







California Elder and Disability Justice Coordinating Council

May 16, 2024 | 10:00 am - 1:00 pm





Welcome & Meeting Logistics Review



Carroll De Andreis

Manager, MPA Stakeholder & Public Engagement California Department of Aging

Meeting Logistics

Webinar or Telephone only

- Live captioning and American Sign Language (ASL) interpreting streamed through webinar (Zoom)
- Meeting slides, transcript, and recording will be posted to <u>California Health and Human Services (CalHHS) Master Plan</u> <u>for Aging webpage</u>.
- Committee members please update your name display in Zoom by right clicking the upper right corner of your video and selecting "rename."

Virtual Meeting Operations



- The chat function is only enabled for Committee Members, California Department of Aging (CDA) and state staff, and invited guests to share meeting-related resources and information. The public will be able to view content shared in the chat during the meeting.
- The chat and the Question/Answer functions are not enabled for comments and questions from public attendees.
- We invite the public to provide comments. Please hold comments until the end of the meeting during the designated Public Comment period.
- Additional public comments and questions can be directed to EngAGE@aging.ca.gov.

Public Comment





Attendees joining by **phone**, press *9 on your dial pad to join line. The moderator will announce the last 4 digits of your phone number and will unmute your line.



Attendees joining by **webinar (Zoom)**, click the raise hand button to join line. The moderator will announce your name or your last 4 digits of your phone number and will unmute your line.

Note: Public commentors will have 2 minutes.

For additional public comment, email EngAGE@aging.ca.gov

Council Purpose



The goal of the Elder and Disability Justice Coordinating Council is to increase coordination and develop recommendations to prevent and address the abuse, neglect, exploitation, and fraud perpetrated against older adults and adults with disabilities.





Equity Guiding Principles





We recognize that past, current interventions, and services to prevent mistreatment have had negative consequences for some victims, families, and communities as the result of systemic discrimination and biases. To counter these negative impacts and to ensure equity and inclusion moving forward, we are committed to letting the following principles guide all aspects of our work in planning, coordination, and program development.

Guiding Principles and Strategic Priorities

Equity Guiding Principles



- 1. We recognize that all adults deserve to live free from abuse, neglect, and exploitation.
- 2. We acknowledge the existence of systemic racism, discrimination and negative impacts. In order to combat its impacts, we must center equity at all stages of our council's work.
- 3. Centering around equity does not just mean creating equitable solutions for all older adults and adults living with disabilities but also recognizing that implicit bias exists within all of us. We are committed as a group to acknowledge and explore biases while doing the work of this council.
- 4. We acknowledge that while older adults and adults living with disabilities have many overlapping interests, they are distinct communities, and any policies that are observed or recommended by this council should examine impacts to each community.
- 5. We recognize the importance of hearing directly from older adults and adults living with disabilities, their lived experiences should always be centered as we move forward with the work of this council.

Council Members (2024-2025)



EDJCC Co-Chairs:

- Susan DeMarois, Director, CA Department of Aging (CDA)
- Bertha S. Hayden, Directing Attorney, Bet Tzedek, EDJCC Stakeholder Co-Chair

Council Members:

- Tony Anderson, Association of Regional Care Centers
- Diana Boyer, County Welfare Directors Association of California
- Akiles Ceron, San Francisco Human Services Agency
- Leza Coleman, California Commission on Aging
- Sherry Johnson Alvarez, Advocate
- Daniel Kroos, San Francisco Police Department
- Jaime Levine, Elder Law and Advocacy

Council Members (2024-2025) cont.



Council Members:

- Sandra Longnecker, Riverside County District Attorney's Office
- Liz Logsdon, Disability Rights California
- Vivianne Mbaku, Justice in Aging
- Jennifer Moore Ballentine, Coalition for Compassionate Care of California
- Alicia Morales, Adult and Long-Term Care Division of Santa Cruz
- Lisa Nerenberg, California Elder Justice Coalition
- Marty Omoto, CA Disability Action Network
- Carla Perissinotto M.D., University of California San Francisco

Council Members (2024-2025) cont.



