

AMENDED IN SENATE APRIL 24, 2007

SENATE BILL

No. 633

Introduced by Senator Alquist

February 22, 2007

An act to add Article 4 (commencing with Section 127450) to Chapter 2 of Part 2 of Division 107 of the Health and Safety Code, relating to persons with disabilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 633, as amended, Alquist. Persons with disabilities: care in community settings *and hospital discharge planning policies.*

Existing law prohibits unjustified institutionalization of persons with disabilities and requires that services be provided in community settings when possible.

This bill would declare the intent of the Legislature regarding the state's commitment to providing services for persons with disabilities in the most integrated setting, ~~and to subsequently amend this bill to include provisions that would expand the Multipurpose Senior Services Program and the Linkages Program, establish a prescribed hospital discharge planning process, and provide a skilled nursing facility notice and disclosure process setting.~~

This bill would authorize a private hospital to conspicuously post its hospital discharge planning policy and to provide patients with information relating to community-based long-term care options, as specified.

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

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

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

3 (a) On June 22, 1999, the United States Supreme Court issued
4 a decision in the case of *Olmstead v. L.C.*, finding that the
5 unjustified institutional isolation of people with disabilities is a
6 violation of the Americans with Disabilities Act (ADA).

7 (b) The court found that under certain circumstances, regulations
8 implementing Title II of the ADA require the placement of persons
9 with disabilities in community settings rather than institutions.

10 (c) The decision challenged federal, state, and local governments
11 to develop cost-effective community-based services to prevent or
12 delay institutionalization.

13 (d) Unnecessary institutional placement, such as nursing homes,
14 state hospitals, and other nonhome-like settings, of individuals
15 with disabilities adversely affects the everyday life activities,
16 family relations, social contacts, work options, economic
17 independence, and cultural enrichment of those institutionalized
18 persons.

19 (e) The state has a responsibility to protect against the
20 unnecessary institutionalization of individuals with disabilities.

21 (f) The opportunity to direct one's own affairs, live
22 independently, and attain economic self-sufficiency is an essential
23 component of developing self-worth and personal responsibility.

24 (g) Direction has been provided to states under the Americans
25 with Disabilities Act and the United States Supreme Court's
26 decision in *Olmstead v. L.C.*.

27 (h) Community-based care and services can be more cost
28 effective than institutional care, and result in a higher quality of
29 life that promotes the values of community participation,
30 inclusiveness, and respect for diversity.

31 (i) The active involvement of people with disabilities and their
32 representatives in the development and implementation of activities
33 designed to move people into, or allow them to remain in,
34 community-based settings is critical to ensuring effective strategies.

35 (j) California has demonstrated only a mediocre record of
36 success in providing services that support the full integration of
37 persons with disabilities in community life.

1 (k) It is possible to build upon California’s previous success to
2 improve procedures and implement new tools that will enable more
3 people to fully access their communities.

4 SEC. 2. (a) The state affirms its commitment to provide
5 services to people with disabilities in the most integrated setting,
6 and to adopt and adhere to policies and practices that make it
7 possible for persons with disabilities to remain in their communities
8 and avoid unnecessary institutionalization.

9 (b) It is the intent of this act to make proven case management
10 services that help disabled persons who would otherwise be placed
11 in an institutional setting, including, but not limited to, a nursing
12 home, remain in their own homes or communities, available to all
13 consumers who qualify for those services.

14 ~~SEC. 3. The Legislature intends to subsequently amend this~~
15 ~~act to include provisions that would do all of the following:~~

16 ~~(a) Expand the Multipurpose Senior Services Program (MSSP),~~
17 ~~the Linkages Program, and other case management programs in~~
18 ~~order to achieve this goal and in order to grant affirmed rights to~~
19 ~~the disabled currently unavailable to them.~~

20 ~~(b) Expand the Multipurpose Senior Services Program, and the~~
21 ~~Linkages Program statewide as part of the state Medicaid plan.~~

22 ~~(c) Establish a hospital discharge planning process that ensures~~
23 ~~that people leaving the acute health care setting are provided~~
24 ~~options for how they would like their care provided, and if they~~
25 ~~elect community-based care, that appropriate arrangements and~~
26 ~~resources are available to facilitate that care, through the MSSP~~
27 ~~or the Linkages Program, at a minimum.~~

28 ~~(d) Provide a mechanism in the skilled nursing facility~~
29 ~~admissions process that provides for notice and disclosure to all~~
30 ~~potential admittees that similar services are possibly available in~~
31 ~~the community which may help the admittee remain in their own~~
32 ~~homes.~~

33 *SEC. 3. Article 4 (commencing with Section 127450) is added*
34 *to Chapter 2 of Part 2 of Division 107 of the Health and Safety*
35 *Code, to read:*

36
37 *Article 4. Hospital Discharge Planning Policies*

38
39 *127450. (a) A private hospital may post its hospital discharge*
40 *planning policy in a conspicuous place.*

1 ***(b) A private hospital may provide every patient anticipated to***
2 ***be in need of long-term care at the time of discharge with***
3 ***information relating to community-based long-term care options.***
4 ***At a minimum, this information may include a description of the***
5 ***home care, in-home supportive services, care management***
6 ***alternatives to skilled nursing care, and other nonmedical***
7 ***community-based options for long-term care in the appropriate***
8 ***geographic area.***

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