

This time-line includes a long list of public sources. It was created to help remind members of the Assembly Judiciary Committee of where this story began, and how we got to where we are today. It is to be used as a tool and resource to aid the committee in their investigation as they see fit. The timeline also highlights how Governor Cuomo's response to critical questions has changed over time, meriting pause and instilling doubt regarding the Governor's truthfulness with the Legislature and public.



Timeline on Gov. Cuomo COVID Response, Cover- ups and Impeachable Offenses

Assemblyman Kevin M. Byrne
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3/16/21

Timeline on Gov. Cuomo COVID Response, Cover-ups and Impeachable Offenses

March 25, 2020

Controversial March 25th policy issued to nursing homes stating “No resident shall be denied re-admission or admission to the NH solely based on a confirmed or suspected diagnosis of COVID-19. NHs are prohibited from requiring a hospitalized resident who is determined medically stable to be tested for COVID-19 prior to admission or readmission.”ⁱⁱ

March 26, 2020

Wall Street Journal article cites a group representing doctors that work at nursing home (the Society for Post-Acute and Long-Term Care Medicine) stating “admitting patients with suspected or documented COVID-19 infection represents a clear and present danger to all of the residents of a nursing home.”ⁱⁱⁱ

The Society for Post-Acute and Long-Term Care Medicine releases a statement calling the March 25 order “over-reaching, not consistent with science, unenforceable, and beyond all, not in the least consistent with patient safety principles.”ⁱⁱⁱ

March 30, 2020

Ordered by President Trump and at the request of New York Governor Andrew Cuomo, USNS Comfort Ship arrives in New York Harbor.^{iv}

April 9, 2020

USNS Comfort reconfigured to accept COVID19 patients, but rarely used.^v

April 10, 2020

NYS OPWDD policy is put in place preventing homes for people with developmental disabilities from denying COVID19 patients.^{1vi}

April 20, 2020

Gov. Cuomo asked about the controversial policy and acted like he did not know about it when questioned during a briefing by a reporter from the New York Post.^{vii}

April 24, 2020

Assembly members Byrne and Garbarino call for legislative hearings into the state’s handling of COVID-19 in nursing homes, including the controversial March 25th policy.^{viii ix}

¹ This order is still in effect and largely mimics the controversial March 25th DOH order pertaining to nursing homes.

April 27, 2020

USNS Comfort Ship Ends COVID-19 Mission after nearly a month long mission, converting the ship so it could treat COVID19 patients, and treating only 182 patients.^x

May 5, 2020 – May 6, 2020

March 25th directive mysteriously vanished from DOH website without explanation (still not reason provided by Cuomo Admin).² The matter was later reported on by other news outlets such as Fox News.^{xi}

May 7, 2020

March 25th policy was superseded by Governor Cuomo's Exec. Order 202.28^{xii}

May 8, 2020

LeadingAgeNY explains impact on nursing homes.^{xiii}

May 10, 2020

At a briefing, Governor Cuomo was asked about the March 25th policy and the new E.O. superseding it. Governor Cuomo again acted like he was unaware of the March 25th policy, saying "I don't know the March 25th", and then referred to his task force members Jim Malatras and Secretary Melissa DeRosa. Jim Malatras suggested the policy was in place so nursing homes could not "discriminate against" COVID19 patients. Sec. Melissa DeRosa said "the two orders co-exist" (meaning the March 25th policy and E.O. 202.28 effectively superseding it) both remain in effect at the same time even though one contradicts the other. An executive order does supersede a department regulation.^{xiv}

May 20, 2020

Governor Cuomo during briefing blamed President Trump and CDC for the March 25th policy. This argument would later be soundly debunked by PolitiFact and others.^{3 xv xvi}

May 22, 2020

In an OpEd in the NY Daily News, Health Commissioner Dr. Howard Zucker echoed Governor Cuomo's previous assertion claiming it followed President Trump's CMS & CDC guidance. Dr. Zucker also reiterated that the March 25th mandate was in place to prevent discrimination against COVID-19 patients.^{4 xvii xviii}

² According to web.archive.org it appears the March 25th policy vanished from the DOH website sometime between May 5th and May 8th. Assemblyman Byrne noticed the website was missing on May 6th and corresponded with colleagues electronically, documenting the issue.

³ Gov Cuomo stated May 20, 2020: "Yeah. Look, this is a political season. I get it. I've refrained from politics. I'm not going to get into the political back and forth, but anyone who wants to ask, why did the state do that with COVID patients in nursing home? It's because the state followed President Trump's CDC guidance. So they should ask President Trump. I think that will stop the conversation."

