

## 2022 California Caregiving Policies

### Chaptered Legislation

#### 1. Caregiving and Employment

- a) **AB-1949 Employee Bereavement Leave (Low)**- This bill grants five days of bereavement leave to be used within 3 months of a family member's death, with at least 3 days paid.  
*Sponsors: The California Employment Lawyers Association, Legal Aid at Work, Equal Rights Advocates, and Californians for Safety and Justice*
- b) **SB-951 Unemployment insurance: contribution rates: disability insurance: paid family leave: weekly benefit amount (Durazo)**- This legislation would modify PFL and SDI to provide lower income workers with 90% of their regular income by January 1, 2025. Specifically, the 90% will apply to workers making 70% or less of the state average weekly wage (for 2022, about \$57,000/year).  
*Sponsors: California Work & Family Coalition, Legal Aid at Work, UNITE-LA*
- c) **AB-1041 Employment Leave (Wicks)**-This bill expands who an employee can take unpaid leave, or paid sick days for, to anyone related by blood or whose association is equivalent to a family relationship. Limited to one person per 12-month period.  
*Sponsors: CA Employment Lawyers Association, CA Work and Family Coalition, Equal Rights Advocates, Legal Aid at Work*

#### 2. Providing Care

- a) **AB-2338 Health Care Decisions: Decision Makers and Surrogates (Gipson)**- This bill would authorize the patient to designate an adult as a surrogate to make health care decisions by also personally informing a designee of the health care facility caring for the patient. The bill would authorize legally recognized health care decisionmakers, in an order of priority, to make health care decisions on a patient's behalf if the patient lacks the capacity to make a health care decision. If a patient does not have a legally recognized health care decisionmaker, the bill would specify individuals who may be chosen by a health care provider or a designee of the health care facility caring for the patient as a surrogate if the patient lacks the capacity to make a health care decision. The bill would require the patient's surrogate to be an adult who has demonstrated special care and concern for the patient, is familiar with the patient's personal values and beliefs to the extent known and is reasonably available and willing to serve.  
*Sponsor: California Senior Legislature*  
*Supporters: The California Advocates for Nursing Home Reform (CANHR) and the CA Association of Long Term Care Medicine*
- b) **AB-1663 Protective Proceedings (Maienschein)**- implements significant reforms to the Probate Conservatorship system, requiring consideration of less restrictive alternatives and creating a supported decision-making system delivered through self-help centers in every county court. The law emphasizes the proposed conservatee's preferences in the outcome of a conservatorship proceeding and makes it easier to terminate a conservatorship. The

legislation also creates a new definition of “adult with a disability,” adding older individuals with cognitive impairments, Alzheimer’s and dementias to the definition of disabled adults who can object to their proposed conservatorship or request its termination, among other things.

*Sponsors: California Advocates for Nursing Home Reform, California Community Living Network, Disability Rights California, Disability Rights Education and Defense Fund, Disability Voices United, State Council on Developmental Disabilities*

### **3. Alzheimer’s and other Dementias and Cognitive Impairment**

- a) **SCR-71 Traumatic Brain Injury Awareness Month (Bates)**- This measure would proclaim the month of March 2022 as Traumatic Brain Injury Awareness Month.

### **4. Quality of Care Issues:**

- a) **AB-895 Skilled nursing facilities, intermediate care facilities, and residential care facilities for the elderly: notice to prospective residents (Holden)**- This bill would help residents know how to act on any grievances by requiring a skilled nursing facility or intermediate care facility for the elderly to provide a prospective resident with a written notice with contact information for the ombudsman program and links to internet websites related to these facilities, prior to admission. The bill would require the notice to include a statement that it is intended as a resource for purposes of accessing additional information regarding resident care at the facility and reporting resident complaints. The bill would also require an admission agreement for a residential care facility for the elderly to include a notice with similar information.

