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Assembly Aging and Long-Term Care Committee 2019-20 Mid-Session Legislative Summary

AB-480 (Salas) - Mental health: older adults.

AB 480 would establish within the State Department of Health Care Services an Older Adult Mental Health Services Administrator to oversee mental health services for older adults. The bill would require that position to be funded with administrative funds from the Mental Health Services Fund. The bill would prescribe the functions of the administrator and its responsibilities, including, but not limited to, developing outcome and related indicators for older adults for the purpose of assessing the status of mental health services for older adults, monitoring the quality of programs for those adults, and guiding decision-making on how to improve those services.

The bill would require the administrator to receive data from other state agencies and departments to implement these provisions, subject to existing state or federal confidentiality requirements. The bill would require the administrator to report to the entities that administer the MHSA on those outcome and related indicators by July 1, 2022, and would authorize the administrator to make the report available to the Legislature, upon request. The bill would also require the administrator to develop a strategy and standardized training for all county mental health personnel in order for the counties to assist the administrator in obtaining the data necessary to develop the outcome and related indicators.

This bill would declare that it clarifies procedures and terms of the Mental Health Services Act.

Status: Held in Senate Appropriations Committee

AB-567 (Calderon) - Long-term care insurance.

This bill would establish the Long Term Care Insurance Task Force in the Department of Insurance, chaired by the Insurance Commissioner or the commissioner's designee, and composed of specified stakeholders and representatives of government agencies to examine the components necessary to design and implement a statewide long-term care insurance program. The bill would require the task force to recommend options for establishing this program and to comment on their respective degrees of feasibility in a report submitted to the commissioner, the Governor, and the Legislature by July 1, 2021.

The bill would require the department to produce, no later than July 1, 2022, an actuarial report

of those recommendations, to be shared with and approved by the task force. If approved, the bill would require the report to be submitted to the Legislature.

Status: Chapter 746, Statutes of 2019

AB-568 (Reyes) - California Care Corps Act.

This measure establishes, until July 1, 2026, the California Care Corp Act to be administered by California Volunteers to enter into contracts with nonprofit grantees to select, train, and place volunteers to provide respite care for a person who is at least 65 years of age, who has Alzheimer’s disease or related dementia and who has difficulty with self-care or living independently and does not qualify for In-Home Supportive Services (IHSS).

The bill specifies the program provide volunteer services to primarily low-income individuals and services must not supplant or overlap with services provided under other state or federal respite programs. The bill also requires the volunteers to be provided a stipend of up to \$15,000 per term (including training) and an education award of up to \$20,000 under specified criteria. Finally, this bill requires California Volunteers, with an advisory council, to evaluate the program in 2023 and 2026.

Status: Held in Assembly Appropriations Committee

AB-797 (Grayson) - Financial abuse of elder adults.

AB 797 would require a business that is licensed under the Money Transmission Act whose primary business function is transmitting money, that operates out of a physical storefront or location and that does not engage in other transactions, to provide notice to customers who are 65 years of age or older making the customer aware that fraud has been committed in recent years by means of money transmittals.

The bill would govern the manner for providing the notice and would require the customer who receives the notice to provide confirmation that the customer has read and understood the notice before proceeding with the transaction. The bill would require the notice to be in a form prescribed by the commissioner and would require the commissioner to prescribe that form. The bill would require a civil penalty in the amount of \$5,000 to be imposed for the willful failure to provide this notice.

Status: Referred to the Assembly Committee on Aging but was not heard at the request of the author.

AB-970 (Salas) - California Department of Aging: grants: transportation.

This bill would make grant awards available under the State Air Resources Board’s Clean Mobility Options program for disadvantaged communities and low-income communities to eligible applicants, including, but not limited to, area agencies on aging and public transit operators. The grant awards would be used to fund transportation to and from nonemergency medical services for older individuals and persons with disabilities, for the purpose of reducing greenhouse gas emissions. The bill would require that transportation be made available using the purchase, lease, operation, or maintenance of zero-emission vehicles, or, under specified circumstances, near-zero-emission vehicles, with a capacity for 7 to 15 passengers, inclusive.

