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THE SENATE  
STATE OF NEW YORK



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February 8, 2021

Dear Senator Krueger,

We are writing to respectfully request you work with us, the Senate Majority Leadership, and all of our colleagues in the Legislature to schedule multiple Joint Budget Hearings on Health, instead of the single one currently scheduled for February 25, 2021.

In the wake of Attorney General Letitia James's nursing home report, the mass resignations at the State Department of Health (DOH), and bipartisan calls for investigation into the Governor's administration, there must be more than one day dedicated to the testimony of Department of Health Commissioner Howard Zucker.

The Attorney General's report confirmed once and for all that DOH has severely underreported nursing home deaths related to coronavirus. After months of obfuscation, Commissioner Zucker began producing some of the long sought after data just a few hours after the report was published. Although we have some of the data, the communications related to this data is still missing from the record.

Commissioner Zucker and the DOH, whether by their own free will or at someone else's direction, have repeatedly thwarted the authority of the Legislature. More importantly, they've repeatedly misled New York families who lost loved ones in nursing homes over the past year.

It is imperative that we have ample time to examine all data that may exist including the communication between Commissioner Zucker's DOH and the Governor's Office on these topics since the beginning of this pandemic, as well as adequate time to seek answers from the Commissioner and DOH officials.

We are concerned that the Legislature risks losing credibility as an independent and co-equal branch of government if the Senate does not exercise its oversight responsibilities. We believe some of your colleagues would concur with us.

The Commissioner's testimony could provide much needed answers to New Yorkers. That is why we are urging you and your colleagues to help us provide vital oversight in this important matter and ensure there is adequate time for members of the Legislature to ask necessary questions. It is the right thing to do.

Please schedule additional days for Department of Health testimony to the public hearing calendar.

Sincerely,

A handwritten signature in black ink that reads "Tom F. O'Mara".

Senator Thomas O'Mara  
Ranking Member, Senate Finance Committee

A handwritten signature in blue ink that reads "Patrick Gallivan".

Senator Patrick Gallivan  
Ranking Member, Senate Health Committee