

Executive Orders Related to Long Term Care – Provisions Addressed in EO 202.48

Extensions	Original EO	Summary	Law/Reg
3/7 4/11 202.48 ext to 8/5	EO 202	Permit unlicensed individuals who have undergone appropriate training to collect swab specimens for purposes of COVID-19 diagnostic testing; and permit non-nursing staff to perform tasks under the supervision of a nurse, otherwise limited to the scope of practice of a licensed or registered nurse.	Sect 6521, 6902 Ed Law
3/7 4/11 202.48 ext to 8/5	202	Suspends provisions of law relating to prior authorization to the extent necessary to allow patients to receive prescribed drugs, without delay.	273 of PHL
3/11 4/11 202.48 ext to 8/5	202	Permits nurses or any other persons authorized by law to collect swab specimens from individuals suspected of suffering from a COVID-19 infection.	Subdiv 4 Sect 6909 PHL
3/12 4/11 202.48 ext to 8/5	202.1	Allow hospitals to make temporary changes to physical plant, bed capacities, and services in response to a surge in patient census and allow for expedited approval of construction applications by such facilities to enact these changes.	Sub 3,2801-a-of PHL
3/12 4/11 202.48 ext to 8/5	202.1	Suspends sections of the Social Services Law to the extent necessary to allow screenings for social services to be conducted by telephone.	Sect 131,132,349-a SSL
3/12 4/11 202.48 ext to 8/5	202.1	Suspends regulations requiring an assessment to be conducted prior to or within 10 days of the initiation of home delivered meals.	9 NYCRR 6654
3/12 4/11 202.48 ext to 8/5	202.1	Suspends regulations requiring an assessment to be conducted within 10 working days after the completion of the screening intake and prior to the initiation of services under the EISEP.	9 NYCRR 6654

3/12 4/11 202.48 ext to 8/5	202.1	Suspends regulations to allow for a care plan to remain in effect for a period exceeding 12 months under the EISEP when such care plan would otherwise expire during the period in which a disaster emergency is declared.	9 NYCRR 6654
3/12 4/11 202.48 ext to 8/5	202.1	Modifies requirements for reassessments to be conducted every 12 months or within 5 days of becoming aware of a change in circumstance under EISEP.	9 NYCRR 6654
3/12 4/11 202.48 ext to 8/5	202.1	Suspends provisions of Public Health Law relating to telehealth delivery of services to the extent necessary to allow additional telehealth provider categories and modalities, to permit other types of practitioners to deliver services within their scope of practice and to authorize use of certain technologies for the delivery of health care services to established patients.	Sect 2999-cc PHL
3/12 4/11 202.48 ext to 8/5	202.1	Any guidance issued by NYS DOH related to prevention and infection control at nursing homes and adult care facilities, including but not limited to guidance on visitation shall be effective immediately and shall supersede and prior conflicting guidance by any entity.	n/a
3/18 4/17 202.48 ext to 8/5	202.5	Allows physicians licensed and in current good standing in any state in the United States to practice medicine in New York State without civil or criminal penalty related to lack of licensure.	Sections 6512 through 6516, and 6524 of the Education Law and Part 60 of Title 8 of the NYCRR
3/18 4/17 202.48 ext to 8/5	202.5	Allows physicians licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration.	Section 6502 of the Education Law and Part 59.8 of Title 8 of the NYCRR
3/18 4/17 202.48 ext to 8/5	202.5	Allows registered nurses, licensed practical nurses, and nurse practitioners licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure	Sections 6512 through 6516, and 6905, 6906 and 6910 of the Education Law and

			Part 64 of Title 8 of the NYCRR
3/18 4/17 202.48 ext to 8/5	202.5	Allows physician assistants licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure.	Sections 6512 through 6516, and 6541 of the Education Law and Part 60.8 of Title 8 of the NYCRR & NYCRR
3/18 4/17 202.48 ext to 8/5	202.5	Permits certified home health agencies, long term home health care programs, AIDS home care programs, and licensed home care services agencies serving individuals affected by the disaster emergency to conduct in-home supervision of home health aides and personal care aides as soon as practicable after the initial service visit, or to permit in-person and in-home supervision to be conducted through indirect means, including by telephone or video communication.	10 NYCRR 763,766
3/18 4/17 202.48 ext to 8/5	202.5	Modifies the NYCRR to the extent necessary to permit initial patient visits for certified home health agencies, long term home health care programs and AIDS home care programs serving individuals affected by the disaster emergency to be made within 48 hours of receipt and acceptance of a community referral or return home from institutional placement.	10 NYCRR 763.5
3/18 4/17 202.48 ext to 8/5	202.5	Allows staff with the necessary professional competency and who are privileged and credentialed to work in a facility in compliance with such section of the Public Health Law and such sections of the NYCRR, or who are privileged and credentialed to work in a facility in another state in compliance with the applicable laws and regulations of that other state, to practice in a facility in New York State.	Section 2805-k of the Public Health Law and sections 405.4, 405.5, 405.9, 405.14, 405.19, and 405.22 of Title 10 of the NYCRR
33/18 4/17 202.48 ext to 8/5	202.5	Prevents transportation to and attendance at adult day care programs, until authorized by the Commissioner of Health.	Part 425 of Title 10 of the NYCRR and section 461-k of the Social Services Law

