

AMENDED IN SENATE JUNE 4, 2012

AMENDED IN ASSEMBLY APRIL 19, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1970**

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**Introduced by Assembly Member Skinner**  
**(Coauthors: Assembly Members Ammiano and Cedillo, Hall,**  
**Huffman, Portantino, and Williams)**

February 23, 2012

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An act to amend Sections ~~18901.6~~ 10058, 11052.5, 18901.6, and 18914 of, and to add Sections 10003, 11023.6, 11023.7, 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 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, *pending approval of any necessary federal waivers*, require the State Department of Social Services 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. *If the verification is inconsistent with other verified information, this bill would require a county eligibility worker to provide to the applicant or recipient a notice of action specifying the type of verification required to verify eligibility, as specified.*

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~~ *meets the minimum federal welfare-to-work requirements.* 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 prohibits an applicant from being granted public assistance, as specified, until he or she is personally interviewed by the county welfare department or state hospital staff.*

*This bill would require the county to conduct the interview on the same day of the initial application, to the extent it is cost effective and administratively possible for the department.*

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 *department to seek necessary federal waivers to postpone expedited service* ~~interview to be postponed interviews that have been attempted and require that the interviews be conducted at the same time as the interview for issuance of regular CalFresh benefits~~, 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 and  
7 Human Services to any federal agency and any approved waiver  
8 requested or received by any department, shall be electronically  
9 available to the public at all times on the relevant department's  
10 Internet Web site.

11 SEC. 3. Section 10058 of the Welfare and Institutions Code is  
12 amended to read:

13 10058. ~~“County department”~~ “County welfare department,”  
14 or “county human services department” means the county agency  
15 designated by the board of supervisors, or by ~~such other~~ another  
16 authority as may be provided in the county charter, as responsible  
17 for the administration of public social services.

18 ~~SEC. 3.~~

19 SEC. 4. Section 11023.6 is added to the Welfare and Institutions  
20 Code, to read:

21 11023.6. (a) ~~The~~ Pending approval of necessary federal  
22 waivers to implement this section, to the extent that any waivers  
23 are necessary to implement this section, the State Department of  
24 Social Services shall promulgate regulations to allow for the  
25 delivery of notices and communications pertaining to CalFresh  
26 and CalWORKs eligibility and benefit issuance, as provided in  
27 subdivision (c). The department shall seek all necessary waivers  
28 of federal law to implement this section.

29 (b) The Legislature recognizes that applicants or recipients may  
30 not always have access to electronic mail or the Internet. In order  
31 to ensure that due process and privacy of all applicants and

1 recipients are protected, the department, in consultation with client  
2 and patient advocates, representatives of county human services  
3 departments, and representatives of county eligibility workers,  
4 shall develop a process whereby applicants and recipients can  
5 affirmatively choose to receive notice of actions or other  
6 communications relevant to their case electronically as provided  
7 in paragraphs (1) to (6), inclusive, of subdivision (c).

8 (c) All applicants and recipients of public social services,  
9 including applicants and recipients of CalFresh benefits under  
10 Section 18900 and any state health subsidy program shall be  
11 allowed, at any time, to affirmatively choose to receive  
12 communications and notices electronically, or both electronically  
13 and via the United States Postal Service as provided by this section.  
14 Upon choosing to receive communication electronically, the  
15 recipient shall be informed in writing of his or her right to opt out  
16 of electronic communications at any time, in accordance with  
17 paragraph (2). The administering agencies or departments shall  
18 respond to all undeliverable or rejected electronic communications  
19 by unsubscribing the recipient from electronic communications  
20 and reinstating postal service delivery of all notices and documents,  
21 beginning with the notice that was undelivered or rejected  
22 electronically, and shall inform the recipient or head of household  
23 how to request electronic delivery of notifications and  
24 communications as established in this section.

25 (1) No notice or other form of communication shall be sent  
26 electronically unless that method of communication has been  
27 affirmatively requested in writing, or electronically, with an  
28 electronic signature, by the applicant or recipient. A record of the  
29 request required by this paragraph and of each notice and  
30 communication sent electronically or otherwise shall be maintained  
31 in the recipient's case file for three years, as required by Section  
32 10851.

