



# 2018 ANNUAL REPORT

New York State Assembly

**Carl E. Heastie**

*Speaker*

*Committee on*

**Aging**

**Donna A. Lupardo**

*Chair*





THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Aging

COMMITTEES  
Tourism, Parks, Arts and Sports  
Development  
Economic Development, Job Creation,  
Commerce and Industry  
Higher Education  
Transportation

DONNA LUPARDO  
Assemblywoman 123<sup>RD</sup> District

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Binghamton, NY 13901

December 15, 2018

Honorable Carl E. Heastie  
Speaker of the Assembly  
State Capitol, Room 349  
Albany, New York 12248

Dear Mr. Speaker:

I am pleased to present the 2018 Annual Report of the Assembly Standing Committee on Aging. The work accomplished during the 2018 Legislative Session reflects the commitment of the Committee and myself to protect the health, safety, independence, and quality of life of New York's older adults.

The Long-Term Care Ombudsmen work to identify, investigate, and resolve problems of individual residents and to bring about changes at the local, state and national levels that will improve residents' care and quality of life. This year, the Legislature passed legislation (Chapter 259 of the Laws of 2018), which conformed state statute pertaining to the long-term care ombudsman program to new federal law and regulations. This legislation was imperative to ensure that the state's federal funding would not be jeopardized.

I would like to take this opportunity to thank the committee members for their continued contributions to this past year's achievements. Finally, Mr. Speaker, thank you for your leadership and support of our legislative initiatives to better protect New York State's seniors.

Sincerely,

Donna Lupardo  
Chair, Committee on Aging

**2018 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON AGING**

**Donna Lupardo, Chair**

**Committee Members**

**Majority**

Peter J. Abbate, Jr.  
William Magee  
Carmen E. Arroyo  
José Rivera  
Phil Ramos  
Michael G. DenDekker  
Edward C. Braunstein  
Anthony Brindisi  
John T. McDonald, III  
Latoya Joyner  
Charles Barron  
Brian Barnwell  
Billy Jones  
Tremaine Wright  
Monica Wallace  
Inez Dickens  
Al Taylor  
Daniel Rosenthal  
Steve Stern  
Aridia Espinal

**Minority**

Kevin Byrne, *Ranking Member*  
Christopher S. Friend  
Mark Johns  
Dean Murray  
Karl Brabenec  
Joseph Errigo  
Mary Beth Walsh  
Jake Ashby

**Majority Staff**

Maria Volpe-McDermott, Assistant Secretary for Program and Policy  
Erin Cunningham, Legislative Analyst  
Benjamin Decker, Associate Counsel

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## **I. COMMITTEE JURISDICTION**

The New York State Assembly Standing Committee on Aging has jurisdiction over legislation affecting the quality of life and independence of New York's seniors. The Committee also reviews certain legislation providing property tax relief for seniors. The Committee works closely with the New York State Office for the Aging and has legislative and budgetary oversight of the agency's programs.

The Committee works to ensure essential services are available to older adults so they may enjoy a high quality of life as they age. This includes programs such as: the Community Services for the Elderly (CSE) Program, the Expanded In-Home Services for the Elderly Program (EISEP), Caregiver Resource Centers, the Long-Term Care Ombudsman Program (LTCOP), Wellness in Nutrition (WIN) Program, Managed Care Consumer Assistance Program (MCCAP), the Retired and Senior Volunteer Program (RSVP), Senior Respite programs, Social Adult Day programs, Naturally Occurring Retirement Communities (NORCs), Neighborhood Naturally Occurring Retirement Communities (NNORCs), the Senior Citizen Rent Increase Exemption (SCRIE) program, Foster Grandparent programs, the Elder Abuse Education and Outreach program, and locally based Meals-on-Wheels programs. The Committee also 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 2018 legislative session, 73 bills were referred to the Committee on Aging. The following report details the major budgetary and legislative activities and accomplishments of the Assembly Committee on Aging during the 2018 legislative session.

## II. STATE BUDGET HIGHLIGHTS

The 2018-19 enacted state budget provided funding for many programs dedicated to protecting the health, safety, independence, and quality of life of older adults, as well as providing assistance to their caregivers, families, friends, and neighbors.

**The following summary provides a brief description of the state budget:**

### **Community Services for the Elderly (CSE) \$31.2 million**

CSE helps to improve the capability of communities to support older adults who wish to remain in their homes and actively participate in family and community life, but are in need of assistance. CSE also works to reduce the reliance on institutions as the first-choice method to care for older adults, therefore reducing the public expense of caring for older New Yorkers. Eligible services available to counties include, but are not limited to, meals, transportation, social adult day services, case management, personal care, respite, friendly visiting, and minor residential repairs.

