

AMENDED IN SENATE AUGUST 18, 2016

AMENDED IN SENATE JUNE 30, 2016

AMENDED IN ASSEMBLY MARCH 31, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2346**

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**Introduced by Assembly Member Baker  
(Coauthor: Assembly Member Obernolte)**

February 18, 2016

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An act to amend Section 10952.5 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2346, as amended, Baker. Public social services: hearings.

Existing law provides various public social services and requires that an applicant for, or recipient of, public social services be accorded an opportunity for a state hearing if, among other reasons, the applicant or recipient is dissatisfied with any action of the county department relating to his or her application for, or receipt of, public social services. Existing law requires, if regulations require a public or private agency to write a position statement concerning the issues in question in a fair hearing, or if the agency chooses to develop such a statement, the agency to make available to the applicant or recipient a copy of the agency's position statement at the county welfare department not less than two working days prior to the date of the hearing. Existing law excludes the State Department of Health Care Services and the State Department of Public Health from that requirement.

This bill would ~~additionally require a public or private agency, upon request, to provide a copy of the agency's position statement to the~~

applicant or recipient through electronic means and would require the State Department of Health Care Services to make its position statement available to the applicant or recipient and the State Department of Social Services through electronic means, as specified. *instead require the public or private agency to make the agency’s position statement available to the applicant or recipient at the county welfare office or via United States mail, or, upon request, through electronic means, as specified.* The bill would exempt, for a specified period, a public or private agency from complying with this requirement if it submits a specified report to the State Department of Social Services by December 31 of each year. The bill would also make technical, nonsubstantive changes to these provisions.

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

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

1 SECTION 1. Section 10952.5 of the Welfare and Institutions  
 2 Code is amended to read:  
 3 10952.5. (a) If regulations require a public or private agency  
 4 to write a position statement concerning the issues in question in  
 5 a fair hearing, or if the public or private agency chooses to develop  
 6 that statement, not less than two business days before the date of  
 7 a hearing provided for pursuant to this chapter, the public or private  
 8 agency shall make available to the applicant for, or recipient of,  
 9 public social services requesting a fair hearing, a copy of the public  
 10 or private agency’s position statement on the forthcoming hearing.  
 11 The public or private agency shall make the copy available to the  
 12 applicant or recipient at the county welfare department, *department*  
 13 *or via United States mail, or, upon request, through electronic*  
 14 *means. Except as provided in subdivision (d), (c), if the applicant*  
 15 *or recipient requests a position statement that contains personal*  
 16 *identifying information to be delivered through electronic means,*  
 17 *the position statement shall be delivered through secure electronic*  
 18 *means. means if required by state or federal privacy laws.* A public  
 19 or private agency shall be required to comply with this section  
 20 only if the public or private agency has received a 10-day prior  
 21 notice of the date and time of the scheduled hearing.  
 22 (b) If the public or private agency does not make the position  
 23 statement available not less than two business days before the

1 hearing or if the public or private agency decides to modify the  
2 position statement, the hearing shall be postponed upon the request  
3 of the applicant or recipient, if an applicant or recipient agrees to  
4 waive the right to obtain a decision on the hearing within the  
5 deadline that would otherwise be applicable under regulations. A  
6 postponement for reason of the public or private agency not making  
7 the position statement available within not less than two business  
8 days shall be deemed a postponement for good cause for purposes  
9 of determining eligibility to any applicable benefits pending  
10 disposition of the hearing.

11 ~~(e) Subdivisions (a) and (b) shall not apply to the State~~  
12 ~~Department of Health Care Services or the State Department of~~  
13 ~~Public Health, except that the State Department of Health Care~~  
14 ~~Services shall make its position statement available to the applicant~~  
15 ~~or recipient and the State Department of Social Services through~~  
16 ~~electronic means not less than two business days before the~~  
17 ~~scheduled hearing.~~

18 ~~(d)~~

19 (c) (1) A public or private agency shall not be required to make  
20 a copy of its position statement available to an applicant or  
21 recipient through electronic means if the agency submits a report  
22 by December 31 of each year to the State Department of Social  
23 Services that includes both of the following:

24 (A) The barriers the agency has identified that substantially  
25 impede or prohibit the electronic provision of hearing documents.

26 (B) The steps the agency is taking to address these barriers.

27 (2) This subdivision shall become inoperative on the date that  
28 the statewide electronic case management system administered by  
29 the State Department of Social Services becomes operational and  
30 has the capacity to provide position statements to claimants through  
31 secure electronic means.