

# OLMSTEAD ADVISORY COMMITTEE LEGISLATION WATCH LIST

2015-16 Legislative Session

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The California Health and Human Services Agency (CHHS) compiles and updates a Legislation Watch List related to Olmstead implementation activities. The list is developed based on Olmstead Advisory Committee input.

Committee members are asked to submit information on bills that have a substantial impact on Olmstead implementation—whether advancing or impeding implementation—that should be included on the list.

The following Legislation Watch List helps to flag bills for the Secretary of CHHS as well as guide discussion at Committee meetings.

## ASSEMBLY BILLS

<b>AB 72</b>	<b>Bonta (D)</b>
<b>Status:</b>	7/15/15: Referred to Senate Committee on Health.
<b>Brief summary:</b>	<b>Introduced:</b> 12/18/2014. <b>Medi-Cal: demonstration project.</b> Current law provides for a demonstration project under the Medi-Cal program until October 31, 2015, to implement specified objectives, including better care coordination for seniors and persons with disabilities and maximization of opportunities to reduce the number of uninsured individuals. This bill would require the State Department of Health Care Services to submit an application to the federal Centers for Medicare and Medicaid Services for a waiver to implement a demonstration project that, among other things, continues the state's momentum and successes in innovation achieved under the demonstration project described above.
<b>AB 97</b>	<b>Weber (D)</b>
<b>Status:</b>	7/6/15: In Senate Committee on Appropriations (Suspense file).
<b>Brief summary:</b>	<b>Amended:</b> 3/26/2015. <b>In-home supportive services: provider wages.</b> Would declare the intent of the Legislature to enact legislation to create a mechanism to pay In-Home Supportive Services program providers for additional hours worked through the Coordinated Care Initiative. This bill contains other existing laws.
<b>AB 211</b>	<b>Gomez (D)</b>
<b>Status:</b>	7/6/15: In Senate Committee on Appropriations (Suspense file).
<b>Brief summary:</b>	<b>Introduced:</b> 2/2/2015. <b>In-home supportive services.</b> Current law requires the California In-Home Supportive Services Authority (Statewide Authority), no sooner than March 1, 2013, to assume specified responsibilities in a county upon notification by the Director of Health Care Services that the enrollment of eligible

Medi-Cal beneficiaries described in specified provisions of law has been completed in that county. Under current law, the date of assumption of these responsibilities by the Statewide Authority is known as the county implementation date. This bill would, instead, make the implementation date January 1, 2016, would delete the reference to the "county" implementation date, and would make conforming changes.

**AB 348** **Brown (D)**  
**Status:** 7/15/15: Referred to Senate Committee on Health.

**Brief summary:** **Amended: 7/8/2015. Long-term health care facilities.** Current law establishes procedures to be followed when the State Department of Public Health receives a written or oral complaint about a long-term health care facility. A complaint is defined to mean any notice to the department, other than a report from the facility, of an alleged violation of applicable requirements of state or federal law or any alleged facts that might constitute a violation. This bill, on or before July 1, 2016, would require the department to set a performance benchmark for completing its investigations within a defined number of days after receiving the complaint, not to exceed 60 working days.

**AB 366** **Bonta (D)**  
**Status:** 7/15/15: Referred to Senate Committee on Health.

**Brief summary:** **Amended: 7/7/2015. Medi-Cal: reimbursement: provider rates.** Requires the Department of Health Care Services (DHCS) to submit to the Legislature, and post on the DHCS' Internet Web site, a Medi-Cal access monitoring report. Requires the report to present results of DHCS' ongoing access monitoring efforts in fee-for-service and managed care and to compare the level of access to care and services available through Medi-Cal, to the level of access to care and services available to the general population in different geographic areas of California.

**AB 449** **Irwin (D)**  
**Status:** 7/13/15: In Senate Committee on Appropriations (Suspense file).

**Brief summary:** **Amended: 7/1/2015. Individuals with disabilities: savings accounts.** Would express the intent of the Legislature to enact legislation that would implement the federal ABLE Act in California to ensure that people with disabilities can save for the future to achieve greater independence.

**AB 563** **Lopez (D)**  
**Status:** 7/14/15: In Senate Committee on Human Services.

**Brief summary:** **Amended: 6/11/2015. Developmental services.** Would require the State Department of Developmental Services and the California Department of Aging develop guidelines and protocols establishing best practices for providing services and supports to aging consumers with developmental and intellectual

disabilities. The bill would require the State Department of Developmental Services to conduct a two-year pilot program that implements those guidelines and protocols in three regional centers and, by January 1, 2020, submit a report evaluating the pilot program to the Legislature. These provisions would be repealed January 1, 2021.

