



**TO:** The Honorable the Members of the Board of Regents

**FROM:** Johanna Duncan-Poitier

**COMMITTEE:** Full Board

**TITLE OF ITEM:** Addressing Nursing and Other Professional Work Force Shortages

**DATE OF SUBMISSION:** December 4, 2001

**PROPOSED HANDLING:** Discussion

**RATIONALE FOR ITEM:** To inform the Regents about continuing actions to address the nursing and other work force shortages

**STRATEGIC GOAL:** Goal 3

**AUTHORIZATION(S):**

## **EXECUTIVE SUMMARY**

A report to the full Board of Regents was presented in April 2001 on the *Nursing Shortage in New York State*. The health and well being of over 18 million New Yorkers is dependent upon the vitality of the State's nursing work force. Reports point to a nationwide nursing shortage that, if left unaddressed, will be more severe and longer in duration than those previously experienced. Several factors differentiate this shortage from previous ones, including the global nature of the shortage, an aging work force, the image of the nursing profession, the impact of managed care, new opportunities for women in other professions, the challenging work environment of nurses, and the decreasing overall population. Experts predict a nursing shortage so severe that by 2005 the demand for registered nurses in New York is projected to exceed supply by over 17,000. By 2015, that gap is expected to almost double.

In response to this potential crisis and in carrying out the Regents regulatory responsibility for over 300,000 licensed nurses in this State, Chancellor Carl T. Hayden called for the formation of the Regents Blue Ribbon Task Force on the Future of Nursing. Chancellor Hayden and the other members of the Board of Regents, acknowledging the complexity of the predicted health care crisis, noted that addressing the shortage would require the commitment and collaboration of a diverse group of leaders representing various sectors of the professions and the health care industry. Regent Diane O'Neill McGivern, was appointed to chair the Task Force. This report is an update on the most significant accomplishments since the April 2001 meeting of the Board of Regents related to this matter.

As the newly appointed Chair of the Task Force, Regent McGivern invited 26 influential leaders in health care, education and government to participate in the Task Force. Members were selected based on their ability to represent significant areas of responsibility and being uniquely positioned to contribute to the resolution of the shortage.

Task Force members included members of the Board of Regents; Chief Executive Officers of the New York University Medical Center, the Visiting Nurse Service of New York, the Healthcare Association of New York State, and the Greater New York Hospital Association; the Commissioners of Health and Education; the President of the New York State Nurses Association; members of the New York State Assembly and Senate; members of the State Board for Nursing; and the Deputy Commissioner for the Professions (see Attachment A for a list of members).

Members assembled for two meetings, on June 28 and September 7, 2001, at the New York University, Division of Nursing in New York City to address the nursing shortage. The Task Force confirmed the factors leading to the shortage, detailed the complexities of the shortage in diverse health care settings, and agreed upon the severity of the problem. Members acknowledged that addressing these comprehensive issues would require both long-term and short-term strategies. The Task Force also benefited from an informative presentation from Dr. Claire Fagin, titled *When Care Becomes a Burden: Diminishing Access to Adequate Nursing*.

As a result of an ambitious agenda and a steadfast commitment to a strong future for the nursing profession, Task Force members unanimously agreed to a set of recommendations for resolving this looming health care crisis. The report of the Task Force, *Protecting the Public*, includes the agreed-upon recommendations. These recommendations require the involvement of the health care, education and governmental sectors for implementation. As a result of the collaboration and discussions, seven key recommendations were developed by the Task Force. The criteria for selecting these recommendations included:

- may be achievable by some Task Force members;
- will have significant impact on the shortage;
- is cost effective;
- capitalizes on work already being done;
- contains long-term benefits; and
- optimizes quality patient care.

The Task Force report is available on the Department's website at [www.op.nysed.gov](http://www.op.nysed.gov).

## REGENTS BLUE RIBBON TASK FORCE RECOMMENDATIONS AND SOLUTIONS

### Recommendations

The recommendations of the Regents Blue Ribbon Task Force are summarized below:

**Retention:** Support initiatives to retain current nursing work force, including pursuit of best practice principles, such as the magnet hospital model.

