AMENDED IN SENATE SEPTEMBER 1, 2009

AMENDED IN SENATE AUGUST 24, 2009

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AMENDED IN ASSEMBLY APRIL 28, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL No. 324

Introduced by Assembly Member Beall
(Principal coauthor: Assembly Member Yamada)
(Principal coauthor: Senator Liu)
(Coauthors: Assembly Members Bonnie Lowenthal, Ma, and Salas)
(Coauthors: Senators Hancock, Wiggins, Wolk, and Yee)

February 18, 2009

An act to amend, repeal, and add Sections 9100 and 9400 of, and to add and repeal Sections 9009 and 9400.5 of, the Welfare and Institutions Code, relating to aging~~, and making an appropriation therefor~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 324, as amended, Beall. Aging: Elder Economic Security Standard Index.

Existing law, 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 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.

Existing law requires each area agency on aging to create a plan for its planning and service area 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 also require that the plan utilize the Elder Index, specify the cost of meeting basic needs for elders in each planning and service area, and identify which elders are living at or below the Elder Index, as prescribed.

This bill would request that the University of California take the necessary actions to update the Elder Index and provide it to area agencies on aging for purposes of developing the area plans. This bill would establish the California Elder Economic Security Standard Index Fund, to be composed of private donations~~, which would be continuously appropriated~~. *This bill would, upon appropriation by the Legislature, allocate moneys in the fund* to the department for its administrative costs and for allocation to the University of California for purposes of updating the Elder Index, as specified. The bill would require the Director of Finance to determine, in writing, whether sufficient funds are available for the costs of updating the Elder Index, as specified. The area agencies on aging would not be required to develop the specified plan requirements if the University of California declines to update the Elder Index.

This bill would repeal the provisions of this bill on the date that the Director of Finance determines that sufficient moneys from private donations are not available in the fund for expenditure for purposes of updating the Elder Index.

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

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

SECTION 1. Section 9009 is added to the Welfare and Institutions Code, to read:

9009. (a) “Elder Economic Security Standard Index” means an index that quantifies the costs that elders face in meeting their basic needs, including, but not limited to, food, shelter, health care, transportation, utilities, and essential household items, in the private market. It is derived by applying the existing publicly available methodology, developed by Wider Opportunities for Women and the Gerontology Institute at the University of Massachusetts, Boston, to publicly available data sources on the costs to live in each county of the state.

(b) This section shall remain in effect only until the date that Section 9400.5 is repealed, and as of that date is repealed.

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

9100. (a) There is in the Health and Welfare Agency the California Department of Aging.

(b) The department's mission shall be 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.

(c) In fulfilling its mission, the department shall develop minimum standards for service delivery to ensure that its programs meet consumer needs, operate in a cost-effective manner, and preserve the independence and dignity of aging Californians. In accomplishing its mission, the department shall consider available data and population trends in developing programs and policies, collaborate with area agencies on aging, the commission, and other state and local agencies, and consider the views of advocates, consumers and their families, and service providers. The department shall also report the Elder Economic Security Standard Index data for each service area in its state plan.

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

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

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

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

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

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

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

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

(e) This section shall remain in effect only until the date that Section 9400.5 is repealed, and as of that date is repealed.

SEC. 3. Section 9100 is added to the Welfare and Institutions Code, to read:

9100. (a) There is in the Health and Welfare Agency the California Department of Aging.

(b) The department's mission shall be 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.

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

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

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

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

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

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

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

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

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

(e) This section shall become operative on the date that Section 9400.5 is repealed.

SEC. 4. Section 9400 of the Welfare and Institutions Code is amended to read:

9400. (a) The Legislature hereby declares and recognizes the area agencies on aging to be the local units on aging in California that are supported from an array of sources, including federal funding largely through the federal Older Americans Act (42

U.S.C. Sec. 3001, et seq.), state and local government assistance, the private sector, and individual contributions for services.

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

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

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

(2) Each plan shall utilize the Elder Economic Security Standard Index, specify the costs of meeting basic needs for elders in each planning and service area, and identify which elders are living at or below the Elder Economic Security Standard Index. The requirements of this paragraph shall be implemented only upon receipt by the area agencies on aging of the updated Elder Economic Security Standard Index pursuant to Section 9400.5.

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

(f) The area agencies on aging shall implement subdivision (b) of Section 9100 at the local level, with particular emphasis on coordinating with the local systems to enable individuals to live out their lives with maximum independence and dignity in their own homes and communities through the development of comprehensive and coordinated systems of home- and community-based care. Nothing in this division shall preclude local determination and designation of service coordinators other than area agencies on aging, for development and implementation of the long-term care integration pilot projects set forth in Article

4.05 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9.

