

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON AGING JOINTLY WITH SUBCOMMITTEE  
ON SENIOR CENTERS

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April 26, 2017  
Start: 10:10 a.m.  
Recess: 12:14 p.m.

HELD AT: Committee Room - City Hall

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

PAUL A. VALLONE  
Co-Chair

COUNCIL MEMBERS:

KAREN KOSLOWITZ  
DEBORAH L. ROSE  
CHAIM M. DEUTSCH  
MARK TREYGER  
ROSIE MENDEZ

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

Caryn Resnick  
Deputy Commissioner for External Affairs at the  
New York City Department for Aging

Lamaunda Maharaj  
Director of the Emergency Food and Nutrition  
Assistance Program from the New York City Human  
Resources Administration

Robin Fenley  
Assistant Commissioner for the Bureau of  
Healthcare Connections

Kinsey Dinan  
Deputy Commissioner of the Office of Evaluations  
And Research

Andrea Cianfrani  
From LiveOn New York

Rachel Sherrow  
From City Meals on Wheels

Jeanette Estima  
Policy Analyst at FPWA

Jay Peltz  
General Counsel and Vice President of Government  
Relations for FIA

Theresa Montini  
Director of Research at the Brookdale Center for  
Healthy Aging

Angela Ghesquiere  
Program Manager at the Sadin Institute of Law and  
Public Policy at Brookdale Center for Healthy  
Aging of Hunter College

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

Will Thomas  
Director of Research Policy and Advocacy at  
Hunger Free America

Molly Krakowski  
Director of Legislative Affairs at JASA

Kasey Williamson  
Testifying on behalf of United Neighborhood  
Houses, New York City's Federation of Settlement  
Houses and Community Centers

Mujtaba Ali  
Executive Assistant at the Council of Peoples  
Organization

Nargis Ahmed  
Director for the India Homes Desi Senior Center  
Inside the Jamaica Muslim Center

COMMITTEE ON AGING JOINTLY WITH SUBCOMMITTEE

ON SENIOR CENTERS

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[gavel]

CHAIRPERSON CHIN: Good morning.

COUNCIL MEMBER VALLONE: Good morning.

CHAIRPERSON CHIN: And welcome to the Aging Committee of the New York City Council. Today is April 26<sup>th</sup>, 2017. My name is Margaret Chin and I have the privilege of chairing this committee along with my Co-Chair of the Subcommittee on Senior Centers, Council Member Paul Vallone. We are joined today by other Council Members who will be coming in shortly. The goal of our hearing today is to focus on several pieces of legislation, which we hope will enable the city's senior and their caregivers to make more informed decisions about where seniors should spend their time and what programs are available to them. This hearing also presents the committee with an opportunity to address some of the ongoing issues at the city's Social Adult Day Care Centers. Social Adult Day Care Centers provide functionally challenged older adults with specialized services and offer a protective setting for these individuals during part of the day. These programs can be invaluable life lines for families providing care to those suffering from debilitating diseases such as

2 Alzheimer's, dementia, and other chronic health  
3 conditions. Social Adult Day Care programs offer a  
4 brief respite for caregivers who can rest easy  
5 knowing their loved ones are in a safe care facility  
6 with trained staff who can improve the quality of  
7 their lives. However, oversight of these facilities  
8 remains limited. This committee heard testimonies  
9 from the City's Department for the Aging in February  
10 that addressed some of the ongoing concerns about the  
11 potential of abuse at these centers. While the  
12 committee values the incredible work that these  
13 providers offer to some of the city's most vulnerable  
14 population, we remain concerned about the potential  
15 for abuse and fraudulent exploitation of the state's  
16 managed long term care reimbursement program. To  
17 address this issue, I sponsor one of the bills on our  
18 agenda today, Introduction 1278, which would require  
19 Social Adult Day Care Centers to conspicuously post  
20 performance summary cards to indicate their  
21 compliance with existing rules and any penalties and  
22 pose upon them during the previous 12 months. We  
23 believe this legislation would act as a deterrent for  
24 potential bad actors if they do not comply with  
25 existing state and local regulations. We are also

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2 going to be hearing Introduction 1519 sponsored by  
3 Council Member Karen Koslowitz, which would require  
4 city's Human Right... Human Resource Administration to  
5 coordinate with the Department for the Aging to  
6 conduct programming and distribute applications for  
7 the federal, federal supplemental nutrition  
8 assistance program at senior centers. We also have  
9 several resolutions before the committee today. These  
10 resolutions address several issues facing the city  
11 seniors including providing hot meals as part of the  
12 home deliver meals program, restoring the congregate  
13 weekend meal program, increasing funding for the  
14 state's long term care Ombus person, and supporting  
15 state legislation targeting abuse and safety  
16 violations at adult care facilities. The committee  
17 looks forward to hearing testimony from the Human  
18 Resource Administration and the Department for the  
19 aging as well as the advocates and Social Adult Day  
20 Care providers who are with us today. Before we begin  
21 I would like to thank my Co-Chair, Council Member  
22 Paul Vallone and the Aging Committee staff; Council...  
23 Committee Council Alex Paulenoff, Policy Analyst  
24 Emily Rooney, and Finance Unit Head Johinni Supora  
25 [sp?] as well as my Deputy Chief of Staff, Vincent

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2 Thang for all their hard work preparing for this  
3 hearing. With that said we will begin the hearing and  
4 we would like the administration, DFTA, Caryn  
5 Resnick, Robin Fenley from DFTA, Kinsey Dinan from  
6 HRA, and Lamaunda Maharaj from... also from HRA, if I  
7 didn't pronounce your name correctly please accept my  
8 apology and when you speak you can reiterate your  
9 name for the record. Thank you and the council will  
10 swear you in, thank you.

11 COMMITTEE CLERK PAULENOFF: Will you all  
12 please raise your right hands. Do you swear or affirm  
13 to tell the truth, the whole truth and nothing but  
14 the truth in your testimony today?

15 CARYN RESNICK: I do.

16 COMMITTEE CLERK PAULENOFF: Thank you.

17 CARYN RESNICK: Good morning  
18 Chairperson's Chin, Vallone, and members of the Aging  
19 Committee. I'm Caryn Resnick, Deputy Commissioner for  
20 External Affairs at the New York City Department  
21 from... for the Aging from DFTA, I am joined by Dr.  
22 Robin Fenley, Assistant Commissioner for the Bureau  
23 of HealthCare Connections and I'm also joined by  
24 Kinsey Dinan, Deputy Commissioner of the Office of  
25 Evaluation and Research, and Lamaunda Maharaj,

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2 Director of the Emergency Food and Nutrition  
3 Assistance Program from the New York City Human  
4 Resources Administration. I'd like to thank you for  
5 this opportunity to testify on Intro Number 1278, in  
6 relation to the posting of a performance summary card  
7 for social adult day care and Intro Number 1519, in  
8 relation to Supplemental Nutrition Assistance  
9 Program, SNAP enrollment at senior centers. Formal  
10 opportunities to ensure that the growing population  
11 of older adults are actively engaged in community  
12 life come in many forms. During the past few years,  
13 we've witnessed the proliferation of Medicaid  
14 authorized social day care programs in New York City  
15 that are funded through Managed Long Term Care  
16 companies. To recall, social adult day care is a  
17 structured program of socialization for individuals  
18 whose physical and cognitive needs are beyond their  
19 ability to independently participate in activities  
20 such as that which would be found at a senior center.  
21 Social adult day care programs provide supervised and  
22 structured activities, some personal care assistance,  
23 snacks and meals, overall monitoring, and  
24 transportation. DFTA currently oversees ten social  
25 adult day care programs that are supported by council



2 discretionary funding. The Medicaid financing model  
3 as promulgated... has promulgated an increase in the  
4 development of the new SADC... new SADCs throughout the  
5 five boroughs, most notably in Brooklyn and Queens.  
6 As of April 10<sup>th</sup>, of this year, 315 sites had  
7 registered; 131 in Brooklyn, 108 in Queens, 32 in  
8 Manhattan, 30 in the Bronx, and 14 in Staten Island.  
9 Managed Long Term Care companies receive their  
10 funding from the New York State Department of Health  
11 Medicaid Program for the provision of authorized  
12 community based healthcare services. As stated above,  
13 social adult day care, as one component of New York  
14 State DOH authorized services, receives its funding  
15 through each of its MLTC contracts. Therefore,  
16 primary oversight responsibility rests with the  
17 originator of this funding, the New York State  
18 Department of Health. It is precisely for this reason  
19 that principally it is the obligation of the state to  
20 ensure the quality of the services that are provided  
21 and to protect the integrity of the taxpayer funded  
22 Medicaid program. DOH has taken steps to address  
23 reported problems with MLTC contracted SADCs, notably  
24 requiring the MLTCs to conduct an initial and annual  
25 onsite visit of all their contracted SADCs in order

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2 to monitor compliance with the minimum state  
3 requirements. To assess the cognitive and physical  
4 status of all potential SADC participants prior to  
5 authorizing attendance; to ensure SADC compliance  
6 with the New York State Office for the Aging,  
7 regulations, and to maintain documentation of such  
8 compliance for all related audits. Additionally, DOH  
9 has required that all MLTC contracted SADCs self-  
10 certify annually with the New York State Office of  
11 the Medicaid Inspector General, asserting that they  
12 are in compliance with the New York State Office for  
13 the Aging SADC requirements. As you know, Local Law 9  
14 of 2015 designated DFTA as the SADC Ombuds Office and  
15 as such, the agency accepts all SADC related  
16 inquiries and complaints, has developed a system to  
17 receive required registrations of all SADC programs  
18 operating within New York City and continues to work  
19 with the Law Department regarding establishing rules  
20 where civil penalties for violations of NYSOFA social  
21 adult day care regulations. In order to implement  
22 this law, DFTA has successfully developed  
23 relationships with relevant governmental entities. On  
24 the city level, these agencies include the Fire  
25 Department, the Department of Buildings, Department

2 of Transportation, Department of Health and Mental  
3 Hygiene, and the Human Rights Commission partners...  
4 Human Rights Commission. Partners on the state level  
5 include New York State Office for the Aging, OMIG,  
6 and the Department of Health. Our intergovernmental  
7 partners have been very responsive to DFTA's SADC  
8 Ombuds Office, as we request their assistance in  
9 addressing complaints received that are outside of  
10 DFTA's purview and expertise. Each agency has also  
11 been helpful in aiding our understanding of the  
12 parameters of their respective areas of  
13 responsibility. DFTA has developed a close  
14 partnership with OMIG, demonstrated through our joint  
15 participation in bimonthly convening's with the  
16 MLTCs, mutual support provided to each other  
17 regarding complaints, and our collaborative  
18 involvement in the recent creation of a multiagency  
19 public education team. This public education team  
20 consists of OMIG, DFTA, and the New York State  
21 Attorney General's Medicaid Fraud Control Unit. This  
22 initiative grew out of the awareness that many  
23 seniors who attended pop-up social adult day care  
24 programs expected incentives to participate, whether  
25 in cash or in goods. The objective of this group is

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2 to educate older adults and the public... general  
3 public about what participation in an SADC involves,  
4 to educate about the legal liability of programs who  
5 may engage in the appropriate... inappropriate use of  
6 Medicaid funds, and to provide resources for  
7 participants and their family members who may have  
8 questions or want to report their concerns. MLTCs are  
9 also actively monitoring and communicating with their  
10 contracted SADCs. DFTA recently sent a reminder to  
11 each registered site of their requirement to  
12 prominently post the SADC Ombuds Office and  
13 Participants Rights posters. The MLTCs with whom  
14 these SADCs contract were notified of this  
15 transmission and were also reminded of their  
16 obligation as funders with oversight of these SADCs  
17 to ensure that each site had registered with the  
18 Ombuds Office and or that any updated registration  
19 information was provided to the Ombuds Office. Since  
20 that notification, DFTA has received numerous  
21 communications from MLTCs and SADC's regarding  
22 registration status. In addition, several MLTCs have  
23 distinguished themselves through their comprehensive  
24 responses to complaints forwarded by DFTA, in some  
25 instances, offering additional findings that, that

2 were not included in the original complaint. Many  
3 MLTCs inform us that they will conduct follow up on  
4 complaints, once they issue a corrective action plan  
5 to the contracted SADC. The administration shares the  
6 concerns prompting the introduction of Intro Number  
7 1278, as quality social adult day care programming  
8 that is in conformance with regulations is of  
9 paramount importance. Intro Number 1278, however,  
10 would put the city in a position of potential  
11 liability for a matter that falls within the realm of  
12 state oversight. As you are aware, it is the state  
13 and not the city that reimburses the MLTCs for  
14 providing social adult day care services and in turn  
15 the state has the decisive monitoring obligations in  
16 relation to SADCs. Given that the city does not have  
17 a fiscal or contractual relationship with any of the  
18 MLTC contracted SADCs, this proposal is ultimately  
19 unenforceable on the local level. There are also  
20 legal concerns regarding the scope of the bill, which  
21 the administration is happy to discuss at a later  
22 date. Further, to provide the degree of oversight and  
23 monitoring set forth in Intro Number 1278 is beyond  
24 the capacity of DFTA. The agency does not have the  
25 staff nor the resources that would be required to..