The bill would authorize the allocation of moneys from the Greenhouse Gas Reduction Fund, upon appropriation by the Legislature, to fund the grant program.

This bill would require the California Department of Aging, on or before July 1, 2020, to hold a public workshop devoted to the topic of overcoming barriers in providing transportation to and from nonemergency medical services for older individuals and persons with disabilities. The bill would specify the components of the workshop, including, but not limited to, presentations by the State Air Resources Board and public transit agencies on specified issues. The bill would repeal the public workshop provisions on January 1, 2021.

Status: Assembly-Vetoed

Governor's Veto Message:

To the Members of the California State Assembly:

I am returning Assembly Bill 970 without my signature.

This bill would fund near-zero emission and zero emission vehicles for transportation to nonemergency medical services for older individuals and disabled persons by allocating Greenhouse Gas Reduction Fund (GGRF) dollars through the Clean Mobility Options program.

While funding additional types of near-zero emission or zero emission vehicles may help the State meet both the goals of reducing greenhouse gas emissions and increasing community access to nonemergency medical service transport, this bill would create a cost pressure on the GGRF. This allocation of potentially many millions of dollars should be discussed as part of the overall GGRF expenditure plan in the budget.

Sincerely,
Gavin Newsom

AB-1118 (Blanca Rubio) - Land use: livability issues for older adults.

This bill would require the Secretary of California Health and Human Services, in developing the Master Plan for Aging, to consider applying, on behalf of the State of California, to join the AARP Network of Age-Friendly States and Communities.

Status: Chapter 820, Statutes of 2019

AB-1128 (Petrie-Norris) - Program of All-Inclusive Care for the Elderly.

This bill would exempt from licensure by the State Department of Public Health a primary care clinic, an adult day health care center, or a home health agency, that is approved by the State Department of Health Care Services to operate exclusively as part of a PACE organization or that provides services to individuals who are being assessed for eligibility to enroll in the PACE program for not more than 60 calendar days after an individual submits an application for enrollment. The bill would instead subject those entities to oversight and regulation by the State Department of Health Care Services. The bill would require those entities to comply with the operating standards described in their respective provisions, except as modified by the State Department of Health Care Services, to meet the needs of PACE participants or those individuals being assessed. The bill would require those entities to apply for licensure with the State Department of Public Health if they provide services to any other individuals, as specified. The bill would repeal related provisions as part of conforming changes.

The bill would condition the transfer of powers between the 2 departments on the Director of Health Care Services determining, and communicating that determination in writing to the State Department of Public Health, that operating standards compliance programs have been established.

The bill would require those PACE organizations to cooperate with the State Department of Health Care Services by providing the department with requested records or information or with access to inspect physical locations. The bill would authorize the department to refuse to enter into, or to terminate, a contract with a noncompliant or noncooperative PACE organization, or to require that PACE organization to submit a corrective action plan to bring it into compliance, as specified.

The bill would authorize the department to enter into contracts, or to amend existing contracts, on a bid or negotiated basis, to implement these provisions, and would authorize the department to implement, interpret, or make specific these provisions by means of letters, bulletins, or other similar instructions, without taking regulatory action.

The bill would require the department to implement these provisions no later than

January 1, 2021, but only to the extent any necessary federal approvals are obtained and federal financial participation is available.

The bill would require the department to establish an administrative fee to be paid by each of those PACE organizations, as specified, in an amount necessary to pay for reasonable costs of implementing and administering these provisions. The bill would create a special fund, the PACE Oversight Fund of the State Department of Health Care Services, for the deposit of the fees, to be expended upon appropriation by the Legislature.

This bill would incorporate additional changes to Section 1206 of the Health and Safety Code proposed by AB 1037 to be operative only if this bill and AB 1037 are enacted and this bill is enacted last.

Status: Chapter 821, Statutes of 2019

AB-1136 (Nazarian) - California Department of Community Living.

