



Department of Health

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Commissioner

JOHANNE E. MORNE, M.S.
Executive Deputy Commissioner

March 26, 2024

DHDTC DAL#: 24-02
New York State Public Health Law Section 2805-t –
Clinical Staffing Committees and Complaints

Dear Chief Executive Officer:

This correspondence is to provide additional direction to hospitals regarding clinical staffing complaints and violations of New York State Public Health Law 2805-t to ensure that each complaint is evaluated thoroughly and in accordance with the requirements of the law and 10 NYCRR Section 405.5.

In order to ensure a thorough evaluation, the Department requires that hospitals develop and implement policies and procedures to address all the requirements in PHL 2805-t and 10 NYCRR Section 405.5 including but not limited to the following:

1. Clinical staffing complaints regarding compliance with the clinical staffing plan, personnel assignments in a patient care area or staffing levels and any other requirement of the adopted clinical staffing are to be submitted to and reviewed by the Clinical Staffing Committee.
2. Hospitals must maintain an electronic log of all clinical staffing complaints and provide it upon request to the Department.
3. Clinical staffing complaints are to be submitted to the Clinical Staffing Committee.
4. Each complaint should be assigned a numeric complaint reference number that is clearly identified and documented in the top quarter of the response. Complainants should be provided this complaint number in reference to their submission of a complaint.
5. Hospitals should respond to each complaint in writing. An electronic notice is acceptable as long as the hospital maintains a copy of the electronic response.
6. Hospitals must ensure that clinical staffing plans are posted in a publicly conspicuous area on each patient care unit for each shift on that unit and the actual daily staffing for that shift on the unit as well as the relevant clinical staffing.

Additionally, the clarifications below are in response to concerns that the Department has received regarding both the conduct of the committee and selection of individuals for representation on the Clinical Staffing Committee and the development of the Clinical Staffing Plan.

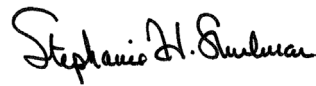
Please note that an effective method to gain collaboration and consensus on development of the Clinical Staffing Plan and discussion of clinical staffing issues would be to involve your staff and the people who represent them in this process. However, the law is silent on participation of representatives outside of the context of a collective bargaining agreement. The Department recommends that hospitals provide a period before adoption of the Clinical Staffing Plan where

union representatives are permitted to provide input. The Department recognizes that the involvement of more voices in this process and specifically of those who represent the hospital's dedicated health care workforce would likely strengthen the result.

As it relates to Clinical Staffing Committee members, the Department recommends that a selection be held on an annual basis in the same month each year with sufficient time provided between the selection and the formulation of the Clinical Staffing Plan.

Thank you for your partnership. Please forward any questions regarding this guidance to hospinfo@health.ny.gov.

Sincerely,

A handwritten signature in black ink that reads "Stephanie H. Shulman". The signature is written in a cursive, flowing style.

Stephanie Shulman, DrPH, MS
Director, Division of Hospitals and
Diagnostic & Treatment Centers