**AB 662 Bonilla (D)**

**Status:** 7/7/15: Re-referred to Senate Committee on Appropriations.

**Brief summary:**

**Amended: 7/7/2015. Public accommodation: disabled adults: changing facilities.** Would require a commercial place of public amusement that serves over 1,000 people on a daily basis constructed on or after January 1, 2019, or that renovates a bathroom on or after January 1, 2029, to install and maintain at least one adult changing station, as defined, for a person with a physical disability, as specified. The bill would also make conforming changes.

**AB 664 Dodd (D)**

**Status:** 7/9/15: Re-referred to Senate Committee on Appropriations.

**Brief summary:**

**Amended: 6/25/2015. Medi-Cal: universal assessment tool report.** Current law, until July 1, 2017, requires the State Department of Health Care Services, the State Department of Social Services, and the California Department of Aging to establish a stakeholder workgroup, as prescribed, to develop a universal assessment process, including a universal assessment tool, to be used for home- and community-based services. This bill would require, on or before January 1, 2017, the State Department of Health Care Services, the State Department of Social Services, and the California Department of Aging, in consultation with the stakeholder workgroup described above, to evaluate and report to the Legislature on the outcomes of, and lessons learned from, the universal assessment tool pilot authorized by specified provisions.

**AB 763 Burke (D)**

**Status:** 5/28/15: In Assembly Committee on Appropriations (held under submission).

**Brief summary:**

**Introduced: 2/25/2015. Medi-Cal: program for aged and disabled persons.** Current law requires the State Department of Health Care Services to exercise its option under federal law to implement a program for aged and disabled persons, as described. Current law requires an individual under these provisions to satisfy certain financial eligibility requirements. This bill would increase income disregard amounts to \$369 for an individual, or \$498 in the case of a couple, and require that the income disregards be adjusted annually. The bill would provide, however, that the income standard determined may not be less than the SSI/SSP payment level the individual or couple, as applicable, receives or would receive as a disabled or blind individual or couple.

**AB 782 Dababneh (D)**

**Status:** 5/28/15: In Assembly Committee on Appropriations (held under submission).

**Brief summary:**

**Amended: 5/14/2015. Home Care Services Consumer Protection Act.** Would

make the provisions of the Home Care Services Consumer Protection Act applicable to home care aide domestic referral agencies, as defined, including licensure, fees, enforcement and fines, and regulation of registered home care aides having agreements with those agencies. The bill would require a home care aide domestic referral agency to provide specified information to a person to whom a home care aide is referred, including specified information about the person's potential employer responsibilities. This bill contains other related provisions and other existing laws.

**AB 1235 Gipson (D)**

**Status:** 7/7/15: Re-referred to Senate Committee on Appropriations.

**Brief summary:**

**Amended:** 7/7/2015. **Long-term care: home upkeep allowance.** Would declare the intent of the Legislature to enact legislation to prohibit the use of in-kind value of housing as a basis for calculating the home upkeep allowance for a patient in long-term care and prohibit eligibility for the allowance from being based on the date when patient status is established, and to require the calculation for the allowance to be based on the actual cost of maintaining the patient's home. The bill would declare the intent of the Legislature to enact legislation to require the State Department of Health Care Services to adopt conforming regulations, and to notify specified parties of those regulatory changes.

**AB 1261 Burke (D)**

**Status:** 7/6/15: In Senate Committee on Appropriations (Suspense file).

**Brief summary:**

**Introduced:** 2/27/2015. **Community-based adult services: adult day health care centers.** Would establish the Community-Based Adult Services (CBAS) program as a Medi-Cal benefit and would specify eligibility requirements for participation in the CBAS program. The bill would require that CBAS providers be licensed as ADHC centers and certified by the California Department of Aging as CBAS providers. The bill would require CBAS providers to meet specified licensing requirements and to provide care in accordance with specified regulations. The bill would require that those provisions be implemented only if federal financial participation is available.

**AB 1518 Committee on Aging and Long-Term Care**

**Status:** 7/2/15: Re-referred to Senate Committee on Appropriations.

**Brief summary:**

**Amended:** 6/25/2015. Would authorize the State Department of Health Care Services seek additional increases in the scope of the home- and community-based Nursing Facility/Acute Hospital Waiver. The bill would require the department to, by February 2016, apply for an additional 5,000 slots, to be added in the 2016- 17 fiscal year, in those currently authorized for the waiver. The bill would , for each fiscal year after 17 fiscal year, require that the department consider specified factors, consult with stakeholders, calculate the need for additional slots, and seek federal approval to slots to the waiver.

