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**The City of New York
Community Board 8 Manhattan**

April 23, 2021

Honorable Andrew Cuomo
Governor
NYS Capitol Building
Albany, NY 12224

Honorable Andrea Stewart-Cousins
Senate Majority Leader
188 State Street Room 907, LOB
Albany, NY 11247

Honorable Carl Heastie
Speaker of the Assembly
LOB 932
Albany, NY 12248

RE: Nursing Home Legislation

Dear Governor Cuomo, Majority Leader Stewart-Cousins, Speaker Heastie,

At the Full Board meeting of Community Board 8 Manhattan held on April 21, 2021, the board **unanimously APPROVED** the following resolution by a vote of 48 in favor, 0 opposed, 0 abstentions, and 0 not voting for cause.

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

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

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; and

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; and

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; and

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; and

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; and

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; and

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; and

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; and

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; and

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 extent of the nursing home crisis in our State; and

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.

Please advise us on any action taken on this matter.

Sincerely,

Russell Squire

Russell Squire
Chair

Rebecca Dangoor, Wilma Johnson, and Barbara Rudder

Rebecca Dangoor, Wilma Johnson, and Barbara Rudder
Co-Chairs, Health, Seniors, & Social Services Committee

cc: Honorable Bill de Blasio, Mayor of the City of New York
Honorable Carolyn Maloney, 12th Congressional District Representative
Honorable Gale Brewer, Manhattan Borough President
Honorable Liz Krueger, NYS Senator, 28th Senatorial District
Honorable José M. Serrano, NYS Senator, 29th Senatorial District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District
Honorable Robert J. Rodriguez, NYS Assembly Member 68th Assembly District
Honorable Ben Kallos, NYC Council Member, 5th Council District
Honorable Keith Powers, NYC Council Member, 4th Council District