

New York StateWide Senior Action Council

MEMBER UPDATE

Spring 2019



María Alvarez

NY StateWide's Educational Grassroots Day: An Important Day in Senior Activism

Over the years, most StateWide members have participated in certain activities on a regular basis:

- Local community events through their chapters
- Our Annual Convention in Saratoga Springs in October
- They attend StateWide's Annual Educational Grassroots Day in Albany

Why is StateWide's Educational Grassroots Day Important?



StateWide's Educational Grassroots Day provides seniors from around the state an opportunity to gather information on issues and to advocate for the programs and initiatives that keep older New Yorkers living and thriving in the community. It is an opportunity to meet as a group face to face to discuss the importance of the supports and services that enable full community inclusion.

In recent years we have joined some of the labor unions including the nurses, state retired

employees, communications workers, and many others in our mutual quest for:

- Safe Staffing Ratios in hospitals and health care institutions
- The NY Health Act (Single Payer)
- Issues affecting Older New Yorkers

Our members bring to this conversation their unique and valuable experience as former workers and as current consumers.

For this reason we need every member of StateWide to join us on May 14, 2019 in Albany. And bring your families and friends! We are able to provide transportation, lunch, and the materials that you will need free of charge. Call us to register at 800-333-4374.

We will see you in Albany!

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Medicare Patient's Rights Helpline 800-333-4374

Early Legislative Action Results in Many New Laws

During the first month of session, the State Legislature was very busy & addressed a number of previously stalled issues. The following bills of general interest and importance have already passed the Legislature and been enacted. Some of these issues are part of StateWide's legislative agenda, set by our members at Convention.



VOTING RIGHTS

- Early voting
- Early registration forms to include a space for pre-registering applicants at least 16 years of age

so that they are eligible to vote upon their 18th birthday.

- Automatic registration - automatically transfers a voter's registration when they move within New York State.
- Proposed Constitutional Amendments – earliest effective date would be November 2021; would allow No Excuse Absentee Ballot and Same Day Voter Registration.

CHANGE IN PRIMARY DATE

The combined federal and state primary would be held in June, effective this year.

END LLC LOOPHOLE

Requires these types of corporations be limited to \$5000 annual campaign contributions.



PROHIBITS OIL AND NATURAL GAS DRILLING IN NEW YORK'S COASTAL AREAS

IMPROVED GUN CONTROL

- Prohibits the possession, manufacture, transportation, or sale of a rapid-fire modification device including bump stocks, trigger cranks, binary trigger systems, and burst trigger systems.
- Establishes a 30-day waiting period before a licensed gun dealer may deliver a firearm, shotgun or rifle to a purchaser who has not cleared a background check.

CHILD VICTIMS ACT

Extends the statute of limitations involving sex offenses against a child, allowing a lawsuit by a victim up until the victim turns 55 years of age.



THE DREAM ACT

Ensures immigrant children the ability to access higher education.

PROTECTING WOMEN'S REPRODUCTIVE RIGHTS

Amends NYS law to include rights currently in effect under Supreme Court decisions, prohibiting discrimination of employees based upon reproductive health decisions, and granting all New Yorkers access to family planning.

GENDER EXPRESSION NON DISCRIMINATION ACT (GENDA)

Protects transgender & non-gender conforming New Yorkers from discrimination, as well as legislation to ban mental health professionals from using the practice of conversion therapy on patients under the age of 18.

All eyes on State Budget Negotiations



The Governor's budget proposal was released on January 15, and 30 days later he submitted amendments that made some significant changes. These

amendments were largely designed to propose additional cuts in the growth rate of the Medicaid program, due to a larger than expected drop in tax revenues. StateWide has held two conference calls to share information with our membership about the issues impacting older residents in the proposed state budget. We have testified at legislative budget hearings and are carefully analyzing bill language and sharing our views, based upon the legislative priorities adopted at Convention by our members and under the guidance of members who volunteer to serve on our Public Policy Committee.

StateWide has two programs that are funded through the state budget, our Patients Rights Helpline (PRH) and our Managed Care Consumer Assistance Program (MCCAP.)

