

**ASSEMBLY BILL**

**No. 2134**

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**Introduced by Assembly Member Waldron**

February 17, 2016

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An act to amend Section 12300 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2134, as introduced, Waldron. In-home supportive services.

Existing law provides for the county-administered In-Home Supportive Services program, under which qualified aged, blind, or disabled persons are provided with supportive services in order to permit them to remain in their own homes and avoid institutionalization. Existing law specifies that supportive services include, among other things, domestic services, personal care services, and paramedical services that make it possible for the recipient to establish and maintain an independent living arrangement.

This bill would make technical, nonsubstantive changes to this provision.

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

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

- 1 SECTION 1. Section 12300 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 12300. (a) The purpose of this article is to provide in every
- 4 county in a manner consistent with this chapter and the annual
- 5 Budget Act those supportive services identified in this section to

1 aged, blind, or disabled persons, as defined under this chapter,  
2 who are unable to perform the services themselves and who cannot  
3 safely remain in their homes or abodes of their own choosing unless  
4 these services are provided.

5 (b) Supportive services shall include domestic services and  
6 services related to domestic services, heavy cleaning, personal  
7 care services, accompaniment by a provider when needed during  
8 necessary travel to health-related appointments or to alternative  
9 resource sites, yard hazard abatement, protective supervision,  
10 teaching and demonstration directed at reducing the need for other  
11 supportive services, and paramedical services ~~which~~ *that* make it  
12 possible for the recipient to establish and maintain an independent  
13 living arrangement.

14 (c) Personal care services shall mean all of the following:

15 (1) Assistance with ambulation.

16 (2) Bathing, oral hygiene, and grooming.

17 (3) Dressing.

18 (4) Care and assistance with prosthetic devices.

19 (5) Bowel, bladder, and menstrual care.

20 (6) Repositioning, skin care, range of motion exercises, and  
21 transfers.

22 (7) Feeding and assurance of adequate fluid intake.

23 (8) Respiration.

24 (9) Assistance with self-administration of medications.

25 (d) Personal care services are available if these services are  
26 provided in the beneficiary's home and other locations as may be  
27 authorized by the director. Among the locations that may be  
28 authorized by the director ~~under~~ *pursuant to* this paragraph is the  
29 recipient's place of employment if all of the following conditions  
30 are met:

31 (1) The personal care services are limited to those that are  
32 currently authorized for a recipient in the recipient's home and  
33 those services are to be utilized by the recipient at the recipient's  
34 place of employment to enable the recipient to obtain, retain, or  
35 return to work. Authorized services utilized by the recipient at the  
36 recipient's place of employment shall be services that are relevant  
37 and necessary in supporting and maintaining employment.  
38 However, workplace services shall not be used to supplant any  
39 reasonable accommodations required of an employer by the *federal*

1 Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et  
2 seq.; ADA) or other legal entitlements or third-party obligations.

3 (2) The provision of personal care services at the recipient's  
4 place of employment shall be authorized only to the extent that  
5 the total hours utilized at the workplace are within the total personal  
6 care services hours authorized for the recipient in the home.  
7 Additional personal care services hours ~~may~~ shall not be authorized  
8 in connection with a recipient's employment.

9 (e) ~~Where~~ When supportive services are provided by a person  
10 having the legal duty pursuant to the Family Code to provide for  
11 the care of his or her child who is the recipient, the provider of  
12 supportive services shall receive remuneration for the services  
13 only when the provider leaves full-time employment or is prevented  
14 from obtaining full-time employment because no other suitable  
15 provider is available and ~~where~~ when the inability of the provider  
16 to provide supportive services may result in inappropriate  
17 placement or inadequate care.

18 These providers shall be paid only for the following:

19 (1) Services related to domestic services.

20 (2) Personal care services.

21 (3) Accompaniment by a provider when needed during necessary  
22 travel to health-related appointments or to alternative resource  
23 sites.

24 (4) Protective supervision only as needed because of the  
25 functional limitations of the child.

26 (5) Paramedical services.

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

31 (g) A person who is eligible to receive a service or services  
32 under an approved federal waiver authorized pursuant to Section  
33 14132.951, or a person who is eligible to receive a service or  
34 services authorized pursuant to Section 14132.95, shall not be  
35 eligible to receive the same service or services pursuant to this  
36 article. ~~In the event that~~ If the waiver authorized pursuant to Section  
37 14132.951, as approved by the federal government, does not extend  
38 eligibility to all persons otherwise eligible for services under this  
39 article, or does not cover a service or particular services, or does  
40 not cover the scope of a service that a person would otherwise be

1 eligible to receive under this article, those persons who are not  
2 eligible for services, or for a particular service under the waiver  
3 or Section 14132.95 shall be eligible for services ~~under~~ pursuant  
4 to this article.

5 (h) (1) All services provided pursuant to this article shall be  
6 equal in amount, scope, and duration to the same services provided  
7 pursuant to Section 14132.95, including any adjustments that may  
8 be made to those services pursuant to subdivision (e) of Section  
9 14132.95.

10 (2) Notwithstanding any other provision of this article, the rate  
11 of reimbursement for in-home supportive services provided through  
12 any mode of service shall not exceed the rate of reimbursement  
13 established under subdivision (j) of Section 14132.95 for the same  
14 mode of service unless otherwise provided in the annual Budget  
15 Act.

16 (3) The maximum number of hours available under Section  
17 14132.95, Section 14132.951, and this section, combined, shall  
18 be 283 hours per month. ~~Any~~ A recipient of services under this  
19 article shall receive no more than the applicable maximum  
20 specified in Section 12303.4.