



## **New York StateWide Senior Action Council, Inc**

*Improving The Lives of Senior Citizens & Families in NY State*

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## **2019 STATE LEGISLATIVE PRIORITIES**

### **ECONOMIC SECURITY**

***StateWide believes that economic security should be defined as having the income, resources, and services and supports necessary to meet all basic needs. The state should use an expanded definition of economic security categories in calculating a livable wage, including housing, health care, transportation, food, miscellaneous essentials, child care, and, when necessary, long term care.***

- StateWide urges the state government to use 200% of the federal poverty level (FPL) as a closer approximation of economic security rather than 100% of FPL, to shape planning efforts as well as eligibility for service delivery. In so doing, the State will be able to direct services to those with the greatest economic and social need, including older adults with low-incomes, by focusing on those with incomes that fall short of economic security.
- StateWide will fight cuts to food programs, heating/cooling assistance and other important human service programs that provide assistance so that seniors and their families can live with dignity in the community. StateWide supports continuation of funding for the Weatherization Referral and Assistance Program (WRAP) for older New Yorkers to provide coordination of energy efficiency services for older persons.
- Statewide supports the Age friendly banking initiative which will address the banking needs of seniors ranging from physical amenities in bank locations to bank product and services designed to better serve senior, residents with disabilities and low income populations.
- StateWide will work to strengthen action against employers to prevent wage theft.
- StateWide urges the state to regulate the communications industry to achieve universal, affordable, high quality and technologically advanced service.

- StateWide urges ensuring a livable wage, future increases in the minimum wage should be indexed to the rate of inflation.
- StateWide supports making the ban on pre-paid funeral insurance permanent.
- StateWide opposes bills to expand the sale of packaged funeral prices that allow for profit corporations to do so.
- StateWide opposes reductions in the state retiree health insurance benefit to control costs by transferring some of the state's share of costs to retirees.
- StateWide supports requiring a 90 day notice before a locality can change provisions of retirees' health care plans.
- StateWide urges the state and local pension systems to calculate Cost of Living Adjustment (COLA) for pensioners using the CPI-E to more accurately assist retirees with inflationary increases to the products & services that they purchase most.
- StateWide supports guaranteeing public service retirees health care benefits available upon retirement without any diminishing changes
- StateWide supports enhanced efforts to assist residents to enroll in all types of benefits for which they are eligible.
- StateWide supports a self-sufficiency standard study regarding how much income is needed for a household to adequately meet its basic needs without public or private assistance
- StateWide opposes the use of state funds and a utility ratepayer surcharge to continue the operation of old, unsafe and unprofitable nuclear power plants that have outlived their structural expectancy.
- StateWide urges the state to remove liability insurers financial incentive to deny or delay fair payment of legitimate claims, by allowing compensatory damages to be awarded when an insurance company's inadequate late payment of a settlement exposed the insured to a judgment above the policy limits.

### ○ **Financial Justice**

- Statewide supports efforts to end predatory lending. We oppose legislation that opens the door to allowing payday lenders.
- StateWide supports efforts to prevent property foreclosures.
- StateWide opposes efforts to alter the ban on usurious small-dollar loans.
- StateWide supports the regulation by the state of credit reporting agencies to ensure that the industry standard protects against hacking and data breaches.

### ○ **Housing**

- StateWide supports the expansion of affordable housing for the elderly throughout the state, including the establishment of a partnership authority to finance or collaborate in the financing of projects.
- StateWide encourages the expansion of eligibility criteria for senior citizen rent exemption and tax abatement programs by allowing income offsets that are for non-reimbursed medical and prescription drug costs.
- StateWide opposes the use of “poor doors” that have been built in residential settings which permits landlords to designate separate entrances for low income residents.
- StateWide urges investment in supportive housing models that include inclusive design for those who may have physical impairments and often offer a variety of services including activities, transportation, an on-site service coordinator, amenities, meals, and support for residents’ health-related services.
- StateWide supports a tax credit for either new or retrofitted principal residences which are universally designed to be accessible and adaptable housing.
- StateWide urges that the heating and shelter allowances given to people who rely on public assistance keep up with increases in rent or heating costs. The shelter allowance hasn't been raised since 2003; the utility allowance has remained the same since 1987. The inadequacies of these allowances is a consistent problem in every part of the state.

