



NEW YORK STATE SENATOR

George M. Borrello

Statement from Senator Borrello on Enforcement of Minimum Staffing Mandate for Nursing Homes

GEORGE M. BORRELLO March 31, 2022

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ALBANY – With an executive order postponing the implementation of the state’s new staffing regulations for nursing homes due to expire by the end of day, Senator George Borrello issued the following statement:

“Under its current leadership, New York State has elevated the practice of denying reality to an art form, to the detriment of every resident and organization residing here.

“Today’s casualties are the state’s nursing homes, who are facing possible fines, admissions cutbacks or unit closures if Governor Hochul allows the executive order postponing enforcement of the new minimum

staffing law to expire at midnight tonight.

“A historic healthcare workforce shortage has crippled an industry that was already struggling due to the state’s neglect to increase Medicaid rates in 14 years. The current daily nursing home reimbursement rate is \$211- a shortfall of \$55 a day compared to the actual cost of care, which is the largest gap of any state. In contrast, the state continues its grossly wasteful spending on the Non-Emergency Medical Transportation (NEMT) program, where one Medicaid-financed round-trip taxi ride to a doctor’s appointment in a rural area like mine can cost upwards of \$300.

“The bottom line is that the applicants for these jobs simply do not exist right now, even though most nursing homes have cut other areas of their budgets to offer higher salaries in an attempt to fill open positions. By even the most conservative estimate, nursing homes would have to hire more than 12,000 nurses and aides to comply with the minimum hours requirements, a gap that has tripled since late 2019. The workforce shortage won’t change unless the state approves an increase in Medicaid reimbursement rates that is substantial enough to raise wages beyond current levels.

“I am calling on Governor Hochul to honestly assess this situation, look at the data, and then extend the postponement of the minimum staffing law until the state provides the extraordinary increase in funds necessary to meet this mandate.”

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