

Date of Hearing: June 25, 2019

ASSEMBLY COMMITTEE ON AGING AND LONG-TERM CARE

Adrin Nazarian, Chair

SB 228 (Jackson) – As Amended April 25, 2019

**SENATE VOTE:** 38-0

**SUBJECT:** Master Plan on Aging

**SUMMARY:** This bill requires the Governor to appoint a Master Plan Director (Director) and establishes an Aging Task Force to work with representatives from state departments, stakeholders, and other agencies to identify the policies and priorities needed in California to better serve the growing population of older adults and people with disabilities. This bill requires the Task Force to develop a master plan with specified components, including, among others, a proposal, including a cost estimate and an identification of potential funding sources, to guide how the state should accomplish specific goals, as specified. Specifically, **this bill:**

- 1) States a series of legislative findings that California’s aging population is growing at a substantial rate and the current landscape of services and programs are not equipped to meet the magnitude of need, and that as Californians age, the demand for health care, long-term services and supports, affordable housing, transportation and health care will continue to outpace supply unless there is intentional leadership and action to study and recommend a plan of action.
- 2) States that 20% of the state’s older adults live in poverty, reflecting a vulnerable and compelling need for focused care and attention.
- 3) States that 90% of adults prefer to age in place but lack access to the necessary services and supports to do so. Families currently shoulder the cost of unpaid caregiving and without supportive information and training.
- 4) Requires the Governor to appoint a Master Plan Director to lead the Master Plan process.
- 5) Creates an Aging Task Force consisting of 13 members, with appointments by the Governor, the President Pro Tem of the Senate, and the Speaker of the Assembly.
- 6) Tasks the Master Plan Director to work with representatives from various enumerated state departments and stakeholders, as defined.
- 7) Requires the Task Force to ensure that the Master Plan is focused on the core values of equity, self-determination to age in place and empower the individual voice, achieve government efficiency, coordinating and streamlining programs; to achieve “re-balancing” so that home-based services receive primary focus as alternatives to institutionalization; and, that geographic access is achieved.
- 8) By July 1, 2021, the Director shall complete a landscape survey analysis of existing program capacity with the information mapped county-by-county and be made available on-line.

- 9) Requires the task force to develop a master plan in accordance with the core values specified previously and that identifies possible actions that would prepare the State to accomplish addressing the needs of older adults, people with disabilities, and their caregivers; and that
  - a) Improves the quality and effectiveness of service delivery;
  - b) Ensures adequate and sustainable funding for Medi-Cal and other state and local long term services and supports (LTSS) programs;
  - c) Enables older adults and people with disabilities to live in the most integrated and community-based setting;
  - d) Provides opportunities for older adults and people with disabilities to be meaningfully engaged in their communities;
  - e) Supports the workforce, including unpaid family caregivers;
  - f) Develops effective communication models for providing long term services and supports information to those in the community who lack access to digital technology; and,
  - g) Outlines strategies and tactics with criteria for prioritizing near-term and long-term action items.
- 10) Requires the highest priority action items to include programs and policies which affect the health and mental health and well-being of older adults and people with disabilities and their caregivers, to receive services in home and community-based settings, to lift older adults and people with disabilities out of poverty.
- 11) Establishes benchmarks to assess and measure progress in accomplishing the master plan goals.
- 12) Establishes a cost estimate and identify funding sources to accomplish at a minimum expanded access to coordinated systems of care.
- 13) Develop a web-based platform that streamlines access to information and supports through a No Wrong Door system.
- 14) Develop and implement a universal assessment tool to be utilized as part of the No Wrong Door system, enabling streamlined access to LTSS programs.
- 15) Develop a statewide, integrated, coordinated service delivery system.
- 16) Prepare families to plan and pay for LTSS.
- 17) Support family caregivers by providing opportunities for respite services, training, and support in the home setting.
- 18) Increase access to LTSS, health care to address unmet need, and to develop a culturally competent paraprofessional and professional workforce that meets the needs of older adults and people with disabilities.

- 19) Develop affordable housing options, including those allowing individuals to age in place and access assistive technology in the home environment, and access to transportation.
- 20) Prevent exploitation and abuse, including financial abuse and physical abuse, of older adults and people with disabilities.
- 21) Requires the Master Plan to include a fiscal plan and timeline for building long-term services and supports infrastructure, prioritizing areas where unmet need is the most acute.
- 22) Requires the Aging Task Force to convene community-specific public forums to gather information and to ensure that underserved communities are represented and that culturally competent resources are provided.
- 23) Requires the Task Force to develop an implementation process describing strategies, accountabilities, deliverables, and timeframes necessary for achieving the master plan's goals and to measure and evaluate progress towards those goals.
- 24) Requires the Director to work with the Legislature and other state agencies to identify statutory and regulatory changes needed for implementation of the Master Plan.
- 25) Requires by January 1, 2021, the Chancellor of the Community Colleges and California State University shall develop, and President of the University of California may develop, a strategy and fiscal plan to ensure the availability of a culturally competent workforce to meet the needs of an aging population by 2030.