- StateWide urges the funding for grants and investments to New York CDFIs (Community Development Financial Institutions), which serve New Yorkers and small businesses in economically-distressed communities throughout the state. New York's was the first state-based CDFI Fund in the country.
- StateWide supports funding for the Communities First Program a network of 89 non-profit service providers (59 housing counseling agencies and 30 legal services providers) across NYS that assists homeowners to obtain affordable loan modifications, represents homeowners in state mandated judicial settlement conferences and provides representation to homeowners in state and federal court. In 2018, reverse mortgages were added to foreclosure protections, increasing the scope of the work, but the funding expires March 31, 2019.

○ **Supplemental Security Income (SSI)**

***StateWide supports making a permanent cost-of-living adjustment (COLA) in the state share of SSI in order to decrease the rate of poverty among our state's poorest elderly, blind and disabled residents.***

- StateWide urges New York State (NYS) to pass through the annual Federal COLA without cutting NYS benefit.
- StateWide seeks renewed funding for community-based SSI specialist training, education, outreach, and enrollment assistance.
- StateWide advocates increasing the NYS supplement now by 20%.

**HEALTH CARE SYSTEM**

***The escalation of health care costs and failure of existing legislation to achieve universal coverage require continued emphasis on this vital issue. StateWide supports Universal Health Insurance, as the most effective vehicle for achieving universal coverage and cost control.***

- StateWide will take the lead to advocate universal health care for all and will urge the passage of the "New York Health" legislation.
- StateWide will monitor the implementation of the Affordable Care Act to ensure that it is fair and realistic for senior citizens and their families. StateWide supports a strong NYS health care exchange, including enrollment assistance and outreach. Further, we recommend that the state's exchange offer dental insurance that can be purchased by individuals who are enrolled in Medicare.

- StateWide will fight state cuts in Medicaid that reduce coverage, due process rights on appeals of denials and grievances, access and quality of care.. We support the policy agenda of *Medicaid Matters New York*.
- StateWide opposes efforts to change state Medicaid laws that prevent spousal impoverishment and allow for spousal refusal. Further, StateWide urges New York to raise the income level for spousal impoverishment protections to the maximum allowed under federal law.
- StateWide urges New York State to increase the income limits for eligibility in the Medicare Savings Program, using Connecticut as a model, QMB: \$2,120.55/\$2,854.83, SLMB: \$2,321.55/\$3,125.43, ALMB (QI): \$2,472.30/\$3,328.38, rather than the current federal guidelines.
- StateWide opposes medical malpractice reform efforts that place a cap on an injured patient's right to be awarded economic compensation for medical errors.
- StateWide calls for legislation to increase the Medicaid income eligibility level to 133% of the FPL for the aged.
- Given the increasing number of older New Yorkers, StateWide supports legislation to require training in geriatric medicine, pain management and palliative care for physicians and physician assistants to improve treatment for the specific needs of older adults.
- Statewide will oppose government efforts to raise needed capital for hospitals by allowing for conversion from non-profit status to publicly traded corporation status.
- StateWide supports mandating minimum staffing levels in hospital and long term care settings to ensure the safety and care of patients/residents.
- StateWide supports efforts to stop the practice of sending nursing home residents out of state due to lack of capacity in a region by supporting training to ensure that local providers can meet care needs, especially for those with dementia and other special care needs.
- StateWide supports the development of a public health system that is better prepared to deal with the effects of natural or manmade disasters, including a registry of seniors and persons with disabilities who may need assistance in an emergency; an improved infrastructure that supports provision of electricity, food, heat, water, and communications; and sufficient numbers of rescue and health personnel.

