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DIVISION: Legal Affairs

TO: Commissioners of  
 Social Services

DATE: November 14, 1995

SUBJECT: Digest of Laws of 1995 Relating to Social Services

SUGGESTED

DISTRIBUTION: General Administration Staff  
 Family Court Judges  
 Staff Development Coordinators

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ATTACHMENTS: Digest of Laws (Available on-line)

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FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
94 INF-46					
93 INF-49					
92 INF-53					
91 INF-17					
89 INF-47					
89 INF-14					
87 INF-52					
86 INF-15					
86 INF-1					
84 INF-14					
82 INF-23					

DIGEST OF LAWS OF 1995  
RELATING TO SOCIAL SERVICES

N O T I C E

The purpose of this Digest is to highlight provisions of the Laws of 1995 and to direct interested persons to the appropriate provisions of the law. This Digest is neither designed nor intended to be considered as the Department's interpretation of these laws for the purpose of implementation.

DEPARTMENT OF SOCIAL SERVICES

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T A B L E O F C O N T E N T S

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ECONOMIC SECURITY

Chapter 81 - Cost Containment in the Medical Assistance  
and Public Assistance Programs

[Senate 5280-A by the Committee on Rules]

Set forth below is a brief description of the portions of Chapter 81 which relate to public assistance programs. The descriptions identify the bill sections of Chapter 81 which enacted the various provisions and the effective dates of those provisions.

HOME RELIEF (HR) WORK RELIEF

Section 140

Provides that employable HR recipients also must perform work relief in addition to job search activities in order to receive assistance. A person who has successfully participated in work relief will be given preference over other HR recipients to participate in the JOBS program. However, participation in the Job Opportunities and Basic Skills (JOBS) program does not relieve the recipient of obligations regarding work relief participation.

Effective Date: July 1, 1995.

Section 141

Adds the federal government or a public authority to the list of entities in which a social services district must establish public work program (PWP) assignments. Provides that work relief cannot be performed at a nonprofit agency or institution if it would otherwise be performed by regular employees who are on layoff or by employees who are on strike or locked out by the employer.

Effective Date: July 1, 1995.

Section 142

Provides that a recipient will not be ineligible for HR due to the failure to report to or perform work at a PWP site where the regular employees are on strike or locked out by the employer.

Effective Date: July 1, 1995.

Section 143

Provides that all employable HRs must be assigned to work and that social services districts have discretion to allow a recipient who is employed at least 20 hours per week to substitute that employment for the work assignment requirement.

Provides that if an HR recipient is unemployable and required to participate in an alcoholism or drug abuse rehabilitation service program, the recipient may be assigned to work if the district determines that the assignment would not interfere with the recipient's rehabilitation program and would assist the recipient's transition to employable status, unless the director of the rehabilitation program certifies that such assignment would impair the recipient's participation.

Effective Date: July 1, 1995.

#### HR JOB SEARCH

##### Section 144

Repeals the requirement for the review and determination of job readiness. Requires job search activities for every employable applicant for and recipient of HR. Provides that job search is also applicable to married couples with children and that at least one parent, if employable, must participate in job search. The minimum number of contacts is increased from 3 to 5 per week. The requirement that the Department consider availability of public transportation and other hardships in determining the frequency of employer contacts is repealed.

Provides that if a social services district fails to assign an employable person without children to job search, it does not relieve the person of the obligation to actively seek employment.

Effective Date: July 1, 1995.

##### Section 145

Provides that if an employable HR recipient remains unemployed after 90 days of job search activities, the recipient may be assigned to additional job search activities (no longer limited to an additional 90 days) in addition to any other appropriate employment, training or educational activities. Such activities may be required at any time while the person receives HR.

Effective Date: July 1, 1995.

##### Section 146

Increases the first sanction for failure to satisfactorily perform HR job search activities from 75 to 90 days.

Effective for infractions occurring on or after July 1, 1995.

#### HR EMPLOYMENT-RELATED SANCTIONS

##### Section 147

Sets forth sanction periods to be applied when an employable HR applicant or recipient fails to comply with JOBS or work relief requirements or to accept

medical care, a program of instruction or work training or to accept employment in which he or she is able to engage.

For the first failure or refusal, the sanction is the longer of 90 days or when the failure/refusal ceases.

For the second failure or refusal, the sanction is the longer of 150 days or when the failure/refusal ceases.

For the third and subsequent failure or refusal, the sanction is the longer of 180 days or when the failure/refusal ceases.

Provides that an employable HR applicant or recipient is not required to apply for or accept employment at a public or private business, agency or institution where the current employees are on strike.

The above provisions do not apply to HR applicants/recipients infected with HIV or exposed to tuberculosis and in need of treatment, as defined by the Commissioner of Health.

Effective for infractions occurring on or after July 1, 1995.

#### VOLUNTARY QUIT SANCTIONS

##### Section 148

Provides that the disqualification period for persons who voluntarily terminate employment or reduce earning capacity in order to qualify for HR or Aid to Dependent Children (ADC) benefits or larger amounts thereof is increased from 75 to 90 days from the termination or reduction in earnings.

Effective for infractions occurring on or after July 1, 1995.

#### ADC COMMUNITY WORK EXPERIENCE PROGRAM UNDER THE JOBS PROGRAM

##### Section 149

Provides that a social services district must reassess and revise an ADC recipient's employability plan after every six months of participation in the Community Work Experience program (CWEP).

Removes the requirement that CWEP is limited to a total of six months during a consecutive period of eligibility, as long as the employability plan is reassessed every six months.

Repeals the provision which states that a recipient should participate in CWEP if the assessment says no other education or training is appropriate, or if such other education or training is not currently available.

Effective Date: July 1, 1995.

ADC JOB SEARCH ACTIVITIES UNDER THE JOBS PROGRAM

Section 150

Requires employable ADC recipients to participate in up to three weeks of job search activities prior to assessment. However, the provision that no sanction may be imposed in connection with this requirement is repealed. Provides that a district can impose job search activities which exceed the three weeks prior to the assessment and the eight weeks following application for ADC.

Effective Date: July 1, 1995.

CONCILIATION UNDER THE JOBS PROGRAM

Section 151

Provides that a conciliation notice must indicate that a participant has seven days if an HR recipient and 10 days if an ADC recipient (rather than the previous 14 days for all recipients) to request conciliation. For HR recipients, conciliation must terminate and a determination must be made within 14 days of the date of request for conciliation, rather than within 30 days of the date of the request for conciliation. For ADC recipients, conciliation must terminate and a determination must be made within 30 days of the conciliation notice, rather than within 30 days of the date of the request for conciliation.

Previously, if there were no supervisory level trained staff for conciliation, the district could designate another supervisory level person. This provision was changed so that a district may designate another trained individual who has no direct responsibility for the participant's case, and need not be supervisory level.

Effective for infractions occurring on or after July 1, 1995.

