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| Provision(s) Waived | Applicable To | Waiver Language |
| Standing Orders |  |  |
| Education Law Section 6909(4) and Section 6527(6)  8 NYCRR Section 64.7  *\*To further modify regulations modified in EO 202.1*  EO 202.82 | Nurses; Physician Assistants (PA); Pharmacists | To the extent necessary to include Education Law Sections 6902(1), 6909(5) and (7), 6527(7), and 8 NYCRR Section 63.9*,* 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 EO 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 (FDA) approval or Emergency Use Authorization (EUA), subject to any other conditions set forth in this EO, 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 |
| Education Law Sections 6527(6) and 6909(4) and (5)  8 NYCRR Section 64.7  EO 202.82 | Registered professional nurses | 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 |
| Education Law Sections 6512-6902  EO 202.82 | Licensed Practical Nurses (LPN) | 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 practical nurses, so that for the purposes of this EO 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 (DOH) 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 (PPE) 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 |
| Education Law Section 6801(2) and (3)  8 NYCRR Section 63.9  EO 202.82 | Pharmacists | 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 (SED) as well as newly licensed pharmacist, as specified and permitted by this EO |
| Education Law Sections 6801(2) and (3), 6527(7), 6909(7), 6802(22), and 6828(1)  8 NYCRR Section 63.9  EO 202.82 | Pharmacists | 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 SED, so that such pharmacists may administer COVID and influenza vaccinations at POD sites overseen or approved by DOH 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 (PPE) sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic cardiopulmonary resuscitation (CPR), which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation ACPE, or the Accreditation Council for Continuing Medical Education |
| Education Law Sections 6801(2) and 6802(22)  8 NYCRR Section 63.9  EO 202.82 | Physicians; NPs | 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 EO unless administering COVID-19 or influenza vaccinations at a POD site |
| Education Law Section 6951  8 NYCRR Section 79-5.5  *\*Insofar as such provisions limit the practice of midwifery to management of normal pregnancies, childbirth 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*  EO 202.82 | Midwives | To permit midwives administer vaccinations against influenza and COVID-19 to any patient pursuant to a non-patient specific order at POD sites overseen or approved by DOH 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 SED 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, ACPE, or the Accreditation Council for Continuing Medical Education |
| Education Law Section 6601  *\*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*  EO 202.82 | Dentists | To permit dentists to administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at POD sites overseen or approved by DOH and 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, ACPE, or the Accreditation Council for Continuing Medical Education |
| Education Law Section 6606(1)  8 NYCRR Section 61.9  *\*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*  EO 202.82 | Dental hygienists | To permit dental hygienists who have been issued a dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate in accordance with Education Law Section 6605-b and 8 NYCRR Section 61.17 may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at POD sites overseen or approved by DOH 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education |
| Education Law Section 7001(1) and (2)  *\*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*  EO 202.82 | Podiatrists | To permit podiatrists to administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at POD sites overseen or approved by DOH 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education |
| Public Health Law Section 3001(6)(7)  10 NYCRR Sections 800.3(o)(p) and 800.15  *\*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*  EO 202.82 | Emergency Medical Technicians (EMT) | To permit emergency medical technicians and advanced emergency medical technicians to administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at sites overseen or approved by DOH 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, ACPE, or the Accreditation Council for Continuing Medical Education |
| Public Health Law Section 3001(7)  10 NYCRR Section 800.3(p)  *\*In accordance with EO 202 and with prior approval of DOH*  EO 202.82 | EMT-Paramedics | To the extent necessary, to permit certified emergency medical technician-paramedics, providing community paramedicine services 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 EMT-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 PPE sufficient to provide the basic level of competence for such tasks and  (3) a current certificate in basic CPR which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, ACPE, or the Accreditation Council for Continuing Medical Education |
