

NYSOFA News



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A newsletter for everyone who cares about older persons

State Insurance Department Establishes Elder Protection Unit

New York State Insurance Department Superintendent Eric Dinallo has announced the formation of the New York State Insurance Department Elder Protection Unit. The Unit will provide support and protection for older New Yorkers in dealing with insurance and related concerns.

“Job one is to protect consumers, and the elderly are among the most vulnerable,” said Dinallo. “We have established this Unit because we have seen a growing number of complex insurance issues directly affecting seniors and a growing number of complaints. Seniors must navigate an array of insurance offerings, including an expanding life settlement industry, Medicare Advantage and supplemental plans, long term care insurance and community care residential centers.”

Dinallo cited reports of unfair and deceptive sales practices resulting in older New Yorkers being sold insurance products they do not fully understand as one reason for forming the Unit: “Assisted living coverage, the suitability of products for seniors and deceptive marketing practices with both life insurance and annuities are among the areas of prime concern to the Department. We will relentlessly pursue any agent, broker or insurer who engages in deceptive or illegal practices against New York’s seniors. We will work to educate consumers on the many options available to them and the challenges those may offer.”

The Unit is comprised of employees assigned from the Department’s Consumer Services, Health, Life and Property Bureaus who will develop, coordinate and implement initiatives to protect New York’s senior citizens in the purchase, servicing and claim processing of insurance products. The State Office for the Aging has already met with leaders from the new unit to discuss protocols and procedures for handling complaints, and future initiatives to help prevent abuses perpetrated against older New Yorkers.

Michael J. Burgess, Director of the State Office for
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Participants in the September 26th NYSOFA Round Table discussion on Senior Centers and Congregate Sites included Bobbie Sackman of the Council of Senior Centers and Services of New York City, Inc.; NYSOFA Special Assistant Gail Myers; Director Michael J. Burgess; and Assemblyman Jeffrey Dinowitz. The Round Tables are designed to bring experts and interested parties together to discuss and improve programs and services for older New Yorkers.

Nursing Home Profile Web Site is Available

The NYS Department of Health Nursing Home Profile Web site, <http://nursinghomes.nyhealth.gov/>, offers information about nursing homes in New York State and the quality of care they provide. The Web site highlights key nursing home quality measures, allows the public to easily obtain important, up-to-date information and provides detailed data on the Department’s inspections of nursing homes – including providing the public with the ability to download inspection reports directly. The public is able to see specific deficiencies for which a nursing home may have been cited, as well as how many residents were affected and how severely.

Nursing home quality measures provide an indication of how well a nursing home provides care for its residents. The measures come from assessments that nursing homes routinely make of all residents

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Director's Corner

Director Michael J. Burgess



Next month's issue of *NYSOFA News* will focus on caregivers and November's designation as Caregivers Month in New York State. It will contain articles and features about caregivers and the important role they play in helping others remain independent in their communities of choice for as long as practical. This issue will be available at the end of October and available for distribution at events across the state.



The series of Director's Round Table meetings that I have referenced before continues. To date I have convened meetings on: Civic Engagement; Community-based Options for Independent Living; and Senior Centers and Congregate Sites. Two more are currently scheduled: 1) Advocacy and Identifying Common Agendas, and 2) Patient's Rights. Along with bringing experts and interested parties together to share thinking, the meetings have provided excellent ideas and directions for future action. I look forward to working with Round Table participants in advancing some of these ideas.

NYSOFA has also been monitoring consumer concerns and complaints on the marketing of certain Medicare plans. As we near this year's open enrollment period beginning November 15th, we will, in conjunction with our HHCAP coordinators, reach out across the state to inform individuals who will choose plans and options. I remain concerned that older New Yorkers can easily be misled into purchasing the wrong, too costly, or inadequate coverage.

This month, I will attend the first meeting of the State Food Policy Council established earlier this year by Governor Eliot Spitzer. The council will make recommendations to the Governor on state regulations, legislation and budget proposals in the area of food policy to ensure a coordinated and comprehensive interagency approach to state food policy issues. The Governor is committed to promoting healthier communities. We will feature this topic in subsequent issues and provide helpful information to all.

