

DEPARTMENT OF AGING AND ADULT SERVICES COMMISSION (DAAS)
MINUTES NOVEMBER 14, 2018

CALL TO ORDER AND ROLL CALL

President Gustavo Seriña
called the meeting to order at 1:30 PM.

The (DAAS) Commission Secretary called the roll.

Present: Katie Loo, Martha Knutzen, Tedi Vriheas

Absent: Michael Pappas

Executive Director Shireen McSpadden was present.

Absent: Michael Pappas

A motion to approve the November 14, 2018 Commission meeting agenda

The motion was unanimously approved

Absent: Michael Pappas

A motion to approve the October 3, 2018 Commission meeting minutes

The motion was unanimously approved

Absent: Michael Pappas

Executive Director's Report/Executive Director Shireen McSpadden

Executive Director Shireen McSpadden began her report by announcing that the Minimum Compensation Ordinance was approved by the Board of Supervisors (BOS). Which means that In-Home Supportive Service (IHSS) workers will now receive \$18.75 per hour. This change will take effect on July 1, 2022. Ms. McSpadden stated that the companion piece to this is non-profit workers who are currently making minimum wage now will be making \$16.50 an hour as of July 1, 2019, and then their pay wages will be attached to the consumer price index as of July 1, 2020. Ms. McSpadden said this is a step in the right direction for IHSS and family care workers. Last week was the annual conference for the California Association of Area Agencies on Aging (C4A). At this conference Ms. McSpadden announced that the C4A board has approved and hired a lobbying firm and will now have a

lobbyist to help with legislative needs and to obtain more funding. This is a very important and positive move for C4A and will help them to play at the level that we need this organization to be playing at. Ms. McSpadden also stated that she was elected as the new C4A board president. Ms. McSpadden is excited to be able to work at the state level and to learn some new things and bring back what she learns to San Francisco. Ms. McSpadden also reported on the Residential Facility Workgroup and some sub-committees from that workgroup that are thinking about strategies on how to continue to support residential care facilities in San Francisco. How do we (the city) focus on people that are served by them and how do we make sure that our San Francisco clients are being well-served and that the city gets the best service for our clients that we can. Ms. McSpadden is hoping that the recommendations from the full committee will go to the Long Term Care Coordinating Council (LTCCC) by December and then go back to the Mayor and BOS both of whom are very interested in figuring out a solution to the problem of disappearing and expensive beds. Ms. McSpadden said that some of these solutions will have to include more support and lobbying from the state. Lastly, the Dignity Fund Oversight and Advisory Committee (OAC) is continuing to work on the service allocation plan for the Dignity Fund. Currently, the OAC has two representatives from the Commission, President Serina and Vice President Loo. Ms. McSpadden hopes to have the plan ready in early 2019 so that we can go through the process that we need to go through and be able to carry it out within the next year.

EMPLOYEE RECOGNITION:

Executive Director Shireen McSpadden and the DAAS Commission recognized Karen VanderMeulen from the DAAS Adult Protective Service (APS) Office. Ms. McSpadden thanked Ms. VanderMeulen for her hard work and dedication.

ADVISORY COUNCIL REPORT/ Vice President Elinore Lurie

Advisory Council Vice President Elinor Lurie welcomed Rick Johnson as the newest Advisory Council member. Mr. Johnson was appointed by Supervisor Norman Yee to represent District 7. There was also discussion related to earthquakes and how important it is for adults and seniors to prepare in advanced for a natural disaster. There were two restaurant site visits made by Advisory Council members to the Green Bamboo and Jackie Chan Senior Center. Both restaurants are from the DAAS funded nutrition site CHAMPS program. Marcy Adelman discussed LGBTQ updates. The Advisory Committee's Nominating Committee is looking for candidates to join the Advisory Council's Executive Committee. Finally, Mrs. Lurie talked about her interest in sidewalk issues and the safety of sidewalks and seniors.

