

# NY Governor Cuomo Issues New COVID-19 Executive Order

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On March 18, 2020, New York Governor Andrew Cuomo issued an [executive order](#) (Executive Order) related to the COVID-19 public health emergency. Significant provisions of the Executive Order are as follows:

## **Reciprocal Licensing and Privileging**

- Physicians, physician assistants, advance practice registered nurses, registered nurses and licensed practical nurses who are licensed and in good standing in **any state** may temporarily practice in New York without obtaining a New York-specific license.
- Waives certain requirements relating to privileging and credentialing to allow medical staff, nursing staff, and performance of critical care, emergency and respiratory care services by individuals who are privileged and credentialed in another New York facility in compliance with law **or** in a facility in another state, to practice in a New York facility.

## **Waiver of Certain Hospital Facility Requirements**

- Waives minimum standards for New York medical facilities to the extent necessary for general hospitals to adopt existing policies and procedures at a new, temporary facility for the purpose of treating patients during the public health emergency.
- Waives any construction, energy conservation, or building codes, and related laws, ordinances, and regulations, to the extent necessary to allow temporary changes to physical plant, bed capacities, and services provided; the construction of temporary hospital locations and extensions; the increase in and/or exceeding of certified capacity limits; and the establishment of temporary hospital locations and extensions. Importantly, the foregoing changes must be approved by the Commissioner of Health or the Commissioner of the Office for Persons with Developmental Disabilities.

## **Nursing Home Related Provisions**

- With respect to patients affected by the public health emergency, permits nursing homes to perform several obligations either, (1) as soon as practicable, or (2) with respect to patients who are evacuated to the nursing home and then transferred back to the transferring facility, to forego such obligations altogether:
  - Performance of comprehensive patient assessments;
  - Requirement to receive a physician order prior to receiving the patient; and
  - Nursing home admission policies and practices.

### **Home Health and Related Provisions**

- With respect to certified home health agencies, long term home health care programs and AIDS home care programs serving individuals affected by the emergency, permits the initial patient visit to be made within 48 hours of receipt and acceptance of a community referral or return home from institutional placement (as opposed to 24 hours).

This Executive Order is in effect from March 18, 2020 to April 17, 2020.

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