State of New York

Executive Chamber

No. 202.82

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;

WHEREAS, the seriousness of the COVID-19 pandemic is compounded by the concurrent presence in the community of influenza;

WHEREAS, paragraph l of subdivision 1 of section 206 and subdivision 1 of section 613 of the Public Health Law authorize the New York State Department of Health and local health departments to establish and conduct programs for the voluntary immunization of adults and the immunization of children to prevent or minimize the spread of disease and to protect the public health;

WHEREAS, to combat the further spread of COVID-19, avoid excessive disruptions to the health care system and society in general, and protect the lives, health, safety and welfare of the public, it is necessary to remove or minimize barriers to the voluntary vaccination of as many individuals as possible as quickly as possible against COVID-19 and influenza, by making available the services, personnel, equipment, and facilities necessary to conduct such vaccinations and facilitating the timely and accurate reporting of vaccinations;

WHEREAS, it is therefore necessary to facilitate the timely distribution and administration of COVID-19 and influenza vaccine in various settings throughout the State, and in particular to permit Points of Dispensing (hereinafter "PODs") or other vaccination sites, as permitted by this Executive Order that are overseen or approved by the New York State Department of Health or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, to utilize certain individuals or health professionals who are: (1) not currently authorized to administer vaccinations but who are licensed or certified pursuant to specific provisions of the Education Law or the Public Health Law; or (2) enrolled in an educational or training program pursuant to Education Law or Public Health Law, as specified within this Executive Order and who will be evaluated and trained as necessary, to administer COVID-19 and influenza vaccinations, where administration of such vaccines includes patient assessment consistent with the terms of the medical oversight provided at the POD or other vaccination site from a licensed physician, licensed physician assistant, or certified nurse practitioner, and is pursuant to a non-patient specific standing order and applicable guidance issued by the Centers for Disease Control and Prevention, the U.S. Food and Drug Administration, and the New York State Department of Health;

WHEREAS, health professionals licensed or certified under the Education Law or the Public Health Law are authorized to engage in specific scopes of practice, and this Order shall not expand the scopes of practice of these professionals to allow them routinely to administer vaccinations, but rather will allow them to vaccinate only under the extremely limited circumstances described in and for the duration of this Order;

WHEREAS, to ensure that New Yorkers have insurance coverage for COVID-19 immunizations and the administration thereof, including any visits necessary to obtain the immunization, so that there are no barriers for New Yorkers expeditiously obtaining the immunizations;

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, or to provide any directive necessary to respond to the disaster, do hereby temporarily suspend or modify the following from the date of this Executive Order through January 12, 2021:

- Sections 3216(i)(17)(E), 3221(l)(8)(E) and (F), and 4303(j)(3) of the Insurance Law are modified to apply to grandfathered health plans with regard to COVID-19 immunizations;

- The modification in Executive Order 202 of sections 6521 and 6902 of the Education Law insofar as it limits the execution of medical regimens prescribed by a licensed physicians or other licensed and legally authorized health care providers to registered nurses licensed pursuant to Article 139 of the Education Law, to the extent necessary to permit non-nursing staff, as permitted by law or Executive Order and upon completion of training deemed adequate by the Commissioner of Health, to: (1) collect throat, nasal, or nasopharyngeal swab specimens, as applicable and appropriate, from individuals suspected of being infected by COVID-19 or influenza, for purposes of testing; (2) collect blood specimens for the diagnosis of acute or past COVID-19 disease; (3) administer vaccinations against influenza or COVID-19 pursuant to the most recent recommendations by the Advisory Committee for Immunization Practices (ACIP) and/or an applicable United States Food and Drug Administration approval or Emergency Use Authorization (EUA), subject to any other conditions set forth in this Order, including but not limited to conditions related to training and supervision, where applicable; and (4) where applicable and to the extent necessary, to perform tasks, under the supervision of a nurse, otherwise limited to the scope of practice of a licensed or registered nurse to provide care for individuals diagnosed or suspected of suffering from a COVID-19 or influenza infection;