We are urging the Legislature to restore \$100,000 in funding for the PRH program so we can continue to operate at last year's funding level without a cut in services. We were pleased to expand our services last year with additional Telephone Teach Ins and by adding a Buffalo office. The MCCAP is in the Governor's budget at the same level as last year; however, we are asking for additional funds to enhance our outreach. Many New Yorkers are not aware

that they may be eligible for Medicare premium relief and drug assistance.

Call StateWide at 800-333-4374



Telephone Teach-Ins are free and designed for anyone to call in to topics of interest. A monthly notice is sent to you when we have a valid email

address. If you would like to learn more about our Teach Ins, please call our office or visit our Website at nysenior.org

Our MCCAP services are just a phone call away.

Are you having troubling accessing your Medicare benefits, need help with prescription drug costs, or finding it difficult to afford your premiums? Call us for a review of your options – anytime of year.



New this year, we appreciate the Governor's proposed additional \$15 million to address waiting lists and unmet needs in office for aging

home care services. StateWide has been calling attention to this problem for several years and was successful in getting the Assembly to hold hearings on the home care worker shortage in order to better develop future policy that addresses shortages, StateWide is recommending that the office for aging release data they hold on unmet need and be transparent in the way the new funds are distributed.

The office for aging is also seeking new authority to establish a private pay model. StateWide is seeking clarification on:

- What services would be available under this model.
- How services will be made accessible in spite of the home care worker shortage.
- How a fair model of compensation for services will be developed.

While the Governor's justification is for "middle-income New Yorkers to purchase SOFA services with private dollars" we are concerned that this initiative will charge purchasers more than the cost of the service – essentially taxing users rather than having the state invest sufficient funds to provide services on a sliding scale based on income, as is currently done for aging's in-home EISEP, topped at the actual cost of such services without a profit built in.

The Governor has also proposed several cuts to Medicaid that we oppose.

- Elimination of:
 1. the right of spousal refusal (important for both Medicaid eligibility and the Medicare Savings Program)
 2. prescriber prevails
 3. the psychology institutional long term care service
- increase in Medicare OTC co-pays
- the underpayment and reduction in fiscal

intermediaries that allow persons in the Consumer Directed Personal Assistance Program (CDPA) to succeed as employers. Fiscal intermediaries serve both the Medicaid and EISEP CDPA programs. We will oppose any attempts to eliminate seniors from the CDPA, which will be viewed as age discrimination and rationing based on age, since sufficient personal care services are unavailable through home care agencies.



Among many other budget priorities that will be reported in our E-news and our next newsletter, StateWide opposes the Governor's idea to study universal health insurance by

year end, with the caveat that ".....it will analyze options for advancing access to care, including strengthening our commercial insurance market..."

StateWide supports immediate passage of the NY Health Act, which would eliminate the commercial insurance market and create an Improved Medicare for All system. Additionally, the Governor proposed to study the relationship between sufficient health care staffing in hospitals and nursing homes and patient outcomes.

Again, our position is that there are already enough studies, and that patients are injured and dying due to unsafe staffing ratios.

The time has come to make both of these initiatives law – and you are invited to join us in Albany on May 14 for our Grassroots Day to support these bills. See page 6 for information on registration.



Much attention in Washington has focused on the budget deficit, the recent government shutdown, concern over presidential authority to spend money as he

sees fit upon declaring a national emergency related to our southern border and recently begun House of Representatives investigations into the President's campaign related activities.

Very soon negotiations will begin on a new federal budget for the fiscal year that begins October 1. The President is mandated by law to submit a proposed federal budget to Congress; this will present the White House budget priorities. Of major concern this year is a scheduled cut to domestic programs by about 10 percent – this is a return of the sequester cuts – and can dramatically impact Older Americans Act programs, SNAP, Medicaid and other important services.

With the new House Majority, the threats we have read about during the last several years to entitlements and benefits have dissipated.

We no longer see House Chairs introducing bills and budgets that threaten the integrity of the Social Security, Medicare, Medicaid and social safety net programs. In fact, sponsors of bills that improve benefits are energized. There are bills to expand Medicare coverage to include dental, hearing and vision; provide a boost payment to address cost of living concerns for Social Security recipients, and legislation to expand Medicare to All.