**Recruitment:** Expand the nursing work force by recruiting additional numbers of men, minorities, non-practicing nurses, and recent high school graduates.

**Education:** Provide additional academic and financial support systems to increase the pool of nursing school graduates and create career ladders.

**Technology:** Increase the application of labor-saving technology to eliminate unnecessary, duplicative paperwork and improve access to and communication of patient information, thereby improving workplace conditions.

**Data Collection:** Develop a reliable central source of data on the future need for nurses in the work force upon which employers, policymakers, futurists, researchers and legislators may base public policy and resource allocations.

### **Clarify Existing Laws and Regulations:**

- **Scope of Practice for Nurses:** Issue practice guidelines to clarify the legal scope of practice of nursing, including those tasks which do not require licensure. These guidelines will reaffirm the individual practitioner's responsibility for patient care, even within demanding workplace settings.
- **Patient Abandonment:** Familiarize field with existing Regents regulations which describe patient abandonment - clarifying that refusal to work a double shift or other mandatory overtime in ordinary circumstances does not necessarily constitute professional misconduct.

### Solutions

A great number of solutions consistent with the Task Force recommendations are already being implemented by member organizations of the Task Force. For example:

- The Greater New York Hospital Association (GNYHA) designed and implemented a five-part series: *Nursing Leadership Seminar Series* for nurse managers that was attended by approximately 250 nurse managers. The GNYHA is also conducting public awareness campaigns and providing outreach to immigrant and refugee populations.

- The Healthcare Association of New York State (HANYs) is sponsoring several workshops for their member hospitals, focusing on such topics as: successful strategies for communicating value and respect and providing recognition and reward for health care workers and best practices in recruitment strategies.
- Other organizations, including the New York State Nurses Association and the State Education Department, through the State Board for Nursing, are maintaining speakers bureaus and working with school counselors to better advise students regarding the profession of nursing.

A complete listing of these ongoing activities is included in the attached Blue Ribbon Task Force report.

## **NEXT STEPS**

The work of the Task Force set the stage for discussions at the *Forum on the Future of Nursing* that was scheduled to occur on October 29, 2001. The Forum had to be postponed indefinitely due to new fiscal constraints resulting from the September 11<sup>th</sup> tragedy which affected State government and many other agencies. The Board of Regents, the Education Department and the State Board for Nursing remain committed to working with our many partners to address the nursing shortage. The work continues in a variety of formats and venues across the State. These ongoing activities and plans are described below.

### **I. Implement Task Force Recommendations within the State Education Department's Statutory and Regulatory Authority**

#### **A. Clarify Existing Laws and Regulations**

In line with Regents Goal 3 – “The public will be served by qualified, ethical professionals who remain current with best practice in their fields...,” the State Education Department, with the assistance of the State Board for Nursing, will pursue the Task Force recommendations to clarify the existing legal and regulatory framework.

- 1) Task Force Recommendation - Scope of Practice for Nurses:  
**Issue practice guidelines to clarify the legal scope of practice of nursing, including those tasks which do not require licensure. These guidelines will reaffirm the individual practitioner's responsibility for patient care, even within demanding workplace settings.**

As a result of the recommendations of the Regents Task Force, the State Board for Nursing is examining issues related to scope of practice concerns that may require clarification based on work force shortages. Guidelines regarding the use of unlicensed

assistive personnel and the role of the Licensed Practical Nurse performing certain tasks in certain settings are in progress.

- 2) Task Force Recommendation - Patient Abandonment:  
**Familiarize field with existing Regents regulations which describe patient abandonment - clarifying that refusal to work a double shift or other mandatory overtime in ordinary circumstances does not necessarily constitute professional misconduct.**

The State Board for Nursing is developing specific guidelines to clarify that refusal to work a double shift or other mandatory overtime in ordinary circumstances does not necessarily constitute professional misconduct, so that nurses are aware that inappropriate threats of charges of professional misconduct for such instances are not warranted.

