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SENATE BILL NO. 410

Senate Amendments in [] — January 25, 2010

A *BILL to amend and reenact §§ 2.2-212, 2.2-703, 2.2-703.1, 2.2-708, 2.2-712, 2.2-714, 2.2-720, 2.2-2412, 2.2-2626, 2.2-2627, and 2.2-5510 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 2.2-213.4, and to repeal § 2.2-709 of the Code of Virginia, relating to state aging services; blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities.*

Patron Prior to Engrossment—Senator Vogel

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-212, 2.2-703, 2.2-703.1, 2.2-708, 2.2-712, 2.2-714, 2.2-720, 2.2-2412, 2.2-2626, 2.2-2627, and 2.2-5510 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-213.4 as follows:

§ 2.2-212. Position established; agencies for which responsible; additional powers.

The position of Secretary of Health and Human Resources (the Secretary) is created. The Secretary of Health and Human Resources shall be responsible to the Governor for the following agencies: Department of Health, Department for the Blind and Vision Impaired, Department of Health Professions, Department for the Aging, Department of Behavioral Health and Developmental Services, Department of Rehabilitative Services, Department of Social Services, Department of Medical Assistance Services, Child Day-Care Council, Virginia Department for the Deaf and Hard-of-Hearing, the Office of Comprehensive Services for Youth and At-Risk Youth and Families, and the Assistive Technology Loan Fund Authority. The Governor may, by executive order, assign any other state executive agency to the Secretary of Health and Human Resources, or reassign any agency listed above to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall (i) serve as the lead Secretary for the coordination and implementation of the long-term care ~~policy~~ policies of the Commonwealth and for the blueprint for livable communities 2025 throughout the Commonwealth, working with the Secretaries of Transportation, Commerce and Trade, and Education, and the Commissioner of Insurance, to facilitate interagency service development and implementation, communication and cooperation, (ii) serve as the lead Secretary for the Comprehensive Services Act for At-Risk Youth and Families, working with the Secretary of Education and the Secretary of Public Safety to facilitate interagency service development and implementation, communication and cooperation, and (iii) coordinate the disease prevention activities of agencies in the Secretariat to ensure efficient, effective delivery of health related services and financing.

§ 2.2-213.4. *Secretary of Health and Human Resources to develop blueprint for long-term services and supports.*

The Secretary shall convene, as appropriate, such other heads of executive branch secretariats, state agencies and other public and private agencies and entities to develop a blueprint for livable communities and long-term services and supports for older Virginians and people with disabilities. The blueprint shall include planning through the year 2025 and shall be comprehensive and inclusive of issues related to active, daily life in communities across the Commonwealth. The blueprint shall build upon existing plans and reports and shall focus on (i) community integration and involvement, (ii) availability and accessibility of services and supports, and (iii) integration and participation in the economic mainstream. The blueprint shall be submitted to the Governor and Chairs of the Appropriations Committee of the House of Delegates and the Finance Committee of the Senate no later than June 30, 2011.

§ 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

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60 the Congress of the United States, and the employment, medical, educational, recreational and housing
61 facilities available to them, with the view of determining the needs and problems of such persons;

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

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

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

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

78 6. Designate area agencies on aging pursuant to Public Law 89-73 or any law amendatory or
79 supplemental thereto of the Congress of the United States and to adopt regulations for the composition
80 and operation of such area agencies on aging, each of which shall be designated as the lead agency in
81 each respective area for the No Wrong Door system of aging and disability resource centers;

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

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

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

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

97 11. Serve as the focal point for the rights of older Virginians and their families by establishing,
98 maintaining and publicizing (i) a toll-free number and (ii) a means of electronic access to provide
99 resource and referral information, and to provide such other assistance and advice as may be requested;
100 and

101 12. Develop and maintain a four-year plan for aging services in the Commonwealth, pursuant to
102 § 2.2-703.1.

