

AMENDED IN SENATE MAY 18, 2010  
AMENDED IN SENATE MARCH 25, 2010

**SENATE BILL**

**No. 891**

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**Introduced by Senator Liu**

January 25, 2010

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An act to add Section 12309.5 to the Welfare and Institutions Code, relating to ~~In-Home Supportive Services~~ *in-home supportive services*.

LEGISLATIVE COUNSEL'S DIGEST

SB 891, as amended, Liu. In-Home Supportive Services *program*: needs assessment.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons receive services enabling them to remain in their home. Existing law requires the State Department of Social Services to develop a uniform assessment tool to ensure that IHSS services are delivered in all counties in a uniform manner *own homes*.

Under existing law, personal care services provided to a qualified individual who is eligible for Medi-Cal benefits are a Medi-Cal covered benefit, under the Personal Care Services Program (PCSP).

Under existing law, the department is responsible for procuring and implementing a new Case Management Information and Payroll System (CMIPS) for the IHSS/PCSP program, including specified minimum requirements, to provide case management, payroll, and management information for the program.

Existing law requires the State Department of Social Services to develop a uniform assessment tool to ensure that IHSS services are delivered in all counties in a uniform manner. Existing law requires counties to use the needs assessment tool to evaluate a recipient's

functioning in various activities, as prescribed, and to quantify the recipient's functioning using a ~~five-point~~ 5-point scale to rank each function. Under existing law, a recipient is assigned a functional index score, which is a weighted average based on the recipient's individual rankings, that is used in the assessment of IHSS services.

This bill would require the department and the State Department of Health Care Services to jointly convene a stakeholder review process, as specified, to obtain information and comments regarding imposition of a tax on payments received by ~~IHSS~~ *in-home care providers, or entities that arrange for the provision of that care*, and the potential for increased federal financial participation as a result of these tax revenues, and alternatives to the state's methodology for deriving a functional index score for IHSS consumers.

*This bill would require the department and the State Department of Health Care Services to jointly report stakeholder recommendations to the Legislature no later than August 1, 2011, and to submit an implementation plan based on the stakeholder recommendations no later than November 1, 2011. This bill would require the department, in consultation with the State Department of Health Care Services, to obtain funding from private or public sources to finance the stakeholder review process and implementation plan. This bill would specify that no General Fund moneys shall be used for this purpose.*

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

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

- 1 SECTION 1. Section 12309.5 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 12309.5. (a) The department and the State Department of
- 4 Health Care Services shall jointly convene a stakeholder review
- 5 process to obtain information and comments regarding both of the
- 6 following:
- 7 (1) The imposition of a tax on payments received by in-home
- 8 ~~supportive services providers, care providers, or entities that~~
- 9 *arrange for the provision of that care*, and the potential for
- 10 increased federal financial participation as a result of these tax
- 11 revenues.
- 12 (2) Alternatives to the state's methodology for deriving a
- 13 functional index score for in-home supportive services consumers

1 *that would more accurately reflect a consumer's relative*  
2 *dependence on human assistance in order to live at home.*

3 (b) The stakeholder review process required by this section shall  
4 include statewide organizations representing the interests of  
5 consumers, family members, service providers, and statewide  
6 advocacy organizations, as well as appropriate policy and fiscal  
7 staff of the Legislature.

8 (c) (1) *The department and the State Department of Health*  
9 *Care Services shall jointly report stakeholder recommendations*  
10 *to the Legislature no later than August 1, 2011, and submit an*  
11 *implementation plan based on the stakeholder recommendations*  
12 *no later than November 1, 2011. In developing the implementation*  
13 *plan, the departments shall consult with stakeholders and other*  
14 *experts on how the plan will result in an accurate assessment of*  
15 *consumers' functioning and need for assistance relative to the*  
16 *activities of daily living. The implementation plan shall not be*  
17 *implemented prior to the enactment of subsequent statutory*  
18 *authorization.*

19 (2) *The requirement for reporting stakeholder recommendations*  
20 *report imposed under this subdivision is inoperative on August 1,*  
21 *2015.*

22 (3) *The stakeholder recommendations required pursuant to this*  
23 *subdivision shall be submitted in compliance with Section 9795*  
24 *of the Government Code.*

25 (d) *The department, in consultation with the State Department*  
26 *of Health Care Services, shall obtain funding from private and*  
27 *public sources to finance the stakeholder review process and*  
28 *implementation plan, except that no General Fund moneys shall*  
29 *be used for this purpose.*

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