



# STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Richard F. Daines, M.D.  
Commissioner

James W. Clyne, Jr.  
Executive Deputy Commissioner

January 11, 2010

Dear Chief Executive Officer, Directors of Neonatal Intensive Care Units (NICUs), and Chiefs of Pediatrics and Infection Control:

The purpose of this letter is to advise you of new requirements for offering influenza vaccination to parents and anticipated caregivers of NICU patients and of the reinstatement of requirements for offering influenza vaccination to each admitted person age sixty-five years or older, both effective January 15, 2010. Both requirements are for monovalent H1N1 vaccine.

New requirement in NICUs. On July 31, 2009, Governor Paterson signed into law an amendment to Public Health Law (PHL) section 2805-h that requires all general hospitals with NICUs to offer influenza vaccination annually, between September 1 and April 1, to all persons who are parents or are reasonably anticipated to be caregivers in the households of newborns being treated in NICUs. This law became effective November 25, 2009; however, pursuant to my authority under the statute and because of inadequate supplies of seasonal and 2009 H1N1 influenza vaccines, I modified the requirement by:

- Waiving the requirement for offering the 2009 trivalent seasonal influenza vaccine for the 2009-2010 influenza season, and
- Delaying the effective date of the requirement to offer monovalent 2009 H1N1 influenza vaccine until January 15, 2010.

The amendments to PHL section 2805-h support the recommendations of the Advisory Committee on Immunization Practices (ACIP) on influenza. Influenza vaccination is not licensed for children aged less than six months and antiviral medications are not licensed for use in infants less than 12 months of age. Therefore, protection of young infants, who have hospitalization rates similar to those observed among the elderly, depends on vaccination of infants' close contacts. By providing parents and caregivers of these high-risk infants with the opportunity to receive influenza vaccination while in NICUs, those infants receive some protection against influenza disease. Beginning January 15, 2010, you must offer H1N1 vaccine; I also encourage you to offer seasonal vaccine, when available.

Reinstated requirement for admitted persons age sixty-five years or older. PHL 2805-h also contains a requirement that the administrative officer or other person in charge of each general hospital must offer to each admitted person age 65 years or older vaccination against influenza virus. The requirement, effective since 2006, applies annually between September 1 and April 1. On November 18, 2009, I waived this provision for seasonal trivalent influenza vaccine and monovalent H1N1 vaccine because of shortages of both vaccines and because monovalent H1N1 vaccine was not recommended for persons over age 65 years or older. However, since that time, H1N1 vaccine has been recommended for persons of all ages greater than six months and sufficient supplies of vaccine have become available. Therefore, I am reinstating this requirement for H1N1 vaccine effective January 15, 2010. You are also encouraged to offer seasonal vaccine, when available.

Hospitals must take steps to adopt and implement both policies as required under law. Any questions regarding this letter may be directed to the Department's Bureau of Immunization at (518) 473-4437 or the Office of Health Systems Management at (518) 402-1003.

Sincerely,

Richard F. Daines, M.D.  
Commissioner of Health