STATE OF NEW YORK

9008

IN SENATE

May 3, 2022

Introduced by Sen. MAY -- (at request of the Office for Aging) -- 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 programs for the aging

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

Section 1. Paragraph (a) of subdivision 12 of section 203 of the elder law, as added by section 1 of part U of chapter 57 of the laws of 2019, is amended to read as follows:

(a) The director is hereby authorized to implement private pay protocols for programs and services administered by the office. These protocols may be implemented by area agencies on aging at their option and such protocols shall not be applied to services for a participant when being paid for with federal funds or funds designated as federal match, or for individuals with an income below [~~four~~] two hundred and fifty percent of the federal poverty level. All private payments received directly by an area agency on aging or indirectly by one of its contractors shall be used to supplement, not supplant, funds by state, federal, or county appropriations. Such private pay payments shall be set at a cost to the participant of not more than twenty percent above either the unit cost to the area agency on aging to provide the program or service directly, or the amount that the area agency on aging pays to its contractor to provide the program or service. Private pay payments received under this subdivision shall be used by the area agency on aging to first reduce any unmet need for programs and services, and then to support and enhance services or programs provided by the area agency on aging. No participant, regardless of income, shall be required to pay for any program or service that they are receiving at the time these protocols are implemented by the area agency on aging. This subdivision shall not prevent cost sharing for the programs and services established pursuant to section two hundred fourteen of this title [~~for individuals below four hundred percent of the federal poverty level~~]. Consistent with federal and state statute and regulations, when providing programs and services, area agencies on aging and their contractors shall contin-

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

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ue to give priority for programs and services to individuals with the greatest economic or social needs. In the event that the capacity to provide programs and services is limited, such programs and services shall be provided to individuals with incomes below [~~four~~] **two** hundred **and fifty** percent of the federal poverty level before such programs and services are provided to those participating in the private pay protocol pursuant to this subdivision.

§ 2. This act shall take effect immediately.