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 MELLO-GRANLUND OLDER CALIFORNIANS ACT [9000 - 9850] (*Division 8.5 repealed and added by Stats. 1996, Ch. 1097, Sec. 13.*)

CHAPTER 1. General Provisions [9000 - 9023] (*Chapter 1 added by Stats. 1996, Ch. 1097, Sec. 13.*)

9000. This division shall be known, and may be cited, as the Mello-Granlund Older Californians Act, that reflects the policy mandates and directives of the Older Americans Act of 1965, as amended, and sets forth the state's commitment to older adults, people with disabilities, and family caregivers served by the programs administered by the California Department of Aging.

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

9001. The Legislature hereby finds and recognizes all of the following:

- (a) Older adults constitute a fundamental resource of the state that previously has been undervalued and poorly utilized, and ways must be found to enable older adults to apply their competence, wisdom, and experience for the benefit of all Californians.
- (b) There is a continuing increase in the number of older adults in proportion to the total population.
- (c) Services to older adults are administered by many different agencies and departments at both the state and local level.
- (d) Enhanced coordination reduces duplication, eliminates inefficiencies, and enhances service delivery for the consumer.
- (e) The ability of the constantly increasing number of older adults in the state to maintain self-sufficiency and personal well-being with the dignity to which their years of labor entitle them and to realize their maximum potential as creative and productive individuals are matters of profound importance and concern for all of the people of this state.
- (f) In June 2019, Governor Gavin Newsom issued Executive Order No. N-14-19, calling for the creation of a Master Plan for Aging (MPA), which seeks to prepare local communities for the year 2030 when 10.8 million Californians—one in four residents—will be 60 years of age or older. The executive order affirms the priority of the health and well-being of older Californians and the need for policies that promote aging with dignity and independence.
- (g) The state's major demographic shift towards an older, more diverse population requires statewide systems and local structures that do all of the following:
 - (1) Offer, coordinate, and integrate increasingly complex social, medical, cognitive, and behavioral health supports.
 - (2) Respond to the needs of a growing number of older adults, people with disabilities, and family caregivers.
 - (3) Affirm the important values of race, ethnicity, language, culture, sexual orientation, and gender identity.
- (h) In preparing for the aging of California's population, the state seeks to eliminate disparities and improve access to services and supports to meet the needs of older adults, people with disabilities, and caregivers.
- (i) It is the intent of the Legislature to reform provisions of the Mello-Granlund Older Californians Act related to area agencies on aging with respect to all of the following:
 - (1) Geography and demographics.
 - (2) Governance, including area agency on aging designations and planning service area boundaries.
 - (3) Programs and services.
 - (4) Performance measures.

(5) Funding sources and capacities.

(6) Public awareness.

(Amended by Stats. 2024, Ch. 337, Sec. 2. (SB 1249) Effective January 1, 2025.)

9002. The Legislature finds and declares all of the following:

(a) Programs shall be initiated, promoted, and developed through all of the following:

(1) Volunteers and volunteer groups.

(2) Partnership with local governmental agencies.

(3) Coordinated efforts of state agencies.

(4) Coordination and cooperation with federal programs.

(5) Partnership with private health and social service agencies, community benefit organizations, and health plans.

(6) Participation by older adults in the planning and operation of all programs and services that may affect them.

(b) It shall be the policy of this state to give attention to the unique concerns of older adults with the greatest social and economic needs.

(c) In recognition of the many governmental programs serving older adults, and as specified in paragraph (2) of subdivision (c) of Section 9102, the California Department of Aging should coordinate, as existing resources permit, with other state departments in doing all of the following:

(1) Promote clear and simplified access to information assistance and services arrangements.

(2) Ensure that older adults retain the right of free choice in planning and managing their lives.

(3) Ensure that health and social services are available to do all of the following:

(A) Allow older adults to live independently at home or with others.

(B) Provide for advocacy for expansion of existing programs that prevent or minimize illness or social isolation, and allow individuals to maximize their dignity and choice of living.

(C) Provide for protection of older adults from physical and mental abuse, neglect, and fraudulent practices.

(4) Foster both preventive and primary health care, including mental and physical health care, to keep older adults active and contributing members of society.

(5) Encourage public and private development of suitable housing.

