

OLMSTEAD ADVISORY COMMITTEE

LEGISLATION WATCH LIST

Tuesday, February 27, 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](#)) State Long-Term Care Ombudsman Program: funding.

Summary: Existing law, as part of the Mello-Granlund Older Californians Act, establishes the Office of the State Long-Term Care Ombudsman, under the direction of the State Long-Term Care Ombudsman, in the California Department of Aging. Existing law provides for the Long-Term Care Ombudsman Program under which funds are allocated to local ombudsman programs to assist elderly persons in long-term health care facilities and residential care facilities by, among other things, investigating and seeking to resolve complaints against these facilities. Existing law requires the department 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 614](#)

([Limón](#)) Area agency on aging: Alzheimer's disease and dementia: training and services.

Summary: Existing law establishes the California Department of Aging in the California Health and Human Services Agency. Existing law requires the department to designate various private nonprofit or public agencies as area agencies on aging to work for the interests of older Californians within a planning and service area and provide a broad array of social and nutritional services. Existing law requires the department to provide leadership to those agencies in developing systems of home- and community-based services that maintain individuals in their own homes or least restrictive homelike environments and requires those agencies to function as the community link at the local level for the development of those services. Existing law requires each area agency on aging to maintain a professional staff that is supplemented by volunteers, governed by a board of directors or elected officials, and whose activities are reviewed by an advisory council consisting primarily of older individuals from the community. This bill would require, until July 1, 2023, each area agency on aging to develop an evidence-based or evidence-informed core training program for staff relating to Alzheimer's disease and dementia, and any additional training based on local needs. The bill would also require each agency to maintain an Alzheimer's and dementia specialist to provide information, assistance, referrals, and options counseling to families. If an agency lacks the capacity to maintain a specialist, the bill would authorize the agency to contract with a qualified local entity to provide these services, as specified. The bill would specify that it would be implemented only to the extent that funds are appropriated by the Legislature for its purposes, including funding to augment the administrative operations of the department that are necessary to implement these provisions. This bill contains other existing laws.

[AB 1215](#)

(Ridley-Thomas) Mental Health Services Act: innovative programs: research.

Summary: Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs. Existing law establishes the Mental Health Services Oversight and Accountability Commission to oversee various parts of the act, as specified. Existing law authorizes the act to be amended by a 2/3 vote of the Legislature if the amendments are consistent with, and further the intent of, the act. Existing law authorizes the Legislature to add provisions to clarify procedures and terms of the act by majority vote. This bill would, if research is chosen for an innovative project, require a county to consider, but not require a county to implement, research of the brain and its physical and biochemical processes that may have broad applications, but have specific potential for understanding, treating, and managing mental illness, including, but not limited to, research through the Cal-BRAIN program or other collaborative, public-private initiatives designed to map the dynamics of neuron activity. This bill contains other existing laws.

[AB 1250](#)

(Jones-Sawyer) Counties: contracts for personal services.

Summary: Existing law authorizes the board of supervisors of a county to contract for special services on behalf of various public entities with persons who are specially trained, experienced, expert, and competent to perform the special services, as prescribed. These services include financial, economic, accounting, engineering, legal, and other specified services. This bill would establish specific standards for the use of personal services contracts by counties. The bill would allow a county or county agency to contract for personal services currently or customarily performed by employees, as applicable, when specified conditions are met. Among other things, the bill would require the county to clearly demonstrate that the proposed contract will result in actual overall costs savings to the county and also to show that the contract does not cause the displacement of county workers. The bill would exempt certain types of contracts from its provisions, and would exempt a city and county from its provisions. By placing new duties on local government agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

[AB 1368](#)

(Calderon) Health professionals: authorization forms.

Summary: Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. Existing law provides for a schedule of benefits and services under the Medi-Cal program, subject to utilization controls. Existing law provides that specified utilization controls may be applied to any specific service or group of services that are subject to utilization controls, including prior authorization requirements. Existing law also requires the department to administer other health programs, including the Genetically Handicapped Persons Program and the Child Health and Disability Prevention Program. This bill would require the department to allow a physician assistant or a nurse practitioner to sign any authorization form required by the department for benefits and services under the Medi-Cal program, the Genetically Handicapped Persons Program, or the Child Health and Disability Prevention Program, subject to specified criteria, including, among others, that the physician and the designated physician assistant or nurse practitioner are each enrolled as a Medi-Cal provider.

[AB 1437](#)

([Patterson](#)) California Residential Care Facilities for the Elderly Act: licensing.

Summary: (1)The California Residential Care Facilities for the Elderly Act, among other things, requires the State Department of Social Services to investigate the criminal record of certain individuals who provide services to residents. The act requires an individual to obtain a criminal record clearance or exemption from the department before his or her initial presence at a facility. The act authorizes an individual to transfer a current criminal record clearance from one facility to another, under specified circumstances, for purposes of complying with these requirements.This bill 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 1909](#)

([Nazarian](#)) In-home supportive services: written content translation.

