstanding any other provision of law or regulation, and to the extent funds are appropriated in the annual Budget Act for these purposes, the department shall establish, commencing July 1, 2008, a developmental services training pilot program to incentivize, reimburse, and assess the use of recognized training resources for direct support workers in services that increase community integration and maximize opportunity for consumers to develop relationships, be part of community life, and increase control over their daily lives, and provide rate increases pursuant to this section.

(b) There is hereby established the Quality Improvement Fund in the State Treasury, to be used by the department upon appropriation by the Legislature, in the annual Budget Act or other measure, for implementation of this section. The department shall allocate moneys in the fund to regional centers participating in the pilot program.

(c) Moneys in the fund shall be distributed by the department, pursuant to subdivision (f), to regional centers to pay rate increases in subdivision (l) when a pilot agency fulfills the requirements of that subdivision. Moneys expended from the fund, including both state general funds and federal funds, shall be limited to one million five hundred thousand dollars (\$1,500,000) for the 2008–09 fiscal year and three million dollars (\$3,000,000) for each of the 2009–10 and 2010–11 fiscal years.

(d) Upon selection by the department, up to six regional centers may participate in the pilot program.

(e) Vendor agencies shall qualify for the pilot program by meeting the base qualifications set forth in subdivision (i).

(f) The department shall award upon recommendation of a participating regional center a rate augmentation to an eligible agency for services specified in subdivision (g) when the agency achieves the benchmark enumerated in subdivision (l).

(g) Regional center reimbursement rates for services and supports shall be increased as set forth in subdivision (l) for any of the following services:

(1) Supported living, independent living, supported employment, and in-home respite.

(2) Day and work activity programs and similar programs, if the services meet the criteria for community integration specified in paragraph (1) of subdivision (a) of Section 4691.8.

(3) Programs for which an agency has submitted a plan to transition a service to meet the requirements of this section, within the timeframe of the pilot program.

(h) The department shall establish the Quality Improvement Review Committee. Members of the committee shall serve without compensation. The committee shall consist of two self-advocates appointed by People First of California and one representative from, and appointed by, each of the following organizations:

(1) Protection and Advocacy, Inc.

(2) The State Employment Training Panel.

(3) The State Workforce Investment Board.

(4) The State Council on Developmental Disabilities.

(5) The Office of the Chancellor of the California Community Colleges.

(6) The California Apprenticeship Council of the Department of Industrial Relations.

(i) In order to receive funding from the Quality Improvement Fund, an agency providing training shall be certified by the department to meet the criteria set forth in this subdivision. The committee, established in subdivision (h), shall evaluate all agency applications for participation in the pilot program and shall rank applications based on the quality of the proposed training and how proposals address the criteria specified in this subdivision. The committee shall also recommend to the department certification of the training program proposed by the applicant agency. The

certification and ranking criteria shall include, but shall not be limited to, all of the following:

(1) The participating agency shall propose a training curriculum for approval by the department for the purposes of this pilot program. The curriculum shall be designed for services that promote greater community participation and consumer control.

(2) The participating agency shall maintain one or more formal advisory committees for consumer, family, and worker oversight on the planning and implementation of a training program meeting the requirements of this section.

(3) The participating agency shall maintain a training plan that does all of the following:

(A) Maps skill gaps for workers to be trained.

(B) Integrates training curriculum with on-the-job training and mentoring by trained supervisors.

(C) Links compensation improvements and promotion opportunities to completion of training milestones.

(D) Offers training to consumers and family members, as appropriate, on advocacy, consumer rights, and interaction with paid and natural supports.

(E) Includes the use of consumers as trainers.

(4) The participating agency shall maintain data on wages, benefits, turnover, new-worker-retention rate, and completion of training.

(5) The participating agency shall provide access to agency records, staff, and clients as needed for purposes of the evaluation.

(6) The participating agency shall be vended and provide services in one or more of the pilot regional center catchment areas. In the case of a participating agency offering a qualified service in more than one regional center, the participating agency shall designate which regional center is the vending regional center.

(7) The participating agency shall have a letter of support from the regional center participating in the pilot program where the agency is vended.

(8) Priority shall be given to applications whose plans provide training for multiple agencies.

(j) After receiving the recommendations from the committee, the department shall rank applications based on the quality of the proposed training and the degree to which criteria specified in this subdivision have been applied. The committee shall also consider

the distribution of the following factors to award pilot status to applicant agencies:

- (1) Geographic location of the agencies.
- (2) Service types, pursuant to subdivision (g).
- (3) Agency size.

(k) (1) Regional centers shall distribute rate augmentations set forth in this section to qualifying agencies to fund costs of training implementation, administration, and compensation enhancements to reward and retain trained, qualified workers when the agency meets the specified benchmarks set forth in this section.

(2) A pilot agency may have a qualified service vendored in a participating regional center, with additional regional centers using the same vendor number for consumers from their area to reimburse the pilot agency for services rendered. In such cases, in order for the vendoring regional center to recommend a rate increase for a service, or services, pursuant to subdivision (l), the vendoring regional center shall consult with the regional centers that are using the service before notifying the department of the pilot agency's eligibility for a rate increase under this section. If a rate increase is approved it shall apply to all qualifying services covered by that vendor number, whether they are for consumers of the vendoring regional center or for the consumers of another regional center.

(l) (1) The department shall award a 1.5-percent rate augmentation for qualifying services to an agency that meets all the eligibility requirements set forth in subdivision (i). This base funding augmentation shall be used exclusively for the purchase of a qualified training program, administrative costs associated with the program, and payment for training time for the program.

