

AMENDED IN ASSEMBLY NOVEMBER 2, 2009

**SENATE BILL**

**No. 69**

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**Introduced by Committee on Budget and Fiscal Review**

*(Principal coauthors: Assembly Members Evans and Bass)*

*(Coauthors: Assembly Members Beall, Bradford, Brownley, Carter, Chesbro, Davis, De La Torre, De Leon, Eng, Fong, Fuentes, Galgiani, Hill, Huffman, Jones, Krekorian, Lieu, Bonnie Lowenthal, Monning, Nava, John A. Perez, V. Manuel Perez, Portantino, Salas, Saldana, Skinner, Solorio, Swanson, Torres, Torrico, and Yamada)*

January 20, 2009

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*An act relating to the Budget Act of 2009 to add Section 12300.3 to the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 69, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2009.~~ *In-home supportive services: program changes: implementation.*

*Existing law provides for the In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling 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.*

*Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income persons. Under existing*

law, IHSS recipients who are eligible for the Medi-Cal program are provided with personal care option services, as defined, in lieu of receiving these services under the IHSS program.

Existing law, enacted in 2009, makes various statutory changes with respect to the provision of in-home supportive services, relating to matters, including, but not limited to, provider enrollment procedures, criminal background checks, orientation, and duties, as well as eligibility standards for recipients, unannounced home visits, and program integrity and fraud prevention.

This bill would make the operation of the statutory changes described above subject to a stakeholder process, to be conducted, as specified, by the State Department of Social Services, prior to the implementation of those changes. The bill would require implementation of any of the statutory changes described in the bill to occur either on the date specified in an applicable statute, or 60 days after the department notifies the Joint Legislative Budget Committee that the changes may be implemented, whichever is later. This bill would prohibit information notices relating to the implementation of these statutory changes from being sent to recipients or providers until the stakeholder process is completed.

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

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2009.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

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

- 1     SECTION 1. Section 12300.3 is added to the Welfare and
- 2     Institutions Code, to read:
- 3     12300.3. (a) (1) The department shall convene a stakeholder
- 4     group to review and propose guidelines for the appropriate and
- 5     efficient implementation of changes to statutory law with respect
- 6     to the administration of this chapter, as provided in the
- 7     amendments to Section 12305.81 of the Welfare and Institutions
- 8     Code made by the enactment of Assembly Bill 4 of the 2009–10
- 9     Fourth Extraordinary Session (Chapter 4 of the 2009–10 Fourth
- 10    Extraordinary Session), and as provided in the amendments to
- 11    Sections 12301.6 and 12305.71 of, and the addition of Sections

1 12301.24, 12301.25, 12305.85, and 12305.86 to, the Welfare and  
2 Institutions Code made by the enactment of Assembly Bill 19 of  
3 the 2009–10 Fourth Extraordinary Session (Chapter 17 of the  
4 2009–10 Fourth Extraordinary Session). Notwithstanding any  
5 other provision of law, the statutory changes identified in this  
6 subdivision are inoperative until the stakeholder process has been  
7 completed. Those changes shall become operative and shall be  
8 implemented in accordance with subdivision (c).

9 (2) The department, as it deems appropriate, may conduct a  
10 series of stakeholder meetings pursuant to this subdivision, to  
11 address the implementation of one or more of the sections identified  
12 in paragraph (1). If the department conducts a series of stakeholder  
13 meetings pursuant to this paragraph, the department shall provide  
14 the Joint Legislative Budget Committee with separate notification  
15 of the completion of each of those meetings.

16 (3) Notwithstanding paragraph (1), the stakeholder process  
17 shall not address the implementation of any section that is  
18 identified in paragraph (1) the implementation of which has been  
19 suspended or prohibited pursuant to a court order.

20 (b) Stakeholders shall include, but shall not be limited to,  
21 representatives of the County Welfare Directors Association,  
22 legislative staff, and In-Home Supportive Services program  
23 recipients and providers.

24 (c) Subsequent to the stakeholder process, the department shall  
25 notify the Joint Legislative Budget Committee that the changes  
26 identified in subdivision (a) may be implemented. Statutory changes  
27 described in subdivision (a) shall become operative and shall be  
28 implemented commencing on either the date specified in the  
29 applicable statute, or on the date 60 days after the department  
30 notifies the committee that the changes may be implemented,  
31 whichever is later. The notice shall inform the committee of the  
32 completion of the stakeholder process and shall be provided at the  
33 same time as, or following the release by the department of, a  
34 finalized all-county letter or similar instructions, forms, notices  
35 of action, allocation of funds appropriated for this purpose, and  
36 other necessary implementation materials.

37 (d) Information notices to program recipients or providers  
38 relating to the implementation of the statutory changes described  
39 in subdivision (a) shall be sent only after the stakeholder process  
40 required by this section is completed.

1     (e) *The laws and regulations relating to administration of this*  
 2 *article in effect immediately prior to the enactment of Assembly*  
 3 *Bill 4 and Assembly Bill 19 of the 2009–10 Fourth Extraordinary*  
 4 *Session shall be in effect and shall be operative until the statutory*  
 5 *changes described in subdivision (a) are implemented in*  
 6 *accordance with this section.*

7     (f) *The stakeholder process described in subdivision (a) and the*  
 8 *notice to the Joint Legislative Budget Committee described in*  
 9 *subdivision (c) shall be completed on or before February 1, 2010.*

10    SEC. 2. *This act is an urgency statute necessary for the*  
 11 *immediate preservation of the public peace, health, or safety within*  
 12 *the meaning of Article IV of the Constitution and shall go into*  
 13 *immediate effect. The facts constituting the necessity are:*

14    *In order to timely ensure that in-home supportive services are*  
 15 *provided in an appropriate manner that is responsive to the needs*  
 16 *of all stakeholders, it is necessary for this act to take effect*  
 17 *immediately.*

18    ~~SECTION 1. It is the intent of the Legislature to enact statutory~~  
 19 ~~changes relating to the Budget Act of 2009.~~