Summary: Existing law requires a state agency that serves a substantial number of non-English-speaking people and provides English language materials explaining services to provide the same type of materials in other languages, as specified. Existing law requires the State Department of Social Services to translate a specified notice of action into all languages spoken by a substantial number of the public receiving in-home supportive services, as specified.This bill would clarify that the department is required to provide translations of written content, as defined, in languages spoken by a substantial number of providers of in-home supportive services. The bill would permit the department to work with counties and the County Welfare Directors Association to repurpose existing, county-produced translations of written content.

[AB 1942](#)

([Santiago](#)) California Earned Income Tax Credit: Earned Income Tax Credit Information Act.

Summary: The Personal Income Tax Law allows various credits against the taxes imposed by that law, including certain credits that are allowed in modified conformity to credits allowed by federal income tax laws. Federal income tax laws allow a refundable earned income tax credit (EITC) for certain low-income individuals who have earned income, as specified and who meet certain other requirements.This bill would require the Franchise Tax Board to revise the Form 540 to include all of the information necessary for a taxpayer to claim the California EITC.This bill contains other related provisions and other existing laws.

[AB 1949](#)

([Santiago](#)) Residential care facilities for the elderly: building standards.

Summary: Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires the department to adopt regulations for residential care facilities for the elderly that care for people with a major neurocognitive disorder to authorize a facility to utilize secured perimeter fences or locked exit doors according to the regulations.This bill would make technical, nonsubstantive changes to that provision.

[AB 1955](#)

([Limón](#)) Alzheimer's disease and dementia: public awareness campaign.

Summary: Existing law requires the California Department of Aging to designate various private nonprofit or public agencies as area agencies on aging to work for the interests of older Californians within a planning and service area and provide a broad array of social and nutritional services. Existing law also requires the department to adopt policies and guidelines to carry out the purposes of the Alzheimer's Day Care-Resource Center program, which provides access to specialized day care resource centers for individuals with Alzheimer's disease and other dementia-related disorders and support to their families and caregivers.This bill would require the department to develop and implement a public awareness campaign, as specified, to reduce stigma and raise public awareness of the warning signs of Alzheimer's disease and dementia in order to promote early detection and accurate diagnosis. The bill would also make related legislative findings and declarations.This bill contains other existing laws.

- [AB 1971](#) ([Santiago](#)) Mental health services: planning, research, and evaluation.
Summary: Existing law requires the State Department of Health Care Services to perform various functions with regard to the statewide delivery of mental health services, including, but not limited to, implementation of related planning, research, evaluation, technical assistance, and quality assurance responsibilities. This bill would make a nonsubstantive change in those provisions.
- [AB 1990](#) ([Mathis](#)) Developmental services.
Summary: Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to individuals with developmental disabilities, and also requires the department to contract with regional centers to provide services and supports to individuals with developmental disabilities and their families. This bill would make technical, nonsubstantive changes to those provisions. This bill contains other existing laws.
- [AB 2025](#) ([Maienschein](#)) Facilities for the elderly.
Summary: Existing state and federal law provides for various programs to provide services to elderly persons, as specified. This bill would express the intent of the Legislature to enact legislation to invest in public-private partnerships to promote the creation or expansion of person-centered, community-based day programs that serve the needs of a broad range of senior citizens.
- [ACA 12](#) ([Gloria](#)) Property taxation: base year value transfers: persons with a severely disabled child.
Summary: The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, “full cash value” is defined as the assessor’s valuation of real property as shown on the 1975–76 tax bill under “full cash value” or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. The California Constitution authorizes the Legislature to provide that persons over 55 years of age and persons who are severely disabled may transfer the base year value, as defined, of real property that is eligible for a homeowners’ property tax exemption to a replacement dwelling, if certain conditions are met. This measure would additionally authorize the Legislature to provide for a similar transfer of base year value of real property to a replacement dwelling for persons who are the parents or legal guardians of a severely disabled child and reside with that child.
- [SB 115](#) (Committee on Budget and Fiscal Review) Health and human services.
Summary: (1) Existing law establishes the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Under existing 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. Existing 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. This bill contains other related provisions and other existing laws.

SB 707

([Cannella](#)) Medi-Cal: Denti-Cal Advisory Group.

