

Introduced by Senator Alvarado-Gil

February 19, 2025

An act to amend Section 12300 of the Welfare and Institutions Code, relating to in-home supportive services.

LEGISLATIVE COUNSEL'S DIGEST

SB 481, as introduced, Alvarado-Gil. In-home supportive services.

Existing law provides for the In-Home Supportive Services (IHSS) program, administered by the State Department of Social Services and counties, under which qualified aged, blind, and disabled persons are provided with supportive services in order to permit them to remain in their own homes.

This bill would make technical, nonsubstantive changes to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

- 1 SECTION 1. Section 12300 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 12300. (a) The purpose of this article is to provide in every
- 4 county, in a manner consistent with this chapter and the annual
- 5 Budget Act, those supportive services identified in this section to
- 6 aged, blind, or disabled persons, as defined under this chapter,
- 7 who are unable to perform the services themselves and who cannot
- 8 safely remain in their homes or abodes of their own choosing unless
- 9 these services are provided.

(b) Supportive services shall include domestic services and services related to domestic services, heavy cleaning, personal care services, accompaniment by a provider when needed during necessary travel to health-related appointments or to alternative resource sites, yard hazard abatement, protective supervision, teaching and demonstration directed at reducing the need for other supportive services, and paramedical services that make it possible for the recipient to establish and maintain an independent living arrangement.

(c) Personal care services ~~shall mean~~ *means* all of the following:

- (1) Assistance with ambulation.
- (2) Bathing, oral hygiene, and grooming.
- (3) Dressing.
- (4) Care and assistance with prosthetic devices.
- (5) Bowel, bladder, and menstrual care.
- (6) Repositioning, skin care, range of motion exercises, and transfers.
- (7) Feeding and assurance of adequate fluid intake.
- (8) Respiration.
- (9) Assistance with self-administration of medications.

(d) Personal care services are available if these services are provided in the beneficiary's home and other locations as may be authorized by the director. Among the locations that may be authorized by the director under this subdivision is the recipient's place of employment if all of the following conditions are met:

(1) The personal care services are limited to those services that are currently authorized for a recipient in the recipient's home and those services are to be utilized by the recipient at the recipient's place of employment to enable the recipient to obtain, retain, or return to work. Authorized services utilized by the recipient at the recipient's place of employment shall be services that are relevant and necessary in supporting and maintaining employment. However, workplace services shall not be used to supplant any reasonable accommodations required of an employer by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.; ADA) or other legal entitlements or third-party obligations.

(2) The provision of personal care services at the recipient's place of employment shall be authorized only to the extent that the total hours utilized at the workplace are within the total personal care services hours authorized for the recipient in the home.

1 Additional personal care services hours may not be authorized in
2 connection with a recipient's employment.

3 (e) When supportive services are provided to a minor, the
4 provider of supportive services shall be paid only for the following:

5 (1) Services related to domestic services.

6 (2) Personal care services.

7 (3) Accompaniment by a provider when needed during necessary
8 travel to health-related appointments or to alternative resource
9 sites.

10 (4) Protective supervision only as needed because of the
11 functional limitations of the child.

12 (5) Paramedical services.

13 (f) The policy changes made to minor provider eligibility
14 guidelines in subdivision (e) by ~~the act that added this subdivision~~
15 *Chapter 43 of the Statutes of 2023* shall take effect 60 days after
16 the State Department of Social Services issues policy guidance
17 and, if needed, fiscal guidance through all-county letter or similar
18 written instructions.

19 (g) To encourage maximum voluntary services, so as to reduce
20 governmental costs, respite care shall also be provided. Respite
21 care is temporary or periodic service for eligible recipients to
22 relieve persons who are providing care without compensation.

23 (h) A person who is eligible to receive a service or services
24 under an approved federal waiver authorized pursuant to Section
25 14132.951, or a person who is eligible to receive a service or
26 services authorized pursuant to Section 14132.95, shall not be
27 eligible to receive the same service or services pursuant to this
28 article. If the waiver authorized pursuant to Section 14132.951, as
29 approved by the federal government, does not extend eligibility
30 to all persons otherwise eligible for services under this article, ~~or~~
31 does not cover a service or particular services, or does not cover
32 the scope of a service that a person would otherwise be eligible to
33 receive under this article, those persons who are not eligible for
34 services, or for a particular service under the waiver or Section
35 14132.95, shall be eligible for services under this article.

36 (i) A person who is eligible for state-only funded full-scope
37 Medi-Cal benefits under Chapter 7 (commencing with Section
38 14000), and who meets all other applicable eligibility criteria for
39 receiving services under this article, shall be eligible for services
40 available under this article.

1 (j) (1) All services provided pursuant to this article shall be
2 equal in amount, scope, and duration to the same services provided
3 pursuant to Section 14132.95, including any adjustments that may
4 be made to those services pursuant to subdivision (e) of Section
5 14132.95.

6 (2) Notwithstanding any other provision of this article, the rate
7 of reimbursement for in-home supportive services provided through
8 any mode of service shall not exceed the rate of reimbursement
9 established under subdivision (j) of Section 14132.95 for the same
10 mode of service unless otherwise provided in the annual Budget
11 Act.

12 (3) The maximum number of hours available under Section
13 14132.95, Section 14132.951, and this section, combined, shall
14 be 283 hours per month. ~~Any~~ A recipient of services under this
15 article shall receive no more than the applicable maximum
16 specified in Section 12303.4.