

2011 Legislation

AB 40 (Yamada)

This bill requires mandated reporters of suspected elder or dependent adult abuse in long-term care facilities to report the suspected abuse to both the Long-Term Care Ombudsman and local law enforcement.

AB 40 was held in the Senate Human Services Committee.

AB 69 (Beall)

This bill establishes a pilot project to ease the enrollment of older adults in California's food stamp program, CalFresh.

AB 69 was signed by the Governor on October 6th.

AB 138 (Beall)

This bill requires the California Department of Aging (CDA) to report data from the Elder Economic Security Index (Elder Index) and requires Area Agencies on Aging to utilize the Elder Index in their planning efforts and identify the number or percentage of older adults living at or below the Elder Index within their service area. Finally, the bill will require that the Elder Index be used to track the Senior Community Service Employment Program participants' progress.

AB 138 is substantially similar to prior bills, including: AB 2114 (Beall) in 2010 which died in the Senate Appropriations Committee and AB 324 (Beall) in 2009 which was vetoed by the Governor.

AB 138 was signed by the Governor on October 9th.

AB 367 (Smyth)

This bill requires a county adult protective services agency or local law enforcement agency to accept a report of suspected elder or dependent adult abuse even if the agency to which the report is being made lacks jurisdiction, for example if the report is made in a different county from the suspected abuse.

AB 367 was held in the Assembly Committee on Aging and Long-Term Care.

AB 533 (Yamada)

This bill requires the state to pass through the federal funds for both Area Agencies on Aging and Independent Living Centers in the event that the state budget is not passed by June 30th. AB 533 is identical to several past bills, all of which died in the Appropriations Committee.

AB 533 was held in the Assembly Appropriations Committee.

AB 574 (B. Lowenthal)

This bill raises the limit on the number of PACE organizations in California from 10 to 15 and makes additional changes to update state law to reflect the current status of the program and eliminate outdated references to PACE as a demonstration program.

AB 574 was signed by the Governor on September 30th.

AB 594 (Yamada)

This bill would create a new state department for aging and long-term care programs. The bill would consolidate services for older adults and adults with disabilities, including the programs currently in CDA, IHSS, the Department of Rehabilitation, and others under a single department – the Department of Aging and Adult Services. AB 594 is substantially similar to previous bills from 2004 and 2005.

AB 594 was held in the Assembly Committee on Human Services.

AB 641 (Feuer)

This bill eliminates the citation review conference (CRC) process from the citation appeals process for long-term care (LTC) facilities, and allows fines to be levied from both state and federal agencies when an incident violates both state and federal laws.

AB 641 was signed by the Governor on October 9th.

AB 899 (Yamada)

This bill would enact the Home Care Services Act of 2011 and would provide for the licensure and regulation of home care organizations by the State Department of Social Services. The bill would impose various licensure requirements on a home care organization and would also impose a civil penalty on an individual or entity that operates a home care organization without a license. A similar bill, SB 411 (Price) would require the Department of Public Health to license home care organizations, is currently on the Inactive File on the Assembly Floor.

AB 899 is similar to prior bills and was held in the Assembly Appropriations Committee.

SB 21 (Liu)

This bill makes substantial changes to the long-term care system, including discharge planning for both hospitals and long-term care facilities, the development of uniform assessment for long-term care services, and a county-based long-term care case management.

SB 21 is similar to SB 998 authored by Liu in 2010 which died in the Senate Appropriations Committee.

SB 21 was held in the Senate Appropriations Committee.

SB 33 (Simitian)

This bill deletes the existing sunset date for the mandated reporter requirements for financial institutions and their employees who suspect elder or dependent adult financial abuse. A similar bill, AB 518 (Wagner) is pending in the Assembly Public Safety Committee.

SB 33 was signed by the Governor on September 30th.

SB 345 (Wolk)

This bill deletes several sections of state law relative to the Long-Term Care Ombudsman Program.

SB 345 was held in the Senate Human Services Committee.

SB 529 (Correa)

This bill would require CDA, in consultation with the California Commission on Aging, the area agencies on aging, and the Office of the State Long-Term Care Ombudsman, to develop a long-term care strategic plan, as specified, to provide guidance and temporary funding for community-based programs that serve seniors. The bill would require the department to submit the plan to the Legislature by July 1, 2012.

SB 529 was held in the Senate Human Services Committee.

SB 558 (Simitian)

This bill lowers the evidentiary standard for civil claims against a health care provider under the Elder Abuse and Dependent Adult Civil Protection Act from “clear and convincing” to “a preponderance of evidence”.

SB 558 was held in the Assembly Appropriations Committee.

SB 717 (Walters)

This bill increases penalties for elder and dependent adult abuse. SB 717 was held in the Senate Public Safety Committee.

SB 799 (Negrete McLeod)

This bill establishes a 90-working day timeframe in which the Department of Public Health (DPH) must complete a long-term care facility complaint investigation. SB 799 was held in the Senate Appropriations Committee.

Upcoming Deadlines

January 1, 2012 – Non-urgency legislation passed in 2011 becomes law.

January 10, 2012 – Governor releases 2012 Budget Proposal