



## Department of Health

**KATHY HOCHUL**  
Governor

**MARY T. BASSETT, M.D., M.P.H.**  
Commissioner

**KRISTIN M. PROUD**  
Acting Executive Deputy Commissioner

March 31, 2022

DAL NH 22- 12

Dear Nursing Home Administrator:

The purpose of this letter is to inform providers that the following suspensions or modifications of the Public Health Law (PHL) pursuant to Executive Order 4.4 will expire today, March 31, 2022:

- PHL § 2895-b(3) to the extent that failure of a nursing home to meet the daily average staffing hours will not be held to be a violation of the Public Health Law;
- PHL § 2828(1) to the extent that failure of a residential health care facility to spend a minimum of 70% of revenue on direct resident care, and 40% of revenue on resident-facing staffing, will not be held to be a violation of the Public Health Law.

Beginning April 1, 2022, PHL §§ 2895-b and 2828 will be in full effect. Any immediate safety concerns should be directed to the Surge and Flex Operations Center at (917)909-2676.

Sincerely,

John Morley, MD  
Deputy Commissioner  
Office of Primary Care and  
Health Systems Management