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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 MELLO-GRANLUND OLDER CALIFORNIANS ACT [9000 - 9850] (*Division 8.5 repealed and added by Stats. 1996, Ch. 1097, Sec. 13.*)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 2. California Department of Aging [9100 - 9163] (*Chapter 2 added by Stats. 1996, Ch. 1097, Sec. 13.*)

ARTICLE 1. General Provisions [9100 - 9114] (*Article 1 heading added by Stats. 2000, Ch. 797, Sec. 1.*)

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

(b) The department's mission is 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 California 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 California Elder Economic Security Standard Index is updated and made available to the department, and if the available public data used to calculate each California 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 choice, 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.

(Amended by Stats. 2024, Ch. 337, Sec. 5. (SB 1249) Effective January 1, 2025.)

9101. (a) The department shall consist of a director, and any staff as may be necessary for proper administration.

(b) The department shall maintain its main office in Sacramento.

(c) The Governor, with the consent of the Senate, shall appoint the director. The Governor shall consider, but not be limited to, recommendations from the commission.

(d) The director shall have the powers of a head of a department pursuant to Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code, and shall receive the salary provided for by Chapter 6 (commencing with Section 11550) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) The director shall do all of the following:

- (1) Be responsible for the management of the department and achievement of its statewide goals.
- (2) Assist the commission in carrying out its mandated duties and responsibilities in accordance with Section 9202.
- (3) Coordinate with other state agencies that provide services to older adults, people with disabilities, and caregivers, including, but not limited to, the entities listed in subdivision (f).

(f) The Secretary of California Health and Human Services shall ensure effective coordination among departments of the agency in carrying out the mandates of this division. For this purpose, the secretary shall regularly convene meetings concerning services to older adults that shall include, but not be limited to, the State Department of Health Care Services, the State Department of Social Services, the Department of Rehabilitation, the State Department of Public Health, and the department.

(g) The Secretary of California Health and Human Services shall also encourage other state entities that have other programs for older adults to actively participate in periodic joint meetings for the joint purpose of coordinating service activities. These entities shall include, but not be limited to, the Department of Housing and Community Development, the Department of Parks and Recreation in the Natural Resources Agency, the Transportation Agency, the California Arts Council, and the Department of Veterans Affairs.

(Amended by Stats. 2024, Ch. 337, Sec. 6. (SB 1249) Effective January 1, 2025.)

9101.1. In developing the Master Plan for Aging pursuant to Executive Order N-14-19, the Secretary of California Health and Human Services shall consider applying, on behalf of the State of California, to join the AARP Network of Age-Friendly States and Communities.

(Added by Stats. 2019, Ch. 820, Sec. 3. (AB 1118) Effective January 1, 2020.)

9102. The duties and powers of the department shall be as follows:

(a) To administer all programs under the Older Americans Act of 1965, as amended, and this division, including providing leadership and technical assistance to the local area agencies on aging, including ongoing oversight, monitoring, and service quality evaluation of those agencies to ensure that service providers are meeting standards of service performance established by the department. This shall include, but is not limited to, all of the following:

- (1) Setting program standards and providing standard materials for training.
- (2) Providing technical assistance to area agencies on aging, program managers, staff, and volunteers providing services.
- (3) Development of the state plan on aging according to federal law.
- (4) Maintain a clearinghouse of information related to the interests and needs of older individuals and provide referral services, if appropriate.
- (5) Maintain a management information and reporting system; including a database on service utilization patterns and demographic characteristics of the older population to be cross-classified by age, sex, race, and other information required for the planning process, and eliminate redundant and unnecessary reporting requirements.
- (6) Encourage and support the involvement of volunteers in services to older individuals.
- (7) Seek ways to utilize the private sector to assume greater responsibility in meeting the needs of older individuals.
- (8) Encourage internships to be coordinated with schools of gerontology or related disciplines, including internships for older individuals.

(b) The department shall have primary responsibility for dispersing information and providing technical assistance to the area agencies on aging.

(c) The department shall be responsible for activities that promote the development, coordination, and utilization of resources to meet the long-term services and supports needs of older adults and persons with disabilities, consistent with its mission. The responsibilities shall include, but not be limited to, all of the following:

- (1) Conduct research in the areas of alternative social and health care systems for older individuals.

