

AMENDED IN SENATE JUNE 18, 2012

AMENDED IN SENATE JUNE 4, 2012

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, Cedillo, Hall, Huffman,
Portantino, and Williams)**

February 23, 2012

An act to amend Sections 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 *by the* 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 to authorize applicants for and recipients of aid to electronically access notices and communications pertaining to eligibility and benefit issuance~~, 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 provide that the identity of, or certain information relating to, an applicant or recipient shall be considered to be verified under prescribed circumstances.*

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 to be in compliance with existing welfare-to-work requirements if he or she 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 *no longer require these interviews to be conducted personally, and 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. *This bill would apply these provisions to applicants for CalFresh benefits.*

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 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 welfare department," or "county human
14 services department" means the county agency designated by the
15 board of supervisors, or by another authority as may be provided
16 in the county charter, as responsible for the administration of public
17 social services.

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

20 11023.6. (a) Pending approval of necessary federal waivers
21 to implement this section, to the extent that any waivers are
22 necessary to implement this section, *and to the extent permitted*
23 *by federal law*, the State Department of Social Services shall
24 promulgate regulations to allow ~~for the delivery of applicants for~~
25 *and recipients of aid under this part to electronically access notices*

1 and communications pertaining to ~~CalFresh and CalWORKs~~
2 eligibility and benefit issuance, as provided in subdivision (c). The
3 department shall seek all necessary waivers of federal law to
4 implement this section.

5 (b) The Legislature recognizes that applicants or recipients may
6 not always have access to electronic mail or the Internet. In order
7 to ensure that due process and privacy of all applicants and
8 recipients are protected, the department, in consultation with client
9 and patient advocates, representatives of county human services
10 departments, and representatives of county eligibility workers,
11 shall develop a process whereby applicants and recipients can
12 affirmatively choose to receive ~~notice~~ *notices* of ~~actions~~ *action* or
13 other communications relevant to their case electronically as
14 provided in ~~paragraphs (1) to (6), inclusive,~~ of subdivision (c).

15 (c) All applicants and recipients of public social services,
16 including applicants and recipients of CalFresh benefits under
17 ~~Section 18900 Chapter 10 (commencing with Section 18900) of~~
18 *Part 6* and any state health subsidy program ~~shall be allowed, as~~
19 *defined in Section 1413(e) of the federal Patient Protection and*
20 *Affordable Care Act of 2010 (PPACA)(Public Law 111-148), may,*
21 *at any time, in writing,* ~~to~~ affirmatively choose to receive
22 communications and notices electronically, ~~or both electronically~~
23 ~~and via the United States Postal Service~~ as provided by this section.
24 ~~Upon choosing~~ *If the recipient chooses* to receive communication
25 electronically, the recipient shall be informed in writing of his or
26 her right to opt out of electronic communications at any time, in
27 accordance with paragraph (2) *and as authorized and required by*
28 *federal law.* ~~The administering agencies or departments shall~~
29 ~~respond to all undeliverable or rejected electronic communications~~
30 ~~by unsubscribing the recipient from electronic communications~~
31 ~~and reinstating postal service delivery of all notices and documents,~~
32 ~~beginning with the notice that was undelivered or rejected~~
33 ~~electronically, and shall inform the recipient or head of household~~
34 ~~how to request electronic delivery of notifications and~~
35 ~~communications as established in this section.~~

36 (1) ~~No~~ A notice or other form of communication shall *not* be
37 sent electronically unless that method of communication has been
38 affirmatively requested in writing, or electronically, with an
39 electronic signature, by the applicant or recipient. A record of the
40 request required by this paragraph and of each notice and

1 communication sent electronically or otherwise shall be maintained
 2 in the recipient’s case file for three years, as required by Section
 3 10851.

4 (2) An applicant or recipient may, *in writing, in person, by*
 5 *telephone, or by electronic mail*, opt out of receiving electronic
 6 notices, ~~in writing, in person, by telephone, or by electronic mail.~~
 7 A request to opt out shall be processed as soon as administratively
 8 possible. For victims of domestic violence, the county shall cease
 9 all communication with the applicant or recipient until the request
 10 to opt out of electronic communication has been processed.

