

10247

I N   A S S E M B L Y

May 16, 2012

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Introduced by M. of A. MILLMAN -- Multi-Sponsored by -- M. of A.  
BARRETT, BARRON, BRINDISI, GRAF, ROBINSON -- read once and referred to  
the Committee on Aging

AN ACT to amend the elder law, in relation to allowing the director of  
the office for the aging to authorize enriched services or optional  
services to eligible entities without a grant

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

1     Section 1. Subdivisions 2, 4, 5 and 6 of section 215-b of the elder  
2     law, as added by section 27 of part A of chapter 58 of the laws of 2008,  
3     are amended to read as follows:  
4     2. Definitions. For purposes of this section, the following terms  
5     shall have the following meanings:  
6     (a) "Elderly" or "elderly persons" shall mean persons who are sixty  
7     years of age or older.  
8     (b) ["Eligible participant" shall mean elderly or elderly persons as  
9     defined in this section, who are functionally impaired, as defined in  
10    section two hundred fifteen of this title, and in need of services that  
11    exceed the level of assistance currently available through social adult  
12    day services programs but not at the level of support provided by adult  
13    day health care programs.  
14    (c)] "Eligible entity" shall mean any not-for-profit or government  
15    entity, including the governing body or council of an Indian tribal  
16    reservation, who has demonstrated to the office and the department of  
17    health, based on criteria developed by the director and the commissioner  
18    of health, that it can safely provide either directly or through a  
19    contract with a licensed health care practitioner or licensed home care  
20    provider as defined in section thirty-six hundred five of the public  
21    health law, social adult day care services as defined in section two  
22    hundred fifteen of this title[, as well as additional allowable medical  
23    services as developed by the director and the commissioner of health,  
24    and optional services as defined in this section].  
25    [(d) "Enriched social adult day services demonstration project" or  
26    "project" shall mean programs eligible under this section that provide

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

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1 all of the services currently required for social adult day services  
2 programs under section two hundred fifteen of this title in addition to  
3 enriched services, and may include optional services.

4 (e)] (C) "Enriched services" shall include the provision of total  
5 assistance with toileting, mobility, transferring and eating; dispensing  
6 of medications by a registered nurse; health education; counseling; case  
7 management; restorative therapies lasting less than six months and main-  
8 tenance therapies. Total assistance with toileting, mobility, trans-  
9 ferring and eating shall be provided under the supervision of a licensed  
10 health care provider. Restorative and maintenance therapies shall be  
11 provided by an appropriately licensed health care provider.

12 [(f)] (D) "Optional services" shall mean other non-medical services  
13 approved by the director designed to improve the quality of life of  
14 eligible participants by extending their independence, avoiding unneces-  
15 sary hospital and nursing home stays, and sustaining their informal  
16 supports.

17 4. Duties of the director. (a) The director, in conjunction with the  
18 commissioner of health, [may make up to twenty grants available on a  
19 competitive basis to eligible entities under this section. Such grants  
20 may be available for up to two hundred thousand dollars for each  
21 enriched social adult day services demonstration project and shall be  
22 for up to one hundred percent of allowable expenditures for approved  
23 services and expenses under this section.] SHALL DEVELOP AN APPLICATION  
24 PROCESS WHEREBY ELIGIBLE ENTITIES MAY APPLY FOR APPROVAL TO OFFER  
25 ENRICHED SERVICES OR OPTIONAL SERVICES OR BOTH. SUCH APPLICATION SHALL  
26 INCLUDE, BUT NOT BE LIMITED TO:

27 (1) AN ESTIMATE OF THE NUMBER OF ELDERLY PERSONS THAT COULD BE EFFEC-  
28 TIVELY SERVED BY THE ELIGIBLE ENTITY IF ENRICHED SERVICES WERE OFFERED;  
29 AND

30 (2) A PLAN BY THE ELIGIBLE ENTITY TO OFFER ENRICHED SERVICES IN  
31 ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (C) OF SUBDIVISION TWO OF  
32 THIS SECTION.

33 (b) In [making grants] CONSIDERING APPLICATIONS MADE PURSUANT TO PARA-  
34 GRAPH (A) OF THIS SUBDIVISION, the director, in conjunction with the  
35 commissioner of health, may consider:

36 (1) projects that can effectively serve eligible participants residing  
37 in rural, urban, or suburban settings;

38 (2) projects that effectively serve culturally diverse populations;

39 (3) projects that demonstrate innovative use of technology, coordi-  
40 nation, partnerships, transportation or other services to enable eligi-  
41 ble participants to be effectively served; AND

42 (4) [the capacity of the eligible entity to identify eligible partic-  
43 ipants for enriched adult day services demonstration projects; and

44 (5)] any other criteria determined BY THE DIRECTOR, IN CONJUNCTION  
45 WITH THE COMMISSIONER OF HEALTH, to be appropriate.

46 5. Evaluation. On or before January thirtieth, two thousand [eleven]  
47 FOURTEEN, the director shall provide the governor, the speaker of the  
48 assembly, the temporary president of the senate, and the chairpersons of  
49 the assembly and senate aging and health committees with a written eval-  
50 uation of the program. The evaluation shall examine the effectiveness of  
51 the project in forestalling institutional placement, the costs of  
52 providing enriched services in a day care setting, participant satisfac-  
53 tion and program quality, and identification of the program design  
54 elements necessary for successful replication.

55 6. [Funds] GRANTS. (A) THE DIRECTOR, IN CONJUNCTION WITH THE COMMIS-  
56 SIONER OF HEALTH, MAY, WITHIN AMOUNTS APPROPRIATED THEREFOR, MAKE UP TO

1 TWENTY GRANTS AVAILABLE ON A COMPETITIVE BASIS TO ELIGIBLE ENTITIES  
2 UNDER THIS SECTION. SUCH GRANTS MAY BE AVAILABLE FOR UP TO TWO HUNDRED  
3 THOUSAND DOLLARS FOR EACH ENRICHED SOCIAL ADULT DAY SERVICES DEMON-  
4 STRATION PROJECT AND SHALL BE FOR UP TO ONE HUNDRED PERCENT OF ALLOWABLE  
5 EXPENDITURES FOR APPROVED SERVICES AND EXPENSES UNDER THIS SECTION.

6 (B) IN MAKING GRANTS, THE DIRECTOR, IN CONJUNCTION WITH THE COMMIS-  
7 SIONER OF HEALTH, MAY CONSIDER THE CRITERIA ESTABLISHED PURSUANT TO  
8 SUBDIVISION FOUR OF THIS SECTION.

9 (C) Funds made available under this [section] SUBDIVISION shall  
10 supplement and not supplant any federal, state, or local funds expended  
11 by any entity, including a unit of general purpose local government or  
12 not-for-profit, to provide services under this section. Funds under this  
13 [section] SUBDIVISION cannot pay for individuals who are eligible under  
14 title nineteen of the federal social security act.

15 S 2. This act shall take effect on the ninetieth day after it shall  
16 have become a law; provided, however, that the amendments to section  
17 215-b of the elder law made by section one of this act shall not affect  
18 the repeal of such section and shall be deemed to be repealed therewith.