

Olmstead- Related Legislation May 2005

AB 10 (Daucher): Inappropriate Placement of Persons with Disabilities

This bill would require the Secretary of California Health and Human Services to adopt a statewide uniform patient intake, discharge, and placement tool in compliance with the standards set forth in the Supreme Court's Olmstead decision regarding community placement of persons with disabilities.

This bill would require the California Health and Human Services Agency to select 3 voluntary pilot projects to charge a fee for long-term care navigation services. The voluntary fee would be charged to non-Medi-Cal persons who are at risk for nursing home placement and would like long-term care navigation services. The fee revenue would serve as matching federal targeted case-management dollars to provide funding for the Medi-Cal eligible population.

Status: Assembly Appropriations Committee (Suspense File)

AB 20 (Leslie): - Persons with Disabilities: Access

Under existing law, individuals with certain disabilities are entitled to equal access rights to various facilities. Any person who denies or interferes with admittance to, or enjoyment of, public facilities, or otherwise interferes with the rights of an individual with a disability, is liable for each offense, as specified. This bill would preclude commencement of an action for damages against a public facility for a de minimus deviation from a code or regulation that has no significant impact on a person with disability's right to the goods and services provided by the facility, as specified. The bill would instead provide that the remedy for a technical violation, as defined, is injunctive relief and the recovery of attorney's fees.

Status: Assembly Judiciary Committee

AB 258 (Matthews): Medi-Cal: Durable Medical Equipment

Under existing law, durable medical equipment is a covered benefit under the Medi-Cal program, subject to utilization controls. This bill, commencing July 1, 2006, would require any provider of custom rehabilitation equipment

and custom rehabilitation technology services to a Medi-Cal beneficiary to have on staff, either as an employee or independent contractor, or have a contractual relationship with, a qualified rehabilitation professional, who was directly involved in determining the specific custom rehabilitation equipment needs of the patient and was directly involved with, or closely supervised, the final fitting and delivery of the custom rehabilitation equipment.

Status: Assembly Consent Calendar

AB 298 (Berg): Personal Income Tax: Caregivers Tax Credit

The Personal Income Tax Law allows a credit for taxable years beginning on or after January 1, 2000, and before January 1, 2005, in an amount equal to \$500 in caregiver tax credits. This bill extends the existing \$500 tax credit to 2011.

Status: Assembly Appropriations Committee (Suspense File)

AB 847 (Berg): Program for All-Inclusive Care for the Elderly

This bill authorizes DHS to grant exemptions to PACE organizations from certain licensing and regulatory requirements.

Status: Assembly Consent Calendar

AB 899 (Ridley-Thomas): In-Home Supportive Services

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, a contract between the county and a nonprofit consortium, or the creation by the county of a public authority. This bill would authorize a service provider to receive wages for up to 6 hours of prescribed instruction per calendar year, approved by the department and pursuant to a collective bargaining agreement if it qualifies for the maximum federal participation. This bill would require the Secretary of the California Health and Human Services Agency to actively pursue available federal funding for training authorized by the bill. The bill would

prohibit the training authorized under the bill from counting against assessed hours for a recipient of in-home supportive services.

Status: Assembly Appropriations Committee (Suspense File)

AB 1258 (Daucher, Administration Sponsored): Adult Day Health Care

This bill authorizes DHS to revise its State Plan or develop a waiver to bring ADHC services under the Medi-Cal program into compliance with federal laws and regulations. In addition, this bill specifies some of the terms of the State Plan Amendment (SPA) or waiver, including the restructuring of the interagency agreement with CDA, clarification and expansion of certification requirements, and a cleanup of the ADHC licensing statutes. The bill includes a restructure of the ADHC program under a SPA or waiver, including per service billing and reimbursement in place of the current bundled billing, the establishment of new medical necessity criteria that must be met for prior authorization of ADHC services, and the expansion of audit procedures to ensure compliance with licensing and certification requirements.

Status: Assembly Health Committee

AB 1378 (Lieber, Administration Sponsored): Developmental Services Facilities

This bill authorizes the Department of Developmental Services to utilize existing Agnews State Developmental Center employees as part of the Administration's plan for its closure. This bill would provide that its provisions shall remain in effect until July 1, 2009, and as of that date would be repealed, unless a later enacted statute, that is enacted before July 1, 2009, deletes or extends that date.

