

Community First Choice Option (CFCO)

Please add Section 14132.956 to the Welfare and Institutions Code to read as follows:

Section 14132.956 (a) The department shall assess and determine whether it would be cost efficient for the State to adopt the option made available under section 1915(k) of the federal Social Security Act (42 U.S.C. Sec. 1396n(k)). When performing this assessment, the department shall collaborate and consult with the Department of Social Services, Department of Developmental Services, Department of Aging and any other State department that the department believes can assist in its determination whether it would be cost efficient for the state to adopt this Medicaid option. If the department determines that it would be cost efficient for the state to do so, it shall seek a State Plan amendment to provide home and community-based attendant services and supports that include assistance with activities of daily living (ADLs), instrumental activities of daily living (IADLs), and health-related tasks pursuant to section 1915(k) of the federal Social Security Act (42 U.S.C. Sec. 1396n(k)).

(b) If the department determines that it would be cost efficient to adopt the option made available under section 1915(k) of the federal Social Security Act (42 U.S.C. Sec. 1396n(k)), it shall establish a Development and Implementation Council that shall include as a majority of its members, persons with disabilities and elderly individuals, and their representatives. The department shall consult and collaborate with this Council when developing and implementing a State Plan amendment to adopt this option.

(c) Services and supports pursuant to this section may be rendered under the administrative direction of other state departments in accordance with the State Plan amendment and subject to the department's authority as the designated single state agency for the administration or supervision of the administration of the Medi-Cal program.

(d)(1) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code) the department, and any other state department pursuant to (c), may implement the provisions of this section through all-county welfare director letters or similar publications. Actions taken to implement, interpret, or make specific this section shall not be subject to the Administrative Procedure Act or to the review and approval of the Office of Administrative Law.

(2) The department, and any other state department pursuant to (c), may also adopt emergency regulations implementing the provisions of this section. The adoption of regulations implementing this section shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, safety, or general welfare. The emergency regulations authorized by this section shall be exempt from review and approval by the Office of Administrative Law. Any emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and shall remain in effect for no more than 18 months by which time final regulations shall be adopted.