

MEMORANDUM

A.2188 (Dinowitz) / S.3498 (Sanders)

An ACT to amend the public health law, in relation to the posting of additional nursing home ratings.

LeadingAge New York opposes this legislation which would require every nursing home facility in the state to prominently post the most recent star ratings for health inspections, staffing, and quality measures pursuant to the inspection rating system of the federal Center for Medicare and Medicaid Services (CMS). The posting of the ratings in each of the three domains would be required on-site in facilities, as well as on websites. While the intent of this legislation is laudable, LeadingAge New York must register its opposition on the basis that the legislation is redundant, and the additional posting requirement will detract from the homelike environment that nursing homes are expected to maintain.

While it is important for consumers to be well informed when choosing a nursing home for themselves or loved ones, homes are already required to publicly post their overall CMS 5-star ratings, which incorporate the measures in each of the domains and are updated quarterly, on their websites and in their facilities and to provide each resident or representative with the [“Nursing Home Compare” website](#) as part of the intake process.¹

Further, and perhaps most importantly, this legislation will pile on to the bewildering array of posters that are already required to be displayed in nursing homes and contribute to the institutional feel of places that are supposed to be homelike. In the past 3 years, New York State and the federal government have imposed a variety of new posting requirements, over and above what was required pre-pandemic. The following is a partial list of signs that nursing homes are currently required to post in their facilities:

- Residents’ rights (potentially in 10 languages),
- CMS Star Rating (which can change quarterly),
- Any notice of violation when a survey citation triggers a civil penalty,
- Nurse staffing information required by Public Health Law 2805-t,
- Summary of the minimum staffing statute provided by the Department of Health,
- Contact information for the state and regional offices of the LTC ombudsman program and nursing home complaint hotline,
- Signage for visitors and staff concerning the core principles of infection control, including:
 - what to do if you’re exposed to or infected with COVID-19,

¹ A facility’s overall CMS 5-star rating takes into account the separate ratings for staffing, health inspections and quality domains, with a scoring emphasis on the result of health inspections. CMS’s [Nursing Home Compare website](#) offers consumers an easy-to-use platform for locating and comparing nursing homes, provides links to explanations of each of the measurement domains and measures within them, and provides a guide to choosing a nursing home and other resources.

- COVID- 19 signs and symptoms, infection control precautions, other applicable facility practices (e.g., use of face covering or mask, specified entries, exits and routes to designated areas, hand hygiene),
- Information about how to apply for and use Medicare and Medicaid benefits,
- A schedule of the facility’s current monthly activities,
- Contact information for the facility grievance officer,
- Facility operating certificate.

As the number of text-heavy posters on the walls continues to grow, they become visual clutter that is routinely ignored and merely results in a home that feels messy and institutional.

We urge the Legislature to remember that nursing homes are more than health care facilities - they are homes and communities, where older adults can receive the care that they need.

For these reasons, LeadingAge New York opposes A.2188 (Dinowitz) / S.3498 (Sanders) and urges that it be rejected.