

**SENATOR
GUSTAVO RIVERA**
33RD DISTRICT

**NEW YORK
STATE
SENATE**

ALBANY, NEW YORK 12247



CHAIRMAN, MAJORITY MEMBER
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HOUSING, CONSTRUCTION AND
COMMUNITY DEVELOPMENT
MENTAL HEALTH

June 8, 2021

Howard Zucker, M.D., J.D.
Commissioner, New York State Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237

Dear Commissioner Zucker:

We are respectfully writing in support of essential funding for the 553 New York State adult care facility and assisted living residences (ACFs/ALRs) to offset a fraction of their pandemic related losses.

Statewide, ACFs/ALRs care for approximately 52,000 New Yorkers, many of whom are among the most vulnerable to COVID-19 - the average resident 85 years of age, requiring assistance with at least three activities of daily living, and having multiple co-morbidities. To protect residents and staff from the pandemic, New York's senior living providers have incurred hundreds of millions of dollars in COVID-19 related expenses. These expenses go beyond PPE and infection control supplies, to include well-deserved hero pay, monies for additional staff, and the provision of the weekly COVID testing mandated by the Department. In addition, the temporary discontinuation of admissions and limitations on visitation have resulted in substantial revenue losses for these facilities. In total, the estimated losses exceed \$1 billion for the industry.

Since May of 2020, New York has required ACFs and ALRs to test all staff for COVID-19 on a weekly basis. While this has been an important protocol to ensure the safety of both residents and staff, the costs associated with this mandate were substantial and completely unanticipated. The current industry cost estimate of this mandate is now over \$100 million, and increasing weekly.

We are very concerned that, unlike other provider types, ACFs/ALRs have not received State funding to offset even a portion of these expenses. At the Federal level, senior living providers were allowed to apply for Provider Relief Funds through the CARES six months into the pandemic. In late September, senior living was made eligible for \$3 billion nationwide, compared to \$12.5 billion for skilled nursing facilities serving the same number of residents across the country. To date, only approximately \$1 billion of those funds have been disbursed to providers across the country.

Under the Interim Rule released by the U.S. Department of the Treasury, "congregate care settings," including senior living communities, are eligible for Coronavirus State and Local Fiscal Recovery Funds as authorized by the American Rescue Plan Act. These monies are allocated to states for COVID-19 prevention and mitigation strategies and supplies including PPE, testing, infections control supplies, as well as isolation and quarantine procedures.

In recognition of the critical role all ACFs/ALRs play in the long-term care continuum, we support the one-time request of \$75 million to help to preserve these essential options for New York's seniors and their families. We respectfully request serious consideration of this nominal ask, and urge you to leverage your capacity as Commissioner of Health to work with the Governor to designate a \$75 million allocation from the American Rescue Act Plan's Coronavirus State and Local Fiscal Recovery Fund for ACFs and ALRs across the State.

Please let us know if we can provide any additional information.

Sincerely,



Gustavo Rivera
New York State Senator
33rd District



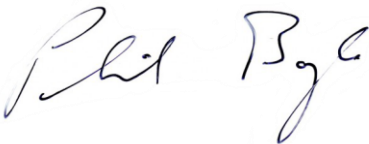
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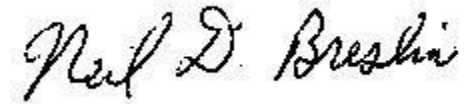
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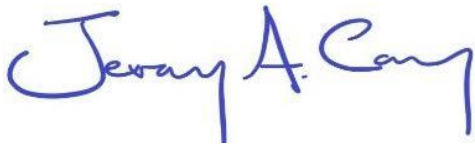
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New York State Senator
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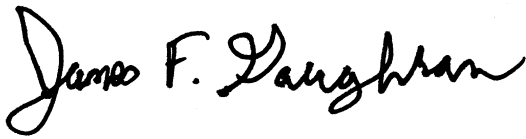
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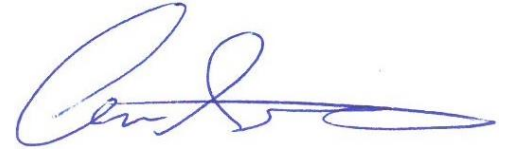
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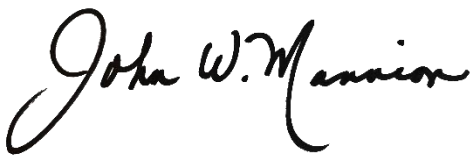
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Patty Ritchie
New York State Senator
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Diane J. Savino
New York State Senator
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Sue Serino
New York State Senator
41st District

CC:

Robert Mujica, State Budget Director, New York State Division of the Budget
Donna Frescatore, New York State Medicaid Director, New York State Department of Health
Senate Majority Leader Andrea Stewart-Cousins
Assembly Speaker Carl Heastie