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**The City of New York  
Community Board 8 Manhattan  
Health, Seniors, and Social Services Committee  
April 1, 2021 – 6:30 PM  
Conducted Remotely on Zoom**

*Please note: The resolutions contained in the committee minutes are recommendations submitted by the committee chair to the Community Board. At the monthly full board meeting, the resolutions are discussed and voted upon by all members of Community Board 8 Manhattan.*

**Minutes**

*Present:* Lori Bores, Meryl Brodsky\*, Alida Camp, Rebecca Dangoor, Wilma Johnson, Peter Patch, Barbara Rudder, Russell Squire, Lynne Strong-Shinozaki

\* Public Member

**Resolutions for Approval:**

**Items 1A & 1B – Unanimous**

The meeting was called to order at 6:36 PM.

**Item 1 - Analyzing Nursing Home Legislation - Presentation by Deirdre Garrett-Scott, Director of the New York City Long Term Care Ombudsman Program, Center for Independence of the Disabled in New York**

The meeting evaluated 11 pieces of legislation regarding nursing homes.

- 1. Patient Care Ratio Reporting ([S.4336-A](#)):** *passed Senate; delivered to Assembly*
  - “Directs the Commissioner of Health to establish a “Direct Patient Care Ratio” that would require all nursing homes to spend at least 70% of a facility’s revenue on direct patient care.”
- 2. Publication of Nursing Home Ratings ([S.553/A.2037](#)):** *passed Senate and Assembly*
  - “Requires that the most recent Center for Medicare and Medicaid Services (CMS) rating for every nursing home be prominently displayed on the home page of the Department of Health’s website and at each nursing home facility’s website and displayed at the facility for view by the general public.”
- 3. Reimagining Long-Term Care Task Force ([S.598-B/A.3922-A](#)):** *passed Senate and Assembly*
  - “Enacts the ‘Reimagining Long-Term Care Task Force’ to create a task force studying the state of both home-based and facility-based long-term care services in the state, and to make recommendations on potential models of improvement to long-term care services for older New Yorkers.
- 4. Long-Term Care Ombudsman Program Reform Act ([S.612-A](#)):** *passed Senate; delivered to Assembly*
  - “Creates ‘The Long-term Care Ombudsman Program Reform Act’ by expanding the current program to be more accessible and available to seniors and their families, while promoting the

- volunteer advocate program, and improv(ing) interactions between DOH and the Ombudsman program regarding complaints.”
5. **Allowing Compassionate Care-Giving Visitors (S.614-B/A.1052-B):** *signed into law*
    - “Creates a standardized program to allow personal care and compassionate care visitors at nursing homes.”
  6. **Infection Inspection Audit (S.1783/A.6057):** *passed Senate; delivered to Assembly*
    - “Directs the Department of Health to establish and implement an infection control inspection audit and checklist for residential care facilities.”
  7. **Quality Assurance Committees (S.1784-A/A.5846):** *passed Senate and Assembly*
    - “Requires adult care facilities to include ‘quality assurance committees’ in their quality assurance plans.
  8. **Requirements for Transfer, Discharge and Voluntary Discharge (S.3058/A.3919):** *signed into law*
    - “Creates requirements for the transfer, discharge and voluntary discharge of residents from residential healthcare facilities.”
  9. **Standards for Ownership of Nursing Homes (S.3060):** *on Senate floor calendar*
    - “Requires more review of ownership of nursing homes through the certificate of need process - including consideration of past violations at other facilities by owners - and requires more notice to the public during the CON process.”
  10. **Department of Health Death Records (S.3061-A/A.6610):** *passed Senate; delivered to Assembly*
    - “Requires the Department of Health to record COVID-19 deaths of nursing home residents that died in hospitals to be recorded as a ‘nursing home’ death and require the Department of Health to update and share data it receives with hospitals and nursing homes on communicable diseases.”
  11. **Transparency of Violations (S.3185/A.5848):** *passed Senate and Assembly*
    - “Requires residential health care facilities to disclose in writing to potential residents and their family members the website where a list of violations and other actions taken against the facility can be found.”

