Issues impacting older residents in the Adopted State Budget

May 10, 2024

Gail Myers, Deputy Director

New York StateWide Senior Action Council, Inc
2024 StateWide’s Patient Rights Helpline Funds restored

*Time to thank the Legislature!*

When your voice is clear, organized, **loud & timely**, our policy agenda can succeed!
Governor Hochul says she is:

"making New York more affordable, more livable and safer .......

while utilizing a fiscally responsible approach that keeps the State on a steady path for years to come."

“This budget makes it clear that fiscal discipline can co-exist with progressive, people-driven policies.”
Biggest Budget Ever!

- $233 billion budget was proposed by Governor

- The final budget totaled $236.8 billion which is $4.0 billion over the Executive Plan.

- State Funds spending is projected to total $147.2 billion in SFY 2024-25, representing an increase of $2.8 billion over the Executive Budget Financial Plan, and an increase of $4.1 billion or 2.0 percent over SFY 2023-24.

- Budget was late – contentious issues included:
  - School Aid
  - Housing Production
  - Tenant Protections
  - Retail Theft
  - Medicaid
A BUDGET is A MORAL DOCUMENT.

WHAT WE FUND is WHAT WE VALUE.
NYSOFA - an increase of $27.2 million over the Executive proposal.

Compare to new funding for:

- **$850 million** Medicaid provider rate increases
- **$30 million** Journalism Sustainability Credit: a tax credit for print media & independently owned/operated broadcast stations
- **$150 million** swimming lessons for children
Significant need for aging services

New York State has the 4th largest population of older adults in the U.S.

4.6 million NYers are aged 60 and over.

By 2030, this population is expected to reach 5.3 million.

Also by 2030, over 51 counties will have a population with 25% of individuals being aged 60 and older.

Compelling need for an investment in care and a comprehensive roadmap for meeting the needs of aging New Yorkers
Governor Hochul – when talking about budget-busting long term care costs:

• “Our aging population, that's the answer. We knew this was coming, it's demographics........ The number of people needing this care is dramatically higher than it was even a decade ago. So, we're willing to work with our health care industry and other stakeholders, the legislature, to find the right answers. And we'll find ways to maximize our Medicaid dollars and reimagine the delivery system.”
SENIORS 65+
1 IN 5 IS YOU!

NYS Office for Aging
Funding is < 1% of the budget
<table>
<thead>
<tr>
<th>Program Name</th>
<th>2022-23 Final Budget</th>
<th>2023-24 Proposed Budget</th>
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<th>24-25 Proposed</th>
<th>24-25 Final</th>
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<tbody>
<tr>
<td>EISEP Expanded In-home Services for the Elderly</td>
<td>67,498,000</td>
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<td>67,498,000</td>
<td>68,357,277</td>
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<td>1.7% COLA</td>
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<td>WIN Wellness in Nutrition (formerly SNAP)</td>
<td>33,474,000</td>
<td>35,566,600</td>
<td>35,648,296</td>
<td>36,978,816</td>
<td>38,153,816</td>
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<td>4% COLA</td>
<td>1.5% COLA</td>
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<td>CSE Community Services for the Elderly</td>
<td>35,867,000</td>
<td>37,682,638</td>
<td>37,682,638</td>
<td>38,696,508</td>
<td>39,509,508</td>
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<td>4% COLA</td>
<td>1.5% COLA</td>
<td>1.7% COLA</td>
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</table>
COST OF LIVING

COLA for this coming fiscal year would help to address providers’ continued reports of increasing costs and staffing shortages and prevent program reductions.

