



May 31, 2022

*VIA EMAIL*

The Honorable Mary Bassett, MD  
Commissioner  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, NY 12237

Dear Commissioner Bassett:

LeadingAge New York's non-profit and public providers of long-term care and aging services share the Governor's sentiment that our frontline workers deserve our appreciation and thanks for the critical work they do every day. The healthcare worker bonus is one such way in which the state seeks to express this appreciation. Given that the statutory language provides discretion to the Commissioners of relevant state agencies regarding some of the implementation details, we respectfully request you consider the inclusion of some additional categories of workers.

First and foremost, we want to acknowledge that nearly everyone working in our member settings during the past two years are indeed the heroes of the pandemic. They risked their own lives to ensure the safety and wellbeing of the people they serve, and they all deserve our thanks and appreciation. We understand, however, that the state has put parameters around this program to direct it to those providers that serve Medicaid-eligible populations. With that in mind, we offer the following suggestions:

**Expand the Categories of Eligible Workers in Nursing Homes**

Since the beginning of the pandemic, nursing homes have had to repeatedly pivot to adjust to the changing conditions to ensure the safety of their residents. That meant that individuals beyond those providing direct care were frequently involved in resident-facing work. Dining services staff delivered meals to resident rooms, and housekeeping staff were endlessly cleaning resident spaces to help prevent the spread of COVID-19. The provision of all services, emotional support to residents, and assistance with communication with loved ones required the involvement of staff throughout the nursing home, beyond aides and nurses. Thus, in addition to the categories of worker already identified in the language, we urge the inclusion of the following. We note that some of the titles below are identified in the budget language as included in settings overseen by other state agencies, and we urge they be recognized in nursing homes as well:

- Dietary aides
- Activity aides and individuals that otherwise support the provision of therapies and recreation in nursing homes
- Maintenance
- Housekeeping
- Social services staff
- Admission/intake staff
- Other staff that may not have a universal title but otherwise supported the wellbeing of residents, such as unit assistants, administrative support on units, etc.

### **Include Adult Care Facility Workers**

Our reading of the budget language is that, while adult care facilities (ACFs) licensed under article 7 of social services law are included, only the *Medicaid* Assisted Living Program (ALP) employees will actually be included in worker bonus program. Approximately 28 percent of ACF beds in the state are designated as ALP beds, and about *70 percent of ACFs in the state do not have ALP licensure*. It will be difficult for workers in those non-ALP ACFs to understand why they have been excluded when they, like nursing homes, were on the front lines of the pandemic facing many of the same challenges. Their efforts were just as heroic and essential.

While we submit that *all* front-line workers in these settings deserve a bonus and more, we see opportunity for ACF workers within the state's parameters, that should not be overlooked. There are non-ALP ACFs that, while they do not bill Medicaid, meet the threshold of at least 20 percent of their residents being Medicaid beneficiaries or public assistance recipients. This is a sector of the provider community that is least likely to have resources to otherwise reward their workers financially. ACFs that serve a large population of individuals who are Medicaid-eligible are typically in receipt of Supplemental Security Income (SSI) and the State Supplement Program (SSP), were struggling to stay open before the pandemic. Providing all the regulatorily required services on just over \$43 dollars per day is nearly impossible; in fact, many have closed in recent years and more will soon.

It is our understanding that these employees will not be included in the bonus program because, unlike with Medicaid providers, the state does not have an easy mechanism by which to pay those funds to the providers to pass on to employees. We urge the Department to be more creative in determining a mechanism for these providers. Other funds are distributed to the providers from the state through the SFS system for EQUAL funding and reimbursement for Criminal History Record Checks. This may be an option to distribute funds to those ACFs that serve the aforementioned populations.

### **Ensure Home Care Workers are Included**

LeadingAge NY understands that the administration intends to exclude those home care workers who receive an increase in their minimum wage from the worker bonus. We urge that they be included in the bonus program as well.

In conclusion, we join you in our sincere appreciation of this critical workforce. They deserve our thanks always, and particularly during these most challenging times. We look forward to working together on other ways in which this workforce can be rewarded, and more people can be recruited to work in this field.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Clyne".

James W. Clyne, Jr.  
President & CEO

Cc: Amir Bassiri  
Angela Profeta  
Rebecca Wood  
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Jake Wilkinson  
Adam Herbst  
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