



---

## NEW YORK STATE SENATE DEMOCRATIC MAJORITY

---

**For Immediate Release:** May 4th, 2021

**Contact:** Jonathan Heppner | heppner@nysenate.gov | 518-455-2415

### **Senate Majority to Pass Legislation to Improve Hospital and Nursing Home Staffing Levels**

(Albany, NY) Today, the Senate Democratic Majority, under the Leadership of Senate Majority Leader Andrea Stewart-Cousins, will advance a legislative package that outlines hospital and nursing home staffing standards and protocols. Sponsored by Senator Gustavo Rivera, Chair of the Committee on Health, these bills will require every hospital to establish Clinical Staffing Committees to develop and oversee the implementation of annual clinical staffing plans for nurses and non-nurse support staff at each hospital in the state. Additionally, the legislation will mandate the Commissioner of Health to publicize the new regulations that will require every nursing home to meet specific hours per resident day of care for certified nurse aides, registered nurses, and licensed practical nurses.

This legislative package builds on legislation [passed](#) in [March](#) by the Senate Democratic Majority to better support and protect nursing home residents. In the 2021-2022 State Budget, the Senate Majority required nursing homes to spend at least 70% of their revenue on direct patient care and 40% on resident-facing staffing, and included \$64 million for increased staffing. The Senate Majority also held joint statewide [public hearings](#) this past year on residential health care facilities and COVID-19 to discuss various issues and concerns directly with the public.

**Senate Majority Leader Andrea Stewart-Cousins** said, “The pandemic stretched New York’s health care system and highlighted the long-existing inequities in the provision of care to our most vulnerable New Yorkers. It also brought forth the importance of ensuring healthcare facilities take action to ensure adequate staffing. That’s why I brought stakeholders to the table to take meaningful action and solve this crucial issue that had been discussed long before our current Majority. Our nurses and healthcare workers are the backbone of the public health system, and they were on the frontline during the Covid-19 pandemic. This legislation will not only save lives, improve patient outcomes but will allow New York’s healthcare system to increase its capacity to better respond to future public health emergencies. I thank Senator Gustavo Rivera for his work on this issue.”

**Bill sponsor and Chair of the Senate Health Committee, Senator Gustavo Rivera**, said, “The COVID-19 pandemic has exposed extensive flaws in our adult care facilities. Unfortunately, we have seen that an understaffed nursing home is a dangerous environment that can lead to harm and injury to residents. Families put their trust in these facilities to provide their loved ones with high quality care, treatment, and compassion. These New Yorkers deserve safe and appropriate levels of staffing, and my bill will do so by continuing to improve the way we serve our elder community. I thank Senate Majority Leader Andrea Stewart-Cousins for her leadership in advancing these critical bills.”

The legislation being passed by the Senate Democratic Majority includes:

- **Nursing Home Minimum Staffing Standards:** This bill, [S.6346](#), sponsored by Senator Gustavo Rivera will:
  - Require the Commissioner of Health to establish staffing standards for nursing home minimum staffing levels and impose civil penalties for nursing homes that fail to adhere to the minimum standards.
  - Nursing homes must meet a daily average of 3.5 hours of nursing care per resident per day with no less than 2.2 hours of care for certified nurse assistants and 1.1 hours for LPN/RN's.
  - The nursing home must post information regarding nurse staffing at the facility.
  - Regulations promulgated by the Department of Health to establish the civil penalties will include mitigating factors to account for 1) extraordinary circumstances facing the facility such as officially declared emergencies or natural disasters, 2) the frequency of the violations of the facility, and 3) the existence of a nurse labor shortage in the area of the nursing home.
  - The effective date is January 1, 2022 with the civil penalties being enforced starting April 1, 2022.
  
