

**ORDER OF THE BOARD OF HEALTH OF THE CITY OF NEW YORK  
FOR THE TEMPORARY SUSPENSION OF  
REQUIREMENTS FOR SCHOOL MEDICAL ROOMS**

**WHEREAS**, on January 30, 2020, the World Health Organization designated the novel coronavirus disease 2019 (“COVID-19”) outbreak as a Public Health Emergency of International Concern and on March 11, 2020, characterized the outbreak as a pandemic; and

**WHEREAS**, on January 31, 2020, the United States Secretary of Health and Human Services announced a nationwide public health emergency to respond to COVID-19; and

**WHEREAS**, on March 7, 2020, New York State Governor Andrew Cuomo issued Executive Order No. 202, declaring a State disaster emergency for the entire State of New York to address the threat that COVID-19 poses to the health and welfare of New York residents and visitors; and

**WHEREAS**, on March 12, 2020, Mayor Bill de Blasio issued Emergency Executive Order No. 98 declaring a state of emergency in the City to address the threat posed by COVID-19 to the health and welfare of City residents; and such Emergency Executive Order directed all agency heads, including the Department of Health and Mental Hygiene (the “Department”) and the Board of Health (the “Board”), to take all appropriate and necessary steps to preserve public safety and to render all required and available assistance to protect the security, well-being and health of the residents of the City; and

**WHEREAS**, pursuant to Section 558 of the New York City Charter (the “Charter”), the Board may embrace in the Health Code of the city of New York (“Health Code”) all matters and subjects to which the power and authority of the Department extends, and pursuant to Section 556 of the Charter and Section 3.01 of the Health Code, the Department is authorized to supervise the control of communicable diseases and conditions hazardous to life and health and take such actions as may be necessary to assure the maintenance of the protection of public health; and

**WHEREAS**, pursuant to Section 556 of the Charter, the Department is also authorized to promote or provide health services for school children in the City; and

**WHEREAS**, Article 49 of the Health Code governs health and safety standards for New York City schools, and subdivision (d) of Section 49.07 of the Health Code requires all schools subject to Article 49 where a Department or Department of Education nurse provides health services to have a medical room in a dedicated, wheelchair-accessible space with no through traffic, on a lower floor and in a central location, and mandates certain specific requirements for the room’s equipment and features; and

**WHEREAS**, on August 13, 2020, Mayor de Blasio and New York City Schools Chancellor Richard A. Carranza announced the City intends to provide a schools nurse in every public school building and all early childhood programs across the City; and

**WHEREAS**, the Board finds that having a nurse stationed in every school building where on-site learning is held would serve the public health and may help stop the spread of COVID-19 in the City, but that some school buildings may not be able to meet all the requirements to maintain a medical room in accordance with subdivision (d) of Section 49.07.

**NOW THEREFORE BE IT RESOLVED THAT**, the Board of Health hereby suspends subdivision (d) of Section 49.07 of the Health Code for any school that is not compliant as of the date of this Order, *except that* the provisions of subparagraphs (ii) and (vi) of paragraph (6) of such subdivision shall remain in effect to the extent they require the availability of a sink with hot and cold running water and a telephone line able to make direct calls outside of the school building (e.g., 911 calls). A school whose building is unable to accommodate the requirements of this Order may notify the Department, and the Department may modify the requirements of this Order, including imposing additional precautions, for an individual school or school building to the minimum extent necessary to provide a nurse at such school or school building.

This Order shall be effective immediately and remain in effect through the end of the 2020-2021 school year, including any summer school sessions during 2021, or such earlier time identified by the Commissioner of Health and Mental Hygiene upon a determination that this Order no longer serves the public health.