

AMENDED IN SENATE AUGUST 4, 2014

AMENDED IN ASSEMBLY MAY 23, 2014

AMENDED IN ASSEMBLY APRIL 8, 2014

AMENDED IN ASSEMBLY MARCH 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1744

**Introduced by Assembly Member Brown
(Principal coauthor: Assembly Member Atkins)
(Coauthors: Assembly Members Cooley, Levine, Waldron, and
Yamada)**

February 14, 2014

An act to add *and repeal* Section 9104 to the Welfare and Institutions Code, relating to aging.

LEGISLATIVE COUNSEL'S DIGEST

AB 1744, as amended, 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, *until January 1, 2018*, would require the department, ~~upon securing \$200,000 in nonstate funds from private sources for purposes~~

of implementing the bill, to convene a blue-ribbon panel, *task force* comprised of at least 13 members, as specified, to make legislative recommendations to improve services for unpaid and family caregivers in California, as provided. *The bill would condition this requirement upon the receipt of \$200,000 in nonstate funds from private sources for purposes of implementing the bill.* The bill would require the ~~committee~~ *task force* to prepare a report of its findings and recommendations and provide it to the Legislature on or before July 1, 2016. The bill would make related findings and declarations.

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 California Caregiver Act of 2014.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) A caregiver can be any relative, partner, friend, or neighbor
- 5 who has a significant relationship with, and who provides a broad
- 6 range of assistance to, an older person or an adult with a chronic
- 7 or disabling condition.
- 8 (b) At present, there is no complete inventory of caregiving
- 9 programs available to Californians performing unpaid caregiving
- 10 services for an aging or disabled family member, friend, or
- 11 neighbor.
- 12 (c) Rising demand and shrinking families to provide caregiving
- 13 support suggest that California needs a comprehensive person-
- 14 and family-centered policy for long-term services and supports
- 15 systems that would better serve the needs of older persons with
- 16 disabilities, support family and friends in their caregiving roles,
- 17 and promote greater efficiencies in public spending.
- 18 (d) California ranked ~~30th~~ *24th* out of 50 states and the District
- 19 of Columbia on the ~~2014~~ State Long-Term Services and Supports
- 20 Scorecard sponsored by the SCAN Foundation, American
- 21 Association of Retired Persons (AARP), and the Commonwealth
- 22 Fund.
- 23 (e) Family support is a key driver in remaining in one's home
- 24 and community, but it comes at substantial costs to the caregivers,
- 25 their families, and to society. If family caregivers were no longer
- 26 available, the economic cost to California's health care and

1 long-term services and supports systems would increase
2 astronomically.

3 ~~(f) In 2009, approximately~~

4 ~~(f) Approximately 4 million family caregivers in California~~
5 ~~provided provide~~ care to an adult with limitations in daily activities
6 at any given point in time, and over 5.8 million ~~provided provide~~
7 care at some time during the ~~year~~.

8 ~~(g) In 2009, year. In addition, California's family caregivers~~
9 ~~provided provide~~ an estimated 3,850,000,000 hours of unpaid labor
10 caring for their loved ones. The estimated economic value of their
11 unpaid contributions ~~was is~~ approximately \$47 billion.

12 ~~(h) In 2009, 59 percent~~

13 ~~(g) Fifty-nine percent~~ of all family caregivers ~~were are~~ employed
14 full or part time. Family caregivers typically spend 20 hours a
15 week caring for a family member who needs help with bathing,
16 dressing, and other kinds of personal care, as well as household
17 tasks such as shopping and managing finances.

18 ~~(i)~~

19 ~~(h) Nationally, 46 percent of family caregivers performed~~
20 ~~perform~~ medical or nursing tasks for care recipients with multiple
21 chronic physical and cognitive conditions. More than three-quarters
22 of family caregivers who ~~provided provide~~ medical or nursing
23 tasks ~~were are~~ managing medications, including administering
24 intravenous fluids and ~~injections~~.

25 ~~(j) Almost one-half injections. Nearly half of family caregivers~~
26 ~~were are~~ administering five to nine prescription medications a day,
27 and one in five ~~was is~~ helping with 10 or more prescription
28 medications a day. Yet, ~~61 percent of these most~~ caregivers
29 ~~reported report~~ that they trained themselves to perform medication
30 management.