| Directive issued 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  EO 202.82 | Students | Individuals enrolled in the following educational programs may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at POD sites overseen or approved by DOH or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nursing practitioners, provided such students have completed at least one year of clinical experience (unless otherwise specified in this EO) and first receive training in the following areas, as determined by and in accordance with guidance by the Commissioner of Health after consultation with the Commissioner of Education: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of PPE sufficient to provide the basic level of competence for such tasks; (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education; and (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:   * Medical program approved and/or registered by the SED pursuant to Education Law Article 131 and 8 NYCRR Part 60 * Registered professional nursing program or licensed practical nursing program approved and/or registered by SED pursuant to Education Law Article 139 and 8 NYCRR Part 64 * Physician assistant program approved and/or registered by SED pursuant to Education Law Article 131-B and 8 NYCRR Part 60; * Pharmacy program approved and/or registered by SED pursuant to Education Law Article 137 and 8 NYCRR Part 63. For the purposes of this EO, pharmacy students who have obtained a limited permit, including a certificate to administer immunizations, pursuant to Education Law Section 6806 and 8 NYC RR Section 63.4 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; * Dentistry program approved and/or registered by SED pursuant to Education Law Article 133 and 8 NYCRR Part 61; * Podiatric medicine program approved and/or registered by SED pursuant to Education Law Article 141 and 8 NYCRR Part 65; * Midwifery program approved and/or registered by SED pursuant to Education Law Article 140 and 8 NYCRR Part 79-5 |
| Who Can Vaccinate | | |
| Education Law Sections 6521 and 6902  *\*Further modifies a provision EO 202 that 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 Education Law Article 139*  EO 202.82; modified by EO 202.90 (see footnote) | Non-nursing staff | To the extent necessary to permit non-nursing staff, as permitted by law or EO 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 ACIP and/or an applicable FDA approval or EUA, subject to any other conditions set forth in this EO, including but not limited to conditions related to training and supervision, where applicable[[1]](#footnote-1); 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 |
| Education Law Sections 6512-6902  EO 202.82; modified by EO 202.90 (see footnote) | LPNs | 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 practical nurses, so that for the purposes of this EO only such licensed practical nurses may administer COVID and influenza vaccinations at POD sites overseen or approved by DOH 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 PPE 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, ACPE, or the Accreditation Council for Continuing Medical Education[[2]](#footnote-2) |
| Education Law Sections 6801(2) and (3), 6527(7), 6909(7), 6802(22), and 6828(1)  8 NYCRR Section 63.9  EO 202.82; modified by EO 202.90 (see footnote) | Pharmacists | 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 SED, so that such pharmacists may administer COVID and influenza vaccinations at POD sites overseen or approved by DOH 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic cardiopulmonary resuscitation (CPR), which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, the Accreditation ACPE, or the Accreditation Council for Continuing Medical Education[[3]](#footnote-3) |
| Education Law Sections 6801(2) and (3), 6527(7), 6909(7), 6802(22), and 6828(1)  8 NYCRR Section 63.9  EO 202.82 | Pharmacists | To the extent necessary to permit newly licensed pharmacists, previously issued a limited permit with certification to administer immunizations pursuant to Education Law Section 6806 as well as 8 NYCRR Section 63.4, 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 |
| Education Law Section 6951  8 NYCRR Section 79-5.5  *\*Insofar as such provisions limit the practice of midwifery to management of normal pregnancies, childbirth 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*  EO 202.82; modified by EO 202.90 (see footnote) | Midwives | To permit midwives administer vaccinations against influenza and COVID-19 to any patient pursuant to a non-patient specific order at POD sites overseen or approved by DOH 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 SED 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, ACPE, or the Accreditation Council for Continuing Medical Education[[4]](#footnote-4) |
| Education Law Section 6601  *\*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*  EO 202.82; modified by EO 202.90 (see footnote) | Dentists | To permit dentists to administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at POD sites overseen or approved by DOH and 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, ACPE, or the Accreditation Council for Continuing Medical Education[[5]](#footnote-5) |
