



NEW YORK STATE SENATOR

James Tedisco

## Tedisco: Hochul Obstructs Freedom of Information Law Inquiry for “Independent” COVID Report Contract

JAMES TEDISCO April 30, 2024

| ISSUE: **COVID-19 NURSING HOME DEATHS; INVESTIGATION , CORONAVIRUS PANDEMIC; EXECUTIVE ORDERS, COMBATING COVID-19 AND PROTECTING NEW YORKERS; PROTECTING NURSING HOME RESIDENTS, HEALTH COMMISSIONER**

Hochul Administration delays providing Senator Tedisco with a copy of its \$4.3 million contract with Olson Group for overdue pandemic policy review of the deaths of 15,000 New Yorkers in state-regulated nursing homes

Senator Jim Tedisco (R,C-Ballston Lake) today is calling out Governor Kathy Hochul for failing to release her administration’s contract for a so-called “independent” pandemic policy review of the deaths of 15,000 New Yorkers who lost their lives to COVID in state-regulated nursing homes -- a document the legislature, media and public have a right to see.

Tedisco filed a Freedom of Information Law (FOIL) request on March 19, 2024 seeking a copy of the contract between the Hochul Administration and the Virginia-based Olson Group, LTD, with respect to the firm’s “reviewing the policies and decisions of the State of New York pertaining to the COVID-19 epidemic.”

The Governor’s Office has responded to Senator Tedisco’s FOIL request by claiming they “require additional time to complete our response” and that they will provide Tedisco’s Office with a status update “on or before May 14, 2024.” (**See attached**).

“The public has a right to know what their government is doing in their stead. Where is the Governor’s \$4.3 million pandemic policy review of the deaths of 15,000 of our most vulnerable citizens in nursing homes from the Olson Group? Why should it take months for the Governor’s office to send me a copy of a simple contract for this report that should be publicly accessible for all to read? Does her staff need to look in between the couch cushions for it? Is it buried under a stack of old vacation photos? Do they have to scour through all the junk drawers in the Governor’s office looking for this contract? Gimme a break! This is verging on obstruction!” said Senator Jim Tedisco.

“The Governor said this so-called ‘independent report’ on the pandemic response and nursing home deaths would be a year-long review. This should have been done five or six months ago at the latest. Where is this report and why hasn’t it been released? Hochul has been totally silent on its status and despite her promises to do so, has shown a real lack of transparency. That’s why I originally filed this FOIL request to get ahold of her contract with the Olson Group who is doing the policy review and find out what the specific timetable is for delivering the report to the Governor and what, if any, penalties there are for it being late. Sadly, all we continue to get from this administration is radio silence,” said Senator Tedisco.

### **Background:**

On May 24, 2022, Governor Hochul announced she had ordered “a wide-ranging and independent review of the state’s policies during the early phase of the COVID-19 pandemic.

” Hochul said:

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*“History deserves to have a true record of what happened here, and I want an outside look at it...I have to be able to leave future governors what was learned, not just in the health care*

*space and the response dealing with nursing homes, but also decisions that affected our economy, decisions that affected families.”*

On November 2, 2022, it was revealed that the Hochul Administration hired an outside firm, [the Olson Group, Ltd, for a \\$4.3 million contract](#) to perform a year-long study with the review originally to begin that month. However, the start of the review apparently was delayed until January 2023. It’s now March 2024, the day before the 4th anniversary of Cuomo’s pandemic executive order and this report remains elusive.

Senator Tedisco has been an outspoken critic of the previous administration’s [March 25, 2020 executive order](#) mandating the placement of Covid-positive patients in nursing homes. [Tedisco joined the Empire Center](#) in successfully suing the Cuomo Administration to get the real number of nursing home deaths publicly released.

Tedisco is the sponsor of bi-partisan legislation for an independent investigation with subpoena power into the nursing home deaths ([S.2419/A.9700](#)) that has the support of families and loved ones of those who lost their lives in what’s become one of the worst disasters in New York State history in terms of loss of life.

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#### RELATED LEGISLATION

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### 2023-S2419

- 
- Introduced

- ◦ In Committee Assembly
  - In Committee Senate
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ◦ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Establishes a temporary state commission to study and investigate the effects of the COVID-19 pandemic response on deaths in nursing homes; and providing for the repeal of such provisions upon expiration thereof

January 20, 2023

In Senate Committee **Health**

Sponsored by **James Tedisco**

Do you support this bill?