

New York State Waivers

Waiver	Effective Date	Waiver Type	Permissions	Expiration
NYS Executive Order 202	3/7/2020	Provider Flexibilities	<ul style="list-style-type: none"> Allows unlicensed individuals, upon completion of appropriate training, to collect throat or nasopharyngeal swab specimens for COVID-19 testing. Permits non-nursing staff to perform tasks under the supervision of a nurse that would be otherwise limited to a licensed or registered nurse. Permits individuals who meet the federal requirements for high complexity testing to perform testing for COVID-19. 	Extended by Executive Order 202.48 through August 5 th .
NYS Executive Order 202.1	3/12/2020	Telehealth Flexibilities	<ul style="list-style-type: none"> Permits DOH, OMH, OASAS, and OPWDD to allow for additional telehealth provider categories and modalities, to permit other types of practitioners to deliver services within their scopes of practice, and to authorize the use of certain technologies for the delivery of health care services to established patients. <i>Permits providers to use staff members in the most effective means possible to transport individuals receiving services from OMH or a program/provider under the jurisdiction of OMH during the emergency, provided such facilities take all reasonable measures to protect the health and safety of such individuals. EXPIRED per EO 202.48</i> 	Extended by Executive Order 202.48 through August 5 th except as otherwise noted.
DFS 57th Amendment to Insurance Regulation 62	3/16/2020	Cost Sharing	Requires plans to waive cost-sharing for COVID-19 testing.	Extended to automatically expire on September 9 th unless renewed.
DFS 58th Amendment to Insurance Regulation 62	3/16/2020	Cost Sharing	Requires plans to waive cost-sharing for services delivered via telehealth.	Extended to automatically expire on September 9 th unless renewed.
NYS Executive Order 202.5	3/18/2020	Provider Flexibilities, Background Checks	<ul style="list-style-type: none"> Allows physicians, RNs, LPNs, NPs, and physician assistants licensed and in current good standing in any state to practice in NYS without penalties related to lack of licensure. Allows physicians licensed and in current good standing but not registered in NYS to practice in NYS without penalties related to lack of registration. Reduces requirements related to nursing home procedures for individuals affected by the emergency, including approvals for admission and comprehensive assessments. Permits delayed in-home supervision of home health aides and personal care aides or allowing supervision to be conducted through telephone or video communication. Extends the time in which home care services entities must submit information to the Home Care Worker Registry. Prevents transportation to and attendance at adult day care programs. Allows for abbreviated training of direct support professionals employed in programs and facilities that serve individuals with intellectual/developmental disabilities (I/DD) that are experiencing staff shortages. Permits providers to temporarily deviate from a service plan of an individual with I/DD or relocating individuals with I/DD to maintain their health and safety during the emergency. 	<p>Extended by Executive Order 202.48 through August 5th except as otherwise noted.</p> <p>Additionally, Executive Order 202.44 extends all previously issued directives allowing individuals who are validly licensed in another state or Canada who are providing services to support the State's COVID-19 response to</p>

