

COVID-19 (Coronavirus)

Advisory Notice: Please be advised that the COVID-19 Disaster Emergency declared by the Governor, pursuant to Executive Order 202 issued on March 7, 2020, and each successor Executive Order to Executive Order 202 have expired as of June 25, 2021. While the several exceptions and authorizations relevant to the Title VIII statutes and regulations contained within these Executive Orders have now expired, the Department understands the concern regarding the short notice of the expiration of the COVID-19 Disaster Emergency and will take that into consideration in the event of any potential inquiries involving activity that had previously been authorized by Executive Order 202 and its successor Executive Orders at this time. However, Title VIII professionals should exercise due diligence and good faith efforts to return to compliance with all Title VIII statutory and regulatory requirements without delay. Please be advised that The Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the Federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccine or to administer COVID-19 testing. Specifically, the United States CDC has recently provided clarification that the federal preemption provisions of the PREP Act authorize "qualified persons" (licensed professionals and others authorized under the Act) to continue to *order and administer* covered COVID countermeasures (testing, vaccination, treatment, issuance of non-patient specific standing orders, and other response measures) under the Act, despite the ending of state-level emergency authorizations. This means that the federal Act will authorize individuals to continue these actions in New York, notwithstanding state laws that may conflict. Individuals should refer to the [Declaration, Amendments, and Guidance documents issued by US HHS](#) for specific information. For more information on those categories of qualified persons covered to administer COVID-19 vaccines under the PREP Act Declaration and its amendments: PREP Act Fact Sheet: [Expanding the COVID-19 Vaccination Workforce \(phe.gov\)](#). Additional information about the PREP Act can be found on [our website](#). The Department is working closely with other New York State agencies and the Governor's Office to clarify issues relating to the expiration of the Disaster Emergency and the reinstatement of laws and regulations that have been previously modified or suspended during the COVID 19 Disaster Emergency. Please continue to monitor the Department's website for updated guidance.

The Office of the Professions (OP) continues to license nurses, doctors, physician assistants and other healthcare providers as expeditiously as possible. The State Education Department (SED) is working closely with the Governor and other state agencies as the COVID-19 emergency evolves. Guidance will be announced through these agencies and posted on this webpage. Below is information regarding COVID-19 and topics related to the professions.

[Administering COVID-19 Vaccine](#) | [Electronic Notarization](#) | [Continuing Education](#) | [Exam Review Sessions](#) | [Examinations](#) | [Renewal of Permits](#) | [Registrations](#) | [Telepractice](#) | [Volunteers](#)

Additional information is also available:

- [COVID-19 Frequently Asked Questions](#)
- [Executive Orders](#)
- [NYSED's COVID-19 webpage](#)
- [NYDOH's COVID-19 webpage](#)
- [NYSED's Guidance for NYS Colleges and Universities](#)

Due to the COVID-19 virus and the New York State of Emergency, staff in OP are not readily available to answer all phone calls. We apologize for the inconvenience. Please use the [Contact Us Form](#) to submit licensure and registration related questions to OP. Be advised that due to the volume of phone calls and emails received, there may be a delay before staff can provide you with an answer. Please review the OP website for answers to many frequently asked questions. COVID-19 related questions may be sent to NYSED's COVID-19 mailbox at: COVID19@nysed.gov

Administering COVID-19 Vaccine

- [Pharmacists Administering COVID-19 Vaccine](#)
- [Temporarily-Licensed Pharmacy Technicians](#)
- [Federal Public Readiness and Emergency Preparedness \(PREP\) Act](#)

Electronic Notarization

OP will accept an electronic notarization on any application or form in accordance with [Executive Orders](#), as long as specific criteria outlined [here](#) are met.

Continuing Education

Some regulations restrict licensees to a certain percentage of self-study for continuing education requirements. In response to the evolving situation with the Novel Coronavirus (COVID-19), and for those licensees whose registrations are due to renew March 1, 2020 – January 1, 2022, the Department will grant an adjustment to all licensees to complete up to 100% of the continuing education as self-study, provided that it is taken from a Department-approved provider and is in an acceptable subject area for the specific profession.

Additionally, the Department will grant an adjustment to all licensees, regardless of registration renewal date, to utilize self-study for any coursework taken during the period from March 1, 2020 – January 1, 2022, provided that it is taken from a Department-approved provider and is in an acceptable subject area for the specific profession. Coursework taken outside that timeframe must meet the continuing education requirements in each individual profession's laws and regulations.

SED is working closely with other New York State agencies and the Governor's Office to tackle issues relating to COVID-19. Please continue to monitor the Department's website for updated guidance.

Exam Review Sessions

- Massage examination review sessions that are scheduled for 4/10 in Albany and 4/17 in New York City are postponed.

If you were signed up for these sessions you will be notified when they are rescheduled.

Examinations

COVID-19 is impacting the administration of examinations necessary to meet the qualifications for professional licensure in NYS. Please refer to the examination provider's website for the latest information about your examination. There is a link to the examination provider and/or administrator on the Requirements page for your profession. At this time, the Massage Therapy examination administered by the Office of the Professions has not been cancelled.

Cancelled/Rescheduled examinations include:

- The New York State Ophthalmic Dispensing Only examination scheduled for 4/27- 4/28 has been cancelled.

[Renewal of Limited and Provisional Permits](#)

Registrations

Please be advised that there will be delays in the printing and mailing of registration certificates and license parchments due to the COVID-19 State of Emergency. OP's [Online Registration Renewal](#) will remain continuously available and licensees are encouraged to timely register if possible. OP's [Verification Searches](#) will remain up-to-date and is a primary source for license and registration verification.

[Telepractice Guidance](#)

[Volunteers for COVID-19 Response Efforts](#)



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COVID-19 Pandemic and Professional Practice

Important Information for Licensees Impacted by COVID-19

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We recognize that the recent pandemic has caused numerous hardships for the citizens of New York, including professional licensees. In response to the COVID-19 emergency disaster, Governor Cuomo has issued a number of [Executive Orders \(EOs\)](#) that impact licensed professionals. Please continue to monitor the Office of the Professions' [COVID-19 website](#) for updated guidance.

[EO #202.99](#) – Rescinded effective June 25, 2021 by [EO #210](#)

- **EXPIRED April 27, 2021 pursuant to EO #202.105** - The directive contained in **Executive Order 202.91**, as modified by **Executive Order 202.97**, that required **pharmacies** to prioritize certain individuals for vaccinations is hereby further modified to provide that **pharmacies** shall prioritize the following groups for vaccinations: (1) individuals age eligible; (2) individuals who are P-12 school (public or non-public) teachers, substitute teachers, or student teachers; and (3) individuals with comorbidities.

[EO #202.97](#) – Rescinded effective June 25, 2021 by [EO #210](#)

- **EXPIRED April 27, 2021 pursuant to EO #202.105** - The directive contained in **Executive Order 202.91** that required certain vaccination providers to prioritize individuals is hereby extended and modified to provide that effective March 10, 2021, **pharmacies** shall prioritize the following groups for vaccination: (1) individuals age 60 and older; 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.

[EO #202.92](#) – Rescinded effective June 25, 2021 by [EO #210](#)

- The suspensions and modifications in **Executive Order 202.24** and any extensions thereof, permitting licensed **pharmacists** to be designated as a qualified healthcare professional for the purpose of directing a limited service laboratory, pursuant to subdivision (3) of section 579 of the Public Health, are hereby modified only to the extent necessary to permit such pharmacist-directed limited service laboratories to also test for COVID-19 infection using a rapid test as part of the enhanced economic activity plan authorized by the Department of Health, provided that such test is FDA-approved and waived for use in a limited service laboratory;
- **Executive Order 202.24**, to the extent it modified section 6801 of the Education Law, to authorize licensed **pharmacists** to order COVID-19 tests that are approved by the Food and Drug Administration (FDA) to detect SARS-CoV-2 or its antibodies, and to administer COVID-19 tests, is hereby modified only insofar as to authorize licensed **pharmacists** to order tests for the detection of COVID-19,

including by standing order, as part of the enhanced economic activity plan authorized by the Department of Health, provided that such test is FDA-approved and subject to certificate of waiver requirements pursuant to the federal clinical laboratory improvement act of nineteen hundred eighty-eight, and provided that such testing is performed by a limited service laboratory as part of such enhanced economic activity plan;

EO #202.91 – Rescinded effective June 25, 2021 by EO #210

- **EXPIRED April 27, 2021 pursuant to EO #202.105** - 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 healthcare workers. **Pharmacies** are to prioritize individuals that are 65+. NYSDOH 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.

