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HOUSE BILL NO. 674

Offered January 9, 2008

Prefiled January 8, 2008

A BILL 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 five-year plan for aging.

Patron—Alexander

Referred to Committee on General Laws

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

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59 center;

60 11. Serve as the focal point for the rights of older Virginians and their families by establishing,
61 maintaining and publicizing a toll-free number to provide resource and referral information, and to
62 provide such other assistance and advice as may be requested; and

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

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

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

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

73 § 2.2-703.1. Powers and duties of Department relating to five-year plan; report.

74 A. The Department shall develop and maintain a five-year plan for aging services in the
75 Commonwealth. In developing the plan, the Department shall consult state and local agencies,
76 including, but not limited to, the Department of Health; the Department of Housing and Community
77 Development; the Department of Mental Health, Mental Retardation and Substance Abuse Services; the
78 Department of Rehabilitative Services; the Department of Social Services; and the Department of
79 Transportation, as well as businesses and nonprofit organizations serving the aging population, as the
80 Department deems appropriate.

81 B. The five-year plan shall include factors for the Department to consider in determining when
82 additional funds may be needed for certain programs or services. The following shall be included in
83 these factors:

84 1. Changes in population, with particular attention paid to low-income, minority, and non-English
85 speaking populations.

86 2. Unmet needs for services, as reported by various state agencies, including the Department of
87 Health; the Department of Housing and Community Development; the Department of Mental Health,
88 Mental Retardation and Substance Abuse Services; the Department of Rehabilitative Services; the
89 Department of Social Services; and the Department of Transportation.

90 3. Annual needs surveys, conducted by the Department or any other state or local agency.

91 4. Transportation and delivery of services problems, as reported throughout the Commonwealth.

92 5. Follow-up surveys with both consumers of services and those who refuse services due to an
93 inability to pay or for any other reason.

94 6. Customer satisfaction with services.

95 7. Illiteracy and other language barriers to delivery of services.

96 8. Nutrition, level of physical activity, and other lifestyle choices among the aging population.

97 9. Any other factors the Department deems appropriate.

98 C. In carrying out his duties under this section, the Commissioner shall report by November 30 of
99 each year to the Governor and the General Assembly the on the status of aging services in the
100 Commonwealth.