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THE SENATE
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AGING COMMITTEE CHAIR REJECTS MOTIONS TO INVESTIGATE NURSING HOME COVERUP AND CONNECTIONS TO CUOMO BOOK DEAL

Senators Serino and Borrello urge use of subpoena power to compel DOH Commissioner Howard Zucker and JCOPE Chair Camille Joseph Varlack to appear before committee

ALBANY – With new questions emerging about the role that Governor Cuomo’s coronavirus book deal may have played in the administration’s nursing home data cover-up and remaining questions about the state’s mismanaged nursing home COVID response, Aging Committee Ranking Member Sue Serino and Committee Member George Borrello today advanced motions to launch bipartisan investigations into the issues.

Both motions were rejected by Senate Aging Committee Chair Rachel May who ruled them “out of order,” despite compliance with all procedural protocols by both Serino and Borrello.

Specifically, Serino’s motion would have compelled NYS Health Commissioner Howard A. Zucker to appear before the Aging Committee to give testimony and provide all written and electronic books and records related to COVID-19 in nursing homes and residential healthcare facilities—and the fatalities related to the outbreak of the COVID-19 virus in those facilities—since the start of the pandemic in March of 2020.

“Even with glaring evidence that the Cuomo Administration went to extremes to cover-up nursing home death data, the Supermajority refuses to take definitive action to hold the state accountable,” **said Senator Sue Serino.** “If the Administration is willing to scrub data from an official report and withhold the actual number of deaths for months, what else are they hiding? The state made one misstep after another when it came to handling the COVID crisis in our nursing homes, and continues to do so even today. For Senators who are actively calling for the Governor’s resignation to thwart efforts to get transparent answers to key questions from the Administration defies logic. It is far past time for the Supermajority to stop stonewalling and help us launch a thorough, nonpartisan investigation to better protect residents and dedicated staff, and to ensure loved ones get the answers they deserve.”

“As the Cuomo administration’s web of manipulation and deceit unravels, it has spurred new questions about possible connections between the cover-up of nursing home data and the Governor’s self-serving book, ‘American Crisis’ **said Aging Committee Member Senator George Borrello.** “The fact that

the Governor announced he would be writing a book four days after the Health Department released what we now know was a whitewashed report on the state's handling of the nursing home crisis, raises all kinds of red flags.”

Borrello noted that state ethics rules require that when a state government employee seeks to earn outside income, they are required to file paperwork with the Joint Commission on Public Ethics (JCOPE), which must approve the request.

In February, JCOPE Chair Michael K. Rozen resigned suddenly and was replaced with Camille Joseph Varlack, a former member of the Cuomo administration.

“Some media reports have indicated that the Governor received a seven-figure advance which, if accurate, underscores the fact that he had an enormous financial stake in the book,” Senator Borrello said. “However, calls by legislators for the Governor and Crown Publishing to release details of the contract, as well as FOIL requests submitted to JCOPE for this information, have been ignored. The public deserves transparency and accountability. However, in blocking today's motions, the Senate Majority has slammed the door on this critical effort to uncover the truth.”

Pursuant to section 62-a of the Legislative Law, the motions by Serino and Borrello would require the Senate's Aging Committee to leverage its subpoena power to compel Commissioner Zucker and Chair Varlack, respectively, to appear before the Committee's members to give testimony, answer questions and provide all requested records, both written and electronic.

“New Yorkers are watching the unfolding scandals surrounding the Cuomo administration and are right to expect legislators of both parties to take an active role in investigating all aspects of these issues. Our Committees are invested with subpoena powers so they can review serious ethical and legal questions like those confronting us right now. Once again, Chair May's unwillingness to exercise that power does a grave disservice to our state, and, especially, to the families who lost loved ones in our nursing homes,” said Senator Borrello.

After rejecting motions in both the Senate Investigations and Aging Committees that would launch an independent investigation into the state's overall handling of the COVID crisis in nursing homes, it was not until reports by the Wall Street Journal and New York Times revealed that the July Department of Health Report had been scrubbed by Administration officials that Investigations Committee Chair James Skoufis finally issued a statement in support of a Senate investigation.

The statement said in part, “In coordination with my partners on the health and aging committees, I support moving forward with a hearing and exercising the Senate investigation committee's oversight and authority.” Nearly two weeks after that statement was released, no public action has been taken to advance a Senate investigation or hearing.

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