(2) As specified in Section 9002, coordinate with agencies and departments that administer health, social, and related services to older adults and people with disabilities for the purposes of policy development, development of care standards, consistency in application of policy, and evaluation of alternative uses of available resources toward greater effectiveness in service delivery, including seeking additional federal and private dollars to support achievement of program system goals in developing integrated, coordinated systems of care.

(3) Monitor and evaluate programs and services administered by the department, utilizing standardized methodology.

(4) Develop and implement training and technical assistance programs designed to achieve program goals.

(5) Establish criteria for the designation, sanctioning, and defunding of area agencies on aging.

(d) In conjunction with the management information and reporting system required under paragraph (5) of subdivision (a), beginning in the 2006 calendar year, the department shall annually submit by January 10 of each year, to the budget, fiscal, and policy committees of the Legislature, and the Legislative Analyst, all of the following information:

(1) The number of persons served statewide in each of the prior and current fiscal years for each state or federally funded program or service administered by the department. This information shall also be provided for each Area Agency on Aging service area.

(2) To the extent feasible, the number of unduplicated persons served statewide in the prior and current fiscal years for all state or federally funded programs and services administered by the department. To the extent feasible, this information shall also be provided for each Area Agency on Aging service area.

(3) Total estimated statewide expenditures in the prior, current, and budget fiscal years for each state or federally funded program or service administered by the department. This information shall also be provided for each Area Agency on Aging service area.

(e) The report required by subdivision (d) shall be suspended until the 2010–11 fiscal year. In lieu of that information, the department shall submit to the budget, fiscal, and policy committees of the Legislature, and the Legislative Analyst, by March 1 of each year, copies of the program factsheets for each state and federal program administered by the department. The department shall update the information included in the program factsheets annually, before submitting them as required by this subdivision.

(Amended by Stats. 2024, Ch. 337, Sec. 8. (SB 1249) Effective January 1, 2025.)

9103. The Legislature finds and declares all of the following:

(a) Recent studies have shown that lifelong experiences of marginalization place lesbian, gay, bisexual, and transgender (LGBT) older adults at high risk for isolation, poverty, homelessness, and premature institutionalization. Moreover, many LGBT older adults are members of multiple underrepresented groups, and, as a result, are doubly marginalized. Due to these factors, many LGBT older adults avoid accessing elder programs and services, even when their health, safety, and security depend on it.

(b) LGBT older adults often lack social and family support networks available to non-LGBT older adults. They may face particular health risks, as disease prevention strategies often ignore LGBT older adults, and HIV and AIDS drug trials generally do not include older participants.

(c) LGBT older adults are denied many vital financial benefits provided to heterosexual married couples. For example, surviving same-sex partners are denied the social security benefits that married couples are provided, and may face heavy taxes on the transfer of assets upon the death of a partner. Moreover, even under California law, LGBT older adults are denied equal long-term care insurance protections. This costs LGBT older adults hundreds of millions of dollars each year in lost benefits.

(d) The number of people 65 years of age and older in California is estimated to double to 6.5 million by the year 2020, thereby increasing the number of LGBT older adults who are receiving inadequate services.

(e) Ensuring that the needs of LGBT older adults as well as other underrepresented groups are adequately assessed during the planning and development of programs and services will increase access to the programs administered by the California Department of Aging and the area agencies on aging.

(f) California leads the nation in the protections it affords to LGBT persons. As the failure to meet the needs of LGBT older adults is a problem of national scope, including LGBT older adults and other underrepresented groups in need of assessment and area plan process will help the state to be a model for change in other states and at the federal level.

(Amended by Stats. 2024, Ch. 337, Sec. 9. (SB 1249) Effective January 1, 2025.)

9103.1. (a) The department shall ensure all older adults have equal access to programs and services provided through the Older Americans Act and under this division in each planning and services area, regardless of physical or mental disabilities, language barriers, cultural or social isolation, including that caused by actual or perceived racial and ethnic status, including, but not limited to, African-American, Hispanic, American Indian, and Asian American, ancestry, national origin, religion, sex, gender identity, marital

status, familial status, sexual orientation, or any other basis set forth in Section 12921 of the Government Code, or by association with a person or persons with one or more of these actual or perceived characteristics, that restrict an individual's ability to perform normal daily tasks or that threaten his or her capacity to live independently.

