



AARP New York

**Testimony before the
Joint Legislative Budget Committee
Senate Finance and Assembly Ways and Means**

**Health Budget
February 25, 2021**

Introduction

Good afternoon Senator Krueger, Assemblymember Weinstein, and members of the Committee. I am Beth Finkel, and I am the State Director for AARP New York. AARP is a social mission organization with 2.5 million members in New York State. I would like to submit the following testimony regarding the Health portion of the Executive Budget, mainly focusing on nursing home reform and other critical budget items impacting older New Yorkers and their families.

I would like to start by thanking you all for all the work you have done to help New Yorkers push forward in these unprecedented times. Unfortunately, our state's older adults continue to be disproportionately burdened by this pandemic. The most recent Centers for Disease Control and Prevention (CDC) data estimates that 95 percent of [COVID-19](#) deaths in the U.S. have occurred among people who were 50 or older. And the number across New York is over 95%, according to the most recent State Department of Health [data](#). **Therefore, this year's budget must prioritize the needs of struggling older New Yorkers.**

As you know, the COVID-19 pandemic has exposed alarming flaws in our long-term care system, putting vulnerable nursing home residents' health, safety, and quality of care at unprecedented risk. The nursing home crisis in New York State must end now and should never happen again.

The loss of life, totaling more than 15,000 New Yorkers during the COVID-19 pandemic, and the pain it has caused their families, should stand as a reminder of the importance of the task at hand: to make our nursing homes and adult care facilities safe for generations to come. AARP

proposes the following Five-Point Plan that we strongly urge you to address for all nursing homes and adult care facilities in the state budget.

Quality Care

AARP recommends that all nursing homes be required to spend more resources on direct care, along with increased nursing home staff levels, work to ensure strict compliance with infectious disease controls, and provide regular and ongoing testing, adequate PPE, and oversight through safe in-person access by formal advocates (long-term care ombudsmen) – including increasing staffing for the LTC Ombudsman program.

AARP strongly recommends that the State add \$5 million dollars to the LTC Ombudsman program’s current funding level of \$1.19 million to hire and train more professional staff, and allow the professional ombudsmen into facilities during a pandemic to do their job as the voice of residents. It is clear that nursing home residents’ voices were lost in this pandemic, and we cannot allow that to happen again.

Retroactive Repeal of Legal Immunity

We need to stop shielding long-term care facilities for any negligent care delivered earlier in the pandemic. Pursuing legal action is not an easy thing to do, and no family member who has lost a loved one due to neglect or abuse pursues this course of action lightly. It is always an option of last resort and must remain an option for families.

Transparency

AARP recommends codifying the requirement of daily reporting of data on fatalities and infectious disease rates of staff and residents in all nursing homes and adult care facilities with a publicly available annual report to the Legislature.

Home-and Community-Based Services

AARP requests that the Legislature help New Yorkers remain in their own homes and out of potentially unsafe nursing homes by increasing State funding for in-home and community-based services administered by the State Office for the Aging by \$27 million. This would help end waiting lists for over 10,000 people seeking these services, which support family caregivers in helping older loved ones remain in their own homes - as the vast majority want – rather than in costlier, mostly taxpayer-funded nursing homes.

Visitation

AARP recommends that the legislature work to ensure long-term care facilities are providing safe in-person and facilitated virtual visitation, and ensure families are able to obtain compassionate care visits. Social interaction with family and friends is critical to the health and wellbeing of residents. In addition to the social connectivity and emotional support they provide, visitors are key members of the resident care team. Prohibiting and limiting in-person visits is one of the biggest concerns AARP has heard from our members during the pandemic.

Expanding Telehealth

AARP supports proposals to enhance and provide additional flexibility for telehealth services. The pandemic has shown that telehealth is a safe option to obtain health care services from the comfort and safety of a person's home.

Conclusion

Thank you again for allowing AARP to submit testimony on behalf of our 2.5 million New York State members and their families regarding the Health Budget in New York State. We

believe implementing these policies will be essential to reforming the long-term care system in New York to provide better services to some of the most vulnerable people in our society.