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

6051

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the elder law, in relation to the elderly abuse education and outreach program

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

Section 1. Subdivisions 1 and 2 of section 219 of the elder law are amended to read as follows:

1. Definitions. For the purposes of this section, (A) the terms "designated agency" and "elderly person" shall have the same meaning as ascribed to them in section two hundred fourteen of this title;

(B) THE TERM "FINANCIAL INSTITUTION" SHALL MEAN ANY OF THE FOLLOWING:

(1) A DEPOSITORY INSTITUTION, AS DEFINED IN SECTION 3(C) OF THE FEDERAL DEPOSIT INSURANCE ACT (12 U.S.C. SEC. 1813(C));

(2) AN INSTITUTION-AFFILIATED PARTY, AS DEFINED IN SECTION 3(U) OF THE FEDERAL DEPOSIT INSURANCE ACT (12 U.S.C. SEC. 1813(U));

(3) A FEDERAL CREDIT UNION OR STATE CREDIT UNION, AS DEFINED IN SECTION 101 OF THE FEDERAL CREDIT UNION ACT (12 U.S.C. SEC. 1752), INCLUDING, BUT NOT LIMITED TO, AN INSTITUTION-AFFILIATED PARTY OF A CREDIT UNION, AS DEFINED IN SECTION 206(R) OF THE FEDERAL CREDIT UNION ACT (12 U.S.C. SEC. 1752(R)); AND

(C) THE TERM "FINANCIAL EXPLOITATION" SHALL MEAN THE IMPROPER USE OF AN ELDERLY PERSON'S FUNDS, PROPERTY, OR RESOURCES BY ANOTHER INDIVIDUAL, INCLUDING BUT NOT LIMITED TO, FRAUD, FALSE PRETENSES, EMBEZZLEMENT, CONSPIRACY, FORGERY, FALSIFYING RECORDS, COERCED PROPERTY TRANSFERS OR DENIAL OF ACCESS TO ASSETS.

2. The director, within the amounts appropriated therefor, shall, in conjunction with the office of children and family services, establish an elderly abuse education and outreach program HEREINAFTER REFERRED TO IN THIS SECTION AS THE "PROGRAM," for the purpose of providing education and outreach to the general public, including elderly persons and their families and caregivers, to identify and prevent elderly abuse, neglect and exploitation. THIS PROGRAM SHALL ALSO INCLUDE A FINANCIAL OUTREACH,

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

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EDUCATION AND TRAINING PROGRAM, FOR THE PURPOSE OF PROVIDING AN EDUCATION, OUTREACH AND TRAINING PROGRAM TO CERTIFIED PUBLIC ACCOUNTANTS LICENSED IN THIS STATE, ATTORNEYS LICENSED IN THIS STATE, ANY PREPARER OF TAXES OPERATING IN THIS STATE, AND TO FINANCIAL INSTITUTIONS AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS SECTION LOCATED WITHIN THIS STATE.

S 2. Subparagraphs 3 and 4 of paragraph (b) of subdivision 3 of section 219 of the elder law are amended to read as follows:

(3) the capacity of the designated agency to coordinate its services with health, human service and law enforcement and public agencies which provide services or assistance to the elderly, including the local department of social services adult protective services unit; [and] OR

(4) THE CAPACITY OF THE DESIGNATED AGENCY TO COORDINATE ITS SERVICES WITH BANKING, HUMAN SERVICE AND LAW ENFORCEMENT AND PUBLIC AGENCIES WHICH PROVIDE SERVICES OR ASSISTANCE TO THE ELDERLY, INCLUDING THE LOCAL DEPARTMENT OF SOCIAL SERVICES ADULT PROTECTIVE SERVICES UNIT; AND

(5) any other criteria determined by the director to be appropriate.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.