⁴ Dr. Zucker's assertion about the March 25th policy following CMS & CDC following CMS & CDC guidance has since been soundly rejected by federal representatives and public health officials

May 30, 2020

It was reported that COVID-19 deaths from nursing homes had not been reported throughout March and April. The DOH had been in a rush mode to get data by April 17, questioning the credibility of some data ultimately reported.^{xix}

July 6, 2020

DOH releases statement and non-peer reviewed report defending its March 25th policy and crediting the drive of nursing home deaths to infected staff members.^{5xx xxi}

July 7, 2020

Health Chairs Gottfried and Rivera signal support publicly for future legislative hearings on COVID19 in nursing homes and adult care facilities.^{xxii}

July 13, 2020

Senate and Assembly Majorities announce Joint Legislative Hearings on the Impact of COVID-19 (with Residential Care Facilities to be the focus on August 3 & August 10).^{xxiii}

July 24, 2020

Legislators Sen. Tedisco and Assemblyman Ron Kim introduced bipartisan legislation to investigate state's handling of COVID19 in nursing homes.^{xxiv}

August 3, 2020

First Legislative Hearing which also included Health Commissioner Dr. Zucker.

During the August 3, 2020 Legislative Hearing, Zucker again asserted the March 25th policy was to combat discrimination:

Addressing the March 25 order, Zucker added the goal "was to make sure that we did not discriminate against COVID-positive patients."

"This issue came up with HIV/AIDs," he said, referring to the sexually transmitted infection epidemic's early days in the 1980s. "There was a big concern that people were not allowing people with HIV into nursing homes."^{xxv}

During the Hearing Legislators highlighted how the data being used in the report was incomplete as it was missing nursing home residents who contracted COVID19 and later died in hospitals. Legislators, including Senator Tom O'Mara, specifically requested this missing data from the commissioner. Dr. Zucker claimed he could not provide the complete data that was missing from the July report because of a fear of double-counting.^{xxvi} He made it clear the number of nursing home resident deaths from hospitals would be provided to the Legislature, but not before he could ensure the data's accuracy.^{xxvii}

⁵ While the Department of Health and Commissioner Zucker have claimed the report was "peer-reviewed", in reality it was not. Quotes in the report that were pulled from comments during separate media interviews do not serve as a peer review. This point was driven home by Bill Hammond of the Empire Center. This point was later confirmed by Jim Malatras in March 10, 2021 ProPublica article.

It was repeatedly noted that nursing home mortality numbers were in the DOH July report, but the DOH Commissioner defended the integrity and accuracy of report.^{6xxviii}

August 3, 2020

Empire Center submits FOIL request on August 3rd, 2020 for missing information.^{xxix}

August 12, 2020

News breaks that some witnesses, specifically Janice Dean, who was initially informed that the chair would make sure she could testify was later prevented from testifying because the Senate was reportedly “not comfortable” in having her testify.^{7xxx xxxi}

August 17, 2020

Assembly GOP hosts bipartisan forum to hear additional testimony from those not provided opportunity to speak at hearings.^{xxxii}

UNKNOWN

At some point the Administration’s justification for the March 25th mandate was modified from preventing discrimination to following CDC guidelines to freeing up hospital beds.^{8 xxxiii}

August 26, 2020

U.S. Department of Justice releases statement on official DOJ inquiry in New York, New Jersey, Pennsylvania, and Michigan.^{xxxiv xxxv} No comment could be found from DOH.

September 18, 2020

Empire Center files lawsuit against Cuomo Administration for withholding Nursing Home COVID Data and violating FOIL.^{xxxvi}

September 24, 2020

Assembly GOP led by Assembly Minority Leader William Barclay and Assemblyman Kevin Byrne write to CDC in attempt to obtain missing nursing home data.^{xxxvii xxxviii}

October 2, 2020

USA Today Network, Democrat & Chronicle, publishes story about potential ‘pay to play’ surrounding Governor’s book, *American Crisis: Leadership Lessons from the COVID-19 Pandemic*. Firm that had previously been awarded lucrative state contracts held private webinar with Governor Cuomo offering large quantities of the Governor’s book to employees.^{xxxix}

⁶ A second hearing occurred on August 10th without participation from the NYS Dept. of Health.

⁷ It was speculated that Ms. Dean was prevented from testifying as Senate Majority members did not want to make things more difficult for Governor Cuomo and his administration.

