



NEW YORK STATE SENATOR

Susan Serino

## May Rejects Motion to Get Answers for Victims of Nursing Home Scandal, Serino Vows to Continue Push for Justice

SUSAN SERINO February 9, 2021

| ISSUE: [CORONAVIRUS; COVID-19; SENIORS; NURSING HOMES; ADULT CARE FACILITIES](#) , [AGING](#)



ALBANY, NY – Despite growing evidence of the state’s mishandling of the COVID-19 crisis in New York’s nursing homes, Senate Aging Committee Chair Rachel May today rejected a motion that would have immediately launched a bipartisan investigation into the issue saying in committee, “I don’t see the point.”

The motion, which would have compelled NYS Department of Health (DOH) Commissioner Howard Zucker to appear before the committee for questioning, was brought by its Ranking Member, Senator Sue Serino, and was supported by Committee Member, Senator George Borrello.

*“From the infamous March 25<sup>th</sup> order that sent COVID patients into vulnerable facilities, to the decision to ban Ombudsmen, to the failure to direct any meaningful resources to help support facility staff, residents or loved ones, the state made one mistake after another when it came to handling the COVID crisis in these facilities,” said Senator Serino. “These facilities and the vulnerable residents they serve have been an afterthought to the state since day one, and when given the opportunity to do right by the thousands of New York families who have been impacted, the Legislature’s Supermajority refuses to act time and again. We will not stop pushing until New Yorkers get the answers they deserve.”*

***Aging Committee Member Senator George Borrello, said:*** “The momentum towards the truth is growing, as is public anger over attempts to conceal information about the state’s actions and response with regard to the COVID-19 crisis in our nursing homes. As a separate, co-equal branch of government, the Legislature is supposed to be a check on the Executive and, as such, has a responsibility to lead the effort to uncover the truth on this issue, not only for those families who lost loved ones, but for all New Yorkers who expect transparency, integrity and accountability from their elected officials. In blocking our motion in committee today to issue subpoenas for an investigation, they are putting partisanship ahead of their public service obligation, which is inexcusable.”

Pursuant to section 62-a of the Legislative Law, Serino’s motion would require the Senate’s Aging Committee to leverage its subpoena power to compel Commissioner Zucker to appear before the Committee’s members. Specifically, it would require him to give testimony and provide all records—written and electronic—related to COVID-19 in hospitals, nursing homes, and residential healthcare facilities, as well as the fatalities related to COVID’s outbreak in these facilities between March of 2020 and today.

Current law allows the Chair, Vice-Chair, or a majority of a legislative committee to issue a subpoena requiring a person to appear before the committee and answer questions relevant to the Committee’s work. With the Aging Committee consisting of only seven members,

Serino's motion would only have needed two additional votes to be accepted.

Senator May ruled the motion out of order, despite the fact that Serino provided written notice ahead of the day's meeting. While the Supermajority will argue they are moving a package of bills to address some of the issues related to New York's nursing homes in the coming days, Serino argues, the bills being advanced do not go nearly far enough to protect residents now, saying,

*"Many of the bills being advanced in today's Health Committee, will not take effect for months if they are even signed into law, and a number of them currently do not even have sponsors in the Assembly. These bills fail to address many of the problems we know exist currently and are only being used to distract from the fact that the Supermajorities in the Legislature refuse to take the immediate action necessary to launch a thorough investigation into the state's handling of the COVID crisis in these facilities which would better protect residents, support hardworking staff, and get loved ones the answers they deserve."*

Senator Serino has been calling on her colleagues in the Supermajority to utilize their subpoena power to investigate the state's handling of the COVID crisis in nursing homes since [July of last year](#) and has written directly to [Senators May, Rivera and Skoufis](#) with the same request more than [once](#).

[To view the meeting, click here.](#)