

**California Elder and Disability  
Justice Coordinating Council**  
*January 28, 2022 | 1:00pm – 4:00pm*



# Meeting Logistics

**Telephone or webinar only - *No in-person meeting***

**Telephone:** Join by phone: 877 853 5247

**Webinar:** Join by computer, tablet, or smartphone

**Meeting ID:** 822 1513 5769

**Live captioning and ASL interpreting streamed through webinar (Zoom)**

**Meeting slides, transcript, and recording will be posted online on the CalHHS EDJCC page within 5 business days following the meeting.**

## 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 the last 4 digits of your phone number and will unmute your line.

Public comments are welcome and will be maintained as public record. However, committee members are unable to take questions during the public comment period.

*For additional public comment, email [Engage@aging.ca.gov](mailto:Engage@aging.ca.gov)*



# Welcome & Introductions

***Director Susan DeMarois***

*Committee Chair*

*Director, CA Department of Aging*

***Jennifer Euler***

Chief Assistant Attorney General

Department of Justice

# Welcome & Introductions

## Stakeholder Members

- **Tony Anderson**, Valley Mountain Regional Center
- **Diana Boyer**, County Welfare Directors Association
- **Leza Coleman**, California LTC Ombudsman Association
- **Akiles Ceron**, San Francisco Adult Protective Services
- **Gloria Echevarria**, Family Voices of CA
- **Jo Ann Gines**, Advocate
- **Andrea Higgins**, San Mateo County District Attorney's Office
- **Scarlet Hughes**, CA State Association of Public Administrators, Public Guardians and Public Conservators

# Welcome & Introductions

## **Stakeholder Members, *continued***

- **Sherry Johnson-Alvarez**, Advocate
- **Liz Logsdon**, Disability Rights California
- **Lisa Nerenberg**, California Elder Justice Coalition
- **Howard McBroom**, Advocate
- **Vivianne Mbaku**, Justice in Aging
- **Nina Moussavi**, Alzheimer's Association
- **Marty Omoto**, CA Disability Action Network

# Welcome & Introductions

## **Stakeholder Members, *continued***

- **Carla Perissinotto**, University of California, San Francisco
- **Scott Pirrello**, San Diego District Attorney's Office
- **Michael Reiser**, Fresno County Department of Social Services- Adult Protective Services
- **Ellen Schmeding**, CA Commission on Aging
- **Edwin Smith**, Department of Rehabilitation (retired)
- **Janie Whiteford**, CA IHSS Consumer Alliance
- **Astrid Zuniga**, United Domestic Workers/AFSCME 3930

# Welcome & Introductions

## State, Federal and County Committee Membership

- **Susan DeMarois**, CA Department of Aging
- **Stacy Alamo Mixson**, CA Department of Public Health
- **Jason Black**, CA Department of State Hospitals
- **Blanca Castro**, Office of State Long-Term Care Ombudsman
- **Jennifer Euler**, CA Department of Justice
- **Fay Gordon**, Administration for Community Living, Region IX



# Welcome & Introductions

## State, Federal and County Committee Membership

- **Mark Ghilarducci**, CA Office of Emergency Services
- **Lynda Gledhill**, CA Victims Compensation Board
- **Kimberly Kirchmeyer**, CA Department of Consumer Affairs
- **Bruce Lim**, CA Department of Health Care Services
- **Leslie Morrison**, CA Department of Developmental Services
- **Claire Ramsey**, CA Department of Social Services
- **Richard Ramirez**, CA Department of Insurance

# Today's Agenda

**Council Purpose & Structure** - *Susan DeMarois, CA Department of Aging*

**California Elder & Disability Justice Landscape** – *Kim Rutledge, CA Department of Social Services & Jeremy Avila, CA Department of Aging*

