



January 12, 2022

Honorable Kathy Hochul  
Governor  
State Capitol Building  
Albany, New York 12224

**Re: \$20 Million Dollar Investment in the Long Term Care Ombudsman Program**

Dear Governor Hochul:

The pandemic has shined a light on many serious quality care issues in New York’s long-term care facilities. Our organizations strongly agree that the New York State Long Term Care Ombudsman Program (LTCOP) can play a significant role in raising the level of care provided by long term care facilities in our state and assuring that every resident is treated with the dignity that they deserve.

We appreciate the announcement to rebuild and grow the health care workforce in your State of State address to the Legislature. However, we were very disappointed to see in your policy book that you recommend studying the needs of the LTCOP program, when it clearly needs additional funding now to meet the needs of some of the frailest people in our state.

We believe the time for a study would be a waste of state resources and unnecessarily delay the assistance that New York’s seniors and families need and deserve. Furthermore, two audits have already been conducted by the New York State and New York City Comptrollers, both of which substantiated the urgent need for additional funding. These audits not only highlighted the lack of state investment in our LTCOP, but a review of [national data](#) comparing New York’s investment to other state LTCOP programs’ paints a clearer picture. This underinvestment in New York LTCOP is directly affecting the ability of the program to effectively carry out its mission.

The New York State Comptroller’s 2019 audit of the program stated, “Many residents of LTC facilities in the State lack regular access to ombudsman services, due in part to a decline in the number of volunteers combined with a lack of paid regional program staff.”

The report found several key issues:

- As of January 2019, about 600 of the approximately 1,500 LTC facilities in the State – about 40 percent – have an assigned volunteer ombudsman, leaving the remaining 900 facilities to be covered by only 50 paid local staff, which is about half the recommended minimum number;
- Eleven of the 15 regional programs fell short of the recommended minimum number of staff for the federal fiscal year ending September 30, 2018; and

- 30 percent of facilities were not visited by an ombudsman, leaving residents with reduced access to these important services.

The New York City Comptroller offered a similar critique in his 2020 audit of New York City's program:

- In New York City there is only one ombudsman for every 8,650 nursing home residents, far below the recommendation by Institute of Medicine (IOM, now known as the National Academy of Medicine) of one full-time ombudsman for every 2,000 long-term care residents;
- There are only 6 full-time paid ombudsmen assigned to visit the City's over 50,000 long-term care residents in 244 long-term care facilities; and
- There is no assigned ombudsman, whether full-time or volunteer, for over 20,000 residents in 80 long-term care facilities in the City.

According to your State Office for the Aging (NYSOFA), there are about 1,500 facilities in the state, housing more than 160,000 residents who have a need for – and a right to – LTCOP services. However, LTCOP is allocated only \$1.190 million in state resources to cover these facilities.

New York State has the 4<sup>th</sup> highest LTC resident population in the country (163,755 beds), however funding lags well behind other states with similar or higher LTC resident populations. For example, California, with 308,011 beds, funds its program at \$6,927,242, which accounts for 51.5% of the total funding, or \$22 per resident in state funds. New York State however, funds its program at \$1,190,000, which accounts for 31.8% of the total funding, or \$7 per resident in state funds.

We respectfully request an increase in LTCOP funding with an **initial investment of \$20 million to add local professional ombudsmen in the field**. Currently, residents in fewer than half of New York State's facilities have regular access to an ombudsman. This situation has gotten significantly worse over the course of the pandemic and currently residents in fewer than half of New York State's facilities have regular access to an ombudsman. Our organizations believe that absent funding, this number will decline as many volunteers (who are often themselves seniors) have left the program or are unwilling to enter a facility. Furthermore, the challenges of the persistent pandemic have made clear that New York's over-reliance on volunteers, instead of paid professional staff, undermines our ability to provide the effective and proficient ombudsman services that every resident is entitled to under the Older Americans Act.

Thank you for your attention to this important matter.

Sincerely,

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AARP New York

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