

AMENDED IN SENATE JUNE 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 138

Introduced by Assembly Member Beall
(Coauthors: Assembly Members Hill and Bonnie Lowenthal)
(Coauthors: Senators Hancock and Liu)

January 13, 2011

An act to amend Sections 9100 and 9400 of, and to add Section 9009 to, the Welfare and Institutions Code, relating to aging.

LEGISLATIVE COUNSEL'S DIGEST

AB 138, as amended, Beall. Elder Economic Planning Act of 2011. The Mello-Granlund Older Californians Act creates the California Department of Aging, with prescribed duties, including the development of the state plan on aging.

This bill would require, if specified conditions are met, the department to report data from the Elder Economic Security Standard Index (Elder Index), as defined, for each service area included in the state plan.

The act also establishes area agencies on aging with specified duties, including creation of a plan for the agencies that considers available data and population trends, assesses the need for services, identifies sources of funding for services, and develops and implements a plan for the delivery of services based on the need.

This bill would require, if specified conditions are met, that the plan utilize the Elder Index to specify the cost of meeting basic needs for elders in each planning and service area, and identify the number or percentage of elders living at or below the Elder Index.

The federal Older Americans Act provides for various programs, including the Senior Community Service Employment Program

(SCSEP), an employment and training program for employed, low-income seniors. This program is locally administered by area agencies on aging.

This bill would require, if specified conditions are met, that the area agencies on aging use the Elder Index to track state-administered SCSEP participants progress toward economic sustainability.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. This act shall be known, and may be cited, as the
2 Elder Economic Planning Act of 2011.

3 SEC. 2. Section 9009 is added to the Welfare and Institutions
4 Code, to read:

5 9009. (a) “Elder Economic Security Standard Index” means
6 an index, available on the Internet, that quantifies the costs in the
7 private market for meeting the basic needs of elders, including,
8 but not limited to, the costs of essential household items, food,
9 health care, shelter, transportation, and utilities.

10 (b) The Elder Economic Security Standard Index is updated
11 biennially by the University of California, Los Angeles Center for
12 Health Policy Research, using publicly available data sources on
13 the costs to live in each county of the state.

14 SEC. 3. Section 9100 of the Welfare and Institutions Code is
15 amended to read:

16 9100. (a) There is in the California Health and Human Services
17 Agency, the California Department of Aging.

18 (b) The department’s mission shall be to provide leadership to
19 the area agencies on aging in developing systems of home- and
20 community-based services that maintain individuals in their own
21 homes or least restrictive homelike environments.

22 (c) (1) In fulfilling its mission, the department shall develop
23 minimum standards for service delivery to ensure that its programs
24 meet consumer needs, operate in a cost-effective manner, and
25 preserve the independence and dignity of aging Californians. In
26 accomplishing its mission, the department shall consider available
27 data and population trends in developing programs and policies,
28 collaborate with area agencies on aging, the commission, and other

1 state and local agencies, and consider the views of advocates,
2 consumers and their families, and service providers.

3 (2) The department shall report the Elder Economic Security
4 Standard Index data for each service area in its state plan, but only
5 if the Elder Economic Security Standard Index is updated and
6 made available to the department.

7 (d) The minimum standards for the department programs shall
8 ensure that the system meets all of the following requirements:

9 (1) Have the flexibility to respond to the needs of individuals
10 and their families and caregivers.

11 (2) Provide for consumer choice and self-determination.

12 (3) Enable consumers to be involved in designing and
13 monitoring the system.

14 (4) Be equally accessible to diverse populations regardless of
15 income, consistent with state and federal law.

16 (5) Have consistent statewide policy, with local control and
17 implementation.

18 (6) Include preventive services and home- and community-based
19 support.

20 (7) Have cost containment and fiscal incentives consistent with
21 the delivery of appropriate services at the appropriate level.

22 SEC. 4. Section 9400 of the Welfare and Institutions Code is
23 amended to read:

24 9400. (a) The Legislature hereby declares and recognizes the
25 area agencies on aging to be the local units on aging in California
26 that are supported from an array of sources, including federal
27 funding largely through the federal Older Americans Act (42
28 U.S.C. Sec. 3001 et seq.), state and local governmental assistance,
29 the private sector, and individual contributions for services.

