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**AB-617 Developmental services: personal care or assistance and in-home respite services.** (2025-2026)

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AMENDED IN ASSEMBLY MARCH 20, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 617**

Introduced by Assembly Member McKinnor

February 13, 2025

~~An act to amend Section 9122 of the Welfare and Institutions Code, relating to older adults.~~ *An act to amend Sections 1796.14 and 1796.17 of the Health and Safety Code, and to add Section 4686.1 to the Welfare and Institutions Code, relating to developmental services.*

**LEGISLATIVE COUNSEL'S DIGEST**

AB 617, as amended, McKinnor. ~~Aging and Disability Resource Connection program: No Wrong Door System.~~ *Developmental services: personal care or assistance and in-home respite services.*

*Existing law, the Lanterman Developmental Disabilities Services Act (Lanterman Act), requires the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities through various programs, including personal care or personal assistance services and in-home respite services. Existing law requires the Director of Developmental Services to develop program standards for in-home respite services purchased by regional centers from agencies vendored to provide these services.*

*Existing law establishes the Home Care Services Consumer Protection Act, which provides for the licensure and regulation of home care organizations by the State Department of Social Services, and for the registration of home care aides who provide home care services, as defined, on the home care aide registry. Existing law exempts from these provisions an organization vendored or contracted through a regional center or the State Department of Developmental Services pursuant to the Lanterman Act to provide services and supports for persons with developmental disabilities, as specified. A violation of the act is a misdemeanor.*

*This bill would require, prior to providing personal care or personal assistance services or in-home respite services to a consumer receiving services under the Lanterman Act, an organization vendored or contracted through a regional center or the department to provide personal care or personal assistance services or in-home respite services to a consumer receiving services under the Lanterman Act to be licensed as a home care organization, and an individual who is employed by such an organization to be*

listed on the home care aide registry, as specified. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes an Aging and Disability Resource Connection (ADRC) program, administered by the California Department of Aging, to provide information to consumers and their families on available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing LTSS programs at the local level. Existing law requires the California Department of Aging to administer the ADRC Infrastructure Grants Program for the purpose of implementing a No Wrong Door System, a system that enables consumers to access all LTSS through one agency, organization, coordinated network, or portal. Existing law states the intent of the Legislature that the No Wrong Door System serve seniors and individuals with disabilities by, among other things, providing consumers and their caregivers access to information and services. Existing law also establishes the Aging and Disability Resource Connection Advisory Committee, within the California Department of Aging, as the primary adviser in the implementation of the No Wrong Door System, and authorizes the committee to use the staff of the California Department of Aging to accomplish its purposes.~~

~~This bill would instead require the committee to use the staff of the California Department of Aging. The bill would also instead require the No Wrong Door System to serve seniors and individuals with disabilities, as specified, and would require, no later than December 31, 2027, the system to also establish a statewide respite referral registry to connect consumers enrolled in the Medi-Cal program with culturally competent, prescreened respite providers, and create and implement a consumer-directed employer program to assist in the provision of the statewide respite referral system.~~

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: ~~no~~yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

### **SECTION 1.** *Section 1796.14 of the Health and Safety Code is amended to read:*

**1796.14.** (a) Individuals who are not employed by a home care ~~organization~~ **organization**, but who provide home care services to a ~~client~~ **client**, may be listed on the home care aide registry.

(b) An affiliated home care aide shall be listed on the home care aide registry prior to providing home care services to a client.

(c) (1) Home care aides shall not include individuals who are providing home care services as part of their job duties through one of the following entities:

(A) Services authorized to be provided by a licensed home health agency under Chapter 8 (commencing with Section 1725).

(B) Services authorized to be provided by a licensed hospice pursuant to Chapter 8.5 (commencing with Section 1745).

(C) Services authorized to be provided by a licensed health facility pursuant to Chapter 2 (commencing with Section 1250).

(D) In-home supportive services provided pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of, or Section 14132.95, 14132.952, or 14132.956 of, the Welfare and Institutions Code.

(E) A community care facility licensed pursuant to Chapter 3 (commencing with Section 1500), a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01), a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569), or a facility licensed pursuant to the California Child Day Care Facilities ~~Act~~, **Act** (Chapter 3.4 (commencing with Section 1596.70)), which includes day care centers, as described in Chapter 3.5 (commencing with Section 1596.90), family day care homes, as described in Chapter 3.6 (commencing with Section 1597.30), and employer-sponsored child care centers, as described in Chapter 3.65 (commencing with Section 1597.70).

(F) A clinic licensed pursuant to Section 1204 or 1204.1.

(G) A home medical device retail facility licensed pursuant to Section 111656.