- b) **AB-1502 Freestanding skilled nursing facilities (Muratsuchi and Wood, Co-authors: Carrillo and McCarty)**- Enacts the Skilled Nursing Facility Ownership and Management Reform Act of 2022, which establishes suitability standards for persons and entities seeking to acquire, operate, or manage skilled nursing facilities (SNFs) in California. Directs the Department of Public Health (DPH) to screen all persons and entities seeking licenses to acquire, operate, or manage SNFs. Requires owners and operators, including nursing home chains, to obtain prior approval from DPH before acquiring, operating, or managing a SNF. Prohibits the use of interim or longer-term management agreements to circumvent state licensure requirements. Provides sanctions to deter owners and operators from "unpermitted operation," which is defined as the act of acquiring, operating, or managing a SNF without first obtaining a license or other approval from DPH. Requires DPH to make a determination within 120 days of an applicant's submission of a complete application for any type of change to the SNF license.

*Supporter: California Advocates for Nursing Home Reform (CANHR) → withdrawn support and now opposes after 6.15.22 amendments*

- c) **SB-1342 Aging multidisciplinary personnel teams (Bates and Quirk-Silva; Co-Authors: Archuleta, Borgeas, Boerner Horvath, Jones, Nielsen, Ochoa Bogh, Chen, Choi, Cooley, Cristina Garcia, Lackey, Nguyen)**- This bill would authorize area agencies

on aging and counties to establish multidisciplinary aging personnel teams to expediate, identify, assess, and link older adult services and allow provider agencies to share confidential information, regulated for privacy security, for the purpose of coordinating services. The bill would require the protocols to include a requirement that, unless otherwise permitted by law, an area agency on aging or county obtain the affirmative consent of an individual or their representative before the individual's information is shared and a requirement to notify an individual that they may opt out of sharing information at any time.

*Sponsor: Orange County Board of Supervisors*

## **5. Elder Abuse Prevention and Response**

- a) **SB-1054 Public social services: records: confidentiality: multidisciplinary personnel teams (Ochoa Bogh; Co-authors: Bates, Chen, Voepel)**- This bill would allow information sharing between adult protective services and a county's child welfare agency for prevention, intervention, management, or treatment of an abuse or neglect case.

*Sponsor: The County Welfare Directors Association of California*

## **6. Healthy, Affordable, Aging and Housing**

- a) **AB-2117 Mobile stroke units (Gipson)**- Defines mobile stroke unit as a multijurisdictional mobile facility that serves as an emergency response critical care ambulance under the direction and approval of a local emergency medical services agency, and as a diagnostic, evaluation, and treatment unit, providing radiographic imaging, laboratory testing, and medical treatment under the supervision of a physician in person or by telehealth, for patients with symptoms of a stroke, to the extent consistent with any federal definition of a "mobile stroke unit" as set forth in federal law.

*Sponsor: Los Angeles County Board of Supervisors*

- b) **AB-2604 Long-Term Care Insurance (Calderon)**- Requires the long-term care insurance certified by the California Partnership for Long-Term Care Program to offer a lower-cost option that provides, at a minimum, protection against inflation that automatically increases benefit levels by 3% each year over the previous year or a fixed amount each year equal to 5% of the original benefit levels but would authorize a policy or certificate to be certified if it automatically increases benefit levels by 1% each year over the previous year if the policyholder or certificate holder meets specified criteria. The bill would require policyholders and certificate holders to be offered various options, if applicable, if a premium increases, including the option to reduce the daily benefit.

*Cosponsors: Association of California Life and Health Insurance Companies and National Association of Insurance and Financial Advisors of California*

- c) **SJR-11 The Social Security 2100 Act: A Sacred Trust (Skinner)**- This measure would affirm the Legislature's support for expanding Social Security and requests California Representatives in Congress to support expanding Social Security by voting in favor of the Social Security 2100 Act: A Sacred Trust.

