



**BILL NUMBER:** S1645A

**SPONSOR:** DIAZ

**TITLE OF BILL:** An act to amend the elder law, in relation to the New York state prescription medication cost containment program



**BILL NUMBER:** S4870A

**SPONSOR:** DIAZ

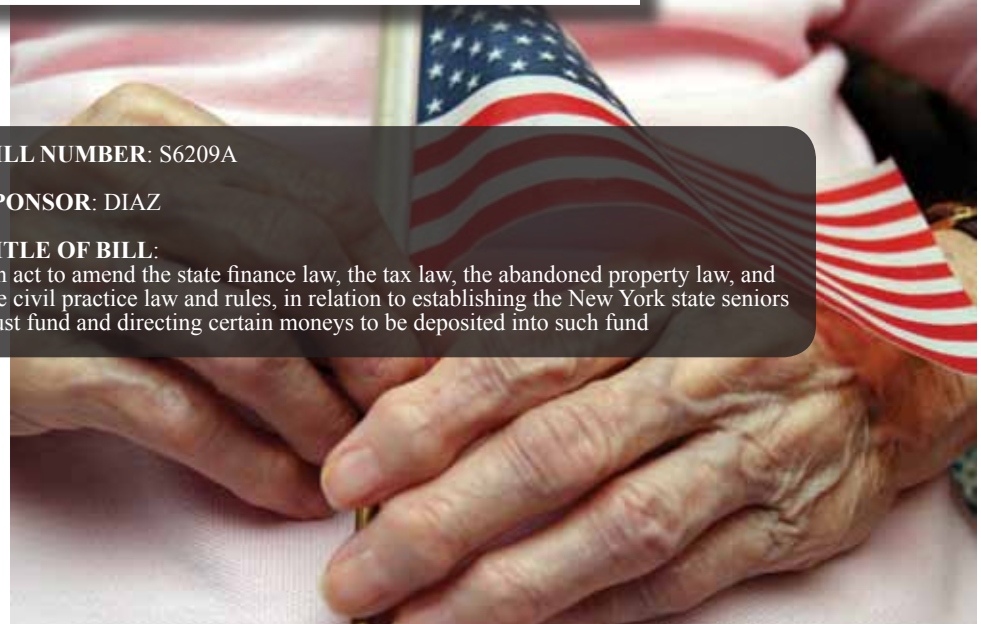
**TITLE OF BILL:** An act to amend the real property tax law, in relation to increasing the allowable maximum income of persons occupying rental units otherwise eligible for tax abatement in certain cases



**BILL NUMBER:** S3340D

**SPONSOR:** DIAZ

**TITLE OF BILL:** An act to amend the elder law, in relation to establishing the home delivered meal assistance program



**BILL NUMBER:** S6209A

**SPONSOR:** DIAZ

**TITLE OF BILL:** An act to amend the state finance law, the tax law, the abandoned property law, and the civil practice law and rules, in relation to establishing the New York state seniors trust fund and directing certain moneys to be deposited into such fund

# NEW YORK STATE SENATE STANDING COMMITTEE ON AGING

**2009 ANNUAL REPORT**

Senator Rubén Díaz, Sr., Chairman

# New York State Senate Committee on Aging

Senator Rubén Díaz, Sr., Chair



Senator  
Michael Ranzenhofer  
Ranking Member



Senator  
Joseph Addabbo, Jr.



Senator  
Kenneth LaValle



Senator  
Hugh Farley



Senator  
Suzi Oppenheimer



Senator  
John Flanagan



Senator  
Diane Savino



Senator  
Martin Golden



Senator  
José Serrano



Senator  
Carl Kruger



Senator  
Toby Ann Stavisky

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THE SENATE  
STATE OF NEW YORK

CHAIR  
AGING COMMITTEE

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COMMITTEES:  
BANKS  
FINANCE  
HOUSING CONSTRUCTION  
& COMMUNITY DEVELOPMENT  
INSURANCE  
INVESTIGATIONS &  
GOVERNMENTAL OPERATIONS  
JUDICIARY  
TRANSPORTATION

March 1, 2010

Honorable John L. Sampson  
Majority Conference Leader

Honorable Malcolm Smith  
President Pro Tempore

Honorable Pedro Espada, Jr.  
Majority Leader

Dear Senators Sampson, Smith, and Espada:

I am pleased to present this 2009 Annual Report of the Senate Standing Committee on Aging which I am honored to serve as Chairman.

The Aging Committee had a very successful and productive session and was very involved in many important initiatives during 2009. These activities included restoring and increasing much needed funding in the SFY 2009-2010 budget to the New York State Office for the Aging; reporting several significant bills out of committee, convening three public hearings, hosting Senior Citizens' Day and establishing the New York State Senate Aging Advisory Council.

The following report describes in detail the activities of the Senate Standing Committee on Aging. Thank you for your support and leadership as the Committee continues to address the needs of senior citizens in New York State. I look forward to future productive collaboration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruben Diaz Sr.', written in a cursive style.