COLA adopted in 2023-24 budget
4%

COLA proposed for 2024-25 budget
1.5%

Final approved COLA
1.7%
<table>
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<th>24-25 Final</th>
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<tbody>
<tr>
<td>HIICAP Health Insurance Information,</td>
<td>1,000,000 + a portion:</td>
<td>1,000,000 + a portion:</td>
<td>1,000,000 + a portion:</td>
<td>1,000,000 + a portion:</td>
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<tr>
<td>Counselin &amp; Assistance</td>
<td>Additional $150,000 volunteer retention stipend funding to be shared with ombudsman program</td>
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<tr>
<td>MCCAP Managed Care Consumer Assistance Program</td>
<td>1,767,000</td>
<td>1,767,000</td>
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<tr>
<td>StateWide’s Patient’s Rights Helpline</td>
<td>231,500</td>
<td>31,500</td>
<td>231,500</td>
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<tr>
<td>NORCs Naturally Occurring Retirement Communities</td>
<td>4,027,500 + portion of $825,000 to be shared with NORCs</td>
<td>4,027,500 +1,000,000 TO BE SHARED WITH NNORC</td>
<td>4,027,500</td>
<td>4,027,500 +1,000,000 TO BE SHARED WITH NNORC</td>
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<tr>
<td>Neighborhood NORCs</td>
<td>4,027,500 + portion of $825,000 to be shared with NORCs</td>
<td>4,027,500</td>
<td>4,027,500 SEE ABOVE, A PORTION OF AN EXTRA $1,000,000</td>
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<td>Senior Transportation</td>
<td>1,121,000</td>
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<td>Social Model Adult Day Services (SADS)</td>
<td>1,072,000</td>
<td>1,072,000</td>
<td>1,072,000</td>
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<td>SADS Training Grant</td>
<td>122,500</td>
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<td>Respite</td>
<td>656,000</td>
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<tr>
<td>Elder Abuse Education &amp; Outreach</td>
<td>745,000 + 250,000</td>
<td>995,000</td>
<td>745,000 + 250,000 + 375,000 TOTAL $1,370,000</td>
<td>995,000 + 250,000 + 125,000</td>
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<tr>
<td>Long Term Care Ombudsman</td>
<td>1,190,000 + 2,500,000</td>
<td>3,690,000</td>
<td>6,190,000 INCLUDED $2.5 MILLION ADDED BY LEGISLATURE</td>
<td>3,690,000 + 2,500,000</td>
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<td>Congregate Services Initiative</td>
<td>403,000</td>
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+ portion of $150,000 volunteer retention stipend funding pool to be shared with HIICAP

+ additional $150,000 volunteer retention stipend funding to be shared with ombudsman program
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<tbody>
<tr>
<td>Caregiver Resource Centers</td>
<td>353,000</td>
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<td>Association in Aging Training Grant</td>
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<td>RSVP</td>
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<td>Foster Grandparents</td>
<td>98,000</td>
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<td>Community Empowerment Livable NY</td>
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<td>Elder Abuse Multi-Disciplinary reports of suspected elder abuse or maltreatment</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
<td>500,000</td>
<td>1,500,000</td>
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<td>Funding to Develop the State Master Plan on Aging</td>
<td>500,000</td>
<td>1,000,000</td>
<td>1,000,000</td>
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<td>Expansion of online classes for GetSetUp 20 to combat social isolation, improve health and wellness and provide lifelong learning opportunities</td>
<td>350,000</td>
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<tr>
<td>Joy for All Companion Pets to Reduce Social Isolation</td>
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<tr>
<td>Expansion of online classes for Self Help, Inc to combat social isolation, improve health and wellness and provide lifelong learning opportunities</td>
<td>200,000</td>
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<td>Accessing digital technology and assisting with accessing affordable internet services for low-income older adults</td>
<td>700,000</td>
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<td>Services and expenses to TRUALTA for caregiver training and supports</td>
<td>400,000</td>
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<tr>
<td>Services and expenses for GoGo Grandparent for transportation expansion and capacity building</td>
<td>500,000</td>
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<td>Holocaust Survivors Program</td>
<td>1,000,000</td>
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<td>+ 1,600,000</td>
<td>+ 1,080,000</td>
<td>+ 350,000</td>
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<td>TOTAL 2,430,000</td>
<td>TOTAL 2,430,000</td>
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<td>Bill paying services in 10 Counties (LifeSpan)</td>
<td>750,000</td>
<td>750,000</td>
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<tr>
<td>Elder Law and Justice for the Prevention of Elder Abuse</td>
<td>150,000</td>
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New Proposal
Interagency Task Force to Combat Elder Abuse

• To be housed in the NYS Office for Aging

• Goal:
  Establish a council that will develop strategies to defend elders from abuse. The council would be comprised of members from various State agencies whose work involves elder justice.

• Produce an annual report to the Governor and the Legislature.

Budget Implications: will not result in any fiscal impacts during FY 2025 or FY 2026, as any costs would be supported within existing resources.
New Proposal Protecting Vulnerable Bank Customers

The Governor proposed allowing financial institutions to place holds on transactions that they believe to be a result of financial exploitation of a senior or an adult individual with a mental or physical impairment that limits their ability to manage their own resources without assistance.
Cuts proposed by Governor to State’s Medicaid program!

- Governor proposed **billions** in cuts in Medicaid funding
- Some cuts will be proposed by groups outside of government composing two panels
  - $400 million *unspecified savings* in Medicaid spending and Long Term Care
More to come in next year’s proposals

• “We're trying to find ways now to save over a billion dollars in Medicaid.

• “To address some of these long-term stressors facing our health care sector, I've impaneled two key resources. One is the New York State Commission on the Future of Healthcare and the New York State Master Plan for Aging.

