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SB-453 Older adults. (2019-2020)

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Senate Bill No. 453

CHAPTER 850

An act to amend Sections 9120 and 9121 of, and to add Sections 9122 and 9123 to, the Welfare and Institutions Code, relating to older adults.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 453, Hurtado. Older adults.

Existing law establishes an Aging and Disability Resource Connection (ADRC) program, administered by the California Department of Aging, to provide information to consumers and their families on available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing LTSS programs at the local level. Existing law requires the ADRC program to provide services within the geographic area served and provide information to the public about the services provided by the program. Existing law requires the department to administer the ADRC Infrastructure Grants Program for the purpose of implementing a No Wrong Door System, as defined. Existing law makes the operation of these provisions contingent upon the appropriation of funds for that purpose.

This bill would require the California Department of Aging to develop a core model of ADRC best practices, and would require ADRC programs operated jointly by area agencies on aging and independent living centers to implement these best practices by July 1, 2022. In developing those best practices, the bill would require the department to consider specified practices, including, among others, a person-centered counseling process. The bill would delete the contingent operation and instead make the implementation of these provisions, and the existing ADRC provisions, contingent on an appropriation of funds for that express purpose.

This bill would require the California Department of Aging to take specified actions with regard to the implementation of the No Wrong Door System, including, among other things, developing a plan for, and overseeing the implementation of, the No Wrong Door System and coordinating funding sources for the No Wrong Door System. The bill would require the State Department of Health Care Services to determine if the Medicaid administrative claiming process may be used to fund the No Wrong Door System, or activities associated with the No Wrong Door System, and, if so, would authorize the department to take necessary action to receive that funding. The bill would make the implementation of these provisions contingent on an appropriation of funds for those express purposes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 9120 of the Welfare and Institutions Code is amended to read:

9120. (a) There is hereby established an Aging and Disability Resource Connection (ADRC) program to provide information to consumers and their families on available long-term services and supports (LTSS) programs and to assist older adults, caregivers, and persons with disabilities in accessing LTSS programs at the local level through ADRC programs operated jointly by area agencies on aging and independent living centers.

(b) This article shall be administered and implemented by the California Department of Aging, in collaboration with the Department of Rehabilitation and the State Department of Health Care Services.

(c) Area agencies on aging and independent living centers shall be the core local partners in developing ADRC programs. The California Department of Aging shall assist interested and qualified area agencies on aging and independent living centers in completing an application to be designated as an ADRC program.

(d) An ADRC program operated by an area agency on aging and an independent living center shall provide all of the following:

- (1) Enhanced information and referral services and other assistance at hours that are convenient for the public.
- (2) Options counseling concerning available LTSS programs and public and private benefits programs.
- (3) Short-term service coordination.
- (4) Transition services from hospitals to home and from skilled nursing facilities to the community.

(e) An ADRC program operated by an area agency on aging and an independent living center shall do both of the following:

- (1) Provide services within the geographic area served.
- (2) Provide information to the public about the services provided by the program.

(f) (1) The California Department of Aging, in consultation with the Aging and Disability Resource Connection Advisory Committee within the California Department of Aging, shall develop a core model of ADRC best practices. These best practices shall be implemented by July 1, 2022, by all ADRC programs operated by area agencies on aging and independent living centers. To the extent feasible, the best practices shall be considered in the development and continued updating of the master plan on aging. In the development of these best practices, the department and advisory committee shall consider, at a minimum, all of the following practices:

(A) A person-centered counseling process.

(B) Public outreach and coordination with key referral sources, including, but not limited to, caregiver resource centers, the medical centers of the United States Department of Veteran Affairs, acute care systems, local 211 programs, local multipurpose senior service programs, Programs of All-Inclusive Care for the Elderly (PACE), adult day care services, and LTSS providers.

(C) A formal followup procedure to ensure that services for which a person received a referral were received and methods for correcting service provision if needed.

(D) A model for the best ways for area agencies on aging and independent living centers to share necessary data and client information.

(E) A model for the collection and reporting of data to the California Department of Aging, which shall include, but not be limited to, the demographic information for each individual counseled, the number of consumers served by category of service, and the number of caregivers served.

(2) The California Department of Aging shall review implementation of the ADRC Infrastructure Grants Program described in Section 9121 for consideration in developing and updating the best practices model.

(g) The implementation of this section is contingent on an appropriation in the annual Budget Act, or another act, for that express purpose.

SEC. 2. Section 9121 of the Welfare and Institutions Code, as added by Section 22 of Chapter 27 of the Statutes of 2019, is amended to read:

9121. (a) Upon appropriation by the Legislature for this purpose, the California Department of Aging shall administer the Aging and Disability Resource Connection (ADRC) Infrastructure Grants Program for the purpose of implementing a No Wrong Door System. Funds shall be awarded pursuant to the grant program to interested and qualified area agencies on aging and independent living centers, including area agencies on aging and independent living centers in rural areas, to complete the planning and application process for designation and approval to operate as an ADRC program pursuant to Section 9120. Grant

funds may also be awarded to aid designated ADRC programs operated by area agencies on aging and independent living centers in expanding or strengthening the services they provide.

