



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senator Gallivan Co-Sponsors Bill to Require Independent Investigation of Nursing Home Deaths

JIM RANNEY August 28, 2020

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



Senator Patrick M. Gallivan, (R-C-I, Elma) the Ranking Member of the Senate Health Committee, is co-sponsoring legislation (S.8756) that would establish a bi-partisan, temporary state commission to fully investigate the Covid-19 related deaths of thousands of New Yorkers in nursing homes and adult care facilities.

The bill would establish an independent panel with subpoena power to perform a top-to-bottom review of what happened in state regulated nursing homes, provide answers for the families who lost loved ones and help prepare for a second wave of the pandemic.

"It is unfortunate that after several legislative hearings regarding the Department of Health's handling of the Covid-19 pandemic in nursing homes and other facilities, that we still have more questions than answers," Senator Gallivan said. "It is clear that we need an independent, unbiased investigation of the regulations imposed and the true number of deaths among nursing home patients across the state. Establishing this special commission with full subpoena powers will help ensure transparency and accountability."

The commission would consist of five members: one each appointed by the Senate Majority Leader, Senate Minority Leader, Assembly Speaker and Assembly Minority Leader, and chaired by an appointee of the New York State Attorney General. Each appointee must have expertise in health care and health care policy issues. Commission members would not be paid and they would have subpoena power. A report would be publicly issued and sent to the Legislature with findings and recommendations for the future.

More than 6,200 people have died in nursing homes across the state in connection to COVID-19. Another 37,000 nursing home workers have been infected with the virus. Many believe the actual numbers are much higher.

At issue is a March 25 directive from the Department of Health ordering nursing home residents who left their facilities to be treated for COVID-19, be readmitted to the nursing home once they were released from the hospital. DOH issued a report claiming the high number of corona virus deaths in nursing homes was primarily caused by staff members and visitors bringing the virus in, not because of the administration's policies.

Earlier this month, the Legislature held hearings in an effort to determine how this directive was implemented and to get information about the impact on nursing home residents and staff. Health Commissioner Dr. Howard Zucker did not provide detailed numbers on COVID related deaths and cases. He refused to release information on the number of New Yorkers who became infected with the virus in nursing homes and later died at a hospital.

Back in May, Senator Gallivan and other members of the Senate Minority called for an independent investigation of the state's actions and were the first in the Legislature to call for hearings.

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#### RELATED LEGISLATION

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### **2019-S8756**

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- Introduced
  
- ◦ In Committee Assembly
  - In Committee Senate
  
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Establishes a temporary state commission to study and investigate the effects of the COVID-19 pandemic response on deaths in nursing homes; and providing for the repeal of such provisions upon expiration thereof

July 14, 2020

In Senate Committee [Rules](#)

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Do you support this bill?