31 ~~(k)~~

32 ~~(i) Only 31 percent of caregivers reported report~~ being visited
33 at home by a health care professional. ~~In addition, 27~~ ~~Twenty-seven~~
34 percent of caregivers report that they have no additional assistance
35 from a family member, health care professional, or home health
36 aide.

37 ~~(l)~~

38 ~~(j) Nationally, more than 8 in 10 caregivers are over 50 years~~
39 ~~of age. Family caregivers are aging and are increasingly from~~
40 ~~diverse social, racial, ethnic, and political backgrounds. As the~~

1 *baby boomers age into their 80s, the decline in the caregiver*
2 *support ratio is projected to shift from a slow decline to a free fall*
3 *in California.*

4 ~~(m)~~

5 (k) For many families in the midst of caregiving, there is deep
6 worry and concern about the quality of care and quality of ~~life.~~

7 ~~(n) Families life.~~ They do not know who to call or where to go
8 to get the right kind of affordable help when they need it.

9 ~~(o) In just 13 years, as the baby boomers age into their 80s, the~~
10 ~~decline in the caregiver support ratio is projected to shift from a~~
11 ~~slow decline to a free fall in California.~~

12 ~~(p)~~

13 (l) To avoid bankrupting our health and social service systems
14 serving the elderly and persons with disabilities, it is imperative
15 that California prepare by identifying strategies that will promote
16 appropriate, person-centered services for families struggling with
17 providing care to a family member.

18 ~~(q)~~

19 (m) It is in the interest of the state to better serve the
20 approximately 4,000,000 families statewide who are currently
21 struggling to care for an aging or disabled family member, many
22 of whom are also in the workforce.

23 ~~(r)~~

24 (n) There is an immense need for caregiving resources and
25 services. As California's population ~~ages~~ *ages*, and as California
26 becomes increasingly diverse, it is ~~also~~ in the interest of the state
27 to adequately serve the following emerging caregiver populations:

28 (1) Caregivers from the Black, Latino, Asian American, and
29 Pacific Islander communities.

30 (2) Families of individuals with developmental disabilities.

31 (3) Persons who cannot access or are not eligible for existing
32 caregiver support programs.

33 (4) Non-English speakers, and ethnically and racially diverse
34 populations that need caregiving programs to be provided in a
35 culturally and linguistically appropriate manner.

36 (5) Those in the lesbian, gay, bisexual, and transgender
37 community.

38 (6) Rural residents.

39 SEC. 3. Section 9104 is added to the Welfare and Institutions
40 Code, to read:

1 9104. (a) The department shall, ~~upon securing two hundred~~
2 ~~thousand dollars (\$200,000) of nonstate funds from private sources~~
3 ~~for the purpose of implementing this section, convene a blue-ribbon~~
4 ~~panel on family caregiving and long-term services and supports.~~
5 ~~The panel convene a blue-ribbon task force on unpaid family~~
6 ~~caregiving upon receipt of two hundred thousand dollars~~
7 ~~(\$200,000) of nonstate funds from private sources for purposes of~~
8 ~~implementing this section. The department shall use the private~~
9 ~~funds solely for the planning, operation, assessment, and final~~
10 ~~recommendations of the task force.~~

11 (b) ~~The task force shall be jointly~~ chaired by the director of the
12 department or his or her designee and *shall be vice-chaired* by a
13 representative elected by the members of the ~~panel~~ task force.

14 ~~(b)~~

15 (c) ~~The panel~~ task force shall be comprised of at least 13
16 members, each of whom shall ~~be representative of~~ *have experience*
17 *in* one or more of the following categories:

18 (1) A person with experience in the field of academic research
19 on caregiving.

20 (2) A family caregiver for an adult with a chronic or disabling
21 condition.

22 (3) A representative of the mental health community.

23 (4) A representative of the California caregiver resource centers.

24 (5) A representative of the ~~national~~ *California* Alzheimer's
25 Association.

26 (6) A representative of an organization that provides
27 community-based adult services.

28 (7) A representative of an organization that provides an adult
29 day program.

30 (8) A representative of an organization that provides services
31 to caregivers.

32 (9) A representative of ~~an unpaid or family caregiver consumer~~
33 ~~organization~~ *AARP California*.

34 (10) A representative with expertise in and knowledge of the
35 specific needs of culturally and linguistically diverse caregivers
36 and the unique challenges of delivering services to family
37 caregivers who face cultural or linguistic barriers.

38 (11) An adult with a chronic or disabling condition who receives
39 care from an unpaid caregiver or family member.

