

S T A T E O F N E W Y O R K

4990--A

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommitted to the Committee on Aging in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the elder law, in relation to financial exploitation of the elderly and to amend the state finance law, in relation to creating the financial exploitation outreach, education and training fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 202 of the elder law is amended by adding a new
2 subdivision 15 to read as follows:
3 15. TO CONDUCT AN OUTREACH, EDUCATION AND TRAINING PROGRAM FOR FINAN-
4 CIAL INSTITUTIONS AS DEFINED IN SUBDIVISION SIX OF SECTION 470.00 OF THE
5 PENAL LAW.
6 S 2. The elder law is amended by adding a new section 219-a to read as
7 follows:
8 S 219-A. FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING
9 PROGRAM. 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE TERM
10 "DESIGNATED AGENCY" SHALL HAVE THE MEANING ASCRIBED TO IT UNDER SECTION
11 TWO HUNDRED FOURTEEN OF THIS TITLE AND "FINANCIAL INSTITUTION" SHALL
12 HAVE THE MEANING ASCRIBED TO IT IN SUBDIVISION SIX OF SECTION 470.00 OF
13 THE PENAL LAW.
14 2. THE DIRECTOR, WITHIN THE AMOUNTS APPROPRIATED THEREFOR, SHALL, IN
15 CONJUNCTION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE
16 BANKING DEPARTMENT, ESTABLISH A FINANCIAL EXPLOITATION OUTREACH, EDUCA-
17 TION AND TRAINING PROGRAM, HEREINAFTER REFERRED TO AS "THE PROGRAM" FOR
18 THE PURPOSE OF PROVIDING AN EDUCATION, OUTREACH AND TRAINING PROGRAM TO
19 FINANCIAL INSTITUTIONS, TO CERTIFIED PUBLIC ACCOUNTANTS LICENSED IN THIS
20 STATE, TO ANY PREPARER OF TAXES OPERATING IN THIS STATE AND TO ATTORNEYS
21 LICENSED IN THIS STATE. THE PROGRAM SHALL BE A VOLUNTARY PROGRAM. THE

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 DIRECTOR, IN CONJUNCTION WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES
2 AND THE BANKING DEPARTMENT, SHALL COORDINATE ACTIVITIES TO IDENTIFY AND
3 PROVIDE TRAINING TO THE INSTITUTIONS AND INDIVIDUALS DESCRIBED IN THIS
4 SECTION.

5 3. (A) AS PART OF THE PROGRAM, THE DIRECTOR MAY AWARD GRANTS TO QUALI-
6 FIED DESIGNATED AGENCIES TO ESTABLISH LOCAL ELDERLY EXPLOITATION
7 OUTREACH, EDUCATION AND TRAINING PROGRAMS. QUALIFIED DESIGNATED AGENCIES
8 SHALL WORK COLLABORATIVELY WITH SUCH INSTITUTIONS AND INDIVIDUALS, AND
9 THEIR REPRESENTATIVE ASSOCIATIONS.

10 (B) IN MAKING SUCH GRANTS, THE DIRECTOR SHALL CONSIDER:

11 (1) THE MANNER IN WHICH THE DESIGNATED AGENCY PROPOSES TO PROVIDE SUCH
12 EDUCATION, OUTREACH AND TRAINING;

13 (2) THE CAPACITY OF THE DESIGNATED AGENCY TO COORDINATE ITS SERVICES
14 WITH BANKING, HUMAN SERVICE AND LAW ENFORCEMENT AND PUBLIC AGENCIES
15 WHICH PROVIDE SERVICES OR ASSISTANCE TO THE ELDERLY, INCLUDING THE LOCAL
16 DEPARTMENT OF SOCIAL SERVICES ADULT PROTECTIVE SERVICES UNIT; AND

17 (3) ANY OTHER CRITERIA DETERMINED BY THE DIRECTOR TO BE APPROPRIATE.