HR JOBS SANCTIONS

Section 152

Specifies that when an HR mandatory JOBS participant fails to comply with Title 9-B of the SSL (JOBS), the district must deny assistance in accordance with section 131(5) of the SSL, which is the newly enacted statute which

sets forth sanction periods for failure to participate in JOBS or PWP.

Effective Date: July 1, 1995.

NEW STATE RESIDENTS

Section 153

Provides that if a person applies for HR or ADC within six months of moving from another state and establishing residency in New York State, the public assistance grant will be limited to the amount, if any, that the person would have received in the other state, but not higher than the maximum grant the person would receive if he or she was not subject to the six-month limitation. The standard of payment of the other state will be obtained from a biennially published schedule of comparative grants.

If a person applies for HR or ADC within six months of moving from a location outside of the United States, its territories or its possessions, the person will be ineligible for HR or ADC for six months following the time when the person established residency in New York State.

Federal approval will be required for this section to apply to ADC recipients.

Effective Date: July 1, 1995.

FUNDING FOR HOMEMAKER SERVICES

Section 154

Removes the authority for the provision of homemaker services essential to meet social needs from an approved social agency and housekeeping services for a recipient unable to perform housekeeping tasks under ADC or HR. (These services continue to be available under the Emergency Assistance to Families program or Title XX of the Social Security Act.)

Effective Date: July 1, 1995.

ALCOHOL/DRUG REHABILITATION FOR HR

Section 160

Specifies that an individual who, in addition to being alcohol or drug dependent, has another mental or physical impairment or disability, will not be required to participate in alcohol or drug rehabilitation, only if such impairment or disability is permanent.

Effective Date: July 1, 1995.

REFUGEE CASH ASSISTANCE

Section 161

Adds to the list of those ineligible to receive HR, persons who are eligible



for refugee cash assistance under section 358 of the SSL.

Effective Date: July 1, 1995.

Section 162

Provides that refugees whose needs are met pursuant to contracts entered into under 8 USC 1522(e)(7) (Section 412(e)(7) of the Immigration and Nationality Act) but who would otherwise be recipients of ADC or HR will be regarded for all other purposes as recipients of ADC or HR, respectively.

Effective Date: July 1, 1995.

Section 163

Authorizes the Department to operate a Cuban and Haitian Entrant Program and a refugee resettlement program pursuant to Title IV of the Immigration and Nationality Act, including cash assistance, Medical Assistance, child welfare services and social services. Components may be operated by the Department, districts or private contractors and refugees may receive such assistance in lieu of ADC or HR.

Effective Date: July 1, 1995.

AUTOMATED FINGER IMAGING SYSTEM

Section 164

Changes the date on which the demonstration projects for automated finger imaging will expire. While the statute previously provided that it would expire on June 1, 1996, it now states that the automated finger imaging matching identification system will expire upon the enactment of a chapter of the laws of 1995 providing for an automated fraud prevention system based on personally unique identification factors.

Note that the new statute referred to above, providing for automated fraud prevention, was enacted in section 266 of Chapter 83 of the Laws of 1995.

Effective Date: June 20, 1995.

SANCTIONS FOR INTENTIONAL PROGRAM VIOLATIONS

Section 165

Changes the sanction period for HR applicants and recipients found to have committed an intentional program violation. The sanctions continue to be six months for the first offense, 12 months for the second offense and 18 months for the third offense. However, for any subsequent offense, the

sanction period will be five years rather than six months multiplied by the number of offenses. In addition, if the first offense results in the wrongful receipt of benefits in an amount between \$1000 and \$3900, the sanction will be for 12 months. If a first or second offense results in the wrongful receipt of benefits in excess of \$3900, the sanction will be for 18 months.

Previously, no individual could be sanctioned due to a conviction in a State or federal court if that conviction was based on a plea of guilty unless the individual was advised on the record of the disqualification provisions of this section prior to the entry of the plea. This is changed so that the individual must be advised on the record and in writing prior to or at the time of entry of the plea that the conviction may serve as the basis for disqualification for public assistance benefits.

Effective for infractions occurring on or after July 1, 1995.

Section 166

Changes the sanction period for ADC applicants and recipients found to have committed an intentional program violation. The sanctions continue to be six months for the first offense, 12 months for the second offense and permanently for the third offense. However, if the first offense results in the wrongful receipt of benefits in an amount between \$1000 and \$3900, the sanction will be for 12 months. If a first or second offense results in the wrongful receipt of benefits in excess of \$3900, the sanction will be permanent. This change will be effective only if a federal waiver is granted.

Effective for infractions occurring on or after July 1, 1995.

REPAYMENT OF PA OVERPAYMENTS

Section 174

Adds authority for the Department of Taxation and Finance to provide a recipient's tax refund to repay overpayments of grants and allowances owed to the Department or a social services district.

Effective Date: September 1, 1995.

Section 184

Provides that as a condition of receiving HR, an applicant must sign an agreement promising to repay any overpayments of HR which remain due after the recipient ceases to receive HR. The language of this agreement is set forth in the statute. In addition, the applicant must sign an assignment of future earnings to secure the repayment of such overpayments. The recipient will be entitled to a fair hearing to review the amount owed to the district. The district can file the assignment with the former recipient's employer only if the recipient fails to make payments of money owed in accordance with the agreement.

Effective Date: July 1, 1995.

CORRECTION OF UNDERPAYMENTS

Section 185

Adds language providing that no underpayment of public assistance can be corrected for a person who is not currently eligible for or in receipt of HR or ADC, except that corrective payments may be made to persons formerly eligible for or in receipt of ADC to the extent required by federal law and regulations.

Effective Date: July 1, 1995.

HR SANCTIONS FOR FAILURE TO ATTEND REHABILITATION

Section 186

The 45-, 120- and 180-day sanctions for HR applicants/recipients who fail to attend appropriate rehabilitation is expanded to include persons who have been suspended from receiving Supplemental Security Income or Social Security disability benefits due to noncompliance with the Social Security Administration's requirements for treatment of substance abuse and alcohol abuse.

Effective for infractions occurring on or after July 1, 1995.

ADC FOR CHILDREN UNDER 18 RESIDING OUTSIDE PARENT'S HOME

Section 187

Provides that if an individual is under age 18 and never married and resides with and provides care for a dependent child or is pregnant, she cannot get ADC for herself or her child, unless the individual or individual and child reside in the home of the individual's parent, legal guardian or other adult relative or reside in an adult-supervised supportive living arrangement.

Where possible, benefits are to be paid to the adult. However, this provision does not apply if there is no parent or guardian, the parent or guardian does not allow the individual to live in the home, the individual has lived apart from the parent for at least one year prior to the birth of the individual's child or prior to applying for assistance, or the physical or emotional health of the individual or child would be threatened if they lived with the parent, or there is other good cause for waiving this rule, as determined by Department regulations.

