

Date of Hearing: April 23, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES  
Eloise Gómez Reyes, Chair  
AB 536 (Frazier) – As Introduced February 13, 2019

**SUBJECT:** Developmental services

**SUMMARY:** Expands eligibility for regional center services to certain individuals by increasing the maximum age of onset for a developmental disability from 18 to 22 years of age, and makes technical changes.

**EXISTING LAW:**

- 1) Defines, in federal law, “developmental disability” as a severe, chronic disability of an individual that is attributable to a mental or physical impairment, manifested before the individual attains age 22, and is likely to continue indefinitely, among other criteria. (42 United States Code 15002 (8))
- 2) Defines “developmental disability” as a disability that: originates before an individual attains 18 years of age; continues, or can be expected to continue, indefinitely; and constitutes a substantial disability for that individual. (Welfare and Institutions Code [WIC] Section 4512 (a))
- 3) Defines “traumatic brain injury” (TBI) as an injury that is sustained after birth from an external force to the brain or any of its parts, resulting in cognitive, psychological, neurological, or anatomical changes in brain functions. (WIC 4354)
- 4) Establishes the TBI Program and requires the Department of Rehabilitation (DOR) to determine requirements related to service delivery, uniform data collection, and other aspects of program administration that service providers participating in the TBI Program must meet, as specified, and further, requires service providers to identify the needs of consumers and deliver services designed to meet those needs. (WIC 4353 *et seq.*)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Developmental Services:*** The Lanterman Developmental Disabilities Act (Lanterman Act), adopted in 1977, established that individuals with developmental disabilities and their families have the right to receive services and supports necessary to live independently in the community. The Lanterman Act outlines the rights of individuals and their families, what services are available to them, and how regional centers and service providers may best serve these individuals. The term “developmental disability” is defined as a disability that presents before an individual reaches 18 years of age, is expected to continue indefinitely, and is a significant disability for that individual; such disabilities include epilepsy, cerebral palsy, and autism spectrum disorder, among others. Additionally, part of the Lanterman Act’s legacy is the creation of California’s 21 regional centers, which are tasked with providing information to, and helping coordinate services and supports for, individuals with developmental disabilities and their families. It is important to note that regional centers do not directly provide services to

individuals, but, rather, help link individuals to service providers in the community. A January 2019 caseload estimate from the Department of Developmental Services (DDS) demonstrated that there were around 345,600 regional center consumers throughout the state.

In 1978, Congress passed S.2600, the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which expanded the definition of developmental disabilities to include certain conditions that manifest before a person reaches 22 years of age, rather than 18 years of age (referred to as “age of onset,” meaning the age by which a disability presents in a person). California law, however, currently defines a developmental disability as a disability that manifests before age 18.

***Populations captured by this bill:*** DDS has stated that the size of the population affected by the provisions of this bill is unknown; however, it is likely that the bill would expand eligibility for regional center services to individuals who experience a Traumatic Brain Injury (TBI) between the ages of 18 and 21.

TBI is a cognitive, psychological, neurological, or anatomical change in brain functions caused by a blow or jolt to the head, or a penetrating head injury. According to the Centers for Disease Control and Prevention, approximately 1.7 million Americans sustain a TBI each year, which results in 53,000 deaths, 235,000 hospitalizations, and 1.1 million emergency department visits; in California, the TBI incident rate is around 3%, or 1.3 million residents, according to the California Association of Traumatic Brain Injury. TBIs can be caused by falls, assaults, sports injuries, and gunshot wounds, among other causes. Currently, the needs of individuals with TBI are served by DOR, which provides services through vocational rehabilitation and independent living services.

There are at present seven TBI Centers throughout California that provide these services to over 2,000 individuals, although it is unclear how many of those individuals experienced a TBI between the ages of 18 and 21. DDS has also stated that it is unclear how it would predict future caseloads to ensure adequate supports and services are available.

***Need for this bill:*** According to the author, “California is one of only 12 states still 40 years behind on this issue. As a result, many young disabled Californians are being unfairly excluded from regional center support services, increasing their suffering, reducing their potential levels of self-sufficiency, and ultimately increasing costs to the state in the long run.”

***Staff comments:*** The bill’s author has stated that the purpose of this bill is to expand eligibility for regional center services for certain individuals by raising the age limit for onset of a developmental disability from 18 to 22 years of age.

While this goal is laudable, it is difficult to predict how many individuals will be made eligible for regional center services under this bill and whether an increase in eligible consumers will affect the provision of services to the over 345,000 consumers already served by regional centers. Proponents of the bill assert that individuals who acquire a TBI are a key population who would be impacted by this bill’s provisions; however, it is difficult to predict how many individuals will acquire a TBI between the ages of 18 and 22. It is therefore difficult to anticipate what services will be needed, and what levels of service will be required, by individuals with a TBI. Furthermore, it should be noted that individuals with a TBI who may be deemed eligible for regional center services under the provisions of this bill may already qualify

for services through DOR's TBI program. It is unclear what, if any, gaps within the existing service delivery system would be filled by the provisions of this bill.

Finally, it is difficult to determine how the expansion of regional center services will impact a system that has not yet seen a full restoration of recession-era cuts to services and supports. The economic recession forced the State of California to reduce spending across its various agencies and programs, and developmental services in particular experienced numerous reductions in rates and services available to consumers. While many programs throughout the state have seen restorations to levels at or near pre-recession era funding and service levels, the same cannot be said for services available to individuals with developmental disabilities. *Should this bill move forward, the author may wish to consider how the provisions of this bill would impact the quality and availability of services for existing regional center consumers, especially in light of multiple, ongoing discussions aimed at restoring the developmental disabilities community to pre-recession-era rates and service levels. The author may also wish to consider whether an additional state investment in the services provided to individuals with a TBI is necessary in order to ensure those individuals receive the adequate supports and services for which they may already be eligible.*

#### **PRIOR LEGISLATION:**

*SB 283 (Wilk) of 2018* was substantially similar to this bill and would have expanded eligibility for entitlement services provided by regional centers to individuals who have a disability originating between 18 and 22 years of age. SB 283 was held on the Senate Appropriations Committee suspense file.

*SB 398 (Monning), Chapter 402, Statutes of 2018*, extended the sunset date for the TBI Program from July 1, 2019, to July 1, 2024, required DOR to seek all available sources of funding for the program, and deleted the requirement that DOR submit a home- and community-based services waiver application to the federal Centers for Medicare and Medicaid Services.

*S. 2600 (Randolph), P.L. 95-302*, known as the Rehabilitation, Comprehensive Services, & Developmental Disabilities Amendments of 1978, expanded the age of onset for a developmental disability from 18 to 22 years old.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Association for Health Services at Home  
 California Foundation for Independent Living Centers  
 Disability Rights California  
 Educate. Advocate.  
 Empower Family California  
 State Council on Developmental Disabilities  
 One Private Citizen

##### **Opposition**

None on file

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