The Legislature restored \$500,000 in funding and provided an additional \$1.8 million, for a total of \$31.2 million.

### **Naturally Occurring Retirement Communities (NORCs) and Neighborhood NORCs \$8.1 million**

The Naturally Occurring Retirement Communities (NORCs) and Neighborhood NORCs are apartment buildings, housing complexes or neighborhoods that were not originally built for older adults, but now house predominantly older adults. NORC programs are operated by a not-for-profit agency and provide a variety of services to the residents to maximize their quality of life and keep older adults in the community.

The Legislature provided an additional \$4 million, for a total of \$8.1 million.

## **A. BUDGET SUMMARY CHART**

In the 2018-19 Budget, the Legislature provided General Fund support for programs including:

<b>Program</b>	<b>Total</b>
Expanded In-Home Services for the Elderly (EISEP)	\$50,120,000
Community Services for the Elderly (CSE) Program	\$31,183,000
Wellness in Nutrition (WIN) Program	\$27,483,000
Naturally Occurring Retirement Communities (NORCs)	\$4,027,500
Neighborhood Naturally Occurring Retirement Communities (NNORCs)	\$4,027,500
Managed Care Consumer Assistance Program (MCCAP)	\$1,767,000
Local Grants for the Long-Term Care Ombudsman Program	\$1,190,000
Grants for Transportation Operating Expenses for the Elderly	\$1,121,000

Grants for Providers of Social Model Adult Day Services	\$1,072,000
Grants for the Health Insurance Information, Counseling and Assistance Program (HIICAP)	\$1,000,000
Elderly Abuse and Outreach Program	\$745,000
State Aid Grants to Providers of Respite Services	\$656,000
Lifespan Elder Abuse Prevention Program – Enhanced Multi-Disciplinary Teams	\$500,000
Congregate Services Initiative	\$403,000
Caregiver Resource Centers	\$353,000
Association on Aging in New York State	\$250,000
Older Adults Technology Center (OATS)	\$250,000
Retired and Senior Volunteer Program (RSVP)	\$216,500
Matching Federally funded Model Projects and/or Demonstration Grant Programs	\$175,000
New York Foundation for Senior Citizens Home Sharing and Respite Care Program	\$172,000
New York Statewide Senior Action Council, Inc. – Patients’ Rights Hotline and Advocacy Project	\$131,500
Livable New York Initiative	\$122,500
New York State Adult Day Services Association, Inc.	\$122,500
Foster Grandparents Program	\$98,000

### III. COMMITTEE ACCOMPLISHMENTS

#### A. Real Property Tax

In 1970, the Senior Citizen Rent Increase Exemption (SCRIE) program began offering eligible tenants at least 62 years old protection from future rent increases. In 2005, it was expanded to include qualifying tenants with disabilities under the Disability Rent Increase Exemption (DRIE) program. These programs help eligible tenants living in rent-controlled, rent-stabilized or rent-regulated apartments in New York City stay in affordable housing by freezing their rent. In return, eligible landlords receive a property tax credit that covers the difference between the actual rent and what the tenant is responsible for paying at the frozen rate.

In addition, through the Senior Housing Exemption (SHE) program, eligible homeowners age 65 and over who meet the program's income requirements can apply to receive a reduction in their property taxes.

**A.3627, Dinowitz; Passed Assembly:** This bill would have required the municipality to send a SCRIE renewal notice by mail to the head of household receiving an exemption no less than 30 days prior to the application renewal date.

**A.6026, Lupardo; Chapter 360 of the Laws of 2018:** This law requires the supervising agency that administers SCRIE and DRIE to develop and implement a plan to increase the ability of participants to obtain and complete applicable forms in community settings. Any such plan must partner with organizations and municipal entities or agencies that engage in outreach initiatives and provide supportive services.

**A.6037, Lupardo; Chapter 464 of the Laws of 2018:** This law requires a municipality administering a SCRIE or DRIE program to implement and administer an outreach program to identify individuals who are eligible for the SCRIE or DRIE program, but are not currently participating.

#### B. Health and Safety

With a growing number of seniors living independently, it is becoming increasingly important to ensure that they can remain safe and healthy in their home and communities. It is the goal of the Committee on Aging to ensure programs and services are available that allow them to do so.

**A.633, Dinowitz; Passed Assembly:** This bill would have required the director of NYSOFA, in conjunction with the State Board of Pharmacy and Department of Health, to publish a drug guide explaining the purpose, function, and common drug interactions of drugs commonly used by persons over the age of 62.

