

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1763

Introduced by Assembly Member Lieu

February 9, 2010

An act to amend Sections 12301.6 and 12305.86 of, and to add Section 12305.87 to, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1763, as amended, Lieu. In-home supportive services.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law permits services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

The IHSS program is administered at the statewide level by the State Department of Social Services. Existing law requires the department to convene periodic meetings in which supportive services recipients, providers, advocates, IHSS provider representatives, organizations representing recipients, counties, public authorities, nonprofit consortia, and other interested stakeholders may receive information and have the opportunity to provide input to the department regarding the quality

assurance, program integrity, and program consistency efforts, as specified.

This bill would require the department, in consultation and coordination with county welfare departments, to establish guidelines to provide counties with instructions to consistently and accurately comply with the requirements of the IHSS program.

Existing law requires that criminal background checks be conducted for prospective and existing IHSS providers.

~~This bill would require a county to issue a certificate to a prospective or existing provider certifying that the individual has been deemed eligible for payment after clearing a criminal background check. The bill would require other counties to accept the certificate in lieu of a separate criminal background check, if specified conditions are met, require a county, nonprofit consortium, or public authority authorized to secure a criminal background check clearance to accept a clearance for an individual, as prescribed, from another county, nonprofit consortium, or public authority with criminal background check authority. By imposing new duties on counties, this bill would create a state-mandated local program.~~

This bill would also, if specified conditions are met, require a county, nonprofit consortium, or public authority to obtain subsequent arrest notifications issued by the Department of Justice for a provider whose criminal record clearance was originally processed by another county, nonprofit consortium, or public authority with criminal background check authority.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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) The In-Home Supportive Services (IHSS) program provides
4 people who are blind, disabled, or over 65 years of age with
5 personal assistance and in-home supportive services so they can
6 live safely in their homes and avoid unnecessary and expensive
7 institutional care.

8 (b) IHSS is an entitlement program that is regulated by state
9 and federal laws and regulations. To be eligible, consumers must
10 be assessed and found to be aged (65 years of age or older), blind,
11 or disabled (as determined by the Social Security Administration)
12 and are unable to remain safely in their own home without
13 assistance. Recipients must also be low income, meeting the
14 income requirements consistent with eligibility for Medi-Cal.

15 (c) Both federal and state laws require the IHSS program to be
16 administered in a manner that ~~assures~~ ensures that services are
17 comparable in amount, duration, and scope in every county.

18 (d) IHSS is a complex program and has undergone substantial
19 changes over the past five years. Mechanisms have been put in
20 place to improve IHSS program integrity with the enactment of
21 the IHSS Quality Assurance Initiative (Chapter 229, Statutes of
22 2004) and the antifraud initiative (Chapter 17, Statutes of 2009).

23 ~~(e) Despite these statutory changes, variations and differences~~
24 ~~continue to exist between the 58 counties in their administration~~
25 ~~of the IHSS program.~~

26 (e) *It is important to ensure that counties have sufficient*
27 *direction from the state to implement these changes consistently*
28 *and to minimize the need for IHSS providers and recipients to*
29 *provide the same information multiple times.*

30 SEC. 2. Section 12301.6 of the Welfare and Institutions Code
31 is amended to read:

32 12301.6. (a) Notwithstanding Sections 12302 and 12302.1, a
33 county board of supervisors may, at its option, elect to do either
34 of the following:

35 (1) Contract with a nonprofit consortium to provide for the
36 delivery of in-home supportive services.

37 (2) Establish, by ordinance, a public authority to provide for
38 the delivery of in-home supportive services.

(b) (1) To the extent that a county elects to establish a public authority pursuant to paragraph (2) of subdivision (a), the enabling ordinance shall specify the membership of the governing body of the public authority, the qualifications for individual members, the manner of appointment, selection, or removal of members, how long they shall serve, and other matters as the board of supervisors deems necessary for the operation of the public authority.

