

AMENDED IN ASSEMBLY APRIL 19, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1970

Introduced by Assembly Member Skinner
(Coauthors: Assembly Members Ammiano and Portantino)

February 23, 2012

An act to amend ~~Section~~ *Sections 18901.6 and 18914* of, and to add Sections 10003, 11023.6, 11023.7, ~~and~~ 11023.8, *and 11322.81* to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1970, as amended, 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 *final operational* state plan submitted by any ~~state~~ department *administered by the Secretary of California Health and Human Services state agency* to a federal agency in the context of providing public social services to be electronically available on the *relevant* 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 to promulgate regulations for delivery of 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, with certain exceptions, requires every individual, as a condition of eligibility for aid under the CalWORKs program, to participate in welfare-to-work activities.

This bill would deem an adult CalWORKs recipient whose youngest child is under 6 years of age to be in compliance with existing welfare-to-work requirements if he or she is participating in at least 20 hours per week of federally eligible welfare-to-work activities. The bill would provide that a person satisfying these requirements would be eligible for specified support services, and would not be subject to sanction for failure or refusal to comply with program requirements, as specified.

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.

Existing law requires county welfare departments to provide transitional CalFresh benefits to households terminating their participation in the CalWORKs program, to the maximum extent allowable by federal law.

This bill would require the State Department of Social Services to implement the above requirement so as to maximize continued enrollment of eligible recipients, pursuant to a specified federal regulation.

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 *final operational* state plan submitted by any
6 department *administered by the Secretary of California Health*
7 *and Human Services* to any federal agency ~~for a program~~

1 administered by any department pursuant this division, and any
2 and all communication relative to the plan, including any writings
3 relative to any *and any approved* waiver requested or received by
4 the *any* department, shall be electronically available to the public
5 at all times on the relevant department's Internet Web site.

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

8 11023.6. (a) The State Department of Social Services shall
9 seek a waiver from the ~~United States Department of Agriculture~~
10 ~~(USDA) to authorize county human services departments and the~~
11 ~~California Healthcare Eligibility, Enrollment, and Retention System~~
12 ~~(CalHEERs) developed pursuant to the California Patient~~
13 ~~Protection and Affordable Care Act, to deliver notices and~~
14 ~~communication pertaining to CalFresh eligibility and benefit~~
15 ~~issuance as allowed by subdivision (e) *promulgate regulations to*~~
16 ~~*allow for the delivery of notices and communications pertaining*~~
17 ~~*to CalFresh and CalWORKs eligibility and benefit issuance, as*~~
18 ~~*provided in subdivision (c). The department shall seek all necessary*~~
19 ~~*waivers of federal law to implement this section.*~~

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

30 (c) All applicants and recipients of public social services,
31 including applicants and recipients of CalFresh benefits under
32 Section 18900 and any state health subsidy program shall be
33 allowed, at any time, to affirmatively choose to receive
34 communications and notices electronically, or both electronically
35 and via the United States Postal Service as provided by this section.
36 *Upon choosing to receive communication electronically, the*
37 *recipient shall be informed in writing of his or her right to opt out*
38 *of electronic communications at any time, in accordance with*
39 *paragraph (2). The administering agencies or departments shall*
40 *respond to all undeliverable or rejected electronic communications*

1 *by unsubscribing the recipient from electronic communications*
2 *and reinstating postal service delivery of all notices and documents,*
3 *beginning with the notice that was undelivered or rejected*
4 *electronically, and shall inform the recipient or head of household*
5 *how to request electronic delivery of notifications and*
6 *communications as established in 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, *or electronically, with an*
10 *electronic signature*, by the applicant or recipient. A record of the
11 request required by this paragraph and of each notice and
12 communication sent electronically or otherwise shall be maintained
13 in the recipient's case file for three years, as required by Section
14 10851.

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

21 (3) All notices sent electronically shall be sent via secured
22 server. No notice shall be sent as an electronic mail attachment.
23 ~~For all notices sent, administering agencies or departments shall~~
24 ~~have the ability to be informed when the recipient has opened or~~
25 ~~"downloaded" the notice, and shall send notices via the United~~
26 ~~States Postal Service if the recipient has not opened or downloaded~~
27 ~~the notice or there is not proof that a notice sent electronically was~~
28 ~~received and opened within seven days of having been sent. Each~~
29 *electronic communication shall include the information that the*
30 *recipient of the electronic communication has the right to opt out*
31 *of receiving electronic communication at any time, with*
32 *instructions for how to do so. For all notices sent via electronic*
33 *communication, administering agencies or departments shall have*
34 *the ability to be informed when the recipient has opened or*
35 *downloaded the notice, and shall send an electronic reminder*
36 *notice to the recipient if the notice has not been opened or*
37 *downloaded within seven days of having been sent.*

38 (4) Notwithstanding any other provision of this section, *in*
39 *addition to issuing notices of action pursuant to paragraph (3),*
40 *notices of action terminating benefits, sanctioning benefits, or*

1 establishing an intentional program violation for any household
 2 member or for establishing or collecting an overpayment,
 3 underpayment, overissuance or underissuance from recipients or
 4 former recipients shall be sent via the United States Postal Service.

