

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2320

Introduced by Assembly Member Nestande

February 24, 2012

~~An act to amend Section 12300 of the Welfare and Institutions Code, relating to public social services. An act to add Section 66942 of the Education Code, relating to public postsecondary education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2320, as amended, Nestande. ~~In-Home Supportive Services. Public postsecondary education: distance learning.~~

Existing law establishes the various segments of the public postsecondary education system in the state. These segments include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges.

This bill would require by January 1, 2016, and every 2 years thereafter, the Trustees of the California State University and the Board of Governors of the California Community Colleges, and request the Regents of the University of California, to report to the Legislature on workload and key performance data on distance learning courses, as defined. This bill would, by February 1, 2014, also require the Legislative Analyst's Office to convene a task force composed of specified members to identify the steps needed to establish the Western Governors University, California, as a degree-granting institution that is self-supporting and does not receive state funding. The task force

would be required to consult with representatives of the University of California, the California State University, and the California Community Colleges. The task force would, by February 1, 2015, be required to report their findings and recommendations to the Legislature.

~~Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization.~~

~~This bill would make a technical, nonsubstantive change to an IHSS program provision.~~

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

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

- 1 SECTION 1. Section 66942 is added to the Education Code,
- 2 to read:
- 3 66942. (a) For purposes of data collection and reporting by
- 4 the California Community Colleges, the California State
- 5 University, and the University of California, “distance learning
- 6 course” means a course conducted with a majority of the
- 7 instructional content delivered when faculty and students are in
- 8 different locations and instruction is delivered through the use of
- 9 technology.
- 10 (b) (1) By January 1, 2016, and every two years thereafter, the
- 11 Trustees of the California State University and the Board of
- 12 Governors of the California Community Colleges shall, and the
- 13 Regents of the University of California are requested to, report to
- 14 the Legislature on workload and key performance data on distance
- 15 learning courses, including, but not limited to, all of the following:
- 16 (A) The number of students enrolled in a distance learning
- 17 course at each campus, categorized by type of delivery method for
- 18 the distance learning course.
- 19 (B) Completion rates for distance learning courses.
- 20 (C) Program completion rates for degree programs that include
- 21 exclusively distance learning courses.
- 22 (2) Student enrollment and completion rate data included in a
- 23 report to be submitted pursuant to this subdivision shall be made
- 24 available by demographics such as age, gender, and ethnicity.

1 (c) (1) On or before February 1, 2014, the Legislative Analyst's
2 Office shall convene a task force composed of members of the
3 Legislature, members of the administration, and representatives
4 of the Western Association of Schools and Colleges to identify the
5 steps needed to establish the Western Governors University,
6 California. The task force shall consult with representatives of the
7 University of California, the California State University, and the
8 California Community Colleges.

9 (2) It is the intent of the Legislature that the task force evaluate
10 the establishment of the Western Governors University, California,
11 as a degree-granting institution that is self-supporting and that
12 does not receive state funding. This provision is not intended to
13 preclude the task force from evaluating the Western Governors
14 University, California, as a potential qualifying institution for the
15 purposes of California's student financial aid programs.

16 (3) On or before February 1, 2015, the task force convened
17 pursuant to this subdivision shall report to the Legislature on the
18 findings and recommendations of the task force.

19 (d) (1) All reports to be submitted pursuant to this section shall
20 be submitted in compliance with Section 9795 of the Government
21 Code.

22 (2) Pursuant to Section 10231.5 of the Government Code, the
23 requirement for submitting a report imposed by paragraph (3) of
24 subdivision (c) shall be inoperative on February 1, 2019.

25 SECTION 1. ~~Section 12300 of the Welfare and Institutions~~
26 ~~Code is amended to read:~~

27 ~~12300. (a) The purpose of this article is to provide in every~~
28 ~~county in a manner consistent with this chapter and the annual~~
29 ~~Budget Act those supportive services identified in this section to~~
30 ~~aged, blind, or disabled persons, as defined under this chapter,~~
31 ~~who are unable to perform the services themselves and who cannot~~
32 ~~safely remain in their homes or abodes of their own choosing unless~~
33 ~~these services are provided.~~

34 ~~(b) Supportive services include domestic services and services~~
35 ~~related to domestic services, heavy cleaning, personal care services,~~
36 ~~accompaniment by a provider when needed during necessary travel~~
37 ~~to health-related appointments or to alternative resource sites, yard~~
38 ~~hazard abatement, protective supervision, teaching and~~
39 ~~demonstration directed at reducing the need for other supportive~~
40 ~~services, and paramedical services that make it possible for the~~

1 recipient to establish and maintain an independent living
2 arrangement.

