



**STEVEN C. SMYTH, CNHA**  
Executive Vice President and Administrator

Dear Community Members,

We wanted to make you aware of a recent state mandate regarding staffing and what it means for our community. Unfortunately, this may delay or limit our ability to take in new admissions at times. We have and will continue to do all we can to continue to admit residents so we can serve you, but it is important that you understand the reasons for the decisions we are making.

Nursing homes statewide, including ours, have been affected by the workforce shortage that has widely been reported in the news. The workforce challenges pre-date the pandemic, but understandably worsened over that time. We have been doing everything we can to recruit new staff and to retain staff, but unfortunately, this is an ongoing struggle.

Despite this workforce crisis, the state passed a law last year requiring that nursing homes provide a quarterly average of 3.5 hours per resident per day of overall nursing staff, which is comprised of registered nurses, licensed practical nurses, and aides. This law will start to be enforced as of April 1<sup>st</sup>. This enforcement begins despite the Governor's Executive Order on March 31<sup>st</sup> which continues a "statewide disaster emergency due to healthcare staffing shortages" in light of "severe understaffing in hospitals and other healthcare facilities" that is "expected to continue to affect the ability to provide critical care and to adequately serve vulnerable populations." It is perplexing that the current health care staffing crisis is being recognized throughout the health care system, except in nursing homes.

We want to assure you that staffing has always been a top priority to us, and we would like nothing more than to have enough staff to meet or exceed the mandates outlined in law. Our nurses and aides are fundamental to the high-quality care we are committed to providing. Unfortunately, there is a very serious workforce shortage right now and despite ongoing efforts over the years, it has become harder and harder to recruit and retain staff. Our professional association, LeadingAge NY, analyzed the federal data that will be utilized to measure compliance with this requirement, and using the most recent data available, discovered that **80.4%** of nursing homes in the state would not be in compliance. Unfortunately, staffing shortages have grown since the time that data was collected, suggesting that even fewer will be able to comply today. The LeadingAge NY analysis estimates that 12,000 nurses and aides are needed, with over 9,000 needed immediately, to comply with the mandate.

There are some demographic trends that contribute to this workforce shortage, and the pandemic has certainly taken a toll on the healthcare workforce. But the state's severely outdated Medicaid rate makes it particularly difficult for us to compete with other settings for

the staff we need. Medicaid pays for nearly three quarters of all nursing homes resident days in the state and is among the worst in the nation when payment is compared to costs. We are at the mercy of the state's Medicaid rates, as it is not realistic to expect that private pay residents should shoulder the entire Medicaid shortfall.

Unfortunately, the consequence of failing to meet the staffing mandates is significant financial penalties, which will actually make it harder for us to pay higher wages and otherwise incentivize people to work in our settings. We felt it important that you understand that the promise of this mandate is a false one. Until we can recruit more staff, we cannot be in compliance. The state's decision to begin penalizing homes that cannot meet the requirement will not help us.

Given that this mandate is now being enforced, we may at times need to pause taking new admissions. Our decisions will be guided by our mission to provide quality care, and thresholds in the state mandate.

***What can be done to change this?***

First and foremost, please understand that we have been working tirelessly to recruit and retain workers, well before this mandate. The mandate only penalizes us for not having been hire more people, despite the recognized workforce shortage.

We understand how challenging it is to need services and not able to able to access them. We want very much to be there for those in that time of need. But until things change our ability to do so will be limited. We need to recruit more workers and have the means to pay this staff higher wages. You can help by [contacting your state legislators](#) and [Governor Hochul](#) to let them know that nursing homes are in desperate need of state funding to recruit and retain more workers.

Again, we share this information so you can understand why we may not be able to be a support in times of need, despite our mission to do so. We are happy to answer any questions you might have. Please contact us at (631) 477-2110 for more information or to share your concerns.