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

7 (6) All electronic communication and data storage shall comply
 8 with state security standards,~~which~~. *The state security standards*
 9 shall be posted on the department’s Internet Web site and on *the*
 10 *home page* for all online applications.

11 (d) Under no circumstances shall data that is available
 12 electronically that identifies an applicant or recipient, the
 13 permanent or temporary internet protocol (IP) address assigned to
 14 an applicant or recipient, or the geographic location of the IP
 15 address or mobile device, their Internet activity or any other
 16 information that is available through the Internet, be collected or
 17 used for any purpose other than transmitting information to the
 18 applicant or recipient as authorized by this section.

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

21 11023.7. (a) ~~A~~*Notwithstanding Section 10830, a county shall*
 22 *not require an applicant for or recipient of aid pursuant this chapter*
 23 *to provide verification of information provided to the county,*
 24 *unless verification is federally required, and necessary to determine*
 25 *eligibility for aid or to compute the amount of aid, and the*
 26 *information is not already available to the county eligibility worker.*
 27 *Additional information not required by federal law or necessary*
 28 *to determine eligibility for aid or compute the amount of aid may*
 29 *be requested from an applicant or recipient, but the individual’s*
 30 *eligibility for aid shall not be delayed, denied, or terminated due*
 31 *to his or her failure to provide this information.*

32 (b) *A county human services department shall maximize the*
 33 *use of electronic means of verifying information required to be*
 34 *verified for any applicant or recipient of aid pursuant to this*
 35 *chapter, except for information that federal law permits to be*
 36 *verified through self-attestation statement of the applicant or*
 37 *recipient. If the necessary information is not contained in the*
 38 *county human services department case files, and self-attestation*
 39 *is not legally sufficient, the county human services department*
 40 *shall search all available databases accessible to county human*

1 *services departments to verify all eligible information, pursuant*
2 *to statewide protocols developed by the department as provided*
3 *in this subdivision. At a minimum, the state shall work with*
4 *representatives of county human services departments and*
5 *representatives of county eligibility workers, and public benefits*
6 *advocates to establish a statewide protocol enabling the use of the*
7 *electronic database developed for verification of eligibility*
8 *information for applicants and recipients under the federal Patient*
9 *Protection and Affordable Care Act of 2010 (PPACA) for*
10 *applicants for and recipients of CalWORKs, CalFresh, and other*
11 *social services programs, and to identify other available federal*
12 *and state databases, and establish protocols for searching those*
13 *databases for information pursuant to this subdivision.*

14 (c) An applicant for or recipient of aid under this chapter whose
15 information is electronically verified pursuant to this section shall
16 be given an opportunity to review the information obtained
17 electronically and to make corrections, as necessary. An applicant
18 or recipient of aid who disputes the accuracy of electronically
19 verified information that is federally required and necessary to
20 determine eligibility for aid or to compute the amount of aid may
21 be required to provide verification of the disputed information.

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

24 11023.8. (a) Notwithstanding any other law, all application
25 and recertification interviews shall be conducted in person, by
26 telephone, or through other electronic means to provide for more
27 efficiency in the administration of the program and to reduce the
28 transportation costs to applicants and recipients associated with
29 those interviews.

30 (b) ~~The~~ *Except for applications from applicants who may be*
31 *eligible for benefits under Sections 11266 and 18914, the*
32 *department or the county welfare department shall schedule the*
33 *interview at least 10 working days in advance, and shall provide*
34 *a notice that contains the date, time, and place of the interview. If*
35 *the applicant or recipient appears for the scheduled interview*
36 *on time, the interview shall be conducted within 30 minutes of the*
37 *time that the individual arrives at the interview location*
38 *interview was scheduled.*

39 (e) ~~If the department or county welfare department offers an~~
40 ~~on-demand telephone interview option, the notice required by~~

1 subdivision (b) shall inform the applicant or recipient of this option
2 and how to phone in for the interview.

