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COMMITTEE ON HOSPITALS

Hon. Mercedes Narcisse, Chair

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Oversight: State of Nursing in NYC – Staffing and Retention

I. INTRODUCTION

On November 30, 2022, the Committee on Hospitals, chaired by Council Member Mercedes Narcisse, will hold an oversight hearing titled “Oversight: State of Nursing in NYC – Staffing and Retention.” Among those invited to testify are representatives from New York City’s Health + Hospitals (H+H), the New York State Nurses Association (NYSNA), the Greater New York Hospitals Association (GNYHA), practicing nurses, physicians, advocates, and other interested parties.

II. BACKGROUND

A. *Safe Staffing*

Hospital staff-to-patient ratios have long been the concern of hospital staff, patients, and health advocates.¹ In 1999, California was the first state to pass legislation mandating minimum nurse-to-patient ratios (AB No. 394).² Since then, numerous reports, including one by the United States Department of Health and Human Services, have concluded that inadequate direct care due to staffing shortage leads to adverse patient outcomes.³ In 2021, the University of Pennsylvania found that each patient reduction from a nurse’s workload was linked to a 13 percent decrease in deaths for the elderly and a 9 percent reduction in the length of hospital stay.⁴ Similarly, a 2002 study published by the Journal of the American Medical Association (JAMA), which examined data from 168 nonfederal adult general hospitals in Pennsylvania, found that each additional

¹ Eric Feldman, *Nurses offer solutions to reckon with long-simmering shortages*, SPECTRUM NEWS NY1, April 27, 2022. <https://www.ny1.com/nyc/all-boroughs/news/2022/04/28/nurses-offer-solutions-to-reckon-with-long-simmering-shortages>

² Assembly Bill No. 394. October 10, 1999. http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=199920000AB394

³ “Evidence Report/Technology Assessment Number 151” Nurse Staffing and Quality of Patient Care Prepared for: Agency for Healthcare Research and Quality U.S. Department of Health and Human Services, AHRQ. Pub. March 2007. <https://archive.ahrq.gov/downloads/pub/evidence/pdf/nursestaff/nursestaff.pdf>

⁴ OFFICE OF THE NEW YORK CITY COMPTROLLER BRAD LANDER, *Comptroller Stringer to New York State: Pass Safe Staffing for Quality Care Act to Save Lives and Cut Costs*, Press Release & Statements, (March 17, 2022). <https://comptroller.nyc.gov/newsroom/comptroller-stringer-to-new-york-state-pass-safe-staffing-for-quality-care-act-to-save-lives-and-cut-costs/>

patient added to a nurse's workload is associated with a 7 percent increase in the likelihood of patient death within 30 days of admittance.⁵ Additionally, low numbers of nurses have also been associated with increased nurse burnout and lower retention⁶ as each additional patient added to a nurse's workload is associated with a 23 percent increase in chances of burnout and a 15 percent increase in the odds of job dissatisfaction.⁷

As a result of these findings and related concerns, advocacy groups have sought to promote legislation to establish and enforce minimum nurse-to-patient ratios, also known as "safe staffing" laws.⁸ To date, Massachusetts is the only state other than California to pass a safe staffing law that prescribes a specific nurse-to-patient ratio.⁹ Unlike the California law, which requires minimum ratios for all nurses,¹⁰ the Massachusetts law passed in 2014 requires a nurse-to-patient ratio of 1 to 2 in Intensive Care Units only.¹¹

Current New York State regulations require hospitals to have a director of nursing services responsible for "developing a plan to be approved by the hospital for determining the types and numbers of nursing personnel and staff necessary to provide nursing care for all areas of the hospital."¹² GNYHA, an organization that represents over 160 hospitals and health systems, prefers this method over specified staffing ratios because it allows flexibility for each hospital to

⁵ Aiken LH, Clarke SP, Sloane DM, Sochalski J, Silber JH. *Hospital Nurse Staffing and Patient Mortality, Nurse Burnout, and Job Dissatisfaction*. *JAMA*. Pub. October 2002. <https://jamanetwork.com/journals/jama/fullarticle/195438>

⁶ Aiken, Linda H et al. *Implications of the California nurse staffing mandate for other states*. HEALTH SERVICES RESEARCH. Pub. August 2010. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2908200/>

⁷ *Supra* note 4.

