



NEW YORK STATE SENATOR

Jen Metzger

## Senator Metzger Questions DOH Commissioner and Other Witnesses in a Joint Legislative Hearing on Nursing Homes during COVID-19

JEN METZGER August 3, 2020

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**Hudson Valley and Catskills, NY...**Health, Aging, and Investigations & Government Operations Committees of the State Senate and Assembly today held a public hearing to examine COVID-19 transmission and mortality rates in residential health care facilities. Senator Jen Metzger (SD-42), a member of the Senate Health Committee, questioned New York State Department of Health (DOH) Commissioner Dr. Howard Zucker and other witnesses on

lessons learned, nursing home visitation policy, and COVID impacts on for-profit vs. county-owned nursing homes. In addition to the DOH Commissioner, long-term health care associations, advocacy organizations, NYSNA and 1199SEIU members, and other parties provided testimony in the day-long hearing that concluded just after 9:00 pm this evening.

The hearing, the first of two on residential health care facilities, is among a series of joint legislative hearings examining the impacts of COVID-19. The State Legislature recently held a hearing on higher education, and has also scheduled hearings on hospitals, jobs and employment, the veteran community, and elections—all areas of concern to communities in Senator Metzger's district, which includes Sullivan County and parts of Orange, Ulster, and Delaware Counties.

**On today's hearing, State Senator Jen Metzger said:** “I represent Hudson Valley and Catskills communities with nursing homes that were hit very hard and saw a tragic loss of life during the pandemic. New York State has an obligation to these families, and to all nursing home residents and the staff who care for them, to analyze and assess the policies, procedures, and conditions that may have contributed to those deaths. This is important for reasons of transparency and accountability, and is critical to making sure that we are as prepared as possible for any future surge. We have to learn from our experience to date.

“The report produced by the NYS Department of Health unfortunately does not provide the kind of rigorous assessment that we need to get to the bottom of why so many residents lost their lives during this pandemic. It's primary purpose is to defend a policy decision that has been criticized instead of examining the factors that contributed to, or protected against, fatalities in nursing homes. I urge that the needed assessment be undertaken.

“What has happened in nursing homes in New York is a terrible tragedy, and it would be valuable to undertake a comparative study of nursing homes that fared well in highly

impacted regions compared with those that did not to try to understand which policies and procedures were effective and which ones contributed to an increase in transmission rates and deaths.”

At the hearing, Senator Metzger also expressed concern about the isolation that nursing home residents have continued to experience, with many facilities still closed to visitors. Going for a prolonged period without seeing family and loved ones is hard on families and residents alike, and can take a toll on residents' mental and physical health. Several witnesses testified that they have observed cognitive decline in residents as a result of the lack of contact with family. Under current DOH guidance, about half of nursing homes are barred from opening their facilities to visitors due to positive COVID tests of staff within the previous 28-day period. "It's important to strike the right balance between protecting the health and safety of our most vulnerable residents, and addressing the need for social connection," **said Senator Metzger.**

With Sullivan County considering the sale of the county-owned Care Center at Sunset Lake, Senator Metzger asked questions of Richard Mollot, Executive Director of the Long-term Care Community Coalition, about the impacts of ownership structures on COVID transmission rates and deaths at nursing homes. Mollot said that based on data his organization has reviewed to date, residents in County-run facilities appeared to fare better than residents in for-profit facilities—a difference he attributed to a greater level of investment in patient care by public facilities more generally. Milly Silva of 1199SEIU's Nursing Home Division stated that while there were differences across facilities, for-profit owners tended to make it more difficult for workers to access the paid sick leave they were entitled to, which could increase the risk of transmission.

*Jen Metzger represents the 42nd Senate District, which includes all of Sullivan County and parts of Delaware, Orange, and Ulster Counties. Senator Metzger serves as Chair of the Agriculture Committee and sits on the Environmental Conservation, Education, Health, Energy and Telecommunications, Local*

*Government, Women's Issues, Domestic Animal Welfare, and Legislative Commission on Rural Resources  
Committees.*

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