



NEW YORK STATE SENATOR

Thomas F. O'Mara

## O'Mara, colleagues call on State Senate leaders to use subpoena power to compel testimony from Cuomo, other officials on nursing homes

THOMAS F. O'MARA July 16, 2020

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**Elmira, N.Y., July 15**—State Senator Tom O'Mara (R,C,I-Big Flats) and members of the Senate Republican Conference are calling on the Senate Majority to leverage its subpoena power to

compel testimony from Governor Andrew Cuomo, Department of Health (DOH) Commissioner Howard Zucker, recently retired DOH nursing home director Mark Kissinger and other state officials with knowledge of the March 25 directive that sent COVID-19 positive patients into nursing homes and other residential health care facilities.

O'Mara and the Senate GOP charged that Senate Democrats "inviting" administration officials to testify at upcoming legislative hearings to examine the nursing home crisis is inadequate. Hearings are scheduled for August.

After months of silence and inaction, Democrats finally heeded the call to hold hearings, but have yet to harness the Senate's full investigative powers to deliver answers to thousands of grieving families who lost loved ones at nursing homes, assisted living, and long-term care facilities.

O'Mara said, "From early on, I have joined local officials on the front lines working to address this crisis in Steuben County and elsewhere, and I can attest to the frustration that we've often faced 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. The upcoming legislative inquiry can be important and effective as long as Governor Cuomo and administration officials are compelled to testify. Their testimony is central to fully understanding what happened here and it's warranted for those who have lost loved ones, the caregivers putting themselves at risk, and to ensure better and safer policies."

Senate Republican Leader Rob Ortt said, "Families who lost loved ones in nursing homes deserve accountability and answers about what happened during the pandemic, and they do not deserve daily blame-game or a self-serving Health Department report. Democrats must

use the Senate's subpoena power to compel testimony and documents for bipartisan inspection and not simply extend a polite 'invitation' to the Administration to continue their shameful behavior. We must see documents, emails, and fully understand why Governor Cuomo considered our most vulnerable an afterthought."

The virus has hit New York's nursing homes disproportionately hard, with deaths in the facilities accounting for roughly one third of overall coronavirus-related deaths in the state. A report from the Albany-based Empire Center for Public Policy recently showed that the state may be severely underreporting the number of deaths with researchers arguing that the actual number could be roughly doubled, from about 6,200 to 10,000 or more.

The state has yet to take responsibility for the problems plaguing these facilities throughout the pandemic, and has instead blamed guidance by the CDC—a claim labeled "mostly false" by PolitiFact—or facility staff bringing the virus into these vulnerable facilities. The Health Department most recently put out its own in-house study to place blame on family members and staff for infecting residents, a report that has drawn sharp criticism.

In addition, the state has yet to acknowledge the fact that nursing homes throughout New York have continually faced budget cuts, which have resulted in persistent staffing shortages that jeopardize quality of care, a problem only exasperated by the COVID-19 outbreak. Instead of providing additional support to these facilities during this critical time, additional cuts were tucked into this year's state budget.