⁸ "About" NATIONAL NURSES UNITED. <https://www.nationalnursesunited.org/about>

⁹ "Nurse Staffing" AMERICAN NURSES ASSOCIATION. Updated December 2015. <https://www.nursingworld.org/practice-policy/advocacy/state/nurse-staffing/>

¹⁰ *Supra* note 1.

¹¹ Massachusetts General Laws, Part I, Title XVI, Chapter 111, Section 231.

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section231>

¹² 10 CRR-NY 405.5 Available at

[https://govt.westlaw.com/nycrr/Document/I4fe3965acd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/nycrr/Document/I4fe3965acd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)

determine and provide services appropriate to their unique patient needs.¹³ For example, differing technology used in each hospital can lead to different care needs.¹⁴ Collectively, researchers have been unable to agree on the most optimal nurse-to-patient ratios.¹⁵

NYSNA recommends safe nurse-to-patient ratios, which range from 1 to 1 in the Trauma Emergency Unit to 1 to 6 in the Well-Baby Nursery.¹⁶ Hospital representatives have expressed concern that the estimated several billion dollars needed to enforce such staffing ratios would be detrimental for struggling hospitals.¹⁷ However, the actual cost of implementing NYSNA recommended staffing ratios is unclear, as some studies have found that increasing staffing ratios can increase profits by leading to a reduction in adverse events and an increase in staff retention.¹⁸ Regardless of the differing views on staffing ratios and pricing, many have reported that New York City is suffering from a severe nursing shortage, where some nurses treat up to 15 patients at a time.¹⁹

B. Impacts of the Pandemic

At the height of the COVID-19 pandemic, doctors and nurses at every hospital had to care for more patients than usual, but at safety-net hospitals, which were not able to deploy large

¹³ GNYHA Strongly Opposes Nurse Staffing Ratios, Calls for Health Insurance Guaranty Fund, GNYHA Pub. May 7, 2018. Available at: <https://www.gnyha.org/news/gnyha-strongly-opposes-nurse-staffing-ratios-calls-for-health-insurance-guaranty-fund/>

¹⁴ Livanos, Nicole. *A Broadening Coalition: Patient Safety Enters the Nurse-to-Patient Ratio Debate*, JOURNAL OF NURSING REGULATION, April 2018. [https://www.journalofnursingregulation.com/article/S2155-8256\(18\)30056-5/pdf](https://www.journalofnursingregulation.com/article/S2155-8256(18)30056-5/pdf)

¹⁵ Paulsen, Rebecca A. *Taking nurse staffing research to the unit level*, NURSING MANAGEMENT, July 2018. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6039374/>; Patterson, Jennifer. *The effects of nurse to patient ratios*, NURSING TIMES, January 18, 2011. <https://pdfs.semanticscholar.org/48c0/91882cc67ffa0f6e6ba066f90265481395516.pdf>

¹⁶ NYSNA, *Safe Staffing: Get the Facts*. <https://www.nysna.org/our-campaigns/safe-staffing/safe-staffing-get-facts#.XPtFCohKiUk>

¹⁷ Grause, Bea, HANYS' *SFY 2019-2020 state budget testimony and health policy recommendations*, HANYS, February 5, 2019. https://www.hanys.org/government_affairs/state/state_budget/docs/2019_budget_testimony.pdf

Lovett, Kenneth. *New York nurses union unveiling \$1M campaign for 'safe staffing' bill*, DAILY NEWS, June 4, 2018. <https://www.nydailynews.com/news/politics/ny-pol-nurses-hospitals-staffing-20180603-story.html>

¹⁸ Everhart, Damian et al. *The effects of nurse staffing on hospital financial performance: competitive versus less competitive markets*, HEALTH CARE MANAGEMENT REVIEW. August 2013. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4543286/>

¹⁹ McGeehan, Patrick. *Nurses Strike in New York: Threats Increase Over 'Safe Staffing' Levels*, NEW YORK TIMES. March 30, 2019. <https://www.nytimes.com/2019/03/30/nyregion/nyc-nurses-strike.html>

numbers of specialists or students or quickly hire workers, patient-to-staff ratios became difficult to manage.²⁰