- The modification in Executive Order 202.1 of subdivision 4 of section 6909 of the Education Law, subdivision 6 of section 6527 of the Education Law, and section 64.7 of Title 8 of the NYCRR, to the extent necessary to include subdivision 1 of section 6902 of the Education law, subdivisions5, and 7 of section 6909 of the Education Law, subdivision 7 of section 6527 of the Education Law, and section 63.9 of Title 8 of the NYCRR, in order to permit licensed physicians and certified nurse practitioners to issue a non-patient specific regimen to nurses, physician assistants, specialist assistants, pharmacists, or any such other persons authorized by law or by this executive order and consistent with guidance as may be issued by the Commissioner to: (1) collect throat, nasal, or nasopharyngeal swab specimens, as applicable and appropriate, from individuals suspected of suffering from a COVID-19 or influenza infection, for purposes of testing; (2) collect blood specimens for the diagnosis of acute or past COVID-19 disease; (3) administer vaccinations against influenza or COVID-19 pursuant to the most recent recommendations by the Advisory Committee for Immunization Practices (ACIP) and/or an applicable United States Food and Drug Administration approval or Emergency Use Authorization (EUA), subject to any other conditions set forth in this Order, including but not limited to conditions related to training and supervision, where applicable; or (4) where applicable and to the extent necessary, to perform tasks, under the supervision of a nurse, otherwise limited to the scope of practice of a licensed or registered nurse to provide care for individuals diagnosed or suspected of suffering from a COVID-19 or influenza infection;

- Subdivision 6 of section 6527, subdivisions 4 and 5 of section 6909 of the Education Law, and section 64.7 of Title 8 of the NYCRR, to the extent necessary to permit non-patient specific regimens to be prescribed, ordered to, and executed by registered professional nurses for the administration of COVID-19 vaccine;

- Section 6902 of the Education Law insofar as is necessary to permit non-patient specific regimens for the administration of COVID or influenza vaccination to be prescribed, ordered to, and executed by licensed practical nurses, so that for the purposes of this Order only such licensed practical nurses may administer COVID and influenza vaccinations at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided such licensed practical nurses must first receive training in: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of personal protective equipment sufficient to provide the basic level of competence for such tasks; and (3) a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education;

- Chapter 110 of the Laws of 2020 to the extent necessary, and subject to the certification by the Commissioner of Health and Commissioner of Education, to permit licensed pharmacists to administer COVID-19 vaccine less than 90 days after approval of such vaccine by the United States Food and Drug Administration's Center for Biologics Evaluation and Research;

- Subdivisions 2 and 3 of section 6801 of the Education Law as well as section 63.9 of Title 8 of the NYCRR, to the extent necessary to permit patient specific orders or non-patient specific regimens for

the administration of COVID vaccination to be prescribed, ordered to, and executed by licensed pharmacists certified to administer immunizations by the State Education Department as well as newly licensed pharmacist, as specified and permitted by this Executive Order;

- Subdivisions 2 and 3 of section 6801, subdivision 7 of section 6527, subdivision 7 of Section 6909, subdivision 22 of section 6802, and subdivision 1 of section 6828 of the Education Law, as well as section 63.9 of Title 8 of the NYCRR, to the extent necessary to permit non-patient specific regimens for the administration of COVID or influenza vaccination to be prescribed, ordered to, and executed by licensed pharmacists not certified to administer immunizations by the State Education Department, so that for the purposes of this Order only such pharmacists may administer COVID and influenza vaccinations at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided such pharmacists must first receive training in: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of personal protective equipment sufficient to provide the basic level of competence for such tasks; and (3) a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education;

