

**Assembly Bill No. 248**

**CHAPTER 797**

An act to amend Sections 14670.1 and 20405 of the Government Code, to amend Section 1267.11 of the Health and Safety Code, and to amend Sections 14110.6, 19008.5, 19502, 19503, 19504, and 19725 of, and to repeal Section 4509 of, the Welfare and Institutions Code, relating to individuals with disabilities.

[Approved by Governor October 13, 2023. Filed with Secretary of State October 13, 2023.]

**LEGISLATIVE COUNSEL'S DIGEST**

**AB 248, Mathis. Individuals with disabilities: The Dignity for All Act.**

Existing law includes the terms "mentally retarded persons," "mentally retarded children," "retardation," and "handicap."

This bill, The Dignity for All Act, would make nonsubstantive changes to those provisions to eliminate this obsolete terminology. The bill would repeal obsolete provisions of law.

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

**SECTION 1.** This act shall be known, and may be cited, as The Dignity for All Act.

**SEC. 2.** Section 14670.1 of the Government Code is amended to read:

14670.1. Notwithstanding Section 14670, the Director of General Services, with the consent of the State Department of State Hospitals, may let to a nonprofit corporation, for the purpose of conducting an educational and work program for individuals with intellectual or developmental disabilities, and for a period not to exceed 50 years, real property not exceeding 10 acres located within the grounds of the Napa State Hospital.

The lease authorized by this section shall be nonassignable and shall be subject to periodic review every five years. This review shall be made by the Director of General Services, who shall do both of the following:

(a) Assure the state that the original purposes of the lease are being carried out.

(b) Determine what, if any, adjustment should be made in the terms of the lease.

The lease shall also provide for an initial capital outlay by the lessee of thirty thousand dollars (\$30,000) prior to January 1, 1976. Such capital outlay may be, or may have been, contributed before or after the effective date of the act adding this section.

**SEC. 3.** Section 20405 of the Government Code is amended to read:

20405. (a) "State safety member" shall also include officers and employees of the Department of Corrections and Rehabilitation in the following classifications:

Classification	Classification
Code	Classification
0683	Assistant Dairy Operator
2156	Assistant Food Manager (Correctional Facility)
4302	Assistant General Manager, Operations
2080	Assistant Seamer (Correctional Facility)
5447	Assistant Warden, Psychiatric Services, Correctional Facility
6868	Automobile Mechanic (Correctional Facility)
6394	Automotive Equipment Operator I (Correctional Facility)
6392	Automotive Equipment Operator II (Correctional Facility)
6893	Automotive Pool Manager I (Correctional Facility)
2224	Baker I (Correctional Facility)
2221	Baker II (Correctional Facility)
2086	Barber (Correctional Facility)
2084	Barbershop Manager (Correctional Facility)
6216	Building Maintenance Worker (Correctional Facility)
2245	Butcher-Meat Cutter II (Correctional Facility)
6483	Carpenter I (Correctional Facility)
6474	Carpenter II (Correctional Facility)
6471	Carpenter III (Correctional Facility)
2015	Chief Assistant General Manager, Prison Industries
4110	Chief, Day Labor Programs (Correctional Facility)
9344	Chief Dentist, Correctional Facility
2578	Chief Deputy, Clinical Services, Correctional Facility
6699	Chief Engineer I (Correctional Facility)
7547	Chief Medical Officer, Correctional Facility
6754	Chief of Plant Operation I (Correctional Facility)
6751	Chief of Plant Operation II (Correctional Facility)
6748	Chief of Plant Operation III (Correctional Facility)
9267	Chief Physician and Surgeon, Correctional Facility
7612	Chief Psychiatrist, Correctional Facility
9859	Chief Psychologist, Correctional Facility
7146	Chief, Quality Assurance, Prison Industries
9279	Clinical Dietician, Correctional Facility
9293	Clinical Laboratory Technologist, Correctional Facility
4132	Construction Supervisor (Correctional Facility)

