

Nursing Services and Funding of ACFs and Assisted Living Facilities

LeadingAge New York urges lawmakers to pass legislation to enable adult care facility (ACF) and assisted living facilities the option to provide nursing services directly to their residents; and to increase funding to support ACFs that serve low income seniors. Doing so will improve outcomes and quality of life for seniors, and will save Medicaid dollars.

Enable Nurses to Practice Nursing in ACFs

The Issue: Many ACFs in New York employ licensed practical nurses and registered nurses. Currently, these professionals are permitted to provide nursing services *only* to residents of Enhanced Assisted Living Residences (EALRs). Only 10 percent of the total licensed ACFs in the state are also licensed as EALR. Unfortunately, this means that capable nurses working in these settings can't provide services to residents; instead a third party must be brought in to serve the resident. The result is an inefficient use of resources and needless additional resident costs. This limitation also prevents nurses from providing services that would result in better health outcomes for the resident and support end of life care.

The Solution: Legislation is needed to permit nurses to perform intermittent nursing tasks within their scope of practice in all ACF settings, thereby creating the option to provide additional services directly.

Increase the Congregate Care Level 3 Supplemental Security Income (SSI) Rate

The Issue: Currently, Congregate Care Level 3 Supplemental Security Income (SSI) pays just over \$40 per day, per person for care in an ACF or assisted living setting. This rate is intended to pay for *all of the services* that ACFs must, by regulation, provide; including but not limited to personal care, case management, assistance with medications, meals, monitoring and supervision. This is not a sustainable rate for New York's ACFs that serve SSI beneficiaries. Many of these providers are struggling financially, and as a result, some additional ACFs may have to close this year.

There hasn't been an increase to the state portion of the SSI supplement in *nine years*. In that time, however, ACFs have had to absorb rising costs of goods and services, utilities, and workforce associated with resident care. New mandates have been adopted, including the increase of the minimum wage; and funds appropriated in the budget to assist Medicaid providers will not help most ACFs.

We are very appreciative of the Legislature's efforts to address this issue. Indeed, A.7393/S.5151 (Brindisi/Little) and S.7333 (Serino) both seek to increase the SSI rate and LeadingAge New York supports these bills. We warn, however, that even if either bill is passed, it will not be enough to keep some ACFs open. Furthermore, as we implement the minimum wage, the financial status of these facilities will further decline, and we will be back again asking for an even greater increase in subsequent years.

The Solution: Lawmakers should pass legislation to implement an increase in the state portion of SSI. An increase of \$15 per day is needed, along with an automatic cost-of-living adjustment moving forward, so the rate keeps up with the cost of providing care. Bringing the SSI rate to an adequate level will support the State's Olmstead objectives by enabling more people to live in the community, rather than going to a nursing home at a greater cost to Medicaid.

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