



STAT News

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STATE UPDATE: Mandated Staffing Issue Remains Active

Nurse Staffing Ratio Legislation: The failure of the Legislature to advance the Safe Staffing for Quality Care Act is a win for the hospital and nursing home industries and a win for patients who are better served, according to research and empirical evidence, by nurse staffing ratios that are assigned by each hospital and in response to patient complexity and needs and surge capacity issues. However, Governor Cuomo has taken a different stand on the issue and, in a statement released Friday (6/22/18), he announced that he will introduce legislation in the next session that would authorize the Department of Health to set staffing levels by regulation. He also directed the Department of Labor to vigorously enforce workplace protections in response to reports that nurses are being forced to work through lunch breaks, additional hours and without fair compensation. Kevin Dahill, president/CEO of the Suburban Hospital Alliance of New York State, emphasizes that clinicians are the ones best equipped to make decisions on staffing levels in each unit in their hospitals. “Flexibility in nurse staff planning is a requirement for quality patient care, because illness and injury manifest themselves in different ways in each patient and because every case and every hospital is uniquely different,” he said. Dahill elaborates upon the rationale for localized, hospital control of staffing levels in his recent [blog](#). The hospital industry welcomes continued discussion of the issue, says Dahill, but forced staffing ratios is not the answer. The hospital and nursing home industries say such regulation would result in a \$3 billion annual cost to their industries and most likely layoffs of ancillary staff, such as nurse assistants and patient care technicians, and it would not improve care.

Positive Healthcare-Related Legislation: Both Houses of the Legislature passed bills that would address important clinical laboratory workforce needs, improve the efficiency of hospital care provided to newborns, and promote organ donation.

FEDERAL UPDATE: House Passes Opioid Legislation; Senate Next

On Friday (6/22/18) the House of Representatives passed the Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act. This legislation will serve as the underlying vehicle for most of the opioid-related legislation already passed and that will be sent to the Senate for consideration. Prior to passage of this bill, the House passed the Overdose Prevention and Patient Safety Act and the Individuals in Medicaid Deserve Care that is Appropriate and Responsible in its Execution Act. The first bill will allow healthcare providers to share substance use disorder information, ensuring that patients receive safe and appropriate care. Previously, sharing of such vital treatment and patient history information was blocked by regulations. This bill aligns the sharing of this specific information among all providers with the Health Insurance Portability and Accountability Act (HIPAA). The second bill would allow up to 30 days of Medicaid coverage for services provided to an adult Medicaid beneficiary with an opioid use disorder at an Institution for Mental Disease (IMD). Current law prevents federal Medicaid dollars from being used to fund care for substance use disorders in an IMD – a facility that holds an exclusive mental health treatment designation. Hospital advocates are also pressing for the Opioid Workforce Act of 2018 to be included in the final package. This legislation would add Medicare-supported residency positions for accredited programs in substance use disorder medicine, psychiatry, or pain management. The House-passed legislation addresses the opioid epidemic from treatment and prevention perspectives, and the Workforce Act would ensure an adequate supply of treatment professionals. The Long Island and Hudson Valley regions continue to have some of the highest rates of opioid use and overdose in the state. The Senate is expected to continue its work on opioid legislation into July.

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