



AARP New York

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

**Human Services Budget
February 13, 2022**

Introduction

Good afternoon Senator Krueger, Assembly Member Weinstein, and members of the Committee. I am Beth Finkel, and I am the State Director of AARP New York. AARP is a social mission organization with 2.3 million members across 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 family caregivers

Background on an Aging New York

The number of older New Yorkers is steadily and rapidly increasing, and policies must change to address these dramatic demographic changes. New Yorkers 50 and over are among the fastest growing age-group in our state, as detailed in a recent report by the Center for an Urban Future.¹

The report found New York State's older adult population is booming. New York is home to more residents ages 65 and above—nearly 3.5 million—than the entire population of 21 states. Older adults are driving most of the state's population growth. Over the decade from 2011 to 2021, the number of New Yorkers ages 65 and over grew by an incredible 31 percent—an increase of 815,166 older adults. During the same period, the state's under-65 population declined by 2.6 percent, or 444,450 people. Today, nearly 1 in 5 New Yorkers is 65 and above (18 percent), a larger share of the state's population than ever before.

Long Island alone has 113,670 more older adults than a decade ago. In Erie County, the number of older adults increased by 32,888. Five other upstate counties all experienced gains of at least 10,000 older adults: Saratoga County (an increase of 15,292 residents ages 65 and over), Orange County (+15,258), Dutchess County (+14,959), Albany County (13,283), and Rockland County (+10,173).

In New York City, the 65-plus population increased by 363,339 over the past decade, bringing the total older adult population in the five boroughs to 1,373,495 (up from

¹ <https://nycfuture.org/research/keeping-pace-with-an-aging-new-york-state>

1,010,156 in 2011). Two boroughs added more than 100,000 older adults in the past decade: Queens (+113,797) and Brooklyn (+104,507). Today, three boroughs on their own have more residents ages 65 and over than the entire population of any other city in the state: Queens (with a total 65-plus population of 403,004), Brooklyn (with 397,532 older adults), and Manhattan (with 290,328 older adults).

Today, New Yorkers 65-plus account for a record 20.7 percent of the population in Chautauqua County (up from 16.9 percent a decade ago); 20.4 percent in Niagara County (up from 16.1 percent); 19.3 percent in Saratoga County (up from 13.8 percent), 18.7 percent in Erie County (up from 15.8 percent), and 18.6 percent in Dutchess County (up from 13.6 percent). The cities with the highest share of the population ages 65-plus are Yonkers (17.3 percent), New York City (16.2 percent), and Syracuse (15.6 percent).

AARP New York urges you to support the below initiatives in the Governor's executive budget, and we respectfully ask you to also include other important initiatives in a final budget. These include prioritizing family caregiving, economic security, and transparency regarding prescription medication prices.

Family Caregiving

Long Term Care Ombudsman Program (LTCOP)

The Long Term Care Ombudsman Program (LTCOP) is authorized by the federal Older Americans Act (OAA) to address complaints and advocate for improvements in the long-term care system. In New York State, this program exists in the State Office for Aging (SOFA). Without adequate funding and staff, the Ombudsman Program is failing in its mission to be an effective advocate and resource for family caregivers and their loved ones who live in nursing homes, assisted living, and other licensed adult care homes. LTCOP is supposed to be the voice of the frail in our institutions, helping residents and caregivers understand and exercise residents' rights, and intervening to help protect residents by resolving specific resident quality-of-care

issues. LTCOP should act as the eyes and ears of residents and their families in the nearly 1,400 facilities statewide.

The pandemic exposed many serious quality care issues in New York's long-term care facilities, including abuse, neglect, exploitation of residents, administrative shortcomings, poor maintenance and failure of staff to provide high quality care. The program relies heavily on volunteers, who make up nearly 80 percent of the current ombudsmen, limiting the program's ability to meet the demand for services and care by long-term care facilities' residents.

Recent data from the State Office for Aging for the third quarter of 2022 shows:

- 52% of all nursing homes and other adult care facilities failed to receive a long-term care ombudsman visit due to lack of resources and staff.
- Nearly 80% of New York City's nursing homes and other adult care facilities failed to receive a single visit from New York's federally required adult care oversight program.
- The ombudsman program does not even meet the program's definition of a regular ombudsman presence, which is considered weekly coverage, because only 9% of all facilities received a weekly visit from an ombudsman.

This is unacceptable to AARP and should be to all of our elected officials.

AARP Recommendation

The program needs more professional staff so all facilities can have a regular Ombudsman presence, which would undoubtedly improve the care residents receive. One full-time employee for every five facilities is needed for weekly coverage. A \$15 million increase in the next state budget would allow LTCOP to add 235 full-time employees to conduct regular and consistent weekly visits. Such an increase would bring the State's annual investment in LTCOP to \$19.4 million, up from the current \$4.4 million.

Waiting Lists for Services

According to the Association on Aging in New York, there are over 10,000 individuals statewide waiting to receive non-Medicaid home- or community-based services such as transportation, adult day care, home-delivered meals, and respite. This means thousands of older adults have been left without home care, creating a tremendous burden on family caregivers. Additionally, home care services via the aging network serve individuals that qualify for nursing home placement – but these individuals can be cared for in homes and communities for less than \$10,000 per year – a fraction of the usually taxpayer-borne cost of a nursing home.

However, there is no public information available about these waiting lists beyond the aggregate number statewide – no details on which counties have waiting lists, the number of people on those lists, what services are provided – in other words, where qualifying New Yorkers are waiting, and how long they have been waiting.

In addition SOFA has not filed any annual reports to the Governor and the Legislature as required by statute on what funding the county agencies for aging have received, the number of participants served and the services provided to meet the “unmet need” It is AARP New York’s understanding that these annual reports have not been sent for the past two years.