**AB 1526** **Committee on Aging and Long-Term Care**  
**Status:** 7/2/15: Re-referred to Senate Committee on Appropriations.

**Brief summary:** **Introduced:** 3/16/2015. Behavioral Risk Factor Surveillance System survey: caregiver module.. This bill would require, beginning January 1, 2016, and until January 1, 2021, the State Department of Public Health to include the federal Centers for Disease Control and Prevention's Caregiver Module in the annual Behavioral Risk Factor Surveillance System survey.

## SENATE BILLS

**SB 36** **Hernandez (D)**  
**Status:** 7/14/15: Referred to Assembly Committee on Health.

**Brief summary:** **Introduced:** 12/1/2015. **Medi-Cal: demonstration project.** Current law provides for a demonstration project under the Medi-Cal program until October 31, 2015, to implement specified objectives, including better care coordination for seniors and persons with disabilities and maximization of opportunities to reduce the number of uninsured individuals. This bill would require the State Department of Health Care Services to submit an application to the federal Centers for Medicare and Medicaid Services for a waiver to implement a demonstration project that, among other things, continues the state's momentum and successes in innovation achieved under the demonstration project described above. This bill contains other related provisions.

**SB 128** **Wolk (D)**  
**Status:** 7/7/15: In Assembly Health Committee (hearing cancelled at request of author).

**Brief summary:** **Amended:** 6/16/2015. **End of Life.** Would enact the End of Life Option Act author adult who meets certain qualifications, and who has been determined by his or her attending physician to be suffering from a terminal disease, as defined, to make a request for a drug prescribed pursuant to specified provisions for the purpose of ending his life.

**SB 199** **Hall (D)**  
**Status:** 7/8/15: In Senate Committee on Appropriations (Suspense file).

**Brief summary:** **Amended:** 6/2/2015. **In-home supportive services: reading services for blind and visually impaired recipients.** Would, commencing January 1, 2017, include within the definition of supportive services assistance in reading and completing financial and other documents for a recipient of services under the IHSS program who is blind. By expanding the scope of available services under the IHSS program, this bill would impose a state-mandated local program. The bill would also require the Director of Health Care Services to seek any federal approvals necessary to ensure that Medicaid funds may be used in implementing this provision.

<b>SB 324</b> <b>Status:</b>	<b>Pavley (D)</b> 7/13/15: In Assembly Committee on Revenue and taxation.
<b>Brief summary:</b>	<b>Amended: 4/15/2015. Income taxation: savings plans: Qualified ABLE Program.</b> The Personal Income Tax Law and the Corporation Income Tax Law, in specified conformity with federal income tax laws regarding qualified tuition programs, provide that distributions from a qualified tuition program are generally not included in the income of the donor or the beneficiary, as specified. This bill would conform to these federal income tax law provisions relating to the ABLE Act under the Personal Income Tax Law and the Corporation Income Tax Law, as provided.
<b>SB 492</b> <b>Status:</b>	<b>Liu (D)</b> 7/15/15: In Assembly Committee on Appropriations
<b>Brief summary:</b>	<b>Amended: 6/25/2015. Coordinated Care Initiative: Consumer Bill of Rights.</b> Would establish the Coordinated Care Initiative Consumer Bill of Rights, which would set forth rights to which an individual receiving care under the CCI would be entitled, including, but not limited to, rights to self-direction and choice, quality, flexibility, and accessibility of service, cultural competence, and an appropriate grievance and appeal process, as specified. The bill would require the State Department of Health Care Services to make the information available to the public, as specified. This bill contains other existing laws.
<b>SB 547</b> <b>Status:</b>	<b>Liu (D)</b> 4/30/15: In Senate Committee on Health.
<b>Brief summary:</b>	<b>Introduced: 2/26/2015. Long-term care: Assistant Secretary of Aging and Long-term Care: Department of Community Living.</b> Would establish the Department of Community Living within the California Health and Human Services Agency. The department would, among other duties, serve as the single state-level contact on issues of aging and long-term care, oversee statewide long-term care service delivery, promote coordinated long-term care service delivery and access to home and community-based services at the local and regional level, and serve as the organizational unit designated to oversee all long-term care programs in the state and to consolidate all long-term care programs administered throughout all departments of the agency.
<b>SB 571</b> <b>Status:</b>	<b>Liu (D)</b> 5/28/15: In Assembly Committee on Appropriations (held under submission).
<b>Brief summary:</b>	<b>Amended: 4/21/2015. Long-term care: CalCareNet.</b> Current law requires the California Health and Human Services Agency, by January 1, 2005, and with recommendations from the Long-Term Care Council, to set standards for CalCareNet, which is a statewide Internet-based application, with the goal of creating an Internet Web site that links counties and planning service areas, and provides information on the long-term care services available to the consumer.

