April 28, 2020

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Re: Advisory: Hospital Discharges and Admissions to Nursing Homes
Date: March 25, 2020
Agency: New York State Department of Health

Governor Cuomo:

The New York State Department of Health should immediately withdraw the above-referenced advisory, which continues to wrongly steer and confine to nursing homes frail seniors with COVID-19. Shockingly, the advisory placed, and continues to place, seniors throughout New York State, including seniors in nursing homes located in Rensselaer County, at increased risk to suffer harm from the COVID-19 pandemic.

The basis of the advisory was, and now, by all accounts, unquestionably is, incorrect. The advisory assumes that “there is an urgent need to expand hospital capacity in New York State to be able to meet the demand for patients with COVID-19.” On the day following issuance of the advisory, and in a rush to steer patients from hospitals to nursing homes, you claimed that the COVID-19 pandemic “will overwhelm the capacity of our healthcare system” and that there was a need to “aggressively . . . increase [the] state’s hospital capacity.”

With the health care system never reaching close to maximum capacity, a top priority in managing the COVID-19 emergency response should have been, and now should be, more pointedly focused on protecting seniors, rather than, as apparent, needlessly increasing hospital capacity for all populations. Seniors are one of the populations, if not the population, most vulnerable to the COVID-19 pandemic. As of April 26, 2020, persons age 60 and older accounted for 14,587 of New York State COVID-19 fatalities totaling 17,303. In particular, seniors in nursing homes and adult care facilities are predictably susceptible to harm from COVID-19, with 3,625 of the 14,587 fatalities occurring in nursing homes and adult care facilities.

Further, the advisory inexplicably seeks to prohibit nursing homes from testing persons for COVID-19 prior to admission or readmission. Without question, given that COVID-19 is a
community spread disease, health policy should be the exact opposite: nursing homes and adult care facilities should be requiring the testing of all persons for COVID-19 prior to admission or readmission so that, among other sound reasons, hospital discharge planners can properly develop care plans for confirmed COVID-19 persons, homes and facilities can properly manage available resources, and the health and safety of home and facility staff and other residents is protected to the greatest extent possible.

For the protection of seniors and staff in nursing homes and adult care facilities throughout New York State, as County Executive on behalf of Rensselaer County residents, I urge you to work with the New York State Department of Health to immediately (1) withdraw the advisory, (2) direct nursing homes and adult care facilities to require COVID-19 testing for each prospective resident prior to admission or readmission, (3) make available a sufficient number of COVID-19 test kits to allow for testing of all persons currently residing in, as well as those seeking admission or readmission to, nursing home and adult care facilities, (4) transfer all confirmed COVID-19 persons who have not cleared isolation from nursing homes and adult care facilities, as well as those confirmed COVID-19 persons seeking home or facility admission or readmission, to a hospital or other appropriate COVID-19 medical facility, and (5) fund and mandate State-wide training for nursing home and adult care facility staff for proper fit and wearing of PPE, including N95 masks.

Respectfully,

Steven F. McLaughlin
Rensselaer County Executive

Cc: Dr. Howard Zucker
Commissioner
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