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

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

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

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

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

WHEREAS, Demand for the ALW program has outpaced supply and has operated with a significant waiting list across 15 counties: the Counties of Alameda, Contra Costa, Fresno,
WHEREAS, Despite the demand for the program, a number of challenges prevent the program from realizing its potential, including a dearth of available providers, little awareness of the program, low reimbursement rates that hamper provider participation, lack of availability across the remaining 43 counties that do not participate in the program, and ineffective administrative requirements; and

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

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

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

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

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

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

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

WHEREAS, The average cost needed for a single older renter to meet basic needs is $31,488; and
WHEREAS, The average cost needed for a single older homeowner to meet basic needs is $42,024; and
WHEREAS, Nearly 30% of San Francisco’s older adults are living alone and social isolation increases the risk of exacerbating physical, mental and emotional health issues; and
WHEREAS, The average cost for in-home support services in San Francisco is $32,880 and becoming increasingly expensive; and
WHEREAS, Assisted Living Facilities provide a critical type of community-based housing as part of the City’s continuum of care; and
WHEREAS, Providing an adequate supply of affordable Assisted Living Facilities and publicly funded subsidies are critical to supporting seniors to age in place; and
WHEREAS, Assisted Living, particularly affordable assisted living facilities have declined by 26% in San Francisco since 2012, due to high costs of operation and other factors; and
WHEREAS, The average monthly rate for an assisted living facility placement is $4,382; and
WHEREAS, Average daily ALW subsidies range from $65 to $102 depending on level of care; and
WHEREAS, The ALW slots are allocated on a first come, first served basis; and
WHEREAS, It currently takes an average 12-15 months to reach the top of the waitlist; and
WHEREAS, Currently there are only five San Francisco assisted living facilities with ALW-certified beds; and
WHEREAS, As part of California’s efforts to realize its commitment to the Olmstead decision, the participant population of the Assisted Living Waiver program should be increased, while also addressing the programmatic issues impacting its effectiveness; and
WHEREAS, The Assisted Living Waiver program reached its capacity of 3,700 participants in March 2017; and

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

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

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

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

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

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

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

WHEREAS, The Workgroup advises the City should explore further options to advocate for a significant number of slots to be assigned to San Francisco and for
reimbursement rates to be regionally-based to account for higher costs in urban counties; now, therefore, be it

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

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

FURTHER RESOLVED, That the Clerk of the Board be directed to send a copy of this resolution to the office of Assembly Member Ash Kalra; Assembly Members Jim Wood and Chad Mayes, Chairs of the Assembly Health Committee; and Governor Gavin Newsom.
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February 12, 2019 Board of Supervisors - ADOPTED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 2/12/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

2/22/2019
Date Approved