

THE SENATE  
STATE OF NEW YORK



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**PAMELA A. HELMING**  
54TH DISTRICT

**RANKING MINORITY MEMBER**

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RACING, GAMING AND WAGERING

September 14, 2021

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

Honorable Howard Zucker, M.D., J.D.  
Commissioner, New York State Department of Health  
Corning Tower  
Albany, New York 12237

Dear Governor Hochul and Commissioner Zucker:

Recently my Senate Minority colleagues and I sent you a letter expressing our deep concerns with emergency regulations requiring all health care workers to receive the COVID-19 vaccine by September 27, or lose their jobs.

I am writing to implore you to amend the emergency regulation to allow for a testing alternative. I have heard from administrators, nurses, clinical support staff and other employees working for our Upstate area hospitals, nursing homes and assisted living facilities about the devastating impact this mandate is already having on staffing levels. Rural communities in particular, like those I represent, have already been dealing with significant staffing shortages. This mandate will only make this problem worse.

UR Medicine Thompson Health in Canandaigua recently indicated that the hospital could be facing a workforce crisis with 500-plus unfilled positions in the next two weeks. Thompson Health already has 294 vacant positions.

Hospital administrators are left with few choices, and many may have to reduce bed capacity, which could have severe consequences on patient care.

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I have received similar feedback from area nursing homes. One Monroe County nursing home shared that they currently have 90 openings; they are predicting a loss of an additional 50-75 employees once the vaccine mandate takes effect. A local assisted living facility owner called to express his concern; he anticipates losing 50% of his staff. A senior living center director is losing almost half of his housekeeping staff who have chosen not to get the vaccine for religious reasons; these workers are applying for open school bus driver positions so they have access to a testing alternative.

Potentially, these facilities serving our most vulnerable will no longer be able to accept new patients. They will be forced to postpone or eliminate critical resident services like rehabilitation. They will have to seek other options for essential needs such as food services. Furthermore, our hospitals will be expected to meet this unmet capacity, and possibly face a reduced number of available critical care beds – during a pandemic.

Without the testing alternative, there is a very real risk of losing trained health care workers at all levels. The numbers show our local hospitals, nursing homes and assisted living facilities could be in serious danger. The people who will suffer most are our most vulnerable New Yorkers.

To protect the public health, ensure patient safety and access to care, and preserve the capacity and positive impact of our health care systems, it is necessary and practical to modify the vaccine requirement to allow for a testing alternative.

Our priority must continue to be encouraging more New Yorkers to get vaccinated and ending this pandemic. In order to achieve these goals, we must support our dedicated and hardworking health care workers who have given their all throughout this pandemic, to help all of us.

Please feel free to contact me with any questions.

Sincerely,



Pamela A. Helming  
Senator, 54th District

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