

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS RATH, LORIGO, TODARO AND MILLS**

Re: Support for Investigation into New York State's Response to the COVID-19 Outbreak at State Regulated Nursing Homes

WHEREAS, NYS has seen almost 5,400 confirmed or suspected COVID-19 deaths in nursing homes and other adult care facilities; and

WHEREAS, in Erie County over half of the deaths attributable to COVID-19 infection stem from nursing facilities; and

WHEREAS, the number of infected nursing home residents in NYS is directly attributable to Governor Cuomo's policies, the negative impacts of which have been compounded by low staffing levels, vulnerability of the target population, and insufficient supply of personal protective equipment; and

WHEREAS, NYS has enacted a mandate that nursing homes accept COVID patients who have been deemed "medically stable." This directive of the NYS Health Department was recently rescinded but not before it put many of the state's nursing home residents at unnecessary risk of infection; and

WHEREAS, Governor Cuomo has indicated he intends to have the NYS Attorney General's office investigate what happened and that the NYS Health Department would lead the investigation; and

WHEREAS, it is difficult to see how the Health Department can reasonably be expected to evaluate their own policies and decisions that could have directly resulted in the deaths of thousands more residents than would have happened had they simply not made any of the questionable directives; and

WHEREAS, there are bipartisan calls from state legislators, including Chairman of the Assembly Health Committee Assemblyman Richard Gottfried (D), Senate Health Committee Chairman Senator Gustavo Rivera (D), and Republican Senate and Assembly leadership, for an independent probe into the high rates of Covid-19 deaths at nursing homes. Local representatives have also weighed in supporting an independent investigation, including Senators Pat Gallivan, Rob Ort, and Chris Jacobs.

NOW, THEREFORE, BE IT

RESOLVED, that this Honorable Body is in support of, and hereby calls for, an independent inquiry and public hearings to review the circumstances regarding the high number of Covid-19 infections and fatalities at nursing homes, and make recommendations to ensure the safety and wellbeing of each resident and employee; and, be it further

RESOLVED, this honorable body calls on the NYS Attorney General's Office and the Commissioner of the Department of Health to recuse themselves from any investigation into the administration's actions and the actions of the health department and to allow investigation to be conducted by an independent investigator; and, be it further

RESOLVED, that certified copies of this resolution be sent to the Western New York Delegation to the New York State Senate and Assembly, the New York State Attorney General's office, the office of the Governor of New York, the Commissioner of the NYS Department of Health, and any other party deemed necessary and proper.

Fiscal Impact: None for Resolution