## Vetoed Bills

- a) **[AB-2077](#) Medi-Cal: monthly maintenance amount: personal and incidental needs (Calderon)** Existing law requires the department to establish income levels for maintenance need at the lowest levels that reasonably permit a medically needy person to meet their basic needs for food, clothing, and shelter. This bill would increase the monthly maintenance amount for personal and incidental needs from \$35 to \$80.  
*Sponsor: California Senior Legislature*
- b) **[SB-861](#) Dementia Care Navigator Pilot Program (Limón; Coauthors: Aguiar-Curry (A) , Arambula (A) , Boerner Horvath (A) , Cooper (A) , Low (A) , Nazarian (A) , Newman (S) , Ochoa Bogh (S) , Reyes (A) , Blanca Rubio (A) , Salas (A) , Wiener (S))**- This bill would establish the Dementia Care Navigator Grant Pilot Program, administered by the California Department of Aging, in partnership with organizations with expertise using community health workers, promotores, and health navigators. The purpose of the program is to incentivize organizations that provide services to local communities to provide dementia care navigation training services, through a grant. The pilot would sunset on July 1, 2027.  
*Sponsor: Alzheimer's Association*
- c) **[AB-1809](#) Nursing Facility Resident Informed Consent Protection Act of 2022 (Aguiar-Curry; Co-authors: Jones and Nielsen)**- This bill would add to these rights the right of every resident to receive the information that is material to an individual's informed consent decision concerning whether to accept or refuse the administration of psychotherapeutic drugs, as specified. This bill would also add the right to be free from psychotherapeutic drugs used for the purpose of resident discipline, convenience, or chemical restraint, except in an emergency that threatens to cause immediate injury to the resident or others.  
*Sponsor: California Advocates for Nursing Home Reform*
- d) **[AB-2079](#) Skilled Nursing Facilities: Direct Care Spending Requirement (Wood)**- This bill would require the establishment of a direct patient-related services spending, reporting, and rebate requirement for skilled nursing facilities. Under the direct patient-related services spending requirement, the bill would require that a minimum of 85% of a facility's total non-Medicare health and nonhealth revenues from all payer sources in each fiscal year be expended on residents' direct patient-related services.  
*Supporters: The Geriatric Circle (GC) and the California Long-Term Care Ombudsman Association (CLTCOA)*
- e) **[AB-2069](#) California Home Health Aide Training Scholarship Act (Villapudua)**- This bill would create the California *Home Health Aide* Training Scholarship Act to incentivize enrollment in home health aide training programs. Up to 1000 people would receive a \$1,500 scholarship in exchange for a commitment to work as a home health aide for at least 1 year after becoming a certified home health aide. If the scholarship recipient doesn't complete these

requirements, they must pay back 25% of the award.

Sponsor: *California Senior Legislature*

- f) **SB-842 Health care: Assistive Technology: Reuse and redistribution (Dodd, Principle-Coauthor: Aguiar-Curry, Coauthor: Davies)**- This bill would require the department, upon appropriation by the Legislature, to establish a comprehensive 3-year device reutilization pilot program in the Counties of Contra Costa, Napa, Solano, and Yolo to facilitate the reuse and redistribution of assistive technology, including durable medical equipment. The bill would require the department to contract with one or more nonprofit agencies to oversee the program and would require a contracting nonprofit agency to use a computerized system to track the inventory of equipment and supplies available for reuse and redistribution and organize pickup and delivery of equipment and supplies. The bill would require the department, on or before January 1, 2027, to submit a report to the appropriate Senate and Assembly policy committees of the Legislature that includes an evaluation of the success of the pilot program and challenges in implementation, among other things.

Sponsor: *California Senior Legislature*

## **Bills that Didn't Make it through the 22 Legislation Cycle:**

- I. **AB-2182 Discrimination: Family Responsibilities (Wick)**- Prohibits employment discrimination based on family responsibilities, and recognizes the opportunity to seek, obtain, and hold employment without discrimination based on family responsibilities as a civil right. This bill requires employers with 5 or more employees to make reasonable accommodation, when a family responsibility arises because of an unforeseen circumstance. AB 2182 makes it unlawful for an employer to retaliate or discriminate against an employee for requesting accommodation for a family responsibility.  
Supporters: *coalition of labor and social justice organizations, including the California Work and Family Coalition*  
Status: *Held in Committee-did not pass over to the Senate*
- II. **AB-2546 Long-Term Care Facilities during Public Health Emergencies (Nazarian)**- *This bill has been amended from its original intent, and rather than enacting specific policy, calls for a working group to study and provide policy recommendations for best practices for long-term care visitation during a public emergency.* This bill would require the State Department of Public Health, the State Department of Social Services, and the State Long-Term Care Ombudsman, or their designee, to convene a working group, no later than May 1, 2023, to develop recommendations regarding best practices for public health officials and long-term care facilities, including visitation policies involving designated support persons, related to long-term care facilities during public health emergencies. The bill would require the working group to provide the recommendations to the Assembly Committee on Aging and Long-Term Care no later than November 30, 2023.  
Sponsor: *The California Advocates for Nursing Home Reform (CANHR)*  
Status: *pulled*



