

5732

2015-2016 Regular Sessions

I N   S E N A T E

June 1, 2015

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Introduced by Sen. SERINO -- 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 providing enriched social adult day services

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

1     Section 1. Section 215-b of the elder law, as added by section 27 of  
2     part A of chapter 58 of the laws of 2008, is amended to read as follows:  
3     S 215-b. Enriched social adult day services [demonstration project].  
4     1. Legislative intent. Social adult day services programs are resources  
5     that can help communities maintain the independence of [elderly resi-  
6     dents] FUNCTIONALLY IMPAIRED ADULTS. The level of services needed by  
7     some [elderly persons] FUNCTIONALLY IMPAIRED ADULTS exceeds the level of  
8     assistance currently available through social model adult day services  
9     programs but is not at the level of support provided in an adult day  
10    health care program. Social adult day services programs cannot enroll  
11    new participants whose needs exceed the services that can be provided in  
12    the current social adult day services programs. Additionally, these  
13    programs must discharge current participants when their needs cannot be  
14    met. Therefore, an enriched social adult day services project shall be  
15    established as a demonstration project for the purposes of maintaining  
16    [elderly persons] FUNCTIONALLY IMPAIRED ADULTS in the community by  
17    deterring or delaying institutionalization.  
18    2. Definitions. For purposes of this section, the following terms  
19    shall have the following meanings:  
20    (a) ["Elderly" or "elderly persons" shall mean persons who are sixty  
21    years of age or older.  
22    (b)] "Eligible participant" shall mean [elderly or elderly persons as  
23    defined in this section,] INDIVIDUALS who are functionally impaired, as  
24    defined in section two hundred fifteen of this title, and in need of  
25    services that exceed the level of assistance currently available through

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

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1 social adult day services programs but not at the level of support  
2 provided by adult day health care programs.

3 [(c)] (B) "Eligible entity" shall mean any not-for-profit or govern-  
4 ment entity, including the governing body or council of an Indian tribal  
5 reservation, who [has demonstrated to the office and the department of  
6 health, based on criteria developed by the director and the commissioner  
7 of health, that it can safely provide either directly or through a  
8 contract with a licensed health care practitioner or licensed home care  
9 provider as defined in section thirty-six hundred five of the public  
10 health law, social adult day care services as defined in section two  
11 hundred fifteen of this title, as well as additional allowable medical  
12 services as developed by the director and the commissioner of health,  
13 and optional services as defined in this section] CURRENTLY PROVIDES ALL  
14 OF THE SERVICES REQUIRED FOR SOCIAL ADULT DAY SERVICES PROGRAMS PURSUANT  
15 TO SECTION TWO HUNDRED FIFTEEN OF THIS TITLE; INCLUDING TOTAL ASSISTANCE  
16 WITH TOILETING, MOBILITY, TRANSFERRING, AND EATING WHERE APPROPRIATE;  
17 AND HAS AN EXISTING CONTRACT WITH THE STATE OFFICE FOR THE AGING.

18 [(d)] "Enriched social adult day services demonstration project" or  
19 "project" shall mean programs eligible under this section that provide  
20 all of the services currently required for social adult day services  
21 programs under section two hundred fifteen of this title in addition to  
22 enriched services, and may include optional services.

23 (e)] (C) "Enriched services" shall include the [provision of total  
24 assistance with toileting, mobility, transferring and eating;] dispens-  
25 ing of medications by a registered nurse; health education; counseling;  
26 case management; restorative therapies lasting less than six months and  
27 maintenance therapies. [Total assistance with toileting, mobility,  
28 transferring and eating shall be provided under the supervision of a  
29 licensed health care provider.] Restorative and maintenance therapies  
30 shall be provided by an appropriately licensed health care provider.

31 [(f)] (D) "Optional services" shall mean other non-medical services  
32 approved by the director designed to improve the quality of life of  
33 eligible participants by extending their independence, avoiding unneces-  
34 sary hospital and nursing home stays, and sustaining their informal  
35 supports.

