

February 5, 2021

## **Statement on the New York Attorney General's Report on the Effect of COVID-19 on Nursing Homes in New York**

On January 28, 2021, the Attorney General of New York, Letitia James (AG), released a scathing [preliminary report](#) on the effect of COVID-19 on nursing homes in New York. The report found that pre-existing short-staffing issues were a defining factor in how many nursing homes in New York fared during the first six months of the COVID-19 pandemic. The AG's report found that inadequate staffing led to an increase in neglect and harm unrelated to COVID-19, as well.

Additional findings include:

- Despite long-standing and strict infection control requirements, inadequate training and staff investment resulted in these procedures not being followed which perpetuated the crisis in homes.
- For-profit facilities that diverted funds away from resident care and into profits performed poorly compared with homes that invested in care.
- A facility's history prior to the pandemic of short-staffing was more predictive of outcomes than other factors, including geographic location.
- The granting of immunity from civil liability to nursing homes may have increased the devastation in nursing homes.
- Insufficient testing and training contributed to the crisis.
- The New York Department of Health may have undercounted deaths from COVID-19 by 50%.

The AG's report found that nursing homes in the same geographic area but with low staff ratings had death rates two times higher than similarly located homes with five-star ratings. This finding corresponds with academic studies<sup>1</sup> showing that homes with lower staff and quality ratings performed poorly compared to their higher-rated counterparts.

In January, the Consumer Voice released a [report](#) detailing harm and neglect resulting from facilities being locked down and inadequate staffing. The AG's report echoes the finding of the Consumer Voice report and is further evidence that many in the nursing home industry were unprepared to protect residents from infectious diseases.

Attorney General James recommends numerous actions to protect residents, all of which the Consumer Voice has been calling for since the pandemic began, including:

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*The National Consumer Voice for Quality Long-Term Care (formerly NCCNHR) is a 501(c)(3) nonprofit membership organization founded in 1975 by Elma L. Holder that advocates for quality care and quality of life for consumers in all long-term-care settings.*

- Increased staffing with specific staff to resident ratios.
- Transparency in facility ownership and finances.
- The inclusion of family members through in person and electronic visitation.
- The rescission of laws providing immunity from civil liability to nursing homes whose negligent practices result in harm to residents.
- Requiring investment in personal protective equipment and staff training.

The AG's report demonstrates that much of the suffering in nursing homes could have been prevented. Fortunately, the roadmap laid out by the report and by the recommendations of nursing home resident advocates across the country, including the Consumer Voice, provide tangible steps that could immediately protect residents across the country and prevent further devastation in facilities.

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<sup>i</sup> [Association of Nursing Home Ratings on Health Inspections, Quality of Care, and Nurse Staffing with COVID-19 Case, Figueroa, et. al.](#); [Nurse Staffing and Coronavirus Infections in California Nursing Homes, Harrington, et. al.](#); [Is There a Link Between Nursing Home Reported Quality and COVID-19 Cases? Evidence from California Skilled Nursing Facilities, He, et. al.](#); [COVID-19 Infections and Deaths Among Connecticut Nursing Home Residents: Facility Correlates, Li, et. al.](#)