

# RPEA LEGISLATIVE BILL SUMMARY REPORT 10/13/2023 ON BEHALF OF PAT & AARON - AARON READ & ASSOCIATES

## [AB 48](#)

### **(Aguiar-Curry D) Nursing Facility Resident Informed Consent Protection Act of 2023.**

**Current Text:** Enrollment: 9/20/2023 [html](#) [pdf](#)

**Introduced:** 12/5/2022

**Last Amend:** 9/8/2023

**Status:** 9/20/2023-Enrolled and presented to the Governor at 4 p.m.

**Location:** 9/20/2023-A. ENROLLED

**Summary:** Existing law provides for the licensure and regulation of health facilities, including skilled nursing facilities and intermediate care facilities, by the State Department of Public Health. Existing law requires skilled nursing facilities and intermediate care facilities to have written policies regarding the rights of patients. This bill would add to these rights the right of every resident to receive the information that is material to an individual's informed consent decision concerning whether to accept or refuse the administration of psychotherapeutic drugs, as specified. This bill would also add the right to be free from psychotherapeutic drugs used for the purpose of resident discipline or convenience, or from psychotherapeutic drugs used as a chemical restraint except in an emergency, as specified. Under the bill, all residents of skilled nursing facilities, intermediate care facilities, and hospice facilities would have the right to appeal an involuntary transfer or discharge through the appeal process, as specified, regardless of a resident's payment source or the Medi-Cal or Medicare certification status of the facility in which the resident resides.

<b>Client</b>	<b>Position</b>	<b>Priority</b>	<b>Assigned To</b>
RPEA	S	PM	AR, PM

## [AB 486](#)

### **(Kalra D) Long-term health facilities: citation appeals.**

**Current Text:** Amended: 7/3/2023 [html](#) [pdf](#)

**Introduced:** 2/7/2023

**Last Amend:** 7/3/2023

**Status:** 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was JUD. on 6/14/2023)(May be acted upon Jan 2024)

**Location:** 7/14/2023-S. 2 YEAR

**Summary:** The Long-Term Care, Health, Safety, and Security Act of 1973 generally requires the State Department of Public Health to license and regulate long-term health care facilities and to establish an inspection and reporting system to ensure that long-term health care facilities are in compliance with state statutes and regulations. The act divides violations into classes AA, A, and B, depending on the severity and probability of the harm resulting or that could result from the violation. Under existing law, if a licensee decides to contest a class "AA" or "A" citation, the licensee is required, within 15 business days of the service of the citation, to inform the director of the licensee's intent to adjudicate the validity of the violation in the superior court, and to file that action within 90 days, as specified. Current law requires a licensee who desires to contest a class "B" citation to, within 15 working days after service of the citation, notify the director or the director's designee that the licensee wishes to appeal the citation through specified department administrative adjudicatory procedures, or elects to submit the matter to binding arbitration through the American Arbitration Association. This bill would delete the civil action provisions for contesting a class "AA" or "A" citation, and would make those citation classifications subject to the administrative proceedings applicable for contesting a class "B" citation. The bill would authorize an administrative law judge to affirm, modify, or dismiss a citation, the class of a citation, or the proposed penalty. The bill would authorize a licensee to seek judicial review of an administrative law judge's decision. The bill would make related conforming changes and various technical, nonsubstantive changes.

<b>Client</b>	<b>Position</b>	<b>Priority</b>	<b>Assigned To</b>
RPEA	O2	PM	AR, PM

## [AB 729](#)

### **(Bonta D) Elder abuse.**

**Current Text:** Introduced: 2/13/2023 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Status:** 5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/13/2023)(May be acted upon Jan 2024)

**Location:** 5/5/2023-A. 2 YEAR

**Summary:** Would state the intent of the Legislature to enact legislation pertaining to scams targeting vulnerable seniors and their communities.

Client	Position	Priority	Assigned To
RPEA	W	PM	AR, PM

**AB 739 (Lackey R) Public retirement systems: defined benefit plans: funding.**

**Current Text:** Introduced: 2/13/2023 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was P.E. & R. on 2/23/2023)(May be acted upon Jan 2024)

**Location:** 4/28/2023-A. 2 YEAR

**Summary:** The California Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system, as defined, to modify its plan or plans to comply with the act. PEPRA prohibits a public employer's contribution to a defined benefit plan, in combination with employee contributions to the plan, from being less than the normal cost rate, as defined, for the plan in a fiscal year. Current law authorizes a public retirement system to suspend contributions if certain conditions are satisfied, one of which is that the plan be funded by more than 120%, based on a computation by the retirement system actuary in accordance with specified standards, that is included in the annual valuation. This bill would revise the conditions for suspending contributions to a public retirement system defined benefit plan to increase the threshold percentage amount of plan funding to more than 130%.

