



SUPPORT

A. 05168 (Gottfried)

S. 01417 (Montgomery)

Requiring a Registered Nurse on Staff at Facilities Certified for Enhanced Assisted Living or Special Needs Assisted Living

May 16, 2013

MFY Legal Services, Inc. envisions a society in which no one is denied justice because he or she cannot afford an attorney. To make this vision a reality, for 50 years MFY has provided free legal assistance to residents of New York City on a wide range of civil legal issues, prioritizing services to vulnerable and under-served populations, while simultaneously working to end the root causes of inequities through impact litigation, law reform and policy advocacy. MFY's Disability and Aging Rights Project focuses on protecting the rights of people who live in institutions, including adult care facilities.

This bill amends the Public Health Law (PHL) to require assisted living facilities certified to serve people needing enhanced care or people with special needs to have a registered nurse onsite to assess and monitor the medical condition of residents.

Assisted living facilities provide congregate residential housing with supportive services in a range of settings designed to emphasize independence, autonomy, and choice. An assisted living facility can choose to apply for an Enhanced Assisted Living Residence (EALR) certification to serve people needing enhanced care, like those who are chronically bound to a wheelchair and unable to transfer independently. Similarly, an assisted living facility can choose to apply for a Special Needs Assisted Living Residence (SNALR) certification to serve people with special needs, including those with dementia.

Currently, there is no system in place for residents of assisted living facilities with EALR or SNALR certifications to receive in-person, ongoing professional medical monitoring or assessments. Residents of these specialized facilities are generally more vulnerable and more likely to be or become medically unstable than residents in other assisted living facilities. Reputable facilities with EALR or SNALR certifications use registered nurses to ensure that residents' medical needs are handled in a timely and consistent manner.

This bill is necessary to ensure that every New Yorker who is promised care for their enhanced or special needs by a facility that has voluntarily chosen these certifications has access to staff with professional training and skills. The Department of Health has recognized the importance of having a registered nurse on staff at these facilities. This requirement was even adopted by the Department in regulation, but a court decision held that it required statutory authority, which this bill would provide.

The need for effective care in assisted living facilities with EALR and SNALR certifications is becoming more pressing as the population ages and more individuals enter assisted living or age in place at assisted living facilities. A registered nurse onsite would ensure that this fragile population is safely taken care of in assisted living and not vulnerable to harm or forced into nursing homes, which are far more restrictive and costly.

For more information, please contact:

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