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			<ul style="list-style-type: none"> Exempts child care programs from having to comply with regulations of OCFS. Criminal background check exemptions for child care programs have EXPIRED per EO 202.48 	continue to practice until July 21 st .
DFS Circular Letter No. 8 and Supplements No. 1 , No. 2	3/20/2020 4/22/2020 6/26/2020	Provider Flexibilities	<i>Suspends various utilization review requirements and requires expedited payment of hospital claims. EXPIRED</i>	Expired June 18 th .
NYS Executive Order 202.10	3/23/2020	Provider Flexibilities	<ul style="list-style-type: none"> Permits advance practice registered nurses with a related doctorate or master’s degree to administer anesthesia without the supervision of a qualified physician. Allows NPs, physician assistants, and special assistants to provide medical services appropriate to their education, training, and experience without oversight from or a collaborating agreement with a physician. Permits radiologic technologists and respiratory therapists licensed in another state to practice in NYS without penalty. Allows radiologic technologists, physician assistants, registered professional nurses, licensed practical nurses, and nurse practitioners licensed but not registered in NYS to practice without penalty. Authorizes certified or registered pharmacy technicians to assist in compounding, preparing, labeling, or dispensing drugs for prescriptions or home infusion medication orders under the supervision of a licensed pharmacist. <i>Ensures that all physicians, physician assistants, special assistants, nurse practitioners, licensed registered professional nurses, and licensed practical nurses are immune from civil liability during the course of providing medical services related to the COVID-19 outbreak, unless related to gross negligence. EXPIRED per EO 202.28</i> Authorizes any health care facility to allow students on track to become licensed health care professionals in NYS to volunteer at the facility for educational credit without securing a clinical affiliation agreement. Removes limits on working hours for physicians and postgraduate trainees. Allows graduates of foreign medical schools with at least one year of graduate medical education to provide patient care in hospitals. Waives the responsibilities of the hospital governing body to ensure adequate staffing and allow for the use of qualified volunteers or personnel affiliated with other general hospitals. Requires licensed health insurance companies to provide a list of all personnel with a professional licensure or degree as a medical doctor, physician assistant, licensed RN, licensed NP, or LPN. <i>Provides general relief from recordkeeping requirements for health care providers, as long as it is done reasonably and in good faith to respond to COVID-19. EXPIRED per EO 202.28</i> 	Extended by Executive Order 202.48 through August 5 th except as otherwise noted per Executive Order 202.28 issued on 5/7/2020. Additionally, Executive Order 202.44 extends all previously issued directives allowing individuals who are validly licensed in another state or Canada who are providing services to support the State’s COVID-19 response to continue to practice until July 21 st .

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DFS Circular Letter No. 9	3/25/2020	Insurance Producer Flexibilities	Suspends the expiration of licenses for insurance producers.	Extended by Supplement No. 2 through August 7 th .
NYS Executive Order 202.11	3/27/2020	Provider Flexibilities	<ul style="list-style-type: none"> Suspends or modifies regulations related to operating certificates for providers of individuals with I/DD that limit the provision of certain services in certified settings (with OPWDD approval). Allows for abbreviated training and/or extension of recertification deadlines for direct support professionals providing services to individuals with I/DD that are experiencing staff shortages. Permits pharmacy technicians and pharmacists to practice at an alternative location, including their home, as long as there is adequate security to protect Personal Health Information. Permits graduates of registered professional nurse and licensed practical nurse licensure qualifying education programs to be employed to practice nursing under the supervision of a registered professional nurse and with the endorsement of the employing hospital or nursing home for 180 days immediately following graduation. Allows midwives licensed and in current good standing in any state, or in any province or territory of Canada, to practice in NYS without penalty. Amends previous restrictions on dispensing the drugs under investigation or treatment of COVID-19 (hydroxychloroquine or chloroquine) for prophylactic purposes. Ensures that physicians assisting in the State's response to COVID-19 in a facility owned or leased by SUNY and operated by SUNY will be provided with defense from the State in an instance of civil action or proceeding. 	<p>Extended by Executive Order 202.48 through August 5th.</p> <p>Additionally, Executive Order 202.44 extends all previously issued directives allowing individuals who are validly licensed in another state or Canada who are providing services to support the State's COVID-19 response to continue to practice until July 21st.</p>
NYS Executive Order 202.13	3/30/2020	Background Checks	<ul style="list-style-type: none"> Allows employees of programs licensed/certified under State agencies (OPWDD, OCFS, OASAS, OMH) who have previously undergone the appropriate background checks to be employed by a program under a different agency without undergoing new background checks. 	Extended by Executive Order 202.48 through August 5 th .
NYS Executive Order 202.14	4/7/2020	Provider Flexibilities	Allows any physician slated to graduate from a medical education program in 2020 who has been accepted to a residency program within or outside NYS to practice at any institution under the supervision of a licensed physician.	Extended by Executive Order 202.48 through August 5 th .
NYS Executive Order 202.15	4/9/2020	Provider Flexibilities	<ul style="list-style-type: none"> Allows respiratory therapy technicians licensed in any state to practice in NYS without penalty. Allows mental health counselors, marriage and family therapists, creative arts therapists, and psychoanalysts licensed in any state to practice in NYS without penalty. Allows students who have graduated from registered or accredited medical programs in NYS in 2020 to practice medicine in NYS, without the need to obtain a license and without risk of penalty, provided they are supervised by a licensed physician. 	<p>Extended by Executive Order 202.49 through August 6th.</p> <p>Additionally, Executive Order 202.44 extends all previously issued directives allowing individuals who are validly licensed in another state or</p>

