



**ESAAL's 2020 Virtual Fall Membership Meeting Agenda**  
**Presented by Lisa Newcomb, ESAAL, and Lori Sievers, Hinman Straub**

**The NYS Department of Health**

- What DOH central office wants you to know
- Current staffing priorities and assignments
- Resumption of routine surveys

**Legislative**

- Legislative hearings on COVID deaths in nursing homes and ACFs.
  - Various stakeholders, recurrent themes
  - ESAAL follow-up with legislators
  - NYS Bar Association inquiry into nursing home and ACF resident deaths
- Legislature activity for the rest of 2020, and 2021
- ACF penalties legislation (A4416-C/S3460) [HERE](#)
- Reimagining Long Term Care Task Force (S8633/A10836) [HERE](#)
- State budget deficit, COVID funding and 2020-2021 budget
  - 2020 EQUAL funds
  - Use of ACF financial data collected for advocacy efforts
- Federal Funding

**Regulatory/Policy**

- **COVID related**
  - Visitation
    - Planning for cold weather
    - Essential visitors
  - Hair salons
  - Employee and resident testing
  - Daily HERDS survey – violations issued
  - Endangerment violations issued in memory care units/SNALRs
  - Long term impact of COVID on assisted living's interaction with the federal government
- **Other**
  - New Mental Health Evaluation form DOH-5075
  - Change to employee TB testing regulation
  - Medical equipment waivers
  - ACF financial report – new CPA certification statement
  - Assistance with resident transfers
  - Challenging violations and findings – IRP
  - Assisted Living Program (ALP) – new OMIG powers
  - SSI COLA for 2021

**Legal**

- SSI litigation update
- Transitional Adult Home update

**ESAAL activities**

- Working during COVID crisis
- Public relations campaign
  - Press releases, media advisories, op-eds



- Facebook campaign
- Home health aide training program curriculum
- Support for PAC; invite legislators to visit the facilities
- Future trainings
  - Case management virtual training
  - ALP-related webinars
  - Hopes for an on-site 2021 Annual Conference

**Presentation by Lori Sievers, Hinman Straub, member of ESAAL's general counsel team:**

- I. Tiered Billing Walkthrough
  - a. Settlement in the works
  - b. Timing of your initial submission, DOH response, final implementation and
  - c. What can be included in the Tiered
  - d. Amendment versus New Agreement
- II. POCs/Stipulation Processing
  - a. Backlog
  - b. Barrier to other approvals
  - c. Stipulations are being processed
  - d. POCs are slowly being processed
    - i. Follow each directed POC
    - ii. QA has heightened focus, make monitoring plan concluding with QA Committee Recommendation.
- III. Prior Approvals from DOH – Still needed, what to do when delayed
  - a. Resident Protection Plan
  - b. Changes in the Residency Agreement
  - c. Addition of EALR Services
  - d. Changes in Ownership and changes in Manager of ALRs
- IV. Infection Control Protocol
  - a. Documentation of Failed Efforts
  - b. Availability of Supplies
  - c. Adoption of Policies
    - i. Dining Arrangements
    - ii. Mask Wearing for Staff and Residents; Supervision
    - iii. Social Distancing, Redirecting Residents
    - iv. Quarantine Protocol after Positive Tests, Single Rooms
  - d. Monitoring Screening
  - e. Updated Postings
  - f. Document Resident Communications
- V. Termination of Residents
  - a. On basis of non-payment
    - i. Moratorium on Evictions Until October 4<sup>th</sup> may be extended by E.O. or federal action
    - ii. You may issue a notice of termination
  - b. On other basis
    - i. Filings are being accepted
    - ii. Expect Backlog