



## NEW YORK STATE SENATE DEMOCRATIC MAJORITY

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**For Immediate Release:** March 24, 2021

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### **Senate Majority to Pass Legislation Repealing Immunity Protections and Further Improving Transparency at Nursing Homes**

**(Albany, NY)** Today, the Senate Democratic Majority will pass the Treatment Protection Act that repeals previous immunity protections that prevented health care facilities, administrators, and executives from being held accountable for harm and damages incurred at facilities. In addition, this package will make sure residents have necessary information on the Long-term Care Ombudsman Program, require that the patients' bill of rights is offered in New York's six most spoken languages, and make information related to nursing home assets and operations publicly available.

Today's bills build on legislation [passed](#) last month by the Senate Majority to better support and protect nursing home residents. The Senate Majority also held joint statewide [public hearings](#) this past year on residential health care facilities and COVID-19 to discuss various issues and concerns directly with the public.

"The tragic situation in nursing homes during the COVID-19 pandemic has exposed a dire need to guarantee greater transparency and accountability," **Senate Majority Leader Andrea Stewart-Cousins** said. "This legislation, in addition to the nursing home-related reforms recently advanced by the Senate Democratic Majority, continues our strong commitment to prioritizing the wellbeing, rights, and needs of residents and their families. I thank the sponsors for their work on these pressing issues, and we will continue to find ways to improve these facilities."

The legislation being passed by the Senate Majority includes:

- **Emergency or Disaster Treatment Protection Act:** This bill, [S.5177](#), sponsored by Senator Alessandra Biaggi, repeals the extra protections from liability granted to nursing homes, hospitals, and other healthcare facilities for treating patients during the COVID-19 pandemic.
- **Mandatory Translation of Rights and Information on Long-Term Care Ombudsman Program:** This bill, [S.4377](#), sponsored by Senator Rachel May, mandates a prominent display to inform residents of the Long-term Care Ombudsman Program and

requires the Department of Health to translate the nursing home residents' bill of rights into the six most common non-English languages spoken in New York State.

- **Improved Certificate of Need Process:** This bill [S.4893A](#), sponsored by Senator Gustavo Rivera, will reform the review process for change of ownership or operations proposals brought before the Public Health and Health planning Council. This added transparency ensures nursing home assets and ownership information are made public.

**Bill Sponsor, Senator Alessandra Biaggi**, said, “During the early months of the pandemic, the Legislature granted healthcare facilities broad corporate immunity stripping grieving families of their right to seek proper legal recourse and potentially incentivizing nursing home executives to cut corners. Now knowing that we would lose over 13,000 nursing home residents to COVID-19, we have a duty to right this wrong and fully repeal the remaining protections. I’m proud to sponsor S.5177 and vote for this legislative package in honor of the thousands of New Yorkers we lost in nursing homes and their grieving families looking for answers.”

**Bill Sponsor and Senate Chair of the Committee on Aging, Senator Rachel May**, said, “The Long-term Care Ombudsman Program is a vital resource and lifeline for nursing home residents and their loved ones. While the program has existed for a long time, we continue to see that many residents are unaware of it and the role it can play in advocating on behalf of residents' well-being. This bill will increase awareness of the program through more prominent displays in facilities and by making the residents' bill of rights available in all of New York's major languages. Residents and loved ones deserve to know all of the support and rights available to them.”

**Bill Sponsor and Senate Chair of the Committee on Health, Senator Gustavo Rivera**, said, “The Senate Majority is continuing our work to establish better regulations for New York's nursing homes. My bill will reform the review process for change of ownership or operations proposals brought before the Public Health and Health Planning Council. This additional transparency measure will ensure these operations are public, and increase safety for residents and peace of mind for their families.”

**Senate Deputy Majority Leader Michael Gianaris** said, “We have seen a greater need to protect our most vulnerable residents in nursing homes and long term care facilities. I am pleased to support these bills and share the State Senate's commitment to fighting for our fellow New Yorkers in need.”

**Senator Jamaal Bailey** said, “We watched the devastating effects that Covid-19 left on thousands of families across the state- especially those New Yorkers who reside in or have family members in nursing homes. The pandemic exposed and exacerbated the many issues that plague our nursing homes. Some of our most vulnerable New Yorkers live in a nursing home and are deserving of respect, dignity, and most of all, quality care. Anything that impedes these goals must be remedied. This legislative package is a great start to addressing these concerns and I look forward to continue to work with colleagues to expand them. I would like to thank Majority Leader Andrea Stewart-Cousins for her leadership on this issue and my colleagues who sponsored these pieces of legislation.”

**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 ones receive the best care possible. We know we need to do a better job of providing the support and transparency necessary in this crucial area; therefore, I am proud to support this legislative package.”

**Senator Andrew Gounardes** said, “It is crucial that we continue to act with urgency to make changes to rebuild trust with New Yorkers who lost loved ones in nursing homes during the COVID-19 crisis. What has happened at our nursing homes throughout this pandemic has been nothing short of a tragedy. I am glad to see the Senate Majority take this step towards righting the wrongs that occurred and to strengthen our laws protecting patients, but we have much more to do.”

**Senator Brad Hoylman** said, “The pandemic has revealed just how important it is for there to be accountability in the nursing home industry. The reform package being passed today will accomplish these goals by repealing protections from liability granted to nursing homes for treating patients during the COVID-19 pandemic, will increase awareness of the State’s Long-term Care Ombudsman Program, and shine light into the review process for nursing home change of ownership proposals brought before the Public Health and Planning Council. 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 Shelley Mayer** said, “I am pleased to support a package of legislation which underscores our commitment to protecting patients in nursing homes and long term care facilities. These improvements are informed by lessons learned during the coronavirus crisis and build on reforms we adopted earlier this year. I am committed to working with my colleagues to find additional areas of improvement to protect vulnerable seniors.”

**Senator Sean Ryan** said, “Our nursing homes have been the most impacted during the pandemic – with tragic losses and difficult working environments. The painful, and often avoidable, losses of the past year have cast a new light on the long-overdue need for reform of the nursing home industry in New York. If any nursing home or hospital puts profits ahead of patient care, it must be held accountable. This legislation will add that necessary level of accountability and transparency to ensure the safety of all residents and staff.”

**Senator Luis Sepúlveda** said, “An estimated 15,000 nursing home residents tragically passed away from COVID-19. It is unconscionable to imagine the pain their families have endured. This legislative package will provide the much-needed step to hold health care administrators and executives accountable, better inform families of their long-term care ombudsman program rights, and reform the process by which nursing home operators are certified in being capable of doing their job. This package will foster higher standards to comply with and ensure that quality health care is at the forefront of our nursing homes' mission.”

**Senator James Skoufis** said, “I’m proud to vote yes on this second package of bills that creates more transparency in nursing homes. Alongside my colleagues in the Senate Majority, I remain steadfast in my commitment to ensuring that nursing homes and long-term care facilities have

protections in state law so that residents, staff, and families can have the safety and peace of mind that they deserve.”

**Senator Kevin Thomas** said, “We must do everything we can to ensure the safety of our most vulnerable residents and provide families with the security of knowing their loved ones are receiving the best care possible. The reforms advanced by the Senate today are a much-needed step in enhancing accountability and empowering family members and residents of nursing home facilities.”

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