

December 16, 2021

The Honorable Kathy Hochul
Governor
State of New York
NYS State Capitol
Albany, NY 12224

Re: A.5846/S.1784-A

Dear Governor Hochul,

LeadingAge New York and its not-for-profit, mission-driven members write to you today with concerns regarding legislation A.5846 (Kim)/S.1784-A (Skoufis), a bill which would require adult care facilities (ACFs) to incorporate standards for infection control in each facility's quality assurance plan and require such plans to include a quality improvement committee. The bill also requires certain representation on the quality assurance committee, including participation from the administrator/operator, a resident representative, and frontline employee representatives from each area of operation.

The importance of quality assurance in ACF's and any long-term care setting cannot be over-stated. Our members believe strongly in the importance of providing high-quality care, regardless of any statutory requirement. Additionally, the last two years of operating during a pandemic has demanded that ACF's be dedicated to infection control activities in order to keep residents and staff safe from COVID-19. As a result, infection control best-practices have become a key aspect of facilities' quality assurance activities. Lastly, we agree that the experience and insights of all stakeholders are critical to ensuring quality care. While we appreciate the intent of this bill and its goal, we must raise some concerns regarding this legislation's requirements in light of the current challenges ACFs are facing.

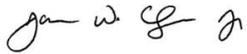
Adult care facilities are currently experiencing two crises; the pandemic and unprecedented workforce shortages statewide. Having a statutory requirement that requires staff from each department to participate in a quality assurance committee does not recognize the very real staffing shortages that exist. Some departments are rather small, or are so critical to the day-to-day operations that taking them away from their duties even for a periodic meeting is not feasible at this time. As a result of the mounting workforce challenges, adult care facilities are paying exorbitant prices to access agency staff. In rural areas, facilities are using nurses to provide aide services because they can't access training programs to bring in new aides. ACF's are consistently paying overtime, are being forced to restrict admissions, and are having administrators and case managers provide direct care and supportive services to residents when necessary because they simply do not have the robust staff they need. This simply is not the time to divert any amount of resources or valuable time from the caring of residents.

We urge you to carefully consider every new requirement that you impose on ACF providers. They are already stretched to their limits in managing the day-to-day responsibilities of caring for residents while maintaining the quality of care they are committed to providing. They have been managing complex and evolving infection control requirements for nearly two years. During that time, the state has continued to

add requirements, both COVID-19 related and otherwise, but has provided no financial support of relief to the ACF community. While seemingly minor, each requirement requires staff time and resources to implement; and threatens penalties for failure to do so. The state must begin supporting this critical service for the benefit of New York's growing older adult population.

For these reasons, LeadingAge New York urges you to reject legislation A.5846/S.1784-A, and instead provide collaborative support to ACFs that continue to work hard to serve residents and aging New Yorkers.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Clyne, Jr.", written in a cursive style.

James W. Clyne, Jr.
President and CEO
LeadingAge New York