11 (3) All notices ~~sent made available~~ electronically *to all*
 12 *applicants for and recipients of aid* shall be sent via secured server.
 13 ~~No notice~~ *Notices and official case communications* shall not be
 14 sent as an electronic mail attachment. Each electronic
 15 communication shall include the information that the recipient of
 16 the electronic communication has the right to opt out of receiving
 17 electronic communication at any time, with instructions for how
 18 to do so. For all notices sent via electronic communication,
 19 administering agencies or departments shall have the ability to be
 20 informed when that electronic communication has failed, ~~or the~~
 21 ~~recipient has opened or downloaded the notice, and shall send an~~
 22 ~~electronic reminder notice to the recipient if the notice has not~~
 23 ~~been opened or downloaded within seven days of having been~~
 24 ~~sent.~~ The department and the administering agencies shall establish
 25 a process for ensuring timely receipt of case-related information
 26 when an applicant or recipient has indicated a preference for
 27 electronic communications, but electronic communication fails or
 28 is rejected.

29 (4) Notwithstanding any other provision of this section, in
 30 addition to issuing notices of action pursuant to paragraph (3),
 31 notices of action ~~terminating benefits, sanctioning benefits, or~~
 32 *relating to fair hearings*, establishing an intentional program
 33 violation for any household member, or ~~for~~ establishing or
 34 collecting an overpayment, underpayment, overissuance, or
 35 underissuance from recipients or former recipients, *and any notice*
 36 *of action that is specifically requested by the applicant or recipient*
 37 *to be mailed*, shall be sent via the United States Postal Service.

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

1 (6) All electronic communication and data storage shall comply
2 with state *and federal* security standards. The state security
3 standards shall be posted on the department's Internet Web site
4 and on the home page for all online applications.

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

13 SEC. 5. Section 11023.7 is added to the Welfare and
14 Institutions Code, to read:

15 11023.7. (a) Notwithstanding Section 10830, *or other*
16 *verification required only for the CalWORKs program, as provided*
17 *in Article 2.5 (commencing with Section 11275) of Chapter 2*, a
18 county shall not require an applicant for or recipient of aid pursuant
19 to this chapter to provide verification of information provided to
20 the county, unless verification is federally required and necessary
21 to determine eligibility for aid or to compute the amount of aid,
22 and the verification is not already available to the county eligibility
23 worker. Additional information not required by federal law or
24 necessary to determine eligibility for aid or compute the amount
25 of aid may be requested from an applicant or recipient to determine
26 eligibility for aid and the amount of aid, but the individual's
27 eligibility for aid shall not be delayed, denied, or terminated due
28 to his or her failure to provide this information.

29 (b) If the county eligibility worker determines that the
30 verification secured under subdivision (a) is inconsistent with other
31 verified information in the possession of the county, then the
32 county eligibility worker shall specify to the applicant or recipient
33 the exact clarifying verification that is needed to verify current
34 eligibility. The county eligibility worker shall provide the applicant
35 or recipient with a notice of action specifying the inconsistent
36 verified information and the specific type of information that the
37 applicant or recipient needs to provide to clarify the eligibility
38 factor at issue. ~~All requests pursuant to this subdivision shall be~~
39 ~~approved in writing by the supervisor of the county eligibility~~
40 ~~worker.~~

1 (c) A county human services department shall maximize the
2 use of electronic means of verifying information required to be
3 verified for any applicant or recipient of aid pursuant to this
4 chapter, except for information that federal law permits to be
5 verified through a self-attestation statement of the applicant or
6 recipient *or that is required by the CalWORKs program, as*
7 *provided in Article 2.5 (commencing with Section 11275) of*
8 *Chapter 2.* If the necessary information is not contained in the
9 county human services department case files, and self-attestation
10 is not legally sufficient, the county human services department
11 shall search all available databases accessible statewide to county
12 human services departments to verify all eligible information,
13 pursuant to statewide protocols developed by the department as
14 provided in this subdivision. At a minimum, the state shall work
15 with representatives of county human services departments,
16 representatives of county eligibility workers, and public benefits
17 advocates to establish a statewide protocol enabling the use of the
18 electronic database developed for verification of eligibility
19 information for applicants and recipients under the federal Patient
20 Protection and Affordable Care Act of 2010 (PPACA) for
21 applicants for and recipients of CalWORKs, CalFresh, and other
22 social services programs, and to identify other available federal
23 and state databases and establish protocols for searching those
24 databases for information pursuant to this subdivision.