- Subdivision 2 of section 6801 and subdivision 22 of section 6802 of the Education Law, as well as section 63.9 of Title 8 of the NYCRR, to the extent necessary to permit licensed physicians and certified nurse practitioners, located in any county within New York State, to issue a patient specific prescription or a non-patient specific regimen for COVID-19 and influenza vaccination to a pharmacist who is certified to administer vaccinations as well as to newly licensed pharmacists, as specified and permitted by this Executive Order unless administering COVID-19 or influenza vaccinations at a POD site;

- Subdivisions 2 and 3 of section 6801, subdivision 7 of section 6527, subdivision 7 of Section 6909, subdivision 22 of section 6802, and subdivision 1 of section 6828 of the Education Law, as well as section 63.9 of Title 8 of the NYCRR to the extent necessary to permit newly licensed pharmacists, previously issued a limited permit with certification to administer immunizations pursuant to section 6806 of the Education Law as well as section 63.4 of Title 8 of the NYCRR, to continue to provide such immunizations in New York State for ninety days immediately following licensure and registration in New York State and pending certification of administration for which an application has been filed with the Department of Education;

- Section 6951 of the Education Law, and section 79-5.5 of Title 8 of NYCRR, 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 Executive Order only, midwives may administer vaccinations against influenza and COVID-19 to any patient pursuant to a non-patient specific order at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health or local health departments, and operated 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 first receive training in the following areas, as determined by the Commissioner of Health after consultation with the Commissioner of Education: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of personal protective equipment sufficient to provide the basic level of competence for such tasks; and (3) a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education;

- Section 6601 of the Education Law insofar as it limits the practice of dentistry to the treatment of the mouth and adjacent tissue, to the exclusion of any other part of the human body, so that, for the purposes of this Executive Order only, dentists may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided such dentists first receive training in the following areas, as determined by the Commissioner of Health after consultation with the Commissioner of Education: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of personal protective equipment sufficient to provide the basic level of competence for such tasks; and (3) a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education;

- Subdivision 1 of section 6606 of the Education Law and section 61.9 of Title 8 of the NYCRR insofar as they restrict the practice of dental hygiene to the performance of dental services and require that the

practice of dental hygiene be conducted in the office of any licensed dentist or appropriately equipped school or public institution, under the supervision of a dentist, so that, for the purposes of this Executive Order only, dental hygienists who have been issued a dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate in accordance with section 6605-b of the Education Law and section 61.17 of Title 8 of the NYCRR may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided such dental hygienists first receive training in the following areas, as determined by the Commissioner of Health after consultation with the Commissioner of Education: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of personal protective equipment sufficient to provide the basic level of competence for such tasks; and (3) a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education;

- Subdivisions 1 and 2 of section 7001 of the Education Law insofar as it limits the practice of podiatry to the treatment of the foot, to the exclusion of any other part of the human body, so that, for the purposes of this Executive Order only, podiatrists may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided such podiatrists first receive training in the following areas, as determined by the Commissioner of Health after consultation with the Commissioner of Education: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of personal protective equipment sufficient to provide the basic level of competence for such tasks; and (3) a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education;

- Subdivisions 6 and 7 of section 3001 of the Public Health Law, subdivisions o and p of section 800.3, and section 800.15 of Title 10 of the NYCRR insofar as they limit the responsibilities of emergency medical technicians and advanced emergency medical technicians to administration or supervision of initial emergency medical care and transportation of sick or injured persons and insofar as they require emergency medical technicians and advanced emergency medical technicians to treat patients in accordance with applicable State-approved protocols unless authorized to do otherwise for an individual patient by a medical control physician, so that, for the purposes of this Executive Order only, emergency medical technicians and advanced emergency medical technicians may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order sites overseen or approved by the New York State Department of Health or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided such EMTs first receive training in the following areas, as determined by the Commissioner of Health after consultation with the Commissioner of Education: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of personal protective equipment sufficient to provide the basic level of competence for such tasks; and (3) a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education;