Status: Assembly Appropriations Committee (Suspense File)

AB 1379 (Lieber): Agnews Developmental Center: Closure

This bill requires that Agnews Developmental Center property be subject to certain conditions. Specifically, this bill prohibits classification of property at

Agnews as surplus property absent express legislative authorization. The bill establishes the Agnews Developmental Center Campus Advisory Group to provide the Legislature with recommendations regarding the disposition of land at Agnews and requires the group to report recommendations to the Legislature by June 30, 2006. The bill requires the recommendations preserve the land, or its value for people with developmental disabilities under the Lanterman Act.

Status: Assembly Appropriations Committee (Suspense File)

AB 1653 (Haynes, Administration Sponsored): In-Home Supportive Services Program: Provider Wage and Benefit Increases

This bill would eliminate the formula for state participation in provider wage and benefit increases, and would instead provide generally that the state shall pay 65% of the nonfederal share of wages and benefits negotiated by a public authority or nonprofit consortium, and associated employment taxes, only up to the state minimum wage. These changes would become effective on October 1, 2005.

Status: Assembly Human Services Committee

SB 418 (Escutia):- Rehabilitation Loans

This bill combines two loan programs for persons with disabilities, for modifying vehicles and for adaptive technology, and makes it easier for qualifying persons to apply for a loan.

SB 481 (Chesbro): Self-Directed Services Program

This bill expands the Self-Directed Services Program to a statewide program. Self-Directed Services is a service delivery model that allows participants to control a budget to purchase services and supports identified in their Individual Placement Plan (IPP).

Status: Senate Appropriations (Suspense File)

SB 526 (Alquist): Long Term Health Care

This bill would require the State Department of Health Services to establish dedicated complaint response units in each district office of the Licensing and Certification Division of the Department of Health Services (DHS) by January 1, 2007 following a study of unanticipated costs, require DHS to issue a Class "A" citation when a nursing home resident is sexually assaulted by an employee of the facility, add to the list of resident rights for long-term health care facilities, including changes to requirements regarding transfer and discharge of patients, create requirements for skilled nursing facilities for the admission of patients covered by the Medi-Cal program, and require nursing home operators to document labor costs by submitting payroll records to DHS on a quarterly basis.

Status: Senate Health Committee

SB 642 (Chesbro): Adult Day Health Care Program

This bill makes various changes to the Adult Day Health Care (ADHC) Program and requires the Department of Health Services (DHS) to take all appropriate action to obtain approval for a State Plan Amendment that would conform the ADHC program to requirements of federal law and include specific requirements. The bill would provide that no provision of the ADHC state plan amendment shall be implemented unless and until DHS has obtained full approval for that amendment from the federal Centers for Medicare and Medicaid Services, and the plan can be implemented by DHS.

Status: Senate Appropriations Committee (Suspense File)

SB 643 (Chesbro): Nursing Facilities

This bill would require that a resident's plan of care, if applicable, include services that will assist the resident in maintaining, regaining, and acquiring the skills and level of functioning that would assist in a return to the community, require skilled nursing facilities to comply with new requirements regarding transition services, reduce the provider approval window for independent nurse providers from 180 to 30 days, require professional assessments for conservatees, create a targeted case

management system, and expand slots, upon federal approval, for specified home- and community-based waivers.

Status: Senate Appropriations Committee (Suspense File)

SB 855 (Poochigian): Special Access: Liability

This bill would impose pre-litigation procedural requirements upon the filing of any claim under the state's civil rights and equal access to public or housing accommodation laws, including claims of violations of the Americans with Disabilities Act in state-owned facilities.

Status: Senate Judiciary Committee

SB 962 (Chesbro, Administration Sponsored): Adult Residential Facility for Persons with Special Health Care Needs

This bill authorizes the Department of Social Services (DSS) and the Department of Developmental Services (DDS) to create a new community-care licensing category for persons currently residing in developmental centers, by establishing a pilot project for licensing and regulating Adult Residential Facilities for Persons with Special Health Care Needs.

Status: Senate Appropriations