



Commissioner’s Determination on Acute Labor Supply Shortage Pursuant to 10 NYCRR 415.13(f)(2)(ii)(b)(1) March 14, 2025

Pursuant to 10 NYCRR § 415.13(f)(2)(ii)(b)(1), I hereby issue this determination on an acute labor supply shortage of 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:

Having consulted with representatives of the New York State Department of Labor, the Department of Health makes an acute labor shortage determination by “comparing the area’s provider-to-population ratio to the average provider-to-population ratio for the United States”1 using data from the Federal Bureau of Labor Statistics. A Metropolitan or Non-Metropolitan Statistical Area (MSA and non-MSA) is in an acute labor supply shortage when the provider-to-population ratio in each MSA or non-MSA is “at least a minimum of 20 percent below the national average.”1

Having consulted with representatives of the New York State Department of Labor and based on the above analysis, 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.

Table with 5 columns: BLS Metropolitan/Nonmetropolitan Area, County, Registered Nurse, Licensed Practical Nurse, Certified Nurse Aide. Rows include Albany-Schenectady-Troy, NY; Binghamton, NY; Buffalo-Cheektowaga-Niagara Falls, NY; and Capital/Northern New York nonmetropolitan area.

| | | | | |
|--|--|----------------|----------------|----------------|
| Central East New York nonmetropolitan area | Cayuga Chenango Columbia Cortland Delaware Greene Otsego Sullivan | Acute Shortage | * | Acute Shortage |
| Elmira, NY | Chemung | * | * | * |
| Glens Falls, NY | Warren Washington | * | * | * |
| Ithaca, NY | Tompkins | * | * | * |
| Kingston, NY | Ulster | 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 | * |
| Rochester, NY | Livingston Monroe Ontario Orleans Wayne Yates | * | * | * |
| Southwest New York nonmetropolitan area | Allegany Cattaraugus Chautauqua Genesee Schuyler Seneca Steuben Wyoming | Acute Shortage | * | * |
| Syracuse, NY | Madison Onondaga Oswego | * | * | * |
| Utica-Rome, NY | Herkimer Oneida | * | * | * |
| Watertown-Fort Drum, NY | Jefferson | Acute Shortage | * | Acute Shortage |

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).

*The provider-to-population ratio was not “at least a minimum of 20 percent below the national average”, therefore there is a determination of no acute labor supply shortage.

Note: Only nursing homes located in areas declared, per this determination, with an acute labor supply shortage in either licensed nurses (Registered Nurse or Licensed Practical Nurse) or Certified Nurse Aides may be eligible for penalty reduction under 10 NYCRR 415.13(f)(2)(ii)(b) provided the facility is out of compliance with a standard(s) associated with a title that is determined to have a shortage.