
GREATER NEW YORK HEALTH CARE FACILITIES ASSOCIATION

519 Eighth Avenue, 16th Floor, New York, NY, 10018
Phone: 212-643-2828 Fax: 212-643-2956 www.gnyhcfa.org

Memo 26-12

To: Administrator, DNS, Owners, Operators, Interdisciplinary Team members and QA Committee

From: Michael Balboni, Executive Director and Mary Gracey-White RN, Director of Regulatory Compliance

Date: February 10, 2026

Re: Safe Staffing Penalty Letters

As you may be aware, twenty NYS Nursing Homes received penalty letters regarding the 3.5-hour staffing regulation. GNYHCFA has been in contact with the Department on this matter and will continue to follow up. The Department will host a webinar during the week of February 16, where they will address the methodology used to develop the numbers and the fines. DOH did not respond to the question of how the twenty facilities were chosen nor the timeline of future notifications

The Department referenced the recent Commissioner's Determination of Acute Labor Shortage (https://www.health.ny.gov/facilities/nursing/minimum_staffing/docs/commissioners_determination_2026-02-09.pdf) and that it was utilized in determining compliance and that all mitigations that were submitted were considered.

GNYHCFA continues to advocate for members including that all direct care staff including PT/OT/ST/RT therapies be included in the 3,5-hour staffing calculations