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Code: Section:

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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 8.5. MELLO-GRANLUND OLDER CALIFORNIANS ACT [9000 - 9850] (*Division 8.5 repealed and added by Stats. 1996, Ch. 1097, Sec. 13.*)

CHAPTER 4.5. Home Modifications for Seniors [9450 - 9460] (*Chapter 4.5 added by Stats. 2000, Ch. 797, Sec. 3.*)

9450. (a) The Legislature finds and declares all of the following:

(1) Thousands of California seniors are living with mobility and health problems and these numbers will increase as the state's population ages. Statistics show that 50 percent of people over the age of 80 years are disabled in some manner.

(2) Most housing was not designed for people who are disabled, have lost strength, flexibility, or balance through aging, and who necessarily have become fearful or extremely cautious in their daily activities to avoid injury. Front steps, staircases, narrow doorways, low electric sockets, low light levels, round door handles, high kitchen cabinets, and bathrooms without grab bars or moveable shower heads pose hazards for the elderly. One in three Americans over the age of 65 years suffers a fall each year, often in the home, which can cause serious injury and depression.

(3) Studies show that basic home modifications to improve safety and make it easier to maneuver about the home can forestall hospitalization and nursing home care as seniors grow more fragile. "Aging in place" is a new concept that can result in less injury, retaining elders in their homes, and offers a significant cost savings to health care insurers, families, and public agencies.

(b) It is the intent of the Legislature that the development of the "aging in place" concept be recognized and supported by the state, that funding for education and making home improvements be facilitated through public and private sources, and that recommendations for changes in home modification policies and information for home modification projects and products be developed.

(*Added by Stats. 2000, Ch. 797, Sec. 3. Effective January 1, 2001.*)

9451. The department, in consultation with the commission, shall enter into a contract for the development of information and materials which shall be used to educate Californians on the concept of "aging in place" and the benefits of home modification. The contractor shall be a research-based university gerontology department with extensive experience and work with the concept of "aging in place" and the benefits of home modification.

(*Added by Stats. 2000, Ch. 797, Sec. 3. Effective January 1, 2001.*)

9452. The department shall distribute the information developed pursuant to Section 9451 to each area agency on aging and to other appropriate entities throughout the state.

(*Added by Stats. 2000, Ch. 797, Sec. 3. Effective January 1, 2001.*)

9453. The department, in cooperation with the entity contracting with the department pursuant to Section 9451, shall sponsor regional training sessions, and seminars, using the materials developed pursuant to this chapter.

(*Added by Stats. 2000, Ch. 797, Sec. 3. Effective January 1, 2001.*)

9454. Implementation of this chapter shall be subject to an appropriation in the annual Budget Act.

(*Added by Stats. 2000, Ch. 797, Sec. 3. Effective January 1, 2001.*)

9460. (a) (1) Notwithstanding any other law, an area agency on aging or a county, or both, may establish an aging multidisciplinary personnel team with the goal of facilitating the expedited identification, assessment, and linkage of older adults to services and to

allow provider agencies and members of the personnel team to share confidential information for the purpose of coordinating services.

(2) If a city within the service area of an area agency on aging or a county that has established an aging multidisciplinary personnel team pursuant to this section requests to participate in that team, participation of appropriate city personnel shall be allowed, as determined by the area agency on aging or county, unless the area agency on aging or county determines that participation by the city would hinder compliance with the requirements and obligations set forth in this section or would otherwise conflict with the goals and objectives of the area agency on aging or county.

(b) For the purposes of this section, the following terms have the following meanings:

(1) "Aging multidisciplinary personnel team" means any team of two or more persons who are trained in and who are qualified to provide a broad range of services related to older adults. The team may include, but shall not be limited to, all of the following:

(A) Mental health and substance use disorder services personnel and practitioners or other trained counseling personnel.

(B) Police officers, probation officers, or other law enforcement agents.

(C) Legal counsel for the older adult.

(D) Medical personnel with sufficient training to provide health services.

(E) Social services workers with experience or training in the eligibility for and provision of services to older adults.

(F) Case managers or case coordinators responsible for referral, linkage, or coordination of care and services provided to older adults.

(G) Veterans services providers and counselors.

(H) Domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code.

(I) A member of a multidisciplinary team, as defined in Sections 9401, 15610.55, 18999.8, or 18999.81.

(J) Aging services provider agencies and designated personnel, including individuals with area agencies on aging.

(K) A representative from the Office of the State Long-Term Care Ombudsman.

(2) "Aging service provider agency" means any governmental or other agency that has, as one of its purposes, the identification, assessment, and linkage of services to older adults. The aging services provider agencies serving older adults that may share information under this section include, but are not limited to, all of the following entities or service agencies:

(A) Social services.

(B) Health services.

(C) Mental health services.

(D) Substance use disorder services.

(E) Probation.

(F) Law enforcement.

(G) Legal counsel for the adult.

(H) Veterans services and counseling.