EO #202.90 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education Law and Regulations to the extent that a **licensed pharmacist** shall be authorized to supervise up to a total of four persons who are either unlicensed assistants or pharmacy technicians holding a temporary license, as established pursuant to this Executive Order;
- The suspensions and modifications contained in **Executive Order 202.82** that permit **licensed practical nurses, licensed pharmacists, midwives, dentists, dental hygienists who have been issued a dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate** in accordance with section 6605-b of the Education law, **podiatrists, emergency medical technicians, advanced emergency medical technicians, and emergency medical technician paramedics**, to administer vaccinations against COVID-19 are hereby modified only to the extent necessary to permit the aforementioned individuals to administer vaccinations against COVID-19 provided that such individuals meet conditions set by the Commissioner of Health.
- A person (a) holding a certification from a nationally accredited **pharmacy technician** certification program acceptable to the Department of Health, (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 Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health 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) training in techniques, indications, precautions, contraindications, infection control practices; (2) training in use of personal protective equipment 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. Temporary licensure as a "pharmacy technician" shall not entitle any individual to rights or licensing status except for those granted herein and for the effective period of this order;
- The suspensions and directives contained in **Executive Order 202.82** that permit individuals to administer vaccinations against COVID-19 are hereby modified only insofar as necessary to permit such individuals to administer vaccinations against COVID-19 provided that they meet all training requirements and conditions determined appropriate by the Commissioner of Health.

EO #202.86 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to authorize **retired physicians, registered professional nurses, licensed practical nurses, and nurse practitioners** licensed to practice and in current good standing in New York State, but not currently registered in New York State, to re-register through use of an expedited automatic registration form developed by the state and to waive any registration fee for the triennial registration period for such registrants;

EO #202.83 – Rescinded effective June 25, 2021 by EO #210

- Notwithstanding any law or regulation to the contrary, **health care providers** are relieved of recordkeeping requirements to the extent necessary for health care providers to perform tasks as may be necessary to respond to the COVID-19 outbreak, including, but not limited to requirements to maintain medical records that accurately reflect the evaluation and treatment of patients, or requirement to assign diagnostic codes or to create or maintain other records for billing purposes. Any person acting reasonably and in good faith under this provision shall be afforded absolute immunity from liability for any failure to comply with any recordkeeping requirement. In order to protect from liability any person acting reasonably and in good faith under this provision, requirements to maintain medical records;

EO #202.82 – Rescinded effective June 25, 2021 by EO #210

- The modification in **Executive Order 202** of sections 6521 and 6902 of the Education Law insofar as it 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 Article 139 of the Education Law**, to the extent necessary to permit non-nursing staff, as permitted by law or Executive Order 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 the Advisory Committee for Immunization Practices (ACIP) and/or an applicable United States Food and Drug Administration approval or Emergency Use Authorization (EUA), subject to any other conditions set forth in this Order, including but not limited to conditions related to training and supervision, where applicable; 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;
- The modification in **Executive Order 202.1** of subdivision 4 of section 6909 of the Education Law, subdivision 6 of section 6527 of the Education Law, and section 64.7 of Title 8 of the NYCRR, to the extent necessary to include subdivision 1 of section 6902 of the Education law, subdivisions 5, and 7 of section 6909 of the Education Law, subdivision 7 of section 6527 of the Education Law, and section 63.9 of Title 8 of the NYCRR, 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 executive order 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 approval or Emergency Use Authorization (EUA), subject to any other conditions set forth in this Order, 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;
- Temporary Suspension and Modification of Education Law and Regulations 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;
- **MODIFIED AND EXTENDED BY EO #202.90 (See above)** - Temporary Suspension and Modification of Education Law and Regulations 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 Order 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 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 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;

- Temporary suspension of Chapter 110 of the Laws of 2020 to the extent necessary, and subject to the certification by the Commissioner of Health and Commissioner of Education, to permit **licensed pharmacists** to administer COVID-19 vaccine less than 90 days after approval of such vaccine by the United States Food and Drug Administration's Center for Biologics Evaluation and Research;
- Temporary Suspension and Modification of Education Law and Regulations 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** as well as **newly licensed pharmacist**, as specified and permitted by this Executive Order;
- **MODIFIED AND EXTENDED BY EO #202.90 (See above)** - Temporary Suspension and Modification of Education Law and Regulations 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 the State Education Department**, so that for the purposes of this Order only such pharmacists may administer COVID and influenza vaccinations at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health 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 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;
- Temporary Suspension and Modification of Education Law and Regulations 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 Executive Order unless administering COVID-19 or influenza vaccinations at a POD site;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **newly licensed pharmacists**, previously issued a limited permit with certification to administer immunizations pursuant to section 6806 of the Education Law as well as section 63.4 of Title 8 of the NYCRR, 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;
- **MODIFIED AND EXTENDED BY EO #202.90 (See above)** - Temporary Suspension and Modification of Education Law and Regulations, insofar as such provisions limit the **practice of midwifery** to management of normal pregnancies, child birth 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, so that for the purposes of this Executive Order only, midwives may administer vaccinations against influenza and COVID-19 to any patient pursuant to a non-patient specific order at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health 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 State Education Department 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 personal protective equipment 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;
- **MODIFIED AND EXTENDED BY EO #202.90 (See above)** - Temporary Suspension and Modification of Education Law and Regulations 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, so that, for the purposes of this Executive Order only, dentists may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health or 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 protective equipment 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;

- **MODIFIED AND EXTENDED BY EO #202.90 (See above)** - Temporary Suspension and Modification of Education Law and Regulations 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, so that, for the purposes of this Executive Order only, **dental hygienists who have been issued a dental hygiene restricted local infiltration anesthesia/nitrous oxide analgesia certificate** in accordance with section 6605-b of the Education Law and section 61.17 of Title 8 of the NYCRR may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health 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 personal protective equipment 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;
- **MODIFIED AND EXTENDED BY EO #202.90 (See above)** - Temporary Suspension and Modification of Education Law and Regulations 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, so that, for the purposes of this Executive Order only, podiatrists may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health 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 personal protective equipment 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;
- **MODIFIED AND EXTENDED BY EO #202.90 (See above)** - Temporary Suspension and Modification of Public Health Law and Regulations 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, so that, for the purposes of this Executive Order only, emergency medical technicians and advanced emergency medical technicians may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order sites overseen or approved by the New York State Department of Health 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 personal protective equipment 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;

- **MODIFIED AND EXTENDED BY EO #202.90 (See above)** - Temporary Suspension and Modification of Public Health Law and Regulations to the extent necessary to allow **certified emergency medical technician-paramedics**, providing community paramedicine services in accordance with **Executive Order 202** and with prior approval of the Department of Health, 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 emergency medical technician-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 personal protective equipment 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;
- Temporary Suspension and Modification of Education Law and Regulations, insofar as they 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, so that, for purposes of this Executive Order only, **licensed pharmacists** may 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 CIR or NYSIIS;
- Temporary Suspension and Modification of Education Law and Regulations, insofar as it requires **registered professional nurses** administering immunizing agents pursuant to a non-patient specific regimen to report such administration to patients' attending physicians, so that, for the purposes of this Executive Order, **registered professional nurses** may administer vaccinations against influenza and COVID-19 without reporting such administrations to patients' attending physicians, but, at a minimum, must report the vaccination to the CIR or NYSIIS, as applicable;
- **MODIFIED AND EXTENDED BY EO #202.83 (See above)** - Temporary Suspension and Modification of Education Regulations, 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, so that, for the purposes of this Executive Order only, persons practicing the professions listed within that section who are authorized to administer vaccinations pursuant to this Executive Order 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 the Department of Health;
- **MODIFIED AND EXTENDED BY EO #202.83 (See above)** - Temporary Suspension and Modification of Education Regulations, insofar as it 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 applicable regulations, so that, for the purposes of this Executive Order only, **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 the Department of Health;
- **MODIFIED AND EXTENDED BY EO #202.83 (See above)** - Temporary Suspension and Modification of Education Regulations, insofar as it 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 applicable regulations, so that, for the purposes of this Executive Order only, **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 the Department of Health;
- Temporary Suspension and Modification of Education Regulations, insofar as it requires a **registered professional nurse** authorized to administer immunization agents pursuant to a non-patient specific order to be currently certified in cardio-pulmonary resuscitation (CPR), to clarify that for the purpose of this Executive Order, **registered professional nurses** must have 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;
- The modification in **Executive Order 202.10** of paragraph 1 of section 6542 of the Education Law to the extent necessary to include any associated regulations, including, but not limited to, subdivisions

