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By Bernard A. Krooks, Esq.  
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### **Section Chair Responds to New York Times Article**

Editor of The New York Times:

Your article, "Experiment in Assisted Living Exposes Regulatory Confusion" (February 28), underscores the serious concern that health care consumers face when they or a family member find themselves either looking for assisted living housing or when illness or frailty requires they receive care beyond what such a facility is able to provide.

The New York State Bar Association's (NYSBA) Elder Law Section has both supported and proposed initiatives that would provide in statute an unambiguous definition of "assisted living." Our goal, to weed-out those facilities that claim to provide the service, but, in fact, cannot and to insist that consumers be given the kinds of information needed to make an informed decision.

Aging in place, is, in reality, a politically correct term for often denying the care the elderly desperately need to maintain their dignity and at least a modicum of "quality" in their lives. A clear definition of assisted living facilities, mechanisms that allow consumers to understand and compare services offered and at what costs, residents' rights, along with consistent standards for oversight, including facility compliance and minimum uniform requirements are long over due.

The NYSBA supported the 1999 proposed Assisted Living Reform Act, which would have made substantial improvements in regulating the assisted living industry. Unfortunately, it did not progress as expected. But, we anticipate it will be reintroduced in revised form, this year.

Clarity, oversight and full disclosure should be the hallmarks of any government effort to protect consumers. In health care programs, especially for the elderly, they are a necessity.

Sincerely,  
Bernard A. Krooks  
Chair  
NYSBA Elder Law Section  
Note: Krooks is now immediate past Chair