



New York State Assembly

Sheldon Silver  
Speaker



# 2013

## ANNUAL REPORT

Committee on  
**Aging**

Joan L. Millman  
Chair





**THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY**

CHAIR  
Committee on Aging

COMMITTEES  
Education  
Labor  
Steering  
Transportation  
Ways and Means

JOAN L. MILLMAN  
Assemblywoman 52<sup>nd</sup> District

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December 15, 2013

Honorable Sheldon Silver  
Speaker of the Assembly  
State Capitol, Room 349  
Albany, New York 12248

Dear Speaker Silver:

I am pleased to forward to you the 2013 Annual Report of the Assembly Standing Committee on Aging. The work accomplished during the 2013 Legislative Session reflects the Committee's dedication to protecting seniors' quality of life, health, safety, and independence.

The Committee advanced a package of legislation to address the terrible crime of elder abuse, specifically financial exploitation which is a very important issue for seniors. A.7231, Chapter 448 of the Laws of 2013, allows naturally occurring retirement communities (NORCs) and neighborhood NORCs to include education regarding elder abuse and exploitation in the services offered to residents. A.1783-B would require the superintendent of the department of financial services to develop guidelines relating to reporting suspected financial abuse. A.1787-A would require disclosures in advertisements regarding the basis or source of any senior-specific designation utilized or implied in the advertisement. A.7345-B would create an optional program for mandatory reporting of suspected financial exploitation by financial institutions. If an account holder chooses this protection, any incidents of suspected financial exploitation would automatically be reported within parameters established by the Department of Financial Services. An account holder could opt out at any time.

I would like to take this opportunity to thank the Committee members for their continued contributions to this past year's achievements. I would also like to express my appreciation for the assistance that the Committee received from the Committee staff in the course of our work. Finally, Mr. Speaker, I thank you for your continued leadership and support of our legislative initiatives to better protect New York State seniors.

Sincerely,

A handwritten signature in cursive script that reads "Joan L. Millman".

Joan Millman  
Chair, Committee on Aging

**2013 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON AGING  
JOAN MILLMAN, CHAIR**

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Joan Marcy, Committee Clerk  
Erin Cunningham, Legislative Analyst  
Aaron Suggs, Associate Counsel  
Matthew Aumand, Committee Assistant  
Kathy Quackenbush, Program and Counsel Secretary

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## **I. Committee Responsibilities and Goals**

The New York State Assembly Standing Committee on Aging has jurisdiction over legislation affecting the quality of life of New York's senior citizen population. The Committee also reviews certain legislation providing real property tax relief for those over the age of sixty-five. The Committee works closely with, and has legislative and budgetary oversight of programs administered by, the New York State Office for the Aging. The Committee works to ensure services are available so that seniors enjoy a high quality of life. This includes programs such as the Expanded In-Home Services for the Elderly Program (EISEP), Caregiver Resource Centers, Long-Term Care Ombudsman Program, Retired and Senior Volunteer Program (RSVP), Senior Respite Programs, Social Adult Day Programs, Naturally Occurring Retirement Communities (NORC), Neighborhood Naturally Occurring Retirement Communities (NNORC), Foster Grandparent Programs, Elder Abuse Education and Outreach Program, and Meals-on-Wheels Programs. The Committee has legislative and budgetary oversight of the Elderly Pharmaceutical Insurance Coverage (EPIC) Program, which is administered by the New York State Department of Health.

During the 2013 Session, the Committee reviewed 134 bills and addressed numerous issues aimed at reducing the real property tax burden on low-income seniors, protecting seniors from victimization, ensuring that seniors are able to safely remain in their homes and communities for as long as possible with the supports they deserve, and providing supports and resources to seniors and their caregivers. The Committee held a hearing regarding the evolution of aging neighborhoods and the importance of senior-friendly communities. The Committee heard testimony from the State Office for the Aging, local area agencies on aging, and community-based organizations that work to ensure that seniors can remain in their communities.

This report describes the Committee's major legislative activities during the 2013 Legislative Session.

