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

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2013-2014 Regular Sessions

I N A S S E M B L Y

February 13, 2013

Introduced by M. of A. ENGLEBRIGHT, ABBATE, RIVERA, MARKEY, GALEF -- Multi-Sponsored by -- M. of A. AUBRY, BENEDETTO, LUPARDO, SWEENEY, WEISENBERG -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to long term care counseling

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

Section 1. Legislative intent. The legislature hereby finds that understanding and planning for one's own long term care needs is critically important and will continue to be important given demographic changes, medical technology which prolongs life, the cost of long term care and Medicaid's stake in its financing. Given these factors, the workplace can play a significant educational and counseling role. Families will continue to face long term care issues and it is incumbent upon the state to aid state, municipal and other public employees to understand long term care and its impact on an individual's health and wellness as well as help those workers by providing information on where to go to find assistance and support should a family member require long term care services. The workplace can be instrumental in counseling at the time of hiring, during employment and prior to retirement in providing educational resources to enable employees to understand their options and encourage their own planning for long term care. This strategy will help the individual and their family prepare for and understand their risk should long term care services be required. This strategy will also have a positive impact on state and local governments' Medicaid spending if individuals prepare for their long term care with tools such as long term care insurance or reverse mortgages. These tools will enable individuals to pay up front for their long-term care expenses and delay application to receive such financing under the Medicaid program.

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

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S 2. The civil service law is amended by adding a new section 172-a to read as follows:

S 172-A. LONG TERM CARE COUNSELING. 1. THE PROVISIONS OF THIS SECTION SHALL APPLY TO INDIVIDUALS PARTICIPATING IN THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK CITY BOARD OF EDUCATION EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM, THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM, THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM, THE NEW YORK CITY POLICE PENSION FUND, AND THE NEW YORK CITY FIRE DEPARTMENT PENSION FUND. EACH EMPLOYEE COVERED BY THIS SECTION SHALL RECEIVE LONG TERM CARE COUNSELING THROUGH THEIR EMPLOYER WITHIN ONE MONTH AFTER BEING HIRED AND WITHIN AT LEAST ONE MONTH PRIOR TO LEAVING EMPLOYMENT. WHILE EMPLOYED, EACH EMPLOYEE SHALL RECEIVE LONG TERM CARE COUNSELING THROUGH THEIR EMPLOYER AT LEAST ONCE EVERY FIVE YEARS.

2. LONG TERM CARE COUNSELING SHALL CONSIST OF BUT SHALL NOT BE LIMITED TO: INFORMATION, EDUCATION AND ADVICE DEALING WITH LONG TERM CARE ISSUES AND PLANNING FOR LONG TERM CARE, INCLUDING INFORMATION ABOUT LONG TERM CARE INSURANCE BENEFITS, THE PARTNERSHIP PLAN, REVERSE MORTGAGES, THE RISKS TO ONE'S FINANCES ABSENT LONG TERM CARE PLANNING, TAX BENEFITS OF PURCHASING A LONG TERM CARE INSURANCE POLICY, AND PROGRAMS AND SERVICES IN THE COMMUNITY RELATED TO LONG TERM CARE, INCLUDING WHO TO CALL FOR ASSISTANCE.

3. EACH TIME AN EMPLOYEE COMPLETES LONG TERM CARE COUNSELING THE EMPLOYEE SHALL SIGN A FORM APPROVED BY THE PRESIDENT INDICATING THAT SUCH EMPLOYEE HAS COMPLETED SUCH COUNSELING.

4. THE PRESIDENT, IN CONSULTATION WITH THE SUPERINTENDENT OF FINANCIAL SERVICES, THE COMMISSIONER OF HEALTH AND THE DIRECTOR OF THE STATE OFFICE FOR THE AGING, SHALL DEVELOP ADDITIONAL LONG TERM CARE COUNSELING REQUIREMENTS AND PROCEDURES AS NEEDED AND IN THE EVENT THAT NEW PRODUCTS ARE DEVELOPED IN ORDER TO CARRY OUT THIS SECTION.

S 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, any rule or regulation necessary for the timely implementation of this act on such effective date shall be promulgated on or before such date.