

# LONG TERM CARE COMMUNITY COALITION

*Advancing Quality, Dignity & Justice*

## **TIME FOR QUALITY ASSURANCE, ACCOUNTABILITY, & REFORM**

### **AS WE EMERGE FROM THE PANDEMIC, NEW YORK MUST ADDRESS THE EPIDEMIC OF NURSING HOME ABUSE & NEGLECT**

COVID-19 has caused unprecedented devastation and tragedy in nursing homes. Years of understaffing, poor infection control, and ineffective enforcement of basic standards of care have led to dangerous habits and significant tolerance for poor care. When the virus hit New York, its nursing homes were unprepared to protect their residents and staff, and most were simply incapable of good, preventive care because they had never been held accountable for providing it in the first place.

Today, nursing home residents and their families are scared, angry, and frustrated. Too many residents have died. Too many more have suffered unnecessarily and inhumanely due to failed policies and a system that has been rigged to protect industry profits rather than resident well-being.

The pandemic has forced the public's attention on the corrosive state of affairs in long-term care and to the widening gap between the care we are paying for as taxpayers and the care that is actually delivered to residents. In response, New York's leaders took bold steps that will help to begin to address some of the most serious problems in the nursing home industry, including inadequate staffing and operators who put maximizing profits over resident safety and dignity.

*However, laws and rules are only meaningful if they are enforced. As we emerge from the pandemic, New York's leaders must address the deeper epidemic of neglect that has permeated our nursing home industry for too long, leaving vulnerable residents at risk before the pandemic, today, and in the months and years ahead.*

### **KEY AREAS IN WHICH REFORM IS NEEDED IN NEW YORK**

#### **DECLARE INDEPENDENCE FROM THE NURSING HOME INDUSTRY**

The Hochul Administration and the Department of Health must finally break free from the grip of the nursing home industry, which has dictated policy, financing, and oversight in New York for decades. While the means through which the industry has obtained such powerful influence is worthy of investigation, its existence is not in any doubt. For all practical purposes, unscrupulous nursing home operators in New York (and their highly-paid lobbyists) hold virtual veto power over nursing home reform legislation, dictate policies for their own reimbursement (including for state initiatives to address substandard nursing home care!), and – most dangerous of all – have succeeded in squelching the essential quality assurance and accountability role of the Department of Health.

*New York families and senior citizens have lost faith in DOH's ability to ensure quality and accountability. The time is now to "right the ship" so that the agency is willing and able to carry out its fundamental mission: protect residents, enforce basic standards of care, and ensure that New Yorkers get value for the billions of dollars we spend on nursing home care.*

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## **GIVE TOP PRIORITY TO HELPING PEOPLE STAY OUT OF NURSING HOMES**

New Yorkers who need long-term care overwhelmingly prefer to receive it at home or in community settings rather than in nursing homes, which are widely feared. Home care is not only more popular, it is generally far less expensive and dangerous than nursing home care.

New York must reform its impenetrable long-term care system to serve this priority.

1. Make it easy for people needing long-term care to get it at home or in home-like settings. In addition to helping those who gain access to home care, doing so will push nursing homes to become more livable places in order to remain in business.
2. Make sure that home and community-based services are of good quality and provided in a safe and humane manner. As we have seen with the nursing home industry, in the absence of oversight and accountability, throwing public money at providers is a disservice to both consumers and taxpayers. For example, we must stop the recent trend of awarding Medicaid Assisted Living Program slots to operators who have a history of providing poor and demeaning services.

## **CRACK DOWN ON NURSING HOME SLUMLORDS**

The pandemic has exposed horrific conditions in many New York nursing homes, where even in the best of times residents are often subjected to life-threatening infections, mistreatment, neglect, and abuse. Every year, New York's nursing home inspectors document epidemic levels of elder abuse in our nursing homes, but state officials take no meaningful actions to prevent abuses from happening again and again. New York's nursing home slumlords operate with impunity and without concern that even the most shocking cases of abuse and neglect will threaten their licenses or business model. The state's enforcement system needs to be overhauled, but one immediate action that would get the attention of slumlords is a ban on admitting new residents when violations are detected. The Legislature should authorize this sanction and direct that it be applied whenever infection control or resident abuse violations are identified, and when deficiencies harm residents or put them in immediate jeopardy.

## **PUT THE "HOME" BACK IN NURSING HOMES**

One of the greatest fears about nursing homes is that one will be warehoused in a dirty, smelly, institutional facility where residents are crammed into small rooms and have their privacy and dignity stripped away. Indeed, that is the grim reality for far too many nursing home residents in New York, where the environmental standards for nursing homes are almost as old and outdated as many of the facilities. New York should set new standards calling for private rooms with modern bathrooms, bathing facilities, and homelike designs that give residents a fighting chance to survive future outbreaks of infectious diseases. Operators who fail to modernize their facilities should be forced to give up their licenses.

*How can it be that billionaire nursing home operators who own decrepit facilities are posing as wards of the state, making excuses that it is up to the state, not themselves, to pay to modernize their warehouses?*

The Long Term Care Community Coalition is a non-partisan, non-profit organization dedicated to improving care in nursing homes and assisted living. For more information on nursing home care, including resources for residents, families, and policymakers, please visit our homepage, [www.nursinghome411.org](http://www.nursinghome411.org).