(H) An organization vendored or contracted through a regional center or the State Department of Developmental Services pursuant to the Lanterman Developmental Disabilities Services Act (Chapter 1 (commencing with Section 4500) of Division 4.5 of the Welfare and Institutions Code) and the California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code) to provide services and supports for persons with developmental disabilities, as

defined in Section 4512 of the Welfare and Institutions Code, when funding for those services is provided through the State Department of Developmental Services and more than 50 percent of the recipients of the home care services provided by the organization are persons with developmental ~~disabilities~~ *disabilities, except a vendored or contracted organization providing personal care or personal assistance services or in-home respite services.*

(I) An alcoholism or drug abuse recovery or treatment ~~facility~~ *facility*, as defined in Section 11834.02.

(J) A facility in which only Indian children who are eligible under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.) are placed and is either of the following:

(i) An extended family member of the Indian child, as defined in Section 1903 of Title 25 of the United States Code.

(ii) A foster home that is licensed, approved, or specified by the Indian child's tribe pursuant to Section 1915 of Title 25 of the United States Code.

(2) Home care aides shall not include individuals providing services authorized to be provided pursuant to Section 2731 of the Business and Professions Code.

(d) Home care aides shall not include a nonrelative extended family member, as defined in Section 362.7 of the Welfare and Institutions Code.

(e) In the event of a conflict between this chapter and a provision listed in subdivision (b), (c), or (d), the provision in subdivision (b), (c), or (d) shall control.

**SEC. 2.** *Section 1796.17 of the Health and Safety Code is amended to read:*

**1796.17.** (a) Each home care organization shall be separately licensed. This chapter does not prevent a licensee from obtaining more than one home care organization license or obtaining a home care organization license in addition to other licenses issued by the department, or both.

(b) A home care organization does not include the following:

(1) A home health agency licensed under Chapter 8 (commencing with Section 1725).

(2) A hospice licensed under Chapter 8.5 (commencing with Section 1745).

(3) A health facility licensed under Chapter 2 (commencing with Section 1250).

(4) A person who performs services through the In-Home Supportive Services program pursuant to Article 7 (commencing with Section 12300) of Chapter 3 of Part 3 of Division 9 of, or Section 14132.95, 14132.952, or 14132.956 of, the Welfare and Institutions Code.

(5) A home medical device retail facility licensed under Section 111656.

(6) An organization vendored or contracted through a regional center or the State Department of Developmental Services pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and the California Early Intervention Services Act (Title 14 (commencing with Section 95000) of the Government Code) to provide services and supports for persons with developmental disabilities, as defined in Section 4512 of the Welfare and Institutions Code, when funding for those services is provided through the State Department of Developmental Services and more than 50 percent of the recipients of the home care services provided by the organization are persons with developmental ~~disabilities~~ *disabilities, except a vendored or contracted organization providing personal care or personal assistance services or in-home respite services.*

(7) An employment agency, as defined in Section 1812.5095 of the Civil Code, that procures, offers, refers, provides, or attempts to provide an independent home care aide who provides home care services to clients.

(8) A community care facility licensed pursuant to Chapter 3 (commencing with Section 1500), a residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 (commencing with Section 1568.01), a residential care facility for the elderly licensed pursuant to Chapter 3.2 (commencing with Section 1569), or a facility licensed pursuant to the California Child Day Care Facilities Act (Chapter 3.4 (commencing with Section 1596.70)), which includes day care centers, as described in Chapter 3.5 (commencing with Section 1596.90), family day care homes, as described in Chapter 3.6 (commencing with Section 1597.30), and employer-sponsored child care centers, as described in Chapter 3.65 (commencing with Section 1597.70).

(9) An alcoholism or drug abuse recovery or treatment ~~facility~~ *facility*, as defined in Section 11834.02.

(10) A person providing services authorized pursuant to Section 2731 of the Business and Professions Code.

(11) A clinic licensed pursuant to Section 1204 or 1204.1.

(12) A nonrelative extended family member, as defined in Section 362.7 of the Welfare and Institutions Code.

(13) A facility providing home care services in which only Indian children who are eligible under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.) are placed and ~~which~~ *that* satisfies either of the following:

(A) An extended family member of the Indian child, as defined in Section 1903 of Title 25 of the United States Code.

(B) A foster home that is licensed, approved, or specified by the Indian child's tribe pursuant to Section 1915 of Title 25 of the United States Code.

(14) Any other individual or entity providing services similar to those described in this chapter, as determined by the director.

(c) In the event of a conflict between this chapter and a provision listed in subdivision (b), the provision in subdivision (b) controls.