Michael J. Burgess

Nursing Home Profile...

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at specified intervals during their stay. The intervals typically include at admission, quarterly, annually, and upon significant change in a resident's status. Moreover, the New York State Nursing Home Profile enables the public to:

- Easily search for nursing homes of interest by name, region, county or selected distance within a chosen zip code;
- Identify nursing homes providing special services such as adult day care, respite care or services to children in need of long term care;
- Compare nursing homes on the basis of up to 19 quality measures including the percentage of residents whose need for help with daily activities has increased, the percentage of residents given influenza vaccine during flu season, and the percentage of residents who were assessed and given pneumonia vaccination; and,
- Obtain important and up-to-date information regarding complaint investigation history, as well as recent enforcement actions taken by the Department.

Individuals and families can use the information on the site to ask questions of nursing home representatives and health care professionals, as well as family members and friends who may have direct experience with a particular nursing home. After reviewing this important information, they are urged to visit nursing homes in which they are interested. The site also provides a link to alternatives to nursing homes, where other long-term options such as Assisted Living and Community-Based Care are listed.

The Web site recently received the New York State Forum's prestigious 2007 "Best of the Web" Award in recognition of its state-of-the-art design and user-friendliness. The Forum is part of the Rockefeller Institute of Government.

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Our sole purpose is to improve communications between all components of the aging network within New York State and to work toward improving the lives of older persons everywhere. Feel free to copy and distribute this publication.

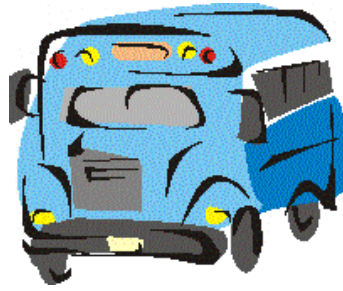
Eliot Spitzer
Governor

Michael J. Burgess
Director

Onondaga County AAA is First in Line for Transportation!

by Sandra Longworth, Director of Federal Relations

The Onondaga County Department of Aging and Youth has been selected to receive a technical assistance award from the National Center on Senior Transportation (NCST) to support the development of a new local coalition whose goal will be to improve the transportation and mobility options for older adults living in Onondaga County.



The United We Ride - Onondaga County Coalition will work with NCST and partner with the Central New York Regional Transportation Authority (CNYRTA) along with human service agencies and other local governmental organizations to seek ways to integrate the transportation and mobility options for rural, urban and suburban seniors so that they may continue to live independently within their communities.

The department was one of only five organizations chosen nationally from 37 other applicants. The department is looking forward to addressing this first phase of senior transportation coalition building.

Elder Protection Unit...

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the Aging stated, "The coordinated approach proposed by Superintendent Dinallo will increase protections for New York's elderly population against predatory sales practices of unscrupulous insurers, brokers and agents who prey on the vulnerability of senior citizens."

The Elder Protection Unit will build on the past efforts of the Department to investigate deceptive and illegal sales practices against senior citizens by insurers, brokers and agents. The Department has also updated its consumer complaint tracking system to identify and monitor complaints from seniors or their representatives. This system will enable the Unit to spot trends in the marketplace, identify systemic problems in the industry and conduct real time examinations of insurers, brokers and agents who engage in unfair or illegal sales practices.

Resources for consumers who need help regarding insurance company abuses or other issues include the Insurance Department's toll free helpline at 1-800-342-3736; The Health Insurance Information and Counseling Program (HIICAP) at 1-800-701-0501; and the State Office for the Aging's helpline at 1-800-342-9871.

Finding An Attorney

A Legal Brief by Bill Graham, Senior Attorney, NYSOFA

The man arrived promptly at the appointed time to meet with Attorney. After exchanging a few pleasantries, Attorney got down to business.

"Well, Mr. Conundrum, I've thoroughly considered what you said on the phone and I believe I can say without fear of contradiction that we can get you a not guilty verdict." Attorney smiled smugly. "Worst case scenario would be time already served."