Deirdre Garrett-Scott began by introducing herself. The Ombudsman Program is a federal and state funded program. There are fifteen regions throughout New York State and New York City, the largest region, is region three. New York City is the largest region because it has the most nursing homes. Currently, New York City has 171 Nursing Homes and 111 other facilities, such as assisted living and adult care facilities, totaling approximately 55,000 beds. The Ombudsman Program is a resident-centered program that advocates for long-term care residents. The program normally covers facilities that are covered by Medicare and Medicaid. The program is required to provide advocacy, education, and empowerment to residents of facilities that have contracts with Medicare or Medicaid. They do assist family members. However, they must inform families that they have to check with the resident first and must receive permission from the resident before providing assistance. The program is often confused with the New York State Department of Health. They are two separate entities. The Department of Health is a regulatory entity, they are the only one who can cite a facility. The program advocates for residents and tries to mediate so that the Department of Health does not have to get involved. Nine times out of ten when the Program resolves a complaint on behalf of a resident it will not escalate to the Department of Health. Some complaints, specifically those of abuse and neglect, must be reported to the Department of Health.

She elaborated on some terms used in the legislation that might cause confusion. Legislators use different terminology. However, when a bill uses the term long-term care facility, it usually means nursing homes, assisted living, and adult home - all of which are under the purview of the Program.

Assembly Member Rebecca Seawright joined the meeting. She is a co-sponsor of several of the bills. She explained we need to put pressure on the Governor to sign these bills. He has ten days to sign a piece of legislation after it has been delivered to him. She alluded to the fact that it is usually a big negotiation between the Assembly and the Senate to figure out which bills will be transmitted to the Governor. Assembly Member Seawright also gave some updates from her office.

After Assembly Member Seawright concluded, Deirdre Garrett-Scott continued to go through the legislation and stress the significance of each bill.

**1A:**

**WHEREAS**, COVID-19 has brought systemic challenges that have long plagued our long-term care facilities into the spotlight;

**WHEREAS**, the pandemic has therefore provided not only an opportunity but a responsibility to address these issues;

**WHEREAS**, the New York State Senate has proposed 11 critical pieces of legislation to improve oversight, transparency, accountability, infection control, and care at nursing homes;

**WHEREAS**, S.614-B/A.1052-B sponsored by Senator Rachel May and Assembly Member Harry B. Bronson provides for the authorization and regulation of visitation of compassionate care-giving visitors at nursing homes and residential healthcare facilities; and

**WHEREAS**, S.3058/A.3919 sponsored by Senator Gustavo Rivera and Assembly Member Andrew Hevesi establishes requirements for the transfer, discharge, and voluntary discharge from residential health care facilities; and

**WHEREAS**, both S.614-B/A.1052-B and S.3058/A.3919, two of the eleven bills, have already been signed into law by the Governor; and

**WHEREAS**, these two bills in isolation do not fully address the array issues facing nursing homes in our State;

**WHEREAS**, S.4336-A sponsored by Senator Gustavo Rivera would ensure a direct patient care ratio by requiring all nursing homes to spend at least 70% of a facility's revenue on direct patient care; and

**WHEREAS**, S.4336-A would therefore improve the quality of care given to nursing home residents;

**WHEREAS**, S.553/A.2037 sponsored by Senator James Sanders Jr. and Assembly Member Jeffrey Dinowitz would require that the most recent rating of every nursing home assigned pursuant to the U.S. Centers for Medicare and Medicaid Services shall be prominently displayed both digitally on the home page of the department's website and each facility's website as well as physically at each nursing home facility; and

**WHEREAS**, S.553/A.2037 would therefore increase transparency and enable families to confidently choose the best home for their aging loved ones;

**WHEREAS**, S.598-B/A.3922-A sponsored by Senator Rachel May and Assembly Member Catalina Cruz would create a task force to study the state of both home-based and facility-based long-term care services and to make recommendations on potential models of improvement to long-term care services; and

**WHEREAS**, S.598-B/A.3922-A would examine both long-standing issues and pandemic specific ones in the hope of exposing the limitations that currently hamper long-term care and prevent a repeat of the mistakes made in COVID-19 during future health crises;

**WHEREAS**, S.612-A sponsored by Senator Rachel May would expand the Long-Term Care Ombudsman Program to increase accessibility and availability to seniors and their families, promote the volunteer advocate program, and improve interactions between the Department of Health and the Ombudsman program regarding complaints; and

**WHEREAS**, S.612-A would strengthen this important program;

**WHEREAS**, S.1783/A.6057 sponsored by Senator James Skoufis and Assembly Member Pat Burke would direct the Department of Health to establish and implement an infection control inspection audit and checklist for residential care facilities; and