- **Establishment of Hospital Clinical Staffing Committees:** This bill, [S.1168A](#), sponsored by Senator Gustavo Rivera will:
  - Mandate each hospital to establish a Staffing Committee no later than January 1, 2022 and that each hospital shall adopt and submit its first hospital staffing plan no later than July 1, 2022. Beginning January 1, 2023 and annually thereafter, each hospital shall implement the staffing plan adopted by July 1 of the prior calendar year. DOH will post the plans on its website no later than July 31 of each year.
  - Require the Committees to develop and oversee the implementation of annual clinical staffing plans for nurses and non-nurse support staff at each hospital in the state.
  - The Staffing Committee will be made up of “at least” 50% of nurses (registered nurses, licensed practical nurses, and ancillary members) and “up to” 50% will be hospital administrators (CFO, chief nursing officer, and unit directors). If there is a collective bargaining agreement, the selection must follow what is laid out in the agreement.
  - The committee will be responsible for developing and overseeing the implementation of a clinical staffing plan that will include specific guidelines or ratios, matrices, or grids indicating how many patients are assigned to each nurse and the number of ancillary staff in each unit.
  - The staffing plans must be posted in a publicly conspicuous area and posted on the DOH hospital profile website.
  - Require the creation of an advisory commission to oversee the effectiveness of the Clinical Staffing Committees with an initial report due to the Legislature and the Governor by October 31, 2024.

**Senate Deputy Leader Michael Gianaris** said, “The pandemic taught us the importance of our essential healthcare workers. I am pleased the Senate is taking these common sense steps to protect and support our essential healthcare workers.”

**Senator Alessandra Biaggi** said, “The COVID-19 pandemic made painfully clear our failure to stand up for frontline nurses, and ensure they have the resources they need to safely take care of our loved ones. Mandating minimum staffing levels in hospitals and nursing homes is a critical step in addressing the disparities within our healthcare systems and ensuring high quality care for all. I am proud to join my colleagues today in passing this necessary legislation.”

**Senator Leroy Comrie** said, “In the wake of the COVID-19 crisis, we have an obligation to restore the public's trust and confidence in our state's nursing homes and hospitals. Nursing home and hospital patients, families, and staff deserve accountability and transparency from healthcare officials and administrators, and this package of legislation is an important step in the direction of achieving that. I commend Leader Stewart-Cousins, Senator Rivera, and my Senate colleagues for recognizing this and advancing this legislation to achieve it.”

**Senator Jim Gaughran** said, “Healthcare workers have been on the forefront of the battle against COVID-19 pandemic. This legislation will establish staffing levels and is vital to protecting healthcare heroes as well as the patients they care for.”

**Senator Andrew Gounardes** said, “The pandemic has revealed just how critical it is to have proper and adequate staffing in nursing homes and hospitals. Without safe levels of staff, patients and residents are put at a greater risk of neglect, health complications, and an overall reduced quality in service. Understaffing not only has negative consequences for residents, but for employees as well, who can become extremely overworked and stressed. By adopting these requirements and establishing staffing plans, we’re ensuring that nursing homes and hospitals invest in the internal structures they need to provide the care they promise to residents and their families. This legislation will put these facilities on the path to better quality of life for patients, residents, and staff.”

**Senator Pete Harcham** said, “By establishing staffing standards and enhancing staffing levels, we will see an improvement in clinical outcomes for our loved ones.”

**Senator Robert Jackson** said, “As legislators, we must support our nurses and healthcare workers who continue to work tirelessly to save lives. A year into this pandemic, It’s only right that our state finally mandates that healthcare facilities hire enough staff to properly care for their patients. When it comes to nursing homes, that means setting benchmarks for care. For hospitals, it means giving clinical workers a say in the staffing plans. The bottom line is that all New Yorkers deserve safe, quality healthcare. My thanks to Senator Gustavo Rivera for his excellent work as our health chair and to all the advocates who helped get these bills across the finish line.”

