STATE OF NEW YORK

817

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

Introduced by Sen. HOYLMAN -- 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 clarifying the meaning of the phrase "greatest social need" for purposes of the administration of programs under the federal Older Americans Act of 1965

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

Section 1. Subdivision 1 of section 203 of the elder law, as amended by a chapter of the laws of 2022 amending the elder law relating to clarifying the meaning of the phrase "greatest social need" for purposes of the administration of programs under the federal Older Americans Act of 1965, as proposed in legislative bills numbers S. 78-A and A. 7855, is amended to read as follows:

1. The office shall submit to the federal department of health[~~, education and welfare~~] and human services a state plan for purposes of the federal Older Americans Act of 1965 and subsequent amendments thereto. The office shall be the single state agency for supervising the administration of such plan and shall be primarily responsible for coordination of state programs for the aging for purposes of such federal act. The office shall act for the state in any negotiations relative to the submission and approval of such plan and may make such arrangements, not inconsistent with law, as may be required by or pursuant to federal law to obtain and retain such approval and to secure for the state the benefits of the provisions of such federal act. For the purposes of administering [~~the federal Older Americans Act of 1965 and subsequent amendments thereto, the term~~] such state plan approved by the federal department of health and human services, when targeting program services and supports based on "greatest social need", the office shall [~~mean~~] consider the need caused by non-economic factors [~~that restrict an individual's ability to perform normal daily tasks or that threaten his or her capacity to live independently. These factors~~] which shall include,

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

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but [~~are~~] not **be** limited to[~~,~~]**:** physical or mental disability[~~,~~]**; Alzheimer's disease or other forms of dementia;** language barriers[~~,~~] **including limited English proficiency and low literacy;** and cultural [~~or~~]**,** social**, or geographic** isolation caused by, among other things, racial and ethnic status, sexual orientation, gender identity or expression, **rural residence, homebound status, caregiver status, risk of institutionalization,** or HIV status **when such isolation restricts the ability of an individual to perform normal daily tasks or threatens the ability of the individual to live independently**.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the elder law relating to clarifying the meaning of the phrase "greatest social need" for purposes of the administration of programs under the federal Older Americans Act of 1965, as proposed in legislative bills numbers S. 78-A and A. 7855, takes effect.