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I N   A S S E M B L Y

January 29, 2016

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Introduced by M. of A. CYMBROWITZ, GOTTFRIED, CRESPO, MONTESANO, JAFFEE, FINCH, STECK, GALEF, GUNTHER, TITUS, LINARES, RAIA, BARRETT, SEAWRIGHT, BARRON, HARRIS -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, COOK, DUPREY, GLICK, MAGEE, PERRY, RIVERA, WRIGHT -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to rules and regulations pertaining to the operation of social adult day care programs

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

1     Section 1. The opening paragraph of paragraph (a) of subdivision 2 of  
2     section 215 of the elder law is amended to read as follows:  
3     The director is authorized and directed to promulgate rules and regu-  
4     lations, establishing standards and requirements with regard to the  
5     operation of all social adult day care programs [receiving funding  
6     pursuant to this article], REGARDLESS OF THE SOURCE OF FUNDING UTILIZED  
7     BY SUCH PROGRAMS, WHETHER PUBLIC OR PRIVATE. FOR A PROGRAM SUBJECT TO  
8     OVERSIGHT BY THE OFFICE PURSUANT TO THIS SECTION AND ANY OTHER STATE  
9     AGENCY, WHERE THERE IS DUPLICATION IN THE RULES AND REGULATIONS PROMUL-  
10    GATED BY SUCH AGENCIES, THE RULES AND REGULATIONS OF THE OTHER STATE  
11    AGENCY SHALL TAKE PRECEDENCE. THE DIRECTOR SHALL ESTABLISH A METHOD BY  
12    WHICH A PROGRAM AFFECTED BY SUCH DUPLICATION OF RULES AND REGULATIONS  
13    SHALL NOTIFY THE OFFICE OF SUCH DUPLICATION. Such standards and require-  
14    ments shall include, but not be limited to:  
15    S 2. Subdivision 5 of section 215 of the elder law is amended to read  
16    as follows:  
17    5. Report of director. The director, after consultation with his or  
18    her advisory committee, affected state agencies, any affected municipal  
19    agencies and persons involved in providing social adult day care  
20    services, shall make a report, on or before December thirty-first, two  
21    thousand [five] SIXTEEN, to the governor, the temporary president of the  
22    senate, the speaker of the assembly, the chair of the senate standing  
23    committee on aging and the chair of the assembly standing committee on  
24    aging on the projected costs and benefits of establishing uniform stand-  
25    ards and requirements with regard to operation of social adult day care

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

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1 services in the state. The report shall include the director's findings,  
2 recommendations and estimate of the fiscal implications of regulating  
3 social adult day care services in the state.

4 S 3. Paragraphs (b) and (e) of subdivision 1 of section 215 of the  
5 elder law are amended to read as follows:

6 (b) "Social adult day services" shall mean a program providing a vari-  
7 ety of long term care services to a group of individuals, possessing  
8 functional impairments, whether due to physical or cognitive impair-  
9 ments, in a congregate setting and pursuant to an individualized plan of  
10 care. A PERSON OR PROGRAM SHALL BE PROHIBITED FROM HOLDING THEMSELVES  
11 OUT AS PROVIDING SOCIAL ADULT DAY SERVICES UNLESS THEY MEET THE REQUIRE-  
12 MENTS OF THIS PARAGRAPH.

13 (e) "Social adult day care" shall mean a program providing a variety  
14 of comprehensive services to functionally impaired elderly persons as  
15 defined in regulations established by the director. A PERSON OR PROGRAM  
16 SHALL BE PROHIBITED FROM HOLDING THEMSELVES OUT AS PROVIDING SOCIAL  
17 ADULT DAY CARE UNLESS THEY MEET THE REQUIREMENTS OF THIS PARAGRAPH.

18 S 4. This act shall take effect immediately.