| Education Law Section 6606(1)  8 NYCRR Section 61.9  *\*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*  EO 202.82; modified by EO 202.90 (see footnote) | Dental hygienists | To permit dental hygienists who have been issued a dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate in accordance with Education Law Section 6605-b and 8 NYCRR Section 61.17 may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at POD sites overseen or approved by DOH 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education[[6]](#footnote-6) |
| Education Law Section 7001(1) and (2)  *\*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*  EO 202.82; modified by EO 202.90 (see footnote) | Podiatrists | To permit podiatrists to administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at POD sites overseen or approved by DOH 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education[[7]](#footnote-7) |
| Public Health Law Section 3001(6)(7)  10 NYCRR Sections 800.3(o)(p) and 800.15  *\*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*  EO 202.82; modified by EO 202.90 (see footnote) | EMTs | To permit emergency medical technicians and advanced emergency medical technicians to administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at sites overseen or approved by DOH 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 PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, ACPE, or the Accreditation Council for Continuing Medical Education[[8]](#footnote-8) |
| Public Health Law Section 3001(7)  , 10 NYCRR Section 800.3(p)  *\*In accordance with EO 202 and with prior approval of DOH*  EO 202.82; modified by EO 202.90 (see footnote) | EMT-Paramedics | To the extent necessary, to permit certified emergency medical technician-paramedics, providing community paramedicine services 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 EMT-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 PPE sufficient to provide the basic level of competence for such tasks and  (3) a current certificate in basic CPR which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, ACPE, or the Accreditation Council for Continuing Medical Education[[9]](#footnote-9) |
| Directive issued 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  EO 202.82; modified by EO 202.90 (see footnote) | Students | Individuals enrolled in the following educational programs may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at POD sites overseen or approved by DOH or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nursing practitioners, provided such students have completed at least one year of clinical experience (unless otherwise specified in this EO) and first receive training in the following areas, as determined by and in accordance with guidance by the Commissioner of Health after consultation with the Commissioner of Education: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of PPE sufficient to provide the basic level of competence for such tasks; (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education; and (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:   * Medical program approved and/or registered by the SED pursuant to Education Law Article 131 and 8 NYCRR Part 60 * Registered professional nursing program or licensed practical nursing program approved and/or registered by SED pursuant to Education Law Article 139 and 8 NYCRR Part 64 * Physician assistant program approved and/or registered by SED pursuant to Education Law Article 131-B and 8 NYCRR Part 60; * Pharmacy program approved and/or registered by SED pursuant to Education Law Article 137 and 8 NYCRR Part 63. For the purposes of this EO, pharmacy students who have obtained a limited permit, including a certificate to administer immunizations, pursuant to Education Law Section 6806 and 8 NYC RR Section 63.4 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; * Dentistry program approved and/or registered by SED pursuant to Education Law Article 133 and 8 NYCRR Part 61; * Podiatric medicine program approved and/or registered by SED pursuant to Education Law Article 141 and 8 NYCRR Part 65; * Midwifery program approved and/or registered by SED pursuant to Education Law Article 140 and 8 NYCRR Part 79-5[[10]](#footnote-10) |
| Directive issued 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  EO 202.90 | Pharmacy technician | A person (a) holding a certification from a nationally accredited pharmacy technician certification program acceptable to DOH, (b) being of good moral character, and (c) meeting such additional qualifications for licensure as required by the Commissioner of Health, in consultation with the Commissioner of Education, shall be eligible to be temporarily licensed as a “pharmacy technician” in the State of New York and, in such capacity, may administer COVID-19 vaccinations at POD sites overseen or approved by DOH or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, and under the direct supervision of a licensed pharmacist, and at pharmacy establishments under the direct supervision of a licensed pharmacist, provided such pharmacy technicians must first receive:  (1) techniques, indications, precautions, contraindications, infection control practices;  (2) use of PPE sufficient to provide the basic level of competence for such tasks; and  (3) a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, ACPE, or the Accreditation Council for Continuing Medical Education |
