

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON AGING

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HELD AT: Council Chambers - City Hall

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

COUNCIL MEMBERS: Diana Ayala
Chaim M. Deutsch
Ruben Diaz, Sr.
Daniel Dromm
Mathieu Eugene
Deborah L. Rose
Mark Treyger
Paul A. Vallone

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

Karen Resnick, Deputy Commissioner for External
Affairs, NYC Department for the Aging, DFTA

Robin Fenley, Assistant Commissioner
Bureau of Healthcare Connections
NYC Department for the Aging, DFTA

Karen Taylor, Assistant Commissioner
Bureau of Community Services

Otis Pitts, Assistant Commissioner
Division of Environmental Health
NYC Department of Health and Mental Hygiene

Andrea Cianfrani, Director of Public Policy
Live On New York

2 [sound check] [pause]

3 CHAIRPERSON CHIN: Good morning. I'm
4 Council Member Margaret Chin, Chair of the Committee
5 on Aging. Thank you all for joining us today for the
6 Committee's oversight hearing on a topic important
7 to our aging population, social adult day care
8 programs. Seniors are the fastest growing age group
9 in this city. According to the U.S. Census Bureau,
10 the population of individuals age 65 and older
11 increased from 35 million to 49.2 million in the last
12 16 years. Today, older adults represent about 13% of
13 the city's total population. They are caregivers,
14 they are volunteers, and they have contributed so
15 much to New York City. They deserve to know that the
16 programs available to them are safe, and appropriate
17 to their needs. Social adult day care programs, or
18 SADC, are one of these important services. SADCs
19 offer seniors who are functionally impaired with
20 health services, meals, appropriate social activities
21 and transportation service social adult day cares
22 also provide needed relief to caregivers who need
23 this time to take care of personal matters. In
24 Fiscal Year 2018, the Department for the Aging also
25 known as DFTA oversaw 10 social adult day cares in

2 the city. The Council has strived to make sure that
3 these social adult day cares are safe for our
4 seniors. In 2015, the City Council passed Local Law
5 9, my bill to regulate SADCs programs that do not
6 receive any funding from the state or city. This
7 laws was to make sure that even those social adult
8 day cares that do not receive grant funding still
9 need to meet certain standards and requirements in
10 order to operate. At the end of last session, we
11 also introduce 1278-A, which required DFTA to create
12 and maintain a public database of all social adult
13 day cares that are registered with the department.
14 This database will include information about SADCs
15 that are important to our older population including
16 any notices of violation the SADCs have received.
17 Today, we will continue the ongoing dialogue about
18 the states of the social adult day care in New York
19 City. We will first discuss 411, my bill, which
20 require the Department for the Aging to inspect and
21 report on social adult day cares and senior centers
22 that provides meals. This bill, which require
23 inspectors from the Department of Health and Mental
24 Hygiene to provide annual inspection to any social
25 adult day care that handles food with ensure that all

2 adult day cares are handling food properly and
3 safely. The committee will also discuss Proposed
4 Intro 399-A sponsored by Council Member Paul Vallone.
5 This bill will required DFTA to provide a yearly
6 report regarding the program, services and activities
7 of all neighborhood and innovative senior centers.
8 It will provide the public with more information
9 about how our senior centers are run, and allow
10 legislatures—legislators to identify ways that we can
11 improve these services. Today, we will hear from the
12 Department for the Aging and the Department of Health
13 and Mental Hygiene's advocates and other interested
14 stakeholders about the social adult day cares
15 available in the city, what services they offer, how
16 they are budgeted, and maintained and what must be
17 done to improve both social adult day cares and
18 senior centers. I'd like to thank the committee
19 staff for their help in putting together this
20 hearing, our Policy Analyst Emily Rooney and Kalima
21 Johnson; our Counsels Caitlin Fahey and Muza
22 Todarchodury (sp?) and Finance Analyst Daniel Kroop,
23 and I'd like to thank the other members of the
24 committee who have joined us today. We have Council
25 Member Rose, Council Member Ayala, Council Member

2 Diaz, Council Member Deutsch, Council Member Vallone
3 and Council Member Eugene. So, we will now hear from
4 Council Member Vallone who is sponsoring Proposed
5 Intros 399-A a Local Law requiring DFTA to report on
6 senior centers. Council Member Vallone.

7 COUNCIL MEMBER VALLONE: Thank you, Madam
8 Chair. Good morning everyone. The core of DFTA's
9 services portfolio is the agency's citywide network
10 of 246 contracted senior centers frequently providing
11 educational programs, congregate and home delivered
12 meals, recreational programming along with a variety
13 of essential services, which truly speak to the
14 importance of these centers and the population they
15 serve. Yet, as of today, there are growing concerns
16 about the declining senior center utilization rate,
17 and the growing number of social adult day care
18 programs citywide, which may be attracting seniors
19 who would otherwise attend senior centers. This is
20 why I introduced Intro 399-A, which calls on the
21 Department for the Aging to report on a variety of
22 metrics including services, costs, utilization rates,
23 reimbursement costs, occupancy costs, total number of
24 employees and salary costs just as a few to mention
25 of the annual attempt Madam Chair and I have gone

2 through during budget negotiations and legislation
3 proposals as to the information that our constituents
4 and our seniors continually ask for not just for
5 greater transparency, but also for a better
6 understanding and a hope that we can help adequately
7 provide essential services to the populations that
8 need it most. We will hard and hand-in-hand to make
9 sure seniors are not forgotten by creating and
10 utilizing these programs and properly shaping and
11 conducting outreach from DFTA and several great
12 organizations through our city. Thank you, Madam
13 Chair and I look forward to our testimony today on
14 these bills.

15 CHAIRPERSON CHIN: Thank you, Council
16 Member Vallone, and now in accordance with the Rules
17 of the Council, our counsel will now administer the
18 affirmation to the witnesses from the Mayoral
19 Administration.

20 LEGAL COUNSEL: Please raise your right
21 hand. Do you affirm to tell the truth, the whole
22 truth and nothing but the truth in your testimony
23 before this committee, and to respond honestly to
24 Council Member questions?

2 DEPUTY COMMISSIONER RESNICK: [off mic]
3 [pause] Good morning Chairperson Chin and members of
4 the Aging Committee. I'm Karen Resnick, Deputy
5 Commissioner for External Affairs at the New York
6 City Department for the Aging. From DFTA, I'm joined
7 by Dr. Robin Fenley, Assistant Commission for the
8 Bureau of Healthcare Connections and Karen Taylor,
9 Assistant Commissioner for the Bureau of Community
10 Services. Today also I am joined by Otis Pitts,
11 Assistant Commissioner for the Division of
12 Environmental Health at the New York City Department
13 of Health and Mental Hygiene. On behalf of DFTA
14 Commissioner Donna Corrado, I'd like to thank you for
15 this opportunity to provide testimony on social adult
16 day care as well as on Intro 9-399-A in relation to
17 requiring DFTA to report on senior centers. DOHMH
18 will testify this morning on Intro No. 411 in
19 relation to food safety inspections for social adult
20 day care and senior centers and reporting. Formal
21 opportunities to ensure that the growing population
22 of older adults are actively engaged in community
23 life comes in many forms. During the past few years,
24 New York City has witnessed the proliferation of
25 social adult day care, SADC programs, which contract

2 with managed long-term care companies. Social adult
3 day care is a structured program of socialization for
4 individuals whose physical and cognitive needs are
5 beyond their ability to independently participate in
6 activities such as that which could be found at
7 senior centers or other community programs for older
8 adults. Social adult day care programs structured
9 and supervised activities, meals, some personal care
10 assistance, monitoring of overall wellbeing, and as
11 optional services transportation or case
12 coordination. DFTA currently oversees nine Social
13 adult day care programs that are supported by Council
14 discretionary funding. The availability of Medicaid
15 financing through the MLTCs has fostered the
16 continual growth of new Social adult day sites
17 throughout the five boroughs, most notably in
18 Brooklyn and Queens. As of today, 350 sites have
19 registered, 142 in Brooklyn, 134 in Queens, 33 in
20 Manhattan, 26 in the Bronx and 15 in Staten Island.
21 Managed long-term care companies are funded by the
22 New York State Department of Health Medicaid Program
23 to coordinate and provide community healthcare
24 services, which include Social adult day care. As
25 part of the Medicaid Program the New York State

2 Department of Health has taken steps to ensure these
3 services are provided to eligible individuals in
4 accordance with New York State regs and standards.
5 New York State requires that MLTCs conduct initial
6 and annual site visits of all of their contracted
7 SADCs in order to monitor compliance with the minimum
8 state regulations and requirements including the New
9 York State Office for the Aging Social Adult Day
10 Standards. MLTCs are mandated to assess the
11 cognitive and physical status of all potential SADC
12 participants prior to authorizing attendance.
13 Further, MLTCs are to ensure SADC compliance with all
14 related audits as well as maintain documentation of
15 such compliance. Additionally, New York State
16 Department of Health requires that all MLTC
17 contracted SADCs self-certify annually with the New
18 York State Office of the Medicaid Inspector General.
19 The testing that they are in compliance with the
20 NYSOFA Social Adult Day Standards and local building,
21 fire safety and health codes. Local Law 9 of 2015
22 required DFTA to register SADCs and created the SADC
23 Ombuds Office at DFTA. In this capacity, DFTA
24 accepts and responds to SADC related inquiries and
25 complaints and has developed an online registration

2 database for all Social Adult Day programs operating
3 within New York City. DFTA has recently updated this
4 system to allow SADC providers to create a unique
5 account for their program with direct access to their
6 registration information for real time program
7 information updates. Local Law 9 of 2018 requires
8 that DFTA create and maintain an online public
9 searchable database of social adult day care programs
10 registered with the agency. While DFTA works with
11 New York City Department of Information Technology
12 and Telecommunications to build and enhanced database
13 with additional functionality for the public, there
14 are currently two interim ways for the public to
15 obtain information on SADCs. One option utilizes the
16 New York City Open Data Portal, which provides access
17 to a complete list of registered sites that is
18 available for download. The second option is through
19 DFTA's website. On the agency website, individuals
20 can search by borough, zip code, program name and
21 service type. Once a specific program is selected,
22 complete program information will be available
23 including name, address, phone number days and hours
24 of operation, service provided and whether the
25 program is DFTA funded. Through concrete practice

2 and day-to-day application of the law since the SADC
3 Ombuds Office was launched, DFTA has tested and
4 developed a working protocol to establish a system to
5 receive comments and complaints about SADCs,
6 investigate such complaints and inform relevant
7 agencies of the results of such investigations.
8 Through this process—though this process has taken
9 longer than initially anticipated, we are currently
10 working close with the Law Department to develop
11 rules to formalize this protocol and implement the
12 corresponding penalty structure. Since DFTA was
13 designated as the SADC Ombuds Office, important
14 interagency relationships have been forged and new
15 partners have emerged, each integral to DFTA's
16 implementation of the law. On the city level, these
17 active partners include the Fire Department, the
18 Department of Buildings, and DOHMH. Key partners on
19 the state level include the New York State Office of
20 Health, Division of Long-Term Care, NYSOFA and OMIG,
21 the Office of the Medicaid Inspector General. DOHMH,
22 who will testify later about food safety inspections
23 in SADCs and senior centers will send letters to all
24 registered SADCs this month. The letters will inform
25 SADCs about requirements for food service

2 establishment permits and food safety inspections.

