

New York State Laws and Regulations Temporarily Suspended or Modified  
During the Statewide Disaster Emergency Due to Healthcare Staffing Shortages



[Executive Order No. 4](#) Effective September 27, 2021 – October 27, 2021

[Executive Order No. 4.1](#)\* Effective October 27, 2021 – November 26, 2021

\* *E.O No. 4.1 extends all provisions contained in E.O No. 4*

\* *Sections that are new or amended within E.O. No. 4.1 are shaded in green*

Nature of Waiver	Law / Regulation Reference	Scope	E.O. No. Effective Dates
Billing	Subdivision 32 of §6530 of the Education Law, Paragraph (3) of Subdivision (a) of §29.2 of 8 NYCRR, and §58-1.11, 405.10, and 415.22 of 10 NYCRR	Only to the extent necessary for health care providers to be relieved of recordkeeping requirements, including but not limited to assigning diagnostic codes or creating or maintaining other records for billing purposes, without civil or criminal penalty imposed by the Department of Health or State Education Department;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Billing	§4903 of the Insurance Law and §4903 of the Public Health Law	Only to the extent necessary to increase availability of healthcare staff, upon certification by the hospital to the health plan, by suspending requirements for preauthorization review for scheduled surgeries in hospital facilities, hospital admissions, hospital outpatient services, home health care services following a hospital admission, and inpatient and outpatient rehabilitation services following a hospital admission; and to suspend concurrent review for inpatient and outpatient hospital services; and to suspend retrospective review for inpatient and outpatient hospital services at in-network hospitals; during the pendency of this Executive Order only;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Billing	Subsection c of §4904 of the Insurance Law, paragraph 1 of subsection b of §4914 of the Insurance Law, subdivision 3 of §4904 of the Public Health Law, and paragraph a of subdivision 2	To toll statutory timeframes required for hospital submission of an internal appeal and external appeal only to the extent necessary to increase availability of healthcare staff during the pendency of this Executive Order only.	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21

	of §4914 of the Public Health Law		
EMS	§800.3, 800.8, 800.9, 800.10, 800.12, 800.17, 800.18, 800.23, 800.24, and 800.26 of 10 NYCRR	To the extent necessary to extend all existing emergency medical services provider certifications for one year; to permit the Commissioner of Health to modify the examination or recertification requirements for emergency medical services provider certifications; to suspend or modify, at the discretion of the Commissioner of Health, any requirements for the recertification of previously certified emergency medical services providers; and, at the discretion of the Commissioner of Health, develop a process determined by the Department of Health, to permit any emergency medical services provider certified or licensed by another State to provide emergency medical services within New York state; at the discretion of the Commissioner of Health, to suspend or modify equipment or vehicle requirements in order to ensure sustainability of EMS operations;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
EMS	Subdivision (15) of §3001, and §800.3, 800.15 and 800.16 of 10 NYCRR	With approval of the Department of Health, to the extent necessary to define “medical control” to also include emergency and non-emergency direction to emergency medical services personnel by a regional or state medical control center and to permit emergency medical services personnel to operate under the advice and direction of a nurse practitioner, physician assistant, or paramedic, provided that such medical professional is providing care under the supervision of a physician and pursuant to a plan approved by the Department of Health;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
EMS	§3001, 3005-a, 3008, and 3010 of the Public Health Law	To the extent necessary to modify the definition of “emergency medical services” to include emergency, non-emergency and low acuity medical assistance only for the purpose of eliminating restrictions on an approved ambulance services or providers operating outside of the primary territory listed on such ambulance service’s operating certificate with prior approval by the Department of Health; to permit the Commissioner of Health to issue provisional emergency medical services provider certifications to qualified individuals with modified certification periods as approved; and to allow emergency medical services to transport patients to locations other than healthcare facilities with prior approval by Department of Health;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
EMS	Subdivision d and u of §800.3 of 10 NYCRR	To the extent necessary to permit emergency medical service personnel to provide community paramedicine, use alternative destinations, telemedicine to facilitate treatment of patients in place, and such other services as may be approved by the Commissioner of Health;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21

