

# VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

## CHAPTER 361

*An Act to amend and reenact § 2.2-703 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-703.1, relating to a four-year plan for aging services in the Commonwealth.*

[H 674]

Approved March 5, 2008

**Be it enacted by the General Assembly of Virginia:**

**1. That § 2.2-703 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-703.1 as follows:**

§ 2.2-703. Powers and duties of Department with respect to aging persons; area agencies on aging.

A. The mission of the Department shall be to improve the quality of life for older Virginians and to act as a focal point among state agencies for research, policy analysis, long-range planning, and education on aging issues. The Department shall also serve as the lead agency in coordinating the work of state agencies on meeting the needs of an aging society. The Department's policies and programs shall be designed to enable older persons to be as independent and self-sufficient as possible. The Department shall promote local participation in programs for older persons, evaluate and monitor the services provided for older Virginians and provide information to the general public. In furtherance of this mission, the Department shall have, without limitation, the following duties to:

1. Study the economic and physical condition of the residents in the Commonwealth whose age qualifies them for coverage under Public Law 89-73 or any law amendatory or supplemental thereto of the Congress of the United States, and the employment, medical, educational, recreational and housing facilities available to them, with the view of determining the needs and problems of such persons;

2. Determine the services and facilities, private and governmental and state and local, provided for and available to older persons and to recommend to the appropriate persons such coordination of and changes in such services and facilities as will make them of greater benefit to older persons and more responsive to their needs;

3. Act as the single state agency, under Public Law 89-73 or any law amendatory or supplemental thereto of the Congress of the United States, and as the sole agency for administering or supervising the administration of such plans as may be adopted in accordance with the provisions of such laws. The Department may prepare, submit and carry out state plans and shall be the agency primarily responsible for coordinating state programs and activities related to the purposes of, or undertaken under, such plans or laws;

4. Apply, with the approval of the Governor, for and expend such grants, gifts or bequests from any source that becomes available in connection with its duties under this section, and may comply with such conditions and requirements as may be imposed in connection therewith;

5. Hold hearings and conduct investigations necessary to pass upon applications for approval of a project under the plans and laws set out in subdivision 3, and shall make reports to the Secretary of the United States Department of Health and Human Services as may be required;

6. Designate area agencies on aging pursuant to Public Law 89-73 or any law amendatory or supplemental thereto of the Congress of the United States and to adopt regulations for the composition and operation of such area agencies on aging;

7. Provide information to consumers and their representatives concerning the recognized features of special care units. Such information shall educate consumers and their representatives on how to choose special care and may include brochures and electronic bulletin board notices;

8. Provide staff support to the Commonwealth Council on Aging;

9. Assist state, local, and nonprofit agencies, including, but not limited to, area agencies on aging, in identifying grant and public-private partnership opportunities for improving services to elderly Virginians;

10. Contract with a not-for-profit Virginia corporation granted tax-exempt status under § 501 (c) (3) of the Internal Revenue Code with statewide experience in Virginia in conducting a state long-term care ombudsman program or designated area agencies on aging for the administration of the ombudsman program. Such contract shall provide a minimum staffing ratio of one ombudsman to every 2,000 long-term care beds, subject to sufficient appropriations by the General Assembly. The Department may also contract with such entities for the administration of elder rights programs as authorized under Public Law 89-73, such as insurance counseling and assistance, and to create an elder information/elder rights center;

11. Serve as the focal point for the rights of older Virginians and their families by establishing, maintaining and publicizing a toll-free number to provide resource and referral information, and to

provide such other assistance and advice as may be requested; and

12. Develop and maintain a four-year plan for aging services in the Commonwealth, ~~including but not limited to identifying collaborative opportunities with other state and local agencies and programs to better serve the needs of an aging society. This plan shall be developed by the Department in consultation with relevant stakeholders pursuant to § 2.2-703.1.~~

B. The governing body of any county, city or town may appropriate funds for support of area agencies on aging designated pursuant to subdivision A 6.

C. All agencies of the Commonwealth shall assist the Department in effectuating its functions in accordance with its designation as the single state agency as required in subdivision A 3.

D. As used in this chapter, "older Virginians" or "older persons" mean persons aged 60 years or older.

*§ 2.2-703.1. Powers and duties of Department relating to four-year plan; report.*

*A. The Department shall develop and maintain a four-year plan for aging services in the Commonwealth. Such a plan shall also serve as the State Plan for Aging Services as required by the federal Administration on Aging. In developing the plan, the Department shall consult various state and local agencies, including, but not limited to, Virginia's Area Agencies on Aging, the Commonwealth's Health and Human Resources agencies, the Virginia Department of Transportation, the Virginia Department of Housing and Community Development, the Virginia Housing Development Authority, and the Virginia Department of Corrections, as well as the Commonwealth Council on Aging, the Virginia Alzheimer's Disease and Related Disorders Commission, and the Virginia Public Guardianship and Conservator Program Advisory Board. The Department shall also consult with businesses, nonprofit organizations, and stakeholders as the Department deems appropriate.*

*B. The four-year plan shall include a description of Virginia's aging population, its impact on the Commonwealth, and issues related to providing services to this population at both the state and local levels. The plan shall include factors for the Department to consider in determining when additional funding may be required for certain programs or services. The following shall be included in the plan:*

*1. Information on changes in the aging population, with particular attention to the growing diversity of this population including low-income, minority, and non-English speaking older individuals;*

*2. Unmet needs and waiting list data for aging-related services as reported by Virginia's Area Agencies on Aging and those state agencies that may maintain and provide this information;*

*3. The results of periodic needs surveys and customer satisfaction surveys targeted to older Virginians that may be conducted by the Department, the Area Agencies on Aging, or any other state or local agency;*

*4. An analysis by those state agencies listed in subsection A of how the aging of the population impacts their agency and how the agency is responding. This analysis shall be provided to the Department every four years on a schedule and in a format determined by the Department;*

*5. The impact of changes in federal and state funding for aging services; and*

*6. Any other factors the Department deems appropriate.*

*C. In carrying out the above duties, the Commissioner shall submit the plan to the Governor and the General Assembly by November 30 of 2009 and every four years thereafter.*

*D. The Commissioner shall also submit an annual report by November 30 of each year to the Governor and the General Assembly on the status of aging services in the Commonwealth.*