



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column 'From the Capitol' ~ for the week of May 10, 2021 ~ 'No, governor, nursing homes tragedy not 'smart''

THOMAS F. O'MARA May 10, 2021

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



Every available action needs to be taken to compel the governor and his inner circle to tell the truth and be held accountable. New Yorkers, in particular families who lost loved ones in nursing homes due to Cuomo's fateful order, deserve nothing less.

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, "No, governor, nursing homes tragedy not 'smart'"

Here was the lead paragraph in a National Review article late last week following Governor Andrew Cuomo's May 5th news conference: "New York governor Andrew Cuomo defended an executive order that may have exacerbated coronavirus outbreaks in state nursing homes as 'smart' from a 'medical point of view.'"

Smart?

After all these months, when how Governor Cuomo and his inner circle addressed the COVID-19 pandemic in nursing homes has been defined by cover-ups, stonewalling, lies, and the like, and keeping in mind that the Cuomo administration is under federal investigation for its actions, the governor calls it "smart."

Trust me, there's another side to that story.

Recall that Governor Cuomo issued a March 25, 2020 directive requiring New York State nursing homes to accept COVID-positive patients from hospitals into the homes. Last year's March 25th directive would end up sending more than 9,000 COVID-positive patients into hundreds of nursing homes statewide, according to reporting from the Associated Press earlier this year, and likely contributed to thousands of deaths. Over 6,000 of those were new admissions to nursing homes, not readmissions as the Cuomo administration has tried to lead the public to believe.

Here's how "smart" that action was considered at the time by many of the nation's leading long-term care professionals.

The day after Governor Cuomo's March 25 directive to nursing homes, on March 26, 2020, a prominent, national group of long-term care professionals denounced the directive and warned against it.

Specifically, the prominent, national medical professionals group American Medical Directors Association (AMDA)-The Society for Post-Acute Care and Long-Term Care (PALTC) Medicine released a statement that the Cuomo order was "over-reaching, not consistent with science...and beyond all, not in the least consistent with patient safety principles." The group's statement went on, "Rather than bullying nursing facilities and medical providers to make unsafe decisions, the State of New York would be wise to direct its energies at ensuring adequate personal protective equipment is

available to all healthcare providers...developing a long-neglected healthcare workforce, and identifying and standing up alternative care sites.”

Three days later, on March 29, AMDA-PALTC was joined in another statement by the American Health Care Association (AHCA) and the National Center for Assisted Living (NCAL). The groups stated, “As organizations dedicated to preserving the safety of patients and residents in post-acute and long-term care settings including assisted living, we strongly object to this policy directive and approach...This is a short-term and short-sighted solution that will only add to the surge in COVID-19 patients...We understand the need for public health and elected officials to weigh the risks and benefits of their decisions...However, a blanket order for every nursing home in the state to accept all admissions from hospitals is not sound policy.” [Both statements can be viewed in full on the AMDA-PALTC website: paltc.org]

Despite these dire warnings from the medical community directly involved in the care of our state's elderly nursing home residents this directive was left in place for more than 30 days, until May 10, 2020. During this period, in excess of 9,000 COVID-positive hospital patients were sent from hospitals into New York's nursing homes. Over 6,000 of these patients were not in a nursing home prior to entering the hospital.

During a joint Senate-Assembly hearing on the nursing homes crisis on August 3, 2020, I directly asked Health Commissioner Howard Zucker if he had received and read the March 26 and March 29 statements. He denied knowledge of them.

I didn't believe Commissioner Zucker on that day and I still don't believe it. It is simply not credible that New York's top health official would not have been informed on statements from leading medical professionals expressing their alarm at one of New York State's key directives and its potential and alarming risk to the elderly and these residential facilities overall.

And I don't believe that Governor Cuomo's policy was “smart.”

If Governor Cuomo and his top lieutenants had heeded the warning from the experts on the front lines of nursing home care in America, thousands of nursing home residents would have at least been better protected. Many lives could have been saved.

The question is no longer whether the Cuomo administration's handling of the nursing homes tragedy was smart.

Instead, in my view and the view of many others, the question remains unanswered about why Governor Cuomo and his inner circle ignored the warnings from public health experts that their

March 25 mandate to nursing homes to accept COVID-positive patients was over-reaching, and not consistent with science or patient safety principles.

It is just one of many unanswered questions that still demand to be pursued regarding the Cuomo administration's nursing homes cover-up.

Governor Cuomo has tried to conceal the truth on the devastation of this crisis in our nursing homes and in other places, and it has caused great harm. Reports keep forcefully exposing the lies, cover-ups, and crimes.

Every available action needs to be taken to compel the governor and his inner circle to tell the truth and be held accountable. New Yorkers, in particular families who lost loved ones in nursing homes due to Cuomo's fateful order, deserve nothing less.

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