



# Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, MD, MPH**  
Commissioner

**JOHANNE E. MORNE, MS**  
Executive Deputy Commissioner

October 3, 2025

Senator Gustavo Rivera  
New York State Senate  
Capitol Building  
Room 502  
Albany, NY 12247

Dear Senator Rivera:

I write in response to your letter dated September 17, 2025, in which you requested from New York State Department of Health Commissioner McDonald analysis regarding whether an advisory issued by former Health Commissioner Zucker on March 25, 2020, comported with then-operable federal Centers for Medicare and Medicaid Services guidelines. Your letter also references a report issued by the Congressional Select Subcommittee on the Coronavirus Pandemic in 2024.

To the extent you have questions or seek analysis regarding the March 25, 2020, advisory or actions taken by the former administration, we respectfully suggest you direct such questions to, or seek such analysis from, those former officials.

As you know, Congressman Michael Lawler recently sent substantially the same request, and the State provided the same answer.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathy S. Marks".

Kathy S. Marks  
General Counsel