
Office of Assemblymember Chris Ward

Legislative Proposal Evaluation Form

Request for legislation to be authored and introduced in the 2021-22 Legislative Session

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Title of Legislation Request: Communication Support	
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Every bill introduced by your state legislator must go through a complicated and lengthy legislative process. To assess a legislative request and determine it for consideration, we must take a great deal of information into account. Listed below are questions for you to contemplate and answer in order for Senator Gonzalez to better consider your suggestion for potential legislation.

1. PROPOSAL SUMMARY: Describe the proposal in one sentence.

Implement the ADA mandates for autistic adults to be covered for Communication Support for their communication disability, to effectively access their benefits and support with professional facilitation.

2. PROBLEM: Describe the problem(s) that the proposal would address. What is the problem or deficiency in existing law?

State agencies such as Department of Rehabilitation (DOR) and Regional Center (RC) both have a mandate for ADA compliance (i.e. Lanterman Act). However, communication impairments are not in the mandatory training for the counselors. Further, credentialed autistic faculty are systematically excluded for delivering training and workshops, such as police sensitivity courses. It is also outside the scope of practice for state funded workers to provide communication support to a person with a communication disability, as they cannot replicate a generic service that is defined by the California Business and Professions Code BPC § 2530.2. Without adequate communication support, autistic people experience

the greatest hardship of any marginalized population in the State, and comprising that of all disability groups combined.

A credentialed professional is medically necessary to accommodate communication disabilities inherent in all social-communication encounters. The law does not mandate state agencies to refer to a licensed professional in the case of an autistic adult, and the consumer remains unaccommodated, and with barriers to eligible benefit on the basis of a disability.

3. SOLUTION: Describe the proposal and how the proposal would address the problem.

Eliminate budget-depleting grants to state agencies and legal advocates who do not effectively advocate for disabled autistic adults, such as autism, cerebral palsy, and other developmental disabilities. This bill will support the Governor's decrease for the budget toward **complete and total elimination of Access to Justice services** that have historically misappropriated funding, to the tune of billions. Starting with Disability Rights CA and the CAP advocates within DOR and RC, blatant deferral of ADA responsibilities with regard to communication advocacy leads to measurable injury to consumers who cannot advocate for themselves. Resultantly, the due process system, grievances investigators, ombudsman's, and suicide hotline are burdened with picking up the tab for autistics who have fallen off the grid of services.

Currently, speech therapy is not covered for adults who have a developmental disability, as the expectancy is to be miraculously cured at the age of 18, irregardless of a lifelong communication impairment inherent in autistic people, diagnosed or undiagnosed. This Act will specifically aim to Reference the only individuals licensed under this chapter [BPC § 2530.2](#), including (i)(1) "assistant" and (h) "Aide" to facilitate and support communication disorders.

This lifelong and primary barrier to autistic people keeps the unemployment rate at 96%, homelessness at 45%, and the greatest at-risk population in the country given 86% suicidality. Unfettered access to communication support is a critical and medically necessary improvement in the quality of life, service delivery of funds already allocated, and the guarantee of meaningful and gainful employment opportunities.

We project 85% employment rates within 5 years from the date of implementation of the Communication Support mandate, and the 50% decrease in the \$40 billion associated costs in the CA. Further, the job security for state agencies will increase because they will be empowered to direct their services appropriately by advocacy on behalf of their consumers. As we know, all parties involved in miscommunication suffer the hardships. Legislated Communication Support promises a reasonable support to 700,000 autistic people in California, among the 6 million in the US. Communication Support will dramatically decrease expenditures and stimulate the economy with a talented, innovative workforce of specialized abilities. We the autistic people know what we need, and we want to be heard regardless of how we communicate.

4. ADDITIONAL BACKGROUND INFORMATION: (Reports, studies, etc. that support the need for the proposal).

We will provide reports from our data, lobbying for these budget cuts, formal projections, and letters of support from leading state agencies and stakeholders. We have accomplished this legislation in the [State of New York](#), and are excited that California will soon be the second state to take necessary action to manage this crisis. We are the autistic constituents who are credentialed to serve as policy analyst but remain unemployed due to lack of access to communication support.

5. PROCESS BACKGROUND: What individuals or agencies would be willing to testify at committee hearings and lobby committee members? Have you contacted another legislator with this same request? Is this an urgency issue, and if so, why is there an immediate need for this legislation?

We have been in contact in the past 3 years with our local members of the Assembly, and the new elected officials. We guarantee bipartisan support, testimony of autistic adults, and expedited prioritization due to covid expenses in the 2020-2021 budget. We know that supporting budget cuts will anger many who do not understand that autistic people can have a say in how they are treated, but we also know that they cannot fathom the daily experience of autistic constituents like myself, who will testify to the injuries, horrors, and expenditures incurred from those who bully and harass us to comply with their idea of communication despite a medical communicative disorder. This includes insurance denial for speech therapy on the basis that CMS has regulated medical to offer SLP for acquired injuries, and autism is disability from birth.

