

New York StateWide Senior Action Council

MEMBER UPDATE

Summer 2015



María Alvarez

StateWide to Provide Input to the Office for Community Living's Exploratory Advisory Committee: Membership Input Needed!

StateWide's Executive Director, María Alvarez, was named to the Office for Community Living feasibility Advisory Committee along with 19 other participants including individuals with disabilities, their advocates, Area Agencies on Aging, Centers for Independent Living, local Medicaid agencies, local organizations that serve or represent the interests of individuals with physical disabilities, individuals with intellectual and developmental disabilities, and individuals with mental/behavioral health needs, Veteran Service Organizations, as well as service providers, and other relevant public and private entities.



This year's budget authorizes a discussion and report on whether aging services and policy should be combined for older New Yorkers with those designed for persons

with disabilities. The Legislature required a series of public meetings in all regions of the State to ensure meaningful public input from stakeholders, with a report to be produced by Dec. 15, 2015.

CONFERENCE CALL

Wednesday, August 26th at 10AM

StateWide to hold a conference call to discuss and gather information and submit it to the committee for consideration in the final report. If you are interested in participating, please call **1-800-333-4374** for more information.

The exploratory process will focus on these areas:

- 1) Furthering the goals of the Governor's Olmstead plan;
- 2) Strengthening the No Wrong Door approach to accessing information and services;
- 3) Creating opportunities to better leverage resources;
- 4) Evaluating methods for service delivery improvements, and
- 5) Analyzing the fiscal impact of creating such an office on services, individuals and providers.

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Medicare Patient's Rights Helpline 1-800-333-4374

On May 12th, hundreds of seniors gathered at the Convention Center on the Empire State Plaza in Albany for our 2015 Senior Grassroots Advocacy Day.

Executive Director Maria Alvarez and Assemblyman Richard N. Gottfried addressed participants about the need for the state to set minimum nurse/aide to patient ratios in hospitals and nursing homes and to adopt NY Health, the single payer universal health bill to spend money on health care, not health insurers.

Seniors traveled from Buffalo, Binghamton, Utica, North Country, Saratoga, Albany, and NYC to add the consumer voice to our coalition partners from health care worker unions CWA, NYSUT, NYSNA, and PEF.

Photo Credit: Karl Gohlke



Medicare Patient's Rights Helpline 1-800-333-4374

Federal Program Anniversary Celebrations

The summer of 2015 marks the anniversaries of the federal laws that provide services, protections and a safety net for older Americans and their families. Together, these programs lift seniors out of poverty and need to be preserved for future generations.

SOCIAL SECURITY 80TH ANNIVERSARY

On August 14, 1935, President Franklin Delano Roosevelt signed the Social Security Act into law. As part of his New Deal programs, Social Security created a system of old-age benefits for workers, benefits for victims of industrial accidents, aid for dependent mothers and children, the blind, and persons with disabilities, and unemployment insurance. FDR thanked Congress for passing the legislation, calling it a "patriotic" act. He said "we can never insure one hundred percent of the population against one hundred percent of the hazards and vicissitudes of life," but he hoped the act would prevent senior citizens from ending up impoverished.

StateWide will celebrate with other advocates and together urge action to preserve and enhance Social Security.

MEDICARE AND MEDICAID 50TH ANNIVERSARY

On July 30, 1965, President Lyndon B. Johnson signed into law an amendment to the Social Security Act, creating Medicare and Medicaid, promising that they would "improve a wide range of health and medical services for Americans of all ages."

With Congressional attacks on the solvency of the Medicare Trust Fund, StateWide is joining with other advocates to urge action to protect, improve and expand Medicare.



OLDER AMERICANS ACT (OAA) 50th ANNIVERSARY

On July 14, 1965, President Johnson also enacted the OAA, stating "the results of this act will help us to expand our opportunities for enriching the lives of all of our citizens in this country, now and in the years to come." It funds aging services that help older adults live and thrive in communities of their choice for as long as possible such as home-delivered and congregate meals, caregiver support, preventive health services, transportation, job training, elder abuse prevention, and more. The OAA led to the establishment of the NYS Office for the Aging and local offices in every county of the state and the Department for Aging (DFTA) in New York City, to the dedication of May as Older Americans Month, and funding for the White House Conference on Aging. StateWide is urging Congressional reauthorization of the OAA to update the funding formula to address the needs of an increased aging population and to ensure that the 2025 White House Conference on Aging is an engaging, effective and representative event.

