

Assembly Bill No. 138

Passed the Assembly September 6, 2011

Chief Clerk of the Assembly

Passed the Senate August 31, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 9100 and 9400 of, and to add Section 9009 to, the Welfare and Institutions Code, relating to aging.

LEGISLATIVE COUNSEL'S DIGEST

AB 138, Beall. Elder Economic Planning Act of 2011.

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, if specified conditions are met, 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 and use the index as a reference when making decisions about allocating resources.

The act also establishes area agencies on aging with specified duties, including creation of a plan for the agencies 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 require, if specified conditions are met, that the plan utilize the Elder Index as a reference when making decisions about allocating resources to specify the costs of meeting basic needs for elders in each planning and service area.

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

SECTION 1. This act shall be known, and may be cited, as the Elder Economic Planning Act of 2011.

SEC. 2. It is the intent of the Legislature that the California Department of Aging and the area agencies on aging utilize the Elder Economic Security Standard Index, when available, as developed and updated by the University of California, Los Angeles, Center for Health Policy Research, as a planning tool in the development of local area plans and as a guide in allocating existing resources that support senior services in their communities.

SEC. 3. Section 9009 is added to the Welfare and Institutions Code, to read:

9009. (a) “Elder Economic Security Standard Index” means an index, available on the Internet, that quantifies the costs in the private market for meeting the basic needs of elders, including, but not limited to, the costs of essential household items, food, health care, shelter, transportation, and utilities.

(b) The Elder Economic Security Standard Index is updated biennially by the University of California, Los Angeles Center for Health Policy Research, using publicly available data sources on the costs to live in each county of the state.

SEC. 4. Section 9100 of the Welfare and Institutions Code is amended to read:

9100. (a) There is in the California Health and Human Services 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) (1) 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.

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

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

(1) Have the flexibility to respond to the needs of individuals and 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 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.

SEC. 5. 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 governmental 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 use the Elder Economic Security Standard Index as a reference when making decisions about allocating existing resources to specify the costs in the private market of meeting the basic needs of elders in each planning and service

area. This paragraph shall be implemented only if the Elder Economic Security Standard Index is updated and made available to the area agencies on aging, and if the available public data used to calculate each Elder Economic Security Standard Index data element is calculated and updated using county level information specific to each California county and made available to the area agencies on aging in a format that displays each county's specific data.

(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. This division shall not 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, regardless of 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.

SEC. 6. This act shall not be construed to advocate for or mandate changes in the current funding formulas 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. 7. This act shall not be construed, based on the use of the Elder Economic Security Standard Index, to affect means-tested programs.

Approved _____, 2011

Governor