**Senator Anna M. Kaplan** said “The pandemic pushed our healthcare system and our healthcare heroes to their limits, exposing weaknesses in how we deliver healthcare in this state, and highlighting the need for reforms that protect patients and reduce the crushing burdens placed on workers. I’m proud to support safe staffing legislation that will ensure patients are receiving the care that they deserve without overburdening our healthcare heroes, and I applaud the bill sponsors and Majority Leader Stewart-Cousins for their efforts and leadership to pass these critically important bills.”

**Senator Tim Kennedy** said, “As a trained occupational therapist, I have seen first-hand the importance of safe staffing levels in our hospitals and other health facilities. Safe staffing will further improve patient care, while providing nurses and other health care workers with the support they need to perform their physically-demanding duties. I'm proud to support this legislation, and to be part of a Conference that prioritizes protecting both New York's patients and nurses.”

**Senator Rachel May** said, “New York’s hospitals and nursing homes have faced chronic under-staffing for a long time. The pandemic has only exacerbated this issue. Earlier this year, the Senate passed legislation requiring nursing homes to spend the majority of their budget on direct patient care and staffing. These bills go further by requiring a guaranteed amount of staff time per patient in nursing homes and that hospitals implement safe staffing plans. Patients and residents deserve quality care and our nurses and medical professionals deserve safe working conditions that allow them to perform at their best. I am proud to vote for both of these bills.”

**Senator Shelley Mayer** said, “Even with the herculean efforts of nurses and CNAs, and so many other health care staff who provided care during this pandemic, the experience of COVID-19 made clear that we can and must do better in serving residents in nursing homes and patients in hospitals with adequate staffing levels. I am proud to have supported these two bills that will ensure residents' have minimum hours of care from nurses and caregivers in nursing homes and will create committees in hospitals that will ensure nursing staff participate in

the creation of a plan to determine adequate staffing in their hospitals. These changes are essential so residents, patients, and families know their loved ones will receive the care to which they are entitled.”

**Senator Elijah Reichlin-Melnick** said, “I have always supported safe staffing in medical facilities because I believe that people and patients must be prioritized. I am proud to be a cosponsor of S.1168A also known as the “Safe Staffing for Quality Care” legislation that requires safe ratios of staff to patients, ensuring patients receive the attention they deserve. I stand in solidarity with the New York State Nurses Association, 1199SEIU United Healthcare Workers East, Doctors Council SEIU, and the millions of nurses, doctors, healthcare workers, and patients across New York who have fought for safe staffing to become law.”

**Senator Julia Salazar** said, “New York has lost over 15,000 nursing home residents to COVID-19 complications, and we have failed to issue crucial guidance and resources to their staffers that would’ve saved the lives of many New Yorkers. This legislative package seeks to address the issues of understaffing in these facilities that contributed greatly to the devastating losses that many families had to experience over the course of this past year. By mandating a minimum nursing home staff ratio and ensuring that there is a level of accountability by the NYS Department of Health, we are taking a much-needed step in the right direction but there is still so much more that needs to be done to protect our elderly and most vulnerable populations.”

**Senator James Sanders Jr.** said, “Nurses are essential to New York's nursing homes and hospitals. They performed heroically during the COVID-19 pandemic and we owe them our full appreciation. I support the nurse staffing legislation because patients and their families must be assured they are receiving the best quality care.”

**Senator Luis R. Sepúlveda** said, “As our population ages, establishing better quality care begins with adequate staffing in hospitals and nursing homes—and not just during the pandemic. As nurse turnover continues to increase, the quality of care decreases. This legislation will create new minimum staffing standards to foster safer working conditions, increase nurse retention, and ensure the safety and quality of health care for hospital patients and nursing home residents.”

**Senator James Skoufis** said, “When families admit a loved one into a nursing home, they expect the highest quality of care - and that is only possible if there's adequate and safe staffing. This legislation will ensure every resident is treated with the dignity, respect, and compassion that they deserve and, likewise, create a safer workplace for our nurses and support staff that dedicate their lives to supporting others.”

###