



December 8, 2017

The Honorable Andrew M. Cuomo  
Governor of New York State  
New York State Capitol Building  
Albany, NY 12224

Dear Governor Cuomo:

Thank you for the opportunity to express our views regarding A.2702/S.787-A, a bill that would include enriched housing programs among the adult care facilities that must, within 24 hours, report any death or attempted suicide of a resident to the Department of Health (DOH); report felonies believed to have been committed against residents to appropriate law enforcement authorities; and report deaths, attempted suicides, and felonies involving residents who at any time received mental hygiene services to the Justice Center for the Protection of People with Special Needs. LeadingAge New York, representing nearly 500 not-for-profit and public long term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care, and managed long term care, opposes A.2702/S.787-A and urges that it be vetoed.

This legislation is contrary to the direction of one of the proposals in the package endorsed by the Medicaid Redesign Team (MRT) in 2011. The MRT package included a recommendation to report only those deaths that are suspicious in nature. It seems unnecessary to report to DOH that a resident receiving hospice care has passed away, for example. While some deaths, namely suicide or the passing of a young person, may warrant closer investigation, many people move into adult care facilities near the end of life. During this fiscally challenging time for facilities, it would be better to pare away those requirements that divert resources from the most important task of all: caring for residents.

The 24-hour death reporting requirement presents another challenge for adult homes and enriched housing programs. If a resident were to pass away in a setting other than the adult home or enriched housing program, it is possible that the facility could be notified after the 24-hour time frame and thus would be unable to comply with the requirements in the statute. Further, there are no staff in DOH offices to accept the report over the weekend or on holidays.

Finally, this legislation assigns the responsibility of determining whether a felony crime may have been committed against a resident to the facility operator. While LeadingAge New York does not object to any reporting requirement specifically designed to protect residents, the operator does not have the expertise to determine what constitutes a felony crime.

For these reasons, LeadingAge New York respectfully requests that you veto A.2702/S.787-A. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Clyne Jr." with a stylized flourish at the end.

James W. Clyne Jr.  
President/CEO