



2021 HEALTH ADVISORY #39

COVID-19 ORAL ANTIVIRAL TREATMENTS AUTHORIZED AND SEVERE SHORTAGE OF ORAL ANTIVIRAL AND MONOCLONAL ANTIBODY TREATMENT PRODUCTS

- Two COVID-19 oral antiviral therapies have received Emergency Use Authorization from the U.S. Food and drug Administration (FDA), Paxlovid (Pfizer) and molnupiravir (Merck).
 - Paxlovid and molnupiravir reduce the risk of hospitalization and death by 88% and 30% respectively, in patients at high-risk for severe COVID-19 disease when started early after symptom onset.
 - Prescriptions in New York City (NYC) will be filled by Alto Pharmacy to provide free, same day home delivery regardless of insurance or immigration status.
 - Paxlovid is the preferred product and is available for patients age 12 years and older.
 - Molnupiravir should be considered for patients age 18 years and older for whom alternative FDA- authorized COVID-19 treatment options are not accessible or clinically appropriate.
- At this time, Sotrovimab (Xevudy) is the only authorized monoclonal antibody product expected to be effective against the omicron variant of SARS-CoV-2.
 - There is a pause on allocations of bamlanivimab and etesevimab together, etesevimab alone, and REGEN-COV until further notice. These products do not retain activity against omicron and should not be used.
- Adhere to [New York State Department of Health \(NYS DOH\) guidance on prioritization of high-risk patients for anti-SARS-CoV-2 therapies during this time of severe resource limitations](#).
- While therapeutic shortages continue, off-label use of remdesivir on an outpatient basis may be an option.
- Check nyc.gov/health/covidprovidertreatments regularly for updates.

December 27, 2021

Dear Colleagues,

This HAN includes information about available COVID-19 outpatient therapeutics, including newly authorized oral antiviral treatment.

While the availability of oral antivirals for treatment of COVID-19 is an important milestone, it comes at a time of a significant surge in cases and reduced effectiveness of existing



therapeutics due to the omicron variant, which is now the predominant variant nationally and estimated by the [Centers of Disease Control and Prevention \(CDC\)](#) to account for over 90% of cases in New York. Supplies of oral antivirals will initially be extremely limited, and there is now only one monoclonal antibody product that is effective for treatment of infection caused by the omicron variant. While supplies remain low, adhere to the [NYS DOH guidance on prioritization of anti-SARS-CoV-2 therapies for treatment and prevention of severe COVID-19](#) and prioritize therapies for people of any eligible age with [moderate to severe immunocompromise](#) regardless of vaccination status or who are age 65 and older and not fully vaccinated with at least one [risk factor for severe illness](#).

COVID-19 Oral Antiviral Treatment

The FDA authorized the first oral antiviral therapies, Paxlovid from Pfizer and molnupiravir from Merck, to treat patients with mild-to-moderate COVID-19 who are at high risk for progression to severe disease, regardless of vaccination status. The oral antivirals work by interfering with several steps in the reproductive process of SARS-CoV-2 to prevent efficient replication of the virus in host cells. The U.S. Department of Health and Human Services (HHS) provides oral antivirals at no cost to patients.

Paxlovid is the preferred product, and molnupiravir can be considered for patients age 18 years and older for whom alternative FDA-authorized COVID-19 treatment options are not accessible or clinically appropriate. Limited supply will require providers to prioritize treatment for patients at highest risk for severe COVID-19 until more product becomes available.

[Paxlovid](#) clinical trials among 2,246 high-risk patients showed an 88% reduction in the risk for hospitalization and death among people taking Paxlovid compared to those taking placebo. Paxlovid is a combination treatment with PF-07321332 (or nirmatrelvir) and ritonavir. PF-07321332 inhibits the main protease of SARS-CoV-2 virus, the 3CL-like protease, that impedes synthesis of other non-structural proteins and ultimately inhibits viral replication. Ritonavir is a protease inhibitor (also used in HIV treatment) that acts as a pharmacokinetic enhancer of protease inhibitors.

[Molnupiravir](#) clinical trials among 1,433 high-risk patients showed a 30% reduction in the risk for hospitalization and death among people taking molnupiravir compared to those taking placebo. Molnupiravir is the pro-drug of a nucleoside analog that competes with the viral RNA polymerase and induces RNA mutations that ultimately have an antiviral effect.

Eligibility

Oral antiviral treatment is authorized for patients who meet all the following criteria:

- Age 12 years and older for Paxlovid, or 18 years and older for Molnupiravir
- Weigh at least 40 kg (88 pounds)



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Dave A. Chokshi, MD, MSc
Commissioner

- Test positive for SARS-CoV-2 on a nucleic acid amplification test or antigen test; results from an FDA-authorized home-test kit should be validated through video or photo but, if not possible, patient attestation is adequate
- Have [mild to moderate COVID-19 symptoms](#)
 - Patient cannot be hospitalized or receiving oxygen therapy due to COVID-19
- Are able to start treatment within 5 days of symptom onset
- Have a medical condition or other factors that increase their risk for severe COVID-19 illness.
 - Consider race and ethnicity when assessing an individual's risk. Impacts of longstanding systemic health and social inequities put Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death.

For Paxlovid only:

- Therapy is contraindicated for patients with history of clinically significant hypersensitivity reactions to its active ingredients or any other components of the product; are on drugs that are highly dependent on CYP3A for clearance and for which elevated concentrations are associated with serious and/or life-threatening reactions; or are on drugs that are potent CYP3A inducers where significantly reduced Paxlovid plasma concentrations may be associated with the potential for loss of virologic response and possible resistance. See list of medications in the [Paxlovid Fact Sheet for Providers, Section 7](#).
- Therapy is not recommended for patients with severe kidney (eGFR <30 mL/min) or liver (Child-Pugh Class C) impairment. Dosage adjustments are needed for patients with moderate renal impairment. Providers should discuss with their patients with kidney or liver problems whether Paxlovid is right for them.
- Paxlovid may lead to a risk of HIV-1 developing resistance to HIV protease inhibitors in patients with uncontrolled or undiagnosed HIV-1 infection. Patients on ritonavir- or cobicistat-containing HIV or HCV regimens should continue their treatment as indicated.

