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Executive Directors Report

#6

THE NEW YORK STATE NURSES ASSOCIATION

REPORT TO THE BOARD OF DIRECTORS

EXECUTIVE DIRECTOR

January 26-27, 1989

I. STAFF MATTERS

Resignations: Barbara Zittel, Assoc. Director, Nursing Education Program

Mardi Massaroni, Asst. to Director, Communications/Public Relations

II. NYSNA BOARD POLICY MANUAL

Two additions to the policy manual are proposed. During the recent NLRB hearing on the Long Beach case, counsel for the hospital noted that the appended document, "Responsibilities and Powers of the Board of Directors," was not formally approved by the Board of Directors. This document was prepared on the advice of NYSNA's legal counsel for use in the Board orientation process. The statements contained in the document on pages three and four represent the principles utilized in the Association's insulation of the Economic and General Welfare Program. Board approval of the document as a statement of Association policy is requested.

The second proposed policy has for many years been an established operational policy regarding attendance of members at Board meetings held in open session. Formal Board approval of this policy is requested.

III. HANYS REQUEST FOR NYSNA ASSISTANCE

The Hospital Association of New York State (HANYS) has requested the Association's assistance in exerting pressure on the State government to release funds already approved for reimbursement rate relief as related to compensation of nurses and other professionals. (See letter and summary attached.)

Initial steps have been taken to provide information pertaining to the "embargoed" funds to NYSNA members, the Legislative Council, District legislative committees, and other Association leaders. HANYS has con-

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cluded that legislative resolution of this problem is the only viable approach to achieve release of the funds in the foreseeable future.

IV. PROGRESS RE NYSNA LAWSUITS PERTAINING TO LBN REGULATIONS

NYSNA legal counsel George Harder has advised us that a motion has been filed to request that the legal process for resolution of the Association's pending cases against the Department of Health be expedited.

A meeting of legal counsels for the State Education Department and NYSNA, Milene Megel, and NYSNA staff to discuss the regulations has been scheduled for January 23.

V. MEMBERSHIP FIGURES

The total enrollment continues to fluctuate around 30,000. Of note is the fact that while 47% of members hold district membership, 75% of these members are members of two districts. Twelve DNAs have 200 members or less, and two have less than 50 members.

VI. EXECUTIVE DIRECTOR'S CALENDAR, JANUARY-FEBRUARY

January 14-15 At NYSNA Buffalo office

January 20 District Advisory Council

January 24 Meeting with Editorial Board, New York City

January 25-27 Finance Committee and Board of Directors

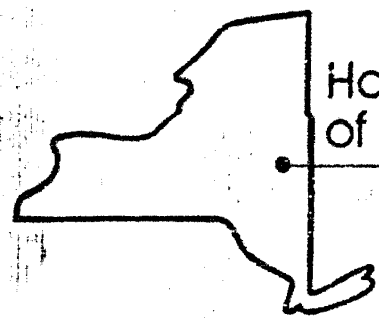
Feb. 2-4 ASAE Continuing Education Conference on Personnel Management (Washington, D.C.)

Feb. 14 Welfare Plan Trustees' Meeting, New York City

Feb. 23-24 COAR Meeting, Kansas City

Feb. 27 Legislative Workshops and Reception

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Hospital Association
 of New York State

Dec 30 1988

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Schenectady

December 30, 1988

Martha L. Orr, MN, RN
 Executive Director
 New York State Nurses Association
 2113 Western Avenue
 Guilderland, NY 12084

Dear Ms. Orr:

For your information, I am enclosing a copy of a recent CEO letter which was mailed to all hospital administrators in New York State. This CEO letter details the current status of HANYS' efforts to obtain rate relief to compensate for rapidly increasing nursing and other health care personnel costs. Also enclosed is a related press release issued on December 29.

The assistance of your organization would be greatly appreciated in helping to obtain this much needed relief which benefits us all. Anything you can do to express your support to the legislative and executive branches would be most helpful. Thank you for your cooperation.

Sincerely,

Daniel Sisto

Daniel Sisto
 President

Enclosures

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SUMMARY OF COMMUNICATION BETWEEN HANYS AND NYSNA
ABOUT REIMBURSEMENT RATE SITUATION
AND
SUMMARY OF CONTEMPLATED NYSNA ACTIVITY

January 5, 1988

The 1988 hospital reimbursement legislation gave authority to the Commissioner of health to adjust reimbursement rates. However, even though the Commissioner was given that authority, the ultimate control over the release of additional reimbursement monies apparently lies with the Director of the Budget Department and the Governor.

Throughout the past year, the Department of Health gave assurances to the hospitals (including during public meetings of the Codes Committee) that they would be given rate increases to offset the unusual costs of the required increase in professional salaries (largely nurses') and the costs of compliance with new code requirements.

During this same period, HANYS estimates that hospitals spent, in aggregate, \$160 million in excess of the trend factor increases in rate reimbursement. This is money that is already spent and for which the hospitals expected rate relief.

According to HANYS, the Commissioner of Health approved a plan to increase the reimbursement rates, and sent the rate adjustments to the Budget Department. The Budget Department, apparently in consultation with the Governor, has refused to release the additional monies, citing the \$2.3 billion state budget deficit.

HANYS has mounted an intensive political campaign to bring about release of the monies. Tallon and Gottfried are reported as very supportive of their efforts. HANYS proposed a temporary compromise in which only the independent third party payers' (not Medicare or Medicaid) share would be paid immediately. The State has no control over the Medicare piece. The Medicaid share of the payments would be approximately \$28 million, of which \$7 million would normally be paid by the state. Commissioner Axelrod declined to support the compromise because of its discriminatory impact on the nursing home industry.

The process of legal appeals to force release of these monies would involve the administrative law and courts. HANYS is not optimistic that this route would succeed in achieving a timely release of the funds.

Instead, HANYS is pursuing legislative recourse. Agreement to sponsor legislation to require release of the monies has been obtained. HANYS has also asked its members to lobby their own legislators for assistance in this matter. If no relief or

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legislation is forthcoming, HANYS will consider organizing a large public demonstration of support, in Albany, on the day before Lombardi's "nurse of distinction" day, May 8. Should the budget issue prove to be a feasible vehicle for such a demonstration, an earlier lobby day may be organized.

It seems appropriate for NYSNA to provide support for HANYS' efforts to obtain the funds. We have agreed that

1. We will use our publications to educate our members about the issues and to ask them to speak with their legislators
2. We will interview nurse administrators to give their views on the reimbursement situation and its impact on hospital financing.
3. We will support legislation on the issue if appropriate. our legislative staff will lobby appropriate legislators.
4. We will inform the Association's legislative council and district legislative committees of the problem, and ask for their immediate efforts.
5. We will monitor this situation and stay in close touch with HANYS and other resources to reevaluate as necessary.

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