

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

Re: Calling for Investigation into Reports of Misleading COVID-19 Death Count at New York State Nursing Homes

WHEREAS, as of January 18, 2021 New York State officially reported 8,671 deaths from COVID-19 in long-term-care facilities, 97.7% of which, 8,469, occurred in nursing homes; and

WHEREAS, during the early months of the pandemic, Governor Cuomo ordered nursing home patients infected with COVID-19 to remain in nursing homes. This decision turned out to be catastrophic for many of the residents who ultimately succumbed to the disease, and the many more who contracted COVID-19 as a result; and

WHEREAS, facing backlash for the decision, Governor Andrew Cuomo reversed the policy and allowed patients to be transferred from nursing homes to hospitals for treatment; and

WHEREAS, the Department of Health promulgated a policy that distorted the COVID-19 death statistics by only counting a death as a “nursing home death” if it occurred at the nursing home. According to an investigation conducted by the New York State Attorney General’s Office, this policy excluded thousands of nursing home patient COVID-19 deaths that occurred in a hospital; and

WHEREAS, in applying their flawed counting standard, New York State underreported the total number of nursing home residents who died of COVID-19 and created a false sense of the severity of COVID-19 positive rates in nursing home communities; and

WHEREAS, based on allegations that the administration engaged in improper recording of nursing home deaths to lessen the blame for the decision to leave nursing home residents infected with COVID-19 at the nursing homes, the Office of the Attorney General sought to review how deaths of nursing home residents were classified; and

WHEREAS, New York State Attorney General Letitia James commenced an investigation that reviewed data from April 12, 2020 through July 19, 2020. Her investigation discovered significant discrepancies between what actually happened and the way the data was being reported by New York State; and

WHEREAS, according to the Attorney General’s report, New York State’s Department of Health reported fewer total overall deaths of residents dying in nursing home facilities from COVID-19 than were self-reported to the Office of the Attorney General by the nursing homes themselves; and

WHEREAS, the Attorney General further reported a substantial divergence in the total number of nursing home residents who died of COVID-19, irrespective of whether the death occurred at a nursing home or any other location. The report showed 50% fewer deaths reported by the NYS Department of Health when compared to the numbers nursing homes self-reported while cooperating with the Attorney General’s investigation; and

WHEREAS, Citizens have a right to receive accurate information collected by their government and the Attorney General's investigation indicates that the Administration may have intentionally misstated facts to portray their actions in a better light

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body decries the lack of transparency on behalf of New York State in the classification of fatalities related to COVID-19 deaths in nursing homes; and, be it further

RESOLVED, that this honorable body acknowledges that the intentional misreporting of COVID-19 deaths in nursing homes by the State of New York created a false sense of severity about the virus's deadly impact in nursing homes and therefore put people in danger and cost many their lives; and, be it further

RESOLVED, that this honorable body invites New York State Attorney General Letitia James to come to Buffalo, New York to present the findings of her investigation to this honorable body at her earliest availability and convenience; and, be it further

RESOLVED, that this honorable body urges the New York State Legislature to conduct a full bi-partisan investigation into these allegations to determine who is ultimately responsible for the undercounting of COVID-19 deaths in New York's nursing homes; 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, Attorney General Letitia James, Governor Andrew Cuomo, and any other party deemed necessary and proper.

Fiscal Impact: None