

AMENDED IN ASSEMBLY JANUARY 22, 1998

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 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 require the Director of Health Services to seek *an amendment of* 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: 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. The Legislature finds and declares all of
2 the following:

3 (a) Under the federal Omnibus Budget Reconciliation
4 Act of 1981 (Public Law 97-35), states may apply for
5 waiver under Section 1915(c) of the federal Social
6 Security Act (42 U.S.C. Sec. 1396n(c)) to make
7 individuals eligible for Supplemental Security Income
8 (SSI) and medicaid benefits when medical, remedial, and
9 social services provided in the home can be shown to be
10 less costly than services provided in an institution.

11 (b) Whenever possible, medical, remedial, and social
12 services should be provided in the least restrictive setting
13 at the lowest cost to programs involved.

14 (c) To the extent possible, and consistent with client
15 preference, necessary medical and remedial services in
16 the home can be provided through personal care services
17 beyond those currently available under Section 14132.95
18 of the Welfare and Institutions Code.

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

21 14132.97. (a) The director shall apply ~~for a waiver or~~
22 for an amendment to an existing waiver *or waivers* for the
23 provision of services under this section for persons who
24 would otherwise require care in a nursing facility *and*
25 *who qualify as a participant under the terms of the state*
26 *waiver*, in accordance with the following:

27 (1) For persons who qualify under a model waiver,
28 entitlement to personal care services under Section
29 14132.95 as if they were categorically eligible.

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



1 (3) To pay live-in attendants who are on call on a
2 24-hour basis, a flat fee payment for the on-call
3 availability.

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

8 (b) The director shall report to the appropriate
9 committees of the Legislature by January 1, 1999,
10 regarding the actions taken to apply ~~for a new waiver or~~
11 for the amendment of an existing waiver *or waivers* to
12 provide expanded personal care services as an option for
13 persons who would otherwise require care in a nursing
14 facility.

15 (c) To the extent the waiver or waivers obtained
16 pursuant to subdivision (a) result in replacing hours of
17 protective supervision under the In-Home Supportive
18 Services program with hours of personal care services,
19 the county shall be responsible for the nonfederal share
20 of cost at the same rate as under the In-Home Supportive
21 Services program.

22 (d) To the extent the waiver or waivers obtained
23 pursuant to subdivision (a) result in personal care
24 services beyond those provided pursuant to Section
25 14132.95, the county shall have no share of cost.

26 (e) *The department shall implement the amended*
27 *waiver or waivers only to the extent the implementation*
28 *results in fiscal neutrality as required under the terms of*
29 *the waiver.*

