

Date of Hearing: April 28, 2025

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Rhodesia Ransom, Chair

AB 1068 (Bains) – As Amended April 3, 2025

SUBJECT: Emergency services available during natural disasters

SUMMARY: Requires the Secretary of the California Health and Human Services Agency (CalHHS) to develop a working group to make recommendations, and submit a report, regarding the evacuation and sheltering needs of older adults and persons with disabilities living in long-term care facilities during emergencies. Specifically, **this bill:**

- 1) Requires the Secretary of CalHHS to develop a working group, by January 1 2026, to make recommendations regarding the best policies and practices for the evacuation and sheltering needs of older adults and persons with disabilities living in long-term care facilities during emergencies, including, but not limited to, mutual aid evacuations, in coordination with all of the following:
 - a. The California Department of Aging.
 - b. The California Department of Rehabilitation.
 - c. The Emergency Medical Services Authority.
 - d. The Office of Emergency Services.
 - e. The Office of the State Long-Term Ombudsman.
 - f. The State Department of Public Health.
 - g. The State Department of Social Services.
 - h. Stakeholders representing long-term care facility operators, staff, and residents, local government, foundations, and academic researchers.
- 2) Requires the Secretary of CalHHS to submit the workgroup recommendations in a report to the Office of the Governor and the legislature that includes, but is not limited to, the identification of statutory and regulatory changes necessary, as specified.
- 3) Repeals these requirements on January 1, 2030.

EXISTING LAW:

- 1) Establishes, in federal law, the Older Americans Act (OAA), which promotes the well-being of Americans 60 years old and above through services and programs designed to meet their needs. (42 United States Code (USC.) § 3001, et seq.)
- 2) Establishes the California Health and Human Services Agency (CalHHS) and consists of the following departments: Aging; Community Services and Development; Developmental Services; Health Care Services; Managed Health Care; Public Health; Rehabilitation; Social Services; and State Hospitals. (GOV § 12800 et seq.)
- 3) Establishes the Mello-Granlund Older Californians Act (OCA), which establishes CDA, and sets forth its duties and powers, including, among other things, entering into a contract for the development of information and materials to educate Californians on the concept of “aging in place.” (WIC § 9100 et seq.)

- 4) Requires the Secretary of California Health and Human Services (CalHHS), in coordination with the Director of CDA, to lead the development and implementation of the Master Plan for Aging established pursuant to Executive Order N-14-19. (WIC § 9850).
- 5) Defines “long-term health care facility” to mean a skilled nursing facility (SNF); intermediate care facility (ICF), including an ICF for individuals with developmental disabilities, as specified, a congregate living health facility; a nursing facility, and a pediatric day health and respite care facility. (HSC § 1418)
- 6) Establishes the “California Residential Care Facilities for the Elderly (RCFE) Act” to provide for the licensure and regulation of RCFEs as a separate category within the existing licensing structure of CDSS. (HSC § 1569 et seq.)
- 7) Defines “residential care facility for the elderly” (RCFE) to mean a housing arrangement chosen voluntarily by individuals ages 60 and older, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. (HSC § 1569.2)
- 8) Mandates RCFEs have an emergency and disaster plans, as specified (HSC § 1569.695)
- 9) Establishes the California Office of Emergency Services (Cal OES) within the office of the Governor and makes Cal OES responsible for the state’s emergency and disaster response services for natural, technological, or manmade disasters and emergencies, including responsibility for activities necessary to prevent, respond to, recover from, and mitigate the effects of emergencies and disasters to people and property. (Government Code 8550)
- 10) Authorizes the Governor to proclaim a state of emergency, when specified disaster conditions are met (Government Code 8625 and 8558)
- 11) Under the California Emergency Services Act, defines a state of emergency to mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as, among others, air pollution, fire, flood, and storm. (Government Code 8558)
- 12) Authorizes the Governor to make, amend, and rescind orders and regulations necessary to carry out the provisions of the California Emergency Services Act, requires the orders and regulations to have the force and effect of law, and requires orders and regulations, or amendments or rescissions to orders and regulations, issued during a state of war emergency or state of emergency to be in writing and to take effect immediately upon their issuance. (Government. Code 8567)
- 13) Requires the Governor to coordinate the State Emergency Plan (SEP) and integrate plans and programs that mitigate against emergencies into the SEP, as specified (Government Code 8569).

