

3340--C

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 -- 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 home delivered meal 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. HOME DELIVERED MEAL ASSISTANCE PROGRAM. 1. SUBJECT TO STATE
4 APPROPRIATION, ANY PERSON THAT (A) MEETS THE CRITERIA ESTABLISHED IN
5 SUBDIVISION TWO OF THIS SECTION, (B) WHO IS NOT RECEIVING THE SERVICES
6 OF THE HOME DELIVERED MEAL ASSISTANCE PROGRAM DUE TO INADEQUATE FUNDING
7 AND (C) IS CURRENTLY ON A WAITING LIST FOR THE HOME DELIVERED MEAL
8 ASSISTANCE PROGRAM, SHALL RECEIVE THE SERVICES OF THE HOME DELIVERED
9 MEAL ASSISTANCE PROGRAM.
10 2. ANY PERSON ELIGIBLE TO RECEIVE THE SERVICES OF THE HOME DELIVERED
11 MEAL ASSISTANCE PROGRAM MUST MEET THE FOLLOWING CRITERIA:
12 (A) IS SIXTY YEARS OF AGE OR OLDER;
13 (B) IS INCAPACITATED DUE TO ACCIDENT, ILLNESS OR FRAILITY;
14 (C) LACKS THE SUPPORT OF FAMILY, FRIENDS OR NEIGHBORS; AND
15 (D) IS UNABLE TO PREPARE MEALS DUE TO A LACK OR INADEQUACY OF FACILI-
16 TIES, OR AN INABILITY TO SHOP, COOK OR PREPARE MEALS SAFELY, OR A LACK
17 OF KNOWLEDGE OR SKILL.

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

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1 3. THE SPOUSE OF A PERSON WHO MEETS THE CRITERIA ESTABLISHED IN SUBDI-
2 VISION TWO OF THIS SECTION, REGARDLESS OF AGE, MAY RECEIVE THE SERVICES
3 OF THE HOME DELIVERED MEAL ASSISTANCE PROGRAM IF RECEIPT OF SUCH
4 SERVICES IS IN THE BEST INTEREST OF THE HOMEBOUND ELDERLY PERSON.

5 4. THE AREA AGENCY MUST ENSURE THAT EACH PERSON REFERRED FOR OR
6 REQUESTING THE SERVICES OF THE HOME DELIVERED MEAL ASSISTANCE PROGRAM IS
7 ASSESSED BY THE AREA AGENCY OR SUCH AREA AGENCY'S SUBCONTRACTING ORGAN-
8 IZATION TO PERFORM SUCH ASSESSMENT. SUCH ASSESSMENT SHALL DETERMINE
9 THAT THE PERSON REFERRED FOR OR REQUESTING THE SERVICES OF THE HOME
10 DELIVERED MEAL ASSISTANCE PROGRAM MEETS THE CRITERIA ESTABLISHED IN
11 SUBDIVISION TWO OF THIS SECTION.

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

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

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

19 (a) the number of persons found to be eligible for the home delivered
20 meal assistance program but who have not received such services.

21 (b) the amount each designated agency contributes with local taxpayer
22 dollars towards the home delivered meal assistance program. The local
23 contribution reported by each designated agency shall not include the
24 amount of funding each designated agency receives through the state
25 office for the aging and the local match required by each designated
26 agency pursuant to the Older American's Act for the congregate meals or
27 the home delivered meal assistance program.

28 (c) the point during the contract period each designated agency
29 expends all state funding for the home delivered meal assistance
30 program.

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

34 S 4. The responsibility of the area agency shall be contingent upon
35 the state appropriation received pursuant to subdivision 1 of section
36 224 of the elder law for such services from the state. In no event shall
37 this section provide a private right of action by any person against the
38 area agency.

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