

Date of Hearing: April 23, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 1136 (Nazarian) – As Amended April 10, 2019

SUBJECT: California Department of Community Living

SUMMARY: Creates the “California Department of Community Living” to better coordinate and guide a person-centered system for delivering services to older adults, people with disabilities, and their caregivers. Specifically, **this bill:**

- 1) Makes a number of Legislative findings and declarations related to the Mello-Granlund Older Californians Act (OCA) and its evolution, the number of programs for older adults and people with disabilities administered by the California Department of Aging (CDA) and other state departments, the lack of an overarching leadership structure for system planning to meet the needs of older adults and people with disabilities, and numerous restructuring proposals put forth for California over time that have not been implemented.
- 2) States Legislative intent to enact legislation to establish a California Department of Community Living with the goal of building a more efficient delivery system for older adults, people with disabilities, and their caregivers that strengthens access to home- and community-based services to enable Californians to live with dignity and independence in the setting of their choice.
- 3) Establishes the California Department of Community Living within the California Health and Human Services Agency (CHHSA), and places the following requirements on the California Department of Community Living:
 - a) Consolidate leadership on issues and programs serving California’s older adults, people with disabilities, and caregivers;
 - b) Realize California’s commitment to person-centered, coordinated service delivery for older adults, people with disabilities, and caregivers in order to strengthen access to home- and community-based services and enable individuals of all ages to live with dignity and independence;
 - c) Provide leadership, policy development, and technical assistance to programs within its jurisdiction and advocate across state departments for the needs of older adults, people with disabilities, and caregivers;
 - d) Establish a statewide No Wrong Door system that builds upon the standards established through the Aging and Disability Resource Connection (ADRC) program, the purpose of which is to assist older adults, people with disabilities, and caregivers in obtaining information on and timely referral to appropriate community long-term services and supports (LTSS) through all of the following: a universal assessment process, information and referral services, person-centered counseling regarding available LTSS supports and benefits, short-term services coordination, and transition services, as specified;

- e) Assist older adults and people with disabilities in connecting to necessary services through provision of care coordination, health insurance counseling, peer-based programs, and community transition services through a number of specified programs;
 - f) Provide leadership in enhancing and streamlining access to home- and community-based services, as specified, to include services currently overseen by other state departments;
 - g) Assist the California Commission on Aging, the State Independent Living Council, the Assistive Technology Advisory Committee, and the California Senior Legislature in carrying out their mandated duties and responsibilities to be an advocate for the needs of California's older adults and people with disabilities;
 - h) Allocate funding, through a number of mechanisms, to programs that the Department of Community Living identifies that link individuals to appropriate services, as specified;
 - i) Provide block grants to area agencies on aging (AAAs) to provide services through programs authorized under the Home- and Community-Based Services program, with each AAA grantee being granted the discretion to allocate funds to certain programs based on need, as specified;
 - j) Continue funding for independent living centers (ILCs), as specified, based on current levels as of January 1, 2020, and as written in the State Plan for Independent Living, while working to secure additional funding sources to meet the needs of the local community and underserved populations; and,
 - k) Increase access to the ADRC program to streamline local service delivery through funding, technical assistance, and coordination with AAAs and ILCs.
- 4) Requires the timeline and implementation provisions for the Department of Community Living to be further established, as appropriate, as a component of any master plan for aging established by the state.

EXISTING LAW:

- 1) Reauthorizes the Older Americans Act of 1965 to, among other things, protect vulnerable seniors and promote the delivery of evidence-based programs. (Public Law [PL] 114-144)
- 2) Establishes the Mello-Granlund Older Californians Act to reflect the policy mandates and directives of the Older Americans Act of 1965, as amended, and sets forth California's commitment to its older population and other populations served by programs administered by CDA. (Welfare and Institutions Code [WIC] Section 9000 *et seq.*)
- 3) Establishes within CHHSA the CDA, and requires CDA's mission to be to provide leadership to the AAAs in developing systems of home- and community-based services that maintain individuals in their own homes or least restrictive homelike environments. (WIC 9100)
- 4) Establishes the ADRC program to provide information to consumers and their families regarding available LTSS programs and to assist older adults, caregivers, and persons with

disabilities in accessing local LTSS programs, and sets forth requirements related to the administration and responsibilities of an ADRC program. (WIC 9120)

- 5) Describes, within the federal Patient Protection and Affordable Care Act, the “No Wrong Door – Single Entry Point System” as the development of a statewide system to enable consumers to access all LTSS through an agency, organization, coordinated network, or portal, in accordance with state-established standards, that provides information regarding the availability of such services, how to apply for such services, referral for services and supports otherwise available in the community, and determinations of financial and functional eligibility for such services and supports, or assistance with assessment processes for financial and functional eligibility. (PL 111-148 Section 10202(c)(5)(A))

FISCAL EFFECT: Unknown

COMMENTS:

California Department of Aging (CDA): CDA administers funds from the Older Americans Act, the Mello-Granlund Older Californians Act, and the Medi-Cal program, and is charged with overseeing programs that serve seniors, adults with disabilities, residents in long-term care facilities, and family caregivers. CDA contracts with 33 AAAs, which are local programs that provide a range of services and information to older adults and their caregivers, including services to enable older adults and individuals with disabilities to live as independently as possible in the community; assist older adults with locating employment; provide programming on healthy aging and community involvement; and support family caregivers. CDA also contracts directly with agencies that operate certain other programs serving older adults.

