

THE SENATE
STATE OF NEW YORK



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October 8, 2021

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

Re: Facility Staffing Data

Dear Governor Hochul:

I am writing to you with regards to the urgent staffing shortage our State is facing, particularly as it impacts New York's nursing homes, homecare and residential healthcare facilities that serve our elderly and most vulnerable residents. Recently, you announced the State would operate a 24/7 Operations Center, led by the Department of Health (DOH), "to constantly monitor staffing operations and trends statewide, provide guidance to health care facilities and help troubleshoot situations with providers as necessary." However, recent reporting has found that many facilities have reached out to the 24/7 Operations Center to address staffing shortages, but were informed that staff was unavailable. As you know, it is critical that these facilities have sufficient staffing to provide appropriate care for those in their charge, and to leave them without a viable avenue to fill gaps created by state policy is unacceptable.

This week, you indicated that the Operations Center has set up opportunities to connect facilities with staffing, but that "very few have taken [the State] up on it." According to reports, one nursing home industry source conveyed to nursing homes that they are not confident staff will ultimately be available, particularly in light of the State's track record during the pandemic. As you may know, early in the pandemic when staff shortages were on the rise, I alerted your predecessor and NYS Health Commissioner Howard Zucker to the challenges these facilities were facing in this regard and informed them that we heard feedback that long term care facilities were unable to access staff through the state's volunteer staffing portal. Those concerns went unaddressed by the previous administration. As I am sure you will agree, New York cannot afford to repeat this mistake.

Additionally, the push for transparency in COVID-related data is necessary to ensure that stakeholders can help ensure the State not only adequately addresses current issues as they arise with fact-based solutions and to ensure we can prevent similar issues from arising in the future as the pandemic continues. In that vein, I respectfully request that you commit to engaging all stakeholders immediately, to effectively address the troubling staff shortages and engage solutions that put resident health and safety first. This requires that all stakeholders have access to the data necessary to factually analyze where we may be facing—or be at risk of facing—gaps in care. Staffing data is an essential component of such an analysis, and given that DOH requires facilities to submit daily surveys pertaining to worker shortages, much of this data is readily available

and would be critical in assisting stakeholders in tackling this issue. I respectfully urge you to release and regularly update the following data retroactive to August 16, 2021 publicly:

- (a) The total number of facility personnel;
- (d) The total number of personnel who are no longer employed by or affiliated with a facility in New York State, and the reason for leaving such employment or affiliation;
- (e) The total number of requested personnel from the New York State Surge and Flex Operations Center; and
- (f) The total number of personnel employed or affiliated with a facility as a result of the New York State Surge and Flex Operations Center.

Ultimately, as facilities are facing a crisis in staffing shortages, we need to ensure they have the ability, with the assistance of the 24/7 Operations Center or otherwise, to employ the levels of staffing they need to provide the quality of care New Yorkers deserve. Ensuring stakeholders have the data necessary to evaluate this ever-evolving situation, in real-time as it develops, will help guide public policy in a manner that will best serve the people of our State.

I thank you for your time and consideration on this urgent issue, and stand ready to assist you in this endeavor.

Sincerely,

A handwritten signature in cursive script that reads "Sue Serino".

Senator Sue Serino
41st District