

SENATE RESOLUTION NO. 31

Senator Runestad offered the following resolution:

1 A resolution to denounce the Attorney General's decision to
2 not investigate the Governor's nursing home policy and the reported
3 data on deaths in nursing homes and encourage county prosecutors to
4 pursue investigations.

5 Whereas, From the earliest stages of the COVID-19 pandemic, it
6 was clear that nursing home residents were in particular danger
7 from COVID-19. One of the earliest outbreaks in the United States
8 occurred in a nursing home in Washington state. Nursing homes are
9 also an inherently high-risk environment for disease transmission
10 because residents live in close proximity to one another, have
11 underlying medical conditions, and are cared for by staff who care
12 for many other residents; and

13 Whereas, New York Governor Andrew Cuomo and his administration

1 are under investigation for intentionally and significantly
2 understating deaths in nursing homes from COVID-19. Early in the
3 pandemic, Governor Cuomo ordered nursing homes to take in or
4 readmit residents who tested positive for COVID-19. New York
5 Attorney General Letitia James in early March 2020 received and
6 began to investigate complaints regarding COVID-19-related neglect
7 of nursing home residents. On January 30, 2021, New York Attorney
8 General James reported, among other preliminary findings of
9 concern, that the number of nursing home deaths related to COVID-19
10 were underreported. It has since become clear that the Governor and
11 his staff hid the true number of deaths to avoid criticism and
12 political repercussions; and

13 Whereas, Governor Gretchen Whitmer and her administration
14 followed a similar policy that required nursing homes to house
15 COVID-19 positive residents. Executive Order No. 2020-50 prohibited
16 nursing homes from prohibiting admission or readmission of a
17 resident based on COVID-19 testing requirements and required their
18 transfer to a dedicated unit within the home or a regional hub,
19 potentially creating further opportunity for spread; and

20 Whereas, Executive Order 2020-50 created substantial confusion
21 regarding what nursing homes needed to do to comply with the order
22 and care for its residents. Initial guidance was unclear,
23 particularly on reporting requirements, and for more than a month,
24 additional guidance documents needed to be issued to specify and
25 clarify the requirements. Many nursing homes did not have access
26 initially to the required state reporting systems, and it was also
27 reported that nursing homes were informally directed by the
28 administration that they did not have to follow certain
29 requirements in the order; and

1 Whereas, The initial confusion following the adoption of the
2 state's nursing home policy during one of the most critical periods
3 of the pandemic raises questions regarding the accuracy of
4 reporting at that time. There remain discrepancies in the reporting
5 of deaths and positive COVID-19 cases related to Michigan's nursing
6 homes, and it is not clear if all COVID-19 cases or deaths are
7 being properly attributed, including, but not limited to, how cases
8 and deaths are reported when a resident is transferred to another
9 facility or a hospital; and

10 Whereas, The situation in New York also raises serious
11 concerns that other states, like Michigan, that followed a similar
12 nursing home policy may have contributed to resident neglect and
13 then attempted to hide the most damning impact of their policy
14 decisions. The people of Michigan deserve an investigation and
15 assurances that the current administration is accurately and
16 transparently reporting its data and to ensure that nursing home
17 residents were not subjected to neglect through the state COVID-19
18 policy. It is imperative that every person feel confident in the
19 care their loved ones received in nursing homes; and

20 Whereas, Michigan Attorney General Dana Nessel announced on
21 March 15, 2021, that she will not follow the lead of New York
22 Attorney General James and conduct an investigation into the
23 administration's nursing home policy impact. It is incomprehensible
24 that our state's leading prosecutor and a purported champion for
25 preventing elder abuse refuses to take any action to investigate if
26 the state's nursing home policy may have led to the neglect and
27 death of nursing home residents; now, therefore, be it

28 Resolved by the Senate, That we denounce Attorney General Dana
29 Nessel's decision not to investigate the Governor's nursing home

1 policy and the reported data on deaths in nursing homes during the
2 COVID-19 pandemic; and be it further

3 Resolved, That we encourage county prosecutors to fill the gap
4 left by the Attorney General and pursue appropriate and reasonable
5 investigations into the Governor's nursing home policy and the
6 reported data on deaths in nursing homes; and be it further

7 Resolved, That copies of this resolution be transmitted to the
8 Michigan Attorney General and the Prosecuting Attorneys Association
9 of Michigan.