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

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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CASTELLI, DINOWITZ, ORTIZ -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the elder law, in relation to establishing a veterans' gerontological advisory committee

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

Section 1. The elder law is amended by adding a new section 224 to read as follows:

S 224. VETERANS' GERONTOLOGICAL ADVISORY COMMITTEE. 1. THERE IS HEREBY ESTABLISHED WITHIN THE OFFICE A VETERANS' GERONTOLOGICAL ADVISORY COMMITTEE WHICH SHALL CONSIST OF NO MORE THAN NINETEEN MEMBERS TO BE APPOINTED PURSUANT TO THIS SUBDIVISION. MEMBERS SHALL BE APPOINTED FOR A TERM OF SIX YEARS AND MAY SERVE UNTIL THEIR SUCCESSORS ARE CHOSEN. MEMBERS SHALL SERVE WITHOUT SALARY. ANY MEMBER CHOSEN TO FILL A VACANCY CREATED OTHERWISE THAN BY EXPIRATION OF TERM SHALL BE APPOINTED FOR THE UNEXPIRED TERM OF THE MEMBER HE OR SHE IS TO SUCCEED. A CHAIRPERSON AND VICE-CHAIRPERSON SHALL BE APPOINTED BY THE DIRECTOR, AND THE COMMITTEE SHALL BE COMPRISED OF:

(A) TWO MEMBERS APPOINTED BY THE GOVERNOR, BOTH OF WHOM SHALL BE VETERANS;

(B) NINE MEMBERS APPOINTED BY THE DIRECTOR, INCLUDING:

(1) AT LEAST ONE OF WHOM SHALL BE A PHYSICIAN IN THE FIELD OF PRIMARY CARE GERIATRIC MEDICINE;

(2) AT LEAST ONE OF WHOM SHALL BE A RESEARCHER IN THE FIELD OF SOCIAL GERONTOLOGY;

(3) AT LEAST ONE OF WHOM SHALL BE CERTIFIED AS A GERIATRIC NURSE PRACTITIONER;

(4) AT LEAST ONE OF WHOM SHALL BE A CLINICAL PRACTITIONER OF GERIATRIC PSYCHIATRY;

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

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(5) AT LEAST ONE OF WHOM SHALL BE A FACILITY OR HEALTH CARE SYSTEM VETERANS' HOME-BASED PRIMARY CARE PROGRAM DIRECTOR AS DEFINED BY THE UNITED STATES DEPARTMENT OF VETERANS' AFFAIRS VETERANS' HEALTH ADMINISTRATION DIRECTIVE ELEVEN HUNDRED FORTY-ONE;

(6) AT LEAST ONE OF WHOM SHALL BE A CAREGIVER IN THE FIELD OF VETERANS' RESPITE CARE;

(7) AT LEAST ONE OF WHOM SHALL BE AN EXPERT IN THE FIELD OF ELDERCARE PLANNING AND MANAGEMENT FROM THE NEW YORK STATE VETERANS' HOME ESTABLISHED PURSUANT TO ARTICLE TWENTY-SIX-A OF THE PUBLIC HEALTH LAW;

(8) AT LEAST ONE OF WHOM SHALL BE AN EXPERT IN THE FIELD OF GERONTOLOGICAL SOCIAL WORK WHO SPECIALIZES IN SERVICES FOR AGING VETERANS; AND

(9) AT LEAST ONE OF WHOM SHALL BE AN ECONOMIST WITH A FOCUS IN THE FIELDS OF AGING, HOUSEHOLD SAVING, PENSIONS, SOCIAL SECURITY, TAXATION, AND HOUSING MARKETS;

(C) THREE MEMBERS APPOINTED BY THE GOVERNOR UPON THE NOMINATION OF THE TEMPORARY PRESIDENT OF THE SENATE, EACH OF WHOM SHALL BE VETERANS;

(D) THREE MEMBERS APPOINTED BY THE GOVERNOR UPON THE NOMINATION OF THE SPEAKER OF THE ASSEMBLY, EACH OF WHOM SHALL BE VETERANS;

(E) ONE MEMBER APPOINTED BY THE GOVERNOR UPON THE NOMINATION OF THE MINORITY LEADER OF THE SENATE WHO SHALL BE A VETERAN; AND

(F) ONE MEMBER APPOINTED BY THE GOVERNOR UPON THE NOMINATION OF THE MINORITY LEADER OF THE ASSEMBLY WHO SHALL BE A VETERAN.

2. SIXTY PERCENT OF THE MEMBERS OF THE ADVISORY COMMITTEE APPOINTED ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION SHALL BE SIXTY YEARS OF AGE OR OVER.

3. THE COMMITTEE SHALL PROVIDE ADVICE, COMMENTS AND RECOMMENDATIONS TO ADVISE THE DIRECTOR ON POLICIES, PROGRAMS, SERVICES AND TRENDS IMPACTING THE STATE'S AGING VETERAN POPULATION AND THE LARGER CONTEXT OF VETERANS' HEALTHCARE SYSTEMS, AND SUCH OTHER MATTERS AS THE DIRECTOR MAY REQUEST IN RELATION TO THIS ARTICLE.

4. THE ADVISORY COMMITTEE SHALL MEET AT LEAST ONCE ANNUALLY AT TIMES AND PLACES SET BY THE CHAIRPERSON.

5. THE DIRECTOR MAY ASK OTHER INDIVIDUALS TO ATTEND THE COMMITTEE'S MEETINGS OR WORK WITH IT ON AN OCCASIONAL OR REGULAR BASIS.

6. MEMBERSHIP ON THE COMMITTEE SHALL NOT CONSTITUTE THE HOLDING OF AN OFFICE, AND MEMBERS OF THE COMMITTEE SHALL NOT BE REQUIRED TO TAKE AND FILE OATHS OF OFFICE BEFORE SERVING ON THE COMMITTEE. THE COMMITTEE SHALL NOT HAVE THE RIGHT TO EXERCISE ANY PORTION OF THE SOVEREIGN POWERS OF THE STATE.

7. NO MEMBER OF THE COMMITTEE SHALL BE DISQUALIFIED FROM HOLDING ANY PUBLIC OFFICE OR EMPLOYMENT, NOR SHALL HE OR SHE FORFEIT ANY SUCH OFFICE OR EMPLOYMENT, BY REASON OF HIS OR HER APPOINTMENT HEREUNDER, NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, ORDINANCE OR CITY CHARTER.

8. FOR THE PURPOSES OF THIS SECTION, THE TERM "VETERAN" MEANS A PERSON, MALE OR FEMALE, RESIDENT OF THIS STATE, WHO HAS SERVED IN THE ACTIVE MILITARY OR NAVAL SERVICE OF THE UNITED STATES DURING A WAR IN WHICH THE UNITED STATES ENGAGED AND WHO HAS BEEN RELEASED FROM SUCH SERVICE BY ANY MEANS OTHER THAN BY DISHONORABLE DISCHARGE, OR WHO HAS BEEN FURLOUGHED TO THE RESERVE.

S 2. This act shall take effect immediately.