April 6, 2022

I am writing to ask that The NYS Assembly and Senate work with Governor Hochul the state consider and implement appropriate funding and staffing recruitment initiatives to support nursing homes. As someone who is affected directly by minimum staffing hours mandate, I am witnessing first-hand the terrible impact that underfunding of long-term care has on the people that call nursing homes, home. Now, due to the pandemic and associated healthcare staffing crisis, the health and well-being of our most vulnerable NY State residents are at risk due to years of chronic underfunding and lack of state support during a once-in-a-century pandemic.

Nursing homes’ ability to pay competitive wages and recruit staff in the context of a statewide health care staffing emergency depends on New York’s Medicaid program which covers nearly 75 percent of nursing home days. Very few nursing homes in the state would currently meet the rigorous and unrealistic, state mandated staffing standards, due to a lack of resources and a lack of available candidates for open positions. New York’s nursing homes have not had a Medicaid rate increase in 14 years, while costs have grown by a staggering 31 percent. Even before the pandemic, New York’s nursing home Medicaid rates were among the lowest in the nation when compared to their costs.

When the pandemic hit and most states increased their Medicaid rates for nursing homes, the Cuomo administration imposed additional cuts on nursing homes, despite skyrocketing expenses for personal protective equipment, hazard pay and sick leave, and infection prevention measures. Inadequate Medicaid rates have made it particularly challenging for nursing homes to respond to workforce shortages that have grown during the pandemic across all sectors. With Medicaid paying for nearly 75 percent of the days of care they deliver, and Medicare covering much of the rest, nursing homes can’t raise their prices to offer higher wages like hospitals and businesses. These conditions have made compliance with the minimum staffing hours law infeasible. Nursing homes will have to substantially scale back admissions even further to comply. This would only prolong the hospital stays of patients who are ready for discharge to post-acute care and would exacerbate shortages of hospital beds for patients who need acute care. According to LeadingAgeNY, an analysis of nursing home payroll data shows that, even using a conservative estimate, nursing homes will now have to hire more than 12,000 nurses and aides to comply with New York’s minimum nursing hours requirements. This gap has tripled since late 2019. Today, even the non-profit and public homes in New York State would have to hire more than 4,000 nurses and aides to meet the requirements of the law. Those job applicants simply do not exist and will not materialize without a substantial and ongoing increase in Medicaid reimbursement that would support higher wages.

During the pandemic, I, along with other family members and nursing home staff, advocated hard for the passage of the Essential Caregivers Bill, to stop the isolation that was affecting our loved ones. So many suffered and died from "failure to thrive," when they were denied the basic human right of visitation by their loved ones. You listened then to our testimony of what was happening on the ground, and you did the right thing by passing the Essential Caregivers Bill. Please don’t leave those same New Yorkers behind now. Our loved ones in nursing homes have suffered enough - this staffing level mandate could force nursing homes throughout New York State to face large fines if not in compliance, discontinue admissions, close units, or even be forced to sell, or close their doors permanently. Our nursing homes deserve support from New York State in the midst of a crisis, not additional mandates and continued underfunding that will ultimately harm residents further by disturbing the only place they call home.

I urge the Governor and the Legislature to make available sufficient funding in the state budget to support the long-term care workforce in all settings, including nursing homes.

Sincerely,