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## NEW YORK STATE SENATE DEMOCRATIC MAJORITY

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**For Immediate Release:** February 22, 2021

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### Senate Majority To Advance Legislation To Improve Oversight And Care At Nursing Homes

(Albany, NY) The Senate Democratic Majority today will advance legislation to better support and protect nursing home residents. Throughout the COVID-19 pandemic, the Senate Majority has taken action to pass legislation to support New Yorkers' health and safety. This legislative package will establish a direct patient care spending ratio for nursing homes, create a taskforce to reimagine the delivery of long-term care, allow personal and compassionate care visitors, mandate disclosure of nursing home ratings, and require more infection control policies by nursing homes and require state health officials to conduct more thorough inspections.

“The tragic situation in our nursing homes remains a heartbreaking reminder of the toll this pandemic has taken and has made it clear that real reforms are needed,” **Senate Majority Leader Andrea Stewart-Cousins** said. “The Senate Majority is taking action to deliver meaningful results by increasing transparency and raising the standard of care provided at these facilities. I commend the bill sponsors for their work, and I am proud that we are passing these reforms.”

The legislation being passed by the Senate Majority includes:

- **Patient Care Ratio Reporting:** This bill, [S.4336A](#) sponsored by Senator Gusatvo Rivera, directs the Commissioner of Health to establish a "Direct Patient Care Ratio" that would require all nursing homes to spend at least 70% of a facility's revenue on direct patient care.
- **Publication of Nursing Home Ratings:** This bill, [S.553](#) sponsored by Senator James Sanders Jr., requires that the most recent Center for Medicare and Medicaid Services (CMS) rating of every nursing home be prominently displayed on the home page of the Department of Health's website and at each nursing home facility's website and displayed at the facility for view by the general public.
- **Reimagining Long-Term Care Task Force:** This bill, [S.598B](#) sponsored by Senator Rachel May, enacts the “Reimagining Long-Term Care Task Force” to create a task force studying the state of both home-based and facility-based long-term care services in the state, and to make recommendations on potential models of improvement to long-term care services for older New Yorkers.
- **Long-Term Care Ombudsman Program Reform Act:** This bill, [S.612A](#) sponsored by Senator Rachel May, creates "The Long-term Care Ombudsman Program Reform Act" by expanding the current program to be more accessible and available to seniors and their families, while promoting the volunteer advocate program, and improve interactions between DOH and the Ombudsman program regarding complaints.
- **Allowing Compassionate Care-Giving Visitors:** This bill, [S.614B](#) sponsored by Senator Rachel May, creates a standardized program to allow personal care and compassionate care visitors at nursing homes.

- **Infection Inspection Audit:** This bill, [S.1783](#) sponsored by Senator James Skoufis, directs the Department of Health to establish and implement an infection control inspection audit and checklist for residential care facilities.
- **Quality Assurance Committees:** This bill, [S.1784A](#) sponsored by Senator James Skoufis, requires adult care facilities to include "quality assurance committees" in their quality assurance plans
- **Requirements for Transfer, Discharge and Voluntary Discharge:** This bill, [S.3058](#) sponsored by Senator Gustavo Rivera, creates requirements for the transfer, discharge and voluntary discharge of residents from residential healthcare facilities
- **Standards for Ownership of Nursing Homes:** This bill, [S.4893](#) sponsored by Senator Gustavo Rivera, requires more review of ownership of nursing homes through the certificate of need process - including consideration of past violations at other facilities by owners - and requires more notice to the public during the CON process.
- **Department of Health Death Records:** This bill, [S.3061A](#) sponsored by Senator Gustavo Rivera, requires the Department of Health to record COVID-19 deaths of nursing home residents that died in hospitals to be recorded as a "nursing home" death and require the Department of Health to update and share data it receives with hospitals and nursing homes on communicable diseases.
- **Transparency of Violations:** This bill, [S.3185](#) sponsored by Senator James Skoufis, requires residential health care facilities to disclose in writing to potential residents and their family members the website where a list of violations and other actions taken against the facility can be found.

