

The New York State Education Department (“SED”) Office of the Professions (“OP”) is alerting everyone to a phishing scam that has been brought to our attention. Phishing—or “vishing”—scams impersonate SED employees or websites attempting to collect licensure and personal information from the licensee. **If you receive an inquiry which you believe to be suspicious do not provide any information. To verify if the inquiry was from OP, contact us directly.** You may report any suspicious communication received to the [Federal Trade Commission](#).



COVID-19 Executive Orders

Profession (Main)

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COVID-19 Pandemic and Professional Practice Important Information for Licensees Impacted by COVID-19

Advisory Notice: Governor Kathy Hochul has issued [Executive Order 4](#) Declaring a Statewide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York.

In addition, please be advised that The Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency

response. These provisions include permitting an expanded list of professionals to administer vaccine or to administer COVID-19 testing. Specifically, the United States CDC has recently provided clarification that the federal preemption provisions of the PREP Act authorize "qualified persons" (licensed professionals and others authorized under the Act) to continue to order and administer covered COVID countermeasures (testing, vaccination, treatment, issuance of non-patient specific standing orders, and other response measures) under the Act, despite the ending of state-level emergency authorizations. This means that the federal Act will authorize individuals to continue these actions in New York, notwithstanding state laws that may conflict. Individuals should refer to the [Declaration, Amendments, and Guidance documents issued by US HHS](#) for specific information. For more information on those categories of qualified persons covered to administer COVID-19 vaccines under the PREP Act Declaration and its amendments: [PREP Act Fact Sheet: Expanding the COVID-19 Vaccination Workforce](#). Additional information about the PREP Act can be found on [our website](#).

Please be advised that the COVID-19 Disaster Emergency declared by former Governor Andrew Cuomo, pursuant to Executive Order 202 issued on March 7, 2020, and each successor Executive Order to Executive Order 202 have expired as of June 25, 2021. While the several exceptions and authorizations relevant to the Title VIII statutes and regulations contained within Executive Order 202 and each successor Executive Order to Executive Order 202 have now expired, Title VIII professionals should return to compliance with all Title VIII statutory and regulatory requirements without delay unless specifically suspended or waived pursuant to Executive Order 4.

The Department is working closely with other New York State agencies and the Governor's Office relative to issues related to COVID 19. Please continue to monitor the Department's website for updated guidance.

We recognize that the recent pandemic has caused numerous hardships for the citizens of New York, including professional licensees. In response to the COVID-19 emergency disaster, the Governor has issued [Executive Orders \(EO\)](#) that impact licensed professionals. Please continue to monitor the Office of the Professions' [COVID-19 website](#) for updated guidance.

[EO #4.1](#) - Extended until June 22, 2023 by [EO #4.22](#)

- Temporary Suspension and Modification of Education Law and Regulations insofar as such modification authorized individuals to perform testing for the detection of SARS-CoV-2, or its antibodies, is modified only to the extent necessary to further allow such individuals to perform any clinical laboratory test on any specimen, including for the detection of SARS-CoV-2 and influenza, 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;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **registered nurses** to also order the collection of saliva and nasal tests, in addition to throat and nasopharyngeal swab specimens from individuals, for purposes of COVID-19 testing;
- The suspension contained in Executive Order 4 to allow testing for COVID-19 is further modified only to add influenza testing, subject to the same terms and conditions; and
- The suspension contained in Executive Order 4 insofar as they limit 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, is further modified to the extent necessary to permit non-nursing staff, upon completion of training deemed adequate by the Commissioner of Health, to: (1) collect throat, saliva, nasal, or nasopharyngeal swab specimens, as applicable and appropriate, for purposes of COVID-19 or influenza 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.

[EO #4](#) - Extended until June 22, 2023 by [EO #4.22](#) unless noted below

- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow **physicians** licensed and in current good standing in any state in the United States to practice medicine in New York State without civil or criminal penalty related to lack of licensure, and to allow **physicians** licensed and in current good standing in any province or territory of Canada, or any other country as approved by the Department of Health to practice medicine in New York State without civil or criminal penalty related to lack of licensure;
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary allow **physicians** licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration.
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow **registered nurses, licensed practical nurses, and nurse practitioners** licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure, and to allow registered nurses, licensed practical nurses, and nurse practitioners or a substantially similar title licensed and in current good standing in any province or

territory of Canada, or any other country as approved by the Department of Health, to practice in New York State without civil or criminal penalty related to lack of licensure;

- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow **physician assistants** licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure, and to allow **physician assistants** or a substantially similar title licensed and in current good standing in any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of licensure;
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow **respiratory therapists** licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **respiratory therapy technicians** licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure.
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **physician assistants, registered professional nurses, licensed practical nurses, nurse practitioners, specialist assistants, respiratory therapists, respiratory therapist technicians, pharmacists, clinical nurse specialists, dentists, dental hygienists, registered dental assistants, midwives, perfusionists, clinical laboratory technologists, cytotechnologists, certified clinical laboratory technicians, certified histological technicians, licensed clinical social workers, licensed master social workers, podiatrists, physical therapists, physical therapist assistants, mental health counselors, marriage and family therapists, creative arts therapists, psychoanalysts and psychologists** who have an unencumbered license and are currently in good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow **midwives** licensed and in current good standing in any state in the United States, or in any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of licensure;
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow **clinical nurse specialists, specialist assistants, and substantially similar titles** certified and in current good standing in any state in the United States, or any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of certification;
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow licensed master social workers, **licensed clinical social workers**, and **substantially similar titles** licensed and in current good standing in any state in the United States, or in any province or territory of Canada, or any other country as approved by the Department of Health to practice in New York State without civil or criminal penalty related to lack of licensure;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **graduates of State Education Department registered, licensure qualifying nurse practitioner education programs** to be employed to practice nursing in a hospital or nursing home for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, provided that the graduate files with the State Education Department an application for certification as a nurse practitioner;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **graduates of State Education Department registered, licensure qualifying clinical laboratory technology and clinical laboratory technician education programs** to be employed to practice for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, in a clinical laboratory with a valid New York State permit, provided that the graduate files an application for a New York State clinical laboratory practitioner license and limited permit;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **graduates of registered professional nurse and licensed practical nurse licensure qualifying education programs registered by the State Education Department** 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;
- **EXPIRED February 21, 2023 pursuant to [EO #4.18](#)** - Temporary Suspension and Modification of Law and Regulations to the extent necessary to allow any **physician who will graduate in 2021 or 2022 from an academic medical program accredited by a medical education accrediting agency for medical education by the Liaison Committee on Medical Education or the American Osteopathic Association**, and has been accepted by an Accreditation Council for Graduate Medical Education accredited residency program within or outside of New York State to practice at any institution under the supervision of a licensed physician;
- **EXPIRED February 21, 2023 pursuant to [EO #4.18](#)** - Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **individuals, who graduated from registered or accredited medical programs located in New York State in 2021**, to practice medicine in New York State, without the need to obtain a license and without civil or criminal penalty related to lack of licensure, provided that the practice of medicine by such graduates shall in all cases be supervised by a physician licensed and registered to practice medicine in the State of New York.
- Temporary Suspension and Modification of Education Law and Regulations, 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 disaster emergency, midwives may administer vaccinations against influenza and

COVID-19 to any patient pursuant to a non-patient specific order at 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 meet conditions set by the Commissioner of Health;

- **MODIFIED AND EXTENDED BY EO #4.1 (See above)** - Temporary Suspension and Modification of Law and Regulations to the extent necessary to permit **registered nurses** to order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing;
- **MODIFIED AND EXTENDED BY EO #4.1 (See above)** - Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **physicians** and **certified nurse practitioners** to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by this executive order to (1) collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection; (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;
- **MODIFIED AND EXTENDED BY EO #4.1 (See above)** - Temporary Suspension and Modification of Education Law and Regulations insofar as they limit 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 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;
- **EXPIRED February 21, 2023 pursuant to [EO #4.18](#)** - Temporary Suspension and Modification of Law and Regulations to the extent necessary to allow general hospitals to use qualified volunteers or personnel affiliated with different general hospitals, subject to the terms and conditions established by the Commissioner of Health;
- Temporary Suspension and Modification of Education Law and Regulations to expand **nurse-initiated protocols** to include electrocardiogram (EKG) for signs and symptoms of acute coronary syndrome, blood glucose for altered mental state, Labs and intravenous lines for potential sepsis and pre-procedure pregnancy testing to expedite evaluation and diagnosis;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **physician** visits for nursing home residents to be performed via telemedicine;
- Temporary Suspension and Modification of Law and Regulations to the extent necessary to permit an **advanced practice registered nurse with a doctorate or master's degree specializing in the administration of anesthesia** administering anesthesia in a general hospital or free-standing ambulatory surgery center without the supervision of a qualified physician in these health care settings;
- Temporary Suspension and Modification of Law and Regulations with approval of the Department of Health, to the extent necessary to define "medical control" to also include emergency and non-emergency direction to emergency medical services personnel by a regional or state medical control center and to permit emergency medical services personnel to operate under the advice and direction of a nurse practitioner, physician assistant, or paramedic, provided that such medical professional is providing care under the supervision of a physician and pursuant to a plan approved by the Department of Health;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to authorize retired **physicians, registered professional nurses, licensed practical nurses, and nurse practitioners** licensed to practice and in current good standing in New York State, but not currently registered in New York State, to re-register through use of an expedited automatic registration form developed by the state and to waive any registration fee for the triennial registration period for such registrants;
- Temporary Suspension and Modification of Law and Regulations to the extent necessary to permit a **physician assistant**, and to permit a **specialist assistant**, to provide medical services appropriate to their education, training and experience without oversight from a supervising physician without civil or criminal penalty related to a lack of oversight by a supervising physician;
- **EXPIRED April 30, 2022 pursuant to [EO #4.8](#)** - Temporary Suspension and Modification of Law and Regulations 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, without civil or criminal penalty related to a lack of written practice agreement, or collaborative relationship, with a physician;
- **EXPIRED February 21, 2023 pursuant to [EO #4.18](#)** - Temporary Suspension and Modification of Law and Regulations, to the extent necessary to allow **graduates of foreign medical schools having at least one year of graduate medical education** to provide patient care in hospitals, is modified so as to allow such graduates without licenses to provide patient care in hospitals if they have completed at least one year of graduate medical education;

- Temporary Suspension and Modification of Education Law and Regulations, to the extent necessary to permit **physicians** and **certified nurse practitioners** to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by this executive order to collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection;
- **MODIFIED AND EXTENDED BY EO #4.1 (See above)** - Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **individuals who meet the federal requirements for high complexity testing** to perform testing for the detection of SARS-CoV-2 in specimens collected from individuals suspected of suffering from a COVID-19 infection;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **clinical laboratory practitioners** to perform testing in a clinical laboratory under remote supervision, provided a supervisor is on-site at least eight hours per week;
- Temporary Suspension and Modification of Education Law and Regulations only to the extent necessary for **health care providers** to be relieved of recordkeeping requirements, including but not limited to assigning diagnostic codes or creating or maintaining other records for billing purposes, without civil or criminal penalty imposed by the Department of Health or State Education Department.

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