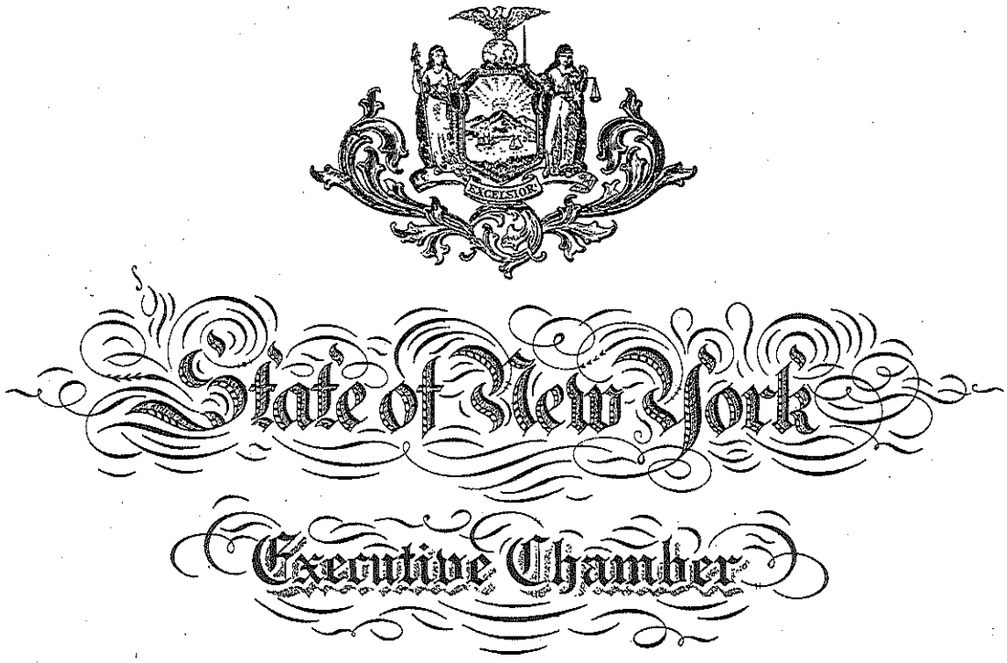

No. 64

EXECUTIVE ORDER

TEMPORARY SUSPENSION AND MODIFICATION OF REGULATORY PROVISIONS REGARDING HOME HEALTH CARE 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 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:

Articles 28-E and 36 of the Public Health Law and Article 139 of the Education Law, and any associated regulations, to the extent they prohibit home care or nursing services from being provided by an individual not licensed pursuant to such articles and regulations and to the extent they limit the provision of home health services to agencies that are licensed or certified pursuant to Article 36 of the Public Health Law, so that home health agencies which are not approved to operate in New York State may nonetheless provide such services pursuant to a contract with the Federal Emergency Management Agency ("FEMA") for the purpose of serving individuals within the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk and Westchester, as long as the employees providing services pursuant to such FEMA contract are themselves licensed or certified, as applicable, in other states and are in good standing in such states, possess the appropriate training and competence required by applicable federal regulations and otherwise act only within the scope of their practice and expertise consistent with the authority their level of training and education would allow them under the corresponding New York state license or certification; and

Article 36 and Article 40 of the Public Health Law, and any associated regulations, to the extent they limit the provision of services by entities licensed or certified under such articles to the geographic areas approved pursuant to such licenses or certifications and any underlying establishment or construction applications, so that such entities may serve patients who are located outside such approved geographic areas

and who are in need of services during the disaster emergency but remain in the counties of Bronx, Kings, Nassau, New York, Queens, Richmond, Rockland, Suffolk and Westchester.

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

BY THE GOVERNOR

Secretary to the Governor