Council Members:

- Scott Pirrello, San Diego District Attorney's Office
- Tim Perry, California Commission on Aging
- Tom Scott, CA State Association of Public Administrators, Public Guardians, and Public Conservators
- Valerie Smith, Santa Clara County Social Services Agency
- Jason Sullivan Halpern, J.D., California Long-Term Care Ombudsman
- Janine Whiteford, California IHSS Consumer Alliance

Meeting Agenda



10:00 a.m. Welcome and Meeting Logistics

10:05 a.m. Opening Remarks

10:15 a.m. 2024 Master Plan for Aging Day of Action

11:35 a.m. EDJCC Subcommittee 2024 Initiatives

11:40 a.m. Break (10 minutes)

11:50 a.m. Older Americans Act Final Rule Overview

12:15 p.m. Clarity Presentation

12:40 p.m. Public Comment

12:55 p.m. Closing & Next steps



Welcome

Sarah Steenhausen

Deputy Director, California Department of Aging
EDJCC State Co-Chair

Bertha S. Hayden

Bet Tzedek

EDJCC Stakeholder Co-Chair



2024 Final Rule OAA Reauthorization May Budget Revise Senate Bill 1249 (Roth)

CA for ALL Ages & Abilities: 2024 MPA Day of Action

CA for ALL Ages & Abilities: 2024 MPA Day of Action Discussion

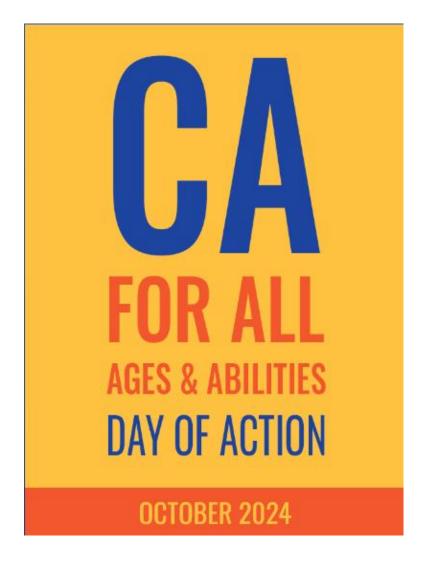


Jackie Tompkins

Master Plan for Aging, Project Director California Department of Aging (CDA)

CA for ALL Ages & Abilities: 2024 MPA Day of Action





Date: Tuesday, October 8, 2024

Location: SAFE Credit Union Convention Center

Sacramento, CA

Time: Full-day, specific time: TBD

Registration: Opens Mid-June 2024

Website: https://www.caforall.org/

Thank you to the MPA's philanthropic partners for supporting this event.









CA for ALL Ages & Abilities: 2024 MPA Day of Action



Focus future work on the highest priority issues facing Californians today & Center future MPA planning on equity and lived experience.

• Gather priority recommendations from the Master Plan on Aging (MPA) Stakeholder Committees to inform the development of the MPA Initiatives for the next two years (25-26).

Celebrate progress to-date and renew our shared commitment to the MPA, California's 10-year blueprint for all ages and abilities.

• Sustain and re-invigorate diverse partners and stakeholders on California's commitment to achieve the MPA's Five Bold Goals.

Engage Diverse Partners in the "Whole of Government Approach"

• Be a model by convening state and national leaders to advance equity, collaboration, and integration among sectors in charting a path forward to prepare for the nation's aging population.

MPA Stakeholder Committees A Roadmap to the 2025 - 2026 MPA Initiatives



1. Where Are We Now?

- Understand the Baseline
- Develop a Problem Statement

2. Where Do We Want to Be?

Set & Define Goal(s) - What Does Progress & Success Look Like?

