

Date of Hearing: May 7, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 2387 (Grayson) – As Amended May 4, 2020

SUBJECT: In-home supportive services: needs assessment

SUMMARY: Authorizes counties to perform In-Home Supportive Services (IHSS) needs assessments by telephone if the recipient meets certain conditions, including, but not limited to, history of at least one in-person assessment since initial program intake. Specifically, **this bill:**

- 1) Authorizes a county to perform a needs assessment for recipient's continuing monthly need for IHSS by telephone if all of the following conditions are met:
 - a) The recipient has had at least one in-person assessment since the initial program intake for determination of eligibility and scope of services;
 - b) The recipient has not changed their residence since the previous assessment nor to the knowledge of the county, have any other relevant circumstances changed since the previous assessment;
 - c) The recipient is not seeking an increase in the number of authorized hours, or the recipient is already receiving the maximum number of authorized hours;
 - d) The recipient is unaware of any change in the recipient's circumstances that would result in consideration of a reduction of current authorized services or hours; and,
 - e) There is no pending investigation or case with adult protective services or child protective services with respect to the recipient.
- 2) Requires a county to address the same issues in an assessment conducted by telephone that would be addressed in an in-person assessment.
- 3) Requires the county to notify the recipient within 30 days of a proposed assessment by telephone and, further, requires the county to provide the recipient with the option to have an in-person assessment.
- 4) Makes technical changes.

EXISTING LAW:

- 1) Establishes the IHSS program to provide supportive services, including domestic, protective supervision, personal care, and paramedical services as specified, to individuals who are aged, blind, or living with disabilities, and who are unable to perform the services themselves or remain safely in their homes without receiving these services. (Welfare and Institutes Code [WIC] Section 12300 *et seq.*)
- 2) Requires an IHSS applicant to, as a condition of receiving IHSS, obtain certification from a licensed health care professional that contains certain information, including a description of any condition or functional limitation that has contributed to or resulted in the individual's

need for assistance; declares the applicant's or recipient's inability to independently perform some activities of daily living; and states that, without services to assist them with such activities, the applicant or recipient is at risk of placement in out-of-home care. Further, requires the county to consider the medical certification as one indicator of need for IHSS but prohibits the certification from being the sole determining factor. (WIC 12309.1)

- 3) Requires CDSS to adopt regulations establishing a uniform range of services available to all eligible IHSS recipients based on individual needs. (WIC 12301.1 (a))
- 4) Requires the IHSS program to assess each recipient's continuing monthly need for services at varying intervals as necessary, but at least once every 12 months, except as specified. (WIC 12301.1 (b))
- 5) Authorizes a county to reassess a recipient's need for services at a time interval of less than 12 months from a recipient's initial intake or last reassessment if the county social worker has information indicating that the recipient's need for services is expected to decrease in under 12 months. (WIC 12301.1 (c)(3)(A))
- 6) Requires that to ensure IHSS is delivered to all counties in a consistent manner, each needs assessment is conducted using a uniform tool, as specified. (WIC 12309 *et seq.*)

FISCAL EFFECT: This bill was keyed non-fiscal by the Legislative Counsel.

COMMENTS:

In-Home Supportive Services Program: The IHSS program in California is available to eligible low-income individuals who need assistance with daily living tasks. To qualify for the state established program, an individual must be at least 65 years old, living with a disability, or blind. IHSS providers are paid through the program to assist with personal care services (bathing, grooming, etc.), domestic and related services (food preparation, light housecleaning, etc.), protective supervision, and paramedical services. Recipients of IHSS are responsible for selecting, hiring, firing, directing, and supervising their provider – however, the state handles payroll. According to CDSS, at the end of February 2020, there were 533,139 IHSS providers throughout the state and 533,139 individuals enrolled in the program. Within the entire program, over 98% of recipients receive care as a Medicaid benefit. CDSS oversees IHSS, and the program is administered at the county level.

IHSS Needs Assessments: After applying for IHSS, an individual is assessed by a county social worker to determine eligibility and specific need. During this visit, the county social worker takes into consideration the mental and physical health of the applicant, their current living situation, and the time it takes to complete daily tasks. The applicant is also required to submit a Health Care Certification form completed by a physician or other licensed health care professional. The eligibility of the applicant is then determined using a combination of the face-to-face assessment and medical certification.

If an individual is determined eligible to receive services, the county social worker is responsible for assessing the weekly hours of care they are authorized; however, a recipient may request a reassessment at any time if their needs change. IHSS recipients have their circumstances and needs reassessed by a county social worker on at least an annual basis. A county social worker

may also reassess a recipient, in an interval less than every 12 months, if they receive information that the need for services is expected to decrease in the next year. In times deemed necessary, such as the COVID-19 pandemic in early 2020, CDSS has released All County Letters (ACL) to provide counties temporary flexibility for conducting these assessments.

Need for this bill: This bill seeks to allow counties to perform IHSS needs assessments by telephone if the recipient meets certain conditions. The provisions included in this bill would allow county social workers to significantly increase the number of reassessments completed on a day to day basis. Based on the Legislative Analyst's Office report reviewing the 2019-20 Budget, the IHSS program caseload has steadily increased over the past 20 years, with recent years showing an average growth of 5 percent annually. With the Department of Aging projecting the population over age 60 to increase 166% between 2010 and 2060, the growth of the IHSS program is also likely to surge. Allowing program reassessments to be conducted over the phone may create greater flexibility, assisting with the caseload management for county social workers as the number of recipients grows.

According to the author, "This bill will provide greater flexibility and efficiency for IHSS clients and county social workers alike. Through the availability of telephonic assessments, annual reassessments for IHSS clients meeting specified criteria can be streamlined to ensure that annual reassessments reduce delays and difficulties in scheduling with county social workers managing several cases."

RELATED AND PRIOR LEGISLATION:

AB 426 (Maienschein), Chapter 424, Statutes of 2019, prohibited licensed health care professionals from charging a fee for the completion of the Health Care Certification form required as part of the IHSS recipient application.

AB 1021 (Baker), Chapter 146, Statutes of 2017, required each county to accept applications for IHSS benefits by telephone, through facsimile, in-person, or by other electronic means if the county is capable of accepting online applications or applications via email for benefits.

REGISTERED SUPPORT / OPPOSITION:

Support

Contra Costa County (Sponsor)
Association of Regional Center Agencies

Opposition

None on file

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