"B-b-b-but I haven't committed a crime!" was Mr. Conundrum's startled response.

"See then," commented Attorney. "A piece of cake!" "No! No!" exclaimed Mr. Conundrum. "I came here for an estate plan!!!"

"Oh! Well that's different then, isn't it?" replied Attorney. "When you called and asked about preserving assets, I assumed you robbed a... I mean, I'm a defense attorney. Why did you come to me?"

"My Aunt Enigma recommended you. She said you helped her."

"I did," replied Attorney. "But she had a speeding ticket she needed taken care of, not an estate plan."

The perplexed Mr. Conundrum asked how he could find the right attorney for what he wanted. This is what he found out.

Start by keeping in mind the reason you are seeking assistance. In these days of specialization, many attorneys focus on a particular area of practice. An attorney who practices criminal or injury law usually is not the best choice to go to for an estate plan.

Then, go to a reliable source to find an attorney. A recommendation from family or friends can be helpful, but their needs may not be the same as yours. Fortunately, the internet provides access to several reliable sources. They include:

www.findlaw.com – Search for an attorney by issue or location or both.

www.lawyers.com – Again, search by issue, location or both.

www.nysba.org – The NYS Bar Association has online listings and referrals to help you locate the type of attorney you need.

Using these resources, Mr. Conundrum found the proper attorney and began his estate planning.

But that is another story.

**Need help getting services or information?
Call the NYSOFA Help Line**

1-800-342-9871

Calendar OF EVENTS

Su	M	T	W	Th	F	Sa

October 17-19 - Fairport - The 2007 Long Term Care Ombudsman Program (LTCOP) Training Institute

October 17-19 - Albany - State Society on Aging of New York Annual Conference - including Town Hall meeting on **October 18**

October 24 - Albany - Family Caregiver Council

October 30-31 - Albany - Joint meeting of the Governor's Advisory Committee and the Aging Services Advisory Committee

New York State Insurance Department and New York State Health Department Hearings on Universal Health Care:

October 30 - Mahhattan

November 13 - Syracuse

November 26 - Rochester

December 5 - Long Island

Want to join us?

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NYSOFA *News*

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AoA Earns Highest Federal Rating

by Sandra Longworth, Director of Federal Relations

Over the past six years, more than 1,000 federal programs (or 98 percent of the federal budget) accounting for \$2.6 trillion in federal spending have been assessed using the Program Assessment Rating Tool (PART). The goal of PART is to make programs work better by holding agencies accountable for achieving results and making government more effective.

Recently the Office of Management and Budget (OMB) announced the 2005 results of PART assessments. Programs administered by the Administration on Aging (AoA) received the highest rating of "Effective." To be rated Effective, a program must have a clear purpose and be well-managed. It must efficiently provide high quality services and promote the well-being and independence of the participants. An Effective rating, as the highest possible rating, was achieved by only 16 out of 114 programs rated in the Department of Health and Human Services.

The OMB press release states that "the Administration on Aging improved its outreach and services to elderly Americans who suffer from disease and disability. Over 300,000 elderly and disabled individuals, who due to their physical conditions would be living in nursing homes, can continue to live in their

own homes and stay connected to their communities. In 2003, this number totaled around 280,000." In addition, between 2002 and 2005, the number of seniors served, per million dollars, through the AoA's home and community based and nutrition services increased by 23 percent. The increase occurred while the quality rating of services remained high.

To substantiate aging network program performance and its cost-effectiveness, AoA uses the outcome results collected through national outcome surveys and the Performance Outcomes Measures Project (POMP) as evidence for PART assessment to demonstrate the outstanding programs performance of the aging network of state and area agencies on aging and associated service providers across the nation.

PART assessment has increasingly become an important factor in budgeting decision-making at the Federal level. It influences which programs may be cut during a fiscal crisis and which programs receive increases among limited discretionary dollars. The evidence on program performance outcomes resulting from national outcome surveys and the POMP initiative will likely play an even greater role in the PART assessment and Older Americans Act programs funding in the future.