While there is still ideological disagreement between the leadership of the House and the Senate that is needed to negotiate enactment

of these laws, it is clear that now is the time to educate ourselves about what is proposed and educate our legislators as well about what is needed to ensure that older New Yorkers have the resources needed to live with dignity.

A good source to learn more about these issues is the National Committee to Preserve Social Security and Medicare. They write meaningful background papers and track federal legislation. You can read more on their website at www.ncpssm.org. Don't have the internet? Call StateWide and ask for a copy of the federal legislative priorities.



ANNOUNCING
Legislative Update
Conference Calls



April 11
10:00 AM
State Budget Update



May 17
10:00 AM
Federal Issues Update



Dial-in Number:
605-475-6333
Access Code:
6258645#

TAKE ACTION MAY 14, 2019 for GRASSROOTS DAY



NY StateWide Senior Action Council is pleased to host our Annual Grassroots Day. Learn about the latest federal & state policy and economic security issues of importance to seniors and their families.

WHERE:

**Convention Center
Empire State Plaza
in Albany, N.Y.**

Plans are being made to provide free charter buses to Albany.

WHEN:

Tuesday, May 14, 2019

This day is **FREE**, but seating is limited.

Pre-registration is required by May 10th.

AGENDA:

**Briefing—10:30 am
Lunch—Noon**

After lunch, attendees are encouraged to meet with State Legislators from their regions.

If you need transportation, you must RSVP by May 1st. Special Arrangements are being made to have the StateWide Charter bus drop attendees off quite close to the meeting room at the Empire State Plaza to minimize the amount of walking.

After the event, buses will leave Albany at 3:00 pm.

To register, please contact StateWide at:

800-333-4374 -or- statewide4@gmail.com

Genetic Testing Fraud—Be Aware!

Watch out for the latest Medicare scam—DNA Genetic Testing Schemes.

THE SCAM:

- Older adults at senior centers & community locations are targeted by companies promoting “free” genetic testing, cancer screening, or DNA testing.
- During the event, older adults are asked to swab their cheek to collect a DNA sample which will be sent to the lab for analysis.
- They are then told that the test will be covered completely by Medicare, and all that is needed to process it is their Medicare number.
- Sometimes Medicare beneficiaries are being contacted at home by phone and told that they will be sent a DNA testing kit in the mail. The person is asked to perform the cheek swab at home and then return the kit in the mail for DNA analysis. The caller then asks for the person’s Medicare number and reiterates that there will be no charge to the beneficiary.

REMEMBER:

- Medicare only pays for DNA or genetic testing in rare circumstances where it is medically necessary for treatment or diagnosis of a medical condition.
- These tests must be ordered by the patient’s physician.
- There must be documentation in medical records to substantiate the need for testing.



WHAT SHOULD YOU DO?

- If you are contacted by phone, hang up! **DO NOT** answer any questions, give out any personal information or your Medicare number.
- Contact StateWide, your NYS Senior Medicare Patrol at **800-333-4374** to report suspicious activities or requests for your Medicare number.
- Medicare will not call you to confirm your personal information, your Medicare number, or ask questions about your health.

2019 Convention

Get the latest info on issues affecting older New Yorkers

SAVE the DATE

Find out the latest trends on thriving in retirement



OCT 15 **OCT 16** **OCT 17**

Meet members throughout the state to formulate next year's Statewide Legislative Agenda



Medicare's Home Health Care Benefit Offers More Than You Think

Older persons can benefit from the use of home health services and skilled nursing services to help them recover from a health event or maintain their current level of functioning. Medicare law authorizes up to 28 to 35 hours a week of home health aide (unskilled) and nursing (skilled) services combined.

Traditional Medicare covers the “skilled” part of home health care if you meet the following requirements:

1. You are “home bound” meaning it is extremely difficult for you to leave your home and you need help doing so.
2. You need skilled nursing services and/or skilled therapy care on an intermittent basis. This means that you need care at least once every 60 days and at most once a day for up to three weeks & the care must be performed by a skilled professional. These skilled services also refer to physical, speech, and occupational therapy.
3. You have a face-to-face meeting with a doctor within the 90 days before you start home health care, or within the 30 days after the first day you start receiving care.