2 required to ably comply with this legislation. In  
3 addition, the credentialing and specialized training  
4 that would be necessitated by Intro Number 1278 are  
5 well outside of DFTA's expertise. So, I'm going to  
6 move on and talk about Intro... the SNAP legislation.  
7 In January 2017, at the Council's annual hunger  
8 hearing, HRA testified in regard to the comprehensive  
9 work that this administration has been undertaking  
10 over the past three years to address hunger and food  
11 insecurity. At that hearing, HRA noted that SNAP is  
12 the nation's most important anti-hunger program  
13 assisting more than 45 million low income Americans  
14 and more than one in four households with seniors are  
15 individuals with disabilities. Currently, 1.7 million  
16 New Yorkers receive SNAP, including more than 410,636  
17 seniors. While the national participation rate for  
18 seniors is 42 percent, the participation rate, in  
19 recent years, among seniors in New York City, is now  
20 approximately 70 percent. Despite enrollment declines  
21 among other age groups, from September 2015 to  
22 September 2016, the SNAP caseload among seniors  
23 increased by 16,282 cases or 4.13 percent. At the  
24 hunger hearing, HRA provided details concerning the  
25 efforts underway to reform, streamline, and eliminate

2 bureaucratic barriers to enrollment and the  
3 recertification for benefits including SNAP. They  
4 also included updates on the steady progress made to  
5 modernize and optimize their benefit system allowing  
6 clients to access online services outside of HRA's  
7 brick and mortar offices located throughout the city.  
8 These reforms make it easier for eligible New Yorkers  
9 to apply, enroll, and recertify for SNAP benefits. In  
10 optimizing their technology systems, they enable  
11 clients to apply and recertify for certain benefits  
12 and programs in a more efficient and accessible means  
13 online, with the result that staff at HRA's job  
14 centers can work directly with the 30 percent of  
15 clients who do not access benefits via these online  
16 tools. Since the inception of the SNAP Helps campaign  
17 in April 2015, FoodHelp NYC has seen approximately  
18 117,000 lifetime users. The SNAP Helps campaign  
19 encourages New Yorkers struggling to afford food to  
20 seek help, targeting low income seniors and  
21 immigrants. FoodHelp dot NYC redirects potential  
22 clients to ACOMMITTEE CLERKES NYC where they are  
23 able to determine if they qualify for more than 30  
24 different city, state, and federal benefits. There  
25 were approximately 53,000 click throughs from

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2 FoodHelp dot NYC to ACOMMITTEE CLERKES NYC,  
3 representing 45 percent of site visitors, up from 25  
4 percent last year. Various multilingual marketing  
5 materials are routinely distributed to community  
6 partners by the Mayor's Office of Immigrant Affairs,  
7 the Mayor's Office to Combat Domestic Violence, and  
8 the Department for the Aging. Multilingual marketing  
9 materials are also distributed by HRA's Community  
10 Affairs and Emergency Intervention Services, SNAP  
11 support teams, and the Mayor's Community Affair Units  
12 and at Senior Citizen Rent Increase Exemption sign up  
13 events and Deferred Action citizenship events. HRA is  
14 also focused on expanding SNAP outreach services to  
15 homebound clients who are eligible for utility  
16 assistance and or HEAP. Additionally, HRA's SNAP  
17 Support Services unit manages out stationed staff at  
18 three community based "Paperless Office System" sites  
19 providing online access to benefits with an 88  
20 percent approval rate. SNAP Support Services staff  
21 also provides technical assistance to 103 community  
22 based organizations that provide SNAP facilitated  
23 enrollment and recertification services, seven of  
24 which target primarily seniors. Over the past year,  
25 the SNAP Support Services staff prescreened more than



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2 9,526 potentially eligible applicants including  
3 almost 600 seniors at more than 1,676 individual  
4 community events, 134 of which specifically targeted  
5 seniors. And as reported in January 2017, HRA's SNAP  
6 Support Services unit has a presence providing  
7 screenings, application assistance, trainings, and  
8 presentations at 45 senior centers through New York  
9 City. HRA has worked hard to ensure that eligible New  
10 Yorkers have unencumbered access to SNAP and other  
11 crucial supports. The administration supports the  
12 intent of the legislation to enroll eligible seniors  
13 in the SNAP program. However, as we just briefly  
14 summarized and detailed further in the January hunger  
15 hearing testimony, closing the enrollment gap can be  
16 achieved by services redesign and technological  
17 improvements that allow New Yorkers, including  
18 seniors to apply and recertify for SNAP benefits  
19 without the need to go to an HRA office or submit  
20 documents to out stationed HRA staff. All that is  
21 required is access to a computer, which can be  
22 provided at a wide range of community locations.  
23 Moreover, as a 2015 pilot program in 14 senior  
24 centers found, New Yorkers who go to senior centers  
25 are already some of the most connected older adults

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2 when it comes to receiving benefits and participating  
3 in entitlement programs. Further, one reason some  
4 older adults remain unenrolled is due to a perceived  
5 stigma associated with receiving government benefits.  
6 This is precisely why the administration implemented  
7 FoodHelp dot NYC, increased our community based  
8 partnerships, and expanded outreach efforts both on  
9 and offline in order to have flexibility to reach  
10 those at risk but not seeking help because of a  
11 perceived stigma. We look forward to continuing to  
12 work with the council to refine the administration's  
13 approach to connecting seniors to benefits. Thank you  
14 again for this opportunity to provide testimony on  
15 Intro 1278 and Intro 1519 and I am pleased to answer  
16 any questions that you may have.

17 CHAIRPERSON CHIN: Thank you for your  
18 testimony, we've been joined by Council Member Rose  
19 and Council Member Mendez, welcome. I'm going to turn  
20 it over to Council Member Vallone to start with some  
21 questions.

22 COUNCIL MEMBER VALLONE: Thank you Madame  
23 Chair, good morning Deputy Commissions and everyone.  
24 As always, I like to start with the testimony just to  
25 reclarify for some of us. You started with that DFTA

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2 currently oversees ten social adult day care programs  
3 supported by council funding versus 315 sites  
4 registered overwhelmingly in Brooklyn and Queens. Can  
5 you expand on that, what is the increase from last  
6 year, 315 seems to be a high number from our last  
7 hearing?

8 ROBIN FENLEY: Do you want to answer  
9 that?

10 CARYN RESNICK: I can begin by answering  
11 that.

12 COUNCIL MEMBER VALLONE: Yeah, sure.  
13 Thank you.

14 CARYN RESNICK: And then I'll turn it  
15 over to our actual Ombuds person. I believe that it's  
16 actually the outreach that we've been doing and an  
17 additional notification that went out to all of the  
18 SADCs and MLTCs reminding them that it is requirement  
19 that they register with us. So, I think that's part  
20 of why we see an increase, I don't think we had the  
21 total universe of SADCs programs in our... [cross-talk]

22 ROBIN FENLEY: Right... [cross-talk]

23 CARYN RESNICK: ...sight... [cross-talk]

24 ROBIN FENLEY: I think that's, that  
25 absolutely is right, I mean just even witnessed that

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2 the numbers keep rising we think at 315 this is  
3 everybody but we still continue to get additional  
4 registrations so in addition to what the Deputy  
5 Commissioner was saying I would add word of mouth is  
6 a good proponent of registrations.

7 COUNCIL MEMBER VALLONE: So, do you feel  
8 that's an accurate number now?

9 ROBIN FENLEY: I'm sorry, say again?

10 COUNCIL MEMBER VALLONE: Do you feel that  
11 is an accurate number of the existing SADCs.

12 ROBIN FENLEY: Oh, that's hard to.. that's  
13 hard to say. It's what we know now but there's  
14 opportunity that's presented and, and we actually see  
15 a, a number who have registered and closed out and  
16 then opened up again so I think maybe there may be  
17 about 18 that have shut their doors that are not  
18 included in this 315.. [cross-talk]

19 COUNCIL MEMBER VALLONE: So.. [cross-talk]

20 CARYN RESNICK: And I believe that we did  
21 a reconciliation with the state and you know we had  
22 some that they didn't have and I think we have now  
23 reconciled that number with them. So, at least at  
24 this point in time we're pretty confident that this  
25 is the universe.

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2 COUNCIL MEMBER VALLONE: So, how's that  
3 working with the state, I think that was a big part  
4 of the Chair and I concern from the last hearing..  
5 [cross-talk]

6 CARYN RESNICK: I'm pleased to report,  
7 which we have in our testimony that over the past  
8 year... [cross-talk]

9 ROBIN FENLEY: ...uh-huh... [cross-talk]

10 CARYN RESNICK: ...we have developed much  
11 closer relationships with the state and they are  
12 making headway in I think taking on more  
13 accountability and Robin can address a little bit  
14 about those working groups and what's been going on  
15 with the state.

16 ROBIN FENLEY: Right, by state I would  
17 really highlight OMIG and they are the people that do  
18 the investigations... [cross-talk]

19 CARYN RESNICK: That's the Office of the  
20 Medicaid Inspector General... [cross-talk]

21 ROBIN FENLEY: Right... [cross-talk]

22 COUNCIL MEMBER VALLONE: That was my next  
23 paragraph... [cross-talk]

24 ROBIN FENLEY: Right... [cross-talk]

25

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2 COUNCIL MEMBER VALLONE: So, the recent  
3 creation of multiagency public education team called  
4 OMIG with DFTA and the New York State Attorney  
5 General's Office, it seems to be educational but not  
6 enforcement based though which is a big concern for  
7 us.

8 ROBIN FENLEY: That, that's correct, I  
9 mean it really is about just getting information out  
10 there about... you know as the testimony said making  
11 sure that people understand what they should be  
12 expecting from a social adult day. It appears as  
13 though there's, there's more compliance with  
14 understanding that money is not part... you know you  
15 don't get paid to attend a social adult day but still  
16 those instances exist and so to take advantage of  
17 these opportunities to go out and do these  
18 presentations is, is specifically to ensure that  
19 people understand you come for the socialization not  
20 to get paid.

21 COUNCIL MEMBER VALLONE: Do you think the  
22 next evolution or step of that will be some type of  
23 joint enforcement?

24 ROBIN FENLEY: I... what I can say is that  
25 in the past OMIG has expressed interest in working

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2 with us in that regard but again you have to know  
3 that OMIG is the one that actually does the active  
4 investigations and the subsequent closures if, if  
5 all... you know all the pieces fall into place... [cross-  
6 talk]

7 COUNCIL MEMBER VALLONE: Do they notify  
8 you when that occurs?

9 ROBIN FENLEY: We are aware of one such  
10 closure, yes.

11 COUNCIL MEMBER VALLONE: What about with  
12 existing complaints?

13 ROBIN FENLEY: And again a lot of times  
14 it appears as though OMIG receives complaints on its  
15 own independent of our notification because we've had  
16 conversations where, you know we've sent over  
17 complaints and they said oh yeah, we know this one,  
18 we've been working on this one for a little bit.

19 COUNCIL MEMBER VALLONE: Well that would  
20 seem to be one of those areas where the chair and I  
21 and all the council members would seem to be that we  
22 as citizens of the city that are subject to the  
23 state's scrutiny of these sites which routinely don't  
24 happen because they don't have the resources and we  
25 say it's in their ballpark... [cross-talk]

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2 ROBIN FENLEY: Uh-huh... [cross-talk]

3 COUNCIL MEMBER VALLONE: ...that there's...  
4 we're falling behind and it's not really acceptable  
5 for us to hear well that's the state's  
6 responsibility, we're 8,400,000 people in the city,  
7 we have a responsibility to our districts and we  
8 can't go back and tell them when there's a concern  
9 about a pop up site that there's nothing we can do  
10 about it other than just pass it on to the state. So,  
11 that's when you'll see the evolution of legislation  
12 that comes today where we say it's beyond our scope  
13 because it's in the state's... it's not good enough for  
14 us, we need to have a joint approach with state since  
15 these are in our borders and I think that's where  
16 Margaret and I are continuously fighting for not just  
17 the Ombuds person but an ability to coordinate joint  
18 task force wise in a good way, I mean a lot its  
19 educational... [cross-talk]

20 CARYN RESNICK: Uh-huh... [cross-talk]

21 COUNCIL MEMBER VALLONE: ...but there's a  
22 lot of these pop ups and I think Caryn you mentioned  
23 there was 18 of them that were closed and then  
24 reopened, do we know why that happened, was it  
25 because they were trying to avoid an existing



2 situation and reopened under another umbrella name or  
3 was it because... you know other reasons?

4 ROBIN FENLEY: Yes, to that, it is... it is  
5 other reasons that we don't know but some of what we  
6 hear back is that they have discovered that the route  
7 that they are going, the... social adult days is no  
8 longer profitable and so they closed that business  
9 and then opened up another business. So, you're... you  
10 are right when you're talking about having a  
11 partnership because this is something that's going to  
12 require not only DFTA as a city agency but certainly  
13 all of our other city partners that have that  
14 expertise and the authority to go in and do the  
15 violations so... [cross-talk]

16 COUNCIL MEMBER VALLONE: Which is part of  
17 a previous hearing that Margaret and I had which was  
18 the agency that... issuing the violation is often not  
19 DFTA so it might be building department, it might be  
20 the Health Department, it might be the Police  
21 Department, it might be the Fire Department, it might  
22 be another existing code violation that's in the  
23 premises that again you weren't getting the  
24 information on. So, has that changed at all?

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2 ROBIN FENLEY: We are continuing to work  
3 with the partners who are able to go in and issue the  
4 violations that are pertinent to their area of  
5 expertise whether it's health, you know Bureau of  
6 Sanitation or Buildings... [cross-talk]

7 COUNCIL MEMBER VALLONE: What is the  
8 follow up then to you, to DFTA?

9 CARYN RESNICK: That they report back.

10 ROBIN FENLEY: Yeah, right they will let  
11 us know, we will follow up, we have... again it's about  
12 developing that relationship so that we would be able  
13 to call them and say so what's up with this  
14 violation, you know or, or this referral rather and  
15 they will call us to let us know that yes, you know  
16 ABC SADC's was issued X number of violations.

17 COUNCIL MEMBER VALLONE: So, there's no  
18 existing requirement it's just a matter of the  
19 relationship... [cross-talk]

20 ROBIN FENLEY: Right... [cross-talk]

21 COUNCIL MEMBER VALLONE: ...we happen to  
22 have with government affairs and sanitation or Health  
23 Department... [cross-talk]

24 ROBIN FENLEY: That's exactly right...  
25 [cross-talk]

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2 COUNCIL MEMBER VALLONE: ...so there's  
3 something that we can work... to work with... [cross-  
4 talk]

5 CARYN RESNICK: ...oh absolutely... [cross-  
6 talk]

7 COUNCIL MEMBER VALLONE: ...you to create  
8 something there, I think there should be  
9 accountability through the agencies... [cross-talk]

10 ROBIN FENLEY: ...uh-huh... [cross-talk]

11 COUNCIL MEMBER VALLONE: ...when dealing  
12 with these.

13 ROBIN FENLEY: They've been awesome let  
14 me just say that they have really been supportive,  
15 once we explain what our obligations are under the  
16 law they have really been supportive of all of this...

17 COUNCIL MEMBER VALLONE: So, I don't see  
18 that data today though, do we have any information as  
19 the amount of existing violations that were filed  
20 against the SADCs that were either cleared or is  
21 still pending?

22 ROBIN FENLEY: I'd have to get you that...  
23 yeah, I'd have to get you that.

24 COUNCIL MEMBER VALLONE: I think that  
25 would be helpful as to the type of... there may be a

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2 commonality with them that we can address that  
3 through the education outreach, there may be a  
4 similar violation that's... [cross-talk]

5 ROBIN FENLEY: Uh-huh... [cross-talk]

6 COUNCIL MEMBER VALLONE: ...happening that  
7 can... and there might be one or two unique situations  
8 that are beyond, you know a hearing but we may be  
9 able to, to scale down through that. I think I'll,  
10 I'll... I know there's other questions from council  
11 members but on that educational OMIG I would really  
12 like to see and I know Margaret would like to see it  
13 too that grow into an enforcement joint task force..  
14 [cross-talk]

15 CARYN RESNICK: So, OMIG... [cross-talk]

16 COUNCIL MEMBER VALLONE: I think... [cross-  
17 talk]

18 CARYN RESNICK: ...I mean... [cross-talk]

19 COUNCIL MEMBER VALLONE: ...I think that  
20 would be... [cross-talk]

21 CARYN RESNICK: ...Yes, Robin... [cross-talk]

22 COUNCIL MEMBER VALLONE: ...the natural  
23 evolution, education but at some point, enforcement.

24 CARYN RESNICK: So, OMIG does do the  
25 enforcement, I mean we were mentioning this task

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2 force that we are now part of which is around  
3 education but all of the complaints we receive that  
4 we believe are of a Medicaid fraud nature do go to  
5 OMIG and they absolutely do, do the oversight and  
6 investigation and they have closed programs and that  
7 is their role, they do not always report back on the  
8 investigation that's ongoing and that may be part of  
9 what happens when you're in the middle of an ongoing  
10 investigation that they can't talk about it but we  
11 can try to further that relationship so that at least  
12 when there is a termination or a closing or a real  
13 finding that that is reported to us.