- Subdivision (7) of Public Health Law section 3001, and subdivision (p) of section 800.3 of Title 10 of the NYCRR, to the extent necessary to allow certified emergency medical technician-paramedics, providing community paramedicine services in accordance with Executive Order 202 and with prior approval of the Department of Health, to administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order and under the medical direction of a licensed physician. Provided, however, that emergency medical technician-paramedics must first receive training in the following areas, as determined by the Commissioner of Health after consultation with the Commissioner of Education: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of personal protective equipment sufficient to provide the basic level of competence for such tasks and (3) a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education;

- Paragraphs a, b, and c of subdivision 2 of section 6801 of the Education Law, and paragraph 5 of subdivision b of section 63.9 of Title 8 of the NYCRR, insofar as they require licensed pharmacists administering immunizing agents pursuant to a non-patient specific regimen to report such administrations to patients' attending physicians and provide information to patients on the importance of having a primary health care practitioner, so that, for purposes of this Executive Order only, licensed pharmacists may administer vaccinations against influenza and COVID-19 without reporting such administrations to patients' attending physicians, but must, at a minimum, report the vaccination to the CIR or NYSIIS;

- Subparagraph ii of Paragraph 3 of subdivision a of section 64.7 of Title 8 of NYCRR, insofar as it requires registered professional nurses administering immunizing agents pursuant to a non-patient specific regimen to report such administration to patients' attending physicians, so that, for the purposes of this Executive Order, registered professional nurses may administer vaccinations against influenza and COVID-19 without reporting such administrations to patients' attending physicians, but, at a minimum, must report the vaccination to the CIR or NYSIIS, as applicable;

- Paragraph 3 of subdivision a of section 29.2 of Title 8 of NYCRR, insofar as it makes it an act of professional misconduct for the professions listed within that section to fail to maintain and retain a record for each patient which accurately reflects the evaluation and treatment of the patient, so that, for the purposes of this Executive Order only, persons practicing the professions listed within that section who are authorized to administer vaccinations pursuant to this Executive Order are not required to maintain and retain such record for those to whom they administer vaccinations against influenza or COVID-19, provided that such persons must comply with all recordkeeping requirements directed by the Department of Health;

- Clause d of subparagraph ii of paragraph 3 of subdivision a of section 64.7 of Title 8 of the NYCRR, insofar as it requires a registered professional nurse administering an immunizing agent pursuant to a non-patient specific regimen to ensure that a record of all persons immunized is recorded, maintained, and retained in accordance with paragraph 3 of subdivision a of section 29.2 of the regulations of the Board of Regents of the State Education Department, so that, for the purposes of this Executive Order only, registered professional nurses are not required to ensure that such a record is maintained and retained for those to whom they administer vaccinations against influenza or COVID-19, provided that such persons must comply with all recordkeeping requirements directed by the Department of Health;

- Subparagraph xi of paragraph 5 of subdivision b of section 63.9 of Title 8 of NYCRR, insofar as it requires a pharmacist administering an immunizing agent pursuant to a non-patient specific regimen to ensure that a record of all persons immunized is recorded, maintained, and retained in accordance with paragraph 3 of subdivision a of section 29.2 of the regulations of the Board of Regents of the State Education Department, so that, for the purposes of this Executive Order only, pharmacists are not required to ensure that such a record is maintained and retained for those to whom they administer vaccinations against influenza and COVID-19, provided that such persons must comply with all recordkeeping requirements directed by the Department of Health;

- Subparagraph i of paragraph 2 of subdivision a of section 64.7 of Title 8 of the NYCRR, insofar as it requires a registered professional nurse authorized to administer immunization agents pursuant to a non-patient specific order to be currently certified in cardio-pulmonary resuscitation (CPR), to clarify that for the purpose of this Executive Order , registered professional nurses must have a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education;

