

# STATE OF NEW YORK

8286

2025-2026 Regular Sessions

## IN SENATE

May 30, 2025

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to establishing staffing standards for physical therapists, physical therapist assistants, occupational therapists, occupational therapy assistants, respiratory therapists, respiratory therapy technicians, and recreational therapists at nursing homes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 2895-b of the public health law is  
2 amended by adding four new paragraphs (e), (f), (g) and (h) to read as  
3 follows:

4 (e) "Physical therapist or physical therapist assistant" means any  
5 person licensed or certified as such pursuant to article one hundred  
6 thirty-six of the education law.

7 (f) "Occupational therapist or occupational therapy assistant" means  
8 any person licensed or otherwise authorized to practice as such pursuant  
9 to article one hundred fifty-six of the education law.

10 (g) "Respiratory therapist" or "respiratory therapy technician" means  
11 any person licensed or otherwise authorized to practice as such pursuant  
12 to article one hundred sixty-four of the education law.

13 (h) "Recreational therapist" means any person with a bachelor's degree  
14 with certification as a certified therapeutic recreation specialist from  
15 the national council for therapeutic recreation certification.

16 § 2. Paragraph (h) of subdivision 2 of section 2895-b of the public  
17 health law, as added by chapter 156 of the laws of 2021, is amended to  
18 read as follows:

19 (h) The minimum staffing standard includes the hours which are  
20 required to be reported by a nursing home to the federal Centers for  
21 Medicare and Medicaid Services through the payroll based journal for  
22 long-term care for certified [~~nursing assistants and~~] nurses aides,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 licensed nurses, physical therapists, physical therapist assistants,  
2 occupational therapists, occupational therapy assistants, respiratory  
3 therapists, respiratory therapy technicians, and recreational  
4 therapists. In determining compliance with the staffing standards under  
5 this subdivision, an individual shall not be counted while performing  
6 administrative services as defined in the payroll based journal for  
7 long-term care facilities.

8 § 3. Paragraphs (a) and (b) of subdivision 3 and paragraph (a) of  
9 subdivision 4 of section 2895-b of the public health law, as added by  
10 chapter 156 of the laws of 2021, are amended to read as follows:

11 (a) Beginning January first, two thousand twenty-two every nursing  
12 home shall maintain daily average staffing hours equal to 3.5 hours of  
13 care per resident per day by a certified nurse aide, a licensed nurse  
14 [~~or~~], a nurse aide, a physical therapist, a physical therapist assist-  
15 ant, an occupational therapist, an occupational therapy assistant, a  
16 respiratory therapist, a respiratory therapy technician, or a recre-  
17 ational therapist, or any combination thereof; provided that out of such  
18 3.5 hours, no less than 2.2 hours of care per resident per day shall be  
19 provided by a certified nurse aide [~~or~~], a nurse aide, a physical thera-  
20 pist assistant, an occupational therapy assistant or a respiratory ther-  
21 apy technician, or any combination thereof and no less than 1.1 hours of  
22 care per resident per day shall be provided by a licensed nurse, a phys-  
23 ical therapist, an occupational therapist, a respiratory therapist or a  
24 recreational therapist, or any combination thereof.

25 (b) Beginning January first, two thousand twenty-three and thereafter  
26 every nursing home shall maintain daily average staffing hours equal to  
27 3.5 hours of care per resident per day by a certified nurse aide [~~or~~], a  
28 licensed nurse, a physical therapist, a physical therapist assistant, an  
29 occupational therapist, an occupational therapy assistant, a respiratory  
30 therapist, a respiratory therapy technician or a recreational therapist,  
31 or any combination thereof; provided that out of such 3.5 hours, no less  
32 than 2.2 hours of care per resident per day shall be provided by a  
33 certified nurse aide, a physical therapist assistant, an occupational  
34 therapy assistant or a respiratory therapy technician or any combination  
35 thereof, and no less than 1.1 hours of care per resident per day shall  
36 be provided by a licensed nurse, a physical therapist, an occupational  
37 therapist, a respiratory therapist, or a recreational therapist, or any  
38 combination thereof.

39 (a) A nursing home shall post information regarding nurse staffing  
40 that the facility is required to make available to the public under  
41 section twenty-eight hundred five-t of this chapter. Such posting shall  
42 also include therapist staffing levels as set forth in this section.  
43 Information under this paragraph shall be displayed in a form approved  
44 by the department and be posted in a manner which is visible and acces-  
45 sible to residents, their families and the staff, as required by the  
46 commissioner.

47 § 4. This act shall take effect immediately.