§ 217. Congregate services initiative for the elderly. 1. Definitions. As used in this section, the following words shall have the following meanings:

(a) "Designated agency" shall mean an agency which is designated by the chief executive officer of the county if there be one, or otherwise the governing board of such county, or the chief executive officer of the city of New York, or the governing board of an Indian tribal council; which is either a unit of county government or the city of New York or an Indian tribal organization or a private non-profit agency, and which is the area agency on aging created pursuant to the federal older Americans act of 1965.

(b) "Elderly person" shall mean a person sixty years of age or older.

(c) "County" shall mean a county, as defined in section three of the county law, except that the city of New York shall be considered one county.

(d) "Congregate services" shall mean services for elderly persons which are provided by a public or a government agency or non-profit agency which are provided in community settings at which elderly people come together for services and activities that respond to their diverse needs and interests, enhance their dignity, support their independence, and encourage their involvement in and with the community and which seek to prevent the well elderly from requiring more intensive services such as those provided under expanded non-medical in-home services and non-institution respite service. Such services include but are not limited to:

(1) Information and referral;

(2) Transportation;

(3) Nutrition-related services that deal with hunger among the elderly;

(4) Socialization/companionship;

(5) Educational and cultural opportunities;

(6) Counseling;

(7) Support services for families/caregivers;

(8) Volunteer opportunities;

(9) Employment services information;

(10) Health promotion and disease prevention services;

(11) Financial literacy education; and

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

(e) "Non-profit agency" shall mean a corporation organized or existing pursuant to the not-for-profit corporation law.

2. Notwithstanding any provision of this section, nothing contained herein shall give the director or a designated agency any administrative, fiscal, supervisory, or other authority whatsoever over any plans, programs or expenditures authorized pursuant to titles eighteen, nineteen and twenty of the federal social security act, or over any unit of state or local government.

3. Funding. (a) The director shall, within the amounts appropriated therefor, make funds available to designated agencies for the provision of congregate services for elderly persons.

(b) The director shall distribute such funds based on a formula developed by the office which shall take into account the geographic distribution of elderly persons within the state and any other factors deemed appropriate by the director.

4. (a) Except as otherwise provided in paragraph (b) of this subdivision, the designated agency shall subcontract with public agencies, not-for-profit agencies, or other entities to provide congregate services.

(b) The designated agency may directly operate, with the approval of the director, congregate services.

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

5. Designated agencies qualifying for funds under this section must include in the current county plan, required under section two hundred fourteen of this title, a description of the planning, coordination, administrative and local funding priorities and activities necessary to achieve the goals and objectives of this section.

6. Within the amounts appropriated therefor, counties authorized to provide congregate services pursuant to this section shall be eligible

for reimbursement by the state of up to seventy-five percent of allowable expenditures for approved services pursuant to this section.

7. The comptroller may withhold the payment of state aid to any county in the event that such county alters or discontinues the operations approved by the director pursuant to this section or otherwise fails to comply with the regulations or requirements of the director.

8. Contracts for services. (a) For the purposes of this section, counties are authorized to contract with public agencies, municipalities, non-profit agencies, or such other entities as the director may authorize.

(b) Congregate services provided pursuant to this section shall not be provided directly by the designated agency unless approval is granted by the director. Such approval may not be given by the director unless the designated agency directly provided the service prior to approval of the annual county plan by the director, or unless it can be shown that the direct provision of a congregate service by the designated agency is necessary due to the absence of an existing suitable provider to assure an adequate supply of such service, or to ensure the quality of the service provided.

(c) Pursuant to an agreement, two or more counties may join together for the purposes of this section. Such agreements shall make provision for the proportionate cost to be borne by each county, the employment of personnel, the receipt and disbursement of funds, and any other matters deemed necessary by the director.

9. For the purposes of obtaining state aid within the amounts appropriated therefor under this section, a designated agency of an Indian tribal organization shall qualify as though it were a designated agency for a county.

10. On or before February first, two thousand five the office shall submit a report to the chairs of the assembly ways and means committee, the senate finance committee, and the director of the division of the budget which evaluates and makes recommendations on the congregate services initiative program. The report should include but not be

limited to the following information:

(a) A description of grant recipients and amount of funds received through area offices on aging for the congregate services initiative. The description of grant recipients should include: the types of services offered at each site, the number of individuals served, and, to the extent practicable, a profile of the individuals served. The office should include a specific recommendation on whether a minimal set of services should be required of each program or if flexible service requirements should be maintained.

(b) A description of the benefits of the program, including any survey information obtainable from participants in the program, family members, or caregivers for whom the program may serve as respite. The description of benefits should also address the extent to which availability of the program helps to avoid unnecessary institutionalization of participants.

(c) A description of oversight and planning mechanisms built into the program and an assessment of the extent to which reconfiguration of the recreation program to the congregate services initiative has improved the delivery and/or oversight of services.

(d) A description of how providers of congregate services initiative services have coordinated with other agencies, providers, or counties, who offer similar services.

(e) A description of any known factors which have either contributed to successful service delivery or have hindered the congregate services initiative program.

(f) An assessment of the need for and/or demand for congregate initiative services and the extent to which the congregate services initiative or any other available services, are currently addressing those needs.

(g) Any other information the office for the aging deems relevant.

11. The executive department is authorized to collect any information necessary from grant recipients or area offices on aging necessary to complete this report.

12. With regard to direct grants to community based non-profit organizations for the provision of congregate services to persons sixty years of age or older to promote their health, independence and

involvement in the community, congregate services shall be provided at community settings where eligible persons come together for services and activities and shall include, but are not limited to: information and referral; transportation; nutrition-related services; socialization; educational and cultural opportunities; counseling; support services for caregivers and families; volunteer opportunities; employment services information; and health promotion and disease prevention services.