Classification	Classification
Code	
4107	Construction Supervisor I (Correctional Facility)
4108	Construction Supervisor II (Correctional Facility)
4109	Construction Supervisor III (Correctional Facility)
2187	Cook I (Correctional Facility)
2186	Cook II (Correctional Facility)
7208	Correctional Business Manager I, Department of Corrections
4744	Correctional Business Manager II, Department of Corrections
4910	Correctional Health Services Administrator I, Correctional Facility
4912	Correctional Health Services Administrator II, Correctional Facility
6304	Correctional Plant Manager I, Department of Corrections
6305	Correctional Plant Manager II, Department of Corrections
6303	Correctional Plant Supervisor, Department of Corrections
9296	Dental Assistant, Correctional Facility
9298	Dental Hygienist, Correctional Facility
9299	Dental Laboratory Technician, Correctional Facility
9268	Dentist, Correctional Facility
7200	Dry Cleaning Plant Supervisor
6544	Electrician I (Correctional Facility)
6538	Electrician II (Correctional Facility)
6534	Electrician III (Correctional Facility)
6916	Electronics Technician (Correctional Facility)
6865	Equipment Maintenance Supervisor (Correctional Facility)
2153	Food Administrator I (Correctional Facility)
2147	Food Administrator II (Correctional Facility)
2150	Food Manager (Correctional Facility)
2196	Food Service Worker I (Correctional Facility)
2195	Food Service Worker II (Correctional Facility)
6955	Fusion Welder (Correctional Facility)
6628	Glazier (Correctional Facility)
0743	Groundskeeper (Correctional Facility)
6826	Heavy Equipment Mechanic (Correctional Facility)
6379	Heavy Truck Driver (Correctional Facility)
9307	Hospital Aid, Correctional Facility
7218	Industrial Supervisor, Prison Industries (Bindery)

Classification	Classification
Code	
0648	Industrial Supervisor, Prison Industries (Crop Farm)
0682	Industrial Supervisor, Prison Industries (Dairy)
7204	Industrial Supervisor, Prison Industries (Dental Laboratory)
7198	Industrial Supervisor, Prison Industries (Fabric Products)
7211	Industrial Supervisor, Prison Industries (Knit Goods Finishing)
7210	Industrial Supervisor, Prison Industries (Knitting Mill)
2109	Industrial Supervisor, Prison Industries (Laundry)
7215	Industrial Supervisor, Prison Industries (Maintenance and Repair)
7197	Industrial Supervisor, Prison Industries (Mattress and Bedding)
7191	Industrial Supervisor, Prison Industries (Metal Fabrication)
7216	Industrial Supervisor, Prison Industries (Printing)
7207	Industrial Supervisor, Prison Industries (Shoe Manufacturing)
7206	Industrial Supervisor, Prison Industries (Shoes and Boots, Lasting to Packing)
7321	Industrial Supervisor, Prison Industries (Silkscreen)
7192	Industrial Supervisor, Prison Industries (Tool and Die)
7179	Industrial Supervisor, Prison Industries (Upholstery)
7178	Industrial Supervisor, Prison Industries (Wood Products)
2006	Janitor (Correctional Facility)
2005	Janitor Supervisor I (Correctional Facility)
2004	Janitor Supervisor II (Correctional Facility)
2000	Janitor Supervisor III (Correctional Facility)
9265	Laboratory Assistant, Correctional Facility
2727	Language, Speech and Hearing Specialist
2114	Laundry Supervisor I (Correctional Facility)
2111	Laundry Supervisor II (Correctional Facility)
2117	Laundry Worker (Correctional Facility)
6867	Lead Automobile Mechanic (Correctional Facility)
0720	Lead Groundskeeper (Correctional Facility)
0718	Lead Groundskeeper I (Correctional Facility)
2952	Librarian (Correctional Facility)
6643	Locksmith I (Correctional Facility)

Classification	Classification
Code	
6801	Machinist (Correctional Facility)
6941	Maintenance Mechanic (Correctional Facility)
6617	Mason (Correctional Facility)
1508	Materials and Stores Supervisor I (Correctional Facility)
1505	Materials and Stores Supervisor II (Correctional Facility)
8217	Medical Technical Assistant, Correctional Facility
9273	Nurse Anesthetist, Correctional Facility
9353	Nurse Instructor, Correctional Facility
9278	Nurse Practitioner, Correctional Facility
9280	Occupational Therapist, Correctional Facility
7971	Optometrist, Correctional Facility
6528	Painter I (Correctional Facility)
6524	Painter II (Correctional Facility)
6521	Painter III (Correctional Facility)
7199	Pest Control Technician (Correctional Facility)
9281	Physical Therapist I, Correctional Facility
9342	Physical Therapist II, Correctional Facility
9269	Physician and Surgeon, Correctional Facility
6550	Plumber I (Correctional Facility)
6594	Plumber II (Correctional Facility)
6545	Plumber III (Correctional Facility)
7972	Podiatrist (Correctional Facility)
1575	Prison Canteen Manager I
1576	Prison Canteen Manager II
7158	Prison Industries Administrator
7157	Prison Industries Manager (General)
7164	Prison Industries Manager (Metal Products)
7165	Prison Industries Manager (Textile Products)
7163	Prison Industries Manager (Wood Products)
0679	Prison Industries Superintendent I (Agriculture)
0617	Prison Industries Superintendent II (Agriculture)
7217	Prison Industries Superintendent II (Bindery)
7109	Prison Industries Superintendent I (Coffee Roasting and Grinding)
7203	Prison Industries Superintendent I (Dental Laboratory)
7202	Prison Industries Superintendent II (Dental Laboratory)
7170	Prison Industries Superintendent II (Detergent)