Senator Rev. Rubén Díaz, Sr., Chairman  
New York State Senate Committee on Aging  
cc: Members, New York State Senate Committee on Aging  
RD:cbs



New York State Senate

**MEMORANDUM**

TO: Senator Malcolm Smith, Majority Leader  
Mike Fallon, Counsel

FROM: Senator Rev. Ruben Díaz,  
Chairman of the Senate Aging Committee

DATE: January 22, 2009

RE: **Agenda Items for Aging Committee Meeting on January 26th, 2009**

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At your request I submit both the requested agenda for our initial Aging Committee meeting of the 26th of January as well as our “road map” for what we seek to accomplish with our Committee during the next two years.

Attached you will find copies of the following documents:

- a) Letter submitted to Senate colleagues inviting them to join the committee.
- b) Letter to one of several advocacy groups inviting them to join an advisory council on aging issues in NYS.
- c) A list of the advocacy groups invited to join the Advisory council.
- d) Letter sent to NYS Alliance for Retired Americans requesting their support and expert assistance regarding the issue of purchasing prescription drugs from Canada.

**AGING COMMITTEE AGENDA,  
JANUARY 26th, 2009**

**TOPIC 1 : HOW DOES THE EXECUTIVE BUDGET PLAN FOR EPIC TO LEND ITSELF TO FURTHER SAVINGS BY IMPORTING PRESCRIPTION DRUGS FROM CANADA.**

(Allowing non NYS pharmacies to enroll as providers)

**HOW MAY THE STATE SAVE FURTHER BY USING THE CANADIAN PRESCRIPTION DRUGS FOR THE ADAP (HIV MEDICATIONS)**

Although the budget allows for ADAP to remain fully funded, could savings be achieved in the overall 1.7 billion dollar gap for 2009, by utilizing Canadian Prescriptions?

**SHOULD THE STATE REQUIRE THAT ALL PROVIDERS OF PHARMACEUTICALS DISCLOSE THEIR POLITICAL CONTRIBUTIONS TO ELECTED OFFICIALS?**

For these policy considerations I would like the State to provide witnesses who support the Administration's view. I will call Mike Burgess from the NYS Alliance of Retired Americans (see attached letter dated January 20, 2009) to discuss what Schenectady and Rensselaer County have accomplished.

**TOPIC 2: SINCE THE STATE IS ESTIMATING THAT REVENUES FROM ALL SOURCES WILL INCREASE BY 3.0%, WILL THE ADMINISTRATION BE WILLING TO STUDY THE EFFECTS OF SENATE INTRO 774 (DIAZ BILL) REQUIRING ALL CREDIT CARD COMPANIES TO SEND ALL SALES TAXES COLLECTED DIRECTLY TO THE STATE AS A MEANS OF INCREASING SUCH COLLECTIONS** (Estimated to be severely decreased by the local news media) Copy of legislation attached

## COMMITTEE ON AGING: TWO-YEAR BLUEPRINT

This committee will utilize the legislative process with hearings and by issuing reports, and will appoint a working Advisory Committee to study certain vital issues, and help gather data, and make recommendations. (See letter of January 15, 2009 and attachment.)

We have drawn up a preliminary list of urgent topics upon which to focus our inquiry, among which are the following:

A. How can the “waiting list” for home-delivered meals for eligible seniors be reduced? FACT: 70% of eligible seniors are not getting them.

B. Underutilization of public benefits. Why is it that only 32% of eligible seniors get food stamps? 52% get SSI? 58% Medicaid? 40% SCRIE? 30% homebound meals?

C. The NYS legislation which reformed assisted living has just released regulations.

Do they meet the test of the legislation? We need to always review legislation to determine if it meets the test for which it was established. Passing legislation is just the first step.

D. The Executive Budget reduces previously authorized funding in excess of one million dollars. There is such a great need for seniors to have safe, reliable, affordable transportation to shop, get food or visit their doctors. This is acute in Upstate especially. How may the legislature use its powers creatively to meet this need? You may recall the dollar vans that flourished in NYC prior to the MTA elimination of fare zones. Could the State use its taxing and licensing powers to help create a whole new industry to help the elderly? Failure to secure this will simply add to the State costs by increasing the nursing home population.

E. How can the Senate Aging Committee act as a catalyst to obtain Capital improvement funds from the Obama administration designated for infrastructure repair in order to improve and modernize each and every Senior Center in the State of New York? We have started the process of writing to everyone. (See letter dated January 17, 2009.) We will help each center to get responsible bids, to get these contractors VENDEXED, to get a selection process and if needed, to ask one of the banks bailed out by the Federal Government to issue loans against government pledges for this repair work. I understand that rarely has government ever undertaken such tasks, but this work is much needed and requires a unity of purpose and attention. We will need each and every elected official to help with this project.

Consider that THE AVERAGE AGE FOR A SENIOR CENTER PARTICIPANT IS 77 YEARS OLD, MOST ARE FEMALES AND HAVE INCOMES LESS THAN \$10,000.00.