(2) A public authority established pursuant to paragraph (2) of subdivision (a) shall be both of the following:

(A) An entity separate from the county, and shall be required to file the statement required by Section 53051 of the Government Code.

(B) A corporate public body, exercising public and essential governmental functions and that has all powers necessary or convenient to carry out the delivery of in-home supportive services, including the power to contract for services pursuant to Sections 12302 and 12302.1 and that makes or provides for direct payment to a provider chosen by the recipient for the purchase of services pursuant to Sections 12302 and 12302.2. Employees of the public authority shall not be employees of the county for any purpose.

(3) (A) As an alternative, the enabling ordinance may designate the board of supervisors as the governing body of the public authority.

(B) Any enabling ordinance that designates the board of supervisors as the governing body of the public authority shall also specify that no fewer than 50 percent of the membership of the advisory committee shall be individuals who are current or past users of personal assistance services paid for through public or private funds or recipients of services under this article.

(C) If the enabling ordinance designates the board of supervisors as the governing body of the public authority, it shall also require the appointment of an advisory committee of not more than 11 individuals who shall be designated in accordance with subparagraph (B).

(D) Prior to making designations of committee members pursuant to subparagraph (C), or governing body members in accordance with paragraph (4), the board of supervisors shall solicit recommendations of qualified members of either the governing body of the public authority or of any advisory committee through a fair and open process that includes the provision of reasonable

1 written notice to, and a reasonable response time by, members of
2 the general public and interested persons and organizations.

3 (4) If the enabling ordinance does not designate the board of
4 supervisors as the governing body of the public authority, the
5 enabling ordinance shall require the membership of the governing
6 body to meet the requirements of subparagraph (B) of paragraph
7 (3).

8 (c) (1) Any public authority created pursuant to this section
9 shall be deemed to be the employer of in-home supportive services
10 personnel referred to recipients under paragraph (3) of subdivision
11 (e) within the meaning of Chapter 10 (commencing with Section
12 3500) of Division 4 of Title 1 of the Government Code. Recipients
13 shall retain the right to hire, fire, and supervise the work of any
14 in-home supportive services personnel providing services to them.

15 (2) (A) Any nonprofit consortium contracting with a county
16 pursuant to this section shall be deemed to be the employer of
17 in-home supportive services personnel referred to recipients
18 pursuant to paragraph (3) of subdivision (e) for the purposes of
19 collective bargaining over wages, hours, and other terms and
20 conditions of employment.

21 (B) Recipients shall retain the right to hire, fire, and supervise
22 the work of any in-home supportive services personnel providing
23 services for them.

24 (d) A public authority established pursuant to this section or a
25 nonprofit consortium contracting with a county pursuant to this
26 section, when providing for the delivery of services under this
27 article by contract in accordance with Sections 12302 and 12302.1
28 or by direct payment to a provider chosen by a recipient in
29 accordance with Sections 12302 and 12302.2, shall comply with
30 and be subject to; all statutory and regulatory provisions applicable
31 to the respective delivery mode.

32 (e) Any nonprofit consortium contracting with a county pursuant
33 to this section or any public authority established pursuant to this
34 section shall provide for all of the following functions under this
35 article, but shall not be limited to those functions:

36 (1) The provision of assistance to recipients in finding in-home
37 supportive services personnel through the establishment of a
38 registry.

39 (2) (A) (i) The investigation of the qualifications and
40 background of potential personnel. Upon the effective date of the

1 amendments to this section made during the 2009–10 Fourth
2 Extraordinary Session of the Legislature, the investigation with
3 respect to any provider in the registry or prospective registry
4 applicant shall include criminal background checks requested by
5 the nonprofit consortium or public authority and conducted by the
6 Department of Justice pursuant to Section 15660, for those public
7 authorities or nonprofit consortia using the agencies on the effective
8 date of the amendments to this section made during the 2009–10
9 Fourth Extraordinary Session of the Legislature. Criminal
10 background checks shall be performed no later than July 1, 2010,
11 for any provider who is already on the registry on the effective
12 date of amendments to this section made during the 2009–10 Fourth
13 Extraordinary Session of the Legislature, for whom a criminal
14 background check pursuant to this section has not previously been
15 provided, as a condition of the provider’s continued enrollment in
16 the IHSS program. Criminal background checks shall be conducted
17 at the provider’s expense.

