

# Governor declares H1N1 to be a State Disaster Emergency

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That's a week after granting that status to the closing of the [Champlain Bridge](#) — the disasters are coming more often — and President Obama's declaration that the swine flu was a National Emergency.

The executive order has these effects:

- Allows health care workers who are not doctors, nurses or nurse practitioners to administer the vaccine
- Allows school-based health centers to handle vaccinations



Full release after the jump.

In response to requests for assistance from local governments across New York State including New York City, Governor David A. Paterson today issued Executive Order 29 declaring a State Disaster Emergency, which will provide additional personnel and flexibility to local governments as they work to implement a statewide vaccination campaign to protect New Yorkers from H1N1 influenza.

“The nationwide H1N1 vaccination campaign represents the first time in 33 years that the United States has attempted to conduct a mass vaccination campaign of this proportion for influenza,” Governor Paterson said. “Local governments are reporting that the current public health workforce is not sufficient to thoroughly execute a vaccination campaign of this magnitude. Those local governments and health care providers specifically requested that we issue this emergency declaration to give them flexibility to use additional personnel and resources in New York’s vaccination campaign.”

Under existing law, physicians, certified nurse practitioners and nurses may administer vaccinations. The Governor’s Executive Order will suspend Section 6902 of the Education Law to permit other health care workers – including physician and specialist assistants, pharmacists, dentists, certain dental hygienists, midwives and emergency medical personnel – to administer vaccinations after they receive training. They will work under the direction of the State or county health departments as part of their sponsored mass vaccination clinics.

To assure local governments’ ability to immunize in the school setting, the Executive Order also authorizes school-based health centers to vaccinate adults and children, and allows hospitals to operate part-time immunization clinics on school campuses.

Governor Paterson's declaration follows the announcement on Saturday that President Barack Obama has declared a National Emergency related to H1N1 flu. With the President's declaration in place, the federal government is permitted to waive specific hospital-related legal requirements – allowing hospitals to implement procedures in their emergency disaster plans that allow them to increase their ability, or surge capacity, to triage, treat and care for increased numbers of persons with the flu.

“I commend President Obama for declaring H1N1 a national emergency,” the Governor added. “By doing so, he is providing much-needed federal assistance to states as we respond to this influenza pandemic. Lifting certain legal health care requirements at both the federal and state levels will give local governments and health care facilities the support they need to effectively respond to an influenza pandemic of this magnitude.”

H1N1 flu activity is now considered widespread in New York, with more than 50 percent of counties reporting flu activity. Currently, vaccination in New York and all other states is hindered by a nationwide shortage of the H1N1 flu vaccine due to unexpected delays in vaccine production, according to the federal Centers for Disease Control and Prevention (CDC). The President's declaration does not increase the pace at which the H1N1 vaccine will become available to the public.

“The next few weeks are critical to countering this H1N1 pandemic,” the Governor said. “While we cannot do anything about the current vaccine shortage, we are doing everything we can to ensure that public health officials around the State can mobilize and vaccinate New Yorkers as more vaccine becomes available. My Executive Order will not only give State and local authorities more access to professionals authorized to administer vaccinations, but it will help significantly increase the number of vaccinators in areas of the State that need them the most.”

Approximately 10 million New Yorkers fall into the priority groups established by the CDC for H1N1 vaccination, including 4.3 million in New York City alone. So far, 460,300 doses of the H1N1 vaccine – the total available to date from the CDC — have been distributed to clinical sites in New York State outside of New York City, including hospitals, community health centers, physician offices, colleges and universities, and county health departments. Distribution of vaccine within New York City is coordinated by the New York City Department of Health and Mental Hygiene.

The priority groups established by CDC to receive the H1N1 influenza vaccine are:

- Pregnant women, who experience four times the rate of hospitalization and six times the rate of death from H1N1 flu compared to the general population;
- Persons who live with or provide care for infants under six months of age (infants under 6 months cannot be vaccinated);
- Children and young people ages 6 months through 24 years;
- Persons age 25 through 64 years old who have medical conditions that put them at higher risk for serious illness and influenza-related complications, including cancer, blood disorders, chronic lung disease (including asthma or heart disease), diabetes,

- heart disease, kidney disorders, liver disorders, neurological disorders neuromuscular disorders and weakened immune systems; and
- Health care workers and emergency medical services personnel.

Due to shortages of both H1N1 and seasonal flu vaccine, Governor Paterson announced last week that State Health Commissioner Richard F. Daines, M.D., has suspended the State Health Department's requirement that health care workers in certain facilities be vaccinated against the flu.

“The vaccination of health care workers continues to be an important patient safety measure, and I urge hospitals and other health care facilities to continue to encourage employees to be vaccinated against the flu,” Commissioner Daines said. “But with available vaccine in New York State far below the CDC's original projections, we are adapting to this change in supply so that vaccines can be made available first to individuals in groups at highest risk for serious illness and death.”

With this declaration of a State Disaster Emergency, New York joins nine other states that have already taken emergency action or are in the process of declaring a public health emergency related to the H1N1 outbreak during this fall influenza season. Governor Paterson noted that it is within his power to declare an emergency by Executive Order when a current or imminent threat to public safety hinders local governments' ability to respond adequately.