



Written by [Veronika Kyrylenko](#) on July 25, 2021

## DOJ Won't Probe 2020 Nursing Home Policies in NY, MI, PA

The Biden administration has decided not to investigate the Democrat governors of New York, Michigan, and Pennsylvania over claims their COVID-19 policies led to the deaths of thousands of vulnerable people in nursing homes.

In [a letter](#) to House Subcommittee on the Coronavirus Crisis ranking member Representative Steve Scalise (R-La.), Deputy Assistant Attorney General Joe Gaeta wrote that the agency's Civil Rights Division has "decided not to open a [Civil Rights of Institutional Persons Act] investigation of any public nursing home facility within New York, Pennsylvania, or Michigan at this time" after reviewing information sent to them by the respective states. The decision was based on the review of the information provided by the states in response to the [requests](#) of the Trump administration in August 2020, as well as "additional information available to the department." Apparently, the Department of Justice was satisfied with the information provided by the states' officials and did not find any connection between them and staggering COVID-19 death rates in the nursing homes.



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The Civil Rights Division — which has the authority to investigate unlawful conditions in local- or state-run nursing homes — is, the letter said, currently investigating two facilities in New Jersey.

Scalise [reacted](#) to the decision on Twitter, saying that it was "absolutely shameful" and that Justice Department officials were "complicit in these Democrat governors' cover ups."

The orders in question were imposed by New York Governor Andrew Cuomo and the others early in the COVID-19 pandemic. They informed nursing-home operators that they could not turn away residents on the basis of a confirmed or suspected diagnosis of COVID-19.

### New York

In New York, nearly 16,000 people died in nursing homes due to COVID-19, accounting for a third of all COVID-19 deaths in the city. The deaths occurred largely in the first months of the pandemic following the order of Governor Cuomo to send patients recovering from COVID-19 to nursing homes. As of April



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2020, it was [reported](#) that 85 percent of the state's confirmed deaths were recorded in people over 60, with nearly a quarter of all fatalities coming in nursing or adult-care facilities.

A March 25 health department [directive](#), subsequently [deleted](#) from the official site, was issued to expand hospital capacity for the expected number of coronavirus patients needing acute care. Recovering hospital patients would need to be moved out of hospital beds and placed somewhere. President Trump sent the USNS *Comfort*, a hospital ship, to New York City that month to aid the city's hospitals, but the ship's resources were drastically [underused](#). The hospital system was never overwhelmed either, not even at the peak of the pandemic, Cuomo [admitted](#) himself. On May 10, Cuomo also [acknowledged](#) he was wrong to issue an order for nursing homes to admit COVID-19 patients, and [reversed](#) it.

The Federal Bureau of Investigation in New York City is still believed to be [investigating](#) the state policy in question. The review is also looking into the state's [undercounting](#) of COVID deaths in nursing homes. Additionally, the nursing-home situation is a part of a broader impeachment [investigation](#) into Governor Cuomo's actions launched by the Assembly Judiciary Committee.

### **Michigan**

Similarly, in Michigan, [5,756](#) COVID-19 deaths have been either residents or staff of long-term care facilities, equaling about 29 percent of the statewide virus-linked deaths. However, investigative journalist Charlie LeDuff [claims](#) the numbers might have been undercounted by as much as 100 percent, and that officials at the Michigan Department of Health and Human Services told him their review of data about the deaths was stopped because it was too "time-consuming."

Governor Gretchen Whitmer [ordered](#) last April that nursing homes not prohibit the admission or readmission of residents based on COVID-19 testing results. The order also required homes with occupancy below 80 percent to create a unit dedicated to residents with the virus.

Last month, Michigan's auditor general [reportedly](#) launched an investigation into Whitmer's role in the significant number of long-term care facility deaths.

### **Pennsylvania**

To date, [27,820](#) Pennsylvanians have reportedly died from the pandemic, but only 2,160 were under 60 years old. In May 2020, [65 percent](#) of coronavirus deaths were nursing-home residents.

Pennsylvania Governor Tom Wolf's former health secretary, Rachel Levine — currently the assistant secretary for health at the U.S Department of Health and Human Services — oversaw the state policy of mandating nursing homes take in COVID-19 patients. As *TownHall* [reported](#) at the time, on March 18, 2020, Levine directed licensed long-term care facilities to continue admitting new patients, including those discharged from hospitals but unable to go home, and to readmit current patients after hospital stays. "This may include stable patients who have had the COVID-19 virus," according to a copy of the guidelines published by the outlet. As the policy was implemented and the death rate rose, Levine [withdrew](#) his own mother from a nursing home in May 2020.

All of the governors have insisted the orders did not lead to more COVID-19 deaths among nursing homes and other long-term care facilities, which house people most vulnerable to COVID-19, even as nursing-home deaths were up by [32 percent](#) last year.



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