

CCoA
California Commission on Aging

AGEWATCH

Government Shutdown to Impact Senior Programs

The government shutdown is already causing concern for providers of aging services nationwide, the National Council on Aging (NCOA) reports. In week 2 of the shutdown, local programs face the prospect of going without the federal dollars they rely on to provide safety net services for seniors and other vulnerable groups.

According to NCOA, “(Older Americans Act) and other (Administration for Community Living) programs will continue if states and localities already have drawn down enough funding. But no new resources will be available after Oct. 1 for Senior Nutrition programs, Native American Nutrition and Supportive Services, Prevention of Elder Abuse and Neglect, Long-Term Care Ombudsman, and Protection and Advocacy for persons with developmental disabilities.”

Local providers across the state are already facing the fact that funds may not be forthcoming after October. In Humboldt and Del Norte counties, Area 1 Agency on Aging Executive Director Maggie Kraft said her agency will lose \$62,000 of its monthly federal support for congregate and home delivered meal programs, the long-term care ombudsman, caregiver programs, elder abuse prevention, and legal services, among other programs.

Already affected by the sequester, many aging service providers have depleted any reserves they might have had. **The Sacramento region’s Area 4 Agency on Aging Assistant Director Will Tift believes that Meals on Wheels (MOW) may be forced to stop delivery to elders living in the most of the agency’s 7-county service area for as long as four months.** In Sacramento County, MOW provider Asian Community Services hopes to continue meal delivery using private donations.

NCOA has joined with governors in both parties and corporations led by the U.S. Chamber of Commerce, to call on Congress to end the shutdown.

Information from: National Council on Aging, *NCOA Week*, Oct. 8, 2013; Eureka Times Standard, *Shutdown hits Humboldt: Federal workers, seniors and struggling families to be hit hardest*, Oct. 2, 2013; KCRA3.com, *Meals on Wheels will need to temporarily stop service*, Oct. 4, 2013.



AGEWATCH is an occasional publication of the California Commission on Aging (CCoA) intended to inform, educate, and advocate. The CCoA is an independent state agency established in 1973 to serve as the principal state advocate on behalf of older Californians. The CCoA office is located at 1300 National Drive, Suite 173, Sacramento, CA 95834.

(916) 419-7591

www.ccoa.ca.gov

CDA Director Lora Connolly Elected to NASUAD Board

California Department of Aging Director Lora Connolly has been elected to the Executive Board of the National Association of States United for Aging and Disabilities (NASUAD).

The new Executive Board includes Incoming President Gloria Lawlah, Secretary of the Maryland Department of Aging; James Bulot, Director of the Georgia Division of Aging Services serving as Vice President; Director of Connolly as Secretary; and Gary Jessee, Deputy Director of Program Operations-Medicaid/CHIP, Texas Health and Human Services Commission as Treasurer. Secretary Lawlah's predecessor, Lance Robertson, Director of the Oklahoma Aging Services Division, remains on NASUAD's Executive Board as the Association's Immediate Past President.

NASUAD represents the nation's 50 state units on aging. The organization's governing board includes ten Regional Representatives, who serve to represent the states in their regions and to keep the general membership informed of NASUAD activities.

Excerpted from *NASUAD Announces new Executive Board*, Sept. 27, 2013 press release.



CDA Director Lora Connolly

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What the Health Insurance Marketplace Means for Seniors



With the opening of the new federal health insurance exchange, NCOA explains what the Marketplace means for older adults. "The answer depends on your situation. Here's what you need to know: **If you are aged 65+:**

The Marketplace is not for people with Medicare. The Marketplace is for people who are under age 65 and uninsured, underinsured, or looking for more insurance options. If you are aged 65+ and already have Medicare, you are protected from the mandate penalty. Bottom line: You don't have to do anything. In fact, it's illegal for someone to sell you a Marketplace plan if you already have Medicare Part A with no premiums and/or Part B.

