

**ASSEMBLY BILL**

**No. 1970**

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**Introduced by Assembly Member Skinner**

February 23, 2012

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An act to amend Section 18914 of, and to add Sections 10003, 11023.6, 11023.7, and 11023.8 to the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1970, as introduced, Skinner. Social Services Modernization and Efficiency Act of 2012.

Existing law provides for protection, care, and assistance for people of the state, and the promotion of the welfare and happiness of all people in the state by providing appropriate aid and services to the needy and distressed. Programs established for this purpose include CalWORKs, which provides cash assistance and other social services to needy families, using federal Temporary Assistance for Needy Families (TANF) block grant program, state, and county funds, and CalFresh, whereby nutrition assistance benefits allocated to the state federal government are distributed to eligible individuals by each county. Counties administer the CalWORKs and CalFresh programs.

This bill, the Social Services Modernization Act of 2012, would require a state plan submitted by any state department to a federal agency in the context of providing public social services to be electronically available on the department's Internet Web site, as specified.

This bill would require the State Department of Social Services and the California Healthcare Eligibility, Enrollment, and Retention System to seek a waiver from the United States Department of Agriculture to deliver notices and communications pertaining to CalFresh eligibility

and benefits electronically, or both electronically and by mail, as specified. The bill would authorize applicants and recipients to opt out of receiving electronic notice, and would provide for the confidentiality of an applicant's or recipient's electronic information, as specified.

This bill would prohibit a county from requiring an applicant or recipient for public benefits to verify information provided to the county, except when the verification is required by federal law, or is necessary to determine eligibility for aid or to compute the amount of aid.

This bill would require county human services departments to maximize use of electronic means of verifying applicant and recipient information, and would require the state to work with counties to develop a protocol enabling statewide use by applicants and recipients of public social services programs of a specified electronic database developed to verify eligibility information for the federal Patient Protection and Affordable Care Act of 2010.

This bill would revise procedures relating to public social services application and recertification interviews to require these interviews to be conducted in person, by telephone, or by other electronic means, to promote administrative efficiency and reduce costs to applicants and recipients.

Existing law requires a county welfare department, to the extent provided by federal law, to provide CalFresh benefits on an expedited basis to certain households.

This bill would require the expedited service interview to be postponed, as specified, if there is no information indicating the applicant's ineligibility for expedited service.

This bill would authorize the State Department of Social Services to implement the bill by means of all-county letters or similar instructions, by January 1, 2013.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would declare that no appropriation would be made for purposes of implementing the bill.

Because this bill would increase duties of counties administering public social services programs, 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.

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.

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

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

1 SECTION 1. This act shall be known, and may be cited, as the  
2 Social Services Modernization and Efficiency Act of 2012.

3 SEC. 2. Section 10003 is added to the Welfare and Institutions  
4 Code, to read:

5 10003. Any state plan submitted by any department to any  
6 federal agency for a program administered by any department  
7 pursuant this division, and any and all communication relative to  
8 the plan, including any writings relative to any waiver requested  
9 or received by the department, shall be electronically available to  
10 the public at all times on the relevant department's Internet Web  
11 site.

12 SEC. 3. Section 11023.6 is added to the Welfare and  
13 Institutions Code, to read:

14 11023.6. (a) The State Department of Social Services shall  
15 seek a waiver from the United States Department of Agriculture  
16 (USDA) to authorize county human services departments and the  
17 California Healthcare Eligibility, Enrollment, and Retention System  
18 (CalHEERS) developed pursuant to the California Patient  
19 Protection and Affordable Care Act, to deliver notices and  
20 communication pertaining to CalFresh eligibility and benefit  
21 issuance as allowed by subdivision (c).

22 (b) The Legislature recognizes that applicants or recipients may  
23 not always have access to electronic mail or the Internet. In order  
24 to ensure that due process and privacy of all applicants and  
25 recipients are protected, the department, in consultation with client  
26 and patient advocates, representatives of county human services  
27 departments, and representatives of county eligibility workers,  
28 shall develop a process whereby applicants and recipients can  
29 affirmatively choose to receive notice of actions or other  
30 communications relevant to their case electronically as provided  
31 in paragraphs (1) to (6), inclusive, of subdivision (c).