For example, in the emergency room, where best practices call for a maximum of four patients per nurse, the ratio hit 23 to 1 at Queens Hospital Center, 15 to 1 at Jacobi Medical Center in the Bronx (both of which are public hospitals), and 20 to 1 at Kingsbrook Jewish Medical Center in Brooklyn.²¹ Similarly, in Intensive Care Units, where patients require close monitoring and the standard ratio is just 2 patients per nurse, ratios quadrupled at some hospitals, including Presbyterian's satellite hospital in Queens, and Interfaith Medical Center in Brooklyn.²² H+H, Kingsbrook, and Interfaith have disputed these ratios.²³

Research has shown that staffing levels affect mortality, and this may be even truer during the pandemic, as the health condition of COVID-19 patients can quickly deteriorate without warning.²⁴ At public and private hospitals alike, patients reportedly collapsed or died because of understaffing.²⁵ A report by Attorney General Letitia James found that Nursing Homes with low Centers for Medicaid and Medicare Services (CMS) staffing ratings—a measure of 6 different staffing criteria that CMS uses to give a rating (1 to 5 stars) to a nursing home based on staffing levels and retention rates²⁶—had higher COVID-19 fatalities.²⁷ Research indicates that more than 4,370 deaths could have been averted during the height of the COVID-19 pandemic (2020 to 2021)

²⁰ Brian M. Rosenthal, Joseph Goldstein, Sharon Otterman and Sheri Fink, *Why Surviving the Virus Might Come Down to Which Hospital Admits You*, The New York Times, Updated July 31, 2020, <https://www.nytimes.com/2020/07/01/nyregion/Coronavirus-hospitals.html>.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Design for Care Compare Nursing Home Five-Star Quality Rating System: Technical Users' Guide*, CENTERS FOR MEDICAID AND MEDICARE SERVICES, October 2022. <https://www.cms.gov/medicare/provider-enrollment-and-certification/certificationandcompliance/downloads/usersguide.pdf>

²⁷ NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL LETITIA JAMES, *Nursing Homes Response to COVID-19 Pandemic*, Revised January 30, 2021. <https://ag.ny.gov/press-release/2021/attorney-general-james-releases-report-nursing-homes-response-covid-19>

if a patient to nurse ratio of 4 to 1 had been implemented in New York State.²⁸ In response to the nurse shortage during the pandemic, leadership at H+H released a report in June about their efforts to rapidly expand capacity across their 11 acute care hospitals and 3 new field hospitals to meet the unprecedented demand for patient care by redesigning, recruiting, onboarding, and training processes.²⁹

C. State of Nursing

According to the New York State Office of the Professions, as of January 1, 2022, 258,443 Registered Professional Nurses (RPN) reside in New York³⁰— an 18.42 percent decline from 2019, when the State had 316,787 RPNs.³¹ Currently, with a population of 8.867 million,³² New York City has about 75,128 RPNs living in its 5 counties (Bronx, 9,928; Kings (Brooklyn), 21,270; New York (Manhattan), 10,682; Queens, 24,773; and Richmond (Staten Island), 8,475),³³ which equals an approximate ratio of one RPN for every 251 New York City residents. These numbers reflect the ongoing nurse shortage in New York City Hospitals as confirmed by Dr. Mitchell Katz, president and CEO of H+H, who stated in January 2022: “Our number one problem in this cycle has been the loss of staff.” The nurse shortage is also reflected in the private voluntary hospitals in New York City, as they too are facing a nursing crisis with over one thousand RN vacancies

²⁸ OFFICE OF THE NEW YORK CITY COMPTROLLER, *Comptroller Stringer to New York State: Pass Safe Staffing for Quality Care Act to Save Lives and Cut Costs*, March 17, 2021.

<https://comptroller.nyc.gov/newsroom/comptroller-stringer-to-new-york-state-pass-safe-staffing-for-quality-care-act-to-save-lives-and-cut-costs/>

²⁹ Chris Keeley et al., *Staffing Up For The Surge: Expanding The New York City Public Hospital Workforce During The COVID-19 Pandemic*, Health Affairs, June 11, 2020. <https://www.healthaffairs.org.ezproxy.cul.columbia.edu/doi/10.1377/hlthaff.2020.00904>

³⁰ NEW YORK STATE OFFICE OF THE PROFESSIONS, Nursing License Statistics, January 1, 2022. <http://www.op.nysed.gov/prof/nurse/nursecounts.htm>

