



NEW YORK STATE SENATOR

Michelle Hinchey

## Bills Co-Sponsored by Senator Hinchey Pass State Senate in Major Nursing Home Oversight Package

MICHELLE HINCHEY February 22, 2021

| ISSUE: **NURSING HOMES, LONG-TERM CARE, FAMILY VISITATION**



**Albany, NY...**A package of legislation co-sponsored by Senator Michelle Hinchey (SD-46) to improve oversight and care at nursing homes and other long-term care facilities passed the State Senate today. Among the bills advanced are proposals to 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, require more infection control policies by nursing homes and require state health

officials to conduct more thorough inspections.

“COVID-19 has laid bare the immediate need for 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 that their loved ones are receiving the best care possible,” **said Senator Hinchey**. As someone who has experienced, firsthand, the need for better long-term care solutions, I’m incredibly proud to co-sponsor all of the legislation that we advanced 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.”

The legislation advanced today by Senator Hinchey and the State Senate include:

#### *Infection Control and Prevention*

- **Infection Inspection Audit:** This bill, [S.1783](#), directs the Department of Health to establish and implement an infection control inspection audit and checklist for residential care facilities.
- **Requirements for Transfer, Discharge, and Voluntary Discharge:** This bill, [S.3058](#), creates requirements for the transfer, discharge, and voluntary discharge of residents from residential healthcare facilities.
- **Quality Assurance Committees:** This bill, [S.1784A](#), requires adult care facilities to include "quality assurance committees" in their quality assurance plans.

#### *Family Visitation*

- **Allowing Compassionate Care-Giving Visitors:** This bill, [S.614B](#), creates a standardized program to allow personal care and compassionate care visitors at nursing homes.

### *Direct Patient Care Spending*

- **Patient Care Ratio Reporting:** This bill, [S.4336A](#), 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.

### *Transparency*

- **Department of Health Death Records:** This bill, [S.3061A](#), 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](#), 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.
- **Publication of Nursing Home Ratings:** This bill, [S.553](#), 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.
- **Standards for Ownership of Nursing Homes:** This bill, [S.4893](#), 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.

*Improving the Quality of Long-Term Care in New York*

- **Reimagining Long-Term Care Task Force:** This bill, [S.598B](#), 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](#), 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.

*Senator Michelle Hinchey represents the 46th Senate District, which includes Greene and Montgomery Counties and parts of Albany, Schenectady, and Ulster Counties. Senator Hinchey serves as Chair of the Agriculture Committee and sits on the Alcoholism and Substance Abuse, Commerce, Economic Development and Small Business, Cultural Affairs, Tourism, Parks and Recreation, Energy and Telecommunications, Environmental Conservation, and Local Government Committees.*

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