**EXISTING LAW:**

- 1) Establishes Medicare, a federal health insurance program for aged and disabled people. (*42 USC 1395 et seq.*)
- 2) Establishes the Medicaid program, under which health care services are provided to qualified, low-income persons. (*42 USC 1396 et seq.*)
- 3) Establishes, in federal law, the Older Americans Act, which promotes the well-being of Americans 60 years of age and older through services and programs designed to meet the specific needs of older citizens. Services provided under the Older Americans Act include home-delivered and communal meals; family caregiver support; health services home assistance for the elderly; job training and volunteer opportunities; and protections from elder abuse (*42 U.S. Code 3001, et seq.*)
- 4) Provides for the licensure of health facilities, including skilled nursing facilities (SNFs), by the Department of Public Health and defines "SNF" as a health facility that provides skilled nursing care and supportive care to patients whose primary need is for availability of skilled nursing care on an extended basis. (*HSC 1250 et seq.*)
- 5) Establishes the Medi-Cal program, which is California's Medicaid, to provide various health and long-term services to low-income women, parents and caretaker adults, children, elderly, people with disabilities and, under the Affordable Care Act, adults without children or who are not pregnant between the ages of 19 and 65. (*WIC 1400 et seq.*)

- 6) Establishes the Mello-Granlund Older Californians Act, which establishes the California Department of Aging (CDA), and sets forth its duties and powers, including, among other things, entering into a contract for the development of information and materials to educate Californians on the concept of “aging in place.” (*WIC 9100 et seq.*)
- 7) Vests in the Department of Rehabilitation (DOR) the responsibility and authority to encourage the planning, development, and funding of independent living centers, which are private, nonprofit organizations that provide specified services to individuals with disabilities, in order to assist those individuals in their attempts to live fuller and freer lives outside institutions. (*WIC 19000 et seq.*)
- 8) Establishes the In-Home Supportive Services (IHSS) program to provide supportive services for aged, blind, or disabled persons who are unable to perform the tasks themselves and who cannot safely remain in their homes unless such services are provided. Those supportive services include, but are not limited to, domestic services, heavy cleaning, personal care services, and accompaniment during travel to health-related appointments or to alternative resource sites, yard hazard abatement, protective supervision, and paramedical services, as defined. (*WIC 12300 et seq.*)
- 9) Establishes the Aging and Disability Resource Connection (ADRC) program to provide information to consumers and their families regarding available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing local LTSS programs, and sets forth requirements related to the administration and responsibilities of an ADRC program. (*WIC 9120*)
- 10) Describes, within the federal Patient Protection and Affordable Care Act, the “No Wrong Door – Single Entry Point System” as the development of a statewide system to enable consumers to access all LTSS through an agency, organization, coordinated network, or portal, in accordance with state-established standards, that provides information regarding the availability of such services, how to apply for such services, referral for services and supports otherwise available in the community, and determinations of financial and functional eligibility for such services and supports, or assistance with assessment processes for financial and functional eligibility. (*PL 111-148 Section 10202 (c)(5)(A)*).
- 11) Includes the Olmstead v. LC decision in which the Supreme Court held that people with disabilities have a qualified right to receive state funded supports and services in the community rather than institutions.
- 12) Establishes the Americans with Disabilities Act of 1990 (ADA), which protects the rights of people with disabilities. 42 U.S.C. § 12101(a)(2), (5).

**FISCAL EFFECT:** According to the Senate Appropriations Committee:

- Unknown costs, in the mid to high hundreds of thousands of dollars for salary, operating expenses, equipment, and support staff for the Master Plan Director. (GF)
- Unknown costs, likely mid hundreds of thousands of dollars for an unspecified state agency, to establish and administer the Task Force. This would include consulting services and state staff support to provide research and administrative support to the Task Force. (GF)

- Unknown, potentially significant costs to the Community Colleges and the California State University to research and develop a strategy and fiscal plan. (GF)
- Potentially minor costs to other departments for additional workload necessary for the heads of departments to serve on the Task Force. (various funds)
- Unknown potentially significant future cost pressures to implement the recommendations of the task force, including strategies, accountabilities, deliverables, and timeframes necessary for achieving the master plan's goals and tracking the plan's progress.

#### COMMENTS:

**According to the Author:** “Without adequate services and planning, many of our state’s older adults face a risk of becoming homeless or losing access to essential care. We cannot afford to leave our aging adults behind. California must step up and prepare for this rapidly growing population.

