

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



November 18, 1987

ALL-COUNTY INFORMATION NOTICE NO. 1-105-87

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: RECENTLY ENACTED ADULT SERVICES LEGISLATION
SIGNED BY THE GOVERNOR

REFERENCE: AB 1049 (BADER), SB 412 (GREENE), SB 438 (MELLO AND
KEENE), SB 461 (GREENE), SB 526 (MELLO), SB 591
(MORGAN) AND SB 1162 (MELLO).

The following bills affecting the In-Home Supportive Services (IHSS) Program have been passed by the State Legislature and signed into law by Governor Deukmejian. Senate Bills (SB) 461 and 591 will not be implemented through regulation.

SB 412 (Greene)

This bill establishes the Counties 1987-88 IHSS fiscal year contributions as the maximum IHSS cost to the Counties in future years and deletes provisions for reductions of IHSS recipient services. It also mandates State reimbursement to Counties for program expenditures in excess of the maximum contribution required of the Counties and becomes operative on July 1, 1988.

SB 461 (Greene)

SB 461 adds Section 12309 to the Welfare and Institutions Code (WIG). This section provides that IHSS be delivered in all Counties in a uniform manner. To ensure this, the State Department of Social Services (SDSS) must report to the Legislature by July 1, 1989, on the implementation of a uniform client needs assessment tool, a uniform method for determining each client's functional abilities, and uniform statewide training on needs assessments. SDSS is currently working on establishing a uniform criterion for evaluating client's needs and will continue to work with advocates and Counties in developing uniformity products.

SB 591 (Morgan)

This bill allows Santa Clara County to voluntarily conduct a pilot project to determine the need to screen prospective IHSS providers for prior criminal convictions which may pose a threat to IHSS applicants/recipients. Santa Clara County assumes all responsibility for implementation of the pilot project and is required to submit a legislative report on the results of the pilot by July 1, 1989.

The following bills affecting the Adult Protective Services (APS) Program also have been passed by the State Legislature and signed into law by Governor Deukmejian. That portion of SB 438 dealing with the Adult Protective Services model projects will be implemented through specific model project contract amendments. Assembly Bill (AB) 1049 and Senate Bills 438, 526, and 1162 will be implemented without regulations.

AB 1049 (BADER)

This bill adds WIG Sections 830 and 10850.1 to allow members of multidisciplinary personnel teams engaged in the prevention, identification and treatment of child, elder or dependent adult abuse to share information. For the purposes of these provisions, "child abuse" is defined under WIC Section 18951, "abuse of elder or dependent persons" is defined under WIG Section 15610, and multidisciplinary personnel team. means any team of at least three people who are working in the vocations specified in WIG Section 15715 or 18951 and who are trained in the prevention, identification and treatment of child, elder or dependent adult abuse. The provisions of this bill apply to only those individuals whose activities fall under the jurisdiction of the State Department of Social Services.

SB 438 (MELLO and KEENE)

This bill amends WIG Sections 15731, 15740 and 15745 which pertain to the adult protective services model projects established pursuant to SB 129 (Chapter 1163, Statutes of 1985). These amendments: 1) extend the duration of the five model projects from July 1, 1988, to January 1, 1990; 2) extend the due date of the Department's report to the Legislature on the effectiveness of the model projects from December 31, 1987, to November 1, 1988; 3) require that the

Department submit an additional report to the Legislature upon the conclusion of the model projects (January 1, 1990) updating the findings contained in the prior report; and 4) provide that the funding for the model projects' extension will come through the budget process.

This bill also amends WIG Section 15753 and adds Sections 5328.5, 15753.5 and 15754 pertaining to the use of multidisciplinary personnel teams to obtain information necessary to carry out adult protective services as stated in WIC Section 15753, WIG Section 15753.5 defines a multidisciplinary personnel team as having two or more members, WIG Section 15754 establishes that persons serving on multidisciplinary personnel teams are bound by existing confidentiality limitations and penalties for the sharing of information outside of the multidisciplinary personnel team. Finally, WIG Section 5328.5 is added to specify that the mental health information and records described in WIG Section 5328 may be disclosed as they relate to the prevention, investigation or treatment of elder or dependent adult abuse.

This bill was passed on an urgency basis. Therefore, its provisions take effect immediately.

SB 526 (MELLO)

This bill adds Section 12528 to the Government Code which specifies that there is the Bureau of Medi-Cal Fraud in the Office of the Attorney General which is authorized to review, investigate and prosecute complaints of abuse, neglect, and discriminatory treatment of patients in health-care facilities which receive Medi-Cal payments. In addition, this section makes this bureau responsible to offer training programs to county adult protective services agencies and others in the evaluating and documenting of criminal abuse against elders and dependent adults.

WIG Sections 15630, 15631, 15633 and 15635 are also amended by this bill. These sections were part of AB 3988 (Chapter 769, Statutes of 1986) which speaks to reporting of elder and dependent adult abuse, Specifically, the following changes are made:


1. The written report of abuse must be made within two working days rather than thirty-six hours;
2. Only reports of physical abuse must be reported to law enforcement;

3. Reports of other criminal activity other than physical abuse may be reported to law enforcement;
4. Instances of serious neglect occurring in health care facilities shall be reported to the Bureau of Medical Fraud;
5. SDSS must provide the Bureau of Medical Fraud with monthly summaries of reports of elder and dependent adult abuse; and
6. Relevant information to an incident of elder or dependent adult abuse may be given to an investigator from the Bureau of Medical Fraud who is investigating the case. The confidentiality section now also applies to the Bureau.

SB 1162 (MELLO)

This bill adds WIG Section 15610(c)(6) expanding the definition of physical abuse for reporting requirement purposes for suspected elder or dependent adult abuse. The use of physical or chemical restraint, medication, or isolation without authorization, or for a purpose other than for which it was ordered, including, but not limited to, staff convenience, punishment, or a period beyond that for which it was ordered is now physical abuse. This expansion of physical abuse is not limited to long-term care or health facilities but applies regardless of where the victim resides.

If you have any questions regarding the implementation of these bills, please contact your Adult and Family Services Operations Consultant.


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cc: CWDA