

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

TESTIMONY FOR:

ASSEMBLY STANDING COMMITTEE ON AGING HEARING

MARCH 2, 2023

PRESENTED BY:

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POLICY RESEARCHER

LONG TERM CARE COMMUNITY COALITION

www.NursingHome411.org

Thank you for inviting me to testify today.

My name is Stefan Foster. I am a policy researcher for the Long Term Care Community Coalition and a former volunteer ombudsman with the New York State Long-Term Care Ombudsman Program.

The Long Term Care Community Coalition (LTCCC) is a nonprofit, nonpartisan organization dedicated to improving care and quality of life for residents in nursing homes and assisted living. The Coalition is also home to two local Long-Term Care Ombudsman Programs.

In this hearing, I will discuss the value and absolute necessity of New York's Long-Term Care Ombudsman Program (LTCOP) and why it requires additional funding to carry out its federally mandated purpose to help protect the lives of New York's long-term care residents.

Roughly 117,000 people reside in nursing homes in New York State and many more live in assisted living and other adult care facilities. These vulnerable individuals are far too often subjected to substandard care, abuse, and neglect – and they have been for too long.

In 1986, a NYS agency predicted that public institutions for persons with disabilities, an example being Willowbrook in Staten Island, would evolve into nursing homes once they were closed. The inhumane warehousing of human beings must not continue in our nursing homes. For years, I saw the deplorable conditions inside of nursing homes throughout the State and worked closely with residents and families. The voices of frontline advocates led to the closure of abusive institutions like Willowbrook and created safeguards for humane care. In a comparable way, ombudsmen empower the voices of vulnerable nursing home residents, and they deserve to be supported by the legislature with greater priority and increased funding.

Substandard care is not inevitable; it results from a lack of enforcement, oversight, and transparency of the state's nursing homes. Both the DOH and the LTCOP are oversight entities for long-term care facilities. Though ombudsmen do not have the regulatory authority of DOH, ombudsmen are the only oversight entity designed to have a regular presence in long-term care settings and in the lives of residents.

Unfortunately, insufficient state funding in New York often precludes the LTCOP from carrying out its federally mandated responsibilities. A recent AARP report found that nearly 80% of New York City's nursing homes failed to receive a single visit from an ombudsman during a three-month period in 2022. Statewide, more than half of facilities failed to receive a single visit, and this was after visitation restrictions due to COVID-19 were lifted. Prior to the pandemic, in 2019, a State Comptroller audit found that “[m]any residents of LTC facilities in the State lack regular access to ombudsman services” due to insufficient resources.

These and other assessments all point to the same thing: an increase in state funding is needed to ensure that there are sufficient numbers of ombudsmen to meet the needs of residents and

families. This is why we strongly support AARP's recommendation for an increase in funding of at least \$15 million.

One resident who experiences inhumane care is one too many, and sadly, I have observed many. We must stop the resurgence of the deplorable conditions previously witnessed in the State's overcrowded public institutions. Seniors and persons with disabilities, and their families, have the right to expect that residents receive safe care and treatment with dignity. A critical component of this is ensuring meaningful access to ombudsman services.

An increase in funding for the LTCOP is needed to provide coverage of the long-term care facilities across the state. This investment would be cost-effective for the state, paying for itself through the reduction of adverse events in nursing homes. Above all, protecting the safety of our elderly and most vulnerable New Yorkers is the right thing to do.

We thank you for your interest in the well-being of residents. We welcome the opportunity to provide further input on proposals and to be a resource to you, and your constituents.

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The Long Term Care Community Coalition (LTCCC) is a nonprofit, nonpartisan organization dedicated to improving quality of care, quality of life and dignity for elderly and disabled people in nursing homes, assisted living, and other residential settings.

LTCCC focuses on systemic advocacy, researching relevant national and state laws, regulations, and data in order to identify relevant issues and develop practicable recommendations to improve quality, efficiency, and accountability. LTCCC uses this research and the resulting recommendations to educate policymakers, consumers, and the general public. Consumer, family, and LTC Ombudsman empowerment are fundamental to our mission.

Please visit our website for more information about our work, the latest data on nursing home staffing and other quality indicators, and our Learning Center, with free resources for residents, families, and the public.

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