DATE: November 4, 1996

TO: Area Agency on Aging Directors
    Advisory Committees
    LTC Ombudsman Program Directors
    Legal Services Providers
    Interested Parties
    Region II Administrator, Administration on Aging

FROM: Daniel Degnan, Associate Director/Counsel

SUBJECT: Year End Summary of Significant 1996 State Legislation Affecting the Elderly

The following is a year end summary of legislation affecting the elderly which the State Office for the Aging tracked during the 1996 Legislative Session:

STATE OFFICE FOR THE AGING DEPARTMENTAL BILLS:

S.4014-A (DiCarlo) Relates to the definition of "covered drug" for the EPIC program to allow for establishment of product specific limits for certain pharmaceuticals.  [NOTE: Referenced in Article 7 Bill (A.11335). Chapter 474 of the Laws of 1996.]

S.6631 (DiCarlo) Establishes the Resident Advisor Program, administered by the State Office for the Aging, in statute, thereby giving SOFA the authority to continue development of local Resident Advisor Program sites throughout the State.  Chapter 113 of the Laws of 1996.

S.7068 (DiCarlo) Eliminates the annual waiver process for counties operating community services for the elderly. Passed Senate, referred to Assembly Aging committee.  Remained in Assembly Aging Committee.

S.7362 (DiCarlo) Makes technical amendments to the State Long Term Care Ombudsman Program to conform it to the federal Older Americans Act.  Chapter 345 of the Laws of 1996.
SENATE BILLS:

S.2481-B (DiCarlo)  Authorizes the State Office for the Aging to establish social A.1842-C (Harenberg)model adult day services programs.  Chapter 685 of the Laws of 1996.

S.3502-C (Saland)  Excludes, at local option, all medical and prescription drug A.1477-C (Butler)expenses paid from consideration as income for the purpose of determining eligibility for the senior citizen's real property tax exemption.  Chapter 313 of the Laws of 1996.

S.4632-C (Goodman)  Provides for additional civil penalties for consumer A.8030-B (Harenberg)frauds against elderly persons.  Chapter 687 of the Laws of 1996.


S.5776-C (Marcellino)  Recommends the establishment of a registry of disabled persons A.8535-C (Weisenberg)to be kept by a county government to meet special needs of certain persons.  Chapter 658 of the Laws of 1996.

S.5943 (Seward)  Authorizes the extension of time for the payment of real A.8622 (Magee)property taxes without interest or penalty in certain counties as the result of a flood emergency.  Chapter 4 of the Laws of 1996.


S.6289 (Cook)  Relates to extending the rural human services networking A.9123 (Magee)program.  Chapter 236 of the Laws of 1996.


S.6611-A (DiCarlo) Makes the EPIC program permanent; removes sunset provision. Chapter 681 of the Laws of 1996.

A.10975 (Rules)

S.6616-A (Holland) Requires the Rudolf Steiner Fellowship Foundation, Inc. to adhere to DSS regulations regarding health and safety of residents. Chapter 527 of the Laws of 1996.

A.9679-A (Colman)

S.6648 (Farley) Clarifies that teachers, who opt to buy back pension credit for service rendered prior to 1/1/90, must file an application establishing their eligibility. Chapter 210 of the Laws of 1996.

S.6773 (Hoblock) Provides a retirement incentive for certain public employees. Chapter 30 of the Laws of 1996.

A.9817 (Vitaliano)

S.6838 (Tully) Authorizes the discharge of hospital patients to hospices and residential health care facilities under the Medicaid presumptive eligibility program. Chapter 693 of the Laws of 1996.

A.9650 (Gottfried)


A.9630-E (Polonetsky)

S.7025 (Holland) Extends the foster family care demonstration program for elderly or disabled persons until December 31, 1997. Chapter 545 of the Laws of 1996.

A.7747-A (Rules)

S.7038 (Trunzo) Eliminates the "60/50/40" maximum retirement benefit for certain members of the state and local employees' retirement system. Chapter 666 of the Laws of 1996.