Home Health Care	Subdivision a of §763.5 of 10 NYCRR	Only 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 to be made within 48 hours of receipt and acceptance of a community referral or return home from institutional placement;	<a href="#">E.O. 4.1</a> 10/27-11/26/21
Home Health Care	Paragraph 2 of subdivision g of section 763.4; paragraphs 7 and 8 of subdivision h of section 763.4; paragraph 2 of subdivision a of §766.5; and subdivision d of §766.5 of 10 NYCRR	To the extent necessary to permit certified home health agencies, long term home health care programs, AIDS home care programs, and licensed home care services agencies 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;	<a href="#">E.O. 4.1</a> 10/27-11/26/21
Nursing Protocols	§64.7 of 8 NYCRR	To expand nurse-initiated protocols to include electrocardiogram (EKG) for signs and symptoms of acute coronary syndrome, blood glucose for altered mental state, Labs and intravenous lines for potential sepsis and pre-procedure pregnancy testing to expedite evaluation and diagnosis;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Patient Discharge and Transfer	§400.9 and paragraph 7 of subdivision h of §405.9 of 10 NYCRR	To the extent necessary to permit general hospitals and nursing homes licensed pursuant to Article 28 of the Public Health Law that are treating patients during the disaster emergency to discharge, transfer, or receive such patients, as authorized by the Commissioner of Health if necessary due to staffing shortages, provided such facilities take all reasonable measures to protect the health and safety of such patients and residents, including safe transfer and discharge practices, and to comply with the Emergency Medical Treatment and Active Labor Act (42 U.S.C. §1395dd) and any associated regulations;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Personal Care Services	Paragraph 3 of subdivision f of § 505.14 of 18 NYCRR	To the extent necessary to permit nursing supervision visits for personal care services to be made as soon as practicable;	<a href="#">E.O. 4.1</a> 10/27-11/26/21
Retirement and Social Security Earnings	§212 of the Retirement and Social Security Law	For the purpose of disregarding any income earned during the period of the emergency from the earnings limitation calculated under such section;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Advanced Practice Registered Nurses	§405.13 and 755.4 of 10 NYCRR	To the extent necessary to permit an advanced practice registered nurse with a doctorate or master's degree specializing in the administration of anesthesia	<a href="#">E.O. 4</a> 9/27-10/27/21

Administration of Anesthesia		administering anesthesia in a general hospital or free-standing ambulatory surgery center without the supervision of a qualified physician in these health care settings;	Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Clinical Laboratory Technologist and Clinical Laboratory Technician graduates	§8609 of the Education Law and associated regulations	To the extent necessary to permit graduates of State Education Department registered, licensure qualifying clinical laboratory technology and clinical laboratory technician education programs to be employed to practice for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, in a clinical laboratory with a valid New York State permit, provided that the graduate files an application for a New York State clinical laboratory practitioner license and limited permit;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Clinical Nurse Specialists, and Specialist Assistants with out-of-state certification	§6512 through 6516, 6548 and 6911 of the Education Law and §60.11 and 64.8 8 NYCRR	To the extent necessary to allow clinical nurse specialists, specialist assistants, and substantially similar titles certified and in current good standing in any state in the United States, or any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of certification;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing EMTs and Advanced EMTs	Article 30 of the Public Health Law	To the extent necessary to allow EMTs and Advanced EMTs to provide emergent and non-emergent services within their scope of practice beyond settings currently authorized, such as hospitals; (E.O. 4)  The suspension contained in Executive Order 4 of Article 30 of the Public Health Law is modified and clarified only to the extent necessary to allow EMTs and Advanced EMS providers, at the discretion of the Commissioner of Health, to provide emergent and non-emergency services in non-traditional EMS environments, such as hospitals, provided, however, that only services within such providers' level of certification may be performed; (E.O. 4.1)	<a href="#">E.O. 4</a> 9/27-10/27/21 Amended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Foreign Medical Graduates	Subparagraph (ii) of paragraph (2) of subdivision (g) of 10 NYCRR §405.4	To the extent necessary to allow graduates of foreign medical schools having at least one year of graduate medical education to provide patient care in hospitals, is modified so as to allow such graduates without licenses to provide patient care in hospitals if they have completed at least one year of graduate medical education;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Midwives with out-of-state licensure	§6951, 6952, 6953 and 6955 of the Education Law	To the extent necessary to allow midwives licensed and in current good standing in any state in the United States, or in any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of licensure;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a>

