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

1301

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the elder law, in relation to providing for a volunteer program for in-home respite care of the elderly

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

Section 1. The elder law is amended by adding two new sections 219-a and 219-b to read as follows:

S 219-A. VOLUNTEER PROGRAM FOR IN-HOME RESPITE CARE OF THE ELDERLY; CREDIT FOR SERVICE, LIMITATION. THE OFFICE SHALL ESTABLISH A PROGRAM UNDER WHICH ELDERLY PERSONS WHO ARE SIXTY YEARS OF AGE OR OLDER AND OTHERS WHO HAVE DESIGNATED AN ELDERLY PERSON AS A BENEFICIARY MAY VOLUNTEER THEIR TIME AND SERVICES TO AN IN-HOME SERVICE OR VOLUNTARY AGENCY SERVING THE ELDERLY WHICH IS APPROVED BY THE OFFICE AND RECEIVE CREDIT FOR PROVIDING VOLUNTEER RESPITE SERVICE, WHICH CREDIT MAY THEN BE DRAWN UPON BY SUCH ELDERLY PERSONS OR DESIGNATED ELDERLY BENEFICIARIES WHEN THEY THEMSELVES OR THEIR FAMILIES NEED SUCH RESPITE SERVICES. THE OFFICE SHALL ESTABLISH A REGISTRY OF NAMES OF SUCH VOLUNTEERS AND SHALL, MONTHLY OR AS OFTEN AS IT DEEMS NECESSARY FOR EFFICIENT MANAGEMENT OF THE PROGRAM, CREDIT EACH OF SUCH VOLUNTEERS WITH THE NUMBER OF HOURS OF SERVICE EACH HAS PERFORMED FOR AGENCIES APPROVED BY THE OFFICE. NO PERSON SERVING AS A VOLUNTEER PURSUANT TO ANY PROGRAM ESTABLISHED BY THE OFFICE UNDER THE PROVISIONS OF THIS SECTION SHALL BE CREDITED FOR MORE THAN TEN HOURS OF VOLUNTEER SERVICE UNDER THIS PROGRAM PER WEEK.

S 219-B. VOLUNTEERS OR DESIGNATED ELDERLY BENEFICIARIES NEEDING RESPITE ASSISTANCE TO RECEIVE, WHEN, QUALIFICATIONS; PAID ASSISTANCE. AT SUCH TIME AS AN ELDERLY PERSON WHO HAS DONE VOLUNTEER WORK UNDER THE PROGRAM ESTABLISHED UNDER SECTION TWO HUNDRED NINETEEN-A OF THIS TITLE, OR THE DESIGNATED BENEFICIARY, SHALL NEED ASSISTANCE HIMSELF, HE SHALL SO NOTIFY THE OFFICE AND, IF THE OFFICE SHALL DETERMINE THAT SUCH PERSON IS IN FACT IN NEED OF SUCH ASSISTANCE, WHICH NEED SHALL NOT BE BASED ON

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

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FINANCIAL NEED BUT ON THE SOCIAL AND MEDICAL CONDITION OF THE PERSON IN QUESTION, SUCH PERSON SHALL RECEIVE THE ASSISTANCE OF A VOLUNTEER. IF NO VOLUNTEER IS AVAILABLE TO ASSIST A PERSON ENTITLED TO ASSISTANCE UNDER THIS SECTION BECAUSE OF HIS OR HER PARTICIPATION AS A VOLUNTEER IN THE PROGRAM ESTABLISHED UNDER SECTION TWO HUNDRED NINETEEN-A OF THIS TITLE, AND SUCH UNAVAILABILITY HAS BEEN VERIFIED BY THE OFFICE, THE OFFICE OR AN AGENCY APPROVED BY THE OFFICE, MAY OBTAIN PAID ASSISTANCE FOR SUCH PERSON. SUCH PAID ASSISTANCE SHALL BE AT A RATE WHICH IS NO HIGHER THAN THE PREVAILING REIMBURSABLE RATE ESTABLISHED BY THE STATE FOR A UNIT OF IN-HOME SERVICES. THE COST OF SUCH PAID ASSISTANCE SHALL BE PAID BY THE STATE IF THE PERSON IN QUESTION IS NOT ELIGIBLE FOR MEDICAID FROM FUNDS APPROPRIATED THEREFOR.

S 2. This act shall take effect immediately.