Classification Code	Classification
7350	Prison Industries Superintendent I (Egg Production)
7194	Prison Industries Superintendent I (Fabric Products)
7195	Prison Industries Superintendent II (Fabric Products)
7351	Prison Industries Superintendent I (Fiberglass Products)
7352	Prison Industries Superintendent I (Furniture Refurbishing)
7209	Prison Industries Superintendent II (Knitting Mill)
2108	Prison Industries Superintendent II (Laundry)
7154	Prison Industries Superintendent II (Maintenance and Repair)
7196	Prison Industries Superintendent II (Mattress and Bedding)
7189	Prison Industries Superintendent I (Metal Products)
7190	Prison Industries Superintendent II (Metal Products)
7214	Prison Industries Superintendent II (Printing)
7205	Prison Industries Superintendent II (Shoe Manufacturing)
7320	Prison Industries Superintendent I (Silkscreen)
7319	Prison Industries Superintendent II (Silkscreen)
7175	Prison Industries Superintendent I (Wood Products)
7172	Prison Industries Superintendent II (Wood Products)
4760	Procurement and Services Officer I (Correctional Facility)
4761	Procurement and Services Officer II (Correctional Facility)
7162	Product Engineering Technician, Prison Industries
7156	Production Manager I, Prison Industries
1793	Property Controller I (Correctional Facility)
1794	Property Controller II (Correctional Facility)
9282	Psychiatric Social Worker, Correctional Facility
9283	Psychologist—Clinical, Correctional Facility
9284	Psychology Associate, Correctional Facility
9354	Psychology Internship Director, Correctional Facility
9285	Psychometrist, Correctional Facility
9274	Public Health Nurse I, Correctional Facility

Classification	Classification
Code	
9345	Public Health Nurse II, Correctional Facility
7145	Quality Assurance Manager, Prison Industries
3080	Quality Control Technician, Prison Industries (Cleaning Products)
9315	Radiologic Technologist, Correctional Facility
9286	Recreation Therapist, Correctional Facility
6715	Refrigeration Engineer (Correctional Facility)
9275	Registered Nurse, Correctional Facility
2734	Resource Specialist, Special Education
9316	Respiratory Care Practitioner, Correctional Facility
9854	School Psychologist
2077	Seamer (Correctional Facility)
9348	Senior Clinical Laboratory Technologist, Correctional Facility
9266	Senior Laboratory Assistant, Correctional Facility
2945	Senior Librarian (Correctional Facility)
8215	Senior Medical Technical Assistant
9346	Senior Occupational Therapist, Correctional Facility
9270	Senior Psychiatrist, Correctional Facility (Specialist)
9271	Senior Psychiatrist, Correctional Facility (Supervisor)
9289	Senior Psychologist, Correctional Facility
9287	Senior Psychologist, Correctional Facility (Specialist)
9288	Senior Psychologist, Correctional Facility (Supervisor)
9350	Senior Radiologic Technologist, Correctional Facility (Specialist)
9351	Senior Radiologic Technologist, Correctional Facility (Supervisor)
7562	Sheet Metal Worker (Correctional Facility)
6211	Skilled Laborer (Correctional Facility)
9911	Social Worker, Youth Authority
9272	Staff Psychiatrist, Correctional Facility
9290	Staff Psychologist-Clinical, Correctional Facility
6713	Stationary Engineer (Correctional Facility)
6718	Stationary Engineer Apprentice (Four-Year Program) (Correctional Facility)
6557	Steamfitter Supervisor (Correctional Facility)
3082	Substitute Academic Teacher (Correctional Facility)

Classification	Classification
Code	
9349	Supervising Clinical Laboratory Technologist, Correctional Facility
2183	Supervising Cook I (Correctional Facility)
2182	Supervising Cook II (Correctional Facility)
0716	Supervising Groundskeeper II (Correctional Facility)
2044	Supervising Housekeeper I (Correctional Facility)
2940	Supervising Librarian (Correctional Facility)
9276	Supervising Psychiatric Nurse, Correctional Facility
9291	Supervising Psychiatric Social Worker I, Correctional Facility
9292	Supervising Psychiatric Social Worker II, Correctional Facility
9317	Supervising Registered Nurse I, Correctional Facility
9318	Supervising Registered Nurse II, Correctional Facility
9319	Supervising Registered Nurse III, Correctional Facility
9910	Supervising Social Worker I, Youth Authority
9908	Supervising Social Worker II, Youth Authority
2305	Supervisor of Academic Instruction (Correctional Facility)
6763	Supervisor of Building Trades (Correctional Facility)
2384	Supervisor of Commercial Diver Training
2303	Supervisor of Correctional Education Programs
2370	Supervisor of Vocational Instruction
9277	Surgical Nurse I, Correctional Facility
9329	Surgical Nurse II, Correctional Facility
3073	Teacher (Adaptive Physical Education) (Correctional Facility)
2286	Teacher (Cerebral Palsied Children) (Correctional Facility)
2287	Teacher (Elementary-Multiple Subjects) (Correctional Facility)
2288	Teacher (Emotionally/Learning Handicapped) (Correctional Facility)
3075	Teacher (English Language Development) (Correctional Facility)
2297	Teacher (Ethnic Studies) (Correctional Facility)
2289	Teacher (Family Life Education) (Correctional Facility)