Client	Position	Priority	Assigned To
RPEA	W	PM	AR, PM

**AB 820 (Reyes D) State boards and commissions: seniors.**

**Current Text:** Amended: 7/3/2023 [html](#) [pdf](#)

**Introduced:** 2/13/2023

**Last Amend:** 7/3/2023

**Status:** 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)

**Location:** 9/1/2023-S. 2 YEAR

**Summary:** Current law requires the Governor and every other appointing authority to, in making appointments to state boards and commissions, be responsible for nominating a variety of persons of different backgrounds, abilities, interests, and opinions in compliance with the policy that the composition of state boards and commissions shall be broadly reflective of the general public including ethnic minorities and women. This bill would require the composition of various advisory groups and bodies to include a state agency official responsible for administering programs that serve, or state commission official that advocates on behalf of, older adults, as defined, or a representative from an organization that serves or advocates on behalf of older adults.

Client	Position	Priority	Assigned To
RPEA	S2	PM	AR, PM

**AB 979 (Alvarez D) Long-term care: family councils.**

**Current Text:** Enrollment: 9/5/2023 [html](#) [pdf](#)

**Introduced:** 2/15/2023

**Last Amend:** 8/14/2023

**Status:** 9/5/2023-Enrolled and presented to the Governor at 3 p.m.

**Location:** 9/5/2023-A. ENROLLED

**Summary:** Current law requires the State Department of Public Health to license and regulate skilled nursing facilities (SNFs) and intermediate care facilities (ICFs). Current law requires the State Department of Social Services to license and regulate residential care facilities for the elderly (RCFEs). A violation of those licensing provisions is generally a crime. Existing law prohibits those facilities from prohibiting the formation of a family council, which is a meeting of family members, friends, or representatives of 2 or more residents to confer in private without facility staff. Current law prohibits those facilities from willfully interfering with the formation, maintenance, or promotion of a family council, as specified. This bill would make changes to the definition and scope of prohibited interference.

Client	Position	Priority	Assigned To
RPEA	S2	PM	AR, PM

**AB 1246 (Nguyen, Stephanie D) Public employees' retirement: Public Employees' Retirement System optional settlements: Judges' Retirement System II monthly allowance adjustments.**

**Current Text:** Amended: 9/1/2023 [html](#) [pdf](#)

**Introduced:** 2/16/2023

**Last Amend:** 9/1/2023

**Status:** 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)

**Location:** 9/14/2023-S. 2 YEAR

**Summary:** Current law permits a member of the Public Employees' Retirement System (PERS) who retires on or before December 31, 2017, to elect from among several optional settlements for the purpose of structuring the member's retirement allowance. Current law also permits a member of PERS who retires on or after January 1, 2018, to elect from among several other optional settlements for the purpose of structuring their retirement allowance. Current law prohibits a member who elects to receive specified optional settlements from changing the member's optional settlement and designated beneficiary after election of an optional settlement unless a specified event occurs, including the death of a beneficiary who predeceased the member, a dissolution of marriage or a legal separation in which the judgment dividing the community property awards the total interest in the retirement system to the retired member, or in an annulment of marriage in which the court confirms the annulment. This bill would, commencing January 1, 2025, permit a member who elected to receive a specified optional settlement at retirement, if the member's former spouse was named as beneficiary and a legal judgment awards only a portion of the interest in the retirement system to the retired member, to elect to add their new spouse as the beneficiary of the member's interest, subject to meeting certain conditions.

<b>Client</b>	<b>Position</b>	<b>Priority</b>	<b>Assigned To</b>
RPEA	COSPONSOR	PM	AR, PM

**[AB 1410](#) (Ta R) Office of the State Long-Term Care Ombudsman: advisory council.**

**Current Text:** Introduced: 2/17/2023 [html](#) [pdf](#)

**Introduced:** 2/17/2023

**Status:** 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was AGING & L.T.C. on 3/9/2023)(May be acted upon Jan 2024)

**Location:** 4/28/2023-A. 2 YEAR

**Summary:** The Mello-Granlund Older Californians Act establishes the Office of the State Long-Term Care Ombudsman, under the direction of the State Long-Term Care Ombudsman, in the California Department of Aging. Current law requires the State Long-Term Care Ombudsman to ensure that residents have regular and timely access to the services provided through the office. Current law requires the department to establish an 11-member advisory council for the office to provide advice and consultation to the State Long-Term Care Ombudsman Program and the Director of the California Department of Aging on issues affecting the provision of ombudsman services, including the review of proposed policy changes to the operation of the program, and to make recommendations, within 30 days, as appropriate. Current law requires the department to notify the advisory council at least 30 days before designating a new organization or agency as an approved organization. This bill would instead require the department to establish a 13-member advisory council. The bill would extend the timeframe for the advisory council to consult with and make recommendations to the State Long-Term Care Ombudsman Program and the director from 30 days to 45 days.