(6) Develop and seek support for plans to ensure access to information, counseling, and screening.

(7) Encourage public and private development of suitable housing and recreational opportunities to meet the needs of older adults.

(8) Encourage development of efficient community services including access to low-cost transportation services, that provide a choice in supported living arrangements and social assistance in a coordinated manner and that are readily available when needed.

(9) Encourage and develop meaningful employment opportunities for older adults.

(10) Encourage the development of barrier-free construction and the removal of architectural barriers, so that more facilities are accessible to older adults.

(11) Promote development of programs to educate persons who work with older adults.

(12) Encourage and support intergenerational programming and participation by community organizations and institutions to promote better understanding among the generations.

(d) The California Department of Aging shall ensure that, to the extent possible, the services provided for in accordance with this division shall be coordinated and integrated with services provided to older adults by other entities of the state. That integration may include, but not be limited to, the reconfiguration of state departments into a coordinated unit that can provide for multiple services to the same consumers. Services provided under this division shall be managed, directly or through contract, by local area agencies on aging or other local systems.

(e) On or before September 30, 2026, and in consultation with area agencies on aging and stakeholders, the department shall do all of the following:

(1) Identify the core programs and services to be provided to older adults and family caregivers, as directed by the Older Americans Act by all area agencies on aging or their contracted service providers.

(2) Submit to the Legislature and the federal Administration for Community Living an update to the intrastate funding formula, based on any revised area agency on aging designations and any modifications to planning service area map boundaries, and other factors and weights that may be adopted or required under state and federal statute and regulations.

(3) Develop objectives, key results, and a performance measurement methodology for core programs and services identified in paragraph (1) for adoption by the area agencies on aging.

(4) Develop a statewide consumer engagement plan. The statewide consumer engagement plan shall seek to raise public awareness of older adult and family caregiver programs and services, identify access points for information and assistance, provide consistent messaging to all audiences, and improve outreach to underrepresented communities and underserved populations, including rural Californians, Asian-Pacific Islander, Black, Latino, Native American and LGBTQ+ older adults, people with disabilities, and family caregivers.

(f) (1) In consultation with area agencies on aging and stakeholders, the department shall develop and submit regulations to the Office of Administrative Law that address, at a minimum, all of the following:

(A) The application process to determine an area agency on aging designation.

(B) The criteria used for an area agency on aging designation.

(C) The criteria used to remove an area agency on aging designation.

(D) Substantive updates to the intrastate funding formula.

(2) At the conclusion of the rulemaking process identified in paragraph (1), the department may consider letters of intent from counties interested in being considered for designation as the area agency on aging that serves its local jurisdiction.

(3) The department shall submit a plan including the updated area agency on aging designations and any corresponding changes to the statewide planning and service area map to the Legislature at least 90 days before final adoption.

(g) (1) A change made pursuant to this section shall be made in accordance with applicable federal statutes and regulations.

(2) The department shall take reasonable steps to ensure minimal disruption in the provision of older adult and family caregiver services in affected counties.

(Amended by Stats. 2024, Ch. 337, Sec. 3. (SB 1249) Effective January 1, 2025.)

9002.5. The deliverables identified in Section 9002 shall be informed by data from validated sources, which may include, but shall not be limited to, the following:

(a) The United States Census.

(b) The Department of Finance.

(c) The Master Plan for Aging Data Dashboard.

(d) The Elder Index.

(e) The Healthy Places Index.

(Added by Stats. 2024, Ch. 337, Sec. 4. (SB 1249) Effective January 1, 2025.)

9003. (a) If any section of this code relating to aging cannot be given effect without causing this state's plan to be out of conformity with federal requirements, the section shall become inoperative to the extent that it is not in conformity with federal requirements.

(b) The planning, development, and implementation of changes in this division shall encourage and allow concurrent implementation and operation of a long-term care integration pilot project consistent with the intent of Article 4.05 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9. In implementing changes to this division, the department shall work with the State Department of Health Services to ensure local determination and local designation of the most appropriate long-term care services agency for each Long-Term Care Integration Pilot Project site.