F. To reach out to the State Long Term Care Ombudsman Program to identify issues that need to be addressed. Under the Older Americans Act, every State is required to have a Long Term Care Ombudsman program.

G. To work directly with the New York State Office for Aging, New York City Office for Aging, the State Attorney General, and the NYS Consumer Protection Board to ensure that seniors are receiving appropriate and necessary treatment and protection.

H. To work in coordination with advocacy organizations throughout the State.

I. To conduct public hearings in which we could bring the Committee directly to every member's district and hear from their senior constituents, as well as discuss the expansion of programs such as EISEP, EPIC, NORCs, and other community based health initiatives.

J. What is NYS doing to meet its obligations under the Olmstead decision? The Supreme Court in 1999 made it an OBLIGATION for each State to develop community based systems which prevent the elderly institutionalization, or require the release of seniors from nursing homes.



## Serving the Aging Citizens

As the “baby boom generation” begins to reach the age of retirement in the next five (5) years, the State and local governments in New York will face important challenges.

Before 1995, only five (5) states in the Union had more than 15% of senior residents among their population.

By 2005, it is expected that every single State of the Union (excluding Alaska, California, and the District of Columbia) will have more than 15% of senior residents among their population.

The number of people 65 years and older will more than double and will continue to grow for decades to come.

The consequence of this tremendous growth in the aging population is forcing State governments to examine existing benefits and programs related to the elderly. This phenomenon is also forcing governments to rethink how to address the full range of elderly needs with the resources they have and what other resources they can mobilize.

As the population and the workforce ages here in New York State, governments at all levels will have to address the challenges of how to deliver retirement and medical benefits to a surging number of aging citizens. Many of the key issues, including extending retirement and reducing benefits, have proven to be a tremendous burden for senior citizens.

There are people who already are questioning how the growing ranks of elderly will affect the way in which government agencies are organized and the services they deliver, the design and mix of services they offer, the delivery channel they use, the funding sources they rely upon, and the way aging citizens will affect civic participation.

For example: the growing elderly population may give the State a compelling reason to move traditional office based services to online service as a way to expand its reach and reduce costs.

## Pressure on State Government

### 1. Fiscal Pressure:

A key challenge for NYS is how to cover increases in expenditures for Medicaid and Pensions as the revenues fall with a shrinking workforce. Typically, benefits for the elderly tend to cost substantially more on per capita basis than benefits for children.

### 2. Immigration:

The leading destination for foreign migrants has been North America which has received millions of legal and millions more illegal immigrants. A great percentage of them are senior citizens or will soon become senior citizens, increasing the demands for services in the State and local governments.

Foreign immigrants tend to settle in gateway states such as California and New York. On the other hand, the domestic population migrated out to states such as Georgia, Arizona, North Carolina, Florida, etc. This has created various problems:

- A. The workforce moved to other states leaving New York to find ways to provide for the elderly and the rest of the population.
- B. The elderly tend to stay put. Elderly citizens are likely to stay where they are and age in place rather than relocate to institutional settings. Many would prefer to receive services at home. That is why we have to work towards expanding programs such as NORCs (Naturally Occurring Retiring Communities).
- C. Some regions of the State are feeling the effects of migration more than others, creating the isolated seniors. These regions potentially have more difficulty delivering services to the elderly.

### 3. Financial Pressure:

The aging population will have a major impact on State and Local finances. Revenues could become a significant issue as the number of elderly increases and the number of individuals assuming the bulk of the tax burden decreases. The increase in the aging population may force the state to consider modifications to its tax structures and to find alternative approaches to funding services for the elderly.

Once the baby boomers begin to retire and the proportion of working-age citizens shrinks, the growth rates in personal income tax revenue could slow significantly. This slowdown will have a serious impact on the nation, forcing Washington to cut back its share to the States, and leaving the States to carry the burden of caring for its senior population. Currently, NYS spends over \$2 billion more annually than the next highest state in total dollars for nursing home care.

#### **4. Nursing Homes:**

A profound shift has occurred over the past few decades in how society cares for the elderly. In the past, adult children and relatives used to care for the majority of the elderly in their own homes. But as time passed, and more women entered the workforce, families turned to nursing home care for the elderly.

The growing number of fragile and isolated seniors has put a great demand on the State to create more nursing homes and leaves us with future worries on how to deal with this ever-growing situation.

Medicaid is the dominant payer for nursing homes. It pays for 78% of all nursing home days in the State. New York spent \$6.2 billion in FY 2004 on nursing facilities alone, or about 15% of the total State budget. By any measure, New York State leads the country in its spending for nursing facilities.

More recently, the NYS Legislature has passed several pieces of legislation and made many budgetary appropriations to address some of these issues and to expand community based alternatives to nursing home care. However, many issues remain prevalent.

#### **A. Problems With Nursing Homes:**

Despite strong legal requirements for nursing homes to provide good care and dignified conditions for residents, the nursing home crisis continues. As a result, too many of our most vulnerable citizens suffer needlessly every day because nursing homes fail to provide good care and the government fails to hold them accountable.

