

October 29, 2019

Hon. Mark C. Poloncarz  
Erie County Executive's Office  
95 Franklin Street, 16<sup>th</sup> Floor  
Buffalo, New York 14202

**Re: Failure of Erie County to Enforce Ruthie's Law**

Dear Executive Poloncarz,

As you are aware, Ruthie's Law requires all nursing homes in Erie County to contact designated loved ones within two hours when a nursing home resident suffers a serious injury requiring outside treatment. Further, the law requires nursing homes to provide all known information related to the incident that led to the injury. In the event of non-compliance, the law provides the Erie County Senior Services Department with subpoena authority to force disclosure of the records, along with the power to levy fines of up to \$2,000 per violation.

It has recently been reported that Ruthie's Law has a shockingly low countywide compliance rate of less than 40%. Compliance rates below 40% are unacceptable, and do little to protect the residents of Erie County. Further, it is disheartening to hear from the Department of Senior Services that your administration has done little to enforce the law. Simply sending reminder letters is insufficient.

As you stated when you signed Ruthie's Law, "[a]t its core, government has a responsibility to protect its citizens." We wholeheartedly agree. To that end, we request the Department of Senior Services provide a report on compliance with Ruthie's law. Additionally, we request an update as to your office's intended response to this situation.

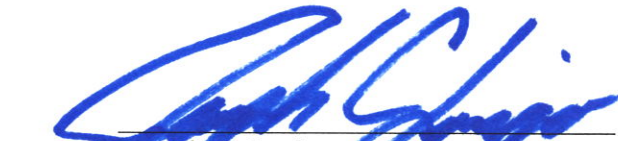
Please provide the Legislature with the following:

- The number of out of compliance nursing homes;
- The type and number of attempts to retrieve the records from nursing homes that are not in compliance;
- The length of times the nursing homes have been out of compliance;
- The reasoning each nursing home has provided for being unable to comply with the requests for disclosure;
- The administration's response to those nursing homes.

Further, we request information regarding how your administration intends to deal with any nursing home that continues to refuse to comply. When this law was proposed in 2017, the Legislature worked with your office to draft it, the County Attorney's office raised no objections, and you signed it with great fanfare. If there were anticipated problems with enforcement, the Legislature should have been made aware. Instead of calling this law a success and using it in campaign ads, we should work together to correct it and provide for proper enforcement mechanisms.

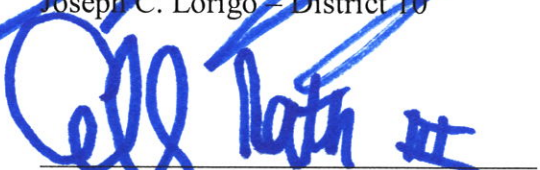
We appreciate your attention to this matter and await your response.

Sincerely,



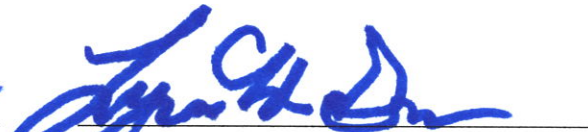
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Joseph C. Lorigo – District 10



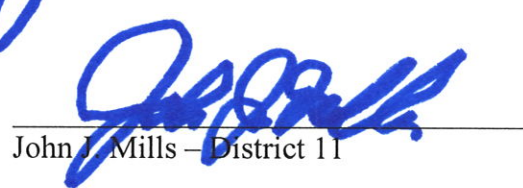
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Edward A. Rath, III – District 6



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Lynne M. Dixon – District 9



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John J. Mills – District 11

CC: David Shenk, Commissioner  
Department of Senior Services  
95 Franklin Street – 13<sup>th</sup> Floor  
Buffalo, New York 14202