**Council Discussion** – *All*

**10 Minute Break**

**CA Elder Justice Coalition Updates** – *Lisa Nerenberg, CA Elder Justice Coalition*

**Intersections of Equity and Elder & Disability Justice** – *Vivianne Mbaku, Justice in Aging*

**Advancing the Work Between Meetings** – *Amanda Lawrence, CA Department of Aging*

**Public Comment**

**Next Steps** - *Director Susan DeMarois, CA Department of Aging*

**Council  
Purpose, Role  
& Structure**

**Director Susan DeMarois**

*Committee Chair*

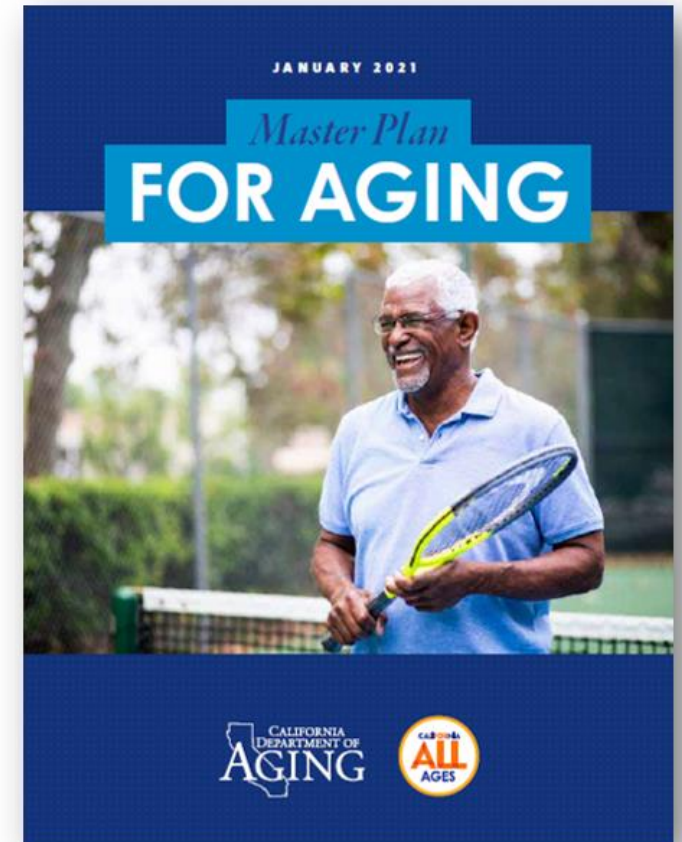
*Director, CA Department of Aging*

# 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.

# Origin of the Elder & Disability Justice Coordinating Council

- The Master Plan for Aging outlines 5 bold goals, 23 strategies, and 132 action-ready initiatives for implementation in 2021-2022.
- Strategy E: Protection from Abuse, Neglect & Exploitation, includes five key initiatives (#93-97).
- Initiative #93 specifically calls for the creation of a **coordinating council** to increase coordination and develop recommendations to prevent and address elder abuse, neglect, exploitation, and fraud.



# Master Plan for Aging and Elder & Disability Justice

## Goal Three: Equity & Inclusion, Not Isolation

### Strategy E: Protection from Abuse, Neglect & Exploitation

- **Initiative #93:** Create a statewide CA Elder Justice Coordinating Council to increase coordination and develop recommendations to prevent and address elder abuse, neglect, exploitation, and fraud, including consideration of COVID-19 risks and of the 28 recommendations from advocates, as well as recommendations from the Elder Justice Coalition
- **Initiative #94:** Review roles of Licensing, Long Term Care Ombudsmen, and Adult Protective Services and the experiences in other states to prevent and address abuse and neglect in long-term care facilities.
- **Initiative #95:** Assess Adult Protective Services' capacity, age of people served, and services provided, especially for complex cases, given growing and changing needs.
- **Initiative #96:** Assess needs and capacities of local Public Guardians, Public Conservators and Public Advocates, given growing and changing needs.
- **Initiative #97:** Assess needs and capacities of Legal Services for Older Adults, given growing and changing needs.

# California Comeback Plan

## **Long-Term Care Office of Patient Representative (CDA)**

(\$2.5 million in 2021-22, \$4 million ongoing Licensing and Certification Program Fund)

- The Office will provide representation on skilled nursing facilities' (SNF) and intermediate care facilities' (ICF) medical decision-making interdisciplinary teams to patients who lack capacity to make their own health care decisions, who do not have a legally authorized decision-maker, and who do not have family member or friend who can act as a patient representative.

