

ASSEMBLY BILL

No. 753

Introduced by Assembly Member Lowenthal

February 21, 2013

An act to repeal and add Chapter 7 (commencing with Section 4362) of Part 3 of Division 4 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 753, as introduced, Lowenthal. Cognitively impaired adults: caregiver resource centers.

Under existing law, the Director of Health Care Services and the Statewide Resources Consultant administer a program to provide various services to brain-impaired adults and their families and caregivers. Existing law requires the director to contract with a nonprofit community agency meeting prescribed criteria to act as the Statewide Resources Consultant, and prescribes the duties of the consultant. Existing law also requires the director to contract with nonprofit community resource agencies to establish regionally based resource centers to ensure the existence of an array of appropriate programs and services for brain-impaired adults.

This bill would repeal and recast those provisions. This bill would require the director to, among other things, maintain or enter into contracts directly with 11 caregiver resource centers (CRCs) to provide direct services to caregivers of cognitively impaired adults, as defined, throughout the state. These services would include, but not be limited to, specialized information, family consultation, respite care, short-term counseling, and support groups. The bill would require the CRCs to

submit progress reports on their activities, as specified. The bill would authorize the director to enter into exclusive or nonexclusive contracts on a bid or negotiated basis and amend existing contracts to provide or arrange for services provided under this chapter.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Chapter 7 (commencing with Section 4362) of
2 Part 3 of Division 4 of the Welfare and Institutions Code is
3 repealed.

4 SEC. 2. Chapter 7 (commencing with Section 4362) is added
5 to Part 3 of Division 4 of the Welfare and Institutions Code, to
6 read:

7

8 CHAPTER 7. COMPREHENSIVE ACT FOR FAMILIES AND
9 CAREGIVERS OF COGNITIVELY IMPAIRED ADULTS

10

11 4362. The Legislature finds all of the following:

12 (a) Most people with cognitive impairment who need long-term
13 care live at home or in community settings, not in institutions.

14 (b) Family members caring for a loved one with cognitive
15 impairment face significant challenges to maintaining physical
16 and mental health as a result of the burdens of caregiving.

17 (c) The California caregiver resource centers (CRCs) effectively
18 advocate for family caregivers.

19 (d) The CRCs use evidence-based practices to improve health
20 outcomes for caregivers and the people to whom they provide care.

21 (e) The services provided by CRCs help families avoid or delay
22 nursing home placement, resulting in significant savings in health
23 care costs to government, individuals, and communities.

24 (f) The CRC system strengthens the California economy by
25 helping working families who care for a loved one.

26 (g) The state shall support family caregivers taking care of
27 adults, persons 18 years of age or older, living with cognitive
28 impairment by funding and implementing the California caregiver
29 resource centers.

1 4362.5. As used in this chapter:

2 (a) “Caregiver” means any unpaid family member or individual
3 who assumes responsibility for the care of a cognitively impaired
4 adult.

5 (b) “Cognitive impairment” means significant destruction of
6 brain tissue with resultant loss of brain function. Examples of
7 causes of the impairments are Alzheimer’s disease, stroke, and
8 traumatic brain injury.

9 (c) “Cognitively impaired adult” means a person whose
10 cognitive impairment has occurred after 18 years of age.

11 (d) “CRC” means a caregiver resource center.

12 (e) “Director” means the Director of Health Care Services.

13 (f) “Family member” means any relative or court-appointed
14 guardian or conservator who is responsible for the care of a
15 cognitively impaired adult.

16 4363. The director shall administer this chapter and establish
17 standards and procedures, as the director deems necessary in
18 carrying out the provisions of this chapter. The standards and
19 procedures are not required to be adopted as regulations pursuant
20 to the Administrative Procedure Act (Chapter 3.5 (commencing
21 with Section 11340) of Part 1 of Division 3 of Title 2 of the
22 Government Code).

23 4363.5. The director shall do all of the following:

24 (a) Maintain or enter into contracts directly with 11 CRCs to
25 provide direct services to caregivers throughout the state in the
26 existing geographic service areas.

