

ERIE COUNTY LEGISLATURE

HON. LISA M. CHIMERA
 3RD DISTRICT LEGISLATOR



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January 23, 2020

Michael A, Siragusa, Esq.
 Erie County Attorney
 95 Franklin Street, 16th Floor
 Buffalo, New York 14202

Re: Ruthie's Law Compliance and Enforcement

Dear Mr. Siragusa:

At the Legislature's Health and Human Services Committee today, we held a hearing and discussion with Senior Services Commissioner David Shenk about the enforcement provisions and actions pertaining to Local Law 2-2017, "Ruthie's Law."

During that discussion, we were informed that answers and information regarding enforcement of the law – the imposition of fines and the use of subpoena power – to compel scofflaw nursing homes to comply with the law fell under your office's purview. Commissioner Shenk suggested we contact you.

To that end, I am writing to formally request a response from your office on Ruthie's Law. For instance, is the law legal and not preempted by New York State law or regulations governing nursing homes and monitoring/enforcement? Can the County Department of Senior Services legally impose fines and issue subpoenas to nursing homes, or does only the State Department of Health have that right? What steps will you be taking to impose fines or issue subpoenas against nursing homes that do not issue mandated compliance reports to the Department of Senior Services?

As I am sure you will agree, our children and our elderly are among the most vulnerable persons in our community and providing for their safety and well-being is critical. Because me, and nearly all of my caucus were not in the Legislature in 2017, we would like to be more familiar with the law's legality and how the administration will enforce the law.

Thank you in advance for your anticipated response and assistance. We look forward to hearing from you concerning this important matter.

Sincerely,

Lisa Chimera
 Legislator
 Chair, Health and Human Services Committee

cc: David Shenk, Commissioner of Senior Services

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