



September 19, 2022

The Honorable Kathy Hochul
Governor of New York State
New York State Capitol Building
Albany, NY 12224

Dear Governor Hochul:

On behalf of our not-for-profit, public and voluntary nursing home, adult care facility (ACF), home care and hospice members, LeadingAge New York is reaching out again in the spirit of working in partnership as we emerge from the COVID pandemic. With the recent expiration of Executive Order 11 concerning the public health emergency in the state related to COVID, it is time to revisit and reduce the onerous HERDS survey requirements for nursing homes, ACFs, and home care and hospice providers.

The LeadingAge NY membership is relieved by the slowing of the COVID pandemic, with case numbers remaining relatively low and outcomes becoming far less severe than what we have previously experienced. Providers have worked diligently to ensure access to vaccination and, as a result, there is a high level of vaccination rates in the populations they serve. We hold out hope that the bivalent vaccine, once readily available, will serve to provide greater protection.

With the regression of the pandemic, we are beginning to see layers of COVID-related requirements being peeled away for most of the population. Requirements for public transportation and schools are significantly reduced, and the public is generally going about their everyday lives with a sense of normalcy not felt in two years. And yet, our members and the providers and people they serve continue to live with onerous masking, screening, testing and reporting requirements.

Given where we are in the pandemic, as well as the very serious healthcare workforce shortage recognized by standing Executive Order 4, we urge the state to reduce the frequency of HERDS reporting for the long-term care providers most impacted by staff scarcity; and to shift to an exceptions-based reporting process, where data is gathered only on key incidents if and when they occur. Notably, nursing homes are already answering very similar questions in the CDC's weekly NHSN survey, and those data are made available to the state. If reducing the frequency of HERDS surveys and relying on NHSN data is not possible, then we urge the state to gather data only weekly for nursing homes and ACFs, and monthly for home care and hospice providers. Additionally, we urge the state to review the HERDS questions and eliminate those that are no longer relevant and to align the questions and data element definitions with the NHSN survey. We would be happy to assist in that process.

LeadingAge NY appreciates the importance of data in understanding and responding to COVID. At the same time, we recognize that limited staff and resources must be leveraged to the greatest direct benefit of the people served by long-term care providers. We strongly believe that shifting to an exceptions-based reporting process or more periodic snapshot, with questions revised to reflect the current state of the pandemic and NHSN reporting, would more efficiently provide the information needed by the state at this time.

Thank you for your attention to this matter. We know that building the healthcare workforce is a priority for your administration, and to that end, it is of the utmost importance that the current workforce – largely frustrated and overwhelmed – feels heard and supported in their efforts to provide direct, quality care to

residents and patients. For this reason, LeadingAge NY looks forward to continuing our work with you to streamline administrative processes, alleviate unnecessary administrative burdens, and identify ways to further support long-term care in the budget and legislative processes.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Clyne". The signature is fluid and cursive, with the first name "Jim" and last name "Clyne" clearly distinguishable.

James W. Clyne, Jr.
President & CEO

Cc: Commissioner Mary Bassett
Angela Profeta
Rebecca Wood
Rachel Baker
Kristin Proud
Jake Wilkinson
Adam Herbst
Valerie Deetz
Heidi Hayes
Carol Rodat