| Vaccine Supply | | |
| Education Law Section 6808 and any regulations promulgated thereunder  EO 202.82 | Transfer of vaccine materials | 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 DOH in consultation with SED |
| ~~Directive issued 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~~  EO 202.88; modified by EO 202.89 (see footnote); no longer in effect in EO 202.102 | ~~Reporting~~ | ~~Any health care facility, provider, or entity who has been allocated and has received COVID-19 vaccine, or who has received redistributed COVID-19 vaccine, must administer such vaccine within one week of its receipt by such facility. Any health care facility, provider, or entity who is not on pace to administer all vaccine must notify DOH on the fifth day after receipt. This will be effective for any vaccine currently on hand at any health care facility, provider, or entity as of January 4, 2020[[11]](#footnote-11) January 4, 2021[[12]](#footnote-12), and such remaining doses must be administered no later than January 8, 2020[[13]](#footnote-13) January 8, 2021[[14]](#footnote-14), provided, however, that a facility may request an extension of such deadline which may be granted by the Commissioner for Good cause.[[15]](#footnote-15) The failure to administer vaccine in accordance with this process may result in a civil penalty of up to $100.000, and/or reduction or elimination of future allocations of vaccine. Failure to notify DOH pursuant to the directive may also cause DOH to reduce or eliminate future allocations of vaccine to such facility, provider, or entity~~ |
| Directive issued 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  EO 202.91 | Vaccine supply | Providers, unless otherwise directed should not schedule appointments until they receive an allocation, and no more appointments should be scheduled that the actual allocation allows |
| Miscellaneous | | |
| Insurance Law Sections 3216(i)(17)(E), 3221(l)(8)(E) and (F), and 4303(j)(3) | Health insurance | To apply to grandfathered health plans with regard to COVID-19 immunizations |
| Laws of 2020 Chapter 110  EO 202.82 | Vaccine administration | To the extent necessary and subject to the certification by the Commissioners of Health and Education, to permit licensed pharmacists to administer COVID-19 vaccine less than 90 days after approval of such vaccine by the FDA’s Center for Biologics Evaluation and Research |
| Education Law Section 6801(2)(a), (b), and (c)  10 NYCRR Section 63.9(b)(5)  *\*Insofar as the regulations 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*  EO 202.82 | Reporting | To permit licensed pharmacists to 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 City Immunization Registry (CIR) or New York State Immunization Registry (NYSIIS) |
| 8 NYCRR Section 64.7(a)(3)(ii)  *\*Insofar as the regulation requires registered professional nurses administering immunizing agents pursuant to a non-patient specific regimen to report such administration to patients' attending physicians*  EO 202.82 | Reporting | To permit registered professional nurses to administer vaccinations against influenza and COVID-19 without reporting such administrations to patients' attending physicians, but, at a minimum, must report the vaccination to NYSIIS or CIR, as applicable |
| 8 NYCRR Section 29.2(a)(3)  *\*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*  EO 202.82 | Recordkeeping | Persons practicing the professions listed within that section who are authorized to administer vaccinations pursuant to this EO 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 DOH |
| 8 NYCRR Section 64.7(a)(3)(ii)(d)  *\*Insofar as this regulation 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 SED*  EO 202.82 | Recordkeeping | 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 DOH |
| 8 NYCRR Section 63.9(b)(5)(xi)  *\*Insofar as this regulation 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 SED*  EO 202.82 | Recordkeeping | 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 DOH |
| 8 NYCRR Section 64.7(a)(2)(i)  *\*Insofar as this regulation requires a registered professional nurse authorized to administer immunization agents pursuant to a non-patient specific order to be currently certified in CPR*  EO 202.82 | CPR certification | Registered professional nurses must have a current certificate in basic CPR, which at a minimum must include a certification in basic CPR by an online program that has received accreditation from the American Nurses Credentialing Center, ACPE, or the Accreditation Council for Continuing Medical Education |
| Education Law Section 6542(1)  *\*Further modifies provisions in EO 202.10 to the extent necessary to include any associated regulations including, but not limited to 8 NYCRR Section 29.2(a)(5) and 10 NYCRR Section 94.2(a) and (b)*  EO 202.82 | Supervision | 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 EO, without civil or criminal penalty related to a lack of oversight by a supervising physician |
