



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

February 10, 2021

Bill Hammond
Empire Center for Public Policy
30 South Pearl Street, Suite 1210
Albany, NY 12207

FOIL #: 20-08-016

Dear Mr. Hammond:

This letter responds to your Freedom of Information Law (FOIL) request of August 3, 2020, in which you requested “records of COVID-19-related deaths of residents of nursing homes and assisted living facilities, including those who died while physically outside of the homes.” Specifically, you requested:

1. [T]he total number of such deaths recorded statewide,
2. [T]he number of such deaths recorded on each date and
3. [T]he number of such deaths recorded in each nursing home or assisted living facility.

I have enclosed a document responsive to your request (in both excel and pdf form) containing facility level reporting by date, as reported to DOH by nursing homes and assisted living residences, of confirmed COVID-19 in facility deaths; confirmed COVID-19 out of facility deaths (in hospitals and other locations); and presumed COVID-19 in facility deaths.¹ The data is current as of February 9, 2021. I am enclosing, in addition, a graph comparing non-nursing home and nursing home COVID-19 fatalities which shows that the “curve” of nursing home fatalities closely tracks the “curve” of non-nursing home related COVID fatalities over time.

¹ Some nursing homes have reported certain fatalities for residents who died outside their facility, after those individuals were no longer under their care, where the facility suspected – but lacked confirmation – that the cause of death was COVID related. During data verification attempts by DOH, nursing homes have indicated that these reports are unreliable because they speculated from incomplete medical information, and could not confirm that information with the facility at which the patient died. There are 330 such reports that DOH continues to attempt to independently verify, including by examining lab data and records from the facilities where these patients died, and will update its reported data on a rolling basis as appropriate. There are 60 such reports that DOH believes are not COVID related based upon laboratory data; there are 281 cases in which no data exists to corroborate the initial unverified characterization by the nursing home.

Should you feel that you have been unlawfully denied access to records, you may appeal such denial in writing within 30 days to the Records Access Appeals Officer, Division of Legal Affairs, Empire State Plaza, 2438 Corning Tower, Albany, New York 12237-0026.

If you require additional information or wish to discuss this matter further, please do not hesitate to contact me at (518) 474-8734.

Sincerely,

Rosemarie Hewig
Rosemarie Hewig, Esq.
Records Access Officer

RH/jt

enclosure

cc: Cameron McDonald, Esq. (w/ enclosure)