

COMMENTARY

After years of underfunding, nursing homes are on the brink

By Neal E. Van Slyke

In a recent article posted by Spectrum News, Gov. Kathy Hochul was quoted as saying, “I’m looking at the health care system holistically. ... I have to inject common-sense policies.” I’m glad to hear it, because New York’s current policies on long-term care, especially nursing homes, are anything but common sense. New York’s nursing homes are 73% funded by Medicaid, a

percentage that has changed little for decades. Medicaid daily rates are based on what is called a “base year rate,” which determines the base year costs for a resident’s care. The current nursing home Medicaid rate base year is 2007. But in the 15-plus years since 2007, costs have increased over 40% — and probably closer to 50% by the time 2023’s inflationary numbers are included. There’s more: Typically, before 2007, New York would

provide nursing homes with a cost-of-living adjustment to Medicaid rates each year, which would assist with meeting increasing operational costs. Since 2007 there have been no cost-of-living adjustments for nursing home Medicaid rates. The result of this financial neglect? Collectively, there is now an \$810 million shortfall between Medicaid reimbursement rates and the cost for resident care in nursing homes. New York’s disastrous, irre-

sponsible approach to funding has contributed to our nursing staff shortage, kept us from investing in new technology and forced us to delay repairs to building infrastructure. It’s getting harder and harder to provide good care to the people who live in our communities. And far from injecting any “common sense” into the situation, Gov. Hochul is seeking \$500 million in additional cuts to nursing home Medicaid funding in her 2024-25 executive budget.

Nursing homes are over the financial cliff and heading for a crash. Many are facing closure. With the ever-growing elderly population in New York state, we cannot let that happen. State leaders have pointed out there are other sources of funds in the state to assist nursing homes with financial hardships. That’s true; however, these are usually onetime bridge funds. That kind of

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Biden should step aside. But how?

Joe Biden should not be running for reelection. That much was obvious well before the special prosecutor’s comments on the president’s memory lapses inspired a burst of age-related angst. And Democrats who are furious at the prosecutor have to sense that it will become only more obvious as we move deeper into an actual campaign. What is less obvious is how Biden should get out of it. Note that I did not say that Biden should



Ross Douthat  
NEW YORK TIMES

not be the president. You can make a case that as obvious as his decline has been, whatever equilibrium his White House has worked out has thus far delivered results largely indistinguishable from (and sometimes better than) what one would expect from a replacement-level Democratic president. If there has been a really big age effect in his presidency so far, I suspect it lies in the emboldenment of America’s rivals, a sense that a decrepit U.S. chief executive is less to be feared than a more vigorous one. But suspicion isn’t proof, and when I look at how the Biden administration has actually handled its various foreign crises, I can imagine more disastrous outcomes from a more swaggering sort of president. Saying that things have worked OK throughout this stage of Biden’s decline, though, is very different from betting that they can continue working out OK for almost five long further years. And saying that Biden is capable of occupying the presidency for the next 11 months is quite different from saying that he’s capable of spending those months effectively campaigning for the right to occupy it again. The impression the president gives in public is not senility so much as extreme frailty, like a lightbulb that still burns so long as you keep it on a dimmer. But to strain the simile a bit, the entire issue in

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Rebekah F. Ward / Times Union

EDITORIAL

Fix the Clinton County jail

A disturbing list of allegations and complaints at the North Country facility shows urgent action is needed — but where is the urgency?

What in the world is happening at the Clinton County jail? And why aren’t problems there being addressed with more urgency? Those are just two of the questions that come to mind after reading the alarming weekend Times Union report by Brendan J. Lyons on ongoing, pervasive and systematic issues at the facility in Plattsburgh. The list of allegations, including some laid out in lawsuits, is disturbingly long. Two female ex-inmates have contended they were sexually abused by male employees. A 39-year-old inmate may have died because medical care was unnecessarily delayed or mishandled, the second such incident at the North Country facility. Four female employees allege that they and inmates were subjected to years of abuse that included aggressive