This bill would provide that state funds shall not be appropriated for this purpose, and that the agency is not required to undertake these tasks unless it receives federal or private funds.

**SB 613**  
**Status:** **Allen (D)**  
7/9/15: In Assembly Committee on Aging and Long Term Care.

**Brief summary:** **Amended: 7/6/2015. Department of Health Care Services: dementia guidelines: workgroup.** Current law establishes the State Department of Health Care Services, which administers the state Medi-Cal program and the community mental health programs in the state. This bill would require the department to convene a workgroup to create guidelines for dementia care in the Medi-Cal program. The bill would require the department to report the recommendations of the workgroup to the Legislature on or before March 1, 2017. The bill would repeal these provisions as of January 1, 2018.

**SB 614**  
**Status:** **Leno (D)**  
7/6/15: From Committee with author's amendments. Re-referred to Assembly Committee on Health.

**Brief summary:** **Amended: 7/6/2015. Medi-Cal: mental health services: peer and family support specialist.** Would require the State Department of Health Care Services to establish, by July 1, 2016, a statewide peer and family support specialist certification program, as a part of the state's comprehensive mental health delivery system. The certification program's components would include, among others, defining responsibilities and practice guidelines, determining curriculum and core competencies, specifying training and continuing education requirements, and establishing a code of ethics and certification revocation processes.

**SB 638**  
**Status:** **Stone (R)**  
5/28/15: In Senate Committee on Appropriations (held under submission).

**Brief summary:** **Introduced: 4/21/2015. Developmental services: funding.** Would require the State Department of Developmental Services to submit a plan to the Legislature by August 1, 2016, to ensure the sustainability, quality, and transparency of community-based services for individuals with developmental disabilities. The bill would require the department to regularly consult with stakeholders in developing the plan and would require the plan to address specified topics, including, among others, recommendations for a comprehensive approach to funding regional center operations in a sustainable and transparent manner that provides incentives for regional centers to deliver high-quality services to consumers.

**SB 639**  
**Status:** **Stone (R)**  
4/28/15: In Senate Committee on Human Services.

**Brief summary:** **Introduced: 2/27/2015. Developmental centers: closure.** Would require the State Department of Developmental Services to submit a plan to the Legislature by April 1, 2016, to close the Sonoma Developmental Center and the Fairview Developmental Center. The bill would require the plan to meet existing

requirements for closing a developmental center and to additionally include, specified components, including a closure plan that will result in each of the 2 developmental centers closing no later than December 31, 2018, except as specified.

**SB 675**    **Liu (D)**  
**Status:**    7/14/15: In Assembly Health Committee.

**Brief summary:**    **Amended:** 6/23/2015. **Health facilities: family caregivers.** Would, subject to the federal Health Insurance Portability and Accountability Act of 1996, require a hospital and any health facility that provides inpatient medical rehabilitation services to take specified actions relating to family caregivers, including, among others, notifying the family caregiver when the person to whom care is provided will be discharged to another facility or to home and providing an explanation and live instruction of care that the family caregiver will be providing. By expanding the scope of a crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

## ASSEMBLY CONCURRENT RESOLUTIONS

**ACR 38**    **Brown (D)**  
**Status:**    6/29/15: In Assembly Committee on Appropriations (Suspense file).

**Brief summary:**    **Introduced:** 2/27/2015. **California Task Force on Family Caregiving.** This measure would establish the California Task Force on Family Caregiving, to collaborate with a broad range of stakeholders to examine resources available to caregivers and make legislative recommendations regarding the development of an Internet Web site containing resources for caregivers, the enhancement of outreach and education efforts, and the development of a caregiver screening and assessment tool. The task force would be required to submit an interim report to the Legislature no later than January 1, 2017, and a final report no later than July 1, 2018.

## ASSEMBLY JOINT RESOLUTIONS

**AJR 8**    **Brown (D)**  
**Status:**    6/2/15: Chaptered by the Secretary of State. Chapter 53, Statutes of 2015.

**Brief summary:**    **Introduced:** 6/2/2015. **Older Americans Act of 1965.** This measure would recognize the 50th anniversary of the Older Americans Act of 1965, affirm the Legislature's continuing support for the goals of the act, and memorialize the United States House of Representatives and United States Senate to reauthorize the act.