



TESTIMONY

Presented by

Caryn Resnick
Deputy Commissioner, External Affairs

on

Social Adult Day Care Follow-Up

before the

New York City Council
Committee on Aging

on

Thursday, January 7, 2016
10:00 A.M.

at

Council Chambers, City Hall
New York, NY 10007

Good morning, Chairperson Chin and members of the Aging Committee. I am Caryn Resnick, Deputy Commissioner for External Affairs at the New York City Department for the Aging (DFTA). I am joined by Robin Fenley, Assistant Commissioner for the Bureau of HealthCare Connections at DFTA. On behalf of Commissioner Donna Corrado, I would like to thank you for this opportunity to testify about Local Law 9 of 2015, in relation to regulating social adult day care.

OVERVIEW OF SOCIAL ADULT DAY CARE

Social adult day care (SADC) is a structured program that offers a protective setting to functionally impaired individuals with either cognitive or physical frailty. Generally, these programs provide socialization opportunities, structured activities, personal care, meals, supervision, and monitoring. Additional SADC services may include activities designed to maintain and improve daily living skills, transportation, caregiver assistance, and case coordination. Medical adult day programs, by contrast, are affiliated primarily with hospitals and nursing homes. They furnish social activities as well as more intensive health and therapeutic services like occupational and physical therapy. DFTA currently monitors nine SADC programs that are supported by Council discretionary funding.

As you know, the environment for operating SADC programs has changed with the development of long term care service and finance models in New York's Medicaid program. This appears to have led to an increase in recent years in the opening of new SADC programs throughout the five boroughs, although more prominently in Brooklyn and Queens. Social adult day care is a covered benefit under Medicaid Managed Long Term Care (MLTC) plans. As a result of mandated changes by the Governor's Medicaid Redesign Team, there was a massive influx of Medicaid beneficiaries into MLTCs – many of whom required personal care. Between 2011 and 2013, enrollment in Medicaid MLTCs in New York City has tripled, from fewer than 30,000 enrollees to almost 90,000 enrollees. To serve this influx of new enrollees in a more cost effective manner, Medicaid MLTC plans expanded their capacity by contracting with comparable but less expensive community based long term care service and support services, like SADC programs. The large influx of clients eligible for this comparatively inexpensive service created an environment ripe for the proliferation of SADC programs in New York City, and the potential for exploitation of a

very frail population. It is reported that some are also using SADCs as recruiting sites for their managed care plans. Additional reports of inappropriate use of SADCs include incentivizing membership from neighboring senior centers, attracting seniors who are not functionally impaired and paying program attendees to recruit new participants. Initially, the MLTC programs were directly responsible for the oversight of SADCs. In October of 2013, the New York State Department of Health (DOH) issued a set of policy requirements for oversight of SADC programs in New York State that contract with MLTC programs.

STATE SOCIAL ADULT DAY SERVICES OVERSIGHT

Because these new SADC providers are being paid for, and contracted through, the State Medicaid program, the State has primary responsibility to provide oversight for ensuring the quality of the services provided and to protect the integrity of the taxpayer funded program. The State has taken several actions in response to the reported problems in the proliferation of Social Adult Day Care programs:

- The State Department of Health established a specific requirement that MLTC plans assess SADC entities for compliance with the minimum New York State Office for the Aging (NYSOFA) requirements prior to an MLTC plan entering into a contract for provision of service. DOH also issued a policy memo to remind MLTC plans that SADC entities must comply with the NYSOFA regulations as per contractual requirements.
- Additionally, MLTC plans were required to conduct initial and annual on-site visits of all SADC contractors in order to monitor compliance with the minimum requirements. MLTCs were prohibited from contracting with any entity that does not meet NYSOFA requirements. DOH also required MLTC plans to maintain documentation of compliance in their records for all related audit activities.
- DOH contracted with the Island Peer Review Organization (IPRO) to audit the compliance of MLTC plans with NYSOFA regulations. NYSOFA provided initial training to IPRO staff on the use of the monitoring tool, which it developed to complement the standards.

- In May of 2015, DOH required all MLTC contracted SADCs in the State to certify with the New York State Office of the Medicaid Inspector General (OMIG).
- Last December, the New York State Office of the State Comptroller issued an audit report regarding State monitoring of social adult day services programs. The purpose of this audit was to determine whether State agencies, particularly NYSOFA and DOH, were effectively overseeing social adult day services programs to ensure that providers comply with regulations related to client eligibility, service plans, staffing, training, and physical safety.

LOCAL LAW 9 OF 2015 UPDATE

Local Law 9 of 2015, as you know, required SADC programs to register with DFTA, set forth civil penalties for violations of regulations regarding SADC programs and designated DFTA as the SADC ombudsperson. Last July, DFTA began accepting SADC registrations as required under Local Law 9. As of December 30th, 233 individual sites have registered. Of the registered sites, 97 are in Brooklyn, 75 are in Queens, 29 are in Manhattan, 22 are in the Bronx, and 10 are in Staten Island. In addition, DFTA received the list of OMIG certified SADC programs in December, which we are in the process of reviewing.

DFTA has developed an electronic system to receive comments, inquiries and complaints. Since July of 2015, nine complaints were received. These complaints included the following allegations and corresponding responses:

- Potential eviction of program by New York City Marshals.
 - New York City Department of Investigation notified DFTA and the program was not evicted.
- Distribution of \$200 grocery store coupons to program participants.
 - DOH received notification of the complaint for further investigation.
- Requests for funding to support attendance of participants.
 - The complainant received information on the Medicaid application process and was referred to DFTA Caregiver programs for additional assistance.