25 (d) An applicant for or recipient of aid under this chapter whose
26 information is electronically verified pursuant to this section shall
27 be given an opportunity to review the information obtained
28 electronically and to make corrections, as necessary. An applicant
29 or recipient of aid who disputes the accuracy of electronically
30 verified information that is federally required and necessary to
31 determine eligibility for aid or to compute the amount of aid may
32 be required to provide verification of the disputed information.

33 (e) *The identity of an applicant for or recipient of CalWORKs*
34 *and CalFresh benefits shall be considered verified if his or her*
35 *identity has already been verified for the Medi-Cal program using*
36 *standards pursuant to the federal Deficit Reduction Act of 2005*
37 *(Public Law 109-171), as modified by the federal Children's Health*
38 *Insurance Program Reauthorization Act of 2009 (Public Law*
39 *111-3), or if he or she provides a valid social security number that*
40 *the county human services department is able to use to verify his*

1 *or her identity through the Medi-Cal Eligibility Data System or*
2 *any other database available to the county human services*
3 *department.*

4 *(f) All information verified for applicants for or recipients of*
5 *CalFresh benefits or a state health subsidy program, as defined*
6 *in Section 1413(e) of the PPACA, shall be considered verified for*
7 *purposes of the CalWORKs program.*

8 SEC. 6. Section 11023.8 is added to the Welfare and
9 Institutions Code, to read:

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

16 (b) Except for applications from applicants who may be eligible
17 for benefits under Sections 11266 and 18914, the department or
18 the county human services department may schedule an interview
19 that does not require face-to-face interaction, such as a telephone
20 interview, and shall provide a notice that contains the date; *and*
21 *time, and place of that the applicant will be contacted to complete*
22 *the interview. If the scheduled interview is was not an in-person*
23 *interview that would require face-to-face interaction, such as a*
24 *telephone interview, and was not completed, the department also*
25 *shall provide the applicant or recipient with a notice that contains*
26 *the date, time, and place that would be available for of an in-person*
27 *interview that would require face-to-face interaction, if the*
28 *originally scheduled interview does not take place. If the applicant*
29 *or recipient appears for the scheduled interview on time, the*
30 *interview shall be conducted within 30 minutes of the time that*
31 *the interview was scheduled, if administratively possible.*

32 (c) The notice required by subdivision (b) shall inform the
33 applicant or recipient of all options available in that county for
34 completing the interview prior to the scheduled appointment,
35 including telephone interview, online interview, and on-demand
36 telephone interview.

37 (d) The notice required by subdivision (b) shall be developed
38 in consultation with advocates, counties, and county eligibility
39 workers, and shall provide this information in language that is

1 accessible to applicants and recipients, including those with limited
2 English proficiency.

3 (e) *If, at any time, the county human services department*
4 *believes an applicant for or recipient of aid is eligible for or*
5 *entitled to aid, the department shall, in accordance with Section*
6 *10500, assist him or her to apply for or continue to receive that*
7 *aid.*

8 (e)

9 (f) The department may seek a federal waiver to the extent
10 necessary to implement this section.

11 *SEC. 7. Section 11052.5 of the Welfare and Institutions Code*
12 *is amended to read:*

13 11052.5. (a) No applicant shall be granted public assistance
14 under ~~Chapters~~ *Chapter 2* (commencing with Section 11200) ~~and,~~
15 *Chapter 10* (commencing with Section 18900), *or Chapter 5*
16 (commencing with Section ~~13000~~ 12700) of this part until he or
17 she is first ~~personally~~ interviewed by the ~~office of the~~ county
18 *human services* department or state staff for patients in state
19 hospitals. The ~~personal~~ interview shall be conducted promptly
20 following the application for assistance. If an applicant is incapable
21 of acting in his or her own behalf, the county *human services*
22 department shall verify this fact by ~~personal~~ contact with the
23 applicant before aid is authorized. As used in this section, the term
24 public assistance does not include health care as provided by
25 Chapter 7 (commencing with Section 14000).

26 (b) In order to achieve administrative savings and efficiency,
27 the county human services department shall conduct the interview
28 required by this section on the same day as the initial application,
29 to the extent that doing so would be cost effective and
30 administratively possible for the county human services
31 department. The interview conducted pursuant to this section shall
32 occur no later than seven days after the time of application unless
33 there are extenuating circumstances that justify further delay.