Classification	Classification
Code	
2373	Teacher (Hearing Impaired) (Correctional Facility)
2284	Teacher (High School-Arts and Crafts) (Correctional Facility)
2285	Teacher (High School-Business Education) (Correctional Facility)
3074	Teacher (High School-English/Language Arts) (Correctional Facility)
3076	Teacher (High School-Foreign Language) (Correctional Facility)
2290	Teacher (High School-General Education) (Correctional Facility)
2291	Teacher (High School-Home Economics) (Correctional Facility)
3077	Teacher (High School-Mathematics) (Correctional Facility)
2294	Teacher (High School-Music) (Correctional Facility)
2295	Teacher (High School-Physical Education) (Correctional Facility)
3078	Teacher (High School-Science) (Correctional Facility)
3079	Teacher (High School-Social Science) (Correctional Facility)
2298	Teacher (Librarian) (Correctional Facility)
2292	Teacher (Children with Intellectual or Developmental Disabilities) (Correctional Facility)
2371	Teacher (Speech Development and Correction) (Correctional Facility)
6400	Teaching Assistant (Correctional Facility)
7201	Tobacco Factory Superintendent
7560	Tractor Operator-Laborer (Correctional Facility)
6382	Truck Driver (Correctional Facility)
6772	Utility Shops Supervisor (Correctional Facility)
2387	Vocational Instructor (Airframe Mechanics) (Correctional Facility)
2853	Vocational Instructor (Animal Husbandry) (Correctional Facility)
2396	Vocational Instructor (Auto Body and Fender Repair) (Correctional Facility)
2398	Vocational Instructor (Auto Mechanics) (Correctional Facility)
2399	Vocational Instructor (Baking) (Correctional Facility)

Classification	
Code	Classification
2400	Vocational Instructor (Bookbinding) (Correctional Facility)
2854	Vocational Instructor (Building Maintenance) (Correctional Facility)
2417	Vocational Instructor (Carpentry) (Correctional Facility)
2419	Vocational Instructor (Commercial Diver Training) (Correctional Facility)
2855	Vocational Instructor (Computer and Related Technologies) (Correctional Facility)
2420	Vocational Instructor (Cosmetology) (Correctional Facility)
2422	Vocational Instructor (Culinary Arts) (Correctional Facility)
2869	Vocational Instructor (Dental Technology) (Correctional Facility)
2856	Vocational Instructor (Diesel Mechanics) (Correctional Facility)
2423	Vocational Instructor (Dog Grooming and Handling) (Correctional Facility)
2425	Vocational Instructor (Drycleaning Works) (Correctional Facility)
2857	Vocational Instructor (Drywall Installer/Taper) (Correctional Facility)
2426	Vocational Instructor (Electrical Work) (Correctional Facility)
2428	Vocational Instructor (Electronics) (Correctional Facility)
2688	Vocational Instructor (Eyewear Manufacturing) (Correctional Facility)
2429	Vocational Instructor (Fire Science) (Correctional Facility)
2858	Vocational Instructor (Floor Cover Layer) (Correctional Facility)
2431	Vocational Instructor (Furniture Refinishing and Repair) (Correctional Facility)
2432	Vocational Instructor (Garment Making) (Correctional Facility)
2433	Vocational Instructor (Heavy Equipment Repair) (Correctional Facility)
2597	Vocational Instructor (Household Appliance Repair) (Correctional Facility)
2598	Vocational Instructor (Industrial Arts) (Correctional Facility)