33 (2) An applicant or recipient may opt out of receiving electronic  
34 notices, in writing, in person, by telephone, or by electronic mail.  
35 A request to opt out shall be processed ~~within 24 hours of receipt~~  
36 *as soon as administratively possible*. For victims of domestic  
37 violence, the county shall cease all communication with the  
38 applicant or recipient until the request to opt out of electronic  
39 communication has been processed.

1 (3) All notices sent electronically shall be sent via secured  
 2 server. No notice shall be sent as an electronic mail attachment.  
 3 Each electronic communication shall include the information that  
 4 the recipient of the electronic communication has the right to opt  
 5 out of receiving electronic communication at any time, with  
 6 instructions for how to do so. For all notices sent via electronic  
 7 communication, administering agencies or departments shall have  
 8 the ability to be informed when *that electronic communication has*  
 9 *failed, or* the recipient has opened or downloaded the notice, and  
 10 shall send an electronic reminder notice to the recipient if the notice  
 11 has not been opened or downloaded within seven days of having  
 12 been sent. *The department and the administering agencies shall*  
 13 *establish a process for ensuring timely receipt of case-related*  
 14 *information when an applicant or recipient has indicated a*  
 15 *preference for electronic communications, but electronic*  
 16 *communication fails or is rejected.*

17 (4) Notwithstanding any other provision of this section, in  
 18 addition to issuing notices of action pursuant to paragraph (3),  
 19 notices of action terminating benefits, sanctioning benefits, or  
 20 establishing an intentional program violation for any household  
 21 member or for establishing or collecting an overpayment,  
 22 underpayment, ~~overissuance~~ *overissuance*, or underissuance from  
 23 recipients or former recipients shall be sent via the United States  
 24 Postal Service.

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

27 (6) All electronic communication and data storage shall comply  
 28 with state security standards. The state security standards shall be  
 29 posted on the department’s Internet Web site and on the home  
 30 page for all online applications.

31 (d) Under no circumstances shall data that is available  
 32 electronically that identifies an applicant or recipient, the  
 33 permanent or temporary internet protocol (IP) address assigned to  
 34 an applicant or recipient, or the geographic location of the IP  
 35 address or mobile device, their Internet activity or any other  
 36 information that is available through the Internet, be collected or  
 37 used for any purpose other than transmitting information to the  
 38 applicant or recipient as authorized by this section.

1 ~~SEC. 4.~~

2 *SEC. 5.* Section 11023.7 is added to the Welfare and Institutions  
3 Code, to read:

4 11023.7. (a) Notwithstanding Section 10830, a county shall  
5 not require an applicant for or recipient of aid pursuant to this  
6 chapter to provide verification of information provided to the  
7 county, unless verification is federally ~~required~~, *required* and  
8 necessary to determine eligibility for aid or to compute the amount  
9 of aid, and the ~~information verification~~ is not already available to  
10 the county eligibility worker. Additional information not required  
11 by federal law or necessary to determine eligibility for aid or  
12 compute the amount of aid may be requested from an applicant or  
13 recipient *to determine eligibility for aid and the amount of aid*, but  
14 the individual's eligibility for aid shall not be delayed, denied, or  
15 terminated due to his or her failure to provide this information.

16 *(b) If the county eligibility worker determines that the*  
17 *verification secured under subdivision (a) is inconsistent with other*  
18 *verified information in the possession of the county, then the county*  
19 *eligibility worker shall specify to the applicant or recipient the*  
20 *exact clarifying verification that is needed to verify current*  
21 *eligibility. The county eligibility worker shall provide the applicant*  
22 *or recipient with a notice of action specifying the inconsistent*  
23 *verified information and the specific type of information that the*  
24 *applicant or recipient needs to provide to clarify the eligibility*  
25 *factor at issue. All requests pursuant to this subdivision shall be*  
26 *approved in writing by the supervisor of the county eligibility*  
27 *worker.*

