



## ESAAL's 2012 Goals and Advocacy Plan

- **ESAAL will promote assisted living as the state pursues the transition of all Medicaid-funded long term care services into the Managed Long Term Care/Care Coordination model.** The transition to managed care/care coordination is one of the most significant changes to New York State's long term care system in decades and ultimately will impact all services. Assisted living is one of the most natural settings for care coordination principles, and in 2012 ESAAL will continue to promote reform so that our members are best positioned in this new world.
- **ESAAL will educate Health Department officials newly assigned to regulatory oversight of Adult Care Facilities, Assisted Living Residences, and Assisted Living Programs.** The recent reorganization of the Department of Health resulted in the transition of regulatory oversight for ACFs, ALRs and ALPs in the Department's Office of Health System Management. In 2012 we will continue our efforts to educate these new policy makers about assisted living and how it differs philosophically and operationally from other long term care models such as nursing homes.
- **ESAAL will advocate for additional improvements to ACF and ALR operations.** In 2011 we accomplished the formation of a DOH/Association/ALR provider workgroup to reform overly burdensome and redundant ALR paperwork requirements. By the end of 2011 we achieved a streamlined and shortened ALR-3122 Medical Evaluation. In 2012, we continue those efforts with the consolidation and improvement of the ALR Personal Data and Resident Evaluation (ALR 4397) form, Individualized Service Plan, and annual case management evaluation paperwork and processes. Also, in 2012, we will engage in an education effort about ESAAL's newly passed law regarding required paperwork when a person returns from a hospital or rehab. We will reach out to the various nursing home and hospital associations to ensure that they understand the new law and the information that they must provide to ACFs/ALRs so that they are in compliance.
- **ESAAL will advocate for programmatic changes to the Assisted Living Program (ALP).** In late 2011 we accomplished recommendations made by the Affordable Housing Workgroup to the state's Medicaid Redesign Team for changes to the ALP that will further align it with the state's plan to use a managed long term care/care coordination model. (*Refer to ESAAL's 2011 Accomplishments for a list of those proposals.*) Some of the recommended changes will require statutory change. In 2012 ESAAL will advance this initiative by advocating with the New York State Legislature to make the necessary changes to the ALP law. Also in 2012, we will pursue passage of our legislation, introduced in 2011, that allows ALPs/ACFs to operate Medicaid-funded Adult Day Health Care services.
- **ESAAL will continue to pursue administrative and/or legislative solutions to expedite the ACF, ALR and ALP licensure application process, including changes to the Third Party Architectural Certification (TPAC) process.** To address the issue of long review times for Certificate of Need and other applications, in 2011 ESAAL and Hinman Straub proposed to DOH an expedited review process for use in certain ACF and ALR applications. Our proposal included recommendations for boilerplate language and processes that applicants may use to expedite the legal and financial review process. In 2011, further reduction of the Department's workforce resulted in additional strain and delays in the application process system. In 2012, ESAAL will work with Department officials to revise the application review system to address the state's staffing challenges. This effort will include reform of the recently implemented TPAC process so that alternative ways to demonstrate building compliance are allowed and/or the certification process is less costly.



- **ESAAL will pursue clarification from the Department of Health on the “hot topic”, regulatory issues currently facing our members.** These include what constitutes a “change in condition” for the purpose of requiring a new Medical Evaluation; rules for assisting with PRN medications; what tasks are considered basic first aid versus “skilled”; the Department’s perspective on the use of defibrillators in ACFs; and what tasks are/are not appropriate for an ACF/ALR aide to perform.
- **ESAAL will advocate with the NYS Legislature to secure new EQUAL funding for eligible ACFs for fiscal year 2012-2013, and for issuance of past years’ EnAbLE and EQUAL funding that remain unpaid.** Considering the state’s difficult financial situation and the many worthy causes deserving of state funding, this year ESAAL will vigorously advocate for continued funding for those ACFs that serve residents that have low income. Also, some past years’ appropriations for EQUAL and EnAbLE remain unpaid and ESAAL will advocate with the Department of Health, Division of Budget, and Legislature for release of those funds.
- **ESAAL will continue to represent the ACF/ALR/ALP industry with regard to the Disability Advocates court decision, based on the outcome of the State’s recent appeal.** On December 8, 2010, the Second Circuit Court of Appeals heard oral argument on the State’s appeal of the Disability Advocates court decision, which essentially requires the State to create 5,000 new “supported housing” slots for adult home residents that have a psychiatric disability. At the beginning of 2012, we continue to await the Appeals Court’s decision. In the meantime, we have seen the lower court’s decision spill over in ways that negatively impact all ACFs. In 2012 ESAAL will pursue remedy to ensure that the value of ACFs/assisted living is understood as the state makes long term care policy decisions. We will also continue to protect the interest of our members as necessary once the Court of Appeals issues its decision.
- **ESAAL will continue its education campaign so that all long-term care stakeholders understand the various assisted living models in New York State:** There is a growing need for continuing education about our industry. In the past, we have targeted each county’s New York Connects professionals, NYS legislators, local planning and zoning boards, the general public, and hospitals. In 2012 we will continue with these efforts and create tools/resources for our members to use as they educate people about assisted living in their own communities. Also, with regard to what is considered “home and community based” housing, as 2012 begins we are responding to a recent legal settlement between the Department of Health and Disability Advocates Inc. related to appropriate nursing home placements, that does not consider certain adult homes to be “community housing”. ESAAL will vigorously pursue a more appropriate interpretation as the state makes future policy decisions.
- **ESAAL will offer new, low-cost training products and seminars focused on ALR/EALR/SNALR regulation and operations.** As some ESAAL members are now in their third year of operations, we have begun to accumulate regulatory guidance, wisdom, and challenges pertaining to ALR/EALR/SNALR operations. In 2012, ESAAL will offer first-of-its-kind ALR/EALR/SNALR training, focusing on lessons learned in the early phases of the program, and how operations may be streamlined and improved moving forward.