- 14) Requires Cal OES to coordinate with representatives, as specified, from the access and functional needs (AFN) population to integrate the AFN population into the SEP (Government Code 8570.4).

FISCAL EFFECT: Unknown. A fiscal committee has not yet heard this bill.

COMMENTS:

Purpose of this bill: According to the author, “Countless emergencies across the state and in my own district have highlighted the need to include our most vulnerable residents into the greater mutual aid plan for California. As a physician working throughout the pandemic, I can relay the difficulties experienced in the health care field and the struggles I personally identified trying to locate openings and placement for those in greatest need. Including a robust stakeholder process will ensure everyone who plays a role, will do so with older adults, people with disabilities and their care needs are included.”

Equity Impact: According to the author’s staff, “Older adults and people with disabilities who live in facilities are some of the most vulnerable in our state.”

Long Term Care Facilities: Residential Care Facilities for the Elderly (RCFEs), often called assisted living facilities, provide housing, personal care, and support with daily activities like bathing, dressing, eating, and walking for people 60 and older. These facilities range from small homes with just a few residents to larger communities with over 100 residents across California. While they offer 24-hour staffing and support, they are non-medical facilities, so they’re not required to have nurses or doctors on site. RCFEs are licensed and regulated by the California Department of Social Services (CDSS). In contrast, Skilled Nursing Facilities (SNFs) and Intermediate Care Facilities (ICFs) are medical facilities licensed by the California Department of Public Health (CDPH). SNFs provide long-term skilled nursing care, while ICFs serve patients who need ongoing supervision and support but not constant skilled care. There are also ICFs specifically for individuals with intellectual disabilities (ICF/IIDs), which must be approved by the Department of Developmental Services before CDPH licensing.

State Emergency Plan: The SEP describes how response to natural or human- caused emergencies occurs in California. The plan is a requirement of the California Emergency Services Act (ESA), and describes methods for conducting emergency operations, the process for rendering mutual aid, emergency services of government agencies, how resources are mobilized, how the public is informed, and how continuity of government is maintained during emergency. The SEP defines Emergency Support Functions (ESF) which are discipline-specific groups that develop functional annexes to set goals, objectives, operational concepts, capabilities, organization structures, and related policies and procedures.

Under the SEP, there are 18 ESFs led by a state agency and represent an alliance of state government and other stakeholders with similar functional responsibilities.

Mass Care and Shelter CA-ESF 6: The CA-ESF 6 Mass Care and Shelter (MCS) is one of the annexes in the SEP. The lead agency for CA-ESF is the California Department of Social Services (CDSS). The stakeholders participating in CA-ESF 6 provide coordination, collaboration, and resource identification for MCS activities. This function supports the local and state emergency

management capabilities and minimizes the humanitarian impact of disasters and other emergencies through all phases of emergency management: mitigation, preparedness, response, and recovery.

MCS coordination includes, but is not limited to:

1. Mass feeding services.
2. Human services at congregate and non-congregate shelters
3. Support for distribution of humanitarian supplies.
4. Reunification services.
5. Support for individuals with disabilities, older adults, and others with access and functional needs (AFN).
6. Sheltering support.

Whole Community Preparedness: FEMA, in both their 2022-2026 *Strategic Plan* and their emergency planning guidelines (*Comprehensive Preparedness Guide 101, Version 2.0*) articulate the need to build a culture of preparedness by ensuring representation, equity, and services for under-represented diverse populations that may be more impacted by disasters including children, seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity, LGBTQ+ communities, and other underserved populations.