- Physical threats against program staff by a participant who lost during a recreational game.
 - The complainant was advised to consult with their supervisor and to contact DFTA if the issue was unresolved.
- Fire hazards, structural problems and unsanitary conditions at the site.
 - The New York City Fire Department (FDNY) investigated the fire hazard complaint and it was found to be unsubstantiated. The site was closed prior to further investigations of other allegations.
- Program site had a bed bug infestation.
 - DFTA sent the site a notice of concern and notified OMIG, DOH, NYSOFA, and affiliated MLTCs.
- Falsifying health assessments and interviews for member recruitment, hiring undocumented workers for low wages and paying participants for services.
 - DFTA sent the site a notice of concern and notified OMIG, DOH, NYSOFA, and affiliated MLTCs.
- Staff driver is overworked from transporting 50 participants.
 - DFTA sent the site a notice of concern and notified OMIG, DOH, NYSOFA, and affiliated MLTCs.
- Paying participants for recruiting new participants to the program, paying participants for lunch and the site is located in a basement with no elevator.
 - This complaint is currently under review by DFTA.

Of the 233 registered SADC sites, ten indicated on their registration that they were not compliant with the Americans with Disabilities Act. These sites, OMIG, DOH, NYSOFA, and their affiliated MLTCs received notifications, requesting remediation response to DFTA within ten days of receipt of the notice.

Investigations of these complaints facilitated interagency collaborations with other City and State agencies, such as the New York City Department of Health and Mental Hygiene, FDNY, DOH, and OMIG. The coordination across agencies has been helpful in shaping our understanding of the responsibilities of other governmental entities in these cases, as well as informing an appropriate DFTA response. Although the numbers of complaints are low, inquiries received

indicating interest in establishing a social adult day program remain high, with 20 requests received since last July. We are also working with the New York City Law Department, the Office of Administrative Trials and Hearings and other City agencies as we develop rules in relation to Local Law 9, which we expect to promulgate this spring.

CONCLUSION

Thank you again for this opportunity to provide testimony on Local Law 9. I am pleased to answer any questions you may have.



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Testimony from Selfhelp Community Services, Inc.
New York City Council Committee on Aging
Social Adult Day Care Follow-Up
January 7th, 2016

Good morning. My name is Sandy Myers and I am the Director of Government and External Relations at Selfhelp Community Services. Thank you to Council Member Chin and the members of the Aging Committee for holding today's hearing on social adult day care.

Selfhelp was founded in 1936 to help those fleeing Nazi Germany maintain their independence and dignity as they struggled to forge new lives in America. Today, Selfhelp has grown into one of the largest and most respected not-for-profit human service agencies in the New York metropolitan area, with 26 sites throughout Manhattan, Brooklyn, Queens, the Bronx, and Nassau County. Selfhelp provides a broad set of important services to more than 20,000 elderly, frail, and vulnerable New Yorkers each year, while remaining the largest provider of comprehensive services to Holocaust survivors in North America. Selfhelp offers a complete network of community-based home care, social service, and senior housing programs with the overarching goal of helping clients to live with dignity and avoid institutionalization.

Our services are extensive and include: specialized programs for Holocaust Survivors; seven affordable senior housing complexes; four Naturally Occurring Retirement Community (NORC) programs; three intensive case management programs; five senior centers including one of New York City's first Innovative Senior Centers; home health care; client centered technology programs including the City's first Virtual Senior Center; court-appointed guardianship; and the Selfhelp Alzheimer's Resource Program (SHARP).

SHARP is located at our Bayside campus, which includes our Clearview Senior Center and housing with services. We provide adult day care and social activities for individuals with Alzheimer's disease, dementia and other memory impairments. We focus on a population that was recently diagnosed with Alzheimer's. Our programming provides both cognitive and physical stimulation and we focus on activities that our clients cannot do at home. Our caring staff of trained professionals supervises activities in a safe, secure and engaging environment. Our SHARP program also provides hot, nutritious lunches and snacks. Transportation to and from the program is available.

At SHARP, we also recognize the importance of taking good care of the caregiver. We offer individual and family counseling for those faced with the challenges of Alzheimer's and other memory impairments. Our caregiver support groups provide companionship, enable clients to share ideas and experiences, and find comfort. I am especially excited to share that we are in the process of creating a webpage with an "ask the expert" feature and literature on different topics that are of interest to caregivers. It will also provide a virtual forum for caregivers to share their experiences.

We are grateful for the Council's financial support and attention to this program. Local Law 9, which was passed last year, provided critical oversight for all social adult day programs, and exposed some illegal and improper practices at some of the "pop-up" programs that were opening around the City. As a result of this legislation, the Council has ensured the quality and integrity of all social adult day programs.

In order to ensure that the pop-up providers are in compliance with NYS Office for the Aging (NYSOFA) regulations, we urge the Council and Administration to adequately support DFTA in conducting inspections and ensuring that the providers in NYC are all legitimate and high-quality. Additionally, more funding is needed to support the individuals who can neither afford a private pay program nor qualify for MLTC (Managed Long Term Care).

Thank you for the opportunity to testify, and for your support of this important program.