⁸ The exact date is undetermined; however, Commissioner Zucker made a similar argument to this at the February 19, 2021 press conference (following AG report and FOIL Court ruling).

October 28, 2020

CDC Responds to Assembly GOP letter largely restating its existing policy, but not answering the request to mandate retrospective reporting.^{xi}

October 28, 2020

U.S. Department of Justice sends another inquiry requesting new data on hundreds of private facilities that were previously not included in the August request.^{xii}

November 21, 2020

NPR reports on Andrew Cuomo to receive international Emmy for ‘Masterful’ COVID-19 briefings.^{xliii}

November 25, 2020

Governor Cuomo spokesperson and senior aid, Rich Azzopardi, refers to grieving families criticizing the Governor as part of a ‘death cult’ on Twitter.^{xliiii}

December 11, 2021

As members of the media speculate on Governor Cuomo being potentially named as President Elect Biden’s Attorney General, Linsey Boylan warns on Twitter that Governor Cuomo is a sexual harasser and abuser of the law. The accusation is disregarded by many media outlets. The New Yorker later publishes story on leaked personnel information to the press to discredit Ms. Boylan’s claim.^{9 xliiv}

December 15, 2020

Assembly GOP, led by Assemblyman Kevin Byrne send letter to President Trump seeking assistance to obtain missing nursing home mortality data.^{xlvxlvvi}

January 14, 2021

Governor Cuomo’s senior aid and spokesperson Richard Azzopardi mocks grieving families. In addition to referencing they are somehow part of a “death cult”, he specifically responds to criticism against Governor Cuomo by Janice dean, stating “last I checked, she’s not a credible source on anything except maybe the weather.”^{xlvvii xlviii}

January 21, 2021

Assemblyman Kevin Byrne and Ron Kim send a bipartisan request to President Biden soliciting his help to get the info.^{xlix} DOH provided public statement asserting they needed to “reconcile” the data. The DOH did not note anything about first satisfying the DOJ requests.^{li}

January 26, 2021

Sen. Skoufis questioned about the delay in the Legislature obtaining nursing home data from DOH during press conference. Senator Skoufis suggests he may be forced to subpoena information.^{lii}

⁹ Ms. Boylan Tweets “@JoeBiden if you make this man Attorney General, some women like me will be bringing the receipts,” she wrote. “We do not need a sexual harasser and abuser as ‘the law,’ of the land.”

January 28, 2021

Attorney General Leticia James publishes report confirming significant undercounting (up to 50%) of nursing home resident deaths in large part to missing information. AG report also concluded government guidance may have increased harm.^{liii}

Health Commissioner Dr. Zucker responds by releasing a statement again blaming nursing homes for not following protocols and contributing to the spread. DOH then suddenly releases preliminary numbers the same day, confirming that they had the nursing home resident mortality number numbers and that the number was at least 43% higher than publicly reported earlier that same morning.^{liv}

January 29, 2021

Gov. Cuomo, seemingly frustrated, says at press conference on January 29, 2021 that he doesn't trust the experts.^{lv}

February 1, 2021

New York Times breaks story about 9 public health officials leaving DOH. Some stating that Gov. made announcements to press and they were later directed to author a public health policy to match his statement.^{lvi}

February 2, 2021

Assembly GOP circulates formal letter and petition to Assembly chairs of health, aging, and investigations to conduct hearings with full use of subpoena power to investigate and get answers.^{10 lvii}

February 3, 2021

Empire Center wins FOIL case in state Supreme Court. Cuomo Administration illegally withheld nursing home data from the public and violated FOIL. It was given 5 business days to release info.^{lviii}

February 3, 2021

NY Republican Congressional delegation call for a full investigation.^{lix}

February 10, 2021

The same day DOH is ordered to release all data by court order, Cuomo Admin scheduled private partisan meeting to discuss the data. The DOH releases the data to Empire Center at approx. the same time of the meeting.^{11 lx lxi}

¹⁰ Assemblymember Ron Kim is chair of Aging. This is noteworthy as later in the timeline Assemblymember Kim reportedly receives a threatening phone call from Governor Cuomo.