In 1987, Congress passed the groundbreaking nursing home reform law (OBRA87) which requires that every nursing home resident be provided with services sufficient for a senior to obtain and maintain the highest practicable physical, mental, and psycho-social well being. After 20 years of this piece of legislation (OBRA87) there are nursing homes that continue to provide unpleasant and often times hostile environments for seniors. Sometimes they are agents of harm rather than providers of care and protection.

Some of the problems that seniors residing in a nursing home are subject to are: abuse and misappropriation of funds and property, development of bedsores, loss of balance, dehydration, and depression. Many professionals believe that these problems are almost always preventable.

## 5. Transportation:

The issue of transportation for the elderly, particularly during the evening hours has become an increasingly concerning issue. The accident rate for elderly people increases after dark. The burden confronted by non-profit institutions and organizations dedicated to providing services for Senior Citizens in our State is too great.

A. If institutions need a vehicle to transport their seniors, they have to come up with 20% of the value of the vehicle, and then be solely responsible for the insurance of said vehicle and the salary of the driver. The State will only help with 80% of the total cost of the vehicle.

These not-for-profit organizations make no money and their only goal is to help our senior population. Placing this burden on them will never alleviate our senior transportation problems.

## 6. Nutrition, daily hot meals vs. frozen meals:

The daily delivery of a hot nutritious meal to a senior's doorstep has many functions. Not only do they get a hot meal delivered but also the visit provides a great opportunity for the delivery person to check on the frail and home bound seniors on a daily basis. So many seniors live alone and many cannot even move from their beds.

Bringing seven (7) frozen meals to a frail senior once a week will force the senior to use a microwave or oven, which to some is very difficult due to their physical or mental condition.

This method of delivering frozen meals instead of hot meals is a new way in which Governments are trying to save money ignoring all the problems and risks that they might be subjecting the elderly population to.

## **Conclusion**

The New York State Office for the Aging is responsible for promoting, coordinating and administering State, Federal and local programs and services for 3.2 million New Yorkers aged 60 or older.

By 2015, this number will double to 6.4 million individuals. It is my hope, to receive the cooperation of my Senate colleagues and to address through this committee the needs and concerns of the aging population, by having public hearings, at their request and in their respective districts.

## **ii. NYS Senate Aging Advisory Committee Members**

State Senator Rubén Díaz created the New York State Senate Aging Advisory Committee in his role as Committee Chairperson. The Advisory committee will evaluate and help prioritize the work of the Standing Committee, act as the eyes and ears of the Committee throughout the State, and to help solve problems. The Advisory Committee held its first meeting on September 23, 2009 and since then has played an active and important role in developing policy, making legislative recommendations and presenting ideas for improving the lives of senior citizens in New York State.

### **The following individuals have been invited to participate on the Advisory Committee:**

Beth Finkel, Director of State Programs, AARP

Lou-Ellen Barkin, President and Chief Executive Officer, Alzheimer's Association NYC, NY

Bobbie Sackman, Director of Public Policy, Council of Senior Centers and Services

Charles Battaglia, Erie County Department of Senior Services

Suleika Cabrera-Drinane, Executive Director and Founder, IPRHE/Hispanic Senior Action Council

Mario Tapia, Executive Director, Latino Center on Aging

Anne Marie Cook, CEO, LIFESPAN of Greater Rochester

Joseph Baker, Executive Director, Medicare Rights Center

Dennis R. Bozzi, President and CEO NY Association of Homes and Services for the Aging

Lilliam Barrios-Paoli, Commissioner, NYC Department for the Aging

Laura Cameron, Executive Director, NYS Association of Area Agencies on Aging

Michael Burgess, Director, NYS Office for the Aging

Michael Adams, Executive Director SAGE (Services and Advocacy for LGBT Elderly)

Justin Cunningham, Executive Director, Statewide Senior Action Council

Nancy Miller, Executive Director, VISIONS

Mae Carpenter, Commissioner, Westchester County Department of Senior Programs and Services



Senator Díaz, his staff and the New York State Senate Aging Advisory Council

## B. 2009-2010 STATE BUDGET

The leadership and efforts of the New York State Senate Majority resulted in \$6.2 million in funding increases, including \$5 million in additional funding in the 2009-2010 State Budget for the New York State Office for the Aging. This was an impressive achievement for the senior citizens of New York State during these challenging and difficult economic times. The programs and services funded by this allocation are vitally important in order to keep senior citizens safe, healthy, living in their own homes and avoiding more costly institutional care.

- \$2 million for the Supplemental Nutrition Assistance Program (SNAP) which provides funding for home delivered meals;
- \$2 million for Expanded In-Home Services for the Elderly Program (EISEP) which provides in-home services such as housekeeping and personal care services, and;
- \$1 million for Community Services for the Elderly (CSE) which provides shopping assistance, transportation and legal services.

