



NEW YORK STATE SENATOR

Sean M. Ryan

Senator Ryan and Senate Majority Pass Legislation To Improve Oversight And Care At Nursing Homes

SEAN M. RYAN February 22, 2021

| ISSUE: NYS SENATOR SEAN RYAN, SENATE DISTRICT 60, NURSING HOMES



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Legislation Passed By The Senate Addresses Many Issues Impacting Nursing Homes Staff And Residents

ALBANY – On Monday, February 22, 2021, New York State Senator Sean Ryan and the Senate Democratic Majority passed 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.

Senator Sean Ryan, a member of the Senate Health Committee 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. Altogether, this legislation is a significant step forward for our entire state."

The bills advanced by Senator Ryan and the Senate Majority include:

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.

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