- **If you pay for Medicare Part A, you may want to consider the Marketplace.** Some individuals have not earned enough working credits to get Part A without premiums. They have to buy Part A, which in 2013 is \$441 per month. If this applies to you, weigh your options between paying for Medicare versus buying a Marketplace plan. But remember that if you choose a Marketplace plan, you may have to pay a late enrollment penalty fee if you enroll in Medicare in the future.
- **People eligible for Medicare cannot get Marketplace subsidies.** If you buy a Marketplace plan, then you become eligible for Medicare, you will automatically lose any Marketplace subsidy. To avoid a late enrollment penalty fee, it's best to enroll in Medicare during your Initial Enrollment Period. Once you are enrolled in Medicare, you should disenroll from your Marketplace plan. Be sure that your Medicare enrollment and Marketplace disenrollment line up to avoid a gap in coverage.
- **Marketplace drug coverage may or may not be "creditable."** "Creditable drug coverage" means coverage that is as good as Medicare's basic drug benefit. It's still unclear whether all drug coverage in the Marketplace is considered "creditable." This means that if you are eligible for Medicare and get coverage either through the individual Marketplace or the Small Business Health Options Program Marketplace, you should enroll in Part D on time, during your Initial Enrollment Period, unless you can confirm that your drug coverage is creditable. Your insurance plan will give you this information in writing. If your plan is not creditable, you may have to pay a lifetime penalty fee for enrolling late into Medicare Part D." To read more, visit <http://www.ncoa.org/enhance-economic-security/benefits-access/what-the-health-insurance.html>

Reprinted from National Council on Aging, *NCOA Week*, Oct. 8, 2013

Legislators to Examine Assisted Living Deaths

An investigation into deaths at assisted living facilities in San Diego has prompted an outcry from Legislators at the State Capitol. The investigation, conducted by the Center for Health Reporting and the online publication U-T San Diego, found that inferior care at assisted living facilities in San Diego County had resulted in at least 27 deaths over the preceding four years. As reported in U-T San Diego, **“The investigation found that deaths resulting from poor care at assisted living facilities in San Diego often go unreported and that care providers largely are not disciplined for such incidences.” One facility owner admitted to investigators that she had bribed inspectors, resulting in glowing inspection reports.**

The report cites the wide gap between the \$100,000 fine levied by the Department of Social Services (DSS) when a nursing home resident dies under suspect circumstances and the \$150 fine levied on **assisted living facilities for similar deaths. The state’s current once-every-5-years inspection cycle for these homes would be reduced by half under a proposal under consideration by DSS.**

In response to the findings, U-T San Diego reports that Senate Human Services Committee Chair Leland Yee plans to hold a hearing later this year to examine the state's oversight of assisted living facilities. Other legislators were quoted with similar responses: Senator Joel Anderson and Assembly Member Ian Calderon **are looking at changes to DSS’ inspection standards for residential care facilities as well as the frequency of inspections.**

To read about the investigation, visit: <http://www.utsandiego.com/news/2013/Sep/09/deadly-neglect-assisted-living-homes-san-diego/>

Excerpted from California HealthLine, *Senate Hearing to Examine Oversight of Assisted Living Facilities*. October 9, 2013

CCoA Co-hosts Successful Elder Justice Policy Summit

The California Commission on Aging (CCoA) co-hosted the second statewide Elder Justice Policy Summit with the California Elder Justice Coalition (CEJC) on September 26. The event was planned in partnership with the California Association of Area Agencies on Aging, the County Welfare Directors Association and the California Long Term Care Ombudsman Association.

The Summit drew more than 120 invited experts to Sacramento to address continuing concerns **regarding the state’s ability to effectively investigate, prosecute, and mitigate the myriad crimes against elders and dependent adults in California.**

The event opened with a keynote presentation from Dr. Dean Hawley, Professor of Pathology and Director of Autopsy Services at Indiana State University, whose extensive research on elder abuse deaths has made him a leading investigator in U.S. Department of Justice investigations on tribal lands nationwide.

