

Records Access Office
New York State Department of Health
Corning Tower, Room 2364
Albany, New York 12237-0044
(via email: foil@health.ny.gov)

Jaclyn Clemmer
FOIL Counsel & Records Access Officer
Executive Chamber
State Capitol
Albany, NY 12224
Tel: (518) 408-2303
(via email: records.access@exec.ny.gov)

PUBLIC RECORDS REQUEST

RE: NY GOVERNOR ANDREW CUOMO'S MARCH 25, 2020 NURSING HOME DIRECTIVE

Dear Records Access Officer:

Pursuant to New York's Freedom of Information Law ("FOIL"), Article 6 (Sections 84-90) of the NYS Public Officers Law, we are writing to request access to and/or copies of all of the following documents related to the origins of New York Governor Andrew Cuomo's ("Governor") March 25, 2020 nursing home advisory from the New York State Department of Health to Nursing Home Administrators, Directors of Nursing, and Hospital Discharge Planners, entitled "Advisory: Hospital Discharges and Admissions to Nursing Homes," a copy of which is enclosed.

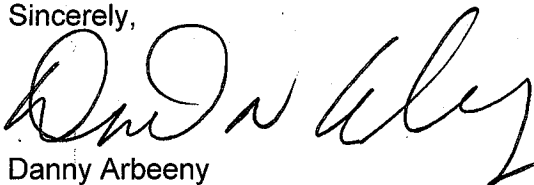
1. At a press conference on Monday, February 15, 2020, the Governor stated that New York ranks 34th out 50 states in nursing home deaths in the nation – what is the death toll number he is using? According to the Empire Center for Public Policy's Bill Hammond, the "new" number of nursing home deaths puts New York at number one in the nation.
2. All correspondence to and from the Governor regarding the possibility of releasing COVID-19 positive seniors to USNS Comfort (T-AH-20).
 - a. Any state healthcare billing records for patients at USNS Comfort (T-AH-20).
3. All correspondence to and from the Governor regarding the possibility of releasing COVID-19 positive seniors to New York City's Javits Center.
 - a. Any state healthcare billing records for patients at the Javits Center.
4. For the following requests, we request all responsive documents within the time period of March 1, 2020 through April 1, 2020:
 - a. Any and all correspondence between the Governor and Director of the National Institute of Allergy and Infectious Diseases, Dr. Fauci.
 - b. Any and all correspondence between the Governor and New York State Department of Health Commissioner Howard A. Zucker, M.D., J.D. ("Commissioner) regarding the Advisory;

- c. Any and all correspondence between the Commissioner and New York State Department of Health Executive Deputy Commissioner Sally Dreslin, M.S., R.N. regarding the Advisory;
- d. Any and all correspondence to or from any and all members of the Governor's coronavirus task force regarding the Advisory;
- e. Any and all correspondence between any and all Executive Chamber employees, including the Governor, and any and all people not employed by the State of New York, including, but not limited to, consultants and lobbyists, regarding the Advisory;
- f. Any and all correspondence between the Commissioner and any and all people not employed by the State of New York, including, but not limited to, consultants and lobbyists, regarding the Advisory;
- g. Any and all correspondence between the Executive Deputy Commissioner and any and all people not employed by the State of New York, including, but not limited to, consultants and lobbyists, regarding the Advisory; and

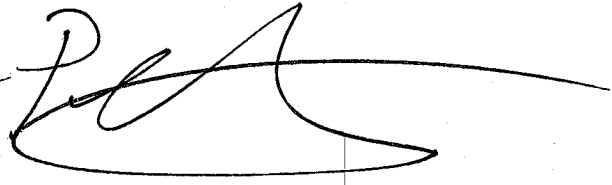
If available, we request the documents in electronic form. We agree to pay reasonable reproduction fees. Please notify us in the event that copies cost more than \$2,000.

If you choose to deny this request in whole or in part, please provide written explanation for the denial, including reference to specific statutory exemption(s). Pursuant to FOIL regulations, please provide all portions of releasable material, even if it includes redacted material on the page or record.

Sincerely,



Danny Arbeeny
Peter Arbeeny



Enclosure.



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

DATE: March 25, 2020
TO: Nursing Home Administrators, Directors of Nursing, and Hospital Discharge Planners
FROM: New York State Department of Health

Advisory: Hospital Discharges and Admissions to Nursing Homes

**Please distribute immediately to:
Nursing Home Administrators, Directors of Nursing, Directors of Social Work, Hospital Discharge Planners**

COVID-19 has been detected in multiple communities throughout New York State. 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 requiring acute care. As a result, this directive is being issued to clarify expectations for nursing homes (NHs) receiving residents returning from hospitalization and for NHs accepting new admissions.

Hospital discharge planning staff and NHs should carefully review this guidance with all staff directly involved in resident admission, transfer, and discharges.

During this global health emergency, all NHs must comply with the expedited receipt of residents returning from hospitals to NHs. Residents are deemed appropriate for return to a NH upon a determination by the hospital physician or designee that the resident is medically stable for return.

Hospital discharge planners **must** confirm to the NH, by telephone, that the resident is medically stable for discharge. Comprehensive discharge instructions must be provided by the hospital prior to the transport of a resident to the NH.

No resident shall be denied re-admission or admission to the NH solely based on a confirmed or suspected diagnosis of COVID-19. NHs are prohibited from requiring a hospitalized resident who is determined medically stable to be tested for COVID-19 prior to admission or readmission.

Information for healthcare providers on COVID-19 is readily available on the New York State Department of Health public website at <https://coronavirus.health.ny.gov/information-healthcare-providers>. As always, standard precautions must be maintained, and environmental cleaning made a priority, during this public health emergency.

Critical personal protective equipment (PPE) needs should be immediately communicated to your local Office of Emergency Management, with the appropriate information provided at the time of request. Requests **MUST** include:

- o Type and quantity of PPE by size;
- o Point of contact at the requesting facility or system;
- o Delivery location;
- o Date request is needed to be filled by; AND
- o Record of pending orders.

Thank you for your ongoing support and cooperation in responding to COVID-19. General questions or comments about this advisory can be sent to covidnursinghomeinfo@health.ny.gov.