



**County  
Health Officials  
of New York**  
Leading the way to healthier communities

**OPPOSES**

**A.3970/S.1140 (Abinanti/Harckham)**

**AN ACT to amend the public health law, in relation to notifying local officials of the occurrence of certain emergency situations**

The New York State Association of County Health Officials (NYSACHO) opposes the above-referenced legislation, which would mandate unnecessary reporting requirements for local health officials during public health emergencies. Local Health Departments (LHDs) already have regularly updated emergency plans and protocols to be implemented in the event of a public health emergency. They utilize incident and unified command systems that are standard throughout emergency response. This legislation would abrogate the established incident command structure, undermining the concept and practice of incident/unified command and leading to confusion at a time when clarity is essential to public health and safety.

Notification of all elected officials by LHDs, as would be mandated in this bill, includes, in some cases, notification to hundreds of municipal leaders within a county. This would draw critical public health resources and attention away from a timely response to any emergency. Disagreements might also arise regarding what constitutes an emergency, with the language in the proposed law being open to individual interpretation, and thus a source of dispute.

Additionally, when an emergency is disease-related, local health officials must be mindful of the federal Health Information Portability and Accountability Act (HIPAA) statute and regulations, as well as any state confidentiality protections, particularly when there is a single or small number of cases. There have been past instances where local government officials outside the LHDs have inadvertently provided information to the public that potentially identified an individual patient, in violation of HIPAA requirements.

The New York State Association of County Health Officials believes this proposed bill is an unnecessary mandate which will undermine established emergency plans and protocols and impede response to protecting the public health.

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