

Legislation of Interest to Olmstead Advisory Committee Members:
FIRST YEAR OF 2007-08 LEGISLATIVE SESSION

The following bills were submitted by Olmstead Advisory Committee (OAC) members to track and discuss.

AB 18 (Blakeslee) - would allow the use of a signature stamp or authorization for another person to use the stamp for any purpose specified in the Elections Code for a person with a disability who, by reason of the disability, is unable to write. It would impose certain conditions on the use of signature stamps, including a condition that the signature stamp be used in the presence of the Secretary of State, local elections officials, or their designees that require or request the signature and a condition that the owner of the signature stamp present valid identification, as specified.

Status: Senate Appropriations

AB 182 (Ma) - would require each public authority or nonprofit consortium, in consultation with its advisory committee and stakeholders, to develop training standards and core topics, which shall be used by a nonprofit consortium contracting with the county or public authority in providing this training.

Status: Senate Appropriations

AB 184 (Bass) - would require services under the Independent Living Program to be provided to former dependent foster children meeting prescribed requirements, and would require provision of these services to designated wards of nonrelated legal guardians, and to eligible foster children adopted at 14 years of age or older, as specified.

Status: Senate Appropriations

AB 238 (Beall) - would include within the definition of supportive services designated reading assistance services to a recipient of services under the In-Home Supportive Services program who is blind or visually impaired, or who has another disability that affects his or her ability to read. By expanding the scope of available services under the IHSS program, this bill would impose a state-mandated local program.

Status: Senate Appropriations

AB 315 (Berg) - would extend indefinitely the ability for counties to continue providing comprehensive, coordinated, and integrated county

health and human services for all county eligible individuals and families.

Status: Senate – Third Reading File

AB 317 (Berg) - would reinstate training and technical assistance related to specialized dementia services at the California Department of Aging for the ADCRCs. The training program had been a resource for ADCRC providers, other service providers, and family caregivers, but was eliminated in 2001 due to the budget crisis. The bill would require the department to provide onsite technical support and assistance, as needed, related to the provision of specialized dementia services, to adult day care resource centers to ensure that these centers have the ability to meet funding eligibility criteria under the program. The bill would also require the department to provide for an annual training conference that would be available to these centers and may be available to other stakeholders, as specified, relating to the most current research on treatment for, and strategies for managing the needs of people with dementia.

Status: Senate Appropriations

AB 322 (Anderson) - would continuously appropriate from the Federal Trust Fund, in the absence of enactment of the annual Budget Act by July 1 of a fiscal year, (1) to the California Department of Aging, the amount of federal funds contained in the Federal Trust Fund that is necessary to pay area agencies on aging for the administration of programs under their jurisdiction, and (2) to the Department of Rehabilitation, the amount of federal funds contained in the Federal Trust Fund that is necessary to pay independent living centers for the administration of programs under their jurisdiction, pending enactment of the Budget Act.

Status: Senate Appropriations

AB 342 (Saldana) - authorizes a qualified person holding a certificate of public health in nursing to assist an individual with exceptional needs who requires specialized physical health care services, during the regular school day. Existing law provides that these individuals may be assisted by only certain qualified persons.

Status: Signed by Governor, Chapter 12, Statutes of 2007.

AB 364 (Berg) - Assemblywoman Berg will be seeking input from stakeholders on how to improve hospital to home transitions for older adults and adults with disabilities. There will likely be informational hearings on the subject in the next few months and into Fall 2007. The bill

would require that the hospital discharge policy inform the patient of the availability of home and community-based options prior to discharge, and would require that prior to a transfer of an older adult patient to any skilled nursing facility, the patient be assessed by a preadmission screening to ensure the appropriateness of the proposed skilled nursing facility placement. This bill would impose a state-mandated local program.