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

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

(2) Provide a range of service options.

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

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

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

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

(7) Provide effective referral from agency to agency to ensure that information or assistance is received, no matter how or where contact is made in the community.

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

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

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

(h) This section shall remain in effect only until the date that Section 9400.5 is repealed, and as of that date is repealed.

SEC. 5. Section 9400 is added to the Welfare and Institutions Code, to read:

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

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

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

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

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

(f) The area agencies on aging shall implement subdivision (b) of Section 9100 at the local level, with particular emphasis on coordinating with the local systems to enable individuals to live out their lives with maximum independence and dignity in their own homes and communities through the development of comprehensive and coordinated systems of home- and community-based care. Nothing in this division shall preclude local determination and designation of service coordinators other than area agencies on aging, for development and implementation of the long-term care integration pilot projects set forth in Article 4.05 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9.

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

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

(2) Provide a range of service options.

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

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

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

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

(7) Provide effective referral from agency to agency to ensure that information or assistance is received, no matter how or where contact is made in the community.

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

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

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

(h) This section shall become operative on the date that Section 9400.5 is repealed.

SEC. 6. Section 9400.5 is added to the Welfare and Institutions Code, to read:

9400.5. (a) The University of California is hereby requested to take the necessary actions to update the Elder Economic Security Standard Index and provide it to the area agencies on aging for purposes of developing the area plan required by subdivision (d) of Section 9400.

(b) (1) The department may accept voluntary contributions, in cash or in-kind, for allocation to the University of California to pay for the costs of updating the Elder Economic Security Standard Index that will be used to develop the elements of the area plan required by paragraph (2) of subdivision (d) of Section 9400. These private donations shall be deposited into the California Elder Economic Security Standard Index Fund, which is hereby created ~~in the State Treasury, which, notwithstanding Section 13340 of the Government Code, is hereby continuously appropriated to the~~ *in the State Treasury. The moneys in the fund, upon appropriation by the Legislature, shall be allocated to the* department for administrative costs, as provided for in subdivision (c), and for allocation to the University of California for purposes of updating the Elder Economic Security Standard Index that will be used by the area agencies on aging to develop the elements of the area plan, required by paragraph (2) of subdivision (d) of Section 9400.

(2) No state funds shall be used for purposes of updating the Elder Economic Security Standard Index. In addition, the department shall not apply for grants or solicit private funds in order to pay for the costs of updating the Elder Economic Security Standard Index.

(c) The department's administration costs shall not exceed 5 percent of the moneys in the California Elder Economic Security Standard Index Fund. Any costs incurred by the department pursuant to this section prior to the deposit of moneys into the fund shall, *subject to an appropriation by the Legislature for this purpose,* be reimbursed to the department from moneys in the fund.

(d) (1) Six months prior to the date next immediately following January 1, 2010, that an area agency on aging is required to submit the four-year area plan required pursuant to subdivision (d) of Section 9400 to the department and every four years thereafter, the Director of Finance shall determine, in writing, whether there are sufficient moneys from private donations available in the fund for expenditure for purposes of updating the Elder Economic Security Standard Index. If sufficient moneys are available *and an appropriation has been made by the Legislature for this purpose*, then the department shall allocate the moneys in the fund to the University of California to pay for the costs of updating the Elder Economic Security Standard Index.

(2) If the University of California declines to update the Elder Economic Security Standard Index pursuant to this section, then the area agencies on aging shall not be required, for purposes of

creating that four-year area plan, to comply with paragraph (2) of subdivision (d) of Section 9400.

(3) If the Director of Finance determines that sufficient moneys are not available, then the amount in the fund shall be immediately distributed to the contributors and the fund shall cease to exist thereafter.

(4) The Director of Finance shall submit a copy of his or her determination made pursuant to this subdivision to the Chief Clerk of the Assembly and to the Secretary of the Senate.

(e) This section shall remain in effect only until the date that the Director of Finance determines, pursuant to paragraph (3) of subdivision (d), that sufficient moneys from private donations are not available in the fund for expenditure for purposes of updating the Elder Economic Security Standard Index, and as of that date is repealed.

SEC. 7. Nothing in this act shall be construed to mandate changes in the current funding allocations to area agencies on aging made pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 9112 of the Welfare and Institutions Code.

SEC. 8. Nothing in this act shall be construed, based on the use of the Elder Economic Security Standard Index, to affect means-tested programs administered through the Mello-Granlund Older Californians Act.

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