NEW YORK STATE ADULT DAY SERVICES ASSOCIATION, INC.

TESTIMONY

New York City Council Committee on Aging
Hearing on Social Model Adult Day Service

January 7, 2016

Martha S. Wolf, President, NYS Adult Day Services Association (NYSADSA)

My name is Martha Wolf and I am President of the New York State Adult Day Services Association (NYSADSA) and Director of Community Dementia Care at Parker Jewish Institute for Health Care and Rehabilitation. Thank you for the opportunity to present testimony on social adult day services to you today. On behalf of NYSADSA and the great majority of older New Yorkers whose preference is to live in their own homes for as long as possible, we are grateful for the opportunity to focus on the ways that high quality Social Adult Day Services can help achieve that goal. Social Adult Day Services (often referred to by the acronym "SADS") are community based services that enable frail adults with multiple and diverse needs and those with Alzheimer's or related dementia to be safe, socially connected and therapeutically supported in order to maintain functional capacities in all domains: physical, cognitive, social and emotional. SADS programs provide a dual benefit. Even as they focus on the person needing direct assistance, care and supervision, they also provide services to family caregivers, with respite from the daily burden of assisting and supervising their frail loved one. Additional services may include support groups, educational seminars, information and referral.

Since 1978, NYSADSA's mission has been to develop, promote and enhance Adult Day Services as an integral part of the continuum of care by providing training, information, and public education for the Adult Day Services network. Beginning in December 2012, in collaboration with the New York State Office for the Aging and the New York City Department for the Aging, NYSADSA sponsored 12 full day trainings in the New York City metropolitan area, 9 of which were in NYC, so that those who wanted to understand the New York State Standards and Regulations for SADS programs would have access to learning and discussion with experienced professionals in the field. Since 2013, NYSADSA has received an annual grant from NYSOFA to conduct these trainings statewide. We have trained current providers, new providers, representatives from Medicaid Managed Long Term Care plans (MMLTCs), representatives from home care agencies, providers of medical model day care programs, social workers, nurses, and even representatives from the Attorney General's Office. In addition, workshops were offered on specific topics such as assessment, developing and writing a care plan, and incorporating therapeutic recreational activities into a social adult day model. As a result of funding in the New York State budget, NYSADSA has launched even broader training and technical assistance efforts in order to help ensure that existing SADS programs, SADS programs in development and other entities contracting with those programs—including Medicaid Managed Care Organizations—have access to accurate information about the implementation standards and regulatory requirements for SADS programs operating in NYS. In

addition, NYSADSA has met with the associations representing MMLTC's and have had numerous meetings with NYSOFA and DOH as we collaboratively work towards a plan for further oversight and monitoring. As you are aware, DOH, SOFA and OMIG adopted a new certification program for all SADS programs who currently or intend to contract with MMLTCs. This new certification program was launched in June 2015 and is a great step in ensuring all SADS programs adhere to the SOFA standards and regulations. NYSADSA also worked with Senator Savino and Assemblyman Cymbrowitz on legislation requiring all SADS programs, regardless of source of funding, to adhere to SOFA standards and regulations and have oversight and monitoring. In addition, this bill (Senate bill 3923 and Assembly bill 5352) would prohibit anyone from using the terms "social adult day services" and "social adult day care" unless the programs meet the definitions under the law. We are dedicated to working with the State in 2016 to move forward on statewide oversight and monitoring.

NYSADSA is very grateful to the Chair and the members of the New York City Council Aging Committee for your leadership in proposing and adopting legislation that requires all SADS programs operating in NYC be registered. The importance of right sizing care and ensuring that public and private dollars are spent appropriately cannot be exaggerated. SADS is not intended to serve the generally healthy senior population; senior centers are established for that purpose. According to NYS statistics, more than 1/3 of those who attend SADS programs need hands-on assistance with toileting, mobility, or eating and 67% need constant supervision and monitoring because of a cognitive deficit.

That said, many NYC neighborhoods have been underserved. Those who attend culturally sensitive SADS programs will be able to remain at home in the community, while their family caregivers continue to work or manage other family concerns. In some ways, the increased interest in developing new SADS programs is a testimony to community needs. For more than 35 years, SADS programs have emerged in response to community needs. Examples include the development of ARC XVI Fort Washington in the late 70's as a program for the physically frail; Riverstone ADS in Washington Heights developed a program for Spanish speaking residents with Alzheimer's Disease; SelfHelp, an agency with a special focus on Holocaust survivors developed an Alzheimer's program; Village Care developed a program for those with HIV/AIDS, Parker Jewish Institute's Granat Alzheimer's Center, which is open 6 days a week, 12 hours a day, serves individuals in the moderate to later stages of the disease... and the list goes on.

In closing, I want to state again NYSADSA's core principals related to the operation of social model adult day services programs:

- 1) All SADS programs, regardless of funding source, should operate according to Elderlaw, Title 9, Section 6654.20 Minimal Standards and Regulations
- 2) Programs that inappropriately determine participant eligibility or do not deliver all SADS core services or meet the administrative standards of NYS regulations, should feel the effects of enforcement oversight and action up to, and including, forced closure.

NYSADSA stands ready to assist the New York City Council and all other government bodies in their role of ensuring that both public and private funds are utilized to the best advantage of our aging population.

Thank you for working to ensure that only high quality SADS programs operate in New York City and beyond.

