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December 3, 2024

Chiquita Brooks-LaSure, Administrator  
Centers for Medicare & Medicaid Services  
Office of External Affairs  
7500 Security Boulevard  
Baltimore, MD 21244

Dr. Mandy Cohen, MD, MPH, Director  
Centers for Disease Control and Prevention  
1600 Clifton Road  
Atlanta, GA 30329

Dear Mrs. Brooks- LaSure and Dr. Cohen:

I write to you seeking clarity on former New York Governor Andrew Cuomo's recent testimony before the Congressional Select Subcommittee on the Coronavirus Pandemic. On March 25, 2020, he and the New York State Department of Health issued a directive stating that nursing homes must accept residents with COVID-19 and prohibited nursing home facilities from testing patients for Covid.

In his written statement to Congress, Governor Cuomo said: "Investigations found that New York's DOH March 25 guidance was consistent with the prior guidelines issued by the federal CMS and CDC on March 4, 9, 13th and 23rd".

He claimed that when he and the New York State Department of Health ordered this, they were following guidance from the Centers for Medicare & Medicaid Services (CMS) and Centers for Disease Control and Preventions' guidance (CDC).

He went on to write: "The March 13 CMS policy reiterated that nursing homes could keep patients they knew were COVID positive and should accept a COVID positive patient discharged from a hospital."

However, during Andrew Cuomo's testimony, he confirmed that he did not speak to anyone at CMS or CDC either before or after these directives were issued.

Did Gov. Cuomo's March 25th directive in fact follow CDC and CMS Federal Guidelines?

I appreciate your cooperation with this request.

Respectfully,

A handwritten signature in black ink that reads "Robert G. Ortt". The signature is stylized, with the first letters of the first and last names being prominent.

Robert G. Ortt  
Senate Minority Leader  
62<sup>nd</sup> District

CC:

Speaker Mike Johnson  
568 Cannon House Office Building  
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Rep. Brad Wenstrup, D.P.M.  
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