3 DFTA provides DOHMH with the most recent list of

4 registered SADCs to facilitate their site visits to

5 ensure that food service establishments permits will

6 be obtained if necessary. Ongoing collaborative

7 activities proceed along two tracks: Addressing

8 complaints and education. The discussion of

9 complaints and education are combined during DFTA's

10 participation and bi-monthly meetings with the MLTCs

11 convened by OMIG and public education forums on

12 Social adult day care services. The Public Education

13 team includes DFTA, OMIG and the New York State

14 Attorney General's Medicaid Fraud Control Unit. In

15 addition, on March 23rd of this year, DFTA hosted the

16 first Social Adult Day Social Adult Day Regulations

17 Training for the 20 MLTCs with contracted Social

18 adult day programs in New York City. Additional

19 invitees included DOHMH, NYSOFA, OMIG, and the New

20 York State Adult Day Services Association, which is a

21 statewide membership organization for operators of

22 social adult day programs. As many complaints

23 received by the SADC Ombuds Office include nutrition

24 or food quality concerns, the focus of this initial

25 training was on the NYSOFA Nutrition Standards.

2 NYSASA led the training and DOHMH discussed the
3 Health Code requirements for licensing of food
4 handlers and certification of food service
5 establishments. Intro 9—Intro No. 399-A, a report on
6 senior centers. As I mentioned, our testimony will
7 also discuss Intro No. 399-A. I'd like to preface
8 this discussion with a brief update on the senior
9 center model budget. Last month during DFTA's
10 testimony before this committee on the FY19
11 Preliminary Budget, Commissioner Corrado announced
12 that the Administration allocated \$10 million in
13 baseline funding for senior centers beginning in
14 FY18, which will increase to \$20 million by FY21.
15 These funds, as you know, were designated to help
16 create parity in our senior center budgets and
17 provide adequate funding to achieve an expanded array
18 of programming across the senior center system. We'd
19 like to take this opportunity to briefly go over the
20 process by which DFTA arrived at a fair and equitable
21 model budget as well as the process by which the \$10
22 million will be distributed to providers in FY18 and
23 19. DFTA and the Mayor's Office of Management and
24 Budget with input from our network of providers and
25 other stakeholders conducted a thorough analysis of

2 the existing line item budgets and spending patterns
3 across our portfolio of 249 senior centers. As a
4 result, we identified several characteristics that
5 exemplify high quality programs highlighting strong
6 leadership and a rich array of health and education
7 programming. We then compared existing budgets to
8 the funding patterns to support the key attributes of
9 high quality programs and calculated the need for
10 each senior centers based on where their current
11 budgets compare to the model. The network of 249
12 senior centers was divided into five groups based on
13 average daily participants in recognition of the fact
14 that there are certain costs that vary based on the
15 size of the center such as the need for modestly more
16 staff to run a very large center compared to a very
17 small one. At the same time, the model recognizes
18 that there are certain fixed costs for running a
19 center irrespective of average daily participants.
20 The resulting amounts given to each center were
21 divided between an amount for program staff and
22 another for programming based on each center's areas
23 of need. However, funding remained flexible across
24 line items with certain, within certain parameters
25 thus allowing centers to identify their most critical

2 needs and submit proposals accordingly. In March,
3 senior centers all but 26 were notified of the
4 amounts they will receive for both FY18 and FY19.
5 They have since submitted their proposals for use of
6 the funds. Depending on individual urgent needs, a
7 number of centers have proposed that some of the
8 funds allocated to them be used for purposes other
9 than those dictated by the model such as one-time
10 needs. This was a thorough going year-long process
11 in which many of our external partners played an
12 important role. Ultimately, we believe our mutual
13 goal of equity was met. We are confident in the
14 soundness of our formula and processes and intend to
15 implement a similar methodology for future right
16 sizing efforts. For instance, as you, the model does
17 not address food costs. We're currently in the
18 process of working on an evaluation of food services
19 across programs. This work is being done with the
20 help of a consultant, and we anticipate the analysis
21 will be completed later this year. Our goal for the
22 second phase of the model is to evaluate how to
23 achieve efficiencies in food procurement, preparation
24 and delivery while increasing quality and choice.
25 The Senior Center Model Budget is in line with the

2 spirit of the legislation. While DFTA collects a
3 number of the data elements in the proposed
4 legislation, other data elements are not readily
5 available and they also pose data gathering issues
6 for our senior centers provider network. We'd be
7 happy to discuss further as the Administration
8 supports efforts to share pertinent-pertinent
9 information with the Council and the general public.
10 Thank you again for this opportunity to provide
11 testimony on social adult day care and Intro No. 399-
12 A. Following testimony from DOHMH on Intro 411, my
13 colleagues and I are pleased to answer any questions
14 you may have. I'm handing it over to you, Otis.

15 ASSISTANT COMMISSIONER PITTS: Thank you.
16 Good morning Chairperson Chin and members of the
17 Committee on Aging. I am Otis Pitts, Assistant
18 Commission in the Division of Environmental Health at
19 the New York City Department of Health and Mental
20 Hygiene. On behalf of Commission Bassett, thank you
21 for the opportunity to testify on Introduction 411.
22 The department permits and inspects food service
23 establishments under Article 81 of the New York City
24 Health Code, which defines food service establishment
25 as a place where food is provided to the consumer

2 whether it is provided free of charge or sold and
3 whether consumption occurs on or off premises. Our
4 regulated establishments range from restaurants and
5 mobile food units to cafeterias, caterers, and food
6 operations and charitable organizations. Social
7 adult day cares that serve food to clients may be
8 included in this category as well, and are required
9 to be permitted and inspected by the department if
10 they meet the Health Code's definition of a food
11 service establishment. The department is working
12 with the Department for the Aging, DFTA, to identify
13 Social adult day cares and then will determine which
14 ones are covered under the Health Code. We have begun
15 the process of inspecting and permitting these
16 facilities, and we'll soon send letters to all Social
17 adult day cares registered with DFTA. This letter
18 will notify them of the process of applying for a
19 food service establishment permit. The department
20 supports the intent of Introduction 411, which would
21 require the department to annually inspect Social
22 adult day cares classified as food service
23 establishments, and report on these activities. We
24 are committed to working with DFTA and the city's
25 social adult day care facilities to regulate the

2 proper entities as food service establishments, and
3 we look forward to working with Council on this piece
4 of legislation. Thank you, and we're happy to take
5 any questions.

6 CHAIRPERSON CHIN: Thank you for your
7 testimony. I am going to start with a couple of
8 questions for DFTA first. In terms of Local Law 9,
9 it was passed in 2015. What is it taking so long to
10 promulgate rules? I mean you're still working on it.
11 What's the problem?

12 DEPUTY COMMISSIONER RESNICK: Well, we
13 did initially draft rules and the Law Department did
14 not approve our initial proposed rules pursuant to
15 Section 1043(c) and (d) of the Charter, and so now
16 based on conversations about the additional proposed
17 rules with the Law Department, we're developing
18 processes based on the day-to-day experience and
19 expertise of our staff that comports with Law
20 Department's feedback and that works in practice
21 rather than continuing to try to amend the initially
22 proposed rules, and the current protocol, which Robin
23 is happy to walk you through, is really a result of
24 the work over the last two years, 2 plus years, and is
25 currently being drafted into legislative language

2 that would be appropriate with rule making. So, in
3 essence, from the time of the original draft of the
4 rules, we have really through hard work and rolling
5 out of this program now really developed a protocol
6 that we think is working very well, and maybe Robin
7 could kind of work you—walk you through the process.

8 ASSISTANT COMMISSIONER FENLEY: So, once
9 we get a referral, we will first check to see if it's
10 in our database, if it's registered or not, and
11 proceed. If it's not registered or not, and proceed.
12 If it's not registered, then we contact them and say
13 you have to register. We acknowledge the complaint
14 has been received to the complainant, and we let them
15 know that, and so, what we would do then once we get
16 the complaint, we would look against the State
17 Standards to see if any of those standards are
18 implicated in the particular complaint. And what we
19 have found is that it has, and this has been—we've
20 talked about this at each of our hearing about the
21 importance of the various relationships that have
22 developed over time with the city agencies who have
23 the expertise in a lot of the areas that where we
24 have received complains. So, certainly our partners
25 at City DOHMH have been critical to our response to

2 health complaints around the food safety, et cetera.
3 And we would do—we would forward the complaints to
4 the respective city agency. If it does not involve
5 those agencies, we would then conduct an
6 investigation. If it means a site visit or we
7 sometimes need to contact the complainant for further
8 information. As an aside, I would just like to say
9 that many times when we get these complaints it's—we
10 cannot respond to the complainant because it's either
11 anonymous of the information that's been provided to
12 us goes nowhere whether it's the phone or email
13 address. But at any rate, what we would expect is
14 that we would—if there was a violation of State
15 Standards that we would then make a finding, request
16 a corrective action plan from the contracted MLTC.
17 If the MLTC agrees with the finding, they would
18 request a correction action plan from the social
19 adult day. If social adult day and MLTC and ombuds
20 agree that the correction action plan is adequate and
21 it meets the complaint, then the case is closed
22 essentially. However, if the MLTC and/or social
23 adult reject that, they have the right to appeal to
24 the Commissioner, and then with that, it would be up
25 to the Commissioner to uphold the complaint or—what's

2 the office of upholding? Say it isn't actually a
3 complaint or if it's insufficient or the cap is
4 insufficient, and then the MLTC would have
5 opportunity to appeal the penalty that would be
6 issued at that point, an they could appeal to OATH.

7 CHAIRPERSON CHIN: We—we want to go over
8 your—the report that you just submitted earlier, but
9 I—I want to start with there are from your testify
10 that there are ten social adult day care that receive
11 state—state funding that DFTA oversees. So, with
12 those social adult day care you conduct annual visits
13 and evaluations. Are there any complaints that have
14 --that you have received about the nine that you have
15 oversight over?

