

MEMORANDUM

A.2211 (Simon)/S.3932 (Savino)

AN ACT to amend the public health law, in relation to specifying procedures for the closure and/or decertification of assisted living residences

LeadingAge NY appreciates the spirit of this bill, which is designed to protect residents if Assisted Living Residences (ALRs), Enhanced Assisted Living Residences (EALRs) and Special Needs Assisted Living Residences (SNALRs) decide to close. It is important to note, however, that there already exists a rather thorough and significant process by which a licensed ALR, EALR or SNALR must adhere to in order to close. The Department of Health (DOH) requires a comprehensive written closure plan from the provider, and a key aspect of that plan is to work closely with residents to ensure a transition to another setting that adequately meets their needs and wishes.

The choice to close an ALR, EALR and/or SNALR does not come easily and does not happen often. When a licensed provider closes, it is typically because it is not financially feasible to continue to operate. DOH requires that the aforementioned closure plan be provided 120 days prior to closure. The plan must be approved by DOH, and does not permit public notice of the closure plan until it is approved by the Department. Thus, this bill would mean that 240 days must go by, at a minimum, before a provider closes. Requiring a financially distressed ALR to continue operations could be more detrimental to residents. The current process is already lengthy, and extending the period of time for notice, as this bill proposes, in addition to requirement of the development of a closure plan and approval from DOH, could jeopardize the quality of care provided.

In order to best protect residents and prevent disruptions in care, we urge the Legislature to focus on the reasons why adult care facility and assisted living providers are struggling financially on the heels of the pandemic with no state financial support. It is critical that we identify and implement ways to bolster this critical sector as it recovers from the most challenging time in our history.

For these reasons, LeadingAge New York opposes A.2211 (Simon)/S.3932 (Savino) and urges that it be rejected.

LeadingAge New York represents over 400 not-for-profit and public long term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long term care.

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