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

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

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

109 § 2.2-703.1. Strategic long-range planning for aging services; four-year plan; report

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

120 B. The four-year plan shall include a description of Virginia's aging population, its impact on the
121 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. The Department shall develop and maintain a four-year plan for aging services in the Commonwealth. Such plan shall serve to inform the State Plan for Aging Services as required by the federal Administration on Aging. In developing the plan, the Department shall consult (i) various state and local services agencies, (ii) businesses, (iii) nonprofit organizations, (iv) advocacy organizations, (v) universities, (vi) providers, (vii) organizations involved in providing services for and advocating for older Virginians and their caregivers, and (viii) stakeholders, including but not limited to, Virginia's Area Agencies on Aging, the state's health and human resources agencies, boards, councils and commissions, the Departments of Transportation, Rail and Public Transportation, Housing and Community Development, and Corrections, and Virginia Housing Development Authority.

In addition, the plan shall inform and serve as a resource to a long-term blueprint for state and community planning for aging populations that shall be comprehensive and not limited to traditional health and human services issues, but rather consists of broad-based issues of active daily life in communities throughout the Commonwealth.

B. The four-year plan shall include:

1. A description of Virginia's aging population and its impact on the Commonwealth, and issues related to ensuring and providing services to this population at both the state and local level;

2. Factors for the Department to consider in determining when additional funding may be required for certain programs or services;

3. Information on changes in the aging populations, with particular attention on the growing diversity of the population including low-income, minority, and non-English speaking older Virginians

4. Information on 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;

5. Results from 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 from time to time;

6. An analysis by every state agency of how the aging of the population impacts their agency, its services and how the agency is responding to this impact. Such analysis shall be provided to the Department every four years on a schedule and in a format determined by the Secretary of Health and Human Resources in coordination with the Department;

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

8. The current status and future development of Virginia's No Wrong Door Initiative; and

9. Any other factors the Department deems appropriate.

C. In carrying out the duties provided by this section, the Commissioner shall submit the plan to the Governor and the General Assembly by November 30, [~~2010~~ 2009]. Thereafter, the plan shall be submitted every four years beginning on June 30, [~~2011~~ 2013].

D. The Commissioner shall also submit a biennial update beginning October 1, 2011, to the Governor and the General Assembly on the status and sufficiency of aging services and supports in the Commonwealth.

§ 2.2-708. Coordination of local long-term care services.

The governing body of each county or city, or a combination thereof, shall designate a lead agency and member agencies to accomplish the coordination of local long-term care services and supports. The agencies shall establish a long-term care coordination committee composed of, but not limited to,

183 representatives of each agency. The coordination committee shall guide the coordination and
184 administration of public long-term care services *and supports* in the locality. The membership of the
185 coordination committee shall be comprised of, but not limited to, representatives of the local department
186 of public health, the local department of social services, the community services board or community
187 mental health clinic, the area agency on aging, the local nursing home pre-admission screening team,
188 and representatives of housing, transportation, and other appropriate local organizations that provide
189 long-term care services. A plan shall be implemented that ensures the cost-effective utilization of all
190 funds available for long-term care services *and supports* in the locality. Localities are encouraged to
191 provide services *and supports* within each category of service in the continuum and to allow one person
192 to deliver multiple services, when possible.

193 § 2.2-712. Powers and duties of the Department with respect to public guardian and conservator
194 program.

195 A. The Department shall fund from appropriations received for such purpose a statewide system of
196 local or regional public guardian and conservator programs.

197 B. The Department shall:

198 1. Make and enter into all contracts necessary or incidental to the performance of its duties and in
199 furtherance of the purposes as specified in this article in conformance with the Public Procurement Act
200 (§ 2.2-4300 et seq.).

201 2. Contract with local or regional public or private entities to provide services as guardians and
202 conservators operating as local or regional Virginia Public Guardian and Conservator Programs in those
203 cases in which a court, pursuant to §§ 37.2-1010 and 37.2-1015, determines that a person is eligible to
204 have a public guardian or conservator appointed.

205 3. Adopt reasonable regulations in accordance with the Administrative Process Act (§ 2.2-4000 et
206 seq.) as appropriate to implement, administer and manage the state and local or regional programs
207 authorized by this article, including, but not limited to the adoption of:

208 a. Minimum training and experience requirements for volunteers and professional staff of the local
209 and regional programs;

210 b. An ideal range of staff to client ratios for the programs; adoption of procedures to be followed
211 whenever a local or regional program falls below or exceeds the ideal range of staff to client ratios,
212 which shall include, but not be limited to, procedures to ensure that services shall continue to be
213 available to those in need and that appropriate notice is given to the courts, sheriffs, where appropriate,
214 and the Department; and

215 c. Procedures governing disqualification of any program falling below or exceeding the ideal range of
216 staff to client ratios, which shall include a process for evaluating any program that has exceeded the
217 ratio to assess the effects falling below or exceeding the ideal range of ratios has had or is having upon
218 the program and upon the incapacitated persons served by the program.

