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I N   A S S E M B L Y

January 11, 2012

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Introduced by M. of A. MILLMAN, DINOWITZ -- read once and referred to the Committee on Aging

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. ANY PERSON THAT (A)  
4 MEETS THE CRITERIA ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION, (B)  
5 WHO IS NOT RECEIVING THE SERVICES OF THE HOME DELIVERED MEAL ASSISTANCE  
6 PROGRAM DUE TO INADEQUATE FUNDING AND (C) IS CURRENTLY ON A WAITING LIST  
7 FOR THE HOME DELIVERED MEAL ASSISTANCE PROGRAM, SHALL RECEIVE THE  
8 SERVICES OF THE HOME DELIVERED MEAL ASSISTANCE PROGRAM.

9     2. ANY PERSON ELIGIBLE TO RECEIVE THE SERVICES OF THE HOME DELIVERED  
10 MEAL ASSISTANCE PROGRAM MUST MEET THE FOLLOWING CRITERIA:

11     (A) IS SIXTY YEARS OF AGE OR OLDER;

12     (B) IS INCAPACITATED DUE TO ACCIDENT, ILLNESS OR FRAILTY;

13     (C) LACKS THE SUPPORT OF FAMILY, FRIENDS OR NEIGHBORS; AND

14     (D) IS UNABLE TO PREPARE MEALS DUE TO A LACK OR INADEQUACY OF FACILI-  
15 TIES, OR AN INABILITY TO SHOP, COOK OR PREPARE MEALS SAFELY, OR A LACK  
16 OF KNOWLEDGE OR SKILL.

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

21     4. THE AREA AGENCY MUST ENSURE THAT EACH PERSON REFERRED FOR OR  
22 REQUESTING THE SERVICES OF THE HOME DELIVERED MEAL ASSISTANCE PROGRAM IS  
23 ASSESSED BY THE AREA AGENCY OR SUCH AREA AGENCY'S SUBCONTRACTING ORGAN-  
24 IZATION TO PERFORM SUCH ASSESSMENT. SUCH ASSESSMENT SHALL DETERMINE  
25 THAT THE PERSON REFERRED FOR OR REQUESTING THE SERVICES OF THE HOME  
26 DELIVERED MEAL ASSISTANCE PROGRAM MEETS THE CRITERIA ESTABLISHED IN  
27 SUBDIVISION TWO OF THIS SECTION.

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 who are on waiting lists pursuant to subdi-  
9 vision 1 of section 224 of the elder law.

10 (b) the amount of local funding each designated agency contributes  
11 towards the home delivered meal assistance program.

12 (c) the point during the contract period each designated agency  
13 expends all state funding for the home delivered meal assistance  
14 program.

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

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

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