ADVIOSRY COUNCIL'S JOINT LEGISLATIVE COMMITTEE REPORT/Diane Lawrence

Ms. Lawrence stated that the Joint Legislative Committee

1. Action Items from October Meeting: None

2. Joint Legislative Committee Items as of October 17, 2018

- a. The Committee will start fresh in January as a new two-year session begins.
- b. The Legislature has from January 1st until the 3rd Friday in February (February 15, 2018)
- c. A new Elder Abuse stamp has been proposed and there are bills pending in both the House and Senate. This is charity stamp and would carry an additional cost.
 - i. Peter King of New York is sponsoring the House bill.
- d. CSL Update
 - i. Medi-Cal personal needs allowance was part of the budget hearings. Dobbs was writing a letter of support.
 - ii. They will have their Top 10 for next year by our November meeting. There will be a follow up in January with the legislators' bills.
- e. CWDA's next meeting will focus on self-sufficiency and the group will ask C4A for their support in this area. They are looking also at programs for lower income constituents and the self-sufficiency side here. This would include IHSS and APS.
- f. Cindy Kaufman, Deputy Director, who works with the Joint Leg Committee has requested that she get the C4A bills next year so we can track along with N4A to monitor the national side. We are looking to see where City legislation is stored.
- g. There was a recent SF Chronicle article (10/16/2018) re HUD contractors not being maintained.

Bills Approved by Governor and Chaptered

AB 1877, Limón. Office of Emergency Services: communications: notifications: translation. (09/21/18)

This is a work in progress for the San Francisco and the North Bay.

The California Emergency Services Act establishes the Office of Emergency Services within the Governor's office under the supervision of the Director of Emergency Services and makes the office responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies. Existing law requires the Governor to coordinate a State Emergency Plan, which is in effect in each political subdivision of the state, and requires the governing body of each political subdivision, as defined, to take actions necessary to carry out the provisions of that plan.

This bill would require the Office of Emergency Services to create a library of translated emergency notifications and a translation style guide, as specified, and would require designated alerting authorities, as defined, to consider using the library and translation style guide that may be used by designated alerting authorities when issuing emergency notifications to the public. The bill would authorize the office to require a city, county, or city and county to translate emergency notifications as a condition of approving its application to receive any voluntary grant funds with a nexus to emergency management performance.

AB 1934, Jones-Sawyer. Dependent persons: definition. (7/09/18)

Existing law generally affords dependent persons and adults protections against abuse and neglect. Existing law makes it a crime to engage in certain types of conduct against a dependent adult or dependent person, including, among others, committing certain sexual acts upon a dependent person, or willfully causing or permitting the person or health of a dependent adult to be injured. Existing law also establishes special conditions for dependent adults with respect to court proceedings, including oath requirements and witness examinations. Existing law defines "dependent person" for purposes of these provisions as, in part, a person who has a physical or mental impairment that substantially restricts his or her ability to carry out normal activities or to protect his or her rights, including, but not

limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have significantly diminished because of age. Existing law defines “dependent adult” for purposes of these provisions as, in part, a person who is between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age.

This bill would specify that a person is a “dependent person” or “dependent adult” under the definitions described above irrespective of whether the person lives independently. The bill would also recast certain legislative findings regarding crimes against dependent adults.

AB 2694, Rubio. Domestic violence: ex parte orders. (8/27/18)

Existing law authorizes a court to issue various ex parte orders, including, among other orders, orders enjoining a party from assaulting, contacting, coming within a specified distance of, or disturbing the peace of the other party, or excluding a party from a dwelling or enjoining a party from specified behavior that the court determines is necessary to effectuate these orders.

This bill would prohibit a petition for an ex parte order for the purposes described above from being denied solely because the other party was not provided with notice. The bill would also authorize, if at the time of a hearing with respect to an order based on an ex parte temporary restraining order the court determines that, after diligent effort, the petitioner has been unable to accomplish personal service, and that there is reason to believe that the restrained party is evading service, the court to permit an alternative method of service designed to give reasonable notice of the action to the respondent, as specified.

AB 2719, Irwin. Aging. (8/24/18)

Existing law requires the California Department of Aging to administer the federal Older American’s Act in California and the Mello-Granlund Older Californians Act, and imposes various functions and duties on the department with respect to the administration and development of programs for older individuals. Existing law requires the department, in allocating specified state and federal funding to older individuals, to ensure that priority consideration is given to elderly individuals identified as in greatest economic or social need. Existing law defines “greatest social need” for purposes of the act to mean the need caused by noneconomic factors, that include physical and mental disabilities, language barriers, cultural or social isolation, including that caused by racial and ethnic status, that restrict an individual’s ability to perform normal daily tasks or that threaten his or her capacity to live independently.

