



NEW YORK STATE SENATOR

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## NYS Senate GOP: State Must Step It Up On Nursing Homes

PAMELA HELMING May 20, 2020



### HELPING NURSING HOMES PROTECT OUR SENIORS

Albany, NY — The New York State Senate Republican Conference today demanded that Governor Cuomo and the state Department of Health step up their focus on protecting nursing homes, assisted living facilities, and adult day care centers from COVID-19, instead of implementing blame-shifting and potentially bankrupting mandates on already stressed and underfunded facilities.

After partially reversing course on a lethal directive that sent coronavirus positive nursing home patients from hospitals back into these facilities, Governor Cuomo imposed arbitrary,

twice weekly testing requirements on nursing homes, assisted living, and adult day care facility staff across the state without providing any funding or resources to make the requirements a reality.

Instead, facilities would have to pay between \$75 to \$150 per coronavirus test. The state coldly told facilities that staffers could use drive-thru testing sites — meant for local residents — and which do not exist in every part of the state. The Governor has also suggested nursing home staff visit CVS, Rite Aid, or a doctor, though insurance does not cover repeated testing that is not medically-mandated. Nursing homes also reported that state labs currently lack the capacity to process twice weekly tests, and many expressed health concerns for staffers over the repeated use of nasopharyngeal swabs.

According to HANYS, one rural upstate area home estimated they would have to purchase 218 tests at a cost of \$104.95 a week, totaling \$45,758. A nursing home in Commack, Long Island estimated the tests will cost \$300,000 a week.

The state provided 320,000 testing kits this week to nursing homes, but that does not cover the two test per week requirement for the entire workforce across the state. It remains unclear if the state will continue distribution at this scale, without any clear plan released.

The Senate Republican Conference called on the state to immediately:

Provide all necessary test kits directly to the facilities who have been scrambling to access them;

Utilize the National Guard to assist in administering tests and cleansing facilities to provide critical relief;

Use short swab or saliva tests;

Provide PPE to nursing homes, long term care and adult day care facilities;

Create a long-term care specific staffing pool; and

Enact State Senate Aging Committee Ranking Member Sue Serino's plan to create regional facilities for COVID positive nursing home patients.

"Coronavirus has unfortunately preyed on the elderly, particularly in our nursing homes, long term care facilities, and adult day care centers. The state must act swiftly to provide tests, not burden cash-strapped facilities with directives that are not financially feasible. It is the state's responsibility to step in and step up for the most vulnerable among us," said Senate Republican Leader John J. Flanagan.

"Since day one, these facilities, which care for our most vulnerable, have been an afterthought to the state. Now, as the state scrambles to right its wrongs, instead of providing the necessary support these facilities need to protect residents, it decides instead to issue onerous mandates and punitive penalties, with no clear guidance on how they are expected to meet the directives. These facilities are on the frontlines of this pandemic. Instead of scapegoating, the state needs to step up and provide them with the same support it has given to other medical facilities during this time and ensure that they have access to staff and other resources they need to best protect the health of their residents," said Senator Serino.

These facilities throughout the state have continually faced budget cuts, resulting in staffing shortages for years, and the COVID-19 outbreak has exacerbated the already tenuous situation.

“We can all agree that testing in these facilities needs to be a top priority, but once again, the state has failed to adequately address the real need during this time. Increased testing will undoubtedly place even more strain on the staff on the ground in these facilities and the state does not have a backup plan to assist, which will put the safety of residents in jeopardy. Based on feedback I’ve received, NY’s Health Professional Portal — the tool created to help medical facilities supplement staff — is woefully lacking when it comes to staff with long-term care experience. Helping these facilities access certified staff during this time needs to be a top priority,” Senator Serino added.

“It is past time for the state to take responsibility and protect our most vulnerable residents, instead of creating expensive mandates that can inflict further harm on already underfunded and understaffed institutions. Testing is the right thing to do, but the state needs to fund these tests and call the National Guard into action,” said Senate Republican Deputy Leader Joe Griffo.

“A society can be judged by the way it treats its most vulnerable citizens. It is clear that seniors are at an increased risk for COVID-19 and it is incumbent on the state to do all it can to protect those living in nursing homes, assisted living centers and adult day care facilities, along with the people who care for them. We need to ensure that adequate testing and PPE is available to all of these facilities and that the tests can be administered without imposing financial hardship on operators or adding pressure to an already overburdened staff,” said Senator Patrick Gallivan.

