



FLPHA MOU Operational Plan Attachment 7.1: Article 6 Guidance

Article 6 of New York Public Health Law

The State Commissioner, or the Receiving County with the approval of the State Commissioner, may determine that an ITPH exists within their jurisdiction.

Should an ITPH be declared, the NYSDOH will reimburse the Receiving County at fifty percent of the cost of emergency measures approved by the NYSDOH, subject to the approval of the Director of Budget. Such funds may be available only after all funds in the appropriate program category of the approved State Aid Application have been expended, as well as all state or federal grants and other forms of aid. Reimbursement is also subject to the availability of appropriate funds.

Imminent Threat to Public Health Criteria

In order to be considered an ITPH, an event must meet the following criteria:

- There is an immediate threat to the health of humans.
- The scale and extent of the threat exceeds that which is routinely experienced.
- The event continues for an extended period of time.
- The event is unanticipated.
- The condition is not a public health nuisance.

Imminent Threat to Public Health Request Process

1. Discuss the event and proposed response with the NYSDOH.
2. Develop appropriate measures to address the event in coordination with the NYSDOH.
3. Send a letter requesting that the State Commissioner declare an ITPH and that reimbursement be provided for emergency response measures. The letter should include a description of the event and the response measures developed.
4. If it is determined that an ITPH exists, the State Commissioner will issue a declaration in writing which will specify the time period of the ITPH.
5. The NYSDOH will provide forms and technical assistance regarding how to file claims for State Aid as well as how to make other required reports.

Services & Associated Costs Eligible for Article 6 Reimbursement

In general, if a response activity is eligible for State Aid under normal conditions, it will be eligible for reimbursement at fifty percent as an emergency measure following an ITPH declaration. Other expenses may also be eligible depending on the specific situation and will be evaluated by the NYSDOH on a case-by-case basis. Considerations for other activities and associated costs include the circumstances of the emergency and the appropriateness of the expenditures.

General Activities

Communication

- Call centers.
 - Activation of a call center to respond to calls from the general public or physicians, hospitals, LHDs, and other partner agencies.
- Risk communications.
 - Salary and wages for LHD staff and service contracts related to generating and disseminating public health messages.
 - Airtime for public health messages.
 - Printed materials.

Infection, Decontamination, & Exposure Prevention Materials

- PPE (such as masks, gloves, suits, respirators, etc.).
- Alcohol-based hand sanitizers.
- Surface cleaners.
- Protective material (such as DEET or netting) for distribution in affected area.
- Larvaciding, application of appropriate arthropod control agents, as approved by the NYSDOH and the New York State Department of Environmental Conservation (NYSDEC).
- Decontamination of affected people and equipment.

Personnel

- Salary and wages for LHD staff involved in responding to the emergency (such as epidemiologic field staff, laboratorians, nurses, health educators, administrators, support staff and environmental field staff including sanitarians, engineers, and sanitarian technicians). This includes:
 - Overtime.
 - Salary adjustments for those asked to perform duties above grade level.
 - Staffing charges for employees deployed to another county.
 - LHD staff accommodations (which can include hotels or motels) and associated lodging costs.
- Use of personnel from other county agencies and other local governments when pre-arranged via intra- or inter-county MOU.

Countermeasure Distribution & Dispensing Activities

Venues

- Costs for mass prophylaxis clinics, care sites, JITT sites, or staff report-to centers.

Medical Supplies

- Vaccines, antivirals, immune globulin, and other appropriate chemotherapeutic agents for mass prophylaxis.
- Delivery devices (such as needles, syringes, IV tubing, high workload nebulizers, etc.).
- Bandages, gauze, and tape.
- Ammonia inhalants.
- Cold pack cases, including shipping.
- Sharps containers, including shipping.

- Pick-up of sharps.
- Medical waste removal.
- Large storage units.

Emergency Personnel

- Ambulance and paramedics on stand-by.
- Medical supplies, wheelchairs, and security.

Communication Devices

- Cell phones, tablets, and two-way radios.
- Internet connectivity and on-site support.

Transportation or Travel Costs

To perform response activities including:

- Epidemiology investigations and report to alternate work sites including mass prophylaxis sites and shelters.
- Spraying of vector control agents.
- Shuttle buses for staff or patients to provide access to response services.
- Environmental sampling.

Staff Uniforms

- Colored t-shirts or caps to facilitate identification and coordination of staff.

Rental Equipment

- Tables.
- Projection equipment.
- Wheelchairs.
- Vehicles and gas.

Essential Food Service

For LHD paid or volunteer staff participating in emergency response only.

- Water and snacks.
- Breakfast, lunch, and dinner.

General Office Supplies

- Copies.
- Paper, pens, and pencils.
- Duplication costs for information and educational materials, training materials, data forms, and clinic forms.

Computers and Data Entry

- Computers for data entry into a centralized system (such as CDMS).
- Specialty printers for mass production of clinic data forms.

Laboratory - Clinical & Environmental

- Staff.
- Materials for use by LHD lab (such as assays, reagents, standards, kits, etc.)
- Purchased services.
- Transportation to receiving lab.
- Environmental sampling costs (such as equipment, media, analysis, etc.)

Security Personnel

- Hired security services (not local or state law enforcement or correctional officers).

Services & Associated Costs Ineligible for Article 6 Reimbursement

- Abatement and removal of hazards or bioterrorism agents.
- Costs of environmental clean-up when there is no health risk.
- Repair, maintenance, or replacement of transportation infrastructure (such as roads, bridges, culverts, drainage ditches, etc.), water supply, sewage control, or other general infrastructure.
- Staff of other local agencies responding to the emergency unless prearranged via intra- or inter-county MOU with the Receiving County.
- Staff of state (New York or otherwise) or federal agencies.
- Treatment of other diseases or conditions unrelated to the causative agent of the public health threat.
- Generators and generator fuel.
- Other expenditures that are associated with the ITPH but not critical to the response.

Reimbursement Conditions & Process

The Receiving County must keep a record of all costs related to the response to an ITPH and must segregate these costs from other activities eligible for State Aid.

Should the Receiving County receive FEMA or other reimbursement, the portion of reimbursement funds related to the State Aid claim already paid to the Receiving County must be reported as revenue in the State Aid year in which it is received. This effectively reduces the State Aid to be paid to the Receiving County and constitutes a “repayment” to New York State for funds which were paid in the first place.