

Senate Committee on Human Services

**SUMMARY OF
2010 LEGISLATION**

Committee Members

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Aging and Long-Term Care

SB 1329 (Leno) - Residential care facilities for the elderly

Requires licensees of residential care facilities for the elderly to notify the Department of Social Services (DSS) and, in some instances, residents and applicants for potential residence, of specified events, in specified instances, and requires DSS to initiate compliance plans, noncompliance conferences, or other appropriate actions upon receipt of the notification. *Vetoed by Governor.*

AB 1433 (Eng) - Continuing care contracts: residential temporary relocation

Defines “residential temporary relocations” in the context of continuing care contracts of residents who live in continuing care retirement communities, and establishes related rights, requirements, and procedures. *Chapter 443, Statutes of 2010.*

AB 2114 (Beall) - Aging: Elder Economic Security Standard Index

Requires the California Department of Aging (CDA) and Area Agencies on Aging (AAAs) to utilize the Elder Economic Security Standard Index (Elder Index) in their service planning. *Held in Senate Appropriations Committee.*

AB 2629 (Lowenthal) - Residential facilities

Clarifies admission and retention requirements for temporarily bedridden individuals in adult residential care facilities and residential care facilities for the chronically ill. Since legislation in 2000, the State Department of Social Services and the State Fire Marshal, along with local fire departments, have grappled with safety around the question of who is “nonambulatory” and who is “bedridden” – who can assist in their own evacuation in case of an emergency and who is unable to assist. AB 2629 provides uniformity across licensed, non-medical, adult community care facilities regarding fire safety protections for nonambulatory residents who wish to remain in that licensed facility when they have a condition that renders them temporarily bedridden. *Chapter 211, Statutes of 2010.*

CalWORKS, Food Stamps, and Homelessness Assistance

SB 1322 (Liu) - Food Stamp Employment and Training program

Requires counties, as specified, to allow self-initiated workfare as a way for certain food stamp participants to meet federal work participation requirements. This bill also makes changes to the administration of the Food Stamp Employment and Training (FSET) program, including rules governing mandatory and voluntary placements into the program, as well as exemptions. *Vetoed by Governor.*

SB 1359 (Price) - Public social services

Requires the California Research Bureau and the Legislative Analyst's Office to research and report on the federal Supplemental Nutrition Assistance Program, other federal human services programs, and the activities of the Department of Social Services related to such programs, as specified. *Held in Senate Rules Committee.*

AB 537 (Arambula) - Farmers' markets: electronic benefit transfers

Requires farmers' markets, flea markets, and certified farmer's markets to provide reasonable accommodations for FNS (food and nutrition service)-authorized produce sellers who wish to operate an EBT (electronic benefit transfer) acceptance system on behalf of its members, and requires a market operator to allow and accommodate this FNS-authorized group or association in a reasonable manner that aids in the creation, implementation, and operation of their EBT acceptance system. *Chapter 435, Statutes of 2010.*

AB 963 (Ammiano) - Public social services: renewal and recertification of eligibility

Requires the Department of Health Care Services, in consultation with counties, the Department of Social Services, and other stakeholders, to conduct a stakeholder planning workgroup to develop a single renewal and recertification form for the Medi-Cal, Food Stamp, and CalWORKs programs. *Held in Senate Appropriations Committee.*

AB 1756 (Swanson) - Food stamps: eligibility: drug felonies

AB 1756 proposed to change state law so that a conviction for a drug felony would not make an individual ineligible to receive food stamp benefits, if otherwise eligible. The lifetime ban on food stamps for persons with felony drug convictions was included in the 1996 federal welfare reform bill (Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act). It is the only such crime that carries this additional penalty. The federal law also gives states the authority to opt out of the ban in whole or in part. In 2004, California allowed drug users to apply for food stamps on the condition that they offer proof of completing, participating or enrolling in, or being placed on the waiting list of a government-recognized drug treatment program. *Held in Senate Appropriations Committee.*

