

1128

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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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:

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

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

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

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

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

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

20     (3) AT LEAST ONE OF WHOM SHALL BE CERTIFIED AS A GERIATRIC NURSE PRAC-  
21 TITIONER;

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

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

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

5 (6) AT LEAST ONE OF WHOM SHALL BE A CAREGIVER IN THE FIELD OF VETER-  
6 ANS' RESPITE CARE;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 S 2. This act shall take effect immediately.