

**ASSEMBLY BILL**

**No. 1744**

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**Introduced by Assembly Member Brown  
(Principal coauthor: Assembly Member Atkins)**

February 14, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1744, as introduced, Brown. California Department of Aging.

The Mello-Granlund Older Californians Act creates the California Department of Aging 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 requires the department, in accomplishing its mission, to consider available data and population trends in developing programs and policies, collaborate with area agencies on aging, the California Commission on Aging, and other state and local agencies.

This bill would require the department to convene a joint study committee on family caregiving and long-term support services, as provided. The bill would require the committee to prepare a report of its findings and provide it to the Legislature on or before July 1, 2016.

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. Section 9100 of the Welfare and Institutions Code  
2 is amended to read:

3 9100. (a) There is in the California Health and Human Services  
4 Agency, the California Department of Aging.

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

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

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

27 (d) (1) *The department shall convene a joint study committee*  
28 *on family caregiving and long-term support services. The*  
29 *committee shall be jointly chaired by a representative of the*  
30 *department and a representative of AARP California, except that*  
31 *all decisions regarding the expenditure of state funds shall be*  
32 *made by the department representative. The committee shall be*  
33 *comprised of at least five members, of which at least one shall be*  
34 *a representative of an area agency on aging advisory council. The*  
35 *committee shall do all of the following:*

36 (A) *Identify policies, resources, and programs available for*  
37 *family caregivers and encourage additional innovative and creative*

1 means to support family caregivers to continue to provide needed  
2 in-home support for older adults.

3 (B) Compile an inventory of the resources available to family  
4 caregivers.

5 (C) Solicit testimony on the needs of family caregivers including  
6 the designation of caregivers, training, respite services, medical  
7 leave policies, delegation of tasks to nonmedical aids and other  
8 policies.

9 (D) Prepare and provide to the Legislature a report of its  
10 findings on or before July 1, 2016.

11 (2) The requirement for submitting a report imposed under  
12 paragraph (1) is inoperative on July 1, 2020, pursuant to Section  
13 10231.5 of the Government Code.

14 (3) A report to be submitted pursuant to paragraph (1) shall be  
15 submitted in compliance with Section 9795 of the Government  
16 Code.

17 ~~(d)~~

18 (e) The minimum standards for the department programs shall  
19 ensure that the system meets all of the following requirements:

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

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

23 (3) Enable consumers to be involved in designing and  
24 monitoring the system.

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

27 (5) Have consistent statewide policy, with local control and  
28 implementation.

29 (6) Include preventive services and home- and community-based  
30 support.

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