14 COUNCIL MEMBER VALLONE: Was there ever  
15 an increase in state inspector for city sites, that  
16 was one of the concerns we had last time too?

17 ROBIN FENLEY: I'm not... I don't know... I'm  
18 not sure, we can... [cross-talk]

19 COUNCIL MEMBER VALLONE: ...That would be  
20 something... [cross-talk]

21 ROBIN FENLEY: ...find out... [cross-talk]

22 COUNCIL MEMBER VALLONE: ...I think we'd  
23 like to get if Albany's on their heels which usually  
24 are not to get us some additional relief. Okay, I'll  
25 turn it over to my fellow councils, thank you Chair.

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2 CHAIRPERSON CHIN: Thank you Council  
3 Member Vallone. It's a little frustrating hearing the  
4 same thing over and over again and, and also seeing  
5 that the number has increased, I remember the last  
6 hearing it was around 250 something, it was more than  
7 the senior centers that we have in the city and now  
8 it's jumped up to 315, that's like... wow, almost like  
9 60 or... 60 more than the senior centers that we have,  
10 its... isn't that sending some kind of strong signal to  
11 us that something is not going right? With all of  
12 these social adult day cares popping up, I mean the  
13 only ten that we have oversight over are the ones  
14 that the city council provides discretionary funding  
15 and these ten also get state funding, right?

16 CARYN RESNICK: Some do... [cross-talk]

17 ROBIN FENLEY: Some do not all of them.

18 CHAIRPERSON CHIN: Okay, so one of the  
19 biggest issues, I think on, on your testimony on page  
20 two is that the MLTC contracted SADC to self-certify  
21 so if they're self-certified who is checking, is  
22 there any audit that MLTC do or, or the, the, the  
23 state do to see if they are giving the correct  
24 information, I mean self-certification is... how do we  
25 know if they're telling the truth?

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2 ROBIN FENLEY: Yes, yes, you're right but  
3 the MLTCs are obligated under their contract with DOH  
4 to go in and to do the assessment to make sure that  
5 the site is as it should be, that the people that  
6 they are serving are appropriate and there is an  
7 audit that is performed, I don't have any details on  
8 that but according to the REGS there is a... an audit  
9 performed.

10 CARYN RESNICK: I mean if you recall when  
11 this began one of the largest providers was severely  
12 sanctioned by the state and you know by millions of  
13 dollars because failure to be truthful about the  
14 assessment or not do that results in penalties and  
15 cutting your Medicaid reimbursement so it's, it's  
16 very onerous... [cross-talk]

17 CHAIRPERSON CHIN: Yeah... [cross-talk]

18 CARYN RESNICK: ...and risky... [cross-talk]

19 CHAIRPERSON CHIN: ...but that's... [cross-  
20 talk]

21 CARYN RESNICK: ...should you... [cross-talk]

22 CHAIRPERSON CHIN: ...one case... [cross-  
23 talk]

24 CARYN RESNICK: ...not be in compliance...  
25 [cross-talk]

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2 CHAIRPERSON CHIN: ...that was, you know  
3 reported in a major newspaper a couple of years back  
4 but meanwhile the social adult day care is still  
5 popping up all over the place especially, especially  
6 in immigrant community targeting the immigrant  
7 seniors who might not know, you know what their  
8 rights are and they're being taken advantage of and  
9 somehow we as a city we're not doing enough, I mean  
10 like the city council we try to pass legislation and  
11 2015 we passed Local Law 9 but to this day DFTA has  
12 not promulgated the rules, right, so I mean we're  
13 asking for DFTA to require civil penalties, right, if  
14 a center hasn't registered they're supposed to pay a  
15 500 dollar fine and there were centers... [cross-talk]

16 CARYN RESNICK: Up to... [cross-talk]

17 CHAIRPERSON CHIN: ...that weren't... didn't  
18 register, right because the number grew so much but  
19 we don't have any rules guiding that so where's that  
20 at, where is DFTA at right now?

21 CARYN RESNICK: So, DFTA has been working  
22 with the Law Department and because of some of the  
23 very issues we're talking about today in terms of who  
24 has oversight, there was some very big legal  
25 questions about how enforceable the legislation is



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2 and the liability issues since we do not have  
3 contractual relationships and I think we are now in a  
4 place where we can promulgate the rules and issue  
5 them in the near future.

6 CHAIRPERSON CHIN: When, when near  
7 future?

8 CARYN RESNICK: Soon.

9 CHAIRPERSON CHIN: Every time we have a  
10 hearing this is 2017, this is... right and the law was  
11 passed two years ago that's unacceptable, I mean we  
12 passed the law, the Mayor signed it into law, it is  
13 law so how, how come we're not enforcing it, nobody  
14 has paid a fine, right, none of the... [cross-talk]

15 CARYN RESNICK: No... [cross-talk]

16 CHAIRPERSON CHIN: None of the, the...  
17 [cross-talk]

18 CARYN RESNICK: Well they have paid fines  
19 due to other agencies that have the ability and  
20 authority to penalize people... [cross-talk]

21 CHAIRPERSON CHIN: Yeah but not... [cross-  
22 talk]

23 CARYN RESNICK: ...which DFTA does not...  
24 [cross-talk]

25

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2 CHAIRPERSON CHIN: ...according to the law  
3 that was passed if they didn't post up, you know the  
4 sign giving the... their clients the number that they  
5 can file complaints they're not being fined for that,  
6 not being punished for that because meanwhile they're  
7 still popping up and the, the group that you talked  
8 about, the state, the intergovernmental agency's now  
9 doing the education so far I have heard about one  
10 that I read in the Chinese newspaper that... one of the  
11 state elected office is doing but that's it, like  
12 what education, I haven't seen anything in the local  
13 newspaper, local t.v. station, you know people are  
14 not hearing and that's why you have all these new  
15 centers popping up because nobody is hearing about  
16 anybody getting into trouble so meanwhile they're  
17 making money, they're taking advantage of our  
18 seniors, seniors are asked to take home care services  
19 when they don't need it otherwise they can't join,  
20 you know the social adult day care program or they're  
21 getting money or gift cards for... to refer people,  
22 this is what we're hearing in the community but if  
23 you're just relying on complaint they're not going to  
24 step forward and complain, they worry about  
25 retaliation so the seniors are not going to come

2 forward but, but minimally I don't understand why the  
3 city can't go in there and check even one time, you  
4 know one visit annually with the Department of  
5 Health, Department of Health inspect our senior  
6 centers, the one that provides meals, their kitchen  
7 get inspected by the Department of Health and they're  
8 asking me how come the social adult day care they  
9 don't get inspected by the Department of Health, I  
10 mean that should be an agency that you're working  
11 with that could do that minimally.

12 ROBIN FENLEY: So, you're right but note  
13 that the Department of Health has a cadre of  
14 inspectors whereas that's not the case at DFTA and  
15 what they are looking at not only in our social... at...  
16 yes, at our social adult days when we get complaints  
17 and we send referrals to them many of them... Council  
18 Member Vallone when you were asking like what's the...  
19 you know sort of the, the, the complaint across  
20 programs one... it often times is around the food and  
21 the food handling license and so right they do come  
22 to our, our senior centers to make sure everybody has  
23 the licensing and the credentialing for it whereas we  
24 are finding that with social adult days just sort of  
25 how the food is, is offered in these different sites,

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2 the social adult days some will have licensing and  
3 some will not and... but again it goes back to the  
4 cadre of the trained inspectors that DOH has.

5 CHAIRPERSON CHIN: Yeah, I mean like  
6 Department of Health can do the inspection together  
7 with DFTA, it doesn't make sense they have trained  
8 inspectors, right, so they could do that and we, we  
9 need more resources to hire more then we should work  
10 towards that meanwhile we have a large population of  
11 our seniors that are going to these social adult day  
12 cares and they're not being protected.

13 ROBIN FENLEY: So, in anticipation of  
14 DFTA actually issuing violations one of our staff  
15 members did accompany a DOH inspector to one of the  
16 social adult day sites that had what apparently  
17 seemed to us to be a minimal complaint about, you  
18 know the food handling, they don't wear gloves by the  
19 time the... it was extremely educational our, our... what  
20 we thought was one complaint came to be like 70  
21 something complaints that the DOH inspector was able  
22 to identify. So, this really speaks to the kind of  
23 training and understanding that's unique to each  
24 area. So, DFTA I don't expect will ever have that  
25 sort of expertise because nutrition is not our, our

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2 expertise in that regard in terms of the licensing  
3 around the food handling but yes, we did go out with  
4 them and it was a very, very beneficial experience.

5 CHAIRPERSON CHIN: Well we need to do  
6 that on a regular basis, how do we get there, how do  
7 we get to the point where we can ask the Department  
8 of Health to go check out every single one of these  
9 social adult day cares, you do that for the ten that  
10 we give a little bit of money too, right but.. [cross-  
11 talk]

12 CARYN RESNICK: I'm not a lawyer so I, I  
13 can't make the legal arguments but as I understand  
14 them we come back again to this liability issue and  
15 who is funding the programs so.. [cross-talk]

16 COUNCIL MEMBER VALLONE: No but that's..  
17 [cross-talk]

18 CARYN RESNICK: ...you know and DFTA where..  
19 [cross-talk]

20 COUNCIL MEMBER VALLONE: ...that's... those  
21 are situations within the facilities that we have  
22 city codes for... [cross-talk]

23 CHAIRPERSON CHIN: Yeah... [cross-talk]

24 COUNCIL MEMBER VALLONE: ...so we can... we  
25 don't need anything to do with state on that and

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2 that's why I agree with Margaret so if we have a  
3 health violation, a fire violation, a building...  
4 [cross-talk]

5 CARYN RESNICK: ...yes... [cross-talk]

6 COUNCIL MEMBER VALLONE: ...code violation  
7 those are the top three that we probably get the most  
8 complaints on that we should mandatory and require an  
9 annual inspection for all three just like our senior  
10 centers are bound to do and get a report sent to DFTA  
11 so you can see the status of these SADCs as to what's  
12 going on and what the most current... [cross-talk]

13 CARYN RESNICK: Well we're happy... [cross-  
14 talk]

15 COUNCIL MEMBER VALLONE: ...violations...  
16 [cross-talk]

17 CARYN RESNICK: ...to sit down with the  
18 Department of Health and see if we can make such an  
19 arrangement.

20 CHAIRPERSON CHIN: Yeah because... I mean I  
21 asked... okay, let's, let's get some clarification  
22 meeting with the Department of Health, I mean even  
23 the private day care center that are not funded by  
24 the city... [cross-talk]

25 CARYN RESNICK: Right... [cross-talk]

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2 CHAIRPERSON CHIN: ...I think they get  
3 inspected by the Department of Health...

4 CARYN RESNICK: I don't know...

5 CHAIRPERSON CHIN: Right, we need to  
6 check on that but it's just like... it doesn't make  
7 sense that we do not protect seniors who go to the  
8 social adult day care programs, it is government  
9 funded, Medicaid is government money, right so it  
10 really doesn't make sense at all. I'll come back but  
11 Council Member Mendez has questions.

12 COUNCIL MEMBER MENDEZ: [off-mic]

13 CARYN RESNICK: We do not have any  
14 inspectors.

15 COUNCIL MEMBER MENDEZ: [off-mic]

16 CARYN RESNICK: It... the proliferation of  
17 social adult day care that are Medicaid funded is  
18 new, DFTA has had social adult day care in our  
19 portfolio for decades and now funded by the city  
20 council.

21 COUNCIL MEMBER MENDEZ: [off-mic]

22 CARYN RESNICK: ...but yes, this, this,  
23 this growing number is relatively new... [cross-talk]

24 COUNCIL MEMBER MENDEZ: ...[off-mic]...  
25 [cross-talk]

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2 CARYN RESNICK: Right.

3 COUNCIL MEMBER MENDEZ: [off-mic] Sorry,  
4 you said it was helpful when some DFTA staff went  
5 with DOH or DO... DOHMH staff on some of these  
6 inspections maybe the inspectors at the other  
7 agencies should be trained by DFTA who are going into  
8 these social adult day care centers to, to be more  
9 adept at what to look for, I don't know. You may or  
10 may not know I have a housing background and I've sat  
11 on the housing buildings committee for the... what's  
12 going to be 12 years I've been in the council, at  
13 some point on the city council we have self-  
14 certification at Department of Buildings... [cross-  
15 talk]

16 CARYN RESNICK: Uh-huh... [cross-talk]

17 COUNCIL MEMBER MENDEZ: ...at some point on  
18 the city council we changed that because we found  
19 that there were so many problems so we instituted  
20 three strikes and you're out so I don't know what  
21 this self-certification is but no matter what  
22 agencies we're seeing in it it's meant to expedite  
23 for the... for the agency not to have these personnel  
24 doing it and for the person who's filing to get  
25 things filed faster that hasn't always worked out for



2 whoever's get the service. So, I think we need to  
3 rethink self-certification or have three strikes  
4 you're out policy. I don't really know what happens  
5 if someone self-certifies and lies and what are the  
6 consequences to that maybe you can talk me through  
7 it, I also need to understand what are the  
8 consequences when someone fails an audit and how  
9 often does an audit take place.

10 CARYN RESNICK: Okay, so I, I mean I hate  
11 to keep repeating myself and I know you're tired of  
12 this and... so at issue is that the self-certification  
13 of managed long term cares is a regulation of the  
14 state Department of Health who distributes Medicaid  
15 dollars to manage long term care companies, DFTA has  
16 zero relationship, we do not have anything to do with  
17 Medicaid funding whatsoever, our oversight senior  
18 centers is all older American's Act funded where we  
19 are the triple A and that is our bi-mandate mission.  
20 So, that is why this is extremely difficult, we don't  
21 directly have any contractual relationship with these  
22 SADCs and so we have been working as the Ombuds, as  
23 an advocate to push the state to take on a more  
24 aggressive role, be more active, we can continue to  
25 advocate, we can ask that they move away from self-

2 attestation, I mean the risks are very high, it is  
3 Medicaid fraud if you are not in adherence and if you  
4 lie on yourself attestation which in my opinion is a  
5 far greater penalty than any penalty that we would  
6 level for, you know not having a sign posted, it's,  
7 it's sort of the ultimate, you know you end up in  
8 jail, you don't end up paying a fine. So, you know I  
9 think that the ongoing relationship that we're  
10 forging with the state is really something that we  
11 should be proud of, you remember sitting here years  
12 ago where we couldn't, you know get a response or get  
13 a list and so even though the bar may not be moving  
14 as fast as we'd like it, it absolutely has moved and  
15 we're seeing really much greater oversight, we know  
16 of programs that have been closed, I think this issue  
17 has... partly because of these hearings and the work  
18 that you're doing it is much more public and so I  
19 think we've... you know the needle has really moved on  
20 this and we can continue and do continue to advocate,  
21 you know DFTA's role with... having... and it's not  
22 investigators we have oversight of our senior center  
23 contract agencies and we do a performance evaluation  
24 and it results in a vandex, it's part of the city  
25 contracting system and we have a unit by the way for

2 our 260 of probably 100 staff people that, that work  
3 on our senior centers. So, here again we don't have  
4 that contractual relationship, the... you know the law  
5 is complaint driven and so with the staff of one and  
6 maybe soon an additional staff person we are as  
7 responsive as we can be as those complaints come in.

