

AMENDED IN SENATE MAY 23, 2007

AMENDED IN SENATE APRIL 19, 2007

SENATE BILL

No. 491

Introduced by Senator Alquist
(Coauthor: Assembly Member Dymally)

February 22, 2007

An act to add Division 8.75 (commencing with Section 9800) to the Welfare and Institutions Code, relating to older Californians, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 491, as amended, Alquist. The New Older Californians Act.

Existing law, the Mello-Granlund Older Californians Act, establishes the California Department of Aging in the California Health and Human Services Agency. Under existing law, the department's mission is to provide leadership to the area agencies on aging in developing systems of home- and community-based services that maintain individuals in their own homes or least restrictive homelike environments. Existing law sets forth the duties and powers of the department. The act also establishes the California Commission on Aging. Under existing law, the commission's mission is, among other things, to serve as the principal advocate body in the state on behalf of older individuals, to participate with and advise the California Department of Aging in various ways relating to the State Plan on Aging, and to develop a method for the selection of delegates to the statewide legislative meeting of senior advocates. Existing law sets forth the duties and powers of the commission.

This bill would enact the New Older Californians Act, which would establish various programs to provide services to a growing population

of older Californians. These services would relate to areas including, among others, advocacy, housing, volunteer services, transportation, *legal services*, and mental health. The bill would also establish programs to address the need to provide adequate programs of instruction for professional degrees in gerontology and geriatric training. The bill would require the Department of Technology Services to develop a uniform system of data integration to support the delivery of comprehensive services to older Californians, as specified.

The bill would also establish the Housing Trust Fund, to be administered by the department to assist local communities in funding affordable housing for seniors, upon appropriation by the Legislature, with the provisions relating to this fund to be operative only upon the enactment of a general obligation bond act by the voters.

~~This bill would appropriate \$5,475,000 from the General Fund for purposes of implementing the bill, and would specify the manner of allocation of those funds to implement the programs established by the bill.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Division 8.75 (commencing with Section 9800)
2 is added to the Welfare and Institutions Code, to read:

3
4 DIVISION 8.75. NEW OLDER CALIFORNIANS ACT

5
6 CHAPTER 1. GENERAL PROVISIONS

7
8 9800. The Legislature finds and declares all of the following:

9 (a) The initial cohort of baby boomers, those born from 1946
10 to 1964, an exponentially growing increase in California’s older
11 adult population, will impact social and health care services and
12 programs in California beginning in 2010, two short years after
13 the enactment of this act.

14 (b) It is the policy of the state to have integrated services
15 available to older adults to support independent living as much as
16 possible and for as long as possible. This policy ensures a quality
17 of life far better than institutionalization, and older adults living
18 independently is far less expensive to California’s taxpayers.

1 (c) It is the policy of the state to integrate programs and services,
2 however broad, by type or kind of service, in a manner that focuses
3 on the consumer accessing and receiving support to make
4 independent living a matter of quality as well as quantity.

5 (d) It is the policy of the state for services to be focused on
6 delivery at home and in the community in which older adults live
7 and to adapt services to the changing nature of each consumer by
8 ensuring contact with consumers to assess changing needs.

9 (e) It is the policy of the state for state departments and agencies
10 to carry out plans focused on older adults as consumers and to
11 require state departments and agencies to coordinate with each
12 other and the California Department of Aging to ensure that each
13 department and agency, through its laws, programs and regulations,
14 facilitates home- and community-based services for older adults,
15 including merging funding to accomplish joint objectives, when
16 appropriate.

17 9801. The California Commission on Efficiency and Economy
18 shall review all current proposals regarding the State Unit on
19 Aging, as that term is used in the federal Older Americans Act (42
20 U.S.C. Sec. 3001, et seq.) and report to the Legislature no later
21 than January 1, 2009, either recommending its preferred option
22 for future organization, or a range of options based on the policies
23 expressed in Section 9800.

24
25 CHAPTER 2. DATA-RELATED PROGRAMS
26

27 9810. (a) The Department of Technology Services shall
28 develop a uniform system of data integration that does all of the
29 following:

30 (1) Ensures a comprehensive database on older Californians
31 that focuses on the navigation of comprehensive care of each older
32 adult with appropriate assurance of individual privacy.

33 (2) Provides that this system can be used for longitudinal studies
34 by appropriate authorities and academics.

35 (3) Ensures access by care managers to match individual needs
36 with services at any point along the continuum of care, including
37 those entities that provide health services, including mental health
38 services, social services, transportation services, housing services,
39 employment and retirement services, volunteerism, caregiving,
40 and elder abuse protection and investigation.

