Nursing homes have 'no right' to reject coronavirus patients, Cuomo says

By Bernadette Hogan and Bruce Golding   April 23, 2020 | 5:04pm | Updated

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New York's nursing homes weren't allowed to challenge a controversial order to admit patients with the coronavirus, Gov. Andrew Cuomo said Thursday — even though it's been blamed for spreading the deadly disease among residents.

"They don't have a right to object. That is the rule and that is the regulation and they have to comply with that," Cuomo said during his daily briefing in Albany.

"And the regulation is common sense: if you can't provide adequate care, you can't have the patient in your facility and that's your basic fiduciary obligation — I would say, ethical obligation — and it's also your legal obligation."

Cuomo said that if a nursing home can't properly quarantine and treat COVID-19 patients with separate staffers, it's required to move them to another facility or ask the state Department of Health to arrange a transfer.

"Now, when a person gets transferred, they lose a patient, they lose that revenue, I understand, but the relationship is, the contract is, 'You have this resident, you get paid, you must provide adequate care,' " he said.

Health Commissioner Howard Zucker said during the briefing he was not aware that DOH had received any transfer requests.

Cuomo also defended his Wednesday remark that "it's not our job" to provide nursing homes with personal protective equipment, saying, "We have given them thousands and thousands of PPE."

"It's their primary responsibility like it's a hospital's primary responsibility. And hospitals ran into problems, nursing homes ran into problems."

"This is a national story, right? Turn on the national news any given time, and you have people saying 'We can't get enough PPE,' right?" he added.

A member of Cuomo's Coronavirus Task Force — SUNY-Empire State College President Jim Malatras — said the state had distributed 417,000 surgical grade masks, 101,000 gowns, 85,000 face shields, 422,000 gloves and 5,000 gallons of hand sanitizer to nursing homes over the past two weeks.

In a prepared statement, the head of the New York State Health Facilities Association, a nursing-home industry group, said that "nursing homes and assisted living providers and their residents have not been treated as a top priority for assistance with staffing, PPE shortages and COVID-19 testing."

"This was clearly evidenced by the state's March 25 policy mandating that nursing homes admit hospital patients into their facilities that have a confirmed or suspected diagnosis of COVID-19," CEO Stephen Hanse said.

Hanse also echoed some of Cuomo's own words in saying, "This treacherous virus spreads through nursing homes like fire through dry grass and the state's March 25 policy served to unnecessarily to fan the

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flames of this fire."

"The governor stated that nursing homes are the state's No. 1 concern," he said.

"This declaration must be followed up with full support and assistance from the state in the form of increased help in securing staff, needed PPE and priority testing for our residents and employees."