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**THE SENATE  
STATE OF NEW YORK**



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February 26, 2021

Dr. Theodore Kastner  
Commissioner, NYS Office for People with Developmental Disabilities  
44 Holland Ave  
Albany, New York, 12229

Dear Commissioner Kastner,

Since the beginning of the COVID-19 pandemic, we have known that members of vulnerable populations living in congregate settings are at increased risk of infection – including individuals with intellectual and developmental disabilities (I/DD) in residential facilities and group homes.

It is troubling to learn of an April 10, 2020 advisory, in which the NYS Office for People with Developmental Disabilities (OPWDD) mandated that ***“No individual shall be denied re-admission or admission to a Certified Residential Facility based solely on a confirmed or suspected diagnosis of COVID-19.”*** Additionally, this Executive directive stated that ***“providers of Certified Residential Facilities are prohibited from requiring a hospitalized individual...to be tested for COVID-19 prior to admission or readmission.”***

This policy, still in effect today, is extremely similar to the deeply troubling March 25 nursing home directive issued by the State Department of Health (DOH), which most certainly put the health and well-being of residents in jeopardy, according to reports done by the State Attorney General and the Empire Center.

As I am sure you are aware, attempts to get information regarding this directive and the number of infections and COVID-related deaths in group homes have been made difficult by OPWDD, according to a November 2020 lawsuit filed by Disability Rights New York. Specifically, the lawsuit alleges that OPWDD denied multiple Freedom of Information Law (FOIL) requests to produce these readily accessible records.

Over the course of the pandemic, stringent visitation policies at these facilities have been in place, which not only cause added stress and isolation for residents but continue to hamper the efforts of family and caregivers to advocate for I/DD residents’ best interests.

These are serious concerns, and accurate, up-to-date information is critically important to analyze the full impact of the April 10 memo, and provide guidance to enact policies that will leave us better prepared to protect this vulnerable population in the future.

As such, we are requesting the following actions from your office or the Governor’s Administration as soon as possible:

> Provide thorough, up-to-date information on all COVID infections and related deaths in group homes that care for I/DD individuals;

- > Provide our offices with copies of all communications between OPWDD, DOH and/or the Governor's office relating to the April 10 memo;
- > Provide information related to "quarantine sites" or "converted dayhabs" that may or may not have been established for the purposes of housing COVID-positive patients;
- > Provide additional state resources to provide group homes with adequate PPE and other protective equipment; and
- > Loosen restrictions to allow family members and caregivers to safely visit their loved ones in residential facilities group homes.

Protecting some of our most vulnerable New Yorkers with intellectual and developmental disabilities should be a top priority to us not only as public servants, but as human beings. We appreciate your attention to these concerns and look forward to your response.

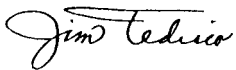
Sincerely,



Senator Mike Martucci  
Ranker, Senate Disabilities Committee



Senator Anthony Palumbo  
Member, Senate Mental Health Committee



Senator James Tedisco  
Ranker, Senate Mental Health Committee



Senator Fred Akshar  
Member, Senate Disabilities Committee

Cc: Howard Zucker, Commissioner, Department of Health  
Senator Mannion, Chair of Senate Disabilities Committee