Additionally, funding cuts were restored that were proposed in the Governor's Executive budget for the following programs:

- Managed Care Consumer Assistance Program (\$844K) which assists seniors in navigating the often confusing Medicare Part D Prescription Drug Plan Benefit;
- Congregate Services Initiative (\$81K) which provides funding for a range of services including health and wellness programs and support services;
- Long Term Care Ombudsman Program (\$69K) which provides advocacy to nursing home residents; and
- Enriched Social Adult Day Services (\$245K); which provides comprehensive adult day services.

Furthermore, the following appropriations were secured from the American Recovery Investment Act Initiatives: Congregate Nutritional Services (\$2.1 million) and Senior Community Service Employment (\$1.1 million).



## C. Committee Activities

The Senate Standing Committee on Aging convened seven times between February 9, 2009 and June 1, 2009. A total of 48 bills were reported from the Committee. An eighth committee meeting was scheduled for June 10, 2009 and was canceled. In addition to reporting bills on the agendas, the Committee also hosted several guest speakers that were invited by Senator Díaz.

Michael Burgess, Director of the State Office for the Aging was the guest speaker at the first committee meeting on February 9. He briefed the committee members on the services provided by his office. At a subsequent committee meeting on March 30, 2009, Director Burgess and his staff discussed NY@Home-Community Services for independent living. Louis Pierro, from Pierro Law Group, LLC spoke about the NYS Compact for Long Term Care during the April 20th Aging Committee. On Monday June 1, 2009, Ken Harris, from the NYAHS Center for Senior Living and Community Services spoke about needs related to senior housing.

In order to improve discussion and open the floor for debate beyond that of the Senators present, Senator Díaz regularly invited staff and members of the public to comment, ask questions and make suggestions on the bills that were being discussed. As a result, Aging Committee meetings were more open, transparent, and dynamic than under previous committee chairs.



From left to right: Senator Ranzenhofer, Director Michael Burgess, Senator Díaz, Senator Golden and Christopher Lynn, Esq.



## **D. Summary of Legislation Reported**

### **Caregiver Support**

S.1557 (Diaz) Creates a caregiver support program for grandparents and other older adult relative caregivers who are providing primary care for children aged 18 and under either formally or informally to provide technical assistance, counseling and other resources.

### **Consumer Issues**

S.1822 (Morahan) Includes senior citizen students auditing community college classes in the full time equivalent state aid formula.

S.1893 (Klein) Requires owners and operators of premises or facilities for the retail sale of motor fuels for use in motor vehicles and offering self service and full service at the same time to provide full service of such motor fuels to senior citizens (65 years of age or older as evidenced by a driver's license) at the same price charged for such motor fuels at the self service islands between 7:00 a.m. and 7:00 p.m.

S.2026 (Golden) Authorizes a pooled purchasing program for certain services and commodities, including, but not limited to, liability and motor vehicle insurance.

S.2530 (Maziarz) Provides free use of state parks for residents of this state age 62 or older, including on weekends and public holidays.

S.2872 (Monserrate) Provides sales tax exemption for food sold in reduced portions at reduced prices to persons 65 years of age or over at a restaurant, cafeteria or other establishment.

S.4288 (Stewart-Cousins) Allows chief executive officer of city of Yonkers to designate an agency on aging for purposes of county plans under community services for the elderly program (1965 federal older Americans act).

S.4575 (Lanza) Provides for a 10 percent discount on NYC water bills for senior citizens.

## Elder Abuse

S. 1838 (Klein) Requires various persons (similar to child abuse) to report financial exploitation of the elderly (sixty-two or older) in violation of the penal law to a social services official, and provides for a cause of action for failure to do so; directs the commissioner of children and family services to develop rules for the conduct of investigations and the protection of the exploited.

S. 4990 (Foley) Provides for a financial exploitation prevention outreach, education and training program and fund; authorizes the director of the office of the aging to award grants to qualified agencies to establish local elderly exploitation, outreach, education and training programs; outlines elements of such program.

S.5376 (Klein) Requires certain agencies to track and report elder abuse and to issue an annual report to the governor and legislature regarding the incidence of elder abuse in the state.

S.5582 (Diaz) Enacts the Senior Anti-Violence and Enforcement Act (SAVE); establishes a central registry for access to reports of maltreatment of seniors; creates a council on elder abuse; establishes penal provisions regarding offenses against the elderly and disabled.

## Health

S.2006 (Golden) Establishes distinguished chairs in gerontological sciences to conduct research, engage in educational and training activities and provide clinical services at educational, medical and research facilities in this state.

S.2023 (Golden) Creates the senior benefits card program to enable and encourage seniors to purchase healthy and appropriate foods at a discounted price.

S.2210 (Diaz) Excludes expenditures for medical care not covered by insurance from the definition of "income" for the purpose of a real property tax abatement for rent-controlled and rent regulated property occupied by senior citizens.