Respectfully submitted,
Martha S. Wolf, President, NYSADSA

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"Testimony to the City Council Committee on Aging in Relation to Social Adult Day Care Programs"

January 7, 2016

My name is Sandra Christian and I am the Assistant Executive Director for Senior and Care Management Services of Ridgewood Bushwick Senior Citizens Council.

I would first like to thank Council Members for holding these hearings on Social Adult Day Services.

I would like to respectfully submit my testimony in support of Social Adult Day Programs:

Our organization has operated our Respite Services in Conjunction with our Social Adult Day (SAD) Program since 1983.

The actual cost of our Social Adult Day services is approximately \$75 per day with transportation. We request a donation currently of \$15 per day. We request a contribution of \$100 per day for our 24 Hour Respite Services, which provides a lifeline to families who need to leave town for a weekend or longer emergency situations or even for a much needed vacation for a week or two.

We have one of the only Overnight Respite Programs in a non-institutional setting in all of New York City. Our elder clients can stay with us at our center for up to 3 weeks and receive the 24-hour care they need. Our costs are low, and our rates are affordable. We provide this service to families who need to take a break from their 24-hour duty of care giving. The overnight program is also a safety net for families caring for elders that are in crisis. The ability to continue Respite Services has always been impacted by our Social Adult Day funding.

Social Adult Day programs are not luxuries for our client's caregivers – they are a necessity in keeping these families intact. Almost all of our clients are cognitively impaired because of diseases like Alzheimer's and Parkinson's. We also have a mix of clients who have physical impairments from strokes or normal chronic conditions that benefit from the smaller one on one setting. Without an adult day program for their family members, some of our caregivers would be faced with extremely difficult decisions, such as whether to quit their jobs and struggle financially in order to care for their loved one full time, or place their family member in a nursing home before it is necessary to do so.

Once again the cost of SADS per client with us is \$75/ day which includes transportation and two meals. This covers an 8 hour day which results in a cost of \$8.75 per hour. Hiring a private certified Personal Care Aide can range from \$13 to \$18 per hour in our community. The services being provided in the SAD setting include program supervision of the aides caring for the clients, nutritionally balanced meals, socialization and cognitive and physical exercise activities which continue to maintain and even in some cases improve client functioning. Caregivers receive assistance with case assistance and access to case management and needed care giver support.

Again, for families especially working, middle income families that want to continue to keep their parent or spouse at home, Social Adult Day is the most cost effective, safe program to do so and it offers activities and services which benefit both the care giver and client.

Nonprofit Social Adult Day programs like ours have provided programs that meet the requirements and standards of the NYC Department for the Aging and NYS Office of the Aging.

With limited resources, especially after DFTA cuts to SAD programs many programs folded and some have survived with a mix of contributing clients, agency funds and some clients funded by Managed Long Term Care contracts. Prior to these cuts our DFTA funded Social Adult Day Program received approximately \$206,000. We thank the City Council for the restoration provided to DFTA Social Adult Day programs last year of \$95,000. This funding was critical in maintaining quality services.

Protecting vulnerable seniors who might attend these programs is essential. Our program has always been geared to clients who would truly be homebound with total supervision, either by family a home care worker or who are nursing home eligible. These clients need specialized care and ongoing supervision by trained staff. They need assistance with feeding, toileting and personal care. They could not function in a main stream senior center program.

As an organization that operates 9 senior centers we are very cognizant that when a senior begins to show the need for greater assistance, our SAD program might be better equipped to provide specialized care to these seniors. We work with care givers and clients to make this service available as a clients need for assistance and supervision increase.

"Pop Up" Social Adult Day programs target Medicaid Eligible low income, primarily minority seniors in our community. Seniors who may have a need for only mobility assistance but otherwise are independent in ADL's are not cognitively and or psycho socially impaired. These clients are still active in our senior centers. These programs are not set up to care for the truly impaired clients we care for on a daily basis.

Clients in our current NYC DFTA funded Social Adult Day Program are clients above the Medicaid level who are not eligible for these programs or the costly Medical Model Programs. Their families and caregivers cannot afford the private pay amounts at these other programs. We offer them our Social Adult Day program as an option for their eligible family members who have a true functional needs for these services.

Our caregivers are primarily working woman who have taken on the sole caregiver role for their parent or are themselves seniors who can't handle the 24 hour sole responsibility of these frail, impaired seniors. We have the space capacity to serve more clients however the current funding limits the size of our program. If we are to provide quality care the staffing ratio at our programs have to be low. With a cut in half of our funding this limits the seniors we enroll. Our organization supports the program financially by adding services like a Case Manager to perform assessments and provide case assistance to caregivers. The agency struggles each year to maintain this unfunded support.

Several of our care givers also travel a great distance to bring their family member to our program on a daily basis because there are not affordable Social Adult Day Care Programs in their community. Limited funding also impacts our ability to provide transportation services to a greater geographical area.

One of our caregivers is a single woman in her 50's. She is a teacher's aide in the NYC school system and has the sole care giver responsibility for her 90 year old widowed mother who has Alzheimer's. Her mother has been attending our program for 10 years. She drives from Flushing to Bushwick every day and brings her mother to the program at 8:00 am and picks her up at 5:00 pm. Her mother's disease has progressed throughout the years and this program is her only true respite from her caregiving responsibility. She is committed to keeping her mother at home and her mother not being Medicaid eligible she feels that this is truly the only financial option available to her.