Classification	Classification
Code	
2599	Vocational Instructor (Instrument Repair) (Correctional Facility)
2600	Vocational Instructor (Janitorial Service) (Correctional Facility)
2601	Vocational Instructor (Landscape Gardening) (Correctional Facility)
2611	Vocational Instructor (Laundry Work) (Correctional Facility)
2614	Vocational Instructor (Machine Shop Practice) (Correctional Facility)
2615	Vocational Instructor (Masonry) (Correctional Facility)
2619	Vocational Instructor (Meat Cutting) (Correctional Facility)
2627	Vocational Instructor (Mechanical Drawing) (Correctional Facility)
2628	Vocational Instructor (Merchandising) (Correctional Facility)
2630	Vocational Instructor (Mill and Cabinet Work) (Correctional Facility)
2674	Vocational Instructor (Office Machine Repair) (Correctional Facility)
2849	Vocational Instructor (Office Services and Related Technologies) (Correctional Facility)
2640	Vocational Instructor (Offset Printing) (Correctional Facility)
2644	Vocational Instructor (Painting) (Correctional Facility)
2645	Vocational Instructor (Plastering) (Correctional Facility)
2661	Vocational Instructor (Plumbing) (Correctional Facility)
2665	Vocational Instructor (Powerplant Mechanics) (Correctional Facility)
2666	Vocational Instructor (Printing) (Correctional Facility)
2667	Vocational Instructor (Radiologic Technology) (Correctional Facility)
2668	Vocational Instructor (Refrigeration and Air-conditioning Repair) (Correctional Facility)
2850	Vocational Instructor (Roofer) (Correctional Facility)
2669	Vocational Instructor (Sewing Machine Repair) (Correctional Facility)

Classification	
Code	Classification
2670	Vocational Instructor (Sheet Metal Work) (Correctional Facility)
2671	Vocational Instructor (Shoemaking) (Correctional Facility)
2672	Vocational Instructor (Silk Screening Process) (Correctional Facility)
2851	Vocational Instructor (Small Engine Repair) (Correctional Facility)
2673	Vocational Instructor (Storekeeping and Warehousing) (Correctional Facility)
5415	Vocational Instructor (Telemarketing/Customer Service) (Correctional Facility)
2675	Vocational Instructor (Upholstering) (Correctional Facility)
2676	Vocational Instructor (Vocational Nursing) (Correctional Facility)
2677	Vocational Instructor (Welding) (Correctional Facility)
1504	Warehouse Manager I (Correctional Facility)
1502	Warehouse Manager II (Correctional Facility)
6221	Warehouse Worker (Correctional Facility)
6724	Water and Sewage Plant Supervisor (Correctional Facility)
2311	Youth Authority Teacher

(b) In addition, "state safety member" shall also include officers and employees of the Department of Corrections and Rehabilitation in any classification of Vocational Instructor, Industrial Supervisor, Industrial Superintendent, Assistant Industrial Superintendent, or Production Manager II (Prison Industries) that is established on or after January 1, 1984, if the Department of Human Resources and the State Personnel Board approve the inclusion of the classification.

(c) "State safety member" shall also include officers and employees in parenthetical specialty classes when the core class has already been expressly included in the state safety membership category if the Department of Human Resources and the State Personnel Board approve the inclusion of the classifications. The inclusion shall not be effective until notice of the inclusion has been received by the board.

(d) Any of these officers or employees in employment on the operative date of an amendment to this section and who becomes a state safety member as a result of that amendment, may elect by a writing filed with the board prior to 90 days after notification by the board, to be restored to their previous status as a state industrial member. Upon the filing of the election the member shall cease to be a state safety member, and their rights and

obligations shall be restored prospectively and retroactively to the operative date of that amendment.

SEC. 4. Section 1267.11 of the Health and Safety Code is amended to read:

1267.11. Each intermediate care facility/developmentally disabled-habilitative shall designate direct care staff persons to supervise the direct care services to clients for at least 56 hours per week. The hours of these supervisory staff persons shall be applied against the total number of direct care hours required in regulations developed by the department pursuant to Section 1267.7. These supervisory staff persons shall, at a minimum, meet one of the following criteria:

(a) Possession of a valid vocational nurse or psychiatric technician license issued by the Board of Vocational Nurse and Psychiatric Technician Examiners.

(b) Completion of at least 30 college or university units in education, social services, behavioral sciences, health sciences, or related fields, and six months experience providing direct services to developmentally disabled persons.

(c) Eighteen months experience providing direct services to developmentally disabled persons while under the supervision of a person who meets the requirements of a professional as defined in regulations promulgated pursuant to Section 1267.7.

SEC. 5. Section 4509 of the Welfare and Institutions Code is repealed.

