

Bills, Bills & More Bills in State Capitol

More legislation relative to In-Home Support Service (IHSS) care providers has surfaced in the 2007 California State legislative session. The most prominent is Senate Bill 782, introduced by Senator Dave Cogdill, that seeks to freeze the State's contribution to IHSS worker wages and benefits at the Jan. 10, 2007 level. It would not allow any state increase even if individual counties voted for one.

California currently funds 32.5% of these wages/benefits, with the Federal government covering 50% and counties 17.5%. Cogdill, in response to Governor Schwarzenegger's proposed budget (that includes this freeze), seeks to implement the act immediately with the rationale that it is an "urgency" according to the State's Constitution. The latter says that such an action

can be taken "for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect."

As an "urgency statute" this bill would need to be passed, on a voice vote, by 2/3 of the legislature.

Senate Bill 692, introduced by Senator Ashburn, is the mirror image of AB 459 and would require criminal background checks for IHSS workers, while making those workers, or care recipients, cover the costs for those checks. In response, Senator Ridley-Thomas has introduced **SB 868** that calls for these background checks, but would prohibit the cost from being passed on to a provider, po-

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County Mental Health Services Not Available to People in Wheelchairs?

TCIL staff were recently alerted to a situation where the Humboldt County Health & Human Services Department/Mental Health Branch may be in violation of the Americans with Disabilities Act (ADA). It involves Sempervirens in Eureka, a 24-hour, in-service facility for individuals with mental health issues who are in crisis. Apparently the facility, located on the second floor of the building at 720 Wood St., is not accessible to those in wheelchairs.

In other words, if you are in a wheelchair, have a mental illness and are in crisis, then you can't receive services from Sempervirens. Well, Title II of the ADA applies to all the

activities of state and local governments "whether or not they receive Federal funds," and states that services, programs or activities cannot be denied to a person because of a disability. It further states that local governments "Must ensure that individuals with disabilities are not excluded from services, programs and activities because buildings are inaccessible." If the person can't be accommodated at the site where services are offered, then an alternative needs to be provided, according to the ADA.

The question is, does the Department of Mental Health offer these same mental health services at an alternative location for those in wheelchairs? If not, then why not?

TRI-COUNTY INDEPENDENT LIVING
955 MYRTLE AVENUE
EUREKA, CALIFORNIA 95501



tential personnel, or a recipient.

Senate Bill 945, introduced by Senator Padilla, would allow IHSS recipients to authorize their providers to serve as an advocate and authorized representative when the Department of Social Services is taking an action regarding the amount of services provided.

MiCASSA Renamed

Be aware that the Medicaid Community Attendant Services and Supports Act (MiCASSA) has been reintroduced in the United States Senate, by Iowa's Senator Tom Harkin, as the "Community Choice Act of 2007."

This proposed Federal legislation supports people with disabilities so they can continue living in their communities. It gives individuals who are eligible for nursing home services or other institutional care equal access to community-based services and supports. It also would free up more Medicaid dollars to states for this purpose.

Be sure to contact Senator Diane Feinstein and Senator Barbara Boxer to express your feelings on this legislation.

**TCIL: (707)
445-8404**

Assembly Bill 1386, introduced by Assembly Member Price, would create a standardized curriculum and training materials for IHSS workers.

Be sure to let your legislators know your feelings about these bills.

Disability Capitol Action Day!!



*May 23, 2007
Sacramento*

People with disabilities from all corners of California will come together to let our voices be heard! Contact TCIL at (707) 445-8404 for more information or if you'd like to attend this event.