S.2218 (Diaz) Establishes a senior dental services grant program; authorizes the director to establish the program and, upon the availability of appropriations, provide grants to eligible elderly persons who are in need of such services.

S. 3341 (Diaz) Enacts the “behavioral health, chemical dependency and long-term care act of 2009”; directs the interagency geriatric mental health and chemical dependency planning council to establish a task force on long-term care to restructure long-term care and address mental health and chemical dependency problems.

## Housing

S.1028 (Kruger) Provides that a person sixty-two years of age or older, who is a tenant of a dwelling unit located in a building which is located in the city of New York, and who is threatened with eviction because such building is subject to a cooperative or condominium conversion plan, shall be entitled to remain in occupancy of such dwelling unit.

S.1556 (Diaz) Establishes the bureau of the senior tenants’ advocate within the state office for the aging; provides that the senior tenants’ advocate shall assist senior citizen tenants in resolving complaints they may have with the New York state division of housing and community renewal, landlord disputes, rent increases, and other housing related matters; provides that the governor shall appoint the senior tenants’ advocate to a term of four years.

S.1742 (Stavisky) Relates to redetermination of adjusted rent where there is a permanent decrease in combined income; provides that such redetermination shall be retroactive to the date of the decrease in income.

S.2208 (Diaz) Establishes a senior housing task force for the purposes of conducting a state-wide assessment of senior housing needs taking into consideration the various geographical areas and different needs of the seniors in those areas and resources available in those different areas.

S.2216 (Diaz) Enacts the New York State Senior Housing Opportunities Partnership Act and establishes the New York state senior housing opportunities partnership authority; such authority will finance or collaborate in the financing of senior housing opportunities facility projects.

S.2217 (Diaz) Expands supportive services to the elderly in naturally occurring retirement communities by enlarging target group through eliminating head of household requirement, and including more such communities by reducing the number of elderly needed to qualify.

S.3147 (Diaz) Establishes the New York certified retirement community program within the office for the aging and New York Livable Integrated Elder Friendly Retirement Communities (New York LIFE) program; provides for certification by the director of the office for the aging that a community is advantageous for retirees to live and that such community encourages retirees to reside therein; provides that upon certification the office for the aging shall provide assistance to the community.

S.4981 (Foley) Requires model zoning and planning guidelines that foster age-integrated communities to include provisions to allow for accessory senior citizen units in areas zoned for single family residences and for mixed-use development accommodating senior citizen residential housing.

## Long Term Care

S.1301 (Kruger) Enacts a program within the office for the aging to provide volunteers for in-home respite care for the elderly; provides that credit for such services may be used for future respite services needed by such volunteer or a family member; also provides that the office for the aging shall establish a registry of volunteers.

S.1592 (Golden) Permits the office for the aging to contract for consumer directed personal assistance services through specifically defined models.

S.4064 (Golden, Diaz) Establishes the New York state compact for long term care; provides certain tax credits; requires federal financial participation; requires that the state provide assurance of quality of services in designing the waiver; outlines participation in such compact and pledge amounts; authorizes the waiver of all or part of the participation fee and the requirement that a beneficiary pay the difference between the compact rate and the compact subsidy if the beneficiary's countable income, after deductions of these items is less than the following protected income amounts; describes fraudulent practices.

S.5455 (Oppenheimer) Authorizes the director of the office for the aging to establish a long term care worker training pilot program for the purpose of expanding access to enhanced education and training for health care and social service practitioners who provide services to elderly persons across the state.

## Nutrition

S.3340 (Diaz) Establishes the home delivered meal assistance program.

## Prescription Drugs

S.1539 (Stavisky) Limits cost-sharing responsibilities of participants in the elderly pharmaceutical insurance coverage program for both comprehensive and catastrophic coverages to no more than five percent of the eligible participant's gross income.

S.1645A (Diaz) Establishes the New York State Prescription Medication Cost Containment Program.

S.1839 (Klein) Increases income eligibility levels in the EPIC program from \$35,000 to \$50,000 for unmarried residents and from \$50,000 to \$75,000 for married residents.

S.1840 (Klein) Makes certain persons (meeting certain income requirements) who are eligible for or receiving social security disability insurance (SSDI) benefits eligible for elderly pharmaceutical insurance coverage.

S.2031 (Golden) Provides for the creation of a drug guide for seniors regarding the drugs commonly used by people over 55 years of age; functions and drug interactions.

S.3901 (Addabbo) Relates to the amount of dispensing fees paid to pharmacies in EPIC and Medicaid; establishes the dispensing fee at eight dollars per prescription for patients in long term care facilities, intermediate care facilities for the developmentally disabled, assisted living programs and any other residential care facilities in which prescriptions are dispensed in unit-of-use packaging.

S.5457 (Diaz) Authorizes the panel to adopt policies to exclude certain non-recurring items from income that would artificially inflate the availability of funds to meet current needs relating to eligibility for the program for elderly pharmaceutical insurance coverage.

