

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN SENATE JUNE 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 138**

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

January 13, 2011

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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 as a guide when making*

*decisions about allocating existing resources*, 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 *as a guide when making decisions about allocating existing resources* and 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. *It is the intent of the Legislature that the California*  
4 *Department of Aging and the area agencies on aging utilize the*  
5 *Elder Economic Security Index, when available, as developed and*  
6 *updated by the University of California, Los Angeles, Center for*  
7 *Health Policy Research, as a planning tool in the development of*  
8 *local area plans and as a guide in allocating existing resources*  
9 *that support senior services in their communities.*

10 ~~SEC. 2:~~

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

13 9009. (a) “Elder Economic Security Standard Index” means  
14 an index, available on the Internet, that quantifies the costs in the  
15 private market for meeting the basic needs of elders, including,  
16 but not limited to, the costs of essential household items, food,  
17 health care, shelter, transportation, and utilities.

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

22 ~~SEC. 3:~~

23 SEC. 4. Section 9100 of the Welfare and Institutions Code is  
24 amended to read:

1 9100. (a) There is in the California Health and Human Services  
2 Agency, the California Department of Aging.

3 (b) The department's mission shall be to provide leadership to  
4 the area agencies on aging in developing systems of home- and  
5 community-based services that maintain individuals in their own  
6 homes or least restrictive homelike environments.

7 (c) (1) In fulfilling its mission, the department shall develop  
8 minimum standards for service delivery to ensure that its programs  
9 meet consumer needs, operate in a cost-effective manner, and  
10 preserve the independence and dignity of aging Californians. In  
11 accomplishing its mission, the department shall consider available  
12 data and population trends in developing programs and policies,  
13 collaborate with area agencies on aging, the commission, and other  
14 state and local agencies, and consider the views of advocates,  
15 consumers and their families, and service providers.

16 (2) The department shall report the Elder Economic Security  
17 Standard Index data for each service area in its state plan *and use*  
18 *it as a reference when making decisions about allocating its*  
19 *existing resources*, but only if the Elder Economic Security  
20 Standard Index is updated and made available to the ~~department.~~  
21 *department, and if the available public data used to calculate each*  
22 *Elder Economic Security Standard Index data element is calculated*  
23 *and updated for each California county and made available to the*  
24 *department in a format that displays each county's specific data.*

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

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

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

30 (3) Enable consumers to be involved in designing and  
31 monitoring the system.

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

34 (5) Have consistent statewide policy, with local control and  
35 implementation.

36 (6) Include preventive services and home- and community-based  
37 support.

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

1     ~~SEC. 4.~~

2     SEC. 5. Section 9400 of the Welfare and Institutions Code is  
3 amended to read:

4     9400. (a) The Legislature hereby declares and recognizes the  
5 area agencies on aging to be the local units on aging in California  
6 that are supported from an array of sources, including federal  
7 funding largely through the federal Older Americans Act (42  
8 U.S.C. Sec. 3001 et seq.), state and local governmental assistance,  
9 the private sector, and individual contributions for services.

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

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

17    (d) (1) Each area agency on aging shall create a plan that  
18 considers available data and population trends, assesses the needs  
19 for services provided under this division reflective of the  
20 community needs, identifies sources for funding those services,  
21 and develops and implements a plan for delivery of those services  
22 based on those needs. Each plan shall include developing area  
23 home- and community-based systems of care that maintain  
24 individuals in their own homes or least restrictive environment,  
25 providing better access to these services through information and  
26 referral, outreach, and transportation, and advocating for the elderly  
27 on local, state, and national levels.

28    (2) Each plan shall use the Elder Economic Security Standard  
29 Index *as a reference when making decisions about allocating*  
30 *existing resources* to specify the costs in the private market of  
31 meeting the basic needs of elders in each planning and service  
32 area, and identify the number or percentage of elders who are living  
33 at or below the Elder Economic Security Standard Index. This  
34 paragraph shall be implemented only if the Elder Economic  
35 Security Standard Index is updated and made available to the area  
36 agencies on ~~aging~~ aging, *and if the available public data used to*  
37 *calculate each Elder Economic Security Standard Index data*  
38 *element is calculated and updated using county level information*  
39 *specific to each California county and made available to the area*

1 *agencies on aging in a format that displays each county's specific*  
2 *data.*

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

6 (f) The area agencies on aging shall implement subdivision (b)  
7 of Section 9100 at the local level, with particular emphasis on  
8 coordinating with the local systems to enable individuals to live  
9 out their lives with maximum independence and dignity in their  
10 own homes and communities through the development of  
11 comprehensive and coordinated systems of home- and  
12 community-based care. This division shall not preclude local  
13 determination and designation of service coordinators other than  
14 area agencies on aging, for development and implementation of  
15 the long-term care integration pilot projects set forth in Article  
16 4.05 (commencing with Section 14139.05) of Chapter 7 of Part 3  
17 of Division 9.

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

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

24 (2) Provide a range of service options.

25 (3) Ensure that these options are readily accessible to all older  
26 individuals, whether independent, semi-independent, or totally  
27 dependent, no matter what their income.

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

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

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

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

1 (8) Evidence sufficient flexibility to respond with appropriate  
2 individualized assistance, especially for the vulnerable older  
3 individuals.

4 (9) Have a unique character that is tailored to the specific nature  
5 of the community.

6 (10) Be directed by leaders in the community who have the  
7 respect, capacity, and authority necessary to convene all interested  
8 persons to assess needs, design solutions, track overall success,  
9 stimulate change, and plan community responses for the present  
10 and for the future.

11 ~~(h) The area agencies on aging shall use the Elder Economic~~  
12 ~~Security Standard Index to track the progress of participants in the~~  
13 ~~state-administered Senior Community Service Employment~~  
14 ~~Program, but only if the Elder Economic Security Standard Index~~  
15 ~~is updated and made available to the area agencies on aging.~~

16 ~~SEC. 5.~~

17 *SEC. 6.* This act shall not be construed to *advocate for or*  
18 *mandate* changes in the current funding ~~allocations~~ *formulas* to  
19 area agencies on aging made pursuant to subparagraph (A) of  
20 paragraph (2) of subdivision (b) of Section 9112 of the Welfare  
21 and Institutions Code.

22 ~~SEC. 6.~~

23 *SEC. 7.* This act shall not be construed, based on the use of the  
24 Elder Economic Security Standard Index, to affect means-tested  
25 ~~programs administered through the Mello-Granlund Older~~  
26 ~~Californians Act.~~ *programs.*