



**New York State Senate Committee on Aging  
2012 Annual Report**

**Senator David, J. Valesky, Chair**

**December 2012**

**DAVID J. VALESKY**  
SENATOR, 49TH DISTRICT

**ALBANY OFFICE**  
ROOM 311  
LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
518-455-2838  
FAX 518-426-6885

**DISTRICT OFFICE**  
805 STATE OFFICE BUILDING  
333 EAST WASHINGTON STREET  
SYRACUSE, NEW YORK 13202  
315-478-8745  
FAX 315-474-3804  
E-MAIL  
valesky@mysenate.gov  
WEBSITE  
www.valesky.nysenate.gov

**NEW YORK**  
**STATE**  
**SENATE**

ALBANY, NEW YORK 12247



**CHAIRMAN**  
AGING COMMITTEE

**COMMITTEES:**

AGRICULTURE

BANKS

CULTURAL AFFAIRS, TOURISM

PARKS & RECREATION

TRANSPORTATION

**December 2012**

**Senator Dean Skelos, Majority Leader**  
**New York State Senate**  
**Legislative Office Building, Room 909**  
**Albany, NY 12247**

Dear Senator Skelos,

On behalf of the Senate Aging Committee, I am pleased to submit this report detailing legislative and budgetary action for the 2012 Legislative Session. In my second year as Chair, the committee reviewed nearly one hundred pieces of legislation that protect, support and advocate for seniors and their families.

Additionally, I am pleased to report that with the assistance of my colleagues, we were able to mitigate against many damaging cuts and eliminations. In particular, \$30.6 million was restored to the valuable EPIC program.

I would like to express my appreciation to my colleagues who serve on the Aging Committee and the staff who work diligently to bring many of these accomplishments to fruition.

Sincerely,

A handwritten signature in blue ink, appearing to read "David J. Valesky".

**David J. Valesky**  
**Chair, Senate Aging Committee**

**2011-2012 New York State Senate Standing Committee on Aging**

Chairman, David Valesky  
49<sup>th</sup> Senate District

Ranking Member, Ruben Diaz, Sr.  
32<sup>nd</sup> Senate District

**Members**

Honorable Joseph Addabo, Jr.  
15<sup>th</sup> Senate District

Honorable Tony Avella  
11<sup>th</sup> Senate District

Honorable Gregory Ball  
40<sup>th</sup> Senate District

Honorable Hugh Farley  
44<sup>th</sup> Senate District

Honorable Martin Golden  
22<sup>nd</sup> Senate District

Honorable Ruth Hassell-Thompson  
36<sup>th</sup> Senate District

Honorable Kenneth LaValle  
1<sup>st</sup> Senate District

Honorable Joseph Robach  
56<sup>th</sup> Senate District

Honorable Toby Ann Stavisky  
16<sup>th</sup> Senate District

Honorable Lee Zeldin  
3<sup>rd</sup> Senate District

## **Budget Efforts**

The final 2012-13 State Budget included a number of initiatives affecting the aging population throughout New York State.

### **Elderly Pharmaceutical Insurance Coverage Co-Payment Assistance (EPIC)**

EPIC helps low and moderate income seniors pay for medication costs not covered by Medicare. The average EPIC enrollee is 78 years old and takes four prescription drugs, according to AARP. As part of the final State Budget, Aging Chair David J. Valesky via the Senate Health Budget Subcommittee, worked successfully with his colleagues to restore \$30.6 million to the Elderly Pharmaceutical Insurance Coverage (EPIC) program. Without these restorations, seniors enrolled in the EPIC program would have been forced to pay 25 percent of the cost of each prescription drug. Starting in 2013 seniors will once again pay between \$3 and \$20 for each prescription.

### **Naturally Occurring Retirement Communities (NORC) and Neighborhood NORC Programs (NNORC)**

NORCs and NNORCs are communities that were not originally built for seniors, but have evolved to have a significant proportion of residents 60 years or older. NORCs and NNORCs offer a broad range of social and health care services to support their residents. The final State Budget restored \$458,000 in funding to the NORC and Neighborhood NORC programs.

### **Spousal Refusal**

Spousal refusal provides critical support for many of seniors who are struggling with the cost health care. Without spousal refusal, an elderly husband or wife would have to spend down their assets and income towards an ill spouse's care until they meet the Medicaid eligibility threshold. By maintaining spousal refusal, a husband or wife can avoid becoming impoverished in order for their spouse to receive the care they need. The final State Budget restored \$34.3 million to maintain the right for spousal refusal in New York State.