Status: Assembly Health (not moving this year)

AB 380 (Berg) - would make legislative findings and declarations regarding the challenge to the state to provide more accessible systems of cost-effective home and community-based services to individuals with disabilities and protect against unnecessary institutionalization of individuals who can live in the community with the right support. This bill would also make legislative findings and declarations regarding the ever-increasing number of older Californians, with complex needs, served by the Multipurpose Senior Services Program, the shrinking ability of the program to address those needs due to stagnant funding and increased costs, and the need to create a sustainable rate methodology for the Multipurpose Senior Services Program. The bill would require, commencing July 1, 2008, and to the extent that funds are appropriated in the Budget Act or other legislation for this purpose, the department to annually increase the reimbursement rate for the Multipurpose Senior Services Program (MSSP) in accordance with a specified formula. The bill would also require the department, in addition to making these rate increases, to consider any new program requirements mandated by changes in law or regulation when adjusting the MSSP reimbursement rate and would limit the amount of the MSSP annual allocation per participant, as prescribed.

Status: Senate Appropriations

AB 398 (Feuer) – would require the Department of Public Health (DPH) to establish and maintain a long-term health care (LTC) facility consumer information services system by June 30, 2008. The bill would establish specific facility profile requirements.

Status: Senate Appropriations

AB 399 (Feuer) – would establish a 40 day timeframe for the Department of Public Health (DPH) to complete a long-term care facility complaint investigation. Requires DPH to include in the written determination of the investigation specific findings and a summary of the evidence upon which the determination is made, and provides a complainant additional time to

request an informal conference upon receipt of the determination of the investigation.

Status: Senate Appropriations

AB 423 (Beall) - would expand coverage requirements for a health care service plan contract and a health insurance policy issued, amended, or renewed on or after January 1, 2008, to include the diagnosis and treatment of a mental illness of a person of any age and would define mental illness for this purpose as a mental disorder defined in the Diagnostic and Statistical Manual IV.

Status: Senate Appropriations

AB 537 (Swanson) - would increase the circumstances under which an employee is entitled to protected leave pursuant to the Family Rights Act by (1) eliminating the age and dependency elements from the definition of "child," thereby permitting an employee to take protected leave to care for his or her independent adult child suffering from a serious health condition, (2) expanding the definition of "parent" to include an employee's parent-in-law, and (3) permitting an employee to take leave to care for a seriously ill grandparent, sibling, grandchild, or domestic partner.

Status: Senate Appropriations

AB 572 (Berg) - This is a spot bill. No action is planned at this time. Would require the Department of Health Services, in coordination with the California Department of Aging and interested organizations, to adopt new certification and licensing regulations for adult day health care in order to accommodate the changes by January 30, 2009.

Status: Assembly Appropriations

AB 581 (Salas) - would require the Military Department to create a Combat Stress Support Team Program, as specified, to provide emergency crisis counseling, referral and personal support, combat stress evaluations, and mental health support for state military personnel and their families.

Status: Senate Appropriations

AB 749 (Berg) – would specify that bedridden individuals receiving hospice care in a RCFE are considered temporarily bedridden and therefore not required to transfer to a higher level of care.

Status: Senate – Waiting for Referral to Committee

AB 759 (Karnette) - would require every residential care facility for the elderly that is licensed to care for not more than 6 residents, to have an approved, operable automatic fire sprinkler system on and after January 1, 2011, if they are licensed as of January 1, 2010. The bill would require every facility for which a license is newly issued on or after January 1, 2010, to have an approved, operable automatic fire sprinkler system on and after the date of issuance. The bill would require the State Fire Marshal to adopt regulations to implement these provisions by January 1, 2009, including addressing those fire safety features no longer required of a licensee after an operable automatic fire sprinkler system has been installed and maintained.

Status: Senate Committee on Human Services

AB 949 (Krekorian) - would require a licensed residential care facility for the elderly, prior to transferring a resident to another facility or to an independent living arrangement as a result of the forfeiture of a license, or a change in the use of the facility to another licensed facility or to an independent living arrangement, to take all reasonable steps to transfer affected residents safely, and minimize possible trauma by taking specified actions relating to resident notification and transfer and relocation planning, as prescribed. The bill would require a facility, if 7 or more residents of the facility will be transferred as a result of the forfeiture of a license or the change of use of a facility, to submit a proposed relocation plan for the affected residents to the department for review, and would require the department to approve, modify, or disapprove the plan.

Status: Senate Appropriations

AB 979 (Price) - would require the State Department of Social Services to seek federal funding for IHSS provider training.

