

STATE OF NEW YORK
ERIE COUNTY DEPARTMENT OF HEALTH

In re: 2019-Novel Coronavirus (COVID-19)

**STANDING COMMISSIONER'S ORDER
FOR ISOLATION OF LAB CONFIRMED COVID-19**

Pursuant to Section 2100 of the Public Health Law

WHEREAS, on January 30, 2020 the World Health Organization designated the COVID-19 outbreak as a Public Health Emergency of International Concern, advising that further cases may appear in any country; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the entire United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, as of March 7, 2020, Andrew Cuomo, the Governor of the State of New York, declared a State of Emergency by Executive Order 202 as a result of the spread of COVID-19 in the State of New York; and

WHEREAS, as of March 13, 2020, Donald Trump, the President of the United States of America, declared a National Emergency as a result of the spread of COVID-19 in the United States; and

WHEREAS, as of March 15, 2020, Mark C. Poloncarz, the Chief Executive of the County of Erie, declared a State of Emergency as a result of the spread of COVID-19 in the County of Erie; and

WHEREAS, Section 2100 of the Public Health Law mandates that all local health officers, being Commissioners of Health and Public Health Directors, as the case may be, of County Health

Departments, guard against the introduction of such communicable diseases as are designated in the State Sanitary Code, by the exercise of proper and vigilant medical inspection and control of all persons and things infected with or exposed to such diseases; and

WHEREAS, the New York State Department of Health has issued “2019 Novel Coronavirus (COVID-19) Interim Containment Guidance: Precautionary Quarantine, Mandatory Quarantine and Mandatory Isolation Applicable to all Local Health Departments (LHD)” (“NYSDOH Guidance”); and

WHEREAS the NYSDOH Guidance requires that any person who has tested positive for COVID-19 be isolated; and

WHEREAS, on March 28, 2020, the New York State Department of Health issued a “HEALTH ADVISORY: COVID-19 RELEASE FROM HOME ISOLATION” (“Clearance Criteria”); and

WHEREAS, as of April 19, 2020, the County of Erie has over 2100 individuals who have had laboratory confirmed COVID-19 infections; and

WHEREAS, it is expected that the number of persons infected will continue to increase; and

WHEREAS, given the volume of positive test results and the critical need to protect the public health;

NOW, THEREFORE, by virtue of the authority vested in me by section 2100 of the Public Health Law of the State of New York, as Commissioner of the Erie County Department of Health, I do hereby:

ORDER that, any person who has been tested for COVID-19 utilizing a molecular diagnostic test is required to remain isolated at an individual place of residence during the time between the specimen collection and the delivery of test results. Any person who receives a negative result may end isolation at that time.

ORDER that, any person who has tested positive for COVID-19 through a clinical laboratory molecular diagnostic test is required to remain isolated at an individual place of residence until such time as that individual meets the Clearance Criteria as set forth by the New York State Department of Health;

FURTHER, I DO HEREBY ORDER that, any person so isolated must adhere to the Isolation and the release from Isolation Protocol attached hereto;

FURTHER, I DO HEREBY ORDER that, any person who collects a specimen from an individual for the purpose of testing for COVID-19 utilizing a molecular diagnostic test must provide such individual with a copy of this Standing Order.

FURTHER, I DO HEREBY ORDER that, any person who collects a specimen from an individual for the purpose of testing for COVID-19 must verify such individual's current telephone number and address in order to help improve accuracy within the New York State Electronic Clinical Laboratory Reporting System for those results which are reportable therein.

FURTHER, I DO HEREBY order that, any doctor, hospital, or other medical provider or facility operating within the County of Erie shall provide a copy of this Standing Order to any person who has a positive molecular diagnostic test for COVID-19 upon delivery of the results of the positive test, or shall inform said person of this Standing Order and direct the individual to the website for the Erie County Department of Health to obtain a copy. Documentation shall be maintained that this provision has been complied with, and shall be provided to the Erie County Department of Health upon request;

FURTHER, I DO HEREBY ORDER that, every doctor, hospital, or other medical provider or facility operating within the County of Erie shall conspicuously place a copy of this Standing Order in their place of business, where it may be viewed by any persons seeking treatment or testing;

FURTHER, I DO HEREBY ORDER that, every doctor, hospital, or other medical provider or facility operating within the County of Erie shall post this Standing Order to the home page of their web site;

FURTHER, I DO HEREBY give notice that the failure to comply with the provisions of this Order may subject an individual to criminal prosecution pursuant to the terms of Section 12-b of the Public Health Law;

FURTHER, I DO HEREBY give notice that an individual subject to this Standing Order has a right to challenge this Order in a Court of competent jurisdiction and to be represented by legal counsel or to have counsel provided, and that if the person qualifies to have counsel provided, such counsel will be made available. To the extent necessary, the Erie County Department of Health will request that an individual subject to isolation be allowed to participate in any such proceeding by telephonic or video-conferencing means;

FURTHER, I DO HEREBY ORDER that, this Standing Order shall remain in effect until revoked, in writing, by my hand.

DATED: ERIE COUNTY NEW YORK
APRIL 20, 2020



GALE R. BURSTEIN MD, MPH, FAAP, COMMISSIONER
ERIE COUNTY DEPARTMENT OF HEALTH

***NOTE**

THIS ORDER APPLIES TO ALL INDIVIDUALS FROM THE TIME YOU ARE TESTED FOR COVID-19 UTILIZING A MOLECULAR DIAGNOSTIC TEST UNTIL YOUR TEST RESULTS INDICATE THAT YOU ARE NEGATIVE FOR COVID-19 OR YOUR TEST RESULTS INDICATE THAT YOU ARE POSITIVE FOR COVID-19 AND YOU HAVE MET THE CRITERIA FOR RELEASE FROM SELF-ISOLATION.

THIS STANDING ORDER ALONG WITH INSTRUCTIONS FOR ISOLATION, GUIDANCE FOR SELF-RELEASE FROM ISOLATION, AND FREQUENTLY ASKED QUESTIONS CAN BE FOUND AT <https://www2.erie.gov/health/>.