

**ORDER OF THE COMMISSIONER OF HEALTH AND
MENTAL HYGIENE OF THE CITY OF NEW YORK
TO MODIFY THE ORDER OF THE BOARD OF HEALTH
REGARDING THE CLOSURE OF CERTAIN CHILD CARE PROGRAMS**

WHEREAS, the New York City Board of Health (the “Board”) issued an Order for the Closure of Certain Child Care Programs and Family Shelter Based Drop Off Child Supervision Programs (the “April 3, 2020 Order”) on April 3, 2020; and

WHEREAS, there continues to be an urgent public health need in the City to slow the spread of COVID-19, and extraordinary measures have been implemented by both the State and the City to do so; and

WHEREAS, Executive Orders 202.4 and 202.11 issued by the New York State Governor Andrew Cuomo required a plan for child care for children of health care professionals and first responders who are critical to the COVID-19 response effort, and there is also a need to provide child care to children of other essential businesses or entities including government employees, food workers and pharmacy employees; and

WHEREAS, I find there is an urgent health need to modify the Board’s April 3, 2020 Order so that child care programs provided by an employer for the benefit of health care professionals, first responders, government employees, food workers, pharmacy employees and other employees of essential businesses or entities is provided without interruption;

NOW THEREFORE I, Oxiris Barbot, M.D., Commissioner of the New York City Department of Health and Mental Hygiene, finding a public health emergency within the City of New York continues, and that it is necessary for the health and safety of the City and its residents, do hereby exercise the power of the Board of Health to prevent, mitigate, control and abate the current emergency, to amend the Board’s April 3, 2020 Order that certain child care programs and family shelter based drop off child supervision programs close and cease operations before Monday, April 6, 2020, so that:

1. Any child care program operated by or on behalf of an employer of health care professionals, first responders, government employees, food workers, pharmacy employees or other employees of essential businesses or entities as defined by the Governor or his designee, that is providing child care only to children under the care of those employees, is not subject to the April 3, 2020 Order and may continue to operate; and
2. I, in accordance with efforts to slow the spread of COVID-19 and further the protection of public health, may permit any child care program subject to the April 3, 2020 Order to remain open upon a determination that doing so would serve the interest of this Order and the April 3, 2020 Order.

This Order shall be effective immediately and remain in effect so long as the April 3, 2020 Order of the Board remains in effect, subject to the authority of the Board of Health to continue or rescind, alter, or modify this Order pursuant to section 3.01(d) of the New York City Health Code.

Dated: 4/5/20



Oxiris Barbot, M.D.
Commissioner of Health