18 (ii) Upon notice from the Department of Justice notifying the
19 public authority or nonprofit consortium that the prospective
20 registry applicant has been convicted of a criminal offense specified
21 in Section 12305.81, the public authority or nonprofit consortium
22 shall deny the request to be placed on the registry for providing
23 supportive services to any recipient of the In-Home Supportive
24 Services program.

25 (B) (i) If an applicant or provider is rejected as a result of
26 information contained in the criminal background report, the
27 applicant or provider shall receive a copy of his or her own criminal
28 history record from the Department of Justice, as provided in
29 Article 5 (commencing with Section 11120) of Chapter 1 of Title
30 1 of Part 4 of the Penal Code, to review the information for
31 accuracy and completeness. The applicant or provider shall be
32 advised that if, upon review of his or her own criminal history
33 record he or she finds the information to be inaccurate or
34 incomplete, the applicant or provider shall have the right to submit
35 a formal challenge to the Department of Justice to contest the
36 criminal background report.

37 (ii) The department shall develop a written appeal process for
38 the current and prospective providers who are determined ineligible
39 to receive payment for the provision of services in the In-Home
40 Supportive Services program.

1 (C) An applicant shall be informed of his or her right to a waiver
2 of the fee for obtaining a copy of a criminal history record, and of
3 how to submit a claim and proof of indigency, as required by
4 Section 11123 of the Penal Code.

5 (D) Nothing in this paragraph shall be construed to prohibit the
6 Department of Justice from assessing a fee pursuant to Section
7 11105 or 11123 of the Penal Code to cover the cost of furnishing
8 summary criminal history information.

9 (E) As used in this section, “nonprofit consortium” means a
10 nonprofit public benefit corporation that has all powers necessary
11 to carry out the delivery of in-home supportive services under the
12 delegated authority of a ~~government~~ governmental entity.

13 ~~(F) A county shall issue a certificate to an individual described~~
14 ~~in clause (i) of subparagraph (A), certifying that the individual has~~
15 ~~been deemed eligible to receive payment for providing services~~
16 ~~pursuant to this article, after clearing a criminal background check.~~
17 ~~Other counties shall accept the certificate in lieu of a separate~~
18 ~~criminal background check.~~

19 *(F) (i) A nonprofit consortium or a public authority authorized*
20 *to secure a criminal background check clearance pursuant to this*
21 *section shall accept a clearance for an individual described in*
22 *clause (i) of subparagraph (A) who has been deemed eligible to*
23 *receive payment for providing services pursuant to this article*
24 *from another nonprofit consortium, public authority, or county*
25 *with criminal background check authority pursuant to either*
26 *Section 12305.86 or this section.*

27 *(ii) The Department of Justice shall process a request from a*
28 *nonprofit consortium or a public authority with criminal record*
29 *authority to receive notifications issued by the Department of*
30 *Justice pursuant to Section 11105.2 of the Penal Code when the*
31 *criminal record clearance for the provider was originally*
32 *processed by a county, nonprofit consortium, or public authority*
33 *with criminal record authority only if all of the following conditions*
34 *are met:*

35 *(I) The request shall be submitted to the Department of Justice*
36 *by the nonprofit consortium or public authority to be substituted*
37 *to receive the notification.*

38 *(II) The request shall be for an individual whose original*
39 *clearance was obtained to enroll or continue to be enrolled as a*
40 *provider in the IHSS program.*

1 (III) *The request shall contain all prescribed data elements and*
2 *format protocols pursuant to a written agreement between the*
3 *State Department of Social Services and the Department of Justice.*

4 (3) Establishment of a referral system under which in-home
5 supportive services personnel shall be referred to recipients.