SEC. 6. Section 14110.6 of the Welfare and Institutions Code is amended to read:

14110.6. (a) The director shall adopt regulations, establishing payment rates for nursing facilities, intermediate care facilities/developmentally disabled, and intermediate care facilities/developmentally disabled-habilitative as defined in Section 1250 of the Health and Safety Code, which are sufficient to provide an increase of one dollar and ninety-six cents (\$1.96) per patient day for patients receiving skilled nursing services, one dollar and fifty-eight cents (\$1.58) per patient day, for patients receiving intermediate care services, two dollars and twenty-nine cents (\$2.29) per patient day for intermediate care facilities/developmentally disabled patients, to be used for wage increases and benefits to all employees, except a licensed nursing home administrator or an administrator-in-training and two dollars and thirty-five cents (\$2.35) per patient day for intermediate care facilities/developmentally disabled-habilitative patients in facilities with 4 to 6 beds, and one dollar and ninety-eight cents (\$1.98) per patient day for intermediate care facilities/developmentally disabled-habilitative patients in facilities with 7 to 15 beds, to be used for wage increases and benefits to all direct care staff. However, if either (1) the entry level wages of the lowest paid nonadministrative employee of a nursing facility, intermediate care facility/developmentally disabled, or intermediate care facility/developmentally disabled-habilitative, exceeds six dollars (\$6) per hour as of August 1, 1984; or (2) upon the election of a county board of supervisors, for any nursing facility, intermediate care

facility/developmentally disabled, or intermediate care facility/developmentally disabled-habilitative, which is operated by a county, the funds received pursuant to regulations adopted pursuant to this section shall be used solely for labor costs directly related to providing patient care services in order to meet patients' needs including the uses of funds provided for under subdivision (d) of Section 14110.7. Any increase in wages and benefits required by this section shall be in addition to any future mandatory increases required by federal or state law. The rate shall provide funding for the portion of additional costs necessary to implement the wage and benefit increase required by this section attributable to Medi-Cal patients. The portion of those additional costs shall be the same as the ratio of Medi-Cal patients to the total number of patients in the facility. These regulations shall be adopted, effective March 15, 1985, for skilled nursing facilities, intermediate care facilities, and intermediate care facilities/developmentally disabled, and by October 1, 1985, for intermediate care facilities/developmentally disabled-habilitative. Commencing October 1, 1990, these requirements shall become operative for nursing facilities.

(b) Each nursing facility or intermediate care facility/developmentally disabled, or, for the period prior to October 1, 1990, each skilled nursing facility or intermediate care facility, shall certify all of the following:

(1) All employees, except a licensed nursing home administrator or an administrator-in-training of a licensed nursing home, shall receive at least the prevailing federal or state minimum wage rate plus the average hourly wage increase established pursuant to Chapter 19 of the Statutes of 1978, and this section.

(2) All employees of the facility, except a licensed administrator or administrator-in-training, shall be paid not less than the sum of the employee's actual rate of pay as of the effective date of the Medi-Cal rate increase provided for under Section 14110.7 plus the amount of the adjustment specified pursuant to this section, or not less than the applicable agreed to rate plus the amount of the adjustment, whichever is greater.

(3) Any wage increase required pursuant to Section 1268.5 of the Health and Safety Code, is in addition to any minimum wages provided in this section.

(4) For purposes of determining the amount of Medi-Cal funds to be distributed for employee wages and benefits, the total Medi-Cal patient days recorded by the facility in the month of December 1983 shall be multiplied by the amount per patient day specified in subdivision (a) plus the amount provided by Chapter 19 of the Statutes of 1978. The new wage levels shall be determined by dividing the Medi-Cal funds received by the nonovertime hours worked by covered employees in December 1983, plus any adjustments due to additional employees as specified in Section 14110.7 and adjustments to reflect employee benefit allowances.

(c) Each intermediate care facility/developmentally disabled-habilitative shall certify all of the following:

(1) All direct care staff, as defined in the department's regulations developed pursuant to Section 1267.7 of the Health and Safety Code, shall

receive at least the prevailing federal or state minimum wage plus the average hourly wage increase pursuant to this section.

(2) For purposes of determining the amount of Medi-Cal funds to be distributed for intermediate care facilities/developmentally disabled-habiliative for employee wages and benefits, the total Medi-Cal patient days in the month of December 1984, shall be multiplied by the amount per patient day specified in subdivision (a). The new wage level shall be determined by dividing the Medi-Cal funds received by the nonovertime hours by covered direct care employees in December 1984, and adjustments to reflect employee benefit allowances.

(d) The director shall order the inspection of relevant payroll and personnel records of facilities which are reimbursed for Medi-Cal patients under the rate of reimbursement established pursuant to subdivision (a) to ensure that the wage and benefit increases provided for have been implemented.