(b) For purposes of this article, "No Wrong Door System" means a system that enables consumers to access all long-term services and supports (LTSS) through one agency, organization, coordinated network, or portal, and that provides information regarding the availability of LTSS, how to apply for LTSS, referral services for LTSS otherwise available in the community, and either a determination of financial and functional eligibility for LTSS or assistance with assessment processes for financial and functional eligibility for LTSS.

(c) (1) The implementation of this section shall be suspended on December 31, 2021, unless paragraph (2) applies.

(2) If, in the determination of the Department of Finance, the estimates of General Fund revenues and expenditures determined pursuant to Section 12.5 of Article IV of the California Constitution that accompany the May Revision required to be released by May 14, 2021, pursuant to Section 13308 of the Government Code, contain projected annual General Fund revenues that exceed projected annual General Fund expenditures in the 2021–22 and 2022–23 fiscal years by the sum total of General Fund moneys appropriated for all programs subject to suspension on December 31, 2021, pursuant to the Budget Act of 2019 and the bills providing for appropriations related to the Budget Act of 2019 within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, then the implementation of this section shall not be suspended pursuant to paragraph (1).

(3) If paragraph (1) applies, it is the intent of the Legislature to consider alternative solutions to facilitate the continued implementation of the program created pursuant to this section.

SEC. 3. Section 9122 is added to the Welfare and Institutions Code, to read:

9122. (a) It is the intent of the Legislature that the No Wrong Door System described in Section 9121 serve seniors and individuals with disabilities by doing all of the following:

- (1) Providing consumers and their caregivers access to information and services, regardless of income or benefit level.
- (2) Enabling an Aging and Disability Resource Connection (ADRC) program to directly connect a client to appropriate local programs.
- (3) Providing each consumer in California with access to individualized support and community resources to meet their needs and to enable them to continue living in their own homes, if desired.

(b) The Aging and Disability Resource Connection Advisory Committee, which has been established within the California Department of Aging, shall serve as the primary adviser to the California Department of Aging, the Department of Rehabilitation, and the State Department of Health Care Services in the ongoing development and implementation of the No Wrong Door System described in Section 9121. The advisory committee may utilize staff of the California Department of Aging, as needed, to accomplish its purposes. The California Department of Aging shall expand the membership of the advisory committee as necessary to include the perspective of all relevant stakeholders.

(c) The Aging and Disability Resource Connection Advisory Committee shall, upon the request of the California Department of Aging, or any task force appointed thereunder for the purpose of developing and updating a master plan on aging, consult with and offer input regarding the development and updating of that master plan.

(d) The California Department of Aging, in consultation with the advisory committee, shall do all of the following:

- (1) Develop a plan for, and oversee the phased statewide implementation of, the No Wrong Door System that utilizes the ADRC program to assist older adults and people with disabilities to obtain accurate information and timely referrals to appropriate community services and supports. The plan shall include near- and long-term tactics for statewide implementation.
- (2) Serve as a statewide facilitator, coordinator, and policy development resource on the ADRC program and No Wrong Door System.
- (3) Identify mainstream resources, benefits, and services that can be accessed for the No Wrong Door System.
- (4) Create partnerships among state agencies and departments, local government agencies, the federal Administration for Community Living, the federal Centers for Medicare and Medicaid Services, and the federal Veterans Health Administration.
- (5) Coordinate existing funding and applications for competitive funding, while also exploring avenues for future funding, including, but not limited to, Medicaid and federal Veterans Health Administration funding.
- (6) Make policy and procedural recommendations to the Legislature and other governmental entities.

(7) Consider the expansion of the "no wrong door" approach to programs and policies outside of the California Health and Human Services Agency.

(8) (A) Report to the Governor and the Legislature on the No Wrong Door System and the implementation of the system.

(B) Reports to be submitted pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(e) The implementation of this section is contingent on an appropriation in the annual Budget Act, or another act, for that express purpose.

SEC. 4. Section 9123 is added to the Welfare and Institutions Code, to read:

9123. (a) The State Department of Health Care Services, in consultation with the California Department of Aging, shall determine if the Medicaid administrative claiming process may be used to fund the No Wrong Door System, or activities associated with the No Wrong Door System, including, but not limited to, outreach, person-centered counseling, training, program planning, and quality improvement.

(b) If the State Department of Health Care Services identifies activities for which the Medicaid administrative claiming process is available, the State Department of Health Care Services may take necessary action to receive the funding to the extent possible.

(c) The implementation of this section is contingent on an appropriation in the annual Budget Act, or another act, for that express purpose.