

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 26, 1987

ALL-COUNTY INFORMATION NOTICE NO. 1-14-87

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: RECENTLY ENACTED IN-HOME SUPPORTIVE SERVICES (IHSS)  
LEGISLATION SIGNED BY THE GOVERNOR

REFERENCE: AB 2461 (CONDIT), AB 4182 (BADER), SB 1564 (MELLO)

The following bills affecting the IHSS Program have been passed by the State Legislature and signed into law by Governor Deukmejian. Regulations to implement Assembly Bills (AB) 2461 and 4182 are being drafted by the Department in consultation with the Adult Services Committee of the County Welfare Directors' Association.

AB 2461 (Condit)

AB 2461 (Chapter 795, Statutes of 1986) is a non-urgency measure with an effective date of January 1, 1987. This bill adds Section 12306.5 to the Welfare and Institutions Code (W&IC). Under the bill any public or private agency (including a contractor who provides IHSS) which maintains a list or registry of prospective IHSS providers must require proof of identification from prospective providers before placing them on an employment list or before referring the prospective provider to a recipient. Proof of identification includes, but is not limited to, a positive photograph identification from a government source.

AB 4182 (Bader)

AB 4182 (Chapter 777, Statutes of 1986) adds Sections 11100.1 and 11100.5 to the W&IC. These sections deal with IHSS recipients who are absent from the State. Prior law provided that a recipient could maintain his/her California residency if good cause prevented him/her from returning to the State and if he/she had not established his/her residence elsewhere. AB 4182 defines good cause. In addition, the legislation provides that IHSS shall be suspended for any recipient who leaves the State and remains absent from the State for a period which exceeds six months. AB 4182 was a non-urgency bill, with an effective date of January 1, 1987.

SB 1564 (Mello)

In addition to the above two bills, SB 1564 (Mello) (Chapter 844, Statutes of 1986) revises the statute relating to licensing of residential care facilities for the elderly and will be administered by the Community Care Licensing Division (CCLD) within the Department. Of importance to IHSS, SB 1564 revised several definitions of which counties should be aware. The bill provides that:

1. Residential facilities for the elderly (RFE) shall be licensed which provide "care and supervision." "Care and supervision" is to mean the facility "assumes responsibility for, or provides or promises to provide in the future, ongoing assistance with activities of daily living without which resident physical health, mental health, safety or welfare would be endangered." Within the above context, "assistance" is to include "assistance with taking medications, money management, or personal care."
2. "Activities of daily living" which require licensing include "personal activities of daily living" such as "dressing, feeding, toileting, bathing, grooming, and mobility and associated tasks."
3. The provision of "personal care" does, as stated above, require licensing. "Personal care" means "assistance with personal activities of daily living, to help provide for and maintain physical and psychosocial comfort."
4. The provision of "protective supervision" by a facility will require licensing. "Protective supervision" means "observing and assisting confused residents, including persons with dementia, to safeguard them against injury."
5. Among facilities excluded from the requirement for licensure is "any house, institution, hotel, congregate housing project for the elderly, or other similar place that is limited to providing one or more of the following: housing, meals, transportation, housekeeping, or recreational and social activities; or that have residents independently accessing supportive services; provided, however, that no resident thereof requires any element of care and supervision or protective supervision...."

6. In the context of item 5 above, "supportive services" means "resources available to the resident in the community which help to maintain their functional ability and meet their needs as identified in the individual resident assessment. Supportive services may include any of the following: medical, dental, and other health care services; transportation; recreational and leisure activities; social services; and counseling services."

The Adult and Family Services Division will be working with the CCLD to determine the impact SB 1564 will have on the IHSS Program.

If you have any questions, please contact your Adult and Family Services Operations Consultant at (916) 445-0623.



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cc: CWDA