16 ASSISTANT COMMISSIONER FENLEY: No, no.

17 CHAIRPERSON CHIN: That's good.

18 ASSISTANT COMMISSIONER FENLEY:
19 [interposing] Notice—notice also, you know, when you
20 had mentioned the ten, seven—oh, sorry, the nine are
21 city funded, but there are also some that receive
22 NYSOFA funding. There's three that receive funding
23 from the. Two I believe are also in our portfolio.

24 CHAIRPERSON CHIN: So, you said—in your
25 testimony you said there was nine total

2 ASSISTANT COMMISSIONER FENLEY: That's
3 the ones that get the city funded. There was ten==

4 CHAIRPERSON CHIN: [interposing] Yes.

5 ASSISTANT COMMISSIONER FENLEY: --and now
6 there's nine. One of--one of our ten stopped
7 operating. They closed.

8 CHAIRPERSON CHIN: Okay. We have also
9 been joined by Council Member Dromm. So, in the--the
10 Local Law of 2015 that require all the social adult
11 day care to register with DFTA and to post a sign on
12 site with information about how to contact the
13 Ombudsperson if an individual has a--a comment or a
14 complaint regarding the social adult day care. So,
15 what has DFTA done to ensure that these social adult
16 day cares are in compliance with this requirement? I
17 mean right now there are 350 of them? Do you know if
18 all 350 are? I assume they're registered and you got
19 the number.

20 ASSISTANT COMMISSIONER FENLEY: Uh-hm.

21 CHAIRPERSON CHIN: But if they are
22 following the rules, they post signs up with the
23 information?

24 ASSISTANT COMMISSIONER FENLEY: Well, we
25 have not gone into all 350 sites. When we have done

2 site visits, we check to see that the signs are
3 posted and they are posted. Further, we've had
4 Social Adult Days who have registered with us who
5 have asked for translations of the signs that we
6 responded and made the translations and sent to them.

7 CHAIRPERSON CHIN: Well, the number is
8 growing. I mean from your testimony in the last
9 couple of years. Just now there are more social
10 adult day care than senior centers.

11 DEPUTY COMMISSIONER FARBER: Right.

12 CHAIRPERSON CHIN: And they're really
13 competing. I mean we've heard testimony from our
14 senior centers providers that these social adult day
15 care are actually competing with out senior centers
16 because they offer everything for free, and including
17 transportation. So, and in your testimony you also
18 talk about MLTC self-certify. So, who is really
19 checking on whether they are complying with the
20 rules, and that's one of the reasons why we are
21 proposing legislation, Intro 411 to the Department of
22 Health involved, because in the past two years, we
23 haven't been able to get the Department of Health
24 involved, and we've heard back from our senior center
25 providers. They tell us. They say hey the

2 Department of Health comes to inspect to our kitchen.
3 How come nobody is checking on these social adult day
4 cares? They also serve food and, you know, I am glad
5 to hear that you're starting that process, but it's
6 sort of like it took us to introduce the legislation
7 to sort of like push in that direction because has to
8 be providing the oversight. Self-certification it's
9 not working, and it's like nobody is really checking
10 the amount of social adult day care that's popping up
11 all over the city especially at every green
12 neighborhood in Queens and Brooklyn. How do you—I
13 mean has the Department of Aging have you sort of
14 compared the data in terms of how many senior centers
15 that you have in those boroughs and neighborhoods
16 versus social adult daycare? Have you done some kind
17 of comparative analysis to see like where these
18 social adult day cares are popping up? Are they
19 really providing a need that senior centers are not
20 able to do in certain areas?

21 DEPUTY COMMISSIONER FARBER: With that--

22 CHAIRPERSON CHIN: [interposing] But are
23 they just popping up in similar areas?

24 DEPUTY COMMISSIONER FARBER: In fact, we
25 have just begun doing exactly that through our

2 Planning Division looking to see on maps where are
3 the social adult days located vis-à-vis the senior
4 centers. I-I will say, though, at the beginning of
5 the ombuds history, we did get several, quite a few
6 complaints from senior centers about, you know, their
7 participants being stolen, but that has appreciably
8 dropped off. It basically has not happened of late.
9 So, I'm not sure what really to glean from that, but-
10 and I would also like to say with the Department of-
11 the City Department of Mental Health-Health and
12 Mental Hygiene, I was actually delighted to see this
13 law, the legislation come up because we had actually
14 been doing that with some of our initial referrals
15 before the law came out to have Health go out, and
16 you're right. They are very comprehensive in their
17 assessments when they do those site visits. So, they
18 have been a really, really great partner for us.

19 CHAIRPERSON CHIN: That's great, but we
20 want them to do it every year like do the annual
21 mandated visit so that we can ensure that our
22 seniors, the most vulnerable seniors are being
23 protected. I mean that's how we try to get it-just
24 the city agency to do that but, of course, the-the
25 problem is the-the state agency is not really taking

2 an active role in sort of providing oversight to
3 these social adult day care. I'm going to ask if
4 some of my colleagues might have questions. Okay,
5 Council Member Vallone and I'll come back.

6 COUNCIL MEMBER VALLONE: Thank you, Madam
7 Chair. So, following on that questioning before we
8 talk about some of the other 399, the concern we've
9 always had is the amount of layers of responsibility
10 that DFTA has, and we've always fought as a Council
11 to try to get you the extra resources and the budget
12 to address because every year it gets more and of
13 the—the years I'm sitting here, they keep shifting
14 more responsibilities onto DFTA's shoulders, but I
15 would like to see DFTA take the step of saying with
16 regard to these extra responsibilities and statutory
17 guidelines, that on an annual basis we need extra
18 budget to deal with that because otherwise it's just
19 going to completely grow to the point where we're
20 going to keep asking for recording bills on
21 information and layering additional statutes on top.
22 Where it's—it's just going to get to a point of an
23 overwhelming—I see it on all three sides, from your
24 side, from out side, from the seniors telling us
25 where it's going, but for example, Council Member

2 Chin was just asking about the site. Who performs
3 the site visits? Do you have actual inspectors now?

4 DEPUTY COMMISSIONER FARBER: For the
5 social adult day programs it's myself and depending
6 on the language of the site, it—we're able to pull
7 from other staff within DFTA who are language
8 proficient or from within our own Ombuds staff. At
9 this point, we prefer to go out in pairs because we
10 just don't know what we're seeing, and—and that's
11 basically it.

12 DEPUTY COMMISSIONER RESNICK: So,
13 currently, we have a staff of three.

14 DEPUTY COMMISSIONER FARBER: We have
15 three. We have one staff member who is very
16 knowledgeable about the communities particularly the
17 Asian communities. Another staff members---and this
18 staff member is also very technologically astute. We
19 have another staff member who provides all sorts of
20 administrative support for us, and then the Director
21 of that we have take great pains to find a director
22 who has just the skills that we feel is necessary to
23 provide this sort of ombuds oversight who has an
24 extensive history in corporate compliance, and so,
25 she's not here a year yet. So, we'll see where we're

2 going as-as she becomes more knowledgeable and
3 familiar with the landscape, we'll see how-So, far so
4 good.

5 COUNCIL MEMBER VALLONE: Well, I-I know
6 it's not your primary job--

7 ASSISTANT COMMISSIONER FENLEY: Uh-hm.

8 COUNCIL MEMBER VALLONE: --and I know
9 it's not the other two individuals. So, we have
10 three people who are now being told to do site
11 selections, and surveys and visitations. It's-it's
12 not an answer. It's not, and it's not fair to you to
13 do that. I mean you've got enough to do, as does
14 everyone else in DFTA. We-we should be fighting for
15 the creation, especially for the state's lack of
16 involvement in these issues, and that's been
17 something that the Assistant Commission and we have
18 been talking about that the state was mandated to do
19 these things, and the fact that they haven't, forces
20 us as a city to say, hey, they-they're within our
21 city borough. We need to do something. Three is not
22 an answers. So, we have to fight for the creation of
23 the division of a unit that can report to you, and
24 you tell them exactly what they need to do, and then
25 you can give us that data based on the new inspectors

2 that were hired simply for this purpose and what
3 state of those social adult day cares are, and what
4 the violations are in existence. Is there any
5 coordination now between what you've personally seen
6 since you've gone and what existing state visitations
7 have resulted, and whether there are any inspections
8 or conditions to the social adult day care? Is-is
9 the-the next step should be, or if it's got like-is
10 the coordination between state and city so that
11 you're not reduplicating the wheel, and if they have
12 been cited for A, B and C and then you've gone out
13 there and said, you know, A, B and C is still a
14 problem--

15 ASSISTANT COMMISSIONER FENLEY: Uh-hm.

16 COUNCIL MEMBER VALLONE: --does that data
17 get back, and is it handled in any way?

18 DEPUTY COMMISSIONER RESNICK: So, just to
19 go back to the law for a moment, as the law is
20 written, it is complaint driven. So, we do not go
21 out and inspect on a regular basis the 300 plus
22 social day care. We go in and perform a site visit
23 or a review based on investigating a complaint, and
24 as we have reviewed and you know the State Department
25 of Health and the Managed Long-Term Care entity

2 actually has both the contractual relationship with
3 these SADCs and is responsible for oversight. So,
4 they do an initial assessment, and then they are
5 required to make sure that they are following the
6 guidelines.

7 COUNCIL MEMBER VALLONE: Are you aware of
8 those assessments and what the violations they may
9 have? [background comments]

10 DEPUTY COMMISSIONER RESNICK: Yes, and
11 one of the approaches we've taken, which I think is
12 going to be extremely effective is beginning to train
13 or inviting. They're not—they're not mandated to
14 come to our training, but inviting the MLTCs to join
15 us in trainings and they seem to be participating,
16 and so constantly reminding them of their oversight
17 responsibility, and giving them all of the tools to
18 do that is—is one of the approaches that we're
19 taking.

