

**NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE
BOARD OF HEALTH**

**NOTICE OF ADOPTION OF AMENDMENTS TO SECTION 11.03 OF THE
NEW YORK CITY HEALTH CODE**

In compliance with Section 1043(b) of the New York City Charter and pursuant to the authority granted to the Board of Health by Section 558 of said Charter, the Notice of Intention to amend Section 11.03 was published in the City Record on March 17, 2006. No written comments were received. There was no public hearing on this proposal to amend Section 11.03. These additional diseases/conditions to be added to Section 11.03(a) are already required to be reported to the New York City Department of Health and Mental Hygiene pursuant to the New York State Sanitary Code. Therefore, a hearing on the merits would not have served any additional public purpose in accordance with Section 1043 of the New York City Charter. The Board of Health at its June 15, 2006 meeting adopted the following resolution.

STATUTORY AUTHORITY

This amendment to the New York City Health Code (“Health Code”) is proposed 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 and conditions hazardous to life and health. Sections 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

At its December 14th 2005 meeting, the Board of Health adopted various amendments to Article 11 of the Health Code. For example, various diseases/conditions were made reportable to the Department in Section 11.03(a). Section 11.03(c) amended the time frame for reporting the various diseases and conditions. Subsequently, the Department noticed an inadvertent omission in 11.03(a). That is, there were 4 diseases/conditions that were included in Section 11.03(c) regarding time frame for reporting but were inadvertently omitted from the actual list of reportable diseases/conditions in Section 11.03(a). These four diseases/conditions are the following: Glanders, Melioidosis, Staphylococcal enterotoxin B poisoning and Viral hemorrhagic fever. It is important to note that despite the absence of these specific diseases/conditions in Section 11.03(a), they are already required to be reported to the Department pursuant to the New York State Sanitary Code, which is applicable in New York City by virtue of Public Health Law Section 228. [See 10 NYCRR §§ 2.1 and 2.10.]

Therefore, the Department hereby amends Section 11.03 (a) of the Health Code to include the following diseases/conditions:

- Glanders
- Melioidosis
- Staphylococcal enterotoxin B poisoning
- Viral hemorrhagic fever.

STATEMENT PURSUANT TO SECTION 1042-REGULATORY AGENDA

This proposal was not included in the fiscal year 2005 New York City Department of Health and Mental Hygiene Regulatory Agenda because it is the result of recent discovery by the Department of an inadvertent omission.

The proposal is as follows:

Note - matter in brackets [] to be deleted
matter underlined is new

RESOLVED, that subsection (a) of Section 11.03 of the New York City Health Code as last amended by resolution, on the fourteenth of December, 2005, be and the same hereby is amended, to be printed together with explanatory notes, to read 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:

• • •

Giardiasis

Glanders

Gonococcal infection (gonorrhea)

• • •

Measles

Melioidosis

Meningitis, Aseptic, Hemophilus, Meningococcal and Other (specify type)

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Smallpox (variola)

Staphylococcal enterotoxin B poisoning

Streptococcus, Group A (invasive infections)

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Vibrio species, non-cholera (including parahaemolyticus and vulnificus)

Viral hemorrhagic fever

Whooping cough (pertussis)

• • •

Notes: The Department amends subsection (a) of §11.03 to require the reporting of the following diseases/conditions: Glanders, Melioidosis, Staphylococcal enterotoxin B poisoning, and Viral hemorrhagic fever. These diseases/conditions are already required to be reported to the Department pursuant to the New York State Sanitary Code, which is applicable in New York City pursuant to Public Health Law § 228 [See 10 NYCRR §§ 2.1 and 2.10].

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