

STATE OF NEW YORK : DEPARTMENT OF HEALTH
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IN THE MATTER

OF

THE PREVENTION AND CONTROL
OF EBOLA VIRUS DISEASE

ORDER FOR
SUMMARY
ACTION

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WHEREAS, Ebola Virus Disease (EVD) is a rare and potentially deadly disease caused by infection with one of four Ebola virus strains known to cause disease in humans; and

WHEREAS, the current EVD event in West Africa has resulted in nearly 9,000 cases and more than 4,000 deaths in Sierra Leone, Guinea and Liberia and is the largest EVD outbreak in history; and

WHEREAS, EVD in the current event has a high case fatality rate with 58% of known cases resulting in death; and

WHEREAS, the World Health Organization has declared the current EVD outbreak in West Africa to be an international health emergency; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has issued a travel notice urging all United States (US) residents to avoid nonessential travel to Liberia, Guinea, and Sierra Leone because of the unprecedented outbreaks in those countries; and

WHEREAS, the CDC, in a Morbidity and Mortality Weekly Report (MMWR), dated September 26, 2014, reported that an analysis of Ebola cases in Liberia and Sierra Leone performed to predict the number of future Ebola cases indicates that, if conditions continue without scale-up of interventions, cases will continue to double approximately every 20 days, and the number of cases in West Africa will rapidly reach extraordinary levels; and

WHEREAS, on September 30, 2014, the CDC confirmed the first travel-associated case of EVD to be diagnosed in the US. The patient passed away on October 8, 2014; and

WHEREAS, on October 12, 2014, the CDC confirmed that a healthcare worker who provided care for the index patient has tested positive for EVD, and on October 15, 2014 confirmed that a second healthcare worker who provided care for the index patient also tested positive for EVD. These cases of EVD among healthcare workers demonstrate the importance of all facilities maintaining infection control protocols and equipment that assure the safety of all personnel by maintaining a high rate of compliance among all healthcare workers on the proper use of personal protective equipment; and

WHEREAS, CDC estimates that 150 travelers return daily to the US from the countries of Sierra Leone, Guinea and Liberia, and 94% of them arrive at one of five international airports, including John F. Kennedy International Airport. Enhanced airport screening could help identify individuals with fever or other symptoms, and exposures placing them at increased risk for EVD; and

WHEREAS, the epidemic in West Africa could continue for an additional nine months or longer depending on the success of control measures and contact tracing such that there is a continued risk of patients presenting at healthcare facilities in the US with suspected EVD; and

WHEREAS, healthcare providers caring for EVD patients and the family and friends in close contact with EVD patients are at the highest risk of getting sick because they may come in contact with the blood or body fluids of sick patients. The virus also can be spread through contact with objects (like clothes, bedding, needles, syringes/sharps or medical equipment) that have been contaminated with the virus. Exposure to EVD can occur in healthcare settings where hospital staff are not wearing appropriate personal protective equipment; and

WHEREAS, the CDC has developed and issued infection prevention and control recommendations for hospitalized patients with known or suspected EVD in US hospitals, which are designed and intended to minimize the risks from treating patients diagnosed with or suspected of having EVD, and limit and control EVD transmission; and

WHEREAS, based upon the foregoing, the Acting Commissioner of Health of the State of New York is of the opinion that all covered entities, as defined on the annexed Attachment A, must immediately implement and comply with the requirements identified in the attached document, and that the failure to do so constitutes a danger to the health, safety and welfare of the people of the State of New York; and

WHEREAS, the Acting Commissioner of Health of the State of New York believes that requiring the covered entities to immediately implement and comply with the requirements annexed hereto as Attachment A cannot be achieved through alternative means, including the adoption by the Public Health and Health Planning Council of emergency regulations, without delay, which would be prejudicial to health, safety and welfare of the people of the State of New York; and

WHEREAS, it therefore appears to be prejudicial to the interest of the people to delay action for fifteen (15) days until an opportunity for a hearing can be provided in accordance with the provisions of Public Health Law Section 12-a.

NOW, THEREFORE, THE ACTING COMMISSIONER OF HEALTH HEREBY ORDERS THAT:

Pursuant to Public Health Law Section 16, any covered entity to which this Order has been issued (also referred to as “Respondent”), shall immediately implement and comply with the requirements annexed hereto as Attachment A.

FURTHER, I DO HEREBY give notice that any entity that receives notice of and is subject to this Order may request a hearing, to be held within fifteen (15) days, at an office of the New York State Department of Health to be determined, to present any proof that failure to implement and comply with the requirements annexed hereto as Attachment A does not constitute a danger to the health of the people of the State of New York. If any such entity desires such a hearing, a request for a hearing must be made in writing to James E. Dering, General Counsel, New York State Department of Health, Corning Tower, Room 2438, Governor Nelson A. Rockefeller Empire State Plaza, Albany, New York 12237, within ten (10) days of their receipts of this Order.

DATED: Albany, New York
October 16, 2014

NEW YORK STATE DEPARTMENT OF HEALTH

BY:

HOWARD A. ZUCKER, M.D., J.D.
Acting Commissioner of Health