



**Testimony of Howard A. Zucker, M.D., J.D.
Commissioner of Health**

**Joint Legislative Public Hearing
on the State Fiscal Year 2021-2022 Executive Budget Proposal**

February 25th, 2021

Good morning, Chairpersons Krueger and Rivera, Weinstein and Gottfried, and members of the New York State Senate and Assembly.

Thank you for the opportunity to present Governor Cuomo's Fiscal Year 2022 Executive Budget as it relates to the health of all New Yorkers.

I am joined by Donna Frescatore, the State Medicaid Director and Director of the New York State of Health.

One year ago, I sat before you – in person - for the same reason. In my testimony I commented on a new virus identified, in Wuhan, China that warranted close monitoring. We sit here today virtually, because of the course that virus took during these past 12 months.

In my medical and public health career, I have borne witness to, and worked on resolving, many health challenges. Few have had as far reaching impact as this pandemic. The virus we call SARS-CoV-2 has put society on hold, but it has tapped into the ingenuity of researchers, the intestinal fortitude of health workers, and the resilience of us all during the past year. COVID-19 has caused unprecedented pain and grief for many New Yorkers who are still struggling to find meaning and closure in these uncertain times.

The Department of Health, under Governor Cuomo's leadership, has tackled this pandemic with all of its heart and soul. The staff has given, and continues to give, every ounce of energy to stopping this pandemic. From Wadsworth Lab developing the nation's first Covid-19 test outside CDC in February of last year, to launching more than a dozen state testing sites that we still operate today, to building an army of contact tracers, and a comprehensive vaccination program that has already put nearly four million shots in the arms of New Yorkers in the first two and a half months.

Today marks my 414th straight day of tackling this virus on behalf of New Yorkers. I wish I could say that I had all the answers back then. I didn't. We didn't. Not the scientists, the public health experts, the journalists, the policymakers, those on the frontlines. None of us. Ironically the year was 2020. With 20/20 foresight, we would have built stockpiles, implemented more precautionary measures, and revved up manufacturing. Instead, we have all learned together. New scientific findings shaped new policy. Recommended behaviors designed to save lives - social distancing, masks, shutdowns, testing, have become tiresome. We have been indelibly affected. The urgency of the situation - the deadly nature of Covid-19 - meant decisions had to be made more quickly than the science was evolving.

I cannot speak of COVID-19 without turning to nursing homes. Yes, there were deaths – too many. Yes, nursing home residents were and remain among the most vulnerable and yes, there have been questions. In July, I presented a comprehensive assessment of what likely happened in nursing homes, here in New York and all over the globe. What we said in July remains true today. The virus, despite our collective best efforts to prevent it, was inadvertently brought into the nursing homes by dedicated staff at a time when we did not know enough about the science. Tragic. Troubling. But true. I was asked to provide the numbers of deaths by facility, by location of death, by whether confirmed or presumed. To the best of the Department's ability, I have done

so. If some wish to find fault with the process, I ask them to remember that we continue to battle this pandemic. As a resident of New York, I believe in transparency. As a doctor I believe in accuracy. We did our best to achieve both.

There is much more we can achieve if we apply the lessons of 2020 as we turn to 2021. As we now focus on the budget, the reason we are here today, we need to keep this in mind. So, let's start with nursing homes.

Last week the Governor announced a comprehensive plan to bring real reform to the nursing home industry. Reform means prioritizing patient care over profit, focus on services that directly impact residents, and staffing programs accordingly. Reform means disclosing payor rates and what goods and services Medicare and Medicaid funding is spent on. Reform means increasing public health violation penalties to \$25,000 and removing grace periods for fixing violations. Reform means operators with repeat infection control violations must work with an independent quality improvement monitor on their own dime. And finally, it means if an operator can't protect the health and safety of their residents, we will move quickly to appoint somebody who can.

We are living in a different world than we were one year ago. We all learned to live remotely this year – remote work, remote school, remote shopping, remote family time, and remote healthcare.

We can now build on this positive transformation through reforms that will lower costs, enhance care for vulnerable populations, and increase access to telehealth services from primary care to early intervention.

These reforms will also expand access to mental health and substance use services, which is a critical need in the wake of a pandemic that has exacerbated these challenges.

As you have heard from my fellow Commissioners, this Budget will propose legislation to establish a single, integrated license for outpatient mental health, substance use, and physical health services - meaning New Yorkers can receive all of the services they need in one location.

And that care needs to be affordable. Which is why the Department will continue to work with its sister agencies to implement a strong regulatory framework to enforce insurer's compliance with parity for reimbursement for all three service types. Furthermore, the New York State of Health has provided low-income families quality health insurance through the Essential Plan, but monthly premium can be barriers.

This budget will eliminate monthly premiums for over 400,000 New Yorkers, saving families nearly \$100 million in annual premiums and enrolling 100,000 currently uninsured New Yorkers.

In addition, this Budget will provide \$420 million to promote access to vital healthcare services for Essential Plan enrollees. It will also commit \$200 million to support an Essential Plan Quality Pool to promote high-quality care.

All of these efforts continue to move us toward our goal of making New York the healthiest state in the nation. The Nourish NY initiative will continue to encourage the purchase of goods from New York State farmers and producers and help ensure access to local nutritious foods. We'll continue our commitment to make it easier for transgender, gender non-conforming, and nonbinary New Yorkers to have identity documents that reflect who they are. And we'll continue our fight to reduce maternal mortality and racial disparities.

And the budget will, of course, allow us to continue our fight against COVID-19 with increased testing capacity, and expansion of the statewide COVID-19 vaccination program that will emphasize health equity and reducing vaccine hesitancy.

Our viral adversary is continually mutating, and we need to stay vigilant.

And finally, we'll need public health emergency response capacity that lasts beyond COVID-19 to the next pandemic or other threat to health and safety.

The past year has shown us what public health does. The State will create a New York Public Health Corps including public health professionals, nurses, medical, and pharmaceutical students from undergrad to doctoral levels, as well as retired medical professionals and volunteer first responders. They will come from every region and background in the state, and they will be given opportunities to work in their own communities.

As Governor Cuomo has stated, New York State is stronger because of the way we have united to fight COVID-19. I am confident that we will prevail against COVID-19 and the future of public health will flourish in New York State.

Thank you.