



Empire State Association
of Assisted Living
Care • Community • Connections • Every Day

2024 Executive Budget Legislative Priorities

The Empire State Association of Assisted Living – ESAAL – is a not-for-profit association representing more than 347 adult care facilities (ACFs), including adult homes, enriched housing, assisted living residences, and assisted living programs which are home to more than 33,000 seniors. These communities include low-income residences in which members rely nearly entirely on a fixed Supplemental Security Income (“SSI”) federal and state subsidy, Medicaid funded Assisted Living Programs (ALPs), and private pay residences, whose residents utilize their own funds – often their savings – to cover the cost of care.

ACFs are an essential part of the long term care continuum and provide a more independent, less institutional, socially based and less costly alternative for vulnerable seniors than the nursing home setting. Despite that, our industry has lagged behind other providers in terms of the support received. State reimbursement rates, including ALP and SSI, have remained historically low.

ESAAL Respectfully Requests Support for ACFs Through the Following Actions:

- **Restore the EQUAL Program:** The Budget proposes to eliminate the Enhancing the Quality of Adult Living (EQUAL) program. This is the only source of direct State support for ACFs and it has been providing \$6.5M in annual grants to facilities to improve resident quality of life. This funding is exclusively allocated to facilities that serve SSI, Medicaid and safety net residents. This program has been targeted for repeal by the Executive in the past and the Legislature has restored it so, once again, we are asking for your support in ensuring that this essential program is preserved and fully funded.
- **Assisted Living Program (ALP) Rate Reform:** The Medicaid funded ALP serves individuals who are medically eligible for nursing home care in a more independent, lower cost setting. Last year’s budget included a modest rate increase for the program, but the statutory base year for the ALP rate is still 30 years old and while it was trended to 2002, it remains too low to support the program. This is resulting in providers closing their doors with residents often ending up in nursing homes at a much higher cost to the State. The ALP base year needs to be updated in law from 1992 to 2022 and an additional 13.5% increase to the rate should be provided to bridge facilities until rebasing takes effect. This will help adequately reflect program costs and will prevent additional facility closures.
- **Quality Measure Reporting Requirements:** Same as last year, the budget includes a proposal to require reporting of quality measures and other rate/fee information by Assisted Living Residences (ALRs), Enhanced Assisted Living Residences (EALRs) and Special Needs Assisted Living Residences (SNALRs). While we support informing consumers, the language lacks specificity and gives sole discretion to the Department of Health (DOH) in making determinations regarding the quality measures and other required reporting. We are seriously concerned that this one-size-fits-all approach does not take into account the very diverse makeup of these communities in terms of services provided, residents served and pricing structure, and it could result in consumer confusion rather than transparency. This language should be revised to require DOH to work with industry representatives and other relevant stakeholders in the development of the quality measures and reporting parameters.
- **Special Needs Assisted Living Voucher Demonstration Program for Persons with Dementia:** This program subsidizes the cost of a Special Needs Assisted Living Residence (SNALR) for individuals with Alzheimer’s disease and/or dementia and prevents premature reliance on Medicaid and costly nursing home admissions. The Executive is proposing to make the program permanent. We are fully supportive of this initiative and, given the growing need, we would ask additional resources to be allocated so it can benefit as many individuals as possible.
- **ACF Caregiver Respite:** The budget proposes to allocate \$7.2M to provide relief to high-need family caregivers in respite care at adult care facilities, for a limited number of families/seniors. We are fully supportive of this proposal and would recommend that DOH consider utilizing a billable day formula for distribution to maximize the number of people who can benefit from it.