This bill would establish the California Department of Community Living within the California Health and Human Services Agency to consolidate leadership on issues and programs serving California's older adults, people with disabilities, and caregivers. The bill would prescribe the duties of the department, including assisting older adults and people with disabilities in connecting to specified services including care coordination, health insurance counseling, peer-based programs, and community transition services.

This bill would require the department to allocate funding through a number of mechanisms to programs identified by the department that link individuals to the right services at the right time. The bill would require the department to provide block grants to area agencies on aging to provide services through specified home and community-based services programs, as specified, and would require the department to continue funding for independent living centers based on current levels, as specified. The bill would require the department to increase access to the Aging and Disability Resource Connection program to streamline local service delivery through funding, technical assistance, and coordination with area agencies on aging and independent living centers.

Status: Held in Assembly Appropriations Committee

AB-1137 (Nazarian) - The California Department of Aging.

AB 1137 would require the California Department of Aging (CDA) to provide area agencies on aging (AAAs) the flexibility to develop and manage specified programs, including the block granting of funds to administer programs. The bill would also recast and revise the parameters of specified community-based services programs and repeal the Senior Center Bond Act of 1984.

Status: Held in Senate Appropriations Committee

AB-1287 (Nazarian) - Universal assessments: No Wrong Door system.

By executive order, the Governor ordered that a master plan for aging be developed and issued to serve as a blueprint to implement strategies and partnerships that promote healthy aging and prepare the state for upcoming demographic changes.

This bill would require the master plan for aging developed pursuant to that executive order to consider the efficacy of utilizing a No Wrong Door System. The bill would specify the purpose of the No Wrong Door system as assisting older adults, people with disabilities, and caregivers in obtaining accurate information and timely referrals to appropriate community services and supports.

The bill would also require that master plan for aging to consider the efficacy of using a universal tool and process that is capable of assessing individual need and determining initial eligibility for programs and services available in the long-term services and supports delivery network.

Status: Chapter 825, Statutes of 2019

AB-1382 (Aguiar-Curry) - Master Plan for Aging.

This bill would require the state to adopt a Master Plan for Aging, emphasizing workforce priorities. The bill would require the Master Plan for Aging to prioritize specified issues related to preparing and supporting the state's paid paraprofessionals and professionals, as well as unpaid family caregivers. These issues would include, but not be limited to, (1) addressing the need for a well-trained and culturally competent paid paraprofessional and professional health care and long-term care workforce, and (2) developing recommendations regarding the need for high quality, affordable, and accessible respite services throughout the state for unpaid family caregivers.

The bill would require the Master Plan for Aging to include an implementation plan specifying the goals, objectives, and timelines for meeting the requirements set forth in those provisions. The bill would make findings and declarations relating to the objectives of the master plan.

Status: Assembly-Vetoed

Governor's Veto Message:

To the Members of the California State Assembly:

I am returning the following bills without my signature:

AB 1382
SB 611

These bills create an aging housing task force and a master plan for aging that focuses on workforce priorities, and require the state to consider applying to join a voluntary network.

Earlier this year, I issued Executive Order N-14-19, which directs the Secretary of the Health and Human Services Agency to work with a broad array of stakeholders, including the Legislature, to develop a Master Plan for Aging to serve as a blueprint that can be used by state government, local communities, private organizations and philanthropy to build environments that promote healthy aging. Issues relating to workforce and affordable housing needs, as well as opportunities to engage with other jurisdictions, will be considered as part of this holistic approach to addressing the needs of older Californians.

When the Master Plan is completed, I look forward to working with the Legislature to evaluate and implement its recommendations.

Sincerely,
Gavin Newsom

AB-1396 (Obernolte) - Protective orders: elder and dependent adults.

AB 1396 would authorize the court to order a restrained party, if appropriate, to participate in mandatory clinical counseling or anger management courses, as specified, when the court issues a protective order for abuse involving acts of physical abuse or acts of deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. The bill would require the Judicial Council, on or before January 1, 2021, to revise or promulgate forms as necessary to effectuate these provisions.