This bill would revise this definition to include cultural or social isolation caused by sexual orientation, gender identity, or gender expression.

AB 3098, Friedman. Residential care facilities for the elderly: emergency and disaster plans. (9/11/18)

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires a facility to have an emergency plan that includes specified provisions and is available, upon request, to residents onsite and available to local emergency responders. Existing law exempts a facility that has obtained a certificate of authority to offer continuing care contracts from this requirement. A violation of these provisions is punishable as a misdemeanor.

This bill would repeal the above-described provision exempting a facility that has obtained a certificate of authority to offer continuing care contracts from the requirement of having an emergency plan. The bill would require the emergency and disaster plan to include additional elements, including

a contact information list and at least 2 shelter locations for housing residents during an evacuation. The bill would require a facility to provide training on the emergency and disaster plan to each staff member upon hire and annually thereafter. The bill would also require a facility to review and make updates to the emergency and disaster plan annually, as specified, and to conduct a drill for various emergency situations at least once quarterly for each shift. The bill would require the facility to make the emergency and disaster plan available, upon request, to any responsible party for a resident and the local long-term care ombudsman, and would require an applicant seeking a license for a new facility to submit the emergency and disaster plan with the initial license application. The bill would require the department's Community Care Licensing Division to confirm, during annual visits, that the emergency and disaster plan is on file at the facility and includes required content and would encourage the facility to have the plan reviewed by local emergency authorities. Because a violation of these provisions would be a crime, this bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill would provide that no reimbursement is required by this act for a specified reason.

SB 688, Moorlach. Mental Health Services Act: revenue and expenditure reports. (09/14/18)

Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs and establishes the Mental Health Services Oversight and Accountability Commission to oversee those programs. Existing law requires the State Department of Health Care Services, in consultation with the commission and the County Behavioral Health Directors Association of California, to develop and administer instructions for the Annual Mental Health Services Act Revenue and Expenditure Report, which gathers specified information on mental health spending as a result of the MHSA, including the expenditures of funds distributed to each county. Existing law requires counties to electronically submit the report to the department and the commission. Existing law authorizes the Legislature to add provisions to clarify procedures and terms of the MHSA by majority vote.

This bill would additionally require counties to adhere to uniform accounting standards and procedures prescribed by the Controller, as specified, in preparing the reports, with the exception of expenditures or receipts related to capital facilities and technology needs. The bill would instead require those receipts and expenditures to be reported using the cash basis of accounting. By imposing a higher level of service on counties, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

SB 821, Jackson. Emergency notification: county jurisdictions. (09/14/18)

The California Emergency Services Act establishes the Office of Emergency Services in the office of the Governor and provides that the office is responsible for the state's emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property.

Existing law defines "emergency plan" for purposes of emergency services provided by local governments and requires each county, including a city and county, upon the next update to its

emergency plan, to integrate access and functional needs into its emergency plan by addressing, at a minimum, how the access and functional needs population, as defined, is served by emergency communications, evacuation, and sheltering.

This bill would authorize each county, including a city and county, to enter into an agreement to access the contact information of resident accountholders through the records of a public utility or other agency responsible for water service, waste and recycling services, or other property-related services for the sole purpose of enrolling county residents in a county-operated public emergency warning system. The bill would require any county that enters into such an agreement to include procedures to enable any resident to opt out of the warning system and a process to terminate the receiving agency's access to the resident's contact information. The bill would prohibit the use of the information gathered for any purpose other than for emergency notification.

SB 823, Hill. Alcohol and drug treatment abuse recovery and treatment facilities. (9/26/18)

Existing law grants the authority to license adult alcoholism or drug abuse recovery or treatment facilities to the State Department of Health Care Services. Under existing law, no person or entity may operate such a facility without licensure by the department.

This bill would require the department to adopt specified standards for these facilities as minimum requirements for licensure. The bill would authorize the department to implement, interpret, or make specific this requirement by means of plan or provider bulletins or similar instructions until regulations are adopted and would require the department to adopt the regulations by January 1, 2023.

SB 1004, Wiener. Mental Health Services Act: prevention and early intervention. (09/27/18)

Prop 63 had levelled the playing field between youth and seniors in the area of mental health and to avoid competing for funding.

Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters by Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs by imposing a tax of 1% on annual incomes above \$1,000,000. The MHSA establishes the Mental Health Services Oversight and Accountability Commission to oversee various parts of the act, as specified. Under the MHSA, funds are distributed to counties to be expended pursuant to a local plan for specified purposes, including, but not limited to, prevention and early intervention. Existing law specifies that prevention and early intervention services include outreach, access, and linkage to medically necessary care, reduction in stigma, and reduction in discrimination. The MHSA permits amendment by the Legislature by a 2/3 vote of each house if the amendment is consistent with, and furthers the intent of, the MHSA.

This bill would require the commission, on or before January 1, 2020, to establish priorities for the use of prevention and early intervention funds and to develop a statewide strategy for monitoring implementation of prevention and early intervention services, including enhancing public understanding of prevention and early intervention and creating metrics for assessing the effectiveness of how prevention and early intervention funds are used and the outcomes that are achieved. The bill would require the commission to establish a strategy for technical assistance, support, and evaluation to support the successful implementation of the objectives, metrics, data collection, and reporting strategy. The bill would amend the Mental Health Services Act by requiring the portion of the funds in the county plan relating to prevention and early intervention to focus on the priorities established by the commission. The bill would authorize a county to include other priorities, as determined through the stakeholder process, either in place of, or in addition to, the established priorities. If the county chooses to include other programs, the bill would require the plan to include a description of why those programs are included and metrics by which the effectiveness of those programs are to be measured. The bill would authorize counties to act jointly to meet specified requirements. The bill

would require the commission to review the plans and approve them if they meet specified requirements. This bill would declare that its provisions further the intent of the MHSA. By requiring counties to include additional information in their local plans, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

SB 1021, Wiener. Prescription drugs. (09/26/18)

This extends what would have sunset otherwise.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance.

Existing law prohibits the formulary or formularies for outpatient prescription drugs maintained by a health care service plan or health insurer from discouraging the enrollment of individuals with health conditions and from reducing the generosity of the benefit for enrollees or insureds with a particular condition. Existing law, until January 1, 2020, provides that the copayment, coinsurance, or any other form of cost sharing for a covered outpatient prescription drug for an individual prescription shall not exceed \$250 for a supply of up to 30 days, except as specified. Existing law, until January 1, 2020, requires a nongrandfathered individual or small group plan contract or policy to use specified definitions for each tier of a drug formulary.

This bill would extend those provisions until January 1, 2024. The bill would, until January 1, 2024, prohibit a drug formulary maintained by a health care service plan or health insurer from containing more than 4 tiers, as specified. The bill would require a prescription drug benefit to provide that an enrollee or an insured is not required to pay more than the retail price for a prescription drug if a pharmacy's retail price is less than the applicable copayment or coinsurance amount, and the payment rendered by an enrollee or insured would constitute the applicable cost sharing, as specified.

Existing law requires a plan contract or policy to cover a single-tablet prescription drug regimen for combination antiretroviral drug treatments that are medically necessary for the treatment of AIDS/HIV, as specified.

This bill would, until January 1, 2023, extend that coverage requirement to combination antiretroviral drug treatments that are medically necessary for the prevention of AIDS/HIV, as specified. Because a willful violation of the bill's requirements relative to health care service plans would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

SB 1045, Wiener. Conservatorship: serious mental illness and substance use disorders. (09/27/18)

Deputy Director Jill Nielsen is working with the City Attorney and the Mayor's Office. There will probably be clean-up language next year so we will keep watch on this legislation along with local efforts.

(1) Existing law establishes a procedure for the appointment of a conservator for a person who is determined to be gravely disabled as a result of a mental health disorder or an impairment by chronic

alcoholism, as specified, pursuant to a petition to the superior court by an officer conducting an investigation and concurring with a recommendation of conservatorship. Existing law also establishes a procedure for the appointment of other types of conservatorship or a guardianship as ordered by the probate court.

Existing law, the Assisted Outpatient Treatment Demonstration Project Act of 2002, known as Laura's Law, until January 1, 2022, grants each county the authority to offer certain assisted outpatient treatment services for a person who meets specified criteria, including, among others, that the person is suffering from a mental illness, that the person has a history of lack of compliance with treatment for the person's mental illness, and that the person is in need of assisted outpatient treatment, as specified. Laura's Law authorizes designated persons to request the county behavioral health director to file a petition in the superior court for an order for assisted outpatient treatment.