According to existing statute, SOFA must provide “*an annual report to the governor, the temporary president of the Senate, and the speaker of the assembly by September 1, 2020 that shall include the area agencies on aging that have received these funds, the amount of funds received by each area agency on aging, the number of participants served, and the services provided.*”

We need more transparency on this issue. It is vitally important that the data collected by SOFA be publicly disclosed. Once this information is released, a more targeted approach can be developed to help eliminate waiting lists by targeting appropriate State resources. Without this data, the Legislature is in the dark on how to appropriate resources to help your constituents and our members.

AARP Budget Recommendation

AARP New York recommends that you provide funding which is estimated at close to \$10 million to eliminate waiting lists, require SOFA to provide these required reports, increase transparency, and pass A.241 (Eichenstein).

Fair Pay for Home Care

New York's home care delivery system must be stable. Availability of home care is essential to helping older New Yorkers remain in their own homes and communities, as the vast majority want, rather than in much costlier and mostly taxpayer-funded nursing homes. We appreciate all the work the Legislature did last year to increase the pay of home care aides; however, it is AARP New York's understanding that this increase did not fix the problem, and insurance companies continue to be a barrier to the money actually reaching home care agencies – which must maintain full staffs. to continue to provide services.

Home care is a lifeline for some of the 2.5 million unpaid family caregivers across New York who are working hard every day to help their loved ones age at home. Unfortunately, home care workers are in short supply in New York, in large part due to low wages.

The worker shortage issue around wages is a major issue for older New Yorkers, as well as for many people with disabilities who rely on home care workers to help them navigate day-to-day activities. It is also a major issue for family caregivers who depend on these workers' services to care for their loved ones. Home care workers provide support that affords family caregivers needed breaks from their hard and necessary care work and allows them to manage the other important parts of their lives and careers. Without a stable home care workforce and delivery system, families continue to make disproportionate sacrifices, struggling to keep their loved ones at home.

In addition to the receivers of care, the workers themselves are struggling to keep up. The demand for their services is higher than ever but the financial compensation for their work is

inadequate, making it impossible to attract or keep people in the field. Nearly half of home care workers live in or near poverty, and more than half depend on public assistance to survive.² These workers are continuously training and developing their skills and expertise to elevate the level of care they can provide - only to remain unable to support themselves and their families because of their low wages.

AARP New York Budget Request

The State can immediately reverse the home care worker shortage and increase the availability of critical services by passing Fair Pay for Home Care (Fair Pay) in the final state budget. This would represent an important investment in our home care system, ensuring community-based long-term care by benchmarking home care worker wages to at least 150% of the regional minimum wage and holding insurance companies accountable for the distribution of public funds to providers so that agencies have the funds necessary to pay these costs.

Data Matching

New Yorkers are missing out on billions of federal dollars they are eligible for through public assistance programs because of low enrollment. That includes many New Yorkers 50 and over. This is partially due to the decentralized manner in which applications for these programs must be filled out. Currently, a person must submit multiple applications for different programs through different state and local agencies and their utility companies. Other contributing factors include stigma around receiving public assistance, discomfort with the technology required to complete the applications, and a lack of knowledge regarding what programs they may be eligible for.

² <https://phinational.org/policy-research/workforce-data-center/>

There are several programs that carry similar eligibility requirements, meaning that someone eligible for one of them is likely eligible for all of them. These include the Supplemental Nutrition Assistance Program (SNAP), Home Energy Affordability Program (HEAP), and the Medicare Savings Program (MSP). Individuals could be receiving thousands of dollars a year to help pay for their most basic needs, and the lack of technological cohesion is a part of why they aren't receiving this money. The federal dollars left on the table could be spent stimulating local economies across the state, while lifting New Yorkers out of poverty.

Data Matching and Energy Affordability

The Governor's budget includes two new proposals that seek to address energy affordability needs for New Yorkers. AARP is in full support of the Governor's proposal to bring more affordable energy rates to New Yorkers in need. But we believe these proposals become stronger and can reach more people by data matching utility files with Office of Temporary and Disability Assistance (OTDA) public assistance program files.

Currently New York's utilities offer the Energy Affordability Program (EAP), which requires them to set low-income program discount levels that keep customers' energy burden at or below a target goal of six percent of household income. Utility customers who receive Home Energy Assistance Program (HEAP) are automatically enrolled in the utility's EAP.

However, not all low-income customers receive HEAP. New York City's Human Resources

Administration (HRA) conducts a file matching process with Consolidated Edison to capture customers who

participate in other assistance programs in order to increase the rolls in the EAP.

This file-matching process dramatically increases participation in EAP programs. Outside of New York City, customers are largely responsible for self-identifying and then applying - resulting in low enrollment rates. An automated process is also more efficient and less costly to

administer than identifying customers on a case-by-case basis. Making filing matching a statewide practice is an efficient utilization of state and utility resources in a streamlined manner.

AARP Budget Recommendation

A final state budget that would require the Department of Health (DOH) and OTDA to establish a file match of participants in SNAP, HEAP and MSP would undoubtedly increase enrollment in these programs and increase economic activity by drawing in federal money. In addition, AARP New York supported S.8362/A.9099 (Parker/Cusick) from last session. This bill, which would require OTDA to engage in automated file matching to support increased enrollment in HEAP and utilities' low-income assistance program, passed the Assembly with an overwhelming majority.

Conclusion

Thank you again for allowing AARP New York to submit testimony on behalf of our 2.3 million members in New York State. These initiatives would go a long way to making life better and more affordable for New Yorkers 50-plus, and again, we respectfully urge you to include them in the final 2023-24 state budget.