## Property Taxes

S.535 (Alesi) Repeals the income limitation for the senior citizen enhanced school tax relief (STAR) exemption for the 2004-2005 school year and thereafter; applies only to exemption applications for the 2010-2011 school year and thereafter.

S.949 (Johnson, C) Provides additional notice of the real property tax exemption for senior citizens under section 467 of the real property tax law and requires municipal corporations to permit late filings within 60 days of the statutory deadline from persons previously granted such exemption.

S.1012 (Kruger) Changes the formula for determining the combined household income limit for eligibility for a tax abatement for rent controlled and rent regulated property occupied by senior citizens; defines "consumer price index" and "cost of living adjustment".

S.1134 (Perkins) Provides for annual adjustment by the commissioner of housing and community renewal of the maximum income threshold for eligibility for the senior citizens' rent increase exemption (SCRIE) and for the municipal property tax abatement for rent-controlled and rent regulated property occupied by senior citizens by any increase in the consumer price index (CPI).

S.1339 (Skelos) Provides that a lender providing a reverse mortgage to a person who is 60 years of age or older may receive not more than 20% of the future appreciation of property secured by the mortgage as consideration for providing such reverse mortgage.

S.1382 (Stavisky) Provides that the tax abatements for certain rent-controlled and rent-regulated property occupied by senior citizens commonly known as the senior citizens' rent increase exemption (SCRIE) shall be applicable where the rent constitutes more than one-fourth rather than one-third of the tenant's income.

S.1602 (Valesky) 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.

S.2051 (LaValle) Establishes a capped real property school tax rate for persons seventy years of age or older who meet the eligibility requirements for the enhanced school tax relief exemption.

S.2210 (Diaz) Excludes expenditures for medical care not covered by insurance from the definition of “income” for the purpose of a real property tax abatement for rent-controlled and rent regulated property occupied by senior citizens.

S.2758 (Monserrate) Empowers a county or a city with a population of one million or more to provide for deferment of real property taxes owed by persons 65 years of age or older by local law; sets forth procedures for deferment, financing taxes deferred and insuring against loss; provides such tax deferment lien shall be cumulative and shall come due upon sale or conveyance, death of the owner(s) or foreclosure of a security interest in the property.

S.3498 (Addabbo) Excludes social security payments and supplemental security income from the definition of “income” for the purposes of determining eligibility under the senior citizen rent increase exemption (SCRIE).

S.4870 (Diaz) Increases allowable maximum income of persons occupying rental units otherwise eligible for tax abatement in certain cases under provisions applicable to senior citizens’ rent increase exemption (SCRIE).

## Transportation

S.1555 (Diaz) Authorizes department of transportation to conduct a statewide survey to determine areas with a high incidence of pedestrian accidents involving senior citizens; requires commissioner to undertake a comprehensive study of mitigating dangers to senior citizens in any and all areas in which the survey indicates the need to take action; requires commissioner to report recommendations and findings to the legislature and the governor on or before April 1, 2011.



Senator Díaz comments on a bill during a meeting of the Senate Aging Committee.

## E. Committee Hearings

During 2009, the Aging Committee convened three public hearings. The first hearing was held on March 25th in Albany to discuss the New York State Medication Cost Containment Program (S1645-A). It will authorize the Executive Director of the Elderly Pharmaceutical Insurance Coverage Program (EPIC) to utilize Canada's research-based pharmaceutical companies in order to secure the best quality FDA-approved prescriptions at the lowest possible cost. This legislation will allow seniors to voluntarily sign a contract with a Canadian pharmaceutical mail order company in order to purchase their prescription drugs. This bill is modeled after a successful program that was implemented by Schenectady County in 2005. Since the inception of this program, Schenectady County has saved a total of \$5.8 million in prescription drug expenditures. Additionally, Schenectady County drug costs in January and February of 2009 decreased 5% from the same period in 2008. If the Schenectady program is any indication, this bill, once it is passed into law, should result in significant savings to New York State. Testimony was heard from Michael Burgess, Director of the New York State Office for the Aging, Christopher Gardner, Schenectady County Attorney; G. Anthony Howard, CanaRx Services; John Pachini and Barry McNamara, Benetech Services; Jason Angell, Working Families Party; Bill Ferris and David McNally, AARP; and Christopher Ward and Leslie Wood, PhRMA.





Senator Díaz makes a point while Senators Savino (l) and Ranzenhofer (r) look on.

The second hearing took place on May 14, 2009 in New York City and discussed the need to eliminate waiting lists for home delivered meals for senior citizens (S.3340D), and to reduce the financial burden on local counties, many who subsidize state funding with local taxpayer dollars. Home delivered meals are an important component in assisting the frail elderly to remain at home. Yet, according to the New York State Office for the Aging, 70% of those in immediate need of home-delivered meals are not receiving them due to inadequate funding. Testimony was heard from Greg Olsen, New York State Office for the Aging; Sharon Mullon, Nassau County Department of Senior Citizen Affairs; Bobbie Sackman, Council of Senior Centers and Services; Triada Stampas, Foodbank for New York City; Suleika Cabrera-Drinane, Institute for Puerto Rican and Hispanic Elderly; Kathleen Fitzgibbons, Federation of Protestant Welfare Agencies, Laura Cameron, NYS Association of Area Agencies on Aging; and Susan Rykman and Christine Deska, AARP.