Summary: Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which basic health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law provides coverage for certain dental services, as specified, to Medi-Cal beneficiaries 17 years of age and under through the Denti-Cal program. Existing law requires the department to report to the Legislature, by October 1, 2017, on progress towards the goal of raising the Denti-Cal utilization rate among eligible child beneficiaries to 60% or greater and identify a date by which the department projects this utilization goal will be met. This bill, until January 1, 2023, would establish the Denti-Cal Advisory Group in the department, as specified, for the purpose of studying the structure, policies, and priorities of Denti-Cal with the goal of raising the Denti-Cal utilization rate among eligible child beneficiaries to 60% or greater and improving the oral health of the Medi-Cal eligible population, providing assistance and advice to the department, the Legislature, and the Governor to ensure that the Denti-Cal program is based on the best available evidence, and studying and evaluating how Denti-Cal program policies align with and support the implementation of the state oral health plan. The bill would prohibit the advisory group from taking a position on legislation. The bill would require the advisory group to report any of its findings to the Legislature, at least annually, and would require the department to post those findings on its Internet Web site. The bill would make related legislative findings and declarations.

SB 1011

([Roth](#)) Proceeding to establish limited conservatorship: person with developmental disabilities.

Summary: Existing law requires a petition for a conservatorship to provide identification and contact information about the proposed conservator and the proposed conservatee, and state the reasons why a conservatorship is necessary. Existing law further requires a petition to be supported by separately filed supplemental information, including, among others, an explanation of health or social services provided to the proposed conservatee during the year preceding the filing of the petition. Existing law protects this required supplemental information from being disclosed, except under specified conditions. This bill would require a petition to establish a limited conservatorship for a person with developmental disabilities to be supported by separately filed additional information that specifies whether a proposed conservatee has received certain kinds of social and educational services. The bill would provide this additional information with similar protections from disclosure as the supplemental information provided in support of a petition.

SB 1026

([Jackson](#)) Seniors: fall prevention.

Summary: Existing law, the Mello-Granlund Older Californians Act, finds and declares that one in 3 Americans over 65 years of age suffers a fall each year, often in the home, which can cause serious injury and depression. The act establishes the California Department of Aging, and sets forth its duties and powers, including, among other things, entering into a contract for the development of information and materials to educate Californians on the concept of “aging in place” and the benefits of home modification. This bill would declare the intent of the Legislature to enact legislation relating to fall prevention for seniors.

(Beall) Medi-Cal: mental health services: peer, parent, transition-age, and family support specialist certification.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income persons receive health care benefits. The Medi-Cal program is, in part, governed and funded by federal Medicaid provisions. Existing law provides for a schedule of benefits under the Medi-Cal program and provides for various services, including various behavioral and mental health services.

Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs. The act also requires funds to be reserved for the costs for the State Department of Health Care Services, the California Mental Health Planning Council, the Office of Statewide Health Planning and Development (OSHPD), the Mental Health Services Oversight and Accountability Commission, the State Department of Public Health, and any other state agency to implement all duties pursuant to certain programs provided for by the act, subject to appropriation in the annual Budget Act.

This bill would require the State Department of Health Care Services to establish, no later than July 1, 2019, a statewide peer, parent, transition-age, and family support specialist certification program, as a part of the state's comprehensive mental health and substance use disorder delivery system and the Medi-Cal program. The bill would include 4 certification categories: adult peer support specialists, transition-age youth peer support specialists, family peer support specialists, and parent peer support specialists. 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, establishing a code of ethics, and determining a certification revocation process. The bill would require an applicant for the certification as a peer, parent, transition-age, or family support specialist to meet specified requirements, including successful completion of the curriculum and training requirements.

This bill would require the department to collaborate with OSHPD and interested stakeholders in developing the certification program, and would authorize the department to contract to obtain technical assistance pursuant to a specified joint state-county decision making process. This bill would authorize the department to establish a certification fee schedule and to require remittance of fees as contained in the schedule, for the purpose of supporting the department's activities associated with the ongoing state administration of the certification program. The bill would require the department to utilize the other funding resources made available under the bill before determining the need for the certification fee schedule and requiring the remittance of fees. The bill would declare the intent of the Legislature that the certification fees charged by the department be reasonable and reflect the expenditures directly applicable to the ongoing state administration of the certification program.

This bill would require the department to amend the Medicaid state plan to include a certified peer, parent, transition-age, and family support specialist as a provider type for purposes of the Medi-Cal program and to include peer support specialist services as a distinct service type for purposes of the Medi-Cal program. The bill would require Medi-Cal reimbursement for peer support specialist services to be implemented only if and to the extent that federal financial participation is available and the department obtains all necessary federal approvals. The bill would authorize the department to enter into exclusive or nonexclusive contracts on a bid or negotiated basis, as specified, on a statewide or more limited geographic basis. This bill also would authorize the department to implement, interpret, or make specific its provisions by means of plan letters, plan or provider bulletins, or similar instructions, without taking regulatory action, until regulations are adopted. The bill would require the department to adopt regulations by July 1, 2021, and, commencing July 1, 2019, would require the department to provide semiannual status reports to the Legislature until regulations have been adopted.