(e) The department shall, commencing August 1, 1999, increase the Medi-Cal reimbursement for level A and level B nursing facilities solely to provide funds for salaries, wages, and benefits increases for direct care staff. For the purposes of this subdivision, "direct care staff" means registered nurses, licensed vocational nurses, and nurse assistants, who provide direct patient care. The amount of funds to be provided to each level A and level B facility pursuant to this subdivision shall be calculated on a per-patient-day basis, and shall be added to the per diem rate paid to each facility. The amount of funds provided under this subdivision to each nursing facility peer group shall be published in a Medi-Cal provider bulletin. Level A and level B facilities shall compensate their registered nurses, licensed vocational nurses, and nurse assistants that portion of the rate increase provided under this subdivision in the form of salaries, wages, and benefits increases for their direct care staff. The total amount to be passed through by each facility shall be the per diem amount received by the facility pursuant to this subdivision times the facility's number of Medi-Cal patient days.

(f) Subject to an appropriation for this purpose in the Budget Act of 2000, in addition to the increase specified in subdivision (e), the department shall, commencing August 1, 2000, increase the Medi-Cal reimbursement rate for nursing facilities, intermediate care facilities/developmentally disabled, intermediate care facilities/developmentally disabled-habiliative, and intermediate care facilities/developmentally disabled-nursing solely to provide funds for salaries, wages, and benefits increases for direct care staff and other staff, subject to all of the following:

(1) For purposes of this subdivision, "direct care staff in nursing facilities" means the following:

(A) Registered nurses and licensed vocational nurses, when employed in the performance of direct care to patients.

(B) Employees in the nurse assistant classification employed in the performance of direct care to patients at a freestanding or distinct-part nursing facility, including job titles such as nursing aide, aide, practical nurse, orderly, nurse assistant, and certified nurse assistant.

(C) Employees performing respiratory therapy services for Medi-Cal pediatric subacute patients, including job titles such as respiratory care practitioner, respiratory technician, respiratory therapist inhalation technician, and inhalation therapist.

(2) For purposes of this subdivision, “direct care staff in intermediate care facilities/developmentally disabled, intermediate care facilities/developmentally disabled-habilitative, and intermediate care facilities/developmentally disabled-nursing” means all of the following:

(A) A qualified intellectual disability professional employed in the performance of direct care to patients.

(B) Lead personnel employed in the performance of direct care to patients. Lead personnel described in this subparagraph shall not be considered to be supervisory.

(C) Employees in the nurse assistant classification employed in the performance of direct care to patients at a freestanding or distinct-part nursing facility, including job titles such as nurse assistants and aides.

(D) Other nonsupervisory staff providing direct patient care.

(E) Registered nurses and licensed vocational nurses, if employed in the performance of direct care to patients.

(3) For purposes of paragraphs (1) and (2), “direct care staff” shall not include registered nurses or other personnel performing supervisory functions or housekeeping or maintenance staff in any facility.

(4) For purposes of this subdivision, “other staff” means all of the following personnel:

(A) Linen and laundry staff.

(B) Plant operations and maintenance staff.

(C) Housekeeping staff.

(D) Dietary staff.

(5) (A) The amount of funds to be provided to each facility pursuant to this subdivision shall be added to the per diem rate paid to each facility on a per-patient-day basis.

(B) The per diem amount of funds provided to each facility type and peer group pursuant to this subdivision shall be published in a Medi-Cal provider bulletin. Nursing facilities that are part of an acute care hospital and subacute facilities shall be notified of their per diem amount provided pursuant to this subdivision in a separate letter to each facility.

(6) (A) Facilities receiving funds pursuant to this subdivision shall compensate staff that portion of the rate increase provided pursuant to this subdivision in the form of salaries, wages, and benefits increases. The total amount to be passed through pursuant to this subdivision by each facility shall be the per diem amount received by the facility pursuant to this subdivision multiplied by the facility’s number of Medi-Cal patient days.

(B) Each direct care and other staff employee classification shall receive a portion of the rate increase provided pursuant to this subdivision in the form of an increase in salary, wage, and benefits. The facility may allocate the amounts that each classification may receive, but the amount shall not be nominal or zero.

(C) Funds passed through pursuant to this subdivision for purposes of salary, wages, or benefits increases may not be used for any salary, wage, or benefit increase that were committed to by a facility prior to August 1, 2000, nor may these funds be used for any salaries, wages, or benefits that the facility would have paid in the absence of this subdivision.

(D) Funds passed through pursuant to this subdivision for purposes of salary, wages, or benefits increases may not be distributed to direct care and other staff in the form of bonuses. These funds may, however, be used to provide retroactive pay increases if those wage increases also increase the employee's base salary rate.

(7) The base from which direct care and other staff salaries, wages, and benefits shall be increased shall be the aggregate per hour salaries, wages, and benefits for the period of August 1, 1999, to July 31, 2000, inclusive.

