



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO #115

December 21, 2024

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 3703, entitled:

“AN ACT to amend the public health law, in relation to the closure of nursing homes”

NOT APPROVED

This bill would extend the bureaucratic timeline for closure of a nursing home by requiring the operator to provide the Department of Health with a closure plan at least 90 days prior to its anticipated closure, and simultaneously notify residents, local legislative bodies, elected officials, and community boards, who may convene meetings and make a recommendation to the Department of Health as to whether the application should be approved, modified or rejected. The bill would prohibit the nursing home operator from taking any action to close the nursing home until the Department of Health has approved the closure plan and all residents have been transferred.

Nursing homes play a critical role caring for our families and loved ones, and my top priority is ensuring every resident gets the high-quality care they deserve. Under current law, the Department of Health and the Long Term Care Ombudsman Program are closely involved in the nursing home closure process and engage in close supervision and monitoring to protect patients. This lengthy bureaucratic closure process mandated in this bill could ultimately cause quality and patient safety to be jeopardized, since in most cases a nursing home closure is due to financial distress by the operator. If an operator is unable to safely run a nursing home, they should not be given the opportunity to run it for longer than absolutely necessary. Mandating a lengthy closure process would likely lead to further financial distress for operators, creating situations where staff walk off the job, heat and electricity are shut off due to unpaid bills, and residents' well-being is put at risk.

Therefore, I am constrained to veto this bill.

The bill is disapproved.

Ruth Hochul