

AMENDED IN ASSEMBLY MAY 5, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 100**

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**Introduced by Assembly Member Granlund**

January 8, 1997

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An act to amend Sections 9201, ~~9533, 9544~~ 9544, 9545, 9630, 9631, and 9718 of, to amend and renumber the heading of Chapter 14 (commencing with Section 9750) of Division 8.5 of, and to repeal Division 8.5 (commencing with Section 9000) of, the Welfare and Institutions Code, relating to aging.

LEGISLATIVE COUNSEL'S DIGEST

AB 100, as amended, Granlund. Aging.

Existing law establishes the Mello-Granlund Older Californians Act which is administered by the California Commission on Aging and the California Department of Aging. Existing law prescribes the composition of the commission, and provides that a commissioner who fails to attend 2 consecutive monthly meetings or who fails to attend 9 meetings per year, without acceptable written excuse, shall cause the commission to notify the appointing authority which may declare the position vacant.

This bill would make this provision applicable upon failure of a commissioner to attend 4 meetings per year.

~~Existing law requires the department to ensure that an area agency on aging that has contracted with the department to provide community-based services but that has not been directly providing those services shall not commence directly~~

~~providing those services unless a specified condition is met or there is not an adequate supply of those services in the affected area.~~

~~This bill would instead prohibit commencement of services unless a specified condition is met or there would not be a provider for these particular services in the affected area without the area agency directly providing these services.~~

*Existing law establishes the Linkages Program as a community-based services program to provide specified services to assist the frail elderly and functionally impaired adults to remain as independent as possible for as long as possible in their communities.*

*This bill would revise and recast the provisions of this program. The bill would provide that the purpose of the program is to provide care and case management services to frail elderly and functionally impaired adults to help prevent or delay placement in nursing facilities.*

Existing law requires the department to make efforts to increase public awareness about areas of importance to California’s older individuals, their families, and other caregivers, through the use of various media.

This bill would authorize the department to accomplish this purpose through the use of symposiums or educational efforts by public or private schools, colleges, and universities.

Existing law requires defined long-term care facilities to post a prescribed notice relating to the State Long-Term Care Ombudsman in a conspicuous location.

This bill would revise the definition of long-term care facility for purposes of this provision.

The bill would also make related changes.

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

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

- 1 SECTION 1. Division 8.5 (commencing with Section
- 2 9000) of the Welfare and Institutions Code, as added by
- 3 Chapter 1096 of the Statutes of 1996, is repealed.



1 SEC. 2. Section 9201 of the Welfare and Institutions  
2 Code, as added by Chapter 1097 of the Statutes of 1996, is  
3 amended to read:

4 9201. The term of office of members of the  
5 commission shall be three years. Members shall not serve  
6 more than two terms, and shall be appointed for  
7 staggered terms. The members shall select one of their  
8 members to serve as chairperson and one of their  
9 members to serve as vice chairperson on an annual basis.

10 A commissioner who fails to attend two consecutive  
11 monthly meetings or who fails to attend four meetings  
12 per year, without having given written excuse acceptable  
13 to the commission, shall cause the commission to notify  
14 the appointing authority, and the appointing authority  
15 may declare the position vacant.

16 ~~SEC. 3. Section 9533 of the Welfare and Institutions~~  
17 ~~Code, as added by Chapter 1097 of the Statutes of 1996, is~~  
18 ~~amended to read:~~

19 ~~9533. The department shall be responsible for, but not~~  
20 ~~limited to, all of the following:~~

21 ~~(a) Reviewing and approving the Community-Based~~  
22 ~~Services Network component of the area plans of~~  
23 ~~participating area agencies on aging.~~

24 ~~(b) Entering into contracts with area agencies on~~  
25 ~~aging to carry out the requirements set forth in this~~  
26 ~~chapter and Chapter 7.5 (commencing with Section~~  
27 ~~9540) that shall include the requirements set forth in~~  
28 ~~subdivisions (c) and (e) for area agencies local~~  
29 ~~management responsibilities under this division.~~

30 ~~(c) Developing the respective responsibilities for the~~  
31 ~~department and participating area agencies on aging.~~

32 ~~(d) Developing model language for area agencies on~~  
33 ~~aging to use in their procurement and final contracts with~~  
34 ~~direct service providers.~~

35 ~~(e) Enforcing statewide requirements to ensure~~  
36 ~~compliance with the statutes and regulations necessary to~~  
37 ~~carry out the purposes of this chapter and Chapter 7.5~~  
38 ~~(commencing with Section 9540).~~

