



NEW YORK STATE SENATOR

Thomas F. O'Mara

## O'Mara co-sponsoring legislation to push Cuomo administration to release COVID-19 information: Still too many unanswered questions, legislators say

THOMAS F. O'MARA September 22, 2020

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**Elmira, N.Y., September 22**—State Senator Tom O'Mara (R,C,I-Big Flats) will co-sponsor legislation in the Senate to require the state Department of Health (DOH) to fully report

accurate numbers on New York's COVID-related deaths.

O'Mara, the ranking member on the Senate Investigation and Government Operations Committee, has helped lead legislative efforts to investigate how the state's COVID-19 response has impacted New York's nursing homes, where at least 6,500 residents have died since March. Many believe that number could be twice as high, however the DOH continues to refuse to release complete numbers.

O'Mara said the new legislation is being introduced because he and other state legislators, on a bipartisan basis, remain frustrated by the Cuomo administration's continued stonewalling on providing information they have requested, especially the total number of nursing home residents who have died. According to O'Mara, joint, bipartisan Senate-Assembly hearings on August 3 and August 10, as well as a subsequent Senate GOP roundtable, failed to satisfy many state lawmakers that top Cuomo administration officials are fully answering questions on the crisis, including the exact number of nursing home deaths.

O'Mara said, "I and many other legislators, on both sides of the aisle, have continued to push for an independent investigation into this crisis and tragedy since April. Thousands of lives have been lost and too many questions have been raised, and remain unanswered. We need accurate data and more complete answers from the Cuomo administration for the families who have lost loved ones, the caregivers who put themselves at risk, and to ensure better and safer policies moving forward. That's what we're trying to achieve. We can't repeat any of the mistakes of the past six months, especially where it comes to nursing homes and our most vulnerable population."

In May, an in-house DOH report pinned the blame for the COVID-19 crisis in nursing homes on infected staff and downplayed the consequences of a March 25 DOH directive that many point to for having required nursing homes to accept elderly COVID-positive patients being

released from hospitals back into their facilities.

O'Mara said the new legislation also calls for the immediate creation of regional "step-down facilities" to ensure that the state is prepared to keep elderly COVID-positive patients out of vulnerable nursing homes in the event of a potential "second wave" of the coronavirus this fall.

To date, New York has reported that over 6,600 New Yorkers have died in nursing homes as a direct result of COVID-19. However, the state has been accused of drastically underreporting the actual number of deaths in these facilities because New York, unlike most other states, fails to include information on diagnosed cases in nursing homes or COVID-19 fatalities that originated in nursing homes but the residents died after being transferred to a hospital.

The legislation O'Mara will co-sponsor would mandate comprehensive reporting by requiring DOH to post totals in the following categories to its website each week:

- > Confirmed cases of COVID-19 and deaths resulting from COVID-19 within nursing homes in New York state;
- > Individuals with a confirmed case of COVID-19 transferred from a nursing home to a hospital in New York state;
- > Confirmed deaths of individuals transferred from a nursing home to a hospital resulting from a confirmed case of COVID-19; and
- > Individuals with a confirmed case of COVID-19 discharged from a hospital to a nursing home.

Additionally, it requires the reporting to be provided in a format that can be downloaded in a spreadsheet to ensure researchers and policymakers can utilize it effectively to help analyze

and improve the state's response. The measure would also require the data to be compiled and posted by county, date, nursing home and hospital, and would require the inclusion of retroactive data back to March 1, 2020 to ensure New Yorkers are given a full and accurate picture of how this pandemic has impacted these vulnerable facilities.

O'Mara stressed that a plan needs to be in place to better protect home residents.

Toward that immediate end, the new legislation requires DOH to produce and publicly release a plan to establish regional step-down facilities—spaces specifically dedicated to ensure those recovering from COVID-19 have a safe place to isolate for the time after they can safely be discharged from a hospital but cannot yet return to their residential healthcare facility without posing a risk to other residents and staff.

O'Mara also currently co-sponsors legislation (S8756), which has bipartisan support and is sponsored by a Democratic Assembly member from New York City, to establish an independent, bipartisan, temporary commission that would be able to issue subpoenas to compel testimony and fully investigate and issue a report on the COVID-19 nursing home crisis – particularly on how state policies and directives impacted the spread of the coronavirus within nursing homes and other residential care facilities.