



NEW YORK STATE SENATOR

Robert G. Ortt

Ortt, Colleagues Request Investigation and Oversight Into NYS Nursing Homes

ROBERT G. ORTT May 14, 2020

| ISSUE: **CORONAVIRUS; COVID-19; SENIORS; NURSING HOMES; ADULT CARE FACILITIES**



Today, State Senator Rob Ortt (R,C,I,Ref-North Tonawanda) was joined by his colleagues, Sen. Pat Gallivan, and Sen. Chris Jacob, in requesting a formal, independent investigation into New York State's nursing homes. The request for this investigation was made to the New York State Senate Health Committee, the New York State Senate Committee on Investigations and Government Operations, and the U.S. Centers for Medicare and Medicaid

Services.

Sen. Rob Ortt, Member, Senate Committee on Health, said, “We must have an independent investigation into our state’s nursing homes to determine what missteps and mistakes were made that led to the devastating loss of life we have seen in these homes across New York. The emergence of the COVID-19 pandemic, combined with the already substandard conditions in some of our state’s nursing homes, has created dire circumstances - for the residents, their loved ones, and their caregivers. These facilities are home to some of our most vulnerable individuals, and we must ensure that there is proper oversight into actions taken by New York State’s Department of Health to protect this vulnerable population.”

Sen. Patrick Gallivan, Ranking Member, Senate Committee on Health, said, “As more and more questions are raised about the conditions inside nursing homes and the oversight and directives provided by the Department of Health, it is becoming apparent that an outside, independent investigation is warranted. Residents, families and staff deserve full transparency and we need to find out why the virus has had such a devastating impact on so many nursing homes across the state.”

Sen. Chris Jacobs, Ranking Member, Senate Committee on Investigations and Government Operations, said, “A thorough and independent investigation into nursing home operations in New York State and the Health Department’s role in oversight and ensuring compliance is long overdue, and it is tragic that it took the misguided policies pursued during this COVID-19 pandemic and the devastation they brought to get us to this point. I am very hopeful that the investigations we are calling for will lead us to implementing the kind of reforms and policy changes that will result in a dramatically improved level of care for our seniors, and a greater comfort level for their families. They deserve that at this stage of their lives.”

In recent history, the standards of nursing homes in New York State has decreased, with the NYS Department of Health (DOH) failing to hold homes responsible for violations received during routine compliance reviews. Owners with poor track records of safety compliance were allowed to continue purchasing new nursing homes, and the routine practice of alerting nursing homes of upcoming inspections by the NYS DOH created an environment where nursing home standards were able to skirt by safety standard test.

The Centers for Medicare and Medicaid Services' Five-Star Quality Rating System makes it clear just how poor the standards of New York's nursing homes have become, [rating 101 nursing homes across NYS with one out of five stars](#).

Until last week, it was state policy to have COVID-positive nursing home employees work as long as they did not display symptoms, and another Department of Health directive forced nursing homes to accept COVID-positive patients. Complaints from nursing home staff also indicate that they were not given adequate personal protective equipment in the early stages of the outbreak. There are currently over 2,500 confirmed COVID-19 deaths in our nursing homes, with thousands more presumed dead due to the virus.

Although New York's Governor and Attorney General announced that they would be looking into nursing home concerns, there are concerns that the narrow scope of the proposed investigation will fail to provide complete and independent findings.

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