¹¹ It would later be reported that during the private partisan meeting, previously mentioned, Secretary to the Governor Melissa DeRosa cited how the issue of releasing the nursing home data became a "political football" and how they "froze" because they weren't sure how it could be "used against us" by the Department of Justice while they weren't sure if there would be a DOJ investigation. This statement, on its face, serves as an admission to an intention to obstruct justice. These quotes were reported by NY Post

February 11, 2021

NY Post story breaks with details of the private partisan meeting, when Secretary to the Governor Melissa DeRosa, answering to questions regarding the delay in releasing the nursing home data, said that the issue became a “political football” and how they “froze” because they weren’t sure how it could be “used against us” by the Department of Justice while they weren’t sure if there would be a DOJ investigation. This statement, on its face, serves as an admission to an intention to obstruct justice.

It would later be reported that following the NY Post story about the private meeting, on February 11, 2021, Gov. Cuomo calls and threatens Assembly Ron Kim, chair of aging committee, reported by CNN, New York Times, and others. It is noteworthy that a formal request for hearings and subpoenas was still before Chair Kim from his fellow lawmakers at the time of the call.^{lxii}

February 11, 2021

Assembly GOP continues to call for investigation, subpoenas, and impeachment investigation commission.^{lxiii}

February 12, 2021

After the NY Post story on the private meeting breaks, the next day DeRosa attempts to clarify her words with a statement suggesting the Administration wanted to address the federal request first prior to releasing to the legislature and that legislative leaders were informed of this. She confirmed the previous reported statements with her own partial transcript, but did not clarify her specific statement about how she wasn’t sure how the info could be used against them by the Department of Justice or the Legislature.^{lxiv}

Gov. Cuomo then proceeds to avoid the press for several days.^{lxv}

February 13, 2021

Assemblyman Kieran Lalor launches website and petition to impeach Governor Cuomo www.impeachgovcuomo.com.^{lxvi}

February 14, 2021

NY Congressman Antonio Delgado (D) supports investigation.^{lxvii}

February 15, 2021

The Governor, during a briefing, suggests the March 25th policy was for hospital capacity (a significant shift from previously stating it was about protecting COVID19 patients from discrimination), and again falsely asserts it mirrored federal guidance. Governor Cuomo blames legislators for the delay in getting data suggesting they could subpoena. Gov. Cuomo repeats DeRosa’s previous claims legislative leaders were told it was because of a DOJ inquiry (this is denied by lawmakers and their respective leaders).^{lxviii lxix} This is reportedly disputed by

by a leaked recording of the meeting, and later confirmed by subsequent transcripts of the meeting which were made public.

legislators and office staff.^{lxx} The Assembly Speaker's spokesperson confirms their office was given a "heads up" for the delay but they never "agreed" to it and they knew nothing about DOJ inquiry other than what was reported in the press. This assertion is also later disputed by the Gov. Sec. Melissa DeRosa in the original transcript of the private partisan meeting where she noted they "froze" because they weren't sure how it could be "used against" them.

February 16, 2021

Assembly and Senate Dems circulate memo to take away Gov.'s emergency powers as a "first step." They accuse Gov.'s admin of criminality and suggest additional consideration of veto overrides and impeachment proceedings should be made.^{lxxi}

February 17, 2021

CNN breaks story about the Governor Cuomo's threat against Ron Kim several days prior. Again, it is noteworthy that Assemblyman Kim had a formal request to conduct hearings with subpoenas before him at the time of alleged threat.^{lxxii} This allegation is serious. It is more than simple "bullying" or "aggressiveness" and based on the reports from Mr. Kim, rises to a potentially criminal act of coercion by the Governor against a fellow lawmaker.

Later the same day, Gov. Cuomo and his administration make good on Cuomo's threat to Assemblyman Ron Kim by publicly attacking Kim about nail salons during a press call.^{lxxiii}

Also, on **February 17**, U.S. Senator Ted Cruz announces he will inquire about plans to investigate during Senate confirmation hearing of DOJ.^{lxxiv}

By the end of the day on **Feb. 17**, Governor Cuomo's Administration releases full transcript of private partisan meeting which validates all previous reports of Melissa DeRosa's statements regarding the administration's reason for withholding nursing home data because of fear from federal prosecutors.^{lxxv}

February 18, 2021

FBI and U.S. Attorney Office of Eastern District of New York (Brooklyn) reportedly launches investigation into Governor Cuomo's administration and its handling of COVID-19 in nursing homes and data.^{lxxvi}

Also on February 18, 2021

The Empire Center publishes a report highlighting the results of its own analysis based on data previously withheld from the Cuomo Administration. The Empire Center's analysis reveals there is a statistically significant correlation between the controversial March 25th DOH policy and nursing home resident deaths.^{lxxvii}

