WHEREAS, There has been a measles outbreak in Rockland County since October 2018; and

WHEREAS, This outbreak is a public health emergency; and

WHEREAS, To date, there are a total of 184 confirmed cases of measles in Rockland County, 84.2% of which include individuals age 18 and under, which cases continue to grow as new cases are still occurring; and

WHEREAS, This is the largest outbreak of measles in New York State since 1989 and the largest outbreak of measles since the measles was declared eradicated in the United States in 2000 by the Centers for Disease Control and Prevention; and

WHEREAS, On February 22, 2019, the Commissioner of the New York State Department of Health (NYSDOH) determined that an Imminent Threat to Public Health (ITPH) exists in Rockland County, pursuant to Public Health Law § 621; and

WHEREAS, Measles is a highly contagious viral disease that can result in serious health complications, such as pneumonia, encephalitis (swelling of the brain) and visual and hearing deficits that could lead to blindness and deafness. A long-term complication, subacute sclerosing panencephalitis (SSPE), is a very rare but fatal disease of the central nervous system that results from a measles virus infection acquired earlier in life. About one-third of reported measles cases have at least one complication and in some cases, measles can cause death. Measles can be serious in all age groups. However, infants, young children, pregnant women and people whose immune systems are weak are more likely to suffer from measles complications. In particular, measles illness during pregnancy may result in spontaneous abortion or cause a pregnant woman to give birth prematurely or have a low birthweight baby; and
WHEREAS, To date, in Rockland, two adults have been admitted into the Intensive Care Unit (ICU), two babies have been admitted to the Pediatric Intensive Care Unit (PICU), and one infant has been admitted to the Neonatal Intensive Care Unit (NICU) due to measles complications. In addition, a pregnant woman who contracted measles gave birth prematurely to an infant positive for measles; and

WHEREAS, With a 90% transmission rate to exposed, non-immune persons, measles is easily transmitted from a sickened person to others who lack immunity to the disease. The virus can live for up to two hours in the air and on surfaces where an infected person coughed or sneezed, and people who lack immunity are highly likely to become sick if they are in contact with an infectious person or near where an infectious person recently has been; and

WHEREAS, The incubation period of measles is up to 21 days; and

WHEREAS, Although measles is highly contagious, the Measles, Mumps, and Rubella (MMR) vaccine is an effective and safe vaccine that will prevent its transmission; and

WHEREAS, The measles outbreak persists in Rockland County despite the other efforts taken by the Rockland County Department of Health (RCDOH), in consultation and coordination with the NYSDOH, including education and outreach, free vaccinations and temporary orders of exclusion requiring unvaccinated and partially vaccinated students and children to remain home from school and day care; and

WHEREAS, Pursuant to 10 NYCRR § 2.1(a), measles is a communicable disease; and

WHEREAS, Pursuant to New York Public Health Law § 324(e), the Rockland County Charter, the Rockland County Administrative Code and the Rockland County Sanitary Code, the Commissioner of Health of the Rockland County Health District and the Commissioner of RCDOH (the “Commissioner”) has the authority to enforce the New York Public Health Law and its associated regulations; and

WHEREAS, Pursuant to New York Public Health Law § 2100, the Commissioner is required to exercise proper and vigilant medical inspection and control of all persons and things infected with or exposed to communicable diseases, provide for the care and isolation of cases of communicable disease, and has the authority to separate persons from other persons to prevent transmission of the infectious agent
of persons known to be ill or suspected of being infected to prohibit and prevent intercourse and communication with or use of infected premises, places and things; and

WHEREAS, Pursuant to 10 NYCRR §§ 2.16 and/or 2.6, upon receipt of a report of a case of communicable disease, the Commissioner is required to conduct an investigation to verify the diagnosis, ascertain the source of infection, discover contacts and unreported cases, instruct a responsible member of the household of the means to be taken to prevent further spread of the disease and to put into effect other recognized measures which tend to reduce morbidity and mortality; and

WHEREAS, Pursuant to the New York Public Health Law § 1300 et seq., the New York State Sanitary Code, 10 NYCRR Part 8, and Article 1.170 of the Rockland County Sanitary Code, 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 of Health has determined that persons who have been diagnosed with the measles or exposed to a person diagnosed with the measles, based upon laboratory evidence or a measles tracing investigation conducted by RCDOH, pose an imminent and significant threat to the public health and, therefore, must be excluded from all indoor and outdoor places of public assembly for a period of up to 21 days, which is the incubation period for measles from the date of diagnosis or exposure, to prevent the further transmission of this communicable disease;

BY virtue of the authority vested in me by the Public Health Law of the State of New York and the Rockland County Sanitary Code, as Commissioner, I do hereby

DECREE, that any person diagnosed with the measles or exposed to a person diagnosed with the measles as evidenced by laboratory evidence or a measles tracing investigation conducted by RCDOH, poses an imminent and significant threat to the public health and safety and is a public health nuisance; and

