

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

3340--B

2009-2010 Regular Sessions

I N S E N A T E

March 16, 2009

Introduced by Sens. DIAZ, DILAN, HASSELL-THOMPSON, KRUEGER, MONSERRATE, ONORATO, OPPENHEIMER, PERKINS, STEWART-COUSINS, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the elder law, in relation to establishing the supplemental nutrition assistance program

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

1 Section 1. The elder law is amended by adding a new section 224 to
2 read as follows:
3 S 224. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM. 1. SUBJECT TO STATE
4 APPROPRIATION, ANY PERSON SIXTY YEARS OF AGE OR OLDER IS ELIGIBLE TO
5 RECEIVE SERVICES OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
6 PROVIDED THAT SUCH PERSON:
7 (A) IS INCAPACITATED DUE TO ACCIDENT, ILLNESS OR FRAILITY; AND
8 (B) LACKS THE SUPPORT OF FAMILY, FRIENDS OR NEIGHBORS; AND
9 (C) IS UNABLE TO PREPARE MEALS DUE TO A LACK OR INADEQUACY OF FACILI-
10 TIES, OR AN INABILITY TO SHOP, COOK OR PREPARE MEALS SAFELY, OR A LACK
11 OF KNOWLEDGE OR SKILL.
12 2. THE SPOUSE OF SUCH A PERSON, REGARDLESS OF AGE, MAY RECEIVE
13 SERVICES OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM IF, ACCORDING
14 TO CRITERIA DETERMINED BY THE AREA AGENCY, RECEIPT OF SUCH SERVICES IS
15 IN THE BEST INTEREST OF THE HOMEBOUND ELDERLY PERSON.
16 3. THE AREA AGENCY MUST ENSURE THAT EACH PERSON REFERRED FOR OR
17 REQUESTING SERVICES OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM IS
18 ASSESSED TO DETERMINE THE NEED FOR SUCH SERVICES.

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

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1 (A) THE AREA AGENCY MUST ALSO DOCUMENT ADEQUATE FOLLOW-UP AND REAS-
2 SESSMENT.

3 (B) THE AREA AGENCY MUST ASSURE THE USE OF STANDARDIZED CLIENT ASSESS-
4 MENT PROCEDURES THAT ARE CONSISTENT WITH THE OFFICE'S GUIDELINES.

5 S 2. Reporting. Designated agencies shall report to the director of
6 the office for the aging, at a time and manner to be decided upon by
7 such director, the following:

8 (a) the number of persons found to be eligible for the supplemental
9 nutrition assistance program but who have not received such services
10 from the supplemental nutrition assistance program.

11 (b) the amount each designated agency contributes with local taxpayer
12 dollars towards the supplemental nutrition assistance program. The local
13 contribution reported by each designated agency shall not include the
14 amount of funding each designated agency receives through the state
15 office for the aging and the local match required by each designated
16 agency pursuant to the Older American's Act for the congregate meals or
17 home delivered meals program.

18 (c) the point during the contract period each designated agency
19 expends all its funding from the supplemental nutrition assistance
20 program.

21 S 3. The director of the office for the aging shall promulgate rules
22 and regulations he or she deems appropriate to effectuate the purposes
23 of this act.

24 S 4. The responsibility of the area agency shall be contingent upon
25 the state appropriation received pursuant to subdivision 1 of section
26 224 of the elder law for such services from the state. In no event shall
27 this section provide a private right of action by any person against the
28 area agency.

29 S 5. This act shall take effect on the one hundred eightieth day after
30 it shall have become a law.