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October 1, 2020

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

Dear Commissioner Zucker:

I write on a time-sensitive matter concerning the health, safety, and well-being of my Rensselaer County constituents residing at Van Rensselaer Manor Nursing Home and ask for your immediate intervention.

It is my understanding that yesterday, Wednesday, September 30, inspectors with the State Department of Health informed staff at the Van Rensselaer Manor Nursing Home of their intention to conduct a five-day, on-site inspection of the facility. The DOH inspectors were informed that their requested access would be granted, so long as they could provide documented proof that they had been tested for COVID-19, which is a state requirement. The DOH inspectors refused to comply with this legal, lawful, and wholly reasonable request.

After Van Rensselaer Manor Nursing Home staff requested information so the inspector's testing information could be accessed via the ECLRS system, another reasonable request, the DOH inspectors again refused. Similarly, when asked to sign a legal attestation that they had recently been tested and were free of COVID-19, the DOH inspectors again refused.

The repeated failure of your DOH health inspectors to abide by state rules and regulations mandating that all nursing home visitors test negative for COVID-19 prior to their admittance to a nursing home is inexplicable and, frankly, inexcusable. Unfortunately, this has become an ongoing pattern of their refusal to follow proper protocols before seeking admittance to Van Rensselaer Manor Nursing Home.

Throughout the Coronavirus crisis, Rensselaer County, and Van Rensselaer Manor Nursing Home, in particular, have continually taken extraordinary steps to ensure the health, safety, and well-being of residents, especially senior citizens who are among the most at-risk from death or extreme illness due to COVID-19 exposure. The fact that there has only been a solitary case of COVID-19 at the Van Rensselaer Manor Nursing Home since the outbreak began, illustrates the hard work, dedication, and forward-thinking of the facility staff, and Rensselaer County's continued, rigorous adherence to health and safety protocols.

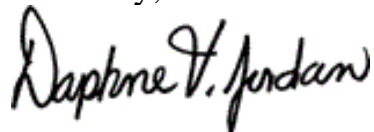
State DOH – and you – have rightly spent several months imploring all New Yorkers to take extra precautions and do everything possible to flatten the curve and mitigate the deadly spread of COVID-19. Given that, why would your inspectors expect an exemption from the very same rules and regulations that all New Yorkers must abide by? Senior citizens are among the most vulnerable populations impacted by COVID-19. We need to safeguard them and protect against even more preventable deaths like the 6,400 tragedies that occurred several months ago among our senior citizen population residing in nursing homes.

Van Rensselaer Manor Nursing Home's ongoing commitment to taking every possible precaution to ensure the health, safety, and well-being of its senior citizen residents should be commended and not subjected to another Albany bureaucratic turf fight. We are in this fight together, and we must work together.

Commissioner Zucker, I implore you to take immediate action to rectify this ongoing troubling situation and require DOH health inspectors to begin following state requirements and receive COVID-19 testing – and be cleared as not having COVID – before their admittance to a nursing home or adult care facility. These are reasonable, rational, fact-based requests that the health professionals at DOH should readily accede to.

Thank you for your consideration of this urgent request made on behalf of my Rensselaer County constituents.

Sincerely,

A handwritten signature in black ink that reads "Daphne V. Jordan". The signature is written in a cursive, flowing style.

Daphne Jordan
State Senator, 43rd District