



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' ~ for the week of February 22, 2021 ~ 'New York didn't do everything right'

THOMAS F. O'MARA February 22, 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, "New York didn't do everything right"

If you haven't been following the daily developments on the Cuomo administration's nursing homes disaster, following are just a few highlights from the past week:

> Nine Democratic members of the state Assembly, in a letter urging support for stripping Governor Cuomo's COVID-19 emergency powers, accused the governor with federal obstruction of justice, calling it a "criminal use of power";

> Governor Cuomo responded by publicly attacking one of the letter's signers, Assemblyman Ron Kim of Queens, who in turn revealed that the governor, in a series of phone calls, threatened to "destroy" his career;

> the Albany Times-Union broke the story that the FBI and the U.S. attorney's office in Brooklyn have launched an investigation into the Cuomo administration's COVID-19 response in nursing homes and long-term care facilities;

> the governor's top aide, Melissa DeRosa, touts Dr. Michael Osterholm, a nationally renowned health expert, as one of the governor's "chief advisors" who speaks to the governor on a "regular basis" only to have Dr. Osterholm publicly debunk that claim by stating, "I've had one five-minute conversation my entire life with Governor Cuomo";

> Assembly Republicans call for an impeachment commission to gather facts and evidence.

Most notably, one government watchdog, the Albany-based Empire Center, conducted an exhaustive analysis of the available data on COVID-19-related deaths in nursing homes and long-term care facilities (data, by the way, which the Cuomo administration has kept limited and incomplete). The new analysis finds that the administration's March 25,, 2020 directive forcing nursing homes to accept the transfer of COVID-positive hospital patients back into their facilities was "associated with a statistically significant increase in resident deaths." The analysis reaches a conclusion that "transfers from hospitals to nursing homes were significantly associated with nursing homes deaths upstate" and, overall, likely "made a bad situation worse" statewide.

Those are just a few development since February 10 when the New York Post broke the story of a secret meeting of top legislative Democrats and members of Governor Cuomo's inner circle where the governor's top aide, Secretary to the Governor Melissa DeRosa, admitted that the

administration intentionally withheld a true accounting of the COVID-19 death toll in New York's nursing homes for months on end in an effort to steer clear of federal prosecutors.

Timely, accurate information is critical to public health – especially during a pandemic. The governor's top aide admitted that information was intentionally withheld for fear that it could be used against them and that the public was purposely misled. In fact, we still do not know precisely what information has been forthcoming.

This remains a fast-moving crisis with plenty of moving parts.

For me, there's clear evidence of a cover-up. I'm certainly not alone in this assessment. The governor and members of his inner circle purposely withheld data, during the height of this pandemic, that was important to the protection of public health – in particular to the safety and well-being of the residents of nursing homes and long-term care facilities.

Still, the Cuomo inner circle continues to stonewall, threaten, whitewash and, most of all, set up the usual scapegoats to avoid any inquiry – that it's a Republican witch hunt, a Trump conspiracy theory and the like.

The past week has been a constant drip, drip, drip of scandal that leaves New Yorkers increasingly suspicious of their government. The only way to close the faucet is through a full investigation, at every level – criminal and otherwise.

Since the January 28th report from state Attorney General Letitia James that revealed significant under-reporting by the Cuomo administration, many have been pushing for subpoenas to compel testimony and obtain all records related to the crisis.

These efforts intensified last week. Governor Cuomo said in his Friday press conference, while chastising the Legislature for looking into this cover-up, that if legislative leaders wanted the information sooner they should have subpoenaed it. That's what Republicans have been demanding for over a half year while the Democrat supermajorities dragged their feet kowtowing to the governor.

At the same Friday press conference, Governor Cuomo doubled down on his story touting that everything he did, he would do again. Does he have no concept of the deadly result of his order sending in excess of 9,000 Covid-positive hospital patients back into nursing homes? And all the while that the Javits Center, USNS Comfort and Samaritan's Purse field hospital sat empty, more than 15,000 nursing home and adult day care facility residents died.

Someone's not telling the truth and most of the indicator lights point to Governor Cuomo and his inner circle.

In short, there is a crisis in leadership in New York State. During a pandemic, we desperately need leadership we can trust and have faith in.

Governor Cuomo concludes the introduction to his book, "American Crisis: Leadership Lessons from the COVID-19 Pandemic," with the following line: "New York didn't do everything right, but there are lessons we can learn that will lead to victory."

That's exactly the endgame many of us are seeking: to determine what wasn't done right, why it wasn't, and what are the lessons we need to learn to ensure that it does not happen again.