STATE OF NEW YORK

8742

IN SENATE

January 8, 2026

Introduced by Sen. CLEARE -- 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 the provision of expanded non-medical in-home services, non-institutional respite services, case management services, and ancillary services without a prescription or physician's order; and to repeal certain provisions of such 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 4 of section 214 of the elder law is amended to read as follows:

(i) The director, within the amounts appropriated therefor and with the approval of the director of the budget, may authorize a county which has an approved home care plan for functionally impaired elderly to provide expanded non-medical in-home services, non-institutional respite services, case management services, and ancillary services pursuant to such plan. Such services shall be limited to those services necessary to meet otherwise unmet needs and which support such elderly persons' continued residence in their homes. Needs will be determined pursuant to a standardized evaluation of functional impairment, available resources and such other relevant factors specified pursuant to regulations promulgated by the director**. Agencies providing expanded non-medical in-home services, non-institutional respite services, case management services, and ancillary services pursuant to such plan shall not need a prescription or physician's order to provide such services**. No expanded non-medical in-home services, non-institutional respite services, or ancillary services shall be provided to any individual pursuant to this section unless such expanded non-medical in-home services, non-institutional respite services, or ancillary services are accompanied by ongoing case management services in accordance with regulations promulgated by the director.

§ 2. Paragraph (k) of subdivision 4 of section 214 of the elder law is REPEALED.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.

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

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