

MICHAEL V. LAWLER
17TH DISTRICT, NEW YORK
HOUSE FINANCIAL SERVICES
COMMITTEE
HOUSE FOREIGN AFFAIRS
COMMITTEE
lawler.house.gov



Congress of the United States
House of Representatives
Washington, DC 20515-3217

WASHINGTON DC OFFICE:
324 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-3217
(202) 225-6506

DISTRICT OFFICE:
ONE BLUE HILL PLAZA
THIRD FLOOR, P.O. BOX 1645
PEARL RIVER, NY 10965
(845) 201-2060

CARMEL TOWN HALL
60 MCALPIN AVENUE
MAHOPAC, NY 10541
(845) 743-7130

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

The Honorable Eric Adams
Mayor of New York City
City Hall
New York, NY 10007

Dr. James V. McDonald
Commissioner
New York State Department of Health
Corning Tower
Empire State Plaza
Albany, NY 12237

Ms. Michelle Morse
Commissioner
New York City Department of Health and
Mental Hygiene
125 Worth Street
New York, NY 10013

August 25, 2025

Dear Governor Hochul, Mayor Adams, Commissioner McDonald, and Commissioner Morse:

Over 15,000 New York State (5,000 New York City) nursing home residents died of COVID during early part of the pandemic. We are past the grim five-year anniversary of the infamous March 25, 2020 directive that forced nursing homes to accept COVID patients.

During the intervening 5 years former Governor Cuomo and Dr. Howard Zucker, the former head of DOH, have falsely stated that the [March 25, 2020 nursing home directive](#), compelling nursing homes to accept COVID positive patients, was following CDC and CMS guidelines.

Governor Cuomo's written statement to congress on [Sept 10, 2024 stated](#), on page 7, "DOJ should send a letter to CMS and CDC since the states' advisories were modeled after their guidance."

On June 11, 2024, Governor Cuomo's [opening statement to Congressional Select Subcommittee](#), he wrote that his March 25, 2020 directive followed federal guidelines where he stated on page 3:

"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 further wrote, on page 4: "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."

Dr. Zucker, as [reported in the NY Post](#), on February 20, 2021 quoted from the CMS March 13, 2020 guidance to defend the DOH March 25, 2020 directive yet a simple review shows he merged different sentences from different sections.

During Dr. Zucker's [transcribe testimony](#) to the Congressional Select Subcommittee stated:

"But the fact is we followed the CDC guidance that was out at that time, and CMS guidance"

The Congressional Select Subcommittee on the Coronavirus Pandemic released their final reports and can be seen here: [Democratic final report](#) and [Republicans final report](#).

The Democrats state, on page 35, when comparing the NYS DOH March 25th directive to the federal guidelines concluded:

"Governor Cuomo was immediately criticized for the Advisory, which also arguably contradicted federal CMS guidance by *requiring* nursing homes to accept patients with a **COVID-19 diagnosis.**"


The Republicans state, on pages 230 - 234,

"FINDING: The March 25 Directive Was **Inconsistent** with Applicable Federal Guidance Regarding Hospital to Nursing Home Transfers and COVID-19 Related Infection Control."

I am requesting a written determination if the March 25th directive followed federal guidelines. If so, how exactly was it? Show us the sentence(s) in the directive that support that claim along with the supporting parts of the federal guidelines.

We ask you to respond within 14 days.

Sincerely,



Michael V. Lawler
Member of Congress

Key Index to Relevant Federal and State Documents:

- [CMS Guidance](#) March 4, 2020 (*original guidance*)
- [CMS Guidance](#) March 9, 2020 (*superseded March 4th*)
- [CMS Guidance](#) March 13, 2020 (*superseded March 9th*)
- [CDC Guidance](#) March 23, 2020
- [NYS March 25, 2020 nursing home directive](#) March 25, 2020