

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 488**

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**Introduced by Assembly Member Gonzalez**

February 23, 2015

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An act to amend Section 14132.24 of the Welfare and Institutions Code, relating to Medi-Cal; add Sections 19155 and 19405 to the Welfare and Institutions Code, relating to rehabilitation.

LEGISLATIVE COUNSEL'S DIGEST

AB 488, as amended, Gonzalez. ~~Medi-Cal: community-living support benefits.~~ *Rehabilitation: dignity stipend.*

*Existing state and federal laws provide for payment of a special minimum wage for workers with disabilities that is lower than the established minimum wage rate, under specified circumstances. Existing law authorizes the Department of Rehabilitation to regulate vocational rehabilitation services, which are defined as specified services and goods to assist persons with disabilities in employment.*

*This bill would define "dignity stipend" as the value provided by an employer to workers defined by the Department of Rehabilitation as eligible individuals with mental disabilities when the employer pays a special minimum wage to those workers, operates a community rehabilitation program certified by the Department of Rehabilitation that provides services to those workers, and the hourly wage plus the hourly cost of providing those services exceeds 125% of the California minimum wage rate for those workers. The bill would require the department to determine whether an employer that operates a community rehabilitation program provides a dignity stipend, when certifying the program.*

~~Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law requires the department to develop and implement a program to provide a community-living support benefit to eligible Medi-Cal beneficiaries. Existing law requires the community-living support benefit to include reimbursement for an array of health-related and psychological services provided or coordinated at community-based housing sites, and access to community-living support services provided or coordinated at the community-based housing site.~~

~~This bill would make technical, nonsubstantive changes to this 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 19155 is added to the Welfare and
- 2     Institutions Code, to read:
- 3     19155. “Dignity stipend” means the value provided by an
- 4     employer to workers defined by the Department of Rehabilitation
- 5     as eligible individuals with mental disabilities under the following
- 6     conditions:
- 7     (a) The employer operates a community rehabilitation program
- 8     certified by the Department of Rehabilitation that provides
- 9     vocational rehabilitation services to the workers described in
- 10    subdivision (b).
- 11    (b) The employer pays a special minimum wage to workers with
- 12    disabilities pursuant to Section 214(c) of Title 29 of the United
- 13    States Code or Section 1191 or 1191.5 of the Labor Code.
- 14    (c) The hourly wage described in subdivision (b) added to the
- 15    employer’s hourly cost of providing the services described in
- 16    subdivision (a) exceeds 125 percent of the California minimum
- 17    wage rate for each of the workers described in subdivision (b).
- 18    SEC. 2. Section 19405 is added to the Welfare and Institutions
- 19    Code, to read:
- 20    19405. The department shall determine, in certifying a
- 21    community rehabilitation program, whether the employer that

1 *operates the program provides a dignity stipend as defined in*  
2 *Section 19155.*

3 ~~SECTION 1. Section 14132.24 of the Welfare and Institutions~~  
4 ~~Code is amended to read:~~

5 ~~14132.24. (a) The department shall develop and implement a~~  
6 ~~program to provide a community-living support benefit to eligible~~  
7 ~~Medi-Cal beneficiaries. The department shall submit any waiver~~  
8 ~~application, modification of any existing waiver, or amendment~~  
9 ~~to the Medicaid state plan, that is necessary to provide this benefit,~~  
10 ~~and shall implement the benefit only to the extent that federal~~  
11 ~~financial participation is available.~~

12 ~~(b) The community-living support benefit shall include both of~~  
13 ~~the following:~~

14 ~~(1) (A) Reimbursement for an array of health-related and~~  
15 ~~psychosocial services provided or coordinated at community-based~~  
16 ~~housing sites that enable beneficiaries to remain in the least~~  
17 ~~restrictive and most homelike environment while receiving the~~  
18 ~~health-related services, including personal care and psychosocial~~  
19 ~~services, necessary to protect their health and well-being. These~~  
20 ~~community-based housing units may include, but are not limited~~  
21 ~~to, the living area or unit within a facility that is specifically~~  
22 ~~designed to provide ongoing assisted living services, licensed~~  
23 ~~residential care facilities for the elderly, publicly funded senior~~  
24 ~~and disabled housing projects, or supportive housing sites that~~  
25 ~~serve chronically homeless individuals with chronic or disabling~~  
26 ~~health conditions.~~

27 ~~(B) For purposes of this section, “assisted living services”~~  
28 ~~includes, but is not limited to, assistance with personal activities~~  
29 ~~of daily living, including dressing, feeding, toileting, bathing,~~  
30 ~~grooming, mobility, and associated tasks, to help provide for and~~  
31 ~~maintain physical and psychological comfort.~~

32 ~~(2) Access to community-living support services provided or~~  
33 ~~coordinated at the community-based housing site, including, but~~  
34 ~~not limited to, the personal care and health services specified in~~  
35 ~~paragraph (8) of subdivision (a) of Section 1788 of the Health and~~  
36 ~~Safety Code, and the health related support services specified in~~  
37 ~~former Section 53290 of the Health and Safety Code.~~

38 ~~(c) Services available through the community-living support~~  
39 ~~benefit shall not duplicate services available through the Medi-Cal~~

1 state plan, other Medi-Cal waivers, or other programs financed by  
2 the state.

3 ~~(d) An individual shall be eligible for the community-living~~  
4 ~~support benefit if he or she is eligible for the Medi-Cal program,~~  
5 ~~is a resident of San Francisco who would otherwise be homeless,~~  
6 ~~living in shelters, or institutionalized, and meets one or both of the~~  
7 ~~following criteria:~~

8 ~~(1) The department determines that he or she would benefit~~  
9 ~~from supportive housing, as defined in subdivision (c) of former~~  
10 ~~Section 53260 of the Health and Safety Code.~~

11 ~~(2) The department determines that he or she is eligible for~~  
12 ~~placement in a skilled nursing facility, as defined in subdivision~~  
13 ~~(c) of Section 1250 of the Health and Safety Code, or an~~  
14 ~~intermediate care facility, as defined in subdivision (d) of that~~  
15 ~~section.~~

16 ~~(e) The department may modify the eligibility criteria specified~~  
17 ~~in subdivision (d), if needed, to qualify the community-living~~  
18 ~~support benefit for federal financial participation.~~

19 ~~(f) The department shall seek to maximize resources for~~  
20 ~~community-based housing by coordinating the community-living~~  
21 ~~support benefit with existing efforts to coordinate care, improve~~  
22 ~~health outcomes, and reduce long-term care costs for the targeted~~  
23 ~~population.~~

24 ~~(g) This section shall be implemented only upon adoption of a~~  
25 ~~resolution by the Board of Supervisors of the City and County of~~  
26 ~~San Francisco providing county funds for use by the state to match~~  
27 ~~federal Medicaid funds to receive federal funds for services~~  
28 ~~provided under the waiver specified in this section, and for any~~  
29 ~~costs associated with implementing and monitoring the waiver, to~~  
30 ~~limit additional state costs.~~