

**ORDER OF THE BOARD OF HEALTH OF THE CITY OF NEW YORK
REQUIRING ELECTRONIC REPORTING OF DEATHS**

WHEREAS, on March 7, 2020 New York State Governor Andrew Cuomo declared a State disaster emergency for the entire State to address the threat that the novel coronavirus 2019 (“COVID-19”) poses to the health and welfare of State residents and visitors, and such declaration remains in effect; and

WHEREAS, on March 12, 2020, Mayor Bill de Blasio declared a state of emergency in the City to address the threat posed by COVID-19 to the health and welfare of City residents, and such declaration remains in effect; and

WHEREAS, the Mayor directed all agency heads, including the Department of Health and Mental Hygiene (the “Department”) and the Board of Health (the “Board”), to take all appropriate and necessary steps to preserve public safety and to render all required and available assistance to protect the security, well-being and health of the residents of the City, and such direction has been renewed in subsequent emergency executive orders and remains in effect; and

WHEREAS, the number of deaths in the City reported to the Department has increased dramatically in recent weeks, with reported deaths related to COVID-19 having increased to over 15,000 deaths by April 24, 2020; and

WHEREAS, pursuant to subdivision (d) of section 205.03 of the Health Code, hospitals, skilled nursing facilities and hospices that report 10 or more deaths to the Department per year, as well as the Office of the Chief Medical Examiner, are required to make such reports electronically, specifically by electronically preparing death certificates and confidential medical reports and filing such documents with the Department electronically; and

WHEREAS, the Health Code permits anyone reporting less than 10 deaths to the Department per year to use non-electronic reporting, but the submission and processing of such papers requires in-person staffing, and given the increased number of deaths as well as social distancing measures ordered in recent weeks, such non-electronic reporting of deaths is neither safe nor feasible; and

WHEREAS, on April 9, 2020, Mayor de Blasio issued Emergency Executive Order No. 106, suspending provisions of section 17-196 of the Administrative Code to the extent such provisions prohibit requiring the use of the electronic death registration system for the registration of deaths during a declared emergency and require regular training on the use of such system, and the Mayor further authorized the Board to require the electronic registration of all deaths occurring within the City; and

WHEREAS, on April 10, 2020 the Commissioner duly issued a Commissioner’s Order Requiring Electronic Reporting of Deaths, pursuant to section 3.01 of the Health Code to effectuate the Mayor’s Emergency Executive Order and require the electronic filing of all death certificates and confidential medical reports filed with Department;

NOW THEREFORE BE IT RESOLVED, that at its meeting on April 28, 2020, the Board of Health does hereby modify the Commissioner’s Order Requiring Electronic Reporting of Deaths of April 10, 2020 and amend the Health Code as follows:

1. Subdivision (d) of section 205.03 is modified to require that all persons required to report any deaths to the Department are required to electronically prepare death certificates and confidential medical reports and to file such documents with the Department electronically; and

2. Subdivision (e) of section 205.03 is suspended to the extent such subdivision requires facilities, organizations and individuals reporting deaths electronically to apply for and obtain approval from the Department prior to implementing an electronic reporting system, provided that any such facility, organization or individuals shall electronically prepare and file with the Department death certificates and confidential medical reports in the manner and form directed by the Department and shall comply with any procedures and training requirements related to such preparation and filing imposed by the Department.

This Order shall be effective immediately and remain in effect so long as Section 6 of Mayor de Blasio's Emergency Executive Order No. 106 remains in effect, including any extension thereof, or such earlier time as the Commissioner may indicate pursuant to promoting social distancing policies as well as the timely filing and reporting of death certificates and confidential medical reports of death.