



Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Acting Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

DATE: May 18, 2023
TO: All Article 28, 36, and 40 Healthcare 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

New York State Department of Health Commissioner James McDonald, MD, MPH, declares that influenza is no longer prevalent for the 2022-23 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 healthcare 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 may be 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