Aging and Disability Resource Connection (ADRC): The ADRC is a collaboration between the federal Administration for Community Living (ACL) and the Centers for Medicare and Medicaid Services (CMS) that brings together various federal agencies in an initiative aimed at streamlining access to LTSS for older adults, people with disabilities, family caregivers, veterans, and providers of LTSS. According to CDA, “In many communities, multiple agencies administer long-term support services and have complex, fragmented and often duplicative intake, assessment and eligibility functions. ADRCs build on the strength of existing community agencies, such as Area Agencies on Aging and Centers for Independent Living, to provide a single, more coordinated system of information and access for all persons seeking long-term support to minimize confusion, enhance individual choice, and supporting informed decision-making.” Fifty-two states and territories are operating, or in the process of implementing, the core elements of an ADRC. According to the author’s office, the ADRC program is currently available in eight of California’s counties.

No Wrong Door: The No Wrong Door system initiative is an effort of the federal ACL, CMS, and Veterans Health Administration that builds upon the ADRC program, along with another CMS program, aimed at simplifying access to LTSS. According to the ACL, “Finding the right services can be daunting for individuals and their family members. The current LTSS system involves numerous funding streams, and is administered by multiple federal, state, and local agencies. These agencies use complex, fragmented, and often duplicative intake, assessment, and eligibility processes. There are growing options for services and supports in home, residential, and institutional settings. Individuals trying to access new LTSS frequently find themselves confronted with a maze of agencies, organizations, and bureaucratic requirements at

a time when they may be vulnerable or in crisis. These issues frequently lead to the use of the most expensive forms of care, including institutional care such as nursing homes or extended hospitalization, and can cause a person to quickly exhaust their resources. [No Wrong Door] systems provide information and assistance not only to individuals needing either public or private resources, but also to professionals seeking assistance on behalf of their clients and to individuals planning for their future long-term care needs. [No Wrong Door] systems also serve as the entry point to publicly administered long-term supports, including those funded under Medicaid, the Older Americans Act, Veterans Health Administration, and state revenue programs.”

Universal assessment: According to a 2013 report supported by The SCAN Foundation regarding assessment approaches, “Universal assessments can be associated with a variety of approaches, uses, and definitions. On one hand it can be defined as ‘a common assessment tool and process to assess an individual’s functional capacity and needs that is used across programs and services to guide care planning and resource utilization.’ This definition implies that the same tool or instrument is used for evaluation across defined populations (such as applicants, recipients, or persons considered at risk) and is collected through a standardized approach at a defined interval (such as program entry, annually, with a change in status, or other specified period). Using a less stringent definition, uniform can be more narrowly interpreted to mean that the same items are used across multiple assessment or screening instruments in various programs. Thus commonality may refer to the use of a single tool or instrument across multiple programs, or it may allow for a hybrid instrument where there may be variations in the breadth and scope of the instruments and data elements, but that the same measures are used for core items.”

Need for this bill: According to the author, “California was once seen as a leader in the provision of services to older adults and people with disabilities. Over time, however, the system has neglected to keep pace with population demand. Many people lack coordinated access to the services and supports necessary to age with dignity and independence. While the problem is multi-faceted, much of the challenge is rooted in fragmented program administration and a lack of coordinated leadership at the state level. A thoughtful departmental reorganization that emphasizes enhanced access to information, coordinated service delivery, and enhanced access to home and community based services is necessary to address the system challenges and meet the needs of California’s older adults and people with disabilities.”

Double referral: This bill is scheduled to be heard by the Assembly Aging and Long Term Care Committee on Monday, April 22, 2019. Should it pass out of that committee it will be referred to this committee and heard on April 23, 2019.

RELATED LEGISLATION:

AB 1287 (Nazarian) of 2019 requires the development of a plan and strategy for phased statewide implementation of the No Wrong Door system and requires the development of a universal tool and process to streamline access to services through a coordinated assessment process. AB 1287 is scheduled to be heard in the Assembly Aging and Long-Term Care Committee on April 23, 2019.

SB 228 (Jackson) of 2019 would require the Governor to appoint a Master Plan Director to lead the planning process for a Master Plan for Aging that addresses the range of issues impacting

California's older adults, people with disabilities, and caregivers. SB 228 is set to be heard in the Senate Human Services Committee on April 22, 2019.

REGISTERED SUPPORT / OPPOSITION:

Support

California Association of Area Agencies on Aging
Congress of California Seniors
UDW/AFSCME Local 3930

Opposition

None on file

Analysis Prepared by: Daphne Hunt / HUM. S. / (916) 319-2089