AB 1914 (Davis) - Public social services: food stamp benefits

AB 1914 was intended to clarify the process for determining food stamp eligibility and benefits if the food stamp applicant is also awaiting unemployment insurance benefits. According to the author, reports from his constituents indicate that county welfare

departments are not applying food stamp program rules correctly, resulting in a denial of these benefits to families that are anticipating receipt of unemployment insurance benefits. He carried this bill because he believes that these constituents are denied food stamp benefits while waiting for unemployment insurance benefits because county welfare departments incorrectly considered the anticipated unemployment benefits as income in-hand. ***Vetoed by Governor.***

AB 2018 (Skinner) - Food stamps: intercounty transfer of benefits

AB 2018 would have established an inter-county transfer process for food stamp recipients who move from one county to another similar to the process used now when a CalWORKs participant or a Medi-Cal recipient moves from one county to another. This bill would have required county welfare offices to facilitate an inter-county transfer of a recipient's food stamp benefits when the recipient moves from one county to another, making the current re-application process unnecessary. Currently, if a family participating in CalWORKs or receiving Medi-Cal benefits moves from one county to another, their case follows them to the new county without a requirement to re-apply for benefits. These processes ensure that families are not left without resources during times of transition. Meanwhile, state law requires a household to reapply for food stamp benefits when moving from one county to another, which can result in a gap in benefits while awaiting approval in the new county. According to the author, this re-application process results in vulnerable families losing benefits, and also results in lost economic activity. ***Vetoed by Governor.***

AB 2039 (Logue) - Placer County integrated health and human services program

Deletes the July 2011 sunset date for the Placer County integrated health and human services program. ***Vetoed by Governor.***

Child Care

AB 222 (Adams) - Child care

AB 222 is designed to fix two problems facing ancillary day care centers since the passage of new legislation requiring a criminal records clearance for each employee by January 1, 2011 (SB 702, DeSaulnier; Chapter 199, Statutes of 2009): the first is that the 2009 legislation de facto barred persons under 18 years of age from working in an ancillary child care center (because persons under 18 cannot apply for a criminal records clearance, who SB 702 required of all ancillary child care center employees), the second is that on January 1, 2011, DSS may have a backlog of applications for a criminal records clearance from current center employees who, without a change in law, would not be allowed to remain employed. AB 222 allows persons younger than 18 to work in an ancillary center and it gives a grace period to persons whose application for a criminal records clearance is being processed as of January 1, 2011. *Chapter 431, Statutes of 2010.*

Community Care Facilities, Licensing, Residential Care, Facilities for the Elderly

SB 1329 (Leno) - Residential care facilities for the elderly

Requires licensees of residential care facilities for the elderly to notify the Department of Social Services (DSS) and, in some instances, residents and applicants for potential residence, of specified events, in specified instances, and requires DSS to initiate compliance plans, noncompliance conferences, or other appropriate actions upon receipt of the notification. *Vetoed by Governor.*

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Clarifies admission and retention requirements for temporarily bedridden individuals in adult residential care facilities and residential care facilities for the chronically ill. Since legislation in 2000, the State Department of Social Services and the State Fire Marshal, along with local fire departments, have grappled with safety around the question of who is “nonambulatory” and who is “bedridden” – who can assist in their own evacuation in case of an emergency and who is unable to assist. AB 2629 provides uniformity across licensed, non-medical, adult community care facilities regarding fire safety protections for nonambulatory residents who wish to remain in that licensed facility when they have a condition that renders them temporarily bedridden. *Chapter 211, Statutes of 2010.*

Developmental Services, Rehabilitative Services

SB 1129 (Wiggins) - Health services: Sonoma Developmental Center

SB 1129 proposed to direct the Department of Developmental Services to provide intensive behavioral treatment services to individuals residing in the community surrounding the Sonoma Development Center. Developmental centers are state institutions where persons with developmental disabilities may live. Over time, with changes in social mores and community services, fewer persons have moved into developmental centers. People who work at these institutions as well as family members of residents have seen the closure of several developmental centers during the past 20 years. This bill offered a way for one developmental center to provide health care services to the community at large in addition to its residents. *Held in Senate Appropriations Committee.*

