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Empire State Association of Assisted Living Files Lawsuit Against New York State

Unnecessary State mandates will raise the cost of assisted living; driving it out of reach for many seniors

Albany, NY – The Empire State Association of Assisted Living (ESAAL) yesterday filed a lawsuit against the New York State Department of Health (DOH) challenging the states latest round of mandates, which will only increase costs for assisted living residences and the people who live there, without improving their quality of life.

For those who operate assisted living residences, the lawsuit addresses numerous concerns. For example, the regulation requires facilities to have nurses and other personnel on staff for a specified number of hours each day, whether or not residents need them. Similarly, the regulation sets forth expensive structural changes without any financial help to do so. Both of these will entail a large financial outlay for providers that will inevitably have to be passed on to residents.

“As a whole, our Association has always supported the need for targeted regulations which are consistent with the landmark legislation that built upon New York’s strong existing framework of requirements,” said Lisa Newcomb, executive director of ESAAL. “However DOH has proposed regulations that makes it impossible for many residences to meet the requirements while maintaining reasonable rates for their residents.

“DOH has finalized the regulation, even though our Association has warned that thousands of residents may be forced from their homes due to large rate increases,” Newcomb continued. “What’s more, while DOH is expecting licensed residences to comply with these unwarranted and expensive mandates, simultaneously unlicensed facilities continue to operate without any oversight to ensure critical consumer protections. This is unacceptable.”

The Empire State Association of Assisted Living (ESAAL) is a not-for-profit organization that since 1979 has been dedicated to strengthening New York State’s assisted living industry and promoting the best interests of providers and residents. It 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 elderly people.