

4492

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 4, 2009

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Introduced by M. of A. ENGLEBRIGHT, ABBATE, J. RIVERA, SCHROEDER, PHEFFER, MARKEY, GALEF -- Multi-Sponsored by -- M. of A. AUBRY, BENEDETTO, JACOBS, LUPARDO, MAYERSOHN, SWEENEY, WEISENBERG -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to long term care counseling

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

1     Section 1. Legislative intent. The legislature hereby finds that  
2 understanding and planning for one's own long term care needs is crit-  
3 ically important and will continue to be important given demographic  
4 changes, medical technology which prolongs life, the cost of long term  
5 care and Medicaid's stake in its financing. Given these factors, the  
6 workplace can play a significant educational and counseling role. Fami-  
7 lies will continue to face long term care issues and it is incumbent  
8 upon the state to aid state, municipal and other public employees to  
9 understand long term care and its impact on an individual's health and  
10 wellness as well as help those workers by providing information on where  
11 to go to find assistance and support should a family member require long  
12 term care services. The workplace can be instrumental in counseling at  
13 the time of hiring, during employment and prior to retirement in provid-  
14 ing educational resources to enable employees to understand their  
15 options and encourage their own planning for long term care. This strat-  
16 egy will help the individual and their family prepare for and understand  
17 their risk should long term care services be required. This strategy  
18 will also have a positive impact on state and local governments' Medi-  
19 caid spending if individuals prepare for their long term care with tools  
20 such as long term care insurance or reverse mortgages. These tools will  
21 enable individuals to pay up front for their long-term care expenses and  
22 delay application to receive such financing under the Medicaid program.

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

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1 S 2. The civil service law is amended by adding a new section 172-a to  
2 read as follows:

3 S 172-A. LONG TERM CARE COUNSELING. 1. THE PROVISIONS OF THIS SECTION  
4 SHALL APPLY TO INDIVIDUALS PARTICIPATING IN THE NEW YORK STATE AND LOCAL  
5 EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK CITY BOARD OF EDUCATION  
6 EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK STATE TEACHERS' RETIREMENT  
7 SYSTEM, THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM, THE NEW YORK CITY  
8 EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK STATE AND LOCAL POLICE AND  
9 FIRE RETIREMENT SYSTEM, THE NEW YORK CITY POLICE PENSION FUND, AND THE  
10 NEW YORK CITY FIRE DEPARTMENT PENSION FUND. EACH EMPLOYEE COVERED BY  
11 THIS SECTION SHALL RECEIVE LONG TERM CARE COUNSELING THROUGH THEIR  
12 EMPLOYER WITHIN ONE MONTH AFTER BEING HIRED AND WITHIN AT LEAST ONE  
13 MONTH PRIOR TO LEAVING EMPLOYMENT. WHILE EMPLOYED, EACH EMPLOYEE SHALL  
14 RECEIVE LONG TERM CARE COUNSELING THROUGH THEIR EMPLOYER AT LEAST ONCE  
15 EVERY FIVE YEARS.

16 2. LONG TERM CARE COUNSELING SHALL CONSIST OF BUT SHALL NOT BE LIMITED  
17 TO: INFORMATION, EDUCATION AND ADVICE DEALING WITH LONG TERM CARE  
18 ISSUES AND PLANNING FOR LONG TERM CARE, INCLUDING INFORMATION ABOUT LONG  
19 TERM CARE INSURANCE BENEFITS, THE PARTNERSHIP PLAN, REVERSE MORTGAGES,  
20 THE RISKS TO ONE'S FINANCES ABSENT LONG TERM CARE PLANNING, TAX BENEFITS  
21 OF PURCHASING A LONG TERM CARE INSURANCE POLICY, AND PROGRAMS AND  
22 SERVICES IN THE COMMUNITY RELATED TO LONG TERM CARE, INCLUDING WHO TO  
23 CALL FOR ASSISTANCE.

24 3. EACH TIME AN EMPLOYEE COMPLETES LONG TERM CARE COUNSELING THE  
25 EMPLOYEE SHALL SIGN A FORM APPROVED BY THE PRESIDENT INDICATING THAT  
26 SUCH EMPLOYEE HAS COMPLETED SUCH COUNSELING.

27 4. THE PRESIDENT, IN CONSULTATION WITH THE SUPERINTENDENT OF INSUR-  
28 ANCE, THE COMMISSIONER OF HEALTH AND THE DIRECTOR OF THE STATE OFFICE  
29 FOR THE AGING, SHALL DEVELOP ADDITIONAL LONG TERM CARE COUNSELING  
30 REQUIREMENTS AND PROCEDURES AS NEEDED AND IN THE EVENT THAT NEW PRODUCTS  
31 ARE DEVELOPED IN ORDER TO CARRY OUT THIS SECTION.

32 S 3. This act shall take effect on the ninetieth day after it shall  
33 have become a law. Effective immediately, any rule or regulation neces-  
34 sary for the timely implementation of this act on such effective date  
35 shall be promulgated on or before such date.