## **II. 2013 COMMITTEE ACCOMPLISHMENTS**

### **A. Real Property Tax**

Property taxes are based on the value of the taxpayer's home, not on income or the ability to pay. This often creates a burden for low-income seniors who may rely on Social Security as their only source of income. It is the goal of this Committee to enable seniors to remain in their homes and out of costly institutions for as long as possible. One way this can be done is by providing real property tax relief through the Senior Citizen Rent Increase Exemption (SCRIE) program.

#### **1. Renewal Notices for the SCRIE Program**

A.350-A (Dinowitz) – Passed Assembly

This bill would require the appropriate rent control or administrative agency to send a notice of renewal to each head of household currently receiving an exemption under the SCRIE program. The notice would be sent no less than thirty days prior to the applicable renewal date.

#### **2. Outreach, Status, and Time Limits Relating to the SCRIE and DRIE Programs**

A.1859 (Millman) – Passed Assembly

This bill would require the entity that administers the SCRIE and DRIE programs to implement and administer a program that develops outreach initiatives to identify eligible individuals who are not participating in SCRIE and DRIE and to provide these individuals with information about these programs. Outreach efforts could include, but would not be limited to, mailings, advertisements, public service announcements, literature dissemination, internet technology, social media, community outreach, and partnerships with other municipal entities and agencies.

The bill would also require municipalities participating in the SCRIE and DRIE programs to develop a program that allows applicants and participants to determine the status of their tax abatement and any filed forms. This program would have to include provisions that enable applicants and participants whose primary language is not English, who have communication impediments due to blindness, deafness, cognitive impairments, or speech impediments, or who lack access to the internet to determine their status.

### **B. Safety, Health, and Well-Being**

As we age we become more vulnerable to hazards such as falls, drug interactions, and victimization. Seniors are more likely to be injured and suffer more severe consequences because of that injury than are young adults. It is the goal of this Committee to actively try to prevent hazards and create appropriate responses.

#### **1. Senior Drug Guide**

A. 363 (Dinowitz); Passed Assembly

This bill would require the New York State Office for the Aging (SOFA) to publish a guide explaining the purpose, function, and potential drug interactions of drugs commonly used by persons over the age of 62. The creation of a prescription drug guide for seniors would make seniors aware of the specific effects of the drugs seniors commonly use. Often, seniors are prescribed multiple medications and/or self-medicate with over-the-counter medicines. Certain drug interactions can be life threatening. Seniors need to be made aware of the likely contraindications of certain commonly prescribed drugs and over-the-counter medications.

## **2. Provision of NY Connects Contact Information**

A.433 (Dinowitz) – Passed Assembly

This bill would require the New York Department of Health and SOFA to create a list of contact information for the NY Connects: Choices for Long-Term Care program, local area agencies on aging, local departments of social services, and local departments of health and organize the information by county. The list would be provided to licensed health care providers who would provide county-specific information to the patients they recommend receive long-term care services.

## **3. Consultation Between Adult Protective Services and Local Area Agencies on Aging**

A.3430 (Brindisi) – Passed Assembly

This bill would require adult protective services, outside of New York City, when providing services to individuals age sixty years of age or older, to inform and consult with the local area agency on aging regarding appropriate programs and services for these individuals.

## **4. Schedule of Fees for the Use of Air Conditioners in Adult Homes**

A. 4306 (Brennan) – Passed Assembly

This bill would require that the New York State Department of Health establish a schedule of fees for the use, maintenance, and repair of air conditioners by residents of adult homes, enriched housing programs, and residences for adults. Due to deaths in adult homes from extreme temperatures, two million dollars was added to the 2006-2007 Budget to enable residents of adult homes to purchase air conditioners. Since then, many residents have enjoyed air conditioning, but have also seen dramatic increases in payments to the adult home operator for the use, maintenance, and repair of such air conditioners. It is the goal of this bill to set fair limits on the amount that an adult home operator can charge each resident who chooses to take advantage of the air conditioners purchased by the state.