  “These efforts will help us identify ways to improve the long-term care sector, which is by far the fastest growing area of health care.”
2022 Gov. Hochul Established State Master Plan for Aging Process to:

Further the ability for more New Yorkers to age with dignity and independence, building healthy, livable communities that offer opportunities for older adults.

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Action Description</th>
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<tbody>
<tr>
<td>Late 2022/Early 2023</td>
<td>Establish State Agency Council and Stakeholder Advisory Committee</td>
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<tr>
<td>Spring/Summer 2023</td>
<td>Preliminary Advisory Report</td>
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<tr>
<td>Throughout 2023</td>
<td>Continued Public Engagement</td>
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<tr>
<td>Early 2024</td>
<td>Draft Final Report</td>
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<tr>
<td>Late 2024</td>
<td>Adopt Final Master Plan</td>
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</table>

Follow the plan's progress at [https://ny.gov/mpa](https://ny.gov/mpa).
Tell the Governor.......  

Promote transparency and consumer input into cuts to be proposed by the Master Plan in Aging and the Health Care Transformation Panels.
Cuts proposed by Governor to State’s Medicaid program!

- Proposed cut to Medicaid Prescriber Prevails

- Allows Commissioner of Health to take Over the Counter Drugs off the Medicaid coverage list:
  - Requires additional public comment and
  - Requires patient notification prior to elimination of drug
Consumer Directed Personal Assistance Program

- The Governor proposed Reduction in Consumer Directed Program Home Care Workers wage growth to achieve budget savings of $200 million in Year 1 and $400 million in subsequent years on the back of the consumer directed workforce – by eliminating wage parity in NY/Metro area. (hourly wage cut)

- Also proposed:
  - Excluding non-self directing consumer
  - Limitations on hours of care/week
Consumer Directed Personal Assistance Program

The Governor and the Legislature agreed to:

• Consumer Directed Program Administrative Savings of $200 million
• Drastically reduce the number of Fiscal Intermediaries
• Goes into effect April 2025
Home Care Crisis

• Advocates Proposed:
  1. **Fair Pay for Home Care** is free standing legislation to increase the pay of home care workers to 150% of the minimum wage.
     Support S3189/A8821

• **The Legislature kept in place the minimum wage increase schedule negotiated last year**

• **2. Home Care Savings & Reinvestment Act** – would get rid of Medicaid Managed Long Term Care (MLTC) & save $3B/year
  Support S7800/A8470
Rightsizing Long Term Care – take out the profit motive!

The Solution

The Home Care Savings & Reinvestment Act would stop the State from giving insurance companies billions of dollars by removing these ineffective middle men and returning home care management directly to the State.

The Act will generate ~$3 billion in savings annually, which could be used to pay for growing home care needs, improve service quality, and ensure continuity of care by funding higher wages for home care workers during New York’s worst-in-the-nation home care worker shortage.

- **$3 BILLION/YEAR**: Annual savings for New York State once the Home Care Savings & Reinvestment Act is passed
- **$25-$32 BILLION**: Ten-year savings for New York State once the Home Care Savings & Reinvestment Act is passed

Home Care Savings & Reinvestment Act
S7800/A8470
Going into effect for new cases later this year!

- Medicaid Home Care – Repeal the change in number of Activities of Daily Living (& the elimination of housekeeping only) Support S328/A6346

- Repeal the Medicaid Home Care Look Back Support S6414/A9278

Elimination of Medicaid Asset Test
Support S4881-A/A5940-A
Phase it out. Increase it from 150% FPL to 300% in year 1 and eliminate it in year 2.
Medicaid Provider Rate Increases

The Legislature provides:
- $500 million in funding for financially distressed Hospitals.
- $200 million in funding for Hospital rate increases.
- $150 million in funding for Nursing Home and Assisted Living Program per diem rate increases.
No co-pays for insulin in state regulated insurance plans - APPROVED

• Does not apply to Medicare Part D plans.

We are grateful that the federal Inflation Reduction Act now limits insulin co-pays to $35/month for Medicare enrollees, but........

• StateWide proposed that the EPIC program should set a zero dollar co-pay for insulin so that older residents enrolled in EPIC receive the same benefit proposed by the Governor for the rest of NYers.
SNAP benefit expansion proposed by Legislature

INCREASES THE MINIMUM SNAP BENEFIT FOR NYers FROM $23/MONTH TO $100/MONTH USING STATE FUNDS TO FILL THE GAP.

