

STATE OF NEW YORK

7116

2021-2022 Regular Sessions

IN ASSEMBLY

April 22, 2021

Introduced by M. of A. BYRNE -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to enacting the act to reveal the truth about COVID-19 in nursing homes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "act to reveal the truth about COVID-19 in nursing homes".

3 § 2. The executive law is amended by adding a new section 55-a to read
4 as follows:

5 § 55-a. 1. The state inspector general is authorized and directed to
6 contract with a firm or academic entity to conduct a statistical analy-
7 sis on the spread of COVID-19 in nursing homes. Such firm or academic
8 entity shall be independent from the state government or any agency
9 thereof.

10 2. Such statistical analysis shall include the following information:
11 (a) the numbers and rates of mortality for all nursing home residents;
12 (b) the effect that state policies, including but not limited to the
13 department of health's policy to deny readmission or admission to a
14 nursing home solely based on a confirmed or suspected diagnosis of
15 COVID-19; and

16 (c) any conclusions or recommendations on whether state and/or federal
17 policies were helpful or harmful in protecting elderly residents of the
18 state from COVID-19.

19 3. The analysis shall break down its findings by county, and, where
20 large numbers of cases have arisen, by facility. Prior to being
21 published, such analysis shall be peer-reviewed by at least three sepa-
22 rate independent firms or academic entities. Such separate independent
23 firms or academic entities shall be independent from the state govern-
24 ment or any agency thereof.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 4. The department of health shall provide to the firm or academic
2 entity conducting the statistical analysis all information requested by
3 such firm or academic entity to conduct the above analysis.

4 5. The analysis shall be provided in writing to the state inspector
5 general, the governor, the commissioner of the department of health, the
6 attorney general, the speaker of the assembly, the senate majority lead-
7 er, the assembly minority leader, and the senate minority leader. The
8 state inspector general and the commissioner of the department of health
9 shall publish such analysis on their respective state agency websites
10 for the public to access and review.

11 6. The state inspector general shall contract, complete, and publish
12 this analysis no later than three hundred sixty days from the date this
13 section takes effect.

14 § 3. This act shall take effect immediately.