

DEPARTMENT OF HEALTH AND MENTAL HYGIENE  
BOARD OF HEALTH

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NOTICE OF INTENTION  
TO AMEND ARTICLE 11 OF THE NEW YORK CITY HEALTH CODE

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**NOTICE OF PUBLIC HEARING**

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In compliance with §1043(b) of the New York City Charter (the “Charter”) and pursuant to the authority granted to the Board of Health by §558 of said Charter, notice is hereby given of the proposed amendment of Article 11 of the New York City Health Code (the “Health Code”).

NOTICE IS HEREBY GIVEN THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE WILL HOLD A PUBLIC HEARING ON THE PROPOSAL FROM 10 AM TO 12PM ON APRIL 20, 2007 IN THE THIRD FLOOR BOARDROOM (ROOM 330) AT 125 WORTH STREET, NEW YORK, NEW YORK 10013.

PERSONS INTERESTED IN PRE-REGISTERING TO SPEAK SHOULD NOTIFY, IN WRITING, RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK; (212) 788-5010 BY APRIL 19, 2007. PLEASE INCLUDE A TELEPHONE NUMBER WHERE, IF NECESSARY, YOU MAY BE REACHED DURING NORMAL BUSINESS HOURS. SPEAKERS WILL BE LIMITED TO FIVE (5) MINUTES.

PERSONS WHO REQUEST THAT A SIGN LANGUAGE INTERPRETER OR OTHER FORM OF REASONABLE ACCOMMODATION FOR A DISABILITY BE PROVIDED AT THE HEARING ARE ASKED TO NOTIFY RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013; (212) 788-5010 BY APRIL 6, 2007.

REGISTRATION WILL BE ACCEPTED AT THE DOOR UNTIL 10AM. HOWEVER, PREFERENCE WILL BE GIVEN TO THOSE WHO PREREGISTER.

WRITTEN COMMENTS REGARDING THE PROPOSAL ADDRESSED TO THE ATTENTION OF THE BOARD OF HEALTH MUST BE SUBMITTED TO RENA BRYANT, SECRETARY TO THE BOARD OF HEALTH, BY MAILING TO 125 WORTH STREET CN-31, NEW YORK, NEW YORK 10013, BY FAX TO (212) 788-4315, OR BY E-MAIL TO [RESOLUTIONCOMMENTS@HEALTH.NYC.GOV](mailto:RESOLUTIONCOMMENTS@HEALTH.NYC.GOV) ON OR BEFORE APRIL 20, 2007.

WRITTEN COMMENTS RECEIVED BY THE SECRETARY TO THE BOARD OF HEALTH AND A TRANSCRIPT OF THE PUBLIC HEARING WILL BE AVAILABLE FOR PUBLIC INSPECTION WITHIN A REASONABLE TIME AFTER RECEIPT, BETWEEN THE HOURS OF 9:00 A.M. AND 5:00 P.M. AT THE OFFICE OF THE SECRETARY. THE DEPARTMENT’S GENERAL POLICY IS TO MAKE WRITTEN COMMENTS AVAILABLE FOR PUBLIC VIEWING ON THE INTERNET. ALL COMMENTS RECEIVED, INCLUDING ANY PERSONAL INFORMATION PROVIDED, WILL BE POSTED WITHOUT CHANGE TO <http://www.nyc.gov/html/doh/html/comment/comment.shtml>.

## STATUTORY AUTHORITY

This amendment to the New York City Health Code (“Health Code”) is promulgated pursuant to Sections 556, 558 and 1043 of the New York City Charter (“Charter”). Section 556 of the Charter grants the New York City Department of Health and Mental Hygiene (“Department”) jurisdiction to regulate matters affecting health in the City of New York. Specifically, Section 556(c)(2) of the Charter authorizes the Department to supervise the reporting and control of communicable and chronic diseases. Section 558(b) and (c) of the Charter empower the Board of Health to amend the Health Code and to include in the Health Code all matters to which the Department’s authority extends. Section 1043 of the Charter grants rule-making powers to the Department.

## STATEMENT OF BASIS AND PURPOSE

The New York City Department of Health and Mental Hygiene (Department) is proposing to amend Section 11.03 (a) of the New York City Health Code (Health Code) to remove “urethritis, non-gonococcal” (commonly referred to as “NGU”) from the list of reportable diseases/conditions because there is no longer a public health value in having this reported to the Department.

NGU was made a reportable disease/condition with the intent that it serve as a surrogate measure of *Chlamydia trachomatis* infection in the male population. At the time NGU was made reportable, there were very limited diagnostic tests for *Chlamydia trachomatis*, and men were not routinely tested or screened for that infection. There are now highly sensitive and specific tests for *Chlamydia trachomatis* which may be performed on male urethral and urine specimens, and males are being tested and screened for this infection with increasing frequency, and reported to the Department. For this reason, reports of NGU are no longer likely to represent *Chlamydia trachomatis* infection, and in any event, monitoring reports of laboratory-confirmed *Chlamydia trachomatis* infection is the best means of measuring the burden of that disease in the population. Therefore, the Department proposes amending §11.03 of the Health Code by removing NGU from the list of reportable diseases/conditions.

## STATEMENT PURSUANT TO SECTION 1042-REGULATORY AGENDA

This proposal was not included in the fiscal year 2007 Department Regulatory Agenda as this action is the result of recent analysis.

The proposal is as follows:

Note - Matter in brackets [ ] is to be deleted.

Matter underlined is new.

**RESOLVED**, that subdivision (a) of Section 11.03 of Article 11 of the New York City Health Code, as set forth in Title 24 of the Rules of the City of New York, as last amended by resolution on June 15, 2006, be and the same hereby is amended, to be printed together with explanatory notes, by deleting the entry for “Urethritis, non-gonococcal”, as follows:

### **§11.03 . Diseases and conditions reportable.**

(a) Cases and carriers affected with any of the following diseases and conditions, and persons who at the time of their death were apparently so affected, shall be reported to the Department:

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Tularemia

Typhoid fever

[Urethritis, non-gonococcal]

Vaccinia disease, defined as:

- (1) Persons with vaccinia infection due to contact transmission; and,
- (2) Persons with the following complications from vaccination: eczema vaccinatum, erythema multiforme major or Stevens-Johnson syndrome, fetal vaccinia, generalized vaccinia, inadvertent inoculation, myocarditis or pericarditis, ocular vaccinia, post-vaccinial encephalitis or encephalomyelitis, progressive vaccinia, pyogenic infection of the vaccination site, and any other serious adverse events (i.e., those resulting in hospitalization, permanent disability, life-threatening illness or death).

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Notes: The Department is proposing to remove “urethritis, non-gonococcal” from the list of reportable diseases/conditions because there is no longer a public health value in having this reported to the Department.

NOI-Article 11-March 2007