If the individual alleges facts which, if true, would make the provision inapplicable because the physical or emotional health of the individual or

child would be threatened, assistance cannot be denied unless the district has duly investigated pursuant to section 424 of the SSL (child protective services) and made a contrary finding. If a contrary finding is made and assistance is denied, the applicant is entitled to a fair hearing held within 30 days of the request, if the request is timely made.

Effective Date: July 1, 1995.

LEARNFARE PROGRAM

Section 188

Authorizes a program called Learnfare. In the first year, which is to commence no late than September 1996, the program will be implemented in six sites, three of which must be in a social services district which is coterminous with a city. In the next school year, the program will be implemented in 15 sites, six of which must be in a social services district coterminous with a city. The program will be implemented in all social services districts the following year. Social services districts will develop plans with school districts and an administrator will be designated in each school.

Children in receipt of ADC or HR who are enrolled in school in participating sites in grades one through six will be required to attend school in accordance with this section.

If a child subject to learnfare accumulates at least three unexcused absences in any academic quarter without good cause, the child will be referred to counseling. The social services district or school will initiate a conference with the parent or other head of household to notify them that the child is being referred to counseling, and the reasons for the referral. Although such counseling is to be provided in the school, if it is unavailable or inappropriate, the counselling may be provided by the district or other government or nonprofit agency.

If a child, without good cause, accumulates five or more unexcused absences in any academic quarter, the district will withhold the pro rata share of the basic allowance attributable to the child for a three month period. If the child has no unexcused absences in the next academic quarter, the district must repay the amount of benefits withheld. If the grant was withheld due to absences in the last academic quarter of the school year, the plan may provide options for a child to use in order to receive restoration of amounts withheld, including attendance in summer school. If federal approvals are obtained, the repayment of withheld amounts will be disregarded in determining eligibility for and amount of benefits in the month such benefits are restored and the following month.

Good cause for an unexcused absence exists when unsafe or unsanitary conditions at the school present a threat to the child's physical or emotional health, safety or welfare or other circumstances exist that justify absenteeism.

Social services districts must provide households with children who are subject to learnfare with written notification that their children will be subject to learnfare. Notice also must be provided at the beginning of each school year. The notice must inform the applicant/recipient of the attendance requirements, the consequences of a child's failure to meet the requirement and the rights of the child and parent.

As a condition of eligibility for assistance of any child, the parent of the child must consent to the release of any school attendance records necessary for the learnfare program. The parent also must cooperate in providing the district with the child's report card or other information necessary to establish the child's attendance record.

The head of household must be notified of the reduction by a 10-day notice which informs the parent or guardian of the right to a fair hearing.

Effective Date: July 1, 1995.

This provision becomes effective only after the Department has secured any necessary waivers of federal requirements and expires on June 30, 1998.

ELIGIBILITY FOR UTILITY ASSISTANCE

Section 189

Provides that when determining whether a household must sign a repayment agreement to receive utility assistance because the household's income exceeds the PA standard of need, the gross household income must be used.

Effective Date: June 20, 1995.

EDUCATION AND TRAINING UNDER THE JOBS PROGRAM

Section 191

Requires that regulations be promulgated which set forth statewide standards and evaluation procedures for districts to use in contracting or establishing agreements with entities which provide education and training activities.

Effective Date: July 1, 1995.

Section 192

Provides that entities which provide educational services (e.g., high school, high school equivalency training, basic and remedial education, English proficiency, and up to two years of post-secondary education) must meet the performance or assessment standards established in regulation.

Effective Date: July 1, 1995.

Section 193

Provides that if a JOBS participant is attending an educational activity or job skills training which constitutes participation in JOBS, the training must be approved by the district consistent with the standards established in the regulations.

Effective Date: July 1, 1995.

REFERRAL OF ADC APPLICANTS TO PATERNITY AND SUPPORT SERVICES

Section 194

Provides that as part of the application process for ADC, the district must provide same day referral of applicants for paternity and support services under Title 6-A of Article 3 of the SSL.

Effective Date: July 1, 1995.

REPAYMENT OF LOTTERY WINNINGS

Section 245

Provides that in addition to the obligation to repay public assistance under sections 104 and 106-b of the SSL, a person who wins a lottery prize of \$600 or more must reimburse the Department for any assistance received during the previous 10 years, but not more than 50 percent of the lottery prize.

Effective Date: June 29, 1995.

Chapter 83 - Block Grants for Family  
and Children Services

[Assembly 8063 by the Committee on Rules]

Establishes a block grant program for support of family and children services; establishes a foster children demonstration program; authorizes certain child welfare services community demonstration projects; establishes a State-wide automated child welfare information system; authorizes the development of comprehensive permanency planning for children whose parents or legal guardian are victims of HIV/AIDS; establishes new provisions concerning State purchasing; establishes a State-wide automated finger-imaging system to detect fraud.

Statutes Involved:

Numerous

Effective Date: Various, depending upon the section of the bill

Chapter 301 - Workfare Assignments  
[Senate 5378-A by Senator Lack]

Requires that the State reimburse local governments for 100 percent of their administrative costs in supervising public assistance recipients who receive workfare assignments to aid in the maintenance of court facilities; provides that the amount of reimbursement available to local governments would be subject to a cap equalling the greater of \$25,000 or one-third of the amount of the local government's maintenance and operation cost; requires that reimbursement be conditioned upon the local government's continuation of prior funding levels for county personnel to perform maintenance and operations functions.

Statutes Involved:

State Finance Law  
Section 54-j, subd. 2, amended  
Section 54-j, subd. 2-a, added

Effective Date: July 26, 1994

Chapter 302 - Wage Reporting System  
[Senate 5456-A by Senator Spano, at the  
request of the Governor]

Changes the State's unemployment insurance benefits (UIB) system from a system which seeks to ascertain the previous wages of an applicant for UIB by contacting an employer after an application for UIB is made, to a system which computes benefits based on information maintained in the Statewide Wage Reporting System (WRS).

Statutes Involved:

Labor Law  
Section 502, added  
Section 537, subd. 4, amended  
Section 537, subds. 5, 6, and 7, added

Tax Law  
Section 171-a, subd. 1, amended  
Section 171-a, subd. 2, amended  
Section 171-a, subd. 4, amended

Section 171-a, subd. 5, repealed, subd. 5-a renumber subd. 5  
Section 697, subsect. (e), para. 3, amended  
Section 697, subsect. (1), added

Public Health Law  
Section 2511, subd. 2-a, para. (a) amended

L. 1978, C. 545, section 1, amended

Effective Date: July 26, 1995

Chapter 321 - Payment of Real Property Taxes  
[Assembly 1473 by Assemblyman Harrenberg, et al.]

Clarifies the dates by which recipients of Supplemental Security Income (SSI) must pay their real property taxes in order to avoid the payment of interest.