3/23 4/22 202.48 ext to 8/5	202.10	Permits a physician assistant to provide medical services appropriate to their education, training and experience without oversight from a supervising physician without civil or criminal penalty related to a lack of oversight by a supervising physician	Ed Law
202.48 ext to 8/5	202.10	Suspends Nurse Practitioner/Physician collaborative agreements	Ed Law
3/23 4/22 202.48 ext to 8/5	202.10	Allows for students enrolled in health care curriculum to volunteer for educational credit if secured under clinical affiliation agreement	n/a
3/23 4/22 202.48 ext to 8/5	202.10	Permits radiologic technologists licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration	PHL
3/23 4/22 202.48 ext to 8/5	202.10	Allows respiratory therapists licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure	Ed Law
3/23 4/22 202.48 ext to 8/5	202.10	Allows physician's assistants licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration	Ed Law
3/23 4/11 202.48 ext to 8/5	202.10	Allows registered professional nurses, licensed practical nurses and nurse practitioners licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration	Ed Law
3/23 4/22	202.10	Permits a certified or registered pharmacy technician, under the direct personal supervision of a licensed pharmacist, to assist such licensed pharmacist, as directed, in compounding, preparing, labeling, or	Ed Law

202.48 ext to 8/5		dispensing of drugs used to fill valid prescriptions or medication orders for a home infusion provider licensed as a pharmacy in New York, compliant with the United States Pharmacopeia General Chapter 797 standards for Pharmaceutical Compounding – sterile preparations, and providing home infusion services through a home care agency licensed under Article 36 of the Public Health Law.	
3/23 4/22 202.48 ext to 8/5	202.10	Permits registered nurses to order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing.	Ed Law
3/27 4/26 202.48 ext to 8/5	202.11	Permits graduates of registered professional nurse and licensed practical nurse licensure qualifying education programs registered by the State Education Department to be employed to practice nursing under the supervision of a registered professional nurse and with the endorsement of the employing hospital or nursing home for 180 days immediately following graduation.	6907 Ed Law
3/27 4/26 202.48 ext to 8/5	202.11	Modifies the General Business Law to the extent that it requires response to co-op/condominium offering plans in 30 days, provided, however, the timeframe for such response may be extended up to 30 days	352-e of GBL
4/26 Discontinued on 7/6/20	202.11	The directive contained in Executive Order 202.10 related to restrictions on dispensing hydroxychloroquine or chloroquine for prophylactic purposes is amended as follows: No pharmacist shall dispense hydroxychloroquine or chloroquine except when written: as prescribed for an FDA-approved indication; for an indication supported by one or more citations included or approved for inclusion in the compendia specified in 42 U.S.C. 1396r–8(g)(1)(B)(i); for patients in inpatient settings and acute settings; for residents in a subacute part of a skilled nursing facility; or as part of a study approved by an Institutional Review Board. Any person authorized to prescribe such medications shall denote on the prescription the condition for which the prescription has been issued.	EO 202.10

3/27 4/26 202.48 ext to 8/5	202.11	Any guidance issued by the New York State Department of Health related to prevention and infection control of COVID-19 shall be effective immediately and shall supersede any prior conflicting guidance issued by the New York State Department of Health and any guidance issued by any local board of health, any local department of health, or any other political subdivision of the State related to the same subject.	Admin
4/7 5/7 202.48 ext to 8/5	202.14	To provide that any parent, a legal guardian, a legal custodian, or primary caretaker who works or volunteers in a health care facility or who reasonably believes that they may otherwise be exposed to COVID-19, may designate a standby guardian by means of a written designation, in accordance with the process set forth in such subdivisions; and such designation shall become effective also in accordance with the process set forth in such subdivisions.	Subs 1,2,4,5,8,9 sect 1726 Surrogate's Court Procedure Act
4/5 5/7 202.48 ext to 8/5	202.14	Any medical equipment (personal protective equipment (PPE), ventilators, respirators, bi-pap, anesthesia, or other necessary equipment or supplies as determined by the Commissioner of Health) that is held in inventory by any entity in the state, or otherwise located in the state shall be reported to DOH. DOH may shift any such items not currently needed, or needed in the short term future by a health care facility, to be transferred to a facility in urgent need of such inventory, for purposes of ensuring New York hospitals, facilities and health care workers have the resources necessary to respond to the COVID-19 pandemic, and distribute them where there is an immediate need. The DOH shall either return the inventory as soon as no longer urgently needed and/or, in consultation with the Division of the Budget, ensure compensation is paid for any goods or materials acquired at the rates prevailing in the market at the time of acquisition, and shall promulgate guidance for businesses	