SB 1196 (Negrete McLeod) - Lanterman Developmental Center

Requires the Department of Developmental Services to comply with certain Internet Web site posting provisions for documents related to the proposed closure of the Lanterman Developmental Center. *Amended into a different bill.*

AB 435 (Assembly Committee on Accountability & Administrative Review) - Regional centers: whistleblower protection

Requires each state contract with a regional center to include steps the regional center will take to ensure that a regional center's staff, board members, consumers and their representatives, and providers are notified of their right to make confidential reports of improper regional center activity to the Department of Developmental Services. Provides for penalties, civil liability, and imprisonment for specified acts against a regional center employee for having made a protected disclosure, as specified. Makes other changes related to these activities. *Held in Senate Rules Committee.*

AB 2204 (Beall) - Developmental services: stakeholder groups

Requires the Department of Developmental Services to take into account the state's ethnic, sexual orientation, gender identity, geographic, and socioeconomic diversity when convening stakeholder groups and in publishing reports to the Legislature. Survey data find several measurable ethnic differences in categories such as receipt of services, the need for additional resources, and satisfaction with supports. Results showed, for example, that consumers from all identified minority groups had higher reported levels of need for additional resources than did white consumers. This bill would have added language to the Lanterman Act stipulating that diversity must be considered when the department convenes stakeholder groups. *Held in Senate Appropriations Committee.*

AB 2702 (Chesbro) - Developmental services: planning teams

Requires regional centers, in developing, reviewing, or modifying a consumer's individual program plan (IPP) or individualized family service plan (IFSP) to follow all procedures established in the Lanterman Developmental Disabilities Services Act or the California Early Intervention Services Act. *Held in Senate Appropriations Committee.*

Foster Care, Child Welfare, Adoptions

SB 945 (Liu) - Juvenile court jurisdiction: services and benefits

Requires probation and parole offices to provide notification to a juvenile ward, at the time the court terminates jurisdiction, that he or she is eligible to benefits and services available to other former foster children. Juvenile offenders who are wards of the court are often eligible for the same transition services that are available to other foster youth and former foster youth. The author is concerned that these individuals, who are vulnerable to unemployment, homelessness, limited educational attainment, and renewed encounters with law enforcement may miss out on services that would help them navigate their late teens and early years of adulthood. This bill should ensure that these individuals have a better idea of what services are available to them. *Chapter 631, Statutes of 2010.*

SB 1099 (Correa) - Foster care funds: subsidized child care for foster parents

This bill would have made changes in state law and practice to enable California to increase federal financial participation when providing child care and development services to children who also receive child welfare services. This bill proposed a way for child care agencies and county children's services departments to cooperate in order to draw down increased federal financial participation toward the cost of subsidized child care and development services for children who also are placed in foster care. *Held in Senate Appropriations Committee.*

SB 1214 (Wolk) - Crisis nurseries

The state's seven crisis nurseries provide short-term, 24-hour non-medical residential care and supervision for children under six years of age, who are either voluntarily placed for temporary care by a parent or guardian due to family crisis for no more than 30 days, or who are temporarily placed by a county child welfare agency for no more than 14 days. This separate community care licensing category was established for crisis nurseries and has several sunset dates. This bill extends the sunset date of the licensing category to January 1, 2014. The bill also rescinds permission for crisis nurseries to serve children placed by a county child welfare agency after December 31, 2010. *Chapter 519, Statutes of 2010.*

SB 1353 (Wright) - Education: foster youth

This bill provides that consideration of the proximity to the school in which a child is enrolled at the time of placement in foster care is one indicator of the best interests of the child with respect to educational stability. *Chapter 557, Statutes of 2010.*

AB 12 (Beall and Bass) - California Fostering Connections to Success Act

This bill, with a legitimate claim to being the most significant bill passed during the 2009-10 session, extends transitional foster care services to eligible youth between 18 and 21 years of age. It also requires California to seek federal financial participation in kinship guardianship assistance payments. Changes in federal law in 2008 allow states to receive federal financial participation in the costs associated with extending foster care benefits to eligible young adults up to their twenty-first birthday. With AB 12, California

elects to participate in this federal option. AB 12 does make specific eligibility requirements, so not every foster youth turning 18 will qualify, and the bill includes a phase in over three years, designed to mitigate the cost of the bill. **Chapter 559, Statutes of 2010.**

