State of New York

Executive Chamber

No. 57

EXECUTIVE ORDER

TEMPORARY SUSPENSION AND MODIFICATION OF EDUCATION LAW PROVISIONS REGARDING DIALYSIS SERVICES 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;

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 and modify, as the case may be, for the period from the date of this Executive Order until further notice, the following:

Article 139 of the Education Law, along with any associated regulations, to the extent they prohibit nursing services from being provided by any individual who is not licensed pursuant to such article and regulations, so that, for the purposes of this Executive Order only, a nurse who is not licensed in New York may provide nursing services to the dialysis patients of a general hospital, nursing home or diagnostic and treatment center licensed under the Public Health Law, as long as (1) such nurse is licensed as a nurse by another state, is in good standing in such state, and has not had a nursing license revoked in any other state; (2) the provision of nursing services to dialysis patients is within such nurse's scope of practice and expertise; and (3) such nurse provides services only to the patients of such general hospital, nursing home or diagnostic and treatment center.

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

BY THE GOVERNOR

Secretary to the Governor