20 COUNCIL MEMBER VALLONE: But that's where
21 we were years ago. I mean we—we—we've acknowledge
22 that they've dropped the ball. We all agree with
23 that, and I—you're saying that it's obviously not an
24 annual, but it's complaint driver. I don't think
25 Council Member Chin or any of the Council Members

2 have not received at least one question, query or
3 complaint at one of the social adult day cares. So,
4 it's going to require an annual visit to every one of
5 them anyway because at some point, somebody has
6 complained about something. So, there's--there's
7 always going to be a track record there based on
8 that, and the growing size, and--and the complaints of
9 the parity of what a senior center has to provide
10 versus a social adult day care. There has to be a
11 complete dedication to re-staffing and budgetary
12 purposes to--to give you the tools, and we want to do
13 that. We've--Council Member Chin and I especially
14 under her purview as chair have been fighting to give
15 DFTA those resources, and that's why we're always
16 screaming at budget time that it's not enough. It's
17 just clearly not enough. I--there's--there's so many
18 of those pages and pages on all the good stuff of
19 what we're talking about today, but since I am proud
20 of 399, I--I see that you had testimony specific to
21 basically starting that process. So, I'm happy we're
22 doing that, and clearly, I mean you even stated that
23 we're not there yet, and whether there's food costs
24 or meal evaluation, and getting the--the--the partners
25 in to give the information, again, it's an

2 overwhelming task on what we're asking to do, but—and
3 again for us to fight for those things, all the lists
4 of costs and the reimbursements to senior centers,
5 having that data is so important pre-budget so that
6 we can again work with and fight with whoever is at
7 the Administration at that point to say we need to do
8 that.

9 DEPUTY COMMISSIONER RESNICK: Uh-hm.

10 COUNCIL MEMBER VALLONE: I think the—the
11 steps that we're taking, I thank you for that, but I
12 think it also clearly shows why we need a type of—a
13 bill like this so that it becomes part of the annual
14 information that's there, and so that we don't have
15 to wait for a consultant or someone to give us back
16 information. It is—you said they separated it into
17 five groups the different senior centers. Was it
18 just based on size or were there other parameters
19 that we use?

20 DEPUTY COMMISSIONER RESNICK: The—the
21 main, characteristic was average daily participation
22 with—by that we mean—and I'm sure you've heard over
23 the years and we heard very loudly that, you know,
24 meal utilization is not the best way to really
25 measure who's coming to a senior center. So, by

2 average daily participation that means every center,
3 every senior that actually crosses the threshold.
4 So, they may not be coming for lunch, but they're
5 coming for an art class or for Tai Chi. So, we've
6 been capturing that data, and those are what the five
7 buckets were based on.

8 COUNCIL MEMBER VALLONE: Do we have that
9 data. I-I haven't see it. So, have exchanged that
10 information to how the senior centers are broken
11 down.

12 DEPUTY COMMISSIONER RESNICK: Um-I don't-
13 -

14 COUNCIL MEMBER VALLONE: [interposing] I
15 like to see--

16 DEPUTY COMMISSIONER RESNICK: --that we
17 have, but we can get it.

18 COUNCIL MEMBER VALLONE: Yeah, that's-
19 that's part of why we need to do these things so I
20 can look at how you're doing that, and how we can
21 help and how we can address the differences in the
22 senior centers and what the needs are. That's
23 clearly why-the purpose of this.

24 DEPUTY COMMISSIONER RESNICK: So, you
25 know, clearly DFTA believes in-in complete

2 transparency, and we do have, you know, endless
3 amounts of data and are happy to sit with any of you
4 and work that. You know, how you slice and dice it
5 and all of the different ways in which you can
6 analyze the data, you know, could go on sort of
7 forever. So, certainly as you have questions or
8 issues we're always happy to sit down and provide the
9 data or, you know, walk you through it.

10 COUNCIL MEMBER VALLONE: And the last
11 thing and I'll—I'll turn it back to our chair and
12 then we'll come back. You gave the senior centers
13 some leeway it looks like. You put March senior
14 centers all but 26 were notified of the amounts they
15 will receive. They have submitted the proposals for
16 use of the funds, and then depending on individual
17 urgent needs. A number of centers have proposed that
18 some of the funds be allocated for this purpose.
19 What are some of those individual urgent needs?

20 DEPUTY COMMISSIONER RESNICK: So, we
21 allowed for this year because of how late we in—in
22 the fiscal year to accept basically one time needs,
23 and that could be Karen. I don't know if you want to
24 chime in here, but, you know, specific--

25 ASSISTANT COMMISSIONER FENLEY: Sure.

2 COUNCIL MEMBER VALLONE: Thanks Karen.

3 DEPUTY COMMISSIONER RESNICK: --

4 individual needs of the center.

5 ASSISTANT COMMISSIONER FENLEY: Right.

6 The—the funding allocation, of course, started in FY
7 18 this year and it's the same allocation for FY19. S
8 So, they got the same amount of funding, but as Karen
9 said, because it's so late in the year to hire a
10 staff person, and a staff person that's needed that
11 they can then bring somebody on in July or, you know,
12 for the following year, what are they going to do
13 with the funds that they're getting this year? And
14 so since many of our centers do have immediate needs
15 such as equipment, kitchen equipment purchases or
16 some small renovations, or special—special cost that
17 they accomplish by the end of the fiscal year, some
18 of those funds that they couldn't put towards staff
19 costs this year, they were allowed to use for the
20 FY18 Budget and then for '19, they allocated for—
21 usually for staff and some consultant lines.

22 COUNCIL MEMBER VALLONE: Is there a
23 consistency there as to certain needs that seem to
24 rise to the top across the board or is it just truly
25 just individuals?

2 DEPUTY COMMISSIONER RESNICK: Well,
3 there--there's some things that's sort of split
4 between direct personnel needs and program needs,
5 which really translates to consultants or staff
6 persons that are hired specifically to conduct
7 programming such as an instructor or whatever. So,
8 yes, most of the--most of what we've been seeing in
9 the budgets are increases for staff lines that were
10 underpaid basically, and a number of new staff lines.
11 The assistant directors, program coordinators,
12 sometimes the data person to come in. Whatever the--
13 the individual program determined as its needs at
14 this point.

15 COUNCIL MEMBER VALLONE: See it and I'll
16 end it on that. I think those are the perfect
17 examples when you're getting urgent needs that we as
18 a Council can then address especially on a yearly
19 basis for budget and you're telling us listen, the
20 top ten urgent needs that we're being faced on '18
21 and '19 and '20 are these. So, we need to address
22 them now while we talk about the rest of the budget.
23 I think that's an opportunity missed for us to look
24 at that data, and see the--the heartbeat of what's
25 happening so that we can get the funding directly for

2 it. There is a certain position that across the
3 board that seems to be missing at a senior center,
4 then we've got to fund that position. If we're
5 losing because of salary disparity between certain
6 staff, then we have to talk about salaries. Thank
7 you, Madam Chair as always.

8 CHAIRPERSON CHIN: Thank you. I think
9 we're going to have another hearing on the model
10 budget. Unfortunately, I'm getting comments back. So
11 the formulas and there's got to be some flexibility
12 and also depending on the--the centers and the
13 uniqueness or whatever. So, we can't--we just--not
14 flexible. So, we really have to--to look at that.

15 DEPUTY COMMISSIONER RESNICK: Okay, but
16 really, we're striving for flexibility. So, we're
17 happy to sit down and talk about that.

18 CHAIRPERSON CHIN: And we're also pushing
19 for the money to be in the budget sooner. So, even
20 though in your testimony you said FY21, we're pushing
21 for much earlier, FY20 to get the full \$20 million.
22 We have to get more, but we're going to work on that.
23 Council Member Ayla followed by Council Member Rose.
24 Questions.

2 COUNCIL MEMBER AYALA: Good morning and
3 thank you Madam Chair. My question is really around
4 the social adult day care program model, because my
5 understanding, and I did senior services for quite
6 some time, is that in order for you to be eligible
7 for the social adult day care model you have to be a—
8 you're—usually clients are a little bit more frail,
9 and require more intimate type of attention, but they
10 have to also be Medicaid eligible. So, I wonder is
11 there any oversight that looks into the possibility
12 of Medicaid fraud because my understanding is that a
13 lot of these participants are not even eligible and
14 they are essentially being stole from the senior
15 centers right, and—and brought in with all of these
16 promises of free transportation and free foods and
17 free activities, but they're not necessarily
18 eligible, and I wonder what the oversight for that
19 is.

20 ASSISTANT COMMISSIONER FENLEY: Right.
21 There absolutely is oversight that is sometimes a
22 little confusing to us as well, but as you say, the
23 observation is correct. Although, so at the—at the
24 state level Maximus is the Medicaid—where Medicaid
25 resides, when the MLTC wants to refer their consumer

2 to a Social Adult Day, it's is Maximus that gives
3 that approval, and in addition the MLTC certainly has
4 medical staff who do the assessment that's required
5 for Social Adult Day, but I think probably what's
6 sort of confusing for us is when we think of the
7 historic Social Adult Day, these are people who were
8 clearly impaired physically and/or cognitively, and,
9 you know, what you have to bear in mind that there
10 impairments that are not so obvious, and so that if
11 Maximus is approving it, there has to be something
12 going with that individual. So, as an example,
13 somebody that has some kind of dementia, Alzheimers
14 or other cognitive impairment may not look physically
15 impaired, and you might not notice, you know, just on
16 a visual inspection that actually this person indeed
17 is impaired and needs help with activities in daily
18 living. And the, having Maximus

19 DEPUTY COMMISSIONER RESNICK: And—and
20 the—having Maximus in as that oversight entity is
21 something that has developed since the time of the
22 implementation of that law. So, it is an actual
23 third party that was put in there in order to have
24 that kind oversight role. So, that's not just a
25 self-certification.

2 COUNCIL MEMBER AYALA: Thank you.

3 COUNCIL MEMBER ROSE: Thank you, Madam
4 Chair. You know, due to the collaboration with DFTA
5 and the New York State Department of Health and some
6 managed long-term care centers, some programs have
7 experienced withheld payments or declined payments or
8 even termination of contracts because of
9 investigations of some of these SADCs, and the report
10 indicated that there were 44 SADC sites that have
11 closed. So, could you tell me how many of these sites
12 were closed due to MLTC investigations, and many
13 sites have had their—have MLTC programs withheld or
14 declined payments or because?

15 ASSISTANT COMMISSIONER FENLEY: Sure,
16 sure, of those 44 sites, many—many of these programs
17 open and they think they're going to do business, but
18 they don't have the contracts and they close before
19 they even—anybody walks in the door. So, of these
20 44, we would have to actually go through and—and look
21 at each one, but I dare say that most if not all were
22 the Social Adult Day program itself closing on its
23 own. What we have seen, though, is when we have sent
24 referrals to the State Department of Health, they
25 have the oversight of the MLTCs who contract with the

2 Social Adult Days. When—and so the state DOH tells
3 the MLTCs here's the complaint that we've received.
4 Go investigate. The MLTCs do their investigation,
5 and there have ben a couple of instances where MLTCs
6 based on their investigation have decided that, in
7 fact the complaint is substantiated and—and it was of
8 a degree such that they wanted to cancel their
9 contract with that Social Adult Day, but that's
10 really been the extent of it. There has not been to
11 my knowledge, any Social Adult Day that has been
12 closed as a result of the MLTCs pulling out. None to
13 my knowledge.