and hostile sexual harassment. All and all, those and many other allegations dating back for at least a decade make the Clinton County jail sound like a prison hellscape from generations past. Instead, it is modern-day New York. Yet the momentum to fix the problems is lacking. Consider that after the county’s Department of Personnel concluded that at least three male correction officers had violated sexual harassment policies, Sheriff David N. Favro did not seek to discipline or terminate them, according to court records. Instead, Mr. Favro briefly suspended two of the officers with pay and allowed the third to resign. Or consider that other internal investigations of sexual harassment and sexual abuse against male employees at the jail also ended with suspensions or

minor discipline, rather than terminations or criminal charges. “The same men we went and complained about are all still working there,” said one former female employee. “And from different people that I’ve talked to, they’re still doing what they’ve been doing.” Or consider that members of the County Legislature and others with oversight over operations at the 300-bed jail declined to respond to questions from Mr. Lyons, including whether lawmakers are considering policy changes to address the problems or are otherwise investigating the matter. Mr. Favro, the sheriff since 2003, was likewise unavailable for questions. Or consider that the state attorney general’s investigation has been ongoing since 2022. Again, where is the urgency? The snail’s pace, along

with the failure to properly discipline officers found to have violated policies, means that officers accused of serious impropriety continue to have unfettered access to inmates and could be creating new victims. It means that officers know they are operating within a culture that tolerates abuse and harassment. It means that the broader culture, those of us outside the walls of the jail, are tolerating it, too. In a way, that’s easy to do. What happens within our jails and prisons is out of sight and therefore often out of mind. But since the quality and caliber of a society can be judged by the quality and caliber of its jails and prisons, the continuing problems and allegations in Plattsburgh say nothing good about New York. We own its horrors. Fix the Clinton County jail. Fix it now.

COMMENTARY

With CO2 fracking method, an old threat returns to N.Y.

By Alex Beauchamp

Ten years ago, New York passed a landmark ban on hydraulic fracturing, the destructive process of using large volumes of freshwater laced with chemicals to extract methane gas, a dangerous fossil fuel. The decision was supported by mountains of scientific evidence proving fracking’s clear threat to public health and the environment. Ten years later, the case

against fracking has only grown stronger. Scientists warned in December that we are on the brink of crossing five different climate tipping points, beyond which climate chaos will become irreversible. Nevertheless, the fossil fuel industry is back at it again, attempting to frack in New York. Late last year, a new company, Southern Tier Solutions, began approaching thousands of landowners in Broome, Tioga and Chemung counties with

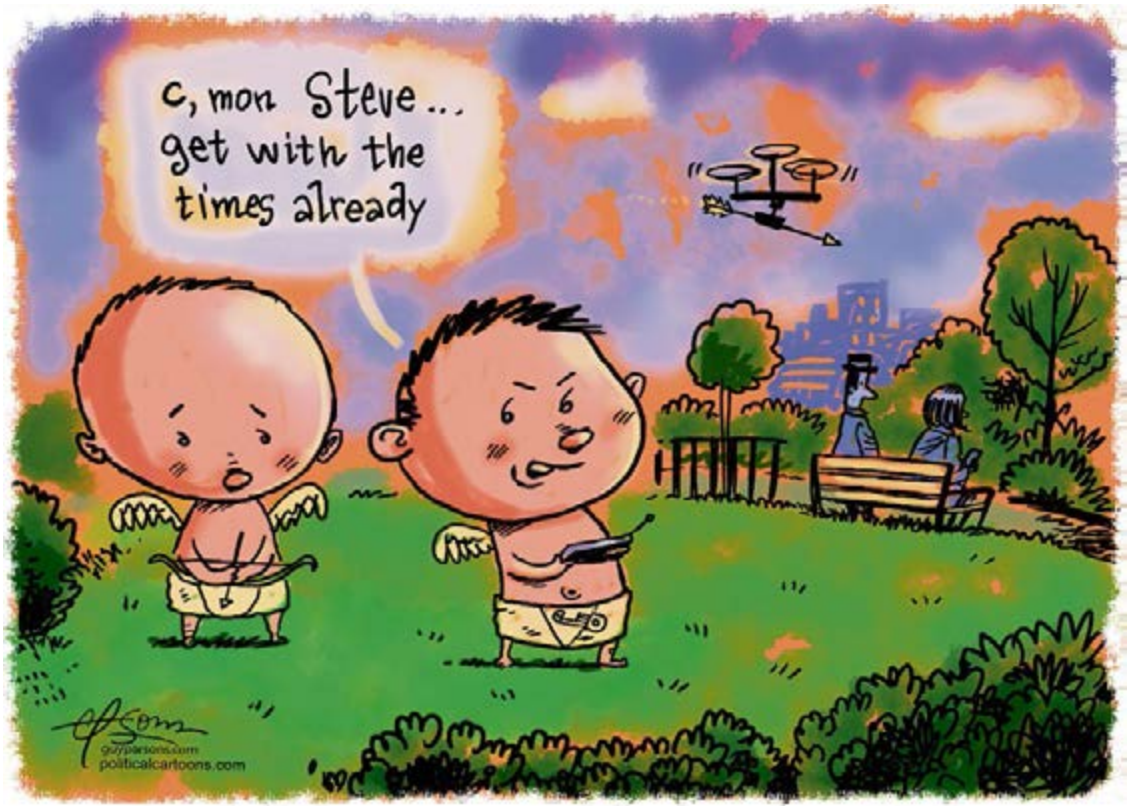
leasing requests eerily similar to those New Yorkers roundly rejected a decade ago. The company set its sights on opening New York’s Marcellus and Utica shales to fracking, this time with a new process using carbon dioxide instead of water. This proposal is as absurd as it is dangerous. The company proposes sourcing carbon dioxide for its project using carbon capture. A report by Food & Water Watch traced the history of carbon