1 (b) (1) The Department of Technology Services shall develop
2 a comprehensive data system to prevent the adverse reaction to
3 the interaction of prescription and nonprescription drugs modeled
4 on data systems currently in use in medical centers and major
5 hospitals, which are designed to maintain individual computerized
6 records on drugs being prescribed and used, so that new or renewed
7 prescriptions can be evaluated by the system to warn against
8 adverse reactions.

9 (2) The system shall be designed to be accessed by physicians
10 and pharmacists so as to prevent adverse reactions with appropriate
11 assurances concerning privacy. Individuals whose data is included
12 in the system shall provide affirmative consent for their records
13 to be included.

14 (c) For ~~purpose~~ *purposes* of carrying out this section, the
15 Department of Technology Services may contract among existing
16 and competitive designs, through a competitive bidding process.

17
18 CHAPTER 3. SERVICE-RELATED PROGRAMS
19

20 9820. (a) The California Commission on Aging shall develop
21 a comprehensive plan to ensure that California's systems of
22 postsecondary education are providing adequate programs of
23 instruction in gerontology and social services to meet the expected
24 increase in demand for professionals with expertise in the aging
25 process, including certificate programs to train professionals and
26 paraprofessionals to provide care to older adults. In fulfilling the
27 requirements of this section, the commission may consult with
28 those entities developing standards and guidelines for professional
29 degree programs pursuant to Section 66085 of the Education Code.

30 (b) The plan shall include recommendations to the Legislature
31 and the Governor concerning student loan repayment, tax credits
32 for tuition fees, and licensure for gerontologists.

33 (c) The commission, in developing the plan, shall establish an
34 advisory committee of health and social service providers to
35 address shortages in their several fields of service.

36 (d) The commission, as part of its plan, shall explore
37 establishment of a uniform, statewide curriculum for individual
38 caregiving to older adults, including the assessment of possible
39 professional licensure.

1 (e) The commission shall submit its plan to the Legislature and
2 the Governor no later than June 30, 2009.

3 9821. (a) There is hereby established within the California
4 Commission on Aging an Office of Advocacy to develop and
5 maintain a statewide pool of advocates on behalf of older
6 individuals, as that term is used in the federal Older Americans
7 Act (42 U.S.C. Sec. 3001, et seq.). The office shall ~~insure~~ ensure
8 that the advocates are kept current in training and shall develop a
9 plan for recruitment and retention of advocates throughout
10 California.

11 (b) The office shall be responsible for building coalitions with
12 groups that focus on common issues affecting older adults in health
13 care, mental health care, housing, transportation, life-long learning,
14 senior employment, volunteerism, caregiving, and law enforcement
15 and financial associations.

16 (c) The office shall be responsible for building coalitions with
17 groups not primarily focused on older adults, but which present
18 issues and concerns that impact older adults, including groups that
19 are organized for social, health, mental health, housing,
20 transportation, educational, employment, law enforcement or other
21 purposes.

22 (d) The office shall coordinate with groups representing those
23 with disabilities to establish common purpose in advocating for
24 all persons with disabilities, including older adults.

25 9822. (a) There is hereby created within the California
26 Department of Aging an Office of Geriatric Care to assess the
27 levels of geriatric training at institutions of higher learning in the
28 state, including medical schools, to determine whether those with
29 geriatric training are sufficient to meet the anticipated demand.

30 (b) The office shall develop recommendations relating to
31 end-of-life care, including hospice and palliative care, and
32 end-of-life decisions made by both health care professionals and
33 consumers.

34 9823. (a) The Linkages Program, as described in Section 9545,
35 in addition to its current functions, shall ensure that local general
36 plans include housing elements that adhere to the requirements of
37 the state Olmstead Plan that are intended to provide housing options
38 for older adults and adults with disabilities and to provide advocacy
39 for these options in cities and counties.

1 (b) The Linkages Program shall also advocate at the local level
2 for incentives for home modifications, housing repairs, and housing
3 linked with transit services.

4 9823.5. (a) The Housing Trust Fund is hereby established in
5 the State Treasury, to be used by the California Department of
6 Aging, upon appropriation by the Legislature, to assist local
7 communities in funding affordable housing for low-income seniors.
8 The department shall study models for similar funding utilized in
9 other states.

