

**ASSEMBLY BILL**

**No. 876**

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**Introduced by Assembly Member Valadao**

February 17, 2011

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An act to amend Section 12300 of the Welfare and Institutions Code, relating to in-home supportive services.

LEGISLATIVE COUNSEL'S DIGEST

AB 876, as introduced, Valadao. In-Home Supportive Services program.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes.

This bill would make a technical, nonsubstantive change to these provisions.

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. Section 12300 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 12300. (a) The purpose of this article is to provide in every
- 4 county in a manner consistent with this chapter and the annual
- 5 Budget Act those supportive services identified in this section to
- 6 aged, blind, or disabled persons, as defined under this chapter,
- 7 who are unable to perform the services themselves and who cannot

1 safely remain in their homes or abodes of their own choosing unless  
2 these services are provided.

3 (b) Supportive services shall include domestic services and  
4 services related to domestic services, heavy cleaning, personal  
5 care services, accompaniment by a provider when needed during  
6 necessary travel to health-related appointments or to alternative  
7 resource sites, yard hazard abatement, protective supervision,  
8 teaching and demonstration directed at reducing the need for other  
9 supportive services, and paramedical services which make it  
10 possible for the recipient to establish and maintain an independent  
11 living arrangement.

12 (c) Personal care services shall mean all of the following:

- 13 (1) Assistance with ambulation.
- 14 (2) Bathing, oral hygiene, and grooming.
- 15 (3) Dressing.
- 16 (4) Care and assistance with prosthetic devices.
- 17 (5) Bowel, bladder, and menstrual care.
- 18 (6) Repositioning, skin care, range of motion exercises, and  
19 transfers.
- 20 (7) Feeding and assurance of adequate fluid intake.
- 21 (8) Respiration.
- 22 (9) Assistance with self-administration of medications.

23 (d) Personal care services are available if these services are  
24 provided in the beneficiary's home and other locations as may be  
25 authorized by the director. Among the locations that may be  
26 authorized by the director under this paragraph is the recipient's  
27 place of employment if all of the following conditions are met:

28 (1) The personal care services are limited to those that are  
29 currently authorized for a recipient in the recipient's home and  
30 those services are to be utilized by the recipient at the recipient's  
31 place of employment to enable the recipient to obtain, retain, or  
32 return to work. Authorized services utilized by the recipient at the  
33 recipient's place of employment shall be services that are relevant  
34 and necessary in supporting and maintaining employment.  
35 However, workplace services shall not be used to supplant any  
36 reasonable accommodations required of an employer by the *federal*  
37 Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.;  
38 ADA) or other legal entitlements or third-party obligations.

39 (2) The provision of personal care services at the recipient's  
40 place of employment shall be authorized only to the extent that

1 the total hours utilized at the workplace are within the total personal  
2 care services hours authorized for the recipient in the home.  
3 Additional personal care services hours may not be authorized in  
4 connection with a recipient's employment.

5 (e) Where supportive services are provided by a person having  
6 the legal duty pursuant to the Family Code to provide for the care  
7 of his or her child who is the recipient, the provider of supportive  
8 services shall receive remuneration for the services only when the  
9 provider leaves full-time employment or is prevented from  
10 obtaining full-time employment because no other suitable provider  
11 is available and where the inability of the provider to provide  
12 supportive services may result in inappropriate placement or  
13 inadequate care.

14 These providers shall be paid only for the following:

15 (1) Services related to domestic services.

16 (2) Personal care services.

17 (3) Accompaniment by a provider when needed during necessary  
18 travel to health-related appointments or to alternative resource  
19 sites.

20 (4) Protective supervision only as needed because of the  
21 functional limitations of the child.

22 (5) Paramedical services.

23 (f) To encourage maximum voluntary services, so as to reduce  
24 governmental costs, respite care shall also be provided. Respite  
25 care is temporary or periodic service for eligible recipients to  
26 relieve persons who are providing care without compensation.

27 (g) A person who is eligible to receive a service or services  
28 under an approved federal waiver authorized pursuant to Section  
29 14132.951, or a person who is eligible to receive a service or  
30 services authorized pursuant to Section 14132.95, shall not be  
31 eligible to receive the same service or services pursuant to this  
32 article. In the event that the waiver authorized pursuant to Section  
33 14132.951, as approved by the federal government, does not extend  
34 eligibility to all persons otherwise eligible for services under this  
35 article, or does not cover a service or particular services, or does  
36 not cover the scope of a service that a person would otherwise be  
37 eligible to receive under this article, those persons who are not  
38 eligible for services, or for a particular service under the waiver  
39 or Section 14132.95 shall be eligible for services under this article.

1 (h) (1) All services provided pursuant to this article shall be  
2 equal in amount, scope, and duration to the same services provided  
3 pursuant to Section 14132.95, including any adjustments that may  
4 be made to those services pursuant to subdivision (e) of Section  
5 14132.95.

6 (2) Notwithstanding any other provision of this article, the rate  
7 of reimbursement for in-home supportive services provided through  
8 any mode of service shall not exceed the rate of reimbursement  
9 established under subdivision (j) of Section 14132.95 for the same  
10 mode of service unless otherwise provided in the annual Budget  
11 Act.

12 (3) The maximum number of hours available under Section  
13 14132.95, Section 14132.951, and this section, combined, shall  
14 be 283 hours per month. Any recipient of services under this article  
15 shall receive no more than the applicable maximum specified in  
16 Section 12303.4.