State of New York

Executive Chamber

No. 202.77

EXECUTIVE ORDER

Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency

WHEREAS, on March 7, 2020, I issued Executive Order Number 202, declaring a State disaster emergency for the entire State of New York; and

WHEREAS, both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster I hereby temporarily suspend or modify the following from the date of this Executive Order through December 23, 2020:

- Sections 415.3(i) and 1001.7(a) of title 10 NYCRR and sections 487.4(c), 488.4(c), and 494.4(e) of title 18 NYCRR, to the extent necessary to comply with guidance issued pursuant to the directive contained herein for patients being released from a nursing home or adult care facility for a leave of absence to visit friends or relatives, in order to protect the health and safety of other residents at the facility upon such resident's return.

IN ADDITION, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to issue any directive during a disaster emergency necessary to cope with the disaster, I do hereby issue the following directives through December 23, 2020:

- Effective immediately, the Commissioner of Health is ordered and directed to establish guidelines for the acceptance of patients after being released from a nursing home or adult care facility for a leave of absence to visit friends or relatives. Any guidance issued shall be binding on all such facilities as required by Executive Order 202.30, including ability to implement transmission-based precautions for such resident.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-third day of November in the year two thousand twenty.

BY THE GOVERNOR

Secretary to the Governor