



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Residents Deserve Truth and Transparency on COVID-Related Deaths in NYS Nursing Homes

PATRICK GALLIVAN February 24, 2021

| ISSUE: **CORONAVIRUS PANDEMIC; COVID-19; NURSING HOMES**



Nearly six months ago, I shared the frustration that I and some of my colleagues in the NYS Senate felt over the lack of information from Governor Cuomo's office and the New York State Department of Health regarding the handling of the COVID-19 pandemic in nursing homes. Unfortunately, since then, the only thing that has become clear is that New Yorkers have been repeatedly denied accurate information.

Over the summer, the legislature held hearings in an effort to get details about 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. As the Ranking Member of the Senate Committee on Health, I wanted to know how this directive was implemented and to get detailed information about the impact on nursing home residents and staff. However, 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.

I urged members of the Senate's majority to exercise the Legislature's subpoena power to compel testimony and records in hopes of getting the necessary information, but the request was ignored. My colleagues in the Minority Conference also called for an independent investigation.

Then, late last month, the New York Attorney General issued a bombshell report indicating the health department may have undercounted deaths in nursing homes by as much as 50-percent. The state has since revised the total to more than 15,000.

More recently, a top aide to the governor acknowledged that the administration delayed providing information on nursing home deaths to the legislature, and the public, because it "froze" under concern of a federal investigation of the state's handling of the crisis. Fear of being held accountable is no excuse for covering up information.

All New Yorkers, especially the families who lost loved ones, deserve truth and transparency in how the Executive Branch and the Department of Health handled COVID-19 and, specifically, why the number of nursing home deaths were under-reported. What we have learned in recent weeks raises even more troubling questions.

News that the U.S. Attorney's office and the FBI have begun investigations into the administration's actions regarding nursing homes is welcome. A federal inquiry is warranted and necessary.

I am hopeful that the majority members of the Senate and Assembly will finally agree that the time has come to end the Governor's unilateral control of the state's pandemic response and provide much needed oversight. Such action could come as soon as this week. It is long overdue.