AMERICANS WITH DISABILITIES ACT (ADA) 25th ANNIVERSARY

On July 26, 1990, President George H.W. Bush signed the ADA into law to ensure the civil rights of people with disabilities reducing barriers and helping change perceptions and increasing the opportunity for full participation in community life. The ADA has improved conditions for those older Americans who have had disabilities throughout their lifetime or become disabled as they age. Celebrations recognize the progress that has been made by reaffirming the principles of equality and inclusion with expanded advocacy for full compliance, to ensure the opportunity to live in the least restrictive environment.

Contact StateWide to learn more about how you can participate.

Medicare Policy Update



Medicare Access CHIP Reauthorization Act (MACRA) of 2015.

MACRA included positive and negative changes to Medicare.

POSITIVE: This law included the “Doc Fix,” ending an annual

attempt to decrease physician Medicare payments threatening diminished access to care. It permanently funds the Qualified Individual (QI) program, providing Part B premium assistance for low income beneficiaries, extends the therapy cap exceptions process for two more years, and continues outreach funding for the low-income assistance programs.

NEGATIVE: Beneficiary changes were made to help pay for the “Doc Fix.” Medigap policies will no longer cover the Part B deductible for those who become eligible for Medicare beginning in 2020. Seniors with incomes higher than \$133,500 will pay higher premiums starting in 2018.

The Medicare Trust Fund is under attack.

Congress proposes to raid \$950 million to fund a portion of the totally unrelated worker training program proposed as part of the federal trade bill known as the TPP – Trans Pacific Partnership.

While worker retraining is important, it should not be funded by Medicare. The first vote on this matter defeated the training bill, but a second vote on the training bill is expected and we hope, will not use Medicare to fund it.

Furthermore, several policy changes in the TPP would allow corporations to sue if their profits are adversely affected and grant exclusive market access for makers of biologic drugs with a seven year window before generic drugs could be created.

Both of these changes benefit pharmaceutical companies and could result in higher prescription drug prices.



2 Midnight Rule



Congress Once Again Delays Enforcement of the 2 Midnight Rule for Observation Stays

The 2 Midnight rule which was supposed to go into effect on April 1, 2015 **has been delayed again by Congress until October**

1, 2015. Due in part to concerns raised by the hospital industry, this rule has been delayed several times since its original date of implementation - September 2013.

The 2 midnight rule would require that patients in hospitals for more than 2 midnights would qualify for Part A Medicare payments and patients with hospital stays lasting less than 2 midnights would be billed as outpatients under Part B.

This delay has a negative impact on seniors since it allows hospitals to put Medicare patients on observation status. If a patient needs follow up care in a nursing facility, Medicare will not cover the costs under Part A unless the patient has been **admitted** into the hospital for 3 midnights. If Part A does not cover this cost, then the patient will be responsible for 100% of the cost of such care. A report by the Office of the Inspector General revealed that out of pocket bills could average over \$10,000.

REMEMBER:

Hospitals in New York State Must Notify You if they Place You in Observation Status

Thanks to recent state legislation (and our membership's efforts), hospitals in NYS must notify you verbally and in writing within 24 hrs. of placing a patient into observation status.

NOTE: The implementation of this rule does not address the problem of qualifying for Part A coverage for follow up rehabilitation in a nursing home since a patient would still need to be admitted for 3 midnights.

Federal Budget Talks Impact Medicare & Social Security

MEDICARE

The President's proposed budget includes:

NEGATIVE: Several out of pocket costs increases for new enrollees starting 2019:

- ❖ \$25 increase in Part B deductible
- ❖ Home health copayment of \$100 when not part of a hospital discharge plan
- ❖ Disallowing coverage for Part B premiums by Medigap plans
- ❖ Expanded means testing for Part B and D premiums impacting the middle class.

