

An act to amend Section 12301.02 of the Welfare and Institutions Code,
relating to in-home supportive services.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12301.02 of the Welfare and Institutions Code is amended to read:

12301.02. (a) (1) Notwithstanding any other law, except as provided in ~~subdivision (e), subdivisions (c) and (e),~~ the department shall implement a ~~7 percent~~ 7-percent reduction in hours of service to each recipient of services under this article, which shall be applied to the recipient's hours as authorized pursuant to the most recent assessment. This reduction shall become effective 12 months after the implementation of the reduction set forth in Section 12301.01. The reduction required by this section shall not preclude any reassessment to which a recipient would otherwise be entitled. However, hours authorized pursuant to a reassessment shall be subject to the ~~7 percent~~ 7-percent reduction required by this section.

(2) A request for reassessment based only on the reduction required in paragraph (1) may be administratively denied by the county.

(3) A recipient of services under this article may direct the manner in which the reduction of hours is applied to the recipient's previously authorized services.

(4) For those individuals who have a documented unmet need, excluding protective supervision because of the limitations on authorized hours under Section 12303.4, the reduction shall be taken first from the documented unmet need.

(b) The notice of action informing the recipient of the reduction pursuant to subdivision (a) shall be mailed at least 20 days prior to the reduction going into effect. The notice of action shall be understandable to the recipient and translated into all languages spoken by a substantial number of the public served by the In-Home



Supportive Services program, in accordance with Section 7295.2 of the Government Code. The notice shall not contain any recipient financial or confidential identifying information other than the recipient's name, address, and Case Management Information and Payroll System (CMIPS) client identification number, and shall include, but not be limited to, all of the following information:

(1) The aggregate number of authorized hours before the reduction pursuant to subdivision (a) and the aggregate number of authorized hours after the reduction.

(2) That the recipient may direct the manner in which the reduction of authorized hours is applied to the recipient's previously authorized services.

(3) A county shall assess a recipient's need for supportive services any time that the recipient notifies the county of a need to adjust the supportive services hours authorized, or when there are other indications or expectations of a change in circumstances affecting the recipient's need for supportive services. Counties shall not require recipients to submit a medical certification form or a doctor's note to show evidence of a change in the recipient's circumstances.

(c) A recipient shall have all appeal rights otherwise provided for under Chapter 7 (commencing with Section 10950) of Part 2.

(d) The reduction specified in paragraph (1) of subdivision (a) shall be ongoing and may be adjusted pursuant to Section 12301.03.

(e) (1) The reduction specified in paragraph (1) of subdivision (a) shall be suspended until July 1, 2019, consistent with the duration of the managed care organization provider tax imposed pursuant to Article 6.7 (commencing with Section 14199.50) of Chapter 7.



(2) Notwithstanding paragraph (1), if the State Department of Health Care Services does not receive approval from the federal Centers for Medicare and Medicaid Services to implement the managed care organization provider tax as specified in subdivision (n) of Section 14199.55, the reduction specified in paragraph (1) of subdivision (a) shall become operative no later than the first day of the first full month 90 days after the State Department of Health Care Services is notified of the disapproval.

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



LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: In-home supportive services: suspension of 7-percent reduction in hours of service.

Existing law establishes 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 provides, as part of the Coordinated Care Initiative, that IHSS is a Medi-Cal benefit available through managed care health plans in specified counties. Existing law provides for a 7% reduction in authorized hours of service to each IHSS recipient, as specified.

Existing law, commencing July 1, 2016, until July 1, 2019, establishes a managed care organization provider tax, to be administered by the State Department of Health Care Services, as specified, subject to approval from the federal Centers for Medicare and Medicaid Services, as specified.



This bill would suspend the 7% reduction in hours of service to each IHSS recipient until July 1, 2019, consistent with the duration of the managed care organization provider tax, unless the State Department of Health Care Services does not receive approval from the federal Centers for Medicare and Medicaid Services to implement the tax, in which case the reduction would become operative as specified. By increasing the administrative duties of counties under the IHSS program, this bill would impose a state-mandated local program.

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.

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