			10/27-11/26/21
Staffing Nurse Practitioner graduates	§6908 of the Education Law and associated regulations	To the extent necessary to permit graduates of State Education Department registered, licensure qualifying nurse practitioner education programs to be employed to practice nursing in a hospital or nursing home for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, provided that the graduate files with the State Education Department an application for certification as a nurse practitioner;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Nurse Practitioners	Subdivision (3) of §6902 of Education Law, and any associated regulations, including, but not limited to, §64.5 of 10 NYCRR	To the extent necessary to 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;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Nurses and Nurse Practitioners with out-of-state licensure	§6512 through 6516, and 6905, 6906 and 6910 of the Education Law and Part 64 of 8 NYCRR	To the extent necessary to allow 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, and to allow registered nurses, licensed practical nurses, and nurse practitioners or a substantially similar title licensed and in current good standing in any province or territory of Canada, or any other country as approved by the Department of Health, to practice in New York State without civil or criminal penalty related to lack of licensure;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Nurses, Nurse Practitioners, and Physician Assistants, licensed but not registered in NYS	§6502 of the Education Law and 8 NYCRR 59.8	To the extent necessary to allow physician's assistants, 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, and to allow specialist assistants, respiratory therapists, respiratory therapist technicians, pharmacists, clinical nurse specialists, dentists, dental hygienists, registered dental assistants, midwives, perfusionists, clinical laboratory technologists, cytotechnologists, certified clinical laboratory technicians, certified histological technicians, licensed clinical social workers, licensed master social workers, podiatrists, physical therapists, physical therapist assistants, mental health counselors, marriage and family therapists, creative arts therapists, psychoanalysts and psychologists who have an unencumbered license and are currently in 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;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21

Staffing Nursing graduates	Subdivision 5 of §6907 of the Education Law and associated regulation	To the extent necessary to permit 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;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Out-of-State Privileging and Credentialing	§2805-k of the Public Health Law and §405.4, 405.5, 405.9, 405.14, 405.19, and 405.22 of 10 NYCRR	To the extent necessary to allow 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;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Physician Assistants and Specialist Assistants	Paragraph 1 of §6542 of the Education Law, Paragraph 1 of §6549 of the Education Law, and Subdivisions (a) and (b) of §94.2 of 10 NYCRR	To the extent necessary to permit a physician assistant, and to 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;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Physician Assistants with out-of-state licensure	§6512 through 6516, and 6541 of the Education Law and Part 60.8 of 8 NYCRR	To the extent necessary to allow 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, and to allow physician assistants or a substantially similar title licensed and in current good standing in any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of licensure;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Physician graduates	§6524 of the Education Law, §60.7 of 8 NYCRR and section paragraph (1) of subdivision (g) 405.4 of 10 NYCRR	To the extent necessary to allow any physician who will graduate in 2021 or 2022 from an academic medical program accredited by a medical education accrediting agency for medical education by the Liaison Committee on Medical Education or the American Osteopathic Association, and has been accepted by an Accreditation Council for Graduate Medical Education accredited residency program within or outside of New York State to practice at any institution under the supervision of a licensed physician;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Physician graduates	§6512 through 6516, and 6524 of the Education Law and Part 60 of 8 NYCRR	To the extent necessary to allow individuals, who graduated from registered or accredited medical programs located in New York State in 2021, to practice medicine in New York State, without the need to obtain a license and without civil or criminal penalty related to lack of licensure, provided that the practice of	<a href="#">E.O. 4</a> 9/27-10/27/21

		medicine by such graduates shall in all cases be supervised by a physician licensed and registered to practice medicine in the State of New York;	Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Physicians licensed but not registered in NYS	§6502 of the Education Law and §59.8 of 8 NYCRR	To the extent necessary to allow 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;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Physicians with out-of-state licensure	§6512 through 6516, and 6524 of the Education Law and Part 60 of 8 NYCRR	To the extent necessary to allow 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, and to allow physicians licensed and in current good standing in any province or territory of Canada, or any other country as approved by the Department of Health to practice medicine in New York State without civil or criminal penalty related to lack of licensure;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Physicians, Nurse Practitioners, and Nurses licensed but not registered in NYS	§6502, 6524, 6905, 6906 and 6910 of the Education law and Part 59.8 of 8 NYCRR	To the extent necessary to authorize retired physicians, registered professional nurses, licensed practical nurses, and nurse practitioners licensed to practice and in current good standing in New York State, but not currently registered in New York State, to re-register through use of an expedited automatic registration form developed by the state and to waive any registration fee for the triennial registration period for such registrants;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Radiologic Technologists licensed but not registered in NYS	§3507 of the Public Health Law and Part 89 of 10 NYCRR	To the extent necessary to permit 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;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Radiologic Technologists with out-of-state licensure	§3502 and 3505 of the Public Health Law and Part 89 of 10 NYCRR	To the extent necessary to permit radiologic technologists licensed and in current good standing in any state in the United State to practice in New York State without civil or criminal penalty related to lack of licensure;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Respiratory Therapists	§8502, 8504, 8504-a, 8505, and 8507 of the Education Law and Subpart 79-4 of 8 NYCRR	To the extent necessary to 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;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a>

