



Suffolk County Voter

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Wed. Jan. 19 LWVSC Board Meeting, SCCC, Main St. Riverhead 10am - 12noon

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Background and Current Status of the Suffolk County John J. Foley Skilled Nursing Facility

County Executive Levy had hoped to sell the John J. Foley Skilled Nursing Facility to Kenneth Rozenberg, a private operator of other nursing facilities, but in early December the Legislature voted against the plan. Because the County Executive expected to have no costs in 2011, there is no funding for the nursing facility in the new 2011 budget. When the Legislature voted against selling it, he said he had no option other than to close it, and he started the process of staff layoffs and referrals of patients, effective in January.

Suffolk County is one of 36 counties in New York State that operate skilled nursing facilities to provide a safety net by assuring access to long term care for county residents. Currently, the facility provides residential long term care for patients who are typical of those in other county nursing homes throughout New York State but are unlike patients in proprietary and non-profit skilled nursing facilities; 88% are covered by Medicaid, compared with 67.8% at other facilities in the county; 36.9% entered the facility as Medicaid patients, compared with 7.7% at other facilities; 42% are under 65 years of age compared with 6.3% at other facilities in the county. Many will require a longer stay than that at other nursing homes, and are more likely to be discharged to a hospital. A high percentage of the patients at Foley need considerable care due to the demographic profile of residents with disproportionately high behavioral demands and need for staff attention. The facility is supported by insurance and Medicaid and Medicare fees, some state and county funding, and some private payments.

In 1995, Suffolk County completed construction of a new facility. The original infirmary had been opened in 1919 in a building acquired in 1879; in 1937, Suffolk County constructed a new building on the site with federal assistance to be used as a home and hospital for the aged and chronically ill population. By 1965, it had become clear that the infirmary building was not up to the tasks required of it. It was not until 1995, responding to threats that New York State would suspend funding if no action were taken, that the County constructed a new facility to hold 264 residents, including 24 new beds for residential AIDS patients. In 2005, at a cost of 4.5 million dollars, it was expanded to add Adult Day Care Services.

We hope the County Legislature and the County Executive can find common ground to keep the facility open to continue to serve those in need, and we urge them to explore some of the options that have been suggested.

The nursing home was operated as a sub-unit of the Department of Health Services until 1987, when it was placed under an Enterprise Fund of Suffolk County (Fund 632), like most of the county-owned nursing homes in New York State. For most of the years of the Enterprise Fund's existence, a subsidy has been required, as is the case in most of the other county-run nursing homes in New York State. In 2010, the Budget Review Office estimated the subsidy provided by Suffolk County taxpayers at four million dollars, or approximately thirty-three cents per household.

Continued on page 2

Continued from page 1

Various studies have been made to find solutions to the cost of running the facility. Previous County Executives have proposed privatization, transfer to Social Services, and the creation of a separate Department of Infirmary Services. Because of the Legislature's commitment to protecting the public health and safety of Suffolk residents Local Law 20-1997 of the Administrative Code, known as the Mary Hibberd Law, established specific requirements and procedures for consideration of any initiatives to replace services by the SCDOHS with services provided by another entity (quasi-public or private) to ensure the highest level of scrutiny to any such proposal. (Mary Hibberd served as Suffolk County's Health Commissioner from 1992 to 1997.)

In recent years, efforts were made to improve the administration of the nursing home, to do more outreach to attract more patients, to add more services for veterans, but the County Executive believes that it is not feasible to keep it as a county-run facility, even with alternative methods of funding that were suggested. Opposition to selling or closing it from the union, A.M.E., the staff, patients and their families has mounted. This month, the employees, without the backing of their union, A.M.E., successfully sought an injunction, stopping the closure of the facility and preventing Mr. Levy from instituting layoffs. Mr. Levy took it to the Appellate Division but was denied. The opponents of the sale say that since Suffolk County has not followed the procedures laid out by the Mary Hibberd Law, the County Executive is prevented from closing the facility. County Legislator Browning has been exploring the possibility of leasing space to medical providers who could supplement the services at the facility and bring in revenue. The suggestion that a public benefit corporation be created was not followed up because of the fear that such a corporation could not be monitored. If John J Foley is closed, another use for the building will have to be found.

On December 6, Nancy Marr made the following statement to the Suffolk County Legislature, on behalf of the LWV of Suffolk County:

The League of Women Voters of the United States believes that a basic level of quality health care should be available to all US residents. It should include long term care and mental health care. Not many years ago, In 1995, the county, with taxes, built the John J Foley Skilled Nursing Facility as a state of the art facility to provide care for many people who might not find good care in other facilities. In 2006, with an additional 4.5 million dollars, it was expanded to add adult day health care to long term care and rehab. Today it cares for veterans, AIDS patients, patients with Alzheimer's and patients with degenerative diseases, many of them for a longer term than a private facility would allow. The patients who are there are helped by being close to their families, and the professional staff are county employees of high quality. We do have a financial problem, so we understand why the County Executive plans to sell the facility. But we wonder whether it is wise to dismantle a facility that is working well; should we disinvest the county of one of its assets, in order to solve the problem caused by a bad economy. We understand that there was no money budgeted to run John J Foley after March 2011. From information from the Budget Review Office, thirty-three cents per household is the cost to the county to run the facility, after receipts from insurance and other income of 28 million dollars. Taxes have become unmentionable, but there may be times when we have to use them to accomplish our goals.

We hope the County Legislature and the County Executive can find common ground to keep the facility open to continue to serve those in need, and we urge them to explore some of the options that have been suggested.