“When you treat a virus you look for its origin and address it. The fact is that the root cause of the crisis in our nursing homes are orders issued by the Governor and the Department of Health. Let’s treat the disease at its source. Rather than shifting costs and responsibilities to already struggling nursing homes it’s long past time the Governor and DOH admitted the truth — it’s on them. The first step to solving a problem is admitting it. Next the

administration must pay for the costs of testing nursing home employees and provide the necessary kits. You can hold daily briefings till the cows come home but you don't get to sweep this under the rug and then hand someone else the bill,” said Senator Rich Funke.

“Each day that passes, we see a Governor who has been either unwilling or unable to handle a growing problem within our state’s nursing home facilities. His directive in March endangered the lives of thousands of vulnerable individuals. Instead of taking responsibility for his executive orders, the governor continues to shirk accountability and shift blame. It is time to look at other states around our nation to see what has been successful in stopping the spread of this virus. We must utilize our already available resources such as the National Guard, work with our fellow legislators, and listen to the advice of public health experts and nursing home facility employees who want nothing more than to avoid past mistakes and save lives,” said Senator Rob Ortt.

“Seniors living in our nursing homes should not be forced to die in isolation because of the State's inaction and poorly conceived policies. I have heard from countless constituents about the very human cost of the Governor’s actions and the impact this is having on those living in congregate care settings. The state must immediately provide our nursing homes with the resources needed to minimize resident exposure to the COVID virus and to eliminate the horrific suffering associated with isolation and separation from family,” said Senator Pam Helming.

“State government needs to be a strong, trusted partner with nursing homes by ensuring that they have the necessary testing, PPE, and other critical resources needed to protect residents and staff from COVID-19, just as our Senate Republican Conference is calling for. The facts are clear: irresponsible state policies failed New York’s senior citizens and led to the spread of disease, suffering, and death. The Governor and State Department of Health’s reckless policy requiring nursing homes to accept COVID-19 patients will go down as one of

the most foolish and destructive public health decisions ever. That's why I support an independent federal investigation into the avoidable tragedies that happened in New York's nursing homes as Congresswoman Elise Stefanik and Congressman Tom Reed have called for. We need to learn all the facts and ensure that such a disastrous policy decision never happens again," said Senator Daphne Jordan.

"The front lines of this nursing home crisis in Steuben County and other hot spots throughout New York have led to important shifts in state policies, but it has also highlighted the frustration at the local level with the response of the Cuomo administration and overall state policies. We repeatedly called for aggressive and decisive actions by the state Health Department to test, isolate, and prevent spread, but kept running into the roadblocks of existing state policies and directives — and now that includes new, costly state-mandated testing that our rural facilities simply cannot afford or administer. We need the Cuomo administration to take full responsibility for this crisis and provide everything necessary to fully protect our most vulnerable populations," said Senator Tom O'Mara.

"Nursing homes are facing constant challenges in the wake of the COVID-19 pandemic and the state must provide support not added stress for administrators, staff, and residents. Testing is vital however; it cannot be done without input from those on the frontlines and significant backing from the state. Nursing home staffers are among the most caring and dedicated individuals you will ever meet, let's work with them to care for our most vulnerable," said Senator James L. Seward.

"The State must provide the necessary support to nursing homes to assure that they can provide the best and safest care to our seniors. Providing the needed testing and equipment is the first step of many that the State can take to help with this ongoing battle. Imposing impossible to meet mandates without State funding is irresponsible and will result in nursing home closures, leaving vulnerable seniors at greater risk," said Senator Mike

Ranzenhofer.

“While protecting our vulnerable nursing home residents should have been a top priority from the beginning, policies implemented by the Governor and his Department of Health actually heightened the risks in these facilities and contributed to some outbreaks. Now, more than two months into the crisis, the Governor is attempting to course-correct with an onerous new mandate requiring already-overburdened nursing homes to test employees twice a week, even though the Healthcare Association of New York State has recommended no more than one test per week. The Governor’s overreaction is not only costly, it’s going to take away resources from areas where tests are in short supply. If he is truly committed to protecting our elderly, then the state needs to step up and provide all of those tests and assume the expenses,” said Senator George Borrello.

“The Governor has refused to accept any responsibility for his Administration’s policy of sending COVID-19 positive patients into nursing homes which caused the virus to spread leading to the deaths of over 5,400 New Yorkers. Now the Governor is mandating nursing home staff be tested twice a week for the coronavirus but won’t provide a reasonable plan to help ensure that cash-strapped municipalities and nursing homes can adequately provide the necessary tests. That’s totally unacceptable. The state needs to implement the plan my colleague, Senator Sue Serino, and our Senate Republican Conference are proposing to create regional facilities for COVID-19 positive nursing home patients, so we can properly care for them now and be prepared if another wave hits,” said Senator Jim Tedisco.