14 COUNCIL MEMBER ROSE: And—and the 44
15 cases then were--

16 ASSISTANT COMMISSIONER FENLEY:
17 [interposing] I decided I was going to open the
18 business, but you know what, when I decided—when I
19 see what I had to do, it was really not what I
20 wanted.

21 COUNCIL MEMBER ROSE: But not because of
22 any violations?

23 ASSISTANT COMMISSIONER FENLEY: Correct
24 to my knowledge. We'll—we'll go back and double
25

2 check, but it's my understanding these 44 are just
3 self-closures.

4 COUNCIL MEMBER ROSE: Okay. Thank you.

5 ASSISTANT COMMISSIONER FENLEY: Uh-hm.

6 CHAIRPERSON CHIN: Alright, thank you.

7 Council Member Diaz, do you have questions.

8 COUNCIL MEMBER DIAZ: Thank you, Madam

9 Chairman. Good morning commissioner and company.

10 [coughs] Commissioner, I am reading your report page
11 1, paragraph 3 of your report.

12 DEPUTY COMMISSIONER RESNICK: Oh, this
13 one?

14 COUNCIL MEMBER DIAZ: It reads: The
15 availability of Medicaid financing through the
16 Managed Long-Term Care has fostered the continual
17 growth [background comments] of new associates (sic)
18 of those base sites throughout the five boroughs most
19 notably in Brooklyn and Queens. As of today, 350
20 sites have registered, 142 in Brooklyn, 134 in
21 Queens, 33 in Manhattan, 26 in the Bronx and 15 in
22 Staten Island. My question, Commissioner, what the
23 discrepancy between Brooklyn, Queens, and the rest of
24 the borough? Is it that you are neglecting the
25 senior citizen population in other boroughs? Are you

2 concentrating only to serve this Brooklyn and Queen?
3 But what happened with Manhattan, Bronx, and Staten
4 Island because you have 142 and 134 for new
5 programming, 142 in Brooklyn and 134 in Queens, and
6 only 26 in the Bronx. Somebody is getting the end of
7 the shaft here. Somebody is getting neglected. Why?

8 DEPUTY COMMISSIONER RESNICK: So, again,
9 DFTA does not fund or have any kind of contractual
10 relationship. There's no--

11 COUNCIL MEMBER DIAZ: [interposing] It is
12 yes. That you've just seen.

13 DEPUTY COMMISSIONER RESNICK: No,
14 they're--they are--

15 COUNCIL MEMBER DIAZ: [interposing] How
16 do you--

17 DEPUTY COMMISSIONER RESNICK: --they open
18 and are run by managed long-term care and get
19 Medicaid funding, and so we don't have a direct
20 relationship. The law asked us to come in and
21 provide oversight because they were--

22 COUNCIL MEMBER DIAZ: [interposing] For
23 senior--for senior citizens--

24 DEPUTY COMMISSIONER RESNICK: For senior
25 citizens--

2 COUNCIL MEMBER DIAZ: --all everywhere.

3 DEPUTY COMMISSIONER RESNICK: --that have
4 impairments, and who are on Medicaid--

5 COUNCIL MEMBER DIAZ: [interposing] So,
6 there--there are no such persons in the Bronx. I mean
7 like you have in Brooklyn and Queens?

8 DEPUTY COMMISSIONER RESNICK: So, how and
9 where they open we are not really privy and are not
10 sure whether it's base on where they actually find
11 commercial space or where the demographic population
12 is or where there's high density. We're not really
13 certain. We do know that they seem to open in--in
14 immigrant communities, but--

15 COUNCIL MEMBER DIAZ: But this report
16 written by yourself and presented by yourself made
17 you look--made you look so bad.

18 DEPUTY COMMISSIONER RESNICK: Okay, and
19 this is not us. The Department for the Aging does
20 not open or close or determine where these are
21 located. They are completely funded through Medicaid
22 and not through city tax levy dollars. So, we really
23 have now just a legislative--city legislated role arms
24 length in providing the oversight.

2 COUNCIL MEMBER DIAZ: But Commissioner
3 is--is--is your department in charge and supposed to
4 be advocating for senior citizens in everywhere in
5 the five boroughs so when you see these kind of--

6 DEPUTY COMMISSIONER RESNICK:

7 [interposing] Yes, so we can--happy to share with you
8 the distribution of our 249 senior centers, which are
9 much more equitably distributed according--by borough,
10 and--and I think that would make more sense to focus
11 on, and we can share that data with you. It's very
12 different looking than this data.

13 COUNCIL MEMBER DIAZ: Just--just
14 differently senior citizens in other boroughs just
15 like to be sure that the department fight for them,
16 an advocate for them and whoever is doing this kind
17 of things doesn't--doesn't--it look--it looks--it looks
18 good for the senior citizen in Brooklyn and Queens,
19 but it doesn't look good for the senior citizens in
20 Manhattan, in Queens and in Staten Island in the
21 Bronx, my county. So, just--just venting. Thank you.

22 DEPUTY COMMISSIONER RESNICK: Thank you.

23 CHAIRPERSON CHIN: Thank you Council
24 Member. Unfortunately, these are privately run. Many
25 people open up businesses, and decide to run Social

2 Adult Day. According to the--the report that you
3 submitted the Ombuspersion Report for 2018, 49 out of
4 the 126 allegations were possible Medicaid fraud
5 allocations--

6 DEPUTY COMMISSIONER RESNICK: Uh-hm.

7 CHAIRPERSON CHIN: --allegations. So,
8 can you drill down a little bit more on that like how
9 many different Social Adult Day Cares were
10 represented in those 49 complaints?

11 ASSISTANT COMMISSIONER FENLEY: I would
12 have to get you the details on that, but you can see
13 that on the firs page it's talking about 45 sites
14 altogether received complaints. So, within that 45,
15 are contained the Medicaid fraud. So, we would have
16 to get the specifics on that for you.

17 CHAIRPERSON CHIN: Okay.

18 DEPUTY COMMISSIONER RESNICK: I'm sorry
19 to interrupt, but I just wanted to remind you that
20 Otis Pitts is still prepared to testify on the Intro
21 regarding Health and Inspection, Food Inspections.

22 ASSISTANT COMMISSIONER PITTS: Thank you
23 for that.

24

25

2 CHAIRPERSON CHIN: Oh, I thought he did-
3 read his testimony. [background comments] Oh, about
4 this bill?

5 ASSISTANT COMMISSIONER PITTS: I'm happy
6 to take any questions as they relate to Introduction
7 411.

8 CHAIRPERSON CHIN: Oh, okay because I
9 know that you testified. I mean-

10 DEPUTY COMMISSIONER RESNICK:
11 [interposing] Sorry. I had amnesia for a moment.
12 [laughter]

13 CHAIRPERSON CHIN: You just want to take
14 the heat off yourself. [laughter] But like you have
15 questions about-Don't worry. You're not-you're not-I
16 still got a whole bunch of questions about the social
17 adult day care, but with Intro 411 let's give Otis a
18 little opportunity to get in here. So, this agency,
19 does the Administration support this Introduction
20 411.

21 ASSISTANT COMMISSIONER PITTS: Yes, we do
22 support the intent of the bill.

23 CHAIRPERSON CHIN: So, you're ready to
24 implement?

2 ASSISTANT COMMISSIONER PITTS: Yes, we've
3 actually already started doing inspections a social
4 adult day cares. We depend very heavily on our
5 partnership with DFTA, and as we learn of where these
6 folks are operating, we're conducting evaluations
7 site-by-site to determine whether or not they meet
8 the Health Code's definition of a food service
9 establishment.

10 CHAIRPERSON CHIN: So, right now like do
11 you also—I mean I assume you also go out and inspect
12 the senior centers because they do serve food. So,
13 out of the 249 senior centers that we have right now
14 in the city--

15 ASSISTANT COMMISSIONER PITTS: Uh-hm.

16 CHAIRPERSON CHIN: --does your agency
17 goes out there and do an annual inspection of every
18 single one of them?

19 ASSISTANT COMMISSIONER PITTS: We do.
20 They receive one routine inspection per year.
21 However, we have the ability and the authority to
22 return for complaint based inspections and other
23 follow-up inspections as necessary.

24 CHAIRPERSON CHIN: So, based on that,
25 right. So the social adult day care should at least

2 get one inspection a year because they do handle—the
3 serve food even though they might not cook the food
4 on site, they cater from an outside restaurant, but
5 they give out the food and they handle the food.

6 ASSISTANT COMMISSIONER PITTS: We agree.
7 To the extent they meet the Health Code's definition
8 of a food service establishments, they'll be subject
9 to that routine inspection and—and other follow-up
10 inspections as necessary. What we've learned in our
11 early review of these establishments is that many are
12 using outside vendors, as you mentioned that happen
13 to prepare food offsite and serve the food onsite,
14 and in that case, we not need to duplicate a permit.
15 So, the social adult day care would not need to
16 secure their own permit as they have—they have a
17 third-party coming in. It's already permitted by our
18 department.

19 CHAIRPERSON CHIN: But they still would
20 have to serve the food. They have to--

21 ASSISTANT COMMISSIONER PITTS: Certainly,
22 to the extent that a social adult day care is
23 actually involved in any level of-of food handling or
24 food preparation, they will be subject to a permit
25 and an annual inspection.

2 CHAIRPERSON CHIN: So, it's either one,
3 right? I mean it could be both, but at least minimum
4 that it has to be a food handling permit?

5 ASSISTANT COMMISSIONER PITTS: Exactly.

6 CHAIRPERSON CHIN: Okay.

7 ASSISTANT COMMISSIONER PITTS: It would
8 be our standard food service establishment permit and
9 they would be treated like any other vendor with
10 level of-of reparation ability.

11 CHAIRPERSON CHIN: In what situation
12 would they not qualify for any of that?

13 ASSISTANT COMMISSIONER PITTS: Again,
14 we're making this evaluation case-by-case. We've
15 seen a number of hybrid approaches to doing food
16 operations in these settings. Folks that are not
17 involved in any level of food handling or food
18 preparation would not need that permit. However, we
19 are seeing a number of establishments that are
20 involved in food handling and the food preparation
21 and they'll be subject to the FSC permit

22 CHAIRPERSON CHIN: So, you're basing on
23 whether they answer your question and you are back
24 whether they serve food or not?

