

September 21, 2024

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

Re: A.2188 (Dinowitz)/S.3498 (Sanders)

Dear Governor Hochul,

LeadingAge New York and its not-for-profit, mission-driven members write to you today in opposition to A.2188 (Dinowitz)/S.3498 (Sanders). While well-intended, this legislation would impose additional posting requirements on nursing homes that are redundant and will detract from the homelike environment that nursing homes are expected to maintain.

The bill before you would require every nursing home in the state to prominently post their most recent star ratings for health inspections, staffing, and quality measures pursuant to the federal Center for Medicare and Medicaid Services (CMS) inspection rating system. The posting of the ratings in each of the three domains would be required on-site in facilities, as well as on websites.

While it is important for consumers to be well informed when choosing a nursing home for themselves or loved ones, homes are already required to publicly post their overall CMS 5-star ratings, which incorporate each of the domains identified in this legislation. The postings are already updated quarterly, on nursing home websites and in their facilities, and homes provide each resident or representative with the “Nursing Home Compare” website as part of the intake process.

It is worth noting that this legislation would needlessly contribute to the growing array of institutional posters and signage that is already mandated in nursing homes and detracts from the homelike environment that facilities strive to provide. In the past 4 years, New York State and the federal government have imposed a variety of new posting requirements, over and above what was required prior to the COVID-19 pandemic.

The following is a *partial* list of signs that nursing homes are currently required to post in their facilities:

- Residents’ rights (potentially in 10 languages),
- CMS Star Rating (which can change quarterly),
- Any notice of violation when a survey citation triggers a civil penalty,
- Nurse staffing information required by Public Health Law 2805-t,
- Summary of the minimum staffing statute provided by the Department of Health,
- Contact information for the state and regional offices of the LTC ombudsman program and nursing home complaint hotline,
- Signage for visitors and staff concerning the core principles of infection control, including:
  - what to do if you’re exposed to or infected with COVID-19,

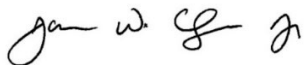
- COVID- 19 signs and symptoms, infection control precautions, other applicable facility practices (e.g., use of face covering or mask, specified entries, exits and routes to designated areas, hand hygiene),
- Information about how to apply for and use Medicare and Medicaid benefits,
- A schedule of the facility's current monthly activities,
- Contact information for the facility grievance officer,
- Facility operating certificate.

The proliferation of these text-heavy posters contributes to an institutional, and perhaps even disorganized atmosphere. Further, they create visual clutter that becomes increasingly ignored by residents and visitors, thereby diminishing their intended goal and undermining the ambiance of the facility.

Nursing homes are not just healthcare facilities; they are homes and communities where older adults deserve to receive quality care in a comfortable and welcoming environment. Adding to the already substantial posting requirements will undermine that goal, and will do nothing to actually help educate consumers or improve care or operations.

For these reasons, LeadingAge New York urges you to veto A.2188 (Dinowitz)/S.3498 (Sanders).

Sincerely,



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