



NEW YORK STATE SENATOR

Susan Serino

SERINO TO STATE: RAMP UP PROTECTIONS FOR NURSING HOME RESIDENTS

SUSAN SERINO April 23, 2020

| ISSUE: **NURSING HOMES, ADULT CARE FACILITIES**



HYDE PARK, NY—Senator Sue Serino today announced the introduction of legislation to help enforce transparency and accountability within nursing homes and adult care facilities throughout the state. Serino, the Ranking Member of the State Senate's Aging Committee, is also calling on the state to make testing for facility staff and residents a top priority, and has introduced legislation to incentivize these facilities to hire workers from complementary industries who have been displaced as a result of the COVID-19 crisis.

As part of a comprehensive approach to better protect residents, Serino is also calling on the State Department of Health to provide these facilities with more flexibility in determining whether to admit residents with a confirmed or suspected diagnosis of COVID-19 and to develop an alternative setting for individuals who should be discharged from the hospital, but cannot yet safely be admitted to a nursing home.

*“We all recognize that nursing homes and adult care facilities are uniquely vulnerable in this crisis. To insist they follow a blanket policy that requires them to accept patients with COVID-19 defies common sense,” said **Senator Serino**. “We need to give these facilities the flexibility they need to best protect their residents, and we need to limit their contact with known COVID-19 carriers. While guidelines have been established, it is clear those guidelines are not doing enough to serve residents, facilities, or families. When it comes to protecting these individuals, we have a duty to ensure that the voices of those inside the facilities are heard.”*

In an effort to better protect these facilities, on March 13th, the NYS Department of Health released guidance that prohibited them from allowing visitors. While this was an important step to limit the number of interactions with potentially infected individuals, it has left loved ones feeling out of the loop, and has prevented NYS Ombudsmen—the volunteers charged with advocating on behalf of residents and their loved ones—from entering these facilities. While many ombudsmen are continuing to advocate for patients and families remotely, the move has created tremendous anxiety for many who felt they were not receiving timely information about their loved ones in regards to the steps being taken to effectively protect them from COVID-19. Because many of the ombudsmen are seniors themselves, and therefore at higher risk of suffering severe complications due to COVID-19, simply allowing the ombudsmen reentry into the facilities is not a feasible approach at this time.

Senator Serino’s bill would allow for those who are already inside the facilities to act as the eyes and ears to ensure that health and safety guidelines related to COVID-19 are being properly adhered to. Specifically, the bill creates a 24/7 hotline where reports of any violations—be it lack of PPE, lack of appropriate testing, or lack of adhering to set

guidelines—would be made directly to an independent council.

The Emergency Public Health Transparency and Accountability Council would be made up of eleven area experts—including long-term care administrators and the State Long Term Care Ombudsman—appointed by the Legislature and the Governor. The Council would be charged with immediately reviewing any reports it receives, and would then report their findings and submit recommendations to the Governor, every member of the Legislature, the State Department of Health and the State Office for the Aging daily throughout the length of the public health emergency. After receiving reports, the State Department of Health would be required to direct the commencement of investigation into each incident within 24 hours.

***Serino continued,** “Our dedicated Long-Term Care Ombudsmen go above and beyond to advocate on behalf of these residents. While the ombudsmen cannot enter these facilities, anyone working within them should be empowered to serve as that advocate to ensure that residents are receiving the quality care they deserve.”*

In addition, Senator Serino is urging the state to make testing for nursing home and adult care facility staff, and residents, a top priority. Recognizing that this step could put a strain on these facilities who already experience high staff turnover, Senator Serino is urging the state to ensure that nursing homes and adult care facilities have access to staffing through the NYS Health Professionals Portal.

Nearly 100,000 healthcare workers have volunteered to help battle COVID-19. Currently, the process for nursing homes and adult care facilities to access this staff is muddled and limited. The process needs to be more widely available to long-term care homes throughout the state and staff should be assigned to facilities in a way that prioritizes immediate need. Serino is urging the state to put out a call to specifically attract additional healthcare workers with proven experience working in long-term care settings.

Moreover, Senator Serino is urging the state to create incentives for these facilities to be able to hire displaced workers from complementary industries—like hospitality and food service—to fill in if staff does need to take time off to safely quarantine.

To assist in this endeavor, Senator Serino is also introducing legislation to create a grant program for facilities to help in the recruiting process. The \$3,000 grants would work to cover the costs of hiring and providing necessary training and certification for these workers with the hopes that many will continue working in this critically important field beyond the pandemic.

Senator Serino concluded saying, “When your loved one enters a nursing home or an adult care facility, you expect them to be safe—safer than they are even in their own homes. Many of these facilities are going above and beyond to effectively deal with this unprecedented crisis and the state has a duty to ensure that we are doing all we can to empower them to provide quality care and protect those they serve. That’s what this initiative is all about, and I urge the state to act immediately to take these important steps.”