

Date of Hearing: August 3, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

SB 596 (Stern) – As Amended July 27, 2020

SENATE VOTE: 38-0

SUBJECT: In-home supportive services: additional higher energy allowance

SUMMARY: Requires a county human services agency to inform each In-Home Supportive Services (IHSS) applicant that they may be eligible to receive a higher energy allowance and any advanced notifications that may be provided by a public utility in an emergency. Specifically, **this bill:**

- 1) Requires a county human services agency, before determining an applicant's eligibility for IHSS benefits, to use materials provided by an electrical corporation serving the county to inform the applicant that they may be eligible to receive a higher energy allowance and advanced notifications that may be provided by a public utility when they plan to de-energize portions of the electrical system, or in an emergency, as specified.
- 2) Defines "materials" as information that is on an internet website, printed, or both.

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 Section [WIC] 12300 *et seq.*)
- 2) 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.*)
- 3) Requires the California Department of Social Services (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) Requires that the IHSS application contain a notice to the recipient that providers will be given written notice of the recipient's authorized services and the full number of services hours allotted to the recipient. Requires that the IHSS application also inform recipients of the Medi-Cal fraud hotline and website for reporting suspected fraud or abuse in the provision or receipt of supportive services. (WIC 12301.15)

- 6) Requires that a county provide an IHSS applicant with a confirmation number, upon receipt of the application, to serve as documentation that the program application was filed. (WIC 12301.16)
- 7) Requires each county human services agency to accept applications for IHSS benefits by telephone, through facsimile, in person, or, if possible, by electronic means, as specified. (WIC 12301.17)
- 8) Defines “residential customers” as those customers receiving electrical or gas service pursuant to a domestic rate schedule and excludes industrial, commercial, and every other category of customer. (Public Utilities Code Section [PUC] 739 (2))
- 9) Requires the California Public Utilities Commission (CPUC) to designate a baseline quantity of gas and electricity necessary to supply a significant portion of the reasonable energy needs of the average residential customer, as specified. (PUC 739 (b))
- 10) Requires the CPUC to establish a standard limited allowance, in addition to the baseline quantity of gas and electricity, for residential customers dependent on life-support equipment, as specified. Requires that a residential customer dependent on life-support equipment be allocated a higher energy allocation than the average residential customer. (PUC 739 (c)(1))
- 11) Defines “life-support equipment” as equipment that utilizes mechanical or artificial means to sustain, restore, or supplant a vital function or mechanical equipment that is relied upon for mobility both within and outside of buildings, as specified. (PUC 739 (2))
- 12) Requires the CPUC standard limited allowance be made available to paraplegic and quadriplegic persons in consideration of the increased heating and cooling needs of those individuals. (PUC 739 (3))
- 13) Requires the CPUC standard limited allowance be made available to multiple sclerosis patients in consideration of the increased heating and cooling needs of those individuals. (PUC 739 (4))
- 14) Requires the CPUC standard limited allowance be made available to scleroderma patients in consideration of the increased heating needs of those individuals. (PUC 739 (5))
- 15) Requires the CPUC standard limited allowance be made available to individuals who are being treated for a life-threatening illness or have a compromised immune system, as specified. (PUC 739 (6))

FISCAL EFFECT: According to the Senate Appropriations Committee on January 23, 2020, this bill would generate ongoing, indeterminate, low millions (General Fund) in local assistance and no state operations costs. As this bill does not specify an implementation process, the fiscal estimate reflects the broad and varied ways the program could be interpreted and implemented. Specifically, it is unclear whether a county is required to print new forms and train existing social workers, who must provide the information to applicants and answer applicant questions, or whether existing materials may be used and provided to the applicant at time of interview. To

the extent existing materials on the energy allowance programs may be leveraged, costs would be lower.

COMMENTS:

In-Home Supportive Services Program: In California, the IHSS program provides care to eligible low-income individuals who need assistance in completing 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. While CDSS oversees the implementation of IHSS and the provider payroll system, the benefit is administered by the counties. An IHSS applicant is assessed by a county social worker and required to submit a Health Care Certification form to determine eligibility. If an individual is determined eligible to receive services, the county social worker is then responsible for assessing the weekly hours of care they are authorized on at least an annual basis.

IHSS providers are hired to assist with personal care services (bathing, grooming, etc.), domestic and related services (food preparation, light housecleaning, etc.), protective supervision, and paramedical services. Recipients are responsible for selecting, hiring, firing, and supervising their provider—however, the state facilitates the payroll system on their behalf. According to CDSS, at the end of May 2020, there were 628,759 individuals enrolled in IHSS and 535,559 providers statewide. Within that population, over 98% of recipients receive their care through IHSS as a Medicaid benefit.