3. How Will We Get There?

• Brainstorm Recommendations & Strategies

4. How Will We Know We Got/Are Getting There?

Describe the Outputs & Outcomes of Each Recommendation

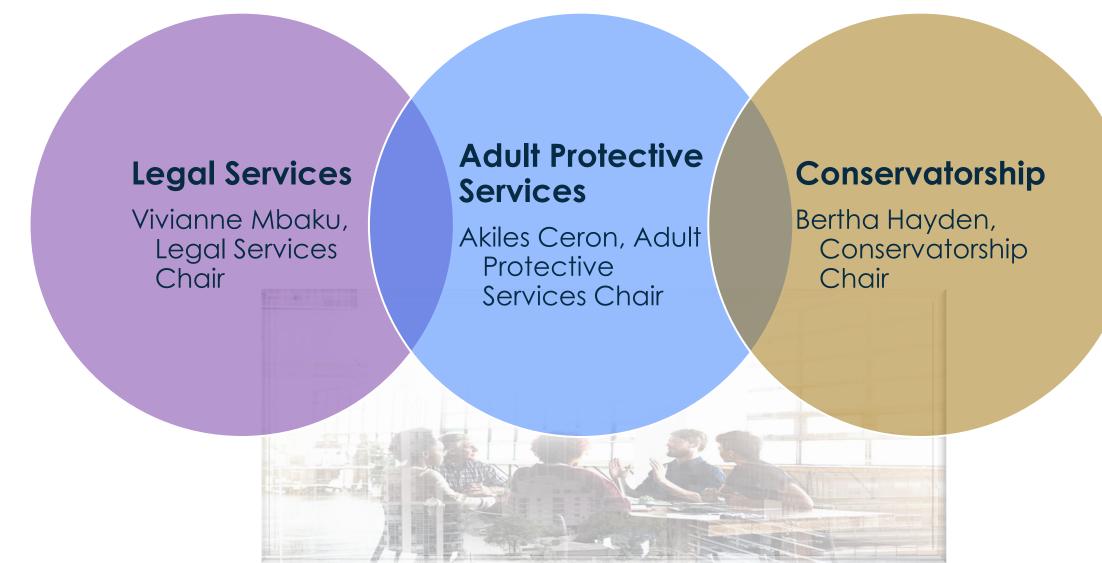
Planning Stages: A Preview of the Day



- Hear from Consumers: Sharing Lived Experience
- Introduce the MPA Age & Disability Lived Experience Advisory Board
- Two Panels:
 - 1) Advancing an Equity-Informed Home & Community Care System for All
 - 2) Ensuring Affordable Access to Housing, Services, and Supports for All
 - Focus area(s) of each panel to align with the MPA Stakeholder Committees
 - Weave in MPA Stakeholder Committee recommendations and priorities into the discussion
 - Panel Structure
 - MPA Stakeholder Committee Members
 - Consumers
 - Legislature
 - Administration
 - State Agencies
 - Public engagement opportunity
- The Intersection and Alignment of Aging & Disability
- **Conversation with California Policy and Budget Staff**



Elder and Disability Justice Coordinating Council Subcommittees



Legal Services Subcommittee

Vivianne Mbaku
Equity Director, Justice in Aging
Legal Services (Chair)



Legal Services Subcommittee Mission

The Legal Services Subcommittee, within the Elder and Disability Justice Coordinating Council (EDJCC) as part of the Master Plan for Aging (MPA), aims to center equity and formulate strategies to:

- To ensure that every older adult in California has access to comprehensive and reliable legal services.
- Empowering older adults and adults with disabilities to protect their rights, maintain independence, and lead fulfilling lives with dignity.
- Creating a centralized information hub for Legal Services resources.
- Identify gaps, create best practices, and recommendations.
- Identifying resources, including funding opportunities to enhance Legal Services.
- Emphasizing Elder Justice and the Master Plan for Aging.
- Provide recommendations to the legislature that creates an ongoing funding opportunity that does not limit resources for services.

Legal Services Subcommittee Updates

- ▶ Subcommittee members participated in a presentation from Lorin Kline of the Legal Aid Association of California on the issue of 'public interest drift' and it's impacts on legal service delivery in California. The subcommittee is committed to finding ways to increase staff retention at legal aid organizations and lessen public interest drift.
 - ▶ LAAC released a paper on this issue:
 - "Does 'Public Interest Drift' Exacerbate the 'Justice Gap'" by Zachary Newman and Salena Copeland
- Subcommittee is preparing goals to present at the MPA Day of Action
- Subcommittee is also discussing existing legal aid referral systems and how nonlegal aid organizations (i.e. District Attorney, private attorney etc.) can refer potential clients to legal aid

Adult
Protective
Services
(APS)
Subcommittee

Akiles Ceron

APS Program Director, San Francisco Human Services Agency

Adult Protective Services (Chair)

Adult Protective Services (APS) Subcommittee Mission

The APS Subcommittee, within the Elder and Disability Justice Coordinating Council (EDJCC) as part of the Master Plan for Aging (MPA), aims to center equity and formulate the following strategies:

- a) To ensure that every older adult and adult with disabilities in California receives a timely response to reports of abuse, neglect self-neglect and exploitation (ANSE) by APS, and the agencies designated by the State to receive and respond to cross-reports.
- b) To ensure effective coordination of interagency interventions, remedies and treatment strategies to ANSE, and to support the wellbeing, liberty, and independence of older adults and adults with disabilities, and the protection of their real and personal property.