10 (b) This section shall become operative only if a general
11 obligation bond act in the amount of ~~two hundred fifty million~~
12 ~~dollars (\$250,000,000)~~ _____ *dollars* (\$) is approved by the
13 voters, at the next statewide general election following the
14 enactment of the act that adds this section, and only if that general
15 obligation bond act provides for the deposit of all or a portion of
16 the bond proceeds into the trust fund created by subdivision (a).
17 The amount of bond proceeds shall include the administrative costs
18 of the fund.

19 9824. The Office of Mobility Management is hereby established
20 in the California Department of Aging, to do all of the following:

21 (a) Ensure that local transit plans address the needs of older
22 adults.

23 (b) Inventory transportation providers throughout the state in
24 order to eliminate duplication and to encourage consolidation of
25 transportation services that serve older adults.

26 (c) Survey circumstances relating to pedestrian walkways and
27 the ability of older adults to cross large avenues and boulevards.

28 (d) Review local transportation policies relative to
29 nonemergency transit for older adults to medical appointments, at
30 reasonable costs.

31 9825. (a) There is hereby established within the California
32 Department of Aging the Office of Volunteerism, to encourage
33 the growth, development, training, and retention of volunteers for
34 Older Americans Act and *New Older Californians Act* programs.

35 (b) The office shall also establish a uniform insurance pool to
36 indemnify local volunteers whose duties require them to drive in
37 senior meal programs, after-school programs, senior companion
38 programs, InfoVan outreach, and other programs. The office may
39 ~~to~~ negotiate, with the advice of the Insurance Commissioner, for

1 competitive rates with which to establish the pool. The pool shall
2 be established by January 1, 2010.

3 9826. The California Department of Aging shall inventory its
4 InfoVan fleet at each area agency on aging to determine the
5 capability to expand the function of the fleet to include routine
6 physical and behavioral health care and health-related screenings
7 and to expand the fleet to include mobile health clinic functions
8 and temporary health clinics at locations where older adults
9 congregate. These ~~assessment~~ *assessments* shall be reported to the
10 Legislature and the Governor no later than June 30, 2009.

11 9826.5. (a) *There is hereby established within the California*
12 *Department of Aging the Office of Consumer Legal Services*
13 *Development and Coordination to encourage and enable the*
14 *provision of legal services for older Californians and their families,*
15 *with the goal of achieving full access to justice for older*
16 *Californians. The office shall be led by the Consumer Legal*
17 *Services Coordinator. The office shall advocate for sound policy*
18 *that will ensure that services are provided by trained, competent*
19 *professionals, and consistent policies are developed and*
20 *promulgated statewide, with recognition of local needs, regarding*
21 *access for diverse populations, in particular those in the greatest*
22 *economic and social need, including those living in rural areas.*

23 (b) *The office shall also be responsible for improved*
24 *communication, coordination of services, and training*
25 *opportunities, as well as improved ability to engage in statewide*
26 *and national advocacy for the rights and interests of older*
27 *Californians.*

28 (c) *The Consumer Legal Services Coordinator shall be*
29 *responsible for all of the following:*

30 (1) *Enhancing communication among providers, stakeholders,*
31 *and the public.*

32 (2) *Promoting education and training.*

33 (3) *Setting statewide standards for service.*

34 (4) *Supporting the inclusion of a statewide senior legal hotline*
35 *as part of the senior legal services network.*

36 (5) *Developing consistent, effective tools for reporting,*
37 *monitoring and evaluation.*

38 9827. The Office of Mental Health is hereby established in the
39 California Department of Aging to do all of the following:

1 (a) Develop outreach programs to expand awareness of the use
2 of advanced directives.

3 (b) Provide timely outreach regarding isolation and depression
4 in older adults, including suicide prevention.

5 (c) Determine how links between mental health hotlines and
6 area agencies on aging can be established.

7 (d) Develop statewide alcohol and substance abuse prevention
8 and treatment programs aimed at the special needs of older adults.

9 (e) Develop training for volunteers to recognize older adults
10 living with mental health issues.

11 (f) Ensure that health care professionals are trained in treating
12 the special needs of older adults.

13 9828. The California Department of Aging shall develop a
14 user-friendly caregiver support services handbook, in coordination
15 with the area agencies on aging, the independent living centers,
16 *in-home supportive services public authorities*, and the caregiver
17 resource centers, to be distributed to health care providers, libraries,
18 and other audiences throughout the state.

