



July 2, 2024

Valerie Deetz, Acting Deputy Commissioner
Office of Aging and Long Term Care
NYS Department of Health
Corning Tower, 14th Fl
Albany, NY 12237

Dear Val:

As associations jointly and deeply concerned about the continued inability of NYS assisted living program (ALP) residents to access vitally needed and compassionate end-of-life hospice care, we write to ask your direct help in this matter.

We appeal to you to step in to expedite the Department’s submission of the State Plan Amendment to CMS as well as finalization and release of the criteria hospice and ALP providers are asked to follow in mutual coordination of their services for these individuals. Every day that waits, dying ALP residents and their families face life’s end unable to access hospice services in their ALP “home.”

For background, we have been working in good faith with the Department’s Office for Aging and Long Term Care (OALTC) to implement this change as directed in [A.4016 \(Raga\)/S.1349 \(Rivera\)](#), legislation passed in 2022 , with agreed upon [chapter amendments](#) implemented in March of 2023. Through several workgroup meetings, and several discussions of these associations, we worked together to draft collaborative criteria for hospice and ALP providers. The workgroup discussions were positive, and OALTC staff have participated positively and with goodwill; but the initiative seems to have slowed to a standstill since last October when we submitted to OALTC what we hoped to be the final version of straightforward and detailed criteria to guide the providers. Meanwhile, this continued, unfair and untenable barrier to access for dying individuals has persisted.

Of deep concern and frustration, hospice access for ALP residents has been a matter discussed and advocated for *years*; it is not just the two-year workgroup process outlined in this letter. And, yet, this continues to remain unresolved. We know it is not the Department’s intent to deny these individuals needed services at the end of life, but this is the stark reality of this delay. It is untenable, and works against New York State’s interest in multiple ways.

We appreciate the Department’s renewed commitment to hospice and palliative care as it moves to fully staff and operationalize its new “Center” for this program, and we look forward to much progress and collaboration ahead with you and your team to support hospice access and care across the State of New York.

But, ALP residents *need and deserve* this issue to be resolved now. We have provided OALTC the materials and the pathway, and await only the Department’s action.

We are available to meet with you and the OALTC team directly if this would help expedite this resolution.

Thank you.

Sincerely,

Lisa Newcomb
ESAAL

Al Cardillo
HCA

Jeanne Chirico
HPCANYS

Diane Darbyshire
LANY

cc: Hon. James McDonald, MD
Angela Profeta
Erin Kate Calicchia