

Legislation Updates for IHSS Advisory Committee

March 13, 2024

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AB 1968 (Jackson) CalFresh Enrollment for Seniors	Would require CDSS to work with the Franchise Tax Board to identify qualifying individuals 60 years of age or older and develop a system to automatically enroll eligible individuals on an annual basis.
AB 2241 (Alvarez) Public Social services: Reporting and Verification	Require state and county agencies to accept the reporting by an applicant or recipient of public social services of any lawfully required information, changes, and verification required by law that affect eligibility and benefit amounts, by any means available to the applicant or recipient, including, but not limited to, in person, by telephone, through facsimile, by email, or by any other electronic means.
AB 2446 (Ortega) Medi-Cal: Diapers Set for hearing on 4/2/24	Medi-Cal benefits diapers for infants or toddlers with certain conditions, such as a urinary tract infection and colic, among others. The bill would establish diapers as a covered benefit for a child greater than 3 years of age with a condition that contributes to incontinence.
AB 2819 (Bains) IHSS: Collective Bargaining penalty	This bill would change the amount of the 1991 Realignment funding withholding of 10% to an unspecified percentage.
AB 3079 (Ting) IHSS: Undocumented related providers	<p>Ensure that individuals without satisfactory immigration status, as defined, are able to receive IHSS benefits using a provider of their choice, including a provider who is related to the 5th degree to the recipient, as specified, and who has, or is in the process of obtaining, an individual taxpayer identification number. The bill would require the department, by January 1, 2025, and in consultation with specified stakeholders, to develop recommendations to enable any recipient of services to select a related provider of their choice, as specified.</p> <p>This bill would exempt a person who meets the requirements to be a related provider of IHSS, as described above, from those criminal background check requirements, but would require the person to attest to any convictions for the specified offenses. The bill would prohibit a person with a conviction for any of those offenses from providing IHSS.</p>

<p>SB 1078 (Min) Language Access</p>	<p>Create an Office of Language Access to provide critical oversight, accountability, and coordination across various state agencies to ensure limited-English-proficient individuals have meaningful access to government programs and services, as specified.</p>
<p>SB 1355 (Wahab) IHSS: Redetermination</p>	<p>Require an IHSS recipient to be continuously eligible for Medi-Cal for 3 years, and would prohibit a redetermination of Medi-Cal eligibility before 3 years, except as specified. The bill would make the implementation of its provisions contingent upon the department obtaining all necessary federal approvals, the department determining that systems have been programmed to implement these provisions, and the Legislature has appropriated funding to implement these provisions after a determination that ongoing General Fund resources are available to support the ongoing implementation of these provisions. To the extent the bill would increase county duties in administrating the IHSS program, the bill would impose a state-mandated local program.</p>
<p>SB 1245 (Ochoa-Bough) Sponsored by CWDA Set for Hearing on 4/1/24</p>	<p>Allow the same licensed health care professionals (LHCP) who currently sign the IHSS Health Care Certification (SOC 873) also sign the Order and Consent for Paramedical Services (SOC 321). Currently, the only LHCPs allowed to sign the SOC 321 are physicians/surgeons, podiatrists and dentists. Expanding the list of LHCPs to include nurses and nurse practitioners will reduce delays that occur when the SOC 321 is signed by a LHCP that is prohibited from signing.</p>

- Paid Sick Leave
 - o Starting July 1, 2024, Paid Sick Leave hours are increasing to 40 hours a year.
 - o Rules for Sick Leave Accrual and Usage:
 - An IHSS provider who has worked a total of 100 hours shall accrue the total amount of sick leave and will continue to accrue the full amount of leave on July 1st of subsequent years if they continue to work as an IHSS provider.
 - An IHSS provider shall be entitled to use their paid sick leave hours after working an additional 200 hours providing services to an IHSS recipient, or 60 calendar days from the date on which the provider earned their paid sick leave hours, whichever comes first.
 - An IHSS provider will lose any unused paid sick leave hours at the end of each fiscal year regardless of how many used sick leave hours remain or when they received the paid sick leave hours during the previous fiscal year.
 - The number of paid sick leave hours earned, available for usage, and previously used will be shown on the provider's pay warrant.

- o Reasons for Paid Sick Leave Usage
 - Reasons for paid sick leave usage have not changed. All California residents may use paid sick leave hours for one of two purposes:
 - Diagnosis, care, or treatment of an existing health condition, or preventative care for a provider or a provider's family member. This includes attendance at appointments with medical care professionals, including dentists and chiropractors.
 - If the provider is a victim of domestic violence, sexual assault, or stalking.
- o Requesting Paid Sick Leave
 - The provider must complete the IHSS Program Provider Sick Leave Request Form (SOC 2302), available on the CDSS website or the county IHSS office and submit for approval. To be paid timely, it is best if they submit the form before the end of the pay period in which they used the paid sick leave time, or they should submit the form at the same time they submit their timesheet for processing.
 - If the provider is the recipient's authorized representative, they cannot sign their own SOC 2302 unless they are
 - The parent, guardian, or person having legal custody of a minor recipient.
 - The spouse or registered domestic partner of an adult recipient; or
 - The conservator of an adult recipient.