### **Community Based Services**

Expanded In-Home Services for the Elderly Program (EISEP) and Community Services for the Elderly Program (CSE) provide non-medical care for the elderly in their homes, including but not limited to: homemaking, housekeeping, chore services, home health services, adult day care, transportation, shopping assistance, and counseling services. The final State Budget provides \$1.135 million for the EISEP and CSE programs to partially mitigate the reallocation of funds based on new Census data.

## Bills Reported from the Senate Standing Committee on Aging

### Signed into Law

**S.502A: Relates to the senior citizen energy packaging pilot program; repealer (Diaz)**

*This bill makes technical corrections by moving the legislative intent for the senior citizen energy packaging pilot program from section 221, where it was separated from the program, into section 222 where the program is established.*

**Status:** Signed into Chapter 111 of the Laws of 2012

**S.6591A: Relates to tax abatement for rent-controlled and rent regulated property occupied by senior citizens or persons with disabilities (Golden)**

*This bill would require municipalities that have the senior citizen rent increase exemption (SCRIE) and disabled rent increase exemption (DRIE) program to make sure that individuals receiving the benefit under the DRIE eligibility is transitioned to the SCRIE program seamlessly upon reaching the appropriate age.*

**Status:** Signed into Law, Chapter 286 of the Laws of 2012

### Passed the Senate

**S.638: Relating to assessment exemptions for living quarters for a parent or grandparent (Golden)**

*This bill would amend the real property tax law, in relation to assessment exemptions for living quarters for a parent or grandparent*

**Status:** Passed the Senate

**S.1749C: Relates to the notification of certain relatives prior to the placement of children (Golden)**

*This bill amends the domestic relations law, in relation to the notification of certain relatives prior to the placement of children.*

**Status:** Passed the Senate

**S.1920: Allows senior citizens previously approved for the enhanced school tax relief exemption to file a simplified renewal application (Hannon)**

*This bill would allow senior citizens previously approved for the enhanced school tax relief exemption, who have elected not to participate in the income verification program, to file a simplified renewal application annually; directs the commissioner of taxation and finance to prepare such simplified, short form for eligible senior citizens.*

**Status:** Passed the Senate

**S.1924: Eliminates the requirement that persons 65 years of age or older, who are eligible for real property tax exemption, annually reapply for such exemption (Hannon)**

*This bill removes the annual re-application that senior citizens are currently required to submit for real property tax exemption.*

**Status:** Passed the Senate

**S.2174A: Authorizes a pooled purchasing program for certain services and commodities (Golden)**

*This bill authorizes the State Office for the Aging to establish, operate, coordinate, encourage the development of, and/or maintain, or to contract for the operation of a pooled purchasing program for certain services and commodities, including but not limited to liability and vehicle insurance on behalf of entities, programs, and services for the aging over which it has jurisdiction, oversight, or other contractual relationship.*

**Status:** Passed the Senate

**S.2212A: Increases maximum income eligibility levels for real property tax exemptions for seniors (Golden)**

*This bill increase the local option income levels for a senior citizen partial exemption from real property taxes gradually, over a five year period.*

**Status:** Passed the Senate

**S.3337: Establishes a Veterans' Gerontological Advisory Committee (Ranzenhofer)**

*This bill creates a Veterans' Gerontological Advisory Committee within the State Office of the Aging, consisting of no more than nineteen members, who shall serve six-year terms without remuneration. At least 60 percent of the members of the committee shall be age 60 or older.*

**Status:** Passed the Senate

**S.3576: Authorizes municipalities to adopt a local law authorizing the assessor of such municipality to accept late applications for the STAR exemption (LaValle)**

*This bill enables a locality to authorize the assessor or assessors of such locality to accept applications for the basic exemption and the enhanced exemption for senior citizens authorized pursuant to section 425 of the Real Property Tax Law.*

**Status:** Passed the Senate

**S.5077B: Authorizes certain county operated NY Connects: Choices for Long Term Care programs to participate in a universal assessment demonstration program (Valesky)**

*This bill requires the Director of the State Office for the Aging to select one or more county operators of the NY Connect program to participate in a uniform assessment demonstration program for determining the appropriate level of care for older new Yorkers seeking long-term care. The director must establish criteria for good standing for program participants, based on the ability of participants to assist in this demonstration program. Specifically, successful participants in the program should provide services to individuals who are identified by NY Connects program providers as needing respite care, home delivered meals, and in-home services provided by the aging network, as well as licensed home and community services and nursing home level of care.*