- StateWide supports inclusion of data on providers that have been denied Medicare provider status in the NYS physician profiling report law that requires disclosure of education and any findings of malpractice and/or misconduct.
- StateWide supports greater transparency in healthcare and opposes repeal of the Public Health Law's requirement for the Department of Health (DOH) to maintain a Physician Profile
- StateWide supports including pharmacies in the law that requires medical facilities to provide medical records to patients at minimal cost.
- StateWide advocates that insurers be required to offer coverage of out of network providers.
- StateWide supports reducing premiums for an enrollee who participates in a qualified wellness program.
- StateWide supports coverage for individualized customized complex rehabilitation technology.
- StateWide supports efforts to recruit and retain physicians in underserved and rural communities that face shortages of qualified medical personnel.
- StateWide supports enhanced funding for Vital Access Providers to prevent closure or reduction in needed hospital services. StateWide supports a supplemental rate adjustment for enhanced safety net hospitals.
- StateWide encourages New York State governmental agencies to collect patient data on disability status, primary language, housing status, sexual orientation and gender identity to support research needed to prevent health care disparities in service delivery.
- StateWide advocates for policies that will prevent hospitals from limiting patient visiting hours.
- StateWide urges all hospitals to adopt policies that conform with the recommendations of the American College of Emergency Physicians that are designed to establish age-friendly emergency rooms that will be better equipped to provide care to aging New Yorkers.
- StateWide supports regulation requiring that any Medicaid disenrollment notice include a referral to NY Connects so that those needing long term care services can get information and assistance.

- StateWide supports the implementation of standards of training for personal care attendants and update home health aide training requirements.
- StateWide supports efforts to address the shortage of home care workers and . incentives to train, recruit and retain home care workers Any solution that only resolves the problem in Medicaid is not a complete solution, since many of the same agencies are providing services to clients who are enrollees in Medicaid or EISEP or Medicare or those who wish to self pay. The problems are inter-related and the solutions need to be as well. We recommend:
  - Incentivize home care workforce training, recruitment and retention.
  - Provide sufficient resources to ensure that mileage reimbursement is adequate for home health aides who must use their own vehicles.
  - Evaluate impact of recent increase in NYS minimum wage on recruitment and retention home health aides, ensure that home care workers receive a livable wage.
  - Address the insufficient hourly wage of home health care aides
  - Provide funds for sign-on bonuses extending over five years, released in annual increments with a balloon bonus at the end of five years; renewal sign on bonuses for additional five-year period
  - Restructure home care delivery systems to enhance more predictable work schedules
  - Create reasonable tire replacement, car maintenance and repairs allowance programs for aides
  - Fund a public image campaign to recruit people to work in the field.
  - Convene a Stakeholder Task Force to brainstorm and make recommendations. Stakeholders appointed must include representatives of public and private sectors, along with representatives of government, consumers, and labor.
  - Create a mentored apprenticeship program with stipend for experienced paraprofessionals who recruit and mentor new hires. This strategy can be an important tool to increase the diversity and cultural competence of the workforce.
  - Provide Retirement security
- StateWide supports incentives for physicians and nurses to develop clinical expertise as geriatricians to improve treatment for the specific needs of older adults.
- StateWide urges employment of increased staff in the NYS Dept. of Health to ensure that there are sufficient field investigators and other staff to ensure compliance with quality standards and processing of fines and penalties.

- StateWide recognizes the challenges faced by people at the end of their lives to receive the care that they want, and when they die, their desire to die with dignity. For terminally ill adults who have the capacity to make medical decisions, the decision to seek aid in dying is a very personal one, and one that can only be made by the person who is dying in consultation with their family, their faith leader and/or their physician. StateWide supports state legislation that would authorize medical aid in dying so that a terminally ill, mentally capable person who has a prognosis of six months or less to live, has the option to request from their doctor a prescription for medication which he or she can choose to self-ingest to end unbearable suffering and to die peacefully.
  
- StateWide opposes weakening the restriction on the 16 consecutive hour maximum that medical residents may work in a hospital shift.

