

# 2021 Summary of Bills Related to the Master Plan for Aging

(October 15, 2021)

## Introduction

The California Legislature has passed several bills and Governor Newsom has signed nearly a dozen of them that support the goals of the Master Plan for Aging. Enacted legislation includes requiring training to create a dementia-friendly workforce, requiring Residential Care Facilities for the Elderly with internet access to provide one common internet access tool for residents, and strengthening elder financial abuse and isolation laws, which all complement the historic investments supported by the [Final California 2021-22 Budget](#) and the HCBS Spending Plan. Below is an overview of this last year's legislative cycle of the 40 bills related to the Master Plan for Aging, with 11 being chaptered.

## Goal 1: Housing for All Ages and Stages

### Enacted/Chaptered

- SB 91: Extended eviction moratorium until June 30, 2021 with AB 832 extending the eviction moratorium until October 1, 2021. Also provides rental assistance for tenants facing financial hardship due to COVID.
- SB 591: Permit the establishment of intergenerational housing development.

### Held in Committee

- AB 71: Homeless funding: Bring California Home Act. Includes provisions targeting older homeless adults
- AB 695 (Accomplished through the budget): Expand HomeSafe program, lower age to 60 for Adult Protective Services (APS), increase of \$92.5M in funding for APS and HomeSafe.
- AB 1083: Establish the Housing Plus Services Nursing Pilot Program in five counties.

### Vetoed

- SB 675: Allows the board of supervisors to establish monthly property tax payment systems.
  - [From the Governor](#): "There are existing options, both public and private, available for taxpayers who struggle to pay their taxes or need assistance remaining current on their bills... Further, state county tax collectors and auditors oppose this bill **due to the significant administrative and fiscal burdens that would result** from creating a separate tax collection system for certain individuals."

## Goal 2: Health Reimagined

### Enacted/Chaptered

- AB 323: Treat a class “AA” violation as a class “A” violation in certain circumstances and increase fines for class “A”, “AA”, and “B” violations for long-term care facilities.
- AB 749: Prohibit skilled nursing facilities from hiring medical directors who are not certified by the American Board of Post-Acute and Long-Term Care Medicine as a Certified Medical Director within the last five years.
- AB 849: Increase long-term care patient’s rights violation fines from \$500 to \$500 per occurrence.
- SB 48: Require professional training to create dementia-friendly workforce.
- SB 650: Require the preparation of filing of an annual consolidated financial report from any organization that operates, conducts, owns, manages, or maintains a skilled nursing facility.

### Held in Committee

- AB 6: Require California Department of Public Health (CDPH) and California Department of Social Services (CDSS) to create health and safety guidelines and best practices for skilled nursing facilities and other congregate facilities.
- AB 98: Establish a pilot program in three counties for reuse and redistribution of durable medical equipment and home health supplies.
- AB 383: Establish an Older Adult Mental Health Services Administrator within the Department of Health Care Services.
- AB 470 (Accomplished through the budget; 2-year bill): Eliminate the Medi-Cal asset limit for seniors and people with disabilities.
- AB 540 (Accomplished through the budget): Exempt Programs of All-inclusive Care for the Elderly (PACE) beneficiaries from active or passive enrollment in Medi-Cal managed care and ensure PACE is presented as an enrollment option.
- AB 848: Increase Medi-Cal monthly maintenance need for long-term care from \$35 to \$80 per month.
- AB 911 (2-year bill): Create a framework for creation of a Long-Term Services and Supports (LTSS) benefit.
- SB 515 (2-year bill): Create a framework for creation of an LTSS benefit.
- AB 1054: Establish the skilled nursing facility feeding assistant training program.
- AB 1234: Allow electronic signatures on Physician Orders for Life Sustaining Treatment (POLSTs) and Advance Health Care Directives and create a statewide POLST electronic registry.
- AB 1300: Allow residents of Residential Care Facilities for the Elderly (RCFEs) to use electronic monitoring devices in their rooms.
- AB 1502: Prohibit an entity from operating a skilled nursing facility without first obtaining a license on its own behalf.
- SB 56 (Accomplished through the budget with a lower age: 50 and older): Expand Medi-Cal to undocumented older adults 65 and older.
- AB 4: Expand Medi-Cal to all undocumented adults.
- SB 256: Require all Medi-Cal managed plan contracts to include in lieu of services.

- SB 281: Make the Community Care Transitions Program permanent; reduce time needed to have resided in a skilled nursing facility to 60 days, even after COVID.
- SB 460 (Accomplished through the budget): Create the Office of Patient Representative in the Department of Aging.
- SB 648: Allow Adult Residential Facility (ARF) and Residential Care Facilities for the Elderly (RCFE) residents in facilities with at least 75% Supplemental Security Income (SSI) recipients to receive up to 60 hours of In-Home Supportive Services (IHSS).

### Vetoed

- AB 279: Prohibit long-term care operators from changing services or transferring residents during a state of emergency.
  - [From the Governor](#): “... its restrictions could have unintended consequences for the people it intends to serve. Requiring a struggling facility short of bankruptcy to remain open may lead to conditions where care is compromised because the facility is not able to retain staff... Furthermore, the California Department of Public Health does not have the legal authority to compel a facility to continue operating or providing services if the facility wishes to close.”
- AB 523: Require the Department of Health Care Services (DHCS) to make PACE program COVID-19 flexibilities permanent.
  - [From the Governor](#): “As part of the Budget Act of 2021, all telehealth flexibilities in the Medi-Cal program were extended until December 31, 2022. DHCS was also required to convene an advisory group to provide recommendations for establishing and adopting billing and utilization management protocols for telehealth modalities to increase access and equity and reduce disparities in the Medi-Cal program. This advisory group is the appropriate venue to participate and provide telehealth recommendations specific to the PACE program. Additionally, the bill states that DHCS shall make the changes permanent, without conditioning the permanent changes on DHCS obtaining necessary federal approvals and federal financial participation or taking into consideration federal legal mandates.”

## Goal 3: Inclusion & Equity, Not Isolation

### Enacted/Chaptered

- AB 665: Require RCFEs with internet access to provide one common internet access tool for residents
- AB 1243: Allow the filing of a protective order to prevent isolation of elder or dependent adult. Also allows court to find certain debts were incurred as a result of financial abuse within a protective order.
- SB 258: Add HIV status to the definition of senior of “greatest social need” for California Department of Aging (CDA) to make priority determinations for services and funds.

### Held in Committee

- AB 774: Establish taskforce to improve senior legal services in California.

### Vetoed

- None

## Goal 4: Caregiving that Works

### Enacted/Chaptered

- SB 95: Extend COVID-19 supplemental paid sick leave and expand the definition of covered worker.

### Held in Committee

- AB 1041: Expand definition of family member for purposes of worker protection and Paid Family Leave Program.
- AB 84 (gut and amend *from* extending COVID-19 supplemental paid sick leave and expanding the definition of covered worker to retention and rehiring of workers)

### Vetoed

- AB 123: Increase Paid Family Leave benefit to 90% of wages starting January 1, 2022.
  - [From the Governor](#): “This bill would create significant new costs not included in the 2021 Budget Act and would result in higher disability contributions paid by employees.”

## Goal 5: Affording Aging

### Enacted/Chaptered

- None

### Held in Committee

- SB 107 (Accomplished through the budget): Simplify CalFresh applications for older adults 60 or older and people with disabilities.

### Vetoed

- None