Twenty percent of California’s older adults live in poverty, and this number is expected to increase with the aging of the state. Despite the programs and services administered by a range of state departments, families struggle to weave together services and financial care in the hope of helping loved ones remain at home.”

**Need for this bill:** There is substantial energy and focus among stakeholders, the Governor, and Members of the Legislature regarding the need to convene a discussion around the needs of California’s older adults and people with disabilities. The Californians over-65 population is anticipated to grow by 87% between 2012 and 2030, representing an increase of more than 4 million people. For the first time, older Californians will outnumber young children. In 25 years, the population will double. More than half will require some form of long-term services and supports.

To help prepare for and better respond to the needs of California’s older adults in a coordinated fashion, this bill would establish the Master Plan Aging Task Force and a Director to guide its efforts. The state has previously created master plans for critical issues in California, such as higher education and transportation. The master plans help serve as guiding tools which span generations by laying out a clear vision and comprehensive approach to solving problems. Effective master plan efforts include the input of many experts, advocates, and key stakeholders across the state, and an inclusive, transparent process to capture input and consolidate a range of good ideas and strategies.

**Governor Newsom:** In his first State of the State speech on February 12<sup>th</sup>, 2019, Governor Newsom called for a Master Plan on Aging. On June 10<sup>th</sup>, the Governor issued Executive Order N-14-19 calling for the Master Plan on Aging to be developed including recommendations to better serve the needs of older adults, their families and caregivers, and to better coordinate programs at the federal, state, and local level. The Executive Order would accomplish these actions by establishing a cabinet-level work group led by the Secretary of Health & Human Services Agency and comprised of peer agency heads. The Health & Human Services Agency would also convene Master Plan Stakeholder Advisory Committee which would include a Research Subcommittee and a Long-term Care Subcommittee whose membership reflects a diverse array of members to help support the work of the Master Plan. The Executive Order calls for an interim report on long term care to be released March 1, 2020, and for a final Master

Plan Report to be issued October 1, 2020. The Master Plan is to include key data indicators with 10-year targets to support implementation of the Master Plan.

This bill would support and guide the Master Plan discussion by empowering older adults and people with disabilities to age with dignity, choice, and independence. It lays out a detailed framework to accomplish the goals of a master plan guided by core values of equity, self-determination, and a focus on achieving home and community-based care.

**Double referral:** This bill will be referred to the Assembly Human Services Committee should it pass out of this committee.

**Related Legislation:** There are a number of proposals authored this year by Members of the Legislature and which echo the priority of the Executive Order to convene a high level task force and also build out areas of focus. The following bills are from the current session, and are all part of the “Master Plan on Aging” bill package:

- **AB 1287 (Nazarian)** Requires the development of a plan and strategy for the statewide implementation of the No Wrong Door system and the development of a universal assessment tool to assist older adults, people with disabilities, and caregivers in obtaining accurate information and appropriate community services and supports. This bill is set to be heard in Senate Human Services.
- **AB 1382 (Aguiar-Curry)** Focuses on the need to develop, sustain, and support the workforce as part of a Master Plan for Aging. This bill is set to be heard in Senate Human Services.
- **SB 611 (Caballero)** Focuses on the need for affordable, accessible housing for older adults as part of the Master Plan for Aging. Passed the Assembly Housing and Community Development Committee with amendments on June 19, 2019 and was re-referred to the Assembly Aging and Long-Term Care Committee.

## REGISTERED SUPPORT / OPPOSITION:

### Support

Agency on Aging\Area 4 (AAA4)  
 Alzheimer’s Association  
 California Alliance for Retired Americans (CARA)  
 California Assisted Living Association (CALA)  
 California Association of Area Agencies on Aging (C4A)  
 California Association for Health Services at Home (CAHSAH)  
 California Association of Public Authorities for IHSS  
 California Collaborative for Long-Term Services and Supports  
 California Commission on Aging  
 CaliforniaHealth+Advocates  
 California School Employees Association (CSEA), AFL-CIO  
 Community Clinic Association of Los Angeles County  
 Congress of California Seniors  
 Contra Costa County  
 County of Santa Clara

Elder & Dependent Adult Abuse Prevention Council of San Luis Obispo County

Jewish Public Affairs Committee of California (JPAC)

LeadingAge

Los Angeles County Board of Supervisors

Meals on Wheels California

National Association of Social Workers, California Chapter (NASW-CA)

Retired Public Employees Association (RPEA)

Sacramento County Board of Supervisors

Santa Barbara Women's Political Committee (SBWPC)

United Domestic Workers of America-AFSCME Local 3930/AFL-CIO

Ventura County Board of Supervisors

**Opposition**

None on file.

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