- The modification in Executive Order 202.10 of paragraph 1 of section 6542 of the Education Law to the extent necessary to include any associated regulations, including, but not limited to, subdivisions (a) and (b) of section 94.2 of Title 10 of the NYCRR and paragraph 5 of subdivision a of section 29.2 of Title 8 of the NYCRR in order to permit a physician assistant to provide medical services appropriate to their education, training and experience without oversight from a supervising physician, including, but not limited to, administering COVID-19 and influenza vaccine and medically supervising points of dispensing or other types of vaccination sites, as permitted by this Executive Order, without civil or criminal penalty related to a lack of oversight by a supervising physician;

- The modification in Executive Order 202.10 of subdivision (3) of section 6902 of Education Law, and any associated regulations, including, but not limited to, sections 29.2, 29.14, and 64.5 of Title 10 of the NYCRR, to the extent necessary to permit a nurse practitioner to provide medical services appropriate to their education, training and experience, without a written practice agreement, or collaborative relationship with a physician, including, but not limited to, administering COVID-19 and influenza vaccine and medically supervising points of dispensing or other types of vaccination sites, as permitted by this Executive Order, without civil or criminal penalty related to a lack of written practice agreement, or collaborative relationship, with a physician;

- Section 2168 of the Public Health Law and section 66-1.2 of Title 10 of the NYCRR, to the extent necessary to: (1) suspend the requirement that persons 19 years of age or older must consent to have their immunization information reported to the New York State Immunization Information Registry (NYSIIS) or the City Immunization Registry (CIR), so that for the purposes of this Executive Order, the New York State Commissioner of Health or the New York City Commissioner or Health may include adult immunization information in NYSIIS or the CIR, as applicable, without the consent of the vaccine, and subject to guidance issued by the New York State Department of Health; and (2) require all influenza and COVID-19 vaccinations for any individual (child or adult) to be reported to the NYSIIS or CIR, as applicable, within 24 hours of administration of such vaccine. Nothing in this provision 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 on their behalf such as a parent or guardian;

- The temporary modification of Title V of Article 5 of the Public Health Law and parts 19 and 58 of Title 10 of the NYCRR, contained in EO 202.10, as extended, authorizing certain laboratories to perform testing for the detection of SARS-CoV-2 specimens, to the extent necessary to further allow laboratories holding a Clinical Laboratory Improvement Acts (CLIA) certificate in the relevant specialty of testing and meeting the CLIA quality standards described in 42 CFR Subparts H, J, K and M, upon approval from the Department of Health, to perform testing for the detection of influenza virus, respiratory syncytial virus RNA, or other respiratory panels as approved by the Department of Health, in specimens collected from individuals suspected of suffering from a COVID-19 infection, including postmortem specimens;

- The temporary modification of Sections 8602 and 8603 of the Education Law, and section 58-1.5 of Title 10 of the NYCRR, contained in EO 202.16, as extended, insofar as such modification authorized individuals to perform testing for the detection of SARS-CoV-2, or its antibodies, in specimens collected from individuals suspected of suffering from a COVID-19 infection, to the extent necessary to further allow such individuals to perform any clinical laboratory test on any specimen, provided such individual is under appropriate supervision and meets the federal requirements for testing personnel appropriate to the assay or device authorized by the FDA or the New York State Department of Health;

- The temporary modification of Section 6801 of the Education Law, contained in EO 202.24, as extended, insofar as such modification authorized licensed pharmacists to order and administer COVID-19 tests, to the extent necessary to further allow licensed pharmacists to order tests for the detection of influenza virus or respiratory syncytial virus RNA, in specimens collected from individuals suspected of suffering from a COVID-19 or influenza infection; and to administer tests for the detection of influenza virus or respiratory syncytial virus RNA, subject to certificate of waiver requirements pursuant to the federal clinical laboratory improvement act of nineteen hundred eighty-eight, in patients suspected of suffering from a COVID-19 or influenza infection, or suspected of having recovered from COVID-19 infection, upon completion of appropriate training developed by the Department of Health.