The Department has also begun to address this recommendation by familiarizing the health care community with the regulation on patient abandonment as contained in Part 29 of the Rules of the Board of Regents on professional misconduct. Part 29 has recently been added to the Office of the Professions' website ([www.op.nysed.gov](http://www.op.nysed.gov)). Excerpts from Part 29 are also publicized to consumers through the *You Have the Right to Competent Professional Service* brochure, as well as to professionals through various practice guidelines.

## **B. Improve Available Data**

- Task Force Recommendation – Data Collection:  
**Develop a reliable central source of data on the future need for nurses in the work force upon which employers, policymakers, futurists, researchers and legislators may base public policy and resource allocations.**

Work is under way to determine how to cost effectively develop reliable data on the future need for nurses in the work force for use by employers, policymakers, researchers and legislators. The options being explored include:

- identify all repositories of relevant data and their source(s);
- identify ways to better coordinate collection or sharing of the existing data; and/or
- identify any gaps in data and how to best fill those gaps through existing or new means.

## **II. Disseminate the Task Force Report**

In her letter accompanying the Task Force report, Regent McGivern noted “resolving the nursing shortage will demand cooperation, foresight and thoughtful planning. In many cases, it will require changing the way we think and work....Now we call upon others – consumers, health care practitioners, associations, legislators, educators, government leaders – to join us in preserving the integrity of the nursing profession and upholding high standards of public protection.” By widely distributing the Blue Ribbon Task Force report,

we can be assured that these diverse partners are aware of the recommendations of the Task Force and the projects initiated to address the nursing shortage.

We are in the process of distributing the Task Force report to the original 300 invitees to the *Forum on the Future of Nursing* and to members of the New York State Congressional delegation. It will also be shared with members of the New York State Senate and Assembly. Other avenues for distribution are being considered, including:

- health facilities;
- nursing education programs;
- Task Force partners to distribute the report to their constituencies; and
- school counselors.

The initial report to the Board of Regents and the Task Force report are also being regularly accessed on the web as the following data shows:

- **Nearly 1,600** hits on the **April Regents Report on the Nursing Shortage** from September 1 to November 14, 2001.
- **Over 500** hits on the **Task Force report** from October 1 to November 14, 2001 and another **500 hits** on the "**highlights**" and "**recommendations**" sections of the Task Force report from October 1 to November 14, 2001.

This active use of the report demonstrates the high level of interest it has generated.

### III. Outreach

To engage local hospitals, practitioners, and consumers in resolving this shortage, Department staff have made numerous presentations, as part of their ongoing work, advancing the work and recommendations of the Regents Blue Ribbon Task Force on the Future of Nursing with approximately 1,500 members of groups including:

- Centennial Convention of the New York State Nurses Association;
- Council of Practical Nurse Educators;
- Coalition of Nurse Practitioners Annual Convention;
- New York State Department of Health, Nursing Hospital and Primary Care Surveyors;
- New York State Society of Aging Legislative Town Hall Meeting; and
- New York Organization of Nurse Executives (NYONE).

In addition, State Nursing Board members are speaking to "grass roots" groups, such as parent teacher associations, local nursing associations, and religious organizations. These presentations include background on the nursing shortage, the Regents response and requests for support of partnerships with schools, with employers and others in addressing the problem.

#### **IV. Regents Public Policy Conference - November 7, 2001**

The Regents Public Policy Conference was a direct follow-up to the work of the Task Force. With more than 300,000 licensees, nursing, the largest of the licensed professions, was facing the most critical and immediate shortage and thus was the logical choice for the Regents attention and swift action. The work that is being done to address the nursing shortage is generating ideas and solutions that can also apply to other professions.

At the Public Policy Conference led by Chancellor Hayden, Regent McGivern, together with a member of the State Board for Nursing, shared the lessons learned from the Task Force. Commissioner Mills noted that the important work of the Task Force will now continue in different ways and stressed the importance of this Public Policy Conference discussion in alerting us to other threats to public safety due to work force trends across professions. Not all factors contributing to professional shortages are universal, and those factors unique to each profession must be considered if appropriate strategies for each profession are to be developed. Strategies useful in addressing the nursing shortage or strategies that have not been effective can be reconsidered from the unique perspective of other professions, thus eliminating considerable duplication of effort and resources.