Also on February 18, 2021

NYC Mayor Bill de Blasio expresses support for an investigation.^{lxxviii}

Also on **February 18, 2021**

News breaks that Dr. Olstroum, who was previously cited as a “Chief Advisor” to Governor Cuomo, in both the transcript of the private partisan meeting and in NY Times article reporting on various departures from DOH, denies that he had such a role and confirms he never spoke to Governor Cuomo other than a complimentary 5 min phone call after he did an interview on MSNBC. The doctor also confirmed he never worked on nursing home issue.^{lxxxix}

Also announced on **February 18, 2021**

Assembly Republicans moved to form an Impeachment Commission to begin review of the Governor’s nursing home cover-up.^{lxxx}

February 19, 2021

During Gov. Cuomo’s briefing, the Governor asserts repeated claims denying fault and blames media, lawmakers, and grieving families for spreading what he claims is “misinformation.” Governor Cuomo says he will call them out and be more “aggressive” with his critics. His remarks sound more and more like a threat that he already followed through on against Aging Committee Chair Assemblyman Kim.^{lxxxii}

Also on **Feb. 19, 2021**

NY Congresswoman Alexandria Ocasio Cortez supports full investigation.^{12lxxxii}

February 24, 2021

Lindsey Boylan, a former aide to the Governor who had previously alleged sex harassment on twitter in Dec. 2020 but gave little details, was inspired by Assemblymember Ron Kim speaking out. She published an essay providing specific details with photos and emails outlining the Governor’s sexual harassment in the workplace.^{lxxxiii}

March 1, 2021

Since Ms. Boylan came forward, at least six others have reportedly alleges sex harassment against the governor. After trying to appoint his own investigator into the allegations, the Governor eventually caved to public pressure and referred the case to Attorney General Leticia James.^{lxxxiv}

March 4, 2021

Additional news breaks in the Wall Street journal alleging the Governor’s Administration through his top aides on his Coronavirus Task Force altered the DOH’s July report defending the controversial March 25th policy by compelling DOH to not include the complete number of nursing home resident deaths due to COVID-19, keeping them separate and counted as hospital deaths.^{lxxxv}

¹² Since then, many more members from both major political parties have called for investigations, resignation, and impeachment due to the growing public evidence surrounding the nursing home scandal and numerous allegations of sex harassment against the Governor.

March 7, 2021

Albany Times Union breaks story from whistleblower exposing structural flaws on the new Tappan Zee Bridge also known as the Governor Mario M. Cuomo Bridge. The report alleges New York downplayed the danger in potentially yet another cover-up.^{lxxxvi}

March 8, 2021

AG James appoints a special outside investigator into sex harassment allegations.^{lxxxvii}

March 9, 2021

Additional questions raised in a breaking story by The New Yorker highlighting how personnel files were leaked to the press in December 2020 in an attempt to discredit Ms. Boylan's initial attempt to share her story on twitter alleging the Governor's harassment. While a formal investigation was not underway at the time, this could be interpreted as an additional intention to obstruct justice if one knew a possible investigation could be pending.^{lxxxviii}

Also on March 9, 2021

More validity is added to questions surrounding the Governor's book deal "American Crisis: Leadership Lessons from the COVID-19 Pandemic" that he published in the middle of the pandemic. Added concerns are raised based on the timeline the Governor first spoke about a possible book, and his administration's efforts to suppress data on nursing home resident deaths around the same time, as reported in the Wall Street Journal.^{lxxxix xc}

March 10, 2021

Members of the Assembly Republican Conference ask federal government to investigate the new cover-up alleged in the Times Union report from Tappan Zee Bridge whistleblower.^{xcii}

March 11, 2021

While the FBI & U.S. Attorney's Office are reportedly investigation the Nursing Home Scandal and cover up, the special investigator appointed by AG James has launched a website (<https://www.agindependentinvestigation.com>) for alleged victims of sex harassment by the Governor to share their story.^{xcii}

March 11, 2021

New York Post publishes an additional story reminding readers that while the March 25th nursing home mandate has created much controversy, a very similar order remains in effect from OPWDD affecting homes for people with developmental disabilities.^{xciii}

March 14, 2021

New York Times breaks story on Governor Cuomo's former senior aid and political confidant on task force who is in charge of vaccine distribution, Larry Schwartz, has reportedly called County Executives verifying their political loyalty to Governor Cuomo and then following up with a discussion about vaccines. This is yet another example of willful and corrupt misconduct. One County Executive has reportedly filed a complaint for this misconduct.^{xciv}

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