

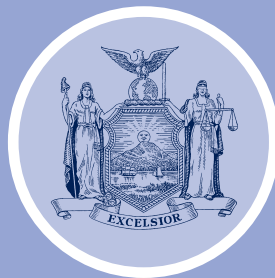


**NEW YORK STATE ASSEMBLY**

**A N N U A L**

**2 0 1 2**

**R E P O R T**



**Committee on  
Aging**

**Joan Millman, Chair**

**SHELDON SILVER, SPEAKER**



**THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY**

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

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December 15, 2012

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 2012 Annual Report of the Assembly Standing Committee on Aging. The work accomplished during the 2012 Legislative Session reflects the Committee's dedication to protecting seniors' quality of life, health, safety, and independence.

A particularly important issue that the Committee has advanced legislation to address is the chaotic situation in New York City regarding the SCRIE (Senior Citizen Rent Increase Exemption) program. A package of four bills dealt with the broad range of issues encountered by individuals attempting to utilize this important program. A.9204 would require forms available in community settings and allow community-based organizations to assist applicants with the forms. A.9205 would require more outreach to the community, set time limits within which the municipality must respond to forms that have been filed, and require municipalities to implement a mechanism by which individuals can determine the status of their application. A.9213 would require services to be made available to assist individuals who have difficulty communicating due to language, blindness, deafness, speech impediment, or cognitive impairment. A.9223-A, which became Chapter 286 of the Laws of 2012, requires a seamless transition process between DRIE (Disability Rent Increase Exemption) and SCRIE for eligible individuals and prohibits the use of eligibility criteria not expressly authorized in the state statute.

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,

Joan Millman  
Chair, Committee on Aging

CHAIR  
Committee on Aging

COMMITTEES  
Corporations  
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**2012 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON AGING  
JOAN MILLMAN, CHAIR**

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Joan Marcy, Committee Clerk  
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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 for 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 2012 Session, the Committee reviewed 136 bills and addressed numerous issues aimed at reducing the real property tax burden among low income seniors, protecting seniors from victimization, preserving the benefits provided under EPIC, 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 joint hearing with the Committee on Banks regarding the efforts of state agencies to prevent financial exploitation of the elderly. The Committee heard from the State Office for the Aging, the Department of Financial Services, district attorneys, representatives of the financial services industry, legal services organizations, and other community based organizations that assist victims of financial exploitation.

This report describes the Committee's major legislative activities during the 2012 Legislative Session.

## **II. 2012 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. Provides for Seamless Transition from DRIE to SCRIE for Qualified Individuals and Prohibits Non-statutory Eligibility Criteria**

A.9223-A (Simotas) – Chapter 286 of the Laws of 2012

This law requires the entity that administers the SCRIE and Disability Rent Increase Exemption (DRIE) programs to develop a system to ensure that DRIE participants have timely notice of the need to reapply under the SCRIE program once they are eligible for both SCRIE and DRIE. The bill would also clarify that only eligibility criteria expressed in statute can be used to determine eligibility for SCRIE and DRIE.

#### **2. SCRIE and DRIE Forms to be Available in the Community and Authorizes Certain Entities to Assist in the Completion of Such Forms**

A.9204 (Lopez, V.) – Passed Assembly

This bill would require the supervising municipal agency that administers the SCRIE and DRIE programs to develop and implement a plan to make SCRIE and DRIE forms and assistance to complete such forms available in community settings. Plans would include, but not be limited to, partnering with other municipal entities and organizations that provide outreach and supportive services and allowing these organizations and entities to accept completed forms and forward the forms to the supervising municipal agency. Forms, training, and direct contact information for the supervising municipal agency would be provided to any partnering organizations or entities.

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

A.9205 (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.

The bill would require the administering agency to acknowledge the receipt of any form for applications, renewals, or adjustments of abatement by a letter to the applicant noting the date the form was received. Within thirty days of receipt, applications and renewal applications would have to be approved, denied, or subject to requests for further documentation or information from the applicant. When further information is requested, it would have to be processed within fifteen days of receipt. Within three days of approval or rejection of an application or renewal application, the applicant would have to be sent written notification informing them of the decision, the date of the decision, what recourse is available if they are dissatisfied with the decision, and how to pursue such recourse.

