

# LONG TERM CARE COMMUNITY COALITION

*Advancing Quality, Dignity & Justice*

## MEMO IN SUPPORT

### Legislation to Protect Assisted Living Residents

LTCCC strongly supports the following three bills which would provide much needed protections for New York's assisted living and adult home residents.

**Important Note:** In February 2018 the [U.S. Government Accountability Office \(GAO\)](#) released a landmark report on quality and safety in assisted living, in response to a bipartisan request. [Medicaid Assisted Living Services: Improved Federal Oversight of Beneficiary Health and Welfare is Needed](#) provides the results of the first ever assessment of safety in America's assisted living. The results indicated that there are tens of thousands of "Critical Incidents" impacting assisted living residents every year, including physical, emotional and sexual abuse. In the absence of any federal safety protections, states have largely failed to ensure quality or even basic safety for many seniors and families who turn to assisted living when they need long-term care services and supports.

**The GAO's findings indicate that now, more than ever, New York assisted living residents and their families need our state leaders to take common sense action to protect their safety, dignity, and well-being.**

#### **A01207 - Nurse on Staff in "Enhanced" and "Special Needs" Assisted Living**

"Enhanced Assisted Living" and "Special Needs Assisted Living" are special categories of assisted living certification for facilities that choose to provide care and services to elderly people who are seriously impaired. Residents in Enhanced or Special Needs are inherently more fragile and more likely to be (or become) unstable and need significant assistance than residents in "Basic" assisted living. Reputable assisted living that are providing Enhanced or Special Needs care are already using RN staff. This law is needed to ensure that every New Yorker who is promised significant dementia or other care by her assisted living community has access to staff with appropriate training and assessment skills.

#### **A01140 - Requires assisted living facilities to notify residents of changes to medical and support services 180 days prior to such changes taking effect.**

Residents and their families rely heavily upon the services and staff at assisted living facilities, and changes to the services offered or staffing can and often do have great impact on these vulnerable individuals. Current law does not require assisted living facilities to provide residents and their families with any notice in advance of service or provider changes. Abrupt changes can have negative consequences on residents' quality of life and make it difficult for families to make considered decisions about their loved ones' care. This legislation will require assisted living

facilities to provide residents and their families with 180 days' notice before changes to medical and support services.

***A01084/S00874 - Supports essential rights of residents of adult care facilities, including right to be informed about one's condition, treatment and medications.***

Adult care facilities (ACFs), including assisted living, adult homes, enriched housing programs and residences for adults, are important models of care that serve as the homes of thousands of New York State residents. Importantly, one of the central reasons for the existence of ACFs is to provide care and services in a setting that is more consumer-directed than the typical nursing home. Unfortunately, too many New York ACFs fail to provide an environment that allows for resident dignity and autonomy.

This bill codifies the right of residents to designate resident representatives and legal representatives and provides that such representatives may not waive any of the rights enumerated in SSL § 461-d(3). The bill also sets forth in statute the rights of residents to choose their own health care providers and be fully informed about treatment and the right to refuse treatment after being fully informed of the consequences. These changes are consistent with the assisted living provisions of New York State's Public Health Law Article 46-B which expressly recognize such rights.

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*The Long Term Care Community Coalition (LTCCC) is a non-profit organization dedicated to improving care, quality of life and dignity for residents in nursing homes and other residential care settings. Since its incorporation in 1989, LTCCC has included among its members a broad range of civic, consumer and professional organizations from across New York State.*