

NY ALFA

NEW YORK CHAPTER OF ALFA

MEMBER UPDATE

Newsletter of the NY Chapter of the Assisted Living Federation of America (ALFA)

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<http://ny.alfa.org>



Ken Ruthinoski, President & CEO, Dominican Village with Congressman Timothy Bishop (D-NY-1) at ALFA Fly-In, Washington, D.C. March 7th.

New York's Voice for the Assisted Living Community

Nancy Hodes: Co-Director
Ginger Lynch Landy: Co-Director
Michele O'Connor: Legislative and Policy Issues
Courtney David: Member Services

Spring 2012

New York State Budget On Time Again!

The Legislature passed a \$132.5 billion budget for Fiscal Year 2012-13 on March 30th—two days before the April 1st deadline, making this the second on-time budget during Governor Cuomo's tenure. The spending plan makes modest changes to the budget Governor Cuomo proposed in January and includes the establishment of a new State Commission to oversee all forms of gambling in New York; increases education aid by \$805 million; and provides \$770 million in support for the Metropolitan Transportation Authority over the next three years. The budget does not establish a health insurance exchange to comply with the federal health care overhaul. However, the Governor has stated his intention to establish the governing structure of an exchange via Executive Order, within the next few weeks.

Several of the adopted budget initiatives were supported by NY ALFA and recommended by the Medicaid Redesign Team's Affordable Housing Work Group of which Ginger Landy, NY ALFA Co-Director, was a member. They include significant reforms and improvements to the **assisted living program (ALP)** supported by our association. The new budget allows assisted living programs (ALPs) to contract with more than one certified home health agency (CHHA) and/or long term home health care program (LTHHCP). Previously, they were restricted to contract with only one CHHA or LTHHCP. Under this budget, ALPs are also permitted to conduct the initial assessment either directly or through a contract with a LTHHCP. Additionally, the budget requires the Commissioner of Health to establish regulations to provide reimbursement for the cost of preadmission assessments conducted directly by assisted living programs.

Most significantly for NY ALFA members, the **budget maintains the 6,000 ALP bed expansion** authorized several years ago, and repeals the law that required each **new assisted living bed be linked to a decertified nursing home bed**. NY ALFA strongly advocated for this provision to make the program more accessible to providers who choose to participate in the assisted living program.

The new spending plan also creates a **supportive housing development program** to establish grants to fund supportive housing development and program activities to ensure a stable system of supportive housing for vulnerable persons in the community. The program will be funded through a portion of the savings realized from the decertification and/or closure of inpatient hospital and nursing home beds. NY ALFA will continue to work with the Administration to ensure that assisted living is recognized and supported through this program.

Budget Continued on page 3

SAVE THE DATE 6/5-6/6
NY ALFA Advocacy Day

Please welcome our newest provider member:



THE KENSINGTON
An Assisted Living Residence

NY ALFA welcomes our newest Industry Partner:

LANCASTER POLLARD

Lancaster Pollard offers a full range of investment banking, mortgage banking and investment advisory services.

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Legislative

NY ALFA staff monitor daily the introduction, amendment, and movement of hundreds of bills of potential interest and concern to our members. Our analysis determines those proposals most likely to move and which bills require our members' direct feedback and advocacy. Below are several bills of active interest to NY ALFA:

Nurse Staffing Bill

A.8870/S.6274 (Gottfried/Montgomery) **In Assembly Health Committee and Senate Rules Committee**

This bill would require all enhanced assisted living residences and special needs assisted living residences in New York to have a Registered Nurse on duty one shift per day, five days per week.

NY ALFA provider members support qualified and appropriate staffing as central to ensuring resident safety and the provision of the highest quality care and services. Assisted living communities have unique resident populations composed of individuals with differing levels of care and service needs.

This bill would disregard the particular characteristics of each resident community by requiring an RN to be on staff one shift per day, five days per week for all EALRs and SNALRs. **A "one size fits all" approach is not appropriate.**

NY ALFA discussed our objections with both Sponsors' offices and Committee staff and will be issuing a Memo in Opposition to this bill. If you would like a copy of this Memo, please call Michele O'Connor at 518-465-8303.

Enforcement/Penalty Bill

A.8862/S.6278 (Gottfried/Grisanti) **In Assembly Health Committee and Senate Social Services Committee**

This proposal would increase potential penalties for adult care facilities from \$1000 per day to \$5000 per day; eliminate the provision of existing law that waives penalties if rectification of violation occurs within 30 days; and add the term "risk of harm" to the definition of violations.