- 1 (12) A director or designated representative of an area agency
2 on aging.
- 3 (e)
- 4 (d) The blue-ribbon ~~panel~~ *task force* shall do all of the following:
- 5 (1) Review the current policies and practices of state, local, and
6 community programs available to caregivers of adults with chronic
7 or disabling conditions, and consider how the needs of family
8 caregivers should be assessed and addressed so that they can
9 continue in their caregiving role without being overburdened.
- 10 (2) Consider the recommendations of other state plans,
11 including, but not limited to, the Olmstead Plan, the Long-Range
12 Strategic Plan on Aging, the State Plan for Alzheimer's Disease,
13 and the State Plan on Aging.
- 14 (3) Compile an inventory of the resources available to family
15 caregivers.
- 16 (4) Determine gaps in services to family caregivers and identify
17 barriers to participation in current programs.
- 18 (5) Consider cultural and linguistic factors that impact caregivers
19 and care recipients who are from diverse populations.
- 20 (6) Consult with a broad range of stakeholders, including, but
21 not limited to, people diagnosed with Alzheimer's disease, adults
22 with disabling or chronic conditions, family caregivers,
23 community-based and institutional providers, caregiving
24 researchers and academicians, formal caregivers, the Caregiver
25 Resource Centers, the California Commission on Aging, and other
26 state entities.
- 27 (7) Solicit testimony on the needs of family caregivers, including
28 the designation of caregivers, training, respite services, medical
29 leave policies, delegation of tasks to nonmedical aides, and other
30 policies.
- 31 (8) Identify best practices both in California and in other states.
- 32 (9) Explore expanding those best practices in caregiving
33 programs to populations that are not currently targeted.
- 34 ~~(10) Develop at least three legislative recommendations to~~
35 ~~improve the provision of services for unpaid and family caregivers~~
36 ~~in California. These recommendations shall address all of the~~
37 ~~following:~~
- 38 ~~(A) Community-based support for California's diverse~~
39 ~~population of caregivers for adults with chronic or disabling~~
40 ~~conditions.~~

1 ~~(B) Choices for care and residence for persons with Alzheimer’s~~
2 ~~disease and their families.~~

3 ~~(C) The family caregiving competence of health care~~
4 ~~professionals.~~

5 *(10) Make specific recommendations that address, at a*
6 *minimum, each of the following:*

7 *(A) The development of a one-stop information hub Web site or*
8 *portal that contains a list of current resources and supports*
9 *available in a family caregiver’s community, or the contact*
10 *information of a person or organization who can help a family*
11 *caregiver navigate these support services.*

12 *(B) The enhancement of outreach and education efforts by area*
13 *agencies on aging and family resource centers to ensure that*
14 *information is provided to family caregivers at the time they need*
15 *it most.*

16 *(C) The development of a caregiver screening and assessment*
17 *tool that will help identify which services and supports a family*
18 *caregiver needs.*

19 (11) Prepare and provide to the Legislature a report of its
20 findings and recommendations on or before July 1, 2016.

21 ~~(d)~~

22 *(e) (1) Members shall serve without compensation, but shall*
23 *receive reimbursement for travel and other necessary expenses*
24 *actually incurred in the performance of their official duties.*

25 *(2) The ~~panel~~ task force shall meet on a bimonthly basis.*

26 *(3) Members of the task force shall be appointed to serve for*
27 *the duration of the task force.*

28 ~~(3)~~

29 *(4) All meetings of the ~~panel~~ task force shall be open to the*
30 *public and adequate notice shall be provided in accordance with*
31 *the Bagley-Keene Open Meeting Act (Article 9 (commencing with*
32 *Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of*
33 *the Government Code).*

34 ~~(e) (1) The requirement for submitting a report imposed under~~
35 ~~paragraph (11) of subdivision (e) is inoperative on July 1, 2020,~~
36 ~~pursuant to Section 10231.5 of the Government Code.~~

37 ~~(2)~~

38 *(f) A report to be submitted pursuant to paragraph (11) of*
39 *subdivision ~~(e)~~ (d) shall be submitted in compliance with Section*
40 *9795 of the Government Code.*

- 1 (g) *This section shall remain in effect only until January 1, 2018,*
- 2 *and as of that date is repealed, unless a later enacted statute, that*
- 3 *is enacted before January 1, 2018, deletes or extends that date.*

O