



NEW YORK STATE SENATOR

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Senator O'Mara's weekly column 'From the Capitol' ~ for the week of February 1, 2021 ~ 'Attorney general report a beginning, not the end'

THOMAS F. O'MARA February 1, 2021

| ISSUE: **COMBATING COVID-19 AND PROTECTING NEW YORKERS; PROTECTING NURSING HOME RESIDENTS**



That's the purpose of accountability and transparency: better and stronger responses for the future.

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, "Attorney general report a beginning, not the end"

To summarize where we stand in our months-long effort to better understand the tragedy that is New York's COVID-19 nursing home crisis -- and the Cuomo administration's response to it -- we now have a report from the state attorney general.

It arrived last week after months and months of repeated requests -- from legislators (including myself), Democrat and Republican, reporters, watchdog groups, and from family members who have lost loved ones in nursing homes -- for the most basic of information from the governor's office.

Prior to AG's report, for example, we could not get a straight answer from Governor Cuomo, state Health Commissioner Howard Zucker, or any other top Cuomo administration official on even the most straightforward question: How many COVID-19 deaths have there been in nursing home facilities and among those transferred from nursing homes who then died in hospitals?

For months, the Cuomo administration constantly pointed to its own number (the most recent being 8,677) and then utilized that number in daily briefings and elsewhere to tout New York State's admirable standing in this regard in comparison to other states around the nation.

Except that was false. Many of us long suspected that the number was much higher, that it did not include the number of nursing home residents who were transferred from a nursing facility to a hospital and died there. When we asked the administration to provide that fuller number -- including at a joint Senate-Assembly hearing last August -- the answer was: We're working on it. It went on like this for month after month after month.

Until last week. The AG's report last Thursday blew the lid off the Cuomo administration stonewalling by revealing that the administration has been undercounting COVID-19 deaths in nursing homes by as much as 50 percent. According to the AG's numbers, that means the total number of nursing homes deaths is not the governor's 8,677, but something closer to 13,000.

And lo and behold, later on the very same day the AG's report was released, the state produced new data confirming, in fact, that the preliminary total number of confirmed and presumed COVID deaths in nursing facilities and among nursing home residents who died after being transferred to a hospital was 12,743, or approximately 46 percent higher.

Why was the Cuomo administration able to suddenly produce, within hours, what many of us have been requesting for months?

Why did it take this outside report, which generated national attention, to finally get the governor to sit up straight?

Why was he couching the most basic facts on this tragedy for so long?

And, of course, what else is there that we still don't know, but should know? Is it coincidence that the governor finally releases stats the very same day remarkably consistent with the AG's findings? Is the AG's report the full picture? Or is it an attempt to throw the dogs off the scent, so to speak?

The governor, in a follow-up press briefing last Friday, downplayed the report's significance, said only "partisan politics" is behind any criticism of the state's handling of the COVID-19 response in nursing homes, that New York is no different than any other state (still even better than most states, according to him), that the federal government was negligent, and so on.

The bottom line is that thanks to the AG's report, we finally have a clear starting line. It is critical to know how many have died and where in order to better understand the why and how part of this tragedy that is going to help us put in place the policies that could prevent it from ever happening again.

That's the purpose of accountability and transparency: better and stronger responses for the future.

This has been a tragedy and not just in New York State, we know that. The COVID-19 toll on the elderly, everywhere, is the great horror and the terrible sadness of this pandemic – which makes it all the more vital that we understand what has happened as fully as we possibly can, as straightforwardly as it takes, and with as much toughness as it demands.

It has been terrible everywhere and that reality includes the fact that it has been horrific here in New York State – much worse than Governor Cuomo was touting for months on end, for still unknown reasons.

The attorney general's report does not mark the end of this inquiry.

It marks an important beginning.

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