Breakout sessions focused on five areas critical to advancing elder justice in the state: 1) improving investigations of institutional abuse (skilled nursing); 2) access to the courts; 3) modernizing adult protective services; 4) prevention of caregiver abuse; and 5) access and parity for diverse populations.

Building on the model of CEJC’s successful Elder Abuse Summit in 2010, the 2013 event will result in updates to the Coalition’s landmark publication *Improving California’s Response to Elder Abuse, Neglect and Exploitation -- A Blueprint*, which was produced from the 2010 Summit findings with support from the Archstone Foundation. The Blueprint can be found at www.elderjusticecal.org/.

A culminating outcome of the day’s event was the attendees’ strong support for a resolution, drafted by CEJC and formally adopted by CCoA and CEJC, calling on the Legislature to create a special or joint committee or blue ribbon panel to examine the statutory and regulatory framework for addressing and mitigating elder and dependent adult abuse and exploitation, with the goal of issuing a report identifying statutory, regulatory and programmatic changes necessary enhance statewide, community, and family efforts to prevent abuse and exploitation of older and disabled Californians.

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DHCS to hold webinar on Medi-Cal outreach and enrollment

The Department of Health Care Services, Medi-Cal Eligibility Division (MCED) invites interested stakeholders to a webinar to kickoff and share DHCS' steps to carry out Medi-Cal Outreach and Enrollment activities as identified in Assembly Bill 82 sections 70 and 71. The webinar will also provide the forum for stakeholders for Q&A. This webinar will also be opened to the stakeholders to attend in person.

Scheduled for October 15th, the webinar will review the Medi-Cal outreach and enrollment plans in the state. The presentation will cover both the provisions on the certified enrollment counselors, as well as the Medi-Cal outreach and enrollment projects and grant allocations. The webinar will give MCED an opportunity to provide information and more details about the two prong approach of AB 82 for Medi-Cal outreach and enrollment. In addition to the presentation, ample time for questions and answers has been allotted.

DHCS Outreach and enrollment stakeholder webinar location.

Tuesday, Oct. 15 - 9:00 -- 11:00 a.m., PDT

1700 K St., 1st Floor Conference Room, Sacramento CA 95811

Space is limited;

Reserve your webinar seat at www.gotomeeting.com/register/193635865

DEPARTMENT OF LABOR RELEASES FINAL RULE ON HOME CARE & DOMESTIC WORKERS

The US Department of Labor has released final regulations that extend minimum wage and overtime protections under the federal Fair Labor Standards Act to nearly 2 million home care workers including home health aides, personal care aides and certified nursing assistants. Effective January 1, 2015, the regulation also extends those minimum wage and overtime protections to all direct care workers employed by home care agencies and other third parties. A copy of the 358 page Final Rule can be downloaded from the US Department of Labor website as a pdf document file: http://www.dol.gov/whd/homecare/final_rule.pdf

Reprinted from CDCAN Report #085-2013: US DEPT OF LABOR RELEASE FINAL RULE EXTENDING FEDERAL OVERTIME AND MINIMUM WAGE PROTECTIONS TO HOME CARE AND DOMESTIC WORKERS - RULE GOES INTO EFFECT JANUARY 1, 2015. September 17, 2013.

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Upcoming Events

November 12 - 13, 2013. California Commission on Aging, Sheraton Grand, Sacramento

www.ccoa.ca.gov for information

November 13, 2013. California Summit on Long-Term Services and Supports: The State of System Transformation, Sacramento. Information at <http://thescanfoundation.org/register-now-2013-california-summit-long-term-services-and-supports-state-system-transformation>

November 20 - 22, 2013. C4A Annual Meeting and Allied Conference, Crowne Plaza Hotel, Los Angeles.

www.c4aregistration.info/

California Commission on Aging staff:
Sandra Fitzpatrick, M.A., Executive Director
Carol Sewell, MAG, Program Analyst on Aging
Marcella Lopez, Administrative Assistant