3 ~~(d) The notice shall also inform the applicant or recipient that~~
4 ~~he or she may conduct the interview through the various electronic~~
5 ~~means available prior to the scheduled appointment, including~~
6 ~~telephone interview, online interview, or interview in a chat room.~~
7 ~~The notice shall be developed in consultation with advocates,~~
8 ~~counties and labor representatives, and shall provide this~~
9 ~~information in language that is accessible to applicants and~~
10 ~~recipients, including language access.~~

11 *(c) The notice required by subdivision (b) shall inform the*
12 *applicant or recipient of all options available in that county for*
13 *completing the interview prior to the scheduled appointment,*
14 *including telephone interview, online interview, and on-demand*
15 *telephone interview.*

16 *(d) The notice required by subdivision (b) shall be developed*
17 *in consultation with advocates, counties, and county eligibility*
18 *workers, and shall provide this information in language that is*
19 *accessible to applicants and recipients, including those with limited*
20 *English proficiency.*

21 *SEC. 6. Section 11322.81 is added to the Welfare and*
22 *Institutions Code, to read:*

23 *11322.81. Notwithstanding any other law, an adult recipient*
24 *whose youngest child is under six years of age, and who is*
25 *participating in at least 20 hours per week of federally eligible*
26 *welfare-to-work activities, shall be deemed to be in compliance*
27 *with the requirements of Section 11322.8. In addition, necessary*
28 *supportive services for these participants shall be provided in*
29 *order to participate in activities or employment pursuant to*
30 *Sections 11323.2 and 11323.4, and these participants shall not be*
31 *subject to sanction for failure or refusal to comply with program*
32 *requirements under Section 11327.4.*

33 *SEC. 7. Section 18901.6 of the Welfare and Institutions Code*
34 *is amended to read:*

35 *18901.6. ~~To~~(a) The Legislature finds and declares that 40*
36 *percent of CalWORKs recipients who receive transitional CalFresh*
37 *benefits reapply to receive regular CalFresh benefits.*

38 *(b) To the maximum extent allowable by federal law, each*
39 *county welfare department shall provide transitional CalFresh*
40 *benefits to households terminating their participation in the*

1 CalWORKs program. *The department shall implement this section*
2 *so as to maximize continued enrollment of eligible recipients,*
3 *pursuant to Section 273.31(b) of Title 7 of the Code of Federal*
4 *Regulations.*

5 ~~SEC. 6.~~

6 SEC. 8. Section 18914 of the Welfare and Institutions Code,
7 as amended by Section 88 of Chapter 227 of the Statutes of 2011,
8 is amended to read:

9 18914. (a) To the extent provided by federal law, the county
10 welfare department shall provide CalFresh benefits on an expedited
11 basis to households determined to be in immediate need of food
12 assistance.

13 (b) At the time an applicant initially seeks assistance, the county
14 welfare department shall screen all expedited service applications
15 on a priority basis. Applicants who meet the federal criteria for
16 expedited service shall receive either a manual authorization to
17 participate or automated card or the immediate issuance of
18 CalFresh benefits no later than the third day following the date the
19 application was filed. To the maximum extent permitted by federal
20 law, the amount of income to be received from any source shall
21 be deemed to be uncertain and exempt from consideration in the
22 determination of eligibility for expedited service. For purposes of
23 this subdivision, a weekend shall be considered one calendar day.

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

27 ~~(d) The expedited service interview shall be postponed and~~
28 ~~conducted at the same time that the interview for regular issuance~~
29 ~~of CalFresh benefits is scheduled pursuant to Section 11023.8, if~~
30 ~~there is no verifiable information at the disposal of the state or~~
31 ~~county welfare department that indicates the applicant's~~
32 ~~ineligibility for expedited service.~~

33 *(d) The expedited service interview that has been attempted*
34 *shall be postponed and conducted at the same time that the*
35 *interview for regular issuance of CalFresh benefits is scheduled*
36 *pursuant to Section 11023.8, if there is no verifiable information*
37 *at the disposal of the state or county human services department*
38 *that indicates the applicant's ineligibility for expedited service.*
39 *The department shall seek all necessary waivers of federal law to*
40 *implement this section.*

1 *(e) If the applicant meets expedited service eligibility*
 2 *requirements, the applicant shall not be denied expedited services*
 3 *if he or she provides a valid social security number unless the*
 4 *county human services department is unable to use this number*
 5 *to verify identity through the Medi-Cal Eligibility Data System*
 6 *(MEDS) or any other database available to the county human*
 7 *services department. Once identity is verified, all other verification*
 8 *shall be postponed for 30 days, if permitted by federal law.*

9 ~~SEC. 7.~~

10 SEC. 9. Notwithstanding the rulemaking provisions of the
 11 Administrative Procedure Act (Chapter 3.5 (commencing with
 12 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
 13 Code), the department may implement this act through an
 14 all-county letter or similar instruction from the director. The
 15 all-county letter or similar instruction shall be issued no later than
 16 January 1, 2014.

17 ~~SEC. 8.~~

18 SEC. 10. No appropriation pursuant to Section 15200 of the
 19 Welfare and Institutions Code shall be made for purposes of this
 20 act.

21 ~~SEC. 9.~~

22 SEC. 11. If the Commission on State Mandates determines that
 23 this act contains costs mandated by the state, reimbursement to
 24 local agencies and school districts for those costs shall be made
 25 pursuant to Part 7 (commencing with Section 17500) of Division
 26 4 of Title 2 of the Government Code.