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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, *and* 18926 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 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, to the extent allowed by federal law and any federal waivers secured by the department,~~ 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 and to issue expedited service to any applicant who meets expedited service eligibility requirements and whose identity has been verified, as specified.~~

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.

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

3 11023.6. (a) Pending approval of necessary federal waivers
4 to implement this section, to the extent that any waivers are
5 necessary to implement this section, and to the extent permitted
6 by federal law, the State Department of Social Services shall
7 promulgate regulations to allow applicants for and recipients of
8 aid under this part to electronically access notices and
9 communications pertaining to eligibility and benefit issuance, as
10 provided in subdivision (c). The department shall seek all necessary
11 waivers of federal law to implement this section.

12 (b) The Legislature recognizes that applicants or recipients may
13 not always have access to electronic mail or the Internet. In order
14 to ensure that due process and privacy of all applicants and
15 recipients are protected, the department, in consultation with client
16 and patient advocates, representatives of county human services
17 departments, and representatives of county eligibility workers,
18 shall develop a process whereby applicants and recipients can
19 affirmatively choose to receive notices of action or other
20 communications relevant to their case electronically as provided
21 in subdivision (c).

22 (c) All applicants and recipients of public social services,
23 including applicants and recipients of CalFresh benefits under
24 Chapter 10 (commencing with Section 18900) of Part 6 and any
25 state health subsidy program, as defined in Section 1413(e) of the
26 federal Patient Protection and Affordable Care Act of 2010
27 (~~PPACA~~)(Public (*PPACA*) (*Public* Law 111-148), may, at any
28 time, in writing, affirmatively choose to receive communications
29 and notices electronically as provided by this section. If the
30 recipient chooses to receive ~~communication~~ *communications*
31 electronically, the recipient shall be informed in writing of his or
32 her right to opt out of electronic communications at any time, in
33 accordance with paragraph (2) and as authorized and required by
34 federal law.

35 (1) A notice or other form of communication shall not be sent
36 electronically unless that method of communication has been
37 affirmatively requested in writing, or electronically, with an
38 electronic signature, by the applicant or recipient. A record of the
39 request required by this paragraph and of each notice and
40 communication sent electronically or otherwise shall be maintained

1 in the recipient's case file for three years, as required by Section
2 10851.

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

10 (3) All notices made available electronically to all applicants
11 for and recipients of aid shall be sent via secured server. Notices
12 and official case communications shall not be sent as an electronic
13 mail attachment. Each electronic communication shall include the
14 information that the recipient of the electronic communication has
15 the right to opt out of receiving electronic communication at any
16 time, with instructions for how to do so. For all notices sent via
17 electronic communication, administering agencies or departments
18 shall have the ability to be informed when that electronic
19 communication has failed. The department and the administering
20 agencies shall establish a process for ensuring timely receipt of
21 case-related information when an applicant or recipient has
22 indicated a preference for electronic communications, but electronic
23 communication fails or is rejected.

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

32 (5) Every effort shall be made to maintain privacy and security
33 of applicant ~~or recipient~~, *recipient, or authorized representative*
34 information at all times.

35 (6) All electronic communication and data storage shall comply
36 with state and federal security standards. The state security
37 standards shall be posted on the department's Internet Web site
38 and on the home page for 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. 5. Section 11023.7 is added to the Welfare and
8 Institutions Code, to read:

9 11023.7. (a) Notwithstanding Section 10830, or other
10 verification required only for the CalWORKs program, as provided
11 in Article 2.5 (commencing with Section 11275) of Chapter 2, a
12 county shall not require an applicant for or recipient of aid pursuant
13 to this chapter to provide verification of information provided to
14 the county, unless verification is federally required and necessary
15 to determine eligibility for aid or to compute the amount of aid,
16 and the verification is not already available to the county eligibility
17 worker. Additional information not required by federal law or
18 necessary to determine eligibility for aid or to compute the amount
19 of aid may be requested from an applicant or recipient to determine
20 eligibility for aid and the amount of aid, but the individual's
21 eligibility for aid shall not be delayed, denied, or terminated due
22 to his or her failure to provide this information.

23 (b) If the county eligibility worker determines that the
24 verification secured under subdivision (a) is inconsistent with other
25 verified information in the possession of the county, then the
26 county eligibility worker shall specify to the applicant or recipient
27 the exact clarifying verification that is needed to verify current
28 eligibility. The county eligibility worker shall provide the applicant
29 or recipient with a notice of action specifying the inconsistent
30 verified information and the specific type of information that the
31 applicant or recipient needs to provide to clarify the eligibility
32 factor at issue.

