



TACC – Triple-A Council of California

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LEGISLATIVE COMMITTEE MEETING

Thursday, March 10, 2005

DoubleTree Hotel

Ontario, California

PROPOSED AGENDA

Chair: Havard Staggs

Monday, April 25, 2005

11:00am – 12:00n

- I. Call to Order
- II. Approve Agenda ACTION
- III. Review Pending Legislation ACTION
 1. CSL-Sponsored bills
 - AB 205 (Ruskin) Denture Identification
 - AB 288 (Mountjoy) Prescription Container Labels
 - AB 609 (Lieber, Ruskin) Public Guardian: Adult Protective Services
 - AB 615 (Vargas) Over-the-Counter Hearing Aid Sales
 - AB 778 (Mullin) Auto Insurance for In-Home Supportive Services
 - SB 209 (Alquist) Stroke Education
 - SB 374 (Alquist) Residential Care Facilities for the Elderly
 - AB 1605 (Wolk, Berg) Elder and Dependent Adult Abuse
 - SB 1018 (Simitian) Elder and Dependent Adult Abuse
 2. Other Bills
 - AB 1664 (Gordon) Elder Abuse Reporting
 - SB 308 (Simitian) Recording fees: Elder and Dependent Adult Financial Abuse Prevention Trust Fund
 - SB 397 (Escutia) Elder Death Review Teams
 - SB 192 (Scott) Annuities: Seniors
- IV. Adjournment

TACC meetings are open to the public and are held in barrier-free facilities in accordance with the Americans with Disabilities Act. Contact the California Commission on Aging office for additional information.

Information regarding Triple-A Council of California (TACC) meetings and copies of meeting minutes may be obtained by writing the TACC at the above address or by visiting the web site at www.4tacc.org.

**ADVISORY COUNCIL REPRESENTING CALIFORNIA'S 33 AREA AGENCIES ON AGING
ADVOCATING FOR SERVICES TO OVER 4 MILLION SENIORS IN CALIFORNIA**

SUMMARY OF PROPOSED BILLS – CSL

AB 205 – Ruskin ***Denture Identification***

Under existing law, a complete upper or lower denture fabricated by a licensed dentist, or fabricated pursuant to the dentist's work order, is required to be marked with the patient's name or social security number, unless the patient objects.

This bill would instead require that the dentures be marked with the patient's name.

AB 288 – Mountjoy ***Prescription Container Labels***

Existing Pharmacy Law prohibits a pharmacist from dispensing a prescription except in a container that meets the requirement of state and federal law and is correctly labeled with, among other things, the condition for which the drug was prescribed if requested by the patient and if the condition is indicated on the prescription.

This bill would revise this prescription container labeling requirement to, instead, require the container to be labeled with, among other things, the condition for which the drug was prescribed, unless the patient, physician, or a parent or legal guardian of a minor patient requests that the information be omitted.

(Note that “*and if the condition is indicated on the prescription*” is omitted from the proposal.)

AB 609 – Lieber and Ruskin ***Public Guardian: Adult Protective Services***

Existing law authorizes the public guardian, upon receipt of a declaration from a peace officer indicating that an elder person is unable to manage his or her financial resources or to resist fraud or undue influence, among other specified factors, to rely on that information and take immediate possession and control of the property of the elder person. Under existing law, a declaration prepared in accordance with those provisions is required to be signed by both a peace officer and a supervisor from the county's adult protective services agency.

This bill would provide that a declaration also may be signed by a *representative* of the county's adult protective services agency. The bill would additionally revise the term "declaration" as it is used in those provisions of law to include documents signed by a representative of the county's adult protective services agency. The bill would also require that the declaration be transmitted to the appropriate financial institution within 24 hours of it being signed.

AB 615 – Vargas***Over-the-counter Hearing Aid Sales***

Under existing law, the Hearing Aid Dispensers Licensing Law, the Hearing Aid Dispensers Bureau licenses and regulates the practice of fitting and selling hearing aids, and makes a violation of the act a misdemeanor. Under that law, a hearing aid is required to be dispensed by a licensed hearing aid dispenser. Existing law, the Federal Food, Drug, and Cosmetic Act, also regulates the labeling and conditions for sale of hearing aid devices, and preempts state laws that are different from or in addition to those requirements.

This bill would authorize the over-the-counter sale of hearing aid devices if consistent with federal law.

AB 778 – Mullin***Auto Insurance for In-home Supportive Services***

Existing law generally regulates auto insurance. Existing law prohibits an auto liability insurance policy from containing specified provisions.

This bill would prohibit an auto liability policy from containing any provision that expressly or impliedly excludes from coverage under the policy the operation or use of an insured motor vehicle by the named insured in the performance of any in-home supportive services, as described.

SB 209 – Alquist***Stroke Education***

Existing law establishes the Heart Disease and Stroke Prevention Task Force within the State Department of Health Services and requires the task force to create a heart disease and stroke prevention and treatment state master plan and submit the plan to the Legislature, the Governor, and the department by November 1, 2005. These provisions become inoperative March 1, 2006, and are repealed January 1, 2007.

This bill would require the State Department of Health Services and the California Department of Aging to implement a stroke education campaign.

