

DEPARTMENT OF AGING AND ADULT SERVICES COMMISSION (DAAS)
MINUTES OCTOBER 3, 2018

CALL TO ORDER AND ROLL CALL

Vice President Katie Loo
called the meeting to order at 9:30 AM.

The (DAAS) Commission Secretary called the roll.

Present: Katie Loo, Martha Knutzen, Tedi Vriheas and Jeremy Wallenberg

Absent: Gustavo Serinã, Michael Pappas

Executive Director Shireen McSpadden was present.

Vice President Katie Loo announced that Commissioner Martha Knutzen is the newest DAAS Commissioner and asked Commissioner Knutzen to say a few words.

Michael Pappas present

A motion to approve the OCTOBER 3, 2018 Commission meeting agenda

The motion was unanimously approved

Absent: Gustavo Serinã

A motion to approve the SEPTEMBER 5, 2018 Commission meeting minutes

The motion was unanimously approved

Absent: Gustavo Serinã

Executive Director's Report/Executive Director Shireen McSpadden

Executive Director Shireen McSpadden welcomed Commissioner Martha Knutzen to the DAAS Commission. Ms. McSpadden also addressed Commissioner Jeremy Wallenberg's resignation from the DAAS Commissioner and thanked him for his service to the Aging and Adult Commission and Community and wished him luck on his future endeavors. Ms. McSpadden announced two national celebrations that we had/are having beginning with National Employee Older Worker's Week (September) and National Disability Employment

Awareness Month (October). Ms. McSpadden stated that these celebrations will give us the opportunity to think about how we are serving older people and people with disabilities with respect to employment. Over the past few years, DAAS started to pay attention to [the](#) employment issues within the senior community partly because DAAS has some fantastic advocates in the community who have said that these are important issues and because the Dignity Fund is able to help us think more broadly beyond some of the employment programs that we have had in the past. Ms. McSpadden provided the Commission with some important employment statistics that included the following: over a quarter of older adults participate in the labor force in the United States, seniors are more likely to remain active in the labor force than in prior generations, older adults today experience fewer years of disabling conditions, older adults also have a higher rate of workforce participation and finally, seniors want to remain engaged in the community and employment is often a way for people to do so. Ms. McSpadden stated that the Commissioners are the eyes and ears of the community and are able to help the department come up with new programs and funding ideas. Ms. McSpadden went on to give the DAAS Commission specific stats for the disabled adult community including: almost half of adults with disabilities under the age of 65 participate in the workforce, adults with disabilities are twice as likely to be unemployed than adults without disabilities, adults with disabilities who are employed, are twice as likely to be in poverty as those without disabilities. There is a great deal of ableism in the senior and disabled adult community and we need to continue to tackle ableism as well as understand how to embrace the disabled community in the workforce. DAAS funds employment programs such as: the ReServe program that will serve a hundred clients this year, a contract with the ARC for supplemental janitorial services for ARC clients, the Senior Companion Program (five stipend positions), and the DAAS HUB community liaisons (two positions). This year DAAS will also begin the DAAS Ambassador program which is a new Dignity Fund Initiative.

EMPLOYEE RECOGNITION:

Executive Director Shireen McSpadden and the DAAS Commission recognized Elvira Flaviano from DAAS's County Veteran's Service Office. Ms. McSpadden thanked Ms. Flaviano for her hard work and dedication.

ADVISORY COUNCIL REPORT/ President Leon Schmidt

Advisory Council President Leon Schmidt reported that the DAAS Advisory Council met on Wednesday, September 19, 2018. At this meeting Executive Director Shireen McSpadden spoke to the Council regarding the Dignity Fund Oversight Advisory Committee funding and how this funding will specifically be rolling out over the next four years. These funds will go towards; nutrition programs, senior centers, transportation and other community services with an emphasis on distributing funds to the LGBTQ community and also to the communities of color and adults with disabilities. President Schmidt announced that the Advisory Council has a new member representing Supervisor Yee's office. Rick Johnson, will begin attending the

Advisory Council meetings in October. DAAS staff person Linda Lau presented on the five types of Nutrition programs funded by DAAS which includes; home delivered meals, congregate meals, the Food Assistant Pantry program, the SNAP program and the Senior Farmers Market. The Education Committee in conjunction with San Francisco State University on Friday, September 28, held an Aging Health and Wellness in San Francisco training. The training's key note speaker was California Senator Scott Wiener along with San Francisco State Professor Darlene Yee Malitor, Gwen Harris from the Palliative Care Senior Health program and DAAS staff person Valerie Coleman. President Schmidt also thanked DAAS staff person Melissa McGee and Dr. Marcy Adelman for organizing the training.

