

MEMORANDUM

A.10312-A (Paulin)/S.09555-A (Skoufis)

AN ACT to amend the public health law, in relation to information that residential health care facilities are required to provide to residents and their families

LeadingAge New York opposes this legislation, which amends Public Health Law to require residential health care facilities to provide information about the facility's ownership, governance, and contractors to residents and their families, as part of the admission process. This bill largely duplicates disclosure requirements in existing law and will only add to the extensive information that is already required to be provided at admission, without providing additional access to meaningful information for consumers. It will add cost and administrative burden to the system without any material benefit for consumers.

Under existing law (PHL 2829), ownership and contractor information must already be posted on facility websites. The statute currently requires nursing homes to post on their websites a list of any owners, to be updated within 30 days of any change; a summary of all contracts for goods or services for which a facility uses Medicaid or Medicare funds "or other agreements," to be updated within 30 days of execution; and the name and address of any landlord of the facility, to be updated regularly. It also requires homes to provide the Department of Health with a list of owners for posting on Department's website, updated within 30 days of any change. Owners are already listed on the Department's Nursing Home Profiles web page.

This bill duplicates these web posting requirements and adds much the same information to admission packets. In addition, it requires admission packets and websites to include members of the boards of directors of not-for-profit organizations that operate nursing homes. Not-for-profit board members are volunteers who contribute their expertise, time, and resources to the organizations they serve and do not benefit financially from their board service. Existing regulations require not-for-profit health care facilities to report and update their board members to the Department of Health. Posting the identities of board members on facility websites serves no purpose and could discourage participation in boards.

Nursing home admission packets are currently required to include extensive information intended to ensure that residents and their families understand their rights and responsibilities, the services available to them, the charges they may incur, how to seek redress of grievances and complaints, and where to access additional information, including via the New York State Nursing Home Profiles website and the federal CMS Nursing Home Compare website—which already include information on ownership, inspections, enforcements, and quality metrics.

Expanding the information required for intake packages to include ownership and contractor information already available via websites maintained by the facility and government agencies is likely to overwhelm consumers rather than inform them. This bill risks creating confusion rather than clarity. Transparency is more effectively advanced through well-maintained, regulator-curated public reporting systems, not through duplicative paperwork imposed on individual providers and consumers.

Finally, this bill contributes to the steady proliferation of intake and posting requirements that have expanded significantly in recent years. Each new mandate, viewed in isolation, may appear modest; taken together, they divert staff time and resources away from direct resident care and toward compliance-driven documentation. At a time when nursing homes are contending with unprecedented staffing challenges and financial pressures, adding redundant administrative obligations is counterproductive and does not advance resident well-being.

While we agree that residents and their families should have access to meaningful and accurate information when making decisions about long-term care, this bill will not advance that goal.

For these reasons, LeadingAge New York opposes A.10312-A (Paulin)/S.09555-A (Skoufis) and urges that it be rejected.

LeadingAge New York represents approximately 350 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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