(a) and (b) of section 94.2 of Title 10 of the NYCRR and paragraph 5 of subdivision a of section 29.2 of Title 8 of the NYCRR in order 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 Executive Order, without civil or criminal penalty related to a lack of oversight by a supervising physician;

- The modification in **Executive Order 202.10** of subdivision (3) of section 6902 of Education Law, and any associated regulations, including, but not limited to, sections 29.2, 29.14, and 64.5 of Title 10 of the NYCRR, to the extent necessary to permit a **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 points of dispensing or other types of vaccination sites, as permitted by this Executive Order, without civil or criminal penalty related to a lack of written practice agreement, or collaborative relationship, with a physician;
- Temporary Suspension and Modification of Public Health Law and Regulations to the extent necessary, 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 New York State Immunization Information Registry (NYSIIS) or the City Immunization Registry (CIR), so that for the purposes of this Executive Order, the New York State Commissioner of Health or the New York City Commissioner of Health may include adult immunization information in NYSIIS or the CIR, as applicable, without the consent of the vaccine, and subject to guidance issued by the New York State Department of Health; and (2) require all influenza and COVID-19 vaccinations for any individual (child or adult) to be reported to the NYSIIS or CIR, as applicable, within 24 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;
- The temporary modification of Title V of Article 5 of the Public Health Law and parts 19 and 58 of Title 10 of the NYCRR, contained in **EO 202.10**, as extended, authorizing 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 the Department of Health, to perform testing for the detection of influenza virus, respiratory syncytial virus RNA, or other respiratory panels as approved by the Department of Health, in specimens collected from individuals suspected of suffering from a COVID-19 infection, including postmortem specimens;
- The temporary modification of Sections 8602 and 8603 of the Education Law, and section 58-1.5 of Title 10 of the NYCRR, contained in **EO 202.16**, as extended, insofar as such modification authorized 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 the New York State Department of Health;
- **MODIFIED AND EXTENDED BY EO #202.92 (See above)** - The temporary modification of Section 6801 of the Education Law, contained in **EO 202.24**, as extended, insofar as such modification authorized **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 Department of Health.
- Temporary Suspension and Modification of Education Law and Regulations 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 New York State Department of Health in consultation with the New York State Education Department;

- **MODIFIED AND EXTENDED BY EO #202.90 (See above)** - Individuals enrolled in the following educational programs may administer vaccinations against influenza and COVID-19 pursuant to a non-patient specific order at Points of Dispensing (POD) sites overseen or approved by the New York State Department of Health or local health departments and operated under the medical supervision of licensed physicians, licensed physician assistants, or certified nurse practitioners, provided such students have completed at least one year of clinical experience (unless otherwise specified in this Executive Order) and first receive training in the following areas, as determined by and in accordance with guidance issued by the Commissioner of Health after consultation with the Commissioner of Education: (1) techniques, indications, precautions, contraindications, infection control practices; (2) use of personal protective equipment sufficient to provide the basic level of competence for such tasks; (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 (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:

- A **medical program** approved and/or registered the State Education Department pursuant to Article 131 of the Education Law and Part 60 of Title 8 of the NYCRR;
 - A **registered professional nursing program** or **licensed practical nursing program** approved and/or registered by the State Education Department pursuant to Article 139 of the Education Law and Part 64 of Title 8 of the NYCRR;
 - A **physician assistant program** approved and/or registered by the State Education Department pursuant to Article 131-B of the Education Law and Part 60 of Title 8 of the NYCRR;
 - A **pharmacy program** approved and/or registered by the State Education Department pursuant to Article 137 of the Education Law and Part 63 of Title 8 of the NYCRR. For the purposes of this Executive Order, pharmacy students who have obtained a limited permit, including a certificate to administer immunizations, pursuant to section 6806 of the Education Law and section 63.4 of Title 8 of the NYCRR 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;
 - A **dentistry program** approved and/or registered by the State Education Department pursuant to Article 133 of the Education Law and Part 61 of Title 8 of the NYCRR;
 - A **podiatric medicine program** approved and/or registered by the State Education Department pursuant to Article 141 of the Education Law and Part 65 of Title 8 of the NYCRR;
 - A **midwifery program** approved and/or registered by the State Education Department pursuant to Article 140 of the Education Law and Subpart 79-5 of Title 8 of the NYCRR.
- Any **licensed physician, licensed physician assistant, and certified nurse practitioner** medically supervising Points of Dispensing (POD) sites or other types of vaccination sites, as permitted by this Executive Order, and overseen or approved by the New York State Department of Health or local health departments must have a current certification in cardiopulmonary resuscitation (CPR);
 - Within 60 days of this Order, all **clinical laboratories permitted by the Department of Health pursuant to Article 5, Title 5 of the Public Health Law**, 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 Part 300 of Title 10 of the NYCRR.

EO #202.69 – Rescinded effective June 25, 2021 by EO #210

- **MODIFIED AND EXTENDED BY EO #202.82 (See above)** - Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **physicians** and **certified nurse practitioners** to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by executive order to collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection is hereby modified to also include saliva swab specimens.

EO #202.44 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **physicians** to order COVID-19 tests for self-collection without having a physician-patient relationship.

EO #202.36 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow a questionnaire administered through an asynchronous electronic interface or electronic mail that is approved by a physician licensed in the State of New York to be sufficient to establish a practitioner-patient relationship for purposes of ordering a clinical laboratory test.

EO #202.32 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **physicians** to order COVID-19 tests, authorized by the U.S. Food and Drug Administration (FDA) for self-collection, without otherwise having an initial physician-patient relationship with the patient.

EO #202.24 – Rescinded effective June 25, 2021 by EO #210

- **MODIFIED AND EXTENDED BY EO #202.82 and EO#202.92 (See above)** - Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to authorize **licensed pharmacists** to order COVID-19 tests, approved by the Food and Drug Administration (FDA), to detect SARS-CoV-2 or its antibodies, and to administer COVID-19 tests subject to certificate of waiver requirements pursuant to the federal clinical laboratory improvement act of nineteen hundred eighty-eight, in patients suspected of a COVID-19 infection, or suspected of having recovered from COVID-19 infection, subject to completion of appropriate training developed by the Department of Health;
- **MODIFIED AND EXTENDED BY EO #202.92 (See above)** - Temporary Suspension and Modification of Public Health Law and Regulations to the extent necessary to permit **licensed pharmacists** to be designated as a qualified healthcare professional for the purpose of directing a limited service laboratory, pursuant to subdivision 579(3) of the Public Health Law, to test patients suspected of a COVID-19 infection or its antibodies provided that such test is FDA-approved and waived for use in a limited service laboratory

EO #202.18 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **registered nurses, licensed practical nurses, and nurse practitioners** or a **substantially similar title** licensed and in current good standing in any province or territory of Canada, to practice in New York State without civil or criminal penalty related to lack of licensure;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **physicians** licensed and in current good standing in any province or territory of Canada, to practice medicine in New York State without civil or criminal penalty related to lack of licensure;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **physician assistants** or a **substantially similar title** licensed and in current good standing in any province or territory of Canada, to practice in New York State without civil or criminal penalty related to lack of licensure;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **clinical nurse specialists, specialist assistants, and substantially similar titles** certified and in current good standing in any state in the United States, or any province or territory of Canada, to practice in New York State without civil or criminal penalty related to lack of certification;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **licensed master social workers, licensed clinical social workers, and substantially similar titles** licensed and in current good standing in any state in the United States, or in any province or territory of Canada, to practice in New York State without civil or criminal penalty related to lack of licensure;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **specialist assistants, respiratory therapists, respiratory therapist technicians, pharmacists, clinical nurse specialists, dentists, dental hygienists, registered dental assistants, midwives, perfusionists, clinical laboratory technologists, cytotechnologists, certified clinical laboratory technicians, certified histological technicians, licensed clinical social workers, licensed master social workers, podiatrists, physical therapists, physical therapist assistants, mental health counselors, marriage and family therapists, creative arts therapists, psychoanalysts and psychologists** who have an unencumbered license and are currently in good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;

- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **graduates of State Education Department registered, licensure qualifying nurse practitioner education programs** to be employed to practice nursing in a hospital or nursing home for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, provided that the graduate files with the State Education Department an application for certification as a nurse practitioner;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **graduates of State Education Department registered, licensure qualifying clinical laboratory technology and clinical laboratory technician education programs** to be employed to practice for 180 days immediately following successful completion of a New York State Registered licensure qualifying education program, in a clinical laboratory with a valid New York State permit, provided that the graduate files an application for a New York State clinical laboratory practitioner license and limited permit;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to extend the triennial registrations of **pharmacy establishments** who are currently registered and whose registration is set to expire on or after March 31, 2020. An application for re-registration of such registrations shall be submitted no later than 30 days after expiration of Executive Order 202;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to extend the triennial renewal of **certificates of authorizations of domestic or foreign professional service corporations, design professional service corporations, professional service limited liability companies, foreign professional service limited liability companies, registered professional limited liability partnerships, New York registered professional foreign limited liability partnerships, partnerships and joint enterprises specified in Education Law §7209(4) authorized to provide professional engineering, land surveying or professional geology services** whose certificates of authorizations are set to expire on or after March 31, 2020. The application for the renewal of such certificates of authorization shall be submitted no later than 30 days after the expiration of Executive Order 202;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to extend the waivers for certain **special education schools and early intervention programs providing certain professional services** whose waivers are set to expire on or after March 31, 2020. An application for renewal of such waivers shall be submitted no later than 30 days after expiration of Executive Order 202;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **pharmacy technicians** and **pharmacists** to practice at an alternative location, including their home, as long as there is adequate security to prevent any Personal Health Information from being compromised;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **clinical laboratory practitioners** to perform testing in a clinical laboratory under remote supervision, provided a supervisor is on-site at least eight hours per week.

