

AB 1436 (Burke)

In-Home Supportive Services – Authorized Representative

SUMMARY

AB 1436 allows an applicant for, or recipient of, In-Home Supportive Services (IHSS) to designate an authorized representative to act on their behalf for various program requirements.

BACKGROUND

A number of programs overseen by the Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) have processes in place allowing their applicants and recipients to identify an “authorized representative” who can act on their behalf for purposes of applying for services and other required program activities with which the applicant/recipient may require assistance. These programs include Medi-Cal, CalFresh, and CalWORKS, as well as the administrative appeal process. The authorized representative function is critical as it provides applicants and recipients with a self-directed pathway to receive needed assistance with the complex rules and requirements of these programs.

In contrast, IHSS has not had the benefit of this function as a formal part of the statute or regulations governing the program, except for conservators or parents of a minor child. As a result, some IHSS program applicants/recipients, who are elderly, blind or disabled, have struggled without this assistance. IHSS applicant/recipient family members and friends often provide support, but there is no formal process to designate them as the authorized representative. Without the statutory authority, they cannot legally be included directly in any program communications. This creates an irregular and sometimes dangerous situation for IHSS applicants/recipients. As IHSS program rules and requirements have become more complex, the lack of this function has presented greater challenges.

Additionally, the state has at times issued IHSS forms and All-County Letters referencing “authorized representatives,” but CDSS has never defined who an authorized representative is, or

established a process for an IHSS applicant or recipient to designate one. Forms that have space for an authorized representative to sign have required counties to develop internal processes for designating a representative, which may vary by county.

This legislation would provide the statutory authority for a standardized framework, reducing inconsistencies from the current process and providing guidance and protection for applicants and recipients of IHSS services.

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AB 1436 specifically allows an applicant for, or recipient of, IHSS services to appoint an authorized representative to act on their behalf. The bill provides flexibility for the applicant/recipient to specify the duties of the authorized representative, and makes it clear that the individual has a legal responsibility to act in the client’s best interest.

IHSS program recipients are the employer of their care provider for purposes of hiring/firing, training, supervising, scheduling and signing their timesheet. Similarly, whether to designate an authorized representative and who to designate would be their decision. For those aged, blind or disabled clients who struggle with programmatic rules and complex paperwork, and could benefit from the formal designation of an authorized representative, it is critical that this function be established in law.

SUPPORT

- County Welfare Directors Association of California (Sponsor)

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