For molnupiravir only:

- Molnupiravir should be prescribed for patients age 18 years and older for whom alternative COVID-19 treatment options authorized by FDA are not accessible or clinically appropriate.
- Molnupiravir is not recommended during pregnancy. Prescribing providers should assess whether a female of childbearing potential is pregnant or not. Advise individuals of childbearing potential to use effective contraception correctly and consistently for the duration of treatment and for 4 days after the last dose of molnupiravir.
- Breastfeeding is not recommended during treatment and for 4 days after the last dose of molnupiravir. A lactating individual may consider interrupting breastfeeding and pumping and discarding breast milk during this time.



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- Males of reproductive potential who are sexually active with females of childbearing potential should use a reliable method of contraception correctly and consistently during treatment and for at least 3 months after the last dose.
- For more details, please refer to molnupiravir [Fact Sheet for Providers](#).

Clinical Considerations

Treatment is most effective when given as soon as possible and no more than 5 days after symptom onset. High-risk patients who present within 6 to 10 days of symptoms onset should be referred for monoclonal antibody therapy.

The most common side effects reported during treatment and within 14 days after the last dose of molnupiravir were mild or moderate diarrhea, nausea, dizziness, and headache. For Paxlovid, mild or moderate dysgeusia, diarrhea, hypertension, and myalgia were reported.

Oral antivirals are not authorized for pre-exposure or post-exposure prophylaxis for prevention of COVID-19 and should not be used for longer than 5 consecutive days.

Referring Patients for Oral Antivirals

To ensure equitable access to oral antivirals, the NYC Department of Health and Mental Hygiene (Health Department) has partnered with Alto Pharmacy, a pharmacy delivery service. At this time, this is the only way NYC patients can receive oral antivirals. As supplies increase, additional pharmacies will be added.

Prescriptions placed with Alto Pharmacy will be delivered to the patient's preferred address at no cost. Once the prescription is placed, patients can schedule their delivery on the Alto mobile app, by text, or by phone with Alto pharmacists. Alto Pharmacy can offer direct support in English and Spanish and support in numerous other languages through language line. Prescriptions confirmed by 5 p.m. on weekdays or 1 p.m. on weekends will be delivered the same night. For instructions on how to prescribe oral antivirals in NYC, visit nyc.gov/health/covidprovidertreatments and look for "Referring or Offering Oral Antiviral Therapy" in the "Oral Antiviral Treatment" section.

Providers who would like to automatically have molnupiravir substituted when Paxlovid is unavailable must submit two prescriptions, one for each medication, and state in the notes section of the molnupiravir prescription, "to be used in case Paxlovid prescription cannot be filled because of supply limitation." Substituting with molnupiravir can only be done for patients meeting eligibility criteria and with no contraindications for either product.

Changes to Monoclonal Antibody Use

At this time, Sotrovimab (Xevudy) is the only authorized monoclonal antibody therapeutic that is expected to be effective against the omicron variant of SARS-CoV-2. Supplies of Sotrovimab



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are extremely limited and providers should adhere to [NYS DOH prioritization guidance](#), and refer to the NYC Health Department's [Letter to Providers: Omicron and Monoclonal Antibodies](#).

As of December 23, 2021, there is a pause on further allocations of bamlanivimab and etesevimab together, etesevimab alone, and REGEN-COV until further notice. Bamlanivimab with etesevimab and REGEN-COV do not retain activity against omicron and should not be used. Monoclonal antibody treatment can no longer be used as post-exposure prophylaxis.

Outpatient Use of Remdesivir

The National Institute of Health (NIH) has issued treatment recommendations given therapeutics shortages and inactivity of some therapeutics against the omicron variant. This includes the use of remdesivir via IV infusion on an outpatient basis. Remdesivir is FDA-approved for hospitalized patients only; use of the drug for outpatient treatment would be an off-label indication. It is currently unknown if this treatment option will be available for patients in NYC. Do not send patients to the hospital to request treatment unless first identifying a facility and making arrangements in advance. See [NIH COVID-19 Treatment Guidelines](#) for more information.

Providers not offering treatment can refer patients to NYC Health + Hospitals. Patients can be connected to a health care provider by calling 212-COVID19 (212-268-4319). Treatment is available regardless of immigration status or ability to pay.

Thank you for all you are doing to help support the safety of your patients and our city. Please check nyc.gov/health/covidprovidertreatments regularly for updated guidance, including on treatment supply and prioritization.

Sincerely,

A handwritten signature in black ink, appearing to read 'Celia Quinn'.

Celia Quinn MD, MPH
Deputy Commissioner
Division of Disease Control

Exhibit B

Subject: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

Date: Tuesday, January 4, 2022 at 2:40:36 PM Eastern Standard Time

From: donotreply@records.nyc.gov

To: Cam Macdonald

Your request has been emailed to the Department of Health and Mental Hygiene (DOHMH) because that agency is not yet using the portal to respond to FOIL requests. The details of your request are shown below. No further information will be available on the OpenRecords portal regarding this request.

