

**ORDER OF THE COMMISSIONER OF HEALTH AND
MENTAL HYGIENE OF THE CITY OF NEW YORK
REQUIRING ELECTRONIC REPORTING OF DEATHS**

WHEREAS, on March 7, 2020 New York State Governor Andrew Cuomo declared 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 such declaration remains in effect; and

WHEREAS, on March 12, 2020, Mayor Bill de Blasio declared a state of emergency in the City of New York (the “City”) to address the threat posed by COVID-19 to the health and welfare of City residents, and such declaration remains in effect; and

WHEREAS, the Mayor 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 such direction has been renewed in subsequent emergency executive orders and remains in effect; and

WHEREAS, on March 25, 2020, pursuant to section 3.01 of the New York City Health Code (the “Health Code”), I issued an Order of the Commissioner of Health and Mental Hygiene, declaring the existence of a public health emergency within the City as a result of COVID-19, for which certain orders and actions are necessary to protect the health and safety of the City of New York and its residents; and

WHEREAS, in recent weeks, the number of deaths in the City reported to the Department has increased dramatically, with reported deaths increasing from an average of approximately 300 such deaths per day in mid-March to more than 1,200 such deaths on April 1, 2020; and

WHEREAS, pursuant to subdivision (d) of section 205.03 of the Health Code, hospitals, skilled nursing facilities and hospices that report 10 or more deaths to the Department per year, as well as the Office of the Chief Medical Examiner, are required to make such reports electronically, specifically by electronically preparing death certificates and confidential medical reports and filing such documents with the Department electronically; and

WHEREAS, paper reporting of deaths by hospitals, skilled nursing facilities and hospices that report less than 10 deaths to the Department per year is permitted under the Health Code, but submitting and processing such paper reports requires in person staff, and given the increased number of deaths in recent weeks as well as social distancing measures recently ordered, continued paper reporting of deaths is neither safe nor feasible; and

WHEREAS, on April 9, 2020, Mayor de Blasio issued Emergency Executive Order No. 106, suspending provisions of section 17-196 of the New York City Administrative Code to the extent such provisions prohibit requiring the use of the electronic death registration system for the registration of deaths during a declared emergency and require regular training on the use of such system, and the Mayor further authorized the Board to require the electronic registration of all deaths occurring within the City; and

WHEREAS, pursuant to section 3.01 of the Health Code, upon declaring a public health emergency, I am authorized to issue orders and take actions that I deem necessary for the health and safety of the City and its residents when urgent public health action is necessary to protect the public health against an existing threat;

NOW THEREFORE I, Oxiris Barbot, M.D., Commissioner of the New York City Department of Health and Mental Hygiene, finding that a public health emergency within the City of New York continues, and that it is necessary for the health and safety of the City and its residents to require electronic reporting of all deaths that occur in the City, do hereby exercise the power of the Board of Health to prevent, mitigate, control and abate the current emergency, to amend the Health Code as follows:

1. Subdivision (d) of section 205.03 is modified to require that all hospitals, skilled nursing facilities and hospices reporting any deaths to the Department are required to electronically prepare death certificates and confidential medical reports and to file such documents with the Department electronically; and
2. Subdivision (e) of section 205.03 is suspended to the extent such subdivision requires facilities, organizations and individuals reporting deaths electronically to apply for and obtain approval from the Department prior to implementing an electronic reporting system, provided that any such facility, organization or individuals shall electronically prepare and file with the Department death certificates and confidential medical reports in the manner and form directed by the Department and shall comply with any procedures and training requirements related to such preparation and filing imposed by the Department.

This Order shall be effective immediately and remain in effect so long as Section 6 of Emergency Executive Order No. 106 remains in effect, including any extension thereof, subject to the authority of the Board of Health to continue or rescind, alter, or modify this Order pursuant to section 3.01(d) of the New York City Health Code.

Dated: 4/10/20



Oxiris Barbot, M.D.
Commissioner of Health