

-----X
**IN THE MATTER OF
THE COVID-19 PANDEMIC OF 2020**

**COMMISSIONERS' STANDING
ISOLATION ORDER**

Under and Pursuant to the Public Health Law
Section 2100 and the Sanitary Code of the State of
New York

-----X

WHEREAS, The Coronavirus Disease 2019 (COVID-19), formerly known as the 2019-Novel Coronavirus (2019-nCoV), is an infection associated with fever and signs and symptoms of pneumonia or other respiratory illness, appears to be transmitted from person to person predominantly through droplet transmission, and if spread in the population could have significant public health consequences; and

WHEREAS, COVID-19 is believed to have merged as a human pathogen in China in December 2019 and as of March 30, 2020, there were 732,153 confirmed cases of COVID-19, and additional suspected and/or probable case, of COVID-19 reported to the World Health Organization from 194 countries, including Canada and the United States, with 34,686 deaths reported; and

WHEREAS, to date, there are a total of 1.432 cases of COVID-19 in Orange County; and

WHEREAS, there presently is no vaccine for COVID-19; and

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, on February 1, 2020, pursuant to 10 NYCRR § 2.1(a), Dr. Howard A. Zucker, as Commissioner of Health of the State of New York, designated 2019 Novel Coronavirus (2019-nCoV), now known as Coronavirus Disease 2019 (COVID-19), as a communicable disease under the State Sanitary Code, which was ratified by the New York State Public Health and Health Planning Council on February 6, 2020; and

WHEREAS, as of February 5, 2020, the Federal Centers for Disease Control and Prevention (CDC) has issued "Interim US Guidance for Risk Assessment and Public Health Management of Persons with Potential 2019 Novel Coronavirus (2019-nCoV) Exposure in Travel-associated or Community Settings." That guidance indicates, among other things, that travelers who have been in China in the 14 days preceding arrival in the United States, and who are exhibiting symptoms of 2019-Novel Coronavirus (2019-nCoV), should be isolated through public health orders; and

WHEREAS, the CDC has expanded these recommendations to other countries that have widespread, ongoing, transmission; these countries maintain a Level 3 Travel Health Notice and currently include China, Iran, Most European Countries, United Kingdom and Ireland; and

WHEREAS, on March 7, 2020, Governor Andrew M. Cuomo issued Executive Order Number 202 declaring a Disaster Emergency in the State of New York; and

WHEREAS, recently, the New York State Department of Health (NYSDOH) has issued additional guidance entitled “2019 Novel Coronavirus (COVID-19) Interim Containment Guidance: Precautionary Quarantine, Mandatory Quarantine and Mandatory Isolation Applicable to all Local Health Departments (LHD)” (the “Interim Containment Guidance”) which explains persons must be quarantined and isolated; and

WHEREAS, the CDC has issued guidance as of March 16, 2020 entitled “Criteria for Return to Work for Healthcare Personnel with Confirmed or Suspected COVID-19 (Interim Guidance)” which states that Healthcare Personnel (HCP) should be excluded from work until:

- a. At least 3 days (72 hours) have passed since recovery defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath); and,
- b. At least 7 days have passed since symptoms first appeared; and

WHEREAS, the CDC further has indicated that after returning to work, HCP should “[w]ear a facemask at all times while in the healthcare facility until all symptoms are completely resolved or until 14 days after illness onset, whichever is longer”; and

WHEREAS, the CDC has issued guidance as of March 16, 2020 entitled “Discontinuation of Home Isolation for Persons with COVID-19 (Interim Guidance)” which states that:

- a. Persons with COVID-19 who have symptoms and were directed to care for themselves at home may discontinue home isolation under the following conditions:
 1. At least 3 days (72 hours) have passed since recovery defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath); and
 2. At least 7 days have passed since symptoms first appeared; and
- b. Individuals with laboratory-confirmed COVID-19 who have not had any symptoms may discontinue home isolation when at least 7 days have passed since the date of their first positive COVID-19 diagnostic test and have had no subsequent illness; and

