



NEW YORK STATE SENATOR

Anna M. Kaplan

Senator Kaplan Helps Pass Legislation Improving Oversight and Care at Nursing Homes

SENATOR ANNA M. KAPLAN February 22, 2021

| ISSUE: **NURSING HOMES, SENIORS, CORONAVIRUS PANDEMIC**



(Albany, NY) Today, the Senate Democratic Majority, including **Senator Anna M. Kaplan** (D-Great Neck) will advance legislation to better support and protect nursing home residents and other residents of residential care facilities. 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.

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.”

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.

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.

RELATED LEGISLATION

2021-S4336A

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to directing the commissioner of health to establish a direct patient care ratio reporting and rebate requirement for nursing homes

February 03, 2021

In Senate Committee [Health](#)

Sponsored by [Gustavo Rivera](#)

Do you support this bill?

2021-S553

- Introduced
- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to the publication of nursing home ratings

January 04, 2021

Senate Floor Calendar

Sponsored by **James Sanders Jr.**

Do you support this bill?

2021-S598B

- Introduced
- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Enacts the "reimagining long-term care task force" to create a task force to study the state of long-term care services in this state

January 04, 2021

Signed by Governor

Sponsored by [Rachel May](#)

Do you support this bill?

2021-S612A

- Introduced
- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to enacting the "long-term care ombudsman program reform act"

January 04, 2021

Signed by Governor

Sponsored by [Rachel May](#)

Do you support this bill?

2021-S614B

- Introduced
- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Provides for the authorization and regulation of visitation of compassionate care-giving visitors at nursing homes and residential health care facilities

January 04, 2021

Signed by Governor

Sponsored by [Rachel May](#)

Do you support this bill?

2021-S1783

- Introduced
- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Directs the commissioner of health to establish and implement an infection inspection audit and checklist on nursing homes

January 15, 2021

Signed by Governor

Sponsored by **James Skoufis**

Do you support this bill?

2021-S1784A

- Introduced
- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to requiring adult care facilities to include quality improvement committees and include a focus on infection control in such facilities' quality assurance plans

January 15, 2021

Signed by Governor

Sponsored by **James Skoufis**

Do you support this bill?

2021-S3058

- Introduced
- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to establishing requirements for the transfer, discharge and voluntary discharge from residential health care facilities

January 27, 2021

Signed by Governor

Sponsored by **Gustavo Rivera**

Do you support this bill?

2021-S4893

- Introduced
- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to requirements for residential health care facilities and related entities and operations

February 18, 2021

Senate Floor Calendar

Sponsored by [Gustavo Rivera](#)

Do you support this bill?

2021-S3061A

- Introduced
- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to reporting COVID-19, communicable diseases and deaths caused by such communicable diseases

January 27, 2021

In Senate Committee [Health](#)

Sponsored by [Gustavo Rivera](#)

Do you support this bill?

2021-S3185

- Introduced
- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Provides information on where a list of violations and other actions taken against the facility can be found

January 28, 2021

Signed by Governor

Sponsored by **James Skoufis**

Do you support this bill?