8 ROBIN FENLEY: If I... and may I just add  
9 I, I feel that, you know having worked this for a  
10 little bit and, and I understand what you're saying  
11 because... and we all feel the same frustration, we're  
12 all... we're all there. I'm feeling that it may be also  
13 because the MLTC's that have the contractual  
14 relationship with the SADC's I'm feeling that it may  
15 be for us down the road, you know maybe not that far  
16 down the road to develop more of a relationship with  
17 the MLTC's so that they even understand what a social  
18 adult day is supposed to be and what it's not  
19 supposed to be so that they can then do what they are  
20 supposed to be doing. I have to say I've been so  
21 encouraged by again a handful, it's not... you know  
22 what do we have like 26 MLTC's operating in the city,  
23 there are a handful that are really very responsive  
24 and you can hear that they want to do the right thing  
25 because they know that their dollar is connected to

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2 it as well and so to me I'm thinking how else can..  
3 given all of these barriers that we're discussing  
4 today, the walls, how else can we get so that the  
5 social adult days are functioning properly and I'm  
6 thinking maybe it's through the back door through the  
7 MLTC's so that's, that's where I'm going and I'm  
8 hopeful as Caryn was saying... [cross-talk]

9 CARYN RESNICK: That's very doable, I  
10 mean there are 26... [cross-talk]

11 ROBIN FENLEY: Yeah... [cross-talk]

12 CARYN RESNICK: ...perhaps, you know in the  
13 city of New York and that's, you know manageable for  
14 us to be able to do the education and the outreach  
15 and the convening.

16 ROBIN FENLEY: Relationship building  
17 again.

18 COUNCIL MEMBER MENDEZ: Thank you very  
19 much... [cross-talk]

20 CARYN RESNICK: And that we're watching,  
21 I mean we are watching...

22 COUNCIL MEMBER MENDEZ: And I apologize  
23 for not being well versed in this area... [cross-talk]

24 CARYN RESNICK: It's very complex..  
25 [cross-talk]

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2 COUNCIL MEMBER MENDEZ: ...and I'm... [cross-  
3 talk]

4 CARYN RESNICK: ...it's, it's... [cross-talk]

5 COUNCIL MEMBER MENDEZ: ...I'm new to the  
6 committee and I only know some of the complaints that  
7 I've heard during the years... [cross-talk]

8 CARYN RESNICK: Yes... [cross-talk]

9 COUNCIL MEMBER MENDEZ: ...this sort of  
10 puts it in a little bit more perspective for me and  
11 I... and I do hope we can figure out a way whether it's  
12 this relationship building that we can hold them more  
13 accountable because the price is too high.

14 CARYN RESNICK: Uh-huh, thank you..  
15 [cross-talk]

16 ROBIN FENLEY: agreed... [cross-talk]

17 CARYN RESNICK: agreed, yeah.

18 CHAIRPERSON CHIN: So, let me just follow  
19 up, when we talk about the Ombud person's office, I  
20 know the last hearing in February that... you testified  
21 that you were planning to hire a director for that  
22 office so where's the status now?

23 ROBIN FENLEY: I can't wait, almost,  
24 she's... this director is almost here.

25

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2 CARYN RESNICK: A person has been  
3 identified and is in the hiring process.

4 ROBIN FENLEY: Uh-huh.

5 CHAIRPERSON CHIN: Okay. So that is real  
6 soon, right within... [cross-talk]

7 CARYN RESNICK: There... it should be very...  
8 [cross-talk]

9 CHAIRPERSON CHIN: ...couple weeks... [cross-  
10 talk]

11 CARYN RESNICK: ...soon, yes... [cross-talk]

12 ROBIN FENLEY: ...yes, well your mouth to  
13 OMB.

14 CARYN RESNICK: Yes.

15 CHAIRPERSON CHIN: Because we need it,  
16 it's already kind of late. I want to follow up with  
17 your suggestion, I think it's really key about  
18 focusing on the MLTC and that's why in the last  
19 hearing I asked for a list of the MLTC and the SADC  
20 that they contract with... [cross-talk]

21 ROBIN FENLEY: Uh-huh... [cross-talk]

22 CHAIRPERSON CHIN: I want to be able to  
23 see who are we... [cross-talk]

24 CARYN RESNICK: I believe that we  
25 provided that list.

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2 ROBIN FENLEY: Yeah... [cross-talk]

3 CHAIRPERSON CHIN: We got the MLTC but we  
4 didn't get the other half.

5 CARYN RESNICK: Oh... [cross-talk]

6 ROBIN FENLEY: Yeah... no, everything was  
7 sent two weeks ago, three weeks ago, three tops. We,  
8 we'll resend it... [cross-talk]

9 CARYN RESNICK: ...We'll send it again...  
10 [cross-talk]

11 CHAIRPERSON CHIN: Yeah because I think...  
12 [cross-talk]

13 CARYN RESNICK: ...we have it... [cross-talk]

14 CHAIRPERSON CHIN: ...we want to see the  
15 correlation like who are these MLTC contracting with...  
16 [cross-talk]

17 CARYN RESNICK: Uh-huh... [cross-talk]

18 CHAIRPERSON CHIN: ...because the ten... the  
19 good ones that DFTA supervises... I mean you had some  
20 oversight over the council give discretionary funding  
21 to a lot of them are not getting referrals from the  
22 MLTC and I want to know why because who are they  
23 contracting with and we want to see which are the  
24 ones that are getting the most complaints and what...

25

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2 and match it to what we hear in the community..

3 [cross-talk]

4 CARYN RESNICK: Uh-huh... [cross-talk]

5 CHAIRPERSON CHIN: ...because like I just  
6 want to say it again, we have a lot of good social  
7 adult day care programs in the city in my district  
8 not just the one that's funded, you know by the city  
9 council... [cross-talk]

10 CARYN RESNICK: Right... [cross-talk]

11 CHAIRPERSON CHIN: ...there are good ones  
12 out there, they're private paid and they're the ones  
13 that's telling me that because of competition some of  
14 the competitors are doing things that are not legal  
15 and really targeting, you know seniors... [cross-talk]

16 CARYN RESNICK: Right... [cross-talk]

17 CHAIRPERSON CHIN: ...and there's got to be  
18 some oversight on that and that's why even with the  
19 social adult day care they are frustrated because  
20 they are trying to do a good thing and they try to do  
21 their job the right way and then meanwhile you have  
22 competitors who are taking away... [cross-talk]

23 CARYN RESNICK: Right... [cross-talk]

24

25



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2 CHAIRPERSON CHIN: ...their clients and  
3 using unscrupulous tactics, you know like giving them  
4 gift cards, giving... [cross-talk]

5 CARYN RESNICK: Right... [cross-talk]

6 CHAIRPERSON CHIN: ...them money, it's bad  
7 so I think that the more we can do to help the good  
8 social adult day care program because we need them,  
9 you know we have a growing number of seniors with  
10 dementia, with Alzheimer's, with special needs and we  
11 need these programs but we need the good ones...

12 [cross-talk]

13 CARYN RESNICK: Absolutely... [cross-talk]

14 CHAIRPERSON CHIN: ...that really are  
15 taking care of this population because some of them  
16 they're not, some of them I, I go by and see them,  
17 the, the seniors are healthy and strong... [cross-talk]

18 CARYN RESNICK: Right... [cross-talk]

19 CHAIRPERSON CHIN: ...they should not be in  
20 those programs they should be in our regular senior  
21 centers so that's why we really need to work  
22 together, you know with the MLTC's since there's only  
23 26 of them I would like to really get a list and  
24 convene, you know maybe working with the city council  
25 and... [cross-talk]

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2 CARYN RESNICK: Yes, we can... [cross-talk]

3 CHAIRPERSON CHIN: ...convene... [cross-talk]

4 CARYN RESNICK: ...convene them... [cross-  
5 talk]

6 CHAIRPERSON CHIN: ...a meeting with them...  
7 [cross-talk]

8 CARYN RESNICK: ...together... [cross-talk]

9 CHAIRPERSON CHIN: ...and really see how we  
10 can really... [cross-talk]

11 CARYN RESNICK: I'm happy to... [cross-  
12 talk]

13 CHAIRPERSON CHIN: ...wrestle this... [cross-  
14 talk]

15 CARYN RESNICK: ...work toward that goal, I  
16 think it's a good path to take.

17 CHAIRPERSON CHIN: Yeah because they have  
18 to be held accountable and this just cannot continue  
19 to happen, I mean this number is going to continue to  
20 grow but it's not growing in the right direction,  
21 it's not serving the senior population that really  
22 need the service and that is something that is very  
23 troubling and we need to really step in and, and  
24 regulate and do something so that we can protect the  
25 seniors, the most vulnerable, the one that could..

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2 that really need the care and to support their  
3 family, the caregivers who want to put the senior in  
4 a safe place then they can, you know go to work and  
5 take care of, of their own families so let's, let's  
6 continue to work on that and I look forward to  
7 getting the list of the MLTC... [cross-talk]

8 CARYN RESNICK: Yep, we can do that...  
9 [cross-talk]

10 CHAIRPERSON CHIN: ...and the SADC... [cross-  
11 talk]

12 CARYN RESNICK: ...today... [cross-talk]

13 CHAIRPERSON CHIN: ...that they contract  
14 with... [cross-talk]

15 ROBIN FENLEY: ...yes, uh-huh... [cross-talk]

16 CHAIRPERSON CHIN: ...today... [cross-talk]

17 ROBIN FENLEY: ...uh-huh... [cross-talk]

18 CHAIRPERSON CHIN: ...and then we should  
19 convene a meeting with the MLTC and with DFTA on  
20 that.

21 ROBIN FENLEY: Good.

22 CHAIRPERSON CHIN: Thank you... [cross-  
23 talk]

24 ROBIN FENLEY: Uh-huh... [cross-talk]

25

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2 CHAIRPERSON CHIN: With HRA I was very  
3 pleased to hear from the testimony that a large  
4 percentage of seniors are actually getting SNAP and  
5 that's really great and the legislation that my  
6 colleague, Council Member Koslowitz is putting  
7 forward is also to see how we can do more with the  
8 senior center and so... I mean is it possible to really  
9 kind of have HRA to have personnel, do you go  
10 directly to the senior center to do the SNAP  
11 enrollment?

12 LAMAUNDA MAHARAJ: Yes, we do. So, we  
13 actually provide services to seniors in a variety of  
14 ways, one of them... [cross-talk]

15 CHAIRPERSON CHIN: Can you identify  
16 yourself for the record... [cross-talk]

17 LAMAUNDA MAHARAJ: I'm sorry, I'm  
18 Lamaunda Maharaj from HRA's Emergency Food and  
19 Nutrition Assistance Program. Yes, yes, it's on... so,  
20 as I indicated we provide services to seniors in a  
21 variety of ways, one of them is by partnering with  
22 approximately 45 of the senior centers that exist in  
23 New York City, we go there providing presentations,  
24 trainings, application assistance, and prescreening  
25 and we also go to a variety of events. We've done 134

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2 events in the past year that actually target seniors  
3 many of those are convened by city council members  
4 for their constituents. We also work with BDT,  
5 Benefits Data Trust in order to provide data matches  
6 where they reach out to seniors and are able to  
7 provide application assistance and document support  
8 and since 2014 they've actually have submitted over  
9 18,000 applications on behalf of seniors. We also  
10 fund emergency food programs approximately 500 at  
11 which through Local Law 80 we're required to provide  
12 SNAP outreach and we do track the number of seniors  
13 that actually visit emergency food programs. So, we  
14 have all of these ways that we're in the communities  
15 providing services not only to the general population  
16 but to seniors as well.

17 CHAIRPERSON CHIN: What about the seniors  
18 that receive home delivered meals, is... are every  
19 single one of them are, are match up with applying  
20 for SNAP?

21 CARYN RESNICK: I'm not sure that we've  
22 done that.

23 LAMAUNDA MAHARAJ: No, I'm not sure that  
24 we've had that type of partnership. We do work with...  
25 [cross-talk]

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2 CARYN RESNICK: Yes... [cross-talk]

3 LAMAUNDA MAHARAJ: I'm sorry, HR... I'm  
4 sorry, we do work with HRA's utility assistance  
5 program and heat and, and that's another way that we  
6 also service seniors in that we're doing homebound  
7 applications and in that type of service we are  
8 actually having seniors that apply for services.

9 CARYN RESNICK: I'm sorry I do have a  
10 response to that. As part... as you know part of home  
11 delivered meals you must go through a case management  
12 agency and you go through quite an extensive  
13 assessment and so part of that, the case manager  
14 encourages every home bound person to apply for  
15 whatever benefits that they might be eligible for.  
16 So, our case management agencies help with applying  
17 and accessing SNAP as well as all the other benefits.

18 CHAIRPERSON CHIN: Yeah, I think it would  
19 be good to get some data from that program in terms  
20 of how many seniors... I mean how many seniors and  
21 individuals that are on the home delivered meal  
22 program actually apply for SNAP or qualify for SNAP,  
23 I think that, that would be something interesting to  
24 really look at... [cross-talk]

25

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2 CARYN RESNICK: Okay, apply for or how  
3 many of our seniors are receiving SNAP benefits who  
4 are homebound?

5 CHAIRPERSON CHIN: Well I think both.

6 CARYN RESNICK: Okay... [cross-talk]

7 CHAIRPERSON CHIN: ...to see if they  
8 actually do assess and some of them... [cross-talk]

9 CARYN RESNICK: ...they do... [cross-talk]

10 CHAIRPERSON CHIN: ...I mean they should  
11 all qualify, I'd be interested to see if like we have  
12 100 percent enrollment or not and the reason why not  
13 if we don't.

14 CARYN RESNICK: Well home delivered meals  
15 for DFTA is not a means tested program so there may  
16 be a, a whole swap of folks that are not income  
17 eligible so they would not necessarily be eligible  
18 but we do absolutely screen and enroll seniors.

