

AMENDED IN ASSEMBLY MAY 23, 2006

AMENDED IN ASSEMBLY APRIL 25, 2006

AMENDED IN ASSEMBLY APRIL 5, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2968**

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**Introduced by Assembly Member Leno**

February 24, 2006

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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. *The bill would condition implementation of these provisions upon adoption of a resolution by the board of supervisors of the City and County of San Francisco providing for county funds for specified purposes related to the program.*

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

1 waiver application, modification of any existing waiver, or  
2 amendment to the Medicaid state plan, that is necessary to  
3 provide this benefit, and shall implement the benefit only to the  
4 extent that federal financial participation is available.

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

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

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

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

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

36 (1) The department determines that he or she would benefit  
37 from supportive housing, as defined in subdivision (c) of Section  
38 53260 of the Health and Safety Code.

39 (2) The department determines that he or she is eligible for  
40 placement in a skilled nursing facility, as defined in subdivision

1 (c) of Section 1250 of the Health and Safety Code, or an  
2 intermediate care facility, as defined in subdivision (d) of that  
3 section.

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

9 ~~(e) The City and County of San Francisco may provide. This~~  
10 ~~section shall be implemented only upon adoption of a resolution~~  
11 ~~by the board of supervisors of the City and County of San~~  
12 ~~Francisco providing county funds for use by the state to match~~  
13 ~~federal Medicaid funds to receive federal funds for services~~  
14 ~~provided under the waiver specified in this section, and for any~~  
15 ~~costs associated with implementing and monitoring the waiver, to~~  
16 ~~limit additional state costs.~~

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