These are the caregivers who are served by these safe, quality cost effective Social Adult Day Programs. We hope that the current funding for these programs will be baselined and that funds for these services be increased to meet the growing need for care givers and our frail seniors.

Thank you for the opportunity to share our support for Social Adult Day Programs..

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Testimony Regarding Social Adult Day Care Follow-Up

I am Bill Dionne, Executive Director of the Carter Burden Center for the Aging. I want to thank Chair, Margaret Chin and the Committee on Aging for inviting us to speak with you today regarding the value of social model adult day programs.

I have been involved in social model adult day programming for 30 years, and I know from my experience the importance of these programs. For this reason, when I became executive director of the Carter Burden Center one of my early discussions with my board was regarding the need to develop a SADS program. Two months ago, I would have been able to tell you that my organization coordinated two social model adult day programs, C. V. Starr Adult Day Services and the Metro East 99th Street Adult Day Program. The Metro East program is located in a building that was created for individuals discharged from long term care facilities and other HHC programs. The population in the building and in our day program has physical and cognitive impairments and both are the first of their kind in New York. The reason that the Metro East 99th Street Day Program has been a success to date, is that the state BIP (Balancing Incentive Program) funding is received was sufficient to allow us to hire the appropriate number of professional staff and consultants that ensured success.

While our Metro East program is thriving, this year we had to make the decision to temporarily suspend operations of C.V. Starr after 15 years, while we explore ways that it can be re-opened in a financially sustainable way. So, rather than tell you about the extraordinary work C.V. Starr is doing, I will share with you why we could not continue that extraordinary program, which helped both people with Alzheimer's disease and dementia as well as their caregivers, our secondary clients. I hope that our experience with C.V. Starr will be helpful in discussions regarding funding support to social model adult day programs.

Established in 2000, C.V. Starr provided a therapeutic day of activities to individuals with beginning to mid stage Alzheimer's disease and dementia. At a private pay cost of \$100 per day, participants received curb to curb round-trip transportation, a light breakfast, a luncheon meal and an afternoon snack. Throughout the day they also participated in professionally run arts, music, dance and exercise programs as well as poetry reading, intergenerational programs, relaxation exercises and trips to museums and parks. In addition the program, and the participants' families/caregivers had access to all the services of the Carter Burden Center including student nurses and occupational therapy students who conducted programs as C.V. Starr and also made home safety checks. For all this, we received \$95,000 per year which came through City Council discretionary funding. We made the decision to use a portion of the total funding toward scholarships for people who did not have coverage for attendance in the program or who could not afford the \$100 daily fee. While we are, of course, grateful to City Council for this funding, it is money that must be approved on a yearly basis. City Council stepped in for the first time in 2007 when SADS funding was removed from the Mayor's budget. For C.V. Starr

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that meant that the \$211,000 that we had received yearly through our DFTA contract was eliminated. Since 2007, SADS programs have had to operate under a constant possibility of either a reduction in discretionary support or no support.

While we have always understood that we must engage in private fundraising so that we can enhance the services of our DFTA contracted programs, the yearly amount that we had to raise just to sustain C.V. Starr at its current level was \$500,000 per year, an amount that that was impossible to achieve. A number of factors played out in the financial issues that became insurmountable:

Our contract for social model adult day programming required that we provide transportation services to residents of Manhattan. Because of the traffic issues that make travelling from the east to the west side and from uptown to downtown very difficult, we had to hire two vans, and sometimes three vans per day to ensure that participants got to and from the program in a timely manner. Sometimes the traffic conditions were so bad that despite having three vans, people still arrived late either to the program or to their homes. The cost of renting the vans rose each year as did costs for consultants, utilities, food, and supplies.

Medicaid re-design ushered in Managed Long Term Care programs (MLTCs), which had the responsibility of arranging services to Medicaid beneficiaries. SADS are one of the services/programs covered by MLTCs. However, in order for someone to be able to access a SADS, that person or that person's family had to request approval for attendance in a specific program. This is not information that families were given but it was a requirement of the MLTCs. The obvious question is who would contact the families to give them this important information. While SADS programs could tell the families about this requirement once they, themselves found out about it, the individuals who did not utilize or know about SADS programs would not get this information. I think it is fair to assume that the reluctance of MLTC's to utilize SADS programs was governed by costs of these programs versus profits for the MLTCs.. The result is that in the case of C.V. Starr, we did not get a sufficient number of clients covered by Medicaid. This left us with having to reach people who could meet the daily private pay cost of the program.

Finally, we were informed by DFTA that we are required to have an escort on the van(s). Our contract also requires that we maintain a 1:5 ratio of staff to participants. In order to maintain that ratio and have an escort on the van, we would have to hire FT escorts just for the vans because the vans are used 2 – 4 hours in the morning and 2 - 4 hours in the afternoon. FT employees receive benefits. We were informed by the ambulette service that we would be charged \$100 per day for each escort. The costs of having 2 or 3 escorts would be in excess of \$150,000 per year, which would be added to the overall cost of the program.

I hope that this information results in dialogue about funding to SADS. While I hate to say that the answer is more money – in this case that is the answer. In order to create a thriving and enriching program, there has to be sufficient funding to do so. \$95,000 per year barely covers 2 full time salaries. There also needs to be a review of the SADS requirements so that realistic expectations can be developed. Perhaps, SADS programs should not cover an entire borough or perhaps there needs to be specific funding just for transportation for SADS programs. There have to be changes so that other programs are not forced to make the same decision as we did with C.V. Starr.