28 ~~(b)~~

29 *(c)* A county human services department shall maximize the  
30 use of electronic means of verifying information required to be  
31 verified for any applicant or recipient of aid pursuant to this  
32 chapter, except for information that federal law permits to be  
33 verified through a self-attestation statement of the applicant or  
34 recipient. If the necessary information is not contained in the  
35 county human services department case files, and self-attestation  
36 is not legally sufficient, the county human services department  
37 shall search all available databases accessible *statewide* to county  
38 human services departments to verify all eligible information,  
39 pursuant to statewide protocols developed by the department as  
40 provided in this subdivision. At a minimum, the state shall work

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

11 (e)

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

20 ~~SEC. 5.~~

21 *SEC. 6.* Section 11023.8 is added to the Welfare and Institutions  
 22 Code, to read:

23 11023.8. (a) Notwithstanding any other law, all application  
 24 and recertification interviews shall be conducted in person, by  
 25 telephone, or through other electronic means to provide for more  
 26 efficiency in the administration of the program and to reduce the  
 27 transportation costs to applicants and recipients associated with  
 28 those interviews.

29 (b) Except for applications from applicants who may be eligible  
 30 for benefits under Sections 11266 and 18914, the department or  
 31 the county ~~welfare~~ *human services* department ~~shall~~ *may* schedule  
 32 ~~the an interview at least 10 working days in advance that does not~~  
 33 *require face-to-face interaction, such as a telephone interview,*  
 34 and shall provide a notice that contains the date, time, and place  
 35 of the interview. *If the scheduled interview is not an in-person*  
 36 *interview that would require face-to-face interaction, such as a*  
 37 *telephone interview, the department also shall provide the*  
 38 *applicant or recipient with a notice that contains the date, time,*  
 39 *and place that would be available for an in-person interview that*  
 40 *would require face-to-face interaction, if the originally scheduled*

1 *interview does not take place.* If the applicant or recipient appears  
2 for the scheduled interview on time, the interview shall be  
3 conducted within 30 minutes of the time that the interview was  
4 scheduled, *if administratively possible.*

5 (c) The notice required by subdivision (b) shall inform the  
6 applicant or recipient of all options available in that county for  
7 completing the interview prior to the scheduled appointment,  
8 including telephone interview, online interview, and on-demand  
9 telephone interview.

10 (d) The notice required by subdivision (b) shall be developed  
11 in consultation with advocates, counties, and county eligibility  
12 workers, and shall provide this information in language that is  
13 accessible to applicants and recipients, including those with limited  
14 English proficiency.

15 (e) *The department may seek a federal waiver to the extent*  
16 *necessary to implement this section.*

17 ~~SEC. 6.~~

18 SEC. 7. Section 11322.81 is added to the Welfare and  
19 Institutions Code, to read:

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

31 SEC. 8. *Section 11052.5 of the Welfare and Institutions Code*  
32 *is amended to read:*

33 11052.5. (a) No applicant shall be granted public assistance  
34 under Chapters 2 (commencing with Section 11200) and 5  
35 (commencing with Section 13000) of this part until he or she is  
36 first personally interviewed by the office of the county department  
37 or state staff for patients in state hospitals. The personal interview  
38 shall be conducted promptly following the application for  
39 assistance. If an applicant is incapable of acting in his or her own  
40 behalf, the county department shall verify this fact by personal

1 contact with the applicant before aid is authorized. As used in this  
2 section, the term public assistance does not include health care as  
3 provided by Chapter 7 (commencing with Section 14000).

4 ~~The~~

5 *(b) In order to achieve administrative savings and efficiency,*  
6 *the county human services department shall conduct the interview*  
7 *required by this section on the same day as the initial application,*  
8 *to the extent that doing so would be cost effective and*  
9 *administratively possible for the county human services*  
10 *department. The interview conducted pursuant to this section shall*  
11 *occur ~~within~~ no later than seven days after the time of application*  
12 *unless there are extenuating circumstances that justify further*  
13 *delay.*

14 ~~SEC. 7.~~

15 *SEC. 9.* Section 18901.6 of the Welfare and Institutions Code  
16 is amended to read:

17 18901.6. (a) The Legislature finds and declares that 40 percent  
18 of CalWORKs recipients who receive transitional CalFresh benefits  
19 reapply to receive regular CalFresh benefits.

