

September 2, 2025

The Honorable Kathy Hochul
Governor
NYS State Capitol
Albany, NY 12224

Re: A.1365-A (Paulin)/S.15-A (Skoufis)

Dear Governor Hochul,

LeadingAge New York and its not-for-profit, mission-driven members write to you today in opposition to A.1365-A (Paulin)/S.15-A (Skoufis). This legislation would require nursing homes to develop and submit to the Department of Health (DOH) a plan for a designated location for the storage of bodies of deceased nursing home residents, in the event of a declared disaster emergency that may result in excess mortality. Although some observers have suggested that the bill merely requires “a plan,” our members know that regulators expect government-mandated plans to be actionable and not hypothetical. As a result, this bill would require the expenditure of scarce funding to construct or contract for morgue space that might never be needed, rather than dedicating those funds to the care of residents and wages for staff.

The legislation would require nursing homes to develop or contract for morgue space, without providing funding or acknowledging the important role of state and local emergency management systems in allocating resources during emergencies. In practice, the plans developed by nursing homes under this bill would likely be overridden by government emergency management systems that assume control of essential resources during crises. In the event of an emergency that causes excess mortality, those emergency management systems would likely commandeer morgue resources, such as mobile morgue space, for allocation based on community needs.

The bill responds to a tragic, but unprecedented and short-lived, situation during the early weeks of the COVID-19 pandemic, when some hospitals, funeral homes, municipal morgues, and nursing homes did not have sufficient or appropriate space to secure and honor the remains of patients and residents who had passed. However, the lack of capacity was not unique to nursing homes, and this legislation unfairly burdens them alone. Aside from those early weeks of the pandemic in 2020 in the New York City metropolitan area, we are unaware of any situation in which space was lacking for the remains of a nursing home resident in New York State. Typically, a resident’s remains are released to a funeral home selected by the resident or their family, or to the medical examiner or county coroner, within hours of the death.

At a time when nursing homes are grappling with insufficient reimbursement, rising costs, and a 15 percent cut in capital reimbursement, this bill would impose yet another new and costly requirement. A plan that involves construction of morgue space would require an initial capital investment and ongoing maintenance costs. A plan to contract for mobile morgue space would likely require ongoing reservation fees, especially as regulators expect emergency plans to be executable on short notice. Approximately 80 percent of New York's not-for-profit nursing homes are experiencing negative operating margins. They cannot afford another unfunded requirement.

The importance of emergency preparedness and the proper handling of decedents' remains cannot be overstated. However, this legislation proposes an inefficient and ineffective approach to preparing for future emergencies. Ultimately, the real cost of this unfunded mandate will fall on older adults and their families who face nursing home closures and sales, and greater challenges in finding a quality provider close to home.

For these reasons, LeadingAge New York opposes A.1365-A (Paulin)/S.15-A (Skoufis), and we urge you to veto it. It will not serve nursing home residents well to have resources further depleted by costly and unnecessary requirements. If the state would like to prioritize the development of space for decedents' remains in preparation for future emergencies, we recommend that additional regional or municipal morgues be established to meet the goal of this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Barrett". The signature is fluid and cursive, with the first name "Sebrina" and last name "Barrett" clearly distinguishable.

Sebrina Barrett
President & CEO
LeadingAge New York