19 CHAIRPERSON CHIN: Well we should really  
20 take a look... [cross-talk]

21 CARYN RESNICK: Take a look... [cross-talk]

22 CHAIRPERSON CHIN: ...and the other... the  
23 other question is that, I know that we have, you know  
24 DFTA funded senior centers, 260, right and there are...  
25 there are still centers out there that are not funded

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2 by DFTA, I mean even though we've gotten quite a few  
3 of them through the city council immigrant  
4 initiative, the senior centers that serve immigrant  
5 population we were able to capture some more but how  
6 are the non-funded centers... are, are they getting  
7 this service? Does HRA... [cross-talk]

8 CARYN RESNICK: Non-funded... [cross-talk]

9 CHAIRPERSON CHIN: ...know where they are  
10 or... [cross-talk]

11 CARYN RESNICK: Non-funded DFTA... non-  
12 funded senior programs?

13 CHAIRPERSON CHIN: Yeah.

14 CARYN RESNICK: I don't know if we even  
15 know what the universe of those are but they.. you  
16 know they would access benefits in the community the  
17 way anybody else would so I, I don't know the answer  
18 to that.

19 CHAIRPERSON CHIN: So, if... I know that  
20 DFTA did some research that's what helped us work  
21 together to identify some of the senior centers that  
22 been serving the immigrant population for a long time  
23 so we're able to bring them into the fold and, and  
24 get some funding... [cross-talk]

25 CARYN RESNICK: Right... [cross-talk]



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2 CHAIRPERSON CHIN: ...but it's, it's... DFTA  
3 still continuing to identify other senior programs in  
4 the community that haven't been getting any kind of  
5 DFTA funding, it could be... it could be council member  
6 funding, I mean there are still some that actually do  
7 get a little bit of funding from council members...  
8 [cross-talk]

9 CARYN RESNICK: Yeah... [cross-talk]

10 CHAIRPERSON CHIN: ...but they don't get...  
11 [cross-talk]

12 CARYN RESNICK: ...I mean anybody who's  
13 within our radar has access to benefits and you know  
14 generally has a social worker on staff who can play  
15 that role.

16 CHAIRPERSON CHIN: Now part of the  
17 legislation that Council Member Koslowitz put forth  
18 is to really get every senior center to have the, the  
19 SNAP enrollment on an ongoing basis, you know with  
20 education and... [cross-talk]

21 CARYN RESNICK: Yeah... [cross-talk]

22 CHAIRPERSON CHIN: ...workshops...

23 CARYN RESNICK: So, already in our  
24 portfolio every senior center is required to do case  
25 assistance which would include doing a benefits

2 screen, an access to benefits and I think that's what  
3 we learned through our pilot program with Single Stop  
4 and Robin Hood that... it turns out we're doing a  
5 pretty good job and for people that attend our  
6 centers be them council funded or federally funded  
7 pretty much folks have been screened and enrolled and  
8 we tried to drive people from the community to the  
9 centers as an access point and that proved not to be  
10 particularly successful so, you know we feel like in  
11 our centers we're, we're doing a good job and I think  
12 that, you know the under enrolled or not enrolled we,  
13 we need to do other kinds of outreach to find them in  
14 other places in the community.

15 CHAIRPERSON CHIN: I think with the... one  
16 point that you addressed in the testimony about the  
17 stigma I think that's something that we have to  
18 figure a way how to help the seniors kind of overcome  
19 that... [cross-talk]

20 CARYN RESNICK: Yes... [cross-talk]

21 CHAIRPERSON CHIN: ...the other thing is  
22 it's also what we've heard is, you know certain times  
23 when the senior applies they don't have all the  
24 documentation they only get like ten dollars and so  
25

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2 for some seniors, you know how word of mouth gets  
3 spread... [cross-talk]

4 CARYN RESNICK: Right, exactly... [cross-  
5 talk]

6 CHAIRPERSON CHIN: ...it's only ten dollars  
7 so why bother, you know with the hassle. So, I think  
8 it's important we check... the staff check on your  
9 website, it's not really that clear in terms of the  
10 qualification like your income and how much you would  
11 get so the ten dollars shouldn't even... it's not even...  
12 shouldn't even be there in a way that people should  
13 know like if your income is a certain amount you  
14 qualify for 100 something dollars a month so people  
15 see that it is substantial that it could really help,  
16 you know benefit them and their family. I think that  
17 getting, you know regular real time information to  
18 people is, is very important and having easy access  
19 on your... on your website... [cross-talk]

20 CARYN RESNICK: I'm very happy to report  
21 that we are in the middle of redesigning our website  
22 and are working very closely with DoITT and I think  
23 we've just gotten to the point where we've worked on  
24 all the content and the design can happen so point  
25 well taken and we will make sure that our links... and

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2 we're going to have direct links to access NYC and to  
3 all of the other links in a much more prominent  
4 place.

5 CHAIRPERSON CHIN: Thank you and I'm glad  
6 that's happening because your... the DFTA website is  
7 not the easiest to navigate.

8 CARYN RESNICK: Alright, when we have a  
9 launch we will invite you to the launch and we can  
10 look at it together.

11 CHAIRPERSON CHIN: Okay. We've been  
12 joined by Council Member Treyger, Council Member  
13 Treyger do you have any questions or comments?

14 COUNCIL MEMBER TREYGER: Thank you Chair  
15 and welcome Deputy Commissioner and all those who are  
16 testifying. I, I was just reading through the, the  
17 prepared remarks in the testimony and, and forgive me  
18 if this is... some of this is... might be... have been  
19 asked already but if I was to... I just want to quick...  
20 clarification so the administration's concern with  
21 Intro 1278 is that, that this is an issue that falls  
22 within the realm of the state and not so much with  
23 the city, is that correct and is there any... anything  
24 more you can elaborate on that, I, I'd appreciate it?

25 CARYN RESNICK: Alright... [cross-talk]

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2 COUNCIL MEMBER TREYGER: Just a very..

3 [cross-talk]

4 CARYN RESNICK: ..we, we have.. [cross-  
5 talk]

6 COUNCIL MEMBER TREYGER: ..brief.. [cross-  
7 talk]

8 CARYN RESNICK: ..elaborated.

9 COUNCIL MEMBER TREYGER: Yes, I'm, I'm..  
10 [cross-talk]

11 CARYN RESNICK: ..on this so I'm.. [cross-  
12 talk]

13 COUNCIL MEMBER TREYGER: ..sure.. [cross-  
14 talk]

15 CARYN RESNICK: ..sorry.. [cross-talk]

16 COUNCIL MEMBER TREYGER: ..I'm sure.

17 CARYN RESNICK: ..that you were not here  
18 but, you know we've gone through this in the first  
19 iteration of the, the first piece of legislation that  
20 passed that.. and we've come to some conclusion so  
21 maybe I can.. I can tell you what we've just agreed  
22 that we're going to do moving forward which is to  
23 have some kind of convening with the managed long  
24 term care companies.. [cross-talk]

25

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2 COUNCIL MEMBER TREYGER: Right... [cross-  
3 talk]

4 CARYN RESNICK: ...of which there are 20  
5 something odd that are doing business in the city of  
6 New York who do have the contractual relationship  
7 with the SADC programs and are self-attesting to the  
8 fact that everything is above board and in accordance  
9 with self AREG's etcetera and sit down with them and  
10 try to come up with a joint education campaign and to  
11 alert them to the fact that we are the Ombuds, I mean  
12 they, they know us but to work together in a  
13 collaborative way moving forward to make sure that  
14 everybody is actually in compliance.

15 COUNCIL MEMBER TREYGER: Well because  
16 the, the reason why I asked was that... a couple of  
17 reasons, number one what has been the extent of the  
18 city's communication with the state with regards to  
19 this issue because again and, and I think the Chair  
20 would agree with me that, you know not all social  
21 adult day care centers are, you know bad actors,  
22 there, there... [cross-talk]

23 CARYN RESNICK: Right... [cross-talk]

24 COUNCIL MEMBER TREYGER: ...are good, good,  
25 good programs but then there have been reports and

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2 we've seen more than reports of ones that are very  
3 concerning to us and a lot of games being played with  
4 Medicaid which is, is a very, very... it's terrible,  
5 it's unlawful, terrible thing to do but it has an  
6 impact on the city... [cross-talk]

7 CARYN RESNICK: Uh-huh... [cross-talk]

8 COUNCIL MEMBER TREYGER: ...because when  
9 you hear from credible good organizations that do  
10 provide services to seniors this is directly hurting  
11 them and impacting them which by extension is  
12 impacting seniors and our communities so the city has  
13 a very compelling interest to be involved in this  
14 issue and then rather than try to find ways to kind  
15 of say it's the state's issue we need to be I think  
16 very proactive and figure this out so my question is  
17 has the city and the state talked about some sort of  
18 a, a joint venture or a joint task force or a joint  
19 effort to, to, to really make sure that these groups  
20 are in compliance if you could speak to that I'd, I'd  
21 appreciate it?

22 CARYN RESNICK: So, we did testify to the  
23 fact that we have a growing collaborative  
24 relationship with the state that there's a new  
25 convening of task force that's doing education and

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2 outreach to the SADC's programs together, that we are  
3 developing and have developed a much closer  
4 relationship with OMIG, the Office of the Medicaid  
5 Inspector General... [cross-talk]

6 COUNCIL MEMBER TREYGER: Uh-huh... [cross-  
7 talk]

8 CARYN RESNICK: ...where we do send the  
9 complaints that we feel are potentially around  
10 Medicaid fraud... [cross-talk]

11 COUNCIL MEMBER TREYGER: Right... [cross-  
12 talk]

13 CARYN RESNICK: ...and this continues to  
14 deepen and get better as time goes on...

15 COUNCIL MEMBER TREYGER: So, the city has  
16 sent complaints... [cross-talk]

17 CARYN RESNICK: Oh absolutely... [cross-  
18 talk]

19 COUNCIL MEMBER TREYGER: ...to the IG...  
20 [cross-talk]

21 CARYN RESNICK: Uh-huh... [cross-talk]

22 COUNCIL MEMBER TREYGER: ...do you have  
23 data on that like how many or... [cross-talk]

24 CARYN RESNICK: Uh-huh, yeah sure.

25



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2 COUNCIL MEMBER TREYGER: Could that be  
3 shared now or... [cross-talk]

4 CARYN RESNICK: I don't know if we could  
5 share it this minute but we can follow up with you...  
6 [cross-talk]

7 COUNCIL MEMBER TREYGER: Yeah, I... yeah,  
8 certainly because I'd, I'd be curious to know, you  
9 know the outcome of those... [cross-talk]

10 CARYN RESNICK: Well that, that is a  
11 place we have to further our relationship because we...  
12 in several instances where they have actually shut  
13 down a program... [cross-talk]

14 COUNCIL MEMBER TREYGER: Okay... [cross-  
15 talk]

16 CARYN RESNICK: ...then we are alerted but  
17 when they're doing an ongoing investigation they are  
18 not reporting to us when there is some kind of active  
19 case... [cross-talk]

20 COUNCIL MEMBER TREYGER: You see... [cross-  
21 talk]

22 CARYN RESNICK: ...so we have to find out  
23 legally can they, is it like DOI where if you're  
24 investigating you can't talk about it... [cross-talk]

25

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2 ROBIN FENLEY: That's, that's, that's the  
3 case... [cross-talk]

4 CARYN RESNICK: ...I think that... I think  
5 that seems to be the issue is once they've launched  
6 an investigation they're not going to share anything  
7 with us unless there's a finding.

8 COUNCIL MEMBER TREYGER: You see I, I...  
9 Chair the only reason I would... I would say that... and  
10 you're... and we again... the Chair has been really on  
11 top of this from day one and we appreciate her  
12 leadership on this is that it will be helpful if we  
13 can get some sense of the outcome of these  
14 investigations or some information because if they're  
15 exploiting loopholes and we have the power to fill  
16 the gap let's do it and if it's a matter of state law  
17 we'll talk to our state partners because it's in  
18 their interest as well to make sure there's no tax  
19 payer abuse but if there's a city issue that we can  
20 resolve but we need that information and so I think  
21 any communication or feedback we can get from the  
22 IG's office or the type... the, the nature of the  
23 complaints you're referring to I think that could be  
24 very helpful, okay and I, I thank the Chair for her  
25 time today.

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2 CHAIRPERSON CHIN: Thank you, I agree  
3 with my colleague is that... somehow DFTA and city  
4 council we need to work closely together so that  
5 when, you know OMIG gets back to you, you need to let  
6 us know and we need to really publicize it because  
7 out there in the community the sense people are  
8 getting is that the government is not doing anything...  
9 [cross-talk]

10 CARYN RESNICK: Right... [cross-talk]

11 CHAIRPERSON CHIN: Right, to enforce the  
12 problem that's been going on and its sort of like  
13 after a while why bother complaining when you're not...  
14 nothing is happening and meanwhile new centers are  
15 opening up and they're opening up in storefront  
16 space, they're making money and you keep hearing the  
17 bad things that happen but government is not doing  
18 anything and we cannot allow that to happen. So, any  
19 time there's any kind of an investigation we need to  
20 let the public know, you know get it out there in the  
21 media so people know that the government is taking  
22 action and catching the bad actors and making sure  
23 that the seniors are protected.

24 ROBIN FENLEY: If I may one of the things  
25 that I've learned since doing this Ombuds work is

2 that with our partners at OMIG we have sent them, you  
3 know all of the Medicaid allegation, allegations of  
4 Medicaid fraud what they always come back to and we  
5 could even give them names of people who have... you  
6 know like they've, they've been told on essentially,  
7 they have signed, I received X dollars from this  
8 place, what OMIG needs is the names of the people who  
9 are providing the allegation and that's where things  
10 fall through because they need... I mean this is like a  
11 real... this is a police investigation and they need to  
12 go and ask questions of the people who are saying  
13 this has happened and that has happened and without  
14 having a name it gets... you know they're kind of  
15 stunted and so I think like in the cases where  
16 they've been able to successfully close down sites  
17 it's because they've had the names of people who have  
18 said yes you can use my name, I will be willing to  
19 speak with you but we get so many complaints that are  
20 unanimous, you know and so that's, that's something  
21 that we are encountering as well.