**Chair of the Senate Aging Committee and bill sponsor, Senator Rachel May**, said, “I am proud that we are moving today to restore visiting rights, beef up the system of advocacy for residents and families, and improve oversight, transparency, accountability, and infection control in nursing homes, not just in the context of the pandemic but for the long term as well. This package of bills is the result of countless hours of public hearings and anguished private conversations about love and loss. The family that didn’t learn about their father’s illness until the funeral home called them. The woman whose mother went into a facility for rehab after surgery and, because the daughter wasn’t able to visit, no one diagnosed the mom’s life-threatening infection. The many, many spouses, siblings, children and grandchildren who know their loved ones are depressed and declining from isolation but can’t get into the nursing home to give them the companionship and care they need. We hear you. We can never replace what you have lost, but we can show you that your advocacy is making the world better.”

**Chair of the Senate Investigations and Government Operations Committee and bill sponsor, Senator James Skoufis**, said, “Absolutely nothing can ever replace the devastating losses that thousands of New Yorkers faced, but we can create a safer future by implementing laws that protect health care staff, residents, and their families. That’s exactly what this legislation does and it is what my colleagues and I will continue fighting for as we get these and other important bills signed into law.”

**Chair of the Senate Health Committee and bill sponsor, Senator Gusatvo Rivera**, said, “These common sense proposals will establish better regulations for New York's residential health care facilities, which are desperately needed. This pandemic has made it clear that New York's models of oversight and accountability for nursing homes need to be reformed. These bills are necessary to build confidence, increase transparency, and provide appropriate aid to improve the quality of care and safety of both residents and staff.”

**Bill Sponsor, Senator James Sanders**, said, “The loved ones of patients who need nursing home care should be able to view the service rating of these facilities so they can make informed choices. Just as many other establishments such as restaurants receive grades so too should nursing homes. These facilities provide critical services to our most vulnerable populations. My bill will allow consumers, their families, and caregivers to easily compare facilities based upon their assigned ratings.”

The Senate Majority held joint legislative hearings on August [3rd](#) and [10th](#), 2020, on the COVID-19 pandemic's impact on residential health care facilities. There will be a joint legislative hearing on the 2021 Executive Budget proposals for health and Medicaid on February [25th](#), 2021.

**Senate Deputy Leader Michael Gianaris** said, “We have learned in recent months just how vulnerable our nursing home and long term care population is to failures in public policy. The Senate Democratic Majority is taking serious and concrete steps to ensure our families, friends and neighbors who live in these residences are protected.”

**Senator Jamaal Bailey** said, “Our nursing homes were greatly affected by the COVID-19 pandemic. Far too many families dealt with the painful loss of a loved one. The Senate Majority is ensuring with this legislative package that our nursing homes are better equipped to handle a health emergency and that there is more transparency between these facilities and the State. I would like to thank Majority Leader Andrea Stewart-Cousins, Aging Committee Chair Senator Rachel May, and my fellow colleagues who sponsored legislation for this package.”

**Senator Brian Benjamin** said, “This package of bills is a strong start as we look to reform and improve the level of care provided by nursing homes. It is our responsibility to protect our community's most vulnerable, and this legislation will help us prevent crises and deliver the quality of care that they deserve. I look forward to these measures being passed into law in our state.”

**Senator Alessandra Biaggi** said, “Every nursing home resident is a New Yorker's beloved family member or loved one. The loss of over 13,000 nursing home residents to COVID-19 is deeply felt, and their memory will always have an impact on our communities. For this very reason, I am in profound support of the nursing homes package introduced by the Senate Majority Conference. By implementing transparent accountability measures, this package creates moral systematic reform of our nursing home system to ensure our loved ones stay safe.”

**Senator Neil Breslin** said, “It is crucial that we examine what is working in our nursing home system and address what is not. I stand with my fellow Senate Democrats in supporting a legislative package to ensure quality care for our loved ones while also providing transparency for their families.”