33 (c) A county human services department shall maximize the
34 use of electronic means of verifying information required to be
35 verified for any applicant or recipient of aid pursuant to this
36 chapter, except for information that federal law permits to be
37 verified through a self-attestation statement of the applicant or
38 recipient or that is required by the CalWORKs program, as
39 provided in Article 2.5 (commencing with Section 11275) of
40 Chapter 2. If the necessary information is not contained in the

1 county human services department case files, and self-attestation
2 is not legally sufficient, the county human services department
3 shall search all available databases accessible statewide to county
4 human services departments to verify all eligible information,
5 pursuant to statewide protocols developed by the department as
6 provided in this subdivision. At a minimum, the state shall work
7 with representatives of county human services departments,
8 representatives of county eligibility workers, and public benefits
9 advocates to establish a statewide protocol enabling the use of the
10 electronic database developed for verification of eligibility
11 information for applicants and recipients under the federal Patient
12 Protection and Affordable Care Act of 2010 (PPACA) for
13 applicants for and recipients of CalWORKs, CalFresh, and other
14 social services programs, and to identify other available federal
15 and state databases and establish protocols for searching those
16 databases for information pursuant to this subdivision.

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

25 (e) The identity of an applicant for or recipient of CalWORKs
26 and CalFresh benefits shall be considered verified if his or her
27 identity has already been verified for the Medi-Cal program using
28 standards pursuant to the federal Deficit Reduction Act of 2005
29 (Public Law 109-171), as modified by the federal Children's Health
30 Insurance Program Reauthorization Act of 2009 (Public Law
31 111-3), or if he or she provides a valid social security number that
32 the county human services department is able to use to verify his
33 or her identity through the Medi-Cal Eligibility Data System or
34 any other database available to the county human services
35 department.

36 (f) All information verified for applicants for or recipients of
37 CalFresh benefits or a state health subsidy program, as defined in
38 Section 1413(e) of the PPACA, shall be considered verified for
39 purposes of the CalWORKs program.

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

3 11023.8. (a) Notwithstanding any other law, all application
4 and recertification interviews shall be conducted in person, by
5 telephone, or through other electronic means to provide for more
6 efficiency in the administration of the program and to reduce the
7 transportation costs to applicants and recipients associated with
8 those interviews.

9 (b) Except for applications from applicants who may be eligible
10 for benefits under Sections 11266 and 18914, the department or
11 the county human services department may schedule an interview
12 that does not require face-to-face interaction, such as a telephone
13 interview, and shall provide a notice that contains the date and
14 time that the applicant will be contacted to complete the interview.
15 If the scheduled interview was not an in-person interview that
16 would require face-to-face interaction, such as a telephone
17 interview, and was not completed, the department also shall provide
18 the applicant or recipient with a notice that contains the date, time,
19 and place of an in-person interview. *Nothing in this section shall*
20 *prevent the county human services department from attempting to*
21 *conduct a missed telephone interview or in-person interview by*
22 *telephone or offering a call center interview option to the applicant*
23 *before the scheduled in-person face-to-face interview provided for*
24 *in this subdivision. If the applicant or recipient appears for the*
25 *scheduled interview on time, the interview shall be conducted*
26 *within 30 minutes of the time that the interview was scheduled, if*
27 *administratively possible and it will not cause the county to incur*
28 *any new additional costs.*

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

34 (d) The notice required by subdivision (b) shall be developed
35 in consultation with advocates, counties, and county eligibility
36 workers, and shall provide this information in language that is
37 accessible to applicants and recipients, including those with limited
38 English proficiency.

39 (e) If, at any time, the county human services department
40 believes an applicant for or recipient of aid is eligible for or entitled

1 to aid, the department shall, in accordance with Section 10500,
 2 assist him or her to apply for or continue to receive that aid.

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

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

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

25 (c) *The* interview conducted pursuant to this section shall occur
 26 no later than seven days after the time of application unless there
 27 are extenuating circumstances that justify further delay.

28 (d) *The county shall have the option of conducting interviews*
 29 *in-person for applicants of aid under Chapter 2 (commencing with*
 30 *Section 11200).*

31 SEC. 8. Section 11322.81 is added to the Welfare and
 32 Institutions Code, to read:

33 11322.81. Notwithstanding any other law, an adult recipient
 34 who meets the minimum federal welfare-to-work participation
 35 requirements shall be deemed to be in compliance with the
 36 requirements of Section 11322.8. In addition, necessary supportive
 37 services for these participants shall be provided in order to
 38 participate in activities or employment pursuant to Sections
 39 11323.2 and 11323.4, and these participants shall not be subject

1 to sanction for failure or refusal to comply with program
2 requirements under Section 11327.4.

