

MEDICAL SOCIETY ^{OF} THE COUNTY OF ERIE

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January 15, 2021

Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

RE: ELECTIVE PROCEDURE BAN IN ERIE COUNTY

Dear Governor Cuomo:

As President of the Medical Society of the County of Erie, and with the support of the President of the Medical Society of the State of New York, Dr. Bonnie Litvack, I am writing to you on behalf of our colleagues in Erie County with concerns about the health of our patients.

We respectfully request that this second restriction on elective surgeries that went into effect on Friday, December 4, 2020 on hospitals in Erie County **be lifted** as this ongoing restriction creates a serious patient safety issue for Erie County residents in need of these medically necessary procedures. We ask that the hospitals of Erie County instead be given the discretion to delay these procedures as circumstances are warranted based upon the caseload in their hospitals as well as the hospitals with whom they are coordinating the treatment of acute COVID-19 patients. Additionally, the physicians of the Medical Society of Erie County respectfully request **clarification** of the data that is driving this current ban to understand the basis for this persistent measure and to discern what data thresholds must be satisfied in order to lift the current ban on these medically necessary procedures. It is our understanding that this restriction is designed to free up hospital beds and hospital personnel as it relates to the COVID-19 pandemic, however, Erie County already implemented a COVID-19 designated hospital to resolve hospital overflow issues located on the St. Joseph campus at Sisters Hospital. **Additionally, it bears note that as of January 12, 2021, the empty bed percentage in Erie County was 27%, with a 37% vacancy in the ICU according to HERDS.** Furthermore, we respectfully submit that there has been no indication that the current infection rate in Erie County is at all attributed to elective procedures performed in hospital settings, but we can demonstrate that patient safety among Erie County residents has indeed been adversely impacted by this ban.

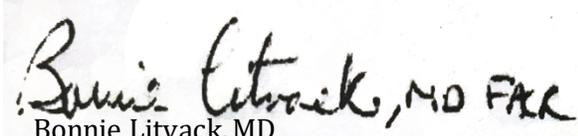
In the days since the implementation of this restriction on elective procedures, I heard from countless physicians expressing concerns over the impact this second ban will have in the delay of care for their patients. One troubling account detailed by one of our physicians was a patient who had a nodule on his prostate who was deferred by the first ban in restriction on electives in the spring. The physician explained that when elective surgery was again permitted in the summer, other cases took precedence, so the patient's biopsy was scheduled for this December. Because it was scheduled for a hospital, it was deferred again, placing this patient in a very difficult situation. This, and many other accounts, are the types of delays in critical follow-up care that the residents of Erie County now face by this second restriction that has persisted since December 4, 2020.

In our first plea for relief from the ban on elective procedures in the Spring of 2020, we cited to the disturbing finding revealed by the NYSDOH earlier that year that residents of Erie County suffer from a higher- than- expected number of certain cancers, including colon and esophageal cancer. Additionally, it is well-understood that patients over a certain age and with a history of cancer need scheduled screenings to make sure new cancers

do not develop, and that benign tumors do not progress to a malignant stage. The restriction of elective surgeries in hospitals in Erie County are preventing some patients from receiving these needed diagnostic tests.

As such, on behalf of the residents of Erie County, and in partnership with the Medical Society of the State of New York; the Medical Society of Erie County respectfully requests that the current restriction on elective surgeries in hospitals be lifted as soon as possible or that clarification on the data driving this ban be provided in efforts to understand its justification and to discern the grounds for its removal.

Thank you for your leadership in the New York State COVID-19 response.



Bonnie Litvack, MD
President
Medical Society of the State of New York

Sincerely,



Stanley J. Pietrak, MD
President
Medical Society of Erie County

cc: Dr. Howard Zucker, MD, JD, LLM
Commissioner of Health
New York Department of Health
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