- The provision of EO 202.1 as extended, that suspended and/or modified parts 709 and 710 of Title 10 of the NYCRR, to the extent necessary to allow construction applications for temporary hospital locations and extensions to be approved by the Commissioner of Health without considering the recommendation of the health systems agency or the Public Health and Health Planning Council, is modified to clarify that such temporary location and extensions may include temporary vaccination sites;

- Section 6808 of the Education Law and any regulations promulgated thereunder, to the extent necessary to permit an authorized vaccine provider within New York State to furnish federal COVID-19 vaccine and ancillary supplies (obtained as a result of enrollment in the CDC COVID-19 Vaccination Program) to another authorized vaccine provider within New York State, who has also enrolled in the CDC COVID-19 Vaccination Program, for the purposes of administering such vaccination at no cost and subject to applicable storage and handling requirements; the conditions set forth in CDC COVID-19 Vaccination Program Provider Agreement; and any guidance issued by the New York State Department of Health in consultation with the New York State Education Department;

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 hereby issue the following directives for the period from the date of this Executive Order through January 12, 2021:

- Individuals enrolled in the following educational programs may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided such students have completed at least one year of clinical experience (unless otherwise specified in this Executive Order) and first receive training in the following areas, as determined by and in accordance with guidance issued by the Commissioner of Health after consultation with the Commissioner of Education: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of personal protective equipment sufficient to provide the basic level of competence for such tasks; (3) a current certificate in basic cardiopulmonary resuscitation, which at a minimum must include a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), or the Accreditation Council for Continuing Medical Education (4) subject to any other conditions as specified by the Commissioner of Health in consultation with the Commissioner of Education, including but not limited to requiring the applicable educational institutions and programs in which students are enrolled to assess such students' vaccine administration skills and issue an attestation on a form to be approved by the Commissioners of Health and Education that such students have completed all required trainings and displayed competence in vaccine administration:
    - A medical program approved and/or registered the State Education Department pursuant to Article 131 of the Education Law and Part 60 of Title 8 of the NYCRR;

    - A registered professional nursing program or licensed practical nursing program approved and/or registered by the State Education Department pursuant to Article 139 of the Education Law and Part 64 of Title 8 of the NYCRR;

- A physician assistant program approved and/or registered by the State Education Department pursuant to Article 131-B of the Education Law and Part 60 of Title 8 of the NYCRR;

- A pharmacy program approved and/or registered by the State Education Department pursuant to Article 137 of the Education Law and Part 63 of Title 8 of the NYCRR. For the purposes of this Executive Order, pharmacy students who have obtained a limited permit, including a certificate to administer immunizations, pursuant to section 6806 of the Education Law and section 63.4 of Title 8 of the NYCRR shall be deemed to have the minimum necessary clinical experience to administer COVID-19 and influenza vaccinations in a POD setting, provided such students meet all other training requirements and adhere to all applicable guidance set forth above;

- A dentistry program approved and/or registered by the State Education Department pursuant to Article 133 of the Education Law and Part 61 of Title 8 of the NYCRR;

- A podiatric medicine program approved and/or registered by the State Education Department pursuant to Article 141 of the Education Law and Part 65 of Title 8 of the NYCRR;

- A midwifery program approved and/or registered by the State Education Department pursuant to Article 140 of the Education Law and Subpart 79-5 of Title 8 of the NYCRR.

- Any licensed physician, licensed physician assistant, and certified nurse practitioner medically supervising Points of Dispensing (POD) sites or other types of vaccination sites, as permitted by this Executive Order, and overseen or approved by the New York State Department of Health or local health departments must have a current certification in cardiopulmonary resuscitation (CPR);

- Within 60 days of this Order, all clinical laboratories permitted by the Department of Health pursuant to Article 5, Title 5 of the Public Health Law, and having more than 25 employees, must become qualified entity participants and connect to the SHIN-NY through a qualified entity, and must allow private and secure bi-directional access to patient information by other qualified entity participants authorized by law to access such patient information, pursuant to Part 300 of Title 10 of the NYCRR;

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

BY THE GOVERNOR

Secretary to the Governor