



# Department of Health

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

**DATE:** May 20, 2016

**TO:** All Article 28, 36, and 40 Health Care and Residential Facilities and Agencies

**FROM:** Office of the Commissioner

**Health Advisory:**

**NYS Department of Health Commissioner Declares**

**Influenza No Longer Prevalent in the State**

**Please distribute immediately to: Administration, Medical Director, Infection Prevention,  
Nursing Administration, Risk Management**

The New York State Department of Health Commissioner Howard A. Zucker, M.D., J.D., declares that influenza is no longer prevalent in New York State for the 2015-16 influenza season, as of the date of this announcement. Accordingly, at this time, section 2.59 of the New York State Sanitary Code (10 NYCRR § 2.59) no longer requires all health care and residential facilities and agencies regulated pursuant to Article 28, 36, or 40 of the Public Health Law to ensure that all personnel, as defined in the regulation, not vaccinated against influenza for the current influenza season wear a surgical or procedure mask while in areas where patients or residents are typically present. This declaration shall remain in effect until the Commissioner declares influenza to be prevalent in New York State.

Frequently Asked Questions regarding the regulation and other resources are available at <http://health.ny.gov/FluMaskReg>.

**For more information please direct questions to [FluMaskReg@health.ny.gov](mailto:FluMaskReg@health.ny.gov).**