

Assembly Bill No. 632

CHAPTER 209

An act to add Section 12302.21 to the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor August 9, 2003. Filed with Secretary of State August 11, 2003.]

LEGISLATIVE COUNSEL'S DIGEST

AB 632, Kehoe. In-home supportive services providers: employment benefits.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified, aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

Under existing law, if the state or a county makes or provides for direct payment for the purchase of in-home supportive services, the State Department of Social Services is required to assure the performance on behalf of that IHSS recipient of various rights, duties, and obligations, including to pay contributions for workers' compensation coverage for the recipient's IHSS provider.

This bill, in addition, would require the department to perform or assure the performance of these same rights, duties, and obligations to pay contributions for workers' compensation coverage for IHSS providers that are employed under contracts entered into by a county with a nonprofit agency or proprietary agency. The bill would require a county that has existing contracts with nonprofit agencies or proprietary agencies whose employees would be covered under this provision to reduce the contract hourly rate, as prescribed.

Because the bill would require each county to perform additional responsibilities in administering the IHSS program, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 12302.21 is added to the Welfare and Institutions Code, to read:

12302.21. (a) For purposes of providing cost-efficient workers' compensation coverage for in-home supportive services providers under this article, the department shall assume responsibility for providing workers' compensation coverage for employees of nonprofit agencies and proprietary agencies who provide in-home supportive services pursuant to contracts with counties. The workers' compensation coverage provided for these employees shall be provided on the same terms as provided to providers under Section 12302.2 and 12302.5.

(b) A county that has existing contracts with nonprofit agencies or proprietary agencies whose employees will be provided workers' compensation coverage by the department pursuant to subdivision (a), shall reduce the contract hourly rate by fifty cents (\$0.50) per hour, effective on the date that the department implements this section.

SEC. 2. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to maintain a steady workforce within the In-Home Supportive Services program, it is necessary that this act take effect immediately.