219 The regulations shall require that evaluations occur no less frequently than every six months and
220 shall continue until the staff to client ratio returns to within the ideal range.

221 4. Establish procedures and administrative guidelines to ensure the separation of local or regional
222 Virginia Public Guardian and Conservator Programs from any other guardian or conservator program
223 operated by the entity with whom the Department contracts, specifically addressing the need for
224 separation in programs that may be fee-generating.

225 5. Establish record-keeping and accounting procedures to ensure that each local or regional program
226 (i) maintains confidential, accurate and up-to-date records of the personal and property matters over
227 which it has control for each incapacitated person for whom it is appointed guardian or conservator and
228 (ii) files with the Department an account of all public and private funds received.

229 6. Establish criteria for the conduct of and filing with the Department and as otherwise required by
230 law: values history surveys, annual decisional accounting and assessment reports, the care plan designed
231 for the incapacitated person and such other information as the Department may by regulation require.

232 7. Establish criteria to be used by the local and regional programs in setting priorities with regard to
233 services to be provided.

234 8. Take such other actions as are necessary to ensure coordinated services and a reasonable review of
235 all local and regional programs.

236 9. Maintain statistical data on the programs and report *such data* to the General Assembly on or
237 before January 1 of each *even-numbered* year as provided in the procedures of the Division of
238 Legislative Automated Systems for the processing of legislative documents regarding the status of the
239 Virginia Public Guardian and Conservator Program and the developing trends with regard to the need
240 for guardians, conservators and other types of surrogate decision-making services. *Such statistical data*
241 *shall be posted on the Department's website.* In addition, the Department shall enter into a contract with
242 an appropriate research entity with expertise in gerontology, disabilities and public administration to
243 conduct an evaluation of local public guardian and conservator programs from funds specifically
244 *appropriated and* allocated for this purpose, and the evaluator shall provide a report with

recommendations to the Department and to the Public Guardian and Conservator Advisory Board by December 1, 2003. Trends identified in the report shall be presented to the General Assembly. The Department shall request such a report from an appropriate research entity every four years, provided the General Assembly appropriates funds for that purpose.

10. Recommend appropriate legislative or executive actions.

C. Nothing in this article shall prohibit the Department from contracting pursuant to subdivision B 2 with an entity that may also provide privately funded surrogate decision-making services, including guardian and conservator services funded with fees generated by the estates of incapacitated persons, provided such private programs are administered by the contracting entity entirely separately from the local or regional Virginia Public Guardian and Conservator Programs, in conformity with regulations established by the Department in that respect.

D. In accordance with the Public Procurement Act (§ 2.2-4300 et seq.) and recommendations of the Public Guardian and Conservator Advisory Board, the Department may contract with a not-for-profit private entity that does not provide services to incapacitated persons as guardian or conservator to administer the program, and, if it does, the term "Department" when used in this article shall refer to the contract administrator.

§ 2.2-714. Definitions.

As used in this article, unless the context requires otherwise:

"Adult day care services" means the provision of supplementary care and protection during a part of the day only to aged, infirm, or disabled adults. Such services may be in or away from the residence of the aged, infirm, or disabled adult.

"Community respite care organization" means a local subdivision of the Commonwealth, a combination of political subdivisions, a separate public agency or a private nonprofit agency exempt under § 501 (c) (3) of the Internal Revenue Code, which has the authority under its applicable charter, laws or articles of organization to receive funds to support respite care activities.

"Department" means the Department for the Aging.

"Fund" means the Virginia Respite Care Grant Fund established by § 2.2-716.

"Respite care" means the provision of supplementary care and protection for aged, infirm, or disabled adults. Respite care includes, but is not limited to, adult day care services.

§ 2.2-720. (Expires July 1, 2014) Alzheimer's Disease and Related Disorders Commission.

A. The Alzheimer's Disease and Related Disorders Commission (Commission) is established as an advisory commission in the executive branch of state government. The purpose of the entity is to assist people with Alzheimer's disease and related disorders and their caregivers.