capture and found that despite billions of dollars spent, no commercial-scale gas-fired power plant has ever successfully adopted carbon capture. In other words: The technology has been proven to fail. But that track record hasn’t stopped Southern Tier Solutions from proposing thousands of new CO2 fracking wells and nearly a dozen new gas power plants with carbon capture equipment to execute the scheme in New York.

Even if it was doable, CO2 fracking would be terrible for the climate. Carbon capture operations at power plants require tons of additional energy to operate and can increase the amount of fossil fuels burned by up to 40%. That’s a far cry from the claims of “net-zero” and “carbon free” strewn across the company’s propaganda. Last but not least, CO2 fracking is seriously dangerous. When New York banned hy-

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LETTERS

An issue with a use of the phrase “most vulnerable”

In response to the letter “Without Medicaid program, inmates’ care will suffer,” Jan. 28: I agree with the writer when he stated that continuity of care is critical to recovery, especially when it comes to mental health. I agree with him when he said that when health care continuity is disrupted outcomes inevitably suffer. The point I take issue with is when he referred to inmates as “our most vulnerable New Yorkers.” I believe our most vulnerable New Yorkers are the children of people who are working full-time jobs, taking care of their families, not breaking the law or going to jail, and yet still not able to afford proper health care for their families.

That continuity of care is just as important and, often-times, these families make too much money to benefit from Medicaid and like programs. The whole system is broken, and I understand all of our paradigms are different, depending on our individual personal and professional experiences. Let’s just remem-

ber that the idea of vulnerability can be quite subjective and we may need to take a better look at who is benefiting from these programs and why they need them.

Eileen Carson  
Clifton Park

Death penalty remains wrong

Alabama carried out the first execution in history using nitrogen hypoxia on Jan. 24. Kenneth Smith, the guinea pig for this execution, reportedly spent many minutes writhing in agony. Smith was in prison for assisting in the murder of Elizabeth Sennet. Elizabeth’s death was violent, gruesome, and should never have happened. This did not justify putting Smith through similar tribulations.

Our Constitution’s Eighth Amendment is supposed to prevent the state from punishing people in a cruel manner. Only when the state does not view adult incarcerated people as people can it support executions. Alabama Attorney General Steve Marshall and Alabama Gov. Kay Ivey let it happen. Our Supreme Court did

not stay the execution. This same court views women as objects not in control of their bodies and continues defending *Graham v. Connor*, which perpetuates systemic racism in policing. Most faith traditions and the U.N. Human Rights Commission affirm the inherent worth and dignity of every person. Many of these groups have condemned this execution. I am glad in New York state the death penalty is abolished. I hope one day the death penalty will be abolished nationwide.

