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New York Nurse Practitioners Sue for Equal Pay to Physicians

10/24/24

On September 17, 2024, a federal class action lawsuit was filed by New York-licensed nurse practitioners alleging that while they perform the same duties as medical doctors, they are illegally paid lower wages. The suit – *Burns v. State of New York*, 5:24-cv-01132, filed in the US District Court for the Northern District of New York – further alleges that gender discrimination is at play, since at least eighty percent (80%) of nurse practitioners are female.

The suit was filed on behalf of a class consisting of nurse practitioners employed by various agencies within the State of New York, ranging from the Office of Persons with Developmental Disabilities to correctional facilities. The complaint specifically details the work done by five (5) nurse practitioners, in each instance comparing their work to the work done by a medical doctor. One nurse practitioner is described as doing patient evaluations “identical to what a psychiatrist completes” and is even identified in medical records as the “psychiatrist” of record. Other nurse practitioners are described as performing the same examinations, treatments and ordering of tests as their medical doctor colleagues, but always at a lower pay rate.

The suit specifically points to the 2022 amendments to the New York Nurse Practitioner Modernization Act, which, among other things, allowed nurse practitioners with over three thousand six hundred (3600) hours of physician-nurse collaborative practice to provide care independently, without a written agreement or collaborative relationship with a medical doctor.

In the State of New York, pay is determined by the civil services salary grade (“SG”) system. The higher the SG, the more an individual is paid. The suit alleges that while nurse practitioners perform services equivalent to medical doctors with SG36 or SG38, nurse practitioners are prohibited from advancing past SG24.

The suit asserts that the disparity is a result of gender discrimination or a disparate impact on females and requests not only prospective pay equity, but ten (10) years of back wages, adjustment to pension benefits and compensatory damages due to the distress caused by the discrimination.

The State of New York has yet to file a response to the complaint. Our team will continue to monitor the suit and provide updates as they become available.

Attorneys

- Tracy Armstrong
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Practice

- Employment Law