Request Title: 2021 Health Advisory #39

Request Description: 1. All records your department reviewed or considered for your determination that “Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death,” as stated in your December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 2. <https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2021/covid-19-oral-treatments-authorized-shortage.pdf> 3. All communications between or among your department and health care providers explaining or clarifying the meaning or application of your advice to “Consider race and ethnicity when assessing an individual’s risk. Impacts of longstanding systemic health and social inequities put Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death.” 4. All records Dave Chokshi or Celia Quinn or co-author(s) of the advisory reviewed or considered for your department’s determination that “Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death,” as stated in your December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 5. All draft versions of the December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 6. All records reflecting your department’s definition of “People of Color.” 7. All records establishing Black, Indigenous, or People of Color as a medical condition. 8. All records reflecting evidence from any meta-analysis/systematic review establishing “Black, Indigenous, and People of Color” as underlying medical conditions that increase a person’s risk of severe illness from COVID-19. 9. All records reflecting evidence from any cohort, case-control, or cross-sectional studies establishing “Black, Indigenous, and People of Color” as underlying medical conditions that increase a person’s risk of severe illness from COVID-19. 10. All records reflecting evidence from any case series, case reports, or mixed evidence establishing “Black, Indigenous, and People of Color” as underlying medical conditions that increase a person’s risk of severe illness from COVID-19. 11. All records isolating a person’s being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 12. All records reflecting evidence from any meta-analysis/systematic review isolating a person’s being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 13. All records reflecting evidence from any cohort, case-control, or cross-sectional studies isolating a person’s being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 14. All records reflecting evidence from any case series, case reports, or mixed evidence isolating a person’s being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 15. All records reflecting calendar entries of Dave Chokshi or Celia Quinn or co-author(s) of the advisory regarding meetings to discuss issuing your department’s December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 16. Any records of Dave Chokshi or Celia Quinn or co-author(s) of the

advisory regarding meetings to discuss issuing your department's December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 17. All meeting notes or meeting presentations relating to your department issuing the December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 18. All written communications between or among Dave Choksi and Celia Quinn and co-author(s) of the advisory regarding the December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 19. Any records from persons outside your department recommending that you identify "Black, Indigenous, and People of Color" as underlying medical conditions that increase a person's risk of severe illness from COVID-19.

Attached File: NYC_DOHMH_Advisory_FOIL.pdf: [NYC_DOHMH_Advisory_FOIL.pdf](#)

Requester's Contact Information

Name:

Cameron Macdonald

Title:

Not provided

Organization:

Government Justice Center, Inc.

Email:

cam@govjustice.org

Phone Number:

(518) 434-3125

Fax Number:

Not provided

Street Address (line 1):

30 S Pearl St

Street Address (line 2):

Suite 1210

City:

Albany

State:

NY

Zip Code:

12207

Please contact the Department of Health and Mental Hygiene (DOHMH) via email at foil@health.nyc.gov for any further information.

Exhibit C

Subject: Re: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)
Date: Tuesday, January 11, 2022 at 1:31:42 PM Eastern Standard Time
From: recordsaccess
To: Cam Macdonald

FOIL Control #: 2022FR00109

The NYC Department of Health and Mental Hygiene (DOHMH) acknowledges receipt of your Freedom of Information Law request. It has been assigned the above-noted control number and has been forwarded for processing:

You should receive a response within twenty(20) business days. Please note that as of January 1, 2019, the Department may charge the statutorily allowable fee of 25¢ per page for photocopied pages of FOIL responses. You will be advised by the program/bureau of the fee that is due and, upon receipt of your payment by check or money order, the copies will be forwarded to you. All inquiries about the status of your request should be made with the program/bureau and control number noted above.

Thank you,

FOIL Administration
New York City Department of Health and Mental Hygiene
347-396-6011 (ph.)
347-396-6087 (f)
recordsaccess@health.nyc.gov

From: Bernadette O'Donnell <bodonnell1@health.nyc.gov>
Sent: Monday, January 10, 2022 2:43 PM
To: recordsaccess <recordsaccess@health.nyc.gov>
Subject: RE: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

Wow- 19 item request. Please send the standard acknowledgement and put on the sensitive list. Thanks.

From: recordsaccess <recordsaccess@health.nyc.gov>
Sent: Friday, January 7, 2022 4:14 PM
To: Bernadette O'Donnell <bodonnell1@health.nyc.gov>
Subject: Fw: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

Good day,

how do you wish to proceed with this FOIL request?

From: FOIL <FOIL@health.nyc.gov>
Sent: Wednesday, January 5, 2022 4:53 PM
To: recordsaccess <recordsaccess@health.nyc.gov>
Subject: FW: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

From: donotreply@records.nyc.gov <donotreply@records.nyc.gov>

Sent: Tuesday, January 4, 2022 2:41 PM

To: cam@govjustice.org

Subject: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

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Requester's Contact Information

Name:

Cameron Macdonald

Title:

Not provided

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Email:

cam@govjustice.org

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(518) 434-3125

Fax Number:

Not provided

Street Address (line 1):

30 S Pearl St

Street Address (line 2):

Suite 1210

City:

Albany

State:

NY

Zip Code:

12207

Please contact the Department of Health and Mental Hygiene (DOHMH) via email at foil@health.nyc.gov for any further information.

Sent from the New York City Department of Health & Mental Hygiene. This email and any files transmitted with it may contain confidential information and are intended solely for the use of the individual or entity to whom they are addressed. This footnote also confirms that this email message has been swept for the presence of computer viruses.

Exhibit D

Subject: Re: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)
Date: Monday, April 18, 2022 at 5:35:35 PM Eastern Daylight Time
From: Cam Macdonald
To: recordsaccess

I have never received a response to this request.

From: recordsaccess <recordsaccess@health.nyc.gov>
Date: Tuesday, January 11, 2022 at 1:31 PM
To: cam@govjustice.org <cam@govjustice.org>
Subject: Re: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

FOIL Control #: 2022FR00109

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Thank you,

FOIL Administration

New York City Department of Health and Mental Hygiene

347-396-6011 (ph.)