EO #202.16 – Rescinded effective June 25, 2021 by EO #210

- **MODIFIED AND EXTENDED BY EO #202.82 (See above)** - Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **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; **individuals performing testing** must meet the federal requirements for testing personnel appropriate to the assay or device authorized by the FDA or the New York State Department of Health.

EO #202.15 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit a **manufacturer, repacker, or wholesaler of prescription drugs or devices**, physically located outside of New York and not registered in New York, but licensed and/or registered in any other state, may deliver into New York, prescription drugs or devices;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow that a New York-licensed **pharmacy** may receive drugs and medical supplies or devices from an unlicensed **pharmacy, wholesaler, or third-party logistics provider** located in another state to alleviate a temporary shortage of a drug or device that could result in the denial of health care under the following conditions:
 - The unlicensed location is appropriately licensed in its home state, and documentation of the license verification can be maintained by the New York **pharmacy**.
 - The **pharmacy** maintains documentation of the temporary shortage of any drug or device received from any **pharmacy, wholesaler, or third-party logistics provider** not licensed in New York.

- The **pharmacy** complies with all record-keeping requirements for each drug and device received from any **pharmacy, wholesaler, or third-party logistics provider** not licensed in New York.
- All documentation and records required above shall be maintained and readily retrievable for three years following the end of the declared emergency.
- The drug or device was produced by an authorized FDA registered drug manufacturer.
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **individuals, who graduated from registered or accredited medical programs located in New York State in 2020**, to practice medicine in New York State, without the need to obtain a license and without civil or criminal penalty related to lack of licensure, provided that the practice of medicine by such graduates shall in all cases be supervised by a **physician** licensed and registered to practice medicine in the State of New York.
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **respiratory therapy technicians** licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure.
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **mental health counselors, marriage and family therapists, creative arts therapists and psychoanalysts** licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure.

EO #202.14 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow any **physician** who will graduate in 2020 from an academic medical program accredited by a medical education accrediting agency for medical education by the Liaison Committee on Medical Education or the American Osteopathic Association, and has been accepted by an Accreditation Council for Graduate Medical Education accredited residency program within or outside of New York State to practice at any institution under the supervision of a **licensed physician**.

EO #202.11 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to temporarily permit registered **resident pharmacies** and registered **resident outsourcing facilities** to compound certain alcohol-based hand sanitizer products, consistent with the Food and Drug Administration's Policy for Temporary Compounding of Certain Alcohol-Based Hand Sanitizer Products During the Public Health Emergency (March 2020)
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to permit **pharmacy technicians** and **pharmacists** to practice at an alternative location, including their home, as long as there is adequate security to prevent any Personal Health Information from being compromised
- Temporary Suspension and Modification of Education Law and Regulations to permit **graduates of registered professional nurse and licensed practical nurse licensure qualifying education programs registered by the State Education Department** to be employed to practice nursing under the supervision of a registered professional nurse and with the endorsement of the employing hospital or nursing home for 180 days immediately following graduation;
- Temporary Suspension and Modification of Education Law and Regulations, and any other applicable state or local law, rule, or regulation, to the extent necessary to suspend the thirty-day requirement for submission of **certificates of residence** to community colleges in New York State, and to allow for electronic mail and mail by post applications for **certificates of residence** in every county for the duration of the COVID-19 emergency;
- Temporary Suspension and Modification of Education Law and Regulations to the extent necessary to allow **midwives** licensed and in current good standing in any state in the United States, or in any province or territory of Canada, to practice in New York State without civil or criminal penalty related to lack of licensure;
- **EXPIRED JULY 7, 2020 PURSUANT TO EO #202.48** - The directive contained in [Executive Order 202.10](#) related to restrictions on dispensing hydroxychloroquine or chloroquine for prophylactic purposes is amended as follows: No **pharmacist** shall dispense hydroxychloroquine or chloroquine except when written: as prescribed for an FDA-approved indication; for an indication supported by one or more citations included or approved for inclusion in the compendia specified in 42 U.S.C. 1396r-8(g)(1)(B)(i); for patients in inpatient settings and acute settings; for residents in a subacute part of a skilled nursing facility; or as part of an study approved by an Institutional Review Board. Any person authorized to prescribe such medications shall denote on the prescription the condition for which the prescription has been issued.
- Any guidance issued by the New York State Department of Health related to prevention and infection control of COVID-19 shall be effective immediately and shall supersede any prior conflicting guidance issued by the New York State Department of Health and any guidance issued by any local board of

health, any local department of health, or any other political subdivision of the State related to the same subject.

EO #202.10 – Rescinded effective June 25, 2021 by EO #210

- **EXPIRED May 8, 2020 pursuant to EO #202.28** - Temporary Suspension and Modification of Regulations to permit an **advanced practice registered nurse** with a doctorate or master's degree specializing in the administration of anesthesia administering anesthesia in a general hospital without the supervision of a qualified physician in these health care settings;
- Temporary Suspension and Modification of Regulations to permit an **advanced practice registered nurse** with a doctorate or master's degree specializing in the administration of anesthesia administering anesthesia in a free-standing ambulatory surgery center without the supervision of a qualified physician in these health care settings;
- **MODIFIED AND EXTENDED BY EO #202.82 (See above)** - Temporary Suspension and Modification of Education law and Regulations to permit a **physician assistant** to provide medical services appropriate to their education, training and experience without oversight from a supervising physician without civil or criminal penalty related to a lack of oversight by a supervising physician;
- Temporary Suspension and Modification of Education law and Regulations to permit a **specialist assistant** to provide medical services appropriate to their education, training and experience without oversight from a supervising physician without civil or criminal penalty related to a lack of oversight by a supervising physician;
- **MODIFIED AND EXTENDED BY EO #202.82 (See above)** - Temporary Suspension and Modification of Education law and Regulations to permit a **nurse practitioner** to provide medical services appropriate to their education, training and experience, without a written practice agreement, or collaborative relationship with a physician, without civil or criminal penalty related to a lack of written practice agreement, or collaborative relationship, with a physician;]
- **EXPIRED May 8, 2020 pursuant to EO #202.28** - Temporary Suspension and Modification of Education law and Regulations to the extent necessary to provide that all **physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered professional nurses and licensed practical nurses** shall be immune from civil liability for any injury or death alleged to have been sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State's response to the COVID-19 outbreak, unless it is established that such injury or death was caused by the gross negligence of such medical professional;
- Any healthcare facility is authorized to allow **students, in programs to become licensed in New York State to practice as a healthcare professional**, to volunteer at the healthcare facility for educational credit as if the student had secured a placement under a clinical affiliation agreement, without entering into any such clinical affiliation agreement;
- **EXPIRED May 8, 2020 pursuant to EO #202.28** - Notwithstanding any law or regulation to the contrary, **health care providers** are relieved of recordkeeping requirements to the extent necessary for health care providers to perform tasks as may be necessary to respond to the COVID-19 outbreak, including, but not limited to, requirements to maintain medical records that accurately reflect the evaluation and treatment of patients, or requirements to assign diagnostic codes or to create or maintain other records for billing purposes. Any person acting reasonably and in good faith under this provision shall be afforded absolute immunity from liability for any failure to comply with any recordkeeping requirement. In order to protect from liability any person acting reasonably and in good faith under this provision, requirements to maintain medical records under Subdivision 32 of Section 6530 of the Education Law, Paragraph (3) of Subdivision (a) of Section 29.2 of Title 8 of the NYCRR, and Sections 58-1.11, 405.10, and 415.22 of Title 10 of the NYCRR, or any other such laws or regulations are suspended or modified to the extent necessary for health care providers to perform tasks as may be necessary to respond to the COVID-19 outbreak;
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to remove limits on working hours for **physicians** and postgraduate trainees;
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow **graduates of foreign medical schools** having at least one year of graduate medical education to provide patient care in hospitals, is modified so as to allow such graduates without licenses to provide patient care in hospitals if they have completed at least one year of graduate medical education. Such graduates are required to have limited permits, see <http://www.op.nysed.gov/prof/med/medic.htm#limit>.
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow **respiratory therapists** licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure;
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow **physician's assistants** licensed and in current good standing in New York State but not

- registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to allow **registered professional nurses, licensed practical nurses and nurse practitioners** licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration;
- MODIFIED AND EXTENDED BY EO #202.82 (See above)** - Temporary Suspension and Modification of Education law and Regulations to the extent necessary to permit **registered nurses** to order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing; and
- Temporary Suspension and Modification of Education law and Regulations to the extent necessary to permit a **certified or registered pharmacy technician**, under the direct personal supervision of a licensed pharmacist, to assist such licensed **pharmacist**, as directed, in compounding, preparing, labeling, or dispensing of drugs used to fill valid prescriptions or medication orders for a home infusion provider licensed as a pharmacy in New York, compliant with the United States Pharmacopeia General Chapter 797 standards for Pharmaceutical Compounding – sterile preparations, and providing home infusion services through a home care agency licensed under Article 36 of the Public Health Law.
- Any healthcare facility is authorized to allow **students, in programs to become licensed in New York State to practice a healthcare profession**, to volunteer at the healthcare facility for educational credit as if the student had secured a placement under a clinical affiliation agreement, without entering into any such clinical affiliation agreement;
- EXPIRED JULY 7, 2020 PURSUANT TO EO #202.48** - No **pharmacist** shall dispense hydroxychloroquine or chloroquine except when written as prescribed for an FDA-approved indication; or as part of a state approved clinical trial related to COVID-19 for a patient who has tested positive for COVID-19, with such test result documented as part of the prescription. No other experimental or prophylactic use shall be permitted, and any permitted prescription is limited to one fourteen-day prescription with no refills.

EO #202.8 – Rescinded effective June 25, 2021 by EO #210

- Effective on March 22 at 8 p.m.: All businesses and not-for-profit entities in the state shall utilize, to the maximum extent possible, any telecommuting or work from home procedures that they can safely utilize. Each employer shall reduce the in-person workforce at any work locations by 100% no later than March 22 at 8 p.m. Any essential business or entity providing essential services or functions shall not be subject to the in-person restrictions. An entity providing essential services or functions whether to an essential business or a non-essential business shall not be subjected to the in-person work restriction but may operate at the level necessary to provide such service or function. A list of areas deemed essential at this time is available [here](#).

EO #202.7 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education law and Regulations to any notarial act that is required under New York State law to allow authorization to be performed utilizing audio-video technology provided that [certain conditions](#) are met.

EO #202.5 – Rescinded effective June 25, 2021 by EO #210

- Temporary Suspension and Modification of Education law and Regulations to allow **physicians** licensed and in current good standing in any state in the United States to practice medicine in New York State without civil or criminal penalty related to lack of licensure.
- Temporary Suspension and Modification of Education law and Regulations to allow **physicians** licensed and in current good standing in New York State but not registered in New York State to practice in New York State without civil or criminal penalty related to lack of registration.
- Temporary Suspension and Modification of Education law and Regulations to allow **registered nurses, licensed practical nurses, and nurse practitioners** licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure.
- Temporary Suspension and Modification of Education law and Regulations to allow **physician assistants** licensed and in current good standing in any state in the United States to practice in New York State without civil or criminal penalty related to lack of licensure.

EO #202.1 – Rescinded effective June 25, 2021 by EO #210

- MODIFIED AND EXTENDED BY EO #202.82 (See above)** - Temporary Suspension and Modification of Education law and Regulations to permit **physicians** and certified **nurse practitioners** to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by executive order to collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from

a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection.

- Temporary Suspension of Public Officers Law to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.

EO #202 – Rescinded effective June 25, 2021 by EO #210

- **MODIFIED AND EXTENDED BY EO #202.82 (See above)** - Temporary Suspension and Modification of Education law to permit unlicensed individuals, upon completion of training deemed adequate by the Commissioner of Health, to collect throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19, for purposes of testing; and to the extent necessary to permit non-nursing staff, upon completion of training deemed adequate by the Commissioner of Health, to perform tasks, under the supervision of a nurse, otherwise limited to the scope of practice of a **licensed or registered nurse**.
- Temporary Suspension and Modification of Education law and Regulations to permit **individuals who meet the federal requirements for high complexity testing** to perform testing for the detection of SARS-CoV-2 in specimens collected from individuals suspected of suffering from a COVID-19 infection.
- **MODIFIED AND EXTENDED BY EO #202.82 (See above)** - Temporary Suspension and Modification of Education law and Regulations to permit **physicians** and certified **nurse practitioners** to issue a non-patient specific regimen to nurses or any such other persons authorized by law or by executive order to collect throat or nasopharyngeal swab specimens from individuals suspected of suffering from a COVID-19 infection, for purposes of testing, or to perform such other tasks as may be necessary to provide care for individuals diagnosed or suspected of suffering from a COVID-19 infection.

COVID-19 Frequently Asked Questions

Advisory Notice: Please be advised that the COVID-19 Disaster Emergency declared by the Governor, pursuant to Executive Order 202 issued on March 7, 2020, and each successor Executive Order to Executive Order 202 have expired as of June 25, 2021. While the several exceptions and authorizations relevant to the Title VIII statutes and regulations contained within these Executive Orders have now expired, the Department understands the concern regarding the short notice of the expiration of the COVID-19 Disaster Emergency and will take that into consideration in the event of any potential inquiries involving activity that had previously been authorized by Executive Order 202 and its successor Executive Orders at this time. However, Title VIII professionals should exercise due diligence and good faith efforts to return to compliance with all Title VIII statutory and regulatory requirements without delay. Please be advised that The Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccine or to administer COVID-19 testing. Specifically, the United States CDC has recently provided clarification that the federal preemption provisions of the PREP Act authorize "qualified persons" (licensed professionals and others authorized under the Act) to continue to *order and administer* covered COVID countermeasures (testing, vaccination, treatment, issuance of non-patient specific standing orders, and other response measures) under the Act, despite the ending of state-level emergency authorizations. This means that the federal Act will authorize individuals to continue these actions in New York, notwithstanding state laws that may conflict. Individuals should refer to the [Declaration, Amendments, and Guidance documents issued by US HHS](#) for specific information. For more information on those categories of qualified persons covered to administer COVID-19 vaccines under the PREP Act Declaration and its amendments: PREP Act Fact Sheet: [Expanding the COVID-19 Vaccination Workforce \(phe.gov\)](#). Additional information about the PREP Act can be found on [our website](#). The Department is working closely with other New York State agencies and the Governor's Office to clarify issues relating to the expiration of the Disaster Emergency and the reinstatement of laws and regulations that have been previously modified or suspended during the COVID 19 Disaster Emergency. Please continue to monitor the Department's website for updated guidance.

The frequently asked questions and answers below are being updated to reflect the end of the State of Emergency. The sections that have been updated will be noted below.

[General](#) | [Administering COVID-19 and Influenza Vaccines](#) | [Continuing Education](#) | [Licensing & Registration](#) | [Professional Education](#) | [Corporations](#) | [Corporate Practice Waivers](#) | [Social Work & Mental Health Professions](#) | [Medicine](#) | [Pharmacy](#) | [Dentistry](#) | [Psychology & Applied Behavior Analysis Professions](#) | [Clinical Laboratory Technology](#) | [Massage Therapy](#) | [Occupational Therapy](#) | [Speech-Language Pathology](#) | [Audiology](#) | [Public Accountancy](#) | [Medical Physics](#) | [Midwifery](#) | [Podiatry](#) | [Veterinary Medicine](#)

General - Updated

1. **Where can I find guidance on COVID-19 related exposure and prevention best practices for health care professionals?**

For COVID-19 information relating to health care providers, please check the [New York Department of Health "Information for Providers" website](#) and the [Centers for Disease Control website](#).

Administering COVID-19 and Influenza Vaccines - Updated

2. **Who may administer COVID19 and Influenza vaccinations?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. However, the Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccine or to administer COVID-19 testing. Information about the PREP Act can be found on [our website](#).