19 9829. (a) The State Long-Term Care Ombudsman shall
20 develop a plan whereby teams composed of law enforcement,
21 financial managers, prosecutors, and psychiatrists can be called to
22 investigate situations of financial elder abuse throughout the state.
23 The plan shall include fraud prevention techniques, increases in
24 penalties for brokerage scams, false advertising, and bait and switch
25 tactics related to the sale of annuities and other fraud. The plan
26 shall include ways to replicate the teams in communities throughout
27 California.

28 (b) The plan developed pursuant to this section shall be
29 submitted to the Legislature and the Governor by June 30, 2009.

30 9830. (a) The California Department of Aging shall review
31 and report upon a curriculum of intergenerational programs on
32 aging that include outreach materials that portray aging as a lifelong
33 process. The department shall submit these materials for review
34 by the Superintendent of Public Instruction, and subsequently shall
35 make the materials available to local school districts for classroom
36 use.

37 (b) The department shall report to the Legislature and the
38 Governor no later than June 30, 2009, regarding the development
39 of the materials described in subdivision (a).

1 ~~SEC. 2. The sum of five million four hundred seventy-five~~
2 ~~thousand dollars (\$5,475,000) is hereby appropriated from the~~
3 ~~General Fund for purposes of implementing Division 8.75~~
4 ~~(commencing with Section 9800) of the Welfare and Institutions~~
5 ~~Code. The amount appropriated shall be distributed in the following~~
6 ~~manner:~~

7 ~~(a) Two million dollars (\$2,000,000) to the Department of~~
8 ~~Technology Services pursuant to Section 9810 of the Welfare and~~
9 ~~Institutions Code, one million dollars (1,000,000) of which shall~~
10 ~~be allocated for the purpose of developing a uniform system of~~
11 ~~data integration, and one million dollars (\$1,000,000) of which~~
12 ~~shall be allocated for the purpose of developing a data system to~~
13 ~~prevent adverse medication reactions.~~

14 ~~(b) Four hundred twenty-five thousand dollars (\$425,000) to~~
15 ~~the California Commission on Aging, two hundred fifty thousand~~
16 ~~dollars (\$250,000) of which shall be allocated for the purpose of~~
17 ~~developing a postsecondary education plan pursuant to Section~~
18 ~~9820 of the Welfare and Institutions Code, and one hundred~~
19 ~~seventy-five thousand dollars (\$175,000) of which shall be~~
20 ~~allocated for the purposes of the Office of Advocacy created~~
21 ~~pursuant to Section 9821 of the Welfare and Institutions Code.~~

22 ~~(c) Three million fifty thousand dollars (3,050,000) to the~~
23 ~~California Department of Aging, to be allocated as follows:~~

24 ~~(1) Two hundred fifty thousand dollars (\$250,000) for purposes~~
25 ~~of the Office of Geriatric Care established pursuant to Section~~
26 ~~9822 of the Welfare and Institutions Code.~~

27 ~~(2) One million six hundred fifty thousand dollars (\$1,650,000)~~
28 ~~to reimburse area agencies on aging for the expansion of the~~
29 ~~Linkages Program, pursuant to Section 9823 of the Welfare and~~
30 ~~Institutions Code.~~

31 ~~(3) Three hundred thousand dollars (\$300,000) for purposes of~~
32 ~~the Office of Mobility Management established pursuant to Section~~
33 ~~9824 of the Welfare and Institutions Code.~~

34 ~~(4) Two hundred thousand dollars (\$200,000) for purposes of~~
35 ~~the Office of Volunteerism, including conducting negotiations for~~
36 ~~competitive insurance rates, pursuant to Section 9825 of the~~
37 ~~Welfare and Institutions Code.~~

38 ~~(5) Three hundred thousand dollars (\$300,000) for the purposes~~
39 ~~of the Office of Mental Health established pursuant to Section~~
40 ~~9827 of the Welfare and Institutions Code.~~

- 1 ~~(6) Fifty thousand dollars (\$50,000) for the purpose of~~
- 2 ~~developing the handbook required by Section 9828 of the Welfare~~
- 3 ~~and Institutions Code.~~
- 4 ~~(7) Two hundred thousand dollars (\$200,000) for the~~
- 5 ~~development of an elder abuse investigation plan pursuant to~~
- 6 ~~Section 9829 of the Welfare and Institutions Code.~~
- 7 ~~(8) One hundred thousand dollars (\$100,000) to develop a~~
- 8 ~~curriculum of intergenerational programs on aging pursuant to~~
- 9 ~~Section 9830 of the Welfare and Institutions Code.~~

O