



AARP New York

**Testimony before the
Joint Legislative Budget Committee
Senate Finance and Assembly Ways and Means**

**Human Services Budget
February 2, 2022**

Introduction

Good afternoon Senator Krueger, Assemblymember Weinstein, and members of the Committee. I am Beth Finkel, and I am the State Director for AARP New York. AARP is a social mission organization with 2.5 million members in New York State. I would like to submit the following testimony regarding the Human Services portion of the Executive Budget, focusing on critical budget items impacting older New Yorkers and their families.

Let me start by thanking you all for all the work you have done to help New Yorkers push forward in these unprecedented times. Unfortunately, our state's older adults continue to be disproportionately burdened by this pandemic. The most recent data¹ from the New York State Department of Health shows that 95 percent of COVID-19 deaths in the state have occurred among people who were 50 or older. **Therefore, this year's budget must prioritize the needs of struggling older New Yorkers.**

The Long Term Care Ombudsman Program

AARP New York appreciates the efforts of the Legislature to address many of the issues in our long term care facilities that led to devastating tragedy during the pandemic, particularly those of the Chair. As we continue to reform our long term care system to best meet the needs of its residents, additional support for the Long Term Care Ombudsman Program (LTCOP) is badly needed.

¹ <https://health.data.ny.gov/Health/New-York-State-Statewide-COVID-19-Fatalities-by-Ag/du97-svf7/data>

The LTCOP is an advocate and resource for older adults and persons with disabilities who live in nursing homes, assisted living and other licensed residential facilities. The program advocates for residents at both the individual and systems levels to address issues that have the potential to impact their health and wellness. Ombudsmen investigate and resolve complaints, promote the development of resident and family councils, and inform government agencies, providers and the public about issues and concerns that impact facility residents.

The program is mostly volunteer-based and helps residents understand and exercise their rights to good care in an environment that promotes and protects their dignity and quality of life. During the pandemic these ombudsmen were not allowed into facilities, and many volunteers are older and feared catching the virus.

Support for New York's LTCOP is severely lacking, especially in comparison to other states². New York has the fourth highest LTC resident population in the country (163,755 beds), however funding lags well behind other states with similar or higher LTC resident populations. For example, California, with 308,011 beds, funds its program at \$6,927,242, which accounts for 51.5% of the total funding, or \$22 per resident in state funds. New York, however, funds its program at \$1,190,000, which accounts for 31.8% of the total funding, or \$7 per resident in state funds. This underinvestment in the New York LTCOP is hampering the ability of the program to carry out its mission.

To better enable the LTCOP to meet the needs of residents, AARP New York recommends a multi-pronged approach: Increase LTCOP funding with an initial investment of \$20 million to add local professional ombudsmen in the field. Currently residents in fewer than half of New York State's facilities have regular access to an ombudsman, and our organizations believe this number will decline as volunteers tend to be older and have COVID concerns about visiting facilities.

² https://ltcombudsman.org/omb_support/nors/nors-data

Supporting the Home Care Workforce

Part of protecting older New Yorkers is prioritizing programs and services that help people remain in their homes and out of institutional settings when possible. AARP strongly believes that older New Yorkers who require long-term care must be given the opportunity to stay in their homes, as the vast majority want, where they are happier and where care can be delivered less expensively.

However, prioritizing long-term care services also means ensuring there are enough personnel to provide it. Unfortunately, home care workers are in short supply due to low wages and scant benefits. The quality of care delivered by home care workers diminishes also as a result of these low wages. All too often, consumers who can afford home care services have difficulty finding competent and trained workers to perform the job.

AARP New York supports S.5374-A (May) and A.6329-A (Gottfried) to help consumers access a greater network of high-quality home care workers by ensuring adequate pay for home care workers who provide essential care to the New Yorkers who need it most.

Providing Services to Allow Older Adults to Age at Home

AARP strongly believes that older New Yorkers must be given the opportunity to stay in their homes, as the vast majority want, where they are happier and where care can be delivered less expensively. Given the sky-high number and rate of deaths in nursing homes, funding to provide the programs and services that keep people in their homes and out of institutional settings must be a priority. In addition, we must do all we can to help family caregivers, who play a key role in determining an older person's ability to remain in his or her home and

community and out of far costlier, taxpayer-funded institutional care settings such as nursing homes for as long as possible.

We appreciate the significant investment in home-and community-based services that the Legislature made in last year's budget. However, more funding is needed for the home-delivered meals program administered through NYSOFA to address years of underfunding and the additional strain put on the system by the COVID-19 pandemic. Challenges include difficulty hiring drivers and delivery staff at low wages, rising costs of raw food, significant growth in the state's 65+ population, difficulty recruiting and retaining volunteers as a result of COVID, and higher food insecurity for older adults throughout the pandemic. \$14.1 million is needed to alleviate the pressures on this system and ensure older adults can continue receiving meals and social supports. These funds should be allocated through NYSOFA's Community Services for the Elderly (CSE) or Wellness In Nutrition (WIN) budget lines.

Additionally, there are close to 8,000 older New Yorkers that are in need of ongoing case management services. Case managers are overburdened. Clients are older, mainly live alone, and are in need ongoing case management. An investment of \$6 million would reduce caseloads for more intensive interventions and increase resources for older residents.

