

Date of Hearing: May 1, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 1335 (Jeff Gonzalez) – As Introduced February 21, 2025

SUBJECT: Habilitation services

SUMMARY: Removes the requirement for a work activity program or supported employment program to comply with the requirements of the Commission on Accreditation for Rehabilitation Facilities (CARF). Specifically, **this bill**:

- 1) Redefines a “work activity program” to include, but not be limited to, work activity centers or community-based work activity programs certified by the Department of Rehabilitation (DOR).
- 2) Removes the authorizations for regional centers to impose immediate sanction on providers of work activity programs and supported employment programs for noncompliance with accreditation.
- 3) Removes the requirement for regional center to monitor, evaluate, and audit habilitation services providers for program effectiveness, using performance criteria that include compliance with applicable CARF standards, and instead requires compliance with applicable services standards contained in regulations adopted by the Department of Developmental Services (DDS).
- 4) Removes the authorization for a regional center, when vendoring a new work activity or supported employment programs after determining the capacity of the program to deliver effective services, to assess the ability of the program to comply with CARF requirements.
- 5) Removes provisions authorizing regional centers to purchase services from new work activity programs and supported employment programs, even if the program is not yet accredited by CARF, when all of the following apply:
 - a) The vendor can demonstrate that the program is in compliance with certification standards established by the DOR, to allow a period for becoming CARF accredited;
 - b) The program commits, in writing, to apply for accreditation by CARF within three years of the approval to purchase services by the regional center; and,
 - c) CARF shall accredit a program within four years after the program has been vendored.

EXISTING LAW:

- 1) Establishes an entitlement to services for individuals with developmental disabilities under the Lanterman Developmental Disabilities Services Act (Lanterman Act). (Welfare and Institutions Code [WIC] § 4500 *et seq.*)
- 2) Defines “accredited” as a facility that has approval by the CARF to provide disabled individuals with restorative and adjustive or employment services. Each facility shall have

integrated and coordinated individualized programs placing primary emphasis on one of the following services:

- a) Physical restoration;
 - b) Personal and social development;
 - c) Vocational development; or,
 - d) Speech pathology, audiology. (9 California Code of Regulations (CCR) § 7330(b)(1))
- 3) Requires DOR to require that public and private non-profit rehabilitation facilities offering work oriented programs and services be accredited by CARF in the primary program emphasis of the services to be purchased. (9 CCR § 7330)
- 4) Requires Habilitation Services to become CARF accredited. (17 CCR § 58810)
- 5) Permits DDS and the vendoring regional center to have the authority and responsibility for monitoring and evaluating Habilitation Services Programs for:
- a) Service quality;
 - b) Protections as specified in Section 50510 of these regulations and the CARF standards for consumers receiving services; and,
 - c) Verify ongoing CARF accreditation. (17 CCR § 58850(a))
- 6) Requires DDS and the vendoring regional center to coordinate the following monitoring and evaluation activities as may from time to time be necessary to avoid duplication or incompatibility of effort, and to achieve the most efficient and effective employment of staff resources in the implementation of this section:
- a) Review the initial and subsequent annual Individual Habilitation Service Plan prepared by the Habilitation Services Program for all consumers served by the program;
 - b) Review each program's CARF accreditation report, upon initial accreditation and renewal, as appropriate; and,
 - c) Review for each work activity program the information, as compiled by DDS, the amount of time consumers engaged in paid work as a percentage of the total time that the aggregate of consumers in the program received services over a selected period of six months. (17 CCR § 58850(b))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Accrediting Bodies or Entities.* California, as well as other states, rely on accrediting entities to evaluate various businesses for quality assurance, ethical operations, and overall performance. Typically, the entities permitted to do the accreditation are viewed as the industry standard. These entities have expertise in a specific area. In lieu of an accrediting body,

government agencies must do the work to validate whether these entities meet established standards and quality of care and services, which requires the staff and resources to do equivalent work to make these determinations.

CARF is an independent, nonprofit accreditor of health and human services. Through accreditation, CARF assists service providers in demonstrating value by the quality of their services and meeting internationally recognized organizational and program standards. According to DDS, “Accreditation from CARF ensures providers of Habilitation services are in compliance with specific standards and criteria that enhance service quality and promote the program objectives.” CARF accredits 9,500 service providers and 68,000 programs and services in 31,000 locations. According to CARF’s website:

In support of CARF’s mission, vision, and core values, CARF’s purposes are:

- To develop and maintain current, field-driven standards that improve the value and responsiveness of the programs and services delivered to people in need of life enhancement services.
- To recognize organizations that achieve accreditation through a consultative peer-review process and demonstrate their commitment to the continuous improvement of their programs and services with a focus on the needs and outcomes of the persons served.
- To conduct accreditation research emphasizing outcomes measurement and management, and to provide information on common program strengths as well as areas needing improvement.
- To provide consultation, education, training, and publications that support organizations in achieving and maintaining accreditation of their programs and services.
- To provide information and education to persons served and other stakeholders on the value of accreditation.
- To seek input and to be responsive to persons served and other stakeholders.
- To provide continuous improvement services to improve the outcomes for organizations and the persons served and their community of influence.