## **5. Home Visitation for Elderly Victims of Violent Crimes**

A.449 (Dinowitz) – Passed Assembly

The purpose of this bill is to require that SOFA be consulted regarding the establishment of a volunteer program of home visitation to elderly and invalid victims of violent crime. SOFA has resources relating to many programs that provide services for the elderly. It is important that the needs of the elderly who have been victims of violent crimes are considered carefully.

**6. Rules and Regulations Pertaining to the Operation of Social Adult Day Care Programs; Report to the Governor and the Legislature**

A.7736 (Millman); Passed Assembly

This bill would extend existing SOFA rules and regulations for social adult day programs to all programs, regardless of whether the source of funding for such programs is public or private. This bill would also prohibit any person or program from claiming to provide social adult day services or social adult day care unless the requirements of this section are met and require a report to the Governor and the Legislature no later than December 31, 2013.

**C. Elder Abuse**

Elder abuse affects thousands of seniors across the state every year. There are different types of elder abuse, including physical, verbal, sexual, emotional, and financial. Efforts to stop the growing number of seniors affected face many challenges, including a lack of awareness and information about the signs and symptoms of elder abuse. Working to increase opportunities to identify signs of abuse, increase outreach and education regarding elder abuse, and empower seniors who are or may become victims is a priority of the Committee.

**1. Information Regarding Elder Abuse in Naturally Occurring Retirement Communities (NORCs) and Neighborhood NORCs**

A.7231 (Rosa) – Chapter 448 of the Laws of 2013

This law will include education on the signs of elder abuse and exploitation, as well as information on resources for seniors suspected of being victims of elder abuse or exploitation, as eligible services available to residents of NORCs.

**2. Elder Abuse Awareness in Social Adult Day Programs**

A.1960 (Millman) – Chapter 492 of the Laws of 2013

This law will require the director of the SOFA to develop materials on the signs and symptoms of elder abuse for use by the employees and volunteers at social adult day programs. These materials will include, but not be limited to, ways to discuss elder abuse with seniors when abuse is suspected and resources to which seniors can be referred for counseling, shelter, or other assistance.

**3. Protections for Voluntary Reporting of Financial Exploitation by Financial Institutions**

A.1783-B (Millman) – Passed Assembly

This bill would direct the superintendent of the Department of Financial Services (DFS), in consultation with the State Office for the Aging, the Attorney General, representatives of the financial services industry, law enforcement personnel, senior advocates, and district attorneys to develop guidelines for



reporting suspected financial exploitation. Financial institutions that make a report of suspected financial exploitation in accordance with those guidelines would be protected from civil liability.

#### **4. Disclosures Relating to the Use of Senior Specific Designations**

A.1787-A (Millman) – Passed Assembly

This bill would define “senior specific designation” to mean a title, professional designation, credential, certification, or professional description indicating a person has expertise or training in issues specifically related to seniors. Anyone using a senior-specific designation would be required to disclose the source of that designation in advertisements and in writing to prospective clients at the initial meeting or consultation.

#### **5. Opt in program for Mandatory Reporting of Financial Exploitation**

A.7345-B (Robinson) – Passed Assembly

This bill would require DFS to create a program in which financial institutions may be required by an individual to report suspected financial exploitation to the appropriate adult protective services agency and law enforcement agency. This program would be offered to all individuals who have an account with the financial institution and would be voluntary; an individual would be able to revoke, in writing, his or her participation in the program at any time.

Employees of a financial institution who have cause to suspect financial exploitation of an account holder who is a participant would be mandated to report the suspected financial exploitation in accordance with the rules and regulations promulgated by DFS. There would also be protection from civil liability for making a report pursuant to this program.

### **D. Other**

#### **1. Hiring and Retraining Older Workers**

A. 1857-A (Millman) – Passed Assembly

This bill would direct the State Office for the Aging (SOFA), in conjunction with the Department of Labor, to develop and annually update a guide for businesses to hire, retain, and retrain mature workers. Such guide would be made available on the websites of SOFA, the Department of Labor, and the Department of State, as well as to businesses that obtain licensure or certification from such agencies. This guide would encourage businesses to hire, retain, and retrain mature workers and provide businesses with information on ways to do so.

