

## MEMORANDUM

A.1519 (Weprin)

***AN ACT to amend the social services law, in relation to residential programs for adults with traumatic brain injuries***

LeadingAge New York appreciates the intent of this bill, to ensure that residents with traumatic brain injury (TBI) living in any residential adult care facility (ACF) have the resources and medical professionals necessary to enhance recovery and prevention of TBI. Certainly, the needs of people with TBI are complex. However, LeadingAge NY is concerned that this bill may have unintended consequences that ultimately prevent access to needed supports and services, and in fact may displace individuals with TBI currently living in these settings.

ACFs provide an array of services in a residential setting that may be beneficial for individuals with TBI, including supervision and monitoring, assistance with medications, personal care, meals, housekeeping case management, and opportunities for recreation and socialization. It can be difficult to piece together all of these services—without interruption—in the community. If an individual with TBI does not have informal support to provide back up, gaps in service can create unsafe situations. Workforce challenges unfortunately have created more gaps in service. In rural parts of the state this is particularly acute.

ACFs are not required to employ physicians, nurse practitioners, nurses or specialists. The state has prohibited nurses working in ACFs from providing nursing services directly, unless working in an enhanced assisted living residence (EALR). Requiring professionals to work in these settings while they cannot utilize the skills authorized by their individual license does not make sense, particularly during healthcare workforce shortages.

Further, the bill as written could displace people with TBI living in ACFs if the ACF is unable to meet the requirements proposed. It could also displace existing residents who may experience a TBI after having moved into the setting. In both circumstances, the resident would likely need to be transferred to a nursing home. Aside from the operational challenges, the requirements in this bill would also lead to additional costs that ACFs are unable to absorb; thereby rendering the requirement even more unworkable. This again would create access issues for individuals with TBIs.

For these reasons, LeadingAge NY has concerns about this bill and opposes it as written. We would urge a different approach to achieve the desired outcomes, to encourage, promote and facilitate certification by the academy of certified brain injury specialists for ACFs that serve individuals with TBI. We would also urge that the state work to eliminate barriers to access existing specialized services for people with TBI, such as the TBI Waiver program, which we understand ACF residents no longer have access to.

**For these reasons, LeadingAge New York opposes A.1519 (Weprin).**

*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. Contact: Sarah Daly, [sdaly@leadingageny.org](mailto:sdaly@leadingageny.org)*

LeadingAge New York

13 British American Blvd., Suite 2 | Latham, New York 12110-1431 | P 518.867.8383 | F 518.867.8384 | [www.leadingageny.org](http://www.leadingageny.org)

---