347-396-6087 (f)

recordsaccess@health.nyc.gov

From: Bernadette O'Donnell <bodonnell1@health.nyc.gov>
Sent: Monday, January 10, 2022 2:43 PM
To: recordsaccess <recordsaccess@health.nyc.gov>
Subject: RE: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

Wow- 19 item request. Please send the standard acknowledgement and put on the sensitive list. Thanks.

From: recordsaccess <recordsaccess@health.nyc.gov>
Sent: Friday, January 7, 2022 4:14 PM
To: Bernadette O'Donnell <bodonnell1@health.nyc.gov>
Subject: Fw: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

Good day,

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Requester's Contact Information

Name:

Cameron Macdonald

Title:

Not provided

Organization:

Government Justice Center, Inc.

Email:

cam@govjustice.org

Phone Number:

(518) 434-3125

Fax Number:

Not provided

Street Address (line 1):

30 S Pearl St

Street Address (line 2):

Suite 1210

City:

Albany

State:

NY

Zip Code:

12207

Please contact the Department of Health and Mental Hygiene (DOHMH) via email at foil@health.nyc.gov for any further information.

Sent from the New York City Department of Health & Mental Hygiene. This email and any files transmitted with it may contain confidential information and are intended solely for the use of the individual or entity to whom they are addressed. This footnote also confirms that this email message has been swept for the presence of computer viruses.

Exhibit E

Subject: FOIL Control No. 2022FR00109 extension
Date: Friday, April 22, 2022 at 6:28:29 PM Eastern Daylight Time
From: Bernadette O'Donnell
To: Cam Macdonald
CC: Jerome Baa

Dear Cameron Macdonald:

Based on the scope of the your Freedom of Information Law (FOIL) request with the above-referenced control number and a backlog of FOIL requests this agency is working through, additional time is needed to respond to your request. I anticipate that you will receive a response to this request by June 24, 2022.

I apologize for the delay.

Sincerely,

Bernadette O'Donnell
Records Access Officer / Agency Attorney
NYC Department of Health and Mental Hygiene
42-09 28th St., CN 14-29
Long Island City, NY 11101

From: donotreply@records.nyc.gov <donotreply@records.nyc.gov>
Sent: Tuesday, January 4, 2022 2:41 PM
To: cam@govjustice.org
Subject: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

Your request has been emailed to the Department of Health and Mental Hygiene (DOHMH) because that agency is not yet using the portal to respond to FOIL requests. The details of your request are shown below. No further information will be available on the OpenRecords portal regarding this request.
Request Title: 2021 Health Advisory #39

Request Description: 1. All records your department reviewed or considered for your determination that "Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death," as stated in your December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 2. <https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2021/covid-19-oral-treatments-authorized-shortage.pdf> 3. All communications between or among your department and health care providers explaining or clarifying the meaning or application of your advice to "Consider race and ethnicity when assessing an individual's risk. Impacts of longstanding systemic health and social inequities put Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death." 4. All records Dave Chokshi or Celia Quinn or co-author(s) of the advisory reviewed or considered for your department's determination that "Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death," as stated in your December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 5. All draft versions of the December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 6. All records reflecting your department's definition of "People of Color." 7. All records establishing Black, Indigenous, or People of Color as a medical condition. 8. All records reflecting evidence from any meta-analysis/systematic review establishing "Black, Indigenous, and People of Color" as

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Attached File: NYC_DOHMH_Advisory_FOIL.pdf: [NYC_DOHMH_Advisory_FOIL.pdf](#)

Requester's Contact Information

Name:

Cameron Macdonald

Title:

Not provided

Organization:

Government Justice Center, Inc.

Email:

cam@govjustice.org

Phone Number:

(518) 434-3125

Fax Number:

Not provided

Street Address (line 1):

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The information transmitted by this email is intended only for the person or entity to which it is addressed. Steadfast is a project of Empire Configuration, LLC. This email may contain proprietary, business-confidential and/or privileged material. If you are not the intended recipient of this message, be aware that any use, review, retransmission, distribution, reproduction or any action taken in reliance upon this message is strictly prohibited. If you received this in error, please contact the sender and delete the material from all computers.

Exhibit F

Subject: RE: FOIL Control No. 2022FR00109 response
Date: Tuesday, July 12, 2022 at 5:06:09 PM Eastern Daylight Time
From: Bernadette O'Donnell
To: Cam Macdonald
CC: Svetlana Burdeynik

Dear Cameron Macdonald:

The New York City Department of Health and Mental Hygiene (DOHMH) denies your Freedom of Information Law request with the above-referenced control number. Pursuant to Public Officers Law § 89(3)(a), a request for records must be “reasonably described.” As written, your request does not reasonably describe the records you are requesting from DOHMH. Without a clear description of the records you seek, we are unable to conduct a search of the agency’s records to determine whether we are able to respond to your request.

You may file a written appeal of this denial within 30 days of the date of this message. The appeal should be addressed to:

Chari Anhouse, Esquire
Appeals Officer & Associate General Counsel
Email: recordsaccess@health.nyc.gov

The notice of appeal should include the request control number, the date of this denial message, a description of the records that were the subject of the request, the specific legal grounds for your appeal, and the full name and address of the original requester.

In the alternative, you may modify the terms of your request within the next 30 days. If you are specifically interested in communications stored within the agency’s ediscovery portal, please provide key terms, dates, and the custodians you are requesting records for, and we can conduct a search to determine how many responsive records the agency may have to your request.

Sincerely,

Bernadette O’Donnell

From: Bernadette O'Donnell
Sent: Friday, April 22, 2022 6:28 PM
To: cam@govjustice.org
Cc: Jerome Baa <jbaa@health.nyc.gov>
Subject: FOIL Control No. 2022FR00109 extension

Dear Cameron Macdonald:

Based on the scope of the your Freedom of Information Law (FOIL) request with the above-referenced control number and a backlog of FOIL requests this agency is working through, additional time is needed to respond to your request. I anticipate that you will receive a response to this request by June 24, 2022.

