

MEMORANDUM

A.2027 (Paulin)/S.3361 (Rivera)

AN ACT to amend the social services law, in relation to medical evaluations for assisted living eligibility

LeadingAge NY supports this legislation, which would allow assisted living program (ALP) medical evaluations to be signed by a physician, physician assistant, or nurse practitioner, in the same way that is currently permitted in other adult care facility (ACF) and assisted living settings. Like any consumer, residents of ALPs may see a nurse practitioner (NP) or physician assistant (PA) for their primary care needs on a regular basis. Some have developed relationships with these individuals and prefer to see them for their healthcare services. Residents of ALPs should thus be able to see their practitioner of preference for the purposes of conducting a medical evaluation required for admission and ongoing residence in the ALP.

Healthcare systems are increasingly relying on physician extenders, both in primary care and acute care. In other parts of the healthcare system, changes have been made to recognize the important role these healthcare professionals serve. It is critical to ensure the same considerations are made with respect to ensuring equitable access to assisted living and long-term care options.

In 2011, a law was passed enabling NPs and PAs the authority to complete and sign the required medical examination report for ACFs and assisted living residences (DOH 3122). In 2021, the Department of Health announced a change in regulation to enable NPs and PAs to sign home care orders. The ALP medical evaluation is analogous to the DOH 3122, and also serves as an order for ALP services, analogous to home care orders. Thus, logically, a PA or NP should be able execute the ALP medical evaluation.

Treating an ALP resident differently than other assisted living residents is not only confusing to consumers and the healthcare community, but it also creates a barrier for low-income seniors to access needed care and services. This is inconsistent with New York's commitment to health equity. At a time when there are significant healthcare workforce shortages, we should be doing all we can to remove barriers to access to care and services, particularly for our most vulnerable New Yorkers. This bill is one way we can strive to accomplish that goal.

It is for these reasons that we support A.2027 (Paulin)/S.3361 (Rivera) and urge for its passage this legislative session.

LeadingAge New York represents nearly 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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