39 ~~(f) Ensuring that a participating area agency on aging~~  
40 ~~that has not been directly providing the services specified~~



1 ~~under the programs provided for in Chapter 7.5~~  
2 ~~(commencing with Section 9540) shall not commence~~  
3 ~~directly providing these services until the department~~  
4 ~~has reviewed and concurred with the area plan or update~~  
5 ~~documentation demonstrating either of the following:~~

6 ~~(1) The area agency can provide a comparable quality~~  
7 ~~of these services at least as economically and at an~~  
8 ~~enhanced benefit to the consumer.~~

9 ~~(2) Without the area agency directly providing these~~  
10 ~~services, there would not be a provider for these~~  
11 ~~particular services in the affected area.~~

12 ~~SEC. 4.~~

13 *SEC. 3.* Section 9544 of the Welfare and Institutions  
14 Code, as added by Chapter 1097 of the Statutes of 1996, is  
15 amended to read:

16 9544. (a) The Legislature finds and declares that the  
17 purpose of the Foster Grandparent Program shall be to  
18 provide personally meaningful volunteer community  
19 service opportunities to low-income older individuals  
20 through mentoring children with exceptional physical,  
21 developmental, or behavioral needs in accordance with  
22 the federal National and Community Service Trust Act of  
23 1993 (42 U.S.C. Sec. 12651 et seq.).

24 (b) For purposes of this section, “foster grandparent  
25 volunteer” means an individual who is 60 years of age or  
26 older has an insufficient income, as determined in  
27 accordance with Part 1208 of Title 45 of the Code of  
28 Federal Regulations, and provides at least four hours a  
29 day, five days a week of foster grandparent services under  
30 this chapter.

31 (c) Direct service contractors shall meet all of the  
32 following requirements:

33 (1) Be a city, county, city and county, or department  
34 of the state, or any suitable private, nonprofit  
35 organization, that demonstrates the ability to provide the  
36 specified services in a variety of settings, including, but  
37 not limited to, hospital pediatric wards, facilities for the  
38 physically, emotionally, or mentally impaired,  
39 correctional facilities, schools, day care centers, and  
40 residences.



1 (2) Recruit, select, train, and assign staff and  
2 volunteers.

3 (3) Provide volunteer participants with the same  
4 benefits, transportation, stipends, and income  
5 exemptions as provided to the foster grandparent  
6 volunteers funded through the Corporation for National  
7 Service.

8 (4) Provide or arrange for meals, transportation, and  
9 supervision for volunteers.

10 (5) Provide benefits and meaningful volunteer service  
11 opportunities to low-income individuals 60 years of age  
12 and older.

13 (6) Serve children under 21 years of age, who have  
14 special needs, or are deprived of normal relationships  
15 with adults.

16 (7) Provide services to, but not limited to, any of the  
17 following:

18 (A) Premature and failure-to-thrive babies, abused,  
19 neglected, battered, and chronically ill children in  
20 hospital.

21 (B) Autistic children, children with cerebral palsy and  
22 developmentally disabled children placed in institutions  
23 for the developmentally disabled.

24 (C) Physically impaired children, mentally disabled  
25 children, emotionally disturbed children,  
26 developmentally disabled children, and children who are  
27 socially and culturally deprived in school settings and  
28 child care centers, dependent children, neglected  
29 children, mentally disabled children, emotionally  
30 disturbed or physically impaired children, battered and  
31 abused children in residential settings.

32 (D) Delinquent children and adolescents in  
33 correctional institutions.

34 (E) Children under 19 years of age, when the child has  
35 been charged with committing, or adjudged to have  
36 committed, an offense which is the equivalent to, a  
37 misdemeanor.

38 (8) Maintaining a systematic means of capturing and  
39 reporting all required community-based services  
40 program data.



1 (d) In addition to the opportunity to help children  
 2 who have exceptional physical, developmental, or  
 3 behavioral needs and are deprived of normal  
 4 relationships with adults, foster grandparent volunteers  
 5 shall receive all of the following:

6 (1) Expenses for transportation to and from their  
 7 homes and the place where they render their services or  
 8 may have transportation in buses or in other  
 9 transportation made available to them.

10 (2) One free meal during each day in which the foster  
 11 grandparent renders services.

12 (3) Accident insurance, an annual physical  
 13 examination, and a nontaxable hourly stipend.

