

Add the following provision to Item 5180-111-0001:

6. (a) The Department of Finance may increase expenditure authority in Schedule (2) to comply with electronic visit verification requirements set forth in Section 12006 of Public Law 114-255, known as the federal 21<sup>st</sup> Century Cures Act. The maximum increase shall be \$1 million, which shall be match with 90 percent ratio of federal financial participation authorized by federal law for implementation of Public Law 114-255. This increase shall not be effective until 30 days following written notification to the Chairperson of the Joint Legislative Budget Committee of the following:
  - (1) Justification for the increased expenditures, including, but not limited to, a written plan that describes the proposed approach for the In-Home Supportive Services program to achieve compliance with this federal law, including a description of the solution;
  - (2) A description of the stakeholder engagement activities and input that resulted in the proposed plan, and a description of any significant input or concerns that are not addressed in the proposed solution;
  - (3) The timing and substance of the various necessary steps toward implementation of the proposed solution; and
  - (4) a cost estimate for 2018-19, and of overall costs of compliance.
- (b) The Department of Finance may authorize the transfer of funds appropriated pursuant to paragraph (a) to Item 5180-001-0001, for activities related to electronic visit verification requirements, including, but not limited to, necessary personal services expenditures, interagency agreements, and contracts.
- (c) (1) The Legislature recognizes that the federal statute remains subject to federal interpretation and guidance, which has not yet been issued and remains uncertain. Therefore, notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), and only until the end of the 2019-20 fiscal year, the department may implement, interpret or make specific activities related to electronic visit verification requirements set forth in Section 12006 of Public Law 114-255, known as the federal 21<sup>st</sup> Century Cures Act, by means of all-county letters or similar instructions, following consultation with In-Home Supportive Services program stakeholders, without taking further regulatory action.