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GOVERNOR SIGNS HISTORIC LAW TO PROTECT ASSISTED LIVING RESIDENTS

Measure Will Offer New York's Seniors Better, Safer Options for Their Long Term Care

Governor George E. Pataki today signed into law historic assisted living reform legislation he has long-championed, which will provide New York seniors with greater protections and improved long-term care options.

"This new law will provide added protections for our seniors, encourage new development of much-needed assisted living residences across the state, and hold operators of these facilities accountable for the services they provide," Governor Pataki said. "We're proud that with this powerful new law, New York's families will know that their loved ones are receiving the services they need in a safe and supervised environment."

Senator Kemp Hannon, Chairman of the Senate Health Committee, said, "Assisted living has become an integral part of long term health care services here on Long Island and across New York State, necessitating protections for residents and consumers. With this new legislation, we are recognizing this continuum of long term care and simultaneously establishing safeguards and disclosures to provide the highest quality of care and services to all of our seniors."

Senator George D. Maziarz said, "With the Governor's signature today, the assisted living reforms that we have sought for years will finally come into being. >From constituents to industry experts, many have been involved in getting this done, and we can all be proud of our efforts. As prime sponsor of the bill, I can confidently say that we are making sure that assisted living facilities are properly run, and that seniors' needs are being met every step of the way. This truly is a great day for the seniors of New York State."

Senator Martin Golden, Chairman of the Senate Committee on Aging, said, "This is a great day for New York's seniors and their families because the adoption of the Assisted Living Reform Act will provide for the necessary protections to age in place. I have worked with Governor George Pataki, my colleagues and numerous senior action groups to build the framework needed to protect the health and welfare of our seniors and also to provide peace of mind to their families. With this law, we have taken great strides forward to increase the protections afforded to our aging population. This truly is a momentous accomplishment for all seniors and their families across the State of New York."

Assemblyman Steve Englebright said, "After today, 'assisted living' will be defined in law and health and safety standards will be assured by the Department of Health licensing and oversight. For seniors and their families, this means that the uncertainty and abuses that have too often accompanied a decision to enter an assisted living facility will be replaced by predictability and a well-founded sense of security and well-being."

Lois Aronstein, AARP New York State Director said, "AARP commends the leadership of Governor Pataki for long championing senior housing reform legislation and signing this bill into law. Not only does this new law define the future of senior housing, it puts in place significant consumer protections for assisted living. Today, Governor Pataki and the Legislature have upheld a long tradition in New York of protecting its older citizens."

Rick Grimes, President/CEO of the Assisted Living Federation of America, said, "From a national perspective, passage of this assisted living reform law is hugely important. True resident choice - so central to the philosophy of assisted living - is being promoted as a result of this landmark legislation. ALFA applauds Governor Pataki and New York's lawmakers for their efforts and we are proud to have played a role in helping to achieve this outcome."

Lisa Newcomb, Executive Director of the Empire State Association of Adult Homes and Assisted Living Facilities, said, "We're proud that the reforms we fought so hard for are now law. The Governor and the Legislature should be commended for a thoughtful and comprehensive approach that protects consumers and ensures the future growth of this critical component of New York's long term care system."

The law establishes the Assisted Living Reform Act to fill gaps in adult residential services law that in some instances allowed facilities to operate without any licensure or state surveillance, and in other instances prevented facilities from appropriately expanding the range of services provided to their residents. The law essentially achieves two main objectives:

- It requires certain adult residences that are currently unlicensed (known as 'look alike' facilities) to become licensed as Adult Care Facilities (ACFs) and therefore become subject to state regulation and oversight; and
- It requires any residence that wishes to market itself as assisted living to seek an additional licensure as an Assisted Living Residence.

In addition, those operators who wish to provide a broader range of services, (known as 'aging in place' services) must obtain an Enhanced Assisted Living Certificate from the state Department of Health (DOH).

Moreover, those operators seeking to provide enhanced services to special needs residents, such as those with Alzheimer's or dementia, would have to obtain a Special Needs Certificate from the DOH.

The law also creates stiff new fines of up to \$1,000 per violation per day for operators who fail to meet the new standards. An enforcement fund supported by fines and licensure fees will be used by the State to further strengthen surveillance and enforcement activities.

The law also provides strong consumer protections to seniors, including a requirement that assisted living residences use "plain language" contracts that fully disclose a residence's services, fees and policies. The legislation includes a "Bill of Rights" to ensure that residents retain the option of managing their personal and financial affairs in the homes. The DOH is also authorized to develop a consumer information guide to inform and assist consumers in the selection of assisted living residences.

To obtain either the Enhanced Assisted Living or Special Needs certificate, operators must submit a plan to the DOH demonstrating how they will safely and appropriately meet all of their residents' needs, and have policies in place to continually meet those needs as they change over time. The plan also must describe the specific services for each resident, the staffing levels, the education, training and work experience of the staff, and the details of any renovation or modification to the facility made by the operator.

State Health Commissioner Antonia C. Novello, M.D., M.P.H., Dr.P.H said, "Governor Pataki's years of leadership in health care and support of housing for New York's most vulnerable citizens are what brought these much needed assisted living reforms to New York State. This law will better ensure that our seniors

receive the highest quality care and it provides them with yet another option to choose from in New York's comprehensive long-term care system."

State Office for the Aging (SOFA) Acting Director Neal Lane said, "The Governor championed a law that now provides us with clearly defined definitions and rules for assisted living in New York State. The law brings added protections to seniors in assisted living and helps expand the housing options available to seniors throughout the state."

An expert assisted living task force is also being established under the law to help address historical and emerging issues related to this population. The DOH and the SOFA will work closely with the task force to develop and implement recommendations to further improve safety and service provision.

The law will take effect in 120 days. ###

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