To begin to accomplish this, panelists from State professional boards and professional associations representing engineering, nursing, pharmacy, physical therapy, public accounting and respiratory therapy (see Attachment B for a list of participants) addressed the following:

- current work force trends in these professions;
- similarities and differences in these professions to the findings of the Regents Blue Ribbon Task Force on the Future of Nursing; and
- next steps for boards and associations in contributing to the solutions.

#### **V. Clearinghouse for Strategies to Address the Nursing Shortage**

As indicated earlier in this report, members of the Task Force are addressing the nursing shortage and implementing recommendations through their respective organizations. Recognizing opportunities for benchmarking and collaboration, the State Education Department will serve as a clearinghouse for these efforts. Staff will collect periodic reports from Task Force members tracking recent activities or strategies to address the nursing shortage, subsequent impacts, and contacts for additional information and/or opportunities for alliances. Information will then be distributed to Task Force members and other designated partners, encouraging further activity and collaboration.

#### **VI. Issue Practice Guidelines**

The New York State legal and regulatory framework is a guiding force for professional practice, carefully designed by the Regents, the Commissioner of Education,

the Legislature and other policymakers, with wide input. As the scope and breadth of professional practice continue to expand, it is necessary to illuminate and clarify existing laws, rules, and regulations in the face of changing workplace settings, improved technology, and other evolving factors. Especially in times of new opportunities and challenges for practitioners, it is critical that the Regents and the Department promote and maintain high standards of public protection.

The State Education Department, with the assistance of the relevant professional State boards, periodically issues practice advisories in response to questions from licensees and the general public, newly enacted laws or regulations, or other factors and issues requiring clarification. These advisories are issued as part of the Department's regulatory function. The following are examples of the types of practice advisories that have been issued.

- Practice guidelines clarifying the acceptable administration of **immunizations and anaphylactic agents** by registered professional nurses using **non-patient specific orders and protocols** were sent to almost 400,000 registered professional nurses, licensed practical nurses, nurse practitioners, pharmacists and physicians. These guidelines also provide useful information for registered professional nurses regarding **the role of LPNs in administering immunizations**. State Board office staff are available by phone, fax, and e-mail to assist health care providers as they use this new information within their professional settings. Easy-to-read practice guidelines and frequently asked questions have also been added to the Office of the Professions' website ([www.op.nysed.gov](http://www.op.nysed.gov)).
- **A plain-language review of pertinent rules and regulations** clarified for 81,000 physicians, nurse practitioners, and physician assistants the laws and regulations that **define the roles of nurse practitioners and physician assistants**. This review was prepared in recognition of the increasingly diverse yet collaborative roles these professionals are playing in the delivery of health care services. This clarification helped to ensure that appropriate comprehensive care is delivered safely and efficiently by each individual practitioner.
- **A practice guideline containing questions and answers relating to the electronic transmission of prescriptions** was sent to more than 135,000 pharmacists, prescribers, including physicians, dentists, podiatrists, optometrists, veterinarians, physician assistants, midwives, and nurse practitioners, and representatives of related entities such as hospitals and pharmacies, to bridge the communication gap among health care professionals and eliminate inconsistencies in interpretation.
- In response to questions raised to the State Board for Nursing regarding qualifications required to serve as first assistants to surgeons and the incidence of possible illegal activities, the Office of the Professions issued a practice advisory to all physicians, nurses, and health care facilities. The advisory

**clarified that non-licensed personnel are not authorized to assist surgeons in this capacity**, thereby ensuring public protection through the use of qualified licensees in these critical positions.

State Education Department legal staff are working with various stakeholders to further clarify these and other complex, far-reaching issues. As additional practice guidelines and advisories are developed, they will be shared widely with nurses, hospitals, nursing homes and home care agency administrators and made available on the Web. Task Force members have agreed to work with the Education Department to provide input and assist in communicating this information to the field.

