

AMENDED IN ASSEMBLY JANUARY 6, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 668

Introduced by Assembly Members Aroner and Shelley
(Principal coauthor: Assembly Member Villaraigosa)

February 26, 1997

~~An act relating to human services, and declaring the urgency thereof, to take effect immediately. An act to add Section 14132.97 to the Welfare and Institutions Code, relating to human services.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 668, as amended, Aroner. In-home supportive services: personal care services funding.

Existing law provides for the In-Home Supportive Services (IHSS) program, under which, either through employment by the recipient, or by or through contract by the county, qualified aged, blind, and disabled persons receive services enabling them to remain in their own homes. Counties are responsible for the administration of the IHSS program.

Existing law authorizes the provision of personal care services under the IHSS program and specifies that those personal care services provided to a recipient who is eligible for those same services under the Medi-Cal program shall receive those services under the Medi-Cal program.

~~This bill would state the intent of the Legislature that the State Department of Social Services allocate funds for personal care funds received from the federal government in~~

~~support of the personal care services provided under the Medi-Cal program shall be used to supplement, and not supplant, funding that would be used for the IHSS program and the personal care services program for the 1997-98 fiscal year.~~

~~This bill would also state the intent of the Legislature to allocate funds to assist applicant counties with financing certain improvements in the delivery of in-home supportive services.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~This bill would require the Director of Health Services to seek a waiver of federal medicaid program requirements to provide personal care services to expand the class of persons who would be eligible to receive those services, and to report to the appropriate committees of the Legislature.~~

~~Vote: $\frac{2}{3}$ 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. (a) It is the intent of the Legislature in~~
- 2 *SECTION 1. The Legislature finds and declares all of*
- 3 *the following:*
- 4 *(a) Under the federal Omnibus Budget Reconciliation*
- 5 *Act of 1981 (Public Law 97-35), states may apply for*
- 6 *waiver under Section 1915(c) of the federal Social*
- 7 *Security Act (42 U.S.C. Sec. 1396n(c)) to make*
- 8 *individuals eligible for Supplemental Security Income*
- 9 *(SSI) and medicaid benefits when medical, remedial, and*
- 10 *social services provided in the home can be shown to be*
- 11 *less costly than services provided in an institution.*
- 12 *(b) Whenever possible, medical, remedial, and social*
- 13 *services should be provided in the least restrictive setting*
- 14 *at the lowest cost to programs involved.*
- 15 *(c) To the extent possible, and consistent with client*
- 16 *preference, necessary medical and remedial services in*
- 17 *the home can be provided through personal care services*
- 18 *beyond those currently available under Section 14132.95*
- 19 *of the Welfare and Institutions Code.*



1 SEC. 2. Section 14132.97 is added to the Welfare and
2 Institutions Code, to read:

3 14132.97. (a) The director shall apply for a waiver or
4 for an amendment to an existing waiver for the provision
5 of services under this section for persons who would
6 otherwise require care in a nursing facility, in accordance
7 with the following:

8 (1) For persons who qualify under a model waiver,
9 entitlement to personal care services under Section
10 14132.95 as if they were categorically eligible.

11 (2) To pay persons who require an attendant to live
12 with them a stipend to cover the additional cost of
13 providing an additional bedroom for the attendant.

14 (3) To pay live-in attendants who are on call on a
15 24-hour basis, a flat fee payment for the on-call
16 availability.

17 (4) To pay live-in attendants for the time required to
18 be present in order to provide protective supervision due
19 to the client's mental or physical impairment or
20 impairments.

21 (b) The director shall report to the appropriate
22 committees of the Legislature by January 1, 1999,
23 regarding the actions taken to apply for a new waiver or
24 for the amendment of an existing waiver to provide
25 expanded personal care services as an option for persons
26 who would otherwise require care in a nursing facility.

27 (c) To the extent the waiver or waivers obtained
28 pursuant to subdivision (a) result in replacing hours of
29 protective supervision under the In-Home Supportive
30 Services program with hours of personal care services,
31 the county shall be responsible for the nonfederal share
32 of cost at the same rate as under the In-Home Supportive
33 Services program.

34 (d) To the extent the waiver or waivers obtained
35 pursuant to subdivision (a) result in personal care
36 services beyond those provided pursuant to Section
37 14132.95, the county shall have no share of cost.

38 ~~enacting this act to establish and finance all of the~~
39 ~~following:~~



1 (1) Incentives for counties to implement
2 improvements in the delivery of in-home supportive
3 services (IHSS) through the establishment of a public
4 authority, nonprofit consortium, expanded use of the
5 supported individual provider mode.

6 (2) Consumer advisory or governing boards in each
7 county with a majority of current or past IHSS consumers.

8 (3) Information to all IHSS consumers of the right to
9 select between service delivery options and all service
10 delivery options available within the county as well as the
11 implications relative to selecting any of these options.

12 (4) Maintain and enhance the independent provider
13 mode with protections for consumers of services and their
14 workers, including the consumers' right to hire,
15 supervise, and terminate the provider.

16 (b) It is also the intent of the Legislature to recapture
17 personal care option funds that were supplanted by the
18 state and counties beginning in the 1992-93 fiscal year and
19 to redirect these funds to those counties that elect to
20 implement improvements to the delivery of in-home
21 supportive services.

22 SEC. 2. _____ percent of personal care option
23 funds, obtained pursuant to Subchapter 19 (commencing
24 with Section 1396) of Chapter 7 of Title 42 of the United
25 States Code, along with matching funds using the state
26 and county sharing ratio established in subdivision (c) of
27 Section 12306, and other funds that are obtained pursuant
28 to Subchapter 19 (commencing with Section 1396) of
29 Chapter 7 of Title 42 of the United States Code, shall be
30 used to supplement and not supplant funds that would
31 otherwise be used for the in-home supportive services
32 and personal care services programs for the 1997-98 fiscal
33 year and thereafter.

34 SEC. 3. It is the intent of the Legislature for the State
35 Department of Social Services to allocate funds to assist
36 applicant counties with financing improvements in the
37 delivery of in-home supportive services. For the 1997-98
38 fiscal year, the amount allocated in this section shall not
39 exceed _____ dollars (\$_____). The State
40 Department of Social Services shall allocate these funds



1 to counties based upon an approved application. The
2 funds may be used by counties in a manner that will
3 enhance and improve delivery of in-home supportive
4 services through the establishment and ongoing
5 financing of a public authority or nonprofit consortium as
6 authorized under Section 12301.6 of the Welfare and
7 Institutions Code.

8 SEC. 4. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or
10 safety within the meaning of Article IV of the
11 Constitution and shall go into immediate effect. The facts
12 constituting the necessity are:

13 In order to apply this act to the entire 1997-98 fiscal
14 year and so facilitate the orderly administration of the
15 IHSS program, it is necessary that this act take effect
16 immediately.