(I) Domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code.

(J) A member of a multidisciplinary team, as defined in Sections 9401, 15610.55, 18999.8, or 18999.81.

(K) Caregivers.

(L) Housing.

(M) Long-term care ombudsperson.

(3) "Older adult" means a person of 60 years of age or older.

(c) (1) Members of an aging multidisciplinary personnel team engaged in the identification, assessment, and linkage of services to older adults may disclose to, and exchange with, one another, information and writings that relate to any information that may be designated as confidential under state law if the member of the team reasonably believes it is generally relevant to the identification of or the provision of services. Any discussion relative to the disclosure or exchange of the information or writings during a team meeting is confidential and, notwithstanding any other law, testimony concerning that discussion is not admissible in any criminal, civil, or juvenile court proceeding.

(2) Disclosure and exchange of information pursuant to this section may occur telephonically and electronically if there is adequate verification of the identity of the aging multidisciplinary personnel who are involved in that disclosure or exchange of information.

(3) Disclosure and exchange of information pursuant to this section shall not be made to anyone other than members of the aging multidisciplinary personnel team, and those qualified to receive information as set forth in subdivision (d).

(4) Representatives of domestic violence victim service organizations, as defined in subdivision (b) of Section 1037.1 of the Evidence Code, shall obtain an individual's informed consent, in accordance with all applicable state and federal confidentiality laws, before disclosing confidential information about that individual to another team member as specified in this section.

(d) The aging multidisciplinary personnel team may designate persons qualified pursuant to paragraph (1) of subdivision (b) to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (f).

(e) (1) The sharing of information permitted under subdivision (c) shall be governed by protocols developed by each area agency on aging or county that establishes an aging multidisciplinary personnel team. The protocols shall describe how and what information may be shared by the aging multidisciplinary personnel team to ensure that confidential information gathered by the team is not disclosed in violation of state or federal law. A copy of the protocols shall be distributed to each participating agency and to persons in those agencies who participate in the aging multidisciplinary personnel team. Each aging multidisciplinary personnel team shall post the protocols on the internet website on the homepage of the area agency on aging or county's office of aging within 30 days of adoption. Each area agency on aging or county shall provide a copy of its protocols to the California Department of Aging. This subdivision shall not be construed to require the department to review or approve any aging multidisciplinary personnel team protocols that it receives.

(2) A protocol developed by an area agency on aging or a county pursuant to paragraph (1) shall include, but not be limited to, all of the following:

(A) The items of information or data elements that will be shared.

(B) The participating agencies.

(C) A description of how the information shared pursuant to this section will be used by the aging multidisciplinary personnel team only for the intended purposes specified in subdivision (a).

(D) The information retention schedule that participating agencies shall follow.

(E) A requirement that no confidential information or writings be disclosed to persons who are not members of the aging multidisciplinary personnel team, except to the extent required or permitted under applicable law.

(F) A requirement that participating agencies develop uniform written policies and procedures that include security and privacy compliance training for employee access to information pursuant to this protocol.

(G) A requirement that all persons who have access to information shared by participating agencies sign a confidentiality statement that includes, at a minimum, general use, security safeguards, acceptable use, and enforcement policies.

(H) A requirement that participating agencies employ security controls that meet applicable federal and state standards, including reasonable administrative, technical, and physical safeguards to ensure data confidentiality, integrity, and availability and to prevent unauthorized or inappropriate access, use, or disclosure.

(I) A requirement that participating agencies take reasonable steps to ensure information is complete, accurate, and up to date to the extent necessary for the agency's intended purposes and that the information has not been altered or destroyed in an unauthorized manner.

(J) A requirement that, unless otherwise permitted by law, an area agency on aging or a county that establishes an aging multidisciplinary personnel team obtain the affirmative consent of an individual or their representative before the individual's information may be shared.

(K) A requirement that, unless otherwise permitted by law, an area agency on aging or a county that establishes an aging multidisciplinary personnel team notify an individual that the individual's information may be shared for the purposes of the

identification of or the provision of services once affirmative consent is obtained and that the individual may opt out of sharing information under this section at any time. The notice shall inform the individual that refusal to consent to the sharing of information or deciding to opt out of sharing information under this section does not affect their eligibility for services.

(f) Every member of the aging multidisciplinary personnel team who receives information or records regarding adults and families in that member's capacity as a member of the team shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing the information or records. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(g) This section shall not be construed to restrict guarantees of confidentiality provided under state or federal law.

(h) Information and records communicated or provided to the team members by all providers and agencies shall be deemed private and confidential and shall be protected from discovery and disclosure by all applicable statutory and common law protections. Existing civil and criminal penalties shall apply to the inappropriate disclosure of information held by the team members.

(Added by renumbering Section 9450 (as added by Stats. 2022, Ch. 621, Sec. 1) by Stats. 2024, Ch. 80, Sec. 135. (SB 1525) Effective January 1, 2025.)