APS Subcommittee Updates

The APS Subcommittee members met monthly to discuss our stated 2024 priorities, to ensure that reports of suspected abuse of older adults and adults with disabilities can be made without confusion for a timely, competent and collaborative response and intervention.

We focused primarily on:

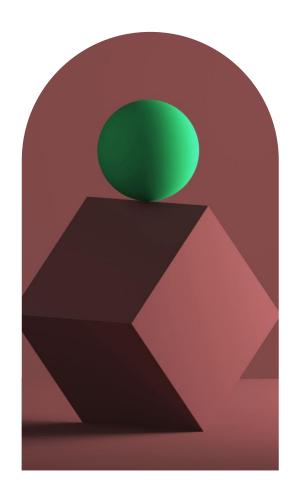
- 1. Simplifying where these reports are made.
- 2. Who receives these reports.
- 3. Who responds to these reports.
- 4. What is an effective collaboration for investigation & intervention.

CONSERVATORSHIP SUBCOMMITTEE

Bertha S. Hayden
Directing Attorney, Bet
Tzedek
Conservatorship (Chair)



Conservatorship Subcommittee



Mission Statement

The Conservatorship Workgroup, operating within the Elder and Disability Justice Coordinating Council as part of the Master Plan for Aging, aims to center equity and formulate strategies to:

Educate the general public, professionals who work with older adults and adults with disabilities about probate conservatorship and other decision-making tools (supported decision-making, advance health care directives);

- Identify current data sources and make recommendations how to streamline and centralize data collection for probate conservatorships;
- Identify gaps in the conservatorship system and make recommendations to improve/augment services for conservatees; and
- Identify gaps, best practices, and make recommendations to streamline referrals between Adult Protective Services and Public Guardian programs.

CONSERVATORSHIP SUBCOMMITTEE UPDATELISTENING SESSION SERIES

Fatima Villaseñor, CASCI President

California State Association
of Superior Court
Investigators (CASCI)

Rebecca May, Bureau Chief

<u>Professional Fiduciaries</u>

<u>Bureau</u>

CONSERVATORSHIP SUBCOMMITTEE UPDATE- LISTENING SESSION SERIES

Lisa Nerenberg California Elder Justice Coalition

New grant from Judicial Council of California (JCC) for Protecting the Rights of Adults Under Conservatorship in California, a 35-month project to identify court practices for ensuring due process and accountability in conservatorships

https://www.elderjusticecal.org/conservatorshipstudy.html Jim Berchtold

Justice In Aging

Equitable Guardianship Reform Series

https://justiceinaging.org/post-adjudicationrights-reform/

Committee Questions and Discussion



BREAK (10 minutes)

Older Americans Act: New Regulations

Fay Gordon, Regional Administrator, Region IX





Agenda

- Introduce ACL Regions
- Older Americans Act Final Rule Overview
- Highlight Resources of Interest
- Hear from you!



About the ACL Regionx

10 - Louise Ryan (206) 615-2299 Louise.Ryan@acl.hhs.gov



5 - Lacey Boven (816) 702-4180 Lacey.Boven@acl.hhs.gov





Atlanta

1 - Jennifer Throwe (617) 565-1158 Jennifer.Throwe@acl.hhs.gov



9 - Fay Gordon (415) 437-8790 Fay.Gordon@acl.hhs.gov Seattle 10 8



2 - Rhonda Schwartz (202) 816-2572 Rhonda.Schwartz@acl.hhs.gov



8 - Percy Devine (303) 844-7815 Percy.Devine@acl.hhs.gov



6 Dallas

Kansas City

3 - Stephanie Cole (267) 831-2329 Stephanie.Cole@acl.hhs.gov



7 - Cynthia Brammeier (816) 321-7341 Cynthia.Brammeier@acl.hhs.gov



Hawaii

Francisco

6 - Derek Lee (214) 767-1865 Derek.Lee@acl.hhs.gov 4 - Costas Miskis (404) 562-7591 Constantinos.Miskis@acl.hhs.gov





Older Americans Act Regulations: Overview



OAA Program Regulations Background

The last substantial update to most OAA program regulations was in **1988.** Since then:

- the population of older adults has nearly doubled,
- older adults are living longer than ever before, and
- expectations for aging have shifted,

Then and now: Almost all older adults want to continue to live independently in the community, and nearly 95% do.