NY ALFA encourages regulatory agencies to exercise **existing, appropriate enforcement authority** to issue violations, penalties, and suspend, limit or revoke operating certificates, to protect seniors from providers who have established a clear pattern of disregard for their adult care facility/assisted living residents' safety.

Additionally, NY ALFA maintains that rectification incentivizes the immediate correction of problems as soon as they are identified. Penalizing those providers who have already acted to resolve a violation, which may simply be an oversight, does not improve quality of care and services, rather it diverts resources away from the central function of communities and can increase costs to residents.

NY ALFA discussed our objections with both Sponsors' offices and Committee staff and has issued a Memo in Opposition to this proposal highlighting our concerns. If you would like a copy of the Memo, please call Michele O'Connor at 518-465-8303.

Direct Care Aide Training Curriculum Bill

A.8861-A/S.6279-A (Gottfried/Grisanti) **In Assembly Health Committee and Senate Health Committee**

This bill would establish a workgroup to develop a standard uniform curriculum to be mandated for use in training direct care staff in adult care facilities; require at least 40 hours of instruction divided between hands on and classroom learning; require successfully passing a written and practical exam prior to providing direct care without supervision; and require the trainers to be, at a minimum, LPNs.

We have a number of concerns with this bill, including the LPN requirement, and the requirement to pass a written exam. Additionally, our position is that any new training requirements should be based on the Department of Health's ALR Resident Care Aide Training Curriculum Guide that was developed by a similar work group that included NY ALFA and other stakeholders several years ago.

We are working with our Public Policy Committee to ensure that the Department's Guide, as it is currently written is an acceptable foundation from which to proceed in our advocacy on this issue.

Regulatory

ACF/ALR Paperwork Reduction Work Group

NY ALFA is an active member of the New York State Department of Health's Paperwork Reduction Work Group which has been meeting for over one year. At the last meeting in January, the Work Group finalized a streamlined 3122 Medical Evaluation form which has been **pared down to three pages from four**. The next set of forms scheduled to be reviewed are the ISP and the functional assessment form for enriched housing programs. The Work Group is scheduled to meet again on April 19th. We will update you on any progress after that meeting. We welcome member input and suggestions on how to improve these forms to best meet their intended purpose while reducing time spent completing paperwork.

Architectural Work Group

The DOH Architectural Work Group has not met since December. However, the group does plan to meet in the next few weeks to continue discussions on appropriate occupancy codes for enhanced assisted living residences and special needs assisted living residences as well as further clarifications of the Third Party Architectural Certification policy. NY ALFA is advocating for the most flexible policy with respect to occupancy codes while ensuring residents' health and safety.

AT A GLANCE

ASSISTED LIVING CONVERSION PROGRAM

The federal government, through the US Department of Housing and Urban Development's Multifamily Housing Special Needs Program, has made \$25 million in grant money available for applicants interested in converting multi-family apartment complexes into assisted living communities for low income seniors.

Typical funding would cover basic physical conversion of existing project units, and eligible projects must be owned by a non-profit entity. Grants will be competitive and capped at \$5 million per grant.

More information on the Assisted Living Conversion Program is available at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/

BUDGET Con't

The budget also restores funding for a number of critical senior programs including \$30.6 million for the Elderly Pharmaceutical Insurance Coverage Co-Payment Assistance (EPIC); \$1.135 million for Expanded In-Home Services for the Elderly Program (EISEP) and Community Services for the Elderly Program (CSE); and \$34.3 million to maintain the right for spousal refusal in New York State.

Please give us a call if you have any questions or would like additional information.

Successful ALFA Fly-In March 6-7

Ginger Lynch Landy, Co-Director, NY ALFA and Michele O'Connor, Legislative Director, NY ALFA, attended the ALFA Advocacy Fly-In March 6th and 7th in Washington DC. Approximately 140 senior living executives from across the country participated in this extremely interesting and productive event. Numerous representatives from NY ALFA provider members were able to deliver important messages regarding assisted living and senior living issues to many members of Congress.

Kathy Greenlee, Assistant Secretary for Aging, addressed the group at the Training and Issues Briefing on March 6th. Her presentation focused on elder abuse prevention, funding for critical programs including Meals on Wheels and other community supports, as well as the importance of programs that fight ageism and encourage collaboration between providers and ombudsmen, and effective caregiver supports. She also emphasized the importance of direct advocacy and the need to maintain a strong presence in Washington to focus lawmakers' attention on the needs of our growing senior population.