This bill would establish a procedure, for the County of Los Angeles, the County of San Diego, and the City and County of San Francisco, if the board of supervisors of the respective county or city and county authorizes the application of these provisions subject to specified requirements, for the appointment of a conservator for a person who is incapable of caring for the person's own health and well-being due to a serious mental illness and substance use disorder, as specified, for the purpose of providing the least restrictive and most clinically appropriate alternative needed for the protection of the person. The bill would prohibit a conservatorship from being established under these provisions if a conservatorship or guardianship exists under the above-described provisions.

This bill would make the establishment of a conservatorship pursuant to these provisions subject to, among other things, a finding by the court that the behavioral health director of the county or the city and county has previously attempted by petition to obtain a court order authorizing assisted outpatient treatment pursuant to Laura's Law for the person for whom conservatorship is sought, that the petition was denied or the assisted outpatient treatment was insufficient to treat the person's mental illness, and that assisted outpatient treatment would be insufficient to treat the person in the instant matter in lieu of a conservatorship.

This bill would require a conservatorship initiated under these provisions to automatically terminate one year after the appointment of the conservator by the superior court, or shorter if ordered by the court, except as specified.

This bill would authorize the Judicial Council to adopt rules, forms, and standards necessary to implement these provisions.

(2) This bill would require the County of Los Angeles, the County of San Diego, and the City and County of San Francisco, subject to the county's or city and county's election to apply these provisions, to establish a working group, comprised of representatives of local agencies and disability rights advocacy groups, among others, to conduct an evaluation of the effectiveness of the implementation of the conservatorship provisions described above in addressing the needs of persons with serious mental illness and substance use disorders. The bill would require each working group to prepare and submit a preliminary report to the Legislature on its findings and recommendations no later than January 1, 2021, and a final report no later than January 1, 2023.

(3) This bill would repeal, on January 1, 2024, all of the provisions relating to the new conservatorship procedure and the working group, as described above in paragraphs (1) and (2).

(4) This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles, the County of San Diego, and the City and County of San Francisco.

SB 1191, Hueso. Crimes: elder and dependent adult abuse: investigations. (09/18/19)

This bill removed APS but left in the ombudsman.

Existing law makes it a crime for a person entrusted with the care or custody of any elder or dependent adult to willfully cause him or her to be injured or permit him or her to be placed in a situation in which his or her person or health is endangered. Existing law also authorizes county adult protective

services agencies and local long-term care ombudsman programs to investigate elder and dependent adult abuse, but grants law enforcement agencies the exclusive responsibility for criminal investigations.

This bill would require local law enforcement agencies, as defined, and long-term care ombudsman programs to revise or include in their policy manuals, as defined, specified information regarding elder and dependent adult abuse.

By requiring local agencies to revise their policy manuals, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

SB 1292, Hueso. Alzheimer’s disease. (09/23/18)

Existing law requires the State Department of Public Health to provide public and professional education on Alzheimer’s disease to educate consumers, caregivers, and health care providers, and to increase public awareness.

This bill would require the Center for Healthy Communities, within the department, on or before January 1, 2021, to update the 2009 Alzheimer’s Disease Facts and Figures in California: Current Status and Future Projections to quantify the burden of Alzheimer’s disease on at-risk and underrepresented populations, including African Americans, Asian-Pacific Islanders, Latinos, Hispanics, and women. The bill would repeal these provisions on January 1, 2025.

SB 1320, Stern. Elder or dependent adult abuse: victim confidentiality. (09/18/19)

Existing law authorizes victims of domestic violence, sexual assault, stalking, or human trafficking to complete an application to be approved by the Secretary of State for the purpose of enabling state and local agencies to respond to requests for public records without disclosing a program participant’s residence address contained in any public record and otherwise provide for confidentiality of identity for that person, subject to specified conditions. Any person who makes a false statement in an application is guilty of a misdemeanor.

