

Executive Order 202.10 Provisions Pertaining to Long-Term/Post-Acute Care Providers

The Governor has issued a series of executive orders waiving dozens of health care regulations and laws. The executive orders are available [here](#). This document highlights the scope of practice expansions, out-of-state professional licensure authorizations, regulatory waivers and other provisions of [Executive Order 202.10](#), issued on March 23, that are most pertinent to long-term/post-acute care providers. These provisions are in effect through April 22, 2020:

- **EMS:** Modify the definition of “emergency medical services” to include non-emergency and low acuity medical assistance; to eliminate any restrictions on an approved ambulance services or providers operating outside of the primary territory; to allow emergency medical services to transport patients to locations other than healthcare facilities with prior approval by Department of Health;
- **Physician Assistants:** Permit 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;
- **Specialist Assistants:** Permit a specialist 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;
- **Nurse Practitioners:** Permit a nurse practitioner to provide medical services appropriate to their education, training and experience, without a written practice agreement, or collaborative relationship with a physician, without civil or criminal penalty related to a lack of written practice agreement, or collaborative relationship, with a physician;|
- **Immunity from Liability:** Provide that all physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered professional nurses and licensed practical nurses shall be immune from civil liability for any injury or death alleged to have been sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State’s response to the COVID-19 outbreak, unless it is established that such injury or death was caused by the gross negligence of such medical professional;
- **Healthcare Interns:** Allow students, in programs to become licensed in New York State to practice as a healthcare professional, to volunteer at any healthcare facility for educational credit as if the student had secured a placement under a clinical affiliation agreement, without entering into any such clinical affiliation agreement;
- **Recordkeeping:** Health care providers are relieved of recordkeeping requirements to the extent necessary for health care providers to perform tasks as may be necessary to respond to the COVID-19 outbreak, including maintenance of medical records that accurately reflect the evaluation and treatment of patients, or requirements to assign

diagnostic codes or to create or maintain other records for billing purposes. Any person acting reasonably and in good faith shall be afforded absolute immunity from liability for any failure to comply with any recordkeeping requirement. In order to protect from liability any person acting reasonably and in good faith under this provision, requirements to maintain medical records under Subdivision 32 of Section 6530 of the Education Law, Paragraph (3) of Subdivision (a) of Section 29.2 of Title 8 of the NYCRR, and Sections 58-1.11, 405.10, and 415.22 of Title 10 of the NYCRR, or any other such laws or regulations are suspended or modified to the extent necessary for health care providers to perform tasks as may be necessary to respond to the COVID-19 outbreak;

- **Respiratory Therapists:** Allow 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;
- **Physician Assistant:** Allow 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;
- **Nurses and Nurse Practitioners:** Allow 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;
- **Hospice Residences:** Allow a hospice residence to designate any number of beds within such facility as dually certified inpatient beds;
- **Registered Nurses:** Permit 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; and
- **Pharmacy Technicians:** Permit 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 dispensing of drugs used to fill valid prescriptions or medication orders for a home infusion provider licensed as a pharmacy in New York.
- **Healthcare Profession Students:** Any healthcare facility is authorized to allow students, in programs to become licensed in New York State to practice a healthcare professional, to volunteer at the healthcare facility for educational credit as if the student had secured a placement under a clinical affiliation agreement, without entering into any such clinical affiliation agreement;
- **Restriction on Dispensing Hydroxychloroquine or Chloroquine:** No pharmacist shall dispense hydroxychloroquine or chloroquine except when written as prescribed for an FDA-approved indication; or as part of a state approved clinical trial related to COVID-

19 for a patient who has tested positive for COVID-19, with such test result documented as part of the prescription. No other experimental or prophylactic use shall be permitted, and any permitted prescription is limited to one fourteen day prescription with no refills.

- **Non-Essential Gatherings:** Non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) are canceled or postponed at this time.

For more detail on each of these provisions, please consult [Executive Order 202.10](#).

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