2 ASSISTANT COMMISSIONER PITTS: No, we're
3 doing--

4 CHAIRPERSON CHIN: [interposing] If they
5 tell you that you that oh, we don't serve food. We
6 just have social activity, then you're not going to
7 inspect them?

8 ASSISTANT COMMISSIONER PITTS: Again,
9 we're doing a case-by-case evaluation. That includes
10 site visits to determine whether or not they need a
11 permit.

12 CHAIRPERSON CHIN: That would be good
13 because I think every social adult day care needs to
14 have a site visit from the Department of Health.
15 That's minimal, and then we'll work towards getting a
16 site visit from the Department for the Aging.
17 Somebody has to be providing this oversight. I mean
18 isn't there inherent conflict of interest for the
19 MLTC to solely be the one to self-certify and provide
20 the oversight because they are signing up members. I
21 mean this is what we're hearing back from
22 constituents, and they want membership, they want the
23 patient to enroll in their MLTC. So, there's some
24 inherent conflict right there and the state is not
25 doing their job to really provide the oversight, but

2 these are vulnerable seniors, seniors who have, you
3 know, extra need. I mean they—they need extra care
4 and we're—and we're not doing enough to take care of
5 them I mean compared to our daycare centers. There's
6 so much regulation on daycare centers, and this is
7 daycare for our seniors. And we're not doing the
8 same thing, and that's what we're trying to get at,
9 you know, that we need to have more oversight, and
10 when Council Member Diaz was raising about the
11 inequity, I mean they wanted all of them popping up
12 in Brooklyn and Queens because a large immigrant
13 population that are susceptible to, you know,
14 attraction oh, free this, free that and especially
15 free transportation. They pick you up from your home
16 and they bring you to the center, and probably real
17 estate is cheaper in some of the—that part of the—the
18 borough that they could afford to have a big
19 beautiful site. But one of the questions that I—I
20 wanted to also get at is that there are right now
21 only nine social adult day cares that the Council
22 supports, right and DFTA has oversight, and I guess
23 maybe there's a couple more funded by the state, but
24 you also have oversight. Why is DFTA really—is DFTA
25 looking at helping some of the senior centers to be

2 able to start social adult day care programs at their
3 centers or affiliated with the center to serve this
4 population that needs some extra care? Because right
5 now from my visit to some of the centers, they are
6 already providing care to these populations. Because
7 a lot of them they come to the center for activity,
8 they come with a homecare attendant. So, they
9 already meet one of the requirements, but they're
10 not—they're not going to the social adult day care
11 because they love their senior centers. But this
12 could be a source of funding for the senior center.
13 Why hasn't all these years did DFTA really look at
14 this resource? Because then you can have direct
15 oversight, and then we can have some assurance that
16 these programs, you know, will be much better just
17 like our senior centers. All of a sudden these last
18 couple of years for the social adult day care to like
19 increase in such a huge number. Right, more than
20 senior centers. I mean that's—that's—that's not
21 right. So, is DFTA—I mean I really urge DFTA to
22 really look at and I've spoken also to the Deputy
23 Mayors and—and the OMB. This is a resource. Why
24 aren't we looking at this, and meanwhile, you have
25 all these private entrepreneurs they're setting up

2 these programs all over the city and they're calling
3 DFTA for advice, calling DFTA for guidance how to set
4 one up, and the newer ones that's starting they
5 competing against each other, and we're hearing back
6 from constituents they're paying people, they are
7 providing incentives to attract customers to sign up
8 with them. There's all kinds of hanky-panky going
9 on, an wasting Medicaid dollars, and meanwhile, we
10 can do something. DFTA can do something to really
11 help create some real good social adult day care. We
12 only got 9 out of 350. Come on. So, is DFTA going
13 to really take a look at this and see how we can
14 utilize that resource?

15 DEPUTY COMMISSIONER RESNICK: So, of
16 course, the biggest issue is that we don't have the
17 funding to help provide the start-up or-or funding
18 above and beyond the nine that you're now funding
19 with the City Council discretionary dollars, and
20 there are several within our network that do run
21 Social Adult Day--

22 COUNCIL MEMBER CHIN: Yeah.

23 DEPUTY COMMISSIONER RESNICK: --either
24 attached to senior centers or free-standing, and they
25 have--the few have been successful, but others that

2 have attempted to open were not able to get sig—you
3 know, significant referrals from the MLTCs, and so
4 they were unable to—

5 CHAIRPERSON CHIN: [interposing] That's a
6 level problem. These MLC do the--

7 DEPUTY COMMISSIONER RESNICK: --unable to
8 sustain the funding.

9 CHAIRPERSON CHIN: They're referring to
10 Social Adult Day Care that they are connected with.
11 We all see that there's some conflict inherent, you
12 know, conflict of interest going on here, and that's
13 why we're trying to figure out a way to put in more
14 oversight and more enforcement, but meanwhile like
15 if—if DFTA says we need a certain amount of funding
16 to help start-up, let's have a discussion about that.
17 Maybe we could put some funding together to really
18 help senior centers develop their own social adult
19 day care, but we got to start somewhere. Meanwhile,
20 the private sector is like having a field day staring
21 their social adult day care. I mean the good thing
22 is that now because of the competition, some of the
23 better ones are trying to organize and maybe we could
24 work with them, but meanwhile we have so many good
25 senior centers that could really do this because

2 they're already serving those seniors already, but
3 they're not getting the resources. So, can we work
4 together? Can you work with us and see how we can
5 help some of these senior centers develop good model
6 social adult day care?

7 DEPUTY COMMISSIONER RESNICK: Absolutely.

8 CHAIRPERSON CHIN: Yeah, we should have
9 more discussion in terms of funding sources and how
10 we can really take control over this thing. [pause]
11 Okay, what else. Is there no other questions?

12 [background comments] On your--also on the
13 Ombudsperson Report, were there any resolutions to
14 some of the complaints? Like how many centers were
15 fined, and were there corrective actions?

16 ASSISTANT COMMISSIONER FENLEY: There
17 were through the MLTCs where they had issued
18 corrective actions to their contracted Social Adult
19 Day, and ultimately that was resolved.

20 CHAIRPERSON CHIN: Were there any--are
21 there any--I mean are any of these information public?

22 ASSISTANT COMMISSIONER FENLEY: I don't
23 know that. I would have to find that out. At this
24 point it's just been, you know, a professional
25 relationship between DFTA Ombuds and State Department

2 of Health. I don't know if they are inclined to have
3 those reports made public, but we could inquire.

4 CHAIRPERSON CHIN: [background comments,
5 pause] Well, can we get DFTA to commit to posting
6 these on your website on the information of these
7 MLTCs because I know that part of the—the law that we
8 passed was—was supposed to have those information
9 posted or the—the violation issued, but since you
10 didn't have the rules yet, so, there's no violation
11 that's been issued.

12 ASSISTANT COMMISSIONER FENLEY: Right.
13 [background comments, pause] Right. It's State
14 Department of Health Information, and again, that
15 kind of follows with us having to follow up with them
16 to see if they would okay with us posting that on our
17 website.

18 CHAIRPERSON CHIN: Okay, but—but when
19 there's a complaint lodged against one of these
20 social adult day cares--

21 ASSISTANT COMMISSIONER FENLEY: Uh-hm.

22 CHAIRPERSON CHIN: --the complaint that
23 you receive that could be posted.

24 ASSISTANT COMMISSIONER FENLEY:

25 [background comments, pause]

2 DEPUTY COMMISSIONER RESNICK: We're gong
3 to-Council--

4 ASSISTANT COMMISSIONER FENLEY:
5 [interposing] Look into that, yes.

6 DEPUTY COMMISSIONER RESNICK: --we're
7 going to have to get back to you.

8 ASSISTANT COMMISSIONER FENLEY: I think
9 it's a deeper conversation.

10 DEPUTY COMMISSIONER RESNICK: Yeah.

11 CHAIRPERSON CHIN: Okay, well get back to
12 us because we want to--because like--

13 DEPUTY COMMISSIONER RESNICK:
14 [interposing] I understand.

15 CHAIRPERSON CHIN: Yeah, because some of
16 these sort of those day cares if they have violations
17 and people post the violation, I mean that's one of
18 the reasons why people don't want to complain any
19 more or even our senior centers. They've been raving
20 over and over that they're getting competition from
21 the social adult day care, right. The seniors go
22 there for lunch, but they come back to our senior
23 center for social services, but like if we haven't
24 done anything to penalize some of these social adult
25 day cares, who have committed violations, it's kind

2 of like they've been complaining and complaining, but
3 nothing has been done. People are going to stop
4 complaining. So, that's why we wanted to really get
5 some results to show that hey, which is a good social
6 adult day care, which one are not so that people have
7 the information when they have to search for these
8 programs.

9 ASSISTANT COMMISSIONER FENLEY: Right.
10 [background comments, pause]

11 CHAIRPERSON CHIN: I think also we want
12 to see is like if a MLTC they're supposed to be doing
13 the oversight, what is the corrective action plan and
14 all those information to be posted. So, we know that
15 there were some corrective action that was take, and
16 these MLTCs have to be accountable. I just think
17 that if they're just doing self-certification just
18 like, you know, we've passed laws mandating that the
19 Department of Buildings go out and do audits because
20 you just can't rely on the self-certification. So,
21 in-in this situation we might have to figure a way of
22 getting some audit done, some site visits and some
23 periodically surprised check-ins because you're just
24 relying on them to do self-certify. Just how do we

2 know that we're getting the correct information if we
3 don't spot check on them?

4 ASSISTANT COMMISSIONER FENLEY: So, not
5 withstanding what you're saying, I just want to add
6 that based off of the training that we just had with
7 the MLTCs, it's evident that there--there are gaps in
8 their knowledge about what social adult day is
9 supposed to be, but they very eager to learn, and the
10 dialogue has happened. It has begun to happen with
11 us between us, the MLTCs including State Office on
12 Aging as well as the other state entities. So, I'm
13 hopeful. I'm hopeful, but I mean you're right.