#### **2. Local Programs to Assist Seniors**

A.1860 (Millman) – Passed Assembly

This bill would require SOFA to create model programs that could be used by local area agencies on aging and community-based organizations as a template to establish a telephone reassurance program or

visiting program to assist seniors in their local communities. This bill would encourage the development of local programs to assist seniors.

**3. Allows the Director of the Office for the Aging to Authorize Enriched Services or Optional Services to Eligible Entities Without a Grant**

A.1910-A (Millman) – Passed Assembly

This bill would require SOFA to develop an application process by means of which social adult day programs may request authorization to provide enriched services and/or optional services in the absence of grant funding for the enriched social adult day program.

### III. SFY 2013-2014 BUDGET

The SFY 2013-2014 Budget had a significant impact on aging programs and services.

**Elder Abuse** – Total Additional Funding \$700,000

**Elderly Abuse Education and Outreach Programs** – Add \$500,000

Executive Proposal: \$245,000      Total Funding: \$745,000

The NYS Elderly Abuse Education and Outreach Program provides education and outreach to the general public, including elderly persons, their families, and caregivers in order to identify and prevent elder abuse, neglect, and exploitation.

**Lifespan** – New Appropriation \$200,000

Lifespan's elder abuse program includes information and direct services related to senior financial exploitation, scam prevention, physical and emotional abuse, and neglect.

**New York State Adult Day Services Association Inc. (NYSADSA)** – New Appropriation \$122,500

This money will be used to provide training and technical assistance to social adult day services programs in New York State to ensure they are properly following regulations.

**Social Adult Day Services** – Add \$200,000

Executive Proposal: \$872,000      Total Funding: \$1,072,000

Social adult day services are structured, comprehensive programs that provide functionally impaired individuals with socialization, supervision and monitoring, personal care, and nutrition in a protective setting. These programs provide a secure environment aimed at helping participants to achieve optimal physical and mental/cognitive functioning. They improve the quality of life for older adults by reducing social isolation, and increasing social and community engagement.

**Council of Senior Centers and Services** – New Appropriation \$200,000

This allocation is intended to be used to provide outreach to seniors regarding eligibility for the food stamp (SNAP) program.

**Transportation Services for the Elderly** – Add \$200,000

Executive Proposal: \$921,000      Total Funding: \$1,121,000

The fifty-nine designated area agencies on aging provide transportation services to seniors. Transportation is a significant area of need for seniors across New York State. Seniors are often no longer able to meet their own transportation needs. This places a great burden on caregivers and often leaves seniors isolated and unable to meet daily requirements.

**Human Services Cost of Living Adjustment (COLA)** – Deferred \$2.6 million

The Executive proposed to eliminate the COLA entirely. The enacted budget deferred the COLA for one year.

**Supplemental Nutrition Assistance Program (SNAP)** – Renamed the former Supplemental Nutrition Assistance Program to be the Wellness in Nutrition (WIN) program with no funding change. This name

change was made to avoid confusion with the Federal Supplemental Nutrition Assistance Program (SNAP) program.

**Community Empowerment Initiative** – Renamed the former Community Empowerment Initiative and broadened it into the Livable New York Initiative to help local leaders, residents, officials, and organizations come together to create neighborhoods that reflect the evolving needs and preferences of all their residents.

**Elderly Pharmaceutical Insurance Coverage (EPIC) Program**

**New York State Department of Health**

**Total Appropriation \$208,905,000**

EPIC was enacted in 1986 to assist low and moderate income seniors with the purchase of their prescription drugs. There are two ways a senior can enroll in EPIC. The Fee Plan, or comprehensive coverage, allows low-income seniors to pay an annual fee to participate and then pay low-cost co-payments for each prescription they fill. To be eligible for the Fee Plan, one must have an annual income of less than \$20,000 if single and \$26,000 for a couple. The second plan is called the Deductible Plan or catastrophic coverage. This plan is for seniors who have annual incomes of between \$20,000 and \$35,000 if single and between \$26,000 and \$50,000 for a couple. It creates a schedule, based on annual income, of the amount that a senior must pay out of pocket for their medication expenses before EPIC will provide coverage. Once this deductible is reached, the senior is not charged an annual fee but is responsible for the same low-cost co-payments as those participating in the Fee Plan.

