



Department of Health

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Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

June 16, 2023

DHDTC DAL#: 23-07
New York State Public Health Law Section 2805-t –
2023 Clinical Staffing Plan Submissions

Dear Chief Executive Officer:

As the Department continues to move forward with implementing Public Health Law (PHL) 2805-t, we wanted to provide additional direction to hospitals on how to submit clinical staffing plans.

Please be reminded that the law requires a clinical staffing plan to include “specific staffing for each patient care unit and work shift and shall be based on the needs of the patients.”

The law also specifies when the plan must be submitted. As stated in the law, all staffing plans are due annually on July 1st. To allow hospitals to have the opportunity to ensure all patient care units are included in their clinical staffing plans, for 2023 only, clinical staffing plans for inpatient units only must be submitted no later than 12 PM on July 1st. Staffing plans for all other units must be submitted as soon as possible, and no later than 12 PM on August 15th. In calendar year 2024 and after, staffing plans for all patient care units will need to be submitted in their entirety by July 1st.

Clinical staffing plans for 2023 and after are to be submitted via the General Hospital Clinical Staffing Plan Supplement survey located in the HERDS reporting platform.

Please forward any questions regarding this guidance to hospitalstaffingplans@health.ny.gov.

Sincerely,

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



FAQs for Hospital Clinical Staffing Regulations

Q. Is a clinical staffing plan required for all units of the hospital?

A. New York State Public Health Law Section 2805-t requires a clinical staffing plan to include “specific staffing for each patient care unit and work shift and shall be based on the needs of the patients.” For the 2023 clinical staffing plan submission, extension clinics operating at a different location from the hospital or patient care units inside the hospital not staffed with nurses are not required to be submitted.

Q. Are hospitals required to submit separate clinical staffing plans for each clinical unit?

A. Yes, the law requires that a staffing plan be submitted for each patient care unit and work shift and shall be based on the needs of the patients.

Q. Do we only need to submit clinical staffing plans for inpatient units?

A. The law requires a clinical staffing plan to include “specific staffing for each patient care unit and work shift and shall be based on the needs of the patients.” Please refer to the Dear Administrator letter (DHDTc DAL#: 23-07) entitled New York State Public Health Law Section 2805t—2023 Clinical Staffing Plan Submissions sent to hospitals on June 16, 2023, for additional information accessible at https://www.health.ny.gov/professionals/hospital_administrator/letters/2023/docs/dal_23-07.pdf. For the 2023 clinical staffing plan submission, extension clinics operating at a different location from the hospital, or patient care units not staffed with nurses, are not required to be submitted.

Q. What does each patient care area mean? Does this mean all Article 28 space where care can be rendered including our extension clinics, office practices, etc.?

A. The law requires that a clinical staffing plan be submitted for each patient care unit and work shift and shall be based on the needs of the patients. For the 2023 clinical staffing plan submission, extension clinics operating at a different location from the hospital or patient care units inside the hospital not staffed with nurses are not required to be submitted.

Q. Do we need to submit clinical staffing plans for the patient care units that are within the four walls of the hospital only?

A. The law requires that a clinical staffing plan be submitted for each patient care unit and work shift and shall be based on the needs of the patients. For the 2023 clinical staffing plan submission, extension clinics operating at a different location from the hospital, or patient care units not staffed with nurses, are not required to be submitted.

Q. What units do not need to be included in the clinical staffing plan?

A. The law requires that a clinical staffing plan be submitted for each patient care unit and work shift and shall be based on the needs of the patients. For the 2023 clinical staffing plan submission, extension clinics operating at a different location from the hospital, or patient care units not staffed with nurses, are not required to be submitted.

Q. Do we need to include the emergency department, operating room, and ambulatory surgery in the clinical staffing plan?

A. The law requires clinical staffing plans for each patient care unit. Therefore, the emergency department, operating room, and ambulatory surgery are included in clinical staffing plans.

Q. Will there be a new survey opening after July 1st to enter our clinical staffing plans for non-inpatient units?

A. Clinical staffing plans for 2023 and thereafter, are to be submitted via the General Hospital Clinical Staffing Plan Supplement survey located in the HERDS reporting platform. For 2023 only, to allow hospitals to have the opportunity to ensure all patient care units are included in their clinical staffing plans, clinical staffing plans for inpatient units only must be submitted no later than 12 PM on July 1st. Staffing plans for all other patient care units must be submitted as soon as possible, but no later than 12 PM on August 15th.

Q. Do we need to submit our Clinical Staffing Plans via email to hospitalstaffingplan@health.ny.gov in addition to submitting via the HERDS reporting platform?

A. All clinical staffing plans are to be submitted in the General Hospital Clinical Staffing Plan Supplement survey in HERDS. Email is not an acceptable submission.

Q. Do our clinical staffing plans need to include ancillary members of the frontline team including unlicensed personnel?

A. Yes. The clinical staffing plan shall include specific staffing for each patient care unit and work shift and shall be based on the needs of patients. Staffing plans include specific guidelines or ratios, matrices, or grids indicating how many patients are assigned to each registered nurse and the number of nurses and ancillary staff to be present on each unit and shift.

Q. What are examples of ancillary members of the frontline team?

A. Ancillary members of the frontline team shall include but are not limited to patient care technicians, certified nursing assistants, and other licensed and non-licensed staff assisting with nursing or clerical tasks, and unit clerks. Examples of additional ancillary members are pharmacists, social workers, and respiratory therapists.

Q. What are examples of unlicensed personnel?

A. Examples of unlicensed personnel include patient care technicians and certified nursing assistants.