

7736

2013-2014 Regular Sessions

I N A S S E M B L Y

May 31, 2013

Introduced by M. of A. MILLMAN, GOTTFRIED, CRESPO, MONTESANO, JAFFEE,
FINCH, STECK, GALEF, GUNTHER, TITUS, ROBERTS -- Multi-Sponsored by --
M. of A. ARROYO, BRENNAN, COOK, DUPREY, GIBSON, GLICK, MAGEE, PERRY,
RIVERA, WRIGHT -- read once and referred to the Committee on Aging

AN ACT to amend the elder law, in relation to rules and regulations
pertaining to the operation of social adult day care programs

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

1 Section 1. The opening paragraph of paragraph (a) of subdivision 2 of
2 section 215 of the elder law is amended to read as follows:
3 The director is authorized and directed to promulgate rules and regu-
4 lations, establishing standards and requirements with regard to the
5 operation of all social adult day care programs [receiving funding
6 pursuant to this article], REGARDLESS OF THE SOURCE OF FUNDING UTILIZED
7 BY SUCH PROGRAMS, WHETHER PUBLIC OR PRIVATE. Such standards and require-
8 ments shall include, but not be limited to:
9 S 2. Subdivision 5 of section 215 of the elder law is amended to read
10 as follows:
11 5. Report of director. The director, after consultation with his or
12 her advisory committee, affected state agencies, any affected municipal
13 agencies and persons involved in providing social adult day care
14 services, shall make a report, on or before December thirty-first, two
15 thousand [five] THIRTEEN, to the governor, the temporary president of
16 the senate, the speaker of the assembly, the chair of the senate stand-
17 ing committee on aging and the chair of the assembly standing committee
18 on aging on the projected costs and benefits of establishing uniform
19 standards and requirements with regard to operation of social adult day
20 care services in the state. The report shall include the director's
21 findings, recommendations and estimate of the fiscal implications of
22 regulating social adult day care services in the state.

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

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1 S 3. Paragraphs (b) and (e) of subdivision 1 of section 215 of the
2 elder law are amended to read as follows:

3 (b) "Social adult day services" shall mean a program providing a vari-
4 ety of long term care services to a group of individuals, possessing
5 functional impairments, whether due to physical or cognitive impair-
6 ments, in a congregate setting and pursuant to an individualized plan of
7 care. A PERSON OR PROGRAM SHALL BE PROHIBITED FROM HOLDING THEMSELVES
8 OUT AS PROVIDING SOCIAL ADULT DAY SERVICES UNLESS THEY MEET THE REQUIRE-
9 MENTS OF THIS PARAGRAPH.

10 (e) "Social adult day care" shall mean a program providing a variety
11 of comprehensive services to functionally impaired elderly persons as
12 defined in regulations established by the director. A PERSON OR PROGRAM
13 SHALL BE PROHIBITED FROM HOLDING THEMSELVES OUT AS PROVIDING SOCIAL
14 ADULT DAY CARE UNLESS THEY MEET THE REQUIREMENTS OF THIS PARAGRAPH.

15 S 4. This act shall take effect immediately.