(2) The department, upon the recommendation of the vendoring regional center, shall award an additional 5-percent rate augmentation for qualified services to agencies that meet all of the following qualifications:

(A) The agency maintains base eligibility as set forth in subdivision (i).

(B) Thirty percent of the agency's direct support workers, including first line supervisors, within a qualified service code shall have completed at least 200 hours per worker of a qualifying training program as set forth in subdivision (i). Of the 200 hours, up to 100 hours may be on-the-job training.

(C) Direct support workers qualified in subparagraph (B) shall have completed their training under the supervision of agency personnel who have themselves completed a qualifying training program for supervisors.

(D) The agency shall have offered a minimum of five hours of qualified training to consumers, or family members of consumers, within the service qualified in subparagraph (B). This training shall address, at a minimum, advocacy, consumer rights, and the relationship of paid and natural supports for individuals served in the qualified service.

(E) The agency shall agree to use a minimum of 65 percent of the rate augmentation, within the services qualified in subparagraph (B), exclusively to enhance health and retirement benefits and improve the wages of direct support staff and first line supervisors in a manner that provides incentives or rewards for completion of training.

(3) The department, upon the recommendation of the vendoring regional center, shall award an additional 10-percent rate augmentation for qualified services to agencies that meet all of the following qualifications:

(A) The agency maintains base eligibility as set forth in subdivision (i).

(B) Fifty percent of the agency's direct support workers, including first line supervisors, within a qualified service code shall have completed at least 200 hours per worker of a qualifying training program as set forth in subdivision (i). Of the 200 hours, 100 hours may be on-the-job training.

(C) Direct support workers qualified in subparagraph (B) shall have completed their training under the supervision of agency personnel who have themselves completed a qualifying training program for supervisors.

(D) The agency shall have offered a minimum of five hours of qualified training to consumers, or family members of consumers, within the service qualified in subparagraph (B). This training shall address, at a minimum, advocacy, consumer rights, and the relationship of paid and natural supports for individuals served in the qualified service.

(E) The agency shall agree to use a minimum of 65 percent of the rate augmentation, within the services qualified in subparagraph (B), exclusively to enhance health and retirement benefits and

improve the wages of direct support staff and first line supervisors in a manner that provides incentives or rewards for completion of training.

(4) Training received prior to the implementation of the pilot program may be counted towards meeting the requirements of this section if the training is part of the training system approved by the department when accepting the participating agency into the pilot program, is documented, and meets the requirements of this section.

(m) Rate augmentations awarded pursuant to subdivision (l) shall become the permanent rate of the eligible agency and shall be funded from the regional center base allocation in subsequent years, except as set forth in subdivision (n).

(n) (1) The department shall prospectively rescind any rate augmentation awarded pursuant to paragraph (1) of subdivision (l) for agencies that fail throughout the second or subsequent years to maintain at least 15 percent of the direct support workforce and first line supervisors trained pursuant to criteria set forth in paragraph (2) of subdivision (l).

(2) The department shall prospectively rescind any rate augmentation awarded pursuant to paragraph (2) or (3) of subdivision (l) for agencies that fail throughout the second or subsequent years to maintain the qualifying criteria specified in those subdivisions.

(o) (1) The department shall, by July 2008, contract with the University of California or other qualified evaluator to assess the effect of the pilot program. The department shall consult with the Quality Improvement Review Committee on evaluation design and selection of the contractor. The contractor shall periodically review its assessment standards to ensure that data gathering is adequate and consistent across participating agencies. The contractor shall submit a report to the department and to the Legislature by April 1, 2011. This subdivision shall apply to the University of California only if consented to by resolution of the Regents of the University of California. Funding for the evaluation shall be allocated out of the Quality Improvement Fund and shall not exceed two hundred fifty thousand dollars (\$250,000).

(2) The impact of the pilot program on the workforce shall be measured by analyzing quantitative measures for each participating agency before and during participation in the pilot program that

shall include, but not be limited to, compensation, turnover, vacancy rates, and changes in workforce competencies.

(3) Participating agencies shall maintain data that establishes a baseline and tracks ongoing data on wages, benefits, retention rates, vacancy rates, consumer outcomes specified in the evaluation plan, and costs of turnover for their direct support and supervisory staff. The data shall be collected through an information data system that shall track human resources data on all individual direct support workers. The participating agencies shall agree to permit the contractor access to the information, redacted to protect consumer confidentiality, as necessary for the contractor to assess the program.

(4) The impact of the pilot project in the lives of those receiving services shall be evaluated by comparing outcomes for consumers, including use of existing quality indicators, when appropriate, to assess the impact of training on increasing community integration and maximizing opportunity for consumers to develop relationships, be part of community life, and increase control over their daily lives. The contractor shall also assess agency progress towards the transition of services under paragraph (3) of subdivision (g).

(5) The evaluation shall compare participating agencies to a comparison group of nonparticipating agencies. The evaluation shall also analyze different outcomes between participating agencies, and types of service. Based on the findings of the pilot program, and existing industry and accreditation standards, the evaluators shall recommend specific training standards for services that promote community integration and maximize opportunity for consumers to develop relationships, be part of community life, and increase control over their daily lives. The evaluators, in consultation with the committee, shall make recommendations for expanding access to training through existing training and education resources, including the California Community College system, the California Adult Education Program, federal and state workforce training funds, and apprenticeship programs. Evaluators shall also recommend options for expanding the training and reimbursement systems assessed in this pilot project, to benefit consumers, and their direct support staff, participating in the Self-Directed Services Program.

(p) In consultation with the committee, the department shall establish policies and procedures for purposes of implementation of this section.

(q) The pilot program established pursuant to this section shall operate only until June 30, 2011, and as of January 1, 2012, this section is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.

Approved _____, 2007

Governor