

2021-C173

Assembly Resolution No. 173

BY: M. of A. Barclay

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing to establish the Temporary Joint
Legislative Committee on Impeachment and
Investigation of the State's Response to COVID-19 in
Nursing Homes, and providing for such committee's
powers and duties

WHEREAS, The State of New York has become aware that more than fifteen thousand seniors living in nursing homes and long-term care facilities may have died as result of missteps by public officers, namely requiring the homes to admit COVID-19 positive residents, pursuant to a March 25, 2020 directive. These missteps were made apparent by a report from the New York State Attorney General, "Nursing Home Response to the COVID-19 Pandemic"; and

WHEREAS, It has been alleged in the press of the State that unlawful or improper methods have been used or pursued by public officers and wrongful acts done to cover-up the number of COVID-19 related nursing home and long-term care facility deaths, by intentionally underreporting the true death toll by fifty percent; and

WHEREAS, The State should strive to address these missteps and cover-up to better protect the public, especially our seniors and most vulnerable residents; now, therefore, be it

RESOLVED (if the &HOUSE concur), That a joint legislative committee, to be known as the "Temporary Joint Legislative Committee on Impeachment and Investigation of the State's Response to COVID-19 in Nursing Homes", is hereby created to consist of eight members to be appointed as follows: two members of the Senate to be appointed by the Temporary President of the Senate, two members of the Senate to be appointed by the Minority Leader of the Senate, two members of the Assembly to be appointed by the Speaker of the Assembly and two members of the Assembly to be appointed by the Minority Leader of the Assembly. The Temporary President of the Senate and the Speaker of the Assembly shall jointly designate one of their appointees to serve as a co-chair of such committee. The Minority Leader of the Senate and the Minority Leader of the Assembly shall jointly designate one of their appointees to serve as a co-chair of such committee. Any vacancy in the membership of such committee shall be filled by the officer authorized to make the original appointment; and be it further

RESOLVED (if the &HOUSE concur), That the committee shall examine the State's methods of administration and conduct in all matters relating to nursing homes and long-term care facilities during the COVID-19 Pandemic; and be it further

RESOLVED (if the &HOUSE concur), That the committee may sit at any place within the State as it may determine to conduct its business and hold meetings and hearings, and it shall have all the powers of a legislative committee as provided by the Legislative Law, including, but not limited to the power pursuant to section 62-a of the Legislative Law, to subpoena and enforce the attendance of witnesses including

public officers, public employees and private persons, and to require the production of books and papers, including any record, document or correspondence pertaining to the administration of any State or private

institution or of any State department concerned in the management, regulation, visitation or supervision of the same, and to administer oaths; and be it further

RESOLVED (if the &HOUSE concur), That the committee may conduct executive sessions, in accordance with section 105 of the Public Officers Law, when the subject matter under consideration warrants such sessions in the determination of the committee. Such committee shall have the power to adopt rules for the conduct of its proceedings; and be it further

RESOLVED (if the &HOUSE concur), That the committee shall promulgate such rules and procedures for preserving and ensuring the confidentiality of information it may determine warrants such confidentiality, including requiring the members of the committee and staff engaged by the committee to maintain the confidentiality of such information; and be it further

RESOLVED (if the &HOUSE concur), That the committee shall ascertain and report to the Legislature whether any unlawful activities or willful and corrupt misconduct have been employed, used or pursued by any public officer, and recommend if impeachment by the Assembly should proceed; and be it further

RESOLVED (if the &HOUSE concur), That the committee shall submit a report of its findings and recommendations to the Temporary President of the Senate, the Minority Leader of the Senate, the Speaker of the Assembly, and the Minority Leader of the Assembly within sixty days of adoption, at which time its jurisdiction and authority as set forth in this Resolution shall expire, unless renewed by further concurrent resolutions of the Senate and the Assembly.