

A7119 (Gunther)

S6346 (Rivera)

Provides for standard minimum nursing home staffing levels

NYSNA MEMORANDUM IN SUPPORT

The New York State Nurses Association represents more than 42,000 registered nurses for collective bargaining and is a leading advocate for universal access to high quality health care for all New Yorkers.

NYSNA has long advocated for enactment of legislation to establish minimum nurse staffing standards applicable to all hospitals and nursing homes. Our experiences during the pandemic and its high-toll on vulnerable nursing home residents makes clear the necessity of mandatory minimum staffing regulations.

The proposed legislation would require all nursing homes to meet minimum staffing levels, expressed in hours per resident day (HPRD), for certified nurse aides (CNAs), nurse aides (NAs), registered nurses (RNs) and licensed practical nurses (LPNs).

Specifically, the legislation would include the following provisions applicable to all nursing homes:

- (a) Require the Department of Health to implement staffing regulations that provide “the highest practicable physical, mental and psycho-social well- being” for nursing home residents;
- (b) Starting January 1, 2022, requiring each nursing home to maintain at least 3.5 hours of care per resident day (HPRD), including at least 2.2 hours of care by aides (CNAs or NAs) and at least 1.1 hours of care by RNs or LPNs; starting on January 1, 2023, the minimum of 2.2 hours of care by aides must be provided certified nurse aides (CNAs);
- (c) Prohibiting the inclusion of hours worked by non-patient care staff or administrative or other non-direct care work time of nursing staff in the minimum HPRD calculations;
- (d) Imposing fines and other penalties for non-compliance with the minimum staffing requirements, while allowing consideration of mitigating factors, such as shortages of qualified staff in a region or extraordinary unforeseeable circumstances; and,
- (e) Requiring each nursing home to post its staffing information and a summary of the nursing home staffing law in a manner that is visible and accessible to residents, their families and staff;

This legislation is critical to addressing perennially poor staffing in nursing homes, particularly in the 66% of facilities that are owned by for-profit operators and have the worst staffing levels.

NYSNA believes that the minimum nursing home staffing levels should be higher than those provided in this bill, but we support this legislation as a major step forward that will improve care provided to nursing home residents. Accordingly, NYSNA supports the immediate enactment of this legislation.