Our adult day program was open 5 days per week and had a vibrant schedule. In looking at other social model adult day programs we found that some are part-time programs. Others do not include

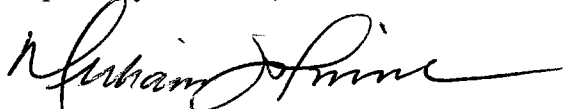
transportation and still others do not provide meals. My agency is committed to re-opening C.V. Starr. However, we need to do so in a way that is viable.

When discussing the importance of SADS programs, we cannot just look at the numbers of people who attend these programs. We also have to consider their families/caregivers who are also impacted by the SADS. The respite that these programs provide caregivers means that they can go to work, or go grocery shopping or even take a bath. In addition to the much needed respite, the resources of SADS programs such as social work and other supportive services are also available to caregivers. SADS are critical to easing the pressure and stress families may feel and, in fact do keep families intact. Families in a constant state of crisis and stress, cannot function, which leads to increased stress and even physical and mental deterioration. This, in turn, can lead to hospital visits or premature nursing home placement.

One other point I want to make is that we are now hearing a great deal about caregivers and there appears to be government funding available or to be made available for caregiver support services. That is wonderful. What I know from my work in SADS services, and as I have stated, these programs are a source of significant caregiver support. I would strongly urge this Committee and City Council to include discussions about SADS in any discussions about caregiver support services.

Social model adult day programs are lifelines for many thousands of people each year. They add to the quality of life in this city and save millions of dollars in ER visits or crises. There is no reason not to provide appropriate funding to programs that are cost effective and critical to maintaining the health and well-being of individuals and their families/caregivers.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William J. Dionne", written in a cursive style.

William J. Dionne
Executive Director
The Carter Burden Center for the Aging

January 7, 2016
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**New York City Council
Committee on Aging
The Honorable Margaret Chin, Chair
Hearing: Oversight – Social Adult Day Care Follow-Up
January 7, 2016**

LiveOn NY thanks Council Member Margaret Chin, Chair, Committee on Aging, for holding a hearing on Social Adult Day Care Oversight. LiveOn NY is eager to hear the testimony and report from the Department for the Aging (DFTA) Social Adult Day Care Ombudsman. LiveOn NY respectfully submits the following testimony on Social Adult Day Care programs.

Access to affordable elder care is the workforce issue of the 21st century, especially for women. Funding must reflect the unmet and growing need.

Year after year, Social Adult Day Care programs are threatened with a drastic reduction of funding, or even worse complete elimination. LiveOn NY thanks the City Council for allocating \$950,000 in funding for social Adult Day Care programs in the FY16 budget. We request that these funds be baselined in DFTA's budget to provide stability to these vital programs. We further request that the funds be increased to \$2.3 million for FY17.

Social Adult Day Care programs are a critical piece in the community-based social service network for family caregivers, particularly women, who care for aging parents or others with Alzheimer's/dementia and other disabilities. Given the rapid growth of the 85+ population, the need for Social Adult Day Care programs will continue to grow. This funding stream allows seniors, who are not eligible for Medicaid but do not have the financial means to pay out of pocket, to access social Adult Day Care services. It also provides respite to their family caregivers allowing them to continue fulfilling other responsibilities, such as maintaining employment or caring for children. Many of these caregivers are among the rapidly growing "sandwich" generation who are taking care of one or more aging parents as well as raising children.

Access to affordable social Adult Day Care is as important as affordable child day care is for younger women in the workforce. While LiveOn NY applauds the City's recent announcement to support working parents through Paid Parental leave, this policy fails to include the growing number of city residents caring for aging elderly parents. It is well past time for New York City to commit and support caregivers through programs such as Social Adult Day Care, among others.

LiveOn NY thanks City Council for the opportunity to testify on this important program.

About LiveOn NY: LiveOn NY is dedicated to making New York a better place to age. Founded in 1979, with a membership base of more than 100 organizations ranging from individual community-based centers to large multi-service organizations, LiveOn NY is recognized as a leader in aging. LiveOn NY's membership serves over 300,000 older New Yorkers annually and is comprised of organizations providing an array of community based services including elder abuse prevention and victims' services, case management for homebound seniors, multi-service senior centers, congregate and home-delivered meals, affordable senior housing with services, transportation, NORCs and other services intended to support older New Yorkers. LiveOn NY connects resources, advocates for positive change, and builds, supports and fosters innovation. Our goal is to help all New Yorkers age with confidence, grace and vitality.

Testimony January 6, 2016

Good Morning to the City Council Aging Committee and Madam Chairperson of Aging for allowing me to speak on behalf of Hamilton-Madison House and specifically social adult day care.

My name is Isabel Ching and I am the Assistant Executive Director for Senior Services at Hamilton-Madison House. I am also the interim chairperson for the NYC DFTA Community Advisory Council and the executive member of the board of LiveOn NY.

HMH has been part of the NYC Settlement House system since 1898 located in the Chinatown but primarily serving Lower East Side and the Two Bridges area. In addition to senior services we also provide childcare and mental health services city-wide.

