

**LACK OF HEALTH CARE STAFFING LEADS TO NEW YORK DISASTER EMERGENCY DECLARATION**

On September 27, 2021, NY Governor Kathy Hocu issued [Executive Order No. 4](#) (the “EO”) declaring a state-wide disaster emergency due to anticipated health care staffing shortages and the “immediate and critical” need to assure health care facilities can provide care. The EO suspends or modifies many statutes and associated regulations related to professional licensing and registration, scope of practice and other issues that had been previously relaxed during the COVID-19 public health emergency and reinstated in June 2021, when then-Governor Andrew Cuomo declared that the emergency had ended.

Among other things, the EO expands the pool of available health care staff by permitting the following professionals to practice in New York without civil or criminal penalty related to lack of New York licensure:

- Physicians, physician assistants, nurses, midwives, specialist assistants, licensed master social workers, and licensed clinical social workers who are licensed and in good standing in any state in the U.S. or in Canada or any other country approved by the NY State Department of Health (DOH);
- Certain licensed professionals whose New York State registration has expired (*e.g.*, physicians, physician assistants, nurses – including retired physicians and nurses, pharmacists, respiratory therapists, physical therapists, social workers, mental health counselors and others); and
- While under appropriate supervision, certain recent graduates of qualifying nursing programs and medical programs.

The EO also expands the list of professionals who may provide vaccines and perform testing for COVID-19; allows physician visits for nursing home residents to be provided via telemedicine; suspends certain preauthorization reviews; and permits general hospitals and nursing homes treating patients during the disaster emergency to discharge, transfer, or receive such patients, if necessary, due to staffing shortages and as authorized by DOH.

Health care providers facing staffing shortages should review the EO to see how it may affect their operations. Unless renewed by the Governor, the EO is set to expire on October 27, 2021.

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Should you have any questions regarding the above, please contact the [Garfunkel Wild attorney](#) with whom you regularly work.

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