Cal OES's Office of Diversity, Equity, and Inclusion: In response to Governor Newsom's 2022 Executive Order, N-15-22, Cal OES created the Office of Diversity, Equity, and Inclusion. The goals of this Office is to make emergency management equity-centered, elevate and expand current equity and access programs, and integrate equity and engagement principles throughout Cal OES's actions, policies, programs, and procedures, both internally and externally. According to Cal OES, the Office of Diversity, Equity, and Inclusion works to ensure that principles of equity, justice, inclusion, transparency, and accountability govern all aspects of emergency services.

Cal OES's Office of Access and Functional Needs: In 2008, Cal OES established the Office of Access and Functional Needs (AFN). The office identifies the needs of persons with AFN, defined as those with developmental, intellectual, or physical disabilities; chronic conditions or injuries; limited English proficiency or non-English speaking; older adults; children, or pregnant women; those living in institutional settings; who are low-income; homeless; and from diverse cultures. Cal OES offers AFN-related training, guidance, and technical assistance to emergency managers, disability advocates, and other service providers.

If requested, Cal OES will review each county's emergency plans, in consultation with individuals with various AFNs, to determine whether the plans are consistent with best practices and guidance issued by FEMA.

California State Auditor Report: On December 5, 2019, the California State Auditor released an audit entitled "*California Is Not Adequately Prepared to Protect Its Most Vulnerable Residents from Natural Disasters*" (Report No. 2019-134). The report highlighted deficiencies in state and local emergency preparations for addressing the needs of people with access and functional needs. The report states, "Cal OES is uniquely positioned to observe, collect, and disseminate information about lessons learned during natural disasters across the State. As the agency tasked

with coordinating state resources and mutual aid in response to those jurisdictions requesting assistance during an emergency, Cal OES has the opportunity to observe those jurisdictions' successes and struggles during natural disasters. It can identify problems caused by gaps in the jurisdictions' emergency preparedness and determine how frequently similar issues arise across jurisdictions."

Double Referred: This bill was first referred to the Assembly Committee on Aging and Long-Term Care and passed with a 6-0-1 vote on April 22, 2025.

Arguments in Support: LeadingAge California, a sponsor of the bill, writes in support, "Intensified by climate change, California continues to face devastating and unprecedented natural disasters. Unfortunately, older adults are often overlooked in emergency planning and response, leaving them disproportionately vulnerable. LeadingAge California has long been a champion for the creation of a comprehensive long-term care emergency response system that would significantly enhance the efficiency and effectiveness of evacuations, surge capacity management, and resource distribution for long-term care facilities during both localized and large-scale disasters. It is our hope that the work group outlined in AB 1068 will ultimately result in the creation of this much needed system to assist long-term care communities to ensure the safe evacuation of residents, many of whom have diverse and specialized care needs. We believe AB 1068 will foster an essential discussion with relevant stakeholders to ensure the system meets the needs of existing emergency response systems, state agencies, long-term care providers and the older adults they serve."

Related Legislation:

AB 1069 (Bains) of this session. Requires local jurisdictions, as specified, to coordinate with Area Agencies on Aging (AAAs) or Aging and Disability Resource Connection (ADRC) programs through a memorandum of understanding (MOU) to ensure these organizations have access to emergency shelters during disasters. (Pending in the Assembly Emergency Management Committee)

AB 719 (Calderon) of this session. Requires each county to review and update its emergency plan at least every 2 years. (Pending in the Assembly Emergency Management Committee)

REGISTERED SUPPORT / OPPOSITION:

Support

Alzheimer's Association
California Senior Legislature
Center for Environmental Health
LeadingAge California
The Arc and United Cerebral Palsy California Collaboration

Opposition

None on file.

Analysis Prepared by: Ryan Fleming / E.M. / (916) 319-3802