



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-6536

March 4, 2022

By ECF

Honorable Nicholas G. Garaufis
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: *Roberts et al. v. Bassett et al.*, 22-CV-710

Dear Judge Garaufis:

This Office represents defendant Mary T. Bassett, Commissioner of the New York State Department of Health (“DOH”), in the above-captioned matter. I am writing to provide information the Court requested during oral argument on Plaintiffs’ motion for a preliminary injunction regarding two issues: (1) DOH’s distribution of the DOH Guidance; and (2) whether DOH plans to issue updated guidance in light of evolving events.

DOH uses the Health Commerce System (“HCS”), an online portal and secure website, to facilitate web-based interactions and secure communications with health care facilities, providers, and practitioners in New York. The Integrated Health Alerting and Notification System (“IHANS”) is a communications application within the HCS. DOH used IHANS to distribute the DOH Guidance via email to health care facilities and prescribing medical professionals in New York, including licensed physicians, nurse practitioners, and physicians’ assistants. DOH did not distribute the DOH Guidance to pharmacies.

DOH plans to imminently issue updated guidance via IHANS to inform health care facilities, providers, and practitioners that there is currently no shortage of the COVID-19 therapies at issue in this case, and every patient is eligible to receive the therapies if their practitioner determines the treatment is clinically appropriate. DOH will provide the updated guidance to the Court and parties as soon as it is issued.

Respectfully submitted,

/s/
Erin Kandel
Assistant Attorney General

cc: All counsel via ECF