ADVIOSRY COUNCIL'S JOINT LEGISLATIVE COMMITTEE REPORT/Diane Lawrence
Ms. Lawrence stated that the Joint Legislative Committee

1. Action Items from September Meeting: None

2. Joint Legislative Committee Items as of September 19, 2018

- a. Deputy Director Jill Nielsen gave a report on Conservatorship and what the impacts would be if the Governor signed SB 1045 into law—which he did following the meeting.
- b. The Governor had until September 30, 2018 to sign bills into law.
- c. The California Senior Legislature will be meeting in November to finalize their list of bills for next year.
- d. The Committee also discussed keeping the Board of Supervisors informed on what bills we were tracking.

3. Bill Status

- a. Six had been signed by the Governor as of 9/19.
- b. 13 were enrolled and are awaiting the Governor's signature or veto
- c. One bill was vetoed
- d. A number of bills we were tracking were just allowed to expire.

Bills Approved by Governor and Chaptered

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. (8/24/2018)

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. (9/14/2018)

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 resident’s 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. (9/14/2018)

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 1191, Hueso. Crimes: elder and dependent adult abuse: investigations. (9/18/18)

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.

SB 1320, Stern. Elder or dependent adult abuse: victim confidentiality. (9/18/18)

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.

Bills Enrolled and Presented to Governor

AB 1877, Limón. Office of Emergency Services: communications: *notifications*: translation. (9/10/18)

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.*

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.

AB 1909, Nazarian. In-home supportive services: written content translation. (8/24/18)

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.

AB 2233, Kalra. Medi-Cal: Assisted Living Waiver program. (9/6/18)

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.

AB 2299, Chu. Medi-Cal: managed care plans: informational materials. (9/5/18)

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 ~~other contractors~~ *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 by~~ *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.

AB 2872, Carrillo. In-home supportive services: peer-to-peer training. (9/7/18)

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.

AB 2994, as amended, Holden. Building standards: (9/7/18) Restroom stalls: disability access. 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 commission, in the next triennial adoption process of the California Building Standards Code, to adopt standards requiring newly constructed public restrooms to be equipped with grab bars. *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.* The federal Americans with Disabilities Act of 1990 and the California Building Standards Code require that specified buildings, structures, and facilities be accessible to, and usable by, persons with disabilities. Existing law requires a person and specified others that own or manage a commercial place of public amusement, as defined, that is constructed or renovated, as specified, after a certain date to install and maintain at least one adult changing station, as defined.

This bill would also require a commercial place of public amusement newly constructed on or after January 1, 2025, to include the installation and maintenance of an ambulatory accessible toilet compartment that meets the standards set forth in the most recent edition of the California Building Standards Code, as specified.

SB 821, Jackson. Emergency notification: county jurisdictions. (9/12/18)

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.

(2) Existing law permits an authorized employee of a county social services department to disclose the name and residential address of elderly or disabled clients to police, fire, or paramedical personnel, or other designated

emergency services personnel, in the event of a public safety emergency, as defined, that necessitates the possible evacuation of the area in which those elderly or disabled clients reside. Existing law requires the Director of Social Services to seek any federal approval necessary to implement the disclosure and conditions the implementation on the director executing a declaration stating that any required federal approval has been obtained, and only for the duration of that approval. This bill would recast those provisions to instead permit an authorized employee of a county social services department, to the extent permitted by federal law, to disclose the contact information of persons from the access and functional needs population who are receiving public social services, and the contact information of the designated emergency contacts of those persons, to the above-described entities, in order to protect those persons in the event of a public safety emergency. The bill would revise the definition of “public safety emergency,” as specified. The bill would limit the use of disclosed contact information to the provision of emergency notification or direct emergency services. The bill would condition the disclosures on a determination that a public safety emergency exists, as specified.

SB 823, Hill. Alcohol and drug treatment abuse recovery and treatment facilities.

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. (9/12/18)

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 $\frac{2}{3}$ 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. (9/10/18)

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 non-grandfathered 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. (9/10/18)

(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 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 1292, Hueso. Alzheimer's disease. (9/12/18)

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.

