

THE SENATE

STATE OF NEW YORK



**SUSAN SERINO**  
41<sup>ST</sup> District

April 23, 2020

ALBANY OFFICE  
ROOM 613  
LEGISLATIVE OFFICE BUILDING  
ALBANY, NEW YORK 12247  
(518) 455-2945  
DISTRICT OFFICE  
4254 ALBANY POST ROAD  
HYDE PARK, NEW YORK 12538  
(845) 229-0106  
PUTNAM OFFICE  
117 TOWN PARK LANE  
PUTNAM VALLEY, NEW YORK 10579  
(845) 528-0417

RANKING MINORITY MEMBER

AGING  
SOCIAL SERVICES

COMMITTEE MEMBER

CHILDREN & FAMILIES  
INSURANCE

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

Honorable Andrew M. Cuomo  
Governor of New York State  
NYS Capitol Building  
Albany, NY 12224

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

Dear Governor Cuomo and Commissioner Zucker:

I want to start by thanking you for your commitment to the health and safety of the State of New York and for your leadership during this time.

The state is currently experiencing an immediate crisis as it tries to stop the rapid spread of COVID-19 in state nursing homes and adult care facilities. Earlier this week, I released a comprehensive proposal to address some of the most pressing concerns that have been shared with me by facilities, residents and families alike. The number one concern that is shared by most is in regard to March 25<sup>th</sup> guidance from the Department of Health that expressly prohibits nursing homes from declining admission to those with suspected or confirmed cases of COVID-19. I urge you to consider an immediate alternative approach.

While some facilities do have the ability to provide quality care in this unique situation and simultaneously protect current residents from COVID-19, many do not. Despite your assertion that facilities have the ability to decline these admissions if they are not in the position to provide quality care, the language included in the guidance is not clear on this point and leaves many feeling unable to seek alternative options, even when it is in the best interest of the patient.

It is my understanding that the state has the ability to designate specialty care centers to acutely address and research unique public health concerns. **I urge you to use this approach to address this crisis by creating a series of ‘Regional Specialty COVID-19 Long-Term Care Centers.’**

In this regard, the state should incentivize nursing homes and adult care facilities in each region, throughout the state, to serve as the specialty facility by:

- enhancing their reimbursements;
- concentrating skilled staff at the center, negating the risk of any staffing shortage at any point;

- providing a guarantee that the facility would have access to a full and regular supply of personal protective equipment (PPE) and testing provisions;
- providing their staff with priority testing;
- assisting in developing and executing any necessary building modifications to ensure that anyone recovering from COVID-19 remain completely isolated;
- encouraging a partnership with a leading laboratory to ensure test results are received in the shortest effective amount of time;
- allowing facilities to use and report on experimental COVID-19 drugs and therapies; and
- encouraging a research partnership with a leading institution to ensure that information gleaned from these centers can assist in developing best practices for all long-term care facilities.

This approach would also require us to be sensitive to and accommodate the concerns of families and residents who may want to be provided with a transfer option should their facility become a specialty care center. Additionally, it would require us to suspend any transportation-related charges that could otherwise be accrued by the patient or the facility.

This is not to say that necessary supports would not also be provided to all other facilities in need, but by concentrating COVID-19 cases in select specialty centers located throughout New York, we would enable the state to more swiftly and effectively respond to any issues that may arise, streamline reporting, and significantly bolster critically important research efforts.

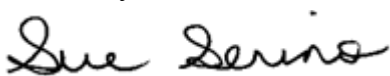
As the ranking member of the NYS Senate Aging Committee, I am particularly sensitive to the need to maintain continuity of care and to provide a stable environment for residents of these facilities. I share the concerns that Dr. Zucker has raised at numerous press conferences about limiting disruptions for these patients and ensuring that they safely return to the facilities that have become their home.

However, Governor, you yourself have said that no one person has the right to infect another—and that goes for residents in these facilities as well. We must do all that we can to provide a stable environment and avoid creating any additional trauma for these patients, but we must also ensure that we are taking swift steps to protect other COVID-19-free residents as well—especially given that residents of these facilities have a high risk of suffering severe complications due to the virus.

We are all in this together, and our long-term care facilities are valued partners in the healthcare system. We must do all we can to protect these residents, communicate with families, and empower facilities to provide the best possible care.

I thank you for your time and consideration of this critically important matter. I look forward to your response and wish you well as we continue to combat this crisis.

Sincerely,



Senator Sue Serino  
41<sup>st</sup> District