14 CHAIRPERSON CHIN: We could be hopeful--

15 DEPUTY COMMISSIONER RESNICK:

16 [interposing] I just want top--

17 CHAIRPERSON CHIN: --but the fact that
18 all of these social adult day care are popping up.
19 Right now it's at 350. I would be surprised if that
20 number keeps going up, you know, and the thing is
21 that we're hearing a lot of, you know, complaints
22 from the base because we have seniors who actually
23 need these services, but they don't have Medicaid.
24 So, they are getting rejected right at the door, and
25 who do they complain to? Right, because well your

2 insurance doesn't cover, and meanwhile they see this
3 program offering to all these other people in the
4 neighborhood free transportation. That is such an
5 attraction. I mean we couldn't even get that for our
6 seniors who are going to the senior center. So,
7 that's why—that's why I'm urging you to really look
8 at how do we help our senior centers develop these
9 programs to really utilize that resource because they
10 are serving already some of the—the most vulnerable
11 senior, but they're not getting the resources to
12 help them. I mean that's where my frustration is
13 because I see a new one popping up here and there. I
14 mean they are renting a dance studio right now in the
15 social adult day care, a restaurant catering hall
16 right now is a social adult day care. The rent is so
17 expensive how can they afford it? But they're
18 recruiting members because everything is free. So, we
19 got to really have some oversight, and that's why
20 when I looked at your report about, you know, the
21 possibility of Medicare fraud—Medicaid fraud, we
22 should really drill down on those because that is
23 Medicaid fraud.

24 ASSISTANT COMMISSIONER FENLEY: Well, as
25 you had said, you know, who giving the—the free rides

2 or paying participants to participate? Yes, there's
3 lots of different kinds of Medicaid fraud that we've
4 been--that's been reported to us.

5 CHAIRPERSON CHIN: Yeah, and that's why
6 we need to really--I mean the--the public education
7 part. I think we really need to step up on that.
8 It's not enough to educate MLTC if--we need to educate
9 the public, but then have to have alternatives, which
10 are the good ones that they should go to--

11 ASSISTANT COMMISSIONER FENLEY: Uh-hm.

12 CHAIRPERSON CHIN: --and if our senior
13 centers can develop their own social adult day care,
14 then people know that oh, I go to the senior center,
15 and if my parent needs some extra care, they can
16 still continue to stay in this center because they
17 have a social adult day care attached to the center.
18 So, that--that is something that we really need to
19 look at growing and supporting senior centers because
20 they've already taking care of this population.
21 We've still got a lot of work to do.

22 ASSISTANT COMMISSIONER FENLEY: We do.

23 CHAIRPERSON CHIN: Any other questions.

24 [pause] Oh, okay, just one last question. On this--on
25 the senior centers according to the--the Mayor's

2 Management Report, seniors have the--senior centers
3 have been experiencing a decline in utilization rate
4 during the past five years. In fact, five years ago
5 in 2012, senior centers had a utilization rate of 93%
6 and in 2016, the utilization rate was 85%, and last
7 year it was down to 81%. Are you looking at that--
8 that drop? [background comments, pause]

9 DEPUTY COMMISSIONER RESNICK: What I
10 alluded to earlier about being able to look at the
11 average daily participation rate is really what we
12 would like to have to report in the MMR, and when you
13 look at the average daily participation, in fact, our
14 utilization is very high almost--much closer to 100%.
15 So, I think some of that was, you know, based on only
16 looking at the male data, and we now capture that
17 information through our STARS System.

18 CHAIRPERSON CHIN: So, when you do the--
19 the average participation rate, so if you have one
20 senior that comes in for a meal and they come in for
21 the art class, and they also go to exercise class, is
22 that senior counted three times?

23 DEPUTY COMMISSIONER RESNICK: No.

24 ASSISTANT COMMISSIONER FENLEY: No. The
25 senior is counted once. The program reports units of

2 service for each of those activities, but when we're
3 looking at average daily attendance, we're looking at
4 any—the number of individuals that come into the
5 center and get any kind of service. They come in
6 once, and go to one service or they could stay all
7 day and go to everything the center has to offer, and
8 they would be counted once. Units of service is a
9 different statistic. We're talking about the number
10 of people that actually attend the center on a daily
11 basis, and that number has risen.

12 CHAIRPERSON CHIN: Okay. So, but you do
13 count in terms of the number of programs?

14 ASSISTANT COMMISSIONER FENLEY: Oh,
15 absolutely, meals and sessions, and all of that. Yes.

16 CHAIRPERSON CHIN: Okay. Are there any
17 other questions from my colleagues, Council Member
18 Treyger, do you have a question before I let the
19 panel go?

20 COUNCIL MEMBER TREYGER: Just to commend
21 you, Chair for being very on top of this issue form
22 day one.

23 CHAIRPERSON CHIN: You have 142 in
24 Brooklyn.

2 COUNCIL MEMBER TREYGER: I—I am not
3 surprised. We see them popping up everywhere, but I
4 just want to say that you have in the last Council
5 and—and continuing in this Council term you have—you
6 have shown the type of leadership that's necessary to
7 hold folks accountable, and I just want to actually
8 get—my comment is commending you, and your staff.

9 CHAIRPERSON CHIN: Oh, thank you.

10 COUNCIL MEMBER TREYGER: Thank you.

11 CHAIRPERSON CHIN: And we still got a
12 long way to go on this.

13 COUNCIL MEMBER TREYGER: Yes.

14 CHAIRPERSON CHIN: But also looking at
15 these social adult day cares, the reason why they're
16 tracking so many seniors, one of the things is
17 transportation. So, that is something that we really
18 need to look at our senior centers, and see how we
19 can supplement transportation because they have, you
20 know, their frail seniors and cannot just walk that
21 five blocks to the senior centers, and if we provide
22 transportation, they might be able to—to come every
23 day instead of one or two days a week.

24 ASSISTANT COMMISSIONER FENLEY: Sure. You
25 know, we do have transportation services. I think

2 that we have a number of—we have our what we call our
3 Stand-Alone Transportation Programs, which are
4 contracts that—programs that we contract to do
5 nothing but transportation both group and individual
6 transportation, and then a number of senior centers
7 also have their own transportation services. I think
8 that there are—and I can't hazard to guess, but I'm
9 sure there are thousands of seniors that get to the
10 senior center everyday through transportation
11 services that are provided the stand-alones or
12 through the senior center transportation, and we do
13 have some that also provide for the—the frail and so
14 forth, but I think that that's something that we had
15 been trying to expand and in this last RFP or this
16 last contract for transportation, we have tried to
17 emphasize more opportunity for what we call
18 individual transportation, which would be for people
19 who need to be picked up at their home, and taken to
20 a program at the center. So, we're definitely
21 working on that.

22 CHAIRPERSON CHIN: No, we definitely need
23 to expand that. Council Member Vallone did a pilot
24 project in his district. So, I think that's
25 something that we could model after because that is

2 so critical to be able to provide that transportation
3 for a senior to be able get the socialization, get
4 the nutritious meal. So, that's something that we
5 will continue to work on. No more questions? Oh,
6 one more?

7 COUNCIL MEMBER AYALA: Just one. Do you
8 think that the utilization rate for—the participation
9 rate for members coming in for lunch dropped DFTA and
10 kind of implemented all of these healthy eating
11 models that don't necessarily seem to work for the
12 senior population? I got a lot of complaints about
13 the meals only because I think that DFTA missed an
14 opportunity to educate their members on eating
15 culturally relevant meals that were prepared in a
16 healthier fashion and instead replaced those
17 culturally relevant meals with means that they cannot
18 recognize and do not often times know how to even
19 pronounce. And so, a lot of times I get complaints
20 from seniors in my district that they go to the
21 senior centers for services, but don't necessarily
22 stay for meals everyday because they don't like the
23 food that's being prepared, and they don't recognize
24 it. And so, I wonder I when the changes were
25 implemented because I know when I—when I was working

2 when I was directing my senior center we provided
3 meals that maybe were not the healthiest, and it
4 seemed that I was at home most of the time and we
5 were eating what I was eating at home for dinner, but
6 we couldn't keep, you know, up with the demand of
7 seniors that were coming in to eat, and since the
8 change, the changes occurred, right, and I-I
9 understand the need for it, right, we want to make
10 sure that people are eating meals that are—are good
11 for them that there was a drop or almost it feels
12 that way. So, I wonder if that's—if that's the
13 perception that you are receiving, that you have as
14 well?

15 ASSISTANT COMMISSIONER FENLEY: I don't
16 know what the correlation is actually between the,
17 you know, the—the implementation of the city food
18 standards. There are--definitely we've had a lot of
19 discussions with senior centers directors and food
20 service staff about the sodium and the, you know,
21 carbohydrates, and so forth. We do have a team of
22 nutritionists. Every senior center has a
23 nutritionist that works with that program, and we
24 have done a lot of work on a one-to-one basis going
25 out and helping the program, and we—as well as having

2 an internal database that all of the programs are
3 hooked up to called Simple Servings, which can give
4 the program ideas on how meet both, meet cultural
5 demand as well as the food service requirement. I
6 mean the—yea, the Food Standard Requirements. So, it
7 can be challenging, but we have—we've had some good
8 success, and we'd be happy to if you want to have
9 your senior centers in your area contact us, we'd be
10 glad to—to look at it individually.

11 COUNCIL MEMBER AYALA: Yeah, I think that
12 will work. I know that Covello for instance is—is
13 doing really well. You know, they have three meal
14 options. Right. So, if you don't like one, you can
15 pick the other, but most senior centers don't have,
16 you know, the—the resources to provide options, and I
17 think that's what those senior centers they struggle
18 and to Council Member Chin's question about the
19 utilization rate, do you—do you track that by borough
20 in terms of, you know, how—which senior centers have
21 seen a significant reduction?