6. COST: Describe the estimated cost of the proposal and identify the entity that would pay for the proposal. If the state would pay, identify a source for the funding. If private funds will be sought, who would be interested in covering the cost?

We estimate that only 25% of the current allotment to Disability Rights and other advocates, would be sufficient to fund the aides and assistants who are licensed to practice Communication Support. The funding for Communication Support would be a minimal investment in autistics with the potential to be self-sufficient and stimulate the economy. We have evidence from the non-profit sector that grants and public support is their primary resource, such that they can forego being included in the state budget entirely. Replacing legislated advocacy and ADA regulations with Communication Support will swap \$3 billion of budget for a mere projected \$750 million annually. This approach is a self referential, self correcting system toward stabilization of inequity and disability rights.

7. LIKELY SUPPORT: List organizations that will likely support the proposal.

California Speech Language Hearing Association (CSHA), to cover the Communication Support through telehealth, staffed to begin immediately for job security of their members

Autism Society of California, to facilitate the acquisition of communication supports for adults through their staff, adhering to the ADA mandate

California Independent Living, to direct autistic adults toward appropriate supports to access benefits and services, aligning with their mission for independent living

The above are mere examples of our contacts. Please envision stakeholders to be any office, hospital, mental health facility, social worker, paramedic, law enforcement, suicide hotline (ACCESS and Crisis Line) and medical personnel to enhance their service delivery with consolidating their referrals for Communication Support. We have worked with the sheriff's office, SDPD, and first responders. We are also advocating at SDSU, KAISER, and other medicaid facilities to recognize and respond to a communicative disorder.

8. ARGUMENTS IN SUPPORT: Identify the top three arguments in support of the proposal.

Healthcare expenditures related to autism are projected at \$1 trillion by 2025 nationwide, up from \$40 billion in 2015 in California alone. Reducing ineffective advocates will free the budget upwards from \$3 billion. The cost of due process, fair hearings, mediation, and grievances will be reduced to a mere 10% of caseload, on the account of autistic adults accessing what they require without exhaustive and costly battles with the state.

While the ADA sets the standard for communication supports, state agencies who are required to accommodate are essentially being burdened to replicate a professional service without a license. We know that practicing without a license leads to abuse, and abuse leads to trauma and PTSD. At this time, 86% of autistics who received mandated autism services reported posttraumatic stress symptoms, an indication that standardizing autism supports must be heralded and directed by autistic people themselves, like us who have endured these violating realities.

With consideration for COVID19, autistics are primed for thriving in a pandemic, because they have spent a lifetime accommodating the world's demands on communication, socialization, and accessibility. With agencies moving to the online platform, autistic are already accommodated with closed captions, lipreading, and home-based access without transportation demands, and are projected to thrive. Given the extraordinary talents of the autistic mind, we know that meaningful and gainful employment is just one supported conversation away from eager adults with an indefatigable strong work ethic.

9. LIKELY OPPOSITION: List organizations that will likely oppose the proposal.

Legal aid will argue that they have represented thousands of autistic people to access their benefits and support, but they refuse autistic cases on the basis of zero income; even if an autistic person takes out a loan to hire a lawyer, their case will be rejected on the basis of stereotyped poverty. Regional Center will argue that they have CAP advocates assigned to help consumers advocate for their case (but our evidence is dark and harrowing to review). The Department of Rehabilitation will oppose having to vendorize speech therapists for Communication Support, claiming that it is a generic resource available through insurance, but we have records to reflect that they deny due process if an autistic consumer is unrepresented. Disability Rights CA has a decade-long history of claiming arbitrarily toward autistic adults, "we don't have the resources to represent you" and then sends closure notices, despite their state funding, public support, and \$2 million lawyer fees that they win in their other cases that they choose to pursue.

10. ARGUMENTS IN OPPOSITION: Identify the top three arguments in opposition of the proposal.

The Democrats who endorse budget spending cuts for education and health care, will argue that mandating Communication Supports will increase the autism costs to healthcare expenditures to the projected \$1 trillion by 2025, up from \$40 billion in 2015. The Republicans who asked for pay cuts to remain employed through covid, will argue that total elimination of advocacy grants will destroy their job security. Autistic adults who do not identify as disabled will argue that they do not want anyone to speak for them, and prefer that people reasonably accommodate them under the ADA. Parents of autistic adults might feel that communication support in adults will stigmatize their child as too disabled for consideration in the job market.