○ **Prescription Drugs**

- StateWide urges the inclusion of persons with disabilities younger than age 65 under Elderly Pharmaceutical Insurance Coverage (EPIC) so that EPIC works for everyone on Medicare regardless of age and the continued funding of the EPIC program to ensure affordability of prescriptions.
- StateWide supports coverage for medical marijuana under the state's EPIC program.
- StateWide urges policies to support the production of marijuana needed to ensure its availability for medicinal purposes under the 2014 state law known as the Compassionate Care Act.
- StateWide works to promote and protect New York consumer access to sources of safe, affordable prescription drugs. We support efforts to allow safe prescription drug importation to provide legal access to safe and affordable drugs from abroad.
- StateWide advocates swift implementation of the NYS bulk purchasing law, intended to lower the cost of prescription drugs for all.
- StateWide supports legislation to allow the importation of drugs from Canada
- StateWide encourages the strengthening of oversight of drug companies' marketing and advertising expenditures. We support regulation and accountability of Pharmaceutical Benefits Managers in New York and urge monitoring of abuses, such as not passing on savings to clients, hiding rebates, and steering market share to certain high cost drugs for particular drug manufacturers.



- StateWide supports the disclosure of gifts to prescribers from pharmaceutical industry representatives.
- StateWide supports effort to synchronize multiple prescriptions and standardize dispensing fees.
- StateWide supports giving patients the ability to pick up multiple medications at their pharmacy on the same day each month.
- StateWide calls for the investigation of drug price increases, gouging and efforts to prevent coverage for less expensive competitors' products.
- StateWide urges requiring an increase in type (font) size on printed patient educational material that accompanies dispensed drugs.
- StateWide supports an enhanced level of informed consent before psychotropic medication can be prescribed for patients residing in nursing homes or adult care facilities.
- StateWide supports efforts to require drug manufacturers to notify insurance companies and the\_state, no less than 60 days prior to expected price increases, so they will issue the final notice to consumers and patients no less than 30 days prior to the effective date so the patients can anticipate increased costs.

#### o Long Term Care

- StateWide supports strengthening compliance with the Olmstead Supreme Court decision to provide care in the least restrictive settings.
- StateWide supports mandating minimum staffing levels in nursing homes to ensure the safety and care of residents. We support strengthening training programs and requirements for long term care providers, including training for nurse aides, and requiring nursing homes to maintain staffing levels with trained Certified Nursing Assistants (CNAs), instead of the more poorly trained and poorly supervised feeding assistants. Further, we urge the state to allow for diversion of people in need of long-term care from facilities that have insufficient staffing.
- StateWide supports a careful review by the Department of Health of the qualifications and competency of adult home and assisted living facilities which seek further certification to care for vulnerable persons to make sure that those with poor records regarding patient care are excluded.

- StateWide urges an investment in home and community based services that prevent premature admission to long term care institutions and provide a safe alternative to institutionalized care.
- StateWide urges the adoption of policies that promote consumer-directed services.
- StateWide will monitor the implementation of Medicaid Managed Long Term Care and will advocate appropriate community based services to ensure access to and choice of culturally competent providers to meet patients needs. We will urge the inclusion of socially-oriented aging services providers in managed care networks.
- StateWide supports funding for an external consumer ombuds program (ICAN) for Medicaid beneficiaries enrolled in managed long term care (MLTC) programs. Statewide supports the continued ability of advocates in the ICAN (Independent Consumer Advocacy Network) program to provide representation for consumers in fair hearings and appeals for consumers in Medicaid Managed Long Term Care. It is expected that representation of Medicaid MLTC enrollees will be removed from the scope of ICAN as of April 2019, removing the core mission of the program to uphold enrollee rights.
- StateWide supports establishment of a state registry connecting consumers and providers of in-home services to expand care choices.
- StateWide seeks giving patients increased powers to enforce their right to adequate treatment and care by providing them the right to sue for damages and other relief. Additionally, nursing homes must not escape liability for wrongs just because the patient dies or is unable to initiate a suit on his or her own behalf.

## **AGING SERVICES**

- StateWide supports maintaining the NYSOFA as an independent agency which advocates within state government for older New Yorkers. We will review recommendations related to a proposed Office for Community Living, but oppose the merger of aging and disability services through a restructured state agency and will work to ensure that there is a free standing, independent, well-funded, well-staffed and strong agency devoted to aging issues as its single focus.
- StateWide supports a strong and independent Long Term Care Ombudsman Program that stresses the rights of residents to receive quality care as well as to support those that wish to return to their community homes.

