*** § 364-h. Foster family care demonstration programs for elderly or disabled persons.** 1. The department is authorized to designate up to ten entities which may include general hospitals, residential health care facilities, home health care programs, and long term home health care programs for the purpose of testing whether foster family care programs for certain elderly or disabled persons can be appropriate alternatives to institutional placement in those instances where such individuals do not have a home or the necessary resources or family support to live in the community.

2. A hospital, facility, or program designated as a foster family care demonstration program shall perform the following functions:

(a) recruitment, selection and training of families to serve as foster families;

(b) selection of those elderly or disabled persons who will receive foster family care services under the demonstration project authorized herein, and assessment of their needs;

(c) provision of or arrangement for necessary medical services; and

(d) monitoring the care being received by the person in the foster family care home, and assessing the continuing viability of placement in such home.

3. Persons eligible to participate in the foster family care demonstration programs authorized by this section shall be:

(a) medically eligible for placement in a skilled nursing facility or a health related facility or eligible for home care services;

(b) capable of being cared for in the community if a suitable home environment and medical support services are provided; and

(c) lacking the home, resources or family support to live in the community.

4. Families who participate in the foster family care demonstration program shall be willing and able to provide:

(a) room and board;

(b) supervision of or assistance with the activities of daily living; and

(c) personal care and other related services which may be necessary to

maintain the person in the community.

5. In designating a hospital, facility, or program to provide a foster family care program, the department shall be satisfied as to the cost-effectiveness of the proposal as compared to institutional long term care.

6. The commissioner may waive the provisions of titles one and two of article seven of this chapter and regulations of the department relative thereto as necessary to implement the provisions of this section; provided, however, the commissioner shall be satisfied that the health, safety and welfare of persons participating in the foster care programs are not affected negatively by such waivers.

7. This section shall not be interpreted to restrict a medical assistance recipient's choice of provider of services to which he is entitled pursuant to this title or to authorize any change in the eligibility criteria for medical assistance.

8. A medical assistance recipient may discontinue participation in a foster family care demonstration program at any time.

9. The department shall utilize all potential sources of funding for such foster family care programs including, but not limited to, funding available through titles sixteen, eighteen, nineteen and twenty of the federal social security act and the federal older Americans act of 1965, as amended. Services provided as part of a foster family care program and related administrative expenses not otherwise eligible for coverage under these or other funding sources shall be eligible for reimbursement under the medical assistance program for the purposes of this demonstration as long as federal financial participation is available. The department shall take all steps necessary to secure such funding including the submission of applicable waivers. Copies of waiver submissions shall be provided to the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

10. The department, in consultation with the department of health and

the office for the aging, shall provide an interim report to the governor and the legislature on or before November first, nineteen hundred eighty-six and a final report on or before October thirty-one, nineteen hundred ninety-five on the results of the foster family care demonstration program. The report shall include findings as to the program's cost effectiveness including consideration of the costs of maintaining the person in the community, funding sources, programmatic benefits and the effect on the need for residential health care facility beds. In the final report, the department shall offer recommendations as to whether the program should be extended, modified, eliminated or made permanent.

11. Foster family care demonstration programs authorized pursuant to chapter nine hundred forty-two of the laws of nineteen hundred eighty-three and chapter five hundred forty-one of the laws of nineteen hundred eighty-four shall comply with the provisions of this section but shall be in addition to the entities designated in subdivision one of this section. Such previously authorized demonstration projects shall be subject to the expiration date of this section.

* NB Repealed December 31, 2027