

**Testimony of
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United States House of Representatives
“Understanding and Addressing Long COVID and its Consequences”
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Chairman Clyburn, Ranking Member Scalise, and Members of the Select Subcommittee on the Coronavirus Crisis:

My name is Daniel Arbeeny and I live on Amity Street, Brooklyn, New York. In one week in April 2020, we had four family members die of COVID: my father, my uncle and two close cousins. Of the four, only one was counted as a COVID death and three contracted the virus while in nursing homes.

Thank you very much for scheduling this hearing on the impact of COVID-19 on nursing homes and I appreciate the opportunity to provide our personal family experience.

The scope of this nursing home debacle has been best described in Congressional testimony delivered by the Government Accountability Office (GAO) on March 17, 2021 which pointed out that while “the nation’s 1.4 million nursing home residents are a small share of the total U.S. population (less than 1 percent), they comprise nearly 30 percent of COVID-19 deaths reported by the Centers for Disease Control and Prevention (CDC).” In actual numbers at that time, this amounted to more than 174,000 individuals but these numbers have surely gone up since then.

Our experience in New York, for which I had no official role but that of a person who has been outspoken and willing to respond to press inquiries about how the situation in our State was made so much worse than it had to be due to the actions of former Governor Cuomo and numerous other officers of the state government.

The critical component in all this was the Governor’s Directive of March 25, 2020 compelling the State’s nursing homes to accept COVID-19 positive patients.

By no means do I intend to imply that the State of New York’s nursing homes were innocent parties in this series of reckless and wrongful actions contributing to the death of my father, other members of our family and thousands of other New Yorkers with whom I have been in close contact now for over two years. We have reluctantly become the 100,000 New York State COVID-19 nursing home orphans.

My family has lived on the same block in Brooklyn, New York for five generations. It is a wonderful heritage we were given, but more importantly, it is where my family has deep community roots. My father was a vivacious man of 88 years, still working and driving with a very sharp mind and quick smile. He sat on the stoop of the house always offering a smile, a greeting and keeping an eye-out for neighborhood happenings.

Right after Christmas my father took ill and recovered, but a series of illnesses, non-life threatening, happened that required he be in and out of the hospital and then to a nursing home rehab center in our immediate neighborhood called the Cobble Hill Health Center. In short, my Dad was doing as best he could and was COVID-free up until the time of the Governor’s disastrous March 25 Directive.

It was the nursing home which told us about the Directive and that they were trying to persuade the Governor's office not to force them to take COVID patients. Unfortunately, Governor Cuomo and the State Health Commissioner ignored their pleas. It then took us many days to move him back home and it was during that time in the nursing home that he got a low-grade fever. Despite 24-hour care, a week later he developed congestion and his doctor ordered a COVID test. We tested him on Monday, April 20, 2020 at 1:00 pm and twelve hours later he was dead and the COVID test came back positive afterwards.

Even as non-medical personnel, we knew it was senseless for the State government to exercise the fullness of its powers to compel contagious patients to the residences where the weakest and most vulnerable were confined. What could they possibly have been thinking and why were there not more nursing homes and their professional associations speaking out against this ill-considered action? Instead, the response of the State Legislature was to roll over at the Governor's request and grant purported immunity to all the players in this dereliction of duty.

Five days after the Governor signed his March 25th Directive, the USS Comfort and the Javits Center hospital came online giving NYC and the surrounding area an additional 3,000 hospital beds. The Governor did not use those facilities for patients and the general utilization was minimal. The Governor even added more stringent admission requirements regarding the use of the Javits Center, which was only ten-percent utilized at the time, making it almost impossible to send an elderly patient there.

Six days after the Governor signed his March 25th order, the Samaritans Purse Field Hospital in Central Park opened with 68 beds. Again, for reasons which remain inexplicable, the Governor refused to use this facility for COVID patients.

At this point we had two choices before us, give in to the grief and anger or focus on reaching out to others in order to bring the truth to life. We started by organizing similarly situated individuals and doing fundraising events for Personal Protective Equipment for our nursing home and other front-line workers as well as our local police precinct.

