

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON AGING

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November 29, 2017
Start: 9:56 a.m.
Recess: 10:09 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E: MARGARET S. CHIN
Chairperson

COUNCIL MEMBERS: Karen Koslowitz
Deborah L. Rose
Chaim M. Deutsch
Mark Treyger
Paul A. Vallone
Rosie Mendez

A P P E A R A N C E S (CONTINUED)

2 [sound check, pause] [gavel]

3 CHAIRPERSON CHIN: Good morning.

4 COUNCIL MEMBER: Good morning.

5 CHAIRPERSON CHIN: My name is Margaret
6 Chin, Chair of the Committee on Aging. At today's
7 hearing, the Committee will vote on three items.
8 First Proposed Intro 1278-A, a Local Law to amend the
9 Administrative Code of the City of New York in
10 relation to the creation of an online public
11 searchable database of social adult daycares
12 registered in the city.

13 Second, Resolution No. 1225 calling upon
14 the New York State Legislature to significantly
15 increase funding for the New York State Long-Term
16 Care Ombudsman Program, and finally Proposed
17 Resolution 1226-A, a resolution calling upon New York
18 State Legislature to pass and the Governor to sign A-
19 2743 in relation to violations of safety conditions
20 in adult care facilities. As I sponsor these items,
21 I will make a brief remark on all three, and then the
22 committee will proceed to vote.

23 Proposed Intro. No. 1278-A is a
24 continuation of the Council's effort to ensure that
25 the rapidly growing number of social adult daycare

2 operating in the city are providing proper service to
3 vulnerable senior citizens such as those suffering
4 from dementia or Alzheimer's. Pursuant to Local Law
5 9 of 2015, all social adult daycares operating in the
6 city must comply with the New York State Office for
7 Aging's regulation and register with Department for
8 the Aging. Local Law 9 also requires DFTA to create
9 rules to impose civil penalty—penalties on social
10 adult daycares that violate the regulations.

11 Following on the requirements of Local Law 9,
12 Proposed Intros (coughs) 1278-A would require DFTA to
13 create an online public searchable database of all
14 adult daycares in the city using the information
15 collected during the registration process. If
16 applicable, the database would also indicate the
17 number of notices of violation issued and the outcome
18 of any adjudication conducted pursuant to the
19 Subdivision C of Section 21-204. Most importantly,
20 the Intro 1278-A would also allow individuals to
21 electronically submit complaints about a social adult
22 daycare to DFTA SAG (sic) Ombudsperson. By making
23 information about the social adult daycare's more
24 transparent, family members and caregivers will be
25 able to access the information they need in order to

2 make critical decisions about their loved one's care.
3 We know that properly managed social adult daycare
4 programs provide an essential service allowing care
5 recipients to maintain a highly quality of life while
6 giving caregivers with much needed respites as well
7 as an opportunity to continue working. But the lack
8 of regulations and oversight of these programs has
9 crated an opportunity for unscrupulous providers to
10 open programs that may endanger the welfare of
11 vulnerable seniors threatening the funding of senior
12 centers and lead to fraudulent Medicaid practices.

13 Proposed Intro No. 1278-A will help
14 identify bad actors in the social adult daycare
15 system and allow families to make more informed
16 decisions leading to better outcomes for our seniors
17 and our caregivers. The Long-Term Care Ombudsman
18 program is a federal advocacy program dedicated to
19 protecting people living in long-term care
20 facilities. In 1978, the Older American Act was
21 amended to require every state to operate a Long-Term
22 Care Ombudsman program. In New York State, the
23 program is operated by the New York State Office for
24 the Aging, and receive state and federal funding.
25 The state is divided into 15 regions each with a

2 Regional Ombudsman. New York City is its own region.
3 The program advocates for the health, safety, and
4 welfare and rights of residents of nursing homes,
5 adult homes, and their other familiar—similar adult
6 care facilities. New York State ranks 45th in the
7 nation in funding for the Long-Term Care Ombudsman
8 Program despite having one of the largest, if not the
9 largest, population of people living in nursing
10 homes, assisted living facilities in the country.
11 Nearly 50% of all licensed adult care facilities and
12 nearly 30% of all nursing homes in New York State are
13 located within New York City. Yet, the Long-Term
14 Care Ombudsman Program in the city is severely
15 underfunded. For example, the federal government
16 recommends that local programs have one paid staffer
17 for every 2,000 individuals served. Using that math,
18 New York City Long-Term Care Ombudsman Program should
19 have 26 paid staffers. Instead, it only has six.

20 Therefore, Resolution No. 1225 calls upon
21 the New York State Legislature to increase the
22 funding for the New York State Long-Term Care
23 Ombudsman. Adult Care Facilities are adult homes and
24 rich housing and assisted living programs that
25 provide temporary or long-term non-medical

2 residential care services to adults who are unable to
3 live independently, but who do not require a nursing
4 home. The long-term residential care industry in New
5 York State has had a long history of poor care
6 including complaints of inadequate care, inadequate
7 monitoring, inappropriate medication management and
8 neglect. State Assembly Bill 2743 would amend the
9 State Social Services Law and the Mental Hygiene Law
10 to improve New York State Department of Health
11 enforcement of adult care facilities, and to increase
12 the penalties for safety violation in adult care
13 facilities.

14 Proposed Resolution 1226-A called on the
15 State Legislature pass and the Governor to sign A-
16 2743 so that our most vulnerable seniors can be
17 better served and protected. In closing, I would
18 like to thank the staff that helped shepherd these
19 items to a vote: Committee Counsel Caitlin Fahey,
20 Policy Analyst Emily Rooney, and Dohini Sompura and
21 Daniel Coop from the Finance Division, and I would
22 urge my fellow Council Members to vote in support of
23 Proposed Intro No. 1519-A, Resolution 1225 and
24 Proposed Resolution 1226-A. Thank you.

1 COMMITTEE ON AGING 8

2 CLERK: William Martin, Committee Clerk.

3 Roll call vote Committee on Aging. All items are
4 coupled. Chair Chin.

5 CHAIRPERSON CHIN: I vote aye on all.

6 CLERK: Koslowitz.

7 COUNCIL MEMBER KOSLOWITZ: Aye on all.

8 CLERK: Deutsch.

9 COUNCIL MEMBER DEUTSCH: Aye on all.

10 CLERK: Vallone.

11 COUNCIL MEMBER VALLONE: Aye on all.

12 CLERK: By a vote of 4 in the
13 affirmative, 0 n the negative and no abstentions, all
14 items have been adopted by the committee. [background
15 comments, pause]

16 CHAIRPERSON CHIN: Alright. We will
17 start the hearing in five minutes, and then we'll
18 close this part of the hearing on the vote. So, if
19 any Council Member come within the next five minutes,
20 you'll be able to vote. [background comments, pause]

21 SERGEANT-AT-ARMS: [shushing for quiet]
22 Quiet, please.

23 CLERK: Continuation roll call the
24 Committee on Aging. Council Member Treyger.

25 COUNCIL MEMBER TREYGER: I vote aye.

1 COMMITTEE ON AGING

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2 CLERK: The vote now stands at 5 in the
3 affirmative.

4 SERGEANT-AT-ARMS: Keep it down please.

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 16, 2017