I want to start off by thanking the city council for supporting our programs. I want to advocate that for FY 17 budget we will need \$2.3 million in funding for Social Adult Day programs.

Today I want to lend my support to the following Local Law 9 of 2015 (regulating and registering SADCs), and the mandated first report of the Social Adult Day Care Ombudsman created as pursuant to this legislation.

We have been running a social adult day program for the last 10 years through various funding and I can say that it is a constant struggle to keep our doors open. In any given year we only have 5 referrals from the MLTC's. But on a regular day we have 30 -40 frail seniors who are not enrolled in an MLTC attending the program.

Our senior programs have to compete with the pop-up programs that open rampantly in our communities in Chinatown because most of these pop up use monetary incentives of \$20 or more to lure in new clients or to maintain the current clients to their program. Just a few weeks ago two more programs just opened up in Chinatown who knows other countless ones throughout the city. It has been affecting our enrollment for our senior program. Our members tell us that they are torn between attending what they think are free SADS program that gives them monetary incentive or come and attend a local senior center where we ask for a contribution. What we also noticed is that the seniors would attend these pop up SADS program for the recreational and meals but then come back to our senior program other social services like case assistance and case management. Which means that they don't hire professional staff like social workers to operate and provide the required services as what a social adult day program should provide.

These pop-up social adult day programs prey on seniors with Medicaid and are not interested in serving people who are not Medicaid eligible.

Creating the Social Adult Day Care Ombudsman is one positive step to stopping these practices. As I see it now these problems will get worse. Therefore, we need give more funding to DFTA to support their services to enforce the law, to investigate and follow these complaints.

Thank you for your time and for allowing me to speak today.



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**New York City Council Committee on Aging
The Honorable Margaret Chin, Chair
Hearing: Oversight – Social Adult Day Care Follow-Up
January 7, 2016**

Riverdale Senior Services is so appreciative that Council Member Margaret Chin, Chair, Committee on Aging, are holding a hearing on Social Adult Day Care Oversight and respectfully submits the following testimony on Social Adult Day Care programs.

The Adult Day Activities Program (ADAP) at Riverdale Senior Services (RSS) was one of the original DFTA funded social adult day programs (SADS) opened in 2000 and despite erratic funding, has continuously offered these services in the northwest Bronx for the past sixteen years.

Social adult day programs are a vital lifeline for many older New Yorkers and their caregivers. This lifeline comes at a time when many families are facing the overwhelming challenges and stress of Alzheimer's disease and related dementias, or who are becoming increasingly frail and need extra support caring for their loved ones.

ADAP at RSS provides structured daily activities that give physical, mental, social, and creative simulation in a safe, supportive environment, tailored for older adults who have memory loss or who are frail. Some examples of activities include exercise classes led by a personal trainer, sing-alongs performed by a local musician, and art workshops hosted by an artist. At the same time, the program offers much-needed respite to caregivers, including support groups, information about benefit and entitlement programs and other resources available, and general support as they care for their loved ones. The program also provides escorted round-trip transportation.

As a result of the relationships ADAP has built with the members, the caregivers, and the community it serves, ADAP has developed a strong reputation in the community of providing high quality, member-centered care that consistently holds all members and caregivers in the highest regard and treats them with the utmost dignity and respect. Many ADAP members have been longtime attendees of the program, with the two longest members attending since 2009 and 2011 respectively.

One is a Caribbean-American woman who is about to celebrate her 98th birthday next month. It was becoming increasingly difficult for her family to meet her needs at home due to work obligations and increasing stress from client's memory loss and combative behavior. Home care would not have worked for her situation, so the family turned to ADAP. In the program, she dances, sings, exercises, and has shown a dramatic improvement in her behavior. Without an option like ADAP, the family may have been forced to consider institutional care. Instead, members like her are thriving as a direct result of their participation in a program like ADAP, and they have had opportunities to get involved in activities and be with people that they would not have had otherwise.

Social adult day programs like ADAP have many advantages. First and foremost, they can help their members maintain their independence and live in their homes in the community where they have always lived. At the same time, social adult day care can forestall or even avoid costly nursing home admissions and hospitalizations for their members. Such events can prove

traumatic and can accelerate the process of decline for older adults. Many ADAP members can live at home for the rest of their lives instead of in institutional environments, something that two members were recently able to do and consistent with their wishes. Additionally, others have been able to avoid nursing home placements as a result of ADAP's involvement. ADAP members also enjoy strong social connections with other members and with the staff. This connection fosters a sense of belonging and self-esteem and reduces isolation and depression that can also accelerate the process of decline. Social adult day programs also provide a sense of purpose for members. Programs restore the sense of meaningful activity and alleviate boredom and a sense that the disease has taken that away.

One ADAP member, an 83 year old African-American man with dementia living at home with his frail wife, has been coming to the program daily for the last year and a half. He remarks that the experience is "his work" and feels a sense of pride in contributing to ADAP. He has recently joined the senior center's chorus (in the same building), and remembers the words to many songs as he was a member of his Church choir for many years. Home care would not give him the same sense of purpose and pride, and would not allow his daughter the same freedom to work as ADAP can.

