



September 17, 2025

James V. McDonald M.D., M.P.H
Commissioner
New York State Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237

Dear Commissioner McDonald,

I am writing to you today to respectfully request the New York State Department of Health's formal opinion concerning the guidance issued on March 25, 2020 by the previous administration, which required admissions into long-term care facilities during the COVID pandemic, including prohibitions on refusing entry to individuals with a confirmed or suspected diagnosis of COVID-19 and prohibitions on these facilities from testing patients for COVID-19 prior to admission or readmission. I am requesting clarification as to whether the order was consistent with Centers for Disease Control and Prevention (CDC) guidelines at the time. If the current interpretation is that the guidance was consistent with CDC guidelines, I would ask that you please provide the citations that were used to reach this determination.

The Congressional Select Subcommittee on the Coronavirus Pandemic released a report in which multiple State and Federal officials testified regarding the NYS Executive Chamber's March 25th order during the COVID pandemic. They affirmed that this order was done without conferring with the CDC or Centers for Medicare and Medicaid Services (CMS).

Additionally, the bipartisan Congressional panel concluded that the March 25th order was not in compliance with CDC or CMS federal guidelines. I respectfully request the Department of Health's formal opinion on whether the March 25th guidance by the former administration was consistent with CDC guidelines.

Thank you for your time and consideration on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'GRIVERA'.

Gustavo Rivera
33rd District
New York State Senate