

AMENDED IN SENATE JUNE 16, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1380

Introduced by Assembly Member Ashburn
(Principal coauthor: Senator Burton)

February 28, 1997

An act to amend ~~Section~~ *Sections 12302.3 and 22003* of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1380, as amended, Ashburn. ~~Long-term care—Human services.~~

Existing law provides for the In-Home Supportive Services (IHSS) program, under which each county provides services to eligible aged, blind, and disabled persons, in order to permit them to remain in their own homes and avoid institutionalization.

Under existing law, the City and County of San Francisco is permitted to increase the wages of all IHSS providers in the 1995–96 and 1996–97 fiscal years.

This bill would extend this authority to the 1997–98 fiscal year.

Existing law establishes the California Partnership for Long-term Care Pilot Program, to link private long-term care insurance and health care service plan contracts with in-home supportive services and Medi-Cal benefits.

Under existing law, resource protection provided by this pilot project, under which individuals who would otherwise be ineligible for certain social and health services benefits would remain eligible to receive them, shall be effective only for long-term care policies and health care service plan contracts that cover long-term care services, when the policy or contract is delivered, issued for delivery, or renewed during an enrollment period of July 1, 1993, to the earlier of June 30, 1998, or before the termination of the pilot project.

This bill would extend this date from June 30, 1998 until June 30, 2000.

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

Vote: ~~majority~~ ^{2/3}. 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 12302.3 of the Welfare and*
2 *Institutions Code is amended to read:*

3 12302.3. (a) Notwithstanding any other provision of
4 this article, and in a manner consistent with the powers
5 available to public authorities created under this article,
6 the City and County of San Francisco may:

7 (1) Increase the wages of all in-home supportive
8 services providers in the 1995–96 fiscal year ~~and~~, the
9 1996–97 fiscal year, *and the 1997–98 fiscal year.*

10 (2) Subject to the requirements of federal law, use
11 county-only funds to fund county and state shares to meet
12 federal financial participation requirements necessary to
13 obtain any available Title XIX of the federal Social
14 Security Act (42 U.S.C. Sec. 1396, et seq.) (Medicaid)
15 personal care services reimbursement.

16 (3) Provide in-home supportive services workers with
17 any wage increase the city and county may appropriate,
18 as long as this amount is in accordance with the provisions
19 of the Medi-Cal State Plan Amendment 94-006, as
20 approved by the federal Health Care Financing
21 Administration. The county-only funds shall be used
22 exclusively to increase workers wages and to pay any



1 proportionate share of employer taxes and current
2 benefits, and to pay for the cost of state and county
3 administration of these activities as provided for in
4 paragraph (5). Notwithstanding Section 12302.1, any
5 wage increase for those workers employed under
6 contract shall be passed through by the contractor to the
7 workers, subject to the limitations specified in this
8 paragraph. The state shall continue to provide payroll
9 functions for all workers who are currently individual
10 providers unless and until the in-home supportive
11 services public authority is operational.

12 (4) Claim the administrative costs of the wage pass
13 through in accordance with the department's claiming
14 requirements.

15 (5) In the event that federal financial participation is
16 available for county-only payroll moneys, the following
17 shall apply:

18 (A) If additional payroll costs will be incurred by the
19 state due to the receipt and payment of federal funds, the
20 department shall provide the city and county with a
21 detailed estimate of the additional costs of the provision
22 of payroll functions associated with the processing of
23 federal funds. If the city and county elects to pay the
24 additional costs, the department will provide these
25 payroll functions. If the city and county does not elect to
26 pay the additional costs, the department and the city and
27 county may seek another, mutually satisfactory
28 arrangement.

29 (B) In the event that federal financial participation is
30 not available, the department shall continue to perform
31 the existing payroll functions provided on July 28, 1995, at
32 no additional cost to the city and county.

33 (b) (1) This section shall not be implemented with
34 respect to any particular wage increase pursuant to
35 subdivision (a) unless the department has obtained the
36 approval of the State Department of Health Services for
37 that wage increase prior to its execution to determine
38 that it is consistent with federal law and to ensure federal
39 financial participation for the services under Title XIX of



1 the federal Social Security Act (42 U.S.C. Sec. 1396, et
2 seq.).

3 (2) The Director of Health Services shall seek any
4 federal waivers or approvals necessary for
5 implementation of this section under Title XIX of the
6 federal Social Security Act (42 U.S.C. Sec. 1396, et seq.).

7 SEC. 2. Section 22003 of the Welfare and Institutions
8 Code is amended to read:

9 22003. (a) Individuals who participate in the pilot
10 program and have resources above the eligibility levels
11 for receipt of medical assistance under Title XIX of the
12 Social Security Act (Subchapter XIX (commencing with
13 Section 1396) of Chapter 7 of Title 42 of the United States
14 Code) shall be eligible to receive those in-home
15 supportive services benefits specified by the State
16 Department of Social Services, and those Medi-Cal
17 benefits specified by the State Department of Health
18 Services, for which they would otherwise be eligible, if,
19 prior to becoming eligible for benefits, they have
20 purchased a long-term care insurance policy or a health
21 care service plan contract covering long-term care that
22 has been certified by the State Department of Health
23 Services pursuant to Section 22005.

24 (b) Individuals may purchase certified long-term care
25 insurance policies or health care service plan contracts
26 which cover long-term care services in amounts equal to
27 the resources they wish to protect, so long as the amount
28 of insurance purchased exceeds the minimum level set by
29 the program.

30 (c) The resource protection provided by this division
31 shall be effective only for long-term care policies, and
32 health care service plan contracts that cover long-term
33 care services, when the policy or contract is delivered,
34 issued for delivery, or renewed during an enrollment
35 period of July 1, 1993, to June 30, 2000, inclusive, or before
36 the termination of the pilot program, whichever is
37 sooner.

38 SEC. 3. *This act is an urgency statute necessary for the*
39 *immediate preservation of the public peace, health, or*
40 *safety within the meaning of Article IV of the*



1 *Constitution and shall go into immediate effect. The facts*
2 *constituting the necessity are:*
3 *In order to implement changes to social services*
4 *programs contained in this act necessary for the*
5 *protection of the health and well being of elderly and*
6 *disabled persons, at the earliest possible time, it is*
7 *necessary that this act take effect immediately.*

O