27 (b) Maintain a CRC Operations Manual that defines CRC
28 services and procedures and identifies CRC duties and
29 responsibilities.

30 (c) Seek funding for CRC from federal and private sources.

31 4364. (a) Agencies designated as caregiver resource centers
32 by the director shall include in their governing or advisory boards,
33 or both, as required by the director, persons who are representative
34 of the ethnic and socioeconomic character of the area served and
35 the client groups served in the geographic area.

36 (b) Criteria to be used in selecting resource centers shall include,
37 but not be limited to, the following:

38 (1) Fiscal stability and sound financial management, including
39 the capability of successful fundraising.

1 (2) Ability to obtain community support for designation as a
2 caregiver resource center within the existing statewide regions
3 recommended by the director.

4 (3) Demonstrated ability to carry out the functions specified in
5 Section 4364.5, particularly in delivering necessary programs and
6 services to caregivers taking care of cognitively impaired adults,
7 as defined in subdivision (c) of Section 4362.5.

8 4364.5. (a) The CRCs shall deliver services to and advocate
9 for caregivers of cognitively impaired adults, as established in the
10 CRC Operations Manual.

11 (b) These services shall include, but not be limited to, all of the
12 following:

13 (1) Specialized information on chronic and disabling conditions
14 and diseases, aging, caregiving issues, and community resources.

15 (2) Family consultation. Professional staff shall work with
16 families and caregivers to provide support, alleviate stress, examine
17 options, and enable them to make decisions related to the care of
18 cognitively impaired adults. Clinical staff shall provide an
19 assessment of caregiver needs, short- and long-term care planning,
20 and ongoing consultation.

21 (3) Respite care. The CRCs shall arrange respite services to
22 relieve caregivers of the stress of constant care.

23 (4) Short-term counseling. The CRCs shall provide up to six
24 one-hour individual counseling sessions to caregivers seeking
25 emotional support, skill development, and strategies to better cope
26 with their caregiving situation.

27 (5) Support groups. The CRCs shall offer support groups that
28 enable caregivers to share experiences and ideas to ease the stress
29 of their caregiving role.

30 (6) Legal and financial consultation, including professional legal
31 assistance, that can help caregivers with a variety of issues,
32 including estate planning, trusts, wills, conservatorships, and
33 durable powers of attorney.

34 (7) Education and training. The CRCs shall organize and conduct
35 education for groups of caregivers and community professionals
36 on a variety of topics related to caregiving.

37 (c) The amount of each of the services specified in subdivision
38 (b) that are provided shall be determined by local needs and
39 available resources.

1 (d) Persons receiving services pursuant to this chapter may be
2 required to contribute to the cost of services depending upon their
3 ability to pay, but not to exceed the actual cost thereof.

4 4365. Each CRC shall submit progress reports on its activities
5 as required by the director. These reports shall include, but not be
6 limited to, a summary and evaluation of the activities of the CRC.
7 Client, caregiver, service, and cost data shall be provided for each
8 operating CRC.

9 4365.5. The director may enter into exclusive or nonexclusive
10 contracts on a bid or negotiated basis and may amend existing
11 contracts to provide or arrange for services provided under this
12 chapter. Contracts entered into or amended pursuant to this section
13 shall be exempt from the provisions of Chapter 2 (commencing
14 with Section 10290) of Part 2 of Division 2 of the Public Contract
15 Code and Chapter 6 (commencing with Section 14825) of Part 5.5
16 of Division 3 of Title 2 of the Government Code.

17 SEC. 3. This act is an urgency statute necessary for the
18 immediate preservation of the public peace, health, or safety within
19 the meaning of Article IV of the Constitution and shall go into
20 immediate effect. The facts constituting the necessity are:

21 To ensure the continuation of vital services through the transition
22 of the program from the former State Department of Mental Health
23 to the State Department of Health Care Services, it is necessary
24 that this act take effect immediately.