

OLMSTEAD ADVISORY COMMITTEE

LEGISLATION WATCH LIST

Wednesday, June 20, 2018

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

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 flag bills for the Secretary of CHHS, as well as guide discussion at Committee meetings.

- AB 550** **(Reyes D) State Long-Term Care Ombudsman Program: funding.**
Status: 3/15/2018-Referred to Com. on HUMAN S.
Summary: Current law requires the California Department of Aging to allocate federal and state funds for local ombudsman programs according to a specified distribution, but prohibits the department from allocating less than \$35,000 per fiscal year, except in areas with fewer than 10 facilities and fewer than 500 beds. This bill would increase the base allocation for local ombudsman programs to \$100,000 per fiscal year in any year in which funds are made available for allocation, as specified.
- AB 1437** **(Patterson R) California Residential Care Facilities for the Elderly Act: licensing.**
Status: 9/11/2017-Ordered to inactive file at the request of Senator Wiener.
Summary: Would prohibit an individual who is employed at a residential care facility for the elderly operated by a licensee and who possesses a current criminal record clearance from being required to transfer his or her current criminal record clearance to another facility operated by the same licensee. This bill contains other related provisions and other existing laws.
- AB 2872** **(Carrillo D) In-home supportive services: peer-to-peer training.**
Status: 5/31/2018-In Senate. Read first time. To Com. on RLS. for assignment.
Summary: Would require the State Department of Social Services to adopt a peer-to-peer training course for providers of in-home supportive services and would require the subject areas of the training to include how to enroll as a new provider in the In-Home Supportive Services program and how to navigate the program, as specified. The bill would require the department to ensure that, as of December 31, 2019, every authorized provider in a county has received at least 2 hours of peer-to-peer training and that, beginning on January 1, 2020, all new providers, or returning providers who have not yet received the training, receive at least 2 hours of peer-to-peer training within their first year of employment.

- AB 3082** **(Gonzalez Fletcher D) In-home supportive services.**
Status: 5/31/2018-In Senate. Read first time. To Com. on RLS. for assignment.
Summary: Would require the State Department of Social Services, in consultation with interested stakeholders, to develop a policy to address the issue of sexual harassment of IHSS providers. The bill would require the policy to include uniform data collection that includes a mechanism to track reports of sexual harassment in the program and standardized sexual harassment education for providers and recipients. The bill would require the department, on or before September 30, 2019, and in consultation with the interested stakeholders, to submit a report to the Legislature summarizing the policy.
- AB 3088** **(Chu D) Continuing care contracts: retirement communities.**
Status: 5/24/2018-Referred to Com. on HUMAN S.
Summary: Current law regulates life care contracts, also known as continuing care contracts, and imposes certain reporting and reserve requirements on continuing care communities. Current law requires each provider that has entered into a specified type of contract with an up-front entrance fee submit to the Department of Social Services, at least once every 5 years, an actuary's opinion as to the provider's actuarial financial condition. This bill would require all providers subject to a continuing care contract to file an actuary's opinion, as specified. The bill would require a provider to post a copy of the actuary's opinion at a central and conspicuous location in the facility and in a conspicuous location on the provider's Internet Web site within 10 days of submitting the opinion to the department.
- AB 3098** **(Friedman D) Residential care facilities for the elderly: emergency plans.**
Status: 6/7/2018-Referred to Com. on HUMAN S.
Summary: Current law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Current law requires a facility to have an emergency plan that includes specified provisions and is available, upon request, to residents onsite and available to local emergency responders. Current law exempts a facility that has obtained a certificate of authority to offer continuing care contracts from this requirement. A violation of these provisions is punishable as a misdemeanor. This bill would repeal the above-described provision exempting a facility that has obtained a certificate of authority to offer continuing care contracts from the requirement of having an emergency plan.
- AB 3200** **(Kalra D) Public social services: SSI/SSP.**
Status: 5/31/2018-In Senate. Read first time. To Com. on RLS. for assignment.
Summary: Under current law, benefit payments under SSP are calculated by establishing the maximum level of nonexempt income and federal SSI and state SSP benefits for each category of eligible recipient, with an annual cost-of-living adjustment, effective January 1 of each year. Current law prohibits, for each calendar year, commencing with the 2011 calendar year, any cost-of-living adjustment from being made to the maximum benefit payment unless otherwise specified by statute, except for the pass along of any cost-of-living increase in the federal SSI benefits. Current law continuously appropriates funds for the implementation of SSP. This bill would reinstate the cost of living adjustment beginning January 1 of the 2019 calendar year, subject to the appropriation of funds for this purpose in the annual Budget Act.