6 (4) Providing for training for providers and recipients.

7 (5) (A) Performing any other functions related to the delivery
8 of in-home supportive services.

9 (B) (i) Upon request of a recipient of in-home supportive
10 services pursuant to this chapter, or a recipient of personal care
11 services under the Medi-Cal program pursuant to Section 14132.95,
12 a public authority or nonprofit consortium may provide a criminal
13 background check on a nonregistry applicant or provider from the
14 Department of Justice, in accordance with clause (i) of
15 subparagraph (A) of paragraph (2) of subdivision (e). If the person
16 who is the subject of the criminal background check is not hired
17 or is terminated because of the information contained in the
18 criminal background report, the provisions of subparagraph (B)
19 of paragraph (2) of subdivision (e) shall apply.

20 (ii) A recipient of in-home supportive services pursuant to this
21 chapter or a recipient of personal care services under the Medi-Cal
22 program may elect to employ an individual as their service provider
23 notwithstanding the individual's record of previous criminal
24 convictions, unless those convictions include any of the offenses
25 specified in Section 12305.81.

26 (6) Ensuring that the requirements of the personal care option
27 pursuant to Subchapter 19 (commencing with Section 1396) of
28 Chapter 7 of Title 42 of the United States Code are met.

29 (f) (1) Any nonprofit consortium contracting with a county
30 pursuant to this section or any public authority created pursuant
31 to this section shall be deemed not to be the employer of in-home
32 supportive services personnel referred to recipients under this
33 section for purposes of liability due to the negligence or intentional
34 torts of the in-home supportive services personnel.

35 (2) In no case shall a nonprofit consortium contracting with a
36 county pursuant to this section or any public authority created
37 pursuant to this section be held liable for action or omission of any
38 in-home supportive services personnel whom the nonprofit
39 consortium or public authority did not list on its registry or
40 otherwise refer to a recipient.

(3) Counties and the state shall be immune from any liability resulting from their implementation of this section in the administration of the In-Home Supportive Services program. Any obligation of the public authority or consortium pursuant to this section, whether statutory, contractual, or otherwise, shall be the obligation solely of the public authority or nonprofit consortium, and shall not be the obligation of the county or state.

(g) Any nonprofit consortium contracting with a county pursuant to this section shall ensure that it has a governing body that complies with the requirements of subparagraph (B) of paragraph (3) of subdivision (b) or an advisory committee that complies with subparagraphs (B) and (C) of paragraph (3) of subdivision (b).

(h) Recipients of services under this section may elect to receive services from in-home supportive services personnel who are not referred to them by the public authority or nonprofit consortium. Those personnel shall be referred to the public authority or nonprofit consortium for the purposes of wages, benefits, and other terms and conditions of employment.

(i) (1) Nothing in this section shall be construed to affect the state's responsibility with respect to the state payroll system, unemployment insurance, or workers' compensation and other provisions of Section 12302.2 for providers of in-home supportive services.

(2) The Controller shall make any deductions from the wages of in-home supportive services personnel, who are employees of a public authority pursuant to paragraph (1) of subdivision (c), that are agreed to by that public authority in collective bargaining with the designated representative of the in-home supportive services personnel pursuant to Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code and transfer the deducted funds as directed in that agreement.

(3) Any county that elects to provide in-home supportive services pursuant to this section shall be responsible for any increased costs to the in-home supportive services case management, information, and payrolling system attributable to that election. The department shall collaborate with any county that elects to provide in-home supportive services pursuant to this section prior to implementing the amount of financial obligation for which the county shall be responsible.

(j) To the extent permitted by federal law, personal care option funds, obtained pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code, along with matching funds using the state and county sharing ratio established in subdivision (c) of Section 12306, or any other funds that are obtained pursuant to Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code, may be used to establish and operate an entity authorized by this section.

(k) Notwithstanding any other provision of law, the county, in exercising its option to establish a public authority, shall not be subject to competitive bidding requirements. However, contracts entered into by either the county, a public authority, or a nonprofit consortium pursuant to this section shall be subject to competitive bidding as otherwise required by law.