EPIC does not cover drugs that are not on a participant's Part D formulary, any prescription for which a Part D plan denies coverage, and drug costs in the deductible phase of Medicare Part D, which can be up to \$320.

EPIC will continue to require all enrollees to enroll in a Part D Plan.

## **IV. HEARINGS**

### **A. Studying Aging Neighborhoods and the Evolution of Senior-Friendly Communities**

On December 4, 2013, the Committee held a hearing in New York City to study the changing needs of aging communities and evaluate what programs and developments make neighborhoods friendlier to seniors. The Committee heard from the State Office for the Aging, local area agencies on aging, and community based organizations that work to ensure that seniors can remain in their communities.

There was agreement that more can be done to make seniors feel welcome and able to navigate their neighborhoods as their mobility and interests change. The committee asked the question: What constitutes a senior-friendly community? While the answer is not entirely clear, there are several initiatives in place to try and answer this need.

One of the issues raised is that seniors are not all the same. Different cultures and ethnic backgrounds as well as geographical disparity and socioeconomic status combine to create different definitions of what a neighborhood needs to be friendly to seniors. Some things, like transportation options, are universal while others are more subjective. This is one of the reasons why a diverse pattern of community-based organizations is so important to address the needs of different groups of seniors.

Lastly, the need for interagency and interdisciplinary cooperation to find new and innovative ways to keep seniors in their homes and make them feel like vital parts of the community is growing. Many people offer ideas, but when these individuals are brought together then solutions are much more likely. Supporting these kinds of initiatives, both between State agencies and at the local level, was a recurring theme.

## **V. OUTLOOK AND GOALS FOR 2014**

The 2014 Legislative Session promises to present many challenges to the Aging Committee. The Committee will pursue many of the issues it addressed during the 2013 Session, and new issues will emerge for consideration. As in the past, the Committee will continue to address issues brought to its attention by legislators, the executive branch, staff, and by the people of the State of New York.

**APPENDIX A**

**CHAPTERS of 2013**

<b>CHAPTER #</b>	<b>ASSEMBLY BILL #</b>	<b>ASSEMBLY SPONSOR</b>	<b>DESCRIPTION</b>
448	A. 7231	Rosa	Includes education on the signs of elder abuse and exploitation, as well as information on resources for seniors suspected of being victims of elder abuse or exploitation, as eligible services available to residents of NORCs.
492	A. 1960	Millman	Requires the director of the State Office for the Aging (SOFA) to develop materials on the signs and symptoms of elder abuse for use by the employees and volunteers at social adult day services and social adult day care programs.

**APPENDIX B**

**BILLS PASSED ASSEMBLY**

<b>ASSEMBLY BILL # SPONSOR</b>	<b>SENATE BILL # SPONSOR</b>	<b>FINAL ACTION</b>	<b>DESCRIPTION</b>
A.350-A (Dinowitz)	S. 16-A (Diaz)	Passed Assembly	Would require the appropriate rent control or administrative agency to send a notice of renewal to each head of household currently receiving an exemption under the Senior Citizen Rent Increase Exemption (SCRIE) program. The notice would be sent no less than thirty days prior to the applicable renewal date.
A. 363 (Dinowitz)	S. 2239 (Golden)	Passed Assembly	Would provide for the creation of a drug guide for seniors regarding the drugs commonly used by people over 62 years of age.
A. 433 (Dinowitz)	S. 2157 (Valesky)	Passed Assembly	Would require the Commissioner of Health to create a list of long term care contact information for the NY Connects: Choices for Long Term Care Program and other local agencies to be provided by health care practitioners to patients recommended to receive long term care.
A. 449 (Dinowitz)	S. 313 (Diaz)	Passed Assembly	Would direct the Office of Victims' Services to consult with the Office for the Aging in establishing a program for home visitation for elderly and invalid victims of violent crime.
A. 1783-B (Millman)	S. 5675 (Adams)	Passed Assembly	Would direct the Superintendent of the Department of Financial Services, in consultation with the State Office for the Aging, the Attorney General, representatives of the financial services industry, law enforcement personnel, senior advocates, and district attorneys to develop guidelines for reporting suspected financial exploitation. Financial institutions that make a report of suspected financial exploitation in accordance with those guidelines would be protected from civil liability.



