

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)” found at https://coronavirus.health.ny.gov/system/files/documents/2020/03/quarantine_guidance_0.pdf ; and

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

WHEREAS, as of October 1, 2020, the County of Erie has over 11,000 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 experiencing symptoms consistent with COVID-19 at the time he/she is tested for COVID-19 utilizing a 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 diagnostic test is required to remain isolated at an individual’s place of residence until such time as that individual meets their appropriate process for discontinuation of isolation. The discontinuation of isolation regardless of whether the individual is symptomatic or asymptomatic, is (1) the completion of at least 10 days of isolation from the

onset of symptoms (if symptomatic) or 10 days of isolation after the first positive test (if asymptomatic and have remained asymptomatic), and (2) 72 hours with no fever without the use of fever-reducing medications, and (3) the improvement of respiratory symptoms.

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 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, and collect such individual's gender, race, ethnicity, occupation, employer, and employers contact information in order to help improve the accuracy within the New York State Electronic Clinical Laboratory Reporting System for those results which are reportable therein and assist with contact tracing.

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 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: October 1, 2020

A handwritten signature in blue ink, appearing to read "Gale R. Burstein", with a long horizontal flourish extending to the right.

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

NOTE

**THIS STANDING ORDER ALONG WITH ADDITIONAL GUIDANCES,
INSTRUCTIONS, AND FREQUENTLY ASKED QUESTIONS CAN BE FOUND AT
<https://www2.erie.gov/health/>.**