WHEREAS, 10 NYCRR § 2.29 provides that “[w]henver a case of a highly communicable disease (as defined in § 2.1 of this Part) comes to the attention of the city, county or district health officer he [or she] shall isolate such patients as in his [or her] judgment he [or she] deems necessary”; and

WHEREAS, Pursuant to New York Public Health Law 324(1)(e), Section 7.03 of the Orange County Charter, Section 7-3 of the Orange County Administrative Code and the Orange

County Sanitary Code, the Commissioner is authorized to enforce the New York Public Health Law and its associated regulations; and

WHEREAS, pursuant to New York Public Health Law § 1300 et seq., the New York Sanitary Code, 10 NYCRR Part 8, the Commissioner shall investigate and order the suppression, removal and abatement of all nuisances and conditions detrimental to life and health found to exist in the health district; and

WHEREAS, the Commissioner has determined that persons infected with or exposed to persons infected with COVID-19 pose an imminent and significant threat to public health and safety and are a public health nuisance; 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 by methods including but not limited to mandatory isolation as defined in 10 NYCRR 2.25(d) and mandatory personal quarantine as defined in 10 NYCRR 2.25(f); and

WHEREAS, 10 NYCRR 2.25(f) defines “personal quarantine” as “restricting household contacts and/or incidental contacts to premises designated by the health officer”; and

WHEREAS, 10 NYCRR 2.25(d) defines “isolation” as the “separation from other persons, in such places, under such conditions, and for such time, as will prevent transmission of the infectious agent, of persons known to be ill or suspected of being infected; and

WHEREAS, as of March 9, 2020, the NYSDOH guidance entitled “2019 Novel Coronavirus (COVID-19) Interim Containment Guidance: Precautionary Quarantine, Mandatory Quarantine and Mandatory Isolation Applicable to all Local Health Departments (LHD)” states that LHD’s must utilize the following definitions in determining whether or not to institute a mandatory isolation:

“Status for Required Mandatory Isolation – Person has tested positive for COVID-19, whether or not displaying symptoms for COVID-19.”; and

NOW, THEREFORE, by virtue of the authority vested in me by §§ 1300 et seq. and 2100 of the Public Health Law of the State of New York and applicable provisions of the New York State Code of Rules and Regulations, as Commissioner of Orange County, I do hereby ORDER that, effective immediately:

1. Any resident of Orange County who has been deemed Healthcare Personnel (HCP) by his/her current employer and advised by the Orange County Department of Health (OCDOH) that he/she has tested positive for COVID-19 shall (a) travel directly to,¹ if not already located there, and remain isolated at his/her residence, or at such other location as directed by the OCDOH, for at least 3 days (72 hours) after recovery defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory

¹ By means of medically provided transportation (e.g., Ambulance or Ambulette operated by individuals exercising all accepted methods to protect themselves from COVID-19, including the use of Personal Protective Equipment (PPE)) so that you do not expose another unprotected individual to your confirmed infection by COVID-19.

symptoms (e.g., cough, shortness of breath) and at least 7 days after symptoms first appeared, consistent with the CDC's and the NYSDOH's guidance discussed above, (b) not return to work until the period set forth in section (a) has passed, (c) when returning to work, wear a facemask at all times while in the healthcare facility until all symptoms are completely resolved or until 14 days after illness onset, whichever is longer and (d) cooperate with OCDOH public health authorities by providing information regarding the details of his/her illness, exposures and/or contacts;² and

2. Any other resident of Orange County who has been advised by OCDOH that he/she has tested positive for COVID-19, *and who has been symptomatic*, shall (a) travel directly to, if not already located there,³ and remain isolated at his/her residence, or at such other location as indicated by OCDOH, for at least 3 days (72 hours) after recovery defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g., cough, shortness of breath) and 7 days after his/her symptoms first appeared, consistent with the CDC's and the NYSDOH's guidance discussed above and (b) cooperate with OCDOH public health authorities by providing information regarding the details of his/her illness, exposures and/or contacts; and
3. Any other resident of Orange County who has been advised by OCDOH that he/she has tested positive for COVID-19, *and who has not been symptomatic*, shall (a) travel directly to, if not already located there, and remain isolated at his/her residence, or at such other location indicated by OCDOH, for at least 7 days after the date of his/her first positive COVID-19 diagnostic test provided he/she has had no subsequent illness, consistent with the CDC's and the NYSDOH's guidance discussed above and (b) cooperate with OCDOH public health authorities by providing information regarding the details of his/her illness, exposures and/or contacts;⁴ and be it further

