

## MEMORANDUM

### A.1653 (Rosenthal)

#### *AN ACT to amend the public health law, in relation to notification of changes to medical and support services to residents in assisted living facilities*

LeadingAge NY has concerns about the overly broad implications of this bill, which requires assisted living facilities to notify residents of changes to medical and support services 180 days prior to such changes taking effect. It is unclear what problem this bill seeks to resolve, but it would create a slew of new problems, particularly during the ongoing COVID-19 pandemic.

Notifying the residents or their representatives of any changes in contracts is in and of itself overly broad; amendments may be made to contracts that have no bearing on the resident experience and would be administratively burdensome to report out. Furthermore, there are a variety of reasons why contracts may change with third parties that may not be anticipated 6 months prior to their change. It is not conceivable to anticipate all that may change in the future, what service providers are available, what laws might change that impact those services, etc.

Workforce shortages in healthcare are currently so dire that changes in staffing contracts are likely to be frequent and unpredictable. In the context of the pandemic, one can see how delaying a change in a contract—such as a contract with a home care or staffing agency—to get needed services to a resident simply can not wait the 6 months’ notice required in this legislation. A variety of factors have impacted a longstanding workforce shortage in ways that may not have been anticipated even 6 months ago to the degree that assisted living providers are having to utilize resources in new and different ways.

Further, assisted living residents typically access their medical services in the community. While some physicians may round in assisted living residences, they typically are not employees or subcontractors of the assisted living residence.

Again, LeadingAge NY is unaware of any problem that this bill would aim to address, but the challenges and administrative burdens that would be created by the bill are extremely concerning. Long term care and assisted living providers are experiencing significant workforce shortages and financial distress, and simply do not have the time or resources for new mandates that do not have real resident benefit.

For these reasons, LeadingAge New York opposes A.1653 (Rosenthal) and urges that it be rejected.

*LeadingAge New York represents over 400 not-for-profit and public long term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long term care.*

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