

AMENDED IN ASSEMBLY MARCH 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**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.~~ *add Section 123472.4 to the Health and Safety Code, relating to public health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2134, as amended, Waldron. ~~In-home supportive services. Clinics:~~ *notice: abortion pill reversal.*

*Existing law, the Reproductive FACT Act, requires a licensed covered facility, as defined, to disseminate a notice to clients stating, among other things, that California has public programs that provide immediate free or low-cost access to comprehensive family planning services, prenatal care, and abortion, for eligible women. Existing law authorizes the Attorney General, city attorney, or county counsel to bring an action to impose a specified civil penalty against covered facilities that fail to comply with these requirements.*

*This bill would additionally require those licensed covered facilities, if the facility provides abortions, to post a public notice advising clients that it may be possible to reverse the effects of the abortion pill.*

~~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~~-yes. State-mandated local program: no.

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

1 SECTION 1. Section 123472.4 is added to the Health and  
2 Safety Code, to read:

3 123472.4. (a) A licensed covered facility that performs  
4 abortions shall post the following public notice in English and in  
5 the primary threshold languages for Medi-Cal beneficiaries, as  
6 determined by the State Department of Health Care Services for  
7 the county in which the facility is located:

8  
9 “It may be possible to reverse the effects of the abortion pill. If  
10 you change your mind after taking the abortion pill, time is of the  
11 essence. For more information, call the Abortion Pill Reversal  
12 Hotline at (877) 558-0333.”

13  
14 (b) The notice described in subdivision (a) shall be at least 8.5  
15 inches by 11 inches, written in no less than 22-point type, and  
16 posted in a conspicuous place where individuals wait that may be  
17 easily read by those seeking services from the facility.

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

20 12300. ~~(a) The purpose of this article is to provide in every~~  
21 ~~county in a manner consistent with this chapter and the annual~~  
22 ~~Budget Act those supportive services identified in this section to~~  
23 ~~aged, blind, or disabled persons, as defined under this chapter,~~  
24 ~~who are unable to perform the services themselves and who cannot~~  
25 ~~safely remain in their homes or abodes of their own choosing unless~~  
26 ~~these services are provided.~~

27 ~~(b) Supportive services shall include domestic services and~~  
28 ~~services related to domestic services, heavy cleaning, personal~~  
29 ~~care services, accompaniment by a provider when needed during~~  
30 ~~necessary travel to health-related appointments or to alternative~~  
31 ~~resource sites, yard hazard abatement, protective supervision,~~

1 teaching and demonstration directed at reducing the need for other  
2 supportive services, and paramedical services that make it possible  
3 for the recipient to establish and maintain an independent living  
4 arrangement.

5 (e) Personal care services shall mean all of the following:

6 ~~(1) Assistance with ambulation.~~

7 ~~(2) Bathing, oral hygiene, and grooming.~~

8 ~~(3) Dressing.~~

9 ~~(4) Care and assistance with prosthetic devices.~~

10 ~~(5) Bowel, bladder, and menstrual care.~~

11 ~~(6) Repositioning, skin care, range of motion exercises, and~~  
12 ~~transfers.~~

13 ~~(7) Feeding and assurance of adequate fluid intake.~~

14 ~~(8) Respiration.~~

15 ~~(9) Assistance with self-administration of medications.~~

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

22 ~~(1) The personal care services are limited to those that are~~  
23 ~~currently authorized for a recipient in the recipient's home and~~  
24 ~~those services are to be utilized by the recipient at the recipient's~~  
25 ~~place of employment to enable the recipient to obtain, retain, or~~  
26 ~~return to work. Authorized services utilized by the recipient at the~~  
27 ~~recipient's place of employment shall be services that are relevant~~  
28 ~~and necessary in supporting and maintaining employment.~~  
29 ~~However, workplace services shall not be used to supplant any~~  
30 ~~reasonable accommodations required of an employer by the federal~~  
31 ~~Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101~~  
32 ~~et seq.; ADA) or other legal entitlements or third-party obligations.~~

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

39 ~~(e) When supportive services are provided by a person having~~  
40 ~~the legal duty pursuant to the Family Code to provide for the care~~

1 of his or her child who is the recipient, the provider of supportive  
2 services shall receive remuneration for the services only when the  
3 provider leaves full-time employment or is prevented from  
4 obtaining full-time employment because no other suitable provider  
5 is available and when the inability of the provider to provide  
6 supportive services may result in inappropriate placement or  
7 inadequate care.

8 These providers shall be paid only for the following:

- 9 (1) ~~Services related to domestic services.~~
- 10 (2) ~~Personal care services.~~
- 11 (3) ~~Accompaniment by a provider when needed during necessary~~  
12 ~~travel to health-related appointments or to alternative resource~~  
13 ~~sites.~~
- 14 (4) ~~Protective supervision only as needed because of the~~  
15 ~~functional limitations of the child.~~
- 16 (5) ~~Paramedical services.~~
- 17 (f) ~~To encourage maximum voluntary services, so as to reduce~~  
18 ~~governmental costs, respite care shall also be provided. Respite~~  
19 ~~care is temporary or periodic service for eligible recipients to~~  
20 ~~relieve persons who are providing care without compensation.~~
- 21 (g) ~~A person who is eligible to receive a service or services~~  
22 ~~under an approved federal waiver authorized pursuant to Section~~  
23 ~~14132.951, or a person who is eligible to receive a service or~~  
24 ~~services authorized pursuant to Section 14132.95, shall not be~~  
25 ~~eligible to receive the same service or services pursuant to this~~  
26 ~~article. If the waiver authorized pursuant to Section 14132.951, as~~  
27 ~~approved by the federal government, does not extend eligibility~~  
28 ~~to all persons otherwise eligible for services under this article, or~~  
29 ~~does not cover a service or particular services, or does not cover~~  
30 ~~the scope of a service that a person would otherwise be eligible to~~  
31 ~~receive under this article, those persons who are not eligible for~~  
32 ~~services, or for a particular service under the waiver or Section~~  
33 ~~14132.95 shall be eligible for services pursuant to this article.~~
- 34 (h) (1) ~~All services provided pursuant to this article shall be~~  
35 ~~equal in amount, scope, and duration to the same services provided~~  
36 ~~pursuant to Section 14132.95, including any adjustments that may~~  
37 ~~be made to those services pursuant to subdivision (c) of Section~~  
38 ~~14132.95.~~
- 39 (2) ~~Notwithstanding any other provision of this article, the rate~~  
40 ~~of reimbursement for in-home supportive services provided through~~

1 any mode of service shall not exceed the rate of reimbursement  
2 established under subdivision (j) of Section 14132.95 for the same  
3 mode of service unless otherwise provided in the annual Budget  
4 Act.

5 (3) ~~The maximum number of hours available under Section~~  
6 ~~14132.95, Section 14132.951, and this section, combined, shall~~  
7 ~~be 283 hours per month. A recipient of services under this article~~  
8 ~~shall receive no more than the applicable maximum specified in~~  
9 ~~Section 12303.4.~~

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