Public Safety Power Shutoff (PSPS): In July of 2018, the CPUC adopted a resolution to develop a de-energization program, also referred to as PSPS, to mitigate the harm done by power structures during severe weather and natural disasters. This program is initiated by public utilities when they believe there is an imminent and significant risk caused by the weather conditions that could damage power lines and increase the danger of fire. During a PSPS, individuals in the affected areas are without energy for hours, days, or even weeks at a time, depending on the severity of the circumstances. While effectively reducing the risk of fire, de-energization events also significantly affect the ability of a community to provide health and safety services.

Advance notice has been determined to reduce the potentially harmful impacts of scheduled PSPS, and accordingly, the CPUC has issued guidelines to protect consumers in these events. The CPUC requires utilities to meet the following requirements before de-energizing an area:

- 1) Convene de-energization informational workshops in areas where a de-energization might occur to explain and receive feedback on their de-energization policies and procedures. Utilities must invite a wide range of potentially affected customers, including representatives of customers who are low income, have limited English, have disabilities, and are elderly.
- 2) Meet with representatives of local communities in such areas, and must discuss potential mitigation measures, including any assistance that the utility may be able to provide.
- 3) Meet, upon request, with groups that may have notification needs different than those of the general public.
- 4) Notify customers, as feasible and appropriate, of the potential need to de-energize during specific high hazard conditions, at least 2 hours, if possible, before shutting off the power on

a line. The utilities must also notify, as feasible, fire departments, first responders, critical facilities, other potentially affected entities, and the CPUC before de-energizing.

Medical Baseline Program: In addition to the standard guidelines for advanced notification, the CPUC has directed investor-owned utilities (IOUs) to contact people with medical conditions when there are outages. Each utility is responsible for creating its own program to manage this requirement, often known as the medical baseline program. Those who rely on life support equipment, have life-threatening illnesses, or compromised immune systems, may sign up for a medical baseline program if they receive energy through an IOU. Enrollees also receive a discounted rate on energy to assist with the increase in power that is used for medical devices. The specifics for each program are decided by the company and can commonly be found on their public website. The three largest IOUs in California, Pacific Gas & Electric, Southern California Edison, and San Diego Gas & Electric, have enrolled approximately 355,000 customers in their medical baseline programs. Over the last few years, the state has partnered with IOUs to create materials on these programs and PSPSs to increase awareness. While these materials are shared with the counties, there is currently no requirement for this information to be distributed.

Need for this bill: This bill would require county human services agencies to inform an individual who is applying for the IHSS program that they may be eligible to receive a higher energy allowance and advanced emergency notifications through their public utility. Recipients of the IHSS program, although often eligible for the allowance, are currently not notified of this option by the county and are sometimes unaware of the allowance. By increasing communication around this energy option to recipients of the IHSS program, there could be an increase in enrollment for this population, which would provide advanced lifesaving notification to vulnerable recipients dependent on medical devices.

According to the author, “Last fall, more than two million Californians were left without power for days at a time as a result of PSPS events used by their electric utility to prevent power lines from igniting a wildfire. These PSPS events affected thousands of people across the state who are medically vulnerable, people whose lives depend on electricity to power a respirator or other life-support equipment, or to refrigerate medication. Electric utilities currently provide a medical baseline program to help medically vulnerable customers meet their energy needs. People enrolled in these programs receive notifications and alerts pertaining to upcoming PSPS events. We don’t know when the next PSPS will occur, but to better plan and prepare for one, this bill expands outreach and awareness of this program by making sure IHSS applicants receive information about the benefits of enrolling in a medical baseline program offered by their electric utility. Enrolling in the program is free, and the benefits provided will allow people to better prepare and plan for how to meet any back-up power needs or to secure transportation to an area not affected by a PSPS.”

RELATED AND PRIOR LEGISLATION:

AB 426 (Maienschein), Chapter 424, Statutes of 2019, prohibited licensed health care professionals from charging a fee to complete the medical certification form required from applicants of the IHSS program.

SB 167 (Dodd), Chapter 403, Statutes of 2019, required electrical corporations to include protocols in their wildfire mitigation plan that manage the public safety impacts of disabling

reclosers and de-energizing portions of the electrical distribution system for customers who are receiving medical baseline allowances.

SB 1338 (Hueso), Chapter 518, Statutes 2018, required the CPUC to develop rules for electrical corporations that demonstrate they are working with the medical community to increase marketing and outreach to individuals eligible for the Medical Baseline program.

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

Association of Regional Center Agencies
California Association of Public Authorities for IHSS
California Commission on Aging
Disability Rights California
Edison International and Affiliates, Including Southern California Edison
Pacific Gas and Electric Company
Sempra Energy Utilities
The Arc and United Cerebral Palsy California Collaboration
UDW/AFSCME Local 3930

Opposition

None on file

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