(b) This section is not intended to increase General Fund obligations for programs administered by area agencies on aging.

(c) The department shall require that each area agency on aging include the needs of lesbian, gay, bisexual, and transgender seniors in their needs assessment and area plans.

(d) The department shall provide technical assistance to the area agencies on aging regarding the unique needs of the lesbian, gay, bisexual, and transgender seniors.

(e) The department may adopt regulations to implement this section. If the department determines that adopting regulations is necessary, it shall do so only after consultation with the area agencies on aging and the California Association of Area Agencies on Aging.

(Added by Stats. 2006, Ch. 829, Sec. 2. Effective January 1, 2007.)

9104. (a) Subject to an appropriation of funds for this purpose in the annual Budget Act, the California Department of Aging shall administer the Access to Technology Program for older adults and adults with disabilities, a pilot program to connect older adults and adults with disabilities to technology to help reduce isolation, increase connections, and enhance self-confidence.

(1) Funds appropriated for this program shall be provided to county human services departments that opt to participate in the pilot program.

(2) Grant amounts to counties shall be provided based on county size and whether the county is rural, urban, or suburban. The grant amounts for each county size and type shall be developed by the department in consultation with the County Welfare Directors Association.

(b) Allowable uses of the funds provided to counties that receive grant funding through the program include, but are not limited to, all of the following:

(1) Providing technology, which may include, but is not limited to, laptops, tablets, and smartphones, to older adults and adults with disabilities.

(2) Arranging for reliable internet access to older adults and adults with disabilities.

(3) Developing or arranging for education and training for older adults and adults with disabilities on the use of technology.

(4) Conducting outreach about the program.

(5) Administration of the program, including data collection and reporting.

(c) It is the intent of the Legislature that counties that opt into the pilot program describe how they intend to leverage existing programs, if applicable, that provide one or more of the services listed in subdivision (b) in order to provide maximum benefit to the greatest number of residents.

(Added by Stats. 2021, Ch. 85, Sec. 19. (AB 135) Effective July 16, 2021.)

9105. The department may adopt and promulgate regulations for the purpose of carrying out this division.

(Repealed and added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9105.1. The department, in partnership with the area agencies on aging, the Department of Rehabilitation, any independent living centers, any contractor selected to implement the federal Assistive Technology Act of 1998 (Public Law 105-394), and any organization that serves older adults and people with disabilities, may develop and provide consumer advice regarding home modification for older adults and people with disabilities.

(Amended by Stats. 2024, Ch. 337, Sec. 10. (SB 1249) Effective January 1, 2025.)

9106. (a) The department shall administer the administrative cost limitation, as defined in applicable federal law or regulation on a statewide basis. This allocation shall be based on notices of grant award. The formula to be used for the allocation of those funds shall be as follows:

(1) Each planning and service area shall receive a base allocation of fifty thousand dollars (\$50,000).

(2) The remainder of the funds available up to the statewide limitation shall be distributed to area agencies on aging on the basis of the number of persons over the age of 60 years per planning and service area.

(b) It is the intent of the Legislature that in the event that an area agency on aging chooses to use other sources of funds for the administration of its area plan, the federal money made available to that area agency on aging for administration shall be used for the provision of direct services within its planning and service area.

(Repealed and added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9107. The department may accept gifts and grants from any source, public or private, to assist it in the performance of its functions, and these gifts and grants shall operate to augment any appropriation made for the support of the department.

(Repealed and added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9108. In addition to any nutrition programs conducted under the McCarthy-Kennick Nutrition Program for the Elderly Act of 1972 (Chapter 5.7 (commencing with Section 18325) of Part 6 of Division 9), the department, with the approval of the Department of Finance, may make funds available from Section 17 of Chapter 157 of the Statutes of 1976 and Chapter 3 (commencing with Section 9200) to other nutrition projects serving the needs of individuals aged 60 or over and their spouses provided by public or private nonprofit persons or agencies upon such terms and conditions as the department specifies.

(Repealed and added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9109. The department shall, in consultation with nutrition site directors and area agencies on aging, develop policies and guidelines for senior nutrition sites that ensure food safety and that maximize the use of leftover meals and food products. The guidelines shall include, but not be limited to, senior education programs on good nutrition and handling, storage of leftover foods, and reviewing current nutrition site reservation procedures.

