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ESAAL Victorious – NYS Supreme Court Strikes Down Burdensome, Costly Provisions of State Department of Health Assisted Living Regulation

CLIFTON PARK, NY - The Empire State Association of Assisted Living (ESAAL) was notified late Friday that the NYS Supreme Court ruled against the Department DOH's most burdensome and costly assisted living mandates – determining that they were unnecessary and did not enhance resident protections.

"We are very pleased to receive a court decision that validates our position by declaring much of the regulation that we found objectionable to be null and void," said Lisa Newcomb, executive director of ESAAL. "These mandates would have dramatically increased costs for assisted living residences and the people who live there, without improving the quality of life for residents."

In 2008, DOH adopted a series of new regulations that placed onerous, expensive and unnecessary requirements on providers in the industry. For example, the DOH regulations would have required facilities to have nurses and other personnel on staff for a specified number of hours each day, regardless of whether residents need them. Similarly, the regulations set forth new expensive structural and architectural standards for assisted living residences. Both of these mandates would have demanded a large financial outlay from providers that would have inevitably resulted in higher fees for residents.

"Our association has always supported the need for targeted regulations which are consistent with the landmark legislation of 2004 that built upon New York's strong existing framework of requirements," said Newcomb. "DOH's latest round of regulations would have made it impossible for many residences to meet the requirements while maintaining reasonable rates for their residents."

"ESAAL applauds the Court Decision and supports strong resident protections," said Newcomb. "ESAAL representatives will reach out to DOH and other stakeholders in a sincere attempt to modify the regulations in a way that meets all of our goals – protecting all of our seniors."

Empire State Association of Assisted Living is a not-for-profit organization dedicated to strengthening New York State's assisted living industry and promoting the best interests of providers and residents. Founded in 1979, ESAAL is the only association that exclusively represents the assisted living industry, serving more than 240 Assisted Living Residences, Adult Homes and Enriched Housing Programs throughout New York State. These member residences are home to more than 20,000 seniors.