S7663-A BY SENATOR MAY A6214-A BY ASSEMBLYMEMBER GONZALEZ-ROJAS

IN RESPONSE TO THE COVID-19 PANDEMIC, FEDERAL SNAP BENEFITS WERE TEMPORARILY EXPANDED, HOWEVER THAT EXPANDED BENEFIT HAS EXPIRED.
Addressing Access to Dental Care

The Governor proposed expansion of practice authority

• Dentists would be allowed to administer:
  vaccinations and tests for influenza, COVID-19, HPV, and other viruses
  related to a declared public health emergency,
  and provide screening or diagnostic tests for HIV, blood sugar levels, and Hepatitis C.

• Dental Hygienists with specific experience will be allowed to administer block anesthesia
  under the supervision of a dentist, practice certain orthodontics tasks, and administer 2D
  and 3D imaging. They will also be allowed to enter into collaborative practice agreements
  to practice certain tasks independently of a dentist

A.8983- Paulin / S.7667-A - Cleare) would put into law a court case that defined comprehensive Medicaid Dental benefits.
Dental access and coverage issues

There’s work to do.

- Improve dental insurance on the Exchange
- Allow Medicare enrollees to purchase S.7698-A - Cleare: directs the Exchange to offer dental coverage for Medicare enrollees as a standalone plan

- Improve access to dental care for all ages

Participate in webinars sponsored by the Schuyler Center for Analysis and Advocacy.
https://scaany.org/oral-health/oral-health-workforce/
Housing

• The Governor set a goal to incentivize housing development..............Even with investments in this year’s budget, new housing stock will not come on the market for years.

• Exemption of Newly Constructed or Converted Rental Multiple Dwellings Outside of New York City: provide localities with two different opt-in property tax incentive programs for the construction or conversion of affordable multiple dwellings.

• A real property tax exemption from the increase in value resulting from the addition of one or more accessory dwelling units located on certain residential properties at local option.
Housing – NYC

- A tax abatement for new rental and affordable housing in New York City
- Gives NYC flexibility to increase residential capacity by lifting density restrictions.
- Incentives for converting office buildings to below-market housing.

- The Legislature modified the Governor’s proposal to authorize NYC to allow legalization of basement apartments.
  - five-year pilot program within 15 City Community Districts
  - requiring additional health and safety standards for basements and cellars located within flood hazard areas.
Tenants rights – “Good Cause Eviction”

The Legislature negotiated to include language to prohibit the removal of tenants from their homes except for good cause within New York City (NYC) and by local option in the rest of the state.

Many exclusions apply.
• Applies to all hospitals, allows an uninsured patient to apply for assistance at any time (current law was 90 days) and requires information about financial assistance at hospital discharge.

• Improves the current income eligibility requirement to 400% FPL,

• Prohibits hospitals from suing patients in this income bracket to collect debt

• Makes payments more manageable by limiting them to no more than 5% of income and limits interest rates to 2%, establishes a generous and simple formula for payment discounts (tied to a fixed percent of the Medicaid rate)

• Prevents hospitals from using immigration status or assets as criteria.
There is also good news for hospital patients with insurance who cannot afford out of pocket costs.

The new law requires hospitals to provide financial assistance to “under-insured” patients with incomes under 400% FPL – those who have had out of pocket medical costs over the prior twelve months that are over 10% of their gross income.
Economic/Health Security for Public Sector Retirees at risk

- The Governor proposed to reduce retiree health coverage by stopping a long time policy of paying IRMA Medicare premium for NYS retirees.

- Advocacy needed to pass:
  Public retirees should get the same health coverage promised when they retired, without diminution.
  Support S8388/A7866-A

This act would be in effect immediately upon enactment and shall be deemed to have been in full force and effect on and after December 31, 2021.
What's next?
An Improved Budget next year starts with you now.

- Call your state Assemblymember & State Senator.
  1. Thank them for restoring funds to StateWide’s Patients Rights Helpline
  2. Express your concerns that significant funding was not provided to address NYSOFA waiting lists
  3. Urge action to rescind Medicaid home care cuts
Raise revenue to end waiting lists/address unmet need

- S8187-A – Cleare/ A9150-A – Clark
- authorizes an income tax surcharge on those earning over $10 million per year to close the $70 million dollar waitlist gap for senior services
“OUR” EPIC: Elderly Pharmaceutical Insurance Coverage

- Modernize the EPIC law
- Promote transparency
- Improve benefits
- Expand EPIC by including persons with disabilities younger than age 65, so that EPIC works for everyone on Medicare regardless of age
- Support S3005-A/A6450-A
Next Steps – Call your legislators
Session ends June

• **518-455-4100** – ask for your Assemblymember
• **518-455-2800** – ask for your Senator

• Message:
  • My name is _____ & I live in the district.
  
  Please address concerns of an aging population by:

  __________________________________________________
  __________________________________________________
QUESTIONS?

For more information, subscribe to our free weekly updates.

• Email: publicpolicy@nysenior.org