



NEW YORK STATE SENATOR

Thomas F. O'Mara

## O'MARA, COLLEAGUES CALL ON CUOMO, LEGISLATIVE LEADERS TO TAKE RESPONSIBILITY FOR COVID-19 NURSING HOME CRISIS: Local homes and caregivers are 'overburdened, overwhelmed, and under pressure'

THOMAS F. O'MARA May 29, 2020

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**Elmira, N.Y., May 29**—State Senator Tom O'Mara (R,C,I-Big Flats) and members of the Senate Republican Conference continued this week to call for the Cuomo administration and the Legislature's Democratic leadership to take full responsibility for the COVID-19 nursing home crisis.

Specifically, O'Mara and his Senate GOP colleagues introduced a legislative amendment that would have immediately provided state-regulated nursing homes with desperately needed testing and personal protection equipment (PPE).

The amendment was unanimously rejected by the Senate Democratic leadership.

Senate Democrats also defeated a second amendment proposed by O'Mara and his colleagues that would have limited the governor's emergency executive powers and restored legislative checks and balances during the ongoing COVID-19 response.

O'Mara said, "The dangers and shortcomings of government solely by executive order have become clear. 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 begin fixing both of these failures this week, but this Legislature under one-party control failed to act."

Since early March, O'Mara said that Cuomo has issued 33 Executive Orders that have allowed the governor to unilaterally change at least 250 laws.

One of these orders, on March 25, required nursing homes and long-term care facilities to accept COVID-positive patients. That move, which was recently rescinded following criticisms by O'Mara and other state and local officials, is now believed by many to be one of

the primary factors behind the nearly 6,000 COVID-related deaths that have occurred in New York's nursing homes over the past few months.

Consequently, O'Mara co-sponsored the Senate GOP proposal to direct \$100 million in unused Federal CARES Act funding to nursing homes and assisted living facilities to immediately help purchase testing supplies and PPE.

O'Mara said, "Governor Cuomo can't just issue another directive or another unfunded state mandate out of Albany and leave this nursing home crisis to be addressed at the local level. Not now, when we have already lost thousands of seniors. Not now, when this virus remains an extreme danger to the elderly in nursing homes. Not now, when our localities, local care facilities, and local caregivers on the front lines are already overburdened, overwhelmed, and under pressure. It is long past time for Governor Cuomo to order his administration to take full responsibility for this crisis and for the state to deliver the resources necessary to protect this vulnerable population."

The governor has come under increased scrutiny for the COVID-19 crisis in nursing homes.

O'Mara has worked closely with local leaders to address nursing home "hot spots," particularly in Steuben County, and has shared their frustration with the Cuomo administration's response.

"The front lines of this nursing home crisis in Steuben County and other hot spots throughout New York have led to important shifts in state policies, but it has also highlighted the frustration at the local level with the response of the Cuomo administration and overall state policies," said O'Mara. "We repeatedly called for aggressive and decisive actions by the state Health Department to test, isolate, and prevent spread, but kept running into the roadblocks of existing state policies and directives — and now that includes new,

costly state-mandated testing that our rural facilities simply cannot afford or administer. We need the Cuomo administration to take full responsibility for this crisis and provide everything necessary to fully protect our most vulnerable populations.”

O'Mara has also joined legislative colleagues, Republicans and Democrats, to call for an independent investigation into the COVID-19 nursing home crisis.

While an investigation has been launched by the state's Attorney General and the DOH, O'Mara and other lawmakers question the independence of that investigation since DOH is directly involved in creating the directives being questioned.