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				Canada who are providing services to support the State's COVID-19 response to continue to practice until July 21 st .
NYS Executive Order 202.16	4/12/2020	Provider Flexibilities	Modifies the qualification requirements of medical or clinical laboratory technologists to allow additional individuals to perform testing for the COVID-19 virus or its antibodies.	Extended by Executive Order 202.49 through August 6 th .
NYS Executive Order 202.18	4/16/2020	Provider Flexibilities	<ul style="list-style-type: none"> Allows nurses (RN, LPN, NP), physicians, physician assistants, radiologic technologists from Canada to practice in NYS. Allows clinical nurse specialists, specialist assistants, and licensed master or clinical social workers from out of state to practice in NYS. Allows a wide variety of licensed professionals with an unencumbered license to practice in NYS without registration. Allows nurse practitioners to practice in a hospital or nursing home for 180 days following graduation and permits clinical laboratory technologists and technicians to practice for 180 days following licensure. Permits pharmacy technicians and pharmacists to practice at an alternative location, including their home. 	<p>Extended by Executive Order 202.49 through August 6th.</p> <p>Additionally, Executive Order 202.44 extends all previously issued directives allowing individuals who are validly licensed in another state or Canada who are providing services to support the State's COVID-19 response to continue to practice until July 21st.</p>
NYS Executive Order 202.24	4/25/2020	Provider Flexibilities	<ul style="list-style-type: none"> Authorizes licensed pharmacists to order tests to detect SARS-CoV-2 or its antibodies, and to administer COVID-19 tests after completion of appropriate DOH training. Permits licensed pharmacists to be designated as a qualified health care professional for the purpose of directing a clinical service laboratory to test patients for COVID-19 or its antibodies. 	Extended by Executive Order 202.44 until July 21 st .
NYS Executive Order 202.32	5/21/2020	Provider Flexibilities	Allows physicians to order COVID-19 tests for self-collection, without otherwise having an initial physician-patient relationship with the patient.	Extended by Executive Order 202.44 until July 21 st .
NYS Executive Order 202.36	6/2/2020	Telehealth Flexibilities	Permits a practitioner to establish a patient relationship using only a questionnaire for the purpose of ordering a clinical laboratory test, which may be administered through an asynchronous electronic interface, including e-mail.	Extended by Executive Order 202.47 through August 2 nd

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NYS Executive Order 202.40	6/10/2020	Nursing Homes	Operators and administrators of all nursing homes and all adult care facilities, which are located in regions that have reached Phase Two of reopening, must test or make arrangements for the testing of all personnel, including all employees, contract staff, medical staff, operators and administrators, for COVID-19, once per week.	Extended by Executive Order 202.50 through August 8 th .