- SB 115** (Committee on Budget and Fiscal Review) **Health and human services.**
Status: 1/4/2018-From inactive file. Re-referred to Com. on BUDGET.
Summary: Under current law, a county board of supervisors may elect to contract with a nonprofit consortium to provide for the delivery of in-home supportive services, or establish, by ordinance, a public authority to provide for the delivery of in-home supportive services. Current law requires, until January 1, 2020, a specified mediation process to be held if a public authority or nonprofit consortium fails to reach agreement on a bargaining contract with its in-home supportive services workers by January 1, 2018. This bill would clarify that the specified mediation process is required if a public authority or nonprofit consortium and the employee organization have not reached an agreement on a bargaining contract with in-home supportive services workers by January 1, 2018.
- SB 399** (Portantino D) **Health care coverage: pervasive developmental disorder or autism.**
Status: 4/16/2018-Referred to Com. on HEALTH.
Summary: Current law defines a “qualified autism service paraprofessional” to mean an unlicensed and uncertified individual who, among other things, meets the criteria set forth in regulations adopted pursuant to the provisions that require the State Department of Social Services to adopt emergency regulations regarding the use of paraprofessionals in group practice provider behavioral intervention services for developmentally disabled persons living in the community. This bill, among other things, would expand the definition of “qualified autism service professional” to include behavioral service providers who meet specified educational, professional, and work experience qualifications.
- SB 1026** (Jackson D) **Older adults and persons with disabilities: fall prevention.**
Status: 6/7/2018-Referred to Com. on AGING & L.T.C.
Summary: Current law establishes the Senior Housing Information and Support Center within the California Department of Aging for the purpose of providing information and training relating to available innovative resources and senior services, and housing options and home modification alternatives designed to support independent living or living with family. This bill would repeal those provisions relating to the department’s provision of information on housing and home modifications for seniors.
- SB 1040** (Dodd D) **In-home supportive services: natural disaster.**
Status: 6/4/2018-From committee with author's amendments. Read second time and amended. Rereferred to Com. on HUM. S.
Summary: The California Emergency Services Act authorizes the Governor to declare a state of emergency under specified conditions and requires a county, including a city and county, to update its emergency plan to address, among other things, how the access and functional needs population, as defined, is served by emergency communications, evacuation, and sheltering. This bill would require a county to use a void and reissue warrant process for any provider who lost or had damaged an uncashed warrant because of a natural disaster resulting in a state of emergency. The bill would require a county, including a city and county, at the next update to its emergency plan.
- SB 1191** (Hueso D) **Crimes: elder and dependent adult abuse: investigations.**
Status: 5/24/2018-From committee with author's amendments. Read second time and amended. Rereferred to Com. on AGING & L.T.C.

Summary: Would require local law enforcement agencies, as defined, and adult protective services agencies and long-term care ombudsman programs to revise or include in their policy manuals, as defined, specified information regarding elder and dependent adult abuse. This bill contains other related provisions and other existing laws.

SB 1274

(McGuire D) Developmental services: data exchange.

Status: 6/6/2018-From committee with author's amendments. Read second time and amended. Rereferred to Com. on HUM. S.

Summary: Current law generally prohibits county welfare departments and the State Department of Social Services from disclosing records and information concerning the administration of public social services for which grants-in-aid are received from the United States government, such as CalWORKs and CalFresh, and requires that those records and information be kept confidential, except as prescribed. Current law establishes the Employment First Policy, which is the policy that opportunities for integrated, competitive employment be given the highest priority for working-age individuals with developmental disabilities, regardless of the severity of their disabilities. This bill would, notwithstanding the general prohibition above, require the State Department of Social Services to provide the eligibility and enrollment data for the CalWORKs, CalFresh, and Supplemental Security Income/State Supplementary Payment programs to the State Department of Developmental Services for the purposes of monitoring and evaluating employment outcomes to determine the effectiveness of the Employment First Policy, as specified, to the extent permitted under federal law and regulations.

SB 1457

(Hernandez D) Medicare supplement insurance.

Status: 6/4/2018-Referred to Com. on HEALTH.

Summary: Would require the director to require an issuer of a Medicare supplement contract to annually complete and submit the National Association of Insurance Commissioners Medicare supplement experience exhibit. The bill would request that NAIC permit the department to participate in NAIC proceedings as a complementary nonmember, and would require the department to participate in NAIC proceedings relating to Medicare supplement insurance if NAIC accepts the department as a complementary nonmember.