



NEW YORK STATE SENATOR

James Tedisco

## Tedisco: Cuomo Admin Has Until Wednesday to Follow Justice O'Connor's Directive and Fully Release All Nursing Home Data

SENATOR JIM TEDISCO February 9, 2021



Senator Jim Tedisco (R,C-Glenville) today is urging Governor Andrew Cuomo and the New York State Department of Public Health (DOH) to fully follow New York State Supreme Court Justice Kimberly A. O'Connor's ruling and publicly release all requested data related to the deaths of nursing home residents who were transferred to hospitals last year and died from the coronavirus.

While the DOH this weekend released the cumulative statewide number of nursing home and elder care facility deaths (14,932 people – an increase in 1,516 deaths revealed in the past few days), they have yet to release a breakdown of how many deaths occurred on each day in each elder care facility since the pandemic began, as ordered by Justice O'Connor.

Justice O'Connor's ruling directed the DOH to publicly disclose to the Empire Center and Senator Tedisco all the requested information by Wednesday, February 10<sup>th</sup>.

Tedisco noted it's critical lawmakers, the media and public get the daily breakdown of nursing home/elder care deaths to see what if any role the controversial March 25<sup>th</sup> executive order by the Governor barring the testing of those being placed or returning to nursing homes – making New York the only state in the nation with such a policy – played in contributing to this staggering death toll.

"We know we only got the overall COVID-19 nursing home death toll numbers because the governor and DOH were embarrassed by the Attorney General's bombshell report and thanks to Justice O'Connor's ruling on the Empire Center's lawsuit that I filed an amicus brief on. But the other key part of our lawsuit is for DOH to release the daily deaths from the virus at each of our long term care facilities since the start of the pandemic. As Justice O'Connor said in her decision, Governor Cuomo, Commissioner Howard Zucker and DOH violated the open government law by not giving all the data requested, which she deemed to be public information. Cuomo and Zucker continue to violate the law by withholding the daily death numbers and dates," said Senator Jim Tedisco.

"I'm calling on Governor Cuomo and Commissioner Zucker to follow the law and immediately release this important public information and these numbers and dates so an investigation can yield the actions surrounding this tragedy of the deaths of close to 15,000 of our most vulnerable citizens. The families of those who lost their lives and all New

Yorkers deserve to know -- and we as legislators need to know to better protect them for the future," said Senator Tedisco.

Senator Tedisco also has authored and sponsors legislation with Majority Democratic Assemblyman Ron Kim ([S.2067/A.3162](#)) for an independent, bi-partisan state commission with subpoena power to fully investigate the nursing home deaths.