



NEW YORK STATE SENATOR

George M. Borrello

Democrat-Controlled Nursing Home Hearing Fails to Get Answers on Deaths from Department of Health in Absence of Subpoenas

GEORGE M. BORRELLO August 3, 2020

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Albany, NY — Senator George Borrello and his colleagues in the Senate Republican Conference renewed their calls for the Senate to use its subpoena power after empty testimony from DOH Commissioner Howard Zucker left grieving families whose loved ones died in nursing homes without new information about why this tragedy occurred.

NYS Senate Democrats allowed Commissioner Zucker and Gareth Rhodes, representing the Executive Chamber, to testify on their own volition. Both presented a convenient power point presentation that relied solely on findings of a DOH-issued report that blamed the deaths of over 6,500 seniors on coronavirus spread among staff and family visitation instead of a March 25 order that allowed coronavirus positive patients to be sent directly from hospitals into nursing homes.

The presentation echoed the narrative presented by Governor Andrew Cuomo.

Commissioner Zucker could not provide any answers as to the real death toll among the nursing home, assisted living, and long term care population, either. New York is the only state that does not count the deaths of residents who died in the hospital after transfer. This data was never factored into the DOH report.

The actual number of deaths could be as high as 10-11,000 individuals.

Zucker could not answer specific questions on the March 25 order, which he did not bring with him.

“Today the Senate Republican Conference came to get real answers for our families, but the Department of Health Commissioner came without any data and simply parroted the official story line of the Cuomo Administration. We again renew our call to use the Senate’s subpoena power, which enables us to obtain records and vital testimony from any person in the DOH and the Cuomo Administration involved in this so we can finally get the answers New Yorkers deserve,” **said Senate Republican Conference Leader Rob Ortt.**

“New Yorkers hoping for answers and clarity on how and why COVID-19 was allowed to ravage our state’s nursing home population had to be deeply disappointed in today’s hearing. Without using the subpoena power at their disposal, Senate Democrats essentially gave the

Commissioner another opportunity to reinforce the blame-shifting narrative that he and the Governor have repeated for weeks. Their arrogance is an affront to those who lost loved ones to this tragedy and to those honest, well-meaning nursing home operators and staff who were forced to follow questionable directives from the state and are now the scapegoats for those decisions,” said **Senator George M. Borrello, 57th Senate District**. “The only conclusion to emerge from today’s hearing is the sad truth that protecting our nursing home residents from this virus wasn’t an urgent priority for this administration.”

“It’s incomprehensible that after Republicans called for an independent investigation, use of subpoena power and more to get answers for the people that the DOH Commissioner would come without knowing basic facts about this crisis. Commissioner Zucker acknowledged that he understood that the data on deaths of a nursing home resident with COVID transferred to a hospital where that resident ultimately died would be a significant topic of interest to the Legislature at today’s hearing, yet he came totally unprepared to address accurate nursing home death statistics despite having two weeks to prepare for his testimony. The lack of answers presented today at the Democrat-controlled hearing highlights the reason we need to use subpoena power to provide New Yorkers with real information about what happened and how to prevent this from happening as we move forward,” said **Ranking Member of the Investigations Committee Senator Tom O’Mara**.

“At the start of this pandemic, I listened to the concerns of nursing homes, assisted living and adult care facilities and advocated for the creation of specialty COVID care centers to keep COVID from running rampant in these facilities. Months have gone by only for the Department of Health to say today when asked again about this proposal, ‘I’ll get back to you.’ New Yorkers who lost loved ones deserve answers and the state today provided no new information whatsoever about the tragedy that has unfolded. It’s just not right and I won’t stop fighting for these vulnerable residents and the staff who care for them,” said **Ranking Member of the Aging Committee Senator Sue Serino**.

“The DOH relies on a narrative with incomplete data. Today, the DOH Commissioner failed to provide the Legislature with the complete number of deaths among nursing home residents, which includes those who died in the hospital. We must go into the next hearing with the use of the Senate’s subpoena power to finally get answers. Until this happens, we cannot say that New York State is doing everything it can to ensure the safety of our loved ones,” **said Ranking Member of the Health Committee Senator Patrick Gallivan.**

Commissioner Zucker used part of his time allotment to deliver his presentation and questions were limited to members of the Investigations, Aging, and Health Committees.

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