Purpose of the Final Rule Updating the OAA Regulations

- Update regulations to align with the current statute
- Reflect the needs of today's older adults
- Promote appropriate stewardship of OAA resources
- Clarify programmatic requirements

- Support the national aging network that delivers OAA services
- Improve program implementation to better serve older adults and caregivers



General Note on the OAA Final Rule

The vast majority of what is included in the final rule are **long-established OAA requirements** – i.e., reaffirming what is in statute, prior regulations, or existing policies – rather than new requirements.



Effective and Compliance Dates

- Effective Date: 30 days after publication in the Federal Register, March 15, 2024.
- Compliance Date: October 1, 2025.
 - Corrective Action Plan (CAP): State agencies who are unable to comply with the final rule by the October 1, 2025 date will have the ability to submit a CAP to ACL that, if approved, provides additional time to achieve compliance.



OAA Final Rule Resources

- The Older Americans Act Final Rule
- ACL's OAA Regulations webpage: <u>ACL.gov/OAArule</u>
 - Fact sheets
 - ACL announcement and additional resources
 - Information on upcoming webinars and other updates
- ACL is providing robust technical assistance and engaging stakeholders in implementing the final rule



Upcoming OAA Technical Assistance

- Webinar #1 Stewardship, Oversight, and Advocacy Responsibilities: <u>Webinar recording</u>, <u>Slides</u>
- Webinar #2 Fiscal Policies and Procedures: Webinar recording and slides coming soon
 - Covers: Area plan administration, match requirements, MOE requirements, buildings, alterations, maintenance and equipment
- Webinar #3 Title III-VI Coordination: May 23, 2024, 3:00 PM Eastern Time



Additional Planned Webinar Topics

- State Plans on Aging, Area Plans, and Intrastate Funding Formulas
- Contracts and Commercial Relationships
- Emergency and Disaster Requirements
- Nutrition
- Legal Assistance and Alternatives to Guardianship

Questions to ask when it comes to requirements and flexibilities:

Is this an OAA law or regulation requirement?

Is it another federal law or regulation?

Is this a state policy or procedure?

Is this an area agency on aging (AAA) policy or procedure?

Is this a local service provider policy or procedure?

Based on who is responsible for the requirement, what are your options for changing it or advocating for changing it?

Questions to ask when it comes to requirements and flexibilities:

Policies and procedures at the state, AAA, and service provider level are essential for proper stewardship of Federal grant funds, and must meet the following requirements (not an exhaustive list):

- Older Americans Act, Public Law (P.L.) 89-73 as amended through P.L. 116-131, enacted March 25, 2020.
- Executive Orders
- 45 CFR parts 1321, 1322, 1324: Older Americans Act Regulations
- 45 CFR part 75 & 2 CFR part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements
- ACL policies and procedures
- Award terms and conditions
- State and local laws and regulations

Review how you currently implement OAA requirements

Identify existing:

- Policies and procedures
- Administrative rules
- Program manuals, training materials
- Program instructions, area plan templates
- AAA and/or service provider contracts
- Reporting requirements

Review and assess

Decide how you will make updates

Identify what needs to be updated

- Your SUA's existing policies and procedures may already fully meet OAA Final Rule requirements
 - E.g., § 1321.49 Intrastate funding formula
- Some OAA Final Rule requirements allow the SUA to exercise certain flexibilities, at the SUA's option
 - E.g., § 1321.101 Flexibilities under a major disaster declaration
- Prioritize where will you start? How will you break into manageable bites?

Identify who is responsible for determining the what/who/how

- One or more individual staff members?
- Workgroups?

Committee Questions and Discussion



Clarity

Sarah Hooper, J.D.
University of California Law, San Francisco

Denise Watt, J.D.University of California Law, San Francisco

David Farrell, MPHPeople Designs

Clarity

CA Elder & Disability Justice
Coordinating Council
May 16, 2024

Clarity Team

People Designs





David Farrell, MPH

Irene Tessaro, DrPH

David Menestres

Sarah Hooper, JD

Denise Watt, JD

Rebecca Sudore, MD

Jana Powell

Clarissa Ferguson



Preventing the Need for Conservatorship in Older Adults: A Medical-Legal Partnership Perspective

Health systems:

- Motivated
- Have data
- Need information
- Need tools and workflows

Elders:

