

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

MEMO IN SUPPORT

PRIVATE RIGHT OF ACTIONS IN RESIDENTIAL HEALTH CARE FACILITIES: [A00159/S00995](#)

Background

The Long Term Care Community Coalition (LTCCC) is a nonprofit, nonpartisan organization dedicated to improving care and quality of life for residents in long-term care. **LTCCC strongly supports this bill, which would extend the resident’s right to sue for serious harm caused by facility neglect or substandard care to their legal representative or a patient’s estate.**

The Nursing Home Reform Law requires nursing homes to follow many standards to ensure that patients receive appropriate care and are not harmed. Despite the law, resident harm remains a widespread and persistent problem – too many nursing home operators know that, in the absence of vigorous oversight, they can flout basic safety standards with impunity. To address this issue, it is essential that nursing home residents, or their legal representative

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Thus, it is essential that a resident’s family or estate can seek legal action for serious abuse, grossly substandard care, or neglect.

or estate, have the opportunity and power to seek legal action. For this reason, **LTCCC is supporting [Assembly Bill A00159/Senate Bill S00995](#), which extends the existing right to sue a facility to a nursing home patient’s legal representative or their estate.**

The Right to Sue

New York Public Health Law Section 2801-d currently provides a private right of action to patients of residential health care facilities who were injured because of the facility’s deprivation of certain patient’s rights.

[This bill](#), introduced by Assembly Member Richard Gottfried and Senator Brad Hoylman, would amend Section 2801-d to clarify that the right to sue extends to a patient’s legal representative or a patient’s estate.

LTCCC strongly supports this amendment. Every day, far too many vulnerable residents of New York nursing homes suffer because their nursing home operators put profits over basic services and safety. **A facility should not be able to escape accountability for resident harm just because the resident is no longer alive to make a claim on their behalf. It is hard to imagine anything more terrible – and contrary to the public good – than a facility benefitting from substandard care that preceded, or caused, a resident’s death.**