***Subject: State Must Reimburse Nursing Homes and ACFs for Costly Testing Mandate***

Dear Governor/Commissioner/Senator/Assembly Member,

I am writing you today as an employee of a not-for-profit, mission-driven nursing home/ ACF. Over the last several months, long-term care providers and the vulnerable populations they serve have been severely impacted by the coronavirus pandemic. Nursing homes and ACFs specifically have faced numerous operational and regulatory challenges around testing, patient protective equipment (PPE), staffing, and more.

Every day, my colleagues and I are working tirelessly to keep our residents safe from COVID-19. Since the beginning of the pandemic, (facility name) has followed CMS, CDC, and DOH guidance and additionally implemented our own best practices for infection control, testing, etc. When the Governor issued Executive Order 202.30, my colleagues worked urgently to arrange the required twice weekly testing for staff on a very aggressive timeframe. However, meeting this new requirement is coming at a great cost to both my organization and residents.

While testing is an important component of infection control, the staff testing mandate is both inefficient and costly. Due to the backlog of testing results and the days-long waiting period, my colleagues and I often don’t know the results of one test before having to be tested for the second time that week. Additionally, the time it takes to be tested and further document that testing takes away valuable time that could be used to care for residents. This time is even more valuable due to the Department of Health’s stringent return-to-work requirements, which exceed CDC recommendations and unnecessarily exclude staff from the facility for prolonged periods.

Additionally, at an average cost of $120 per test, a typical nursing home with 200 beds spends over $60,000 each week to meet the testing mandate. This amount is equivalent to the weekly reimbursement for 40 Medicaid residents and is absolutely not sustainable. For an ACF serving SSI residents, the cost of testing a single staff member represents 80 percent of weekly revenue received for an SSI resident.

At (facility name), we are spending $\_\_\_\_ weekly to meet the testing requirement alone. This new testing expense is in addition to the catastrophic COVID-related financial impacts providers already face.

The State must find a way to reimburse providers for the cost of this testing.

Unlike neighboring states like Massachusetts and Connecticut that enhanced Medicaid rates to help providers deal with the emergency, New York has not provided additional funding for nursing homes or ACFs during the crisis. In fact, nursing homes in the state are facing new cuts. The State is in the process of implementing an additional .5 percent Medicaid cut, meaning providers will have their Medicaid payments reduced by 1.5 percent, with an additional cut to capital reimbursement still looming.

New York’s nursing homes and ACFs are under significant pressure as we do our very best to protect residents from COVID-19. As a mission-driven organization, we are also doing our best to maintain a positive and comfortable quality of life for our residents during this stressful time. We are operating with fewer staff and more costs than ever. **We urge the State to provide reimbursement to nursing homes and ACFs to cover the costs of the Executive’s testing mandate, as well as financial relief from the mounting costs of the pandemic.**

Thank you for your time,

Name

Organization

Contact