



NEW YORK STATE ASSEMBLY
MEMBER GABRIELLA A. ROMERO
109th District

VIA EMAIL

May 6, 2025

James V. McDonald, MD, MPH
Commissioner, Department of Health
99 Washington Ave.
Albany, NY 12210-2808

Dear Commissioner McDonald,

As elected officials representing the Albany area, we take the concerns of the nurses at Albany Medical Center very seriously. We saw over the last year how the lack of adequate staffing at Albany Medical Center has harmed members of the beloved communities we represent and in which we live. Each of us have at different times with nurses and listened carefully to their experiences with understaffing at the hospital and Albany Medical Center's refusal to address the staffing crisis.

As one of the Capital Region's largest private employers, the only Level 1 trauma center between Canada and Westchester, and one of only two hospital systems available to community members, Albany Medical Center Health System must do better for patients and workers. The New York State Department of Health (DOH) must also do better to protect the patients and nurses in our community. The DOH is charged with regulating New York's hospitals and is authorized to hold hospitals accountable when they break the staffing law. I urge the DOH to use their full authority to protect patients and to move Albany Medical Center into compliance with all regulations governing the healthcare industry.

The DOH discovered more than 500 staffing law violations last year at Albany Medical Center. We are deeply concerned about these violations and the continued refusal of Albany Medical Center CEO Dennis McKenna and hospital administrators to correct them. The DOH report shows a disturbing pattern of Albany Medical Center denying official findings from DOH investigators and making excuses for why they cannot provide more information or comply with the law.

Frankly, we are shocked that we have heard nothing from the DOH since news of this detailed and concerning report was released. The findings were delivered on July 25, 2024, pointing at major safety violations last year, as well as lack of coordination with nurses, lack of transparency, and other important elements of the staffing law. There is ample evidence that these problems persist to this day. In a letter from DOH Executive Deputy Commissioner Johanne E. Morne, MS, to Albany Medical Center administrators on Dec. 23, 2024, she states: "In accordance with Public Health Law ("PHL") § 2805-t (12) the Department may impose a civil penalty when the hospital fails to submit or implement a corrective action plan in response to the violation or violations identified.

As a result, this matter is being referred for administrative enforcement, which can result in an array of fines pursuant to PHL § 12, and/or actions against the hospital's operating certificate."

Approximately nine months after finding disturbing staffing deficiencies and three months after promising enforcement of the law, including possible fines, the DOH has not acted. According to NYSNA nurses, Albany Medical Center still has not corrected the problems. What can we tell our constituents who follow the news and are asking us what is being done to ensure safe care at Albany Medical Center? How can we explain that patient safety laws do exist in New York, they simply aren't being enforced? Where can we tell them to go when Albany Medical Center has a near-monopoly on hospital care in the capital region?

Our constituents and community members should not need to ask these questions. They should have the assurance that New York's hospitals comply with the law and that we have a functional regulatory system in place to monitor the care that hospitals provide. We are calling on the DOH to follow through on the administrative actions the law requires. We cannot think of another instance where fines or further actions against a hospital are more warranted than in Albany Medical Center's case. Unless there are consequences to breaking our state's staffing law, we fear that other hospitals in the region and beyond will lower their safety standards and flout the law.

All patients have a right to high-quality hospital care with sufficient nurse staffing to deliver that care. The New York State Department of Health has a vital role in ensuring safety and quality for all New Yorkers. We stand in solidarity with the NYSNA nurses at Albany Medical Center who have been sounding the alarm about safe staffing and Albany Medical Center's lawbreaking to advocate for safe, quality care for patients in the Capital Region and beyond. We join their call for the Department of Health to follow through on their important work in holding hospitals accountable and sending a clear message that no hospital is above the law.

We look forward to hearing about the status of this matter from your office.

Sincerely,



Gabriella A. Romero
NYS Assembly Member
109th District



Phil Steck
NYS Assembly Member
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Angelo Santabarbara
NYS Assembly Member
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Scott Bendett
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