**SEC. 3.** *Section 4686.1 is added to the Welfare and Institutions Code, to read:*

*4686.1. (a) Commencing January 1, 2026, an organization vendored or contracted through a regional center or the department to provide personal care or personal assistance services or in-home respite services to a consumer receiving services under this chapter shall be licensed as a home care organization by the State Department of Social Services under the Home Care Services Consumer Protection Act (Chapter 13 (commencing with Section 1796.10) of Division 2 of the Health and Safety Code) prior to providing personal care or personal assistance services or in-home respite services to a consumer receiving services under to this chapter.*

*(b) Commencing January 1, 2026, an individual who is employed by an organization described in subdivision (a) shall be listed on the home care aide registry under the Home Care Services Consumer Protection Act (Chapter 13 (commencing with Section 1796.10) of Division 2 of the Health and Safety Code) prior to providing personal care or personal assistance services or in-home respite services to a consumer receiving services under to this chapter.*

*(c) Notwithstanding subdivisions (a) and (b), an organization vendored or contracted through a regional center or the department to provide personal care or personal assistance services or in-home respite services to a consumer receiving services under this chapter before January 1, 2026, and an individual who is employed by such an organization before January 1, 2026, shall meet the requirements specified in subdivisions (a) and (b) on or before January 1, 2028.*

**SEC. 4.** *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

~~SECTION 1. Section 9122 of the Welfare and Institutions Code is amended to read:~~

~~9122. (a) The No Wrong Door System described in Section 9121 shall serve seniors and individuals with disabilities by doing all of the following:~~

~~(1) Providing consumers and their caregivers access to information and services, regardless of income or benefit level.~~

~~(2) Enabling an Aging and Disability Resource Connection (ADRC) program to directly connect a client to appropriate local programs.~~

~~(3) Providing each consumer in California with access to individualized support and community resources to meet their needs and to enable them to continue living in their own homes, if desired.~~

~~(4) No later than December 31, 2027, establishing a statewide respite referral registry to connect consumers enrolled in the Medi-Cal program with culturally competent, prescreened respite providers. It is the intent of the Legislature for those implementing the statewide respite referral registry to consider all of the following:~~

~~(A) Accounting for consumer needs and preferences when identifying potential respite providers.~~

~~(B) Providing for reasonable standards of accountability for respite providers and prospective respite providers listed through the registry.~~

~~(C) Ensuring voluntariness for respite providers and prospective respite providers and consumers.~~

~~(D)Promoting job opportunities for respite providers and prospective respite providers.~~

~~(E)Providing access to the registry for consumers who want to query a referral independently.~~

~~(F)Increasing a consumer's choice of respite providers and prospective respite providers via an established pool of available respite providers and prospective respite providers on the registry.~~

~~(5)No later than December 31, 2027, creating and implementing a consumer-directed employer program to assist in the provision of the statewide respite referral system.~~

~~(b)The Aging and Disability Resource Connection Advisory Committee, which has been established within the California Department of Aging, shall serve as the primary adviser to the California Department of Aging, the Department of Rehabilitation, and the State Department of Health Care Services in the ongoing development and implementation of the No Wrong Door System described in Section 9121. The advisory committee shall utilize staff of the California Department of Aging, as needed, to accomplish its purposes. The California Department of Aging shall expand the membership of the advisory committee as necessary to include the perspective of all relevant stakeholders.~~

~~(c)The Aging and Disability Resource Connection Advisory Committee shall, upon the request of the California Department of Aging, or any task force appointed thereunder for the purpose of developing and updating a master plan on aging, consult with and offer input regarding the development and updating of that master plan.~~

~~(d)The California Department of Aging, in consultation with the advisory committee, shall do all of the following:~~

~~(1)Develop a plan for, and oversee the phased statewide implementation of, the No Wrong Door System that utilizes the ADRC program to assist older adults and people with disabilities to obtain accurate information and timely referrals to appropriate community services and supports. The plan shall include near- and long-term tactics for statewide implementation.~~

~~(2)Serve as a statewide facilitator, coordinator, and policy development resource on the ADRC program and No Wrong Door System.~~

~~(3)Identify mainstream resources, benefits, and services that can be accessed for the No Wrong Door System.~~

~~(4>Create partnerships among state agencies and departments, local government agencies, the federal Administration for Community Living, the federal Centers for Medicare and Medicaid Services, and the federal Veterans Health Administration.~~

~~(5)Coordinate existing funding and applications for competitive funding, while also exploring avenues for future funding, including, but not limited to, Medicaid and federal Veterans Health Administration funding.~~

~~(6)Make policy and procedural recommendations to the Legislature and other governmental entities.~~

~~(7)Consider the expansion of the "no-wrong-door" approach to programs and policies outside of the California Health and Human Services Agency.~~

~~(8)(A)Report to the Governor and the Legislature on the No Wrong Door System and the implementation of the system.~~

~~(B)Reports to be submitted pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.~~

~~(e)The implementation of this section is contingent on an appropriation in the annual Budget Act, or another act, for that express purpose.~~