20 (b) To the maximum extent allowable by federal law, each  
21 county—~~welfare~~ *human services* department shall provide  
22 transitional CalFresh benefits to households terminating their  
23 participation in the CalWORKs program. The department shall  
24 implement this section so as to maximize continued enrollment of  
25 eligible recipients, pursuant to Section 273.31(b) of Title 7 of the  
26 Code of Federal Regulations.

27 ~~SEC. 8.~~

28 *SEC. 10.* Section 18914 of the Welfare and Institutions Code,  
29 as amended by Section 88 of Chapter 227 of the Statutes of 2011,  
30 is amended to read:

31 18914. (a) To the extent provided by federal law, the county  
32 ~~welfare~~ *human services* department shall provide CalFresh benefits  
33 on an expedited basis to households determined to be in immediate  
34 need of food assistance.

35 (b) At the time an applicant initially seeks assistance, the county  
36 ~~welfare~~ *human services* department shall screen all expedited  
37 service applications on a priority basis. Applicants who meet the  
38 federal criteria for expedited service shall receive either a manual  
39 authorization to participate or automated card or the immediate  
40 issuance of CalFresh benefits no later than the third day following

1 the date the application was filed. To the maximum extent  
2 permitted by federal law, the amount of income to be received  
3 from any source shall be deemed to be uncertain and exempt from  
4 consideration in the determination of eligibility for expedited  
5 service. For purposes of this subdivision, a weekend shall be  
6 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 that has been attempted~~  
11 ~~shall be postponed and conducted~~ *department shall seek federal*  
12 *waivers to the extent necessary to postpone expedited interviews*  
13 *that have been attempted and conduct the interviews* at the same  
14 time that the interview for regular issuance of CalFresh benefits  
15 is scheduled pursuant to Section 11023.8, ~~if~~ *when* there is no  
16 verifiable information at the disposal of the state or county human  
17 services department that indicates the applicant's ineligibility for  
18 expedited service. ~~The department shall seek all necessary waivers~~  
19 ~~of federal law to implement this section.~~

20 (e) If the applicant meets expedited service eligibility  
21 requirements, the applicant shall not be denied expedited services  
22 if *his or her identity has been verified consistent with the standards*  
23 *of verifying identity for the Medi-Cal program under the federal*  
24 *Deficit Reduction Act of 2005 (Public Law 109-171), as modified*  
25 *by the federal Children's Health Insurance Program*  
26 *Reauthorization Act of 2009 (Public Law 111-3), or he or she*  
27 provides a valid social security number ~~unless that~~ the county  
28 human services department is ~~unable able~~ to use ~~this number~~ to  
29 verify identity through the Medi-Cal Eligibility Data System  
30 (MEDS) or any other database available to the county human  
31 services department. Once identity is verified, all other verification  
32 shall be postponed for 30 days, if permitted by federal law.

33 ~~SEC. 9.~~

34 *SEC. 11.* Notwithstanding the rulemaking provisions of the  
35 Administrative Procedure Act (Chapter 3.5 (commencing with  
36 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
37 Code), the department may implement this act through an  
38 all-county letter or similar instruction from the director. The  
39 all-county letter or similar instruction shall be issued no later than  
40 January 1, 2014.

1     ~~SEC. 10.~~

2     *SEC. 12.* No appropriation pursuant to Section 15200 of the  
3 Welfare and Institutions Code shall be made for purposes of this  
4 act.

5     ~~SEC. 11.~~

6     *SEC. 13.* If the Commission on State Mandates determines that  
7 this act contains costs mandated by the state, reimbursement to  
8 local agencies and school districts for those costs shall be made  
9 pursuant to Part 7 (commencing with Section 17500) of Division  
10 4 of Title 2 of the Government Code.