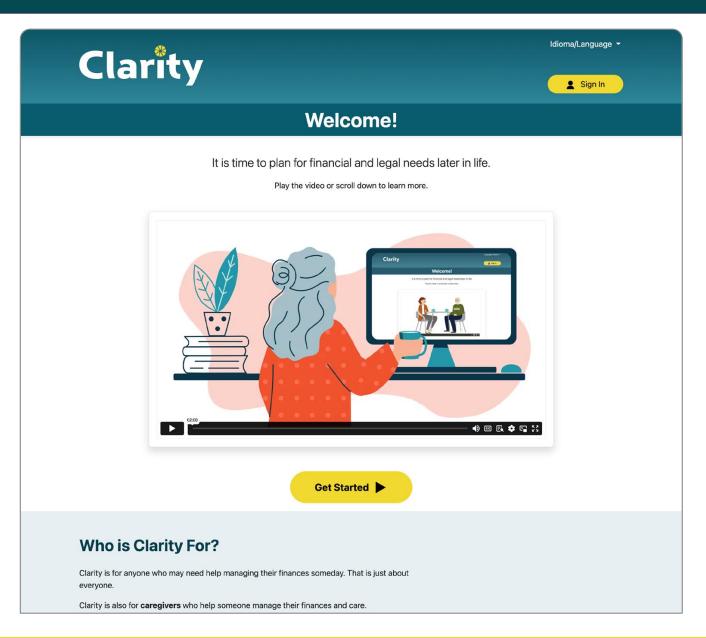
- Need upstream engagement
- Need information
- Need skills, not just forms

Legal aid and other social services:

- Need opportunities to reach clients further upstream
- Need tools that are stakeholder and evidence-informed



Clarity Website



Goals/Principals

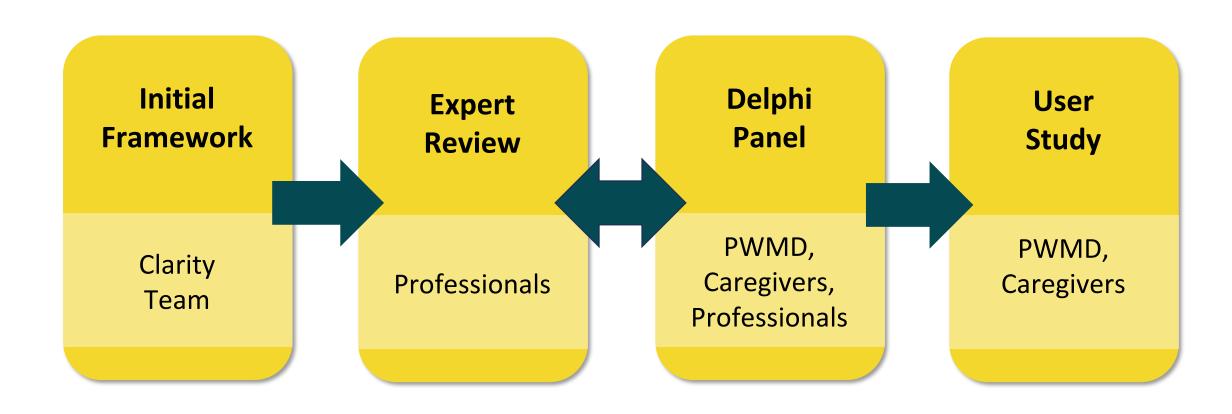
- Stakeholder-driven
- Accessible + inclusive
- Comprehensive
- Evidence-informed

- Free to public
- Process-focused: not a document completion service
- Facilitates linkage to aging network





Clarity Development Process



Delphi Study

15 Participants

- 4 health professionals
- 4 legal professionals
- 4 caregivers
- 3 people with memory difficulties

63% F, 37% M 37% non-white

Consensus Findings

- Covers the right information
- Will increase awareness and understating of financial/legal planning
- Will improve knowledge and communication skills
- Will help prevent issues with planning
- Will help talk with others about planning, including family, lawyers, doctors and others
- Beneficial to anyone as they age (beyond dementia)
- PWMD will use with someone they trust/help
- PWMD could use independently



"Real relevant for everyone, whether you have memory difficulties or are a caregiver. Relevant for aging seniors, period."

Caregiver



"We would incorporate it into our work as a piece of caregiving and wellness. Clarity assists with Financial Wellness."