This bill would make this program available to a victim of elder or dependent adult abuse. By expanding the scope of the program to include victims of elder or dependent abuse, this bill would impose new duties on local public officials and expand the scope of an existing crime, thereby creating a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

SB 1343, Mitchell. Employers: sexual harassment training: requirements. (09/30/18)

The California Fair Employment and Housing Act makes specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer’s knowledge. The act requires employers with 50 or more employees to

provide at least 2 hours of prescribed training and education regarding sexual harassment, abusive conduct, and harassment based upon gender, as specified, to all supervisory employees within 6 months of their assumption of a supervisory position and once every 2 years, as specified. This bill would instead require an employer who employs 5 or more employees, including temporary or seasonal employees, to provide at least 2 hours of sexual harassment training to all supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2020, and once every 2 years thereafter, as specified. The bill would require the Department of Fair Employment and Housing to develop or obtain 1-hour and 2-hour online training courses on the prevention of sexual harassment in the workplace, as specified, and to post the courses on the department's Internet Web site. The bill would also require the department to make existing informational posters and fact sheets, as well as the online training courses regarding sexual harassment prevention, available to employers and to members of the public in specified alternate languages on the department's Internet Web site.

SB 1376, Hill. Transportation network companies: accessibility for persons with disabilities. (09/21/18)

The Passenger Charter-party Carriers' Act defines a transportation network company as an organization, whether a corporation, partnership, sole proprietor, or other form, operating in California that provides prearranged transportation services for compensation using an online-enabled platform to connect passengers with drivers using their personal vehicles. The act also defines a participating driver or driver as any person who uses a vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers. A violation of the act or a rule of the Public Utilities Commission with regard to charter-party carriers is generally a misdemeanor and subject to a fine of not less than \$1,000 and not more than \$5,000 or by imprisonment in a county jail for not more than 3 months, or by both that fine and imprisonment. Existing rules of the Public Utilities Commission require a transportation network company to allow passengers to indicate whether they require a wheelchair-accessible vehicle or a vehicle otherwise accessible to individuals with disabilities and requires the transportation network company to submit a specified report to the Public Utilities Commission detailing the number and percentage of their customers who requested accessible vehicles and how often the transportation network company was able to comply with requests for accessible vehicles.

This bill would require the commission, as part of its regulation of transportation network companies (TNCs), to establish a program in a new or existing proceeding relating to accessibility for persons with disabilities, including wheelchair users who need a wheelchair accessible vehicle (WAV). As part of the program, the bill would require the commission, by January 1, 2019, to begin conducting workshops with stakeholders in order to determine community WAV demand and WAV supply and to develop and provide recommendations regarding specified topics for programs for on-demand services and partnerships. The bill would require each TNC, by July 1, 2019, to pay on a quarterly basis to the commission an amount equivalent to, at a minimum, \$0.05 for each TNC trip completed using the TNC's online-enabled application or platform that originates in one of the geographic areas selected by the commission for inclusion in the program and would authorize the commission to adjust that fee in each geographic area to different levels based on the cost of providing adequate WAV service within the geographic area. The bill would exempt a TNC from payment of the fee in a geographic area if the TNC meets the level of WAV service designated by the commission for that geographic area, as specified, and would require the commission to reduce the amount of money a TNC is required to pay if it meets certain requirements. The bill would require moneys collected by the commission to be deposited in the TNC Access for All Fund, which the bill would create, and would continuously appropriate moneys deposited in the fund to the commission for purposes of the program. The bill would require the commission to distribute funds from the TNC Access for All Fund on a competitive basis to access providers that establish on-demand transportation programs or partnerships

to meet the needs of persons with disabilities in the geographic areas selected by the commission. The bill would require the commission to authorize no more than 2% of existing funds collected from TNCs and deposited in the Public Utilities Commission Transportation Reimbursement Account to be distributed to accessibility advocates who provide a substantial contribution to the proceeding, thereby making an appropriation. The bill would require the commission to report to the Legislature by January 1, 2024, on the compliance with these provisions and on the effectiveness of the on-demand transportation programs or partnerships funded pursuant to these provisions. The bill would authorize the commission to hire an independent entity to administer the program and to complete the report to the Legislature.

This bill would repeal these provisions on January 1, 2026.

Because a violation of the rules adopted by the commission would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would include a change in state statute that would result in a taxpayer paying a higher tax within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

Bills Vetoed by Governor

AB 1909, Nazarian. In-home supportive services: written content translation. (9/30/18)

Existing law requires a state agency that serves a substantial number of non-English-speaking people and provides English language materials explaining services to provide the same type of materials in other languages, as specified. Existing law requires the State Department of Social Services to translate a specified notice of action into all languages spoken by a substantial number of the public receiving in-home supportive services, as specified.