Status: Chapter 628, Statutes of 2019

AJR-15 (Bloom) - Section 202 Supportive Housing for the Elderly Program.

This measure would state the Legislature's support for federal funding of at least \$600 million per year to support the construction and operation of affordable housing through the Section 202

Supportive Housing for the Elderly Program and would call on the President of the United States and the United States Secretary of Housing and Urban Development to support significantly increased funding for that program.

Status: Chapter 147, Statutes of 2019

SB-228 (Jackson) - Master Plan on Aging.

By executive order, the Governor ordered that a master plan for aging be developed and issued to serve as a blueprint to implement strategies and partnerships that promote healthy aging and prepare the state for upcoming demographic changes. The executive order requires the Secretary of the California Health and Human Services Agency to convene a Cabinet-level Workgroup for Aging to advise the secretary in developing and issuing the master plan.

This bill would require the secretary, in coordination with the Director of the California Department of Aging, to lead the development and implementation of the master plan established pursuant to that executive order. The bill would require the secretary and the director, with the assistance of the workgroup, to work with specified agencies, as needed, to identify policies, efficiencies, and strategies necessary to implement the master plan. The bill would also require the workgroup to solicit input and gather information to assist with the implementation of the master plan. The bill would require the department to submit a report to the Governor and the Legislature by October 1, 2020, and submit updates annually thereafter, until October 1, 2030, regarding the master plan.

Status: Chapter 742, Statutes of 2019

SB-280 (Jackson) - Older adults and persons with disabilities: fall prevention.

This bill would, at the next triennial building standards rulemaking cycle that commences on or after January 1, 2020, require the Department of Housing and Community Development to investigate possible changes to the building standards in the California Residential Code for adoption by the California Building Standards Commission to promote aging-in-place design, as specified.

Status: Chapter 640, Statutes of 2019

SB-309 (Rubio) - Personal income tax: California Senior Citizen Advocacy Voluntary Tax Contribution Fund.

This bill would eliminate the requirement that the California Senior Citizen Advocacy Voluntary Tax Contribution Fund meet a minimum contribution amount in order for the fund to appear on the return for the following year, thereby allowing the fund to remain on the personal income tax form until the provisions repeal, pursuant to existing law, on January 1, 2025.

This bill would declare that it is to take effect immediately as an urgency statute.

Status: Chapter 325, Statutes of 2019

SB-338 (Hueso) - Senior and disability victimization: law enforcement policies.

This bill would eliminate the duty imposed on long-term care ombudsman programs to revise or include in their policy manuals specified information regarding elder and dependent adult abuse. The bill would also authorize local law enforcement agencies to adopt a policy regarding senior and disability victimization, as defined. The bill would require, if a local law enforcement agency adopts or revises a policy regarding elder or dependent adult abuse or senior and disability victimization on or after April 13, 2021, that the policy include specified provisions, including provisions related to enforcement and training. The bill would also make clarifying changes to provisions related to the entities that have jurisdiction to investigate elder and dependent adult abuse.

Status: Chapter 641, Statutes of 2019

SB-453 (Hurtado) - Older adults.

This bill would require the California Department of Aging to develop a core model of ADRC best practices, and would require ADRC programs operated jointly by area agencies on aging and independent living centers to implement these best practices by July 1, 2022. In developing those best practices, the bill would require the department to consider specified practices, including, among others, a person-centered counseling process. The bill would delete the contingent operation and instead make the implementation of these provisions, and the existing ADRC provisions, contingent on an appropriation of funds for that express purpose.

This bill would require the California Department of Aging to take specified actions with regard to the implementation of the No Wrong Door System, including, among other things, developing a plan for, and overseeing the implementation of, the No Wrong Door System and coordinating funding sources for the No Wrong Door System. The bill would require the State

Department of Health Care Services to determine if the Medicaid administrative claiming process may be used to fund the No Wrong Door System, or activities associated with the No Wrong Door System, and, if so, would authorize the department to take necessary action to receive that funding. The bill would make the implementation of these provisions contingent on an appropriation of funds for those express purposes.

