# STATE OF NEW YORK

7779

# IN SENATE

January 11, 2022

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

AN ACT to amend the elder law, in relation to incorporating identity theft into the definition of elder abuse for purposes of support services and programs for elder persons; and to repeal certain provisions of the elder law relating thereto

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Paragraph (i) of subdivision 1 of section 209 of the elder law, as added by a chapter of the laws of 2021, amending the elder law, the executive law and the administrative code of the city of New York relating to incorporating identity theft into the definition of elder abuse for purposes of support services and programs for elder persons, as proposed in legislative bills numbers S. 1560 and A. 1994, is REPEALED.

§ 2. Paragraph (d) of subdivision 1 of section 209 of the elder law, as amended by section 1 of part S of chapter 59 of the laws of 2016, is amended to read as follows:

(d) "Eligible services" shall mean the following services provided by a classic or neighborhood NORC program, or in coordination with other entities, including, but not limited to: person centered planning, case assistance, care coordination, information and assistance, application and benefit assistance, health care management and assistance, volunteer services, health promotion and linkages to prevention services and screenings, linkages to in-home services, health indicators/performance improvement, housekeeping/chore, personal care, counseling, shopping and/or meal preparation assistance, escort, telephone reassurance, transportation, friendly visiting, support groups, personal emergency response systems (PERS), meals, recreation, bill paying assistance, education regarding the signs of elder abuse or exploitation and available resources for a senior who is a suspected victim of elder abuse or exploitation, ***or identity theft,*** chemical [~~dependance~~] ***dependence*** counseling provided by credentialed alcoholism and substance abuse counselors as defined in paragraph three of subdivision (d) of section 19.07

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

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of the mental hygiene law and referrals to appropriate chemical dependence counseling providers, and other services designed to address the needs of residents of classic and neighborhood NORCS by helping them extend their independence, improve their quality of life, and maximize their well-being.

§ 3. Subdivision 16 of section 202 of the elder law, as amended by a chapter of the laws of 2021, amending the elder law, the executive law and the administrative code of the city of New York relating to incorporating identity theft into the definition of elder abuse for purposes of support services and programs for elder persons, as proposed in legislative bills numbers S. 1560 and A. 1994, is amended to read as follows:

16. to the extent appropriations are available, and in consultation with the office of children and family services, conduct a public education campaign that emphasizes zero-tolerance for elder abuse. Such campaign shall include information about the signs and symptoms of elder abuse, identification of potential causes of elder abuse, **which includes identity theft,** resources available to assist in the prevention of elder abuse, where suspected elder abuse can be reported, contact information for programs offering services to victims of elder abuse such as counseling, and assistance with arranging personal care and shelter. Such campaign may include, but not be limited to: printed educational and informational materials; audio, video, electronic, other media; and public service announcements or advertisements[~~. For purposes of this subdivision, the term "elder abuse" shall have the same meaning as the term "elder abuse or exploitation" as set forth in paragraph (i) of subdivision one of section two hundred nine of this title~~]; and

§ 4. Paragraph (f) of subdivision 1 of section 215 of the elder law, as added by a chapter of the laws of 2021, amending the elder law, the executive law and the administrative code of the city of New York relating to incorporating identity theft into the definition of elder abuse for purposes of support services and programs for elder persons, as proposed in legislative bills numbers S. 1560 and A. 1994, is REPEALED.

§ 5. Paragraph (c) of subdivision 2 of section 215 of the elder law, as added by chapter 492 of the laws of 2013, is amended to read as follows:

(c) The director shall develop materials for employees and volunteers of programs providing social adult day services or social adult day care on the signs and symptoms of elder abuse**, which shall include identity theft**. Such materials shall include, but not be limited to, ways to discuss suspected elder abuse with seniors where abuse is suspected and resources to which seniors may be referred for counseling, shelter, or other assistance.

§ 6. Paragraph (f) of subdivision 1 of section 217 of the elder law, as added by a chapter of the laws of 2021, amending the elder law, the executive law and the administrative code of the city of New York relating to incorporating identity theft into the definition of elder abuse for purposes of support services and programs for elder persons, as proposed in legislative bills numbers S. 1560 and A. 1994, is REPEALED.

§ 7. Subparagraph 12 of paragraph (d) of subdivision 1 of section 217 of the elder law, as added by chapter 131 of the laws of 2016, is amended to read as follows:

(12) Elder abuse**, including identity theft,** education and outreach.

§ 8. Subdivision 2 of section 219 of the elder law is amended to read to as follows:

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 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, and identity theft.

§ 9. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2021, amending the elder law, the executive law and the administrative code of the city of New York relating to incorporating identity theft into the definition of elder abuse for purposes of support services and programs for elder persons, as proposed in legislative bills numbers S. 1560 and A. 1994, takes effect.