The following information is sent on behalf of the Brown & Weinraub healthcare team:

Last night, Governor Cuomo released Executive Order 202.10 in the continued effort to stem the spread of coronavirus in the State. This new EO has sweeping ramifications for those in the health care space. Included among them are:

Facilities

- Increasing bed capacity:
  - Waives PHL Sec. 2803 and many regulatory compliance requirements to allow for increased bed capacity and other measures in the EO
  - Orders all hospitals, D&TCs, am surg centers AND office based surgery practices to:
    - Cancel all elective surgeries and procedures
    - Present DOH with a plan for expanding the number of beds available to patients. Hospitals failing to do so can have their operating certificate revoked.
  - Allows DOH to declare a health facility a trauma center
  - Allows hospice center to designate beds as in-patient beds

Workforce

- Waiving restrictions on scope of practice, including allowing the following to occur without direct supervision or of (or collaborating agreement with) a physician
  - an advanced practice nurse to administer anesthesia
  - physicians’ assistants services
  - nurse practitioners
- Providing legal immunity for medical professionals for care provided under the COVID19 crisis except for cases of gross negligence
- Allowing students in medical/nursing/medical-related programs to volunteer without a clinical affiliation agreement
- Waives record-keeping requirements for medical professional so long as they are acting in good faith
- Removing limits on working hours for doctors and post-graduate trainees
- Allowing graduates of foreign medical schools to practice if certain conditions are met
- Waives obligations of a hospital’s governing body and CEO with regard to staffing in order to maintain adequate staffing, including using qualified volunteers
- Permits radiologic technologists licensed in other states (or registered but not licensed in NYS) to practice
- Permits respiratory therapists licensed in other states to practice
- Permits nurses, LPNs, NPs and physicians assistants registered, but not licensed, in NYS to practice
- Allows pharmaceutical technicians, under direct supervision of a pharmacist, to fill, prepare and label prescriptions, including for home infusion
- Requires insurance companies to provide DFS with list of all medical professional on staff currently or previously licensed/certified to practice in NYS

EMS

- Allowing EMS services to provide both emergent and non-emergent care services, transport outside of their approved service areas, and provide transportation to DOH-approved non-healthcare facilities. Allows EMS to operate under the supervision of a medical professional other than a physician; allows for out of state EMS providers to operate in NYS; waives certification and recertification requirements.

Labs, Testing & Treatments

- Allows CLIA-certified labs to test for COVID19
- Permits RNs to perform COVID19 swab tests
- Prohibits the dispensation of hydroxychloroquine or chloroquine unless part of a COVID19 clinical trial or upon prescribed in accordance with FDA rules