with out-of-state licensure			10/27-11/26/21
Staffing Respiratory Therapy Technicians with out-of-state licensure	§6512 through 6516 and 8510 of the Education Law and 8 NYCRR Subpart 79-4	To the extent necessary to allow respiratory therapy technicians 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;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Social Workers with out-of-state licensure	§6512 through 6516, and 7704 of the Education Law and Part 74 of 8 NYCRR	To the extent necessary to allow licensed master social workers, licensed clinical social workers, and substantially similar titles licensed and in current good standing in any state in the United States, or in any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of licensure;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Staffing Volunteers and Personnel from other Hospitals	Subdivision (b) of §405.3 of 10 NYCRR	To the extent necessary to allow general hospitals to use qualified volunteers or personnel affiliated with different general hospitals, subject to the terms and conditions established by the Commissioner of Health;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
State Contracting	§112 of the State Finance Law, to the extent consistent with Article V, §1 of the State Constitution	To the extent necessary to add additional work, sites, and time to State contracts or to award emergency contracts, including but not limited to emergency contracts or leases for relocation and support of State operations under §3 of the Public Buildings Law; or emergency contracts under §9 of the Public Buildings Law; or emergency contracts for professional services under §136- a of the State Finance Law; or emergency contracts for commodities, services, and technology under §163 of the State Finance Law; or emergency contracts for purchases of commodities, services, and technology through any federal GSA schedules, federal 1122 programs, or other state, regional, local, multi-jurisdictional, or cooperative contract vehicles;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
State Contracting	§163 of the State Finance Law and Article 4-C of the Economic Development Law	To the extent necessary to expedite contracting for necessary services, commodities, and technology;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21



Telemedicine	§415.15 of 10 NYCRR	To the extent necessary to allow physician visits for nursing home residents to be performed via telemedicine;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Testing	§8602 and 8603 of the Education Law, and §58-1.5 of 10 NYCRR	<p>To the extent necessary to permit individuals who meet the federal requirements for high complexity testing to perform testing for the detection of SARS-CoV-2 in specimens collected from individuals suspected of suffering from a COVID-19 infection; (E.O. 4)</p> <p>The temporary modification of Sections 8602 and 8603 of the Education Law, and section 58-1.5 of Title 10 of the NYCRR, contained in Executive Order 4, insofar as such modification authorized individuals to perform testing for the detection of SARS-CoV-2, or its antibodies, is modified only to the extent necessary to further allow such individuals to perform any clinical laboratory test on any specimen, including for the detection of SARS-CoV-2 and influenza, provided such individual is under appropriate supervision and meets the federal requirements for testing personnel appropriate to the assay or device authorized by the FDA or the New York State Department of Health; (E.O. 4.1)</p>	<a href="#">E.O. 4</a> 9/27-10/27/21 Amended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Testing and Vaccination Orders	Subdivision 1 of §6902, Subdivision 4, 5 and 7 of §6909 of the Education Law, subdivision 6 and 7 of §6527 of the Education Law, and §63.9 and 64.7 of 8 NYCRR	To the extent necessary to permit physicians and certified nurse practitioners to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by this executive order to (1) collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection; (2) collect blood specimens for the diagnosis of acute or past COVID-19 disease; (3) administer vaccinations against influenza or COVID-19 pursuant to the most recent recommendations by the Advisory Committee for Immunization Practices (ACIP) and/or an applicable United States Food and Drug Administration approval or Emergency Use Authorization (EUA), subject to any other conditions set forth in this Order, including but not limited to conditions related to training and supervision, where applicable; and (4) where applicable and to the extent necessary, to perform tasks, under the supervision of a nurse, otherwise limited to the scope of practice of a licensed or registered nurse to provide care for individuals; (E.O. 4)	<a href="#">E.O. 4</a> 9/27-10/27/21 Amended by <a href="#">E.O. 4.1</a> 10/27-11/26/21