Jacob King  
Albany

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DOUTHAT

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a reelection campaign is not whether your filaments shed light; it’s whether voters should take this one opportunity to change out the bulb. Every flicker is evidence that a change is necessary, and if you force Biden into a normal campaign season role, frequent flickering (if not a burning out) is what you’re going to get.

Let’s give him the benefit of the doubt and assume that Biden senses this, that he isn’t just entombed in egomania, but he feels trapped by his own terrible vice presidential choice. If he drops out and anoints Kamala Harris, she’s even more likely to lose to Donald Trump. But if he drops out and doesn’t endorse his own No. 2, he’d be opening himself to a narrative of identity betrayal — aging white president knives first woman of color veep — and setting his party up for months of blood-letting and betrayal, a constant churn of personal and ideological drama. There is no easy escape from these dilemmas. But the best approach available to Biden is a distinctively old-fashioned one. He should accept the

necessity of drama and blood-letting but also condense it all into the format that was originally designed for handling intraparty competition: the Democratic National Convention.

That would mean not dropping out today or tomorrow or any day when party primaries are still proceeding. Instead Biden would continue accumulating pledged delegates, continue touting the improving economic numbers, continue attacking Trump — until August and the convention, when he would shock the world by announcing his withdrawal from the race, decline to issue any endorsement, and invite the convention delegates to choose his replacement.

Pain would follow. But so would excitement and spectacle, the things that Biden himself seems too old to deliver. Meanwhile any agony would be much briefer than in a long primary battle between Harris and Gavin Newsom or Gretchen Whitmer. The proximity of the general election would create stronger incentives for Harris or any other disappointed loser to accept a behind-the-scenes proffer and fall in line if the convention battle doesn’t go their way. And the format would encour-

age the party-as-institution, not the party-as-mass-electorate, to do a party’s traditional job and choose the ticket with the most national appeal. Would Trump and Republicans have a field day attacking Democratic insiders for pulling a fast one on the public? Sure, but if the chosen ticket was more popular and competent-seeming, less shadowed by obvious old age, the number of relieved voters would surely outstrip the number of resentful ones.

This plan also has the advantage of being discardable if I’m completely wrong, Biden is actually vigorous on the campaign trail, and he’s ahead of Trump by 5 points by the time August rolls around. Like my past suggestion that Joe Manchin should run as a third-party candidate provisionally (also still a good idea!) to see how the Trump-Biden race shapes up, contemplating a convention bow-out gives Biden a way to be responsive to events — sticking it out if he really sees no other options, but keeping a path open for his country to escape a choice that right now seems like divine chastisement.

*This article originally appeared in The New York Times.*

VAN SLYKE

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funding will not stabilize our businesses. Last year the state stepped forward to help nursing homes financially with a modest Medicaid reimbursement increase. That was a nice start. However, this percent increase was wiped out by 2023 inflation rates. And this year, if the the governor’s proposed cuts go through, we’d slide backwards. How is this common sense?

For some genuine common sense, consider this proposal put forward by nursing home leaders, long-term care associations and labor groups: a four-step approach to closing the \$810 million gap and sustaining the industry going forward. First, lawmakers must reject all Medicaid cuts to nursing homes. Second, make an investment of \$510 million for 2024-25. Third, update the Medicaid nursing home base year to 2025, which will bring Medicaid funding up to the current cost for care. This move

would bring an additional cost of \$300 million to New York state, and together, these two steps will close the \$810 million gap created since 2007. The fourth step will be to update the base year every three to five years to ensure Medicaid rates keep current with increasing costs. This is a huge investment, but it’s critical to the health care sector as a whole, because the crippling of nursing homes has a ripple effect through the whole system. Staff shortages, for example, mean people who

VIEWPOINT

A well-funded IRS means the rich will pay their share

*The following is from a New York Daily News editorial:*  
In an analysis released this week, the Internal Revenue Service and the Treasury Department admitted that they had been wrong with an earlier estimate of \$390 billion in additional tax revenues coming in during the next decade as a result of the \$80 billion IRS funding boost in President Biden’s Inflation Reduction Act, passed in 2022.

