



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

May 11, 2020

Hon. Richard Gottfried  
Chairman, Standing Committee on Health  
New York State Assembly  
Legislative Office Building Room 822  
Albany, NY 12248

Hon. Harry Bronson  
Chairman, Standing Committee on Aging  
New York State Assembly  
Legislative Office Building Room 824  
Albany, NY 12248

Hon. John T. McDonald III  
Chairman, Standing Committee on Oversight, Analysis and Investigation  
New York State Assembly  
Legislative Office Building Room 104  
Albany, NY 12248

Dear Chairmen Gottfried, Bronson, and McDonald:

The impacts of the COVID-19 pandemic have been unprecedented, and nowhere have we witnessed more tragic effects than in New York State's nursing homes. With more than 5,000 deaths reported, a full 25 percent of COVID-related fatalities have occurred in these state-regulated facilities. The statistics and associated reports are deeply troubling, and demand a comprehensive review of New York's policies, decisions, and protocols that were utilized in response to the public health crisis. We request that in your roles as chairpersons, you call a legislative hearing of the Committees on Health, Aging, and Oversight, Analysis and Investigation to gain greater insight on this critical matter.

The threat of an outbreak in adult care facilities was evident early, as COVID-19 spread rapidly and caused the deaths of dozens of patients at the Life Care Center of Kirkland in the state of Washington. Despite warning signs, New York's efforts to protect residents and staff at nursing homes appear to have fallen well short. According to reports, New York's nursing homes lacked a sufficient amount of personal protective equipment (PPE), proper protocols for infection response and containment, and adequate testing for patients and staff.

Compounding the problem, the state Department of Health's directive of March 25, which required nursing homes to admit individuals who tested positive for COVID-19, defied all logic and placed elderly patients and facility staff directly in harm's way. A state-issued mandate that essentially forced our most vulnerable facilities to accept COVID-infected patients seems questionable at best, and demands further explanation. While the governor unveiled on Sunday additional preventative measures for nursing homes, it is telling that the new protocols seem to reverse – or at least limit – the original order.

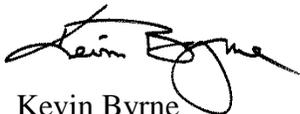
The state's own reporting of nursing home incidents has also generated additional confusion. Approximately 1,700 new COVID-19 nursing home deaths were recently added to the state's total, a result of newly-reported instances where a patient displayed symptoms of the virus but was never actually tested. This is not only alarming, but calls into question the accuracy of what's being reported and the true scope of the outbreak.

The Attorney General's Office and state Health Department have announced they will investigate what has transpired in the state's nursing homes. Others have called for federal investigations into the matter. It is incumbent upon the Legislature to conduct its own inquiry into the state's response and how future issues might be prevented. On Wednesday, members of both the Assembly and Senate will participate in hearings on the impact to small businesses. It is deeply discouraging that none of our committees – not Health, Aging, nor Oversight, Analysis & Investigations – were invited to participate in these sessions. It seems appropriate that the tragedies experienced in our nursing homes would warrant a similar forum.

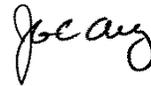
Although metrics show a decline in the COVID-19 prevalence, we are far from the end of this crisis. Our seniors represent a highly-vulnerable segment of society, and our path moving forward must be more effective and avoid the danger that has been seen in so many facilities to date.

Thank you for your consideration.

Sincerely,



Kevin Byrne  
94<sup>th</sup> Assembly District



Jake Ashby  
107<sup>th</sup> Assembly District



Brian Manktelow  
130<sup>th</sup> Assembly District



Andrew Garbarino  
7<sup>th</sup> Assembly District



Karl Brabenec  
98<sup>th</sup> Assembly District



Marjorie Byrnes  
133<sup>rd</sup> Assembly District



Joe DeStefano  
3<sup>rd</sup> Assembly District



Nicole Malliotakis  
64<sup>th</sup> Assembly District



Dave McDonough  
14<sup>th</sup> Assembly District



Melissa "Missy" Miller  
20<sup>th</sup> Assembly District



Michael Montesano  
15<sup>th</sup> Assembly District



Mike Reilly  
62<sup>nd</sup> Assembly District



John Salka  
121<sup>st</sup> Assembly District



Doug Smith  
5<sup>th</sup> Assembly District