30 (b) Area agencies on aging shall operate in compliance with the
31 Older Americans Act and applicable regulations.

32 (c) Each area agency on aging shall maintain a professional
33 staff that is supplemented by volunteers, governed by a board of
34 directors or elected officials, and whose activities are reviewed by
35 an advisory council consisting primarily of older individuals from
36 the community.

37 (d) (1) Each area agency on aging shall create a plan that
38 considers available data and population trends, assesses the needs
39 for services provided under this division reflective of the
40 community needs, identifies sources for funding those services,

1 and develops and implements a plan for delivery of those services
2 based on those needs. Each plan shall include developing area
3 home- and community-based systems of care that maintain
4 individuals in their own homes or least restrictive environment,
5 providing better access to these services through information and
6 referral, outreach, and transportation, and advocating for the elderly
7 on local, state, and national levels.

8 (2) Each plan shall use the Elder Economic Security Standard
9 Index to specify the costs in the private market of meeting the
10 basic needs of elders in each planning and service area, and identify
11 the number or percentage of elders who are living at or below the
12 Elder Economic Security Standard Index. This paragraph shall be
13 implemented only if the Elder Economic Security Standard Index
14 is updated and made available to the area agencies on aging.

15 (e) Area agencies on aging shall function as the community link
16 at the local level for development of home- and community-based
17 services provided under the department's programs.

18 (f) The area agencies on aging shall implement subdivision (b)
19 of Section 9100 at the local level, with particular emphasis on
20 coordinating with the local systems to enable individuals to live
21 out their lives with maximum independence and dignity in their
22 own homes and communities through the development of
23 comprehensive and coordinated systems of home- and
24 community-based care. This division shall not preclude local
25 determination and designation of service coordinators other than
26 area agencies on aging, for development and implementation of
27 the long-term care integration pilot projects set forth in Article
28 4.05 (commencing with Section 14139.05) of Chapter 7 of Part 3
29 of Division 9.

30 (g) In fulfilling their mission, area agencies on aging shall build
31 upon the resources and the commitment unique to each community
32 and shall be guided by a 10-point description of a community-based
33 system that shall do all of the following:

34 (1) ~~Provide~~ Have a visible focal point of contact where anyone
35 can go or call for help, information, or referral on any aging issue.

36 (2) Provide a range of service options.

37 (3) Ensure that these options are readily accessible to all older
38 individuals, whether independent, semi-independent, or totally
39 dependent, ~~regardless of~~ *no matter what* their income.

1 (4) Include a commitment of public, private, and voluntary
2 resources committed to supporting the system.

3 (5) Involve collaborative decisionmaking among public, private,
4 voluntary, religious, and fraternal organizations, as well as older
5 individuals and consumers in the community.

6 (6) Offer special help or targeted resources for the most
7 vulnerable older individuals, those in danger of losing their
8 independence.

9 (7) Provide effective referral from agency to agency to ensure
10 that information or assistance is received, regardless of how or
11 where contact is made in the community.

12 (8) Evidence sufficient flexibility to respond with appropriate
13 individualized assistance, especially for the vulnerable older
14 individuals.

15 (9) ~~Provide~~ *Have* a unique character that is tailored to the
16 specific nature of the community.

17 (10) ~~Provide direction~~ *Be directed* by leaders in the community
18 who have the respect, capacity, and authority necessary to convene
19 all interested persons to assess needs, design solutions, track overall
20 success, stimulate change, and plan community responses for the
21 present and for the future.

22 (h) The area agencies on aging shall use the Elder Economic
23 Security Standard Index to track the progress of participants in the
24 state-administered Senior Community Service Employment
25 Program, but only if the Elder Economic Security Standard Index
26 is updated and made available to the area agencies on aging.

27 SEC. 5. This act shall not be construed to mandate changes in
28 the current funding allocations to area agencies on aging made
29 pursuant to subparagraph (A) of paragraph (2) of subdivision (b)
30 of Section 9112 of the Welfare and Institutions Code.

31 SEC. 6. This act shall not be construed, based on the use of
32 the Elder Economic Security Standard Index, to affect means-tested
33 programs administered through the Mello-Granlund Older
34 Californians Act.

O