#### **4. Language Access Services for the SCRIE and DRIE Programs**

A.9213 (Brook-Krasny) – Passed Assembly

This bill would require the entity that administers the SCRIE and DRIE programs to develop a plan to ensure that individuals with limited English proficiency have adequate access to information. Necessary documents, including but not limited to forms and instructions, would have to be translated into the six most common non-English languages spoken by individuals with limited English proficiency in the municipality. Interpretation services in the individual's primary language would have to be made available upon request. Individuals who require additional assistance due to deafness, blindness, speech impediment, or cognitive impairment would have to be offered additional assistance upon request or demonstrated need.

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

A. 315-A (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.

## **2. Require the Department of Transportation to Study Senior Pedestrian Accidents**

A.643-A (Clark); Passed Assembly

This bill would require the Department of Transportation to do a state-wide survey to determine the safety of senior pedestrians and to study the feasibility of suggested methods to enhance the safety of such pedestrians. Every year a disproportionate number of senior citizens are killed or injured in pedestrian incidents. Preventive pedestrian safety measures have been implemented outside New York State, and it is reasonable and prudent that these measures receive scrutiny and consideration for use in New York State.

## **3. Senior Drug Guide**

A. 2154-A (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.

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

A.7788-B (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.

## **5. Elder Abuse Awareness in Social Adult Day Programs**

A.9930 (Millman) – Passed Assembly

This bill would 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 would include, but not be limited to, ways to discuss elder abuse with seniors when abuse is suspected and



resources to which seniors could be referred for counseling, shelter, or other assistance.

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

A.9942-A (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.

## **C. Housing and Services**

Housing is one of the largest unmet needs of seniors. Most seniors want to stay in the houses or apartments that they have called their own for most of their adult life. When retirement or changes in medical status cause them to leave their homes, it is often difficult for seniors to find the right combination of housing and services to meet their needs. It is the goal of the committee to increase available housing options and services for seniors to enable them to remain as independent as possible for as long as possible.

### **1. Rename and Broaden the Geriatric Service Demonstration Program to Include Older Adults with Mental Health Disabilities and Chemical Dependence**

A.265 (Dinowitz) – Passed Assembly

This bill would rename the “Geriatric Service Demonstration Program” the “Geriatric Mental Health and Chemical Dependence Demonstration Program,” extend grant eligibility, currently limited to providers of mental health services for the elderly, to providers of chemical dependency treatment for the elderly, and require the demonstration program to be administered in cooperation with the Office of Alcoholism and Substance Abuse Services.

### **2. Establish the Senior Center Council**

A.6750 (Rodriguez) – Passed Assembly

The bill would establish the New York State Senior Center Council, which would be composed of the Director of the Office for the Aging, serving as chair, and ten members appointed by the chair. Members would be representative of all geographic areas of the state as well as broadly representative of older adult groups. The New York State Senior Center Council would create an environment of peer-to-peer support for senior centers, encourage efficient and effective operation of senior centers, and offer recommendations for how the state can support senior centers.

## **D. Other**

### **1. SOFA on the Emergency Services Council**

A. 4137 (Englebright); Chapter 40 of the Laws of 2012

This law adds the director of the New York State Office for the Aging (SOFA) to the New York State Emergency Services Council. Natural disasters, man-made disasters, and other emergency situations require that the special needs of seniors be taken into consideration when the State develops strategies and responses. Therefore, it is imperative that this Council has representation from the aging community.

### **2. Senior Citizen Energy Packaging Pilot Program**

A. 759-A (Dinowitz); Chapter 111 of the Laws of 2012

This law corrects some parts of the elder law that are disorganized and potentially confusing. The legislative intent for the senior citizen energy packaging pilot program is moved from section 221, which is disconnected from the language that establishes the program, to section 222, where the program is established.

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

A.5439 (Dinowitz) – Passed Assembly

The purpose of this bill is to require that SOFA be consulted by the Office of Victim Services 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.

