



WILL BARCLAY
Minority Leader

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

September 24, 2020

Robert R. Redfield, M.D.
Director, Centers for Disease Control & Prevention
Washington DC Office
William Jefferson Clinton Building
1200 Pennsylvania Ave., N.W.
M/C 5202P
Washington, DC 20460

Dear Director Redfield:

First, please allow us to express our gratitude for the work and commitment demonstrated by the Centers for Disease Control and Prevention (CDC) during the COVID-19 pandemic. The New York State Assembly Republican Conference recognizes the unprecedented times and challenges facing our nation. Just as we've seen during the past six months, the professionals at the CDC will be relied upon for guidance, expertise, and solutions to help us all move forward and overcome this crisis.

As you know, New York State has been hit harder by the pandemic than any other state in America. According to the CDC's own numbers, the tragic death toll from the virus exceeds 32,000 in New York, more than double the next-highest state. Instances of COVID-19 were especially prevalent in the state's nursing homes, where the state Department of Health (DOH) has reported approximately 6,500 deaths.

Unfortunately, Gov. Andrew Cuomo's administration and DOH have repeatedly refused to provide the complete picture on the virus' impact on nursing homes, assisted living, and other long-term care facilities. When calculating the number of nursing home deaths, New York State has not included residents who were infected with COVID-19, but died at either a hospital, in an ambulance, or at another location.

Under direct questioning at a joint legislative hearing held on August 3rd, Health Commissioner Dr. Howard Zucker refused to provide the total number of COVID-19 deaths of nursing home residents that took place outside their facilities, stating, "I know that you want that number and I wish I could give you the number today, but I need to be sure it's absolutely accurate. I'm not prepared to give you a specific number."

Dr. Zucker and the Cuomo Administration have rebuffed additional attempts to obtain this information and have stated that the relevant DOH records will not be available until later this year. We believe withholding this public information is dishonest, dangerous and a blatant attempt to hide the severity and scale of the crisis in the state's nursing homes.

We urge your agency to update its reporting rules to require nursing homes to employ retrospective reporting of resident deaths. In mid-May, the CDC issued rules that mandated nursing homes report all COVID-related deaths regardless of where the individual died. However, the CDC requirement does not mandate this type of reporting for deaths that occurred prior to May – which is when most of the fatalities took place in New York State.

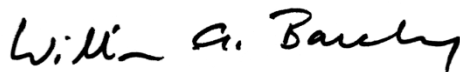
The discrepancies in how various facilities have reported COVID-19 deaths, the inability to accurately compare data from facility-to-facility or state-to-state, combined with the state Health Department's failure to release complete information, have made it impossible to analyze the full scope of the true impacts of the virus.

If the CDC were to update its reporting requirements and mandate facilities report retrospectively, it would bring to light critical information that New Yorkers have sought for months. In addition, updated reporting would provide the Department of Justice with critical details it is currently seeking in its review of three states' handling of COVID-19 outbreaks in nursing homes – which includes New York. This request is not to direct blame on any of our brave front line workers or the nursing home facilities themselves. It is simply a fact that we must have all the data available to us in order to learn from this pandemic and better prepare for the future.

As we hear warnings of a potential second wave of COVID-19 this year and justifiable concerns from healthcare professionals about our future preparedness, we cannot afford to rely on a reporting system that contributes to a lack of clarity or consistency.

Thank you for your time and consideration.

Sincerely,



Will Barclay
New York Assembly Minority Leader



Kevin Byrne
Ranking Member, Assembly Health Committee



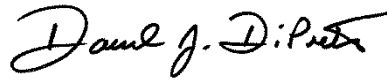
Jake Ashby
107th Assembly District



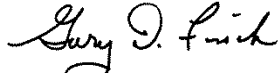
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139th Assembly District



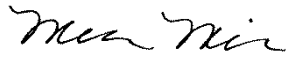
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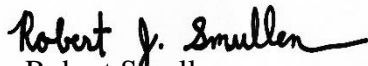
Ed Ra
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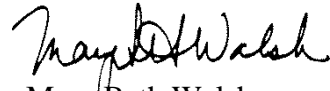


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