



## Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, M.D., M.P.H.**  
Commissioner

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

November 14, 2023

Re: DAL NH 23-24 Required Minimum  
Nursing Staffing for All Nursing Homes

Dear Administrator:

The Department has received questions and comments about the specific information, and scope of information, nursing homes must submit when requesting a penalty reduction for noncompliance with minimum staffing requirements under Public Health Law § 2895-b and 10 NYCRR 415.13.

The Department is committed to transparency in this process and reducing administrative burdens whenever possible. As such, the Department is finalizing guidance that specifically details what evidence the Department needs to assess whether the mitigating factors were present, and whether or not the facility met the statutory and regulatory requirements for the mitigating factor.

The guidance will be shared during a Webinar scheduled on November 15, 2023 from 10:00 to 11:30 a.m. You may register for this webinar at <https://meetny.webex.com/weblink/register/r685229067793c7b753f0d522ef57a1e3>. Your participation in the webinar is strongly encouraged. This webinar will be recorded, and the materials will be posted to the public DOH website and distributed over the Health Commerce System.

Any questions regarding this correspondence should be forwarded to [NHSafeStaffing@health.ny.gov](mailto:NHSafeStaffing@health.ny.gov).

Thank you for your attention to this important matter affecting residents of nursing homes in New York State.

Sincerely,

Valerie Deetz  
Deputy Director  
Office of Aging and Long-Term Care

cc: Adam Herbst  
A. Villani  
E. Johnson  
J. Sheltry  
M. Furnish  
K. Marks