

ASSEMBLY BILL

No. 1415

Introduced by Assembly Member Blumenfield

March 16, 2011

An act to add Chapter 8.6 (commencing with Section 14515) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1415, as introduced, Blumenfield. Adult day health care.

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified, low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law, the Adult Day Health Medi-Cal Law, establishes adult day health care (ADHC) services as a Medi-Cal benefit for Medi-Cal beneficiaries who meet certain criteria.

This bill would provide that it is the intent of the Legislature to provide for an orderly conversion of ADHC from a Medi-Cal benefit to a program operating under a specified waiver. This bill would require the department to establish the Keeping Adults Free from Institutions (KAFI) program for the purposes of transitioning individuals from the ADHC program to a program under a waiver or to any other supportive services, if appropriate. The bill would require the department to take all appropriate action to obtain expedited approval from the federal Centers for Medicare and Medicaid Services to convert the ADHC program to a federal waiver.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Chapter 8.6 (commencing with Section 14515)
2 is added to Part 3 of Division 9 of the Welfare and Institutions
3 Code, to read:

4
5 CHAPTER 8.6. KEEPING ADULTS FREE FROM INSTITUTIONS
6

7 14515. (a) It is the intent of the Legislature in enacting this
8 chapter to provide for an orderly conversion of adult day health
9 care (ADHC) from a Medi-Cal benefit under Chapter 7
10 (commencing with Section 14000) of this part, to a program
11 operating under a Section 1915(c) waiver under the federal Social
12 Security Act (42 U.S.C. 1396n(c)), so that approval by the federal
13 Centers for Medicare and Medicaid Services (CMS) to eliminate
14 ADHC as a state plan benefit is concurrent with CMS approval of
15 the waiver. It is the intent of the Legislature to establish and
16 continue a community-based system of quality adult day health
17 care services that will accomplish all of the following:

- 18 (1) Ensure that elderly persons and adults with disabilities will
- 19 not be institutionalized prematurely and inappropriately.
- 20 (2) Provide appropriate health and social services designed to
- 21 maintain elderly persons in their own communities.
- 22 (3) Establish adult day health care centers in locations easily
- 23 accessible to persons who are economically disadvantaged.
- 24 (4) Encourage the establishment of rural alternative adult day
- 25 health care centers that are designed to make adult day health care
- 26 accessible to elderly persons and adults with disabilities living in
- 27 rural areas.

28 (b) The department shall establish the Keeping Adults Free from
29 Institutions (KAFI) program for the purposes of transitioning
30 individuals from the ADHC program to a program under a Section
31 1915(c) waiver or to any other supportive services, if appropriate.

32 (c) The department shall take all appropriate action to obtain
33 expedited approval by CMS to convert the ADHC program to a
34 Section 1915(c) waiver.

1 SEC. 2. This act is an urgency statute necessary for the
2 immediate preservation of the public peace, health, or safety within
3 the meaning of Article IV of the Constitution and shall go into
4 immediate effect. The facts constituting the necessity are:

5 In order for the provisions of this act to be implemented at the
6 earliest possible time and thereby avoid a gap in services to
7 beneficiaries of adult day health care, it is necessary that this act
8 take effect immediately.

O