They didn’t undershoot; it turns out, the additional revenue is likely much higher, climbing to around \$561 billion between 2024 and 2034 when factoring in not only additional enforcement but other benefits of the expanded capacity, which Republicans had of course stringently opposed. There’s something a little bit ironic about the GOP legislators who are claiming with a straight face that Donald Trump simply cannot be prosecuted for his many sustained efforts to subvert the 2020 election — efforts that, remember, included strong-arming state electoral officials and discussions of invoking the Insurrection Act to deploy troops on American streets — insisting that more IRS agents was tyranny.

Increased revenues will be presented as extracting more taxes from the public, but that’s disingenuous for at least four reasons. One, none of these are additional taxes; they are the taxes that were already owed and that wealthier people were often not paying, knowing that accounting tricks and the under-resourced IRS would insulate them from ever having to pony up. Two, the vast majority of these increases are not being drawn from struggling families or low-income taxpayers but from those well-to-do people who owed much more but paid much less. Three, this analysis isn’t just about tax cheats and the bene-

fits of enforcement; it specifically notes that it is incorporating additional revenues from technology that makes compliance easier, as well as the “nudge” towards compliance that the specter of additional enforcement brings. Four, this isn’t about milking a decrepit economy for more government revenues; the economy is booming. Elected officials will mostly at least pay lip service to the idea of some return on public investment, and it’s hard to argue with an \$80 billion down payment producing an almost half-trillion-dollar return even after paying for itself. This isn’t just a question about scoring political points, this is real money that can be used for concrete public purposes — more infrastructure, green energy incentives, transit projects, whatever. Real, tangible things. That House Republicans are obsessed with stripping the IRS’ expanded funding away, having clawed back as much as \$21 billion in future disbursements from the IRA’s historic investment, gives away the game that they’re quite uninterested in the rich paying their taxes. Simultaneously, they’re fretting about the federal deficit, ignoring the connection between that and decreased tax revenues. Instead of shying away from taking credit for an expanded IRS, Democrats should own it and communicate to the public just why this is an excellent deal. People might have a negative knee-jerk reaction to the idea of federal tax agents collecting Uncle Sam’s cut, but it sounds a lot better when you frame it as the rich subsidizing everyone’s child care and housing, building roads and softening the financial impact of medical emergencies. Put that all forward, and let the GOP tie itself in knots explaining why a multi-millionaire should pay nothing in federal taxes instead.



alfexe/Getty Images

BEAUCHAMP

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draulic fracking in 2014, the decision was based in large part on the clear consensus that fracking posed critical risks to human health. Replacing water with carbon dioxide in the process only magnifies that risk. Carbon dioxide is extremely dangerous when pumped at high volume through pipelines. A single rupture is capable of asphyxiating people and animals for miles around. A 2020 carbon pipeline rupture in Sartartia, Miss., forced the evacuation of more than 200 people and sent almost 50 to the hospital. Southern Tier Solutions’

vision to cover over a million acres would necessitate numerous pipelines of the type that caused havoc in Satartia. Like hydraulic fracking before it, CO2 fracking has no place in New York. State Sen. Lea Webb and Assemblymember Anna Kelles have introduced critical legislation (A08866/S08357) to strengthen New York’s fracking ban to include a full ban on CO2 fracking. Legislative leaders and Gov. Kathy Hochul must champion this bill, ensuring its swift passage to protect New Yorkers and our environment.

*Alex Beauchamp is Northeast region director at Food & Water Watch.*

would best be cared for in nursing homes must remain in hospitals, where they take beds that could have gone to other patients. And as nursing homes close, that situation will only get worse. Investments in nursing homes are also investments in local economies: These employers provide both jobs and services to the community and support other local businesses. Another common-sense benefit. One more point to keep in mind: Nursing home residents

live there because they need to. They need this level of care, and as both community members and health care professionals we have an obligation to care for them with dignity and compassion. We hope the governor and state lawmakers see the common sense in this simple request: Give nursing homes the funding they need to attend to the people in their care.

*Neal E. Van Slyke is administrator of Wells Nursing Home in Johnstown.*



