



October 19, 2020

Dr. Howard A. Zucker, M.D., J.D.

Commissioner, New York State Department of Health

Corning Tower

Empire State Plaza

Albany, New York 12237

dohweb@health.ny.gov

Re: Executive Order 202.61 – Data Collection and Reporting Requirements

Dear Commissioner Zucker,

In reference to your letter dated September 21, 2020 referencing Executive Order 202.61: The North East Regional Urgent Care Association representing 657 Urgent Care centers throughout New York State have significant concerns about the negative impact this order will create on the availability of COVID and Influenza testing for consumers. While we wholeheartedly support the intent of the order, its implementation will cause exceptional administrative and financial burden to an already strained testing process.

Most concerning is the requirement to report Point of Care (POC) test results within 3 hours of results into New York's ECLRS for both COVID-19 and Influenza testing. While commercial laboratory purveyors may be able to automate this reporting and are open 24 hours a day in order to facilitate doing so, the Order compels physician offices including urgent care to dedicate staff time to stop performing patient care including test acquisition in order to manually enter data into the ECLRS, which given current and projected rates of testing will likely occur throughout the day and well after hours. Most, if not all, medical practices including urgent care would be required to make a substantial budgetary commitment to compensate for this unplanned and uncompensated staff burden, in an attempt to remain in compliance with the requirement, or be forced to stop providing POC Influenza and COVID-19 testing. Additionally the requirement of collecting significant additional demographic information for all patients tested and transmitting all results given the unprecedented time constraint will dramatically add to the administrative burden and further decrease staff available for patient care, underscoring the unworkable aspect of the Order. As you know, EMR/EHR's are not flexible systems and there is currently no place within them to capture and report additional information from these systems. Development costs will be significant, and our EHR vendors tell us it will likely take several months to a year for them to accomplish.

NERUCA along with the Medical Society of the State of New York recently met with DOH and Wadsworth representatives to share our concerns. The urgent care community is a vital and necessary part of New York's health care continuum, with a proven track record of providing easy access to high quality health care throughout the state. As such, it is imperative that urgent care remain part of the global response to COVID-19 by being a familiar resource that the public can easily and reliably access for testing. We propose the following modifications to the Order, looking to ease the burden on an already distressed healthcare system that the Order's current version will clearly worsen:

- Require reporting to ECLRS within 3 hours of POSITIVE POC test results only for COVID-19. In consideration that 98% of the tests are negative for COVID-19 and that these patients require no contact tracer followup, allow simple weekly batch reporting of the overall numbers of negative COVID tests to be used for epidemiological purposes.
- Permit medical practices and urgent care centers to focus on collecting correct patient contact information without the additional fields so public health contact tracers are able to follow up easily with patients regarding positive results. Currently most Electronic Medical Records (EMRs) do not contain the fields necessary to capture this additional data.
- Allow practices to provide information to the State via fax, email or through the ECLRS should their EMR be able to directly connect to that system.

The North East Regional Urgent Care Association and New York's urgent care community looks forward to working collaboratively with the state to continue to optimize New York's precious but limited health care resources, as we all work together to help protect the lives of the citizens of New York during these unprecedented times.

Sincerely,



Todd Martin, MBA
President, NERUCA



Jonathan S. Halpert, MD
Government Affairs Chair, NERUCA

Cc: Elizabeth Garvey, Counsel to the Governor
Richard Becker, MD, Deputy Secretary of Health and Human Services
Megan Baldwin, Assistant Secretary for Health
Hon. Richard N. Gottfried, Chair, NYS Assembly Committee on Health
Dr. Eugene Heslin, First Deputy Commissioner, NYS Department of Health