



Legislation Text

File #: Res 1225-2016, **Version:** *

Res. No. 1225

Resolution calling upon the New York State Legislature to significantly increase funding for the New York State Long-Term Care Ombudsman Program

By Council Members Chin, Barron, Palma, Vallone, Kallos and Menchaca

Whereas, The long-term residential care industry in New York State has had a long history of providing poor care; and

Whereas, Numerous studies have shown that the same problems identified over the last few decades are still causing harm to residents in long-term care facilities today, such as inadequate care and monitoring, inappropriate medication management and neglect; and

Whereas, Residential care facilities include nursing homes, which provide continuous medical or skilled nursing care and related services above the level of room and board; and

Whereas, Residential care facilities also include adult care facilities (such as adult homes, enriched housing and assisted living programs), which provide non-medical residential care services to adults who are substantially unable to live independently; and

Whereas, According to the Kaiser Family Foundation, New York State has the highest number of nursing home residents in the country, with 105,131 residents out of a total of 1,347,983; and

Whereas, According to the New York State Department of Health (“DOH”), nearly 50 percent (250 of 531) of all licensed adult care facilities and nearly 30 percent (175 of 628) of all nursing homes in New York State are located within New York City; and

Whereas, An investigative series by The New York Times in 2002 uncovered widespread abuse, inhumane conditions and suspicious deaths in adult homes in New York City; and

Whereas, The New York Times series detailed numerous instances of squalid and vermin-ridden rooms, assault of residents by workers, suicides of mentally ill residents due to lack of supervision and treatment, forcible treatment and surgical operations for Medicare and Medicaid fees and misappropriation of residents' funds; and

Whereas, The New York State Office of the Attorney General brought criminal charges against nine employees of a New York City nursing home in 2006 after a hidden camera investigation revealed chronic patient neglect and falsification of patient records; and

Whereas, The hidden camera revealed that a patient developed dangerous pressure sores because the home failed to regularly attend to the patient and also showed that the patient often received no assistance in eating and often went without any food or drink entirely; and

Whereas, A class action was brought in 2013 against New York State on behalf of individuals with serious mental illness residing in 23 adult homes in New York City for failure to provide services to residents in the most integrated setting appropriate to their needs; and

Whereas, The 1978 Amendments to the Older Americans Act required every state to operate a Long-Term Care Ombudsman Program ("LTCOP") that advocates for the health, safety, welfare and rights of residents of nursing homes, adult homes and other similar adult care facilities; and

Whereas, In New York State, the LTCOP is administratively housed within the New York State Office for the Aging ("NYSOFA") and provides services through a network of 36 local programs; and

Whereas, According to the NYSOFA, each local ombudsman program has a designated ombudsman coordinator who recruits, trains and supervises a corps of trained volunteers (currently more than 1,000 statewide) that provide a regular presence in nursing homes and adult care facilities; and

Whereas, Under Title VII of the Older Americans Act, LTCOP responsibilities include identifying and resolving complaints made by or on behalf of residents, providing information to residents about long-term care services, representing residents' interests before governmental agencies, seeking administrative, legal and other

remedies to protect residents, and recommending changes to laws and policies on behalf of residents; and

Whereas, While New York State has the largest nursing home population in the country, its LTCOP is severely underfunded and understaffed compared to other states' LTCOPs; and

Whereas, According to the U.S. Department of Health & Human Services ("HHS"), California, has the second largest nursing home population in the country (97,970 residents) after New York State; and

Whereas, California, despite being second, far surpassed New York State in terms of LTCOP staffing, complaints handled and funding every single year from 2007-2013; and

Whereas, According to HHS, California's LTCOP closed nearly 20 times as many cases in 2013 as did New York State's LTCOP, with 30,964 closed cases compared with only 1,606 closed in New York State; and

Whereas, According to HHS, California gave \$3,788,210 to its LTCOP in 2013, while New York State gave only \$229,236 - less than one-tenth of the amount California provided; and

Whereas, According to the Long Term Care Community Coalition, New York State's LTCOP is the fifth lowest in the nation in terms of percentage of state funding it receives and 16th lowest in the actual dollars it receives; and

Whereas, According to the Long Term Care Community Coalition, given New York State's size (nearly 20 million residents) and the fact that it has the largest nursing home population in the country, these figures indicate a serious lack of support by the State in ensuring that long-term care residents have meaningful access to LTCOP services; and

Whereas, In order to fulfill its mandate to advocate for and protect nursing home and adult care facility residents, state support for New York State's LTCOP should rise at least to the level that California provides; and

Whereas, Increased financial support for the LTCOP will help to improve the quality of care and quality of life for the large number of long-term care residents in New York City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to

significantly increase funding for the New York State Long-Term Care Ombudsman Program.

LS #6944
1/21/16
MHL