

Senate Bill No. 945

Passed the Senate September 6, 2007

Secretary of the Senate

Passed the Assembly September 5, 2007

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 12300.2 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 945, Padilla. In-home supportive services: notices of action.

Existing law provides for 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.

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, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

Existing law requires the State Department of Social Services, in an in-home supportive services action concerning the amount of services to be provided, to send the recipient a notice of action, in addition to other related documentation. If the recipient is dissatisfied with the action in question, he or she, either in person or through an authorized representative, may request a hearing from the department.

This bill would permit an IHSS applicant or recipient, in writing and in accordance with the regulations of the department, to authorize any individual, including his or her family member or IHSS program provider, to receive a copy of the notice of action and to request a hearing, as specified. The bill would authorize the recipient to revoke an authorization, at any time and in writing, and also would provide for the automatic revocation of the authorization of an IHSS program provider who ceases to work for the recipient.

The people of the State of California do enact as follows:

SECTION 1. Section 12300.2 of the Welfare and Institutions Code is amended to read:

12300.2. (a) In any in-home supportive services action concerning the amount of in-home supportive services to be provided, the department shall send a notice of the action to each recipient. The recipient shall also receive a description of each specific task authorized and the number of hours allotted. In the case of reassessment, the recipient shall receive an identification of hours for tasks increased or reduced and the difference from previous hours authorized.

(b) An applicant or a recipient may authorize, in writing and in accordance with the regulations of the department, any individual, including his or her family member or in-home supportive services provider, to do either or both of the following:

(1) Receive an additional copy of a notice of action sent pursuant to subdivision (a) that has all of the recipient's personal financial information redacted.

(2) Request a state hearing under Section 10950.

(c) The recipient may revoke, at any time and in writing, an authorization given pursuant to subdivision (b).

(d) An authorization given to an in-home supportive services provider pursuant to subdivision (b) or (c) shall be revoked automatically if the provider ceases to work for the recipient.

(e) An in-home supportive services provider who performs services pursuant to this section shall do so as a volunteer.

(f) This section does not prohibit an in-home supportive services provider from being compensated for performing tasks during a state hearing if the tasks are performed within the otherwise authorized hours for the consumer of the in-home supportive services.

Approved _____, 2007

Governor