22 ASSISTANT COMMISSIONER FENLEY: We have
23 all the statistics by senior center--

24 COUNCIL MEMBER AYALA: Okay.

2 ASSISTANT COMMISSIONER FENLEY: --and
3 then, of course, senior centers--

4 COUNCIL MEMBER AYALA: [interposing]
5 Would you share that information? I would love to
6 see what that looks like in my--

7 ASSISTANT COMMISSIONER FENLEY:
8 [interposing] On the meals--

9 COUNCIL MEMBER AYALA: [interposing] All
10 of this would be helpful.

11 ASSISTANT COMMISSIONER FENLEY: The meal
12 utilization?

13 COUNCIL MEMBER AYALA: Yes.

14 ASSISTANT COMMISSIONER FENLEY: Sure.

15 COUNCIL MEMBER AYALA: Thank you.

16 ASSISTANT COMMISSIONER FENLEY: Thank
17 you.

18 CHAIRPERSON CHIN: Okay. Well, thank you
19 very much for testifying for coming here today, and
20 we look forward to continuing to work with you.
21 Thank you. I'm going to call up Andrea Cianfrani
22 from Live On New York. [background comments, pause]

23 ANDREA CIANFRANI: Good afternoon.

24 [laughs] Just me? Great. Well, thank you. I'm
25 Andrea Cianfrani. I'm the Director of Public Policy

2 for Live On New York. Live On New York represents 100
3 member agencies that provide services for over 600
4 programs through the city for older adults. I'll be
5 brief today because there's been a lot of great
6 conversation. My written testimony has more full
7 details about our comments on both pieces of
8 legislation, but I'll just jump right into talking
9 about Intro 399-A. While we don't have a formal
10 position on Intro 399-A at this time, we do thank
11 Council Member Vallone and co-sponsors of this bill
12 for the efforts to better understand the utilization
13 and the reimbursement rates of different services at
14 senior centers. We agree that analyzing data and
15 current utilization will help us better plan for
16 serving today's older adults as well as build a
17 system for the future. Senior centers do collect a
18 great amount of data through the STARS Database
19 System, which is as time consuming as it is important
20 for an understaffed network. So, again, when we look
21 at legislation that—that looks at more data
22 collection, we really look at it through lens to
23 ensure that the data that's being collected would not
24 create new burdensome requirements that would, you
25 know, be a stress on the system. That being said, we

2 do know that this data collection is very important
3 to building our systems. We also want to make sure
4 that we are being cognizant of what new analytics we
5 can look at to ensure that we can understand the
6 system better. Generally speaking, and I think there
7 was a lot covered today with back and forth between
8 DFTA and Council about some of the data points in-in
9 the bill, but there is some data points in 399 that
10 are currently collected, and there are some that are
11 not collected or maybe they're collected in just a
12 different way. So, our recommendations for this
13 legislation at this time are to kind of look at that,
14 and we're really encouraged to hear that those DFTA
15 and Council had a really good dialogue to seem to
16 want to move forward to look at some of those pieces
17 of data that can help better understand, and help
18 advise in the budget process each year. I'll
19 highlight just a few here as far as what we were
20 looking at with the legislation. First the term
21 'affiliated sites' within the legislation was not
22 fully defined. So, we were a little unclear and
23 seeking some clarification as to who this legislation
24 would apply to. We do know it did say senior centers
25 and innovative-innovative senior centers, but the

2 term 'affiliated sites' was not defined. So, that
3 was an areas we would seek clarification. Another
4 key area that DFTA talked about at length was the
5 issue of what is an attendee, and I think that's a
6 really important issue to highlight because seniors
7 do use different services senior centers, and there's
8 a lot of different ways things are counted. So, I
9 think that that was, you know, something important
10 that we wanted to highlight here as well, to-to
11 really look at how that's being counted and-and what
12 that means in the definition of the legislation. And
13 again, senior centers as we're looking ahead services
14 are changing and-and we-and our members really are
15 looking to be innovative, and-and change with-with
16 the needs of seniors who are using the services. So,
17 it's really important to look at that data and
18 understand what the needs are of today and in the
19 future. There are a couple other areas that we wanted
20 to highlight again that are in our legislation or in
21 our testimony. One minor point is the ratio of case
22 managers to seniors. Senior centers typically don't
23 have case managers like a case management agency
24 would. So, that was just an area we wanted to
25 highlight. Overall, we definitely support the idea

2 of using current data to understand the needs of—of
3 today's seniors and services of the future and to
4 help project these programs as they grow. We really
5 appreciate Council's consideration of the above
6 comments that we're—we're submitting and we're also
7 very encouraged to hear today the dialogue between
8 Council and DFTA to look to work together in
9 understand these needs. Onto Intro 411. Live On New
10 York supports this legislation. We do believe that
11 it's important for social adult day centers to be
12 safe establishments. It's our understanding that
13 senior centers are already inspected on an annual
14 basis as was outlined today here and this bill would
15 not add any new requirements upon senior centers.
16 Senior centers also subject to other various
17 inspections and audits throughout the year, and
18 subject to the DFTA Senior Center Standards, which
19 include nutrition requirements. We support imposing
20 these same requirements that are placed on senior
21 centers with these inspections on the social adult
22 days, and believe that it's important to make sure
23 they're safe places for older—older adult to receive
24 services. So, we do support this legislation, and
25 there were just a couple more notes I wanted to

2 highlight based on the conversation that was
3 discussed today. Transportation, Council Member Chin
4 thank you for bringing that up. It's a really
5 important issue. We do have Live On New York in our
6 annual budget priorities does have a \$1 million
7 request for transportation for transportation for the
8 exact reasons you highlighted today. It's really
9 important for seniors to be able to access these
10 services, and that's one area that we know there are
11 some great programs, and we only hope that we can
12 continue to build upon them so that seniors have more
13 access to these services. A second very important
14 note that I would like to make is about including
15 additional funds for meals both congregate and home
16 delivered. We talked a little bit about today the
17 model senior center budget and as DFTA noted, they
18 are looking ahead a Phase 2, as they said about meals
19 and looking at increasing efficiencies across the
20 board and costs and that's something that we're very
21 much looking forward to learning about. In the
22 meantime, senior centers really have needs to be able
23 to address senior hunger through both congregate
24 meals and home delivered meals. So, while we eagerly
25 await the information that comes out of that study we

2 know that we have immediate means and we have a
3 request in our budget priorities that the advocates
4 are requesting over \$12 million to help bolster the-
5 the efforts for both congregate meals and home
6 delivered meals to address senior hungers. So, we
7 really hope that the city considers that as we work
8 together on that issues. The last point I just want
9 to make is that these services are really important
10 the DFTA funded services across the board and having
11 awareness and, you know, a campaign that really helps
12 seniors know that these services are available.
13 There are a lot of different services for-for all
14 different needs that-that people might want to
15 access, and to know that these services are available
16 and that are safe and they're accessible to seniors
17 and all of the communities across the city is really
18 important. So, we're-we're always looking for ways
19 to work with the city and with the Council to
20 increase that awareness among the city. So, thank
21 you very much for the opportunity to testify today on
22 these important issues and for your leadership.

23 CHAIRPERSON CHIN: Thank you Andrea. I
24 wanted to ask you a question because I-when we were
25 talking with the Department for the Aging the idea of

2 really helping senior centers develop good quality
3 social adult day care program it doesn't have to be
4 huge, right. It could that serving a certain small
5 group of seniors that have that need extra care, and
6 I think a lot of the centers already are serving
7 these seniors, but they're not really getting any
8 extra resources. So, can you also like talk about
9 maybe with the provider--

10 ANDREA CIANFRANI: Uh-hm.

11 CHAIRPERSON CHIN: Are senior centers
12 interested in doing that if there are supports in
13 place to help them? Because right now from DFTA's
14 presentation, there are only nine social adult day
15 care that they have oversight, which the Council also
16 provides some additional discretionary funding and
17 these nine sites are also senior centers.

18 ANDREA CIANFRANI: Uh-hm. I think that's
19 great question, and it's a hard question because, you
20 know, the question is if you have the funding can you
21 do the service of this, you know, go and forth with
22 that, and I think, you know, there are some
23 incredible agencies and the--the nine discretionary
24 funded programs did a really good job of connecting
25 services to older adults. They have the expertise in

2 their communities. They are the non-profits that you
3 would rely on. They—they offered a continuum of
4 services. So whether it be the senior center or, you
5 know, they're connected to the network so they're—
6 they're doing a really good job of those services
7 that they're providing. So, it's a really great
8 place to start to—to talk with them and—and looking
9 if—if the city is invested financially as well as,
10 you know, providing the resources to expand that
11 program to really start there and talk with them and—
12 and expand them, and we'd be happy to work with our
13 membership and the Council and the city to—to kind of
14 walk through that. But I think you're—you know,
15 you're right, it really comes down to funding and
16 resources. There are things that you'll need, you
17 know, even just issues of space. You know, you need
18 additional space within your programs or connected to
19 your program. So, there's a lot that you'd need to
20 work through, and again, with that comes resources,
21 but if there's an investment, a concerted investment
22 of those resources, I think it's something that
23 programs would be willing to consider and—and take a
24 look at because as you heard today, DFTA testified at
25 the, you know, the discretionary funded. I believe

2 they said that there were no complaints about those
3 through the Ombuds Program, and we know, you know, we
4 know our members. We know they're offering quality,
5 safe services of these establishments, but we know
6 that they need resources. So, I think, you have a
7 very good core group that is—that are offering these
8 services to work with to—and—and we'd be happy to
9 talk more about that with our membership as well.

10 CHAIRPERSON CHIN: Yeah, I would
11 appreciate that because I think it's like on one hand
12 we ask DFTA to really look at it, but it would be
13 great if it's also coming from the providers who's
14 willing to step and say hey we are interested in—in
15 developing a social adult day care model attached
16 senior centers, and then we can begin to figure out
17 how much resources we need, and how to help to
18 support that. Because going forward we know that we
19 need more of these program because the aging
20 population is growing and we have frail elderly. We
21 want to make sure that they are taken care of, and
22 they are in a good environment. So, this is
23 something that we wanted to sort towards sending us
24 the, you know, the other NORC model, the Naturally
25 Occurring Retirement Community.

2 ANDREA CIANFRANI: Uh-hm.

3 CHAIRPERSON CHIN: I mean a lot of my
4 colleagues want to develop these programs in their
5 district.

6 ANDREA CIANFRANI: Uh-hm.

7 CHAIRPERSON CHIN: So, it's the same
8 thing with social adult day care. We could work
9 together and—and really create some good models that
10 can serve the senior. That would be great.

11 ANDREA CIANFRANI: Well, I think that's
12 why I'm sitting here listening to the hearing today.
13 It's really interesting because we're talking in 399-
14 A we're talking about data and utilization, and
15 collecting that information and we're also talking
16 about how important both of those things are to be
17 able, you know, we need the data to plan for the
18 future and to think about different kind of models
19 and innovative models and the different services that
20 people will need, and those will change over time,
21 and I know- You know, we had an event back in I
22 think in the fall with our membership about, you know
23 kind of the future of senior services, and there was
24 so much excite in the room about developing
25 innovative services and, you know, serving in the

2 successful ways we're serving seniors now, but also
3 looking at the future and seeing what—what seniors
4 will need. And, you know, we need the data to-to
5 talk about that and we need to look at successful
6 models and different models, and—and I think it's an
7 exciting time because we know that the needs are
8 changing, and that we'll need to keep pace with that
9 and to be actually ahead of it. So, I think we'd
10 welcome that, and I think, you know, it's—it was a
11 great hearing today to be talking about all these
12 issues at once.

13 CHAIRPERSON CHIN: Great. Well, thank
14 you again for all your great work, and thank you for
15 being here today.

16 ANDREA CIANFRANI: Thank you.

17 CHAIRPERSON CHIN: Okay. [gavel] Well,
18 the hearing is adjourned. Thank you.

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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 11, 2018