4. Your doctor signs a home health certification confirming that you are home bound and need skilled care. It must also state that your doctor has approved and will continue to monitor a plan of care for you and that the face-to-face meeting requirement was met.

The doctor's written certification and plan for the skilled services can also contain any prescribed “unskilled” services. The reason for

the visits by the home health aide must be to provide hands-on personal care to the beneficiary or services that are needed to maintain the beneficiary's health or to facilitate treatment of the beneficiary's illness or injury.

When services do not require the skills of a licensed nurse, the home health aide may provide assistance with simple dressing changes, medications that are self-administered, and activities that are directly supportive of skilled therapy services such as routine maintenance exercises and repetitive practice of functional communication skills.

Medicare will not pay for unskilled home care if those are the only services needed. Medicare only covers personal home care services (assistance with activities of daily living) or homemaker services (e.g. light housekeeping and laundry) if they are part of the skilled services detailed in the care plan. Medicare does not cover around-the-clock home care of any kind or meals delivered to the home.

Work with StateWide to change this inequity so that personal care services are also offered to beneficiaries in traditional Medicare. Contact federal and state legislators and CMS. Make sure they know that we know that by law, the Medicare Home Health Care Benefit provides both skilled and unskilled services. Beneficiaries should be able to receive the full array of home health care authorized by law.



In 2019 CMS is allowing some Medicare Advantage Plans to offer NON-SKILLED IN HOME SERVICES as a "Supplemental Benefit". These may include "personal care services". This the first time that CMS has allowed an item or service to be eligible as a supplemental benefit that covers daily maintenance.

What Type of Relationship Does Your Doctor Have with Medicare Part B?

The type of relationship doctors, medical service providers, and suppliers have with Medicare will determine how much you pay for Part B covered services. If you have Original Medicare, your Part B costs such as doctors' office visits and hospital outpatient services, will vary depending on the type of relationship your doctor has with Medicare.

There are 3 types of relationships:



Participating providers

If your doctor is a participating provider they are enrolled in Medicare and they accept Medicare "assignment" which means they will always accept the Medicare approved amount as payment in full for Medicare Part B services. A participating provider is required to submit claims to Medicare. Medicare will then process the claim & pay the provider directly. Certain providers such as clinical social workers and physician assistants, must always take assignment if they accept Medicare



Non-participating providers

If your doctor is enrolled in Medicare and is a non-participating provider, they will *sometimes* accept Medicare "assignment" which means they may or may not accept the Medicare approved amount as payment in full for Medicare Part B services. A non-participating provider decides on a case by case basis whether they will accept "assignment".

New York State law limits the amount that Medicare non-participating physicians may charge. In New York State, non-participating physicians cannot charge beneficiaries more than 5% over the Medicare approved amount for most Medicare Part B services.



Opt-out

If your doctor does not accept Medicare at all and they have signed an agreement to be excluded from the Medicare Program altogether, they have "opted-out". When a doctor opts out, they do not bill or file claims to Medicare. Medicare beneficiaries can be seen under private contract which means they would pay the doctor under the terms of the contract. The Medicare beneficiary agrees not to file a claim with Medicare themselves.



Bottom line: Ask what type of relationship your doctor, medical service provider or supplier has with Medicare BEFORE you have the appointments or services. Knowing the relationship may save you unanticipated and expensive Medicare Part B costs after the fact.

And, remember to always review your Medicare Summary Notice (MSN) and your Explanation of Benefits (EOB) to see what payments were made on your behalf. MSNs and EOBs explain:

- ✓ What the health care provider billed for
- ✓ Amount approved by Medicare for payment
- ✓ How much Medicare paid
- ✓ What you, the beneficiary, may be billed for

If you have any questions or concerns, call our certified Medicare counselors at: **800-333-4374**. Or visit our Website at nysenior.org

StateWide on the Move!

Gail Myers testified at NYS Legislature budget hearing on issues of importance to seniors.

Karen Miller, Ulster Chapter member, attended Congressman Delgado's district office open house and told him all about StateWide.



StateWide Board President Mario C. Henry and Executive Director María Alvarez at Sen. Kirsten Gillibrand's press conference, Stop the Price Gouging of Prescription Drugs Act, which Gillibrand is sponsoring.



