

October 6, 2021

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

Re: A.2037 (Dinowitz)/S.553 (Sanders)

Dear Governor Hochul,

LeadingAge New York and its not-for-profit, mission-driven members ask that you veto A.2037 (Dinowitz)/S.553 (Sanders) on the basis that the legislation is redundant and imposes yet another administrative requirement on nursing homes without meaningfully contributing to the quality of resident care or the information available to consumers. This legislation would require nursing homes and the Department of Health (DOH) to prominently post Centers for Medicare and Medicaid Services (CMS) 5-star ratings on their respective websites and require nursing homes to prominently display their 5-star ratings onsite at the facility for residents and the public.

It is important for consumers to be well-informed when choosing a nursing home for themselves or loved ones, and the CMS 5-Star ratings are a useful source of information. However, CMS 5-star ratings have limitations – they are heavily driven by survey findings which can be subjective, and the ratings may be based on surveys conducted years earlier. Moreover, 5-Star ratings can change on a quarterly basis, or even more frequently. Consumers should consider a variety of factors, in addition to the 5-Star rating, when selecting a nursing home. CMS's *Nursing Home Compare* website (<https://www.medicare.gov/nursinghomecompare/search.html>) recognizes this, and not only offers consumers an easy-to-use platform for locating and comparing nursing homes, but also provides a guide to choosing a nursing home and other resources.

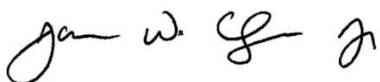
The requirement that nursing homes post their ratings on their websites and in their facilities does not add value for consumers. A facility's most current 5-Star rating is always available on the CMS Care Compare website. Similarly, the Department of Health already posts 5-Star ratings on its website, although even the Department has difficulty maintaining the most current ratings on its website. Another recently enacted bill, Chapter 344 of 2021, requires nursing homes to make available information about accessing the 5-Star rating in their admission materials. Notwithstanding these readily available resources, the bill before you would require nursing homes to update signage and websites every time their 5-Star Ratings change. Requiring nursing homes to post the ratings in their facilities, in addition to other methods of making this information available, will merely add another administrative responsibility for severely stressed nursing home staff, at a time when they are struggling with staffing shortages, COVID outbreaks, vaccine booster shots, daily and weekly HERDS reporting, weekly NHSN reporting, and more. It will add to facilities' ever growing administrative responsibilities, even though the State has enacted legislation limiting the portion of revenue that facilities are permitted to spend on administration.

Fundamentally, this bill does not enhance the information already available to consumers, but instead is yet another time-consuming requirement for nursing homes and their staff. For these reasons, LeadingAge New York urges you to reject A.2037/S.553.

Thank you for your consideration.

Sincerely,

James W. Clyne, Jr.



President and CEO
LeadingAge New York