

MEMBER UPDATE

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

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SUMMER 2013



*Nancy Hodes, NY ALFA, Maribeth Bersani, ALFA, Mary Hart, DOH
Mark Kissinger, DOH and Ginger Lynch Landy, NY ALFA at NY ALFA's
7th Annual Advocacy Day Reception*

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

2013 Legislative Session Re-Cap

Successful 2013 Legislative Session

The 2013 Regular Legislative Session concluded on June 22, 2013. During the final days of the Session several of the initiatives championed by Governor Cuomo were passed, including **Start-UP NY**, a program that creates tax free zones on and near public college campuses; a measure to amend the State constitution to permit **new resort casinos** – setting up a voter referendum on legalized gambling in the Fall; and an amendment to the **SAFE ACT** which would permit retired law enforcement officers to keep assault weapons and high-capacity magazines purchased during their time on the force.

The Governor was not able to secure passage of the **Women's Equality Act**. The Assembly passed the entire 10 point package which includes measures to protect women's rights at work, codify women's reproductive rights, and strengthen domestic violence laws. The Senate passed nine of the ten points, but was unable to come to agreement on the provision codifying women's reproductive rights.

Neither Governor Cuomo's **campaign finance reform** proposal, nor his **anti-corruption package** were passed this Session, despite recent instances of legislative misconduct. As a result, the Governor has convened a **Moreland Commission** to investigate campaign donations and spending by lawmakers.

Session Re-Cap continues on page 2

Save the Date:

October 3rd NY ALFA's Fall Executive Director Roundtable

Details on page 6

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The 2013 Regular Legislative Session was an **extremely successful one for NY ALFA**. Thanks to **your efforts** both in providing **strategic advice** and **active participation** on Advocacy Day, we were able to achieve a number of legislative and regulatory goals.

In response to NY ALFA's advocacy efforts to streamline and expedite the ACF/ALR/EALR/SNALR licensure process, the Department convened a work group to examine the current licensure application process. NY ALFA is an active member of this Work Group. An in depth summary of the Work Group's efforts so far can be found on page 3.

In alignment with this initiative, **NY ALFA's proposal to allow for CARF accreditation** in lieu of initial licensure and annual surveys, was introduced in both Houses of the Legislature. Additionally, **S.5628/A.7835** (Hannon/Gottfried), which allows for a **certification process for certain components** of the ACF/ALR application for existing operators in good standing, passed both Houses. We have sent a letter on behalf of NY ALFA urging the Governor to sign the bill as soon as possible.

NY ALFA's advocacy efforts on several other legislative proposals were also successful and are highlighted below:

Automated External Defibrillator and CPR Bill

S.3455 (Flanagan)

A.5957-A (Englebright)

Status: In Senate Aging Committee; In Assembly Health Committee

NY ALFA voiced our concerns to the sponsors about a provision that would allow volunteers in a residence to utilize AED's to resuscitate residents. We were able to have the Assembly bill amended to remove this provision and to also include a provision to ensure that residents DNRs are honored. The Senate has not yet amended the bill and we were able to have the original bill held in the Senate Aging Committee. The bill did not advance in the Assembly.

Rate Study Bill

A.6769-A /S.4684 -A (DenDekker/Lanza)

Status: In Assembly and Senate Aging Committees

This bill would authorize a study to **review the fees and charges assessed to residents of assisted living residences and the increase** in such fees and charges. Originally it contained a provision authorizing SOFA to make recommendations to limit the increase of fees and charges.

As a result of our meetings with Senator Lanza and Assemblyman DenDekker, the bill was amended to remove the provision authorizing SOFA to make recommendations to limit the increase of fees and charges. Our continued concerns with the bill resulted in it not moving out of Committee in either House.

Criminal History Record Check Bill

S.4926/A.5476-A (Hannon/Cymbrowitz)

Status: Passed the Senate; In Assembly Health Committee

NY ALFA supports this proposal which would require all adult care facilities and assisted living residences to **conduct criminal background checks on all prospective direct care staff** through the existing Department of Health system currently utilized for prospective employees of nursing homes and home care agencies. The DOH system employs an **FBI and fingerprint background check, a centralized registry for direct care workers, and an on-going alert system that informs employers when previously cleared employees have been convicted of a crime.**

The bill passed the Senate but did not advance in the Assembly. We will continue our support of this resident safety initiative during the next session.

ACF/ALR Application Licensure Review Streamlining Work Group

As mentioned in the 2013 Legislative Session Update on page 2, the Department of Health has convened a Work Group to review the Adult Care Facility and Assisted Living Residence application process and make recommendations to streamline and simplify the lengthy licensure approval process.

The Work Group has broken out into Sub-committees to examine the five main components of the application: **Part One; Part Two; Legal; Architectural; and Financial**. NY ALFA is a member of each of the Sub-committees and continues to work with the Advisory Board and Public Policy Committee as the various components of the application are examined.

We are encouraged by the progress of the Work Group thus far and while it has involved a tremendous amount of work and meetings every other week, it appears that the final recommendations will be advanced to Executive staff by **this Fall**.

If you have any comments or suggestions, please forward them to our office so we can advance them as quickly as possible.