Medical Professional



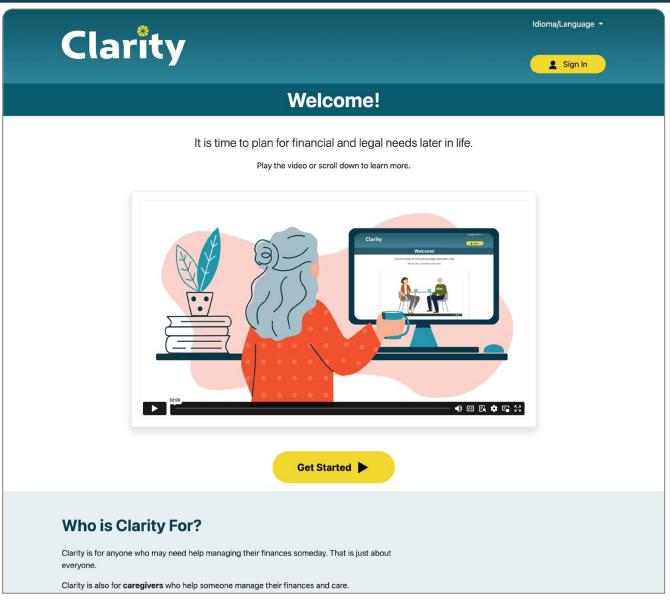
"After I have a conversation with a client, I would direct them to a site like Clarity to reinforce the conversation I had with the client. I would even visit the site with them to explain their options."

Legal Professional



Clarity Tool Live:

Planforclarity.org





Clarity Content

- Why Plan
- Naming Financial and Legal Caregivers
- Planning for Future Care
- Getting Legal Help
- Talking with Others
- Resources
- User Information and Next Steps





Information

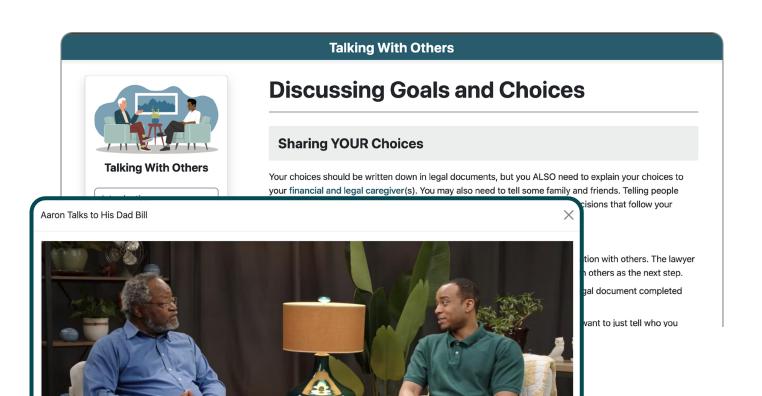
- Convey needs and risks
- Increase knowledge
- Develop skills





Communication Skills

- Promote and normalize communication about financial and legal issues
- Improve skills
- Increase self-efficacy

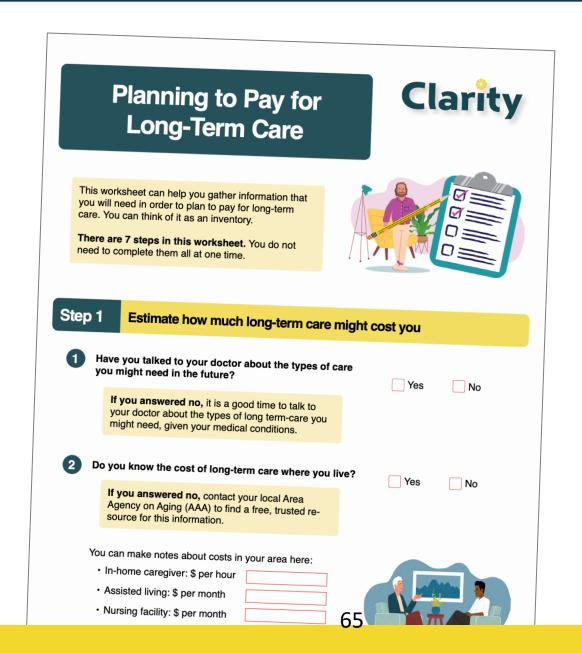


Show Video Script



Action

- Explain and help organize individualized next steps
- Offline tools to assist with continued planning





My Goals & Values



This is a worksheet to help you think about what matters most to you in managing your money and property.