Senator Díaz and SNAP Public Hearing witnesses, May 14, 2009

The third hearing took place on September 8, 2009 in New York City to discuss: H.R. 3200: America's Affordable Health Choices Act of 2009 and Its Impact on Senior Citizens. As a result of the public attention and media scrutiny surrounding Section 1233 of the legislation, the New York State Senate Committee on Aging sought to separate fact from fiction. This legislation proposes to reform the way health care is provided in this country, and every effort must be made to ensure that the public has correct information. It is especially important to know how the proposed reforms will affect senior citizens. Witnesses were asked to focus their comments on H.R. 3200 and its impact on senior citizens, particularly Section 1233, Advance Care Planning Consultation. Those presenting testimony included New York State Assemblyman Richard Gottfried; Former Lieutenant Governor Betsy McCaughey Ross; John Rother, AARP; Edward T. Mechmann, Archdiocese of New York, Representing the NYS Catholic Conference; Bobbie Sackman, Council of Senior Centers and Services of NYC; Joseph Baker, Medicare Rights Center; Kathy A. McMahon, Hospice and Palliative Care Association of NYS; Barbara Meara, New York State Right to Life Committee; and Paul Malley, Aging with Dignity.



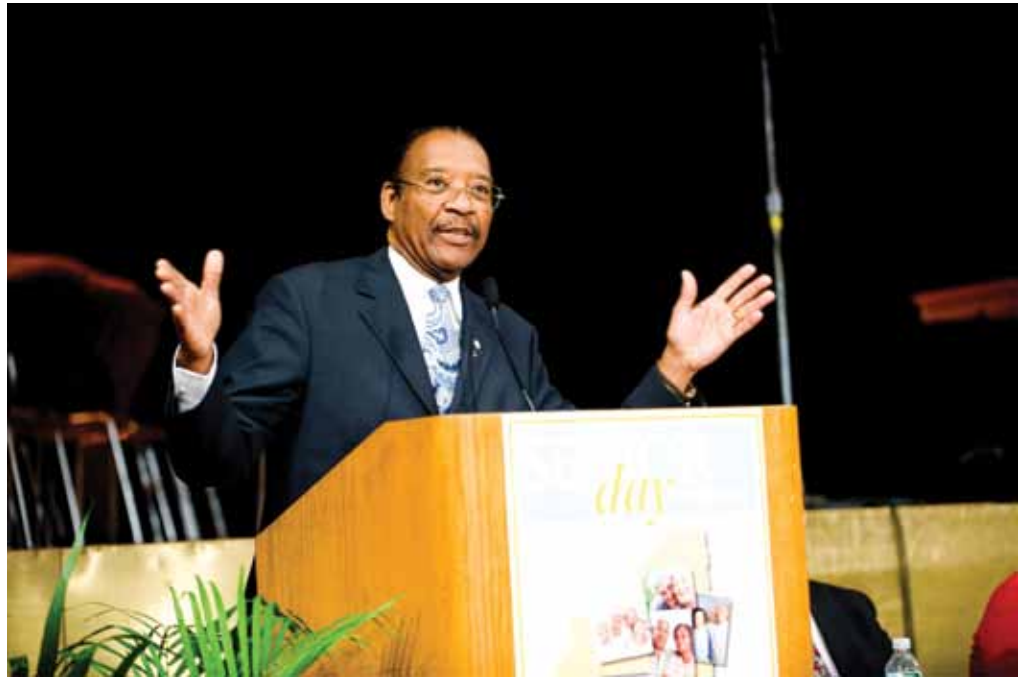
Public Hearing attendees, September 8, 2009

## **F. New York State Senior Citizens' Day**

As the Chair of the Senate Committee on Aging, Senator Díaz served as the host of the 2009 New York State Senior Citizens' Day in Albany on May 6, 2009. In this role, Senator Díaz was able to choose the person who received the Outstanding Contribution by a Senior Award. This year's award went to Floyd Powell of DeKalb Junction, New York. Mr. Powell is 81 years young and is known throughout his community for his church and civic volunteer activities. He is a constituent of Senator Darrel Aubertine. Senator Díaz authored two resolutions that were read on the floor of the Senate and in the Empire State Convention Center before 600 Senior Citizens. Mr. Powell was excited to have the opportunity to greet Senator Díaz, as well as the Dalai Lama and Governor David Paterson.



NYS Office for the Aging Director Michael Burgess (far left), Senator Malcolm Smith (left), Award Recipient Floyd Powell (c), Senator Rubén Díaz (r) and Mr. Powell's family congratulate him upon receiving the Outstanding Contribution by a Senior Citizen Award



Senator Díaz speaks to the audience during the New York State Senior Citizens' Day

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