§ 215. Social model adult day services programs. 1. Definitions. As used in this section:

(a) "Advisory committee for the aging" shall mean the advisory committee for the aging established pursuant to section two hundred ten of this title.

(b) "Social adult day services" shall mean a program providing a variety of long term care services to functionally impaired individuals, whether due to physical or cognitive impairments, in a congregate, community, or home setting and pursuant to a person-centered service plan.

(c) "Designated agency" shall mean any agency which is either a unit of county government, the city of New York, or the governing body or council of an Indian tribal reservation, or a private not-for-profit agency organized or existing pursuant to the not-for-profit corporation law, which has been designated as an area agency on aging by the state office for the aging pursuant to the federal older Americans act of 1965, as amended.

(d) "Functionally impaired" shall mean a person who needs the assistance of another person in at least one of the following activities of daily living: toileting, mobility, transferring, or eating; or who needs supervision due to cognitive and/or psycho-social impairment.

(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.

2. Duties of the director. (a) 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. Such standards and requirements shall include, but not be limited to:

(1) services to be provided;

(2) admission criteria;

(3) participant cost-sharing;

(4) assessment and enrollment;

(5) staffing;

(6) monitoring and evaluation of programs; and

(7) any other standards or requirements which the director determines

to be appropriate.

(b) Rules and regulations promulgated by the director pursuant to this subdivision shall also direct how social adult day care will be included in the planning currently required of designated agencies.

(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.

3. Funding for social adult day care programs.

(a) Beginning with amounts appropriated in the two thousand five fiscal year, the director shall, within amounts appropriated therefor, make grants available on a competitive basis to not-for-profit or local government operated social adult day care programs for functionally impaired elderly persons, with consideration of regional needs and a broad array of models. Such grants shall equal seventy-five percent of allowable expenditures for approved services pursuant to this section; provided however that the director may accept certain in-kind equivalents to comprise the required twenty-five percent match; and provided further, in the case of providers which can demonstrate financial need, the director may make grants of up to one hundred percent of allowable expenditures pursuant to this section.

(b) Beginning with the first year that the annual increase in amounts appropriated for the purposes of this section shall equal at least five million dollars, for that increase and all increases thereafter, the director shall distribute such increases to designated agencies for the provision of social adult day care programs for functionally impaired elderly persons based on a formula developed by the office which shall consider at least the following: the number of elderly persons in the area; and the number of functionally impaired elderly persons in the area as determined by the office. Base funding established under paragraph (a) of this subdivision shall continue to be distributed as provided in paragraph (a) of this subdivision. Within the amounts appropriated therefor, designated agencies authorized to provide social

adult day care under this section shall be eligible for reimbursement from the state for seventy-five percent of allowable expenditures for approved social adult day care services pursuant to this section up to a level authorized by the director; provided however, that certain in-kind equivalents may comprise the twenty-five percent match.

(c) The office may use up to three percent of the total of any funding appropriated pursuant to this section for administration.

(d) The designated agency may use up to three percent of the total of any funds provided to the designated agency pursuant to this section for administration.

4. Funding eligibility. Funding pursuant to this section shall not be available to social adult day care programs for services provided to elderly persons who are eligible for or receiving comparable services to those defined in this section pursuant to title eighteen, nineteen or twenty of the federal social security act, or any other government program. In addition, funding pursuant to this section shall not supplant any existing public or private funding for social adult day care programs.

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 thousand five, 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.