This bill would clarify that the department is required to provide translations of written content, as defined, in languages spoken by a substantial number of providers of in-home supportive services in California. The bill would permit the department to work with counties and the County Welfare Directors Association to repurpose existing, county-produced translations of written content.

To the Members of the California State Assembly:

I am returning Assembly Bill 1909 without my signature.

This bill would require the Department of Social Services to translate all written documents and materials for providers in the in-home supportive services (IHHS) program.

Materials in this program are translated by counties with the assistance of the department. I believe current arrangements are working reasonably well and should be continued.

Sincerely, Edmund G. Brown Jr.

AB 2233, Kalra. Medi-Cal: Assisted Living Waiver program. (09/29/18)

This bill will come up again with the LTCCC. There are many working groups on this topic and statistics are being pulled together to present in December. Something will be introduced next year and we will monitor it.

Existing law establishes the Medi-Cal program, which is administered by the State Department of Health Care Services and under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions. Existing law requires the State Department of Health Care Services to develop a federal waiver program, known as the Assisted Living Waiver program, to test the efficacy of providing an assisted living benefit to beneficiaries under the Medi-Cal program. Existing law requires that the benefit include, but not be limited to, the care and supervision activities specified for residential care facilities for the elderly. Existing law requires implementation of the program only to the extent federal financial participation is available and funds are appropriated or otherwise available for the program. This bill would require the department to submit, in 2019, to the federal Centers for Medicare and Medicaid Services a request for renewal of the Assisted Living Waiver program with specified amendments. The bill would require, as part of the amendments, additional slots, as specified, in the 15 existing waiver counties, expansion of the program beyond those counties on a regional basis, and modification to the provider reimbursement tiers while also maintaining the program's budget-neutral provisions. The bill would require the department, before the submission of the waiver renewal request, to notify specified legislative committees about certain information relating to the additional slots and the regional expansion, to conduct open in-person meetings with stakeholders, as specified, and to release a draft of the proposed waiver renewal for stakeholder comment. The bill would condition implementation of the waiver amendments on obtaining the necessary federal approvals and on the availability of federal financial participation. The bill would require implementation of the waiver amendments to commence within 6 months of the department's receipt of authorization for the necessary resources, as specified. The bill would also make legislative findings and declarations relating to the Assisted Living Waiver program.

To the Members of the California State Assembly:

I am returning Assembly Bill 2233 without my signature.

This bill would require a significant expansion of the Assisted Living Waiver program in Medi-Cal. This program was expanded in this year's budget. Any further changes should be considered in next year's budget.

Sincerely, Edmund G. Brown Jr.

AB 2299, Chu. Medi-Cal: managed care plans: informational materials. (9/19/18)

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified, low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing law requires the department to notify Medi-Cal beneficiaries, prospective beneficiaries, and members of the public about the program, including the availability of language assistance services and the availability of the grievance procedure.

This bill would require the department to ensure that all written health education and informing materials, as defined, in English and those translated into threshold languages by managed care plans or their subcontractors are at or below the equivalent of 6th-grade reading level. The bill would require the department to require managed care plans, as defined, or their subcontractors to conduct, by January 1, 2020, a one-time, targeted community review of informing materials in threshold languages for which a 6th-grade reading level cannot be determined, in order for members to ensure the cultural and linguistic appropriateness of materials in community-based settings, as specified. The bill would exempt material translated by either the department or its contractors, excluding managed care plans, from the targeted-community review. The bill would require the managed care plans to adopt

additional readability and suitability standards developed by the community review process, and would require the managed care plans to apply the adopted standards to health education and informing materials developed on or after July 1, 2020. The bill would require managed care plans to report the findings of the community review process, and would require the department to publish those findings and develop recommendations for additional readability and suitability standards based on the findings, as described. The bill would include a statement of legislative findings and declarations.

To the Members of the California State Assembly:

I am returning Assembly Bill 2299 without my signature.

This bill would require the Department of Health Care Services to ensure all written health education and informational materials provided by Medi-Cal managed care plans to their beneficiaries are translated at or below the sixth grade reading level.

I signed legislation last year to codify the Affordable Care Act's language access provisions into state law. Furthermore, the department requires its plans to provide written materials in an easily understood and readily accessible format. Current law and contractual practice are sufficient to compel plans to make these important health care documents understandable for Medi-Cal beneficiaries.

Sincerely, Edmund G. Brown Jr.

