

## **MEMORANDUM OF OPPOSITION**

### **A.2188 (Dinowitz) / S.3498 (Sanders)**

#### ***An Act to amend the public health law, in relation to the posting of additional nursing home ratings***

The New York State Health Facilities Association | New York State Center for Assisted Living (NYSHFA | NYSCAL), which represents more than 450 skilled nursing and assisted living facilities across New York State, **opposes** A.2188/S.3498 which would require nursing homes to post their ratings for health inspections, staffing, and quality measures. This is in addition to provisions already established that require posting of Centers for Medicare and Medicaid Services (CMS) quality ratings. This bill is redundant and unnecessary.

Nursing homes are already required to post survey results and staffing levels. NYCRR Section 415.3(v) – Resident’s Rights (*eff. 2/24/2022*) stipulates that residents can examine the results of the most recent survey of their facility conducted by federal or State surveyors, including any statement of deficiencies, any plan of correction in effect with respect to the facility, and any enforcement actions taken by the Department of Health. Survey results must also be made available by the facility for examination in a readily accessible location to residents and designated representatives without staff assistance.

The intent of the CMS 5-Star Quality Rating Program is to assist consumers in comparing individually pertinent areas of care when choosing a nursing home for themselves and/or their loved ones. However, the system is not without its flaws and should not be used as the sole indicator of a facility’s quality care of residents. Furthermore, while these quality ratings are publicly available on the CMS website, they do not contain updated information.

The information this bill is seeking to make more transparent can be technically or medically complex and difficult to interpret. Because of this complexity, the Department of Health has created inspection reports to present this information in a manner that is more understandable to the public and helps consumers compare, evaluate, and choose a nursing home. For each nursing home, information is presented in a “Summary and Detail” section. All information is updated monthly to reflect the three most recent certification surveys, and the last three years of complaint surveys.

Furthermore, nursing homes must now comply with new minimum staffing standards (PHL §2895-b; *eff. 1/1/2023*). In accordance with statute, a nursing home must post information regarding nurse staffing at the facility and this information must be visible and accessible to residents, their families, and the staff.

In general, while we agree that information should be accessible to residents and their loved ones, it is important that information is accurate, timely, pertinent, not redundant, and available in a format that is understandable to the public.

***For these reasons, NYSHFA | NYSCAL opposes A.2188 (Dinowitz)/S.3498 (Sanders) and urges its rejection.***

*March 2023*

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