1 (c) All applicants and recipients of public social services,  
2 including applicants and recipients of CalFresh benefits under  
3 Section 18900 and any state health subsidy program shall be  
4 allowed, at any time, to affirmatively choose to receive  
5 communications and notices electronically, or both electronically  
6 and via the United States Postal Service as provided by this section.

7 (1) No notice or other form of communication shall be sent  
8 electronically unless that method of communication has been  
9 affirmatively requested in writing by the applicant or recipient. A  
10 record of the request required by this paragraph and of each notice  
11 and communication sent electronically or otherwise shall be  
12 maintained in the recipient's case file for three years, as required  
13 by Section 10851.

14 (2) An applicant or recipient may opt out of receiving electronic  
15 notices, in writing, in person, by telephone, or by electronic mail.  
16 A request to opt out shall be processed within 24 hours of receipt.  
17 For victims of domestic violence, the county shall cease all  
18 communication with the applicant or recipient until the request to  
19 opt out of electronic communication has been processed.

20 (3) All notices sent electronically shall be sent via secured  
21 server. No notice shall be sent as an electronic mail attachment.  
22 For all notices sent, administering agencies or departments shall  
23 have the ability to be informed when the recipient has opened or  
24 "downloaded" the notice, and shall send notices via the United  
25 States Postal Service if the recipient has not opened or downloaded  
26 the notice or there is not proof that a notice sent electronically was  
27 received and opened within seven days of having been sent.

28 (4) Notwithstanding any other provision of this section, notices  
29 terminating benefits, sanctioning benefits, or establishing an  
30 intentional program violation for any household member or for  
31 establishing or collecting an overpayment, underpayment,  
32 overissuance or underissuance from recipients or former recipients  
33 shall be sent via the United States Postal Service.

34 (5) Every effort shall be made to maintain privacy and security  
35 of applicant or recipient information at all times.

36 (6) All electronic communication and data storage shall comply  
37 with state security standards, which shall be posted on the  
38 department's Internet Web site and on all online applications.

39 (d) Under no circumstances shall data that is available  
40 electronically that identifies an applicant or recipient, the

1 permanent or temporary internet protocol (IP) address assigned to  
2 an applicant or recipient, or the geographic location of the IP  
3 address or mobile device, their Internet activity or any other  
4 information that is available through the Internet, be collected or  
5 used for any purpose other than transmitting information to the  
6 applicant or recipient as authorized by this section.

7 SEC. 4. Section 11023.7 is added to the Welfare and  
8 Institutions Code, to read:

9 11023.7. (a) A county shall not require an applicant for or  
10 recipient of aid pursuant this chapter to provide verification of  
11 information provided to the county, unless verification is federally  
12 required, and necessary to determine eligibility for aid or to  
13 compute the amount of aid, and the information is not already  
14 available to the county eligibility worker. Additional information  
15 not required by federal law or necessary to determine eligibility  
16 for aid or compute the amount of aid may be requested from an  
17 applicant or recipient, but the individual's eligibility for aid shall  
18 not be delayed, denied, or terminated due to his or her failure to  
19 provide this information.

20 (b) A county human services department shall maximize the  
21 use of electronic means of verifying information required to be  
22 verified for any applicant or recipient of aid pursuant to this  
23 chapter, except for information that federal law permits to be  
24 verified through self-attestation statement of the applicant or  
25 recipient. At a minimum, the state shall work with representatives  
26 of county human services departments and representatives of  
27 county eligibility workers, and public benefits advocates to  
28 establish a statewide protocol enabling the use of the electronic  
29 database developed for verification of eligibility information for  
30 applicants and recipients under the federal Patient Protection and  
31 Affordable Care Act of 2010 (PPACA) for applicants for and  
32 recipients of CalWORKs, CalFresh, and other social services  
33 programs.