3 SEC. 9. Section 18901.6 of the Welfare and Institutions Code
4 is amended to read:

5 18901.6. (a) The Legislature finds and declares that 40 percent
6 of CalWORKs recipients who receive transitional CalFresh benefits
7 reapply to receive regular CalFresh benefits.

8 (b) To the maximum extent allowable by federal law, each
9 county human services department shall provide transitional
10 CalFresh benefits to households terminating their participation in
11 the CalWORKs program. The department shall implement this
12 section so as to maximize continued enrollment of eligible
13 recipients, pursuant to Section 273.31(b) of Title 7 of the Code of
14 Federal Regulations.

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

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

20 18914. (a) To the extent provided by federal law, the county
21 human services department shall provide CalFresh benefits on an
22 expedited basis to households determined to be in immediate need
23 of food assistance.

24 (b) At the time an applicant initially seeks assistance, the county
25 human services department shall screen all expedited service
26 applications on a priority basis. Applicants who meet the federal
27 criteria for expedited service shall receive either a manual
28 authorization to participate or automated card or the immediate
29 issuance of CalFresh benefits no later than the third day following
30 the date the application was filed. To the maximum extent
31 permitted by federal law, the amount of income to be received
32 from any source shall be deemed to be uncertain and exempt from
33 consideration in the determination of eligibility for expedited
34 service. For purposes of this subdivision, a weekend shall be
35 considered one calendar day.

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

39 ~~(d) The department shall seek federal waivers to the extent~~
40 ~~necessary to postpone expedited interviews that have been~~

1 attempted and conduct the interviews at the same time that the
 2 interview for regular issuance of CalFresh benefits is scheduled
 3 pursuant to Section 11023.8, when there is no verifiable
 4 information at the disposal of the state or county human services
 5 department that indicates the applicant's ineligibility for expedited
 6 service.

7 (e) If the applicant meets expedited service eligibility
 8 requirements, the applicant shall not be denied expedited services
 9 if his or her identity has been verified consistent with the standards
 10 of verifying identity for the Medi-Cal program under the federal
 11 Deficit Reduction Act of 2005 (Public Law 109-171), as modified
 12 by the federal Children's Health Insurance Program
 13 Reauthorization Act of 2009 (Public Law 111-3), or he or she
 14 provides a valid social security number that the county human
 15 services department is able to use to verify identity through the
 16 Medi-Cal Eligibility Data System (MEDS) or any other database
 17 available to the county human services department. Once identity
 18 is verified, all other verification shall be postponed for 30 days, if
 19 permitted by federal law.

20 (d) To the extent allowed by federal law and any waivers of
 21 federal law secured by the department, county human services
 22 departments shall postpone expedited service interviews that have
 23 been attempted and not completed, in accordance with the
 24 determination of eligibility for regular issuance of CalFresh
 25 benefits and pursuant to Section 11023.8.

26 (e) Expedited service shall be issued to any applicant who meets
 27 eligibility requirements for expedited service benefits and for whom
 28 there is no verifiable information available to the state or county
 29 human services department that indicates the applicant's
 30 ineligibility for expedited service, if the applicant's identity has
 31 been verified consistent with subdivision (e) of Section 11023.7.

32 SEC. 11. Section 18926 of the Welfare and Institutions Code
 33 is amended to read:

34 18926. (a) To the extent permitted by federal law, the
 35 department shall annually seek a federal waiver of the existing
 36 federal Supplemental Nutrition Assistance Program limitation that
 37 stipulates that an able-bodied adult without dependents (ABAWD)
 38 participant is limited to three months of CalFresh benefits in a
 39 three-year period unless that participant has met the work
 40 participation requirement.

1 (b) All eligible counties shall be included in and bound by this
2 waiver unless a county declines to participate in the waiver request.
3 If a county declines, the county shall submit documentation from
4 the board of supervisors of that county to that effect.

5 (e) ~~Notwithstanding the rulemaking provisions of the~~
6 ~~Administrative Procedure Act (Chapter 3.5 (commencing with~~
7 ~~Section 11340) of Part 1 of Division 2 of the Government Code)~~
8 ~~the department may implement this section by all-county letters~~
9 ~~or similar instructions.~~

10 ~~SEC. 11.~~

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

18 ~~SEC. 12.~~

19 *SEC. 13.* No appropriation pursuant to Section 15200 of the
20 Welfare and Institutions Code shall be made for purposes of this
21 act.

22 ~~SEC. 13.~~

23 *SEC. 14.* If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.