However, I must also note that we are concerned by the Comptroller's findings in a recent audit that too many seniors are not receiving the services they qualify for, which help New Yorkers remain in their own homes and avert the need for costlier and mostly unwanted placements in nursing homes. We support legislation (A.2590 Eichenstein) requiring county aging offices to keep records of eligible seniors stuck on waiting lists for services or turned away for lack of resources or capacity. This information would help the State identify additional

needed investments. This bill passed the Assembly unanimously just last week, and we urge the Senate to approve it and the Governor to sign it.

Middle-Class Family Caregiver Tax Credit

The creation of a family caregiver tax credit offers a new approach to helping people age in their communities while supporting family caregivers. While respite is essential to providing caregivers relief from their duties, caregivers also need help with the financial toll of caring for their loved ones.

Caregiving expenses include payments the caregiver makes for goods and services, such as home health agency services, adult day care, personal care attendant services, homemaker services, respite care, health care equipment, home modifications, and transportation. All of those help keep the older person living independently in his or her home.

AARP conducted a national study³ in 2021 of family caregivers caring for an adult over the age of 18 to determine their out-of-pocket costs and the financial strain on the family caregiver. The study found that more than three quarters (78%) of family caregivers are incurring out-of-pocket costs related to caregiving. While the national average of money spent on caregiving per year was \$7,242, New York caregivers are spending more on average, with \$8,249 in out-of-pocket costs. This financial impact on New York's family caregivers was exacerbated by the COVID-19 pandemic, with 38% saying they spent more on caregiving expenses as a result.

³ https://www.aarp.org/content/dam/aarp/research/surveys_statistics/lrc/2021/family-caregivers-cost-survey-2021.doi.10.26419-2Fres.00473.001.pdf

National data points to an increased financial strain on families of color when comparing the out-of-pocket spending on caregiving as a percentage of annual income. On average, Hispanic/Latino family caregivers reported a financial strain⁴ of 47%, African American/Black family caregivers reported a financial strain of 34%, and Asian American/Pacific Islander family caregivers reported a financial strain of 22%, compared to White family caregivers who reported a financial strain of 18%.

AARP New York supports the proposal put forth by Senator May and Assemblymember Kim in S.620 same as A.6932 to create a tax credit for individuals who have a gross income of \$75,000 or less and couples with a gross income of \$150,000 or less. The credit would not exceed 50% of the total amount expended up to \$3,500. This modest but well-deserved tax credit would help ease the financial burden on family caregivers.

Preventing Elder Abuse

Unfortunately, many older adults fall victim to financial exploitation when unscrupulous individuals misuse a vulnerable person's wealth and assets for their own personal gain. This can result in older adults losing their often limited income, and with that, their ability to pay for necessities such as food, housing and health care.

Lifespan is the convener of the New York State Coalition on Elder Abuse and works diligently to provide training, public awareness, and direct social work intervention in all forms of mistreatment, with an emphasis on financial exploitation- the fastest growing form of abuse

⁴ *Financial strain is defined as the ratio of annual caregiver expenses divided by the caregivers' annual income where 0 equals no caregiving expenses and 100 means caregiving expenses exceed a single year annual income and debt is then incurred (which would be paid off over multiple years' income).

and often the most devastating for vulnerable elders. New York State is a leader in the field because of decades-long support in the New York State Budget.

The Governor's Executive Budget proposal eliminated \$125,000 in funding for Lifespan. Lifespan estimates 300,000 older adults will be abused this year. Restoration of these funds is critical to address elder abuse prevention and intervention throughout New York State. AARP recommends that the legislature add \$125,000 to fully fund this important program.

Supporting Kinship Caregivers

Kinship caregivers are usually non-parent family members, often grandparents and other close relatives, or family friends. They assume care for children who are in need for various reasons, such as experiencing abuse or neglect in the home of their parents; having a parent who is deceased, incarcerated, or too ill to provide care; and having parents who are deployed in the military. Kinship care also encompasses caregivers who do not share a relationship through blood, marriage, or adoption.

Kinship caregivers are raising an estimated 195,000 children in New York.⁵ According to the American Community Survey, there are 120,376 grandparents who are responsible for their grandchildren,⁶ making up about 65% of all kinship caregivers in New York⁷. With the average age of grandparent caregivers being 59,⁸ this population fits squarely in the aging discussion.

⁵ <https://data.census.gov/cedsci/table?q=S1001&g=0400000US36&tid=ACSST5Y2018.S1001>

⁶ <https://data.census.gov/cedsci/table?q=S1002&g=0400000US36&tid=ACSST5Y2018.S1002>

⁷ http://www.nysnavigator.org/?page_id=273

⁸ <https://www.gao.gov/assets/710/708020.pdf>

In order to better serve these kinship caregivers and enable them to provide the best environment for a child, the Kinship System of Care needs to be unified and well-funded. Having services available to families that meet the needs they present with will be increasingly important in order to ensure that children who have been diverted from foster care stay out of foster care and can remain safely in the homes of kinship caregivers. Creating a unified statewide kinship navigator by consolidating the current system into one entity with a physical presence regionally throughout the state will help streamline services for caregivers and ensure they have access to robust information, case management, legal, and respite services.

In addition to creating a unified statewide kinship navigator, the State must invest in these children by funding a kinship navigator at \$10 million to be a regional presence available in every county. That would ensure that these families receive the support they need to thrive. With this investment, a unified kinship navigator system of care could provide its services for as little as \$2,000 per child per year, all while keeping children out of the foster care system.

Conclusion

Thank you again for allowing AARP to submit testimony on behalf of our 2.5 million New York State members and their families regarding the Human Services Budget in New York State. We believe implementing these policies will be essential to enabling older adults to age in our state with dignity and independence.