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 1343, Mitchell. Employers: sexual harassment training: requirements. (9/12/18)

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. (9/10/18)

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 $\frac{2}{3}$ of the membership of each house of the Legislature.

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

TACC REPORT/Diane Lawrence:

1. Background
 - a. The Triple-A Council of California is made up of one representative from each of 33 Planning and Service Areas (PSA) in California.
 - b. The Older Californians Act established the Area Agency on Aging Advisory Council, also known as the Triple-A Council of California or TACC. TACC represents the 33 Area Agencies on Aging Advisory Councils.
 - c. The mission of TACC is to promote communication and collaboration among local advisory councils, and key state partners, to
 - i. Educate through the exchange of information, ideas, trends, and models of service delivery,
 - ii. Advocate on issues of concern in local/state planning processes, and
 - iii. Strengthen the advocacy effectiveness and leadership skills of local advisory councils.
 - d. TACC meets four times a year and is administered by the California Commission on Aging.
 - e. TACC is funded primarily through
 - i. Taxpayer contributions to the California Seniors Special Fund, identified as Code 400. Persons age 65 and older may contribute through their state tax return.
 - ii. The California Foundation on Aging also maintains a component fund for TACC; this is a charitable 501(c) (3) organization to which tax-deductible contributions may be made directly.
2. Third Quarter Meeting—September 26, 2018
 - a. Executive Committee Reports on
 - i. Senior Rally Day 2019
 - ii. Proposed By Law change on Inactive Status
 - iii. Meeting Topic Survey
 - iv. 2019 Meeting Schedule
 1. February 27-28
 2. June—TBD
 3. Fall—TBD
 4. December—first week
 - v. December Meeting Plans

- b. Presentations
 - i. Home Safe Program Overview by Timothy Lawless, Chief, Housing and Homelessness Bureau, California Department of Social Services
 - ii. Older Americans Act Overview by Sandi Fitzpatrick, Executive Director, California Commission on Aging
 - c. California Commission on Aging Report
 - i. Caregiver Task Force Executive Summary
 - ii. Executive Director Recruitment
 - iii. California Aging and Disability Alliance
 - d. Nominating Committee Report and Election of Officers
 - e. SCAN Foundation Summit Preview
3. Fourth Quarter Meeting
- a. Elder Justice Panel
 - b. Adult Day Care Centers
 - c. Post-Election Info
 - d. Older California Act Overview
4. September 27, 2018
- a. The SCAN Foundation is an independent public charity devoted to transforming care for older adults in ways that preserve dignity and encourage independence. We envision a future where high-quality, affordable health care and supports for daily living are delivered on each person's own terms, according to that individual's needs, values, and preferences.
 - b. This year's California Summit on Long-Term Services and Supports: Strengthening Voices; Driving Change
 - i. 2/3 of voters do not believe state is prepared to deal with aging population that will continue to grow in the years to come
 - ii. California needs a long term master plan for aging that allows seniors to age in place.
 - 1. Decisive leadership
 - 2. Rational
 - 3. Comprehensive
 - 4. Stakeholder involvement
 - 5. Accountability
 - c. Topics and speakers focused on politics, media advocacy and portrayal of aging population, caregiver issues and concerns, long term care financing.

LONG TERM CARE COORDINATING COUNCIL (LTCCC) REPORT/Valerie Coleman:
No LTCCC report in October.

CASE Report/Dave Knego:

Mr. Knego reported that CASE asked Melissa McGee and Sandy Mori to attend the CASE membership meeting to discuss the Dignity Fund. Also, CASE had their monthly meeting with DAAS Executive Director Shireen McSpadden to discuss CASE's future priorities. Mr. Knego also reminded the DAAS Commission that the CASE meetings are held every second Monday of the month and all are invited to attend.

GENERAL PUBLIC COMMENT:

Marie Jobling, Executive Director of the Community Living Campaign stated that she appreciates the Executive Director's comments regarding the importance of economic security and work, and wanted to add a few additional thoughts. Ms. Jobling was happy to hear that the DAAS final budget included \$600K a year for two years for seniors and hopefully disabled adult's employment. While waiting to hear how DAAS will prioritize these funds Ms. Jobling went on to focus on larger policy issues with the Commission and the other policy bodies. Tonight, the Office of Economic and Workforce Development will hold a hearing to update their workforce innovation and opportunity act plan. Since the bulk of the money is for workforce development employment funneled through that city agency. Ms. Jobling stated that unfortunately in this 143-page plan older adults and adults with disabilities were not mentioned once. Ms. Jobling stated that this is a perfect example of ageism in San Francisco and not only believes we can do better as a city but hopes that DAAS will help on the policy front also.