## **Older Adult Recovery and Resiliency (CDA)**

(\$106 million General Fund one-time available over three years)

- \$2.1 million one-time for the Behavioral Health Warmline; \$17 million onetime for Digital Connections; \$1 million one-time for Elder and Disability Abuse Prevention; \$20 million one-time for Legal Services; and more

# California Comeback Plan

## **Adult Protective Services (APS) Expansion**

(\$70 million General Fund)

- For a statewide expansion of its client base. Beginning January 2022, APS will define an “elder” as an adult 60 and older (previously 65 and older). Currently, half of all homeless adults are over the age of 50, and this population is expected to triple in the next decade. By decreasing the minimum age for APS services, APS workers will be able to address issues that lead to homelessness before an older adult loses their housing

## **Home Safe (CDSS )**

(\$92.5 million General Fund annually in 2021-22 and 2022-2023)

- For access to health, safety, and housing supports for older and vulnerable adults involved in or at risk of involvement in Adult Protective Services.



# Council Structure

**Meeting Frequency:** Quarterly (2022: January 28, April 28, July 20, October 19)

**Structure:** Chaired by CA Department of Aging

- Supported by CalHHS partners
- Stakeholder-led workgroups

**State Membership:** Departments of Aging, Consumer Affairs, Developmental Services, Health Care Services, Insurance, Justice, Public Health, Social Services, State Hospitals, Office of Emergency Services, Victims Compensation Board

**Federal Membership:** Administration for Community Living (ACL), Region IX

**Stakeholder Membership:** Advocates, Consumers, APS, Labor, Service Providers, Criminal Justice

Meeting information is posted to [CalHHS Committees Page](#)

# Council Role: Stakeholder Member Survey Results

## What should be the role of the Elder & Disability Justice Coordinating Council?

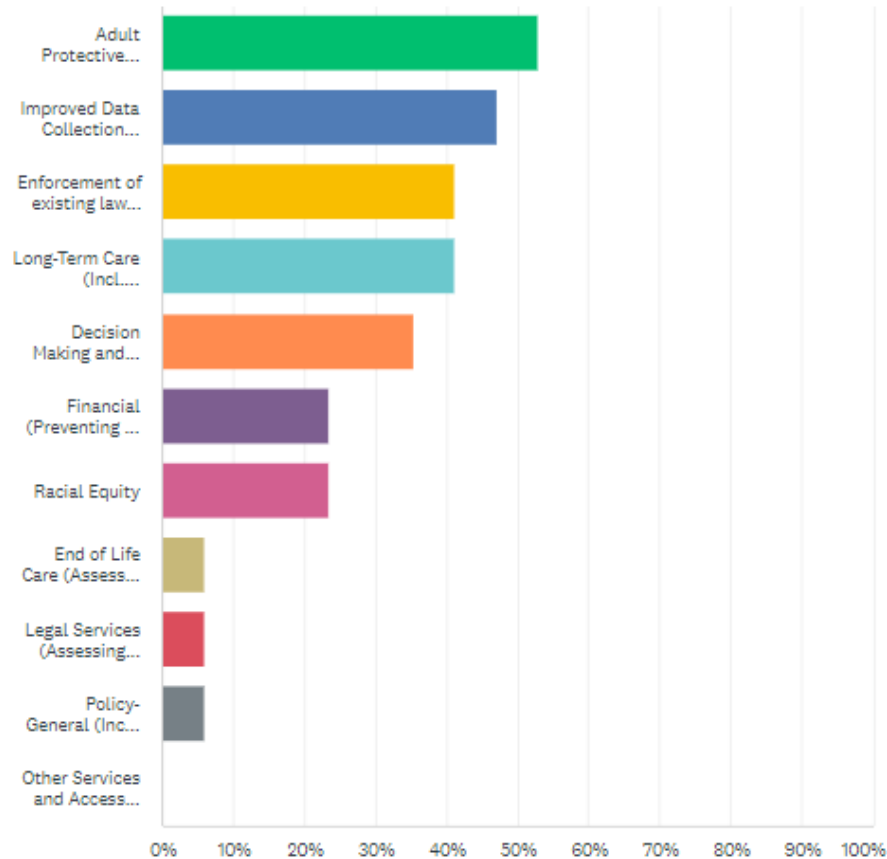
From highest to lowest ranking:

- 1) To provide formal policy recommendations** to the state related to elder and disability justice. (score 2.47)
- 2) To articulate a vision and lay out a path for California** to address elder and disability justice by aligning local, state and federal government with external organizations (CBOs, advocacy organizations, local service providers). (score 2.18)
- 3) To serve as a platform for the sharing of information and promising practices** between local, state and federal agencies, community-based organizations, and local service providers who support elder and disability justice issues. (Score: 1.35)

# Stakeholder Member Survey Results

What topics or initiatives would you like the EDJCC to prioritize/discuss in 2022? Please choose your top THREE priorities.