The funding provided to ADAP by the New York City Department for the Aging is a key reason behind the success of the program. It is important to understand that Medicare does not cover social adult day care, a reality that can come as a shock to families seeking help for their loved ones. The City's funding gives the program the flexibility to offer social adult day care to more families and make it much more affordable for those who are unable to qualify for Medicaid or managed long-term care plans. Furthermore, many families are facing the difficult decision between home health care and social adult day programs when their resources do not allow them to afford both. Families should not have to make this choice. There are many occasions where families talk about the financial burdens they face when caring for their loved ones, and they are grateful for ADAP's flexibility to work with their individual situations to allow their loved ones to attend. For example, one daughter and mother approached the program in considerable financial distress. After returning to New York City from Alabama, the mother had developed Alzheimer's disease and needed much more care than the daughter could give because of her obligations as a schoolteacher. The mother had been a longtime attendee of the senior center, so attending ADAP was a natural fit. Thanks to the funding offered by the Department for the Aging, ADAP was able to work with her financial situation and welcome her mother into the program.

We strongly encourage the City Council to continue its political and financial support of social adult day programs for all New Yorkers. It is a resource that no one should be without in their time of need.

Peter Swanson, LMSW

**Testimony of United Neighborhood Houses
Before the New York City Council
Committee on Aging
Honorable Margaret Chin, Chair**

Hearing: Oversight—Social Adult Day-Care Follow Up

**Submitted by Nora Moran, Policy Analyst
January 7, 2016**

Good morning, Chair Chin and members of the Committee on Aging. Thank you for the opportunity to testify. My name is Nora Moran, and I am here on behalf of United Neighborhood Houses (UNH), New York City's federation of settlement houses and community centers. UNH member agencies provide a broad range of services in a neighborhood based, multi-generational setting ranging from early childhood education, afterschool, adult literacy, homelessness prevention, and services for older adults. Settlement houses value older adults as a key resource to strengthening communities in New York City and support over 70,000 older adults each year through senior centers, Naturally Occurring Retirement Communities (NORCs), home delivered meals, and other programs. Relevant to this hearing, four UNH member agencies—Hamilton-Madison House, Lenox Hill Neighborhood House, Queens Community House, and Sunnyside Community Services—operate Social Adult Day Care (SADC) programs. We are grateful for the City Council's continued financial support and attention to SADC programs.

Background

SADC programs are an important part of the continuum of community-based supports for older adults. These programs provide therapeutic and socialization services to older adults with various stages of dementia and other physical impairments. The model offers a safe environment to older adults who may not be able to participate in a senior center because of their frailty or dementia. This individual attention and assistance with tasks like eating, using the bathroom, or mobility, ensures that participants are safe and able to participate in activities. In the UNH network, settlement houses run SADC programs that offer music and art therapy, activities to stimulate cognitive and physical abilities, exercise programs, and support groups. They also help older adults age in place by diverting them from nursing homes that both cost more and may put them at further distances from their families and social networks. SADC programs also provide needed respite to caregivers and families.

Local Law 9

In the wake of headlines about improper practices at SADC programs, the City Council passed Int. No. 358-A in December 2014, which became Local Law 9 in January 2015. Local Law 9 calls for the registration of SADC programs with the New York City Department for the Aging (DFTA), civil penalties for unregistered or non-compliant SADC programs, the establishment of an ombudsperson by DFTA, and signage about the ombudsperson within all SADC programs.

We support the regulation of Social Adult Day Services to ensure consistent, high-quality programs, and discourage unsavory opportunism among those seeking to earn profits without providing the services their names imply. Local Law 9 is an important step in providing needed oversight of SADC programs, while reigning in the “pop-up” programs. We hope that Local Law 9 will highlight the value of the SADC model and begin to restore public trust in these programs.

However, in order to ensure that all SADC providers are in compliance with New York State Office for the Aging (NYSOFA), we urge the City Council and Administration to support DFTA as they oversee SADC programs and serve as an ombudsperson to older adults participating in SADC programs. This law requires that DFTA handle complaints, investigate claims, generate reports, and advise hundreds of Social Adult Day programs on best operating practices. This is a large task for any City agency and the City should ensure that DFTA has the resources to carry out these tasks effectively. In particular, it is important that an ombudsperson program be implemented correctly in order to weed out bad actors and support strong SADC programs.

Recommendations

UNH recommends the following actions to strengthen SADC programming in New York City:

- Support DFTA as they implement Local Law 9, especially the ombudsperson program;
- Expand the SADC program model, as it is an effective way to support older adults with dementia and other physical impairments to live safely within their communities; and
- Fully fund these services to increase access to SADC programs, which will help those individuals who cannot afford to privately pay for SADC programs yet are not eligible for Medicaid.

We look forward to collaborating with you on supporting and improving this vital service that keeps older adults safe in their communities and provides support for their families and caregivers. Thank you for your time and holding this hearing, and I am happy to answer any questions that you have. You may contact me at nmoran@unhny.org, or 212-967-0322, ext. 316.

**THE COUNCIL
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I represent: Connections

Address: DITA

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I represent: DITA

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I represent: Ridgewood-Bushwick Senior Citizens Council

Address: 533 Bushwick Ave. Brooklyn, NY

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I represent: Hamilton-Madison House

Address: 100 Gold St. NYC

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I represent: Selfhelp Community Services

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Soil Dry Care ☒ in favor ☐ in opposition

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I represent: NYSADSA + Parker Jewish Institute

Address: 271-11 76th Ave. New York PK, NY

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Name: Bobbie Sackman

Address: Live On my - 49 W. 45 St, NY 10036

I represent: _____

Address: _____

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