(8) The department may inspect relevant payroll and personnel records of facilities receiving funds pursuant to this subdivision in order to ensure that the salary, wage, and benefit increases provided for pursuant to this subdivision have been implemented.

(9) Each facility receiving funds from the department, or from a county organized health system described in paragraph (10) pursuant to this subdivision shall certify on the form provided by the department that these funds were expended for increased direct care and other staff salary, wages, and benefits increases in accordance with this subdivision. The facility shall return the form to the department by October 1, 2001. The facility shall submit a copy of the completed form to all collective bargaining agents with whom the facility has collective bargaining agreements for direct care and other staff at the facility.

(10) County organized health systems contracting with the department pursuant to Article 2.8 (commencing with Section 14087.5) and Article 7 (commencing with Section 14490) of Chapter 8 shall certify to the department, in a manner to be specified by the department, that the August 1, 2000, wage pass-through funds, received pursuant to this section in the form of capitated rate payments, were passed through to the facilities described in this subdivision.

(g) Any facility which is paid under the rate provided for in subdivision (a), (e), or (f) which the director finds has not made the wage and benefit increases provided for shall be liable for the amount of funds paid to the facility based upon the wage and benefit requirements provided for by this section but not distributed to employees for wages and benefits, plus a penalty equal to 10 percent of the funds not so distributed. The facility shall be subject to Section 14107.

SEC. 7. Section 19008.5 of the Welfare and Institutions Code is amended to read:

19008.5. (a) The department is authorized to solicit and accept gifts, contributions, and grants from any source, public or private, to establish, implement, and maintain an awards program.

(b) (1) There is hereby established the Public Awards Fund, which is continuously appropriated, without regard to fiscal years, for the purpose of this section.

(2) The director may receive contributions pursuant to this section and deposit them in the Public Awards Fund for use pursuant to subdivision (c).

(3) Sections 11005 and 16302 of the Government Code shall not apply to funds under this section.

(c) In order to achieve the public policy of the State of California, as specified in Section 19000, the director may present awards to those employers, architects, clients, ex-clients, Californians with disabilities nominated or selected for the Hall of Fame, and other persons whose superior cooperation and contributions to the employment of persons with disabilities deserve special recognition.

SEC. 8. Section 19502 of the Welfare and Institutions Code is amended to read:

19502. Orientation centers shall provide for short periods of intensive personal and prevocational orientation for blind persons, and for specific vocational training. The program of orientation centers shall include such training as techniques of daily living, techniques of travel, physical conditioning, sensory training, instruction in braille, instruction in skills for persons with disabilities, typing, and business principles and methods, and shall provide for social and vocational diagnostic testing and individual counseling.

SEC. 9. Section 19503 of the Welfare and Institutions Code is amended to read:

19503. The Director of Rehabilitation shall appoint an administrator for each orientation center for the blind who shall administer and supervise the program at the center in accordance with this article and under the supervision of the Director of Rehabilitation. The administrator of each orientation center for the blind shall be either a sighted or visually impaired person and shall have all of the following minimum qualifications:

(a) Four years of full time, paid experience working in a program for the education or rehabilitation of adults who are legally blind, with emphasis on nonvisual living techniques, including, but not limited to, daily living, mobility, and communication skills. At least two years' experience shall have been in a supervisory or administrative capacity.

(b) Proficiency in Braille as a second language.

(c) Education equivalent to graduation from college with a bachelor's degree. Additional qualifying experience may be substituted on a year-for-year basis.

SEC. 10. Section 19504 of the Welfare and Institutions Code is amended to read:

19504. The staff of an orientation center shall be composed of persons trained to assist blind persons in achieving social and economic independence, and whose qualifications include successful experience in teaching blind persons. The staff shall include as large a proportion as is

practicable of visually impaired persons who have achieved outstanding success in adjustment to their disability.

SEC. 11. Section 19725 of the Welfare and Institutions Code is amended to read:

19725. (a) For the purpose of providing self-employment opportunities for clients with severe disabilities of the Department of Rehabilitation who are determined by the department to be eligible for such a program, the authorized officials of any county, city, city and county, or other political subdivision of the state may enter into appropriate written agreements with the Department of Rehabilitation providing for the installation and operation of business facilities on property owned or occupied by the various political subdivisions. The Business Development Services Section of the Department of Rehabilitation shall supervise the operation of such facilities. The department shall promulgate rules and regulations relating to the establishment and operation of the business facilities.

(b) For the purpose of this section, business facilities shall not include vending stands or food service facilities authorized by the Business Enterprise for the Blind Program established by Article 5 (commencing with Section 19625) of Chapter 6 of Part 2 of Division 10 of the Welfare and Institutions Code, and nothing in this section shall be construed to affect in any way the Business Enterprises for the Blind Program.