

AMENDED IN SENATE AUGUST 16, 2006

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

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. 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:

1 14132.24. (a) The department shall develop and implement a
2 program to provide a community-living support benefit to
3 eligible Medi-Cal beneficiaries. The department shall submit any
4 waiver application, modification of any existing waiver, or
5 amendment to the Medicaid state plan, that is necessary to
6 provide this benefit, and shall implement the benefit only to the
7 extent that federal financial participation is available.

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

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

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

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

34 (c) *Services available through the community-living support*
35 *benefit shall not duplicate services available through the*
36 *Medi-Cal state plan, other Medi-Cal waivers, or other programs*
37 *financed by the state.*

38 (e)

39 (d) An individual shall be eligible for the community-living
40 support benefit if he or she is eligible for the Medi-Cal program,

1 is a resident of San Francisco who would otherwise be homeless,
2 living in shelters, or institutionalized, and meets one or both of
3 the following criteria:

4 (1) The ~~department~~ *State Department of Mental Health*
5 determines that he or she would benefit from supportive housing,
6 as defined in subdivision (c) of Section 53260 of the Health and
7 Safety Code.

8 (2) The department determines that he or she is eligible for
9 placement in a skilled nursing facility, as defined in subdivision
10 (c) of Section 1250 of the Health and Safety Code, or an
11 intermediate care facility, as defined in subdivision (d) of that
12 section.

13 *(e) The department may modify the eligibility criteria specified*
14 *in subdivision (d), if needed, to qualify the community-living*
15 *support benefit for federal financial participation.*

16 ~~(d)~~

17 (f) The department shall seek to maximize resources for
18 community-based housing by coordinating the community-living
19 support benefit with existing efforts to coordinate care, improve
20 health outcomes, and reduce long-term care costs for the targeted
21 population.

22 ~~(e)~~

23 (g) This section shall be implemented only upon adoption of a
24 resolution by the board of supervisors of the City and County of
25 San Francisco providing county funds for use by the state to
26 match federal Medicaid funds to receive federal funds for
27 services provided under the waiver specified in this section, and
28 for any costs associated with implementing and monitoring the
29 waiver, to limit additional state costs.

30 SEC. 3. Due to the unique circumstances facing Medi-Cal
31 recipients in the City and County of San Francisco who reside in
32 community-based housing, the Legislature hereby finds and
33 declares that a general statute cannot be made applicable within
34 the meaning of Section 16 of Article IV of the California
35 Constitution. Therefore, the special legislation contained within
36 Section 2 of this act is necessarily applicable only to the City and
37 County of San Francisco.

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