

AMENDED IN ASSEMBLY JUNE 4, 2015

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 542**

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**Introduced by Senator Mendoza**

February 26, 2015

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An act to amend Section 5307.8 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 542, as amended, Mendoza. Workers' compensation: home health care services: fee schedules.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law requires the administrative director to adopt an official medical fee schedule that establishes reasonable maximum fees paid for specified medical services related to workers' compensation. Existing law also requires the administrative director to adopt a schedule for payment of home health care services that are not covered by a Medicare fee schedule and are not otherwise covered by the official medical fee schedule. Existing law requires this fee schedule to be based on the maximum service hours and fees set forth in provisions of law governing in-home supportive services.

This bill would authorize, rather than require, the fee schedule to be based on either the maximum service hours and fees set forth in provisions of state law governing in-home supportive services or other state or federal home health care services fee schedules, as specified.

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 5307.8 of the Labor Code is amended to  
2 read:  
3 5307.8. (a) Notwithstanding Section 5307.1, the administrative  
4 director shall adopt, after public hearings, a schedule for payment  
5 of home health care services provided in accordance with Section  
6 4600 that are not covered by a Medicare fee schedule and are not  
7 otherwise covered by the official medical fee schedule adopted  
8 pursuant to Section 5307.1. The schedule shall set forth fees and  
9 requirements for service providers, and may be based upon, but is  
10 not limited to, being based upon, either of the following:  
11 (1) The maximum service hours and fees as set forth in  
12 regulations adopted pursuant to Article 7 (commencing with  
13 Section 12300) of Chapter 3 of Part 3 of Division 9 of the Welfare  
14 and Institutions Code.  
15 (2) A state or federal home health care services fee schedule  
16 other than the schedule described in paragraph (1), including a fee  
17 schedule authorized for purposes of the Medi-Cal program or a  
18 fee schedule administered by the federal ~~Director of the~~ Office of  
19 Workers' Compensation Programs.  
20 (b) Fees shall not be provided for any services, including any  
21 services provided by a member of the employee's household, to  
22 the extent the services had been regularly performed in the same  
23 manner and to the same degree prior to the date of injury. If  
24 appropriate, attorney's fees for recovery of home health care  
25 services fees under this section may be awarded in accordance  
26 with Section 4906 and any applicable rules or regulations.

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