



NEW YORK STATE SENATOR

Anthony H. Palumbo

Senator Palumbo & Colleagues on Senate Mental Health and Disabilities Committees Call for Investigation into COVID Deaths in Group Homes for the Disabled

ANTHONY H. PALUMBO March 15, 2021

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Senator Anthony Palumbo (R,C-New Suffolk), a member of the New York State Senate's Mental Health and Investigations and Government Operations Committees, today called for an investigation into the Office for People with Developmental Disabilities (OPWDD) policies and directives in response to the coronavirus pandemic. This includes the April 10 directive issued by OPWDD, mandating that group homes regulated by the state

accept COVID-positive patients. This order, which is still in effect, closely mimics the controversial March 25 edict that forced nursing homes to accept COVID-positive patients. The letter was co-signed by his Republican colleagues on the Mental Health and Disabilities Committees: Senators James Tedisco, Mike Martucci, and Fred Akshar.

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“Over the past few weeks, it has become abundantly clear that the state not only failed to protect its most vulnerable residents during the pandemic, but in fact enacted policies that endangered their lives and the health and safety of those who care for them. What we don’t possess, and what continues to elude state lawmakers is a transparent account of OPWDD’s policies and directives, and the full scope of this tragedy,” said Senator Palumbo.

“It appears that the tentacles of the Cuomo Administration’s cover-up of the deaths of thousands of New Yorkers in state-regulated nursing homes has extended to the thousands of people with intellectual and developmental disabilities living in group homes. My Senate Republican colleagues and I today are urging the Chairman of the Senate Investigations Committee to use his subpoena power and launch an investigation for full transparency into the Cuomo Administration’s actions that may have placed some of our most vulnerable citizens in harm’s way,” said Senator Jim Tedisco (R-C-I, Glenville), ranking member of the Senate Mental Health Committee.

“Governor Cuomo has created a culture of corruption, secrecy, and abuse. It’s time for the Legislature to step up and hold him accountable for all of his misdeeds, but in particular his order that exposed our developmentally and intellectually disabled citizens to this deadly virus. The Investigations Committee has the power and authority to reassert legislative

oversight and get to the bottom of this once and for all,” said Senator Mike Martucci (R-C-I, New Hampton), ranking member of the Senate Disabilities Committee.

“Governor Cuomo’s administration went to great lengths to hide the number of nursing home deaths that could be attributed to his highly criticized policy to release coronavirus patients from hospitals into nursing homes even if they might still be contagious. While his nursing home policy was rescinded on May 10, 2020, the similar policy for group homes for people with developmental and other disabilities was never rescinded. We can’t afford to allow the same obfuscation the Governor used to hide the nursing home data to cloud the issue when it comes to our most vulnerable New Yorkers and their families,” said Senator Fred Akshar (R-C-IP-RFM, Endwell), member of the Senate Disabilities Committee.

Senator Palumbo noted that an extensive report of OPWDD’s response to the pandemic conducted by Disability Rights New York, New York Lawyers for the Public Interest, and the New York Civil Liberties Union asserted that individuals residing in OPWDD group homes were three times more likely to contract COVID-19 and three times more likely to die from it compared to the general population of New York.

The report also shows that group homes received inadequate COVID guidance from OPWDD, leading to logistical challenges and almost certainly allowing COVID-positive residents and staff to return to group homes. Additionally, because the State did not give OPWDD group homes the same priority as other medical facilities, maintaining appropriate Personal Protective Equipment (PPE) and staffing levels (without hazard pay) were challenges throughout the pandemic.

9

“Throughout the pandemic, state officials were fully aware of the dangers that COVID-19 presented to New York’s most vulnerable residents, and the devastating toll this virus would have in nursing and group homes settings,” said Senator Palumbo. “Despite having this knowledge, OPWDD has failed to rescind its April 10 directive, and implemented policies that put the health and safety of residents and caregivers at risk to COVID.”

9

“This is unacceptable. The families who lost loved ones in group homes for the intellectually and developmentally disabled deserve answers, and the men and women who care for New York’s I/DD population deserve greater support,” concluded Senator Palumbo.

The Senator’s request for an investigation comes after recent media reports of more than 550 COVID deaths in group homes for I/DD individuals per OPWDD, and the possibility that the state’s policies put underpaid and ill-equipped caregivers at a greater risk of contracting COVID during the pandemic.

On February 26, Senators Palumbo, Martucci, Tedisco, and Akshar **penned a letter** to Dr. Theodore Kastner, New York State OPWDD Commissioner, requesting more information on the April 10 memo and updated numbers and related data regarding COVID-19 infections and deaths in group home facilities throughout the State. They have not yet received a response.

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Attached is the letter to Senator James Skoufis, Chair of the Investigations and Government Operations Committee, requesting a transparent and comprehensive investigation into OPWDD's policies and directives during the pandemic.

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