A.9844 (Vitaliano)

S.7043 (Trunzo) Authorizes the NYS Teachers' Retirement System to adopt rules and regulations permitting loans of accumulated contributions to members who are not in active service. Chapter 548 of the Laws of 1996.

A.9397 (Gromack)

S.7044 (Trunzo) Authorizes the NYS Teachers' Retirement System to adopt alternative procedures for reporting earnings of members retired from public employment. Chapter 118 of the Laws of 1996.

A.9403 (Vitaliano)


A.10608 (Rules)

S.7291 (DiCarlo) Extends certain provisions relating to the combined senior citizen services center/residential health care facility/child day care center community grants program until 1998. Chapter 689 of the Laws of 1996.

A.10651 (Harenberg)

S.7552 (Holland) Extends current provisions with respect to additional medicaid

S.7553 (Rules) Regulates the delivery of managed health care. A.11328 (Rules) Awaiting Governor's action.

S.7577-A (Levy) Extends the date for filing an application for the exemption from A.10767-A (Rules) real property taxes for persons sixty-five years of age or over in certain counties. Chapter 571 of the Laws of 1996.

S.7621 (DiCarlo) Extends for one year the eldercare project, a social health maintenance organization program. Chapter 624 of the Laws of 1996.

S.7654 (DiCarlo) Increases income levels for persons employed by A.10760 (Rules) Green Thumb Environmental Beautification, Inc. Chapter 579 of the Laws of 1996.

S.7943 (DiCarlo) Provides for COL increase by amending EPIC income eligibility A.11322 (Rules) benefits. Chapter 692 of the Laws of 1996.

**ASSEMBLY BILLS:**

A.1240-A (Weisenberg) Limits with respect to housing accommodations subject to the S.2476-A (Skelos) Emergency Tenant Protection Act of 1974, the amount of any security deposit charged for a tenant who is 65 years of age or older. Chapter 256 of the Laws of 1996.


A.4641 (Perry) Alters provisions respecting the priority of the lien of S.397 (Skelos) reverse mortgages. Chapter 33 of the Laws of 1996.


A.9798-C (Harenberg) Establishes the facility improvement program for adult homes. S.6955-B (Holland) Chapter 462 of the Laws of 1996.


A.9824 (Towns) Extends the existence of the surrogate decision-making S.6640 (Libous) program. Chapter 188 of the Laws of 1996.

A.10469 (Gottfried) Extends provisions relating to payment rates for residential

A.10561 (Rules) Extends program authorizing providing of services to non-S.6498 (Holland) residents of adult homes, residences for and enriched housing programs for 3 years until July 1, 1999. Chapter 218 of the Laws of 1996.


A.11329 (Rules) Establishes authority for mental health special needs plans and S.7956 (Rules) comprehensive HIV special needs plans and to extend and amend the provisions of the Medicaid Managed Care Program. Chapter 649 of the Laws of 1996.

A.11335 (Rules) This Article 7 bill §255 addresses definition of "covered" drug for the EPIC program to allow for establishment of product specific limits for certain pharmaceuticals. This language was submitted as a SOFA proposal (S.4014-A). Chapter 474 of the Laws of 1996.

**VETOED:**

S.2784-A (Saland) Allows for an operator of an adult home to apply to the A.1614-A (Schimminger) Department of Social Services for approval to operate an enriched housing program. Veto Memo No. 69.

S.3314-A (Trunzo) Provides for an exemption from real property for certain foster A.5650-A (Harenberg) parents age sixty-five or over whose foster child attends a public school. Veto Memo No. 44.

S.6181 (Trunzo) Provides that space shall be provided on licenses and A.8950 (Harenberg) non-driver identification cards for information on whom to contact in the event of an emergency. Veto Memo No. 3.


You will be notified of the status of S.7553 (regulates the delivery of managed health care), which is awaiting the Governor's action, as soon as it is available. Please contact me at (518) 474-0388 if you would like additional information on any of the above.