I apologize for the delay.

Sincerely,

Bernadette O'Donnell
Records Access Officer / Agency Attorney
NYC Department of Health and Mental Hygiene
42-09 28th St., CN 14-29
Long Island City, NY 11101

From: donotreply@records.nyc.gov <donotreply@records.nyc.gov>

Sent: Tuesday, January 4, 2022 2:41 PM

To: cam@govjustice.org

Subject: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

Your request has been emailed to the Department of Health and Mental Hygiene (DOHMH) because that agency is not yet using the portal to respond to FOIL requests. The details of your request are shown below. No further information will be available on the OpenRecords portal regarding this request.
Request Title: 2021 Health Advisory #39

Request Description: 1. All records your department reviewed or considered for your determination that "Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death," as stated in your December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 2. <https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2021/covid-19-oral-treatments-authorized-shortage.pdf> 3. All communications between or among your department and health care providers explaining or clarifying the meaning or application of your advice to "Consider race and ethnicity when assessing an individual's risk. Impacts of longstanding systemic health and social inequities put Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death." 4. All records Dave Chokshi or Celia Quinn or co-author(s) of the advisory reviewed or considered for your department's determination that "Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death," as stated in your December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 5. All draft versions of the December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 6. All records reflecting your department's definition of "People of Color." 7. All records establishing Black, Indigenous, or People of Color as a medical condition. 8. All records reflecting evidence from any meta-analysis/systematic review establishing "Black, Indigenous, and People of Color" as underlying medical conditions that increase a person's risk of severe illness from COVID-19. 9. All records reflecting evidence from any cohort, case-control, or cross-sectional studies establishing "Black, Indigenous, and People of Color" as underlying medical conditions that increase a person's risk of severe illness from COVID-19. 10. All records reflecting evidence from any case series, case reports, or mixed evidence establishing "Black, Indigenous, and People of Color" as underlying medical conditions that increase a person's risk of severe illness from COVID-19. 11. All records isolating a person's being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 12. All records reflecting evidence from any meta-analysis/systematic review isolating a person's being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 13. All records reflecting evidence from any cohort, case-control, or cross-sectional studies isolating a person's being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 14. All records reflecting evidence from any case series, case reports, or mixed evidence isolating a person's being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or

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Attached File: NYC_DOHMH_Advisory_FOIL.pdf: [NYC_DOHMH_Advisory_FOIL.pdf](#)

Requester's Contact Information

Name:

Cameron Macdonald

Title:

Not provided

Organization:

Government Justice Center, Inc.

Email:

cam@govjustice.org

Phone Number:

(518) 434-3125

Fax Number:

Not provided

Street Address (line 1):

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Exhibit G

Subject: FW: FOIL Control No. 2022FR00109 response
Date: Thursday, July 14, 2022 at 11:39:11 AM Eastern Daylight Time
From: Cam Macdonald
To: recordsaccess@health.nyc.gov

Ms. Anhouse – I am writing to appeal DOHMH’s denial of my Freedom of Information Law request as not reasonably describing the records I requested. I provided a clear description of the records I sought in my January 4, 2022, request. DOHMH had an opportunity at that point to deny my request as not reasonably describing the records. Instead, the records access officer extended your agency’s time to answer to June 24th due to the scope of the request. DOHMH then missed its own deadline and denied my request almost three weeks later.

There is no confusion to be had regarding the records I seek. I provided a copy of the advisory on which the requests were based, and several requests seek information from specific persons who authored or signed the advisory. I am looking for information in the form of studies or other compiled data underlying the final policy determination in the advisory.

DOHMH knows perfectly well what I have requested and should have ready access to the records used to support its advisory. Rather than disclose information or admit there are no such records, it has acted in bad faith to delay and then deny my request.

As you know, you have ten business days to respond to this appeal. Please provide the records I requested before that deadline.

Cameron Macdonald
Executive Director
Government Justice Center

(518) 434-3125
cam@govjustice.org
www.govjustice.org

From: Bernadette O'Donnell <bodonnell1@health.nyc.gov>
Date: Tuesday, July 12, 2022 at 5:06 PM
To: Cam Macdonald <cam@govjustice.org>
Cc: Svetlana Burdeynik <sburdeyn@health.nyc.gov>
Subject: RE: FOIL Control No. 2022FR00109 response

Dear Cameron Macdonald:

The New York City Department of Health and Mental Hygiene (DOHMH) denies your Freedom of Information Law request with the above-referenced control number. Pursuant to Public Officers Law § 89(3)(a), a request for records must be “reasonably described.” As written, your request does not reasonably describe the records you are requesting from DOHMH. Without a clear description of the records you seek, we are unable to conduct a search of the agency’s records to determine whether we are able to respond to your request.

You may file a written appeal of this denial within 30 days of the date of this message. The appeal should be addressed to:

Chari Anhouse, Esquire
Appeals Officer & Associate General Counsel
Email: recordsaccess@health.nyc.gov

The notice of appeal should include the request control number, the date of this denial message, a description of the records that were the subject of the request, the specific legal grounds for your appeal, and the full name and address of the original requester.

In the alternative, you may modify the terms of your request within the next 30 days. If you are specifically interested in communications stored within the agency's ediscovery portal, please provide key terms, dates, and the custodians you are requesting records for, and we can conduct a search to determine how many responsive records the agency may have to your request.