Proponents of this bill report that being accredited by CARF is too administratively burdensome and costs too much for businesses which prevents them from expanding into employment services.

Service Providers. DDS and DOR rely on CARF to evaluate service providers who provide employment services or work activity programs. DOR and DDS assist Californians with disabilities in obtaining and retaining employment and maximizing their ability to live independently. Vocational rehabilitation teams work closely with job seekers to establish the best combination of services and resources necessary to prepare for, find, retain, and advance in employment. DOR services are tailored to each individual’s strengths and challenges to ensure the greatest chance of success. DOR partners with Community Rehabilitation Programs (CRPs) to provide vocational rehabilitation services under the following categories: assessments/evaluation services, DOR student services, training services, business-based services, job-related services, and specialized services. CRPs are required to obtain certain

approvals by the DOR, such as vendorization, certification, and accreditation, prior to serving DOR consumers.

Supported employment programs provide activities and services, including ongoing support services, needed to support and maintain an individual with a most significant disability, including youth with most significant disabilities, in an integrated employment setting for the term of employment.

Work activity programs provide services through the regional centers and include paid work, work adjustment and supportive habilitation services typically in a sheltered workshop setting. Work activity programs provide paid work in accordance with Federal and State Fair Labor Standards, which are generally concerned with whether organizations comply with labor laws that govern how employees are treated in the workplace. Work adjustment services may include developing good work safety practices, money management skills, and appropriate work habits. Supportive habilitation services may include social skill and community resource training as long as the services are necessary to achieve vocational objectives.

Author's Statement: According to the Author, "[This bill] will help support the disability community. The existing accreditation requirements are burdensome and act as a barrier to employment opportunities. Those with developmental disabilities are entitled to receive the services they need, and often those services come in the form of simply having a rewarding and fulfilling job to help better uplift and empower them. This bill is a much needed improvement to the current regional center approval process and it helps support a community that is in need of assistance."

Equity Implications: Employment services for individuals with disabilities are key for these individuals to live independently and be included in society as equals. The services offered through this program allow for these individuals to be supported so they can find and retain employment. This bill will likely result in a decrease in quality by removing the certification oversight. California relies on this oversight to protect these services for individuals.

Policy Considerations: If the CARF accreditation requirement is removed for employment services programs serving people with developmental disabilities, the consequences can be particularly serious because this population is often vulnerable and relies heavily on consistent, high-quality, person-centered care. The benefits of accreditation outweigh the administrative burden. CARF standards ensure that services for people with developmental disabilities are safe, effective, respectful, and person-centered. Accreditation standards typically require robust safeguards against abuse, neglect, and exploitation. Without them, vulnerable populations like individuals with developmental disabilities face greater risks.

REGISTERED SUPPORT / OPPOSITION:

Support

California Disability Services Association (Sponsor)

Ability Counts INC

Anthesis

B.E.S.T. Opportunities, INC.

Becoming Independent

Blue Heron Programs

Cal-TASH
California Association of Providers Supporting Employment First (CaAPSE)
California Mentor
Connected Care
Disability Rights California
East Bay Innovations
Exceptional Children's Foundation
Friends of Children With Special Needs
Helping Hands East Bay
HireAble, INC.
Integrated Resources Institute
Las Trampas School, INC.
Mains'L California
Momentum WORK
Napa Valley PSI, INC
North Bay Rehabilitation Services
On My Own Community Services
Pace Solano
Pleasanton Adult Career Education, Adults With Disabilities Paid Internship Program
Pleasantview Industries, INC.
Progressive Employment Concepts
The Arc and United Cerebral Palsy California Collaboration
Toolworks.org
Toward Maximum Independence
TransCen INC. (dba Worklink)
Valley Resource Center INC. dba Exceed
Vistability
Vocational Coaching & Development Institute, INC.
Vocational Improvement Program, INC.
Vocational Visions
VTC Enterprises
Working Wonders
Yes I Can Unity Through Music and Education
Eight private citizens

Opposition

None on file.

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