36 3. [Demonstration project. The director, in conjunction with the  
37 commissioner of health, is authorized and directed to establish an  
38 enriched social adult day services demonstration project for the  
39 purposes of testing innovative ways that social adult day services  
40 programs can successfully enable eligible participants to remain inde-  
41 pendent in their communities by deterring or delaying institutionaliza-  
42 tion through the use of enriched services.

43 4.] Duties of the director. (a) The director, in conjunction with the  
44 commissioner of health, [may make up to twenty grants available on a  
45 competitive basis to eligible entities under this section. Such grants  
46 may be available for up to two hundred thousand dollars for each  
47 enriched social adult day services demonstration project and shall be  
48 for up to one hundred percent of allowable expenditures for approved  
49 services and expenses under this section] SHALL DEVELOP AN APPLICATION  
50 PROCESS WHEREBY ELIGIBLE ENTITIES MAY APPLY FOR APPROVAL TO OFFER  
51 ENRICHED SERVICES, OPTIONAL SERVICES, OR BOTH. SUCH APPLICATION SHALL  
52 INCLUDE, BUT NOT BE LIMITED TO:

53 (1) AN ESTIMATE OF THE NUMBER OF ELIGIBLE PARTICIPANTS TO WHOM THE  
54 ELIGIBLE ENTITY COULD EFFECTIVELY PROVIDE THE SERVICES FOR WHICH THEY  
55 ARE APPLYING TO OFFER PURSUANT TO THIS SECTION; AND

(2) A PLAN UNDER WHICH THE ELIGIBLE ENTITY WOULD SAFELY OFFER THE SERVICES FOR WHICH THEY ARE APPLYING PURSUANT TO THIS SECTION, EITHER DIRECTLY OR THROUGH A CONTRACT WITH A LICENSED HEALTH CARE PRACTITIONER OR LICENSED HOME CARE PROVIDER AS DEFINED IN SECTION THIRTY-SIX HUNDRED FIVE OF THE PUBLIC HEALTH LAW.

(b) In [making grants] CONSIDERING APPLICATIONS MADE PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, the director, in conjunction with the commissioner of health, may consider:

(1) [projects] ELIGIBLE ENTITIES that can effectively serve eligible participants residing in rural, urban, or suburban settings;

(2) [projects] ELIGIBLE ENTITIES that effectively serve culturally diverse populations;

(3) [projects] ELIGIBLE ENTITIES that demonstrate innovative use of technology, coordination, partnerships, transportation or other services to enable eligible participants to be effectively served; AND

(4) [the capacity of the eligible entity to identify eligible participants for enriched adult day services demonstration projects; and

(5)] any other criteria determined to be appropriate.

[5.] 4. Evaluation. On or before January thirtieth, two thousand [eleven] SEVENTEEN, the director shall provide the governor, the speaker of the assembly, the temporary president of the senate, and the chairpersons of the assembly and senate aging and health committees with a written evaluation of the program. The evaluation shall examine the effectiveness of the project in forestalling institutional placement, the costs of providing enriched services in a day care setting, participant satisfaction and program quality, and identification of the program design elements necessary for successful replication.

[6. Funds.] 5. GRANTS. (A) THE DIRECTOR MAY, WITHIN AMOUNTS APPROPRIATED THEREFOR, MAKE GRANTS, AVAILABLE ON A COMPETITIVE BASIS, TO ELIGIBLE ENTITIES UNDER THIS SECTION. SUCH GRANTS SHALL BE FOR ONE HUNDRED PERCENT OF THE ALLOWABLE EXPENDITURES FOR APPROVED SERVICES AND EXPENSES UNDER THIS SECTION.

(B) IN MAKING GRANTS, THE DIRECTOR, IN CONJUNCTION WITH THE COMMISSIONER OF HEALTH, MAY CONSIDER THE CRITERIA ESTABLISHED UNDER SUBDIVISION THREE OF THIS SECTION.

(C) Funds made available under this [section] SUBDIVISION shall supplement and not supplant any federal, state, or local funds expended by any entity, including a unit of general purpose local government or not-for-profit, to provide services under this section. Funds under this [section] SUBDIVISION cannot pay for individuals who are eligible under title nineteen of the federal social security act.

S 2. This act shall take effect immediately; provided, however, that the amendments to section 215-b of the elder law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.