Answered: 17 Skipped: 0



## Top five selections, in order of priority:

1. Adult Protective Services
2. Improved Data Collection
3. Enforcement of Existing Laws & Prosecution of Violations
4. Long-Term Care
5. Decision-Making & Legal Protections

# CA Elder & Disability Justice Coordinating Council

- Person-Centered
- Data-Driven
- Equity-Focused



**CA Elder &  
Disability Justice  
Landscape**

**Kim Rutledge**

*Adult Protective Services Liaison  
CA Department of Social Services*

**Jeremy Avila**


*Chief Counsel  
CA Department of Aging*

# CA Elder & Disability Justice Landscape

Inter-Agency Elder & Disability Justice Workgroup compiled CA State government & ACL landscape of elder and disability justice programs and their purpose, activities, settings, and funding.

### ACL Elder Justice

- Office of Elder Justice and Adult Protective Services (OEJAPS):
  - Elder Justice Innovation Grants
  - Legal Assistance for Older Americans Program (III-B)
  - Adult Protective Services Grants and APS TARC
  - Long-Term Care Ombudsman Program
  - National Center on Elder Abuse
  - National Center on Law and Elder Rights
  - Elder Justice Coordinating Council




### VICTIM SERVICE FOR ELDER ANNUAL FUNDING

**\$8,324,000**


### APS Overview

- California's Adult Protective Services program provides services without regard to income to persons who are victims of abuse, neglect, or exploitation who meet the following criteria:
  - Age 65 and older.
  - Dependent adults (age 18-64) who are functionally impaired and unable to meet their own needs.
- APS agencies have cross reporting relationships with local law enforcement and licensing entities, participate in multi-disciplinary teams with other social welfare agencies, law enforcement, local financial institutions, and work with the district attorney in criminal cases where prosecution is pursued.



### DHCS Fraud Hotline

- Stop Medi-Cal Fraud Hotline
- Live call center
- Approximately 1,300 fraud complaints received each month
- Complaints assessed, ranked, and assigned out for investigation when warranted.
- Case leads also generated from internal fraud analytics.
- Possible outcomes: Fraud and elder abuse referrals to CA DOJ, referrals to other control agencies and jurisdictions (e.g., Ombudsman, CDPH, Adult Protective Services) and administrative actions (e.g., sanctions, corrective action plans, educational letters, overpayment recoupment).



### EJ Related Activities/Opportunities CHCQ is Excited About

- Partnering with State Ombudsman to design program to provide public patient representative for incapacitated residents.
- Continued enforcement efforts to reduce unnecessary anti-psychotic use in California nursing homes.
- Partnering with DHCS to strengthen enforcement remedies for improper discharge of residents.
- Reduction of complaint backlogs and maintain timely investigations.
- Using data metric developed during pandemic to identify problem facilities for monitoring and surveillance.





### Healthy Aging Initiative

A comprehensive approach to aging that aligns resources from across the California Department of Public Health to increase public health's capacity to address health concerns of older adults and their caregivers.

**Vision:** A public health system that supports healthy, resilient, thriving residents throughout the entirety of their lifespan.

**Mission:** To amplify, align, and coordinate local and statewide public health efforts to create nurturing, healthy, and inclusive environments for older adults and their support networks.



### Consumer Protection is #1

- Consumer Information Center
- License Verification
- File a Complaint
- Consumer Connection Magazine
- Senior Scam Stoppers
- Publications
- Outreach
- And more!