You can share this worksheet with other people, such as someone you have chosen to help you manage finances, a lawyer, or a financial planner.



It is important to know that this is not a legal form.

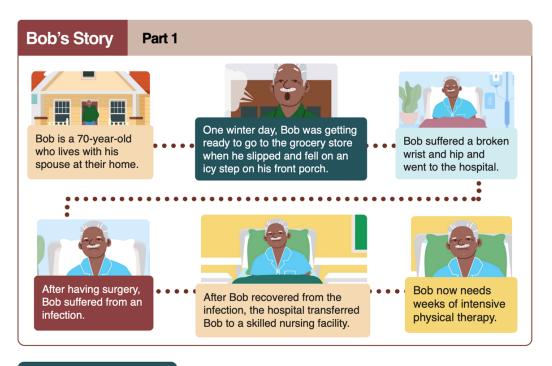
To give your wishes legal power, you need to put your wishes in legal forms recognized by your state.

What are Examples of Decisions About Money and Property?

- · Paying bills, mortgage or rent, utilities
- · Health care
- · Long term care
- · Pets, belongings
- · Buying clothes or food you like
- Moving or selling your house
- · Selling your car if you can not drive it
- Investments
- · Entertainment, travel
- Giving gifts or donations

- Paying for transportation, like cabs, the bus, or people to drive you
- Opening or changing bank accounts, or moving money around
- Managing money for others, such as a spouse, child, or grandchild





What Would You Do?

- 1 How would you pay bills if you could not do it yourself?
- How would you get to physical therapy appointments, if you could not drive yourself?
- Are there pets, children, or others who would need care while you were sick?
- 4 How would you get meals or chores done around the house while you are getting physical therapy?

You can write down more thoughts here:

Linkages

- Facilitate connections with legal and other support professionals
- Principles:
 - Connection to state area agencies on aging
 - Limit number of resources
 - No referrals to paid services





Accessibility, Literacy, Language

- Plain language
- Simple, easily-understood interface
- Visual aids and videos
- Cognitive-aware design (memory aids, repeated info, minimal distraction)
- Functions and tools to support shared usage and offline continuation
- Spanish (additional languages planned)



User Study

Surveys (target n 30) and one-on-one interviews (target n 15) to identify changes and additions to improve usability and acceptability.

Preliminary Findings:

29 enrolled

- 20 BIPOC
- 8 White
- 1 Unknown

20 completed survey

- 13 caregivers
- 7 PWMD

- Highly usable SUS usability score over 80%
- High self-efficacy after use
 - Mean 4.5/5 confidence in using the website
 - Mean 4.1/5 increased confidence in financial and legal planning
- Likely to share with others, especially with family and friends
- Most users had thought about or discussed F&L planning (65%)
 but not started (30%) or finished (25%) legal planning documents

How We Think This Can Be Most Helpful

- Integrated into professional workflows
 - Case managers/Care coordination/ ECM
 - Primary care
 - Legal aid
 - o APS
- Integrated into community supports
 - o e.g. Friendship line
- Available as resource on webpages- GREAT but less targeted to highest need elders

Next Steps

2024

- Finalize UE Study
- Adding videos
- Updating legal content
- Dissemination and partnerships

Future

- Expanded content and formats (populations and topics)
- National dissemination
- Efficacy/outcomes study

Clarity

Thank You!

Contact: hoopers@uclawsf.edu

Research Study: study.planforclarity.org

Committee Questions and Discussion

Public Comment





Attendees joining by phone, *press* *9 on your dial pad to join line. The moderator will announce the last 4 digits of your phone number and will unmute your line.



Attendees joining by webinar (Zoom), *click* the raise hand button to join line. The moderator will announce your name or your last 4 digits of your phone number and will unmute your line.

Note: Public commentors will have 2 minutes.

For additional public comment, email EngAGE@aging.ca.gov



Closing Remarks

Sarah Steenhausen Deputy Director, California Department of Aging

Meeting Materials & Future Dates



- All meeting materials, transcript and recording are posted after this meeting on:
 - > CalHHS EDJCC Meeting webpage

- Future 2024 EDJCC meetings:
 - ➤Thursday, August 8, 2024: (10 a.m. 1 p.m.)



Learn more about the MPA at MPA.aging.ca.gov

Contact: EngAGE@aging.ca.gov

Learn more about CDA at www.aging.ca.gov





