

December 13, 2022

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

Re: A. A.1880-A (Dinowitz)/S.2534-A (Rivera)

Dear Governor Hochul,

On behalf of our over 400 not-for-profit, mission-driven members, LeadingAge New York writes to express our general support and recommendations for legislation A.1880-A(Dinowitz)/S.2534-A (Rivera). The bill amends the public health law by requiring the Commissioner of the Department of Health to develop and require training program units for certified nursing assistants, home health aides and personal care aides relating to working with patients of diverse sexual orientation and gender identities or expressions.

As an association that represents long-term and post-acute care and aging services such as home care agencies, nursing homes, and adult care facilities, we strongly support the intent of this legislation. However, we'd like to highlight a key recommendation to ensure that any new additional training requirement does not inadvertently slow the recruitment of new aides given the very serious workforce shortage in these areas.

The development of a training program focused on working with patients of diverse sexual orientations and gender identities or expressions is indeed critical to effective caregiving and the safety of residents and patients. However, the legislation states that these new training requirements will be part of the state approved education or training programs required for certification of home health aides, certified nurse aides and personal care aides. While we are supportive of aides receiving this training, we are concerned that adding an additional educational component to the formal training programs for aide certification will slow or prolong their training and onboarding process and inadvertently reduce the number of aides entering the field of long term care.

Our members across service-lines are finding that a prolonged onboarding process often results in job applicants seeking employment elsewhere. During this serious workforce shortage, providers can't afford to lose prospects, and they need to get good candidates working as quickly as possible. For these reasons, we urge the Department to implement this as a mandatory orientation unit or part of annual training requirements, rather than a requirement for certification. This would allow new and existing aides to receive appropriate training for the care and needs of diverse populations, without adding to an already lengthy onboarding process.

As you are aware, our long term care providers are experiencing an unprecedented workforce shortage. Prior to COVID-19, our sector was already experiencing great difficulty in recruiting and retaining the

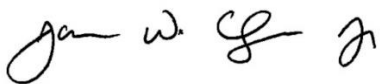
workforce we need to best care for older adults and individuals in need of long-term care services. There are many barriers currently putting long term care careers at a disadvantage: a lack of workers interested in the field, statewide wage compression dynamics, insufficient state and federal reimbursement impacting providers ability to compete for workers, lack of access to criminal background check resources, required health assessments prior to employment, existing training requirements, prior employment checks and more. The demographics of our growing aging population and shrinking working population speak for themselves.

Now, we are at a critical juncture. Long term care providers, across all service-lines, are struggling to find workers and as a result, are limiting admissions due to lack of staff available to care for patients. We are at a point where every aspect of the hiring and training process must be carefully considered and streamlined as we compete with sectors such as retail and hospitality for workers.

LeadingAge New York supports members of the LGBTQ community and supports efforts to ensure providers are effectively and appropriately providing health care for this and other diverse populations. We embrace the intent of this legislation, and ask that the Department of Health implement these and other training requirements in a manner that does not impede the recruitment, hiring and onboarding of aides. We would be happy to work with the Department to that end.

LeadingAge New York urges you to sign and approve A.181-A (Gunther)/S.4885-A (Savino) with the above considerations in mind.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Clyne, Jr.", written in a cursive style.

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