



February 1, 2022

Governor Kathy Hochul
NYS Capitol
Albany, NY 12224

Dear Governor Hochul:

On behalf of Argentum NY, Empire State Association of Assisted Living (ESAAL), LeadingAge NY, and NYSCAL, the senior living associations representing New York State's 550 private pay and publicly funded licensed adult care facilities (ACFs), assisted living residences (ALRs), and Medicaid assisted living programs (ALPs), we are writing to request your support of these providers as they have been on the front lines protecting residents and staff from COVID-19 since the start of the pandemic almost two years ago.

ACFs/ALRs provide a resident-centered, senior living option that allows individuals to age in place in the setting of their choice. Statewide, these providers care for approximately 52,000 New Yorkers, many of whom are among the most vulnerable to COVID-19. The average resident is 85 years of age, requires assistance with at least three activities of daily living, and has multiple co-morbidities.

ACF, ALR, and ALP providers have done and continue to do an extraordinary job in protecting their residents and staff from COVID-19 with very little support from the State or Federal government.

New York's senior living providers have incurred hundreds of millions of dollars in expenses to procure gowns, gloves, masks, and other infection control supplies, to provide well-deserved hero pay to staff, and to hire additional staff. For more than a full year, ACFs, ALRs, and ALPs were required to test staff weekly at their own expense. In just May and June of 2020, providers spent approximately \$18.5 million to comply with the testing mandate with no financial support from the State. Additionally, declining occupancy rates due to temporary discontinuation of admissions and limitations on visitation resulted in substantial revenue losses.

Occupancy rates are slowly beginning to rebound but, in some cases, have been curbed by providers' inability to admit new residents due to staffing shortages. Providers are struggling to absorb these losses and, since the beginning of the pandemic, seventeen smaller ACFs have been forced to close. Furthermore, healthcare worker vaccine mandates, while critical to ensuring the safety of both residents and staff, have exacerbated staffing shortages and the expenses associated with addressing them.

While the State has provided relief to many entities including small businesses, restaurants, and the arts and entertainment industry, ACFs/ALRs/ALPs have not received any funding from the State and only minimal support from the federal government. Last year, with the support of the NYS Legislature, we had requested a one-time \$75 million allocation from the American Rescue Plan Act to help offset a fraction

of the expenses incurred because of their need to respond to the COVID-19 crisis. Unfortunately, our request was not granted.

Additionally, the Executive Budget proposal includes several provisions related to supporting the healthcare workforce. However, only healthcare workers who work in Medicaid settings are eligible for the bonuses outlined in Part D of A.9007/S.8007.

While we support the concept that healthcare workers should receive such bonuses, it is discriminatory to limit the bonuses to Medicaid only settings. All healthcare workers in all senior living settings, including private pay, should be recognized and rewarded for their extraordinary dedication and commitment to caring for those most vulnerable to COVID-19.

It is a common misconception that private- pay providers can either absorb the additional costs associated with responding to the pandemic or can pass the added costs through to residents. Most residents in these settings have a fixed income and have budgeted to be able to reside in the ACF/ALR of their choice. Raising fees to help address additional costs will only deplete residents' resources more quickly and force them to move to another setting such as a nursing home where private funds are now offset by Medicaid. Our providers are acutely aware of the financial status of their residents and work to ensure they can remain in the setting of their choice as long as possible.

Therefore, we are seeking your support for a \$75 million allocation in the 2022-23 Budget to help offset a portion of the costs and losses ACFs, ALRs, and ALPs have incurred to date as they continue to address the pandemic.

We are also requesting that Part D of A.9007/S.8007 be expanded to include health care workers in all settings.

We appreciate your attention in this matter and are available to provide additional information.

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