22 CHAIRPERSON CHIN: And I think that's why  
23 we need to do the, the inspection on a regular basis  
24 because the seniors, you know they don't want to come

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2 forward, they'll come and tell me the story.. [cross-  
3 talk]

4 ROBIN FENLEY: Uh-huh... [cross-talk]

5 CHAIRPERSON CHIN: ...but they don't want  
6 to give their name because they're worried about  
7 retaliation... [cross-talk]

8 ROBIN FENLEY: That's right... [cross-talk]

9 CHAIRPERSON CHIN: ...I mean the  
10 community's not that big... [cross-talk]

11 ROBIN FENLEY: That's right... [cross-talk]

12 CHAIRPERSON CHIN: ...word gets around..  
13 [cross-talk]

14 ROBIN FENLEY: ...uh-huh... [cross-talk]

15 CHAIRPERSON CHIN: ...you know... [cross-  
16 talk]

17 ROBIN FENLEY: ...uh-huh... [cross-talk]

18 CHAIRPERSON CHIN: ...so I think we really  
19 need to find a way and make sure that we protect our  
20 seniors and that's why we want to continue that other  
21 discussion is to get the Department of Health to help  
22 us just do an annual inspection making sure that the  
23 place is safe so that the seniors if they go there  
24 for meals or go there for activities that it is a  
25 safe, clean place that they're going to.. [cross-talk]

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2 ROBIN FENLEY: ...uh-huh... [cross-talk]

3 CHAIRPERSON CHIN: ...I mean that's  
4 something minimal that, that the city should be able  
5 to do... [cross-talk]

6 ROBIN FENLEY: That's right and we've had  
7 conversations with DOH in that regard so yes, I mean  
8 that's... [cross-talk]

9 CHAIRPERSON CHIN: ...Well we're going to...  
10 we're going to reach out to the Mayor's Office and,  
11 and the Department of Health and Mental Hygiene and  
12 ask them you need to do this... [cross-talk]

13 ROBIN FENLEY: Uh-huh... [cross-talk]

14 CHAIRPERSON CHIN: ...you know you need to  
15 protect the seniors and I think that will send a very  
16 strong message that somebody is checking on them,  
17 right and that's a start and we will... we will work to  
18 do more and the other point that I want to request is  
19 that, that state task force that's formed I want to  
20 see how we could work together to really do the  
21 outreach and the education so it's not just, you know  
22 a, a... just in one, you know community but let's  
23 figure a way of really reaching out to my colleague  
24 and the city council and getting that outreach effort

25

2 education out... effort out in every single district...

3 [cross-talk]

4 ROBIN FENLEY: Uh-huh... [cross-talk]

5 CHAIRPERSON CHIN: ...so that we can, you  
6 know make sure that people know that the government  
7 is doing their job to try to protect our seniors.

8 COUNCIL MEMBER TREYGER: And Chair if, if  
9 I may just to build on that excellent point, I mean  
10 there's, there's an examples for example where the  
11 city works... like HRA for example works with a  
12 district attorney's office and law enforcements where  
13 there's examples where stores... some store owners are,  
14 are abusing the EBT card system where some folks are,  
15 are, are allowing to use their EBT cards to be  
16 exchanged for cash in order to buy products that are  
17 not authorized to be purchased with EBT cards and  
18 there have been joint investigations and, and sting  
19 operations to expose this and stores have been shut  
20 down or, or, or the EBT card machine has been pulled  
21 because they've abused it... abused that system. I  
22 think that, that we have the capacity to work with  
23 our law enforcement partners as well in, in this  
24 regard and conduct similar types of investigations  
25 and operations to ensure that seniors are in fact

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2 getting the services that they deserve and we're not  
3 playing serious games with, with, with Medicaid, I  
4 mean right now as, as you turn the television on  
5 Medicaid is, is, is under attack from Washington  
6 let's not give them any more reason to, to fuel that  
7 fire, let's, let's just get our, our, our own house  
8 in order so this is of the utmost importance for our  
9 seniors and for our communities. Thank you.

10 CHAIRPERSON CHIN: Yeah and we also want  
11 to make sure that the benefit is protected because we  
12 also have heard stories from seniors that when they  
13 actually, you know ended up in the hospital and then  
14 they got to, you know have extra, you know care then  
15 they find out they, they used up their benefits, that  
16 it was used when they were at a social adult day care  
17 program so... then the family all of the sudden is  
18 shocked that they didn't realize that they used up  
19 the benefits and now they got to pay. So, we want to  
20 make sure that people understand that, you know  
21 Medicaid benefit it's not, you know free and it's not  
22 just like endless... [cross-talk]

23 ROBIN FENLEY: Exactly... [cross-talk]

24 CHAIRPERSON CHIN: So, we've got to  
25 really do more education effort out there and I thank



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2 you for coming today to testify and I look forward to  
3 continuing to work with you.

4 ROBIN FENLEY: Thank you very much.

5 CHAIRPERSON CHIN: Thank you... [cross-  
6 talk]

7 ROBIN FENLEY: Uh-huh.

8 CHAIRPERSON CHIN: We are going to call  
9 up the next panel. Andrea Cianfrani from LiveOn New  
10 York, Rachel Sherrow from City Meals, Jeannette  
11 Estima from FPWA, and Jay Peltz from Food Industry  
12 Alliance of New York. Hi, you may begin.

13 ANDREA CIANFRANI: We're good? Good  
14 morning, thank you aging Chair Chin and subcommittee  
15 Chair Vallone who I know is coming back and members  
16 of the Aging Committee. I'm Andrea Cianfrani from  
17 LiveOn New York. at the core of LiveOn New York's  
18 mission is to support our over 100 organizational  
19 members that provide 600 community based programs and  
20 services for older adults citywide ranging from  
21 individual community based senior centers to large  
22 multiservice organizations throughout all five  
23 boroughs. We also administer a citywide outreach  
24 program targeting older adults in their communities  
25 where benefits are most underutilized where we

2 educate thousands of older adults including those who  
3 are homebound about food assistance options and  
4 screen and enroll those who are eligible for SNAP,  
5 the rent freeze program and other benefits. We also  
6 staff a call hotline staffed by professional client  
7 services team that assist older adults and caregivers  
8 with benefit information, screenings, and  
9 applications and we serve approximately 1,000 clients  
10 per quarter. We respectfully offer our testimony on  
11 several of the bills presented here today. Regarding  
12 Intro 1519, LiveOn New York opposes this, this bill.  
13 While food insecurity among seniors is an important  
14 issue to address the legislation imposes an unfunded  
15 mandate as well as an unclear additional reporting  
16 requirements on senior centers that are already  
17 historically grossly underfunded and overstretched.  
18 As you well know Chair Chin and members of the  
19 committee and you fought very hard for funding for  
20 the aging network DFTA's budget is less than one half  
21 of one percent of the city's budget despite older  
22 adults comprising more than 18 percent of the city's  
23 population. Despite this underfunding, senior centers  
24 are already admirably performing benefit enrollment  
25 information including SNAP information to seniors who

2 participate in the programs. Seniors that access the  
3 aging network programs are actually very well  
4 connected thanks to the important work that these  
5 centers and programs are already doing. We think  
6 there... this is a very important issue obviously and  
7 agree with the city that senior hunger is a vital  
8 issue to address and we feel there are other ways to  
9 look at doing this. We do advocate that the city  
10 adopt legislation to establish reimbursement for  
11 senior center congregate and home delivered meals  
12 based on the annual consumer price index and there's  
13 more information in our testimony about that. This  
14 would increase access to healthy food for seniors  
15 citywide and include those that may not be able to  
16 access senior centers. LiveOn also asks the city to  
17 support a shortened SNAP application form for older  
18 adults which would provide more easier access to  
19 benefits. Regarding Intro 1278, we do not have a  
20 position on this bill at this time. We do believe and  
21 agree that this issue is a very important one to  
22 address and we are glad to hear that the adult day  
23 Ombuds person position will soon be filled so we will  
24 look forward to hearing more about that. We also  
25 encourage the city to ensure that adult day services

2 particularly those that are funded by DFTA that are  
3 performing these services for seniors that are above  
4 the Medicaid level are not subject to overly  
5 burdensome or duplicative reporting requirements.  
6 We'd also strongly support a bill that would require  
7 the city to research the need for adult day care  
8 services and provide one social adult day precede in  
9 New York City and again there's more information  
10 about that in our... in our written testimony. We  
11 firmly believe that access to affordable elder care  
12 is the workforce issue of the 21<sup>st</sup> century and we  
13 look forward to addressing this with you. it's also...  
14 adult day has also been underfunded for many years by  
15 the city and we do recognize that the city council  
16 has continued to support these DFTA funded programs...  
17 these DFTA programs over the years and we thank you  
18 for the funding for that. Regarding resolution 112,  
19 LiveOn New York does support this initiative, we  
20 thank the council for funding over the past several  
21 years to reinstate the sixth meal program which was  
22 eliminated by another former administration. The  
23 extra meal provides seniors one additional weekend  
24 meal which is so valuable for senior food access. As  
25 part of our joint coalition ask with many of the

2 other organizations here that will testify today,  
3 we've submitted a budget priorities request that we  
4 hope that you will take a look at and I know that the  
5 council has looked at that and included that in the  
6 response to the Mayor's as part of the year of  
7 seniors and so we thank you for that. We respectfully  
8 request that the city, city baseline one year funding  
9 to provide an extra weekend meal to older adults for  
10 a total of 1.2 million plus an additional 3.9 million  
11 to increase per meal reimbursement to cover inflation  
12 rate increases. We also recommend that the city fund  
13 the public awareness campaign as part of the bill  
14 that would provide public awareness for congregate  
15 and home delivered meals and target both seniors,  
16 families, and caregivers. Finally, we also support  
17 resolution 262, LiveOn New York has long advocated  
18 for adequate funding that would allow aging services  
19 to provide healthy meals to meet the needs of an  
20 increasingly immigrant and diverse older, older adult  
21 population so we believe that Halal meals would  
22 provide this, this very strong program and the city  
23 must also include funding to support this. Finally,  
24 as part of the testimony we again reiterate our  
25 budget request that was submitted as with other

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2 organizations that are here today. So, we thank you  
3 for taking a look at that and thanks for the  
4 opportunity to testify.

5 RACHEL SHERROW: Thank you Council Member  
6 Chin for your leadership and for calling this hearing  
7 today. My name is Rachel Sherrow and I am speaking on  
8 behalf of City Meals on Wheels. I'll cut to the  
9 chase, you know what we do and who we are, we're here  
10 to say that we do support the resolution to restore  
11 the congregate 6<sup>th</sup> weekend meal however a marketing  
12 campaign designed to promote Meals on Wheels would  
13 need to ensure that there are available case managers  
14 to handle the influx of those interested in this  
15 service along with an array of others however with a  
16 waitlist of... for case management services of over  
17 1,900 that we know of probably about a month ago so  
18 it, it probably has grown since then, we're concerned  
19 that many who are already currently in need will not  
20 receive the essential in home services and will end  
21 up having more older adults fill our emergency rooms,  
22 become severely isolated and depressed unable to pay  
23 their bills, and perhaps even end up homeless. Adding  
24 to the increasing need will only overburden an  
25 already taxed system therefore we must adequately

2 support the current system. City meals also supports  
3 the resolution to ensure Halal meals are offered  
4 through Meals on Wheels however there needs to be  
5 additional funding to providers to pay for the  
6 increase in costs for these specialized meals.

7 Regarding the SNAP resolution, senior centers and I  
8 know that DFTA and HRA describe this, senior centers  
9 are already assisting their members to enroll in  
10 benefit programs like SNAP and with an unfunded  
11 mandate as this resolution does not address the  
12 current system will continue to be overburdened and  
13 unable to provide quality services. The city's budget  
14 as Andrea mentioned for aging services has not kept  
15 up with the increasing need and growth in population.

16 In this, Council Member Chin's year of the senior  
17 together with other organizations who will echo  
18 everything that we're all saying the... we city meals  
19 request that the city shore up aging services with an  
20 FY '18 request of 60 million dollars including the  
21 baselining of core services like case management,  
22 home care, and the 6<sup>th</sup> congregate meal as they are  
23 crucial in ensuring we have a safety net for those  
24 aging in New York City and that we will be able to  
25 serve the ever-growing population in the very near

2 future. We thank you obviously for including this in  
3 your response to the Mayor's budget, we're all  
4 waiting on pins and needles to see what's coming out  
5 in the next day or so and we're afraid that we're  
6 going to have to fight even more and we're not sure  
7 why because it's such a, a small ask in the large,  
8 larger picture and the fact that we will have to deal  
9 with this down the, the line is frightening for us.  
10 Thank you very much. They'll tell you what happened.

11 COUNCIL MEMBER VALLONE: I see my  
12 favorite panel up there.

13 JEANETTE ESTIMA: Hello, thank you  
14 Chairperson Chin and Chairperson Vallone and members  
15 of the, the Committee on Aging for the opportunity to  
16 testify today. My name is Jeanette Estima and I'm a  
17 Policy Analyst at FPWA, an anti-poverty policy and  
18 advocacy organization with a membership network of  
19 nearly 200 human services and faith based  
20 organizations. Social adult day services and access  
21 to nutritious food are critical to the health and  
22 safety of older New Yorkers and to the wellbeing of  
23 thousands of caregivers. Both SNAP and home delivered  
24 and congregate meals play a significant role in  
25 reducing food insecurity among older adults. Social



2 adult day providers... sorry, social adult day centers  
3 provide therapeutic and social programming that helps  
4 especially frail older adults including those with  
5 Alzheimer's and Parkinson's who may not be able to  
6 participate in senior centers. It's an important  
7 source of respite for caregivers allowing them an  
8 opportunity to take care of other responsibilities  
9 such as work, caring for a child, or managing a  
10 household. We thank the committee for recognizing the  
11 importance of these programs and attending to the  
12 various challenges in their implementation. Regarding  
13 Intro 1278, which requires a posting of the  
14 performance summary card at the entrance of social  
15 adult day care sites, we believe that that system  
16 brings a welcome level of transparency to the public.  
17 In addition, in order to ensure a more robust  
18 oversight we urge that the city fund the program,  
19 provide additional funding for the program as well as  
20 for DFTA's Ombud's person program established through  
21 Local Law Number 9 in 2015 to mediate consumer  
22 complaints about the social adult day programs.  
23 Regarding Intro 1519, which seeks to increase SNAP  
24 participation among older adults we... DFTA funded  
25 senior centers already help participants enroll in a

2 variety of benefits including SNAP. In fact, studies  
3 have shown that older adults who attend senior  
4 centers are well connected to support programs and  
5 benefits. As such FPWA is concerned that the proposed  
6 legislation does not effectively target eligible but  
7 unenrolled seniors. Moreover, it's unclear whether  
8 the program and it's concomitant reporting  
9 requirements comes with additional funding. We're  
10 very concerned about adding an unfunded mandate for  
11 senior centers many of which are already underfunded  
12 and struggling with burdensome reporting  
13 requirements. FPWA supports resolution 112 calling  
14 for the restoration of the congregate weekend meal  
15 program and a public awareness campaign to promote  
16 congregate and home delivered meals as well as  
17 resolution 262, calling for the provision of Halal  
18 meals. Moreover, we strongly recommend that adequate  
19 funding be provided to support both of these  
20 programs. In addition to proposed legislation, FPWA  
21 urges the committee to seek a comprehensive plan to  
22 address the needs of older New Yorkers especially  
23 given the threat of sweeping federal cuts to existing  
24 safety net programs there must be a commitment to  
25 fully fund and build an infrastructure for aging

2 services. We urge the city to invest 60 million  
3 dollars in FY '18, the year of the senior in order to  
4 plan for and build a strong safety net for older New  
5 Yorkers, thank you.