(l) (1) The department may adopt regulations implementing this section as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the purposes of the Administrative Procedure Act, the adoption of the regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, these emergency regulations shall not be subject to the review and approval of the Office of Administrative Law.

(2) Notwithstanding subdivision (h) of Section 11346.1 and Section 11349.6 of the Government Code, the department shall transmit these regulations directly to the Secretary of State for filing. The regulations shall become effective immediately upon filing by the Secretary of State.

(3) Except as otherwise provided for by Section 10554, the Office of Administrative Law shall provide for the printing and publication of these regulations in the California Code of Regulations. Emergency regulations adopted pursuant to this subdivision shall remain in effect for no more than 180 days.

(m) (1) In the event that a county elects to form a nonprofit consortium or public authority pursuant to subdivision (a) before the State Department of Health Care Services has obtained all

necessary federal approvals pursuant to paragraph (3) of subdivision (j) of Section 14132.95, all of the following shall apply:

(A) Subdivision (d) shall apply only to those matters that do not require federal approval.

(B) The second sentence of subdivision (h) shall not be operative.

(C) The nonprofit consortium or public authority shall not provide services other than those specified in paragraphs (1), (2), (3), (4), and (5) of subdivision (e).

(2) Paragraph (1) shall become inoperative when the State Department of Health Care Services has obtained all necessary federal approvals pursuant to paragraph (3) of subdivision (j) of Section 14132.95.

(n) (1) One year after the effective date of the first approval by the department granted to the first public authority, the Bureau of State Audits shall commission a study to review the performance of that public authority.

(2) The study shall be submitted to the Legislature and the Governor not later than two years after the effective date of the approval specified in subdivision (a). The study shall give special attention to the health and welfare of the recipients under the public authority, including the degree to which all required services have been delivered, out-of-home placement rates, prompt response to recipient complaints, and any other issue the director deems relevant.

(3) The report shall make recommendations to the Legislature and the Governor for any changes to this section that will further ensure the well-being of recipients and the most efficient delivery of required services.

(o) Commencing July 1, 1997, the department shall provide annual reports to the appropriate fiscal and policy committees of the Legislature on the efficacy of the implementation of this section, and shall include an assessment of the quality of care provided pursuant to this section.

(p) (1) Notwithstanding any other provision of law, and except as provided in paragraph (2), the department shall, no later than January 1, 2009, implement subparagraphs (A) and (B) through an ~~all-county~~ *all-county* letter from the director:

(A) Subparagraphs (A) and (B) of paragraph (2) of subdivision (e).

1 (B) Subparagraph (B) of paragraph (5) of subdivision (e).

2 (2) The department shall, no later than July 1, 2009, adopt
3 regulations to implement subparagraphs (A) and (B) of paragraph
4 (1).

5 (q) The amendments made to paragraphs (2) and (5) of
6 subdivision (e) made by the act that added this subdivision during
7 the 2007–08 Regular Session of the Legislature shall only be
8 implemented to the extent that an appropriation is made in the
9 annual Budget Act or other statute, except for the amendments
10 that added subparagraph (D) of paragraph (2) of subdivision (e),
11 which shall go into effect January 1, 2009.

12 SEC. 3. Section 12305.86 of the Welfare and Institutions Code
13 is amended to read:

14 12305.86. (a) Effective October 1, 2009, a county shall
15 investigate the background of a person who seeks to become a
16 supportive services provider and who is not listed on the registry
17 of a public authority or nonprofit consortium pursuant to Section
18 12301.6. This investigation shall include criminal background
19 checks conducted by the Department of Justice pursuant to Section
20 15660.

21 (b) No later than July 1, 2010, the county shall complete a
22 criminal background check pursuant to subdivision (a) for a
23 provider who is providing in-home supportive services prior to
24 October 1, 2009, and who is not listed on a public authority or
25 nonprofit consortium registry, as a condition of the provider's
26 continued enrollment in the IHSS program. Criminal background
27 checks shall be conducted at the provider's expense.