34 ~~SEC. 7.~~

35 *SEC. 8. Section 11322.81 is added to the Welfare and*
36 *Institutions Code, to read:*

37 11322.81. Notwithstanding any other law, an adult recipient
38 who meets the minimum federal welfare-to-work participation
39 requirements shall be deemed to be in compliance with the
40 requirements of Section 11322.8. In addition, necessary supportive

1 services for these participants shall be provided in order to
2 participate in activities or employment pursuant to Sections
3 11323.2 and 11323.4, and these participants shall not be subject
4 to sanction for failure or refusal to comply with program
5 requirements under Section 11327.4.

6 ~~SEC. 8. Section 11052.5 of the Welfare and Institutions Code~~
7 ~~is amended to read:~~

8 ~~11052.5. (a) No applicant shall be granted public assistance~~
9 ~~under Chapters 2 (commencing with Section 11200) and 5~~
10 ~~(commencing with Section 13000) of this part until he or she is~~
11 ~~first personally interviewed by the office of the county department~~
12 ~~or state staff for patients in state hospitals. The personal interview~~
13 ~~shall be conducted promptly following the application for~~
14 ~~assistance. If an applicant is incapable of acting in his or her own~~
15 ~~behalf, the county department shall verify this fact by personal~~
16 ~~contact with the applicant before aid is authorized. As used in this~~
17 ~~section, the term public assistance does not include health care as~~
18 ~~provided by Chapter 7 (commencing with Section 14000).~~

19 ~~(b) In order to achieve administrative savings and efficiency,~~
20 ~~the county human services department shall conduct the interview~~
21 ~~required by this section on the same day as the initial application,~~
22 ~~to the extent that doing so would be cost effective and~~
23 ~~administratively possible for the county human services~~
24 ~~department. The interview conducted pursuant to this section shall~~
25 ~~occur no later than seven days after the time of application unless~~
26 ~~there are extenuating circumstances that justify further delay.~~

27 ~~SEC. 9. Section 18901.6 of the Welfare and Institutions Code~~
28 ~~is amended to read:~~

29 ~~18901.6. (a) The Legislature finds and declares that 40 percent~~
30 ~~of CalWORKs recipients who receive transitional CalFresh benefits~~
31 ~~reapply to receive regular CalFresh benefits.~~

32 ~~(b) To the maximum extent allowable by federal law, each~~
33 ~~county human services department shall provide transitional~~
34 ~~CalFresh benefits to households terminating their participation in~~
35 ~~the CalWORKs program. The department shall implement this~~
36 ~~section so as to maximize continued enrollment of eligible~~
37 ~~recipients, pursuant to Section 273.31(b) of Title 7 of the Code of~~
38 ~~Federal Regulations.~~

39 ~~(c) The department shall implement this section in accordance~~
40 ~~with Section 10500.~~

1 SEC. 10. Section 18914 of the Welfare and Institutions Code,
2 as amended by Section 88 of Chapter 227 of the Statutes of 2011,
3 is amended to read:

4 18914. (a) To the extent provided by federal law, the county
5 human services department shall provide CalFresh benefits on an
6 expedited basis to households determined to be in immediate need
7 of food assistance.

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

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

23 (d) The department shall seek federal waivers to the extent
24 necessary to postpone expedited interviews that have been
25 attempted and conduct the interviews at the same time that the
26 interview for regular issuance of CalFresh benefits is scheduled
27 pursuant to Section 11023.8, when there is no verifiable
28 information at the disposal of the state or county human services
29 department that indicates the applicant's ineligibility for expedited
30 service.

31 (e) If the applicant meets expedited service eligibility
32 requirements, the applicant shall not be denied expedited services
33 if his or her identity has been verified consistent with the standards
34 of verifying identity for the Medi-Cal program under the federal
35 Deficit Reduction Act of 2005 (Public Law 109-171), as modified
36 by the federal Children's Health Insurance Program
37 Reauthorization Act of 2009 (Public Law 111-3), or he or she
38 provides a valid social security number that the county human
39 services department is able to use to verify identity through the
40 Medi-Cal Eligibility Data System (MEDS) or any other database

1 available to the county human services department. Once identity
2 is verified, all other verification shall be postponed for 30 days, if
3 permitted by federal law.

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

11 SEC. 12. No appropriation pursuant to Section 15200 of the
12 Welfare and Institutions Code shall be made for purposes of this
13 act.

14 SEC. 13. If the Commission on State Mandates determines
15 that this act contains costs mandated by the state, reimbursement
16 to local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

O