³¹ NEW YORK STATE OFFICE OF THE PROFESSIONS, *Number of Registered Licensees- 2019*. Updated July 7, 2022. <http://www.op.nysed.gov/prof/statistics/19reg.htm>

³² *New York City Metro Area Population 1950 – 2022*, MACROTRENDS. <https://www.macrotrends.net/cities/23083/new-york-city/population>

³³ *Supra* note 27.

across private hospitals in the City.³⁴ NYSNA data shows that from early 2020 to December 2021, the number of nurses decreased from 1,470 to 1,245 at Maimonides Medical Center in Brooklyn; at New York-Presbyterian Hospital Brooklyn Methodist, the number decreased from 1,137 to 937; and at Staten Island University Hospital/Northwell, the number decreased from 1,172 to 1,067.³⁵ Reports show that some nurses have to care for more than 12 patients at a time.³⁶

D. Issues & Concerns

In New York State, about 100,000 workers need to be hired in order to replace and supplement the nursing labor force annually, to account for retirees and others who leave their jobs. In addition, an average of 34,000 new healthcare workers (home health aides & nurses) are recruited into the workforce each year.³⁷ Due to the pandemic, the demand for more healthcare workers has increased, but the employment rate has gone down by about 6 percent.³⁸ The New York State Department of Health has projected a shortage of more than 39,000 registered nurses in New York by 2030.³⁹

In a recent survey by ShiftMed, of the 500 nurses surveyed, two-thirds said they plan to leave nursing in the next two years, an 18 percent increase from last year's numbers.⁴⁰ The top cited concerns were staffing shortages (99 percent), cost of living (43 percent), and being forced to work too many hours (27 percent).⁴¹ About 94 percent of the nurses surveyed reported that

³⁴ Chris Sommerfeldt, Theresa Braine and Michael Gartland, *NYC nurses brace for staffing shortage with omicron surging: 'It can be really bad for many patients'*, DAILY NEWS, December 26, 2021.

<https://www.nydailynews.com/news/politics/new-york-elections-government/ny-covid-omicron-hospital-staffing-nurses-nysna-katz-20211227-o7whczpxujemhbidho22xzqmcm-story.html>

³⁵ *Id.*

³⁶ Tom Allon, *Opinion: New York has a severe nursing crisis*, CITY & STATE, January 12, 2022.

<https://www.cityandstateny.com/opinion/2022/01/opinion-new-york-has-severe-nursing-crisis/360637/>

³⁷ OFFICE OF NEW YORK GOVERNOR, *2022 State of the State, A New Era for New York*.

<https://www.governor.ny.gov/sites/default/files/2022-01/2022StateoftheStateBook.pdf>

³⁸ *Id.*

³⁹ *Supra* note 33.

⁴⁰ *State of Nursing Report, 2022 Nursing Shortage: ShiftMed Survey Shows Nurses Aren't Okay*, SHIFTMED, September 30, 2022. <https://www.shiftmed.com/blog/2022-annual-state-of-nursing-report/>

⁴¹ *Id.*

staffing shortages have negatively impacted their mental health.⁴² Similarly, in 2021, about 66 percent of the 6,000 acute and critical care nurses surveyed across the United States said they feel the pandemic has made them want to leave their profession, and about 92 percent believed that their difficult experience during the pandemic may have shortened their careers as many are considering retirement earlier than they expected.⁴³

Nurses all over the City's hospitals report losing colleagues due to retirement and opportunities like temporary work or travel nursing, as the higher pay and the flexibility of such work is attractive.⁴⁴ A traveling nurse can make up to \$8,000 per week depending on their specialty, years of experience, demand, and location.⁴⁵ On the other hand, an average registered nurse in New York City makes about \$67,929⁴⁶ to \$93,320⁴⁷ per year. Since the pandemic, the number of travel nurses across the United States has more than doubled.⁴⁸ While the travel nursing "gold rush" may have ended, hospitals' reliance on temporary nurses is far from over as a result of nurse shortages.⁴⁹ Regardless, temporary and travel nurses are paid twice, thrice, or even quadruple the amount that full-time nurses earn—evidenced by the nursing industry's revenue that tripled to \$12 billion in just six years.⁵⁰