### **4. Authorize Approval of Enriched Social Adult Day Services Without Grants**

A.10247 (Millman) – Passed Assembly

This bill would amend section 215-b of the Elder Law to 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, require SOFA to establish criteria by which to evaluate those applications, extend the date for evaluations to January 30, 2014, and restate the authorization to provide grants within amounts appropriated.

### III. SFY 2012-2013 BUDGET

The SFY 2012-2013 Budget had a significant impact on aging programs and services.

**Community Services for the Elderly (CSE)** – Add \$325,150

**Expanded In-Home Services for the Elderly Program (EISEP)** – Add \$809,850

These programs distribute funding to their grantees based on a formula. Due to the new 2010 census, the distribution of funding is set to change, leading to significant losses in funding to many municipalities, including New York City. These added amounts are intended to offset a portion of that lost funding so recipients are not impacted as severely.

**Naturally Occurring Retirement Communities (NORCs)** – Restore \$229,000

**Neighborhood NORCs** – Restore \$229,000

The Governor proposed to cut each of these two programs by \$228,500. Each NORC uses a not-for-profit organization specializing in housing, health, or human services to provide appropriate services. They must be able to offer supportive services, such as service coordination, case assistance, case management, counseling, health assessment and monitoring, home delivered meals, transportation, socialization activities, home care facilitation, and monitoring. This was a full restoration with a \$500 add for each program.

**Regional Caregiver Centers for Excellence** – Eliminate \$115,000

This program was an Executive initiative, but was never implemented. It was intended to provide resources and training for informal caregivers.

**Federal Grant related to systems integration** – Add \$1,000,000

This is additional federal funding from a grant that was awarded to New York State for systems integration. This is the first installation of what will ultimately be \$3 million received over three years. Systems integration will entail local area agencies on aging and NYConnects partnering with local Alzheimer's Association chapters regarding certain core initiatives. These initiatives are Information & Assistance on Full Range of Long Term Services and Supports; Options Counseling; Dementia Screening; Care Transitions; Expanded Capacity for the Chronic Disease Self-Management Program and, as appropriate, other approved Evidence-Based/Evidence-Informed Interventions; Caregiver Supports; Consumer Directed Services; and Streamlined Eligibility for Public Benefits Access.

**Human Services Cost of Living Adjustment (COLA)** – Deferred \$6.7 million

The Executive proposed to eliminate the COLA entirely. Instead, it was deferred for one year.

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

**New York State Department of Health**

**Total Appropriation \$ 252,768,000**

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.

This year significant restorations were made in the budget to the EPIC program. The SFY 2012-13 budget provides \$30.6 million to support a restoration of some of the EPIC coverage components eliminated on January 1, 2012, including coverage for drug costs before the Part D doughnut hole (the Part D co-payment averages 25%) and drug costs after the Part D doughnut hole (the Part D co-payment is 5%). EPIC co-payments in these periods would continue to be on a sliding scale up to a maximum of \$20. This is a substantial increase in coverage.

EPIC will still 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 the Efforts of State Agencies to Prevent Financial Exploitation of the Elderly**

On December 11, 2012, in New York City, the Committee held a joint hearing with the Committee on Banks regarding the efforts of state agencies to prevent financial exploitation of the elderly. The Committee heard from the State Office for the Aging, the Department of Financial Services, district attorneys, representatives of the financial services industry, legal services organizations, and other community based organizations that assist victims of financial exploitation.

Testimony indicated that more can be done to educate both financial services professionals and other community based organization staff who deal with seniors regarding the signs of financial exploitation.

The victim may be too afraid or ashamed to reach out so it is important that other individuals be aware of potential signs so they can empower potential victims and support them in getting assistance.

Concerns were raised about whether seniors knew who to call to report financial exploitation and whether there was sufficient training for adult protective services and law enforcement personnel to ensure a compassionate and thoughtful response if a report is made. A review of the training currently required was suggested.