POSITIVE: Policy changes StateWide supports:

- ❖ Recovery of improper payments to providers
- ❖ Allowing for Medicare to get rebates from pharmaceutical companies
- ❖ Faster development of generics
- ❖ Allowing the federal government to negotiate drug prices

The Congressional budget proposals:

- ❖ Privatize Medicare
- ❖ Increase out of pocket costs to achieve savings
- ❖ Gradually increase the age of eligibility for Medicare starting in 2024

The Senate's Proposal: Reduces Medicare spending by \$430 billion without recommending specific changes to the program.



Both Houses would repeal the Affordable Care Act, which would reinstate co-pays for preventive services and stop closing the drug cost donut hole.



SOCIAL SECURITY

The President's proposed budget: Does not negatively impact Social Security:

- ❖ Strengthens the financial stability of the Disability Insurance Trust Fund
- ❖ Ensures that same-sex couples will be eligible to receive spousal benefits regardless of where they live;
- ❖ Improves the Social Security Administration's customer service.

The House Budget Proposal:

- ❖ Calls for a commission to reform Social Security.
- ❖ The House manufactured a crisis in the solvency of the Disability Insurance Trust Fund earlier this year by passing a rule prohibiting action to shore up the DI part of Social Security without paying for the fix with revenue or cuts.

BILL UPDATE:

While Congress is deliberating, there has been no action on StateWide supported bills including the Reauthorization of the Older Americans Act, improvements to Social Security and Medicare benefits, or allowing observation status days to count just like inpatient/admitted days toward rehabilitation coverage under Medicare.

TAKE ACTION

Call Your Federal Representatives:

Ask them to fix some of the observation status problems.

The "Improving Access to Medicare Coverage Act of 2015" (S. 843/H.R. 1571) would

allow any overnight stays to count toward qualifying for the 3 midnight rule for Part A coverage of follow up rehab in a nursing home facility.

Call STATEWIDE: We may be able to provide some assistance and we would like to learn your story so we can help better educate policy makers about these types of problems.

State Legislative Session Recap

Impacted by the arrest of the Speaker of the Assembly and the Majority Leader of the Senate, this year's legislative session stretched on as new leaders in the Senate and the Assembly negotiated outstanding issues with the Governor including tenant rent protections in the NYC metropolitan region and school funding issues, including discussion on a proposal for tax breaks for investment in private schools.

A new property tax rebate program was passed.



The first year, all eligible property owners will receive a rebate check. For the next three years, it will be based on a combination of the homeowner's income and

property values. The program is capped for households earning \$275,000 annually, and will be linked to the STAR rebate tax program.

NY Doctor Profile StateWide was part of a group of patient advocates that successfully defeated a proposal to defund the physician profiling program. This service of the NYS Department of Health will continue so that health care consumers can learn about the credentials and disciplinary action, if any, of NYS physicians. More information can be found at <http://www.nydoctorprofile.com> or by calling **1-888-338-6999**.

The NY Health bill – creating Medicare for All on the state level – passed the Assembly. Now facing an upward battle in the Senate, the strong support by the Assembly keeps the issue on the front burner for advocates.

Safe Nurse to Patient Ratios

Legislation gained additional supporters in both the Assembly and the Senate following strong support by StateWide, partnering with nurse labor unions in our advocacy. However, the bill did not get scheduled for a vote prior to the end of the legislative session.

The following bills passed both Houses and will be sent to the Governor this year for action:

- ❖ **CARE Act**—requiring hospitals to include family caregivers in discharge plans and provide training so they can care for a loved one at home following discharge.
- ❖ Tax credits for premiums paid for life insurance which is used for long term health care.
- ❖ Requiring NYC comprehensive emergency management plan to coordinate with organizations that provide home health care and hospice services.
- ❖ Broadening the charge of the Committee for the Coordination of Police Services to Elderly Persons beyond evaluation of "Triad Programs" to study other initiatives of criminal victimization of the elderly.
- ❖ Continuing authority of the long term care ombudsman program to advocate on behalf of managed long term care participants until December 31, 2017.
- ❖ Requiring the NYS Office for the Aging to develop a list of programs and services offered by local area agencies on aging for hospitals to share with older patients upon discharge.
- ❖ Ensuring that eligible tenants who qualify for the Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE) programs are made aware of such benefits with their annual lease.
- ❖ Allowing the SCRIE and DRIE programs to transfer head of household benefit to eligible surviving household members.
- ❖ Requiring all social adult day programs to have the same oversight by the NYS Office for the Aging.