3. **Are licensed professionals who have been authorized to vaccinate pursuant to the [seventh amendment](#) of the PREP Act required to complete federal training and possess a current certificate in basic cardiopulmonary resuscitation?**

Answer: Pursuant to this [Seventh Amendment](#), liability protection under the federal PREP Act is available to certain professionals if they meet certain conditions, including completion of federal training and possessing a current certificate in basic cardiopulmonary resuscitation. Please be



advised that, according to guidance provided by the United States Department of Health and Human Services (HHS), the additional requirements described in the Seventh Amendment do not apply to those professionals that have also been authorized to vaccinate by a state, including those professionals authorized to vaccinate in New York State by statute or regulation. Those professionals authorized to vaccinate in New York State by statute or regulation will not be required to obtain additional training beyond that required by the State in order to receive liability protection under the federal PREP Act. In addition, several temporary exceptions and authorizations relevant to Title VIII professionals that have also been authorized to vaccinate in New York State have now expired and therefore these professionals will be required to obtain the additional training required under the federal PREP Act.

More information about the PREP Act and the federal requirements can be found at [PHE.gov](https://www.phe.gov) and additional information about eligibility can be found at [PHE.gov/COVIDvaccinators](https://www.phe.gov/COVIDvaccinators). Licensed professionals should consult with their own counsel to determine how the federal PREP Act requirements impact applicable professions in New York State. All questions regarding this federal law should be directed to the United States Department of Health and Human Services.

Continuing Education (CE) Requirements - Updated

4. Are CE requirements being waived?

Answer: No.

5. Can a licensee complete 100% of the required continuing education through self-study activities offered by approved providers for their profession?

Answer: Some regulations restrict licensees to a certain percentage of self-study for continuing education requirements. In response to the evolving situation with the Novel Coronavirus (COVID-19), and for those licensees whose registrations are due to renew March 1, 2020 – January 1, 2022, the Department will grant an adjustment to all licensees to complete up to 100% of the continuing education as self-study, provided that it is taken from a Department-approved provider and is in an acceptable subject area for the specific profession.

Additionally, the Department will grant an adjustment to all licensees, regardless of registration renewal date, to utilize self-study for any coursework taken during the period from March 1, 2020 – January 1, 2022, provided that it is taken from a Department-approved provider and is in an acceptable subject area for the specific profession. Coursework taken outside that timeframe must meet the continuing education requirements in each individual profession's laws and regulations.

Professional Licensing and/or Registration Fees - Updated

6. Are Professional Licensing and/or Registration fees being waived?

Answer: Effective June 25, 2021, all Executive Orders related to payment of professional licensing and/or registration have expired and payment of the full fee is required after that date.

7. If I am a NYS licensee returning to practice to assist in the COVID-19 response efforts, do I need to re-register to practice?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. All [NYS licensed professionals](#) are required to be currently registered in order to practice.

8. If I hold an out-of-state license, and I am not licensed in NYS, can I practice in the State of New York to assist in the COVID-19 response efforts?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. All [licensed professionals](#) are required to be licensed in the State of New York and currently registered in order to practice.

9. If I am licensed/certified in Canada, can I practice in the State of New York to assist in the COVID-19 response efforts?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. All [licensed professionals](#) are required to be licensed in the State of New York and currently registered in order to practice.

10. Can my educational documents and/or transcripts be submitted electronically?

Answer: The Office of the Professions will accept official electronic transcripts and/or Form 2 Applications from educational institutions (i.e. colleges/universities) or designated third-party transcript entities located in the United States. Instructions and information on the criteria required for these submissions are available on [our website](#).

11. I hold a New York State license, but the registration is currently inactive. How do I reactivate my registration?

Answer: An individual who is licensed in New York State can request a delayed registration application online to reactivate a registration. See our [website](#) for more information

Professional Education Program Review - Updated

12. I am a student enrolled in a licensure-qualifying program. I have a question regarding meeting the clinical hour requirements.

Answer: Please first contact your program director regarding this. If there are any challenges, please ask your director to contact us at opprogs@nysed.gov.

Corporations - Update

13. How are triennial registration renewal requirements for Certificates of Authorization for professional practice entities providing professional engineering, land surveying or professional geology services being handled during the COVID-19 disaster emergency?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. All triennial renewal of certificates of authorizations for domestic or foreign professional service corporations, design professional service corporations, professional service limited liability companies, foreign professional service limited liability companies, registered professional limited liability partnerships, New York registered professional foreign limited liability partnerships, partnerships and joint enterprises specified in Education Law §7209 (4) authorized to provide professional engineering, land surveying or professional geology services are required to be submitted in accordance with applicable laws.

14. Are professional service corporations required to submit triennial statements to the Department during the COVID-19 disaster emergency?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. All triennial statements for domestic professional service corporations pursuant to Business Corporation Law § 1514 are required to be submitted in accordance with applicable laws.

15. Are foreign professional service corporations required to submit annual statements to the Department during the COVID-19 disaster emergency?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. All annual statements for foreign professional service corporations pursuant to Business Corporation Law § 1531 are required to be submitted in accordance with applicable laws.

Corporate Practice Waivers - Updated

16. Under [Executive Order 202.18](#), can a Special Education School or Early Intervention Provider agency with a waiver from the Education Department under Education Law 6503-b provide services with an expired registration?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. Therefore, an entity holding a 6503-b waiver to provide certain professional services whose waiver expired on or after March 31, 2020, must submit the required fee and application for the renewal of such waivers in accordance with applicable laws.

17. Under [Executive Order 202.18](#), can a not-for-profit, religious or education corporation with a waiver from the Education Department under Education Law 6503-a provide services with an expired registration?

Answer: No. None of the Executive Orders, extended 6503-a waiver renewal requirements. Therefore, the entity must renew the waiver registration by the due date to continue to provide services. The Department is receiving, and processing renewal applications and questions should be sent to SWMHPEntity@nysed.gov. Please note that Part Y of Chapter 57 of the Laws of 2018 exempts from the waiver requirement a program or service operated, regulated, funded, or

approved by the Department of Mental Hygiene (OMH, OPWDD & OASAS), Office of Children and Family Services, Office of Temporary and Disability Assistance, Department of Corrections and Community Supervision, State Office for the Aging, Department of Health, local governmental unit or social services districts, as defined in Article 41 of the Mental Hygiene Law and section 61 of the Social Services Law, respectively.

Social Work and Mental Health Professions - Updated

18. Can a licensee practice the profession by using distance technology?

Answer: Yes. There are practice alerts and guidelines that address this type of intervention by an individual licensed and registered in New York. As a licensed professional, you are responsible for confidentiality and record-keeping, to the same extent as when providing direct, in-person services.

- <http://www.op.nysed.gov/prof/sw/swguides.htm>
- <http://www.op.nysed.gov/prof/mhp/mhpgg.htm>

If you are not licensed in New York, you may not practice a restricted profession by either technology or in-person. If you are licensed in New York and wish to practice in another jurisdiction, you must contact that jurisdiction regarding their laws and policies.

19. Can a permit holder, intern or other person only authorized to practice under supervision (supervisees) provide client services by distance technology rather than in-person? Is remote supervision allowed?

Answer: Yes. The supervisor remains responsible for the assessment, evaluation and treatment of each client seen by the supervisee. Supervised client contact hours completed through distance technology may be submitted on Form 4B, as part of the supervised experience requirement for licensure and do not have to be designated as such.

The Board of Regents approved an [emergency regulation](#) that allows supervision by telephone or video technology to continue beyond the State of Emergency. The supervisor remains responsible for the assessment, evaluation, diagnosis and treatment of each client seen under supervision.

All treatment and supervision provided through distance technology must be completed through secure means, whether on the telephone or through the use of video conferencing. Texting and email are not acceptable forms of supervision at any time, other than to notify the supervisor of an urgent situation that requires intervention.

20. Can a Department-approved provider of continuing education convert an in-person course or program to a distance or self-study format without prior approval or review?

Answer: Yes. The Department-approved provider may convert all or part of a course or program to live online or self-study format. The provider is responsible for ensuring attendance and participation by the learners, whether through tests or other measures.

21. If an employment site is closed for an extended period of time, will a limited permit holder be granted extra time to complete the supervised experience?

Answer: Chapter 182 of the Laws of 2020 allows the Department to issue a permit for one additional 12-month period, upon submission of an application and fee, if COVID caused an interruption or reduction in services. Information about permit requirements may be found on the [profession specific page](#).

22. If a student placed in an internship by a license-qualifying program is not able to complete the required hours, how will this be handled?