| Education Law Section 6902(3)*,*and any associated regulations, including, but not limited to 10 NYCRR Sections 29.2, 29.14, and 64.5  *\*Further modifies provisions in EO 202.10*  EO 202.82 | Practice agreement or collaborative relationship | To the extent necessary to permit 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 POD or other types of vaccination sites, as permitted by this EO, without civil or criminal penalty related to a lack of written practice agreement, or collaborative relationship, with a physician |
| Public Health Law Section 2168  10 NYCRR Section 66-1.2  EO 202.82; modified by EO 202.88 (see footnote); modified by EO 202.89 (see footnote) | Consenting | 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 NYSIIS or the CCIR, so that for the purposes of this EO, the New York State Commissioner of Health or the New York City Commissioner or Health may include adult immunization information in CIR or NYSIIS, as applicable, without the consent of the vaccine, and subject to guidance issued by DOH and  (2) require all influenza and COVID-19 vaccinations for any individual (child or adult) to be reported to CIR or NYSIIS, as applicable, within ~~24 12~~[[16]](#footnote-16) 24[[17]](#footnote-17) 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 |
| Public Health Law Article 5 Title V  10 NYCRR Parts 19 and 58  *\*Further modifies provisions in EO 202.10*  EO 202.82 | Clinical labs | 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 DOH, to perform testing for the detection of influenza virus, respiratory syncytial virus RNA, or other respiratory panels as approved by DOH, in specimens collected from individuals suspected of suffering from a COVID-19 infection, including postmortem specimens |
| Education Law Sections 8602 and 8603  10 NYCRR Section 58-1.5  *\*Further modifies provisions in EO 202.16*  EO 202.82 | Testing | Authorizes 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 DOH |
| Education Law Section 6801  *\*Further modifies provisions in EO 202.24*  EO 202.82 | Testing | Authorizes 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 DOH |
| 10 NYCRR Parts 709 and 710  *\*Further modifies provisions in EO 202.1*  EO 202.82 | Construction of temporary vaccine sites | To the extent necessary, to permit 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 |
| Directive issued 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  EO 202.82 | CPR certification | Any licensed physician, licensed physician assistant, and certified nurse practitioner medically supervising POD or other types of vaccination sites, as permitted by this EO, and overseen or approved by DOH or local health departments must have a current certification in CPR |
| Directive issued 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  EO 202.82 | Clinical lab | Within 60 days of this EO, all clinical laboratories permitted by the DOH pursuant to Public Health Law Title 5 Article 5, 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 10 NYCRR Part 300 |
| ~~Directive issued 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~~  EO 202.86; eliminated by EO 202.105 | ~~Prioritization groups~~ | ~~To ensure that the State has complete and accurate information about who is receiving the State’s currently limited quantity of vaccine, and to inform the State’s efforts to understand the regions and communities that are receiving the vaccine, health care providers shall require any person who is receiving the vaccine to provide information, including but not limited to an attestation that they are a member of a specific priority group that has been determined by DOH to be eligible for the vaccine, on a form to be determined by DOH. Any licensed health care provider who administers the vaccine to an individual who has not certified to being a member of a priority group or where such provider otherwise has knowledge that the individual is not a member of the priority group may be subject to civil penalties of up to one million dollars per dose administered and/or the revocation of any state-issued license~~ |
| ~~Directive issued 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~~  EO 202.91; modified by EO 202.97[[18]](#footnote-18); modified by EO 202.99[[19]](#footnote-19); eliminated by EO 202.105 | ~~Prioritization groups~~ | ~~Local health departments and county governments receive allocation for and must prioritize essential workers in the 1b category. Hospitals receive allocations for and must prioritize health care workers. Pharmacies are to prioritize individuals that are 65+. DOH approved general population mass vaccination sites are to prioritize 65+ and essential workers in the 1b category. We allocate dosages to these provider classes to represent the fair distribution. If a provider distributes to a group outside of their “prioritization” they will disrupt the fairness of the allocation~~  ~~Effective March 10, 2021,~~ ~~pharmacies shall prioritize: (1) individuals age 60+; and (2) individuals who are P-12 school (public or non-public) teachers, substitute teachers, or student teachers. Effective March 17, 2021 all providers other than pharmacies are permitted to vaccinate any eligible individual~~  ~~Pharmacies shall prioritize: (1) individuals age eligible; and (2) individuals who are P-12 school (public or non-public) teachers, substitute teachers, or student teachers; and (3) individuals with comorbidities~~ |
