

Date of Hearing: April 17, 2018

ASSEMBLY COMMITTEE ON AGING AND LONG-TERM CARE

Ash Kalra, Chair

AB 2719 (Irwin) – As Introduced February 15, 2018

SUBJECT: Aging.

SUMMARY: This bill would revise this definition to include cultural or social isolation caused by sexual orientation, gender identity, or gender expression.

EXISTING LAW:

- 1) Requires the California Department of Aging (the department) to administer the federal Older American’s Act in California and the Mello-Granlund Older Californians Act, and imposes various functions and duties on the department with respect to the administration and development of programs for older individuals.
- 2) Requires the department, in allocating specified state and federal funding to older individuals, to ensure that priority consideration is given to elderly individuals identified as in greatest economic or social need.
- 3) Defines “greatest social need” for purposes of the act to mean the need caused by noneconomic factors, that include physical and mental disabilities, language barriers, cultural or social isolation, including that caused by racial and ethnic status, that restrict an individual’s ability to perform normal daily tasks or that threaten his or her capacity to live independently.

FISCAL EFFECT: This bill has not yet been analyzed by a fiscal committee.

COMMENTS:

Author’s Statement: “Federal and state law funds various programs and services for older adults including meals, job training, senior centers, caregiver support, transportation, health promotion, and benefits enrollment. California prioritizes certain groups that are deemed in “greatest social need” of services for older adults based on factors such as disabilities, language barriers, and cultural or social isolation.

“A 2013 report by the National Gay and Lesbian Task Force identified several unique barriers to service and discrimination experienced by the older LGBTQ community. Specifically, LGBTQ individuals may face employment discrimination that can contribute to their risk of economic insecurity and lack of adequate health care. As California has moved toward recognizing the unique needs of elderly LGBTQ individuals, AB 2719 continues this effort by ensuring that this community is included as part of the population of “greatest social need” to secure priority for programs and services administered through the California Department of Aging.”

BACKGROUND:

The Federal Older Americans Act (OAA), enacted in 1965, funds various services for older adults including meals, job training, senior centers, caregiver support, transportation, health

promotion, and benefits enrollment. California's Department of Aging helps administer these programs and California's policy directives for the state's elderly population through matching state and local funds.

It is estimated that there will be roughly 10.9 million adults in California over the age of 60 by 2030. While it is difficult to provide an accurate count of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) individuals, some studies approximate that roughly 5-10% of the U.S. population identifies as LGBTQ. This would mean there are currently 380,000-760,000 older LGBTQ in California, with that number expected to double by 2030.

Current law recognizes that the proportion of older individuals in California is growing and specific programs and services must be provided for this population. Federal law in the OAA emphasizes that these services should be targeted to elderly adults with the "greatest social need" which includes various characteristics such as physical or mental disability, language barriers, and cultural, social, or geographic isolation caused by race or ethnicity. Given the unique barriers faced by elderly LGBTQ individuals, it is important that California law expand the definition of "greatest social need" to include these individuals as meriting targeted services.

While not law, the California Department of Aging (CDA) produces a State Plan on Aging every four years, most recently for the years 2017-2021. In this document, it presents its state purpose and vision for elderly Californians. It states that beyond the federally required information, California's State Plan outlines additional target populations that CDA seeks to better serve through more culturally competent outreach including Lesbian, Gay, Bisexual, Transgender, Queer, Questioning and Intersex (LGBTQI) older adults. It is significant that such an addition is included in the State Plan, but this bill would codify California's commitment to elderly LGBTQI individuals and their unique circumstances.

Data, research, and the experience of SAGE, its affiliates, and its partners across the country confirm that LGBT older adults face a number of barriers to successful aging. First, LGBT older adults face higher rates of social isolation and have thinner support networks than their non-LGBT peers. They are up to twice as likely to live alone, half as likely to have close relatives to call for help, and four times less likely to have children to assist them. They are also much more likely to be disconnected from families of origin. Second, LGBT older adults face higher poverty rates than their non-LGBT peers. Nearly sixteen percent of single gay men over 65 live in poverty, compared to just 9.7 percent of single heterosexual men their age. Further, six percent of lesbian couples age 65 and older have incomes below the poverty line, compared to 3.5 percent for heterosexual married couples in the same age group. Third, LGBT older adults face pronounced health disparities compared to their non-LGBT peers. HIV impacts the LGBT community disproportionately, and it is affecting an increasing number of older adults.

The National Institutes of Health (NIH) and National Institute on Aging (NIA)-funded *Aging and Health Report* outlines a number of other disparities, including: lesbian, gay and bisexual (LGB) older adults face higher rates of disability and mental health challenges; older bisexual and gay men face higher rates of physical health challenges; bisexual and lesbian older women have higher obesity rates and higher rates of cardiovascular disease; and transgender older adults face greater risk of suicidal ideation, disability, and depression compared to their peers. Lastly, despite their need to rely on providers for services because of their truncated support networks, LGBT older adults lack access to LGBT-culturally competent care and services.

Previous Legislation: AB 959 (Chiu), Chapter 565, Statutes of 2015, required the Department of Aging to collect demographic data from LGBTQ individuals to assess health and welfare disparities specific to the elderly LGBTQ community.

SB 219 (Wiener), Chapter 483, Statutes of 2017, created an LGBT Long-Term Care Facility Residents' Bill of Rights to prohibit discrimination based on actual or perceived sexual orientation, gender identity, or HIV status. California has moved toward recognizing the unique needs of elderly LGBTQ individuals.

Argument in Support: Sage states in their letter, ...“a 2001 U.S. Administration on Aging study found that LGBT older adults are 20 percent less likely than other older adults to access government services such as housing assistance, meal programs, food stamps, and senior centers.⁷ Despite this disconnect, most State Units on Aging are not making any systematic effort to assess and address the needs of this population.⁸ The aforementioned data emphasizes the need for the California Department of Aging to be a leader in providing LGBT-inclusive services.”

Argument in Opposition: None.

REGISTERED SUPPORT / OPPOSITION:

Support

California Assisted Living Association (CALA)
Justice in Aging
MAZON: A Jewish Response to Hunger
SAGE Advocacy & Services for LGBT Elders

Opposition

None on file.

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LGBT Movement Advancement Project & Services and Advocacy for Gay, Lesbian, Bisexual and Transgender Elders (MAP & SAGE), *Improving the Lives of LGBT Older Adults*. 2010. Available at <http://www.lgbtmap.org/file/improving-the-lives-of-lgbt-older-dults.pdf>

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A SAGE report found that: State Plans filed by 29 States make no reference whatsoever to LGBT older adults; an additional 12 State Plans have isolated references to LGBT older adults, but do not address specific actions being taken to reach and target this population; and only nine States, and the District of Columbia, specifically address efforts to reach out and target LGBT older adults.