**Senator John Brooks** said, “Seniors living in Nursing Homes have a right to quality service, safety, and compassionate care. Their families have a right to transparency and the peace of mind of knowing that their loved one receives the best care possible. For far too long, New York has fallen short of providing the support and ensuring the transparency needed in this crucial area. I am proud to support this legislative package that will make necessary changes to our state's Nursing Home System.”

**Senator Samra Brouk** said, “I am proud to support this new, comprehensive nursing home reform legislation to provide important oversight into the operations and data reporting from New York State's nursing homes and other residential care facilities. These new bills will provide much-needed improvements around nursing home transparency, and they bring us closer to the level of care that older adults need and deserve. It is imperative that older New Yorkers are able to age with dignity and in good health.”

**Senator Jeremy Cooney** said, “This pandemic has exposed the vulnerability of nursing home residents. These much-needed reforms passed by the Senate will go a long way in restoring public trust and establishing accountability for those facilities that have created unsafe living environments and exploited frontline workers.”

**Senator Jim Gaughran** said, “Today's legislation is aimed at ensuring transparency from nursing home operators and making sure they provide the highest standard of care for nursing home residents. The pandemic response is about policy, not politics, and the State Senate is laser-focused on protecting all New Yorkers as we continue to navigate this unprecedented global epidemic.”

**Senator Andrew Gounardes** said, “What has happened at our nursing homes throughout this pandemic has been nothing short of a tragedy. Thousands of lives have been lost, thousands of loved ones have been left with no information, and shortages in staffing and PPE have been rampant. We must act urgently to gather clear, transparent data about the extent of this disaster and act so that it never happens again. This legislation is a start, but we have much more to do to rebuild trust with New Yorkers who lost loved ones in nursing homes during the COVID-19 crisis.”

**Senator Pete Harckham** said, “This new legislation, aimed at improving the quality of long-term care, includes developing regulations that will allow compassionate care-giving visitors at facilities in the state. It is essential that we consider the emotional well-being of nursing home residents and their loved ones while assuring the safety of everyone concerned and yet providing opportunities for in-person visits.”

**Senator Michelle Hinchey** said, “COVID-19 has laid bare the immediate need for urgent reforms of our nursing homes and long-term care facilities. We must do everything we can to ensure the safety of our seniors and provide families with the security of knowing their loved ones are receiving the best care possible. As someone who has experienced, firsthand, the need for better long-term care solutions, I'm incredibly proud to co-sponsor and help pass this legislative package today. We have an imperative to do everything in our power to keep residents safe, their families informed, and our frontline care workers supported. Too many precious lives have been lost in a system that is not working. This package is a strong start to create real reforms and ensure that everyone has the opportunity to live and age with dignity.”

**Senator Brad Hoylman** said, “The pandemic has revealed in stark terms the urgent need for greater transparency and a significantly higher standard of care in our nursing homes. The reform package being passed today will accomplish these goals by requiring nursing homes to spend more resources on patient care, publicly post nursing home ratings, and establish higher standards for nursing home operators. I'm grateful to Majority Leader Andrea Stewart-Cousins and my Democratic Senate colleagues for their leadership on this vital legislation to protect some of our most vulnerable New Yorkers.”

**Senator Robert Jackson** said, “Our nursing homes do the difficult but crucial work of caring day in and day out for many of the most marginalized, most forgotten members of our society: our elders. The troubles in New York's nursing homes that started before COVID-19 exploded into view during the height of the pandemic last spring when we confronted a dark reality that hit close to home in my district. Back then, in the wake of finger-pointing led by the Governor for reasons we now understand more clearly, I called for legislation to address the structural problems facing our nursing homes, left to care for our most vulnerable with little support or oversight and with waning resources. The residents in these facilities are our grandparents, our mothers, our fathers, our family—and they deserve better. Today I stand proud to be part of our Senate Majority working to pass legislation that directly addresses this situation. As a government, we can and must do better by our elders in long-term care facilities, to make sure that they can all lead a dignified life in our state.”

**Senator Anna M. Kaplan** said “The loss of so many elderly New Yorkers in nursing homes during the pandemic is a tragedy that has shaken our community and caused immense sorrow, and we need to take action to ensure our seniors are safe and protected as we move forward. The package of bills passing today will begin

the process of putting patients over profits in New York's nursing homes, and I'm proud to support their passage."

