

ASSEMBLY BILL

No. 2320

Introduced by Assembly Member Nestande

February 24, 2012

An act to amend Section 12300 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2320, as introduced, Nestande. 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.

This bill would make a technical, nonsubstantive change to an IHSS program provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12300 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 12300. (a) The purpose of this article is to provide in every
- 4 county in a manner consistent with this chapter and the annual
- 5 Budget Act those supportive services identified in this section to
- 6 aged, blind, or disabled persons, as defined under this chapter,
- 7 who are unable to perform the services themselves and who cannot
- 8 safely remain in their homes or abodes of their own choosing unless
- 9 these services are provided.

(b) Supportive services~~shall~~ include domestic services and services related to domestic services, heavy cleaning, personal care services, accompaniment by a provider when needed during necessary travel to health-related appointments or to alternative resource sites, yard hazard abatement, protective supervision, teaching and demonstration directed at reducing the need for other supportive services, and paramedical services~~which~~ *that* make it possible for the recipient to establish and maintain an independent living arrangement.

(c) Personal care services~~shall~~ mean all of the following:

- (1) Assistance with ambulation.
- (2) Bathing, oral hygiene, and grooming.
- (3) Dressing.
- (4) Care and assistance with prosthetic devices.
- (5) Bowel, bladder, and menstrual care.
- (6) Repositioning, skin care, range of motion exercises, and transfers.
- (7) Feeding and assurance of adequate fluid intake.
- (8) Respiration.
- (9) Assistance with self-administration of medications.

(d) Personal care services are available if these services are provided in the beneficiary's home and other locations as may be authorized by the director. Among the locations that may be authorized by the director under this paragraph is the recipient's place of employment if all of the following conditions are met:

(1) The personal care services are limited to those that are currently authorized for a recipient in the recipient's home and those services are to be utilized by the recipient at the recipient's place of employment to enable the recipient to obtain, retain, or return to work. Authorized services utilized by the recipient at the recipient's place of employment shall be services that are relevant and necessary in supporting and maintaining employment. However, workplace services shall not be used to supplant any reasonable accommodations required of an employer by the Americans with Disabilities Act (42 U.S.C. Sec. 12101 et seq.; ADA) or other legal entitlements or third-party obligations.

(2) The provision of personal care services at the recipient's place of employment shall be authorized only to the extent that the total hours utilized at the workplace are within the total personal care services hours authorized for the recipient in the home.

1 Additional personal care services hours may not be authorized in
2 connection with a recipient's employment.

3 (e) Where supportive services are provided by a person having
4 the legal duty pursuant to the Family Code to provide for the care
5 of his or her child who is the recipient, the provider of supportive
6 services shall receive remuneration for the services only when the
7 provider leaves full-time employment or is prevented from
8 obtaining full-time employment because no other suitable provider
9 is available and where the inability of the provider to provide
10 supportive services may result in inappropriate placement or
11 inadequate care.

12 These providers shall be paid only for the following:

13 (1) Services related to domestic services.

14 (2) Personal care services.

15 (3) Accompaniment by a provider when needed during necessary
16 travel to health-related appointments or to alternative resource
17 sites.

18 (4) Protective supervision only as needed because of the
19 functional limitations of the child.

20 (5) Paramedical services.

21 (f) To encourage maximum voluntary services, so as to reduce
22 governmental costs, respite care shall also be provided. Respite
23 care is temporary or periodic service for eligible recipients to
24 relieve persons who are providing care without compensation.

25 (g) A person who is eligible to receive a service or services
26 under an approved federal waiver authorized pursuant to Section
27 14132.951, or a person who is eligible to receive a service or
28 services authorized pursuant to Section 14132.95, shall not be
29 eligible to receive the same service or services pursuant to this
30 article. In the event that the waiver authorized pursuant to Section
31 14132.951, as approved by the federal government, does not extend
32 eligibility to all persons otherwise eligible for services under this
33 article, or does not cover a service or particular services, or does
34 not cover the scope of a service that a person would otherwise be
35 eligible to receive under this article, those persons who are not
36 eligible for services, or for a particular service under the waiver
37 or Section 14132.95 shall be eligible for services under this article.

38 (h) (1) All services provided pursuant to this article shall be
39 equal in amount, scope, and duration to the same services provided
40 pursuant to Section 14132.95, including any adjustments that may

1 be made to those services pursuant to subdivision (e) of Section
2 14132.95.

3 (2) Notwithstanding any other provision of this article, the rate
4 of reimbursement for in-home supportive services provided through
5 any mode of service shall not exceed the rate of reimbursement
6 established under subdivision (j) of Section 14132.95 for the same
7 mode of service unless otherwise provided in the annual Budget
8 Act.

9 (3) The maximum number of hours available under Section
10 14132.95, Section 14132.951, and this section, combined, shall
11 be 283 hours per month. Any recipient of services under this article
12 shall receive no more than the applicable maximum specified in
13 Section 12303.4.