6 JAY PELTZ: Thanks. Good morning, thank  
7 you for the opportunity to testify on behalf of the  
8 Food Industry Alliance of New York State regarding  
9 Intro 1519. FIA is a non-profit trade association  
10 that promotes the interest state wide of New York's  
11 grocery, drug, and convenience stores. Our members  
12 include chain and independent grocery stores that  
13 account for a significant share of the city's retail  
14 food market and the grocery wholesalers that supply  
15 them as well as drug and convenience stores. My name  
16 is Jay Peltz and I'm the General Counsel and Vice  
17 President of Government Relations for FIA. FIA  
18 supports Intro 1519, which requires the Department of  
19 Social Services to distribute SNAP applications to  
20 all senior centers. In addition, under the  
21 legislation the department must in coordination with  
22 the Department for the Aging establish and implement  
23 a program to enable SNAP enrollment at all senior  
24 centers. At a minimum, the program must enable  
25 eligible seniors to enroll in SNAP in person at each

2 senior center. Moreover, each senior center will be  
3 required to offer such programming at least once a  
4 month. Maximizing the SNAP enrollment of eligible  
5 populations should be a top policy priority for the  
6 city. Increasing the enrollment of eligible senior's  
7 citizens is especially important since they are  
8 under... since they are under enrolled. According to  
9 the National Council on Aging, in Fiscal Year 2014  
10 while 83 percent of all eligible individuals  
11 participated in SNAP just 42 percent of eligible  
12 elderly individuals were enrolled in the program are  
13 points out that quote, "67 percent of struggling  
14 older people ages 60 and above who are eligible for  
15 SNAP benefits are not receiving them". Our research  
16 says as a result, quote "millions of seniors today  
17 are suffering from debilitating effects of hunger and  
18 poor nutrition despite the fact that most of these 67  
19 percent paid taxes to support the program for years".  
20 FIA has periodically partnered with the New York  
21 State Office of Temporary and Disability Assistance  
22 to help increase SNAP enrollment. These efforts are  
23 not only intended to alleviate hunger but also to  
24 bring federal dollars into the state. The OTDA  
25 programs have targeted communities in Manhattan and

2 Queens thus highlighting the need to reach under  
3 enrolled populations living in those areas. For the  
4 foregoing reasons, FIA on behalf of its members  
5 supported the option of this legislation. I'd be  
6 happy to answer any questions you might have.

7 COUNCIL MEMBER VALLONE: Thank you as  
8 always, I think we're all on the same page especially  
9 our panel up here and you there Council Member Chin I  
10 will be writing in the executive budget that's about  
11 to be released but we're probably hearing the same  
12 thing you're hearing that we won't be funded for  
13 these things so we will have to continue that fight  
14 to make sure it is. One of the things that I... we had  
15 brought up really quickly and wanted your thoughts  
16 about requiring cross agency support with DFTA on  
17 violations to help with these SADC's any thoughts on  
18 supporting that, I, I think that's... should be the  
19 very least provided to DFTA?

20 RACHEL SHERROW: With funding, yes. It's  
21 fantastic, I, I think the, the issue... [cross-talk]

22 COUNCIL MEMBER VALLONE: If I give up my  
23 house again.

24 RACHEL SHERROW: Right, I think the issue  
25 is also putting the, the mandate on DFTA without the

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2 funding and that support onto services that are not,  
3 not even covered under their oospecies is what the  
4 burden is, is about even though it's representing the  
5 population that they... [cross-talk]

6 COUNCIL MEMBER VALLONE: No, I was... I was  
7 thinking of shifting the burden to the agency (???)  
8 and giving that data to DFTA that's all... [cross-talk]

9 RACHEL SHERROW: Yes... [cross-talk]

10 COUNCIL MEMBER VALLONE: ...that's all.  
11 Thank you Chair.

12 CHAIRPERSON CHIN: Yeah, we just wanted  
13 to thank this panel especially the advocates that  
14 we've been working with on the year of the senior  
15 budget even though today's executive budget but we  
16 still got to make sure... it's still a long road ahead  
17 to adoption, alright, we want to make sure at the end  
18 when we vote on this budget, my colleagues that it's  
19 got to be the year of the seniors included in there  
20 and... because we've got to start building the  
21 infrastructure and so that's, that's what I... you know  
22 that's what we're going to be focusing on and I want  
23 to thank you again for all your collaboration and  
24 working with us. Thank you. The next panel, Theresa  
25 Montini, Angela Ghesquiere from the Brook, Brookdale

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2 Center for Healthy Aging, Will Thomas, and Molly  
3 Krakowski from JASA.

4 COUNCIL MEMBER VALLONE: However you'd  
5 like to start.

6 THERESA MONTINI: Hi, good morning. I'm  
7 Theresa Montini, the Director of Research at the  
8 Brookdale Center for Healthy Aging which is at Hunter  
9 College and it's a part of... it's the Academic  
10 Gerontology Center for the city of New York, City  
11 University of New York and we wish to be recorded in  
12 strong support of Resolution Number 1226 calling upon  
13 the New York state legislature to pass and the  
14 governor to sign 5820-A in relation to violations of  
15 safety conditions in adult care facilities. Brookdale  
16 Center thanks Council Members Chin and Palma for  
17 their sponsorship and support of this important  
18 resolution. So, Resolution Number 1226 would put the  
19 New York City council on record in support of  
20 legislation sponsored by Assembly member Richard  
21 Gottfried that would amend the social services law  
22 and the mental hygiene law to improve the Department  
23 of Health safety enforcement. The Bill currently  
24 called 2743 would protect the health, safety and  
25 quality of life of New York City residents... New York

2 residents living in adult care facilities by more  
3 effectively sanctioning violations of safety  
4 conditions in adult care facilities by authorizing  
5 the suspension or limitations of errant adult care  
6 facilities operating certificates, increasing  
7 penalties for violations, decreasing the time periods  
8 for correcting found violations, establishing a  
9 notification system that places errant facilities on  
10 a do not refer list, prohibiting errant facilities  
11 from admitting any new residents until danger is  
12 eliminated, requiring annual reviews for all  
13 facilities regardless of past high ratings, and  
14 mandating that inspection reports set a time line  
15 for, for violations to be ameliorated. The city of  
16 New York has a justifiable interest in A-2743 given  
17 that nearly half of all licensed adult care  
18 facilities in New York State are located in New York  
19 City. This bill would protect the health, safety, and  
20 quality of life of a class of New York's vulnerable  
21 residents, adults who are not able to live  
22 independently but who do not require admission to a  
23 nursing home. The Brookdale Center for Healthy Aging  
24 urges the Committee on Aging and the Subcommittee on  
25 Senior Centers to support Resolution 1226 and join in



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2 every effort to advance Gottfried's act to amend the  
3 social services law and the mental hygiene law to  
4 better address violations of safety conditions in  
5 adult care facilities and thank you for this  
6 consideration.

7 ANGELA GHESQUIERE: Hello, my name is  
8 Angela Ghesquiere, I'm a Program Manager at the Sadin  
9 Institute of Law and Public Policy at the Brookdale  
10 Center for Healthy Aging of Hunter College at the  
11 city's University of New York and the Brookdale  
12 Center would like to offer our support for Resolution  
13 Number 1225 calling upon the New York State  
14 legislature to significantly increase funding for the  
15 New York State Long Term Care Ombudsman Program. One  
16 of our primary foci is preventing and addressing  
17 elder abuse and as an academic gerontology center  
18 we're aware of a body of evidence that supports the  
19 need for addressing elder abuse in long term care  
20 which is a key task of the state long term care  
21 Ombudsman. This evidence includes the fact that elder  
22 abuse in long term care settings is prevalent, a  
23 range of studies have indicated that between 28 and  
24 36 percent of people in long term care are victims of  
25 elder abuse. There's also strong evidence indicating

2 that elder abuse in long term care has many negative  
3 consequences including dehydration, pressure sores,  
4 undernourishment, and increased mortality rates of  
5 victims. There's also evidence that elder abuse is  
6 vastly unreported. Community surveys find that rates  
7 of elder abuse in surveys are 24 times greater than  
8 those officially reported and there's also evidence  
9 that, that substantiation of cases in long term care  
10 settings is challenging without sufficient resources.  
11 One study found that only 36 percent of cases are  
12 ever substantiated and only 13 percent ever went to  
13 trial. Increasing funding to the Long-Term Care  
14 Ombudsman Program would provide sufficient staffing  
15 and other resources to fully investigate the high  
16 number of elder abuse cases, enable the program to  
17 quickly respond to and investigate allegations which  
18 could in turn increase willingness to report abuse  
19 and substantiation rates could be increased and the  
20 program could also provide effective intervention,  
21 which would reduce the limited.. which would limit the  
22 negative consequences of elder abuse. The increasing  
23 funding could also increase ability to effectively  
24 prosecute cases which would prevent further abuse. We  
25 therefore strongly believe that increasing funding

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2 could improve the safety and well-being of vulnerable  
3 older New Yorkers. We thank you for this  
4 consideration and I'd be happy to respond to any  
5 questions.

6 WILL THOMAS: Good morning, my name is  
7 Will Thomas and I am the Director of Research Policy  
8 and Advocacy at Hunger Free America which in... which  
9 is based here in New York City. We're here today to  
10 support Introduction 1519, Resolution 112, and  
11 Resolution 262. On Introduction 1519, we heard a lot  
12 of really great information and really great work  
13 being done by HRA on behalf of older adults who are  
14 eligible for SNAP but might not yet be participating  
15 and it's worth noting as HRA did that New York State  
16 and City has significantly higher SNAP participation  
17 among older adults than the nationwide benchmark of  
18 42 percent and other states. So, their work should be  
19 applauded and they do tremendous work. However,  
20 outreach events aren't the whole story when it comes  
21 to senior SNAP outreach. SNAP is uniquely stigmatized  
22 among older adults whereas they might gleefully  
23 accept government benefits like social security,  
24 Medicare, or Medicaid. SNAP is different, it's  
25 uniquely stigmatized, we don't talk about... you know

2 the media doesn't have vast, you know conversations  
3 about social security fraud and abuse, you know there  
4 isn't legislation every year about, you know limiting  
5 the choices of people who receive social security.

6 SNAP is uniquely stigmatized compared to many other  
7 benefit programs and so providing information at  
8 senior centers whether it's through outreach events  
9 or not on a consistent basis allows for older adults  
10 to understand the intricacies of the program and to  
11 engage in peer to peer education. While the

12 professional outreach is needed and necessary and  
13 should be expanded we should also make sure that  
14 there's consistent provision of information for older  
15 adults so that they can educate their peers not only  
16 so that way they're more likely to engage... you know

17 to start an application but also they know the ins  
18 and outs because their friends, you know have... you  
19 know they applied for the benefits and they took  
20 these deductions and... so they're not just getting the  
21 minimum benefit of 16 dollars they're getting more  
22 which is... you know more in line with their needs. So,

23 we think that... you know we understand the, the  
24 limitations and that senior centers are underfunded  
25 and you know we understand those but I think that

2 allowing... and we think that allowing more information  
3 at senior centers is a good thing and allows for more  
4 peer to peer education as opposed to formal outreach.  
5 So, in that light we support it. As far as  
6 Resolution, Resolution 112 is concerned we support  
7 this and we applaud the council for the 1.2 million  
8 dollars in funding for these kind of initiatives, the  
9 sixth day meals initiative, we hope that this is  
10 expanded in Fiscal '18. It's worth noting that  
11 between 2009 and 2016 New York State's federal  
12 funding for older Americans actual nutrition programs  
13 alone fell 13.1 percent when adjusted for inflation  
14 so the city does have a role to step up and provide  
15 for the older adults here. And also, as far as  
16 Resolution 262 is concerned we support that. We think  
17 DFTA already provides services for kosher... people who  
18 keep kosher for example so we think that this is  
19 simply fair that they would provide Halal meals as  
20 well. And I'm happy to answer any questions you might  
21 have, thank you.

22 MOLLY KRAKOWSKI: Hi, good morning. My  
23 name is Molly Krakowski and I'm Director of  
24 Legislative Affairs at JASA. I want to thank Council  
25 Member's Chin and Vallone chairing today's meeting.

2 I'm going to skip our whole intro of who we are  
3 because I think we know who we are but I wanted to  
4 before getting into the specific topics of today to  
5 talk about the underfunding of human services  
6 contracts which I think I keep talking about but why  
7 not. So, I just... I... we... JASA is part of the human  
8 services council and we've had this across the board  
9 12 percent ask to right size the budgets and to bring  
10 up into full funding all the city contracts in human  
11 services and so I just want to say 12 percent what  
12 that translates into is 2.5 million dollars to fill  
13 the gap in the current city underfunding of our  
14 contracts, 1.1 million dollars to pay for social work  
15 parody and to present for their increases so that in  
16 fact... not just case management should get that  
17 increase to a parody level but same with elder abuse  
18 social workers and social workers in NORCs and senior  
19 centers and all the other areas that... adult  
20 protective services, etcetera and then 350,000  
21 dollars in just changes in the increase that we  
22 expect for food and health insurance and rent and  
23 fuel, I mean this is really bare bones. I think  
24 sometimes 12 percent maybe sounds really enormous  
25 it's really not, it's right size... it is but it's

2 right sizing the budgets that the city has not paid  
3 adequately. Community organizations like JASA can't  
4 be expected to raise that kind of money  
5 philanthropically it's just not... it's just not  
6 feasible. So, I want to just make sure that we get  
7 that on the table before we talk about it today  
8 because I think a lot of these, and as you've heard  
9 from some of my colleagues at other agencies before  
10 we talk about all the wonderful things that we need  
11 to be doing we need this budget to actually address  
12 the underfunding and so I... you know I'm hopeful  
13 although I think we all know what's coming later  
14 today but there's going to have to be some real  
15 fighting going on to right size... right size what the  
16 city is paying for, for what they expect. Today I'm  
17 going to offer testimony on two of the agenda items,  
18 Resolution 262 regarding Halal meals and Intro 1519  
19 regarding supplemental nutrition assistance program  
20 enrollment at centers. In terms of 262 we're calling  
21 on DFTA to ensure the Halal meals that are... that  
22 they'll be made available as an option to the home  
23 delivered meals program and while DFTA currently  
24 provides a variety of culturally appropriate meals in  
25 compliance with religious observance and or cultural

2 preference including kosher, Chinese, Korean, Polish  
3 meals there's no contracts for Halal meals. In the  
4 DFTA funded case management program in Brooklyn JASA  
5 partners COPO who you'll hear from shortly. COPO,  
6 Council of People's Organization, they are formally  
7 council of Pakistan Organizations and we provide case  
8 management assistance in the community in Brooklyn.  
9 Without a doubt the population that's targeted by  
10 COPO would definitely benefit from better.. and they  
11 would be better served by Halal meals and we think  
12 that this should be certainly made available with  
13 funding and so just give a sense JASA currently  
14 serves 486,000 plus meals annually, more than half of  
15 those are kosher meals. You know from past hearings  
16 and from deliberations how much more kosher meals  
17 cost, it costs us an additional 1.35 per meal to  
18 provide the kosher meals which is resulting in about  
19 157,000-dollar deficit for FY '17. So, when we  
20 initially looked into Halal meals one of the bids was  
21 for 15 dollars a meal, we currently pay 4.86 I think  
22 per meal, for kosher meals so obviously, there's a  
23 learning curb and maybe the meals could be brought  
24 back down into something that's more reasonable but  
25 granted they're going to require a lot of additional



