

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

February 22, 2021

Chairman Richard Neal
Ways & Means Committee
1102 Longworth House Office Building
Washington, DC 20515

Dear Chairman Neal,

We write to request you schedule a full committee hearing in the next 15 days on the integrity of the nursing home COVID-19 deaths data reported by the State of New York.

Since last summer, committee Republicans, led by Mr. Reed, have been raising alarms about the decision made by several governors, including New York Governor Andrew Cuomo, to require nursing homes to admit or readmit COVID-19 positive patients from hospitals.^{1,2} The tragedy of the deaths that resulted from these fatal decisions have been compounded by a lack of transparent, accurate data.

A January 28, 2021, report from the New York State Office of the Attorney General found “... preliminary data for [a sample of] 62 facilities [for the week of March 1 to the date of the facility’s response, which varied from the week of April 12 to July 19] suggests that COVID-19 resident deaths associated with nursing homes in New York state appear to be undercounted by [the New York State Department of Health] by approximately 50 percent.”³ Exposed by the New York Attorney General, Governor Cuomo’s administration confirmed the findings, with the Associated Press reporting, “[t]he surprise development, after months of the state refusing to divulge its true numbers, showed that at least 12,743 long-term care residents died of the virus as of Jan. 19, far greater than the official tally of 8,505 on that day, cementing New York’s toll as one of the highest in the nation.”⁴

On February 11, 2021, Mr. Reed gave committee Democrats the opportunity to add to their partisan, ostensibly COVID-19-focused \$1.9 trillion spending bill legislative language to ensure honest COVID-19 information from states. The amendment would have required governors to attest that the data their states have been reporting is accurate and would remain that way moving forward. The amendment was rejected by every single Democrat on the committee.

¹ <https://gop-waysandmeans.house.gov/nunes-opening-statement-at-subcommittee-hearing-on-examining-the-covid-19-nursing-home-crisis/>

² <https://reed.house.gov/news/documentsingle.aspx?DocumentID=3192>

³ <https://ag.ny.gov/sites/default/files/2021-nursinghomesreport.pdf>

⁴ <https://apnews.com/article/new-york-nursing-home-coronavirus-deaths-a6c214f4467976efdfca9ba75f8adaef>

Mere hours later, the *New York Post* reported “Gov. Andrew Cuomo’s top aide privately apologized to Democratic lawmakers for withholding the state’s nursing home death toll from COVID-19 — telling them ‘we froze’ out of fear that the true numbers would ‘be used against us’ by federal prosecutors.”⁵ If this reporting is accurate, then the blatant admission of a cover-up is shocking.

Given the committee’s jurisdiction over Medicare reimbursement to skilled nursing facilities and continued role in providing COVID-19 financial aid to states, it is imperative that we use all the tools at the Committee’s disposal to determine if the state of New York deliberately provided false data to the federal government and the public.

We hope this can be an area of bipartisanship given your personal concern with nursing home reporting. In a letter to the then-Administrator of the Centers for Medicare and Medicaid Services, Seema Verma, you wrote, “...there are reports of insufficient survey activity and unreliable data across nursing homes – the very oversight activities necessary to keep patients safe” and that there was a “...clear congressional imperative for nursing facility surveys and reliable data, as well as the concerns for families and patients around the country about long-term care facilities and COVID-19...”⁶

Given the urgency of our request, we ask you confirm the scheduling of a full committee hearing examining the accuracy of New York’s nursing home COVID-19 deaths data reporting by Wednesday, February 24, 2021. We look forward to your prompt reply.

Sincerely,



Kevin Brady
Republican Leader
Committee on Ways and Means



Devin Nunes
Republican Leader
Subcommittee on Health
Committee on Ways and Means



Tom Reed
Committee on Ways and Means

⁵ <https://nypost.com/2021/02/11/cuomo-aide-admits-they-hid-nursing-home-data-from-feds/>

⁶

https://waysandmeans.house.gov/sites/democrats.waysandmeans.house.gov/files/documents/07%2010%2020_COVID_SNF_Survey%20and%20Data%20Letter%20to%20CMS_FINAL.pdf