



NEW YORK STATE SENATOR

Thomas F. O'Mara

O'Mara calls on state Health Commissioner to testify again at next week's legislative hearing on nursing homes

THOMAS F. O'MARA August 6, 2020

| ISSUE: **COMBATING COVID-19 AND PROTECTING NEW YORKERS' HEALTH**

Senator O'Mara renews call for continued investigations into the COVID-19 impact on nursing homes

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Albany, N.Y., August 6—State Senator Tom O'Mara (R,C,I-Big Flats), the top Republican member of the Senate Investigations Committee, today requested Department of Health (DOH) Commissioner Dr. Howard Zucker to testify again at the committee's next hearing on August 10 to examine the COVID-19 impact on the state's nursing homes and other residential care facilities.

In a letter, O'Mara urged Zucker to be prepared to address questions on the actual number of nursing home residents who passed away due to coronavirus, among other pressing questions, that the commissioner failed to fully answer during his abbreviated appearance before the committee earlier this week.

O'Mara said, "The remarkable lack of knowledge and transparency on the human toll in nursing homes, assisted living and long term care facilities by the Department of Health and

Cuomo administration is indefensible. I hope that Commissioner Zucker testifies for the length of time needed, and with proper preparation and data, to provide the Senate, Assembly, and most importantly grieving families, what is needed to understand how this tragedy unfolded among our most vulnerable population.”

In today's letter to the health commissioner, O'Mara requests that Zucker fully address a range of questions including the following:

- > What is the number of nursing home resident fatalities following transfer to a hospital?
- > If you are unwilling to classify and quantify nursing home deaths by the same metrics as every other state, can you provide raw data from nursing homes and hospitals or allow independent investigators to determine an accurate figure?
- > As it was a topic of contention, could you bring a copy of your March 25 directive with you to your testimony?
- > You stated there was no reversal of the March 25 directive, so could you please clarify your position on the difference between the March 25 and the subsequent May 10 orders?
- > You stated that 14 million pieces of PPE have been distributed, but had no further information on facility breakdown. Could you please provide that breakdown along with a timeline of distribution?
- > You touted 1,300 inspections conducted by the Department but did not have any data on the number of violations issued and corrective measures. Could you please provide that?
- > Can you provide any additional information on the frequency of DOH communication with nursing home facilities throughout the pandemic?

O'Mara also provided Zucker with copies of opposition statements to the state Health Department's March 25 order from the American Medical Directors Association (AMDA), Society of Post-Acute Care and Long-Term Care Medicine issued on March 26 and a joint opposition statement issued on March 29 from the American Health Care Association (AHCA) and the National Center for Assisted Living (NCAL).

[see attached copy above of O'Mara's letter to Commissioner Zucker and the statements referenced above from the AMDA and other organizations listed above]

At Monday's hearing, Zucker claimed to be unaware of the widely reported statements.

It is still unclear if Zucker will testify at the Democrat-controlled August 10 hearing. Both Senate Republicans and Assembly members have urged the Senate Democrats to use their subpoena power to compel testimony and records from DOH, the Cuomo administration and all other officials with knowledge of the March 25 directive.

Senate Democrats have not used that power.