



# State of New York

## Executive Chamber

No. 20.1

### EXECUTIVE ORDER

#### **Continuing the Declaration of a Statewide Disaster Emergency due to the Ongoing Spread of the Monkeypox Virus in the State of New York**

**WHEREAS**, the monkeypox virus has been declared a Public Health Emergency of International Concern by the World Health Organization as of July 23, 2022;

**WHEREAS**, due to the ongoing spread of the monkeypox virus and the significant risk that this virus poses to human health, the monkeypox virus has been declared an Imminent Threat to Public Health by the New York State Commissioner of Health as of July 28, 2022;

**WHEREAS**, New York is now experiencing one of the highest rates of transmission in the country, with 3124 cases reported in New York State as of August 26th, 2022;

**WHEREAS**, local health departments are actively responding to the monkeypox outbreak through investigation support, contact identification and monitoring, vaccine administration for exposed contacts and focused current high-risk populations, and education and outreach;

**WHEREAS**, the New York State government must support the municipalities, localities, and counties in their efforts to facilitate and administer vaccinations and tests for monkeypox, and to prevent the disease from continuing to spread;

**NOW, THEREFORE**, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the New York State Constitution and the laws of the State of New York, do hereby extend the state disaster emergency as set forth in Executive Order 20, and continue the terms, conditions, and suspensions contained in Executive Order 20, through September 27, 2022; and

**FURTHER**, 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 any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a state disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily suspend or modify for the period from the date of this Executive Order through September 27, 2022 the following:

- Sections 3216(i)(17)(E), 3221(l)(8)(E), and 4303(j)(3) of the Insurance Law, to the extent necessary to: (1) require coverage, without any copayments, coinsurance, or annual deductibles, for the monkeypox virus immunization, and the administration thereof, when provided in-network or out-of-network for grandfathered health plans and for individuals who do not fall within the recommendation from the Advisory Committee on Immunization Practices ("ACIP") of the Centers for Disease Control and Prevention; and (2) waive copayments, coinsurance, and annual deductibles for this immunization, and the administration thereof, when provided out-of-network with respect to individuals subject to the recommendation by ACIP;

- Sections 3221(h) and (l)(3), 4303(e)(1), (f)(1), and (ll), and 4328(b)(1) of the Insurance Law, to the extent necessary to waive copayments, coinsurance, and annual deductibles for: (1) in-network laboratory testing to diagnose the monkeypox virus; and (2) visits to diagnose the monkeypox virus at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose monkeypox, or an emergency department of a hospital, provided, however, that co-payments, coinsurance, and annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for the monkeypox virus, including an inpatient hospital admission, as permitted by law, and a deductible may be applied for a high deductible health plan as defined by the Internal Revenue Code Section 223(c)(2) if otherwise require by law.



G I V E N under my hand and the Privy Seal of the  
State in the City of Albany this twenty-  
eighth day of August in the year two  
thousand twenty-two.

*Rathy Hochul*

BY THE GOVERNOR

*[Signature]*

Secretary to the Governor