- StateWide supports continued funding for our Patients Rights Helpline/ Care Advocacy Project.
- StateWide urges continuation of the line item funding for StateWide's role in the Managed Care Consumer Assistance Program.
- StateWide supports the development and implementation of a mobile web based multi-language entitlements and benefits screening system, with personalized assistance to underserved seniors.
- StateWide understands the need to move towards new technology systems in recording encounter data, but urges that implementation does not create new barriers to accessing services.
- StateWide urges the permanent restoration of the State Fiscal Year (SFY) 2011-12 fifty percent funding reductions to aging services programs funded by the NYSOFA, to ensure the stabilization of important community based human services non-profit sector providers, with future funding growth to prevent fiscal fragility.
- StateWide supports funding to allow Medicare and Medicaid enrollees, and caregivers to receive unbiased information and counseling that is culturally and linguistically appropriate to ensure informed decision making when choosing health insurance and prescription coverage plans, and recommends increased funding for community-based outreach efforts to reach enrollees each year.
- StateWide supports expanded funding for services that are non-Medicaid funded but are relied upon by long term care clients under the Balancing Incentives Program, including NYConnects, EISEP, Wellness in Nutrition, Transportation, and Community Services for the Elderly.
- StateWide supports increased funding for additional Naturally Occurring Retirement Communities and other aging in place/community projects.
- StateWide urges the restoration of funding in the Office of Children and Family Services (OCFS) for kinship caregiver programs.
- StateWide urges funding to educate seniors and constituents on the existence and type of elder abuse so that more people can become aware of this issue and report instances to the authorities.
- StateWide proposes that elder abuse cases be reported to the police and prosecuted as a crime, and that banking institutions allow clients to opt for a

report of suspected financial abuse be made to adult protective services and law enforcement.

- StateWide supports requiring a biennial report on the incidence of elder abuse in New York State.
- StateWide supports limitations on conservators' and guardians' overbroad authority over conservatees' and wards' lives. We urge prohibition of petitioning of the courts by long term care facilities for appointment of a guardian to ensure they are paid.
- StateWide supports the expansion of outreach efforts to underserved populations and those with special needs including racial and ethnic minorities, the poor, rural seniors and the Lesbian, Gay, Bisexual and Transgender (LGBT) community which has an increasing number of older adults.
- StateWide urges legislation that would give incentives for more professionals to work in the geriatric, mental health, and geriatric social work fields (Ex. partial loan forgiveness).
- StateWide supports ensuring an ongoing COLA tied to inflation for nonprofit human services agencies to support the recruitment and retention of personnel in certain aging services, including EISEP and CSE.
- StateWide supports legislation to require source of designation of expertise, title or certification in senior issues be disclosed to clients as a means of preventing elder abuse.
- StateWide urges the development of a population based formula for multi-year funding of services delivered by local offices for the aging to address the growth in the aging demographic.
- StateWide opposes the requirement that local governments contribute a percentage match for new state funds for aging services, with maintenance of effort reflecting 2013 local share commitment.
- StateWide urges education of aging services providers and increased awareness to support inclusion of issues related to older persons who identify as LGBT

- StateWide supports legislation directing county offices for the aging to accept and process supplemental nutrition assistance program (SNAP) and low-income home energy assistance program applications, with adequate funding to do so.
  
- StateWide supports funding for aging services providers that contract with state and local governments to meet the increase in the minimum wage and additional increases to accommodate other staff who now earn just above the minimum wage, ensuring funding parity with Medicaid providers.
  
- StateWide urges further action to ensure that ride sharing services can meet the needs of persons with disabilities, including making a significant percentage of vehicles to be wheelchair accessible.

*NOTE: Up to now we have reported on state legislation concerned with senior issues. But there are broader issues relating to the needs of all ages in our population which we are also vitally concerned about and require action on our part:*

## **REVENUE**

***The Governor's budget proposals have kept spending at previous year's levels in order to comply with a self-imposed 2% overall expenditure growth cap, that does not apply to Education and Medicaid. This is unacceptable as it does not address the needs that emerge to reduce poverty and address services for the aging demographic. Further adding stress to the tension between taxes and spending, state real property tax proposals tie many of the benefits to keeping local taxing jurisdictions (property and school taxes) within a spending tax cap. Localities may feel compelled to reduce funding for services, including aging services, to stay within the spending cap.***

### ***StateWide promotes tax fairness.***

- StateWide urges the Legislature to adopt higher tax rates for higher earning households with annual incomes above \$250,000.
  
