



June 6, 2022

VIA EMAIL

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

Dear Governor Hochul:

On behalf of our not-for-profit, public and voluntary nursing home and adult care facility (ACF), home care and hospice members, LeadingAge New York requests your partnership in working to ameliorate some of the challenges in the field so providers can focus on their mission and the people they serve.

As you acknowledged in your recent renewal of the health care workforce shortage Executive Order, there continues to be a serious workforce shortage in all of health care, and our member nursing homes, ACFs, home care and hospice providers feel that every day. We appreciated the deployment of the National Guard to public and not-for-profit nursing homes, though a temporary and limited solution to the larger issues that plague the field. We also applauded the measures proposed in your Executive Budget to try and address some of those issues. Unfortunately, some of the most impactful proposals to our members were not in the final budget agreement, nor were they taken up in legislative session, and those initiatives in the final budget agreement will take time to yield meaningful results. Given the ongoing workforce shortages and lack of any immediate relief, we must work together to identify every possible solution to this workforce crisis.

An immediate helpful action you could take is the State's approach to the HERDS survey. We thank you for once again providing a reprieve from the daily HERDS survey report over the Memorial Day weekend. After **27 months** of daily reporting (along with additional weekly surveys periodically included), this was a much-needed respite for all. We urge the State to take this opportunity to assess the impact of that gap in data to inform whether the data gathered is truly needed on a daily basis.

While LeadingAge New York can again offer suggestions to revise and pare back the surveys, we question the fundamental purpose and need at this point in the pandemic. It is unclear what is done with the data and how it is being used by the State. **Given where we are in the pandemic, the State should do away with the daily (nursing home/ACF) or weekly (home care/hospice) survey and require only exception reporting on key data points.**

The HERDS surveys are tedious reports that require the gathering of information from a variety of sources, many of which are accessible only to a select few in an organization. Much of the information also duplicates other reporting requirements. We have made numerous suggestions to streamline and improve the process, but only a few have been adopted. If moving to an exception reporting process is not feasible, we urge you to consider the below recommendations, which would make a positive difference:

- Streamline the questions on the survey so that only the key data points are collected. Eliminate questions that no longer make sense or are not pertinent.
- For nursing homes, eliminate the daily HERDS and rely on the weekly NHSN data collected from nursing homes by CDC, which captures much of the same information using slightly different questions. For other providers, use the data submitted to ECLRS, NYSIIS and the CIR.
 - If it is not possible to access the weekly NHSN for DOH's data needs, then amend the nursing home HERDS survey to have consistency between the NHSN questions and the HERDS survey questions so efforts are not duplicated.

- For other providers, require the report once a week. The data currently being reported does not change significantly, and there are only a few key data points that we believe remain critical to capture.
- Allow the ability to import data from an Excel file.
- Release the HERDS survey earlier so it can be completed first thing, and the person completing their report can otherwise attend to their professional responsibilities of the day-or their personal matters on weekends and holidays.

These are extraordinary times, and everyone has a role in resident/patient care and the day-to-day operations in our member organizations. This daily report has been an ongoing stressor that has interfered with professional and personal obligations and activities. It takes people away from tending to residents, communicating with families and supporting staff. And yet, rather than support and relief, the provider community has been faced with consistent additional unattainable requirements and penalties since the beginning of the pandemic. In fact, last week the Legislature passed additional bills that will further penalties on long term care providers during this intense workforce shortage, rather than strategies to assist or support providers to recruit and retain workers. It is demoralizing and exhausting, and it is driving great people out of this field at a time when we need them most.

LeadingAge New York is eager to work with you and your administration on our workforce challenges, and to help these providers return to our shared goal of providing quality care to their residents and patients. We request the opportunity to meet with your staff to explore ways to alleviate the burden on providers and allow them to focus on resident and patient care, and recruitment and retention of this critical workforce.

Thank you for your consideration.

Sincerely,



James W. Clyne, Jr.
President & CEO

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