14 *SEC. 4. Section 9545 of the Welfare and Institutions*  
 15 *Code is amended to read:*

16 9545. (a) The Legislature finds and declares that the  
 17 purpose of the Linkages Program shall be to provide  
 18 ~~comprehensive and timely information, one-time only~~  
 19 ~~assistance in securing community services when deemed~~  
 20 ~~necessary or desirable, and short-term specialized~~  
 21 ~~assistance~~ care and case management services to assist the  
 22 frail elderly and functionally impaired adults to remain as  
 23 independent as possible for as long as possible in their  
 24 communities.

25 (b) ~~Notwithstanding the terms and conditions of the~~  
 26 ~~existing contracts, direct services contracts shall be~~  
 27 ~~responsible for providing, but not limited to, the~~  
 28 ~~following:~~

29 (1) ~~Comprehensive and timely information, when~~  
 30 ~~necessary, to individuals and their families about the~~  
 31 ~~availability of community resources to assist functionally~~  
 32 ~~impaired adults and the frail elderly to maintain the~~  
 33 ~~maximum independence permitted by their functional~~  
 34 ~~ability.~~

35 (2) ~~One-time only assistance in securing community~~  
 36 ~~services when deemed necessary or desirable in order to~~  
 37 ~~assure timely receipt of the needed services to help~~  
 38 ~~maintain maximum independence of a frail older person~~  
 39 ~~or functionally impaired adult.~~



1 ~~(3) Short-term specialized assistance, including~~  
2 ~~counseling and the arrangement of an action plan, when~~  
3 ~~there is a temporary probable threat to the ability of the~~  
4 ~~frail elderly person or functionally impaired adult to~~  
5 ~~remain in the most independent living arrangement~~  
6 ~~permitted by his or her functional ability.~~

7 ~~(4) Ongoing help prevent or delay placement in~~  
8 ~~nursing facilities. For purposes of this section, "care or~~  
9 ~~case management" means all of the following:~~

10 ~~(1) As appropriate, ongoing care or case management~~  
11 ~~to frail elderly and functionally impaired adults to help~~  
12 ~~prevent or delay placement in nursing facilities. For~~  
13 ~~purposes of this paragraph, "care or case management"~~  
14 ~~means all of the following:~~

15 ~~(A)~~

16 ~~(2) Client assessment, in conjunction with the~~  
17 ~~development of a service plan with the participant and~~  
18 ~~other appropriate persons, to provide for needs identified~~  
19 ~~by the assessment.~~

20 ~~(B)~~

21 ~~(3) Authorization and arrangement for the purchase~~  
22 ~~of services, or referral, with follow-up, to volunteer,~~  
23 ~~informal, or third-party payer services. Contractors shall~~  
24 ~~maximize to the fullest extent possible the use of existing~~  
25 ~~services resources before using program funds to~~  
26 ~~purchase services for clients. Any benefits received as a~~  
27 ~~result of these purchases either shall not be considered~~  
28 ~~income for purposes of programs provided for under~~  
29 ~~Division 9 (commencing with Section 10000) or shall not~~  
30 ~~be considered an alternative resource pursuant to Section~~  
31 ~~12301.~~

32 ~~(C)~~

33 ~~(4) Service and participant monitoring to determine~~  
34 ~~that the services obtained are appropriate to need, of~~  
35 ~~acceptable quality, and provided in a timely manner.~~

36 ~~(D)~~

37 ~~(5) Follow-up with clients, including periodic contact~~  
38 ~~and initiation of an interim assessment, if deemed~~  
39 ~~necessary, prior to scheduled reassessment.~~

40 ~~(5)~~



1 (6) Assistance to older individuals entering or  
2 returning home from nursing facilities and who need  
3 help to make the transition.

4 (7) *Comprehensive and timely information, when*  
5 *necessary, to individuals and their families about the*  
6 *availability of community resources, to assist functionally*  
7 *impaired adults and the frail elderly to maintain the*  
8 *maximum independence permitted by their functional*  
9 *ability.*

10 (8) *Short-term specialized assistance, including timely*  
11 *one-time-only assistance in securing community*  
12 *resources, counseling, and the arrangement of an action*  
13 *plan, when there is a temporary probable threat to the*  
14 *ability of the frail elderly person or functionally impaired*  
15 *adult to remain in the most independent living*  
16 *arrangement permitted by his or her functional ability.*

