

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

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November 6, 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 19¹ and October 10, 2023² 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, 2020.³

Instead of fulsomely producing documents—especially those in the custody or control of the Governor’s Office—you deflected responsibility to the New York State Department of Health (NYSDOH). While the NYSDOH has produced limited responsive documents, to date, we have yet to receive a document from the Governor’s Office.

This Select Subcommittee expects your response to this letter, not another deflection of responsibility. These deflections are especially concerning considering your promise to “be fully transparent” regarding the data surrounding COVID-19 deaths and nursing home readmissions.⁴ We are simply requesting that transparency.

Accordingly, the Select Subcommittee will not tolerate any further unjustified delay. As an accommodation to the Governor’s Office, we write to you today tabling some of our previous requests and providing greater specificity to the remaining requests. Please provide 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 NYSDOH advisory entitled, “Advisory: Hospital Discharges and Admission to Nursing Homes.”

¹ 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).

² 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).

³ *Id.*

⁴ Matt Sedensky, *Cuomo Exit Isn’t Stopping Pish For Answers on Nursing Homes*, NBC (Aug. 13, 2021).

2. All documents and communications regarding or relating to 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 media briefings.
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 Office of the Governor 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 Governor's Office should search for responsive documents from the following priority custodians:

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; and
9. Ms. Linda Lacewell.

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

1. Dr. Howard Zucker;
2. Ms. Sally Dreslin;
3. Mr. Gary Holmes;
4. Mr. Kenneth Raske;
5. Mr. Lee Perlman;
6. Mr. Michael Dowling;
7. Dr. Anthony Fauci;
8. Dr. Robert Redfield;
9. Mr. Alex Azar;
10. Ms. Seema Verma;

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11. Dr. Deborah Birx;
12. Mr. Jared Kushner; and
13. Mr. Donald Trump.

The Select Subcommittee 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