28 (c) Upon notice from the Department of Justice that a
29 prospective or current provider has been convicted of a criminal
30 offense specified in Section 12305.81, the county shall deny or
31 terminate the applicant's request to become a provider of
32 supportive services to any recipient of the In-Home Supportive
33 Services program.

34 (1) If an applicant or provider is rejected as a result of
35 information contained in the criminal background report, the
36 applicant or provider shall receive a copy of his or her own criminal
37 history record from the Department of Justice, as provided in
38 Article 5 (commencing with Section 11120) of Chapter 1 of Title
39 1 of Part 4 of the Penal Code, to review the information for
40 accuracy and completeness. The applicant or provider shall be

1 advised that if, upon review of his or her own criminal history
2 record, he or she finds the information to be inaccurate or
3 incomplete, the applicant or provider shall have the right to submit
4 a formal challenge to the Department of Justice to contest the
5 criminal background report.

6 (2) The department shall develop a written appeal process for
7 the current and prospective providers who are determined ineligible
8 to receive payment for the provision of services under the In-Home
9 Supportive Services program.

10 (3) An applicant shall be informed of his or her right to a waiver
11 of the fee for obtaining a copy of a criminal history record, and of
12 how to submit a claim and proof of indigency, as required by
13 Section 11123 of the Penal Code.

14 (d) Nothing in this section shall be construed to prohibit the
15 Department of Justice from assessing a fee pursuant to Section
16 11105 or 11123 of the Penal Code to cover the cost of furnishing
17 summary criminal history information.

18 ~~(e) A county shall issue a certificate to an individual as described~~
19 ~~in subdivisions (a) and (b) certifying that the individual has been~~
20 ~~deemed eligible to receive payment for providing services pursuant~~
21 ~~to this article, after clearing a criminal background check. Other~~
22 ~~counties shall accept the certificate in lieu of a separate criminal~~
23 ~~background check.~~

24 *(e) (1) A county authorized to secure a criminal background*
25 *check clearance pursuant to this section shall accept a clearance*
26 *for an individual described in subdivision (a) who has been deemed*
27 *eligible to receive payment for providing services pursuant to this*
28 *article from another county, nonprofit consortium, or public*
29 *authority with criminal background check authority pursuant to*
30 *either Section 12301.6 or this section.*

31 *(2) The Department of Justice shall process a request from a*
32 *county with criminal record authority to receive notifications*
33 *issued by the Department of Justice pursuant to Section 11105.2*
34 *of the Penal Code when the criminal record clearance for the*
35 *provider was originally processed by a county, nonprofit*
36 *consortium, or public authority with criminal record authority*
37 *only if all of the following conditions are met:*

38 *(A) The request shall be submitted to the Department of Justice*
39 *by the county to be substituted to receive the notification.*

1 (B) *The request shall be for an individual whose original*
2 *clearance was obtained to enroll or continue to be enrolled as a*
3 *provider in the IHSS program.*

4 (C) *The request shall contain all prescribed data elements and*
5 *format protocols pursuant to a written agreement between the*
6 *State Department of Social Services and the Department of Justice.*

7 (f) The department shall seek federal financial participation, to
8 the extent possible, to cover any costs associated with this section.

9 SEC. 4. Section 12305.87 is added to the Welfare and
10 Institutions Code, to read:

11 12305.87. The department, in consultation and coordination
12 with county welfare departments, and in accordance with Section
13 12305.72, shall establish guidelines to provide counties with
14 instructions to consistently and accurately comply with the
15 requirements of this article.

16 SEC. 5. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.

21 SEC. 6. This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety within
23 the meaning of Article IV of the Constitution and shall go into
24 immediate effect. The facts constituting the necessity are:

25 In order to ensure that IHSS program requirements, including
26 criminal background checks, are uniformly and appropriately
27 applied to providers at the earliest possible time, it is necessary
28 for this act to take effect immediately.