



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' -- for the week of April 1, 2024 -- 'NY's COVID-19 response still clouded in secrecy'

THOMAS F. O'MARA April 1, 2024

| ISSUE: **COVID-19 RESPONSE REVIEW**



Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature.

The longer the delay in an honest and independent reassessment of the most devastating public health crisis this state ever faced, the more transparency gets clouded, the more credibility is eroded, and the more the effectiveness of New York's future responses is jeopardized and weakened.

Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, **"NY's COVID-19 response still clouded in secrecy"**

On the fourth anniversary of ex-Governor Andrew Cuomo's now infamous March 25, 2020 executive order forcing New York's nursing homes to accept COVID-positive patients back into their facilities -- a move that many believe directly contributed to many COVID-related deaths in long-term care facilities -- I joined legislative colleagues and "Voices for Seniors" advocates at the Capitol last week to remember one of the most terrible chapters in this state's history.

The remembering remains necessary because Governor Kathy Hochul and the state Legislature's Democrat leaders seem determined to forget.

The ongoing, unexplainable lack of urgency on a comprehensive, top-to-bottom, independent examination of New York's COVID-19 response -- including its costs, what New York did right and, more importantly, where things went wrong -- remains unacceptable, but that's where things stand. A desperately needed reassessment and reexamination has never been a frontline priority for Albany Democrats, even though it's critical, unfinished work.

Exhibit A is the fact that Governor Hochul has shown no interest whatsoever in getting to the bottom of New York's tragic decision to pressure nursing homes into accepting COVID hospital patients. As I said, it will forever be one of the saddest chapters in this state's history. We cannot allow it to be ignored and forgotten. New York State's COVID response needs to be independently examined for the sake of justice for the families who lost loved ones in nursing homes and to ensure that what went wrong, on many levels, never happens again.

Yes, two years ago, the Hochul administration announced a contract with a Virginia-based consulting firm to delve into the state's COVID-related policies and actions beginning in March 2020. Set aside the troubling fact that the release of this review's findings, despite costing taxpayers at least \$4.3 billion, has been repeatedly delayed, even worse is that, from the beginning, these hired investigators have reported directly to the governor and her top aides.

In other words, Governor Hochul essentially chose to follow the playbook of her predecessor, disgraced ex-Governor Andrew Cuomo, by conducting an in-house review of New York's COVID response instead of convening an independent investigatory panel.

Recall what took place in that first in-house review conducted by the Cuomo-led state Health Department. The report tried to conclude that the March 25th directive "could not be the driver" of COVID cases or COVID-related deaths in nursing homes. However, a later investigation found that the report had been "substantially revised by the Executive Chamber and largely intended to combat criticisms" about the directive. It was later uncovered that former Governor Cuomo and his inner circle misreported the number of COVID-19 deaths in nursing homes with the state attorney general finding, in early 2021, that the Cuomo administration had "undercounted" COVID deaths in New York State by as much as 50%. Reports have revealed that the Cuomo response was replete with lies, misinformation, stonewalling, whitewashing, and ultimately, bald-faced personal gain for the former governor with a \$5.1 million book deal.

Now, Governor Hochul wants to call her hand-picked reviewer an "outside, independent" investigation but that's far from the case. Many of us remain troubled that it's the only reexamination underway and it's one that will wind up being just another in-house, multi-million-dollar whitewashing of the truth -- another stonewalling effort to cover up and conceal bad decisions, especially on nursing homes.

"The best way to ensure New York is better prepared in the future, is to openly and honestly assess the mistakes of the past. Thousands of families continue to mourn the loss of their loved ones in nursing homes due to the disastrous March 25th directive from former Governor Cuomo. They deserve the thorough, transparent investigation that was promised, not more inaction from their state government," Senate Republican Leader Rob Ortt said at our news conference last week.

Assembly Minority Leader Will Barclay added, "Four years of unanswered questions, four years of families grieving, four years of zero transparency. Governor Kathy Hochul promised families an independent review of the state's policies during the early phases of the COVID-19 pandemic. New York families are still awaiting that review. Making matters worse, the Reimagining Long-Term Care Task Force, which was designed to study deep-rooted issues in New York's long-term care systems and nursing homes, has never met."

From the earliest days of the pandemic, when I first began serving as the Ranking Member on the Senate Investigations Committee, Senate and Assembly Republicans have repeatedly requested legislative hearings equipped with subpoena power to seek answers and provide accountability for the families who lost loved ones due to the previous administration's mishandling of the pandemic.

Of course, since then, many abuses of power at the highest levels of New York government have come to light. Yet, for some reason, Albany Democrats have tried to keep any meaningful,

independent reviews at bay. In fact, since the Democrats obtained complete one-party control six years ago, there has been no exercise of checks and balances between the branches of government, certainly no legislative oversight of the executive.

Remarkably, what has continually defined the post-COVID Hochul administration is a glaring lack of urgency to reexamine the pandemic response, absolutely no urgency from the Democrat supermajorities in both houses of the State Legislature for a review of all of it, from the beginning until now -- its costs, shortcomings, outright failures, what worked and what didn't, what actions should remain in place going forward and what needs to be scrapped immediately.

The longer the state's one-party control avoids an honest and independent reassessment of the most devastating public health crisis this state ever faced, the more transparency gets clouded, the more credibility is eroded, and the more the effectiveness of New York's future responses is jeopardized and weakened.

###