B. The Commission shall consist of 15 nonlegislative citizen members. Members shall be appointed as follows: three members to be appointed by the Speaker of the House of Delegates; two members to be appointed by the Senate Committee on Rules; and 10 members to be appointed by the Governor, of whom seven shall be from among the boards, staffs, and volunteers of the Virginia chapters of the Alzheimer's Disease and Related Disorders Association and three shall be from the public at large.

Nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership. A majority of the voting members shall constitute a quorum. The Commission shall meet at least four times each year. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the voting members so request.

C. Members shall receive such compensation for the discharge of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department for the Aging.

D. The Commission shall have the following powers and duties:

1. Examine the needs of persons with Alzheimer's disease and related disorders, as well as the needs of their caregivers, and ways that state government can most effectively and efficiently assist in meeting those needs;

2. Develop and promote strategies to encourage brain health and reduce cognitive decline;

3. Advise the Governor and General Assembly on policy, funding, regulatory and other issues related to persons suffering from Alzheimer's disease and related disorders and their caregivers;

4. Develop the Commonwealth's plan for meeting the needs of patients with Alzheimer's disease and related disorders and their caregivers, and advocate for such plan;

306 5. Submit a report, including an executive summary to the Governor, General Assembly and
307 Department, by October 1 of each year to the Governor and General Assembly, an electronic report
308 regarding the activities and recommendations of the Commission, which shall be posted on the
309 Department's website; and

310 6. Establish priorities for programs among state agencies related to Alzheimer's disease and related
311 disorders and criteria to evaluate these programs.

312 E. The Department for the Aging shall provide staff support to the Commission. All agencies of the
313 Commonwealth shall provide assistance to the Commission, upon request.

314 F. The Commission may apply for and expend such grants, gifts or bequests from any source as may
315 become available in connection with its duties under this section, and may comply with such conditions
316 and requirements as may be imposed in connections therewith.

317 G. This section shall expire on July 1, 2014.

318 § 2.2-2412. Powers and duties of the Board.

319 The Board shall have the power and duty to:

320 1. Assist in the coordination and management of the local and regional programs appointed to act as
321 public guardians and conservators pursuant to Chapter 10 (§ 37.2-1000 et seq.) of Title 37.2;

322 2. Provide advice and counsel on the provision of high quality guardianship service and avoidance of
323 conflicts of interest;

324 3. Promote the mobilization of activities and resources of public and private sector entities to
325 effectuate the purposes of this article; and

326 4. Make recommendations regarding appropriate legislative and executive actions, including, but not
327 limited to, recommendations governing alternatives for local programs to follow upon repeal of the
328 authority granted to the courts pursuant to § 37.2-1015 to appoint the sheriff as guardian or conservator
329 when the maximum staff-to-client ratio of the local program is met or exceeded.

330 § 2.2-2412. Powers and duties of the Board.

331 The Board shall have the power and duty to:

332 1. Assist in the coordination and management of the local and regional programs appointed to act as
333 public guardians and conservators pursuant to Chapter 10 (§ 37.2-1000 et seq.) of Title 37.2;

334 2. Provide advice and counsel on the provision of high quality guardianship service and avoidance of
335 conflicts of interest;

336 3. Promote the mobilization of activities and resources of public and private sector entities to
337 effectuate the purposes of this article; and

338 4. Make recommendations regarding appropriate legislative and executive actions, including, but not
339 limited to, recommendations governing alternatives for local programs to follow upon repeal of the
340 authority granted to the courts pursuant to § 37.2-1015 to appoint the sheriff as guardian or conservator
341 when the maximum staff-to-client ratio of the local program is met or exceeded; and

342 5. Submit to the Department by October of each odd-numbered year, a report regarding the activities
343 and recommendations of the [~~Commission~~ Board], to be posted on the Department's website.

344 § 2.2-2626. Commonwealth Council on Aging; purpose; membership; terms.

345 A. The Commonwealth Council on Aging (the Council) is established as an advisory council, within
346 the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council
347 shall be to promote an efficient, coordinated approach by state government to meeting the needs of older
348 Virginians.

