

1 [Supporting California State Assembly Bill 50 (Kalra) - Expansion of the State Assisted Living
2 Waiver Program]

3 **Resolution urging the Board of Supervisors to support California State Assembly Bill**
4 **50, Medi-Cal: Assisted Living Waiver program expansion statewide and advocate for**
5 **greater slots to be allocated to San Francisco residents, authored by Assembly**
6 **Member Ash Kalra.**

7
8 WHEREAS, In 1999, the United States Supreme Court ruled in the case of Olmstead v.
9 L.C. (1999) 527 U.S. 581, finding that the unnecessary institutionalization of people with
10 disabilities is a violation of the federal Americans with Disabilities Act of 1990 (ADA), thereby
11 establishing the right of individuals with disabilities to receive services in the most integrated
12 setting; and

13 WHEREAS, To meet the intent of the Olmstead decision, it is the state's obligation to
14 ensure that individuals have access to an array of necessary services and supports that meet
15 each person's needs and preferences, regardless of age or degree of disability; and

16 WHEREAS, The Assisted Living Waiver (ALW) program has provided a valuable
17 alternative to institutionalization for individuals whose care needs qualify them for Medicaid
18 coverage of nursing facility care and who meet the criteria for admission to a licensed
19 residential care facility for the elderly; and

20 WHEREAS, The Assisted Living Waiver is a Medi-Cal Home and Community-Based
21 Services waiver program that supports individuals who require skilled nursing level of care to
22 delay placement in skilled nursing facilities; and

23 WHEREAS, Demand for the ALW program has outpaced supply and has operated with
24 a significant waiting list across 15 counties: the Counties of Alameda, Contra Costa, Fresno,
25

1 Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San
2 Francisco, San Joaquin, San Mateo, Santa Clara, and Sonoma; and

3 WHEREAS, Despite the demand for the program, a number of challenges prevent the
4 program from realizing its potential, including a dearth of available providers, little awareness
5 of the program, low reimbursement rates that hamper provider participation, lack of availability
6 across the remaining 43 counties that do not participate in the program, and ineffective
7 administrative requirements; and

8 WHEREAS, According to the 2017 Long-Term Services and Supports Scorecard,
9 almost 11% of California's 101,000 nursing home residents, or 11,000 individuals, are
10 identified as having low-care needs; and

11 WHEREAS, As an alternative to institutionalization, these individuals could receive
12 care in the community, or in assisted living settings; and

13 WHEREAS, However, for many of those individuals, either the opportunities to
14 transition do not exist or these individuals are unaware of the alternatives; and

15 WHEREAS, In San Francisco, seniors age 60 and older account for 20% (165,138)
16 and adults with disabilities account for 4% (35,101) of the City's total population, according to
17 San Francisco's Human Services Agency 2016 assessment; and

18 WHEREAS, San Francisco's older adult population is the fastest age group and will
19 grow to nearly 30% of the City's total population by 2030; and

20 WHEREAS, A majority of San Francisco's older adults live on fixed incomes, with 14%
21 living below the federal poverty level; and

22 WHEREAS, The average Social Security benefits are \$15,214 a year; and

23 WHEREAS, The average cost needed for a single older renter to meet basic needs is
24 \$31,488; and
25

1 WHEREAS, The average cost needed for a single older homeowner to meet basic
2 needs is \$42,024; and

3 WHEREAS, Nearly 30% of San Francisco's older adults are living alone and social
4 isolation increases the risk of exacerbating physical, mental and emotional health issues; and

5 WHEREAS, The average cost for in-home support services in San Francisco is
6 \$32,880 and becoming increasingly expensive; and

7 WHEREAS, Assisted Living Facilities provide a critical type of community-based
8 housing as part of the City's continuum of care; and

9 WHEREAS, Providing an adequate supply of affordable Assisted Living Facilities and
10 publicly funded subsidies are critical to supporting seniors to age in place; and

11 WHEREAS, Assisted Living, particularly affordable assisted living facilities have
12 declined by 26% in San Francisco since 2012, due to high costs of operation and other
13 factors; and

14 WHEREAS, The average monthly rate for an assisted living facility placement is
15 \$4,382; and

16 WHEREAS, Average daily ALW subsidies range from \$65 to \$102 depending on level
17 of care; and

18 WHEREAS, The ALW slots are allocated on a first come, first served basis; and

19 WHEREAS, It currently takes an average 12-15 months to reach the top of the waitlist;
20 and

21 WHEREAS, Currently there are only five San Francisco assisted living facilities with
22 ALW-certified beds; and

23 WHEREAS, As part of California's efforts to realize its commitment to the Olmstead
24 decision, the participant population of the Assisted Living Waiver program should be
25 increased, while also addressing the programmatic issues impacting its effectiveness; and

1 WHEREAS, The Assisted Living Waiver program reached its capacity of 3,700
2 participants in March 2017; and

3 WHEREAS, As of January 2019, there were about 4,000 people on the centralized
4 ALW waitlist; and

5 WHEREAS, In Fiscal Year 2018-2019, the program will be expanded by an additional
6 2,000 slots, from 3,744 to 5,744 slots, as authorized by Governor Brown; and

7 WHEREAS, The available waitlist data suggests at least 103 individuals have
8 expressed a need for subsidized Assisted Living Facility placement through City-funded
9 Department of Health, Department of Aging and Adult Services, and the state-funded Assisted
10 Living Waiver program; and

11 WHEREAS, Last year, Assembly Member Ash Kalra (AD-27, San Jose) introduced
12 legislation to expand the ALW program by an additional 12,800 over five years, totaling
13 18,500 slots state-wide; and

14 WHEREAS, Though the state legislature passed the bill, it was vetoed by Governor
15 Brown on the basis of allowing time for the 2,000 slot expansion to be first implemented and
16 evaluated; and

17 WHEREAS, On December 3, 2018, Assembly Member Kalra reintroduced his
18 legislation as Assembly Bill 50; and

19 WHEREAS, The Assisted Living Facilities Workgroup convened by Mayor London
20 Breed and Supervisor Norman Yee produced a report this January 2019 recommending that
21 the City and County of San Francisco support and advocated for the state passage of AB 50;
22 and

23 WHEREAS, The Workgroup advises the City should explore further options to
24 advocate for a significant number of slots to be assigned to San Francisco and for
25

1 reimbursement rates to be regionally-based to account for higher costs in urban counties; ;
2 now, therefore, be it

3 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
4 supports AB50 as a strategy to mitigate the number of out-of-county placements and
5 preventing homelessness of older adults and adults with disabilities; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
7 Francisco urges our local delegation who represent San Francisco in the State Legislature to
8 support AB50 – the Medi-Cal: Assisted Living Waiver program; and, be it

9 FURTHER RESOLVED, That the Clerk of the Board be directed to send a copy of this
10 resolution to the office of Assembly Member Ash Kalra; Assembly Members Jim Wood and
11 Chad Mayes, Chairs of the Assembly Health Committee; and Governor Gavin Newsom.