At the same time, the media, to its credit, began to focus on the Cobble Hill Health Center because it was reporting so many COVID deaths as part of the State collection process. As it turned out, the reason for this was that Cobble Hill was the only nursing home that properly reported the actual number of deaths attributable to COVID. To the best we understood it, every other one of the approximately 627 nursing homes significantly underreported and, of course, it was subsequently admitted that the State itself was once again the prime mover in this well-orchestrated cover-up.

Being so closely involved with our neighborhood nursing home, I spoke with many of the reporters covering this story and it was across the full spectrum of news outlets including News1, CNN, CBS, ABC, WSJ, Fox, AP, and many others. There were so many that my brother Peter and I had to divide them up in order to get out the truth of what was really happening. We took hours to explain that Cobble Hill was not a party at fault but that it was the system at large and Governor Cuomo in particular who was understating the New York death toll by midsummer at 6,500 while we had been saying since April 2020 in over 50+ interviews including one with CNN that the true number was more like 12,000 to 15,000 deaths.

When the news subsequently came out that the Governor was writing a book about his "leadership" during the COVID pandemic we knew it was time to step up our efforts to get the actual truth out to all the aggrieving families and other residents of New York State so they could safeguard themselves against the March 25th Directive. We were also hoping that the appointed and elected officials in New York as well as in the federal government would begin to take note.

On October, 18, 2020, our growing but still informal organization hosted a Mock Funeral for Governor Cuomo's so-called "Leadership and Integrity" which focused on two simple points. We asked for an apology and that there be full admission of the true number of our loved ones who had died in nursing homes. There was abundant press coverage which we again appreciated in terms of trying to keep our cause alive. What was the Governor's response, he attacked us in the press three times in three days of the event. He said we were being political despite the fact that COVID, being a virus, knows NO political party.

We watched aghast as the Governor received an Emmy Award for what we now know was a disastrous policy, a cynical effort to cloak it through state-granted immunity, and then a program of lying to cover it up as long as possible. Based on what we now know, every statistic the government used was misleading; rather than using facts to point us to the truth, the "guardians of the public interest" used their offices to point us away from the truth.

Finally, on January 28, 2021 the New York State Attorney General belatedly announced what was considered a "bombshell" report confirming that there had been a significant undercount of the number of COVID deaths in New York nursing homes. That was followed very quickly by the Governor and State Department of Health losing in its legal effort over reporting the COVID death data to the Empire Center for Public Policy, an independent, non-partisan, non-profit think tank based in Albany, NY.

Then in February, 2021, the Chief of Staff to the Governor, Mellisa DeRosa admitted at a private meeting what we had been saying for almost a year, which was that the State hid the true number of deaths. That meeting soon became public as did the next stage of the Governor's campaign to blame everyone else. As is well known, subsequent events unrelated to the COVID crisis led to the resignation of the Governor and many of his key staff.

At this point, speaking for myself, and I believe almost every other family in this situation, we still have not accomplished the goal of getting out all of the truth. No one in the public or private sector is admitting their culpability for the death, distress, pain, and suffering they caused and concealed. For this reason, we welcome the attention of this Committee on the nursing home aspect of this American tragedy and urge further oversight and investigation in this government program consisting of confining the COVID-ill into the most susceptible of the still healthy elderly residing in Medicaid-funded nursing homes.

I also want to acknowledge the many recent positive actions taken by New York State officials including State Comptroller DiNapoli, State Attorney General James, State Assemblyman Kim, State Senator Serino, NYC Comptroller Lander, NYC Public Advocate Williams, and U.S. Congressman Zeldin. All of these individuals have met with us personally to express their support.

Lastly, I do want to mention that I have filed a federal suit against the State of New York, former Governor Cuomo, and other state officials who were responsible for the death of my father. I cannot comment any further on that proceeding except to say that we deem it essential that there be an appropriate avenue for the compulsory production of all pertinent documents on the governmental decision-making behind the unconscionable activities leading up to these thousands of unnecessary deaths as well as the opportunity to examine in person and under oath all the participating parties.

Thank you for the opportunity to appear before you today.