Lastly, the need for interagency and interdisciplinary cooperation to find new and innovative ways to prevent financial exploitation and identify it before a senior is bankrupted was reiterated by almost every individual who testified at the hearing. Many people may have a part of the information needed, but when these individuals are brought together then a solution is 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 2013**

The 2013 Legislative Session promises to present many challenges to the Aging Committee. The Committee will pursue many of the issues it addressed during the 2012 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 2012**

<b>CHAPTER #</b>	<b>ASSEMBLY BILL #</b>	<b>ASSEMBLY SPONSOR</b>	<b>DESCRIPTION</b>
40	A. 4137	Englebright	Adds the Director of the New York State Office for the Aging to the New York State Emergency Services Council.
111	A. 759-A	Dinowitz	Relates to the Senior Citizen Energy Packaging Pilot Program; repealer.
286	A. 9223-A	Simotas	Requires Seamless Transition Between the Disability Rent Increase Exemption (DRIE) and Senior Citizen Rent Increase Exemption (SCRIE) Programs for qualified individuals and prohibits extraneous eligibility criteria.

**APPENDIX B**

**BILLS PASSED ASSEMBLY**

<b>ASSEMBLY BILL # SPONSOR</b>	<b>SENATE BILL # SPONSOR</b>	<b>FINAL ACTION</b>	<b>DESCRIPTION</b>
A.265 (Dinowitz)	S. 308 (Diaz)	Passed Assembly	Would rename and broaden the Geriatric Service Demonstration Program to include older adults with mental health disabilities and chemical dependence.
A. 315-A (Brennan)	S. 403-A (Montgomery)	Passed Assembly	Would require the commissioner of health to establish a fee schedule for the use, maintenance, and repair of air conditioners used in adult homes.
A. 643-A (Clark)	S. 109-A (Diaz)	Passed Assembly	Would direct the Department of Transportation to survey areas with a high incidence of pedestrian accidents involving senior citizens.
A. 2154-A (Dinowitz)	S. 2179-A (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. 5439 (Dinowitz)	S. 3559 (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. 6750 (Rodriguez)	S. 5781 (Perkins)	Passed Assembly	Would establish the Senior Center Council to provide a forum for the discussion of challenges facing senior centers.
A. 7788-B (Dinowitz)	S. 4796-C (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. 9204 (Lopez, V.)	S. 6593 (Golden)	Passed Assembly	Would make Disability Rent Increase Exemption (DRIE) and Senior Citizen Rent Increase Exemption (SCRIE) forms more readily available and authorize certain entities to assist in the completion of such forms.



<b>ASSEMBLY BILL # SPONSOR</b>	<b>SENATE BILL # SPONSOR</b>	<b>FINAL ACTION</b>	<b>DESCRIPTION</b>
A. 9205 (Millman)	S. 6592 (Golden)	Passed Assembly	Would require outreach for the SCRIE and 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. 9213 (Brook-Krasny)	S. 7203 (Savino)	Passed Assembly	Would require the provision of language access services to individuals in relation to the SCRIE and DRIE programs.
A. 9930 (Millman)	S. 7282 (Golden)	Passed Assembly	Would require the Director of the Office for the Aging to develop materials relating to elder abuse awareness available in social adult day services programs.
A. 9942-A (Brindisi)	S. 7345-A (Valesky)	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. 10247 (Millman)		Passed Assembly	Would allow the Director of the Office for the Aging to authorize enriched social adult day services without a grant.

**APPENDIX C**

**2012 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	1		1
To Ways and Means	12		12
To Codes	4		4
To Rules	0		0
To Judiciary	0		0
Total	17		17
<b><u>Bills Having Committee Reference Changed</u></b>			
To Judiciary	1		1
To			
To			
Total	1		1
<b><u>Senate Bills Substituted or Recalled</u></b>			
Substituted		0	0
Recalled		0	0
Total		0	0
<b><u>Bills Defeated in Committee</u></b>	0	0	0
Bills Held for Consideration with a Roll-call Vote	12	0	12
Bills Never Reported, Died in Committee	89	5	94
Bills Having Enacting Clause Stricken	12	0	12
Motions to Discharge Lost	0	0	0
Total	113	5	118
Total Bills in Committee	131	5	131
<b>Total Number of Committee Meetings Held</b>	6		