| Directive (not a waiver of statute or regulation) pursuant to the Laws of 2021 Chapter 71  EO 202.100; modified by EO 202.101 | Vaccine administration; Transfer/admission/discharge | ~~The directive contained in EO 202.30, as extended and modified, which required that nursing home operators or administrators certify that they are able to properly care for a patient, and which required that the Article 28 general hospital obtain a negative COVID-19 diagnostic test result prior to discharge, is hereby further modified and extended to provide that no Article 28 general hospital shall discharge a patient to a nursing home, without first offering to medically eligible patients and, if the patient consents, providing a COVID-19 vaccine to such patient~~  The directive contained in 202.30, as extended and modified, is further modified and extended to provide that no Article 28 general hospital shall discharge a patient to a nursing home, adult care facility, or long-term care facility without first offering to medically eligible patients and, if the patient consents, providing a COVID-19 vaccine to such patient |

1. This waiver was modified only insofar as to permit such individuals to administer vaccinations against COVID-19 provided such individuals meet conditions set by the Commissioner of Health (EO 202.90) [↑](#footnote-ref-1)
2. This waiver was modified only insofar as to permit such individuals to administer vaccinations against COVID-19 provided such individuals meet conditions set by the Commissioner of Health (EO 202.90) [↑](#footnote-ref-2)
3. This waiver was modified only insofar as to permit such individuals to administer vaccinations against COVID-19 provided such individuals meet conditions set by the Commissioner of Health (EO 202.90) [↑](#footnote-ref-3)
4. This waiver was modified only insofar as to permit such individuals to administer vaccinations against COVID-19 provided such individuals meet conditions set by the Commissioner of Health (EO 202.90) [↑](#footnote-ref-4)
5. This waiver was modified only insofar as to permit such individuals to administer vaccinations against COVID-19 provided such individuals meet conditions set by the Commissioner of Health (EO 202.90) [↑](#footnote-ref-5)
6. This waiver was modified only insofar as to permit such individuals to administer vaccinations against COVID-19 provided such individuals meet conditions set by the Commissioner of Health (EO 202.90) [↑](#footnote-ref-6)
7. This waiver was modified only insofar as to permit such individuals to administer vaccinations against COVID-19 provided such individuals meet conditions set by the Commissioner of Health (EO 202.90) [↑](#footnote-ref-7)
8. This waiver was modified only insofar as to permit such individuals to administer vaccinations against COVID-19 provided such individuals meet conditions set by the Commissioner of Health (EO 202.90) [↑](#footnote-ref-8)
9. This waiver was modified only insofar as to permit such individuals to administer vaccinations against COVID-19 provided such individuals meet conditions set by the Commissioner of Health (EO 202.90) [↑](#footnote-ref-9)
10. This directive was modified only insofar as to permit such individuals to administer vaccinations against COVID-19 provided such individuals meet conditions set by the Commissioner of Health (EO 202.90) [↑](#footnote-ref-10)
11. Likely an error, most likely meant January 4, 2021 [↑](#footnote-ref-11)
12. Modified by EO 202.89 [↑](#footnote-ref-12)
13. Likely an error, most likely meant January 8, 2021 [↑](#footnote-ref-13)
14. Modified by 202.89 [↑](#footnote-ref-14)
15. This directive was modified only insofar as to apply for any vaccine currently on hand at any health care facility, provider, or entity as of January 4, 2021, and such remaining doses must be administered no later than January 8, 2021, provided, however, that a facility may request an extension of such deadline which may be granted by the Commissioner for good cause (EO 202.89) [↑](#footnote-ref-15)
16. This waiver was continued and modified only insofar as to require all influenza and COVID-19 vaccinations for any individual (child or adult) to be reported to NYSIIS or CIR, as applicable, within 12 of administration of such vaccine (EO 202.88) [↑](#footnote-ref-16)
17. This waiver was continued and modified only insofar as to require all influenza and COVID-19 vaccinations for any individual (child or adult) to be reported to NYSIIS or CIR, as applicable, within 24 hours of administration of such vaccine (EO.202.89) [↑](#footnote-ref-17)
18. Modified on March 17, 2021 by the Laws of 2021 Chapter 71 to modify or extend any directive issued during this disaster emergency necessary to cope with such disaster [↑](#footnote-ref-18)
19. Modified by the Laws of 2021 Chapter 71 [↑](#footnote-ref-19)