Sincerely,

Bernadette O'Donnell

From: Bernadette O'Donnell
Sent: Friday, April 22, 2022 6:28 PM
To: cam@govjustice.org
Cc: Jerome Baa <jbaa@health.nyc.gov>
Subject: FOIL Control No. 2022FR00109 extension

Dear Cameron Macdonald:

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Sincerely,

Bernadette O'Donnell
Records Access Officer / Agency Attorney
NYC Department of Health and Mental Hygiene
42-09 28th St., CN 14-29
Long Island City, NY 11101

From: donotreply@records.nyc.gov <donotreply@records.nyc.gov>
Sent: Tuesday, January 4, 2022 2:41 PM
To: cam@govjustice.org
Subject: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

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Requester's Contact Information

Name:

Cameron Macdonald

Title:

Not provided

Organization:

Government Justice Center, Inc.

Email:

cam@govjustice.org

Phone Number:

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Exhibit H

Subject: FOIL Control No. 2022FR00109 Administrative Appeal Response
Date: Thursday, July 21, 2022 at 10:00:18 AM Eastern Daylight Time
From: Chari Anhouse
To: Cam Macdonald
CC: Bernadette O'Donnell, recordsaccess, coog@dos.ny.gov

Dear Mr. McDonald:

The NYC Department Of Health and Mental Hygiene is granting your administrative appeal in that I am remanding your Freedom of Information Law (NYS Public Officers Law Article 6, "FOIL") request to the Records Access Officer to conduct a search for records responsive to your request, addressing each item of the request separately. She is further instructed to provide you with a response by August 31, 2022.

Should you wish to contest this determination under FOIL, you may commence a proceeding in a court of competent jurisdiction pursuant to Article 78 of the NYS Civil Practice Law and Rules.

Thank you,

Chari Anhouse

FOIL Appeals Officer

Office of General Counsel

NYC Department of Health & Mental Hygiene

42-09 28th Street, CN-31

Long Island City, NY 11101

347-396-6419



Please consider the environment before printing this email.

From: Cam Macdonald <cam@govjustice.org>
Sent: Thursday, July 14, 2022 11:39 AM
To: recordsaccess <recordsaccess@health.nyc.gov>
Subject: [EXTERNAL] FW: FOIL Control No. 2022FR00109 response

Ms. Anhouse – I am writing to appeal DOHMH's denial of my Freedom of Information Law request as not reasonably describing the records I requested. I provided a clear description of the records I sought in my January 4, 2022, request. DOHMH had an opportunity at that point to deny my request as not reasonably describing the records. Instead, the records access officer extended your agency's time to answer to June 24th due to the scope of the request. DOHMH then missed its own deadline and denied my request almost three weeks later.

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Executive Director

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From: Bernadette O'Donnell <bodonnell1@health.nyc.gov>

Date: Tuesday, July 12, 2022 at 5:06 PM

To: Cam Macdonald <cam@govjustice.org>

Cc: Svetlana Burdeynik <sburdeyn@health.nyc.gov>

Subject: RE: FOIL Control No. 2022FR00109 response

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Sincerely,

Bernadette O’Donnell

From: Bernadette O'Donnell

Sent: Friday, April 22, 2022 6:28 PM

To: cam@govjustice.org

Cc: Jerome Baa <jbaa@health.nyc.gov>
Subject: FOIL Control No. 2022FR00109 extension

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Records Access Officer / Agency Attorney
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Request Title: 2021 Health Advisory #39

Request Description: 1. All records your department reviewed or considered for your determination that "Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death," as stated in your December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 2. <https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2021/covid-19-oral-treatments-authorized-shortage.pdf> 3. All communications between or among your department and health care providers explaining or clarifying the meaning or application of your advice to "Consider race and ethnicity when assessing an individual's risk. Impacts of longstanding systemic health and social inequities put Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death." 4. All records Dave Chokshi or Celia Quinn or co-author(s) of the advisory reviewed or considered for your department's determination that "Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death," as stated in your December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 5. All draft versions of the December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 6. All records reflecting your department's definition of "People of Color." 7. All records establishing Black, Indigenous, or People of Color as a medical condition. 8. All records reflecting evidence from any meta-analysis/systematic review establishing "Black, Indigenous, and People of Color" as underlying medical conditions that increase a person's risk of severe illness from COVID-19. 9. All records reflecting evidence from any cohort, case-control, or cross-sectional studies establishing "Black, Indigenous, and People of Color" as underlying medical conditions that increase a person's risk of severe illness from COVID-19. 10. All records reflecting evidence from any case series, case reports, or mixed evidence establishing "Black, Indigenous, and People of Color" as underlying medical conditions that

increase a person's risk of severe illness from COVID-19. 11. All records isolating a person's being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 12. All records reflecting evidence from any meta-analysis/systematic review isolating a person's being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 13. All records reflecting evidence from any cohort, case-control, or cross-sectional studies isolating a person's being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 14. All records reflecting evidence from any case series, case reports, or mixed evidence isolating a person's being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 15. All records reflecting calendar entries of Dave Chokshi or Celia Quinn or co-author(s) of the advisory regarding meetings to discuss issuing your department's December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 16. Any records of Dave Chokshi or Celia Quinn or co-author(s) of the advisory regarding meetings to discuss issuing your department's December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 17. All meeting notes or meeting presentations relating to your department issuing the December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 18. All written communications between or among Dave Choksi and Celia Quinn and co-author(s) of the advisory regarding the December 27, 2021 "2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products." 19. Any records from persons outside your department recommending that you identify "Black, Indigenous, and People of Color" as underlying medical conditions that increase a person's risk of severe illness from COVID-19.

Attached File: NYC_DOHMH_Advisory_FOIL.pdf: [NYC_DOHMH_Advisory_FOIL.pdf](#)

Requester's Contact Information

Name:

Cameron Macdonald

Title:

Not provided

Organization:

Government Justice Center, Inc.

