

# LONG TERM CARE COMMUNITY COALITION

*Advancing Quality, Dignity & Justice*

## MEMO IN SUPPORT

### THE SAFE STAFFING FOR QUALITY CARE ACT: [A02954/S01032](#)

#### Background

The Long Term Care Community Coalition (LTCCC), a coalition of civic, consumer and professional organizations from across New York State, strongly supports implementation of minimum staffing requirements to ensure basic safety and dignity for our nursing home residents. LTCCC has worked for over 30 years to improve care and quality of life for nursing home residents. Throughout these years, **an increasing body of evidence has clearly shown that staffing is one of the most – if not *the* most – important factors in quality of care.** Yet, in 2001, a federal study found that **91% of nursing homes lack sufficient staff to provide decent care.** Unfortunately, this situation continues today. A 2014 study by the US Inspector General found that **an astonishing one-third of the people who go to nursing homes for Medicare rehab are harmed within a month and that 59% of the time that harm is “clearly or likely preventable.”**

Frail elderly New Yorkers and their families do not need a study to know about the effects of systemic understaffing in our nursing homes. **Every day our nursing home residents face conditions that undermine their health and dignity.** Countless adult residents are forced to wear diapers because their facilities won't hire sufficient staff to help them get to the bathroom. Thousands of New Yorkers are given dangerous antipsychotic drugs every day because it makes them easier to care for. These drugs have an FDA “Black Box” warning against use on elderly people with dementia because they can have serious side effects, including heart attacks, strokes and death. Yet they are used on almost one in five nursing home residents in NY, often as a form of chemical restraint.

#### *In Short...*

- Safe staffing levels are necessary to ensure quality care to vulnerable nursing home residents.
- Nursing homes have been required – and paid – to have safe staffing for over 20 years.
- New York is one of the minority of states in the country that does not have any standards for safe staffing.
- New York nursing homes have among the lowest staffing rates in the country.
- The Safe Staffing for Quality Care Act is needed to protect nursing home residents and their families.
- In the absence of any limits on nursing home profits, the Act is needed to ensure that the billions of tax-payer dollars spent on care in NY is used wisely and appropriately.

***Every day, across New York State, families witness their loved ones withering or dying in nursing homes, not due to old age, but as a result of inappropriate or inadequate care.***

*The Safe Staffing for Quality Care Act*

There are numerous provisions in this Act that would benefit people state-wide. Whether it be emergency hospital care or nursing home rehab or long term care, New Yorkers must be able to trust that their health resources are safe. **For vulnerable nursing home residents and their families, the Act would provide an important safeguard to ensure that a nursing home cannot deplete its staffing beyond recognized safe levels in order to improve its bottom line.** This safeguard is needed today more than ever, as more and more of our nursing homes are being purchased by private, for-profit entities and as New York implements its plan to require Mandatory Managed Long-Term Care for nursing home access for people on Medicaid.

Specifically, the Safe Staffing for Quality Care Act sets the following minimum care hours per resident, per day for RNs (registered nurses), LPNs (licensed practical nurses) and CNAs (certified nurse aides) in nursing homes: RNs: 0.75 hours (divided among all shifts to provide an appropriate level of RN care 24 hours per day, seven days a week); LPNs: 1.3 hours; and CNAs: 2.8 hours. This closely tracks the basic desirable staffing level identified in the aforementioned federal study. The Act would also require that nursing homes collect information on their staffing levels and make it available to the public. Accurate information on staffing levels is essential to making good decisions about where to place a loved one.

Federal data indicate that **New York ranks in the bottom 25% of states in terms of average nursing home staffing.** [<http://kff.org/state-category/providers-service-use/nursing-facilities/>] According to the Families for Better Care 2014 Nursing Home Report Card, **“New York was one of only five states that scored below average grades in every staffing measure, showing that the state’s nursing homes continue to be chronically understaffed.”** [<http://nursinghomereportcards.com/state/ny/>]

*Why We Need Standards Now*

Since passage of the federal Nursing Home Reform Law in 1987, **every nursing home has been required – and receives payment – to have sufficient staff** to ensure that each and every one of its residents receives the care and services he or she needs to attain and maintain his or her highest practicable physical, emotional and social well-being. Unfortunately, the “sufficient” standard established in the Reform Law has *not* been sufficient to ensure that most nursing homes provide adequate staff. That is why **the majority of states now have minimum safe staffing laws.** In the absence of any limitations on nursing home profits, safe staffing standards are needed to ensure resident safety and improve accountability for the substantial public funds that go into nursing home care.

***From Arkansas to Maine and California to Florida, 36 states have laws requiring safe direct care staffing levels. Yet New York, whose taxpayers spend billions of dollars every year for nursing home care, has no minimum staffing requirement whatsoever. Our nursing home residents, families and taxpayers deserve better.***