



NEW YORK STATE LEGISLATURE

January 8, 2021

Dr. Howard Zucker
Commissioner, New York State Department of Health
Corning Tower Building
Empire State Plaza
Albany, NY 12237

Larry Schwartz
Former Secretary to Gov. Andrew Cuomo
New York State Capitol Building
Albany, NY 12224

Rossana Rosado
New York Secretary of State
One Commerce Plaza
99 Washington Avenue
Albany, NY 12231

Dear Dr. Zucker, Mr. Schwartz & Secretary Rosado:

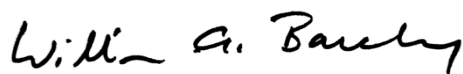
New Yorkers have faced historic and unprecedented difficulties throughout the COVID-19 pandemic. The expedient and comprehensive distribution of the vaccine is among the most important undertakings state government has ever been tasked with. While we appreciate your willingness to address our Conferences in order to provide information, many questions were left unasked and unanswered.

The early stages of the vaccine distribution have not instilled confidence that the state, under its current plan, is equipped to complete this mission in a timely fashion. New York is being significantly outperformed by other states who have administered vaccines at a much greater rate.

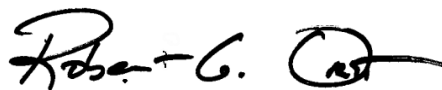
As our state continues to find new partners to work with in order to enhance its distribution, we must do more to collaborate as partners to instill greater confidence in this life-saving vaccine. While your presentation promoted the safety and effectiveness of the vaccine, our Conferences have many remaining questions about ongoing concerns regarding the distribution of the vaccine. Since the majority of our members were not allowed to pose their questions, we are respectfully and formally submitting our questions and concerns for your consideration.

Your attention to this matter is appreciated. We look forward to hearing from you and sharing the answers to these questions with the members of our Conferences and our constituents who have expressed serious doubts and concerns with what they have experienced to date.

Sincerely,



Will Barclay
Assembly Minority Leader



Rob Ortt
Senate Minority Leader

- 1) Countless New Yorkers have had cancer, an auto-immune disease, or carry a significant “at-risk” underlying condition. In what tier do those individuals fall? There is no official guidance on what is an “at risk” condition.
- 2) When will the proposed schedules of the vaccine distribution be provided publicly, providing a planning tool with known quantities? Will there also be a schedule when each group will be eligible to receive the vaccine?
- 3) When saying we need 75-85 percent of the population to get vaccinated, does that include individuals who have had COVID-19 and have recovered/would have some level of immunity? Or does that mean that 75-85 percent of ALL New Yorkers must get the vaccine in order for it to be successful/safe?
- 4) Many vulnerable individuals live at home – not in congregate environments – and rely on home-care support, yet they are not eligible for the vaccine. These patients are receiving care from others coming into the home, but they have been denied the protection of the vaccine, despite falling into the “high-risk” category. When will they be eligible?
- 5) When can we expect to have access to view daily reports on inoculation progress statewide and by county, similar to reports on COVID-19 testing? This is essential information for us to objectively measure performance of our ongoing distribution.
- 6) Can the DOH ensure that New York residents who work in healthcare out-of-state and have been vaccinated out-of-state are accounted for in this reporting so we can have the most accurate data available when measuring performance?
- 7) Are hospital patients who are discharged to a nursing facility offered the vaccine prior to discharge? Are there enough vaccines distributed to ensure this vulnerable population is protected with access to the vaccine?

- 8) Caregivers who are providing care in a homecare setting and are not “employed” by a medical facility or OPWDD appear to not be included in the vaccination eligibility for home health care. This seems to be a serious oversight. Many parents of frail children or children of elderly parents are their primary caregivers. Can the DOH clarify this eligibility and will the administration consider including these providers as eligible recipients for the vaccine?
- 9) Has the vaccine’s two-dose component deterred faster-paced distribution of the vaccine over concerns of remaining supply?
- 10) The administration has recently exercised its disaster powers to initiate punitive policies against providers, as well as New Yorkers who receive the vaccine and are deemed ineligible. The messaging for eligibility has changed multiple times in recent months, causing significant confusion. As we work to instill greater confidence in the vaccine, as promoted by Dr. Zucker’s presentation, there is concern that this particular policy could increase hesitation to get the vaccine. We do not want anyone to hesitate to vaccinate. Is the administration willing to reconsider this policy?
- 11) The administration has promoted what has been referenced as a “use it or lose it” policy when it comes to enforcing vaccine distribution performance by providers, including hospitals and local governments. This type of punitive strategy is ripe for scapegoating. It would seem more appropriate to first work with these providers to identify why there are delays and remedy the situation. What efforts are the administration making to better collaborate with these providers? If the current “use it or lose it” policy becomes the norm, how will the state react when the federal government applies a similar policy to the states?
- 12) When are you going to allow the counties to execute their own vaccine distribution plans?
- 13) Similar to what was established at the beginning of the coronavirus pandemic, when will a hotline be developed that will allow New Yorkers to check their eligibility for the vaccine and where to go to get it?
- 14) Now that inoculation of nursing home residents and staff is underway, when will you revise the nursing home visitation policy to allow for expanded visitation opportunities?
- 15) How and when will approval be granted to move on to the next classification of eligible vaccine recipients if there is existing inventory leftover from the previous group?
- 16) For several months, I have been asking the state to expand access to COVID-19 testing in our rural communities, which right now have a concerning spike in positive cases. For some people in rural districts, the nearest free state-testing site is an hour or more away. Are there any plans to increase testing sites in rural communities?

- 17) Now, as vaccine distribution is underway, we are asking the state to ensure that our rural counties have access to the vaccine and the resources they need to administer it. Can you tell us what is being done to ensure timely and equitable distribution of the vaccine to rural areas?
- 18) Is there any plan or consideration for local grocery store employees in the next phase of distribution? Throughout the pandemic, grocery stores have been open and are one of the most densely occupied spaces still allowed to be open. As such, we have been contacted by a local operator who fears that his employees are most at risk for getting and spreading the virus.
- 19) What phase will “essential” municipal employees and those who maintain critical infrastructure be considered? Specifically, we have been contacted by local DPWs who would like plow drivers considered for vaccination as soon as possible. There is a concern that if they become infected it would harm public safety.
- 20) How many distribution phases are there and who is eligible in each phase?
- 21) What is the current plan to ensure all seniors (ages 60 and over) who want the vaccine can get it?
- 22) Are individuals restricted to receiving the vaccine only in their home county? For example, if someone lives in Rockland County, do they have to go through a Rockland County hospital or provider to get the vaccination, or can they get it from a provider in Westchester County or New York City?