7 Legislative Update - State

- ❖ Creating a database on the NYS Office for the Aging website with up-to-date information on services provided statewide for persons suffering from dementia or Alzheimer's Disease and their caretakers.

For a complete list of state bills impacting older adults, go to www.nysenior.org for our bill tracker or call StateWide to have a copy mailed to you.

Health & Aging Issues:

StateWide was pleased to see the Governor and the Legislature continue funding for the 6 agencies (including StateWide) that provide Medicare and EPIC counseling through the Managed Care Consumer Assistance Program. We were also proud that the Legislature continued to fund last year's enhanced level for our own Patients Rights Program.



Additional funding was added to the aging services budgets to allow counties and the City of NY to have

more flexible funding through the Community Services to the Elderly Program. This year \$2.5m was added to last year's \$5m increase in funding. An additional \$500,000 was appropriated to the Long Term Care Ombudsman Program. (LTCOP) That program will be changing in most areas of the state to a regional model with new coordinating agencies that have not been previously involved in the LTCOP program, starting October 1, 2015.

Medicare Quality HelpLine App



Livanta LLC has developed an innovative SmartPhone app, called the Medicare Quality HelpLine App, to make it even easier for people on Medicare to reach their call center about a quality of care issue.

The Medicare Quality HelpLine App can be downloaded for free, and is for people on traditional Medicare or Medicare health plans. If someone has a concern about his or her health care, the app provides quick and easy access to their call center representatives, who will guide the caller through the complaint process. Examples of concerns, complaints or quality of care issues include:

- ❖ A mistake in a medication
- ❖ No information or not enough information given when discharged
- ❖ A change in condition that was not treated
- ❖ Contracted an infection/illness while in the facility

Livanta has partnered with **NY StateWide Senior Action Council** to test the app in specific regions in New York, including Brooklyn, Albany, and St. Lawrence County. If you are on Medicare, and reside in one of these 3 regions, we encourage you, or your caregiver, to download the app to call Livanta's Patient Services Representatives.

You can download the **FREE NEW** App onto your smart phone by going to the Google or Apple App stores.

Call 1-800-333-4374 for more information.



NY STATEWIDE SENIOR ACTION COUNCIL
Annual Convention **October 13-15, 2015**

Holiday Inn, Saratoga Springs, New York

Welcome New Members and Contributors

New Individual Members:

Judy Aldrich	Gouverneur
Rita Alonzo	Saratoga Spr.
Randy Anderson	Constable
Margaret Assante	Yonkers
Morgan Booker	Wallington
Francine Brewer	New York
Phyllis Brock	Madrid
Deloris Buffaloe	Brooklyn
Olga Chapman	Brooklyn
Dian Connor	Tupper Lake
Sarah David	Brooklyn
Faye DiLeo	Norwalk
Jim Drew	Walworth
Jacqueline Gadsen	New York
Mary Gayron	Albany
Richard & Brenda Gibbs	St. Albans
Frances Gooch	Brooklyn
Elaine Greeley	Wilton
Marjorie Hallenbeck-Sears	Ogdensburg
Jill Harrington	Chateaugay
Teri Harrington	Ballston Spa
Donna Hudson	Williamson
Mr. & Mrs. Gennaro Irace	New York
Donald Johnston	Burke
Gloria Koslofsky	Utica
David and Ronda Kotelchuck	New York
Janet Lijeron	Niskayuna
Olivia Livingstone	St. Albans
Harriet Luria	New York
Glenn MacNeil	Malone

Maureen Miller	E. Elmhurst
Jose Cardona & Eileen O'Brien	West Nyack
Madeline Pennington	Parishville
Ernie Railing	Watertown
Nancy Siegel	E. Greenbush
Lorraine Simmons	Chateaugay
Beatrice Staten	Bronx
Myrna Stephens	Bronx
Linda Trill	Canton
Marianne Turczyn	Utica
Vincent Winfield	Schenectady

Contributors to the Rose Kryzak Fund:

