

2013

2013 Legislative Summary

Assembly Committee on Aging & Long Term Care

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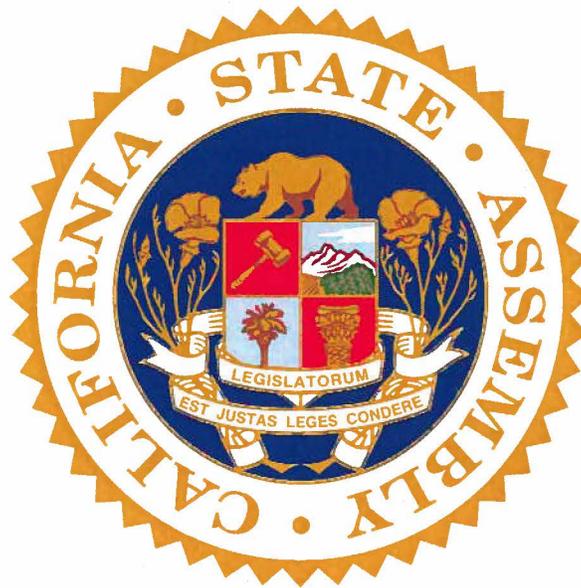
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Assembly Committee on
Aging & Long-Term Care

Mariko Yamada, Chair

2013 Legislative Summary



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2013 Legislative Summary

Assembly Committee on Aging & Long-Term Care October, 2013

The following is a summary of legislation referred to, and heard by the Assembly Committee on Aging and Long-Term Care during the 2013-2014 legislative sessions.

AB 140 (Dickinson)

AB 140 enhances the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA) by offering a new definition of undue influence, one which focuses on excessive persuasion that causes another person to act or refrain from action by overcoming that person's free will, resulting in inequity. This bill provides a list of considerations for a court to utilize in determining whether an action constituted excessive persuasion. This bill also makes this new definition of undue influence the operative definition under the Probate Code.

Last Action: Chaptered by Secretary of State – Chapter 668, Statutes of 2013

AB 477 (Chau)

AB 477 enhances the Elder Abuse and Dependent Adult Civil Protection Act (EADACPA), by making a notary public who has observed or has knowledge of elder or dependent adult financial abuse, a "mandated reporter" of suspected financial abuse of elders and dependent adults. It also makes failure to report suspected financial abuse of an elder or dependent adult subject to civil penalties currently imposed on other mandated reporters of elder or dependent adult abuse, and makes such penalties payable to the party bringing the action. AB 477 adds these new mandated reporters to the list of other mandated reporters of elder and dependent adult abuse who are immunized from criminal or civil liability for any report required or authorized by law and make other conforming revisions to EADACPA; exempts financial officers, who are currently mandated reporters under EADACPA, from the notary public provisions; and revises the attorney-client privilege provision under EADACPA to provide the privilege for information protected by the attorney-client privilege.

Last Action: Vetoed by the Governor, October 9, 2013

AB 518 (Yamada)

AB 518 continues Community Based Adult Services as a Medi-Cal benefit and included as a covered service in contracts with all Medi-Cal managed health care plans following the expiration of a legal settlement and a Medicaid waiver in effect until August 2014. The measure establishes eligibility criteria for Community Based Adult Services, requires an Adult Day Health Center to meet specified staffing standards, and establishes requirements for Community Based Adult Services providers, including a requirement that the Department of Health Care Services certify and enroll as new Community Based Adult Services providers only those providers that are exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code, commencing July 1, 2015.

Last Action: Held in Senate Health Committee

AB 663 (Gomez)

AB 663 requires the Adult Residential Facility (ARF) and Residential Care Facilities for the Elderly (RCFE) administrator training program and ombudsman training program to include training in cultural competency and sensitivity in issues relating to the aging lesbian, gay, bisexual, and transgender (LGBT) community.

Last Action: Chaptered by Secretary of State – Chapter 675, Statutes of 2013

AB 753 (Lowenthal)

AB 753 repeals and recasts statutes related to the system of caregiver resource centers to conform with the transfer of the program from the former Department of Mental Health (DMH) to the Department of Health Care Services (DHCS).

