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THE SENATE  
STATE OF NEW YORK  
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October 15, 2021

Honorable Kathy Hochul  
New York State Capitol  
Executive Chamber  
Albany, NY 12224

Dear Governor Hochul:

In the past several weeks, my Republican colleagues and I have listened to and shared the concerns of stakeholders and local leaders from all across the state regarding the effects of mandates for various sectors of our healthcare system, starting with the September 27 mandate.

While I can understand the intentions behind campaigns to raise vaccination rates, I am writing to express disappointment in your decision to *not* amend the 9/27 or other mandates, as well as ignore the unintended consequences of said mandates. On September 10, my colleagues and I offered an alternative path that would've allowed for a **testing option** for healthcare workers.

Unfortunately, that path has not been taken by your administration, and the end-result has been severe staff shortages at already-understaffed facilities, decreased essential services, and a lower quality of care for countless New Yorkers. Some examples include:

- The closure and/or consolidation of several healthcare facilities from around the state, despite your administration's claim that the 9/27 mandate resulted in *zero closures*;
- Increased wait times at hospitals, as well as cuts to essential services like baby deliveries and dialysis treatment; and
- Healthcare facilities firing thousands of employees.

On September 27, you announced a state of emergency to deal with these predictable consequences, including allowing for use of student nurses or out-of-state workers, retirees, and even the National Guard to offset the staff shortages. These proposed steps, while worth considering, have not alleviated the concerns of several facilities looking to the state for guidance and assistance. In addition, the 9/27 mandate has displaced tens of thousands of healthcare workers from collecting income, something that could obviously lead to negative health outcomes itself.

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As we face this growing crisis in our healthcare system, I am respectfully requesting you to consider **any and/or all of the following steps**:

- Suspend/amend the healthcare worker mandate to allow for a testing option as my colleagues and I previously suggested;
- Amend other mandates, such as the October 7 and 12 mandates for the home care, mental health, I/DD, and prison medical workforces, to also allow for a testing option;
- Consider a series of policy proposals advanced by my Republican colleagues and myself regarding the overarching issue of our healthcare system, which has been understaffed for years; and
- Be fully transparent and truthful regarding the effects of this mandate, including reporting full data on how many workers have been suspended, put on leave, or otherwise terminated due to the mandate, as well as the health outcomes of those discharged, transferred, and/or received under Section 400.9 and paragraph 7 of subdivision h of section 405.9 of Title 10 of the NYCRR in your executive order. In the wake of the prior administration's deadly March 25, 2020 nursing home order and subsequent coverup, the state has an added obligation to be fully transparent when it comes to the effects of statewide healthcare policies that could affect our most vulnerable.

Again, I request that you consider these important measures at such a critical time. Please do not hesitate to contact me to discuss further.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert G. Ort". The signature is stylized with a large initial "R" and a circular flourish at the end.

Robert G. Ort  
NYS Senate Minority Leader

*Attachment includes:  
Letter of September 10, 2021*

THE SENATE  
STATE OF NEW YORK



**PATRICK M. GALLIVAN**

September 10, 2021

Honorable Kathy Hochul  
Governor  
New York State Capitol  
Executive Chamber  
Albany, New York 12224

Honorable Howard Zucker, M.D. J.D.  
Commissioner  
NYS Department of Health  
Corning Tower  
Albany, New York 12237

**Re. County Government Concerns with Vaccine Mandates**

Dear Governor Hochul and Commissioner Zucker:

Several county public health officials recently joined together to inform you about the practical implications of requiring all health care workers to receive a COVID-19 vaccine. Additionally, we have heard from healthcare workers across New York State in various healthcare settings. They indicate that local nursing homes and hospitals have already received mass resignation letters from staff due to such requirement. Please find attached a copy of the public health officials' correspondence, for your reference.

The impact this mandate will have on the healthcare workforce will be felt across the entire State. Importantly, rural communities are already experiencing significant healthcare workforce staffing shortages and the effect of this mandate will only hasten the situation.

To prevent a healthcare workforce exodus, these public health officials have asked that you consider modifying the vaccine requirement, perhaps by allowing for a weekly, or more frequent, testing alternative. We strongly urge you to do so as it is essential that we preserve our existing healthcare workforce.

Thank you.

Sincerely,

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

Patrick M. Gallivan  
Senator, 59<sup>th</sup> District

A handwritten signature in black ink that reads "Robert G. Ort".

Robert G. Ort  
Minority Leader, 62<sup>nd</sup> District



Mike Martucci  
Senator, 42<sup>nd</sup> District



Patty Ritchie  
Senator, 48<sup>th</sup> District



George M. Borrello  
Senator, 57<sup>th</sup> District



Dan Stec  
Senator, 45<sup>th</sup> District



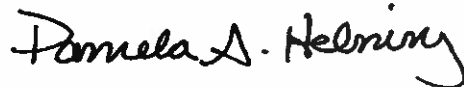
Mario Mattera  
Senator, 2<sup>nd</sup> District



Peter Oberacker  
Senator, 51<sup>st</sup> District



Andrew Lanza  
Senator, 24<sup>th</sup> District



Pamela Helming  
Senator, 54<sup>th</sup> District



Thomas F. O'Mara  
Senator, 58<sup>th</sup> District



Fredrick J. Akshar II  
Senator, 52<sup>nd</sup> District