34 (c) An applicant for or recipient of aid under this chapter whose  
35 information is electronically verified pursuant to this section shall  
36 be given an opportunity to review the information obtained  
37 electronically and to make corrections, as necessary. An applicant  
38 or recipient of aid who disputes the accuracy of electronically  
39 verified information that is federally required and necessary to

1 determine eligibility for aid or to compute the amount of aid may  
2 be required to provide verification of the disputed information.

3 SEC. 5. Section 11023.8 is added to the Welfare and  
4 Institutions Code, to read:

5 11023.8. (a) Notwithstanding any other law, all application  
6 and recertification interviews shall be conducted in person, by  
7 telephone, or through other electronic means to provide for more  
8 efficiency in the administration of the program and to reduce the  
9 transportation costs to applicants and recipients associated with  
10 those interviews.

11 (b) The department or the county welfare department shall  
12 schedule the interview at least 10 working days in advance, and  
13 shall provide a notice that contains the date, time, and place of the  
14 interview. If the applicant or recipient appears for the scheduled  
15 interview, the interview shall be conducted within 30 minutes of  
16 the time that the individual arrives at the interview location.

17 (c) If the department or county welfare department offers an  
18 on-demand telephone interview option, the notice required by  
19 subdivision (b) shall inform the applicant or recipient of this option  
20 and how to phone in for the interview.

21 (d) The notice shall also inform the applicant or recipient that  
22 he or she may conduct the interview through the various electronic  
23 means available prior to the scheduled appointment, including  
24 telephone interview, online interview, or interview in a chat room.  
25 The notice shall be developed in consultation with advocates,  
26 counties and labor representatives, and shall provide this  
27 information in language that is accessible to applicants and  
28 recipients, including language access.

29 SEC. 6. Section 18914 of the Welfare and Institutions Code,  
30 as amended by Section 88 of Chapter 227 of the Statutes of 2011,  
31 is amended to read:

32 18914. (a) To the extent provided by federal law, the county  
33 welfare department shall provide CalFresh benefits on an expedited  
34 basis to households determined to be in immediate need of food  
35 assistance.

36 (b) At the time an applicant initially seeks assistance, the county  
37 welfare department shall screen all expedited service applications  
38 on a priority basis. Applicants who meet the federal criteria for  
39 expedited service shall receive either a manual authorization to  
40 participate or automated card or the immediate issuance of

1 CalFresh benefits no later than the third day following the date the  
2 application was filed. To the maximum extent permitted by federal  
3 law, the amount of income to be received from any source shall  
4 be deemed to be uncertain and exempt from consideration in the  
5 determination of eligibility for expedited service. For purposes of  
6 this subdivision, a weekend shall be considered one calendar day.

7 (c) The State Department of Social Services shall develop and  
8 implement for expedited issuance a uniform procedure for verifying  
9 information required of an applicant.

10 (d) *The expedited service interview shall be postponed and*  
11 *conducted at the same time that the interview for regular issuance*  
12 *of CalFresh benefits is scheduled pursuant to Section 11023.8, if*  
13 *there is no verifiable information at the disposal of the state or*  
14 *county welfare department that indicates the applicant's*  
15 *ineligibility for expedited service.*

16 SEC. 7. Notwithstanding the rulemaking provisions of the  
17 Administrative Procedure Act (Chapter 3.5 (commencing with  
18 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
19 Code), the department may implement this act through an  
20 all-county letter or similar instruction from the director. The  
21 all-county letter or similar instruction shall be issued no later than  
22 January 1, 2014.

23 SEC. 8. No appropriation pursuant to Section 15200 of the  
24 Welfare and Institutions Code shall be made for purposes of this  
25 act.

26 SEC. 9. If the Commission on State Mandates determines that  
27 this act contains costs mandated by the state, reimbursement to  
28 local agencies and school districts for those costs shall be made  
29 pursuant to Part 7 (commencing with Section 17500) of Division  
30 4 of Title 2 of the Government Code.