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February 16, 2021

Honorable Andrew M. Cuomo  
Governor of New York State  
Executive Chamber  
Capitol Building  
Albany, NY 12224

Dear Governor Cuomo:

AARP New York was encouraged to hear the nursing home reform proposals you outlined yesterday for your 30-day 2021-22 Executive Budget amendments. As you know, the COVID-19 pandemic has exposed alarming flaws in our long-term care system, putting vulnerable nursing home residents' health, safety, and quality of care at unprecedented risk. The nursing home crisis in New York State must end now and should never happen again.

The loss of life, totaling more than 15,000 New Yorkers during the COVID-19 pandemic, and the pain it has caused their families, should stand as a reminder of the importance of the task at hand: to make our nursing homes and adult care facilities safe for generations to come.

AARP proposes the following Five-Point Plan that **we strongly urge you to address for all nursing homes and adult care facilities** in your 30-day budget amendments:

1. **Quality Care**: require all nursing homes to spend more resources on direct care, along with increased nursing home staff levels; ensure strict compliance with infectious disease controls; and provide regular and ongoing testing, adequate PPE, and oversight through safe in-person access by formal advocates (long-term care ombudsmen) – including increasing staffing for the LTC Ombudsman program.
2. **Retroactive Repeal of Legal Immunity**: stop shielding long-term care facilities for any negligent care delivered earlier in pandemic. Pursuing legal action is not an easy thing to do, and no family member who has lost a loved one due to neglect or abuse pursues this course of action lightly. It is always an option of last resort and must remain an option for families.
3. **Transparency**: codify the requirement of daily reporting of data on fatalities and infectious disease rates of staff and residents in all nursing homes and adult care facilities with a publicly available annual report to the Legislature.
4. **Home-and Community-Based Services**: help New Yorkers remain in their own homes and out of potentially unsafe nursing homes by increasing State funding for in-

home and community-based services by \$27 million. This would help end waiting lists for over 10,000 people seeking these services, which support family caregivers in helping older loved ones remain in their own homes - as the vast majority want – rather than in costlier, mostly taxpayer-funded nursing homes.

5. **Visitation:** ensure *safe* in-person and facilitated virtual visitation, and ensure families are able to obtain compassionate care visits. Social interaction with family and friends is critical to the health and wellbeing of residents. In addition to the social connectivity and emotional support they provide, visitors are key members of the resident care team. Prohibiting and limiting in-person visits is one of the biggest concerns AARP has heard from our members during the pandemic.

We believe implementing these policies will be essential to reforming the long-term care system in New York to provide better services to some of the most vulnerable people in our society.

AARP New York stands ready to work you and your administration to make these nursing home reforms a reality in the final 2021-22 New York State Budget.

Sincerely,



Beth Finkel  
State Director  
AARP New York

cc: Melissa DeRosa, Secretary to the Governor