**Status:** Passed the Senate

**S.5493A: Provides the community guardianship program (Gallivan)**

*This bill would eliminate this requirement that community guardian programs obtain more than one assessment, and instead require a report by a doctor, psychologist or other person who has*

*evaluated the client in the three months prior to the filing of the report regarding the client's condition and current functional level.*

**Status:** Passed the Senate

### **Reported from Committee**

**S.109A: Authorizes department of transportation to survey areas with a high incidence of pedestrian accidents involving senior citizens (Diaz)**

*This bill authorizes the Department of Transportation to survey areas with a high incidence of pedestrian accidents involving senior citizens.*

**Status:** Reported and committed to the Senate Finance Committee

**S.122A: Authorizes the commissioner of health to adopt policies to exclude certain non-recurring items from income for the program for elderly pharmaceutical insurance coverage (Diaz)**

*This bill authorizes the Commissioner of Health to adopt policies to exclude certain non-recurring items from income for the program for Elderly Pharmaceutical Insurance Coverage.*

**Status:** Reported and committed to the Senate Finance Committee

**S.254: Relates to income eligibility under the EPIC program (Maziarz)**

*This bill would allow seniors to retain their eligibility in the EPIC program if they have previously qualified but are no longer eligible because of an increase in a public or private pension or social security benefit.*

**Status:** Reported and committed to the Senate Rules Committee

**S.658: Permits senior citizens whose spouses are deceased to substitute a more recent income for purposes of determining eligibility for the enhanced STAR exemption (Valesky)**

*This bill permits senior citizens whose spouses are deceased to substitute a more recent income for purposes of determining eligibility for the enhanced school tax relief (STAR) exemption*

**Status:** Reported and committed to the Senate Finance Committee

**S.1942: Provides that where a senior citizen purchases real property after the taxable status date, such person shall be eligible for the enhanced STAR exemption (LaValle)**

*This bill will correct a technical oversight that occurred when the STAR program was enacted by making a similar opportunity to transfer an existing exemption available to STAR applicants who are over 65. This bill will allow a senior citizen to move after a municipal taxable status date and still be eligible for the enhanced senior citizen exemption for that year.*

**Status:** Reported and committed to the Senate Finance Committee

**S.2172: Provides for cost of living and marriage penalty adjustments to eligibility standards for the program for elderly pharmaceutical insurance coverage (Golden)**

*This bill eliminates the marriage penalty currently existing in the schedules for EPIC registration fees and personal covered drug expenditures.*

**Status:** Reported and committed to the Senate Finance Committee

**S.2179: Provides for the creation of a drug guide for seniors regarding the drugs (Golden)**  
*This bill require that the director of the State Office For the Aging to publish a guide explaining the purpose, function, and common drug interactions of drugs commonly used by persons over the age of 62.*

**Status:** Committed to the Senate Rules Committee

**S.2181A: Establishes a coordinated statewide policy, investigation, and reporting requirements with respect to infections, including certain staphylococcus infections (Golden)**

*This bill provides for a coordinated response to staphylococcus and other infections by the several state agencies that should be involved – the State Office for the Aging, Department of Health, and State Education Department - to set standardized policy for dealing with serious infections that afflict the public and our most vulnerable population - children and the elderly.*

**Status:** Reported and committed to the Senate Finance Committee

**S.2185: Establishes the New York state compact for long term care (Golden)**

*This bill creates a compact for long term care, which is a voluntary agreement between the state and an individual under which the individual pledges to pay a certain amount for long-term care. When the pledge is met, the state pays 90 percent of the individual's long-term care needs, with the individual paying the rest, plus a participation fee.*

**Status:** Reported and committed to the Senate Finance Committee

**S.3729A: Authorizes the Director of the Office for the Aging to establish a long-term care worker training pilot program (Oppenheimer)**

*This bill would amend the elder law by adding a new section 218-a, under which the Director of the Office for the Aging would establish the long-term care worker training pilot program for the purpose of improving the quality of services provided to New York's elderly persons, by providing education and training where a lack of and access to training opportunities exist on aging and geriatrics for health care, social service and other providers of long-term care services. Colleges or universities having an institute on gerontology, would assist the director in the implementation of the long-term care worker training pilot program.*

