State of New York

Executive Chamber

No. 68

EXECUTIVE ORDER

TEMPORARY SUSPENSION AND MODIFICATION OF STATUTES AND REGULATIONS TO EXPAND ACCESS TO TETANUS IMMUNIZATIONS DURING THE STATE DISASTER EMERGENCY

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York; and

WHEREAS, on October 30, 2012, the President issued a major disaster declaration for the counties of Bronx, Kings, Nassau, New York, Queens, Richmond and Suffolk, and on November 2, 2012, extended such declaration to include Rockland and Westchester Counties;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, hereby temporarily suspend or modify, as the case may be, during the period from the date that the disaster emergency was declared pursuant to Executive Order Number 47, issued on October 26, 2012, until further notice, the following:

Article 68 of the Education Law, and any associated regulations, to the extent that such provisions limit the ability of pharmacists already authorized to administer certain immunizations pursuant to Section 6801 and subdivision (22) of Section 6802 of the Education Law to administer tetanus toxoid containing vaccines, including those also containing diphtheria and pertussis vaccine, to persons 18 years of age or older within the federally declared counties, pursuant to a patient specific or non-patient specific regimen from a physician or certified nurse practitioner;

Article 133 of the Education Law, and any associated regulations, to the extent that such provisions limit the ability of dentists to administer tetanus toxoid containing vaccines, including those also containing diphtheria and pertussis vaccine, to persons 18 years of age or older within the federally declared counties, pursuant to a patient specific or non-patient specific regimen from a physician or certified nurse practitioner;

Article 30 of the Public Health Law and Articles 131 and 139 of the Education Law, and any associated regulations, to the extent that such provisions limit the ability of emergency medical technicians to administer tetanus toxoid containing vaccines, including those also containing diphtheria and pertussis vaccine, to persons 18 years of age or older within the federally declared counties, pursuant to a patient specific or non-patient specific regimen from a physician or certified nurse practitioner, so that such emergency medical technicians can administer vaccines under the jurisdiction of a county or city health department within the federally declared counties, provided that such county or city health department shall

be responsible for supervision of the emergency medical technicians and maintaining patient records of such administration; and

Subdivision (7) of Section 6527 and subdivision (7) of Section 6909 of the Education Law, and any associated regulations, to the extent that such provisions do not permit physicians and certified nurse practitioners to prescribe and order a patient specific or non-patient specific regimen for tetanus toxoid containing vaccines, including those also containing diphtheria and pertussis vaccine, to pharmacists certified to administer vaccines pursuant to Article 68 of the Education Law, dentists licensed under Article 133 of the Education Law, or emergency medical technicians certified pursuant to Article 30 of the Public Health Law, so that such individuals can administer vaccines as set forth in this Executive Order.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this ninth day of November in the year two thousand twelve.

BY THE GOVERNOR

Secretary to the Governor