		The suspension contained in Executive Order 4 of subdivision 1 of section 6902, Subdivision 4, 5 and 7 of section 6909 of the Education Law, subdivision 6 and 7 of section 6527 of the Education Law, and section 63.9 and 64.7 of Title 8 of the NYCRR to allow testing for COVID-19, is further modified only to add influenza testing, subject to the same terms and conditions; (E.O. 4.1)	
Testing and Vaccination Non-Nursing Staff	§6521 and 6902 of the Education Law, subdivisions 4, 5, and 7 of §6909 of the Education Law, subdivisions 6 and 7 of §6527 of the Education Law, and §63.9 and 64.7 of 8 NYCRR	Insofar as they limit the execution of medical regimens prescribed by a licensed physicians or other licensed and legally authorized health care providers to registered nurses licensed pursuant to Article 139 of the Education Law, to the extent necessary to permit non-nursing staff, as permitted by law and upon completion of training deemed adequate by the Commissioner of Health, to: (1) collect throat, nasal, or nasopharyngeal swab specimens, as applicable and appropriate, from individuals suspected of being infected by COVID-19 or influenza, for purposes of testing; (2) collect blood specimens for the diagnosis of acute or past COVID-19 disease; (3) administer vaccinations against influenza or COVID-19 pursuant to the most recent recommendations by the Advisory Committee for Immunization Practices (ACIP) and/or an applicable United States Food and Drug Administration approval or Emergency Use Authorization (EUA), subject to any other conditions set forth in this Order, including but not limited to conditions related to training and supervision, where applicable; and (4) where applicable and to the extent necessary, to perform tasks, under the supervision of a nurse, otherwise limited to the scope of practice of a licensed or registered nurse to provide care for individuals; (E.O. 4 and E.O. 4.1)	<a href="#">E.O. 4</a> 9/27-10/27/21 <a href="#">E.O. 4.1</a> 10/27-11/26/21
Testing Orders Nurses	Subdivision 4 of §6909 of the Education Law, subdivision 6 of §6527 of the Education Law, and §64.7 of 8 NYCRR	To the extent necessary to permit physicians and certified nurse practitioners to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by this executive order to collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Testing Orders Nurses	Article 139 of the Education Law, §576-b of the Public Health Law and §58-1.7 of 10 NYCRR	To the extent necessary to 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; (E.O. 4)  The suspension contained in Executive Order 4 of Article 139 of the Education Law, Section 576-b of the Public Health Law and Section 58-1.7 of Title 10 of the NYCRR is further modified only to the extent necessary to permit registered nurses to also order the collection of saliva and nasal tests, in addition to throat and	<a href="#">E.O. 4</a> 9/27-10/27/21 <a href="#">E.O. 4.1</a> 10/27-11/26/21

		nasopharyngeal swab specimens from individuals, for purposes of COVID-19 testing; (E.O. 4.1)	
Testing Clinical Laboratory Practitioners	Article 165 of the Education Law and §58-1.3 of 10 NYCRR	To the extent necessary to allow clinical laboratory practitioners to perform testing in a clinical laboratory under remote supervision, provided a supervisor is on-site at least eight hours per week;	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21
Vaccine Administration EMT-Paramedics	Subdivision (7) of Public Health Law §3001, and subdivision (p) of §800.3 of 10 NYCRR	To the extent necessary to allow certified emergency medical technician-paramedics, providing community paramedicine services with prior approval of the Department of Health, to administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order and under the medical direction of a licensed physician, provided, however, that emergency medical technician-paramedics must first meet conditions set by the Commissioner of Health; (E.O. 4)  The suspension contained in Executive Order 4 of subdivision 7 of Public Health Law section 3001, subdivision (p) of section 800.3 is further modified to suspend subdivisions (6) and (7) of Public Health Law section 3001, subdivisions (o) and (p) of section 800.3, and section 800.15 of Title 10 of the NYCRR, only to the extent necessary to allow certified EMTs and advanced EMS providers, to administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order, including in non-emergency environments and locations, provided that EMTs and advanced EMS providers must first meet conditions set by the Commissioner of Health; (E.O. 4.1)	<a href="#">E.O. 4</a> 9/27-10/27/21  <a href="#">E.O. 4.1</a> 10/27-11/26/21
Vaccine Administration Midwives	§6951 of the Education Law, and §79-5.5 of Title 8 of NYCRR	Insofar as such provisions limit the practice of midwifery to management of normal pregnancies, child birth and postpartum care as well as primary preventive reproductive health care of essentially healthy women, and newborn evaluation, resuscitation and referral for infants, and insofar as it limits the practice of midwifery to midwives who practice in accordance with collaborative relationships with licensed physicians or hospitals, so that for the purposes of this disaster emergency, midwives may administer vaccinations against influenza and COVID-19 to any patient pursuant to a non-patient specific order at sites overseen or approved by the New York State Department of Health or local health departments, and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided, however, that a midwife without a certificate issued by the State Education Department for	<a href="#">E.O. 4</a> 9/27-10/27/21 Extended by <a href="#">E.O. 4.1</a> 10/27-11/26/21

		administering immunizing agents, must meet conditions set by the Commissioner of Health;	
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