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AB-2480 Rehabilitation services: persons with vision loss. (2021-2022)

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Assembly Bill No. 2480

CHAPTER 532

An act to amend Sections 19525 and 19526 of, and to add Article 1.5 (commencing with Section 19510) to Chapter 6 of Part 2 of Division 10 of, the Welfare and Institutions Code, relating to rehabilitation services.

[Approved by Governor September 25, 2022. Filed with Secretary of State September 25, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2480, Arambula. Rehabilitation services: persons with vision loss.

Existing law provides for various services for individuals who are blind, including authorization for the Department of Rehabilitation to appoint counselor-teachers to provide individual guidance and training that will enable adult individuals who are blind adjust to daily living in the home and the community. Existing law requires a counselor-teacher to teach an adult individual who is blind reading and writing of braille, typing, travel techniques, and household arts and crafts in accordance with the needs of the blind person.

This bill would eliminate the requirement for a counselor-teacher to teach typing and household arts and crafts, and instead would require the counselor-teacher to teach independent living skills and to provide assistive technology training to an adult individual who is blind.

Existing federal law establishes the Independent Living Services for Older Individuals Who Are Blind program, under which funds are awarded to states to provide independent living services to individuals who are 55 years of age or older and whose severe visual impairment makes competitive employment difficult to obtain, but for whom independent living goals are feasible. Pursuant to this federal program, the state Department of Rehabilitation administers the Older Individuals Who Are Blind program, which provides grants to specified organizations across the state to provide services to visually impaired individuals who are 55 years of age and older, to assist them to live independently. Other federal law, the Rehabilitation Act of 1973, among other things, awards grants to states for vocational rehabilitation services for individuals with disabilities.

This bill would require the department to establish a grant program to provide services to promote independent living to adults who are blind or have low vision, and who are not eligible to receive vocational rehabilitation services pursuant to the federal Rehabilitation Act of 1973. The bill would require the department to award grants to private organizations with demonstrated expertise in serving adults who are blind or have low vision. The bill would authorize the department to select private organizations awarded grants under the most recent solicitation of grantees under the state's Older Individuals who are Blind program without using a competitive awards process. The bill would require the department to implement the program subject to an appropriation of funds in the annual Budget Act or through the use of any other funds already made available for the purposes described by the bill.

The bill would eliminate an obsolete funding requirement in a related provision.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

(a) Persons who lose all or most of their vision, especially those who lose vision later in life, face a variety of challenges, including job loss, depression and isolation, social stigma, and an inability to undertake tasks of daily living.

(b) In many cases, these individuals leave their homes and communities and are placed in nursing facilities or other institutional settings. Estimates indicate that as much as 50 percent of those persons residing in nursing facility placements have some level of significant vision loss.

(c) Programs exist in California to provide goods and services to persons with vision loss that enable them to acquire the skills they need to remain in the community and live independently and productively. However, it is estimated that funding for these programs only meets approximately 3 percent of the need for the services they provide.

(d) Funding for these programs is exclusively federal in nature and totals approximately \$3,000,000 statewide.

(e) Therefore, it is the intent of the Legislature in enacting this act to begin to address the ever-increasing, unmet need for services to adults with vision loss.

SEC. 2. Article 1.5 (commencing with Section 19510) is added to Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code, to read:

Article 1.5. Services for Persons with Vision Loss

19510. (a) The Department of Rehabilitation shall establish a grant program to provide services to promote independent living to adults who are blind or have low vision, and who are not eligible to receive vocational rehabilitation services pursuant to the federal Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 701 et seq.). The services shall assist adults who are blind or have low vision, including those individuals who may be at risk of institutionalization or who wish to transition into the community from an institutionalized setting, to receive vision rehabilitation services that will enable them to live independently.

(b) The department shall implement the program subject to an appropriation of funds in the annual Budget Act for purposes of this program, or through the use of any other funds already made available for the purposes described in this article, including any funding available pursuant to Sections 19525 and 19526.

(c) To implement the program, the department shall award grants to private organizations with demonstrated expertise in serving adults who are blind or have low vision. The department may select private organizations awarded grants under the most recent solicitation of grantees under the state's Older Individuals who are Blind program without using a competitive awards process.

(d) For the purposes of this section, the following definitions apply:

(1) "Adult" means an individual 18 years of age or older.

(2) "Services" means independent living services as described in Section 367.3(b) of Title 34 of the Code of Federal Regulations that are appropriate for adults who are blind regardless of age.

SEC. 3. Section 19525 of the Welfare and Institutions Code is amended to read:

19525. The department may appoint counselor-teachers to provide individual guidance and training to adult individuals who are blind. The counselor-teachers shall give individual instruction in those techniques that will enable adult individuals who are blind to adjust to daily living in the home and in the community. A counselor-teacher shall teach an adult individual who is blind reading and writing of braille, travel techniques, and independent living skills, and provide assistive technology training, in accordance with the needs of the adult individual who is blind, and give them other instruction as may enhance their opportunities for personal rehabilitation. This program shall be closely coordinated with vocational rehabilitation services for adult individuals who are blind and the Orientation Center for the Blind.

SEC. 4. Section 19526 of the Welfare and Institutions Code is amended to read:

19526. (a) Whenever a blind person who has the proper educational qualifications regularly matriculates, enters, and works for a degree, or for a diploma of graduation, in any university, college, or state college in this state, and who is not a recipient of

federally assisted vocational rehabilitation services, the Director of Rehabilitation shall provide from any funds appropriated for this purpose from the General Fund a reader to assist the individual in their studies.

(b) A reader whose services are provided pursuant to this section shall be deemed an independent contractor whose services shall have been contracted by the Director of Rehabilitation for the benefit of the blind person, and the reader shall not be an employee of the Department of Rehabilitation. Compensation for readers shall be established at a rate high enough to obtain competent readers but in no event shall the compensation be less than the basic federal minimum wage. No more than 1,100 hours of service by a reader per annum shall be allowed for the instruction of any one student, except that for graduate students not more than 1,300 hours of service by a reader shall be allowed for the instruction of any one student, provided that a greater amount may be expended if the Director of Rehabilitation finds that the instruction of a student will be facilitated by the additional expenditure.