

# Congress of the United States

## House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

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November 6, 2023

James V. McDonald, M.D., M.P.H.  
Commissioner  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, NY 12237

Dear Commissioner McDonald:

The Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) wrote to New York Governor Kathy Hochul on May 19<sup>1</sup> and October 10, 2023<sup>2</sup> requesting certain documents and information related to COVID-19 positive patients in New York nursing homes. These letters were preceded by more than eight letters sent to you, former-New York Governor Andrew Cuomo, or his Administration by Select Subcommittee Republicans since June 15, 2020.<sup>3</sup>

Instead of fulsomely producing documents—especially those in the custody or control of the Governor’s Office—the Governor deflected responsibility to the New York State Department of Health (NYSDOH). While the NYSDOH has produced limited responsive documents, to date, it has yet to answer all of the Select Subcommittee’s questions.

To properly answer the Select Subcommittee’s requests, we request that the Department specifically produce the following documents and information as soon as possible but no later than November 13, 2023:

1. All documents and communications regarding or relating to the March 25, 2020 NYSDH advisory entitled, “Advisory: Hospital Discharges and Admission to Nursing Homes” (Nursing Home Advisory).
2. All documents and communications regarding or relating the number of COVID-19 deaths, specifically occurring in nursing homes, between January 1, 2020 and present, including totals used by the Office of the Governor for daily briefings.

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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> 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 (Oct. 10, 2023).

<sup>3</sup> *Id.*

3. All documents and communications regarding or relating to the report issued by the New York State Department of Health on July 6, 2020, titled, "Factors Associated with Nursing Home Infections and Fatalities in New York State During the COVID-19 Global Health Crisis."
4. All documents and communications regarding or relating to the report issued by the New York Attorney General on January 28, 2021, titled, "Nursing Home Response to COVID-19 Pandemic."
5. All documents and communications between the New York State Department of Health and any of the state's Nursing Home Administrators regarding or relating to the implementation of the March 25 order, the New York State Department of Health report, or the methodology for calculating COVID-19 deaths in nursing homes.

To fulfill these requests, the NYSDH should search for responsive documents from the following priority custodians:

1. Dr. Howard Zucker;
2. Ms. Sally Dreslin; and
3. Mr. Gary Holmes.

In addition to the above priority custodians, for Requests (1)-(5) the NYSDH should search for documents and communications that involve, reference, or are regarding the following individuals:

1. Mr. Andrew Cuomo;
2. Ms. Melissa DeRosa;
3. Dr. Jim Malatras;
4. Mr. Gareth Rhodes;
5. Mr. Rich Azzopardi;
6. Ms. Beth Garvey;
7. Ms. Jill DesRosiers;
8. Ms. Annabel Walsh;
9. Ms. Linda Lacewell;
10. Mr. Kenneth Raske;
11. Mr. Lee Perlman;
12. Mr. Michael Dowling;
13. Dr. Anthony Fauci;
14. Dr. Robert Redfield;
15. Mr. Alex Azar;
16. Ms. Seema Verma;
17. Dr. Deborah Birx;
18. Mr. Jared Kushner; and
19. Mr. Donald Trump.

Commissioner James V. McDonald

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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.

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

The Honorable Kathy Hochul, Governor  
State of New York