3 (e) ~~Personal care services mean all of the following:~~

- 4 (1) ~~Assistance with ambulation.~~
- 5 (2) ~~Bathing, oral hygiene, and grooming.~~
- 6 (3) ~~Dressing.~~
- 7 (4) ~~Care and assistance with prosthetic devices.~~
- 8 (5) ~~Bowel, bladder, and menstrual care.~~
- 9 (6) ~~Repositioning, skin care, range of motion exercises, and~~
10 ~~transfers.~~
- 11 (7) ~~Feeding and assurance of adequate fluid intake.~~
- 12 (8) ~~Respiration.~~
- 13 (9) ~~Assistance with self-administration of medications.~~

14 (d) ~~Personal care services are available if these services are~~
15 ~~provided in the beneficiary's home and other locations as may be~~
16 ~~authorized by the director. Among the locations that may be~~
17 ~~authorized by the director under this paragraph is the recipient's~~
18 ~~place of employment if all of the following conditions are met:~~

19 (1) ~~The personal care services are limited to those that are~~
20 ~~currently authorized for a recipient in the recipient's home and~~
21 ~~those services are to be utilized by the recipient at the recipient's~~
22 ~~place of employment to enable the recipient to obtain, retain, or~~
23 ~~return to work. Authorized services utilized by the recipient at the~~
24 ~~recipient's place of employment shall be services that are relevant~~
25 ~~and necessary in supporting and maintaining employment.~~
26 ~~However, workplace services shall not be used to supplant any~~
27 ~~reasonable accommodations required of an employer by the~~
28 ~~Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.;~~
29 ~~ADA) or other legal entitlements or third-party obligations.~~

30 (2) ~~The provision of personal care services at the recipient's~~
31 ~~place of employment shall be authorized only to the extent that~~
32 ~~the total hours utilized at the workplace are within the total personal~~
33 ~~care services hours authorized for the recipient in the home.~~
34 ~~Additional personal care services hours may not be authorized in~~
35 ~~connection with a recipient's employment.~~

36 (e) ~~Where supportive services are provided by a person having~~
37 ~~the legal duty pursuant to the Family Code to provide for the care~~
38 ~~of his or her child who is the recipient, the provider of supportive~~
39 ~~services shall receive remuneration for the services only when the~~
40 ~~provider leaves full-time employment or is prevented from~~

1 obtaining full-time employment because no other suitable provider
2 is available and where the inability of the provider to provide
3 supportive services may result in inappropriate placement or
4 inadequate care.

5 These providers shall be paid only for the following:

6 ~~(1) Services related to domestic services.~~

7 ~~(2) Personal care services.~~

8 ~~(3) Accompaniment by a provider when needed during necessary~~
9 ~~travel to health-related appointments or to alternative resource~~
10 ~~sites.~~

11 ~~(4) Protective supervision only as needed because of the~~
12 ~~functional limitations of the child.~~

13 ~~(5) Paramedical services.~~

14 ~~(f) To encourage maximum voluntary services, so as to reduce~~
15 ~~governmental costs, respite care shall also be provided. Respite~~
16 ~~care is temporary or periodic service for eligible recipients to~~
17 ~~relieve persons who are providing care without compensation.~~

18 ~~(g) A person who is eligible to receive a service or services~~
19 ~~under an approved federal waiver authorized pursuant to Section~~
20 ~~14132.951, or a person who is eligible to receive a service or~~
21 ~~services authorized pursuant to Section 14132.95, shall not be~~
22 ~~eligible to receive the same service or services pursuant to this~~
23 ~~article. In the event that the waiver authorized pursuant to Section~~
24 ~~14132.951, as approved by the federal government, does not extend~~
25 ~~eligibility to all persons otherwise eligible for services under this~~
26 ~~article, or does not cover a service or particular services, or does~~
27 ~~not cover the scope of a service that a person would otherwise be~~
28 ~~eligible to receive under this article, those persons who are not~~
29 ~~eligible for services, or for a particular service under the waiver~~
30 ~~or Section 14132.95 shall be eligible for services under this article.~~

31 ~~(h) (1) All services provided pursuant to this article shall be~~
32 ~~equal in amount, scope, and duration to the same services provided~~
33 ~~pursuant to Section 14132.95, including any adjustments that may~~
34 ~~be made to those services pursuant to subdivision (e) of Section~~
35 ~~14132.95.~~

36 ~~(2) Notwithstanding any other provision of this article, the rate~~
37 ~~of reimbursement for in-home supportive services provided through~~
38 ~~any mode of service shall not exceed the rate of reimbursement~~
39 ~~established under subdivision (j) of Section 14132.95 for the same~~

1 ~~mode of service unless otherwise provided in the annual Budget~~
2 ~~Act.~~
3 ~~(3) The maximum number of hours available under Section~~
4 ~~14132.95, Section 14132.951, and this section, combined, shall~~
5 ~~be 283 hours per month. Any recipient of services under this article~~
6 ~~shall receive no more than the applicable maximum specified in~~
7 ~~Section 12303.4.~~

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