

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

Re: A.5847/S.2191

Dear Governor Hochul,

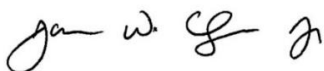
LeadingAge New York and its not-for-profit, mission-driven members write to you today with concerns surrounding legislation A.5847 (Woerner)/S.2191 (Kavanagh), a bill which would require hospitals and nursing homes to establish an antimicrobial stewardship program and ensure that appropriate personnel receive antimicrobial resistance training. Although the intent of this legislation is laudable, LeadingAge New York must write in opposition as the requirements borne out in the bill are duplicative of existing federal requirements, will not add to the safety or quality of care provided in nursing homes, and will function as another unfunded administrative burden on providers and staff that are already thinly stretched.

Improving antibiotic prescribing and use is critical to effectively treat infections, protect patients from harms caused by unnecessary antibiotic use, and combat antibiotic resistance. In recognition of this importance, as of November 2017, the Centers for Medicare and Medicaid Services (CMS) requires each nursing facility to have an antibiotic stewardship program in place as part of their infection prevention and control program. The antibiotic stewardship program must include the use of antibiotic use protocols and a system to monitor antibiotic use. Existing guidance requires nursing homes to follow the CDC's Core Elements guide (a roughly 40-page document). CDC's Core Elements of Antibiotic Stewardship offer providers and facilities a set of key principles to guide efforts to improve antibiotic use and, therefore, advance patient safety and improve outcomes.

While this legislation is not identical to the existing federal requirements, there is a great deal of overlap, and the intent of this bill is already addressed by CMS. Since the beginning of the pandemic, the state has imposed multiple layers of unfunded, and often duplicative, administrative requirements on nursing homes, including risk assessments, emergency plans, disclosures on websites and in facilities, modifications to residency agreements, documentation, notification, and reporting requirements, and more. These mandates have come without any recognition of the unique challenges presented to those caring for our most vulnerable and without any recognition of the staffing crisis they are facing. In fact, in 2021, at the same time that the state enacted multiple new mandates, it also limited the percentage of revenue that can be spent on the administrative functions that allow providers to comply with such mandates.

It is time for the State to begin providing the funding and collaboration necessary to allow nursing homes to offer the best possible quality of life and quality of care to their residents. More duplicative mandates will only take time, energy, and resources away from the individuals living in nursing homes. For these reasons, LeadingAge NY urges the Governor to reject A.5847 (Woerner)/S.2191 (Kavanagh).

Sincerely,



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