



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' ~ for the week of February 8, 2021 ~ "'One of the worst disasters in state history'"

THOMAS F. O'MARA February 8, 2021

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



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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, "One of the worst disasters in state history"

It turns out my column's headline last week -- "Attorney General report a beginning, not the end" -- was quite an understatement.

In fact, the AG's report has sparked nothing short of a firestorm since its release on January 28. It revealed, among many findings, that the Cuomo administration was underreporting COVID-19 nursing home deaths by potentially as much as 50 percent -- and the findings were based on a review of just ten percent of the state's nursing homes.

After requests for months on end from lawmakers, reporters, good government groups, family advocates and others for detailed information on what has happened and why, the AG's report clearly targets the stonewalling that Governor Cuomo, state Health Commissioner Howard Zucker and other top Cuomo administration officials have engaged in since early last year.

Equally important, the report targets Governor Cuomo's now fateful March 25, 2020 order forcing nursing homes to accept COVID-positive patients and, further, preventing homes from testing for COVID as a condition of admittance. The very next day, the American Medical Directors Association, Society for Long Term Care Medicine objected to Cuomo's order declaring that it was "over-reaching, not consistent with science, unenforceable, and beyond all, not in the least consistent with patient safety principles."

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Keeping in mind that this is a fast-changing story, as of this writing here's what has transpired over the past week.

Last Monday, three days after the release of the AG's report, in my position as the Ranking Member on the Senate Investigations Committee, I moved a motion for a vote by the committee to immediately issue subpoenas to the Cuomo administration. Subpoenas are needed to compel testimony and obtain documents, emails, phone records and all other information related to the administration's handling of the COVID-19 pandemic in nursing homes. The committee's chair, Senator James Skoufis of the Hudson Valley, who for months has publicly threatened subpoenas, strenuously objected to the move, falsely cited a Senate rule to prevent a committee vote, and even allowed my microphone to be muted to cut off a full debate and discussion.

I have made it clear that we will not stop in this effort or be muted in any way. It is time for the Senate Democrat Majority to stop protecting Governor Cuomo. Their failure to immediately subpoena the Cuomo administration completely abandons legislative responsibility. It makes the Senate Democrats complicit in this tragedy.

At the federal level, New York's GOP Congressional delegation, including Congressman Tom Reed, have called on the federal Department of Justice to immediately issue subpoenas to Governor Cuomo and members of his inner circle.

The *New York Times* reported that at least nine of Governor Cuomo's top health experts have left the administration, seemingly dissatisfied, in at least some instances, with the politicized nature of the COVID-19 response. In May, just weeks after Cuomo's deadly March 25 order, the long-time and well-respected director of DOH's long-term care division departed. It was reported at the time that he was "not involved in crafting that fateful directive." Then who was?

Finally (and importantly), the week closed with the Albany-based Empire Center (empirecenter.org) scoring a victory in state Supreme Court requiring the release, this week, of a trove of data and information that will shed important light on the COVID-19 death toll in nursing homes.

The Empire Center's Bill Hammond, who has doggedly pursued the truth of this tragedy, said in response to the ruling, "The people of New York—especially those who have lost loved ones in nursing homes—have waited much too long to see this clearly public information about one of the worst disasters in state history."

One of the worst disasters in state history.

An article last week in the *National Review* perhaps summed it up best: "But we know for certain that the governor was hiding data that showed his culpability... To fail is human. But to lie about it, when tens of thousands of your fellow citizens died from the illness, is a level of moral depravity and social disregard that this country should not stand for."

At the start of this new week, the bottom line remains the same: The AG's report was clearly not the final word on this tragedy. Instead, we're just seeing the tip of the iceberg.

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