Jessica Lehman, Executive Director of Senior Disability Action (SDA) commented that many advocates for adults with disabilities are against and also very concerned with the implementation of SB1045. Ms. Lehman stated that the disability and mental health communities were not consulted at the beginning of SB1045. Ms. Lehman reached out to city leaders to ask for a conversation that includes the disability and mental health communities to hear the concerns regarding the implementation of SB1045. Ms. Lehman finds it problematic that so far no meeting has occurred. Friday, October 5, is SDA's annual celebration/fundraiser and all are welcome to attend.

OLD BUSINESS

No Old Business

NEW BUSINESS

- Nicole Bohn, Mayor's Office on Disability gave an update on Emergency Preparedness in SF: Disabilities and Access and Functional Needs (DAFN) and Age and Disability Friendly (ADF) Update, 2018
 - Carrie Wong presented the Community Living Fund 6month Report for January to June 2018.
- A. Requesting authorization to modify the existing grant agreement with Open house for the provision of Community Services for Seniors and Adults with Disabilities; during the period of July 1, 2018 through June 30, 2019; for an additional amount of \$105,000 plus a 10% contingency for a total amount not to exceed of \$697,220. Rick Appleby presented the item.

PUBLIC COMMENT

No public comment.

A motion to approve:

The motion was unanimously approved

Absent: Gustavo Serina

- B.** Requesting authorization to modify the existing grant agreement with Open house for the provision of Lesbian, Gay Bisexual, Transgender, and Queer LGBTQ Cultural Sensitivity Training; during the period of July 1, 2018 through June 30, 2019; for an additional amount of \$85,000 plus a 10% contingency for a total amount not to exceed of \$246,518. Staff: Rick Appleby presented the item.

PUBLIC COMMENT

No public comment.

A motion to approve:

The motion was unanimously approved

Absent: Gustavo Serina

- C.** Requesting authorization to modify the existing grant agreement with Shanti Project for the provision of expanding Social Isolation Prevention Services to Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ+) Seniors and Adults with Disabilities (AWD); during the period of July 1, 2018 through June 30, 2019; in the additional amount of \$115,000 plus a 10% contingency for a revised total amount not to exceed of \$866,140. Rick Appleby presented.

PUBLIC COMMENT

No public comment.

A motion to approve:

The motion was unanimously approved

Absent: Gustavo Serina

- D.** Review and approval of California Department of Aging MIPPA (Medicare Improvements for Patients and Providers Act) Contract MI-1819-06, associated budget and all subsequent

amendments, and modification to the Self-Help for the Elderly HICAP grant agreement to include MIPPA funds for FY18/19. Tiffany Kearney presented the item.

PUBLIC COMMENT:

No public comment

A motion to approve:

The motion was unanimously approved

Absent: Gustavo Serinà

- E. Requesting authorization to modify the existing grant agreement with Community Living Campaign for the provision of a Community Services Program Pilot; during the period of July 1, 2018 through June 30, 2020; in an additional amount of \$157,990 plus 10% contingency for a total amount not to exceed of \$706,189. Tiffany Kearney presented the item.

PUBLIC COMMENT:

No public comment

A motion to approve:

The motion was unanimously approved

Absent: Gustavo Serinà

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

9. CLOSED SESSION

- A Public Comment on all matters pertaining to Closed Session

NO PUBLIC COMMENT

- B. Vote on whether to hold a closed session/Executive Director Shireen McSpadden/Performance Evaluation

A motion to approve:

The motion was unanimously approved

Absent: Gustavo Serinà

- C. A vote to approve Executive Director Shireen McSpadden's Performance evaluation

A motion to approve:

The motion was unanimously approved

Absent: Gustavo Serinà

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION

10. Motion regarding whether to disclose the discussions during Closed Session pursuant to S.F. Administrative Code Section 67.12(a)

PUBLIC COMMENT

A motion to approve:

The motion was unanimously approved

Absent: Gustavo Serinà

ANNOUNCEMENTS:

MOTION TO ADJOURN,

The motion was unanimously approved

Meeting adjourned 12:00 PM.

Respectfully submitted,

Bridget Badasow
Commission Secretary