Statutes Involved:

Real Property Tax Law  
Section 928-a, subd. 1, amended

Effective Date: July 28, 1995

Chapter 460 - Standard of Monthly Need; Personal Needs Allowance  
[Assembly 8042 by the Committee on Rules]

Increases the standards of need for determining eligibility and payment of federal Supplemental Security Income (SSI) and additional State payments to the aged, blind and disabled to reflect SSI benefit increases that may result from any cost-of-living adjustment occurring between January 1, 1996 and June 30, 1996.

Statutes Involved:

Social Service law  
Section 131-o, subd. 1, paras. (a)-(d), amended  
Section 209, subd. 2, paras. (a)-(g), amended  
Section 210, subd. 1, amended

Effective Date: December 31, 1995

Chapter 616 - Veteran Assistance  
[Senate 3108-A by Senator Rath, et al.,]

Expands the definition of veteran to include certain persons who served during World War II as a United States civilian employed by the American Field Service, for the purpose of classifying Home Relief benefits as Veteran Assistance benefits for such individuals.



Statutes Involved:

Social Services Law  
Section 168, subd.2, para. 5, amended

Effective Date: August 8, 1995

Chapter 632 - Wage Reporting System  
[Senate 3586-A by Senator Goodman, et al., at the request  
of the Department of Taxation and Finance]

Requires the Department of Taxation and Finance to provide information from the Wage Reporting System to the Department of Social Services with respect to persons who are or were participants in programs designed to promote self-sufficiency or who are applicants for or recipients of public assistance.

Statutes Involved:

Tax Law  
Section 697, subsect. (e), para. 3, amended

Effective Date: August 8, 1995

Chapter 664 - Welfare Management System  
[Senate 4733-A by Senator Holland]

Authorizes the Department of Social Services to enter specified data into the Welfare Management System (WMS) eligibility data base and initiate certain case actions on WMS.

Statutes Involved:

Social Services Law  
Section 21, subd. 6, added

Effective Date: August 8, 1995

Chapter 668 - Additional State Payments  
[Assembly 2391 by Assemblywoman Jacobs, et al.]

Extends for one year the State's assumption of responsibility for payment of the social services' districts shares of the costs of additional State payments to Supplemental Security Income recipients.

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Statutes Involved:

Social Services Law  
Section 212, subd. 3, amended

Effective date: August 8, 1995

HEALTH & LONG TERM CARE

Chapter 35 - Primary Health Care Services Initiative

Grant Program - Extension

[Senate 3566 by Senator Cook, et al.]

Extends by three years, through March 31, 1998, the provisions of section 2807-b of the Public Health Law, which establishes a primary health care services initiative grant program for community health centers and provides for grants for rural health care diversification and expansion to enhance primary health care services.

Statutes Involved:

L. 1986, C. 407, sect. 4, amended

L. 1987, C. 533, sect. 4, amended

Effective Date: April 28, 1995

Chapter 81 - Cost Containment in the Medical Assistance (MA)

and Public Assistance Programs

[Senate 5280-A by the Committee on Rules]

Set forth below is a brief description of the portions of Chapter 81 which relate to the MA program. The descriptions identify the bill sections of Chapter 81 which enacted the various provisions and the effective dates of those provisions.

PRIORITY ADMISSION OF INDIVIDUALS APPROPRIATE  
FOR NURSING FACILITY SERVICES OR OTHER LONG-TERM RESIDENTIAL CARE

Section 73

Requires nursing facilities, assisted living programs, adult homes and enriched housing programs receiving MA payments to enter into agreements with social services districts to admit, on a priority basis, a number of individuals eligible for MA, who are otherwise appropriate for nursing facility or other long-term residential care and whose health and safety cannot be maintained reasonably in their own homes by the provision of personal care services, home health services, or other home and community-based services. By regulation, the Department is required to establish a method or formula for determining fair and equitable distribution for priority admissions.

Effective Date: June 20, 1995

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SERVICES UNDER THE MA PROGRAM

Section 75

Provides that MA payment to physicians may be made only for services furnished in other than a hospital emergency room or hospital-based clinic, except for ambulatory surgery services.

Provides that private duty nursing services will not be restricted when such services are more appropriate and cost-effective than nursing services provided by a home health agency.

Effective Date: July 1, 1995; however, the amendment concerning emergency room services expires June 30, 1996.

Section 76

Excludes from the MA program medical care, services or supplies furnished outside of the State except when prior authorized or furnished as a result of a medical emergency, or because the recipient's health would have been endangered if he/she had been required to travel to the State, or because the care, services and supplies were more readily available in the other state, or because it is the general practice for persons residing in the locality where the recipient resides to use medical providers in the other state.

Effective Date: June 20, 1995

PATIENT MANAGED HOME CARE PROGRAMS (REPEALED)  
CONSUMER DIRECTED PERSONAL ASSISTANCE PROGRAM

Section 77

Repeals provisions related to Patient Managed Home Care Programs and enacts new provisions regarding a Consumer Directed Personal Assistance Program. This new program is intended to permit chronically ill and/or physically disabled individuals receiving home care services under the MA program greater flexibility and freedom of choice in obtaining such services. All eligible persons will be provided notice of the availability of the program. To be eligible the person must be:

(a) eligible for long term care and services provided by a certified home health agency(CHHA), long term home health care program or AIDS home care program, or is eligible for personal care services;

(b) eligible for MA;

(c) determined by a social services district, pursuant to an assessment conducted by a CHHA, long term home health care program or AIDS home care program, or pursuant to the personal care services program, as being in need of home care services or private duty nursing and is able and willing, or has a legal guardian able and willing, to make informed choices, or has designated a relative or other adult who is able and willing to assist in making informed choices as to the type and quality of services including, but not limited to, services such as nursing care, personal care, transportation and respite services; and

(d) meets other criteria as established by the Commissioner.

Eligible individuals assume responsibility for services as mutually agreed upon by the individual and the provider and documented in the individual's record. The provider has responsibility for monitoring an individual's ability to carry out his/her responsibilities.

Effective Date: July 1, 1995

#### TRANSPORTATION COSTS

##### Section 78

Governs provision and reimbursement of transportation costs under the MA program.

Social services districts have responsibility for the prior authorization of transportation and for limiting such transportation to those recipients and circumstances where such transportation is essential, medically necessary and appropriate.

Social services districts are mandated to make appropriate and economical use of transportation resources in the district including, but not limited to, transportation which is free of charge to the general public or a specific segment of the general public, promotion of group rides, county vehicles, coordinated transportation and direct purchase of services.

No expenditure for taxi or livery transportation must be made when public transportation or lower cost transportation is reasonably available.

Effective Date: July 1, 1995

#### APPLICATION FORMS

##### Section 81

Repeals a requirement that a statement be in the MA application form relating to an understanding by the applicant that a claim may be filed against the applicant's property if the applicant was 65 or older when he/she received MA and at the time of death the individual did not have a living spouse or children who are blind, disabled or under 21 years of age.

