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May 25, 2022

Honorable Andrea Stewart-Cousins
Senate Majority Leader
New York State Capitol
Room 330
Albany, NY 12247

Honorable Gustavo Rivera
Senate Health Committee Chair
New York State Capitol
Room 502
Albany NY 12247

Honorable Rachel May
Senate Aging Committee Chair
Legislative Office Building
Room 803
Albany, NY 12247

Honorable James Skoufis
Senate Investigations and Government Operations Chair
Legislative Office Building
Room 815
Albany, NY 12247

Re: Nursing Home Unresolved Complaints Hearing

Dear Majority Leader Stewart-Cousins and Chairs:

As you may have seen, a recent USA TODAY Network New York investigation published in LoHud revealed that more than 35,000 complaints of neglect and other safety violations inside nursing homes were submitted between January 1, 2020, and January 14, 2022. A review of the records found that the New York State Department of Health (DOH) determined 4% of cases were determined “substantiated” or in violation of health and safety standards, **leaving thousands of cases unresolved**. At a time when little was known about the COVID-19 virus, we did know that older New Yorkers—and those in congregate care settings—were especially vulnerable, and yet the State failed to take appropriate steps to protect them. What is worse, is that the State has not taken the steps necessary to ensure these mistakes are not repeated, which is why **I respectfully implore you to conduct an oversight hearing into this matter in particular to determine what went wrong, and what can be done to fix any systemic problems that led to so many cases left unresolved**.

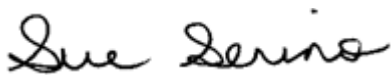
During the early days of the pandemic, Long-Term Care Ombudsmen, who serve as critical advocates for residents of nursing homes and other assisted living facilities to ensure their safety and well-being, were prohibited from visiting these facilities, as were family members and loved ones. Although this action was taken in an effort to prevent the virus from entering nursing homes and other adult care facilities, it left many residents who were unable to advocate for themselves particularly vulnerable, which is why I had introduced legislation (S. 8264 of 2020) that would have prioritized reviewing alleged violations related to the COVID-

19 outbreak in these facilities. As you know, no action was taken to advance this critical piece of legislation. Unfortunately, based on the USA Today report, it appears that the State did not adequately prioritize reviewing these complaint, and it is particularly disturbing that it found that numerous calls to the nursing home complaint hotline went unanswered.

To date, the State is yet to conduct an independent and comprehensive analysis of its disastrous handling of the COVID-19 outbreak with respect to nursing homes and adult care facilities. Although separate, targeted investigations and reports from the New York State Attorney General, Comptroller and various media outlets have helped shine light on the many failures of New York State over the course of the pandemic, they highlight the critical need to conduct a comprehensive review so that we, as lawmakers, can have fact-based, informed discussions on how we can assure New Yorkers this will never happen again. While Governor Hochul has recently said an announcement on such a review is forthcoming, New Yorkers cannot afford to wait any longer for answers and accountability. The legislature should immediately exercise its authority and assert its oversight role on this issue by conducting a hearing into the State's handling of these complaints to determine how a state agency could have failed so terribly in its duty to these residents and their families.

I appreciate your attention to this urgent matter, and await your prompt response.

Sincerely,

A handwritten signature in cursive script that reads "Sue Serino".

Senator Sue Serino
Ranking Member, Senate Committee on Aging
41st District

CC:

Honorable Robert G. Ort, Senate Minority Leader