STATE OF NEW YORK

7797

2017-2018 Regular Sessions

IN ASSEMBLY

May 15, 2017

Introduced by M. of A. LUPARDO -- 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 Assembly, do enact as follows:

Section 1. The opening paragraph of paragraph (a) of subdivision 2 of section 215 of the elder law is amended to read as follows:

The director is authorized and directed to promulgate rules and regulations, establishing standards and requirements with regard to the operation of all social adult day care programs [~~receiving funding pursuant to this article~~], **, regardless of the source of funding utilized by such programs, whether public or private. For a program subject to oversight by the office pursuant to this section and any other state agency, where there is duplication in the rules and regulations promulgated by such agencies, the rules and regulations of the other state agency shall take precedence. The director shall establish a method by which a program affected by such duplication of rules and regulations shall notify the office of such duplication. The director may also enter into agreements as needed or desired to delegate responsibility to inspect programs regulated under this section to local area agencies on aging or to the state department of health, though this delegation shall not affect the department of health's current authority to regulate managed long term care plan networks and contracts**. Such standards and requirements shall include, but not be limited to:

§ 2. Subdivision 5 of section 215 of the elder law is amended to read as follows:

5. Report of director. The director, after consultation with his or her advisory committee, affected state agencies, any affected municipal agencies and persons involved in providing social adult day care services, shall make a report, on or before December thirty-first, two

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

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thousand [~~five~~] **eighteen**, to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the senate standing committee on aging and the chair of the assembly standing committee on aging on the projected costs and benefits of establishing uniform standards and requirements with regard to operation of social adult day care services in the state. The report shall include the director's findings, recommendations and estimate of the fiscal implications of regulating social adult day care services in the state.

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

(b) "Social adult day services" shall mean a program providing a variety of long term care services to a group of individuals, possessing functional impairments, whether due to physical or cognitive impairments, in a congregate setting and pursuant to an individualized plan of care. **A person or program shall be prohibited from holding themselves out as providing social adult day services unless they meet the requirements of this paragraph.**

(e) "Social adult day care" shall mean a program providing a variety of comprehensive services to functionally impaired elderly persons as defined in regulations established by the director. **A person or program shall be prohibited from holding themselves out as providing social adult day care unless they meet the requirements of this paragraph.**

§ 4. This act shall take effect immediately.