- StateWide supports enactment of a property tax "circuit breaker" to reduce taxes on persons with lower incomes.
  
- StateWide opposes additional tax breaks for banking institutions.

- StateWide urges the closure of corporate tax loopholes.
- StateWide supports lowering utility taxes on low income residential consumers.
- StateWide supports making permanent the millionaire's tax.

StateWide supports the legalization of recreational marijuana so that sales are regulated and taxed, and urges that a portion of the state's revenue from this new source, if enacted, be dedicated to expanding EPIC to cover prescribed medicinal marijuana.

## **GUN CONTROL**

- StateWide supports a more rigorous enforcement of background checks of people seeking to purchase guns according to federal law including closing background check loopholes for Internet and gun show sales, expanding the background check database and cracking down on the illegal gun market.
- StateWide supports banning the plans, production, use and sale of guns made from a 3-D print imager to avoid the registration laws.

## **ELECTIONS**

***Statewide will advocate for ballot accessibility so that voters are not disenfranchised, including:***

- Urging appropriate font (type) size.
- Opposing onerous voter identification laws.
- Modernizing New York's Antiquated Voting Processes by:
  - enacting automatic registration at a broad range of Government agencies,
  - allowing all New Yorkers to register and update their registration online,
  - providing for more flexible voting opportunities that will strengthen democracy.
- StateWide supports public campaign financing which is modeled on the system used in New York City to provide matching funds for donations raised.
- StateWide supports enactment of comprehensive campaign finance reform, including closing the Limited Liability Corporation (LLC) loophole, lowering contribution limits for candidates and committees, and instituting reasonable limits on transfers to put a check on big money and its ability to influence elections.

- StateWide supports legislation allowing early voting 20 days before an election and automatically enroll citizens on their 18th birthday unless they choose to opt out of the system.
- StateWide opposes efforts to disenfranchise older voters by extensive questioning regarding their use of an absentee ballot. We urge the development of an absentee voting system that would allow voters to mail in ballots without declaring a reason why they are voting absentee and allow them to join a permanent absentee list.

*NOTE: We also recognize that our planet is facing its most serious threat in terms of the effect of climate change. Although there is no specific legislation regarding this problem, StateWide promotes the spreading of information about this crisis, and encourages positive action.*

### **ENVIRONMENTAL ISSUES**

***StateWide supports the efforts of New Yorkers Against Fracking and urges legislators to prevent any further action by the oil and gas industry to frack for natural gas in the Marcellus Shale which resides under large parts of New York State.***

- StateWide will oppose hydraulic fracturing (fracking)
- StateWide supports efforts to require NYS Department of Health to provide protection from exposure to radon in natural gas through continuous monitoring.
- StateWide supports mandatory labeling of genetically engineered foods and other consumable products.
- StateWide supports funding for testing water supplies and treatment in areas that have been exposed to contaminants or through the degradation of leaded pipes as part of the water delivery system or in public housing facilities to ensure there is no cost to homeowners/residents.
- StateWide urges New York to be the nation's leader on energy efficiency including a mandate on energy efficiency savings for individual utilities by buying energy saving programs and products and support the development of renewable distributed energy resources and associated transmission control equipment.
- StateWide supports improving requirements for carbon pricing options for New York's wholesale electricity markets to ensure that all greenhouse gases are

included, not just carbon; that the plan does not bail out failing nuclear power plants; and that clean, renewable energy and efficiency are prioritized and implemented.

### **HUMAN RIGHTS**

- StateWide supports geriatric parole for certain non-violent prisoners.
- StateWide supports planning to ensure a complete count during the 2020 Census.

### **EDUCATION**

Finally, StateWide recognizes the need for a solid educational program which is vital if our democratic system is to survive. We need a well educated population, therefore we support budgets for local school systems and programs which would improve this system.