

MEMORANDUM

A.2731 (Paulin)/S.7859 (Rivera)

An act to amend the social services law, in relation to authority for existing assisted living programs to expand capacity by nine or fewer beds under an expedited process

LeadingAge New York, along with our over 350 nonprofit and public member providers of long-term care and aging services, strongly support this legislation which would authorize existing assisted living programs (ALPs) to expand their bed capacity by nine or fewer beds under an expedited approval process if not requiring major renovation or construction. This addition of beds, while a modest number, is a practical and urgently needed measure to address the current and growing need for ALP beds. The ALP is a great alternative to nursing home placement for those who are not in need of continuous skilled nursing services. It is also a cost-savings alternative; at approximately half the nursing home rate, it saves significant precious New York State Medicaid dollars by avoiding unnecessary nursing home placement.

Since the establishment of the ALP, the State has limited the number of beds, typically approving new beds only through an infrequent and highly competitive application process. In 2018, the State recognized the growing need and enacted a law which directed the Department of Health (DOH) to create a need-based application process for new ALP beds by 2023. In 2023, the budget pushed this deadline back another two years to April 1, 2025. While DOH is currently working on establishing this process, it is not yet available, unfortunately. Given the typical timeline for implementing this type of new application process, which will include the adoption of regulations, training of agency staff, and the submission, review and approval of certificates of need, the State may not see a single new ALP bed until 2026. As the need-based application process is formulated, this legislation would allow existing ALP providers to meet the needs of people in their community who can't wait another year for the care and services they need. It should be noted that prior state budgets enacted legislation allowing DOH to establish the very process this bill would establish on two separate occasions. The processes went well and were implemented swiftly. Thus, it is presumed that DOH could readily replicate this process as we await a more robust "need methodology".

ALPs play a crucial role in the long-term care continuum. While we await the new need-based methodology, the demand for assisted living options for low-income older adults continues to grow, but there is no way to increase the number of ALP beds in the state. Without an increase in bed capacity, more older adults who need services *right now* will find it difficult to access an appropriate level of care to meet their needs; many will have no choice but to seek nursing home placement. To meet the needs of older New Yorkers who would benefit from an ALP bed now or in the near future, we urge the State to allow existing ALPs to expand by 9 beds or fewer while we await the new need-based methodology.

For these reasons, we support A.2731 (Paulin)/S.7859 (Rivera) and urge that it be passed this legislative session.

LeadingAge New York represents nearly 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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