Answer: The Department will review applications from license-qualifying programs that seek to reduce the duration of the supervised internship to no less than 85% of the 900 hours required in the calendar year 2020 MSW program. This is consistent with the standards from the Council on Social Work Education (CSWE) in other jurisdictions. The MSW program remains responsible for ensuring that students are under the in-person or distance supervision of a LMSW or LCSW, consistent with the services rendered by the student intern. Schools may propose alternative activities in the event the current COVID-19 crisis makes traditional interventions and activities impossible. In order to continue this flexibility beyond the expiration of the state of emergency for the profession of Social Work, the Board of Regents approved an [emergency regulation at the July 2021 meeting that amends section 52.30 of the Commissioner's regulations](#) to permit the Department to modify, to the extent authorized by law, the field experience, practicums or

other such experience requirements relative to registered programs for licensed master social work and licensed clinical social work recognized as leading to licensure in licensed master social work and licensed clinical social work for individuals impacted by the COVID-19 crisis.

Medicine - Updated

- 23. Can a physician practicing under the authority of a limited permit in medicine have that permit renewed due to the COVID-19 related State of Emergency declared by the Governor in Executive Order 202?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. Early in the declared emergency, the Board of Regents implemented an emergency regulation allowing limited permits in medicine to be extended beyond the usual two-term or four-year limit. However, the end of the COVID-19 emergency declared by the Governor ends the authority for NYSED to issue additional limited permit extensions beyond one two-year extension.

Please note that the traditional limitations for terms of limited permits will remain in effect. Permit holders in medicine will remain eligible for one two-year extension, for a maximum of four years. In addition, all current permit holders who have received a COVID19 related extension, as well as all permit holders, will still retain their permits for the term detailed on their permit.

Pharmacy - Updated

- 24. Can pharmacists order and administer COVID-19 tests?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. However, the Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccines or to administer COVID-19 testing. Information about the PREP Act can be found on [our website](#).

- 25. Under [Executive Order 202.18](#), can a New York State licensed pharmacist who is not registered practice in this State?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired and pharmacists must be in compliance with applicable laws.

- 26. Can a New York State licensed pharmacist who has an unencumbered license and is currently in good standing in New York State, but not registered to practice in New York State, continue to practice in this State, after the COVID-19 related State of Emergency declared by the Governor in Executive Order 202 expires, without having to register and complete all the required continuing education (CE) for such registration?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired and pharmacists must be in compliance with applicable laws.

- 27. Can a pharmacist without immunization privilege administer the Influenza or COVID-19 immunization?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. However, the Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccines or to administer COVID-19 testing. Information about the PREP Act can be found on [our website](#).

- 28. Can registered pharmacy technicians administer COVID-19 vaccines?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. However, the Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency

response. These provisions include permitting an expanded list of professionals to administer vaccines or to administer COVID-19 testing. The Eighth Amendment to the PREP Act clarifies and expands the authority for certain Qualified Persons authorized to prescribe, dispense, and administer covered countermeasures under section VI of this Declaration including "qualified pharmacy technicians," which must be licensed and/or registered in accordance with New York State requirements. Information about the PREP Act can be found on [our website](#).

29. Can students enrolled in a pharmacy school administer COVID-19 vaccinations?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. However, the Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccines or to administer COVID-19 testing. Information about the PREP Act can be found on [our website](#).

30. Are New York State licensed pharmacists who administer the COVID-19 vaccine required to have a standing order in place?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. However, the Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccines or to administer COVID-19 testing. Information about the PREP Act can be found on [our website](#).

Dentistry - Updated

31. Will the Department permit alternative means to be used by dentists and dental hygienists to obtain and/or maintain the required cardiopulmonary resuscitation (CPR) certification, in lieu of the in-person CPR course requirement, during the COVID-19 health crisis?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. Early in the declared emergency, the Board of Regents implemented an emergency regulation allowing alternative means to be used by dentists and dental hygienists to obtain and/or maintain the required CPR certification, in lieu of the in-person course requirement. This provision has now expired and is no longer applicable. Dentists and Dental Hygienists must now conform to the requirements set forth in Section 61.19 (b) of the Commissioner's Regulations. Therefore, all CPR taken after 6/25/21 must be in person.

32. I took my CPR certification course through providers approved by the Department, which are the American Heart Association, the American Red Cross, the National Safety Council and the American Safety and Health Institute. In order to administer the vaccine at Points-of-Dispensing (POD) sites, the requirement is 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. Will the CPR I have already taken satisfy this requirement?

Answer: We have received verification from the American Heart Association, the American Red Cross, and the American Safety and Health Institute that their CPR courses are accredited by the American Nurses Credentialing Center, the Accreditation Council for Pharmacy Education (ACPE), and the Accreditation Council for Continuing Medical Education. Therefore, as long as your certificate is valid, these courses would satisfy the requirement.

33. Can dentists administer vaccinations against influenza and COVID-19?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. However, the Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccines or to administer COVID-19 testing. Information about the PREP Act can be found on [our website](#).

34. Can all dental hygienists administer vaccinations against influenza and COVID-19?

Answer: No. Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. The PREP Act does not include Dental Hygienists. Therefore, the ability for dental hygienists to administer the influenza and COVID-19 vaccinations expired with the Executive Orders on June 25, 2021.

35. Can a dental student administer vaccinations against influenza and COVID-19?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. However, the Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccine or to administer COVID-19 testing. Information about the PREP Act can be found on [our website](#).

Psychology and Applied Behavior Analysis (ABA) Professions - Updated**36. Can a licensee practice the profession by using distance technology?**

Answer: Yes. There are practice alerts and guidelines that address this type of intervention by an individual licensed and registered in New York.

- Psychology: <http://www.op.nysed.gov/prof/psych/psychalerts.htm>
- ABA: <http://www.op.nysed.gov/prof/aba/abapa.htm>

Unless otherwise authorized by law, psychologists licensed in other states who wish to engage in telepractice with patients/clients currently residing in New York State may do so utilizing a one-time-only ninety-day temporary exemption to practice psychology without a New York license pursuant to Education Law §7605 (8). See the [Questions and Answers About Licensure and Limited Permits](#) for more information.

Unless otherwise authorized by law, ABA practitioners licensed or certified in other states may not practice within the [ABA scope of practice](#) by technology or in person without a New York license.

37. Can a permit holder, intern or other person only authorized to practice under supervision provide client services by distance technology rather than in-person?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired and all permit holders, interns or other persons only authorized to practice under supervision must comply with all applicable laws. The supervisor remains responsible for the assessment, evaluation and treatment of each client seen by the supervisee and must ensure that all aspects of a supervisee's practice receive proper oversight. Supervised experience hours completed through distance technology may be submitted on Form 4, as part of the supervised experience requirement for licensure and do not have to be designated as such.

38. Can face-to-face supervision of a permit holder, intern or other person only authorized to practice under supervision be provided by distance technology rather than in-person?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired and all permit holders, interns or other persons only authorized to practice under supervision must comply with all applicable laws. The supervisor remains responsible for the professional services being provided by the supervisee and must ensure that all aspects of a supervisee's practice receive proper oversight, not just what is reported in a supervisory session. If supervision takes place across state lines, the supervisor must be licensed in both the jurisdiction where he/she is physically located and the jurisdiction where the services are provided.

Please see the practice alerts that further address supervision requirements:

- Psychology: <http://www.op.nysed.gov/prof/psych/psychalerts.htm>
- ABA: <http://www.op.nysed.gov/prof/aba/abapa.htm>

39. If an employment site is closed for an extended period of time, will a limited permit holder be granted extra time to complete the supervised experience?

Answer: Chapter 182 of the laws of 2020 allows the Department to issue a permit for one additional 12-month period, upon submission of an application and fee, if COVID causes an interruption or reduction in services. Information about permit requirements may be found on the profession specific page.

Clinical Laboratory Technology - Updated

40. **Can clinical laboratory personnel from outside of New York State 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 if they meet the federal requirements for testing personnel?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired and clinical laboratory practitioners must be in compliance with applicable laws.

41. **Are individuals in New York State who are not licensed as clinical laboratory practitioners permitted 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 if they meet the federal requirements for testing personnel?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired and clinical laboratory practitioners must be in compliance with applicable laws.

Massage Therapy - Updated

42. **During the COVID-19 related State of Emergency declared by the Governor in Executive Order 202, will massage therapy licensure applicants be permitted to take CPR courses online or virtually to satisfy the requirement that they present satisfactory evidence of having a current CPR certificate?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired and massage therapists must be in compliance with applicable laws.

43. **During the COVID-19 related State of Emergency declared by the Governor in Executive Order 202, can online or virtual CPR courses be used to satisfy the mandatory continuing education requirements in the profession of massage therapy?**

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired and massage therapists must be in compliance with applicable laws.