Effective June 20, 1995

TREATMENT OF INCOME AND RESOURCES OF INSTITUTIONALIZED  
PERSONS - SPOUSAL SHARE

Section 82

Redefines the definition of "spousal share" so that it is calculated as of the beginning of the first continuous period of institutionalization beginning on or after September 30, 1989.

Effective Date: June 20, 1995

TREATMENT OF INCOME AND RESOURCES OF INSTITUTIONALIZED  
PERSONS - COMMUNITY SPOUSE RESOURCE ALLOWANCE

Section 83

Sets the community spouse resource allowance for the period January 1, 1995, through June 30, 1997, at \$74,820 or such greater amount as required by federal law.

Effective Date: June 20, 1995

PROHIBITED PRACTICES FOR MA PROVIDERS

Section 85

Changes the word "gained" to "obtained" in the context of a defendant who has "obtained" money or property through violation of provisions of section 366-d of the SSL. (MA provider; prohibited practice.)

Effective Date: July 1, 1995

Section 85-a

Provides that a provider who violates the provisions of section 366-d of the SSL and obtains money or property having a value in excess of \$7500 is guilty of a class E felony.

Effective Date: July 1, 1995

CERTIFIED HOME HEALTH AGENCY (CHHA) BILLING

Section 86

Provides for CHHAs to maximize billing under Title XVIII of the federal Social Security Act. Also provides for the Commissioner of the Department to enter into agreements with persons or entities to provide representation for persons who are denied reimbursement under Title XVIII.

Effective Date: June 20, 1995

PERSONAL EMERGENCY RESPONSE SERVICES (PERS)

Section 86-a

Repeals provisions requiring social services districts to submit a PERS plan to the Department.

Effective Date: June 20, 1995

Section 86-b

Adds shared aide services to the services which are included within personal care services and home health services. The changes also require that the Commissioner maintain standards for shared aide services as well as PERS services. Such standards, as well as the standards for PERS, must assure that PERS or shared aide services are medically appropriate, can meet the client's needs for home care tasks, ensure quality of care and not jeopardize the health and safety of the client. In addition, standards must include geographic appropriateness for shared aides and assure that districts have a plan for providing information to consumers and their representatives concerning PERS and shared aides.

Effective Date: June 20, 1995

STATE REIMBURSEMENT

Section 87

Changes the percent of reimbursement districts receive for managed care.

Deemed to have been in full force and effect on or after April 1, 1995.

Section 88

Changes the percent of reimbursement districts receive for services in nursing homes, health related facilities and intermediate care facilities.

Deemed to have been in full force and effect on or after April 1, 1995.

MEDICARE PART A AND B SPECIFIED LOW INCOME MEDICARE  
BENEFICIARIES (SLIMBS)

Section 90

Changes the income level from 110% to 120% of the poverty line for SLIMBS beginning January 1, 1995.

Effective Date: June 20, 1995

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PERSONAL CARE SERVICES, HOME CARE SERVICES AND  
PRIVATE DUTY NURSING SERVICES

Section 91

Requires that districts which place individuals discharged from hospitals solely into CHHAs ensure that those individuals are reviewed for possible placement into personal care services within two weeks of discharge, and if appropriate, placed into personal care services within four weeks.

By September 1, 1995, districts must review the plan of care for every recipient receiving personal care services on a continuous basis.

Districts must ensure access to a consumer directed personal assistance program (see Section 77).

Districts cannot restrict, and cannot be restricted from approving, the provision of private duty nursing as an alternative to nursing services provided by a home health agency where appropriate and cost-effective pursuant to section 367-1 of the SSL.

Effective Date: June 20, 1995

Sections 92 and 92-a

For the period April 1, 1995, through March 31, 1996, the Department must establish a State share MA cost saving target for each district which is to be achieved through the implementation of PERS and shared aide. The Department will monitor districts to see if reductions in expenditures are being achieved. Districts will be notified of their progress on or before March 1, 1996, and if targets are not being achieved, districts will be notified of payments they must make to the State's general fund. Districts which successfully implement the PERS/shared aide programs can receive incentive payments.

Effective June 20, 1995; however section 92-a expires March 31, 1996

Section 93

For the period April 1, 1995, through March 31, 1996, the Department, in consultation with the Department of Health, will establish a State share cost saving target for each CHHA which is to be achieved through the implementation of PERS and shared aide and other clinical efficiencies. The Department of Health will adjust rates of payment for the period July 1, 1995 through December 31, 1995, for each agency by an amount to achieve the savings. Such adjustments will not be considered a rate change or rate adjustment, but will serve as an offset of payments to the agency against its liability to the State for savings to be achieved. The CHHAs will be notified of their progress by January 1, 1996. Any agency that believes that the offset of its payments was incorrect may request that the



Commissioner review the offset. As soon as practicable after March 31, 1996, the Commissioner must review total payments made to each agency, the amount of offset and total savings actually achieved. If the Commissioner determines that offsets were too great, payment must be made to the agency no later than June 30, 1996. The agency has a right to request a review of the Commissioner's determination.

Effective Date: June 20, 1995; expires March 31, 1996

CRIMINAL DIVERSION OF PRESCRIPTION MEDICATION AND PRESCRIPTIONS

Section 94

Establishes criminal penalties for the criminal diversion of prescription medications or devices.

Effective Date: November 1, 1995

HOME CARE AND PERSONAL CARE SERVICES

Section 96

Extends the expiration dates of section 367-n of the SSL (delegation of responsibility by social services districts) and section 367-o of the SSL (instruments for home care assessments) to July 1, 1997.

Effective Date: June 20, 1995

Section 97

Extends the expiration date to July 1, 1997 of:

Section 365-a(2)(a), (d), (e) and (l) of the SSL relating to private duty nursing, home health services and personal care services.

Section 367-j of the SSL relating to home health services management and fiscal assessment.

Section 367-k of the SSL relating to personal care services management and fiscal assessment.

Section 367-l of the SSL relating to private duty nursing services management and fiscal assessment.

Section 367-m of the SSL relating to regulatory activities concerning home health care services.

COPAYMENTS

Section 98

Extends the expiration date to July 1, 1997 of section 367-a(6)(a),(b),(d),(e),(f) and (g) of the SSL relating to copayments.

TAX DEDUCTIONS

Sections 99 - 101

Establishes tax deductions for State and New York City income taxes for taxpayers over the age of 55 for premiums paid for eligible long-term care insurance.

Effective Date: January 1, 1996

LIABILITY FOR MA COSTS RELATING TO PREGNANCY

Section 102

Provides that where a mother's confinement and recovery and reasonable expenses in connection with pregnancy were paid under the MA program, a father may be liable to the social services district and the Department for the full amount of MA expended, as the court in its discretion may deem proper.

Effective Date: June 20, 1995

LIMITED HOME CARE SERVICES AGENCY

Section 105-b

Adds a definition of "limited home care services agency" to Article 36 of the Public Health Law which regulates home care services. "Limited home care services agency" means a certified operator of an adult home or an enriched housing program which directly provides personal care services and has a registered nurse administer medication and apply sterile dressing.