- III. **AB-2262 In-home supportive services: needs assessment (Calderon)**-Requires an alternative annual reassessment for recipients with stable needs, rather than allowing counties to go longer than 12 months without an assessment. The alternative reassessment can be conducted by telephone, by video, or in-person, at the choice of the recipient, and would be allowed for 2 consecutive years.  
*Sponsors: County Welfare Directors Association of California (CWDA), Justice in Aging*  
*Status: Held in committee, did not move forward*
- IV. **AB-2583 Peace Officers Training (Mullin; Coauthors: Arambula, Cooper, and Nazarian, Cortese, Newman, and Ochoa Bogh)**- will require the Commission on Peace Officer Standards and Training to revise their training to include instruction on how to appropriately interact with persons with Alzheimer's or dementia. AB 2583 will ensure that by January 1, 2030, all peace officers appointed prior to July 1, 2029, have completed the updated training on interacting with individuals with Alzheimer's Disease, and that peace officers appointed after July 1, 2029, complete the training within 180 days.  
*Status: Held in committee, did not move forward*
- V. **AB-1684 Alzheimer's Disease: Public Awareness Campaign (Voepel)**- This bill would require the Department of Public Health implement a public awareness campaign that includes education of unpaid caregivers caring for someone with Alzheimer's disease or dementia.  
*Status: held under submission*
- VI. **AB-1618 Alzheimer's Disease (Aguiar-Curry; Co-Authors: Low, Nazarian, Nguyen, Cortese, Limón, Newman, and Ochoa Bogh)**- requires the establishment of the Office of the Healthy Brain Initiative to conduct activities related to Alzheimer's disease and implement the action items in the Healthy Brain Initiative. The office would establish programs in at least 10 local health jurisdictions with one-time grant funding to develop local initiatives consistent with the Healthy Brain Initiative. Additionally, this bill would expand membership of the Alzheimer's Disease and Related Disorders Advisory Committee from 14 to at least 21 members (but no more than 25), with additional members representing specific groups.  
*Sponsor: Alzheimer's Association*  
*Status: held under submission*
- VII. **AB-2175 California Wandering Prevention Task Force (Blanca Rubio)**- This bill would establish the California Wandering Prevention Task Force, under the jurisdiction of the Department of Justice, to address, on a statewide basis, the issue of wandering by individuals with cognitive impairment. The task force would consist of 20 members, to be appointed by the Attorney General or their designee. The task force membership would include the Director of the California Department of Aging or their designee, and representatives of law enforcement, counties, service providers, hospital systems, and regional centers. The bill would require the task force to meet 4 to 6 times per year, and to report to the Legislature its recommendations for wandering prevention by June 30, 2024.  
*Sponsors: Alzheimer's Los Angeles, Alzheimer's Orange County, Alzheimer's San Diego*  
*Status: Held in committee, did not move forward*
- VIII. **AB-2331 Bridge to Recovery for Adult Day Services: COVID-19 Mitigation and Resilience Grant Program to Combat Senior Isolation (Calderon, Stone)**-This bill would

create the two-year grant (*Bridge to Recovery for Adult Day Services: COVID-19 Mitigation and Resilience Grant Program to Combat Senior Isolation*) to improve the health, safety, and well-being of vulnerable at-risk older adults and people with disabilities through safe access to vital services in adult day health care and adult day program settings. Grants would be awarded to qualified entities for infection prevention and control, and to address workforce shortages.

Sponsor: *California Association for Adult Day Services (CAADS)*

Status: *held under submission*

- IX. **AB-1884 Hospice care: standards (Voepel)**- Requires the state to make various reforms relating to hospice, including strengthening hospice standards by requiring inspections every three years and requiring the recertification for hospice enrolled patients to be conducted by at least one independent physician along with the hospice physician.