Status: Chapter 850, Statutes of 2019

SB-496 (Moorlach) - Financial abuse of elder or dependent adults.

SB 496, Moorlach. Financial abuse of elder or dependent adults.

This bill would extend that confidentiality to a report of known or suspected financial abuse of an elder or dependent adult by a broker-dealer or investment adviser. By increasing the scope of a crime, the bill would impose a state-mandated local program.

Existing law authorizes information relevant to the incident of elder or dependent adult abuse to be given to specified investigators, including, among others, investigators from an adult protective services agency, a local law enforcement agency, and the probate court.

This bill would instead require information relevant to the incident of elder or dependent adult abuse to be given to those investigators, and would include an investigator from the Department of Business Oversight among those investigators to whom the information is to be given.

Existing law requires a county adult protective services agency to report every known or suspected instance of abuse of an elder or dependent adult, as specified, to law enforcement with jurisdiction over the case and to any public agency given responsibility for investigation in that jurisdiction of cases of elder and dependent adult abuse. Existing law also requires a county adult protective services agency to provide mandated reporters of suspected financial abuse of an elder or dependent adult with instructional materials regarding abuse and neglect of an elder or dependent adult and their obligation to report under these provisions.

The bill would require a county adult protective services agency to additionally report a known or suspected instance of abuse reported by a broker-dealer or investment adviser and to additionally provide instructional materials to broker-dealers or investment advisers. By increasing the duties of local agencies, 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 with regard to certain mandates no reimbursement is required by

this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Status: Chapter 272, Statutes of 2019

SB-512 (Pan) - Long-term services and supports.

This bill would establish the California Long-Term Services and Supports Benefits Board (LTSS Board), to be composed of 9 specified members, including, among others, the Treasurer as chair, the Secretary of California Health and Human Services as vice chair, and 3 members to be appointed by the Governor. The bill would require the LTSS Board to manage and invest revenue deposited in the California Long-Term Services and Supports Benefits Trust Fund (LTSS Trust), which the bill would create in the State Treasury, to, upon appropriation, finance long-term services and supports for eligible individuals.

The bill would also create, until January 1, 2025, the Long-Term Services and Supports Advisory Committee for the purpose of providing ongoing advice and recommendations to the LTSS Board.

Status: Referred to Assembly Appropriations Committee, but was not heard at the request of the author.

SB-611 (Caballero) - Housing: elderly and individuals with disabilities.

This bill would establish the Master Plan for Aging Housing Task Force, chaired by the director or their designee, and composed of specified stakeholders and representatives of government agencies to, among other things, identify policy strategies that will help increase the supply of affordable housing for older adults and reduce barriers to providing health care and social services to older adults in affordable housing, and make recommendations to the Legislature.

This bill would require the task force to meet at least 6 times in the 2020 calendar year, and would require the task force to submit a report to the Legislature by April 30, 2021, that provides specified information and policy recommendations related to the supply of affordable housing for older adults. The bill would make various related legislative findings.

Status: Senate-Vetoed

Governor's Veto Message:

To the Members of the California State Senate:

I am returning the following bills without my signature:

AB 1382

SB 611

These bills create an aging housing task force and a master plan for aging that focuses on workforce priorities, and require the state to consider applying to join a voluntary network. Earlier this year, I issued Executive Order N-14-19, which directs the Secretary of the Health and Human Services Agency to work with a broad array of stakeholders, including the Legislature, to develop a Master Plan for Aging to serve as a blueprint that can be used by state government, local communities, private organizations and philanthropy to build environments that promote healthy aging. Issues relating to workforce and affordable housing needs, as well as opportunities to engage with other jurisdictions, will be considered as part of this holistic approach to addressing the needs of older Californians.

When the Master Plan is completed, I look forward to working with the Legislature to evaluate and implement its recommendations.

Sincerely,
Gavin Newsom