

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

7152--B

2009-2010 Regular Sessions

I N A S S E M B L Y

March 25, 2009

Introduced by M. of A. DINOWITZ, BENJAMIN -- read once and referred to the Committee on Aging -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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 FRAILTY; 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.
19 (A) THE AREA AGENCY MUST ALSO DOCUMENT ADEQUATE FOLLOW-UP AND REAS-
20 SESSMENT.
21 (B) THE AREA AGENCY MUST ASSURE THE USE OF STANDARDIZED CLIENT ASSESS-
22 MENT PROCEDURES THAT ARE CONSISTENT WITH THE OFFICE'S GUIDELINES.

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

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

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

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

14 (c) the point during the contract period each designated agency
15 expends all its funding from the supplemental nutrition assistance
16 program.

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

20 S 4. The responsibility of the area agency shall be contingent upon
21 the state appropriation received pursuant to subdivision 1 of section
22 224 of the elder law for such services from the state. In no event shall
23 this section provide a private right of action by any person against the
24 area agency.

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