Effective Date: June 20, 1995; expires December 31, 1997

Section 105-c

Sets forth the licensing requirements for a limited home care services agency.

Effective Date: June 20, 1995; expires December 31, 1997

Section 105-d

Requires the Commissioner of the Department of Social Services to establish rates of payment for services provided by limited home care services agencies.

A limited home care services agency shall be reimbursed at a rate that is significantly less than the current costs of providing such services through a personal care services provider or a CHHA in the same service area.

Effective Date: June 20, 1995; expires December 31, 1997

Section 105-e

Requires the Department of Social Services to notify the Department of Health of any enforcement action taken against an operator of an adult home or enriched housing program which has been licensed by the Department of Health as a limited home care services agency.

Requires the Department to review the delivery of services by such agencies if the Department is notified by the Department of Health that an action has been taken against an operator.

Effective Date: June 20, 1995; expires December 31, 1997

Section 105-f

Requires the Department to submit a report to the Governor and the Legislature on cost savings associated with the authorization of adult homes and enriched housing programs to qualify as limited home care services agencies.

Effective Date: June 20, 1995; expires December 31, 1997

CHRONIC CARE MANAGEMENT DEMONSTRATION PROGRAM

Section 110

Authorizes the Department to enter into a contract for chronic care demonstration programs sponsored by The Eddy (LTC) Inc. for the purposes of testing cost-effective methods of coordinating the arrangement and provisions of services and to determine the effectiveness of such programs in meeting the needs of persons requiring chronic or long term care.

Effective Date: June 20, 1995

VARIOUS EXTENSIONS OF EXPIRATION DATES

Section 118

Extends by one year to December 31, 1996, the period during which the

Commissioner of Health has the authority to waive the provisions of Article 41 of the Public Health Law for the Sunset Park and the Syracuse Community Health Center, Inc. pre-paid medicaid capitation plans.

Effective Date: June 20, 1995

Section 119

Extends by one year the expiration date of the provisions of section 366(4)(h) of the SSL which was enacted by Chapter 81. That section relates to enrollees of comprehensive health care organizations.

Effective Date: June 20, 1995

Section 120

Extends by one year the expiration of certain provisions including section 364-f of the SSL relating to physician case management and section 366(4)(k) of the SSL relating to persons who are HR-related who are participants in comprehensive health care organizations who lose their MA eligibility.

Effective Date: June 20, 1995

Section 121

Extends by one year the expiration of section 366(6) of the SSL relating to waivers for home and community based services (HCBS).

Effective Date: June 20, 1995

Section 122

Extends by two years the expiration of section 367-c (3-a) of the SSL relating to a demonstration program for long term home health care services.

Effective Date: June 20, 1995

Section 123

Extends by one year the expiration of the Department's authorization to enter into a contract with The Burke Rehabilitation Center for the purpose of establishing a foster family demonstration program.

Effective Date: June 20, 1995

Section 124

Extends by one year the expiration of the Department's authorization to designate up to 10 entities for foster family demonstration programs.

Effective Date: June 20, 1995

Section 125

Extends by one year the expiration of the Department's authorization to enter into a contract with St. Francis Hospital for the purpose of establishing a foster family demonstration program.

Effective Date: June 20, 1995

Section 126

Extends a research and demonstration project with Eldercare: A Social Health Maintenance Organization for an additional year.

Effective Date: June 20, 1995

SPENDDOWN

Section 127

Requires that MA be authorized for persons with excess income who pay their social services district the amount by which their income exceeds income eligibility levels. Districts are required to have plans for this type of payment.

Effective Date: November 1, 1995

Section 128

Deletes the expiration date of section 366(2)(b)(3) of the SSL relating to allowing persons to become eligible for MA by paying their excess income to their social services district.

Effective Date: June 20, 1995

Chapter 82 - State Aid to School Districts  
[Senate 5337 by the Committee on Rules]

Provides for State aid to school districts; makes provision for early periodic screening, diagnosis, care and treatment and school supported health services.

Statutes Involved:

Numerous, including

Social Services Law

Section 365-a, subd. 3, para. (c), relettered para. (d), new para. (c), added

Section 368-d, amended

Effective Date: Various, depending upon sections of the bill

Chapter 294 - Personal Emergency Response  
Service Agreements  
[Senate 5287 by Senator Sears, et al.]

Establishes procedures for the cancellation of personal emergency response services agreements.

Statutes Involved:

General Business Law  
Section 391-1, added

Personal Property Law  
Section 426, subd. 7, added  
Section 427, subd. 1, amended  
Section 431, subd. 1, amended

Effective Date: September 1, 1995

Chapter 505 - Managed Care Arrangements  
[Senate 5471-A by Senator Hannon, et al.,  
at the request of the Governor]

Authorizes the Commissioner of Health to permit Department of Health (DOH) facilities to participate in managed care arrangements and networks, and to facilitate their ability to compete against other providers in such arrangements. Permits the facilities to purchase goods and services up to \$75,000 without prior approval of other State officers, enter into joint ventures for the delivery of health care, and lease or otherwise make space available in their facilities for the delivery of health care services. Includes physician assistants, specialist assistants, dieticians, nutritionists and respiratory therapists who provide treatment at the request of DOH or at DOH facilities in the group of health care professionals who are eligible to be defended by the State for actions alleged to have occurred while the person was acting within the scope of his or her public employment or duties. Requires the State to indemnify those health care professionals in the amount of any judgment obtained against such professionals or in the amount of any settlement of a claim, provided the act or omission from which such judgment or settlement arose occurred while the person was acting within the scope of his or her public employment or duties.

Statutes Involved:

Public Health Law

Section 14, amended

Section 409-c, subd. 1, para. (a), amended

Section 409-c, subd. 3, amended

Section 409-c, subd. 4, added

Effective Date: August 2, 1995

Chapter 671 - Chronic Care  
Management Demonstration Program  
[Assembly 8295 by the Committee on Rules]

Extends from October 1, 1995, to October 1, 1998, the expiration date of the chronic care management demonstration program sponsored by Beth Abraham Hospital.

Statutes Involved:

L. 1984, C. 653, sect. 2, amended

Effective Date: August 8, 1995

SERVICES & COMMUNITY DEVELOPMENT

Chapter 83 - Block Grants for Family  
and Children Services

[Assembly 8063 by the Committee on Rules]

Establishes a block grant program for support of family and children services; establishes a foster children demonstration program; authorizes certain child welfare services community demonstration projects; establishes a State-wide automated child welfare information system; authorizes the development of comprehensive permanency planning for children whose parents or legal guardian are victims of HIV/AIDS; establishes new provisions concerning State purchasing; establishes a State-wide automated finger-imaging system to detect fraud.