María Alvarez & Gail Myers met with new Senate Aging Chair Rachel May (D- Syracuse/ Central NY)

Medicare Fraud Awareness Campaign in Brooklyn



Wednesday, February 27
Borough President Eric Adams, NY StateWide Senior Action Council and the Brooklyn-wide Interagency Council on Aging kicked off their awareness campaign at the Shorefront Y in Coney Island, Brooklyn. You can view the News 12 video on our Website nysenior.org



March 12, 2019—María Alvarez speaking at the National Community Reinvestment Coalition—***The Just Economy Conference*** in Washington DC.

☒ **Yes** I WANT TO JOIN/RENEW MY NY StateWide Senior Action Council Membership.

If there is an asterisk (*) next to your name on your mailing label, you currently owe your 2019 dues.

Check box:

- ☐ Individual Membership \$ 20/year
☐ Couple Membership \$ 25/year
☐ Lifetime Membership \$ 150/individual
☐ Lifetime Membership \$ 200/couple
☐ Organization Membership \$ 75/year

Check box:

- ☐ New Member
☐ Renewal
☐ Contribution \$ _____
☐ Rose Kryzak Legacy Fund \$ _____

Name _____

Address _____

City _____ State _____ Zip _____

County _____ Affiliated Organization _____

Phone _____ E-mail _____

You can contact us at **518-436-1006**. Please make your check payable to: **NY StateWide Senior Action Council**

Send this form to: **NY StateWide Senior Action Council, 275 State Street, Albany, NY 12210**

New Individual Members:

Marsha Addison	Norfolk
Ruth Baker	Bronx
Virginia Brown	Buffalo
Bruno & Marie Bruni	Westfield
Martina Brunner	West Harrison
Matthar Callaghan	Scarsdale
Milagros Crispin	Staten Island
Sara Delahanty	Trumansburg
Kay DePerno	Potsdam
Tim Fitzmaurice	Germantown
Kym Hance	Middle Grove
Homer Harshberger	Derby
Rosa Jackson	Yonkers
Linda & Terence Lover	Woodstock
Art Lyons	Winthrop
Sonia Martinez	New York
Bette & Marvin Moskowitz	Woodstock
Jude McGrath	Kingston
Jacqueline Smalls	Bronx
Kitty Vetter	Livingston Manor
Gardner Weekes	Brooklyn
Roy & Jane Ann Williams	New Paltz
Juanita Yarbrough	Buffalo

New Lifetime Members:

Eustene Corbin	Brooklyn
Beth & Arnold Nelson	Cheektowaga

New Organization Members:

Sheridan Benefits	Williamsville
Town of Bethlehem	
Senior Services Dept.	Delmar

Kryzak Fund Contributors:

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Mary Strouse	New Paltz
Elaine Terry	Brooklyn



HONOR SOMEONE

You may wish to have your contribution to NY StateWide Senior Action Council serve as a gift honoring someone or in memory of someone. We will feature those contributions with a notice in our newsletter.

CONTRIBUTOR:

Ruth Pannell, Brooklyn
in memory of
Melvin Pannell

STATE WIDE

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Our State Bill Tracker is updated monthly and posted to our website www.nysenior.org.
If you would like a copy mailed to you, please call our office, 518-436-1006.



UPCOMING TELEPHONE TEACH-INS

April 29, 10-11 AM; Call in number: 605-475-6333; Access code: 6258645

Theme: New Ombudsman Program to Help Persons with Substance Use Disorders or Mental Health Problems

Speaker: **Stephanie Campbell**, Director, New York State Behavioral Health Ombudsman Program Office of Alcohol and Substance Abuse Services

Lynn Goldberg, Ombudsman Project Specialist, NYS Council for Community Behavioral Healthcare and the Community Services

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May 21, 10-11 AM; Call in number: 605-475-6333; Access code: 6258645

Theme: New York State Department of Health Age Friendly Health Care Systems Initiative

Speaker: Mark Kissinger, Special Advisor to the Commissioner of Healthcare

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June 18- Topic To Be Determined

If you missed one of our past Teach-ins and would like to listen to a recorded playback of the session, or would like to know more about an upcoming one, **visit our Website at nysenior.org**

Medicare Patient's Rights Helpline 800-333-4374