⁴² *Id.*

⁴³ Kelly Gooch, *66% of nurses say pandemic has made them consider leaving profession*, BECKER'S HOSPITALS REVIEW, September 20, 2021. <https://www.beckershospitalreview.com/workforce/66-of-nurses-say-pandemic-has-made-them-consider-leaving-profession.html>

⁴⁴ Caroline Lewis, *NYC's Hospital Staffing Crisis Is Fueled By Omicron – Made Worse By Employee Departures*, GOTHAMIST, January 10, 2022. <https://gothamist.com/news/nycs-hospital-staffing-crisis-is-fueled-by-omicron-made-worse-by-employee-departures>

⁴⁵ *Supra* note 33.

⁴⁶ *NYC Health + Hospitals Salaries*, ZIPPA, Updated August 22, 2022. <https://www.zippia.com/nyc-health-hospitals-careers-1549738/salary/>

⁴⁷ Average Registered Nurse Salary in New York, INCREDIBLE HEALTH, November 2022. <https://www.incrediblehealth.com/salaries/rn/ny>

⁴⁸ Jean Lee, *Travel nurses' gold rush is over. Now, some are joining other nurses in leaving the profession altogether*, NBC NEWS, September 3, 2022. <https://www.nbcnews.com/health/health-news/travel-nurses-gold-rush-now-are-joining-nurses-leaving-profession-alto-rca45363>

⁴⁹ Angel Adegbesan, *Hospitals to Lean on More Expensive Travel Nurses Even After Covid*, BLOOMBERG, March 15, 2022. <https://www.bloomberg.com/news/articles/2022-03-15/budget-busting-travel-nurses-to-rack-hospitals-even-after-covid>

⁵⁰ *Id.*

While travel nursing may be an attractive opportunity for many nurses, it has the potential to worsen the nurse staffing crisis and harm morale of full-time nurses who are overworked and underpaid.⁵¹ Furthermore, it places additional burdens on full-time nurses who must train temporary staff to operate different machines and function in systems unique to each facility hospital.⁵²

E. Initiatives for Nursing Retention

According to New York Alliance for Careers in Healthcare, losing one nurse can cost a hospital over \$100,000, and retention of newly graduated nurses has been an ongoing issue.⁵³ In response to the nurse staffing crisis, at the end of 2018, New York City launched the Citywide Nurse Residency program,⁵⁴ a one-year program aimed to provide specialized training and promote job retention for 500 newly graduated nurses at local public and voluntary hospitals.⁵⁵ As of November 2022, 28 New York City hospitals are participants in the program, including all 11 H+H facilities.⁵⁶ The program is intended to help retention efforts and curb burnout among nurses⁵⁷ through a year-long residency that bridges the gap between education and practice for recent graduates.⁵⁸

In another effort to address the nursing crisis, Governor Kathy Hochul recently announced a series of initiatives that aim to retain the nurses and healthcare workers already working and to

⁵¹ *Supra* note 41.

⁵² *Id.*

⁵³ *Mayor de Blasio Announces Launching of the Nation's First City-Led Nurse Residency Program at 24 Local Hospitals*, NYC OFFICE OF THE MAYOR, December 17, 2018.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

attract new people to the field.⁵⁹ The state's Fiscal Year 2023 Budget will allocate an extra \$4 billion to be used on raises and bonuses for healthcare workers, and a new scholarship program for 1,000 nursing students that will make it easier for out-of-state nurses to move New York for full-time nursing jobs.⁶⁰

III. Conclusion

The Committee looks forward to hearing from H+H, GNYHA, and NYSNA on the challenges of nursing shortages, efforts to increase retention rates, equitable strategies to increase patient-to-nurse ratios, pay parity, and better working conditions for New York City nurses. The Committee is also interested in hearing how the Governor's new initiatives can help New York City improve nurse retention rates and create new programs to encourage low-income, black and brown youths to join the healthcare field.

⁵⁹ *NY Nurses Prepared To Do Whatever it Takes To Win Safe Staffing, Respect, And Quality Care For All Contract Campaign* HARLEM WORLD MAGAZINE. <https://www.harlemworldmagazine.com/ny-nurses-prepared-to-do-whatever-it-takes-to-win-safe-staffing-respect-and-quality-care-for-all-contract-campaign/>

⁶⁰*Supra* note 1.