



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column ~ for the week of August 17, 2020 ~ "Nursing homes tragedy needs ongoing investigation"

THOMAS F. O'MARA August 17, 2020

| ISSUE: **COMBATING COVID-19 AND PROTECTING NEW YORKERS**



In-house reports from the Cuomo administration cannot and should not be the final word.

Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, **"Nursing homes tragedy needs ongoing investigation"**

I'm renewing my call for an independent investigation into New York's nursing home crisis after more than 30 hours of testimony at legislative hearings over the past two weeks have failed to compel testimony from top Cuomo administration officials on how New York's COVID-19 response impacted nursing homes, where tragically at least 6,500 elderly New Yorkers have died over the past several months.

Unfortunately, joint, bipartisan Senate-Assembly hearings on nursing homes on August 3 and August 10, and on hospitals on August 12, failed to satisfy many of us that the Cuomo administration officials are willingly and fully answering our questions on the crisis. The Senate Democrat majority who control who testifies at these hearings by their invitation only, and have the power to subpoena, have not issued one subpoena to compel testimony or documents from the Department of Health (DOH).

I, joined by many others on both sides of the aisle, have called for an independent investigation into this crisis since April. This is not a partisan witch hunt, it is a search for what happened in our nursing homes and why. The Legislature should be using its subpoena power to get the answers that New Yorkers need and deserve from the Cuomo administration.

It becomes difficult this far down the road to simply accept in-house Cuomo administration reports that appear to stonewall and shift the blame from earlier administration actions and guidance. Any self-serving, CYA analysis by the Cuomo administration must be examined and verified by an independent investigation. That's what we're trying to achieve.

While the governor will continue to try to dismiss or discredit our investigations as politically motivated, it won't work. Thousands of lives have been lost and too many questions have been raised, and remain unanswered, to have state-issued reports be the final word.

An independent investigation, using all of the powers at our disposal, is warranted and necessary for the families who have lost loved ones, the caregivers who put themselves at risk, and to ensure better and safer policies moving forward. As the top Senate Republican member on the Senate Investigations Committee, I currently co-sponsor legislation (S8756) to establish an independent, bipartisan, temporary state commission that would be able to issue subpoenas to compel testimony and fully investigate and issue a report on the COVID-19 nursing home crisis.

The state's top health official, DOH Commissioner Howard Zucker continues to stonewall on providing additional information and insights that could help the Legislature gain a fuller understanding of how state policies and directives impacted the spread of the coronavirus within nursing homes and other residential care facilities.

It's also troubling that the Democrat leadership of the Legislature fails to issue subpoenas to compel key testimony.

In May, an in-house DOH report pinned the blame for the COVID-19 crisis in nursing homes on infected staff and downplayed the consequences of a March 25 DOH directive that appeared to require nursing homes to accept elderly COVID-positive patients being released from hospitals back into their facilities.

Since the state's COVID-19 shutdown began back in March, I have joined local officials on the front lines of the nursing home crisis in Steuben County and other hot spots around the region and statewide to highlight some of the frustrations at the local level with the response of the Cuomo administration and overall state policies.

These efforts helped lead to important shifts in state policies including, in May, the reversal of a state directive that allowed COVID-positive nursing home employees to continue reporting to work as long as they did not display symptoms.

We repeatedly called for aggressive and decisive actions by the state Health Department to test, isolate, and prevent spread, but kept running into the roadblocks of existing state policies and directives.

Daily now, there are new news accounts of significant undercounting of nursing home deaths in the DOH statistics. Why?

At the end of the day, we are left with too many unanswered questions, too little confidence that the DOH is prepared to keep it from happening again, and not enough certainty that the Cuomo administration isn't just stonewalling on the nursing home crisis.

In-house reports from the Cuomo administration cannot, should not and, if I have anything to say about it, will not be the final word.

In fact, on Monday, the Senate and Assembly Republican conferences will conduct an online roundtable to provide a chance for some of the witnesses who were shut out of the recently held legislative hearings to provide their testimony.

You can view our roundtable live, beginning at 10:00 a.m., at <https://www.facebook.com/nysenaterepubs/>