



KATHY HOCHUL
Governor

Department
of Health

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Commissioner

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Acting Executive Deputy Commissioner

Commissioner’s Determination on Acute Labor Supply Shortage
Pursuant to 10 NYCRR 415.13(f)(2)(ii)(b)(1)

June 22, 2023

Pursuant to [10 NYCRR § 415.13\(f\)\(2\)\(ii\)\(b\)\(1\)](#), I hereby issue this determination of an acute labor supply shortage of nurse aides, certified nurse aides, licensed practical nurses, and registered nurses in the Metropolitan and Nonmetropolitan Areas of New York State, for the reasons specified below.

Determination:

On September 27, 2021, Governor Hochul issued Executive Order No. 4, declaring a *Statewide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York*. Due to the continuing staffing shortages in hospitals and other healthcare facilities, the State disaster emergency was continuously in effect from April 1, 2022 to December 31, 2022, (the second, third, and fourth quarters of 2022), through the issuance of Executive Orders 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, and 4.16.

Having consulted with representatives of the New York State Department of Labor and reviewed relevant data on the labor market, I conclude that Executive Orders 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15, and 4.16 support the determination that healthcare facilities, including residential health care facilities licensed by the State of New York in all Metropolitan and Nonmetropolitan Areas of New York State, were located in an area experiencing an acute labor supply shortage during the second, third and fourth quarters of 2022.

Accordingly, based on the above and for the purpose of making a determination pursuant to Public Health Law § 2895-b and 10 NYCRR § 415.13(f), I hereby determine that there was an acute labor supply shortage for the types of personnel referenced below in the Metropolitan and Nonmetropolitan Areas of New York State, as defined by the federal Bureau of Labor Statistics (BLS) and outlined below.

Determination of Acute Labor Supply Shortage				
2 nd Quarter 2022				
3 rd Quarter 2022				
4 th Quarter 2022				
BLS Metropolitan Nonmetropolitan Area	County	Registered Nurse	Licensed Practical Nurse	Certified Nurse Aide*
Albany-Schenectady-Troy, NY	Albany Rensselaer Saratoga Schenectady Schoharie	Acute Shortage	Acute Shortage	Acute Shortage
Binghamton, NY	Broome Tioga	Acute Shortage	Acute Shortage	Acute Shortage
Buffalo-Cheektowaga- Niagara Falls, NY	Erie Niagara	Acute Shortage	Acute Shortage	Acute Shortage
Capital/Northern New York nonmetropolitan area	Clinton Essex Franklin Fulton Hamilton Lewis Montgomery Saint Lawrence	Acute Shortage	Acute Shortage	Acute Shortage

Central East New York nonmetropolitan area	Cayuga Chenango Columbia Cortland Delaware Greene Otsego Sullivan	Acute Shortage	Acute Shortage	Acute Shortage
Elmira, NY	Chemung	Acute Shortage	Acute Shortage	Acute Shortage
Glens Falls, NY	Warren Washington	Acute Shortage	Acute Shortage	Acute Shortage
Ithaca, NY	Tompkins	Acute Shortage	Acute Shortage	Acute Shortage
Kingston, NY	Ulster	Acute Shortage	Acute Shortage	Acute Shortage
New York-Newark-Jersey City, NY-NJ-PA	Bronx Dutchess Kings Nassau New York Orange Putnam Queens Richmond Rockland Suffolk Westchester	Acute Shortage	Acute Shortage	Acute Shortage
Rochester, NY	Livingston Monroe Ontario Orleans Wayne Yates	Acute Shortage	Acute Shortage	Acute Shortage
Southwest New York nonmetropolitan area	Allegany Cattaraugus Chautauqua Genesee Schuyler Seneca Steuben Wyoming	Acute Shortage	Acute Shortage	Acute Shortage
Syracuse, NY	Madison Onondaga Oswego	Acute Shortage	Acute Shortage	Acute Shortage
Utica-Rome, NY	Herkimer Oneida	Acute Shortage	Acute Shortage	Acute Shortage
Watertown-Fort Drum, NY	Jefferson	Acute Shortage	Acute Shortage	Acute Shortage

*Certified Nurse Aide includes Nurses in Training (nurse aides who had not yet become certified in 2022)

This determination is for the purpose of determining whether a facility was located in an area experiencing an acute labor supply shortage when assessing compliance with staffing standards cited in Public Health Law § 2895-b and 10 NYCRR § 415.13(f).