Email:

cam@govjustice.org

Phone Number:

(518) 434-3125

Fax Number:

Not provided

Street Address (line 1):

30 S Pearl St

Street Address (line 2):

Suite 1210

City:

Albany

State:

NY

Zip Code:

12207

Please contact the Department of Health and Mental Hygiene (DOHMH) via email at foil@health.nyc.gov for any further information.

with it may contain confidential information and are intended solely for the use of the individual or entity to whom they are addressed. This footnote also confirms that this email message has been swept for the presence of computer viruses.

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Exhibit I

Subject: Re: FOIL Control No. 2022FR00109 Administrative Appeal Response
Date: Thursday, September 1, 2022 at 7:57:03 PM Eastern Daylight Time
From: Cam Macdonald
To: Chari Anhouse
CC: Bernadette O'Donnell, recordsaccess, coog@dos.ny.gov

Ms. Anhouse - I did not receive a response from your agency by yesterday's deadline or today. Please advise.
- Cam

Cameron Macdonald
Executive Director
Government Justice Center

(518) 434-3125
cam@govjustice.org
www.govjustice.org

From: Chari Anhouse <canhouse@health.nyc.gov>
Date: Thursday, July 21, 2022 at 10:00 AM
To: Cam Macdonald <cam@govjustice.org>
Cc: Bernadette O'Donnell <bodonnell1@health.nyc.gov>, recordsaccess <recordsaccess@health.nyc.gov>, coog@dos.ny.gov <coog@dos.ny.gov>
Subject: FOIL Control No. 2022FR00109 Administrative Appeal Response

Dear Mr. McDonald:

The NYC Department Of Health and Mental Hygiene is granting your administrative appeal in that I am remanding your Freedom of Information Law (NYS Public Officers Law Article 6, "FOIL") request to the Records Access Officer to conduct a search for records responsive to your request, addressing each item of the request separately. She is further instructed to provide you with a response by August 31, 2022.

Should you wish to contest this determination under FOIL, you may commence a proceeding in a court of competent jurisdiction pursuant to Article 78 of the NYS Civil Practice Law and Rules.

Thank you,
Chari Anhouse
FOIL Appeals Officer
Office of General Counsel
NYC Department of Health & Mental Hygiene
42-09 28th Street, CN-31
Long Island City, NY 11101
347-396-6419



Please consider the environment before printing this email.

From: Cam Macdonald <cam@govjustice.org>
Sent: Thursday, July 14, 2022 11:39 AM

To: recordsaccess <recordsaccess@health.nyc.gov>
Subject: [EXTERNAL] FW: FOIL Control No. 2022FR00109 response

Ms. Anhouse – I am writing to appeal DOHMH’s denial of my Freedom of Information Law request as not reasonably describing the records I requested. I provided a clear description of the records I sought in my January 4, 2022, request. DOHMH had an opportunity at that point to deny my request as not reasonably describing the records. Instead, the records access officer extended your agency’s time to answer to June 24th due to the scope of the request. DOHMH then missed its own deadline and denied my request almost three weeks later.

There is no confusion to be had regarding the records I seek. I provided a copy of the advisory on which the requests were based, and several requests seek information from specific persons who authored or signed the advisory. I am looking for information in the form of studies or other compiled data underlying the final policy determination in the advisory.

DOHMH knows perfectly well what I have requested and should have ready access to the records used to support its advisory. Rather than disclose information or admit there are no such records, it has acted in bad faith to delay and then deny my request.

As you know, you have ten business days to respond to this appeal. Please provide the records I requested before that deadline.

Cameron Macdonald
Executive Director
Government Justice Center

(518) 434-3125
cam@govjustice.org
www.govjustice.org

From: Bernadette O'Donnell <bodonnell1@health.nyc.gov>
Date: Tuesday, July 12, 2022 at 5:06 PM
To: Cam Macdonald <cam@govjustice.org>
Cc: Svetlana Burdeynik <sburdeyn@health.nyc.gov>
Subject: RE: FOIL Control No. 2022FR00109 response

Dear Cameron Macdonald:

The New York City Department of Health and Mental Hygiene (DOHMH) denies your Freedom of Information Law request with the above-referenced control number. Pursuant to Public Officers Law § 89(3)(a), a request for records must be “reasonably described.” As written, your request does not reasonably describe the records you are requesting from DOHMH. Without a clear description of the records you seek, we are unable to conduct a search of the agency’s records to determine whether we are able to respond to your request.

You may file a written appeal of this denial within 30 days of the date of this message. The appeal should be addressed to:

Chari Anhouse, Esquire
Appeals Officer & Associate General Counsel
Email: recordsaccess@health.nyc.gov

The notice of appeal should include the request control number, the date of this denial message, a description of the records that were the subject of the request, the specific legal grounds for your appeal, and the full name and address of the original requester.

In the alternative, you may modify the terms of your request within the next 30 days. If you are specifically interested in communications stored within the agency's ediscovery portal, please provide key terms, dates, and the custodians you are requesting records for, and we can conduct a search to determine how many responsive records the agency may have to your request.

Sincerely,

Bernadette O'Donnell

From: Bernadette O'Donnell
Sent: Friday, April 22, 2022 6:28 PM
To: cam@govjustice.org
Cc: Jerome Baa <jbaa@health.nyc.gov>
Subject: FOIL Control No. 2022FR00109 extension

Dear Cameron Macdonald:

Based on the scope of the your Freedom of Information Law (FOIL) request with the above-referenced control number and a backlog of FOIL requests this agency is working through, additional time is needed to respond to your request. I anticipate that you will receive a response to this request by June 24, 2022.

I apologize for the delay.

