

MEMORANDUM

A.181-A (Gunther)/S.4885-A (Savino)

AN ACT to amend the labor law and the education law, in relation to the hours worked by nurses

This bill adds home care visits to the existing law that no health care employer shall require a registered professional nurse or a licensed practical nurse to work more than that nurse's regularly scheduled work hours or home care visits. The bill makes an exception to emergencies. This bill defines the term "emergency" in Article 36 to include a situation in which unforeseen events make it necessary for a nurse to complete regularly scheduled home visit. Refusal to work overtime would not be considered patient abandonment and would not constitute professional misconduct. Nurses would continue to be able to work overtime on a voluntary basis.

LeadingAge New York must oppose this bill because it fails to take into account the reality of health care workforce shortages and could inadvertently jeopardize the access to health care. Health care providers are experiencing the most severe work force shortages in a decade. While they are employing a wide range of strategies to recruit and retain workers, including nurses, providers are experiencing alarming vacancies of nurses and paraprofessionals. As a result, providers are forced to rely on the use of staffing agency personnel and overtime.

Providers already have a very strong disincentive to rely on overtime, because it is significantly more expensive than using regularly scheduled workers. Providers are required to pay staff at a rate of one and one half times their regular wage. In addition, the use of overtime has been shown to have a negative impact on staff retention – the very thing providers are striving to achieve.

LeadingAge New York supports efforts to ensure the quality of care delivered in New York's home care agencies; however, because this bill ignores the operational realities of home care providers by removing a necessary tool for addressing situations arising from the staffing shortages, **LeadingAge New York opposes A.181-A (Gunther)/S.4885-A (Savino) and urges that it be rejected.**

LeadingAge New York represents over 400 not-for-profit and public long-term care providers, including nursing homes, home care agencies, senior housing, retirement communities, assisted living, adult care facilities, adult day health care and managed long term care.

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