Statutes Involved:

Numerous

Effective Date: Various, depending upon the section of the bill

Chapter 94 - Mandated Reporters  
[Assembly 3749 by Mr. Sanders, et al.]

Includes registered physician assistants within the list of persons required to report cases of suspected child abuse or maltreatment to the Statewide Central Register of Child Abuse and Maltreatment.

Statutes Involved:

Social Services Law  
Section 413, subd. 1, amended

Effective Date: September 26, 1995

Chapter 192 - Sex Offender Registration Act  
[Senate 11-B by Senator Skelos, et al.]

Establishes a mechanism by which the name and address of any sex offender who is released, discharged or paroled from a State or local correctional facility or hospital can be maintained in a central registry to be established and maintained by the Division of Criminal Justice Services (DCJS). Requires DCJS to operate a "900" telephone number that the public may call and inquire whether a named individual is listed in the register.

Statutes Involved:

Correction Law  
Article 6-C, added

Effective Date: January 31, 1996



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Chapter 349 - Family Protection and Domestic Violence Act  
[Assembly 6831-A by Assemblywoman Weinstein, et al.]

Makes technical amendments to the Family Protection and Domestic Violence Act of 1994 (the Act), as added by Chapters 222 and 224 of the Laws of 1994.

The amendments clarify the applicability of the Act to all matrimonial proceedings conducted pursuant to the Domestic Relations Law, and authorize the Office of Court Administration to adopt regulations facilitating record sharing and other communication among the Supreme Court, Family Court and Criminal Court. The Chapter also clarifies that all family offense warrants, rather than just arrest warrants, are to be included in the Statewide Automated Registry of Domestic Violence established pursuant to the Act.

Statutes Involved:

Judiciary Law

Section 212, subd. 2, para. (e), last unnumb. para. amended

Executive Law

Section 221-a, subds. 1-4, amended

Domestic Relations Law

Section 240, subd. 3, closing para. added

Section 252, amended

Criminal Procedure Law

Section 140.10, subd. 4, para. (b), subpara. (ii), amended

Section 530.11, subd. 5, repealed

Effective Date: July 28, 1995

Chapter 356 - Computerized Registry of Protection Orders  
[Assembly 8095 by the Committee on Rules]

Authorizes the computerized registry of protection orders to begin operation on and after October 1, 1995, rather than July 1, 1995.

Statutes Involved:

L. 1994, C. 222, sect. 59, amended

Criminal Procedure Law

Section 140.10, subd. 4, amended

Effective Date: July 28, 1995

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Chapter 388 - Confidential Addresses  
[Senate 2113-B by Senator Saland, et al.]

Authorizes the court to permit a petitioner or respondent in any proceeding before the court to keep his or her address confidential from any adverse party where the court finds that disclosure of the address substantially increases the risk of violence to the party for whom such confidentiality is requested.

Statutes Involved:

Family Court Act  
Section 154-b, closing para., added

Effective Date: October 31, 1995

Chapters 429 - Service of Temporary Orders of Protection  
[Senate 3475-A by Senator Saland, at the request  
of the Chief Administrative Judge]

Ensures the timely and effective service of temporary orders of protection and orders of protection issued upon default by a respondent in a family court proceeding. Requires police or peace officers to serve temporary orders of protection issued upon the default of a respondent in a family court proceeding. Authorizes delivery of such orders to law enforcement personnel for service by either the court or the petitioner. Requires that the law enforcement entity serving such orders notify the statewide registry of orders of protection, established pursuant to section 221-a of the Executive Law, of the date and time of such service.

Statutes Involved:

Family Court Act  
Section 153-b, subs. (c) and (d), amended

Domestic Relations Law  
Section 240, subd. 3-a, added

Effective Date: October 1, 1995

Chapter 454 - Court Review of Foster Care Placement  
[Senate 4219-A, by Senator Saland, et al.]

Provides that in a proceeding in family court to review the extension of a foster care placement of a child placed outside of this State, the court must determine whether the out-of-state placement continues to be appropriate and in the best interest of the child. Provides that the foster care placement of a child may be extended for a period of up to one year in a proceeding in family court to review the extension of the placement.

Statutes Involved:

Family Court Act

- Section 355.3, subd. 4, amended
- Section 756-a, subd.(d), amended
- Section 1055-a, subd. 7, para.(a), amended

Social Services Law

- Section 392, subd. 5-a, paras. (g) and (h), amended
- Section 392, subd. 5-a, para. (i), added
- Section 392, subd. 6, para. (a), amended
- Section 392, subd. 6, closing para., amended
- Section 392, subd. 9, amended

Effective Date: October 1, 1995

Chapter 483 - Contents of Orders of Protection  
[Senate 4987-A by Senator Saland, et al., at the  
request of the Chief Administrative Judge]

Permits an order of protection to require that a person stay away from not only the home of the person being protected but also the school, business or place of employment of the person being protected or any other specific location designated by the court; provides that a person could be ordered to refrain from committing family offenses, criminal offenses or from harassing, intimidating or threatening the person being protected; authorizes orders of protection to specifically permit a designated party to enter the residence to remove personal belongings not at issue in the underlying proceeding; and gives the court issuing the order general authority to require a person to observe such other conditions as are necessary to further the purposes of protection.

Statutes Involved:

Domestic Relations Law

- Section 240, subd. 3, paras. 1-5, amended
- Section 240, subd. 3, para. 7, added

Family Court Act

- Section 446, subds. (a)-(e), amended
- Section 446, subd. (h), added
- Section 551, subds. (a)-(e), amended
- Section 551, subd. (i), added
- Section 656, subds. (a)-(e), amended
- Section 656, subd. (i), added
- Section 759, subds. (a)-(e), amended
- Section 759, subd. (h), added
- Section 842, subds. (a)-(e), amended
- Section 842, subd. (i), added
- Section 1056, subd. 1, paras. (a)-(e), amended
- Section 1056, subd. 1, para. (g), added

Criminal Procedure Law

- Section 530.12, subd. 1, paras. (b)-(d), amended
- Section 530.12, subd. 1, para. (e), added
- Section 530.12, subd. 5, paras. (b)-(d), amended
- Section 530.12, subd. 5, para. (e), added

Effective Date: November 1, 1995

Chapter 527 - Domestic Violence

[Assembly 4823 by Assemblyman Feldman, et al.]

Requires the Department of Labor (DOL) to study the effects of domestic violence upon unemployment and submit a report to the Legislature. The study would include a review of case histories in which unemployment compensation was sought, and an analysis of the relevant policies of other states. As part of the study, DOL would be required to consult with the Department of Social Services, the New York State Office for the Prevention of Domestic Violence, the Division of Women, and members of the public. The DOL's report to the Legislature would be due January 15, 1996, and must include policy recommendations.