**WHEREAS**, S.1783/A.6057 would ensure accountability and compliance;

**WHEREAS**, S.1784-A/A.5846 sponsored by Senator James Skoufis and Assembly Member Ron Kim would require adult care facilities to include "quality assurance committees" in their quality assurance plans; and

**WHEREAS**, the "quality assurance committees" as described in S.1784-A/A.5846 would represent a significant point of accountability for ensuring quality of care and life in long term care facilities;

**WHEREAS**, S.3060 sponsored by Senator Gustavo Rivera would require more review of ownership of nursing homes through the certificate of need process - including consideration of past violations at other facilities by owners - and requires more notice to the public during the CON process; and

**WHEREAS**, S.3060 would increase the standards for ownership of nursing homes;

**WHEREAS**, S.3061-A/A.6610 sponsored by Senator Gustavo Rivera and Assembly Member Rodneyse Bichotte Hermelyn would require the Department of Health to record COVID-19 deaths of nursing home residents that died in hospitals to be recorded as a "nursing home" death and require the Department of Health to update and share data it receives with hospitals and nursing homes on communicable diseases; and

**WHEREAS**, S.3061-A/A.6610 would ensure transparency in regards to the full extend of the nursing home crisis in our State;

**WHEREAS**, S.3185/A.5848 sponsored by Senator James Skoufis and Assembly Member Monica P. Wallace would require residential health care facilities to disclose in writing to potential residents and their family members the website where a list of violations and other actions taken against the facility can be found; and

**WHEREAS**, S.3185/A.5848 would therefore increase transparency by enabling residents and family members to be fully attuned to any violations;

**THEREFORE, BE IT RESOLVED**, that Community Board 8 Manhattan calls on the State Legislature to pass and the Governor to sign the remaining nine pieces of legislation that would improve care in our nursing homes by ensuring transparency, accountability, and oversight;

**BE IT FURTHER RESOLVED**, that Community Board 8 Manhattan calls on the State Legislature to write additional legislation that would enforce and speed up the time frame when facilities have to pay a monetary fine.

**PASSED by a vote of 7(+1)-0-0**

**In Favor:**

Bores, Brodsky (Public Member), Dangoor, Johnson, Patch, Rudder, Squire, Strong-Shinozaki

During the Q&A, the Committee discussed requiring nursing home staff who have direct access to residents to be vaccinated.

We addressed the topic because when a nursing home employee tests positive for COVID-19, the residents have to quarantine. The distress caused by this vicious cycle is felt intensely by Coler residents. In discussing the legality of mandating vaccinations, the Committee found that the CDC's website explicitly states that "the federal government does not mandate (require) vaccination for individuals. For some healthcare workers or essential employees, a state or local government or employer, for example, may require or mandate that workers be vaccinated as a matter of state or other law." Furthermore, the Committee found a bill [A.2081](#) sponsored by Assembly Member Gottfried that seemed to address the issue. However, the Committee was unsure of whether the legislation would also mandate vaccination of residents and therefore did not want to take action on this specific piece of legislation.

**1B:**

**WHEREAS**, long term care homes house our most vulnerable residents;

**WHEREAS**, when a long term care employee tests positive for coronavirus, that employee puts these residents at great risk; and

**WHEREAS**, residents must then quarantine which causes medical and psychological harm;

**WHEREAS**, a state or local government has the authority to mandate the vaccination of certain healthcare workers as a matter of law;

**THEREFORE, BE IT RESOLVED**, Community Board 8 Manhattan calls on the governor, the legislature, and relevant state agencies to make whatever state law changes are necessary to require staff of nursing homes who have direct contact with residents to be vaccinated, with exceptions for medical or religious reasons;

**BE IT FURTHER RESOLVED**, Community Board 8 Manhattan encourages long term care facilities to provide vaccination education to its employees.

**PASSED by a vote of 7(+1)-0-0**

**In Favor:**

Bores, Brodksy (Public Member), Dangoor, Johnson, Patch, Rudder, Squire, Strong-Shinozaki

**Item 2 – Old Business**

There was no Old Business.

**Item 3 – New Business**

The Committee discussed inviting Assembly Member Gottfried to a future meeting to discuss A.2081 and other issues.

The meeting was adjourned at 9:07 PM.

**Rebecca Dangoor, Wilma Johnson, and Barbara Rudder, Co-Chairs**