Federal Waivers

Name	Description	Effective Date	Expiration Date	Source
The HHS Public Health Emergency (PHE) Declaration	The Secretary of the Department of Health and Human Services (HHS) determined that a public health emergency exists and has existed since January 27, 2020, nationwide. This declaration set precedent for a number of the federal waivers described below. As a result of this authority, CMS can grant waivers that will ease certain requirements for affected providers as stated under Section 1135 of the Social Security Act.	January 27, 2020	<ul style="list-style-type: none"> Currently July 24, 2020 HHS has indicated an extension is forthcoming 	HHS Public Health Emergency Declaration
The President's National Emergency Declaration	The President proclaimed that the COVID-19 outbreak in the United States constituted a national emergency, beginning March 1, 2020.	March 1, 2020	<ul style="list-style-type: none"> None specified 	Presidential National Emergency Declaration
The President's Stafford Act Declarations	The President determined that the ongoing COVID-19 pandemic was of sufficient severity and magnitude to warrant an emergency determination under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"). This declaration gave the Secretary of the Department of Health and Human Services (the Secretary) the authority to waive certain Medicare, Medicaid and Children's Health Insurance Program (CHIP) program requirements and conditions of participation under Section 1135 of the Social Security Act.	January 20, 2020	<ul style="list-style-type: none"> None specified in either the nationwide or state-by-state declarations 	Presidential Stafford Act Disaster Declaration
The Families First Coronavirus Response Act (FFCRA)	This law contains several important paid leave provisions related to the pandemic.	April 1, 2020	<ul style="list-style-type: none"> December 31, 2020 	FFCRA Legislative Text
The Coronavirus Aid, Relief, and Economic Security (CARES) Act	This law was an approximately \$2.2 trillion relief package to address the rapidly growing COVID-19 public health emergency.	March 27, 2020	<ul style="list-style-type: none"> N/A 	CARES Act Legislative Text
Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency Interim Final Rule with Comment Period (IFC) 42 CFR Parts 400, 405, 409, 410, 412, 414, 415, 417, 418, 421, 422, 423, 425, 440, 482, and 510 [CMS-1744-IFC]	This IFC provides flexibilities in the following areas: - Provision of services using remote communications technology - The list of destinations for which Medicare covers ambulance transports under Medicare Part B - Medicaid home health regulations - Hospital inpatient services - The Medicare Diabetes Prevention Program (MDPP), the Comprehensive Care for Joint Replacement (CJR) Model, the Quality Payment Program, and the Star Ratings Program	March 31, 2020 (Applicable March 1, 2020)	<ul style="list-style-type: none"> Through the end of the PHE 	COVID-19 Response Interim Final Rule
Additional Policy and Regulatory Revisions in Response to the COVID-19 Public	This IFC provides flexibilities in the following areas: - Coverage for testing - Site neutral payments - Basic Health Program (BHP) Blueprints	May 8, 2020 (Applicable March 1, 2020,	<ul style="list-style-type: none"> Through the end of the PHE 	Additional COVID-19 Response Interim Final Rule

<p>Health Emergency and Delay of Certain Reporting Requirements for the Skilled Nursing Facility Quality Reporting Program Interim Final Rule with Comment Period (IFC)</p> <p>45 CFR Part 156 [CMS–5531–IFC]</p>	<ul style="list-style-type: none"> - Accountable Care Organizations (ACOs) - Various Hospital Value-Based Purchasing (VBP) Program, Merit-based Incentive Payment System (MIPS), and Home Health Value-Based Purchasing (HHVBP) Model reporting requirements 	<p>or January 27, 2020)</p>		
<p>Blanket Waivers of Section 1877(g) of the Social Security Act Due to Declaration of COVID-19 Outbreak in the United States as a National Emergency</p>	<p>These blanket waivers provide flexibilities for financial relationships and referrals related to the COVID-19 outbreak that would normally be in violation of Section 1877 of the Act, also known as the physician self-referral law, or “Stark Law.”</p>	<p>March 30, 2020 (Applicable March 1, 2020)</p>	<ul style="list-style-type: none"> • Through the end of the PHE 	<p>CMS Coronavirus Section 1877(g) Waivers</p>
<p>COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers</p>	<p>These blanket waivers provide flexibilities for the following provider-specific categories:</p> <ul style="list-style-type: none"> - Medicare Telehealth Services - Various hospitals, including, but not limited to: psychiatric hospitals, Critical Access Hospitals (CAHs), cancer centers, Long-Term Care Hospitals (LTCHs), hospitals classified as Sole Community Hospitals (SCHs), hospitals classified as Medicare-Dependent, Small Rural Hospitals (MDHs) - Rural Health Clinics (RHCs) and Federally Qualified Health Centers (FQHCs) - Inpatient Rehabilitation Facilities (IRFs) and Inpatient Psychiatric Facilities (IPFs) - Skilled Nursing Facilities (SNFs) - Home Health Agencies (HHAs) and Hospice - End-Stage Renal Dialysis (ESRD) Facilities - Ambulatory Surgical Centers (ASCs) - Community Mental Health Clinics (CMHCs) - Ambulance Services - Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) - Certain Medicaid and CHIP regulations such as conditions of participation, program participation, and preapproval requirements 	<p>March 1, 2020</p>	<ul style="list-style-type: none"> • Through the end of the PHE 	<p>CMS Coronavirus Waivers</p>