17 ~~(6) Experience~~

18 (b) *Contractors of the Linkages Program shall have*  
19 *experience in community long-term care services and*  
20 *capability to serve the frail elderly and functionally*  
21 *impaired adults, and where applicable, ensure*  
22 *separateness of the programs and demonstrate protective*  
23 *measures to avoid conflict of interest.*

24 ~~(7) A~~

25 (c) *Contractors of the Linkages Program shall have a*  
26 *systematic means of capturing and reporting all required*  
27 *community-based services program data.*

28 ~~(e) Contractors shall maximize to the fullest extent~~  
29 ~~possible the use of existing services resources before using~~  
30 ~~program funds to purchase services for clients. Any~~  
31 ~~benefits received as a result of these purchases either shall~~  
32 ~~not be considered income for purposes of programs~~  
33 ~~provided for under Division 9 (commencing with Section~~  
34 ~~10000) or shall not be considered an alternative resource~~  
35 ~~pursuant to Section 12301.~~

36 (d) (1) Each county shall deposit funds collected  
37 pursuant to Section 1465.5 of the Penal Code in its general  
38 fund, to be available for use only for the support of  
39 services provided under this chapter in that county,  
40 including county administrative costs not exceeding 10



1 percent of the funds collected, except as otherwise  
2 provided in this subdivision. A county may join with other  
3 counties to establish and fund a program of services under  
4 this chapter.

5 (2) Funds utilized pursuant to this section shall not  
6 supplant, be offset against, or in any way reduce funds  
7 otherwise appropriated for the support of services  
8 provided under this chapter.

9 SEC. 5. Section 9630 of the Welfare and Institutions  
10 Code, as added by Chapter 1097 of the Statutes of 1996, is  
11 amended to read:

12 9630. As part of its role in providing leadership in  
13 advocating on behalf of older individuals, the department  
14 shall make efforts to increase public awareness about  
15 areas of importance to California's older individuals, their  
16 families, and other caregivers. These efforts to increase  
17 public awareness and education may be accomplished  
18 through the use of public service announcements, radio  
19 and television commercials or infomercials, access on the  
20 internet, newspaper and other periodical editorials and  
21 letters to the editor, public and corporate symposiums,  
22 symposiums or educational efforts by public or private  
23 schools, colleges, and universities, and mass transit and  
24 outdoor signage.

25 SEC. 6. Section 9631 of the Welfare and Institutions  
26 Code, as added by Chapter 1097 of the Statutes of 1996, is  
27 amended to read:

28 9631. (a) The department shall establish an Aging  
29 Information and Education Fund, from funds made  
30 available pursuant to the annual Budget Act, to  
31 implement public awareness of various issues, including  
32 at least the following areas:

33 (1) Medication management — to call attention to the  
34 large percentage of older individuals admitted to  
35 hospitals solely due to the mismanagement of prescribed  
36 and over-the-counter drugs, the need for proper and  
37 timely use of medications, and the role of the attending  
38 physicians in prescribing medications and their  
39 interactive potential for harm.



1 (2) Elder abuse prevention — to work in conjunction  
2 with state and local law enforcement entities to bring  
3 focus to the need to protect older individuals from  
4 physical, emotional, and fiduciary abuse, so that they may  
5 continue to live with peace of mind about their safety.

6 (3) Toll-free line for linkage to local service networks  
7 — to develop and make the public aware of a single  
8 statewide toll-free telephone number for access to local  
9 information about services available to the community  
10 for older individuals and persons with functional  
11 impairments.

12 (b) The sources of funding that may be used for this  
13 purpose include any nonprofit foundation, funds  
14 privately donated by individuals, and one-time-only  
15 funds designated for state operations. Nothing in this  
16 chapter shall be construed to authorize any expenditures  
17 that are not otherwise allowable by the originating source  
18 of the funding.

19 SEC. 7. Section 9718 of the Welfare and Institutions  
20 Code, as added by Chapter 1097 of the Statutes of 1996, is  
21 amended to read:

22 9718. Every long-term care facility, as defined in  
23 subdivision (b) of Section 9701, shall post in a conspicuous  
24 location a notice of the name, address, and phone number  
25 of the office and the nearest approved organization, and  
26 a brief description of the services provided by the office  
27 and the approved organization. The form of the notice  
28 shall be approved by the office.

29 SEC. 8. The heading of Chapter 14 (commencing  
30 with Section 9750) of Division 8.5 of the Welfare and  
31 Institutions Code, as added by Chapter 1097 of the  
32 Statutes of 1996, is amended and renumbered to read:

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CHAPTER 12. REGULATIONS

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