### DMFEA and Elder Justice

- DMFEA investigates and prosecutes civil and criminal cases involving elder/dependent adult abuse and neglect.
  - Deputy Attorney Generals (DAGs)
    - Criminal, Civil, Facilities teams
  - Special Agents
  - Investigative Auditors
  - Medical experts and Nurse consultants

### CA DEPARTMENT OF STATE HOSPITALS & ELDER JUSTICE

David L. Starnes  
Chief of Law Enforcement, Office of Protective Services,  
Department of State Hospitals




California Department of State Hospitals

### INVESTIGATION DIVISION

Investigates suspected violations of insurance laws and regulations involving:

- Insurers
- Agents, brokers
- Others involved in the business of insurance
- Unlicensed transactions
- Public/Consumer is direct victim



### Long-Term Care Ombudsman Program

- Established in Title VII, Chapter 2 of the Older Americans Act
- Ombudsman Funding Sources:
  - Federal Title IIIB
  - Federal Title VIII
  - General Fund IIIB
  - Public Health Licensing and Certification Program Fund
  - State Health Facilities Citations Penalties Account
  - Skilled Nursing Facility Quality and Accountability
- Area Plan 21/22 Contract Amounts Statewide \$14,844,639



California Department of Aging

Jeremy Avila  
Chief Counsel  
California Department of Aging

# CA Elder & Disability Justice Landscape

## Next Steps:

- Conduct a Gap Analysis
- Improve collaboration between government, advocate, NGO, and stakeholder entities
- Identify actions to address system gaps in alignment with Council priorities
- Option: Elder & Disability Justice Landscape Workgroup (to be discussed later in meeting)

**Council  
Discussion**

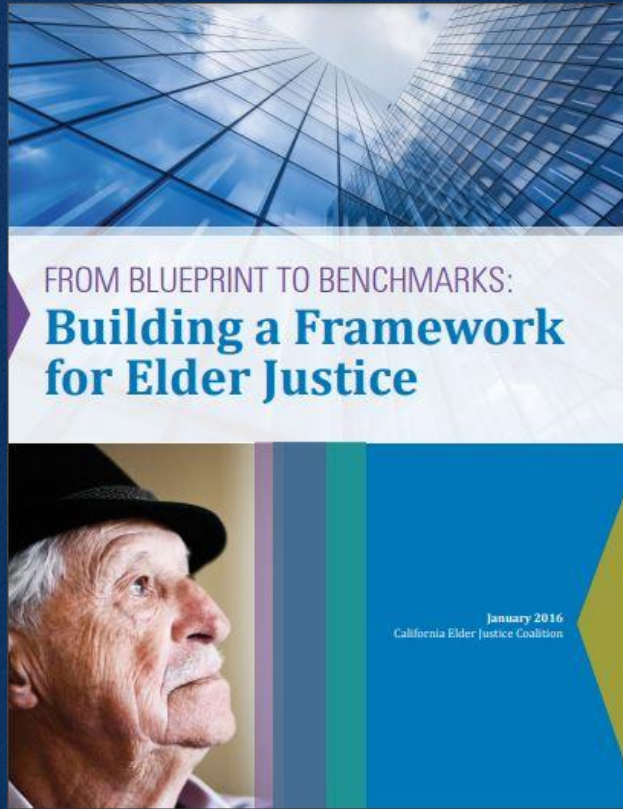
**Susan DeMarois**  
*Director*  
*CA Department of Aging*

**& All**



*The Elder & Disability Justice  
Coordinating Council meeting will  
resume shortly*

# CA Elder Justice Coalition Updates



**Lisa Nerenberg**  
*Executive Director*  
*CA Elder Justice Coalition*

**Intersection of  
Equity and Elder &  
Disability Justice**

**Vivianne Mbaku**  
*Senior Staff Attorney &  
Peter Harbage Fellow  
Justice in Aging*

**Advancing  
the  
Work**

***Amanda Lawrence***  
*MPA Project Director*  
*CA Department of Aging*

## 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 the last 4 digits of your phone number and will unmute your line.

Public comments are welcome and will be maintained as public record. However, committee members are unable to take questions during the public comment period.

*For additional public comment, email [Engage@aging.ca.gov](mailto:Engage@aging.ca.gov)*



**Summary &  
Next Steps**

**Susan DeMarois**  
*CA Department of Aging*

# CA Elder & Disability Justice Coordinating Council

## Thank You!!

Sign up for CA Department & Master Plan for Aging  
Updates at [MPA.aging.ca.gov](http://MPA.aging.ca.gov)

