



NEW YORK STATE SENATOR

Anthony H. Palumbo

## Senate Republicans: Once Again the State Failed its most vulnerable residents during the pandemic

ANTHONY H. PALUMBO February 26, 2021

| ISSUE: **MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES**



Republican Members of Senate Committees on Disabilities & Mental Health Demand Answers Today, Republican members of the Senate Disabilities and Mental Health Committees -- Senators Michael Martucci, Fred Akshar, Anthony Palumbo and James Tedisco -- sent a letter to Dr. Theodore Kastner, Commissioner of New York State Office of People with Developmental Disabilities (OPWDD). The letter outlined several concerns raised over the State's inadequate COVID response and failure to protect New Yorkers with intellectual and

developmental disabilities living in group homes during the pandemic, and called on the agency or the Governor's office to provide updated information related to COVID infections and deaths in group homes.

On April 10th of last year, OPWDD issued a memo that allowed COVID-positive individuals to be admitted or readmitted to group home facilities, and prohibited testing of those individuals. This policy -- which was almost identical to the March 25th nursing home directive issued by the State Department of Health (DOH) -- most certainly put the health and well-being of residents in jeopardy.

Several attempts to get accurate, up-to-date information regarding the memo and the number of infections and COVID-related deaths in group homes that care for individuals with intellectual and developmental disabilities have been repeatedly rebuffed by the Administration, prompting yet another lawsuit by an advocacy group, Disability Rights New York, to access this crucial information.

"I am deeply concerned that the April 10th order from OPWDD needlessly put some of our most vulnerable citizens in harm's way. Close on the heels of the deadly nursing home order from the Department of Health (DOH), this order appears both dangerous and tone deaf. Transparency has been a major failing of this administration at all levels. I'm hopeful that they have finally learned their lesson and will provide the information we are requesting and provide it quickly," said Senator Michael Martucci, ranking member of the Senate Disabilities Committee.

"First, the Cuomo Administration covered up the deaths of thousands of New Yorkers in state-regulated nursing homes, and now, thanks to the efforts of the Attorney General, the Empire Center and disability rights advocates, we've been made aware of another potential cover-up impacting the health and well-being of thousands of people with intellectual and

developmental disabilities. The families of our most vulnerable citizens deserve full transparency from the Cuomo Administration and they need it now,” said Senator James Tedisco, ranking member of the Senate Mental Health Committee.

*q*

*“There were few certainties when the pandemic hit and a lot of unknowns. The one thing we did know at the time was the serious risk that COVID-19 presented to nursing homes and New Yorkers with pre-existing conditions. Despite having this knowledge, the state issued two disastrous orders, one on March 25 and another on April 10. These orders required nursing homes and residential facilities caring for the intellectual and developmentally disabled to readmit COVID positive patients back into their facilities. These orders placed COVID into the homes of New York’s most vulnerable residents and put their health and wellbeing in jeopardy,” said Senator Anthony Palumbo, member of the Senate Mental Health Committee.*

“It’s incumbent upon state government to look after our most vulnerable citizens, and prevent bad policy from causing avoidable harm to them, especially during these difficult times. If this administration ever wants to regain the public’s trust, it can start by putting an end to the coverups and stick to the truth when it comes to our citizens,” said Senator Fred Akshar, member of the Senate Disabilities Committee.

The state also imposed stringent visitation restrictions for these facilities, which severely affected the mental health and wellbeing of group home residents and limited the ability of family and caregivers to advocate for their loved ones.

*q*

*“The state’s restrictive visitation edicts are inhumane and have greatly impacted the mental health and wellbeing of residents and their families. While the Governor’s office claims these restrictions were put into place to protect residents, the state has continued to fail at providing these nonprofit agencies with proper amounts of PPE critically important to protect*

*staff and residents from the virus,” said Senator Palumbo.*

“I get calls every day from family members who are heartbroken because of the difficulty in visiting a loved one. We have axe throwing venues and pool halls open, but we are still restricting folks trying to visit a developmentally disabled son or daughter? That is not only nonsensical but it’s cruel,” said Senator Martucci.

In the letter, the Senators are calling for:

- The Governor’s Office to release all data on deaths in groups homes that care for the disabled;
- Copies of all communications between OPWDD, DOH and/or the Governor’s office relating to the April 10 memo;
- Loosened visitation restrictions to allow family members to safely visit their loved ones in group homes; and
- Additional state resources to provide group homes with the proper amounts of PPE and other protective measures.

Copies of the letter and April 10/March 25 memos are attached.