Last Action: Chaptered by Secretary of State – Chapter 708, Statutes of 2013

AB 776 (Yamada)

AB 776 assures that area agencies on aging (AAA) and independent living centers (ILC) are included in stake-holder processes related to the Coordinated Care Initiative (CCI). It defines, for purposes of the Long-Term Services and Supports (LTSS) Integration component CCI, the term “stakeholder” to include, but not be limited to, AAAs and ILCs for purposes of stakeholder consultation requirements. Adds AAAs and ILCs to the list of stakeholders the Department of Health Care Services (DHCS) is required to notify and consult with prior to issuing All Plan Letters (APLs), plan or provider bulletins or similar instructions without taking regulatory action.

Last Action: Chaptered by Secretary of State – Chapter 298, Statutes of 2013

AJR 7 (Bonta)

This resolution requests the President and the United States Congress to exclude Social Security, Medicare, and Medicaid from being a part of any legislation to reduce the federal deficit, expresses the Legislature's opposition to cuts to those programs, and calls on California's representatives to the United States Congress to vote against cuts to these programs and instead to consider improving those systems in ways that would strengthen their protections.

Last Action: Chaptered by Secretary of State – Res. Chapter 35, Statutes of 2013

SB 534 (Hernández)

SB 534 requires four health facility categories to comply with facility-specific federal certification requirements to meet state licensing requirements. These facilities already meet federal requirements in order to receive Medicare and Medicaid funding; this bill simply gives authority to state regulators to enforce these standards.

Last Action: Chaptered by Secretary of State – Chapter 722, Statutes of 2013

SB 609 (Wolk)

SB 609 establishes various accounts within the state's Special Deposit Fund, and increases fines for willfully interfering with the Long-Term Care Ombudsman program's lawful actions from a maximum of \$1,000 to a maximum of \$2,500.

Last Action: Chaptered by Secretary of State - Chapter 521, Statutes of 2013

SJR 4 (Monning)

Memorializes the President of the United States and the United States Congress to enact appropriate legislation reauthorizing the federal Older American's Act of 1965 (OAA).

Last Action: Chaptered by Secretary of State - Res. Chapter 36, Statutes of 2013

SJR 11 (DeSaulnier)

Memorializes the President of the United States and the United States Congress to support and encourage housing with services models which incorporate federally subsidized housing programs into a range of supportive services that enable residents to remain occupants even though their physical state has deteriorated, and they are no longer fully independent.

Last Action: Chaptered by Secretary of State – Res. Chapter 84, Statutes of 2013

2013 INFORMATIONAL HEARINGS

February 19, 2013

A Matter of Life and Death: What are the Choices?

The Assembly Committee on Aging & Long-Term Care held a hearing on this topic in order to offer timely and important insight into an aspect of life most people avoid until it is too late. Given the rapid increase in the population of people who will be aged, and therefore nearer to death, understanding how end-of-life choices are managed and addressed can have a significant impact upon the development of better public policy.

March 19, 2013

Safe at Home? Caring for Someone at Home in California

The committee explored a range of issues confronting older or disabled people attempting to remain independent by consuming home care services, home health, and hospice. California's current regulatory apparatus does not oversee private homecare, though in-home hospice, home health care and In-home supportive services are all regulated.

May 7, 2013

Paying the Price for A Long Life: What's Next for Long-Term Care Insurance?

The Assembly Committee on Aging & Long-Term Care held this hearing which was intended to bring clarity to a range of concerns identified by consumers, constituents, and organizations representing retired individuals, and to give voice to those constituents and consumers. Long-term Care Insurance products marketed by CalPERS and the private industry have experienced severe premium increases placing many Californians' retirement planning at risk. Furthermore, private long-term care insurance companies have announced new plans to begin charging women higher premiums. Great frustration underlies the vast network of concerns and related questions around these developments.

May 21, 2013

Aging and Mental Health: A Toolkit for the 21st Century Workforce

The Committee reviewed strategies to focus state resources on the diverse range of mental health needs that are common amongst older people, and tend to diminish the positive impact of health and other social services. According to presenters, work-force development and preparation for an aging society is primary in order to support the needs of a larger senior population.