POLITICOPRO

# Lackluster enforcement hobbles hospital staffing law, nurses' union says

## The state faces a backlog of unresolved staffing violation complaints and has yet to publish any data on hospitals' actual staffing levels, according to a new NYSNA report.



BY: **MAYA KAUFMAN** | 12/16/2024 02:42 PM EST




Members of the New York State Nurses Association hold signs outside a Bronx hospital.| Getty Images

NEW YORK — A Covid-inspired state law on hospital staffing has been hampered by slow implementation, lackluster enforcement and unmet transparency requirements, a new report by the New York State Nurses Association found.

The union found the state Department of Health faces a backlog of unresolved staffing violation complaints and has yet to publish any data on actual staffing levels as required,

making it impossible for the public to monitor hospitals' compliance with the law. Meanwhile, NYSNA members continue to report "ongoing and widespread" short staffing at hospitals throughout the state, according to the report.

"Without strong implementation and enforcement of the law, it is difficult to measure its impact on hospital safety," the union wrote in its report. "However, we do know that the law has yet to deliver the kind of transparency and accountability that would ensure that all New York hospitals meet safe staffing standards."

The report, which was shared exclusively with POLITICO, is based on a review of hospital staffing data collected by NYSNA and state Department of Health data obtained through requests under the Freedom of Information Law.

**Details:** The staffing law, which passed in 2021 and went into effect the following year, requires hospitals to convene committees of administrators and nurses to develop annual staffing plans for each unit. It also mandates a 1:2 nurse-to-patient ratio for critical care patients.

While the Health Department publicly posts hospitals' staffing plans, it has so far failed to meet quarterly reporting requirements for data on actual staffing levels, the union found.

So NYSNA conducted its own analysis of member-reported staffing data from 20 hospitals across the state, accounting for 532 shifts between Jan. 1 and Oct. 31. Hospitals failed to meet the mandated critical care ratio over half the time, the union found.

Amid widespread complaints of staffing violations by NYSNA and other health care unions, the Health Department has only investigated a small fraction — and, among the handful of complaints so far substantiated, enforcement actions were minimal, according to the report.

**What the state says:** Health Department spokesperson Cadence Acquaviva told POLITICO the state has received nearly 3,300 complaints under the staffing law as of Dec. 13, about 1,300 of which remain unresolved. The department has so far issued 40 statements of deficiencies, meaning a hospital was found out of compliance.

NYSNA slammed the department for not publishing information on those deficiencies, but Acquaviva said the department is not required to do so "until an administrative action such as the imposition of civil penalties is commenced to enforce the failure of a general hospital to submit or implement a corrective action plan."

Acquaviva said the department has so far fined four hospitals under the law, one of which was posted online. The other three postings are pending.

“The New York State Department of Health remains committed to implementing the Safe Staffing Law in accordance with Public Health Law. This includes enforcement against hospitals found to be in violation of the law,” Acquaviva said in a statement to POLITICO. “The responsibility is on hospitals to ensure that they have a functional clinical staffing committee and a process to consider complaints and resolve them. It is important we also recognize the health care worker shortages in our state, which underscores the importance of expanding common sense scope of practice changes.”

**What’s next:** An independent advisory commission charged with evaluating the law’s implementation was supposed to release its report by October and recommend changes to the Legislature in 2025, but the commission only convened for the first time in June, the Department of Health revealed. The advisory commission's report is still pending.

In the meantime, NYSNA plans to continue advocating for increased implementation and enforcement of the staffing law, as well as policies to bolster the nursing workforce.

“Safe staffing continues to be New York nurses’ top priority, because we know that upholding these safety standards will keep our patients safe and improve hospital care everywhere,” union president Nancy Hagans said in a statement to POLITICO.

*CORRECTION: An earlier version of this report misstated the number of complaints that the state has received under the staffing law.*

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