**Status:** Reported and committed to the Senate Finance Committee

**S.4173: Allows New York City to provide tax and rent relief to senior citizens based on the metered use of water in a dwelling unit (Savino)**

*This bill would provide certain elderly individuals with financial relief based on their metered use of water.*

**Status:** Reported and committed to the Senate Rules Committee

**S.5052A: Establishes a capped property school tax rate for persons sixty-seven years of age or older who have a combined annual income of \$60,000 or less (Ball)**

*This bill would establish a capped property school tax rate for persons sixty-seven years of age or older who have a combined income of \$60,000 or less.*

**Status:** Reported and committed to the Senate Rules Committee

**S.5174A: Establishes the capital infrastructure improvement and development for older New Yorkers grant program (Valesky)**

*This bill would create the Capital Infrastructure Improvement and Development for older New Yorkers (CIID NY) grant program which would administer available funds to encourage improvements in the operation and efficiency of the aging service provider network in New York State.*

**Status:** Reported and committed to the Senate Finance Committee

**S.5451A: Establishes mandatory reporting of alleged incidents of abuse, mistreatment or neglect of residents in assisted living and adult care facilities (Alesi)**

*This bill would establish the same protections to mentally or physically incapacitated adults that the law currently affords minors in the state of New York concerning mandatory reporting requirements.*

**Status:** Reported and committed to the Senate Finance Committee

**S.6051: Relates to the elderly abuse education and outreach program (Valesky)**

*This bill would ensure that the existing elderly abuse education and outreach program within the state Office for the Aging includes education and outreach devoted to the prevention of financial exploitation.*

**Status:** Reported and committed to the Senate Finance Committee

**S.6286: Reinstates the Senior STAR rebate for the 2012-2013 school year and thereafter (Ranzenhofer)**

*This bill would reinstate the Senior STAR rebate for the 2012-2013 school year and thereafter, as well as set out amounts per year. Additionally, the bill authorizes the Commissioner of Taxation and Finance to develop procedures for the implementation of such program.*

**Status:** Reported and committed to the Senate Finance Committee

**S.6592: Relates to outreach, status and time limits relating to the tax abatement program (Golden)**

*This bill would require municipalities that have the senior citizen rent increase exemption (SCRIE) and disabled rent increase exemption (DRIE) program to conduct outreach in the community to ensure individuals who may be eligible are aware that they can apply. This bill would also require implementation of a mechanism for applicants and participants to determine the status of their exemptions and would set time limits within which the municipal agency operating the program must respond to applicants and participants when forms are submitted.*

**Status:** Reported and committed to the Senate Finance Committee

**S.6593: Makes certain tax abatement forms more readily available to seniors and authorizes certain entities to assist in the completion of such forms (Golden)**

*This bill would encourage a decentralization of services and assistance related to the senior citizen rent increase exemption (SCRIE) and disabled rent increase exemption (DRIE) program by requiring that forms and assistance be made available to applicants and participants in the*

community.

**Status:** Reported and committed to the Senate Finance Committee

**S.6976: Exempts veteran disability payments from the income of persons sixty-five years of age or over entitled to a real property tax exemption (Kennedy)**

*This bill deducts veterans' disability compensation used to calculate senior citizen real property tax exemptions.*

**Status:** Committed to the Senate Finance Committee

**S.7203: Relates to providing language access services to individuals relating to the tax abatement program (Savino)**

*This bill would require municipalities that have the senior citizen rent increase exemption (SCRIE) and disabled rent increase exemption (DRIE) program to ensure that individuals who have difficulty speaking or understanding English would have the same opportunity to participate in the SCRIE/DRIE program as other individuals.*

**Status:** Reported and committed to the Senate Finance Committee

**S.7345A: Requires adult protective services to consult with the local area agency on aging when the individual requiring services is sixty years of age or older (Valesky)**

*This bill would improve access to local services for seniors in need of adult protective services by requiring adult protective services, when serving an individual age sixty-two or older, to consult with the local area agencies on aging regarding programs and services.*

**Status:** Reported and committed to the Senate Finance Committee

**S.7452: Establishes a farm-to-senior program to facilitate and promote the purchase of New York farm products by senior centers and other institutions for the aging (Valesky)**

*This bill would facilitate and promote the purchase of New York State farm products by senior centers and other institutions for the aging, under the jurisdiction of the New York State Office for the Aging.*

**Status:** Reported and Committed to the Senate Finance Committee