349 B. The Council shall consist of ~~23~~ 24 members as follows: one member from each of the 11
350 congressional districts of the Commonwealth appointed by the Governor subject to confirmation by the
351 General Assembly; four at-large nonlegislative citizen members appointed by the Speaker of the House
352 of Delegates; four at-large nonlegislative citizen members appointed by the Senate Committee on Rules;
353 and the Commissioner of the Department for the Aging, the Director of the Department of Medical
354 Assistance Services, the Commissioner of Social Services and, the Secretary of Health and Human
355 Resources, and the President of the Virginia Association of Area Agencies on Aging, or their designees,
356 who shall serve as nonvoting ex officio members. Members of the Council shall be citizens of the
357 Commonwealth appointed at large without regard to political affiliation but with due consideration of
358 geographical representation. Appointees shall be selected for their ability, and all appointments shall be
359 of such nature as to aid the work of the Council and to inspire the highest degree of cooperation and
360 confidence.

361 C. After the initial staggering of terms, all appointments shall be for four-year terms.

362 Appointments to fill vacancies shall be for the unexpired term. No person having served on the
363 Council for two full consecutive terms shall be eligible for reappointment to the Council for two years
364 thereafter. The remainder of any term to which a member is appointed to fill a vacancy shall not
365 constitute a term in determining the member's eligibility to serve.

366 D. The Council shall elect a chairman and a vice-chairman from among its members and shall
367 appoint a secretary and such other officers as it deems necessary and prescribe their duties and terms of

office. The Council may adopt bylaws to govern its operations.

E. Members shall receive compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department for the Aging.

F. The Department for the Aging shall provide staff support to the Council.

§ 2.2-2627. Duties of the Council.

A. The Council shall have the following duties:

1. Examine the needs of older Virginians *and their caregivers* and ways in which state government can most effectively and efficiently assist in meeting those needs;

2. Advise the Governor and General Assembly on aging issues and aging policy for the Commonwealth;

3. Advise the Governor on any proposed regulations deemed by the Director of the Department of Planning and Budget to have a substantial and distinct impact on older Virginians *and their caregivers*. Such advice shall be provided in addition to other regulatory reviews required by the Administrative Process Act (§ 2.2-4000 et seq.);

4. Advocate ~~for~~ and ~~develop~~ *assist in developing* the Commonwealth's planning for meeting the needs of the growing number of older Virginians *and their caregivers*;

5. Advise the Governor and General Assembly regarding the activities of the Department for the Aging; and

6. Assist and advise the Department with the development and ongoing review of the Virginia Respite Care Grant Program pursuant to Article 3 (§ 2.2-714 et seq.) of Chapter 7 of this title.

B. The Council may apply for and expend such grants, gifts, or bequests from any source as may become available in connection with its duties under this section, and may comply with such conditions and requirements as may be imposed in connection therewith.

C. For the purposes of this section, "older Virginians" means persons aged ~~sixty~~ 60 years and older. § 2.2-5510. Strategic plan.

A. Each agency shall develop and maintain a strategic plan for its operations. The plan shall include:

1. A statement of the mission, goals, strategies, and performance measures of the agency that are linked into the performance management system directed by long-term objectives;

2. Identification of priority and other service populations under current law and how those populations are expected to change within the time period of the plan;

3. An analysis of any likely or expected changes in the services provided by the agency; and

4. An analysis of the impact that the aging of the population will have on its ability to deliver services and a description of how the agency is responding to these changes. Each agency shall report ~~by November 15 of each year to every four years in a manner and time frame established by the Secretary of Health and Human Resources in coordination with the Department for the Aging its progress in addressing the impact of the aging of the population, according to guidance established by the Secretary of Health and Human Resources. Based upon information received, the Department for the Aging shall prepare a report summarizing the progress made by the agencies and submit such report to the Governor and the General Assembly by June 30 of the following year incorporate this information into the Plans for Aging Services required pursuant to § 2.2-703.1.~~

B. Strategic plans shall also include the following information:

1. Input, output, and outcome measures for the agency;

2. A description of the use of current agency resources in meeting current needs and expected future needs, and additional resources that may be necessary to meet future needs; and

3. A description of the activities of the agency that have received either a lesser priority or have been eliminated from the agency's mission or work plan over the previous year because of changing needs, conditions, focus, or mission.

C. The strategic plan shall cover a period of at least two years forward from the fiscal year in which it is submitted and shall be reviewed by the agency annually.

D. Each agency shall post its strategic plan on the Internet.

2. That § 2.2-709 of the Code of Virginia is repealed.