

December 4, 2024

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

Re: A.5790-B (Paulin)/S.8865 (Cleare)

Dear Governor Hochul,

LeadingAge New York and its not-for-profit, mission-driven members write to you today with concerns regarding the timeframes set forth by legislation A.5790-B (Paulin)/S.8865 (Cleare). The bill requires assisted living residences (ALRs), special needs assisted living residences (SNALRs) and enhanced assisted living residences (EALRs) to report annually on quality measures to be established by the Department of Health (DOH) in consultation with sector and consumer representatives, and to publicly report and post certain information. While LeadingAge New York is supportive of this quality measure initiative and its requirement of input from sector experts, the timeframes of the bill are overly ambitious, and at this point impossible to achieve. In fact, the first reporting deadline of Oct. 1<sup>st</sup> has already passed. To facilitate the development of a quality measure system that is both practical for operators and useful for consumers, we strongly recommend that the bill be amended to extend all relevant timeframes by at least one year.

There are several reasons that this legislation requires more time for implementation. As noted, the primary purpose of the bill is the development of quality measures, which would then be reported to DOH and to the public. DOH would then need to develop a system to score the results of the ALR quality reporting, whereby facilities could be granted advanced standing classification in their annual surveillance schedules. The identification of meaningful, measurable quality indicators-- with the input of stakeholders -- will take time. Once identified, a clear definition of the indicator and how it will be measured is necessary to ensure the integrity of the data that is collected. The state will then need to unveil the new quality measuring system to the ALR community so they can put systems in place to begin collecting the necessary data. Each step is complex, made even more so by the differences in certifications and licensures between facilities. No piece of this process should be rushed if the objective is to provide consumers with useful information about their options.

We would also recommend a modification to one aspect of the bill, recognizing that in New York, a Continuing Care Retirement Community (CCRC) is unique in its offering and structure. Paragraph 7(a)(ii) of the bill requires ALRs to post certain information on their websites, including: the starting monthly service rate; the range for starting rent; an approved admission or

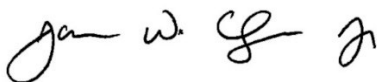
residency agreement; and a consumer-friendly summary of all service fees, through a reporting system that takes into account differences in licensure and certification, services agreements and fee structures across facilities. We recommend this paragraph of the bill be amended to expressly exempt CCRCs. CCRCs are far more than their Independent Living, Assisted Living and Skilled Nursing components, and their offerings, rates, and contracts are far more complex than the typical ALR. Requiring CCRCs to post their ALR information in the same forum as other ALRs will be misleading and confusing to consumers as they seek ALR services, not a lifecare CCRC. Having CCRCs post ALR-only information may make a consumer believe they can afford a community that they cannot, or may give them a false impression of what the CCRC offers. Ultimately, this information is not useful to the consumer, which is counter to the objectives of this bill. For these reasons, we recommend that CCRCs be exempt from *this aspect* of the bill; paragraph 7(a)(ii).

Lastly, this bill would require DOH to report to the Legislature by Feb. 15, 2025, on the development of a quality scoring system for adult care facilities, including adult homes and enriched housing providers. Again, that undertaking is complex and will take significant time and effort, acknowledging the nuances of the different models. Thus, more time will be needed.

While we appreciate the intent of the bill and share its goals, we are concerned that the ambitious timeframes in the legislation as drafted would not afford sufficient time to develop a system wherein useful information can be aggregated and reported in a consumer-friendly manner. Given the diverse makeup of these residences, the process of developing this quality measure system is destined to be a complicated one, which, if rushed, could result in consumer confusion rather than transparency. Further, the bill should be amended to recognize the unique CCRC model and exempt them from reporting requirements that would ultimately confuse consumers.

For these reasons, LeadingAge New York opposes A.5790-B (Paulin)/S.8865 (Cleare) as drafted, and urges that it be **amended** to extend all timeframes by one year and exclude CCRCs from paragraph 7(a)(ii).

Sincerely,



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