FURTHER, I DO HEREBY ORDER, that every doctor, hospital, or other medical provider or facility operating within the County of Orange 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, and, should said doctor, hospital or other medical provider or facility operating within the County of Orange provide a positive result, a copy of this **ORDER** must also be provided.

ORDERED, should you fail to abide by this **ORDER**, in addition to administrative and civil monetary penalties, you may be subjected to criminal prosecution under the Public Health Law for which you may be punished by six (6) months imprisonment and a one hundred-fifty (150) dollar fine. *See* Public Health Law § 12-b.

FURTHER, I DO HEREBY give notice that you have a right to be represented by legal counsel or to have counsel provided and that if you qualify to have counsel provided, such counsel will be made available. Moreover, you may supply to the County Health Department the addresses and/or telephone numbers of friends and/or relatives to receive notification of your isolation. At

² Cooperation includes, but is not limited to, maintaining contact with OCDOH regarding the status of your health, including where you may be admitted to any hospital facility, as it is also the hospital facility's continuing obligation to permit OCDOH to investigate your confirmed infection by COVID-19 while there. *See* 10 NYCRR §§ 2.2, 2.6(a) and (b).

³ By means of medically provided transportation (e.g., Ambulance or Ambulette operated by individuals exercising all accepted methods to protect themselves from COVID-19, including the use of Personal Protective Equipment (PPE)) so that you do not expose another unprotected individual to your confirmed infection by COVID-19.

⁴ Cooperation includes, but is not limited to, maintaining contact with OCDOH regarding the status of your health, including where you may be admitted to any hospital facility, as it is also the hospital facility's continuing obligation to permit OCDOH to investigate your confirmed infection by COVID-19 while there. *See* 10 NYCRR §§ 2.2, 2.6(a) and (b).

your request, the County Health Department shall provide notice to a reasonable number of such persons that you are being isolated.

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

DATED: March 31, 2020
 Goshen, New York



IRINA GELMAN, DPM, MPH, PHDc
COMMISSONER OF HEALTH

**Orange County Department of Health
Division of Public Health Nursing**

Patients on Mandatory Isolation

1. I will remain at my location for the duration of the isolation period.
2. I am not permitted to attend work or school outside my home. I will not visit enclosed public spaces (grocery stores, drugstores, department stores, shopping malls, theaters, religious services, community centers) or attend any social gatherings.
3. Orange County Department of Health (OCDOH) staff may contact me to check my condition and symptoms during the isolation period.
4. If I am housed together with family or others then such household members are permitted to remain in the home but will not be permitted to leave the home. Other non-household members/visitors are not permitted in my living quarters. I will not share my bed, bedroom or bathroom with household members and will keep my bedroom door closed. I will not eat in the same room with household members and I will not share linens, towels, eating utensils, cups and plates. I will limit my time in common household area such as bathrooms and kitchens.
5. Persons in the household can walk outside their house on their own property, but they must not come within six feet of neighborhoods or other members of the public. Persons living in a multiple dwelling may not utilize common stairways or elevators to access the outside. Likewise, you need to refrain from walking in your neighborhood.
6. All household members will be informed of my isolation status.
7. Garbage should be bagged and left outside by door for pickup.
9. If I, or any household member, experiences a life-threatening condition, call 911 and notify the caller that a person in the living quarters is under isolation for COVID-19 infection so that responders can take proper precautions.
10. If I need assistance for food, supplies and medicines, I can contact the Orange County Crisis Center Hotline at 1-800-832-1200.
12. I, or my legal guardian, may contact the OCDOH for any questions or concerns with this protocol. Please contact the OCDOH Call Center at 845-291-2330.