



## Department of Health

**KATHY HOCHUL**  
Governor

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

**JOHANNE E. MORNE, M.S.**  
Acting Executive Deputy Commissioner

**DATE:** December 6, 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 Prevalent in the State**

**Please distribute immediately to: Administration, Medical Director, Infection  
Prevention, Nursing Administration, Risk Management**

The New York State Department of Health Commissioner Dr. James McDonald declares influenza to be prevalent in New York State for the 2023-24 influenza season, as of the date of this announcement. In accordance with Section 2.59 of the New York State Sanitary Code (10 NYCRR § 2.59), all healthcare and residential facilities and agencies regulated pursuant to Article 28, 36, or 40 of the Public Health Law, shall 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 are typically present. This declaration shall remain in effect until the Commissioner declares influenza no longer prevalent in New York State.

At this time, please activate your facility's or agency's policy and procedure to ensure compliance with 10 NYCRR § 2.59.

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](mailto:FluMaskReg@health.ny.gov)**