(Repealed and added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9110. (a) The department may make available state funds to fund senior nutrition programs that complement programs implemented pursuant to Title III of the federal Older Americans Act (42 U.S.C. Sec. 3021).

(Repealed and added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9111. (a) The Legislature finds and declares that there is a great disparity in the method by which the federal Older Americans Act (42 U.S.C. Sec. 3001, et seq.) and General Fund moneys are distributed to the 33 area agencies on aging in this state.

(b) It is the intent of the Legislature to correct these inequities in funding for nutrition and social service programs. It is further the intent of the Legislature that correction of these inequities be accomplished with minimal disruption to existing program services.

(c) The department, in consultation with the commission, the Area Agency on Aging Advisory Council of California, the California Association of Area Agencies on Aging, and representatives of provider groups, shall review the existing intrastate funding formula, established pursuant to Section 9112, for the allocation of state and federal funds provided for programs under Title III of the federal Older Americans Act (42 U.S.C. Sec. 3021 et seq.). The department shall update the formula in accordance with federal regulations and shall submit a report thereon to the chairperson of the fiscal committee of each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee, no later than December 1, 1986. Changes to the intrastate funding formula may only be made by the Legislature.

(d) The department and commission shall hold hearings and present alternative criteria for public input relative to the funding formula provided for under subdivision (a).

(e) The department, based upon analysis and testimony provided for pursuant to subdivision (d), and information provided by the public, shall develop an implementation plan with cost factors to achieve parity amongst the area agencies on aging in California.

(f) The department shall ensure that priority consideration shall be given to criteria that reflect the state's intent to target services to those in greatest economic or social need, including, but not limited to, the low-income, non-English speaking, minority, and frail elderly.

(g) The department shall report to the Legislature on the activities provided for in this section no later than December 1, 1986.

(Repealed and added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9112. (a) The department shall implement an intrastate funding formula in accordance with all federal regulations. This formula shall apply to all federal and state funds allocated for programs provided for under Title III of the federal Older Americans Act (42 U.S.C. Sec. 3021, et seq.).

(b) The intrastate funding formula shall include all of the following:

(1) Assurances that all area agencies on aging shall have a fifty thousand dollar (\$50,000) administrative base with the remainder of the allowable administrative dollars allocated to planning and service areas on the basis of number of persons over the age of 60 years.

(2) (A) When data is available, an annual update by the department for changes in population characteristics to include the number of persons per planning and service area over the age of 60 years and persons in greatest economic or social need as measured by all of the following variables which shall also be annually updated by the department:

(i) The number of persons over the age of 65 years receiving aid under the State Supplementary Program for the Aged, Blind, and Disabled, provided for under Chapter 3 (commencing with Section 12000) of Part 3 of Division 9.

(ii) The number of persons over the age of 75 years.

(iii) The number of minority elderly over the age of 60 years.

(iv) The number of persons over the age of 60 years living alone.

(v) The number of non-English-speaking persons over the age of 60 years.

(B) The weight given to each variable shall simulate the weighting used in the Washington State intrastate funding formula adjusting for the geographic factor.

(3) A rural factor that guarantees a 105 percent allocation to rural planning and service areas.

(4) A hold-harmless factor that guarantees that no planning and service area shall have its federal and state allocation of funds under Title III of the federal Older Americans Act (42 U.S.C. Sec. 3021, et seq.), excluding area agency on aging administrative costs and funds carried over from the 1983–84 fiscal year, reduced below the 1984–85 fiscal year funding levels.

(c) In the event that additional federal or state funds, in excess of those appropriated under the 1984–85 Budget Act, or subsequent Budget Acts are made available for services, these funds shall be used to maintain existing service levels, with the remainder to be distributed to those planning and service areas which have been determined by the department to be under equity until parity is achieved.

(d) The department shall develop, in conjunction with the intrastate funding formula, a methodology for assuring compliance with the state targeting strategy on an intraplanning and service area basis. In developing this methodology the department shall provide assurances that as additional federal and state service dollars are allocated to the planning and service areas these dollars will be expended on those elderly individuals identified as in greatest economic or social need.

(Repealed and added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9114. The department may, where necessary to ensure the continued provision of services or program operation, advance available state funds to an area agency on aging in an amount up to one-sixth of the annual state and federal allocation to the area agency on aging.

(Repealed and added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)