Patricia Binzer	Glenmont
Sarah Buckley	East Aurora
Paul & Phyllis Cooney	Albany
Carolyn Crawmer	Clifton Park
David Creech	Gouverneur
Maureen Draganchuk	Middeltown
Anne & Sidney Emerman	New York
MaryAnn Fastook	Brooklyn
Hazel Collman Foster	Brooklyn
Elaine Greeley	Wilton
Mario C. Henry	Flushing
Ada Hopson-Clemons	Buffalo
Todd & Aida Horwitt	Albany
Audrey Iszard	Bronx
David Keefe	Mineola
David and Ronda Kotelchuck	New York

Elizabeth Kryzak	Flushing
Jack Kupferman	New York
Susanne Maloy	Ithaca
Gerda Mansell	Cheektowaga
Pamela Martin	Saranac Lake
Leola Phillips	New York
Diane Adele Pomeroy	Spring Valley
Elise Rackmill	New York
Pearl Reeves	E. Elmhurst
Lani Sanjek	New York
Roger Sanjek	New York
Nelsa Selover	Auburn
Robert Sinacore	Slingerlands
Kathy & John Skelly	Heuvelton
Doris Smith	Moravia
Ruth Smutz	Potsdam
Joanne Steele	Saint Remy
James & Gladys Walker	Monticello
Richard & Sherry Watson	Hammond
Darlene White	Madrid
Linda Wilkinson	Potsdam

New Organization Members

CWA Retired Members' Chapter 1180	New York
Franklin County Office for the Aging	Malone
Saratoga County Office for the Aging	Ballston Spa
Burke Adult Ctr.	Burke

Robert E. O'Donnell Memorial Award

This award is for a senior who has done extraordinary work to promote the growth and development of the NY StateWide Senior Action Council. The recipient of this award MUST be a current member of StateWide.



Rose Kryzak Advocacy Award

This award is for a senior who has been an advocate and a leader on public policy issues locally and at the state level to promote the well being of older New Yorkers. The recipient of this award MUST be a current member of StateWide.

Paul E. Harenberg Award

This award is for a senior who has worked to train and educate others about important issues and programs benefitting seniors.

Nominee (person being nominated)

Name _____

Address _____

StateWide Chapter or County of Residence _____

Phone _____ E-mail _____

Nominator (person filling out form)

Name _____

Address _____

StateWide Chapter or County of Residence _____

Phone _____ E-mail _____

Please provide a statement of why the nominee is deserving of this award that includes a description of his or her activities: _____

Please review the award criteria above. If you are making more than (1) nomination, make copies and submit nomination form(s) to:

StateWide Nominating Committee
275 State Street, Albany, NY 12210
518-436-1006 Email: info@nysenior.org

NEW DEAL FOR A NEW GENERATION

TUESDAY AFTERNOON, OCTOBER 13

3:00 PM Welcome:	Helen Sanders / President / Board of Directors
3:30 PM Exec Dir Report:	Maria Alvarez / Executive Director
4:00 PM Keynote:	James Perlstein, Ph.D., Co-Chair, Professional Staff Congress/ CUNY PSC Solidarity Committee - Protecting the New Deal for Generations to Come
6:00 PM:	Opening Night Reception

