

AMENDED IN ASSEMBLY APRIL 25, 2006

AMENDED IN ASSEMBLY APRIL 5, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2968

Introduced by Assembly Member Leno

February 24, 2006

An act to add Section 14132.24 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 2968, as amended, Leno. Medi-Cal: community-living support benefit.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Services and under which qualified low-income persons receive health care benefits, including certain residential care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions.

This bill would require the department to develop and implement a program to provide a community-living support benefit to eligible Medi-Cal beneficiaries. It would require the department to submit any federal documentation that is necessary to provide this benefit, and to implement the benefit only to the extent that federal financial participation is available. The bill would require that the benefit include reimbursement for an array of health-related and psychosocial services provided or coordinated at community-based housing sites, and access to certain community-living support services provided or coordinated at those sites. Eligibility for the benefit would be limited to persons who are eligible for Medi-Cal, who are residents of San

Francisco who would otherwise be homeless, living in shelters, or institutionalized, and who meet at least one of 2 other criteria.

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 the
2 following:

3 (a) Medi-Cal eligible persons who are residents of San
4 Francisco, who would otherwise be homeless, living in shelters,
5 or institutionalized, and who reside in community-based housing
6 should have access to crucial health services that may reduce
7 their use of acute psychiatric and medical services or
8 institutionalized long-term care services.

9 (b) Community-based housing is noninstitutional residential
10 housing linked to either community-based or site-based
11 health-related and psychosocial services.

12 (c) Under the existing Medi-Cal program, reimbursement for
13 providing an array of health-related and psychosocial services to
14 Medi-Cal eligible residents in assisted living is complicated, is
15 sometimes not available, and, when available, frequently results
16 in the services being provided in more expensive institutional
17 settings.

18 (d) A designated Medi-Cal reimbursement rate structure for
19 community-living support services that assist beneficiaries who
20 would otherwise be homeless, living in shelters, or
21 institutionalized would expand community-based options for
22 beneficiaries who would otherwise require costly institutional
23 care.

24 SEC. 2. Section 14132.24 is added to the Welfare and
25 Institutions Code, to read:

26 14132.24. (a) The department shall develop and implement a
27 program to provide a community-living support benefit to
28 eligible Medi-Cal beneficiaries. The department shall submit any
29 waiver application, modification of any existing waiver, or
30 amendment to the Medicaid state plan, that is necessary to
31 provide this benefit, and shall implement the benefit only to the
32 extent that federal financial participation is available.

1 (b) The community-living support benefit shall include both of
2 the following:

3 (1) (A) Reimbursement for an array of health-related and
4 psychosocial services provided or coordinated at
5 community-based housing sites that enable beneficiaries to
6 remain in the least restrictive and most homelike environment
7 while receiving the health-related services, including personal
8 care and psychosocial services, necessary to protect their health
9 and well-being. These community-based housing units may
10 include, but are not limited to, ~~assisted living units, as defined in~~
11 ~~Section 1771 of the Health and Safety Code~~ *the living area or*
12 *unit within a facility that is specifically designed to provide*
13 *ongoing assisted living services*, licensed residential care
14 facilities for the elderly, publicly funded senior and disabled
15 housing projects, or supportive housing sites that serve
16 chronically homeless individuals with chronic or disabling health
17 conditions.

18 (B) *For purposes of this section, “assisted living services”*
19 *includes, but is not limited to, assistance with personal activities*
20 *of daily living, including dressing, feeding, toileting, bathing,*
21 *grooming, mobility, and associated tasks, to help provide for and*
22 *maintain physical and psychological comfort.*

23 (2) Access to community-living support services provided or
24 coordinated at the community-based housing site, including, but
25 not limited to, the personal care and health services specified in
26 paragraph (8) of subdivision (a) of Section 1788 of the Health
27 and Safety Code, and the *health related* support services
28 specified in Section 53290 of the Health and Safety Code.

29 (c) An individual shall be eligible for the community-living
30 support benefit if he or she is eligible for the Medi-Cal program,
31 is a resident of San Francisco who would otherwise be homeless,
32 living in shelters, or institutionalized, and meets one or both of
33 the following criteria:

34 (1) The department determines that he or she would benefit
35 from supportive housing, as defined in subdivision (c) of Section
36 53260 of the Health and Safety Code.

37 (2) The department determines that he or she is eligible for
38 placement in a skilled nursing facility, as defined in subdivision
39 (c) of Section 1250 of the Health and Safety Code, or an

1 intermediate care facility, as defined in subdivision (d) of that
2 section.

3 (d) The department shall seek to maximize resources for
4 community-based housing by coordinating the community-living
5 support benefit with existing efforts to coordinate care, improve
6 health outcomes, and reduce long-term care costs for the targeted
7 population.

8 (e) *The City and County of San Francisco may provide county*
9 *funds for use by the state to match federal Medicaid funds to*
10 *receive federal funds for services provided under the waiver*
11 *specified in this section to limit additional state costs.*

12 SEC. 3. Due to the unique circumstances facing Medi-Cal
13 recipients in the City and County of San Francisco who reside in
14 community-based housing, the Legislature hereby finds and
15 declares that a general statute cannot be made applicable within
16 the meaning of Section 16 of Article IV of the California
17 Constitution. Therefore, the special legislation contained within
18 Section 2 of this act is necessarily applicable only to the City and
19 County of San Francisco.