

June 29, 2022

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

Re: A.9290 (Forrest)/S.8813 (Rivera)

Dear Governor Hochul,

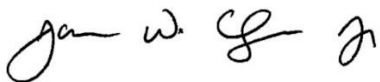
LeadingAge New York and its not-for-profit, mission-driven members write to you today with a technical, but important, concern regarding A.9290 (Forrest)/S.8813 (Rivera) – a bill that would require adult care facilities to maintain records with race or ethnicity data relating to residents.

LeadingAge New York does not object to the inclusion of this important demographic information in standard resident records. Indeed, we share the Legislature's goal of collecting data to inform policy solutions that address racial and ethnic disparities in healthcare access and outcomes. However, the legislation does not provide the most effective and useful way to track this information, and we would like to propose an amendment.

The language set forth in A.9290 (Forrest)/S.8813 (Rivera) directs adult care facilities to track race and ethnicity data in the Chronological Admission/Discharge Register. LeadingAge NY strongly recommends that the data instead be gathered in the personal non-medical record upon admission of a resident. That data would then be readily available to the State via the adult care facility Quarterly Statistical Information Report (QSIR). Additionally, there may be some individuals who for personal reasons may not be willing to share this information. Regulations promulgated under this legislation should provide an option for the current or prospective resident to opt out of providing this data.

With that said, LeadingAge NY supports A.9290 (Forrest)/S.8813 (Rivera), but recommends that amendments be made to allow for more efficient and effective record keeping. Attached to this letter is a proposed chapter amendment that should be included in the approval of this legislation.

Sincerely,



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

STATE OF NEW YORK

9290

IN ASSEMBLY

AN ACT to amend the social services law, in relation to requiring adult care facilities to include certain demographic information in certain records maintained by the facility

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5 of section 461-e of the social services law, as added by chapter 601 of the laws of 1981, is amended to read as follows:

5. The department may promulgate regulations which require each adult care facility to maintain the following written records and any other such records, under such conditions and for such time, as may be prescribed pursuant to such regulations: (i) a chronological admission and discharge register consisting of a listing of residents registered in and discharged from such facility by name, age, **race or ethnicity**, sex of resident, and place from or to which the resident is registered or discharged, (ii) a daily census record, (iii) a personal non-medical record for each resident, including but not limited to, **race or ethnicity**, identification of his or her next-of-kin, family and sponsor, the name and address of the person or persons to be contacted in the event of an emergency, and all details of the referral and registration and non-medical correspondence and papers concerning the resident, (iv) a financial record for each resident, including but not limited to, copies of all agreements, resident account records and a current inventory of personal property being held by the operator.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the social services law, relating to the inclusion of certain demographic information in certain records maintained by the facility, as proposed in legislative bill numbers A.9290 and S. 8813, takes effect.