



NEW YORK STATE SENATOR

Thomas F. O'Mara

## O'Mara renews call for Senate committee to use subpoena power to compel testimony from Cuomo administration

THOMAS F. O'MARA August 3, 2020

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Albany, N.Y., August 3 —State Senator Tom O'Mara and his colleagues in the Senate GOP conference today renewed calls for the Senate to use its subpoena power after empty testimony from state Department of Health (DOH) Commissioner Howard Zucker left grieving families whose loved ones died in nursing homes without new information about

why this tragedy occurred.

State Senate Democrats allowed Zucker and Gareth Rhodes, representing the Executive Chamber, to testify on their own volition. Both presented a convenient power point presentation that relied solely on the findings of a DOH-issued report that blamed the deaths of over 6,500 seniors on coronavirus spread among staff and family visitation instead of a March 25 order that allowed coronavirus positive patients to be sent directly from hospitals into nursing homes.

The presentation echoed the narrative presented by Governor Andrew Cuomo.

Zucker could not provide any answers as to the real death toll among the nursing home, assisted living, and long term care population, either. New York is the only state that does not count the deaths of residents who died in the hospital after transfer. This data was never factored into the DOH report.

The actual number of deaths could be as high as 10-11,000 individuals.

Zucker could not answer specific questions on the March 25 order, which he did not bring with him.

O'Mara, the top Republican member of the Senate Investigations Committee, one of the lead committees of today's joint, bipartisan Senate-Assembly hearing, said, "It's incomprehensible that after Republicans called for an independent investigation, use of subpoena power and more to get answers for the people of New York, that the DOH Commissioner would come without knowing basic facts about this crisis. Commissioner Zucker acknowledged that he understood that the data on deaths of a nursing home resident with COVID transferred to a hospital where that resident ultimately died would be a significant topic of interest to the Legislature at today's hearing, yet he came totally unprepared to address accurate nursing

home death statistics despite having two weeks to prepare for his testimony. The lack of answers presented today at the Democrat-controlled hearing highlights the reason we need to use subpoena power to provide New Yorkers with real information about what happened and how to prevent this from happening as we move forward."

"Today the Senate Republican Conference came to get real answers for our families, but the Department of Health Commissioner came without any data and simply parroted the official story line of the Cuomo Administration. We again renew our call to use the Senate's subpoena power, which enables us to obtain records and vital testimony from any person in the DOH and the Cuomo Administration involved in this so we can finally get the answers New Yorkers deserve," said Senate Republican Conference Leader Rob Ortt.

"At the start of this pandemic, I listened to the concerns of nursing homes, assisted living and adult care facilities and advocated for the creation of specialty COVID care centers to keep COVID from running rampant in these facilities. Months have gone by only for the Department of Health to say today when asked again about this proposal, 'I'll get back to you.' New Yorkers who lost loved ones deserve answers and the state today provided no new information whatsoever about the tragedy that has unfolded. It's just not right and I won't stop fighting for these vulnerable residents and the staff who care for them," said Ranking Member of the Aging Committee Senator Sue Serino.

"The DOH relies on a narrative with incomplete data. Today, the DOH Commissioner failed to provide the Legislature with the complete number of deaths among nursing home residents, which includes those who died in the hospital. We must go into the next hearing with the use of the Senate's subpoena power to finally get answers. Until this happens, we cannot say that New York State is doing everything it can to ensure the safety of our loved ones," said Ranking Member of the Health Committee Senator Patrick Gallivan.

Commissioner Zucker used part of his time allotment to deliver his presentation and questions were limited to members of the Investigations, Aging, and Health Committees.

A second hearing on the nursing home crisis, this one focusing on the impact of Upstate New York homes and facilities, will be held next Monday, August 10.