Statutes Involved:

Labor Law

- Section 10-a, added

Effective Date: August 2, 1995

Chapter 538 - Orders of Protection

[Assembly 6827-A by Assemblyman Weinstein, et al.,  
at the request of the Office of Court Administration]

Provides that no order of protection issued in a child support, paternity, custody or family offense proceeding may impose conditions of behavior upon a party unless the party requesting the order has served and filed a petition or counterclaim and the court has made findings on the record supporting issuance of the order or indicating that consent to the issuance of the order was obtained.

Statutes Involved:

Family Court Act

- Section 154-b, amended

Domestic Relations Law

- Section 240, subd. 3, closing para., added

Effective Date: October 31, 1995

Chapter 652 - Support Obligation  
[Senate 1969 by Senator DeFrancisco, et al.]

Provides notice to a non-petitioning parent of his or her potential support obligations in a proceeding to determine whether a child is a person in need of supervision (PINS); requires that the copy of a petition in a PINS proceeding served upon a parent who did not sign the petition include notice that, upon placement of the child in the care and custody of the social services district or other agency, such parent may be named as the respondent in a child support proceeding.

Statutes Involved:

Family Court act  
Section 736, subd. 2, amended

Effective Date: August 8, 1995

Chapter 653 - Research Projects  
[Senate 2119 by Senator Saland]

Permits the release of preventive services records and foster care records to a person, agency or organization for the purposes of conducting bona fide research projects.

Statutes Involved:

Social Services Law  
Section 372, subd. 4-b, added  
Section 372-a, added  
Section 409-a, subd. 7, added  
Section 409-f, opening para. desig. subd. 1, new subd. 2, added

Effective Date: December 6, 1995

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ADULT SERVICES

Chapter 393 - New York State Committee for  
the Coordination of Police Service to Elderly Persons  
[Senate 2361-A by Senator Skelos]

Enlarges the membership of the New York State Committee for the Coordination of Police Services to Elderly Persons by adding two representatives of the New York State District Attorneys' Association, a representative of the Attorney General, a representative of the Commissioner of Social Services, a representative of the Commissioner of the New York City Police Department, a representative of the New York State Crime Prevention Coalition and two elderly consumer representatives.

Statutes Involved:

Executive Law

Section 844-b, subd. 2, para. (a), amended

Effective Date: August 2, 1995

Chapter 395 - Long Term Care Ombudsman  
[Senate 2419-A by Senator DiCarlo, et al.]

Establishes an Office of the State Long Term Care Ombudsman within the State Office of the Aging (SOFA), and sets forth the responsibilities of that program. The State Ombudsman currently investigates and resolves complaints made by or on behalf of long term care residents relating to the health, safety, welfare or rights of such residents and, where appropriate, refers complaints to appropriate investigatory agencies. Authorizes the Director of SOFA, in consultation with the Department of Social Services, to establish, within amounts appropriated, an Elderly Abuse Education and Outreach Program. The purpose of such program would be to provide education and outreach to the general public, including elderly persons and their families and caregivers, to identify and prevent elderly abuse, neglect and exploitation.

Provides that eligible recipients of protective services for adults (PSA) include individuals who, due to mental or physical impairments, are unable to protect themselves from physical abuse, sexual abuse, emotional abuse, active, passive or self-neglect, financial exploitation or other hazardous situations without assistance from others and have no one available who is willing and able to assist them responsibly.

Requires social services officials to contact appropriate law enforcement agencies whenever they have reason to believe that a criminal offense has been committed against a PSA client.

Establishes a statutory basis for maintaining the confidentiality of PSA records. This Chapter permits disclosure of such records to specified

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categories of person who have a need for such information. In addition, a social services official would be authorized to withhold the release of any PSA information from such person if the release would identify the person who made a PSA referral and it reasonably could be found that release of such information will be detrimental to the safety or interests of the referral source.

Statutes Involved:

Executive Law

Sections 544 and 545, repealed  
Sections 544-a and 544-b, added

Social Services Law

Section 473, subd. 1, amended  
Section 473, subd. 5, added  
Section 473, subd. 6, added  
Section 473-c, renumb. section 473-d, new section 473-e, added

Effective Date: November 1, 1995

CHILD AND SPOUSAL SUPPORT

Chapter 226 - Child Support Report  
[Senate 3469 by Senator Saland, at the request of  
of the Chief Administrative Judge]

Requires the Chief Administrator of the Courts to submit a report to the Legislature and the Governor, on or before the first day of April of each year, which contains data concerning child support orders. Prior to the enactment of Chapter 226, the report had to be submitted by the first day of February of each year.

Statutes Involved:

Judiciary Law  
Section 216, subd. 4, amended

Effective Date: July 26, 1995

Chapter 389 - Child Custody and Support  
[Senate 2118 by Senator Saland]

Requires that during the adjudication of an action for annulment, separation, or divorce, the court must verify whether the custody and support of any children of the marriage have been addressed by a prior court order. In the event the children's custody and support have not been addressed by a prior court order, the court would be required to enter an order for the children's custody and support.

Statutes Involved:

Domestic Relations Law  
Section 240, subd. 1, amended

Effective Date: November 30, 1995



HOUSING SERVICES

Chapter 490 - Single Room Occupancy Housing  
[Senate 5177 by Senator Leibell]

Permits any city to which the Multiple Dwelling Law applies to adopt and amend local laws or ordinances through December 31, 1998, which provide that any increase in assessed valuation of single room occupancy housing is exempt from taxation for local purposes and which provide an abatement of taxes on such housing.

Statutes Involved:

- Real Property Tax Law
  - Section 488-a, subd. 2, amended
  - Section 488-a, subd. 3, para. (i), amended

Effective Date: August 8, 1995

DISABLED

Chapter 648 - Tax Abatements  
[Assembly 7807 by the Committee on Rules]

Authorizes the enactment of local laws partially exempting from taxation the increased value attributable to improvements to real property undertaken and completed to comply with the accessibility requirements of the Americans with Disabilities Act of 1990. Applications for the exemption would be reviewed by the State Board of Equalization and Assessment; the maximum exemption granted would decrease from 50 percent in the first year to five percent in the tenth year.

Statutes Involved:

Real Property Tax Law  
Section 459-a, added

Effective Date: August 8, 1995

Chapter 687 - Persons with Disabilities  
[Senate 3857 by Senator Libous, at the request of  
the New York State Office of Advocate for Persons with Disabilities]

Authorizes the Office of Advocate for Persons with Disabilities to enter into contracts which provide for the delivery of direct services only if the services would increase access to technology-related assistance for individuals with disabilities.

Statutes Involved:

Executive Law  
Section 932, subd. 11, amended

Effective Date: August 8, 1995

MISCELLANEOUS

Chapter 656 - Community Services Block Grant Program  
[Senate 3579 by Senator Volker]

Extends the Department of State's authority to administer the Community Services Block Grant Program for one additional year until September 30, 1996.

Statutes Involved:

Executive Law  
Section 159-i, amended

L. 1982, C. 728, sect. 5, amended  
L. 1983, C. 710, sect. 7, amended

Effective Date: August 8, 1995

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