



**NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE**
Thomas Farley, M.D., M.P.H.
Commissioner

**DECLARATION OF A PUBLIC HEALTH EMERGENCY
IN THE CITY OF NEW YORK
AND MODIFICATION OF NEW YORK CITY HEALTH CODE SECTION 11.07(a)(3)**

WHEREAS, on April 26, 2009, the Secretary of the United States Department of Health and Human Services determined that a public health emergency exists nationwide involving the 2009 H1N1 influenza, which determination was renewed by the Secretary on July 24, 2009 and October 1, 2009; and

WHEREAS, on June 11, 2009 the World Health Organization declared that the 2009 H1N1 influenza had spread around the world to the point where it is now a pandemic; and

WHEREAS, on October 23, 2009, President Barack Obama declared the 2009 H1N1 influenza a national emergency, given that the rapid increase in illness across the nation may overburden health care resources and that the temporary waiver of certain standard Federal requirements may be warranted in order to enable U.S. health care facilities to implement emergency operations plans; and

WHEREAS, on October 28, 2009, Governor David A. Paterson, of the State of New York, declared a State disaster emergency for the entire State of New York pursuant to Section 28 of Article 2-B of the Executive Law, related to the 2009 H1N1 influenza; and

WHEREAS, pursuant to such State Declaration of Disaster Emergency, the Governor suspended various provisions of New York State law and regulations insofar as compliance with such provisions would delay or hinder necessary action to address the State disaster emergency; and

WHEREAS, the Governor's Executive Order suspended the portion of Section 2168(3)(a) of the New York State Public Health Law and paragraphs 2 and 6 of subdivision (a) of section 66-1.2 of Title 10 of the New York Codes Rules and Regulations, requiring the express written consent of vaccinees nineteen years of age or older for inclusion of their immunization information into the New York State Immunization Information System ("NYSIIS") and/or the Citywide Immunization Registry ("CIR"); and

WHEREAS, the Governor's Executive Order authorized the New York State Commissioner of Health to include adult immunization information for 2009 H1N1 influenza and seasonal vaccination administered at Points of Dispensing (PODs) overseen or approved by the New York State Department of Health or local health departments in NYSIIS without the

consent of the vaccinee, and authorized the New York City Commissioner of Health and Mental Hygiene to include adult immunization information for the 2009 H1N1 influenza and seasonal vaccinations administered at PODs and for the 2009 H1N1 influenza in other settings in the CIR without the consent of the vaccinee; and

WHEREAS, pursuant to New York City Health Code Section 11.11(d), all records of immunization maintained in the CIR are kept confidential and may only be disclosed as provided in the law, and this Declaration shall not alter any existing provision for the security or confidentiality of immunization information maintained in the CIR; and

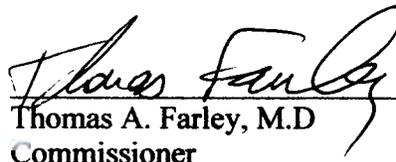
WHEREAS, this Declaration does not authorize any person to be vaccinated without his or her consent or the consent of another person legally authorized to consent on his or her behalf, and does not authorize any minor to be vaccinated without the consent of a person authorized to consent for such minor.

NOW, THEREFORE, I, Thomas A. Farley, Commissioner of the New York City Department of Health and Mental Hygiene, pursuant to the authority set forth in Section 3.01(d) of the NYC Health Code, hereby declare the existence of a public health emergency within the City of New York, for which certain orders and actions are necessary to protect the health and the safety of the City of New York and its residents.

FURTHER, pursuant to the authority vested in me by Section 3.01(d) of the NYC Health Code, I hereby modify Section 11.07(a)(3) of the NYC Health Code, in so far as it authorizes the reporting of immunization information pertaining to vaccinees nineteen years of age or older for inclusion of such information in the Citywide Immunization Registry with written consent and mandate the immediate reporting to the Citywide Immunization Registry of 2009 H1N1 influenza vaccinations administered at Points of Dispensing and by any provider in the City of New York with no consent required for such reporting.

Dated: _____

10/30/09



Thomas A. Farley, M.D
Commissioner