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

9004. Unless the context otherwise indicates, the definitions of the terms set forth in this chapter apply for purposes of this division.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9004.5. "Adult day health care" means an organized day program of therapeutic, social, and health activities and services provided pursuant to this division to elderly persons with functional impairments, either physical or mental, for the purpose of restoring or maintaining optimum capacity for self-care. When provided on a short-term basis, adult day health care serves as a transition from a health facility or home health program to personal independence. When provided on a long-term basis, adult day health care services as an option to institutionalization in long-term care facilities, when 24-hour skilled nursing care is not medically necessary or viewed as desirable by the recipient or his or her family.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9005. "Advisory council" means a specific representative body of laypersons and service providers that represent the interests of older individuals within the boundaries of a planning and service area and that is officially recognized by the area agency on aging, the commission, and the department.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9006. "Area agency on aging" means a private nonprofit or public agency designated by the department that works for the interests of older Californians within a planning and service area, and engages in community planning, coordination, and program development and, through contractual arrangements, provides a broad array of social and nutritional services.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9007. "Care or case management services" means:

(a) Client assessment, in conjunction with the development of a service plan with the participant and appropriate others, to provide for needs identified by the assessment.

(b) Authorization and arrangement for the purchase of services, or referral, with follow-up, to volunteer, informal, or third-party payer services.

(c) Service and participant monitoring to determine that services obtained were appropriate to need, adequate to meet the need, of acceptable quality, and provided in a timely manner.

(d) Followup with clients, including periodic contact and initiation of an interim assessment, if deemed necessary prior to scheduled reassessment.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9008. "Commission" means the California Commission on Aging.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

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.

(Added by Stats. 2011, Ch. 668, Sec. 3. (AB 138) Effective January 1, 2012.)

9010. "Comprehensive and coordinated system" means a program of interrelated social and nutrition services designed to meet the needs of older individuals in a planning and service area.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9011. "Department" means the California Department of Aging.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9012. "Director" means the Director of the California Department of Aging.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9013. "Frail elderly" means a person having those chronic physical or mental limitations that restrict individual ability to carry out normal activities of daily living and that threaten an individual's capacity to live an independent life.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9014. "Greatest economic need" means the need resulting from an income level at or below the poverty threshold established by the Bureau of the Census.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9015. "Greatest social need" means the need caused by noneconomic factors that restrict an individual's ability to perform normal daily tasks or that threaten an individual's capacity to live independently. These factors include physical or mental disability, language barriers, and cultural or social isolation caused by, among other things, racial and ethnic status, sexual orientation, human immunodeficiency virus (HIV) status, gender identity, or gender expression.

(Amended by Stats. 2021, Ch. 132, Sec. 1. (SB 258) Effective January 1, 2022.)

9016. "Long-term care" means a coordinated continuum of preventive, diagnostic, therapeutic, rehabilitative, supportive, and maintenance services that address the health, social, and personal needs of individuals who have restricted self-care capabilities. Services shall be designed to recognize the positive capabilities of the individual and maximize the potential for the optimum level of physical, social, and mental well-being in the least restrictive environment. Emphasis shall be placed on seeking services alternatives to institutionalization. Services may be provided by formal or informal support systems, and may be continuous or intermittent. "Long-term care" may include licensed nursing facility, adult residential care, residential facility for the elderly, private duty nursing, or home- and community-based services.

(Amended by Stats. 2001, Ch. 242, Sec. 3. Effective January 1, 2002.)

9017. "Older Americans Act" means Chapter 35 (commencing with Section 3001) of Title 42 of the United States Code.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9018. "Older individual" or "elderly" means a person 60 years of age or older, except where this provision is inconsistent with federal requirements.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9019. "Personal and community support networks" means families, friends, neighbors, church groups and community organizations to which the elderly turn naturally to for assistance.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9020. "Planning and service area" means an area specified by the department as directed by the Older Americans Act of 1965, as amended.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9021. "Preventive services" means services that avoid dependency and assist older persons in maintaining their good health, well-being, and growth.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9022. "Supportive services" means services that maintain individuals in home environments and avoid institutional care.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

9023. "Systems of home and community based services" means an integrated continuum of service options available locally to older individuals and functionally impaired adults, through programs administered by the department who seek to maximize self-care and independent living in the home or homelike environment.

(Added by Stats. 1996, Ch. 1097, Sec. 13. Effective January 1, 1997.)

