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

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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*
Welcome & Introductions

Director Susan DeMarois
Committee Chair
Director, CA Department of Aging

Jennifer Euler
Chief Assistant Attorney General
Department of Justice
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 Higgens**, 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
State, Federal and County Committee Membership

- **Susan DeMaroiso**, 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


• 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.
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
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
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

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 (OELAPS):
  - Elder Justice Innovation Grants
  - Legal Assistance for Older Americans Program (OAAP)
  - Adult Protective Services Grants and APS TACIC
  - Long-Term Care Ombudsman Program
  - National Council on Elder Abuse
  - National Center on Law and Elder Rights
  - Elder Justice Coordinating Council

VICTIM SERVICE FOR ELDERS
ANNUAL FUNDING
$8,324,000

EI Related Activities/Opportunities CHCC 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 CHCC to strengthen an enforcement remedies for improper discharge of residents
- Reduction of complaint backlogs and maintain timely investigations
- Using data matrix developed during pandemic to identify problem facilities for monitoring and surveillance

CA Department of State Hospitals

Investigation Division
- Investigates reports of violations of insurance law and regulations
- Inspects hospitals
- Other licensed facilities for insurance department
- Public/Consumer to direct issues

DHCS Fraud Hotline
- 1-800-463-3421
- Live call center
- Approximately 1,200 fraud complaints received each month
- Complaints assessed, closed, and assigned out for investigation when warranted
- Case leads also generated from internal fraud analysts

APS Overview
- California’s Adult Protective Services Program identifies victims within the following categories:
  - Age 65 or 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 multidisciplinary teams with other social services agencies, law enforcement, local financial institutions, and work with the district attorney in critical cases where prosecution is pursued

OSA Consumer Protection is #1
- Consumer Information Center
- License Verification
- Rule Compliance
- Consumer, Consumer-Friendly Magazine
- Senior Scan Shoppers
- Publications
- Outreach
- And more

Long-Term Care Ombudsman Program
- Established in Title XX of the Older Americans Act
- Ombudsman Filing Service:
  - Federal Title III
  - Health & Human Services
  - Cal HealthCare Oversight Program
- Rule: Health Care Facility Oversight Accountability
- State: Health Care Facility Quality and Accountability
- Joint Plan: 2021 Joint Long-Term Care Rules Article 2

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 DeMaroис
Director
CA Department of Aging

& All
The Elder & Disability Justice Coordinating Council meeting will resume shortly.
CA Elder Justice Coalition Updates

FROM BLUEPRINT TO BENCHMARKS: Building a Framework for Elder Justice

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

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Summary &
Next Steps

Susan DeMarois
CA Department of Aging
Thank You!!

Sign up for CA Department & Master Plan for Aging Updates at MPA.aging.ca.gov