Architectural Work Group

The Department of Health's Architectural Work Group continues to meet regularly with Hodes & Landy actively engaged on behalf of NY ALFA. The focus of the last several meetings has been the need to bring greater consistency and more appropriate standards to the assisted living environmental and architectural requirements in both the NYS building code and DOH regulations. NY ALFA has been working with several architects including Steve Ruiz of Moseley Architects/BeeryRio and Dan Purgeil of LRS Architects and actively supporting efforts to provide for appropriate standards that allow for aging in place with flexibility among equally safe occupancy code options (i.e. I-1, plus or I-2). Dan Purgeil was instrumental in drafting and advocating for the G-31-12 codes recently passed by the International Code Council, which may serve as a foundation for NYS updates.

Hodes & Landy will represent NY ALFA at the next Architectural Work Group meeting scheduled for early October. The Work Group plans to discuss proposed building code and DOH regulatory updates.

EALR Work Group

Hodes & Landy also represents NY ALFA on the Enhanced Assisted Living Work Group. This Work Group continues to refine the Questions and Answers document it has been developing to help clarify certain issues related to the Enhanced Certification for assisted living residences. These issues include whether to permit EALR residents to reside on upper floors in a community, how to transition to electronic Medication Assistance Records, and the roles of Home Health Aides vs. Certified Nurses Aides. We will update you as we have additional information on these topics.

Flu Mask Regulation



Effective July 31, all personnel who are not vaccinated against the influenza virus and are working in hospitals, nursing homes, diagnostic and treatment centers, adult day health care facilities, CHHAs, LHCSAs, LTHHCPs, AIDS home care programs, limited LHCSAs, and hospice programs will be required to wear a surgical or protective mask during the influenza season while working in areas where patients may be present.

If you would like additional information about this new regulation, please call our office at 518-465-8303.

Record Turn Out for Advocacy Day! June 3rd and 4th—Albany, NY

Thank you to all NY ALFA members who participated in our 7th Annual Advocacy Day on June 4th! Your efforts were critical to the day's enormous success! Highlights of the day are showcased below.

Special thanks to our sponsors: Brandywine Senior Living, Brookdale Senior Living, Moseley Architects/Beery Rio, and Dominican Village

Reception at Taste Restaurant June 3rd

NY ALFA welcomed Advocacy Day participants at a reception sponsored by Brandywine Senior Living, Brookdale Senior Living and Moseley Architects/BeeryRio.

It was a wonderful opportunity for our members to gather informally prior to meetings the following day. NY ALFA honored **Mary E. Hart**, newly retired Director of the Division of Assisted Living for her years of outstanding leadership and service in assisted living policy.



Ginger Lynch Landy presents Mary E. Hart with NY ALFA's Distinguished Service Award

Prior to the reception, CCG, NY ALFA's new online training partner, gave an overview of the on line continuing education courses we are now offering. See page 5.



Breakfast Briefing June 4th

Prior to meeting with legislators, NY ALFA Member Advocates gathered at the Legislative Office Building for a Breakfast Briefing sponsored by Dominican Village.

Keith Servis, Director for Health Care Quality and Surveillance and **Valerie Deetz**, Director for ACF and Assisted Living Surveillance addressed our group and discussed the current ACF/ALR/EALR/SNALR application process and plans to streamline and improve the process in the future.



Keith Servis addressing NY ALFA Member Advocates

Keith and Val also engaged in a lively dialogue with our members on a number of operational topics including the annual survey.



*Maribeth Bersani
SVP Public Policy ALFA*



*Brian Danaher
VP & Associate General Counsel
Benchmark Senior Living*



Senator George Maziarz also stopped by to greet our members and reiterate the importance of their advocacy efforts and their value in the long term care continuum.

Senator George Maziarz



Advocacy Day Legislative Meetings

NY ALFA Member Advocates met with approximately 40 legislators and key staff during Advocacy Day and were extremely successful in conveying our messages regarding the need to streamline and expedite the ALR/EALR/SNALR application process as well as our concerns with several legislative proposals.



*NY ALFA Member Advocates meeting with
Assemblyman Gottfried,
Chair of Assembly Health Committee*



*NY ALFA Member Advocates meeting with
Assemblyman Englebright's Chief of Staff
Elizabeth Nostrand*

If you were not able to attend, please consider joining us next year— it is an excellent opportunity to educate law-makers on senior living issues as well as showcase your community!

NY ALFA Training Courses

NY ALFA is pleased to announce that our **Continuing Education Program** is up and running! Over **100 hours of on-line continuing education credits** are available for NY ALFA Members at a **discounted price**.



Each continuing education topic category required within New York State regulations is covered in depth. NY ALFA members will receive 2 years full access to these courses for **\$179.00**.

Please visit our website at www.nyalfa.org and click on the Education tab on the top of the screen. Follow the drop down menu and click on NY ALFA CEU Program tab to begin accessing these education courses immediately.

Executive Director Roundtable



Save the Date!
NY ALFA Fall Executive Director Roundtable
October 3rd
Emeritus at Woodland Place
Vestal, NY

Details coming soon

ALFA Fly-In September 17 & 18—Washington, D.C.

National ALFA's Annual Fly-In is scheduled for **September 17th and 18th in Washington, D.C.** We encourage you to take advantage of this opportunity to educate federal lawmakers on the senior living industry. You can register by clicking on the following link:

<http://www.regonline.com/builder/site/?eventid=1259453>

We hope to see you there!



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