<b>ASSEMBLY BILL # SPONSOR</b>	<b>SENATE BILL # SPONSOR</b>	<b>FINAL ACTION</b>	<b>DESCRIPTION</b>
A. 1787-A (Millman)		Passed Assembly	Would require anyone using a senior-specific designation to disclose the source of that designation in advertisements and in writing to prospective clients at the initial meeting or consultation.
A. 1857-A (Millman)	S. 314-A (Diaz)	Passed Assembly	Would direct the State Office for the Aging (SOFA), in conjunction with the Department of Labor, to develop and annually update a guide for businesses to hire, retain, and retrain mature workers.
A. 1859 (Millman)		Passed Assembly	Would require outreach for the Senior Citizen Rent Increase Exemption (SCRIE) and Disabled Rent Increase Exemption (DRIE) programs, provide for time limits for adjudication of forms filed, and require that individuals be able to determine the status of forms filed.
A. 1860 (Millman)	S. 148 (Diaz)	Passed Assembly	Would require SOFA to create model programs that could be used by local area agencies on aging and community-based organizations as a template to establish a telephone reassurance program or visiting program to assist seniors in their local communities.
A. 1910-A (Millman)		Passed Assembly	Would allow the Director of SOFA to authorize enriched social adult day services without a grant.
A. 3430 (Brindisi)	S. 5711 (Griffo)	Passed Assembly	Would require adult protective services outside of New York City to consult with local area agencies on aging when the individual being served is sixty years of age or older.
A. 4306 (Brennan)	S. 5607 (Diaz)	Passed Assembly	Would require the Department of Health to establish a schedule of fees for the use, maintenance, and repair of air conditioners used by residents of adult homes, residences for adults, and enriched housing programs, to ensure that fees charged to residents for air conditioning use, maintenance, or repair are not unreasonable or excessive.
A. 7345-B (Robinson)		Passed Assembly	Would create an opt-in program for mandatory reporting of suspected financial exploitation by financial institutions. If an account holder chooses this protection, any incidents of suspected financial

ASSEMBLY BILL # SPONSOR	SENATE BILL # SPONSOR	FINAL ACTION	DESCRIPTION
			exploitation would automatically be reported within parameters established by the Department of Financial Services. An account holder could opt out at any time.
A. 7736 (Millman)	A. 5397-A (Savino)	Passed Assembly	Would extend existing SOFA rules and regulations for social adult day programs to all programs, regardless of whether the source of funding for such programs is public or private. This bill would also prohibit any person or program from claiming to provide social adult day services or social adult day care unless the requirements of this section are met and require a report to the Governor and the Legislature no later than December 31, 2013.

**APPENDIX C**

**2013 SUMMARY OF ACTION ON ALL BILLS REFERRED TO  
THE ASSEMBLY COMMITTEE ON AGING**

<b><u>Final Disposition of Bills</u></b>	<b>Assembly Bills</b>	<b>Senate Bills</b>	<b>Total</b>
<b><u>Bills Reported With or Without Amendment</u></b>			
To Floor; Not Returning to Committee	4		4
To Ways and Means	12		12
To Codes	5		5
To Rules	0		0
To Judiciary	0		0
Total	21		21
<b><u>Bills Having Committee Reference Changed</u></b>			
Total	0		0
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		1	1
Recalled		0	0
Total		1	1
<b><u>Bills Defeated in Committee</u></b>	0	0	0
Bills Held for Consideration with a Roll-call Vote	2	0	2
Bills Never Reported, Died in Committee	102	5	107
Bills Having Enacting Clause Stricken	4	0	4
Motions to Discharge Lost	0	0	0
Total	108	5	113
Total Bills in Committee	129	6	135
<b>Total Number of Committee Meetings Held</b>	6		