## **CONCLUSION**

As more and more individuals learn about the Task Force recommendations and clearinghouse information, they will be encouraged to participate in resolving the shortage and will have the information needed to initiate new or enhance productive, ongoing activities. The Regents have an important role in addressing work force shortages. It is important to note, however, that they cannot work in isolation. Employers and their compensation policies, other State and federal agencies, the work environment and the community also have an impact on work force supply and demand. The Regents unique position as a citizen board with oversight of more than 650,000 licensed professionals enables them to observe the interrelationship of the work force across the spectrum of the 38 licensed professions that they regulate. The Regents are in a position to initiate appropriate action or serve as a catalyst for assembling the necessary partnerships to address professional regulatory and public health and safety issues. The power of the Regents is their ability to assemble critical forces during critical times to affect change.

Attachments

## **Attachment A**

### **Members of the Regents Blue Ribbon Task Force**

#### **Diane O'Neill McGivern, Task Force Chair**

- **Anthony S. Bottar**, New York State Board of Regents
- **Barbara Boursiquot**, New York Downtown Hospital
- **Susan Bowar-Ferres**, Vice President and Chief Nursing Officer, New York University Medical Center; President, New York Organization of Nurse Executives
- **Marie Castignaro**, CEO, St. Joseph's Hospital
- **Mary Collins**, Dean, Decker School of Nursing, Binghamton University
- **Phyllis Collins**, President, New York State Nurses Association
- **Walter Cooper**, New York State Board of Regents Emeritus
- **Nancy Neveloff Dubler**, Director, Division of Bioethics, Albert Einstein College of Medicine
- **Johanna Duncan-Poitier**, Deputy Commissioner for the Professions, New York State Education Department
- **Richard N. Gottfried**, Chair, Health Committee, New York State Assembly
- **Kemp Hannon**, Chair, Health Committee, New York State Senate
- **Carl T. Hayden**, Chancellor, New York State Board of Regents
- **Blair Horner**, Legislative Director, New York Public Interest Research Group
- **Eileen Lantier**, Associate Professor, Syracuse University, College of Nursing
- **Kenneth P. LaValle**, Chair, Higher Education Committee, New York State Senate
- **Paul F. Macielak**, President and CEO of the New York Health Plan Association
- **Richard P. Mills**, President of The University of the State of New York and Commissioner, New York State Education Department
- **Antonia Novello**, Commissioner, New York State Department of Health
- **Rafael A. Olazagasti**, Senior Vice President of Medical Affairs, Benedictine Hospital
- **Patricia O'Brien**, Associate Vice President for Regulatory & Professional Affairs, Greater New York Hospital Association
- **Eileen Quinlan**, Geriatric Nurse Practitioner, St. Luke's/Roosevelt Hospital Center
- **Carol Raphael**, President and CEO, Visiting Nurse Service of New York
- **Joanna Scalabrini**, Past Chairperson, Council of Practical Nurse Programs of New York State; Westchester Community College
- **Edward C. Sullivan**, Chair, Higher Education Committee, New York State Assembly
- **Raymond Sweeney**, Executive Vice President, Healthcare Association of New York State
- **James R. Tallon, Jr.**, President, United Hospital Fund of New York

## Attachment B

### REGENTS PUBLIC POLICY CONFERENCE: WORK FORCE TRENDS IN THE PROFESSIONS

#### Panelists

- **Dianne Cooney Miner** Ph.D., RN, C.S, CNRN, Associate Dean of Undergraduate Programs and Clinical Professor, Decker School of Nursing at Binghamton University
- **David Schaff**, Pharm. D., R.Ph., Director of Pharmacy, St. Francis Hospital, Poughkeepsie
- **Kelly K. Norris**, Executive Director, New York State Society of Professional Engineers (NSPE)
- **Charles J. Schoff**, CPA, Partner, D’Arcangelo & Company, Rome, NY
- **Linda B. Scheuer**, PT, MS, Chairperson and Academic Coordinator of Clinical Education, Maria College Physical Therapist Assistant Program, Albany
- **Mike La Fuentes**, RT, Department Head of Respiratory Therapy, New York Hospital, New York City