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September 1, 2021

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

Mr. Howard Zucker, M.D. Commissioner  
New York State Department of Health  
Corning Tower  
Empire State Plaza  
Albany, NY 12237

Dear Governor Hochul and Commissioner Zucker,

We write to you today to discuss the unintended consequences of the vaccine mandate for healthcare workers Governor Hochul announced on her first day in office. While we fully support COVID-19 vaccines and urge every eligible New Yorker to get vaccinated, the ten counties represented in this letter share grave concerns about the practical implications of your proposed mandate on the stability of our healthcare system.

Local nursing homes and hospitals have already begun receiving mass resignations of staff effective September 26, 2021, one day before the proposed vaccine mandate is set to go into effect. As I am sure you are both aware, all levels of healthcare are already experiencing significant staffing shortages caused by a myriad of factors.

Anecdotally, we have heard from local hospital and nursing home partners that they may have to reduce their bed capacity by as much as one third or more if the unvaccinated employees resign rather than receive the vaccine. The potential mass exodus of healthcare staff in late September, coming several weeks after children return to school, coupled with the continued increase in COVID-19 cases across the state caused by the proliferation of the Delta variant is a recipe for crisis throughout the entire healthcare system.

Nursing homes will be forced to discharge patients. Reduced capacity at hospitals will leave nowhere for these discharged patients to go. The inability of hospitals to discharge patients into nursing home facilities, who will no longer have capacity to accept new admissions, will create a backlog in the hospital system and imperil our acute care capacity as we head into the fall and winter months.

We all sincerely hope that all healthcare staff change course and decide to become fully vaccinated. We are also hopeful that the current case trends do not continue, and the fall and winter are not as dire as we predict they could be. However, as public officials tasked with shepherding our communities through this ongoing crisis, we cannot sit back and hope. We must consider the implications of policy decisions

made at all levels of government and do our best to avoid catastrophic unintended consequences of even the most well-intentioned policy.

We, the ten undersigned counties, implore you to consider some modification of the vaccine requirement for healthcare workers currently scheduled to go into effect September 27, 2021. Allowing for a weekly, or more frequent, testing alternative to vaccination would seem to be a reasonable option that would respect the personal health decisions of healthcare workers while protecting, to the greatest extent practicable, the safety of patients and their families.

We understand the complexity of this issue and the need to increase vaccination rates among the entire population and certain critical workforce sectors. While these are laudable goals that we support, we cannot continue on a path that threatens the very viability of our entire healthcare system in the pursuit of these goals. We have to work collaboratively at all levels of government to come up with creative solutions that can help achieve our goals for protecting public health, preserving the capacity of our healthcare system, and helping our communities navigate these perilous times.

Each and every elected, appointed, and public health official for all ten counties stand ready and willing to work constructively in conjunction with our State partners to find a reasonable, amicable, and efficacious solution to this problem. We look forward to hearing from your offices and are hopeful there can be meaningful dialog between the State and local officials prior to the effective date of this vaccine mandate.

Respectfully,

The Counties of:

Orleans

Genesee

Wyoming

Livingston

Steuben

Wayne

Ontario

Yates

Seneca

Schuyler