



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' ~ for the week of June 22, 2020 ~ 'Nursing home crisis demands independent scrutiny'

THOMAS F. O'MARA June 22, 2020

| ISSUE: **CORONAVIRUS; COVID-19; SENIORS; NURSING HOMES; ADULT CARE FACILITIES**



From very early on, I have worked closely with local officials on the front lines trying to address this crisis in Steuben County and elsewhere, and I can attest to the exasperation that we've had in dealing with the Cuomo administration on this specific threat. It's the driving force behind joining legislative colleagues, on both sides of the aisle, calling for an independent investigation so that we can better understand what's occurred, why, and, most importantly, address it to save lives going forward.

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 "From the Capitol..."

This week, "Nursing home crisis demands independent scrutiny"

[See attached copy above of Senator O'Mara's column in The Spectator on Wednesday, June 24, 2020]

As early as the first week in May, a little over one month into New York's COVID-19 shutdown, I began calling for an independent investigation into the crisis unfolding in state-regulated nursing homes – a crisis which has now claimed over 6,000 lives.

At that point, remember, Governor Andrew Cuomo himself had directed the state Attorney General and his own Department of Health (DOH) to open an investigation. This in-house investigation, according to the state health commissioner late last week, remains ongoing. Needless to say, its independence is automatically called into question since DOH was directly involved in creating the directives being examined.

On May 6 I wrote, "Our efforts on the front lines of this nursing home crisis and tragic loss of lives in regional nursing homes, particularly at Hornell Gardens in Steuben County, helped recently lead to an important shift in state policy that now prevents nursing home employees who tested positive for COVID-19 from returning to work for two weeks. Working as a team with Hornell Mayor Buckley, County Manager Wheeler, the entire Steuben County Health Department, Congressman Tom Reed, and all of the local officials and health care providers working around the clock on the COVID-19 response, I can attest to our collective frustration with the response of the Cuomo administration to taking control of our nursing home hot spots. We repeatedly called for aggressive and decisive actions by the state Health Department to test, isolate, and prevent spread. I believe an independent investigation into this particular aspect of New York's COVID-19 response is warranted and necessary for the families who have lost loved ones, the caregivers putting themselves at risk, and to ensure better and safer policies moving forward."

In other words, from very early on, I have worked closely with local officials on the front lines trying to address this crisis in Steuben County and elsewhere, and I can attest to the exasperation that we've had in dealing with the Cuomo administration on this specific threat. It's the driving force

behind joining legislative colleagues, on both sides of the aisle, calling for an independent investigation so that we can better understand what's occurred, why, and, most importantly, address it to save lives going forward.

Continuing throughout the month of May, our state Senate Republican Conference has steadily called for an independent investigation. At the same time, we have put forth legislation and called for the Cuomo administration to immediately take additional actions including, among others, creating regionally based long-term care facilities for COVID-positive nursing home residents.

In late May, when legislative leaders finally brought the Legislature back into session, Senate Republicans put forth two important legislative amendments that would have:

> immediately provided nursing homes and assisted living facilities with \$100 million in unused Federal CARES Act funding to help purchase desperately needed testing supplies and PPE; and

> immediately limited the governor's emergency executive powers and restored legislative checks and balances during the ongoing COVID-19 response.

Both of our amendments (and similar amendments put forth by Assembly Republicans in that house) were unanimously rejected by every Democrat member of the state Senate and Assembly.

Following this inaction by legislative leaders on May 29, I wrote, "The dangers and shortcomings of government solely by executive order have become clear. A legislative process without checks and balances goes too far and fails 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."

Moving into the fourth month of the New York's COVID-19 response, it is especially critical now to constantly reassess and react to the state's response – above all, to ensure that it stays focused, reasonable, and transparent.

Nowhere is this more necessary than on the nursing homes and the absolute need, in my view, for an independent investigation. What cannot happen is for this tragedy to disappear into the oblivion of endless political maneuvering and obfuscation.

Overall, the need to restructure New York State government's economic, fiscal, programmatic, regulatory, and taxation frameworks has never been more apparent.

I have stressed throughout the COVID-19 response that we need to weather this immediate storm, first, and then restore this state, upstate and downstate, for the long term. It will require, at least, a restructuring of New York government, strengthening the state-local partnership, and rebuilding New York with the right priorities, long-overdue commonsense reforms, and fiscal responsibility.

COVID-19 has had many consequences and delivered many, many wake-up calls – wake-up calls in our personal lives and the lives of our communities, to be sure, but also, let's hope, for the long-term future of balanced, equitable, and effective state government.