

AMENDED IN SENATE AUGUST 1, 2007

AMENDED IN SENATE JULY 3, 2007

AMENDED IN SENATE JUNE 18, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 380

Introduced by Assembly Member Berg

February 15, 2007

An act to add Section 9569 to the Welfare and Institutions Code, relating to seniors.

LEGISLATIVE COUNSEL'S DIGEST

AB 380, as amended, Berg. Multipurpose Senior Services Program.

Existing law establishes the Multipurpose Senior Services Program, administered through the California Department of Aging, to provide specified services to frail elderly individuals 65 years of age and older who are certifiable for placement in a nursing facility. Under existing law, the department contracts with nonprofit organizations and local public entities for the establishment of Multipurpose Senior Services Program sites.

This bill would make legislative findings and declarations regarding the challenge to the state to provide more accessible systems of cost-effective home and community-based services to individuals with disabilities and protect against unnecessary institutionalization of individuals who can live in the community with the right support. This bill would also make legislative findings and declarations regarding the ever-increasing number of older Californians, with complex needs,

served by the Multipurpose Senior Services Program, the shrinking ability of the program to address those needs due to stagnant funding and increased costs, and the need to create a sustainable rate methodology for the Multipurpose Senior Services Program. The bill would require, commencing July 1, 2008, and to the extent that funds are appropriated in the Budget Act or other legislation for this purpose, *and subject to the availability of federal financial participation*, the department to annually increase the ~~reimbursement rate~~ *allocation* for the Multipurpose Senior Services Program (MSSP) in accordance with a specified formula. The bill would also require the department, in addition to making these ~~rate~~ *allocation* increases, to consider any new program requirements mandated by changes in law or regulation when adjusting the MSSP reimbursement rate, *and would limit the amount of the MSSP annual allocation per participant, as prescribed.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

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

- 1 SECTION 1. Section 9569 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 9569. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) In 1999, the United States Supreme Court issued a decision
- 6 in the case of *Olmstead v. L.C.*, finding that the unjustified
- 7 institutional isolation of people with disabilities is a violation of
- 8 the Americans with Disabilities Act.
- 9 (2) The *Olmstead* decision clearly challenges states to develop
- 10 more opportunities for individuals with disabilities through more
- 11 accessible systems of cost-effective home and community-based
- 12 services.
- 13 (3) The state has a responsibility to protect against the
- 14 unnecessary institutionalization of all persons, of all ages, with
- 15 disabilities.
- 16 (4) No Californian should have to live in an institution or a
- 17 nursing home if they can live in the community with the right
- 18 support.
- 19 (5) The Multipurpose Senior Services Program is essential in
- 20 keeping older adults who are at risk of institutionalization in their
- 21 own homes and communities.

1 (6) An ever-increasing number of older Californians served by
2 the Multipurpose Senior Services Program have very complex
3 medical and psychosocial needs, requiring an intense level of
4 service.

5 (7) The ability of the Multipurpose Senior Services Program to
6 continue to address these needs has been shrinking, due to stagnant
7 funding and increasing health care and labor costs.

8 (8) In order for the program to expand and be available to older
9 adults in all 58 counties, it is necessary to establish a sustainable
10 rate methodology, in order to ensure that the program can remain
11 viable and able to serve all older Californians at risk of
12 institutionalization.

13 (b) (1) To the extent that funds are appropriated in the Budget
14 Act or other legislation for this purpose, *and subject to the*
15 *availability of federal financial participation*, effective July 1,
16 2008, and each fiscal year thereafter, the *California Department*
17 *of Aging, in consultation with the State Department of Health Care*
18 *Services, as required under the interagency agreement*, shall
19 increase the ~~reimbursement rate~~ *annual allocation* for the
20 Multipurpose Senior Services Program (MSSP) by the same
21 percentage as the ~~increase to the medical care component of the~~
22 ~~California Consumer Price Index~~ *annual increase in the Medi-Cal*
23 *reimbursement rate for intermediate care facilities, as defined in*
24 *subdivision (d) of Section 1250 of the Health and Safety Code*, for
25 that year.

26 (2) When adjusting the MSSP ~~reimbursement rate~~ *allocation*,
27 the department shall, in addition to increasing the MSSP
28 ~~reimbursement rate~~ *allocation* as set forth in paragraph (1), take
29 into consideration any new program requirements for the MSSP
30 mandated by changes in the law or regulations governing the
31 program.

32 (3) *The annual allocation amount per MSSP participant shall*
33 *not exceed the annual rate for an individual in an intermediate*
34 *care facility.*