ORDER, That, any person so diagnosed or exposed must be excluded from indoor and outdoor places of public assembly located in Rockland County, as such places of public assembly are defined in this Order, for a period of up to 21 days, with such duration to be determined solely by the Commissioner or
her designee, to prevent the further transmission of this communicable disease, remedy this imminent and significant threat to public health, and to suppress and remove said public health nuisance; and be it further

ORDERED, that this Order shall be applied to affected individuals and enforceable against such individuals or the parents or guardians of such individuals when they are minors by hand delivery to such individuals in person or to their residence, an Order in the form attached hereto as Exhibit A, entitled “RCDOH COMMUNICABLE DISEASE & EXPOSURE EXCLUSION ORDER,” which shall contain the following terms and conditions promulgated pursuant to my authority as Commissioner of Health for the County of Rockland:

That for the purposes of this Order, a “place of public assembly” shall include: any indoor or outdoor place where 10 or more persons are intended to congregate for purposes such as civic, governmental, social, sports, or religious functions, or for work or employment, or for recreation or shopping, or for food or drink consumption, or awaiting transportation, or for daycare or educational purposes, or for medical treatment, including public transportation vehicles, including but not limited to, publicly and privately owned buses or trains, including taxis and livery vehicles. Places of public assembly shall also include all private residences other than any at which you reside. All dormitories, regardless of intended occupancy, are places of public assembly. A “place of public assembly” shall not include your own private residence. However, during the period of exclusion, you shall prohibit all non-immune, unvaccinated or immunocompromised guests, relatives, visitors, workers, or any other person other than those persons who reside in the residence, from entering your private residence for any reason apart from medical, home care, or pastoral religious purposes. However, all permitted visitors must be notified that you or your child has the measles before entering the premises. With respect to the offices of physicians, hospitals or other medical facilities, no restriction shall apply where you or your child are present for the purpose of medical care, treatment or immunization. However, except in emergency situations, you (or, if you are a minor or infant, your parent or guardian) must call ahead to advise the office or facility that you or your child will be coming to the facility or office. If you are required by law to be at a place of public assembly (e.g., attendance at family
court), this Order shall not apply. However, you (or if you are a minor or infant, your parent or guardian) must call ahead to advise the office or facility that you will be coming to the facility or office.

That you are required to cooperate with RCDOH public health authorities by providing information regarding details of your illness, exposures and contacts.

That each date upon which a person violates any term of this Order constitutes a separate and distinct violation subject to a civil penalty not to exceed the sum of two thousand dollars ($2,000.00) per violation per day. Parents and guardians subject to this Order on behalf of an exposed or diagnosed minor are responsible for compliance by their child.

That any person subject to this Order has the right to request an expedited formal hearing to be held according to the procedure set forth in the Rockland County Sanitary Code § 1.18.0 except that notice of the hearing, as described in § 1.19.0, may be made by any means that the Commissioner deems to be appropriate under the circumstances. The purpose of any such hearing is limited to contesting the finding that the subject of the Order has been exposed to the measles or the subject’s vaccination/immune status. Any such hearing shall be scheduled to take place between one (1) and five (5) business days of your request, with a written determination to be rendered as soon as practicable. There shall be no reconsideration of this determination, as described in § 1.27.0, or any other administrative appeal. To request an expedited formal hearing, please contact RCDOH at (845) 364-2608 or via email at EnvHealth@co.rockland.ny.us or by letter to the Commissioner of Health, Rockland County Department of Health, 50 Sanatorium Road, Building D, Pomona, NY 10970.

That during the pendency of any such hearing and the determination issued thereafter, this Order shall remain in effect.

DATED: POMONA, NEW YORK

April 12, 2019

PATRICIA S. RUPPERT, DO, MPH, CPE, DABFM, FAAFP
COMMISSIONER OF HEALTH
COUNTY OF ROCKLAND
Exhibit A

RCDOH COMMUNICABLE DISEASE & EXPOSURE EXCLUSION ORDER
RCDOH COMMUNICABLE DISEASE & EXPOSURE EXCLUSION ORDER

Issued to: ______________________, ☐ on behalf of the minor ______________________, residing at ______________________. Dated: ______________

BE ADVISED:

THE COMMISSIONER OF THE DEPARTMENT OF HEALTH FOR THE COUNTY OF ROCKLAND (RCDOH) HAS DETERMINED THAT YOU OR YOUR CHILD HAVE BEEN EXPOSED TO OR DIAGNOSED WITH THE MEASLES WITHIN THE PAST 21 DAYS, AND YOU ARE NOT IMMUNE TO THE MEASLES.

MEASLES IS A HIGHLY COMMUNICABLE DISEASE.

