What does this law do?

Gov. Cuomo signed legislation into law (Chapter 155 of the Laws of 2021) on June 19, 2021 that will require every hospital to establish a clinical staffing committee charged with leading the hospital's development of an annual multidisciplinary staffing plan. New York joins seven other states in requiring hospital staffing committees.

How does this law impact current nurse staffing requirements?

- The law includes requirements that already exist in current regulations: burn unit staffing, liver transplant staffing and operating room circulating nurse staffing.

- DOH will be required to promulgate new regulations by Jan. 1, 2022 regarding staffing in intensive care and critical care units. Among many factors DOH must consider when developing the proposed regulations is a minimum 12 hours of registered nurse care per patient per day standard.

Who are the members of the clinical staffing committee?

At least one-half of the committee must include RNs, licensed practical nurses and frontline staff providing or supporting direct patient care.

Up to one-half of the committee must include members of the hospital's general administration, including the chief financial officer, chief nursing officer and patient care unit directors or managers.
What if the clinical staffing committee can’t come to agreement?

The employee members of the committee will have a total of one vote and the management members of the committee will have a total of one vote, regardless of the actual number of committee members.

Any consensus decisions must be included in the staffing plan. If there is no consensus on the plan or any of its parts, the hospital CEO will have discretion to make the decision.

Are there any special considerations?

- Hospital management will be able to make adjustments to an adopted staffing plan for short-term, unexpected changes in circumstances.

- The law recognizes the unique circumstances of Critical Access Hospitals and Sole Community Hospitals and ensures that these facilities do not face unreasonable burdens. While these hospitals will be required to adhere to the provisions of the bill, flexibility is provided with regard to how best to achieve compliance.

How does this law impact the mandated nurse staffing ratio legislative proposal?

To many members of the Legislature, this law represents a sound compromise and reasonable policy approach for addressing the issue of nurse staffing in hospitals.

Earnest and ongoing efforts to implement and comply with the hospital clinical staffing committee law will bolster the Legislature’s significant support for this measure, which is intended to serve as an alternative to mandatory ratio legislation. HANYS will provide ongoing support and advocacy to ensure hospitals have the tools and resources necessary to ensure successful implementation.

For more information on this topic, call HANYS’ Governmental Affairs at (518) 431-7724.