Sponsors/Supporters: *CA Senior Legislature*

Status: *Author not moving forward this year, re-evaluating to circle back*

- X. **AB-2547 Housing Stabilization to Prevent and End Homelessness Among Older Adults and People with Disabilities Act (Nazarian and Wicks; Co-author: Gabriel)** – This bill would require the California Department of Aging, to create and administer the *Housing Stabilization to Prevent and End Homelessness Among Older Adults and People with Disabilities Program* to enable an estimated 25,000 extremely low-income older adults and people with disabilities who are currently homeless or at risk of homelessness to afford housing on the rental market, through rental subsidies, until the individual is able to access a long-term subsidy or no longer needs a subsidy.

Sponsors/Supporters: *Corporation for Supportive Housing, Justice in Aging, LeadingAge CA, State Council on Developmental Disabilities, United Way of Greater LA*

Status: *Not included in the budget, sponsors plan to bring back next year (need a new champion because Nazarian not returning)*

- XI. **AB-2548 Healthier Homes - Age in Place Nursing Program (Nazarian)**- This bill would establish the **3-year, Healthier Homes - Age in Place Nursing Pilot Program** in eight counties across the state. The program would provide grant funds to qualified nonprofits that specialize in resident services, to hire one full-time registered nurse and one full-time community health worker to provide health education, navigation, coaching, and care to residents at 3 senior citizen housing developments in each county.

Sponsors/Supporters: *LeadingAge CA, Life Steps*

Status: *pulled*

- XII. **AB-2394 Long-term services and supports (Reyes)**- This bill would establish the California Long-Term Services and Supports Benefits Board (LTSS Board), with 10 specified members. The bill would require the LTSS Board to manage and invest revenue from the California Long-Term Services and Supports Benefits Trust Fund (LTSS Trust), to finance long-term services and supports for eligible older adults and individuals with physical and mental disabilities. The bill would also create a California Long-Term Services and Supports Advisory Committee for the purpose of providing ongoing advice and recommendations.

Status: *Pulled by Author*

- XIII. [AB-2813](#) Long-Term Services and Supports Benefit Program (Santiago)-** The bill would establish the Long-Term Services and Supports Benefit Program Fund and would require the department and the board to administer the program using proceeds from the fund. After an individual pays into the fund for an unspecified number of years, the bill would authorize the maximum amount of benefit available, to use for services, including in-home support for an individual in need of assistance for at least 2 activities of daily living.  
*Status: Pulled by Author*
- XIV. [AB-1962](#) Telephone support services: seniors and individuals with disabilities (Voepel)-** This bill would establish a grant program with funds awarded to area agencies on aging and independent living centers to provide telephone support services for seniors and individuals with disabilities, including identifying resources for reducing anxiety or other behavioral challenges, to combat social isolation and to help rebuild social capital.  
*Status: author pulled, duplicative, but going to reintroduce in the future focusing on program gaps*
- XV. [AB-2092](#) Acute Hospital Care at home (Weber)-** This bill would authorize a general acute care hospital to provide Acute Hospital Care at Home (AHCaH), when requirements are met, by using telehealth, remote monitoring, and regular in-person visits by nurses and other medical staff.  
*Sponsors: Adventist Health, California Hospital Association, Sharp Healthcare*  
*Status: No action since April, looks like pulled by author*
- XVI. [AB-1900](#) Medi-Cal: income level for maintenance (Arambula, Principle Co-Author: Wood; Co-author: Rodriguez)-** This bill would increase the maintenance need income levels to 138% of the federal poverty level for low-income families with income over the Medi-Cal limits for free care. Currently, these individuals are allocated \$600 a month to pay for non-medical expenses, such as food, housing, and clothing, and the rest of their income is required to be spent on medical shared costs.  
*Sponsors: Bet Tzedek, California Advocates for Nursing Home Reform, Disability Rights California, Justice in Aging, Senior and Disability Action SF, Western Center on Law & Poverty*  
*Status: held under committee*

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