AS DESCRIBED IN DETAIL IN THE BODY OF THIS ORDER, TO PREVENT THE FURTHER TRANSMISSION OF THE MEASLES, YOU ARE HEREBY PROHIBITED FROM GOING TO OR BEING PRESENT AT ANY INDOOR OR OUTDOOR PLACE OF PUBLIC ASSEMBLY.

DUE TO THE OUTBREAK OF MEASLES IN THIS COUNTY POSING A PUBLIC HEALTH EMERGENCY, YOU MUST COMPLY WITH THIS ORDER OR FACE CIVIL PENALTIES OF UP TO $2,000 FOR EACH DATE UPON WHICH YOU VIOLATE THE TERMS OF THIS ORDER.

WHEREAS, Pursuant to the New York Public Health Law, the New York State Sanitary Code, and the Rockland County Sanitary Code, the Commissioner of Health of the County of Rockland has the duty and responsibility to investigate and order the suppression, removal and abatement of communicable diseases, including the measles, and all other conditions detrimental to life and health found, including taking measures to reduce the morbidity and mortality posed by the measles in Rockland County; and

WHEREAS, The Commissioner of Health has determined that you, or a minor of whom you are the parent or guardian (your child) as named in this Order has been,

☐ diagnosed with the measles or
☐ exposed to a person diagnosed with the measles

based upon:

☐ laboratory evidence and/or
☐ a measles tracing investigation conducted by RCDOH; and

WHEREAS, The Commissioner of Health has determined that you or your child are not immune to or vaccinated against the measles, or your vaccination status is unverified; and

WHEREAS, The Commissioner of Health has determined that, as a result, you pose an imminent and significant threat to the public health;

BY virtue of the authority vested in the Commissioner by the Public Health Law of the State of New York and the Rockland County Sanitary Code, it is hereby:
ORDERED, That, upon your receipt of this Order,

(1) You or your child, as named in this Order, are excluded from indoor and outdoor places of public assembly located in Rockland County for a period of ____ days from the date of this Order.

(2) You are prohibited from going to or being present at any place of public assembly for any period of time, except under those specific circumstances described by this Order.

For the purposes of this Order, a “place of public assembly” shall include any indoor or outdoor place where 10 or more persons are intended to congregate for purposes such as civic, governmental, social, sports, or religious functions, or for work or employment, or for recreation or shopping, or for food or drink consumption, or awaiting transportation, or for daycare or educational purposes, or for medical treatment, including public transportation vehicles, including but not limited to, publicly and privately owned busses or trains, including taxis and livery vehicles. Places of public assembly shall also include all private residences, regardless of the number of persons present or intended to be present, other than any at which you reside. All dormitories, regardless of intended occupancy, are places of public assembly.

A “place of public assembly” shall not include your own private residence. However, during the period of exclusion, you shall prohibit all non-immune, unvaccinated or immunocompromised guests, relatives, visitors, workers, or any other person other than those persons who reside in the resident, from entering your private residence for any reason apart from medical, home care, or pastoral religious purposes. However, all permitted visitors must be notified that you or your child has the measles before entering the premises.

With respect to the offices of physicians, hospitals or other medical facilities, no restriction shall apply where you or your child are present for the purpose of medical care, treatment or immunization. However, except in emergency situations, you (or, if you are a minor, your parent or guardian) must call ahead to advise the office or facility that you or your child will be coming to the facility or office. If you are required by law to be at a place of public assembly (e.g., attendance at family court), this Order shall not apply. However, you (or if you are a minor, your parent or guardian) must call ahead to advise the office or facility that you will be coming to the facility or office.

(3) You are required to cooperate with RCDOH public health authorities by providing information regarding details of your illness, exposures and contacts.

Be advised that, each date upon which you violate any term of this Order constitutes a separate and distinct violation subject to a civil penalty not to exceed the sum of two thousand dollars ($2,000.00) per violation per day. PARENTS AND GUARDIANS SERVED WITH THIS ORDER ON BEHALF OF AN EXPOSED MINOR ARE RESPONSIBLE FOR COMPLIANCE BY THEIR CHILD.

You and/or your child have the right to request an expedited formal hearing to contest the finding that you or your child have the measles or have been exposed to the measles or to contest your or your child’s vaccination/immune status, which hearing shall be scheduled to take place between one (1) and five (5) business days of your request. To request an expedited formal hearing, please contact RCDOH at (845) 364-2608 or via email at EnvHealth@co.rockland.ny.us or by letter to the Commissioner of Health, Rockland County Department of Health, 50 Sanatorium Road, Building D, Pomona, NY 10970. During the pendency of any such hearing and the determination issued thereafter, this Order shall remain in effect.

PATRICIA S. RUPPERT, DO, MPH, CPE, DABFM, FAAFP
COMMISSIONER OF HEALTH
COUNTY OF ROCKLAND