WEDNESDAY, OCTOBER 14

7:30 AM - 8:30 AM	Breakfast Speaker: The Latest Developments in Senior Scams Gary Brown, NYS Assistant Attorney General
8:45 AM - 9:45 AM	Health Care System Reforms Impacting on Older New Yorkers Mark Kissinger*, Director Division of Long Term Care, NYS Department of Health Lara Kassel, Coordinator, Medicaid Matters NY
9:45 AM - 9:55 AM	Break
9:55 AM - 10:55 AM	Medicare Panel Eric Hausman, Medicare & EPIC Update Sarah Jane Blake, Outreach Specialist, Patients Rights Moderator - Vicki Ellner, Board Member, Nassau County
11:00 AM - 1:00 PM	Exhibit Hall
12:00 PM - 1:00 PM	Luncheon Corinda Crossdale, NYSOFA Director Various Elected and Appointed Officials
1:00 PM - 1:10 PM	Break
1:10 PM - 2:10 PM	Community Medicaid Panel Ginalisa Monterroso, President, Medicaid Advisory Group Representative, Pierro Law
2:20 PM - 3:20 PM	Income Security/Consumer Protections & Elder Economic Security Index Saima Akhtar, Senior Staff Attorney, Empire Justice Katie Robbins, Executive Director, Physicians for a National Health Program, NY Metro Chapter Moderator - Mike Burgess
3:20 PM - 3:30 PM	Break
3:30 PM - 4:30 PM	Patients Rights in the Nursing Home Mary Pritchard, Board Member, LTC Ombudsman Laurie Kash, Advocate, Last Stop Movement—Nursing Home Reform Moderator - Marcus Harazin, Patients Rights Program Coord.
4:30 PM - 5:30 PM	Walking Tour—Saratoga Springs Senior Center -or- Open Forum
6:30 -	Bus to Dinner at Vapor Club at the Saratoga Casino & Raceway
Finish Dinner at 9:30 PM	

THURSDAY, OCTOBER 15 (7:30 AM – 11:30 AM)

7:30 AM – 8:00 AM	Breakfast – Speaker TBA
8:00 AM – 9:00 AM	Taking it Home Gail Myers, Deputy Dir., NY StateWide Senior Action Council
9:00 AM – 11:30 AM	Adopting Agenda Muriel Beach, Chair, Public Policy Committee
	Adjournment Helen Sanders, President, Board of Directors

* Invited

Convention Registration

October 13-15, 2015 Saratoga Springs, NY

Name _____ Telephone _____

Address _____

E-mail _____ Affiliation _____

Circle One: Package Option (from below) A, B, C, D, E, F, G, H, I, J

Total enclosed \$ _____ *If you are not a member and would like to join now, add \$15 to your registration**

If registering for a double room, preferred Room-mate's Name _____

Please Circle Lunch and Dinner Choice: (Breakfasts are buffet style—no choice needed)

Lunch Wed. - Cheese Lasagna Chicken

Dinner Wed. - Chicken Fish

PACKAGE PRICING

	Member	Non-member
FULL Package A: Single, 2 nights, + opening day reception and 4 meals	\$400/person	\$450/person
FULL Package B: Double, 2 nights, + opening day reception and 4 meals	\$250/person	\$325/person
Package C: Single, Tuesday night hotel, + opening reception, Weds. bkfst, lunch	\$220/person	\$250/person
Package D: Double, Tuesday night hotel, +opening reception, Weds. bkfst, lunch	\$160/person	\$200/person
Package E: Single, Wednesday night hotel, + Weds. lunch, dinner & Thurs bkfst	\$240/person	\$275/person
Package F: Double, Wednesday night hotel, + Weds. Lunch, dinner & Thurs bkfst	\$185/person	\$220/person

COMMUTERS

FULL Package G: 3 days, reception & 4 meals	\$140	\$200
Package H: Tuesday, with reception	\$35	\$60
Package I: Wednesday, breakfast, lunch, dinner	\$90	\$115
Package J: Wednesday, breakfast, lunch	\$40	\$65

Check payable to NY StateWide Senior Action Council. Mail to: StateWide, 275 State Street, Albany, NY 12210
Credit Card Charges Accepted, with additional administrative fee. Call 518-703-2617 for more information.

REGISTRATION DEADLINE: Please return this form with accompanying check to the Albany office by **Wednesday, October 1st, 2015**. Questions, call us anytime at **518-703-2617**

HOTEL INFORMATION: Holiday Inn Saratoga Springs, NY, 232 Broadway, Saratoga Springs, NY 12866
 Phone: 1-518-584-4550, Web site: www.holidayinn.com

Hotel Accommodations Included in Package Pricing Registration. StateWide will make your reservation.

***If you are not a member of StateWide, become a 2015 member today for \$15.**
You will receive the discounted Member price for this event.

STATE WIDE

New York StateWide Senior Action Council, Inc.
275 State Street, Albany, NY 12210 • (518) 436-1006 • Fax (518) 436-7642
www.nysenior.org



REGISTER TODAY!

NY StateWide Senior Action Council
Annual Convention

at the

Holiday Inn, Saratoga Springs, New York