Many of the topics she raised were included in our discussions with members of Congress. We focused on the need to reauthorize the Older Americans Act, which provides funding to States for numerous community programs, funding the National Alzheimer's Project; funding the Elder Justice Act which was signed into law in 2010, but has not yet been funded; and the need to include assisted living in the definition of home and community based services for federal waiver programs.

It was an extremely successful and productive event, and we encourage you to participate in next year's Fly-In – you will find it a very rewarding experience!

NY ALFA Advisory Board & Public Policy Committee

2012 NY ALFA Advisory Board

Chris Guay, Senior Vice President, Ancillary Services
Emeritus Senior Living
Steve Lampa, Partner
Fountain Square Senior Living
Kathleen Richards, Regional Vice President of Operations
Brookdale Senior Living
Carole Proce, Area Director of Wellness and Operations, Brandywine Senior Living
Kenneth Ruthinoski, President and CEO, Dominican Village

The NY ALFA Advisory Board and Public Policy Committee kicked off 2012 with a meeting in late January. We mapped out our agenda for the year which includes legislative and regulatory efforts discussed on pages 2 and 3 of this newsletter, an Advocacy Day Webinar, our Advocacy Days June 5th and 6th, and Regional Meetings to be scheduled this Fall.

2012 NY ALFA Public Policy Committee

Mike Pochowski, Manager, Government Affairs and Legal Operations, Brookdale Senior Living
Karen Kroh, Vice President for Regulatory Excellence, Sunrise Senior Living
April Johnson, Director of Operations, Sunrise Senior Living
Steve Bowman, President Peregrine Companies
Chris Guay, Senior Vice President, Ancillary Services
Emeritus Senior Living
Steve Lampa, Partner
Fountain Square Senior Living
Carole Proce, Area Director of Wellness and Operations, Brandywine Senior Living
Kenneth Ruthinoski, President and CEO, Dominican Village



SAVE THE DATE
JUNE 5th and 6th

NY ALFA Advocacy Day
June 5th and 6th

NY ALFA's annual **Advocacy Day** will be held on June 6th in Albany. We will kick off the event with a cocktail reception at **Taste on June 5th** from 5:00-7:00 pm. On **June 6th**, we will meet in the Legislative Office Building at 8:00 for a briefing by our experienced advocacy staff and a discussion with influential policy makers, followed by legislative meetings from 10:00 to 4:00. We look forward to seeing you for what will be a rewarding experience. Come be New York's voice for the assisted living community!



ADVOCACY DAY WEBINAR
MAY 23rd

To prepare our **Member Advocates** for Advocacy Day, NY ALFA will host a webinar on **May 23rd** to review what to expect on Advocacy Day, including the schedule, agenda and talking points. Please submit your list of attendees by **April 20th** to Michele O'Connor at: moconor@nyalfa.org.

Events

Through the National ALFA PAC, NY ALFA attended an event for Senator Kirsten Gillibrand on March 24th here in Albany. Several of our local provider members joined us to invite the Senator and her staff to visit their communities. The Senator sits on the Select Committee on Aging and we look forward to working with her in the future.



In September 2011, NY ALFA welcomed it's newest provider member, The Kensington. Located in the heart of white Plains, NY, The Kensington is an enhanced assisted living and memory care residence. For those residents with memory impairment, The Kensington offers two levels of care in specially designed neighborhoods. We look forward to The Kensington's participation in NY ALFA!

For more information about The Kensington, please visit: www.thekensingtonal.com or call (914) 390-0080



Emeritus Partners with 3in4 Association and Dr. Marion

Emeritus Senior Living will serve as a sponsor of the 3in4 Association cross-country bus tour this spring to raise awareness about planning ahead for long term care. A recent study by Prudential Financial Inc, found that approximately three out of every four Americans are concerned about long term care planning, but have not taken adequate steps to prepare for their long term care needs. The 3in4 Association is dedicated to raising the awareness for each American of the importance of planning for those long term care needs. Dr. Marion Sommers, geriatric expert and author of Elder Care Made Easier, will drive the 3in4 Need More bus to 50 cities across the US- including 25 Emeritus communities. The bus will make stops at Emeritus communities in Buffalo, Rochester, Latham and NYC this summer.

For more information about this program, please visit www.3in4needmore.com, or contact Rachel Garrett at colonie-ed@emeritus.com

PLEASE SUPPORT NY ALFA's INDUSTRY PARTNERS

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Dora Kay at dkay@beeryrio.com

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