2 funding above what the current reimbursement rate is  
3 even for probably even for kosher meals. We'd also  
4 like to talk to Intro 1519, the senior centers as, as  
5 was mentioned serve a vital role in helping older  
6 adults engage in the community and remain socially  
7 connected. Social workers have a wide range of  
8 responsibilities including doing case assistance and  
9 helping members enroll in all sorts of benefits and  
10 entitlements. We do not support having this  
11 additional requirement because it's underfunded, it's  
12 not funded, it... while it's a good intention we're  
13 concerned that it's going to be unnecessary  
14 considering what's already required by DFTA in the  
15 current contract requirements and so what I would  
16 suggest is that a wide range publicity campaign  
17 focused on older adults calling attention to SNAP,  
18 SCRIE and other underutilized programs is long  
19 overdue and would be welcome and it would likely... you  
20 know result in many additional referrals to DFTA  
21 programs that exist. And then the final thing that I  
22 wanted to just call attention to which isn't on the  
23 agenda but is of the moment has to do with universal  
24 access to legal assistance which used to be referred  
25 to as right to counsel. This is funding that both the

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2 Mayor and Speaker, Mark-Viverito have put forward for  
3 legal counsel and housing court and this is going to  
4 be rolled out over a period of five years. We would  
5 very much like to see seniors addressed in year one.  
6 Seniors obviously are in a more vulnerable situation,  
7 anyone who's in housing court is vulnerable, seniors  
8 are in a particularly vulnerable situation living on  
9 the fiscal cliff on fixed incomes below.. many below  
10 the poverty line and who even if they have SCRIE may  
11 have gotten SCRIE at a point when they were frozen at  
12 a higher rent than what more than half of their  
13 income is going to their rent. So, this is something  
14 that's very imminent, we would really like the  
15 council and specifically the Committee on Aging to  
16 weigh in on this and to push for our seniors to be  
17 addressed in year one. So, thank you for the  
18 opportunity to testify and for fighting for us for  
19 the aging budget and human services budget in the.. in  
20 the upcoming weeks. Thank you.

21 CHAIRPERSON CHIN: Thank you to this  
22 panel and thank you for coming in. Up next is Kasey  
23 Williamson from United Neighborhood Houses, Mujtaba  
24 Ali from Council of Peoples Organization, Dil Afruz  
25 Ahmed from India Home.

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2 COUNCIL MEMBER VALLONE: And just really  
3 quick Dr. Ghesquiere on the previous panel we agree  
4 with you on the elder abuse, Margaret and I fought  
5 for that allocation last year it was put in and it's  
6 still the number one crime is financial elder abuse  
7 on seniors so we, we hear you.

8 CHAIRPERSON CHIN: You may begin.

9 KASEY WILLIAMSON: Good afternoon Chair  
10 Chin and Chair Vallone and members of the Committee  
11 on Aging. Thank you for the opportunity to testify  
12 today. My name is Kasey Williamson and I am here on  
13 behalf of United Neighborhood Houses, New York City's  
14 Federation of Settlement Houses and Community  
15 Centers. We are grateful for the city council's  
16 continued financial support and attention to social  
17 adult day care programs, senior centers, and meal  
18 programs for older adults. Regarding Intro Number  
19 1278 UNH is concerned that this legislation does not  
20 call for additional funding for DFTA to implement the  
21 score card system and that DFTA may be unable to  
22 carry out this mandate. UNH recommends that the city  
23 support social adult day care programs by allocating  
24 resources to strengthen the social adult day care  
25 Ombudsperson program to provide oversight and support

2 to social adult day care programs and include  
3 provisions in Intro Number 1278 for a correction plan  
4 for social adult day cares that are non-compliant  
5 with state regulations. Regarding Intro Number 1519  
6 UNH is concerned that this proposal is duplicative of  
7 existing obligations that contractually require  
8 senior centers to enroll participants in various  
9 benefits programs. Staff at senior centers are often  
10 stretched to capacity with their work and caseloads  
11 and imposing further requirements on staff to focus  
12 on SNAP enrollment without additional funding or  
13 support would make compliance with this legislation  
14 difficult. Furthermore, older adults who attend  
15 senior centers are often the most well connected in  
16 the city as they are connected to institutions that  
17 screen for benefits and other entitlements. So, in  
18 regard to the SNAP outreach for older adults UNH  
19 recommends that the city conduct further research  
20 into the demographics of older adults receiving SNAP  
21 benefits to identify where the need is and to invest  
22 in alternative methods to identify and enroll  
23 eligible older adults in benefits programs. For  
24 example, by utilizing mailings, distributing  
25 information through hospitals, clinics, caregiver

2 programs, and places of worships and advertising on  
3 buses, subways, and radio announcements. And then in  
4 regard to meal programs and other supports for older  
5 adults UNH recommends that the city support  
6 Resolution 262 ensuring the provision of Halal and  
7 other culturally relevant meals through the home  
8 delivered meals program and provide appropriate  
9 reimbursements for providers. We also ask that they  
10 support Resolution 112 and, and allocate funding  
11 towards restoration of the congregate meal program  
12 and the accompanied public awareness campaigns. We'd  
13 also ask that they support the year of the senior  
14 budget ask especially baselining council initiatives  
15 that support core services which promote stability in  
16 the aging services network including 660,000 for  
17 DFTA's core service enhancement, 3.85 million for the  
18 Nork Program, 3.578 million to support senior center  
19 programs, 950,000 for social adult day care programs,  
20 and 1.2 million to support the congregate, congregate  
21 weekend meal program. We look forward to  
22 collaborating with you on supporting and improving  
23 vital services that keep older adults safe in their  
24 communities and provide access to necessary  
25 nutritional benefits. Thank you for your time and

2 holding this hearing and I'm happy to answer any  
3 questions that you have.

4 MUJTABA ALI: Good morning everyone, my  
5 name is Mujtaba Ali I'm from Council of Peoples  
6 Organization, the Executive Assistant. COPO's mission  
7 is to assist low-income immigrant families,  
8 particularly South Asian and Muslims to reach their  
9 full potential as residents of New York City. COPO  
10 empowers marginalized communities to advocate for  
11 their rights and understand their responsibilities as  
12 Americans, it helps to build community relations  
13 among Muslims and non-Muslim community groups. We  
14 work to establish connections between communities and  
15 various government agencies. We provide multiple  
16 services to the community. We are the first Halal  
17 Senior Center in Brooklyn, New York. We provide  
18 services to seniors such as food, transportation,  
19 socialization, benefit enrollment, and case  
20 management services. Asians represent 15 percent or  
21 more of the population in the city however they  
22 receive 2.7 percent resources for the community.  
23 South Asians and Arabs whom we provide services to  
24 receive .00001 percent of the resources serve... to  
25 serve the community. We are grateful to receive the

2 ten K in 2015 and 16 for our seniors and recently  
3 we've been awarded, awarded from council initiative  
4 75 K for 2016 and 17. We were budgeted to serve 100  
5 meals a week totaling 5,200 meals per year but the  
6 need is far greater and we currently are servicing  
7 twice the amount of meals approximately 11,000 Halal  
8 meals per year. We are providing these essential  
9 services to our seniors. We are now subcontracted  
10 with JASA to provide case management services to over  
11 200 seniors. As providing these seniors with services  
12 we are learning that many Muslim seniors are  
13 reluctant to receive meals on wheels due to religious  
14 and cultural requirements. There are over one million  
15 Muslims in New York City of which there are many  
16 seniors and in need of Halal meals. I personally work  
17 with seniors as well. One of my seniors that receives  
18 Halal meals informed me that he uses this meal for  
19 both lunch and dinner to meet his nutritional needs.  
20 This senior is disabled, suffers torn rotator cuffs  
21 in both shoulders and uses a cane to assist with  
22 mobility. Yet still with his mobility impairment he  
23 walks into our office daily to receive meals. We want  
24 to be able to provide seniors such as this with Halal  
25 meals on wheels. They are in dire need of this

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2 service. We are requesting that city council and DFTA  
3 help us to fund us in providing Halal home delivered  
4 meals to seniors, help us help our seniors, thank  
5 you.

6 NARGIS AHMED: Good afternoon and  
7 [foreign dialogue] peace be up on you. Thank you for  
8 giving me this opportunity to testify in front of the  
9 Committee on Aging. My name is Nargis Ahmed also  
10 known as Dil Afruz Ahmed, I'm the Program Director  
11 for the India Home's Desi Senior Center inside the  
12 Jamaica Muslim Center in Jamaica, Queens. India Home  
13 is a non-profit organization founded by community  
14 members to serve South Asian older adults. The  
15 mission of India Home is to improve the quality of  
16 life for older adults by, by providing quality care  
17 in a culturally appropriate environment. I'm here  
18 today to support Resolution 0262-2014 which calls on  
19 the Department for the Aging to ensure Halal meals  
20 are available as a part of the home delivered meal  
21 program. We run the largest Halal senior center  
22 congregate meal program in the city. Every day, we  
23 have over 100 seniors come attend our program, access  
24 our case assistance services, recreational  
25 activities, health and wellness programs, and much



2 more. As the director of the largest Muslim center,  
3 senior center in New York City, I know firsthand the  
4 hardships that our Muslims seniors face every day.  
5 Halal food is an integral part of Islam. It is a  
6 subset of one of the five main pillars of our  
7 religion. As Muslims, we need to eat only Halal food  
8 in order to continue our faith and religious  
9 practices. Before our senior center started, our  
10 senior centers in the area did not offer Halal meal  
11 options because of our culturally relevant meals we  
12 are able to target an underserved and ignored segment  
13 of seniors in New York City. The next step for us is  
14 to reach the homebound Muslims seniors who  
15 desperately need culturally appropriate Halal home  
16 delivered meals. If the Halal option does not exist  
17 for home delivered meals, we will miss the  
18 opportunity to serve any homebound Muslims senior who  
19 need case management services, friendly visiting  
20 programs, social services, and of course much more.  
21 Halal meat is now very readily and easily available  
22 to procure and purchase. As a result of great  
23 advocacy of which I was a part of, Halal lunches are  
24 now available in many New York City public schools.  
25 There should be no reason... there should be no reason

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2 to... why Muslim seniors cannot get Halal home  
3 delivered meals in the... in this day and age. We at  
4 India Home are ready to partner with DFTA to deliver  
5 these meals. Thank you so much again for having me  
6 and thank you so much for your time.

7 COUNCIL MEMBER VALLONE: Just, just  
8 really quick Chair, so thank you for your advocacy in  
9 bringing that to attention, Chair Chin and I have  
10 been fighting for ethnic meals reimbursement across  
11 the board because it's... every group is shortchanged  
12 from... and now with the Halal costs, Molly Krakowski  
13 gave some testimony as to... from JASA, was, was that  
14 about right, she was saying something about 14  
15 dollars per meal, 15 dollars?

16 MUJTABA ALI: Yes, because there's no...  
17 they... we don't have a direct vendor, there's so many  
18 different vendors and they're giving such competitive  
19 prices but we're trying to get that down, up to eight  
20 dollars per meal. We were... [cross-talk]

21 COUNCIL MEMBER VALLONE: ...which is still  
22 going to... [cross-talk]

23 MUJTABA ALI: ...working very closely...  
24 [cross-talk]

25

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2 COUNCIL MEMBER VALLONE: ...leave you in  
3 the negative... [cross-talk]

4 MUJTABA ALI: ...with JASA on that, yes.

5 COUNCIL MEMBER VALLONE: Which leaves you  
6 short about how much per day, what's your budget now  
7 for the meals?

8 MUJTABA ALI: We actually don't have a  
9 budget for those meals, the meals that we provide at  
10 COPO was through city funding from you guys so it was  
11 a... it's, it's discretionary funds that we're  
12 providing these meals and the rest the board is  
13 coming up with, I believe we were short about 30,000  
14 dollars last year that the board funded us with and  
15 that's where we stand right now and we had... we were  
16 doing it five days a week and we had to cut down to  
17 three days because we just didn't have the funds, we  
18 couldn't do that again, I mean that was our first  
19 time we received that 75 K in 2016 and from that we  
20 were providing five days a week and seniors were  
21 coming in left and right, we had sign ups, we went  
22 through DFTA regulation, we did everything we were  
23 supposed to but the need was way too high and then  
24 when we looked at our budget at the end of the year  
25 we saw that we were in deficit and this year we... for

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2 2017 we're only doing it three days a week, Monday,  
3 Wednesday, and Friday.

4 COUNCIL MEMBER VALLONE: Well  
5 unfortunately it seems to be a sad story whether it's  
6 kosher meals, Halal meals, Asian meals, Korean,  
7 Chinese, you name it there is a shortage that the  
8 fund.. that the.. you're being asked to pick up the  
9 difference so we continue to fight for you.

10 MUJTABA ALI: Thank you so much, thank  
11 you.

12 CHAIRPERSON CHIN: Well we wanted to, you  
13 know continue to advocate for full funding for your  
14 center, I mean you got into the initiative for a  
15 center that serves senior population ultimately.. I  
16 mean serves immigrant population ultimately the goal  
17 is to have your center get incorporated to the  
18 regular senior center and this year in the year of  
19 the senior we're trying to right size the senior  
20 center's budget so they get a full budget and I'll  
21 ask if the start has to be around 750,000 that's the  
22 size.. that's the budget for the innovative centers  
23 that we have in the city and that should be the  
24 budget for the largest senior center and then we can  
25 pro-rate it down but that is substantial funding that

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2 could really support the needs of our senior and I,  
3 you know thank you for your advocacy and, and your  
4 hard work because right in the beginning there was  
5 nothing, there was no support and gradually you've  
6 been coming to city council testifying and it helps  
7 so keep on doing that and we will have to make sure  
8 that the administration hears that there's still a  
9 great need out there, that we have to serve seniors  
10 in the newer community that haven't been taken care  
11 of. So, we thank you for your advocacy.

12 MUJTABA ALI: Thank you so much, thank  
13 you.

14 KASEY WILLIAMSON: Thank you... [cross-  
15 talk]

16 CHAIRPERSON CHIN: And we look forward to  
17 continuing to work with you on this year of the  
18 senior budget. Okay, all the way to adoption, right,  
19 thank you for being here today.

20 KASEY WILLIAMSON: Thank you... [cross-  
21 talk]

22 CHAIRPERSON CHIN: And thank you to all  
23 the advocates that came today to testify and thank  
24 you for all of your great work and we look forward to  
25 working with you to make sure that in this year's

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2 budget we will truly take care of our senior as the  
3 year of the senior, thank you. Meeting's adjourned.

4 [gavel]

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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

May 23, 2017