



NEW YORK STATE SENATOR

Fred Akshar

## Senate Democrats Reject Republican Effort to Rescind Governor's Power & Give Needed Help to Nursing Homes

FRED AKSHAR May 28, 2020

| ISSUE: **CORONAVIRUS PANDEMIC; COVID-19; PPE; FACE SHIELDS, CORONAVIRUS; COVID-19; SENIORS; NURSING HOMES; ADULT CARE FACILITIES**



With the Legislature back in session for two days, the New York State Senate Republican Conference proposed amendments to immediately end the Governor's disaster emergency power and provide our underfunded nursing homes with a desperately needed \$100 million allocation for testing, PPE, and staffing.

Senate Democrats unanimously rejected both proposals.

The **first proposal**, sponsored by Senators Joe Griffo and Patrick Gallivan, would have immediately stopped the Governor's one-man rule of New York State after nearly 90 days of control.

The proposal would have put New York disaster emergency control policy in line with other states, which limit an Executive's powers to 30 days, and would have required the Governor to receive Legislative approval for continuation of such powers. The amendment also would have mandated that the Governor transmit weekly reports to the Legislature during an emergency declaration and would have created communication between the governor and the parties affected by a suspension of laws during a state disaster emergency.

Since early March, the Governor has issued 33 Executive Orders and has changed 250 laws. In a March 25 directive, he ordered that nursing homes and long term care facilities accept COVID positive patients, **a fatal move which is believed to have contributed to 5,800 deaths**.

Senator Sue Serino, the Aging Committee's Ranking member, proposed the **Protecting Our Nursing Homes amendment** to direct \$100 million in unused Federal CARES Act funding to nursing homes, assisted living, and long term care facilities to help purchase testing supplies, PPE, and hire additional staff.

Democrats cut funding to nursing homes in March and today unanimously rejected the Republican Protecting Our Nursing Homes amendment to care for our most vulnerable population.

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*“Denying desperately needed PPE for nursing homes is an unconscionable and disgraceful display of putting politics before the lives of our most vulnerable people in New York. The people of this state elected us to serve their needs, not play politics. It’s time to put partisan*

*nonsense aside and restore common sense, justice, and democracy to our state. As we begin to recover, rebuild, and restore our economy and our livelihoods, we must also recover, rebuild, and restore the checks and balances that comprise the very fabric of our democracy. One-man rule must end,” Senator Fred Akshar said.*

“We must restore checks and balances to this state to make sure the people’s work gets done. It’s a shame that Senate Democrats didn’t agree that we should do that,” said Republican Conference Leader John J. Flanagan.

“The State Constitution intends co-equal branches of government, and my amendment attempted to restore the checks and balances crucial to democracy. It's disappointing that Senate Democrats disagree with this concept. Legislators were not consulted on the issues that matter most, like nursing homes, though we have called for measures to stop the tragedy unfolding. Today, we had the ability to provide real help to the places that care for our most vulnerable and Senate Democrats rejected sending funding to our seniors,” said Deputy Leader Griffo.

“The initial COVID-19 response demanded an ability to respond quickly, but now it’s time to put an end to government by executive order. A legislative process without checks and balances can go too far and fail to be effective. The most egregious example is the ongoing crisis in New York’s nursing homes where unilateral decisions by the Cuomo administration have proven tragic and where the threats to our most vulnerable population are still not being fully addressed. We had the opportunity to address both of these shortcomings this week, but this Legislature under one-party control failed to act,” said Senator Tom O’Mara.

“Andrew Cuomo isn’t king. He’s governor, and subject to the same checks and balances and limits of power as any elected official. By mandating that nursing homes accept COVID-19 positive patients, the Governor’s reckless, irresponsible policy led to the deaths of nearly

6,000 New Yorkers. That's not conjecture. That's fact. Governor Cuomo needs to be put in check and his emergency disaster powers — powers that he clearly misused, from his nursing home mandate, to shutting down our economy and arbitrarily picking which businesses were 'essential' and 'nonessential' — must be rescinded, immediately. We also need a thorough, independent state and federal investigation into his irresponsible policy for nursing homes that caused this avoidable tragedy that claimed the lives of our state's most vulnerable population," Senator Daphne Jordan said.

"Checks and balances along with transparency are the foundations of state government. It is time to restore these key elements and ensure that the voices of our constituents are heard. We also need to take steps to protect our most vulnerable and provide nursing homes with the support they need. Placing new mandates on nursing homes without corresponding funding is unacceptable," said Senator James L. Seward.

Video of today's Senate Republican press conference discussing the amendments can be found [here](#).

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#### RELATED LEGISLATION

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### **2019-S8387**

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- Introduced
- ◦ In Committee Assembly

- In Committee Senate
  
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- ◦ Passed Assembly
  - Passed Senate
  
- Delivered to Governor
  
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May 21, 2020

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Do you support this bill?