

## **ORDER OF THE COMMISSIONER OF HEALTH AND MENTAL HYGIENE OF THE CITY OF NEW YORK**

TO: All educators, first responders and healthcare workers who are employed by the City of New York, the New York City Department of Education, and the Health + Hospitals Corporation.

**WHEREAS**, there is currently an outbreak of novel coronavirus disease 2019 (“COVID-19”), first detected in Wuhan City, Hubei Province, China, and it continues to expand with a growing number of international locations, including the United States; 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**, the United States Centers for Disease Control and Transmission (“CDC”) has established a geographic risk assessment for countries with COVID-19, as described at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>; and

**WHEREAS**, COVID-19 is a communicable disease, reportable to the Department pursuant to Section 11.03 of the Health Code and Section 2.1 of New York State Sanitary Code (Chapter I of Title 10 of the New York Codes, Rules and Regulations); and

**WHEREAS**, the Department has determined that any educator, healthcare worker, or first responder employed by the City of New York, the New York City Department of Education, and the Health + Hospitals Corporation who has been identified as having been exposed, or potentially exposed, to COVID-19 may need to be tested for COVID-19 ; and

**WHEREAS**, pursuant to Section 556 of the New York City Charter and Section 3.01(c) of the Health Code, the Department may take such action as may become necessary to assure the maintenance of public health, the prevention of disease, or the safety of the City and its residents, and pursuant to Section 11.23(k) of the Health Code, the Commissioner may issue and seek enforcement of any other orders that he or she determines are necessary or appropriate to prevent dissemination or transmission of contagious diseases; and

**WHEREAS**, pursuant to Section 11.23 of the Health Code and Sections 2.6 and 2.29 of the New York State Sanitary Code, the Department is authorized to take appropriate steps when a case, contact, or carrier of a contagious disease such as COVID-19, in the opinion of the Commissioner, may pose an imminent threat to the public health resulting in severe morbidity or high mortality, including requiring the testing or medical examination of persons who may have been exposed to or infected by COVID-19; and

**WHEREAS**, pursuant to Section 3.07 of the Health Code, no person “shall do or assist in any act which is or may be detrimental to the public health or the life or health of any individual...or...shall fail to do any reasonable act or take any necessary precaution to protect human life and health”;

NOW, **THEREFORE**, effective immediately, under the authority of Section 11.23 of the Health Code, any educators, healthcare worker, or first responder employed by the City of New York, New York City Department of Education, and the New York City Health + Hospitals Corporation who the Department determines presents a danger of infection to others, in accordance with accepted public health guidelines or information about the contagious period of COVID-19 shall, as described herein, submit to testing for COVID-19 by the Department or a medical professional. To determine whether testing applies to you, all such educators, healthcare workers or first responders are directed to check the Department's website <https://www1.nyc.gov/assets/doh/downloads/pdf/imm/commissioners-order-testing-covid19.pdf>

Any such educator, healthcare worker or first responder who is required to undergo testing is prohibited from returning to work until either (1) the Department receives the results of a negative test for the presence of COVID-19 in such person, or (2) such date as the Department determines you no longer present a danger of infection to others, in accordance with accepted public health guidelines or information about the contagious period of COVID-19.

The foregoing notwithstanding, the Commissioner may order any New York City educator, healthcare worker or first responder required to be tested by this order who declines to submit for such testing to self-quarantine at home, or such other location determined by the Department, until such date as the Department determines such person no longer presents a potential danger of infection to others, in accordance with accepted public health guidelines or information about the contagious period of COVID-19.

During the duration of this order, you are ordered to follow the directions of Department staff, including not crossing the threshold of the location of any applicable quarantine and submitting to periodic checks for symptoms of COVID-19 by a medical professional or other qualified representative of the Department.

Dated: March 5, 2020



Oxiris Barbot, M.D.  
Commissioner of Health

## **WARNING**

**Failure to comply with this Order is a violation of Section 3.05 of the Health Code, and a misdemeanor for which you may be subject to civil and/or criminal fines, forfeitures and penalties, including imprisonment.**

**Anyone wishing to object to the order, please write or fax the Office of the General Counsel, New York City Department of Health and Mental Hygiene, 42-09 28<sup>th</sup> Street, Long Island City, NY 11101-4132; [OGC@health.nyc.gov](mailto:OGC@health.nyc.gov); fax 347-396-6087, providing a statement of the reasons for your objection to the order.**

**If you have any questions about how to comply with this Order, please telephone the Department at 347-396-6116 or 347-396-7726.**