**Senator Tim Kennedy** said, "This comprehensive package of bills moved forward by the Senate takes significant steps to prioritize patient well being and provide compassionate, quality care. Above all, it requires desperately needed transparency and accountability within these facilities and the long-term care services they provide to New Yorkers."

**Senator Liz Krueger** said, "The way we care for our elders says a lot about a society's values, and the current state of our nursing homes does not reflect well on New York or New Yorkers. This package of bills will address many of the most critical problems associated with nursing homes, and improve the lives of older New Yorkers who live in these facilities and those of their loved ones. These bills ensure that nursing home revenues are spent on resident care, allow a designated essential caregiver to visit during the pandemic -- critically important to keeping nursing home residents physically and emotionally well -- and create a mandate to plan for the future of long-term care. We should celebrate that New Yorkers are living longer; this legislation will help ensure that our longer lives are spent well."

**Senator Shelley B. Mayer** said, "The pandemic has driven into sharp focus our need to improve care for our most vulnerable and to strengthen New York's oversight and enforcement activity over nursing homes and other adult care facilities. Patients, their families and their caregivers need an improved system that demands prioritizing patient care, and recognizes the need for sufficient staff ratios to address patient needs. I am pleased to support this package of critical legislation, including bills that ensures at least 70% of a nursing home facility's revenue is spent on direct patient care; requires the development of visitation policies that permit loved ones to visit under certain difficult circumstances; strengthens the Ombudsman program to assist families seeking answers about the care of their loved ones, and requires that deaths by nursing home residents at hospitals are recorded to reflect their nursing home address, among other measures. I am committed to working with my colleagues to protect our vulnerable seniors in every way possible and am so pleased that this package is moving towards enactment."

**Senator Elijah Reichlin-Melnick** said, "It has become painfully clear that the nursing home and long-term care facility industry has failed to regulate itself in a way that keeps patients and providers safe. These much-needed reforms will help to ensure a higher quality of care, a safer and healthier living and working environment, and a more transparent nursing home and long-term care industry. It is essential that more light is shed upon what has occurred in these facilities during the COVID-19 pandemic, and I look forward to continuing to address these issues with my colleagues in the Senate majority."

**Senator Zellnor Myrie** said, "This package of legislation will support our elders, and help families make informed decisions about long-term care for their loved ones. It will also enable us to accurately and independently verify COVID-related nursing home deaths. I'm grateful to my Senate colleagues for advancing this important package of legislation."

**Senator Kevin Parker** said, "Since the start of the Pandemic the protection of our most vulnerable and elderly population in New York State was and continues to be a priority. My colleagues and I have worked to pass legislation that would increase nursing home safety, as well as keep families up to date with accurate information. We have to continue to implement policies that hold nursing home operators accountable for the safety and well being of those in their care."

**Senator Sean Ryan** said, "For nursing home workers, residents, and those who have lost loved ones, this past year has been infuriating and tragic. We know the devastation the pandemic has brought to our nursing homes,

and it has made us acutely aware that fundamental reform of our nursing home system is long overdue. The legislation we are passing today will tackle all facets of the nursing home industry and will deliver accountability, transparency, and common-sense reforms. Nursing home workers deserve safer working conditions. Nursing home residents deserve safer living conditions. Families of those in nursing homes deserve to know that their loved ones are safe and receiving the best care possible. All together, this legislation is a significant step forward for our entire state.”

**Senator Luis Sepúlveda** said, “The COVID-19 pandemic has exposed long-standing failures in nursing homes and adult care facilities, which resulted in a significant undercounting of COVID-19 related deaths. This legislative package will require additional revenue spending on direct patient care services, increase transparency during public health emergencies, make nursing home ratings readily available, examine the pandemic's impact on long-term care, hold nursing home operators accountable, and ensure facilities are prioritizing patient care over profits. We must continue to improve the care and treatment nursing home residents receive and provide the measures needed to reform long-term care services.”

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