**A.1118A, Rosenthal; Veto Memo No. 310:** This bill would have required the Department of Health, in conjunction with NYSOFA, the Department of Social Services, and the State Police, to develop a voluntary registry of businesses and other entities that manufacture, distribute, or offer locator technology or services designed to assist in the location of individuals with Alzheimer's disease or dementia who become lost or disoriented.

**A.3861, Dinowitz; Passed Assembly:** This bill would have expanded the Geriatric Service Demonstration Program to include programs focused on chemical dependence and compulsive gambling.

### **C. Elder Abuse**

Elder abuse affects thousands of seniors statewide each year. There are many types of elder abuse, including physical, verbal, sexual, emotional and financial. One of the primary hurdles of addressing elder abuse is the lack of awareness and information about its signs and symptoms. One of the Committee on Aging's top priorities is to increase opportunities to identify signs of abuse, increase outreach and education, and empower seniors who are or may become victims of elder abuse.

**A.6395, Lupardo; Passed Assembly:** This bill would have required the Superintendent of the Department of Financial Services, in consultation with NYSOFA, New York State Attorney General, representatives of the financial services industry, law enforcement, senior groups, disability groups, and district attorneys, to develop guidelines for reporting suspected financial exploitation. The Superintendent would also have been required to develop training materials for bank employees and brochures for bank patrons regarding the reporting of financial exploitation.

### **D. Other Legislation**

**A.3061, DenDekker; Passed Assembly:** This bill would have directed the Department of Health and NYSOFA to study the fees and charges, specifically the rates of increase, assessed to residents of assisted living facilities. The study would have been required to be delivered to the Governor, Speaker of the Assembly, and Temporary President of the Senate on or before April 1, 2019.

**A.3958, Dinowitz; Chapter 309 of the Laws of 2018:** This law requires NYSOFA, in conjunction with the Department of Labor, to develop and update annually a guide for businesses that contain best practices for retaining employees who are informal caregivers and information for supporting such employees.

**A.6736, Lupardo; Passed Assembly:** This bill would have required NYSOFA in its annual report to disclose the number of older adults who are primary caregivers or guardians for minors including an analysis of circumstances that lead to this arrangement, services available for older adults in these circumstances, and recommendations regarding support that could be provided to such older adults. It also would have required an analysis of substance use disorders among older adults including prevalence, available programs and services, and recommendations for how NYSOFA can provide assistance.

**A.11050, Lupardo; Chapter 259 of the Laws of 2018:** This law conforms state Elder Law to changes in the federal law and regulations regarding the long-term care ombudsman.

## **IV. HEARINGS**

### **A. Healthy Aging: New Yorkers Aging Independently and Safely Within Their Homes and Communities**

The Assembly Standing Committee on Aging held a hearing on November 14, 2018, in Albany to evaluate existing programs and services and assess the challenges faced by older adults who want to remain in their current homes and communities as they age. Additionally, this hearing sought to examine best practices and explore new approaches and models that can enrich and enhance the quality of life for older New Yorkers.

The Committee heard from the New York State Office for the Aging along with advocacy organizations, community-based organizations, service providers, and other stakeholders on the need for more home health aides; greater funding for programs such as the Community Services for the Elderly, adult day services, and respite; and the establishment of a caregiver tax credit.

## **V. OUTLOOK FOR 2019**

This session the Committee on Aging will continue to address the challenges surrounding elder abuse, including the lack of awareness and information about the signs and symptoms of elder abuse. Additionally, the Committee remains dedicated to understanding the causes and risk factors related to poverty among senior citizens, and will work toward reviewing existing services and new initiatives to better meet their needs.

The Committee on Aging will also continue to work to secure adequate resources for the various services and programs that serve older adults throughout New York State. With more people living longer and as the “baby boomer” generation ages, it is essential that we continue to meet the increasing demand of such programs and ensure that older New Yorkers receive the services they need both at home and in their communities.

APPENDIX A

**2018 Summary Sheet  
Summary of Action on All Bills Referred to the Committee on Aging**

**TOTAL NUMBER OF COMMITTEE MEETINGS HELD**      5

	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<b>BILLS REPORTED FAVORABLE TO</b>			
TO CODES	2	0	2
TO JUDICIARY	0	0	0
TO WAYS AND MEANS	7	0	7
TO RULES	0	0	0
TO FLOOR	0	0	0
TOTAL	9	0	9
<b>COMMITTEE ACTION</b>			
HELD FOR CONSIDERATION	5	0	5
DEFEATED	0	0	0
ENACTING CLAUSE STRICKEN	5	0	5
<b>REMAINING IN COMMITTEE</b>	67	6	73
<b>BILLS REFERENCE CHANGED TO:</b>			
TOTAL	0	0	0