AB 2872, Carrillo. In-home supportive services: peer-to-peer training. (09/29/18)

Existing law establishes the county-administered In-Home Supportive Services program to provide supportive services to aged, blind, or disabled persons, as defined, who are unable to perform the services themselves and who cannot safely remain in their homes or abodes of their own choosing unless these services are provided. Existing law requires the State Department of Social Services to perform certain administrative duties in connection with the program. Existing law authorizes a county board of supervisors to contract with a nonprofit consortium, or to establish a public authority, to provide in-home supportive services and requires those entities to perform specified functions, including providing training to providers and recipients.

This bill would require the department, on or before July 1, 2019, and in consultation with employee representative organizations, to adopt a process to compensate providers of in-home supportive services for conducting peer-to-peer training. The bill would require the subject areas of the training to include how to enroll as a new provider in the In-Home Supportive Services program and how to navigate the program, as specified. The bill would require a provider conducting peer-to-peer training to be compensated at the county's prevailing wage rate for providing in-home supportive services. The bill would require the department to ensure that peer-to-peer hours are reimbursed to the employee representative organization for disbursement to the provider, no later than the 15th day of the following month. The bill would make attendance at the peer-to-peer training voluntary and would not require compensation to attendees.

By imposing new duties on counties, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

I am returning Assembly Bill 2872 without my signature.

This bill would establish a peer-to-peer training course for In-Home Supportive Services providers and

require those providers who conduct the training to be compensated.
This bill is unnecessary because IHHS providers are currently required to attend a training program that covers virtually the same subjects listed in this bill.

Sincerely, Edmund G. Brown Jr.

AB 2994, Holden. Building standards: public restroom stalls: disability access. (9/21/18)
CSL is going back with wording changes to provide more specificity

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose any building standard to submit the building standard to the California Building Standards Commission for approval or adoption. This bill would require the Division of the State Architect to review the existing disability access standards for public restroom stalls and to develop and propose to the commission for consideration updated standards on the required number of ambulatory accessible stalls in public restrooms.

To the Members of the California State Assembly:

I am returning Assembly Bill 2994 without my signature.

This bill requires the Division of the State Architect to develop and propose to the California Building Standards Commission, updated standards on the required number of ambulatory accessible stalls in public restrooms.

California's existing accessibility standards exceed the federal requirements and are often regarded as a national model. This bill requires the State Architect to review the existing standards, and regardless of the outcome, provide additional ones. I don't think that's warranted.

Sincerely
Edmund G. Brown Jr.

***For a more detailed Joint Legislative Report please contact the Commission Secretary:
bridget.badasow@sfgov.org.*

TACC REPORT/Diane Lawrence:

No report.

LONG TERM CARE COORDINATING COUNCIL (LTCCC) REPORT/Laura Liesem:

Laura Liesem, Regional Director of Community Living Services for the Institute on Aging (IOA) and LTCCC member, updated the DAAS Commission on the October 18, and November 8, LTCCC meetings.

CASE Report:

No Report

GENERAL PUBLIC COMMENT:

No general public comment.

OLD BUSINESS

No Old Business

NEW BUSINESS

- A.** Requesting authorization to modify the existing grant agreement with Self-Help for the Elderly for the provision of Adult Day Care for Older Adults and Adults with Disabilities; during the period of July 1, 2016 through June 30, 2019; for an additional amount of \$140,000 plus a 10% contingency for a total amount not to exceed of \$484,199. (Staff: Rick Appleby will present).

PUBLIC COMMENT

No public comment.

A motion to approve:

The motion was unanimously approved

Absent: Michael Pappas

- B.** Requesting authorization to enter into a new grant agreement with Institute on Aging for the provision of maintaining a Multi-Purpose Senior Services Program (MSSP) site in San Francisco; during the period of July 1, 2018 through June 30, 2019; in an amount of \$300,000 plus 10% contingency for a total amount not to exceed of \$330,000. (Staff: Fanny Lapitan will present the item.)

PUBLIC COMMENT:

No public comment

A motion to approve:

The motion was unanimously approved

Absent: Michael Pappas

ANNOUNCEMENTS:

No announcements.

MOTION TO ADJOURN,

The motion was unanimously approved

Meeting adjourned 3:00 PM.

Respectfully submitted,

Bridget Badasow
Commission Secretary