

NYS Laws and Regulations Temporarily Suspended or Modified During the Statewide Disaster Emergency Due to Monkeypox



[Executive Order No. 20](#) Issued July 29, 2022

- State Disaster Emergency and suspension/modification of laws/regulations effective July 29 to August 28, 2022.

[Executive Order No. 20.1](#) Issued August 28, 2022

- State Disaster Emergency and suspension/modification of laws/regulations effective August 28 to September 27, 2022. Provisions added within E.O. 20.1 are shaded in green

<i>Nature of Waiver</i>	<i>Law / Regulation Reference</i>	<i>Scope</i>	<i>E.O. No. Effective Dates</i>
State Disaster Emergency Declaration	Section 28 of Article 2-B of the Executive Law	A State disaster emergency for the entire State of New York is declared through September 27, 2022.	E.O. 20 07/29/22 – 08/28/22 E.O. 20.1 08/28/22 – 09/27/22
Billing	Sections 3216(i)(17)(E), 3221(l)(8)(E), and 4303(j)(3) of the Insurance Law	To the extent necessary to: (1) require coverage, without any copayments, coinsurance, or annual deductibles, for the monkeypox virus immunization, and the administration thereof, when provided in-network or out-of-network for grandfathered health plans and for individuals who do not fall within the recommendation from the Advisory Committee on Immunization Practices (“ACIP”) of the Centers for Disease Control and Prevention; and (2) waive copayments, coinsurance, and annual deductibles for this immunization, and the administration thereof, when provided out-of-network with respect to individuals subject to the recommendation by ACIP;	E.O. 20.1 08/28/22 – 09/27/22
Billing	Sections 3221(h) and (l)(3), 4303(e)(1), (f)(1), and (l), and 4328(b)(1) of the Insurance Law	To the extent necessary to waive copayments, coinsurance, and annual deductibles for: (1) in-network laboratory testing to diagnose the monkeypox virus; and (2) visits to diagnose the monkeypox virus at the following locations, including through telehealth: an in-network provider’s office, an in-network urgent care center, any other in-network outpatient	E.O. 20.1 08/28/22 – 09/27/22

		provider setting able to diagnose monkeypox, or an emergency department of a hospital, provided, however, that co-payments, coinsurance, and annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for the monkeypox virus, including an inpatient hospital admission, as permitted by law, and a deductible may be applied for a high deductible health plan as defined by the Internal Revenue Code Section 223(c)(2) if otherwise require by law.	
Vaccination: EMS	Subdivisions 6 and 7 of section 3001 of the Public Health Law, subdivisions (o) and (p) of section 800.3, and 10 NYCRR 800.15	To the extent necessary to allow certified emergency medical technicians-paramedics and advanced EMS providers, providing community paramedicine services with prior approval of the Department of Health, to administer vaccinations against monkeypox pursuant to a non-patient specific order, including in non-emergency environments and locations, provided that emergency medical technicians-paramedics and advanced EMS providers must first meet conditions set by the Commissioner of Health;	E.O. 20 07/29/22 – 08/28/22 E.O. 20.1 08/28/22 – 09/27/22
Vaccination: Midwives	Section 6951 of the Education Law, and 8 NYCRR 79-5.5	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 monkeypox to any patient pursuant to a non-patient specific order 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 administering immunizing agents, must meet conditions set by the Commissioner of Health;	E.O. 20 07/29/22 – 08/28/22 E.O. 20.1 08/28/22 – 09/27/22
Vaccination: Pharmacists	Subdivision 2 of section 6801 of the Education Law and 8 NYCRR 63.9	To the extent necessary to allow pharmacists to administer vaccinations against monkeypox pursuant to a non-patient specific order;	E.O. 20 07/29/22 – 08/28/22 E.O. 20.1 08/28/22 – 09/27/22
Vaccination: Physicians and Nurse Practitioners	Subdivision 6 of section 6527 of the Education Law, subdivision 4 of section 6909 of the	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 administer vaccinations against monkeypox;	E.O. 20 07/29/22 – 08/28/22 E.O. 20.1 08/28/22 – 09/27/22

	Public Health Law, and 8 NYCRR 64.7		
Vaccination: Reporting	Subdivision 3 of Section 2168 of the Public Health Law and 10 NYCRR 66-1.2	To the extent necessary to suspend the requirement that health care providers, including registered nurses and pharmacists, who administer monkeypox vaccine to persons 19 years of age or older are required to obtain consent of the vaccinee in order to report such vaccination to the New York State Immunization Information System (NYSIIS) or the Citywide Immunization Registry (CIR), and such provisions are further modified to the extent necessary to require all monkeypox vaccinations for any individual (child or adult) to be reported to NYSIIS or CIR, as applicable, within 72 hours of administration of a monkeypox vaccination. Nothing in this paragraph shall be read to permit the vaccination of any person without their consent or the consent of another person legally authorized to provide such consent.	E.O. 20 07/29/22 – 08/28/22 E.O. 20.1 08/28/22 – 09/27/22