Status: Senate Appropriations

AB 993 (Aghazarian) – would, commencing July 1, 2008, require the Department of Social Services, no later than 90 days after the department receives an initial and complete parent, branch, or change of ownership home health agency application to complete the application paperwork, to conduct a licensure survey, if necessary, and in certain circumstances, to conduct an unannounced certification survey in accordance with a specified timeline, as provided.

Status: Senate – Third Reading File

AB 1113 (Brownley D-Santa Monica) cosponsored by Senator Migden – would expand features of the Medi-Cal “250% California Working Disabled Program” or “CWD” to (1) waive asset limits for those who are enrolled in this Medi-Cal program and allow savings accumulated during participation in the program to be exempt; (2) exempt all public and private retirement income in this program (for example, Social Security monthly retirement checks) in the same way the program now exempts all disability income; (3) remove the “marriage penalty” of spousal deemed income or assets for those in this program - enrollment or continued program eligibility would be based on the income or assets of the enrollee only, not the income or assets of the spouse or partner; and (4) remove the current sunset provision for this Medi-Cal program, now set for 2008, which will make the program permanent - this will stabilize the program for vocational planning and the employment of those enrolled.

Status: Senate Appropriations

AB 1142 (Salas) - would require the Department of Public Health, no later than January 1, 2009 , to identify innovative facility resident care models for end-of-life and palliative care, as prescribed, and to provide specified information about those care models to each licensed freestanding skilled facility in the state. The bill would also require the department to post related information on those resident care models on the department's Web site.

Status: Senate Appropriations

AB 1184 (Lieber) - would require the Director of the Department of Developmental Services to establish an Agnews Developmental Center Transition Advisory Task Force consisting of family members of residents of Agnews Developmental Center for the purpose of monitoring community placements of transitioned consumers and making recommendations to the department, the regional centers, and the Legislature.

Status: Senate Appropriations

AB 1192 (Evans) - Would require the Secretary of California Health and Human Services to designate a department in state government, under its jurisdiction, to be responsible for overseeing the registration of providers and the investigation and substantiation of any allegations of abuse. The registry would be available, pursuant to a release protocol established by the designated department in consultation with program stakeholders, to persons who would hire persons to provide services and supports to

consumers. The bill would require the designated department to coordinate with the State Department of Public Health to share information about health care providers, and would require the designated department to adopt regulations to implement the bill by July 1, 2009.

Status: Senate Appropriations

AB 1410 (Feuer) - would require the Department of Health Care Services, by March 15, 2008, to submit to the federal Centers for Medicare and Medicaid Services a home and community-based services waiver application to serve at least 100 adults with acquired traumatic brain injuries who otherwise would require care in a Medi-Cal funded facility including a nursing facility and an intermediate care facility for persons with developmental disabilities.

Status: Senate Appropriations

AB 1427 (Krekorian) - would require the Department of Developmental Services, commencing July 1, 2008 and terminating June 30, 2011, to establish a developmental services training pilot program using the Quality Improvement Fund, to incentivize, reimburse, and assess the use of recognized training recourses for direct support workers in consumer-directed services.

Status: Senate Appropriations

AB 1434 (Dymally) - would require the Department of Health Care Services to implement a rate setting system, subject to federal approval and the availability of federal funds, that reflects the costs and services associated with quality home health agency services, as specified.

Status: Senate Appropriations

AB 1526 (Lieber) – would exempt those facilities occupied by elderly or disabled persons from meeting prescribed licensing standards, and would also exempt facilities that are initially approved and operated under a regulatory agreement pursuant to provisions of the federal Tax Reform Act of 1986 and the federal Housing and Community Development Act of 1974.

Status: Senate Appropriations

AJR 11 (Swanson) - would encourage the State Department of Social Services, the State Department of Health Services, the Secretary of California Health and Human Services, and other relevant departments to work to ensure that the In-Home Supportive Services (IHSS) Plus Waiver is

renewed and protected, and would urge the federal Centers for Medicaid and Medicare Services to renew the waiver.

Status: Senate Special Consent Calendar

SB 275 (Cedillo) - would prohibit a general acute care hospital, acute psychiatric hospital, or special hospital from causing a patient to be transported to a location other than the residence of the patient without the informed consent of the patient, except as specified. This bill would also make the violation of this bill punishable as a misdemeanor.

