



## FEDERATION OF NURSES/UFT

NYSUT, AFT Healthcare - AFL-CIO  
52 Broadway • New York, NY 10004  
(212) 420-7981

James V. McDonald M.D., M.P.H.  
Commissioner, NYS Department of Health  
Corning Tower  
Empire State Plaza,  
Albany, NY 12237

Dear Dr. McDonald,

On behalf of the Federation of Nurses/UFT, I am writing to convey concerns regarding the implementation of Public Health Law § 2805-T ("Section") by NYU Langone Hospital-Brooklyn ("Hospital").

In the past week, we have filed 30 complaints with the Department of Health ("Department") documenting a continuous and ongoing failure by the Hospital to adequately staff numerous units in violation of the ratios for intensive care and critical care patients mandated by Section 405.22 of Title 10 of the New York Codes, Rules, and Regulations (NYCRR) and the clinical staffing plan approved by the Hospital clinic staffing committee.

These complaints were drawn from over 2,000 short-staffing incident reports filed by our members with the Hospital and which we will continue to file with the Department on a consistent basis henceforth.

We were compelled to take this extraordinary step because of the Hospital's refusal, in contravention of the law, to consider the complaints brought before the clinical staffing committee, therefore leaving the complaints permanently unresolved within the meaning of the statute. The Hospital's refusal to deal with the persistent staffing shortage, and the staffing shortage's daily impact on patient care, forced the union to take the next step and notify the Department of the Hospital's violations.

We hope that the Department will immediately and thoroughly investigate this ongoing patient care crisis and appropriately penalize the Hospital for its actions.

To aid in such enforcement, it is critical that the Department requires the Hospital to fully comply with all of the critical reporting requirements of the statute, including, but not limited to:

- 1) data, from at least the previous year, on the frequency and duration of variations from the adopted clinical staffing plan, the number of complaints relating to the clinical staffing plan and their disposition, as well as descriptions of

unresolved complaints as required by paragraph (d) of subdivision 6 of the Section; 2) quarterly nursing quality indicators required by Section 17, including methods used for determining and adjusting staffing levels and patient care needs and the Hospital's compliance with these methods.

We further request that the Department, as part of a corrective action plan, compel the Hospital to meet with the employee members of the clinical staffing committee to develop the statutorily mandated process to examine, respond to, and track complaints.

We are happy to make ourselves available to discuss our concerns further.

Sincerely,

A handwritten signature in cursive script that reads "Anne Goldman".

Anne Goldman

Vice President for Private Sector

& Non- DOE Members/UFT

Federation of Nurses/UFT

New York State United Teachers,

American Federation of Teachers Healthcare - AFL-CIO