AB 743 (Portantino) - Foster care: sibling placement

Makes changes to the standards for sibling visitation, interaction, and placement for children who are placed out-of-home, in foster care, or adoption, to conform with language in the federal Fostering Connections Act, and requires placing agencies to notify a dependent child's attorney of placements and changes in placement, as specified. **Chapter 560, Statutes of 2010.**

AB 1758 (Ammiano) - County wraparound services program

Makes changes related to the county wraparound services program designed to keep children in their homes with family-based support services as an alternative to group home placement. Changes pertain to program evaluation, retention of Medi-Cal benefits for children who participate in the program, and other minor and technical clean-up that reflect the program's change of status from pilot to permanent in 2001. **Chapter 561, Statutes of 2010.**

AB 1766 (Logue) - Placer County Integrated Health and Human Services Pilot Program

Extends the sunset date on Placer County's integrated health and human services program from July 1, 2011, to July 1, 2016. **Chapter 364, Statutes of 2010.**

AB 1905 (Cook) - Foster care: funding: placement approvals

Ensures continued approval and payments for foster youth relative to caregiver homes, pending the annual reassessment visit, and specifies the timeframe under which counties can complete late annual visits for approved relative or nonrelative extended family member foster care providers. **Chapter 562, Statutes of 2010.**

AB 2129 (Bass) - Foster care: residentially based services

Extends to July 1, 2014, the deadline for the Department of Social Services (DSS) to develop a plan to transform the current statewide system of group homes into a system of residentially based services, and requires DSS to conduct a review of the county residentially based services program, as specified, and allows DSS to terminate the county's participation in the residentially based services reform project for specified reasons. This bill provides that voluntary agreements between counties and private nonprofit agencies to test alternative program design and funding models for transforming individual group home programs into residentially based services programs terminate on or before January 1, 2015. **Chapter 594, Statutes of 2010.**

AB 2229 (Brownley) - Mandated child abuse reporting

Establishes time-limited authority for counties to create two-person multidisciplinary personnel teams engaged in the investigation of suspected child abuse or neglect, as specified. **Chapter 464, Statutes of 2010.**

AB 2322 (Feuer) - Abuse of children, elder, or dependent persons: confidentiality

Broadens the scope of information available -- through a computerized database system -- to county personnel who work in child welfare services; and, authorizes case managers from the California Work Opportunities and Responsibility to Kids (CalWORKs) program to participate in multidisciplinary personnel teams formed to prevent, identify, manage, or treat child abuse or neglect. State law authorizes each county to create a database such that a social worker can consult when called to a child's home to investigate the possibility of abuse or neglect. This database indicates what, if any, county departments have a case file on a member of the child's household; the database also provides the name of a contact person within each of these counties whom the social worker can call for more information about the family. Currently, only one county operates such a database, Los Angeles County. This bill authorizes Los Angeles County to put certain conviction information -- related to crimes against children -- into the database. *Chapter 551, Statutes of 2010.*

AB 2342 (Evans) - Foster youth: outreach programs

Would have required the office of the state foster care ombudsperson to develop a resource guide for adolescent foster youth. *Vetoed by Governor.*

AB 2418 (Cook) - Indian children

Revises the definition of Indian child for purposes of an Indian child custody proceeding. The changes in federal law that allow participation in foster care for eligible young adults, to their twenty-first birthday, led to this bill. AB 2418 expands the definition of Indian child to provide protections to tribes, families, and children in certain custody proceedings when an Indian youth is no longer a minor but remains under the jurisdiction of the dependency court. *Chapter 468, Statutes of 2010.*