18 4. THE PROGRAM SHALL, AT A MINIMUM, CONSIST OF THE FOLLOWING ELEMENTS
19 WHICH SHALL BE PROVIDED BY THE OFFICE:

20 (A) EDUCATIONAL AND INFORMATIONAL MATERIALS IN PRINT, AUDIO, VISUAL,
21 ELECTRONIC OR OTHER MEDIA;

22 (B) PUBLIC SERVICE ANNOUNCEMENTS, ADVERTISEMENTS, MEDIA CAMPAIGNS,
23 WORKSHOPS, MASS MAILINGS, CONFERENCES OR PRESENTATIONS; AND

24 (C) INSTRUCTIONS ON HOW TO REPORT KNOWN OR SUSPECTED INCIDENTS OF
25 FINANCIAL EXPLOITATION OF THE ELDERLY, INCLUDING THE APPROPRIATE TELE-
26 PHONE NUMBERS TO CALL AND THE TYPES OF INFORMATION THAT WOULD ASSIST THE
27 OFFICE WITH ITS INVESTIGATION OF SUCH REPORTS.

28 5. THE DIRECTOR SHALL CONVENE AN ADVISORY COMMITTEE MADE UP OF AT
29 LEAST TEN, BUT NO MORE THAN TWENTY MEMBERS TO ADVISE THE DIRECTOR AND
30 MAKE RECOMMENDATIONS ON THE ASPECTS OF DEVELOPING AND IMPLEMENTING THE
31 PROGRAM. MEMBERS OF THE ADVISORY COMMITTEE SHALL INCLUDE, BUT NOT BE
32 LIMITED TO: AT LEAST THREE REPRESENTATIVES FROM STATEWIDE SENIOR ADVOCA-
33 CY ORGANIZATIONS, AT LEAST ONE ATTORNEY WHOSE PRACTICE CONCENTRATES IN
34 ELDER LAW OR AN INDIVIDUAL ACTING ON BEHALF OF THE ELDER LAW SECTION OF
35 THE NEW YORK STATE BAR ASSOCIATION, AT LEAST ONE BANKER OR A REPRESEN-
36 TATIVE OF AN ASSOCIATION REPRESENTING BANKERS, AT LEAST ONE CERTIFIED
37 PUBLIC ACCOUNTANT OR A REPRESENTATIVE OF AN ASSOCIATION REPRESENTING
38 CERTIFIED PUBLIC ACCOUNTANTS, AT LEAST TWO MEMBERS REPRESENTING PROTEC-
39 TIVE SERVICE AGENCIES FOR ADULTS, AND AT LEAST TWO LAW ENFORCEMENT
40 REPRESENTATIVES.

41 S 3. The state finance law is amended by adding a new section 99-r to
42 read as follows:

43 S 99-R. FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND.

44 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE COMPTROLLER
45 AND THE SUPERINTENDENT OF BANKS A SPECIAL REVENUE FUND TO BE KNOWN AS
46 THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND.

47 2. THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND TRAINING FUND
48 SHALL CONSIST OF ALL MONEYS, APPROPRIATED THERETO, AND ALL OTHER FEES,
49 FINES, GRANTS, BEQUESTS OR OTHER MONIES CREDITED OR TRANSFERRED THERETO
50 FROM ANY OTHER FUND OR SOURCE.

51 3. THE MONEYS OF THE FINANCIAL EXPLOITATION, OUTREACH, EDUCATION AND
52 TRAINING FUND SHALL BE DISBURSED BY THE COMPTROLLER TO THE STATE OFFICE
53 FOR THE AGING FOR THE PURPOSE OF CARRYING OUT THE PROVISIONS OF SECTIONS
54 TWO HUNDRED NINETEEN AND TWO HUNDRED NINETEEN-A OF THE ELDER LAW.

55 S 4. This act shall take effect on the ninetieth day after it shall
56 have become a law.