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September 13, 2021

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Dr. Howard Zucker, Commissioner
New York State Department of Health
Corning Tower, Empire State Plaza
Albany, New York 12237

Dear Governor Hochul and Commissioner Zucker:

I am writing to alert you to an imminent threat to our rural health care system that could compromise health care availability in our region unless action is taken swiftly.

The threat I am referring to is the Department of Health's vaccine mandate for health care workers, which has the potential to leave our hospitals, nursing homes and health care facilities without the staffing levels they require to safely operate.

While I support vaccination as the best defense against the virus, I also believe that the decision to take a vaccine should be a personal choice. That view is shared by many of my constituents who work in health care and who are unvaccinated by choice for either medical, religious or personal reasons. They are upset at the vaccination mandate facing them and most are vowing they will leave their jobs rather than comply.

The practical implications of this impending exodus of health care workers are dire and have the potential to severely impair the ability of hospitals, nursing homes and assisted living facilities to operate at full capacity. This is particularly concerning because the health care sector has already been experiencing significant staffing shortages for several years. They lack any kind of a staffing 'cushion' that could mitigate the impact of mandate-driven staff departures.

We are seeing the impacts play out already in some facilities. The WCA, an assisted living facility in Fredonia, has had to begin preparing discharge plans for half of their residents because one-third of its staff have given notice that they will end their employment on October 7 because of the vaccine mandate. The president of the WCA Home's Board of Directors, [Christine Davis Mantaj](#), said:

“Playing ‘chicken’ with the state is what we call sitting on our hands and doing nothing in hopes that the crash of our workforce on Oct 7 will never happen. We cannot play that game and leave our families and residents in the dark with no time to make sensible arrangements for finding a place where they can get the care they need. We also cannot risk being out of compliance with New York state rules and regulations for operating our programs.”

Nick Ferreri, owner of The Tanglewood Group, which operates several assisted living and memory care facilities in my district, said in a letter to me:

“...[departing employees] will leave behind an ominous situation of grossly under-staffed facilities for those who remain employed. So ominous that I believe it will be extraordinarily difficult to keep them resilient enough to carry on. One hundred memory-impaired, dependent residents and another 130 elderly residents, many of whom have no family and no options, will need someone to care for them. Already at this point, skilled nursing facilities (nursing homes) are refusing to accept new admissions, and other assisted living facilities are discharging residents, in anticipation of the impending deadline.”

Our region, already a federally designated Medically Underserved Area (MUA), has a severe shortage of health care and skilled nursing facilities. Simply put, we cannot afford to lose any of our already-scarce health care capacity because of a vaccine mandate.

I'm calling on the NYS Department of Health to help avoid an unprecedented health care crisis in my rural district by offering employers a testing alternative for unvaccinated workers.

Thank you for your time and consideration of this urgent request.

Sincerely,



George M. Borrello
57th Senate District