SB 374 – Alquist***Residential Care Facilities for the Elderly***

Existing law requires the State Department of Social Services to visit residential care facilities for the elderly as often as necessary to ensure the quality of care provided, but not less than once every 5 years. The department is required to conduct an annual unannounced visit to a facility when its license is on probation, the compliance plan or a condition of federal funding mandates annual visits, an accusation against a licensee is pending, or to verify that a person who has been ordered out of the facility by the department is no longer there. With all other residential care facilities for the elderly, the department is required to conduct an annual unannounced visit to no less than 10%.

This bill would require the department to make an unannounced visit at least every 2 years to a residential care facility for the elderly not subject to annual visits.

AB 1605 – Wolk and Berg***Elder and Dependent Adult Abuse***

Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, establishes procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. These procedures require persons, defined as mandated reporters, to report known or suspected instances of elder or dependent adult abuse. Under existing law, care custodians of elder or dependent adults and local law enforcement agencies are mandated reporters. A violation of the reporting requirements by a mandated reporter is a misdemeanor.

This bill would include within these reporting requirements mandated reporters of suspected financial abuse, as defined, and would, with certain exceptions, make the related misdemeanor provisions applicable to mandated reporters of suspected financial elder abuse, as defined, thereby imposing a state-mandated local program by changing the definition of a crime.

SB 1018 – Simitian***Elder and Dependent Adult Abuse***

Existing law, the Elder Abuse and Dependent Adult Civil Protection Act, establishes procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. These procedures require persons, defined as mandated reporters, to report known or suspected instances of elder or dependent adult abuse. Under existing law, care custodians of elder or dependent adults and local law enforcement agencies are mandated reporters. A violation of the reporting requirements by a mandated reporter is a misdemeanor.

This bill would include within these reporting requirements mandated reporters of suspected financial abuse, as defined, and would, with certain exceptions, make the related misdemeanor provisions applicable to mandated reporters of suspected financial elder abuse, as defined, thereby imposing a state-mandated local program by changing the definition of a crime.

SUMMARY OF PROPOSED BILLS – OTHER

AB 1664 - Gordon. *Elder abuse reporting*

Existing law requires certain mandated reporters to report incidents of abuse or incidents in which he or she has been told of abuse of an elder or dependent adult. Existing law authorizes nonmandated reporters to report specified incidents of suspected abuse of an elder or dependent adult. Existing law, the California Right to Financial Privacy Act, prohibits an officer, employee, or agent of a state or local agency or department from requesting or receiving from a financial institution the financial information of a customer except under specified conditions.

This bill would authorize an officer, employee, or agent of a financial institution to report incidents of suspected financial abuse of an elder or dependent adult. The bill would also make an exemption to the California Right to Financial Privacy Act to authorize a county adult protective services office, when investigating the financial abuse of an elder or dependent adult, to request and receive from a financial institution specified financial information of a customer.

SB 308 - Simitian *Recording fees: Elder and Dependent Adult Financial Abuse Prevention Trust Fund.*

Existing law proscribes crimes against elder and dependent adults involving physical and financial abuse. Existing law also provides that in addition to other recording fees, upon the adoption of a resolution by the county board of supervisors, a fee of up to \$2 shall be paid at the time of recording of every real estate instrument, as defined. The fees collected are required to be placed in the Real Estate Fraud Prosecution Trust Fund to be distributed by the county chief administrative officer, as determined by a Real Estate Fraud Prosecution Trust Fund Committee, to district attorneys and local law enforcement agencies for the purpose of determining, investigating, and prosecuting real estate fraud crimes.

This bill would authorize imposition of a similar fee for purposes of funding programs to deter, investigate, and civilly prosecute elder or dependent adult financial abuse in the context of real estate transactions. The additional fee authorized by the bill would be required to be placed in a county Elder and Dependent Adult Financial Abuse Prevention Trust Fund, to be expended for these purposes. This bill would require the county auditor or director of finance to distribute moneys in the fund to eligible agencies for expenditure, as determined by the Elder and Dependent Adult Financial Abuse Prevention Trust Fund Committee. The bill would limit the maximum amount that may be deducted for administrative purposes when a county adopts a resolution imposing fees authorized by both the bill and existing law. The bill would also require the trust fund committees established by this bill and existing law to consult with members of private industry at least semiannually. The bill would require annual committee and district attorney reports made to the board of supervisors to be made available to the public upon request.

SB 397 - Escutia***Elder death review teams***

Existing law authorizes counties to establish an interagency elder death team to assist local agencies in identifying and reviewing suspicious elder deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in elder abuse or neglect cases.

This bill would require every skilled nursing facility and residential care facility within a county that has a county elder death review team to notify, as specified, the chair or chair designee of the team via fax or e-mail whenever there is a death of an elderly resident at the facility.

SB 192 - Scott***Annuities: seniors***

Existing law generally regulates insurance, including annuity products. Existing law requires a life insurance agent to provide specified disclosures to a senior 65 years of age or older in certain circumstances. Existing law prohibits the sale of an annuity to a senior in specified circumstances.

This bill would require every insurer or other person transacting an annuity business in California to develop and use written suitability standards to determine whether the purchase or replacement of an annuity contract is appropriate for the needs of an applicant or annuitant who is 65 years of age or older. The bill would require an insurer that markets annuities to reject an application to purchase an annuity if it determines that the applicant or annuitant does not meet its financial suitability standards, or if he or she has declined to provide the information requested. It would set forth criteria to be applied in developing suitability standards, would require that certain information be provided to the commissioner, and would impose other specified requirements on insurers and other persons that offer or market annuities.