AB 2474 (Beall) - Community care facilities: foster family agencies

Extends for one year a provision that foster family agencies have one social work supervisory for every eight social workers - as opposed to one for every six, as prescribed by state regulation. State regulation requires foster family agencies that provide treatment to have a social work supervisor for every six social workers. In recognition of budget actions that either froze or cut the rates paid to foster family agencies, the Legislature passed a bill in 2009 that allowed foster family agencies that provide treatment to have one social work supervisor for every eight social workers. This provision would have expired on January 1, 2011; AB 2474 extends the provision for one year -- until January 1, 2012. *Chapter 43, Statutes of 2010.*

AB 2698 (Block) - Foster youth: identity theft

Sought to clarify requirements imposed on county welfare departments when they request credit reports on behalf of youth in foster care at 16 years of age. These credit reports assist counties to detect identity theft that a foster child may have been subjected to. The bill would have required the state to participate in rectifying any problems that the credit report discloses. *Vetoed by Governor.*

In-Home Supportive Services

SB 886 (Flores) - In-home supportive services providers: electronic timekeeping

Would have authorized counties to use electronic timekeeping to verify tasks and hours completed by persons providing in-home supportive services (IHSS). Currently, an IHSS worker and his or her client fill in and sign a timesheet recording hours worked. The provider of care submits that timesheet; the county processes it and pays the providers. Alameda County uses electronic timekeeping to record the beginning and end of services provided in other social programs, claiming the method is more accurate and less expensive to process than handwritten time sheets. This bill sought to give counties permission to use this option in IHSS record keeping. *Held in Assembly Appropriations Committee.*

SB 891 (Liu) - In-Home Supportive Services program: needs assessment

Requires the Department of Social Services (DSS) and the Department of Health Care Services (DHCS) to convene a stakeholder review process on specified aspects of the in-home supportive services (IHSS) program, and to create an implementation plan for its recommendations. This bill specifies that General Fund moneys shall not be used for the stakeholder review process or the creation of an implementation plan. *Held in Senate Appropriations Committee.*

AB 1763 (Lieu) - In-home supportive services

Revises and recasts provisions related to background checks and in-home supportive services. *Died on Senate Inactive file.*

AB 2274 (Beall) - In-Home Supportive Services program

Would have stipulated that a person receiving in-home supportive services (IHSS) from an organization authorized through a federal waiver has the right to select any qualified person to provide care. Under current law, IHSS recipients have the right to select their caregiver. This bill anticipated a new care arrangement – care provided through a federal Medicare waiver – and would have extended that same right to IHSS clients receiving services through the waiver. *Vetoed by Governor.*

AB 2374 (Nestande) - In-home supportive services: pilot project

On January 1, 2009, state law allowed pilot projects in five consenting counties to offer severely impaired IHSS recipients a choice of having services provided by a contracting nonprofit or proprietary agency or by an individual provider hired through a public authority. The pilots were to expand consumer choices by allowing recipients to choose whether to use a nonprofit or for-profit contractor, or the existing system administered by public authorities. The purpose of the legislation was to enable recipients, particularly those with severe impairments who may be less able to direct their services, to have an alternative in which the contractor takes responsibility for hiring, scheduling, and supplying back-up workers when needed. This bill would have changed the starting date and the number of counties participating in these pilot projects. *Held in Senate Appropriations Committee.*

Social Services

SB 1359 (Price) - Public social services

Requires the California Research Bureau and the Legislative Analyst's Office to research and report on the federal Supplemental Nutrition Assistance Program, other federal human services programs, and the activities of the Department of Social Services related to such programs, as specified. *Held in Senate Rules Committee.*

Budget Trailer and Related Bills (Human Services-related)

For description of provisions, please consult Senate Budget Committee documents.

SB 853 Committee on Budget and Fiscal Review - Health.
Chapter 717, Statutes of 2010.

AB 1612 Committee on Budget - Human Services.
Chapter 725, Statutes of 2010.

AB 1629 Committee on Budget - Loan programs for facilities for persons with developmental disabilities.
Chapter 730, Statutes of 2010.

AB 342 John A. Perez - Medi-Cal: demonstration project waivers.
Chapter 723, Statutes of 2010.

SB 208 Steinberg - Medi-Cal.
Chapter 714, Statutes of 2010.

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