



JOSEPH ANGELINO  
Assemblyman 122<sup>nd</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

RANKING MINORITY MEMBER  
Oversight, Analysis, and  
Investigation Committee  
COMMITTEES  
Banks  
Tourism, Parks, Arts and  
Sports Development  
People with Disabilities  
Corporations, Authorities and  
Commissions

February 2, 2021

Hon. John T. McDonald, III Chairman  
Legislative Office Building, Room 417  
Albany, NY 12248

Honorable Nathalia Fernandez  
Legislative Office Building, Room 530  
Albany, NY 12248

Honorable William B. Magnarelli  
Legislative Office Building, Room 830  
Albany, NY 12248

Honorable Phil Steck  
Legislative Office Building, Room 702  
Albany, NY 12248

Fred W. Thiele, Jr.  
Legislative Office Building, Room 837  
Albany, NY 12248

Dear Chairman McDonald & Members of the Oversight, Analysis and Investigation Committee:

The recent report issued by New York State Attorney General Letitia James regarding the state's response to COVID-19 in nursing homes confirmed a number of alarming suspicions about the administration's management and willful lack of transparency during this crisis.

According to the attorney general, the state underreported the total number of nursing home residents who died by as much as 50%. After neglecting to provide this nursing home data to the legislature during our hearings in August, and refusing to release the information for many months after, the New York State Commissioner of Health Dr. Howard A. Zucker, finally revealed the full death toll associated with nursing homes to be 12,743 deaths, a 43% increase from what we were told earlier that same day. While the attorney general's report shed light on a number of concerns, many questions still remain.

We still do not know precisely when or where these fatalities occurred. Did most of these tragic deaths occur during the first wave in the spring prior to mid-May while a controversial New York State Department of Health (DOH) March 25<sup>th</sup> directive was in effect, while elder care facilities benefited from broad liability protections, or later during the year? Would this data fundamentally change the purported outcomes the DOH previously shared with the legislature and the public in a non-peer reviewed July report that sought to defend the controversial March 25<sup>th</sup> directive which pointedly prevented nursing homes from denying COVID-19 positive patients and prohibited them from requiring a test prior to admission? Why was that directive removed from the DOH website, and what communications occurred between the DOH, governor's

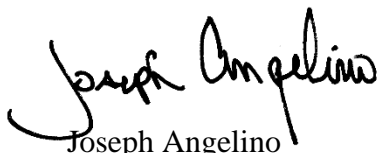
administration, and other parties, that led to the decision to withhold this information from the legislature and public?

Pursuant to Subdivision a of Section 4 of Rule IV of the Assembly Rules, we as Members of the Oversight, Analysis and Investigation Committee are requesting that Chairman McDonald call an additional hearing and that Members of the committee show their support by joining us in signing the attached petition requesting a public hearing in response to the attorney general's report "New York State's Nursing Home Response to the COVID-19 Pandemic" and to specifically use subpoena powers of the committee, pursuant to Section 62-A of Article 4 of the Legislative Law, to call on the New York State Commissioner of Health, Dr. Howard A. Zucker to testify and provide all data on nursing home deaths, as well as all communications from the DOH and other parties that led to the decision to craft, implement, and override its March 25<sup>th</sup> directive, as well withhold this data from the legislature and public for so many months.

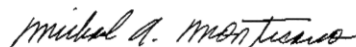
This matter is far from closed. The attorney general's report calls into question the credibility of the governor's administration and decisions of health department officials. As duly elected legislators, we have a responsibility to take action and uncover the truth for the thousands of New Yorkers who lost family and loved ones.

Thank you for your consideration. We look forward to working collaboratively on this endeavor.

Sincerely,



Joseph Angelino  
Ranker, Oversight, Analysis and Investigation  
122<sup>nd</sup> Assembly District



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

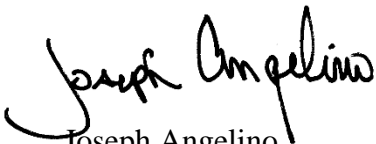
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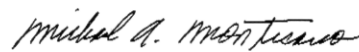
Dear Chairman McDonald:

Pursuant to Subdivision a of Section 4 of Rule IV of the Assembly Rules, we the undersigned Members of the Oversight, Analysis and Investigation Committee are requesting you call a public hearing in response to Attorney General Letitia James' report "New York State's Nursing Home Response to the COVID-19 Pandemic" and to specifically use subpoena powers of the committee, pursuant to Section 62-A of Article 4 of the Legislative Law, to call on the New York State Commissioner of Health, Dr. Howard A. Zucker to testify and provide all data on nursing home deaths, as well as all communications from the DOH and other parties that led to the decision to craft, implement, and override its March 25<sup>th</sup> directive, as well withhold this data from the legislature and public for so many months.

Sincerely,



Joseph Angelino  
122<sup>nd</sup> Assembly District



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