

# Congress of the United States

## House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

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October 10, 2023

The Honorable Kathy Hochul  
Governor of New York  
NYS State Capitol Building  
Albany, NY 12224

Dear Governor Hochul:

The Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) wrote to you on May 19, 2023, asking for documents and information regarding COVID-19 positive patients in New York nursing homes.<sup>1</sup> In particular, the Select Subcommittee is investigating how the State of New York implemented federal guidance from both the Centers for Medicare and Medicaid Services and Centers for Disease Control and Prevention regarding protecting residents in nursing homes and other long term care facilities.

Since June 15, 2020, Select Subcommittee Republicans have sent eight letters—including the May 19 letter—to you, former-New York Governor Andrew Cuomo, or the Cuomo Administration. To date, we have not received a single document with regard to any of our inquiries. This is unacceptable. The Select Subcommittee will not tolerate any further delay to its investigation—especially one that seeks to deliver accountability and transparency to those that tragically lost loved ones in New York nursing homes. In addition, the information gleaned from this investigation will also serve to inform potential future legislation to improve governmental responses to future pandemics. It would be an injustice to humankind to delay or defer a thorough postmortem review in this situation.

You promised that your administration “will be fully transparent” regarding the data surrounding COVID-19 deaths and nursing home readmissions.<sup>2</sup> At best, your promised transparency is long overdue; at worst, you broke a commitment to your constituents. Regardless of your intention, you owe immediate answers to the Select Subcommittee and the thousands of families who lost loved ones in New York nursing homes. As such, we reiterate the requests in our letter dated May 19, 2023, to produce records and data as soon as possible, but no later than October 17, 2023. If your office fails to adequately produce records responsive to our requests, the Select Subcommittee will evaluate pursuing the compulsory process.

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<sup>1</sup> Letter from Brad Wenstrup, D.P.M., Chairman, Select Subcomm. on the Coronavirus Pandemic & Nicole Malliotakis, Member of Congress, to Kathy Hochul, Governor of New York (May 19, 2023).

<sup>2</sup> Matt Sedensky, *Cuomo Exit Isn't Stopping Push For Answers on Nursing Homes*, NBC NEW YORK (Aug. 13, 2021).

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The Select Subcommittee on the Coronavirus Pandemic is authorized to investigate “the implementation or effectiveness of any Federal law or regulation applied, enacted, or under consideration to address the coronavirus pandemic and prepare for future pandemics” and “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic” under H. Res. 5.

Further, House Rule XI clause 2(m)(1)(B) grants Committees of the House of Representatives with the authority “to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.”

Thank you for your attention to this very important matter.

Sincerely,



Brad Wenstrup, D.P.M.

Chairman

Select Subcommittee on the  
Coronavirus Pandemic



Nicole Malliotakis

Member of Congress

cc: The Honorable Raul Ruiz, M.D., Ranking Member  
Select Subcommittee on the Coronavirus Pandemic