

(3.24.20) 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, amb 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