<b>Client</b>	<b>Position</b>	<b>Priority</b>	<b>Assigned To</b>
RPEA	S1	PM	AR, PM

**[SB 252](#) (Gonzalez D) Public retirement systems: fossil fuels: divestment.**

**Current Text:** Amended: 5/18/2023 [html](#) [pdf](#)

**Introduced:** 1/30/2023

**Last Amend:** 5/18/2023

**Status:** 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was P.E. & R. on 6/8/2023)(May be acted upon Jan 2024)

**Location:** 7/14/2023-A. 2 YEAR

**Summary:** Would prohibit the boards of the Public Employees' Retirement System and the State Teachers' Retirement System from making new investments or renewing existing investments of public employee retirement funds in a fossil fuel company, as defined. The bill would require the boards to liquidate investments in a fossil fuel company on or before July 1, 2031. The bill would temporarily suspend the above-described liquidation provision upon a good faith determination by the board that certain conditions materially impact normal market mechanisms for pricing assets, as specified, and would make this suspension provision inoperative on January 1, 2035. The bill would provide that it does not require a board to take any action unless the board determines in

good faith that the action is consistent with the board's fiduciary responsibilities established in the California Constitution.

Client	Position	Priority	Assigned To
RPEA	W	PM	AR, PM

**SB 278** **(Dodd D) Elder abuse.**

**Current Text:** Amended: 5/16/2023 [html](#) [pdf](#)

**Introduced:** 2/1/2023

**Last Amend:** 5/16/2023

**Status:** 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was B. & F. on 6/1/2023)(May be acted upon Jan 2024)

**Location:** 7/14/2023-A. 2 YEAR

**Summary:** The Elder Abuse and Dependent Adult Civil Protection Act establishes various procedures for the reporting, investigation, and prosecution of elder and dependent adult abuse. Current law defines financial abuse for those purposes and provides that it occurs when, among other instances, a person or entity takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both. Current law requires a person or entity to be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes the property and the person or entity knew or should have known that the conduct is likely to be harmful to the elder or dependent adult. Current law requires the court to award specified costs if a defendant is found liable for financial abuse, as specified. Current law makes the failure to report, or impeding or inhibiting a report of, among other things, financial abuse of an elder or dependent adult, in violation of certain reporting requirements a misdemeanor. This bill would add to the definition of "financial abuse" knowingly aiding and abetting in the taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both. The bill would also define "assists" for those purposes.

Client	Position	Priority	Assigned To
RPEA	S2	PM	AR, PM

**SB 300** **(Seyarto R) Public employees' retirement: fiscal impact: information.**

**Current Text:** Amended: 5/3/2023 [html](#) [pdf](#)

**Introduced:** 2/2/2023

**Last Amend:** 5/3/2023

**Status:** 6/2/2023-Failed Deadline pursuant to Rule 61(a)(8). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)

**Location:** 6/2/2023-S. 2 YEAR

**Summary:** Would require the Legislative Analyst to prepare a pension fiscal impact analysis on any measure introduced on or after January 1, 2024, that is referred to the Senate Labor, Public Employment and Retirement Committee, or any successor committee, as specified, and that requires a public retirement system to take prescribed action, including the divestiture of an existing investment. The bill would require the California Actuarial Advisory Panel and the affected public retirement system to provide assistance to the Legislative Analyst in preparing the analysis. By requiring the boards of local public retirement systems to take specified actions, this bill would impose a state-mandated local program. The bill would require the Legislative Analyst to develop specified criteria, including, at a minimum, the likely short-term and long-term costs to the General Fund, as prescribed.

Client	Position	Priority	Assigned To
RPEA	W	PM	AR, PM

**SB 660** **(Alvarado-Gil D) Public employees' retirement systems: California Public Retirement System Agency Cost and Liability Panel.**

**Current Text:** Amended: 3/21/2023 [html](#) [pdf](#)

**Introduced:** 2/16/2023

**Last Amend:** 3/21/2023

**Status:** 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

**Location:** 5/19/2023-S. 2 YEAR

**Summary:** Would establish the California Public Retirement System Agency Cost and Liability Panel, located in the Controller's office, with members as defined. The bill would assign

responsibilities to the panel related to retirement benefit costs, including determining how costs and unfunded liability are apportioned to a public agency when a member changes employers within the same public retirement system or when a member concurrently retires with 2 or more retirement systems that have entered into reciprocity agreements. The bill would require the panel to meet no later than March 31, 2024, and quarterly beginning on April 1, 2024, and to submit a report to the Legislature, no later than December 31, 2024, providing information regarding the financial impact a public agency assumes when an employee transfers to another public agency within the same retirement system or when an employee transfers to a public agency in a reciprocal retirement system and concurrently retires under 2 or more systems.

<b>Client</b>	<b>Position</b>	<b>Priority</b>	<b>Assigned To</b>
RPEA	W	PM	AR, PM

**Total Measures: 12**  
**Total Tracking Forms: 12**