Status: Assembly Appropriations

SB 321 (Alquist) - would require the state Alzheimer's Disease and Related Disorders Advisory Committee to be responsible for development of the State Alzheimer's Disease Strategic Plan for the years 2010 to 2020, inclusive. The bill would require the committee to collaborate with a broad group of stakeholders and review current state policies and practices concerning treatment for Alzheimer's disease, and to develop specified recommendations relating to Alzheimer's care in the state. The bill would require the committee to submit the plan to the Governor and Legislature by September 1, 2009. The bill would also require the committee to review the implementation and progress of the strategic plan, and, not less than every 2 years, to make recommendations to the Secretary of California Health and Human Services and the Legislature for updating the strategic plan.

Status: Assembly Appropriations

SB 434 (Romero) - would limit the state's share of cost in the In-Home Supportive Services program for wages and individual health benefits up to the level of wages and benefits approved for each county on or before the effective date of the bill. The bill would allow for increases in state participation, as necessary, to accommodate increases in the state minimum wage, or upon appropriation of funds in the Budget Act or other subsequent legislation.

Status: Assembly Appropriations

SB 483 (Kuehl) - would provide that pursuant to specified federal law, the state elects to provide for Medi-Cal eligibility for nursing facilities or other long-term care services for individuals with an equity interest in their home of \$750,000 or less.

Status: Assembly Appropriations

SB 489 (Steinberg) - would define the term "closure," for purposes of those provisions, to mean the voluntary or involuntary termination of a provider's certificate of authority or license to operate any portion of a continuing care retirement community facility, or any other change in the status of the operation of a facility resulting in the facility's inability to meet the material terms of one or more continuing care contracts.

Status: Assembly Appropriations

SB 535 (Kuehl) – would require the Department of Public Health (DPH) to establish and maintain a website to provide current information to the public regarding long-term health care facilities (existing law requires the State Department of Health Services to do this, but effective July 1, 2007, these duties are transferred to the State Department of Public Health).

Status: Assembly Appropriations

SB 611 (Steinberg) - permits the use of the Attachment Law in cases involving financial abuse against an elder or dependent adult, whether or not other forms of relief are demanded.

Status: Signed by Governor, Chapter 45, Statutes of 2007.

SB 633 (Alquist) - would declare the intent of the Legislature regarding the state's commitment to providing services for persons with disabilities in the most integrated setting. This bill would also require a hospital to provide every patient anticipated to be in need of long-term care at the time of discharge with contact information for at least one public or nonprofit agency or organization dedicated to providing information or referral services relating to community-based long-term care options in the patient's county of residence.

Status: Assembly Appropriations

SB 785 (Steinberg) - would require the State Department of Mental Health, by April 1, 2008, to create a standardized contract, service authorization procedure, and set of documentation standards and forms, and to use these items to facilitate the receipt of medically necessary specialty mental health services by a foster child who is placed outside of his or her county of original jurisdiction. The bill would also require the Health and Human Services Agency to perform designated duties with respect to implementing these provisions, including establishing informational materials for foster

care providers and county child welfare agencies relating to the provision of mental health services to children in their care, as specified.

Status: Assembly Appropriations

SB 851 (Steinberg) - would authorize superior courts to develop and implement mental health courts, as specified, which may operate as a preguilty plea program and deferred entry of judgment program. This bill would also allow parolees to participate in mental health courts, as specified. This bill contains other related provisions and other existing laws.

Status: Assembly Appropriations

SB 868 (Ridley-Thomas) - would authorize the investigation of certain potential personnel by a nonprofit consortium or public authority to include criminal background checks conducted by the Department of Justice upon the request of the nonprofit consortium or public authority. The bill would prohibit a fee from being charged to a provider, potential personnel, or a recipient to cover any cost related to administering requirements with respect to an investigation, or the costs to certain entities for processing a criminal background check, under these provisions.

Status: Assembly Appropriations

SB 945 (Padilla) - would permit an IHSS applicant or recipient, in writing and in accordance with the regulations of the Department of Social Services, to authorize any individual, including his or her family member or IHSS program provider, to receive a copy of the notice of action affecting the amount of services to be provided and to request a hearing to challenge any proposed action, as specified.

Status: Assembly Appropriations