Sincerely,

Bernadette O'Donnell
Records Access Officer / Agency Attorney
NYC Department of Health and Mental Hygiene
42-09 28th St., CN 14-29
Long Island City, NY 11101

From: donotreply@records.nyc.gov <donotreply@records.nyc.gov>
Sent: Tuesday, January 4, 2022 2:41 PM
To: cam@govjustice.org
Subject: [OpenRecords] FOIL Request Submitted to Department of Health and Mental Hygiene (DOHMH)

Your request has been emailed to the Department of Health and Mental Hygiene (DOHMH) because that agency is not yet using the portal to respond to FOIL requests. The details of your request are shown below. No further information will be available on the OpenRecords portal regarding this request.
Request Title: 2021 Health Advisory #39

Request Description: 1. All records your department reviewed or considered for your determination that “Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death,” as stated in your December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 2. <https://www1.nyc.gov/assets/doh/downloads/pdf/han/advisory/2021/covid-19-oral-treatments-authorized-shortage.pdf> 3. All communications between or among your department and health care providers explaining or clarifying the meaning or application of your advice to “Consider race and ethnicity when assessing an individual’s risk. Impacts of longstanding systemic health and social inequities put Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death.” 4. All records Dave Chokshi or Celia Quinn or co-author(s) of the advisory reviewed or considered for your department’s determination that “Black, Indigenous, and People of Color at increased risk of severe COVID-19 outcomes and death,” as stated in your December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 5. All draft versions of the December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 6. All records reflecting your department’s definition of “People of Color.” 7. All records establishing Black, Indigenous, or People of Color as a medical condition. 8. All records reflecting evidence from any meta-analysis/systematic review establishing “Black, Indigenous, and People of Color” as underlying medical conditions that increase a person’s risk of severe illness from COVID-19. 9. All records reflecting evidence from any cohort, case-control, or cross-sectional studies establishing “Black, Indigenous, and People of Color” as underlying medical conditions that increase a person’s risk of severe illness from COVID-19. 10. All records reflecting evidence from any case series, case reports, or mixed evidence establishing “Black, Indigenous, and People of Color” as underlying medical conditions that increase a person’s risk of severe illness from COVID-19. 11. All records isolating a person’s being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 12. All records reflecting evidence from any meta-analysis/systematic review isolating a person’s being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 13. All records reflecting evidence from any cohort, case-control, or cross-sectional studies isolating a person’s being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 14. All records reflecting evidence from any case series, case reports, or mixed evidence isolating a person’s being Black, Indigenous, or a Person of Color as the sole factor for increased risk of severe COVID-19 outcomes and death apart from any underlying medical conditions or comorbidities. 15. All records reflecting calendar entries of Dave Chokshi or Celia Quinn or co-author(s) of the advisory regarding meetings to discuss issuing your department’s December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 16. Any records of Dave Chokshi or Celia Quinn or co-author(s) of the advisory regarding meetings to discuss issuing your department’s December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 17. All meeting notes or meeting presentations relating to your department issuing the December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 18. All written communications between or among Dave Choksi and Celia Quinn and co-author(s) of the advisory regarding the December 27, 2021 “2021 Health Advisory #39: COVID-19 Oral Antiviral Treatments Authorized and Severe Shortage of Oral Antiviral and Monoclonal Antibody Treatment Products.” 19. Any records from persons outside your department recommending that you identify “Black, Indigenous, and People of Color” as underlying medical conditions that increase a person’s risk of severe illness from COVID-19.

Attached File: NYC_DOHMH_Advisory_FOIL.pdf: [NYC_DOHMH_Advisory_FOIL.pdf](#)

Requester's Contact Information

Name:

Cameron Macdonald

Title:

Not provided

Organization:

Government Justice Center, Inc.

Email:

cam@govjustice.org

Phone Number:

(518) 434-3125

Fax Number:

Not provided

Street Address (line 1):

30 S Pearl St

Street Address (line 2):

Suite 1210

City:

Albany

State:

NY

Zip Code:

12207

Please contact the Department of Health and Mental Hygiene (DOHMH) via email at foil@health.nyc.gov for any further information.

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Exhibit J

Subject: FOIL Control No. 2022FR00109 extension
Date: Friday, September 2, 2022 at 6:01:50 PM Eastern Daylight Time
From: Bernadette O'Donnell
To: Cam Macdonald
CC: recordsaccess, Chari Anhouse

Dear Cameron MacDonald:

Due to staffing shortages, additional time is needed to respond to your FOIL request with the above-referenced control number. I anticipate that you will receive a response to your request by September 9, 2022.

I apologize for the delay.

Sincerely,

Bernadette O'Donnell
Records Access Officer / Agency Attorney
NYC Department of Health and Mental Hygiene
42-09 28th St., CN 14-29
Long Island City, NY 11101

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Exhibit K

Subject: RE: FOIL Control No. 2022FR00109 extension
Date: Friday, September 9, 2022 at 11:58:27 PM Eastern Daylight Time
From: Bernadette O'Donnell
To: Cam Macdonald
CC: recordsaccess, Chari Anhouse

Dear Cameron MacDonald:

I'm very sorry, but the Department of Health and Mental Hygiene continues to be short staffed. Additional time is needed to respond to your request. I anticipate that you will receive a response to this request by September 30, 2022.

I apologize for the delay.

Sincerely,
Bernadette O'Donnell

From: Bernadette O'Donnell
Sent: Friday, September 2, 2022 6:02 PM
To: cam@govjustice.org
Cc: recordsaccess <recordsaccess@health.nyc.gov>; Chari Anhouse <canhouse@health.nyc.gov>
Subject: FOIL Control No. 2022FR00109 extension

Dear Cameron MacDonald:

Due to staffing shortages, additional time is needed to respond to your FOIL request with the above-referenced control number. I anticipate that you will receive a response to your request by September 9, 2022.

I apologize for the delay.

Sincerely,

Bernadette O'Donnell
Records Access Officer / Agency Attorney
NYC Department of Health and Mental Hygiene
42-09 28th St., CN 14-29
Long Island City, NY 11101

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