

Introduced by Senator EmmersonFebruary 7, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

SB 176, as introduced, Emmerson. 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.
10 (b) Supportive services shall include domestic services and
11 services related to domestic services, heavy cleaning, personal

1 care services, accompaniment by a provider when needed during
2 necessary travel to health-related appointments or to alternative
3 resource sites, yard hazard abatement, protective supervision,
4 teaching and demonstration directed at reducing the need for other
5 supportive services, and paramedical services ~~which~~ *that* make it
6 possible for the recipient to establish and maintain an independent
7 living arrangement.

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

9 (1) Assistance with ambulation.

10 (2) Bathing, oral hygiene, and grooming.

11 (3) Dressing.

12 (4) Care and assistance with prosthetic devices.

13 (5) Bowel, bladder, and menstrual care.

14 (6) Repositioning, skin care, range of motion exercises, and
15 transfers.

16 (7) Feeding and assurance of adequate fluid intake.

17 (8) Respiration.

18 (9) Assistance with self-administration of medications.

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

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

35 (2) The provision of personal care services at the recipient's
36 place of employment shall be authorized only to the extent that
37 the total hours utilized at the workplace are within the total personal
38 care services hours authorized for the recipient in the home.
39 Additional personal care services hours may not be authorized in
40 connection with a recipient's employment.

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

These providers shall be paid only for the following:

(1) Services related to domestic services.

(2) Personal care services.

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

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

(5) Paramedical services.

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

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

(h) (1) All services provided pursuant to this article shall be equal in amount, scope, and duration to the same services provided pursuant to Section 14132.95, including any adjustments that may be made to those services pursuant to subdivision (e) of Section 14132.95.

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

7 (3) The maximum number of hours available under Section
8 14132.95, Section 14132.951, and this section, combined, shall
9 be 283 hours per month. Any recipient of services under this article
10 shall receive no more than the applicable maximum specified in
11 Section 12303.4.

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