Occupational Therapy - Updated

44. **Can Occupational Therapists (OTs) provide telehealth services?**

Answer: Yes. For more information on telehealth, please visit our website at [Telepractice Guidance](#).

45. **What if I cannot complete my pre-license supervised experience?**

Answer: The Board of Regents approved an [emergency regulation](#) that allows the Department to excuse the requirement for occupational therapy to be provided on a continuous basis if such continuous experience cannot be completed during the COVID-19 health crisis. You can resume your supervised experience where you left off before it was interrupted by COVID-19.

Speech-Language Pathology & Audiology - Updated

46. **What if I cannot complete my pre-license supervised experience?**

Answer: The Board of Regents approved an [emergency regulation](#) that allows the Department to excuse the requirement for speech language pathology and audiology to be provided on a continuous basis if such continuous experience cannot be completed during the COVID-19 health crisis. You can resume your supervised experience where you left off before it was interrupted by COVID-19.

47. **Are clinical fellows allowed to use telehealth?**

Answer: Yes, telehealth is permissible for the completion of supervised experience. However, telehealth should not be used as the sole modality, while earning experience toward licensure.

48. **Can I supervise a clinical fellow remotely?**

Answer: Yes, appropriate supervision can be provided through the use of distance technology. However, individuals earning their experience will still need direct, regular real-time interactions with their supervisor whether that is accomplished in person or through modern telecommunication technology.

Public Accountancy - Updated

49. Can I get an extension of my credit for the Certified Public Accountant Exam?

Answer: As a result of the COVID-19 pandemic, the Board of Regents had approved an [emergency regulation](#) that allowed the Department to accept passing examination scores that were outside the 18-month requirement where such examinations were not completed in the required 18-month period. The New York State Board for Public Accountancy had recommended to the Department and the Department had determined that those New York (NY) jurisdiction candidates whose exam credit expired from April 1, 2020 through March 31, 2021 were granted an automatic extension until June 30, 2021 for those applicable exam sections. An examination section that expires after June 30, 2021, is not eligible for a blanket extension due to COVID-19.

Candidates impacted by international travel restrictions due to COVID-19 may be eligible for an additional extension beyond the automatic extension noted above. Candidates impacted due to international travel restrictions may contact NASBA to request an extension for the Notice to Schedule by completing the Exam Credit Extension Policy form. Candidates seeking an extension to the 18-month condition due to international travel restrictions will be reviewed on a case by case basis by the Department. Candidates impacted by international travel restrictions need to contact the Board Office at: CPABD@nysed.gov with their full, legal name, jurisdiction and candidate ID, supporting documentation (passport, US Visa, I94, etc. as applicable), and an explanation of how they were impacted by the international travel ban.

NY jurisdiction exam candidates who were impacted in Quarter 1 from January 2020 through March 31, 2020 due to COVID-19, were assessed on a case by case basis. Candidates impacted during the January to March 2020 time period were required to contact the Board Office by December 31, 2020.

50. Are Mandatory Peer Review Program requirements waived or cancelled for public accounting firms?

Answer: At this time, there are no procedures or processes to waive or cancel the mandatory peer review program for public accounting firms. Firms should notify the State Board for Public Accountancy at: CPABD@nysed.gov if their firm has received an extension for its peer review or corrective action(s) from the Administering Entity.

Medical Physics - Updated

51. Can a medical physicist practicing under the authority of a limited permit have that permit renewed beyond the current six year limit due to the COVID-19 related State of Emergency declared by the Governor in Executive Order 202?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. Early in the declared emergency, the Board of Regents implemented an emergency regulation allowing limited permits in medical physics to be extended beyond the usual three-term or six-year limit. However, the end of the COVID-19 emergency declared by the Governor ends the authority for NYSED to issue additional limited permit extensions beyond one two-year extension.

Please note that the traditional limitations for terms of limited permits will remain in effect. Permit holders in medical physics will remain eligible for two two-year extensions, for a maximum of six years. In addition, all current permit holders who have received a COVID-19 related extension, as well as all permit holders, will still retain their permits for the term detailed on their permit.

Midwifery - Updated

52. Are midwives or midwifery students permitted to administer the COVID-19 and influenza immunization to any patient?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. However, the Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer

vaccine or to administer COVID-19 testing. Information about the PREP Act can be found on [our website](#).

Podiatry - Updated

53. Are podiatrists or podiatric medical students permitted to administer the COVID-19 and influenza immunization to any patient?

Answer: Effective June 25, 2021, all Executive Orders related to COVID-19 Disaster Emergency have expired. However, the Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccine or to administer COVID-19 testing. Information about the PREP Act can be found on [our website](#).

54. Where can licensed professionals obtain the required training to administer the COVID-19 and influenza vaccination?

Answer: The NYS Department of Health has made training requirements and guidance available on [their website](#).

Veterinary Medicine - Updated

55. Can Veterinarians and Veterinarian students administer the COVID 19 Vaccines to a human patient?

Answer: The Declarations of the Secretary of the United States Department of Health and Human Services issued pursuant to the federal Public Readiness and Emergency Preparedness (PREP) Act remain in effect and continue to provide certain authorizations and exemptions for many professions and activities related to the ongoing COVID-19 emergency response. These provisions include permitting an expanded list of professionals to administer vaccine or to administer COVID-19 testing. Information about the PREP Act can be found on [our website](#).



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Professionals Authorized Pursuant to Federal Law

Certain [eligible NYS licensed and registered professionals](#) have been temporarily authorized under federal law to prescribe, dispense, and administer COVID-19 vaccines authorized by the U.S. Food and Drug Administration pursuant to the [Seventh Amendment](#) to the Public Readiness and Emergency Preparedness Act (PREP Act) for the duration of the declared emergency and subject to the parameters contained within the PREP Act. This amendment also authorizes certain recently retired professionals to serve as vaccinators and authorizes medical students, nursing students, and certain other health care students to serve as vaccinators with proper training and professional supervision.

Pursuant to this Seventh Amendment, liability protection under the federal PREP Act is available to certain professionals if they meet certain conditions, including completion of federal training and possessing a current certificate in basic cardiopulmonary resuscitation. Please be advised that, according to guidance provided by the United States Department of Health and Human Services (HHS), the additional requirements described in the Seventh Amendment do not apply to those professionals that have also been authorized to vaccinate by a state, including those professionals authorized to vaccinate in New York State by statute or regulation. Those professionals authorized to vaccinate in New York State by statute or regulation will not be required to obtain additional training beyond that required by the State in order to receive liability protection under the federal PREP Act. In addition, several temporary exceptions and authorizations relevant to Title VIII professionals that have also been authorized to vaccinate in New York State have now expired and therefore these professionals will be required to obtain the additional training required under the federal PREP Act.

The [Eighth Amendment](#) to the PREP Act clarifies and expands the authority for certain Qualified Persons authorized to prescribe, dispense, and administer covered countermeasures under section VI of this Declaration.

More information about the PREP Act and the federal requirements can be found at [PHE.gov](#) and additional information about eligibility can be found at [PHE.gov/COVIDvaccinators](#). Licensed professionals should consult with their own counsel to determine how the federal PREP Act requirements impact applicable professions in New York State. All questions regarding this federal law should be directed to the United States Department of Health and Human Services.



Public Health Emergency

Public Health and Medical Emergency Support for a Nation Prepared

PHE Home > Emergency > Events > 2019 Novel Coronavirus > COVID-19 Vaccinators > Eligibility



Eligibility

Requirements for Joining the Expanded COVID-19 Vaccine Workforce

The expanded COVID-19 vaccine workforce includes currently licensed/certified health professionals, health professionals who are previously active or recently retired, and healthcare students.

To find out if you are eligible to become part of the expanded vaccine workforce and support your community's vaccination efforts, [contact your state or territory's Emergency System for Advance Registration of Volunteer Health Professionals \(ESAR-VHP\) program.](#)



Health Professionals (Current and Previously Active within the Last 5 Years)

- | | |
|---|---|
| ▶ Dentists | ▶ Optometrists |
| ▶ Emergency medical technicians (advanced or intermediate EMTs) | ▶ Paramedics |
| ▶ Midwives | ▶ Pharmacists, pharmacy interns, and pharmacy technicians |
| ▶ Nurses | ▶ Physicians |
| ▶ Advanced practice registered nurses (APRN) | ▶ Physician assistants |
| ▶ Registered nurses (RN) | ▶ Podiatrists |
| ▶ Licensed practical nurses (LPN) | ▶ Respiratory therapists |
| | ▶ Veterinarians |



Healthcare Students

- | | |
|----------|--------------------------------|
| ▶ Dental | ▶ Paramedic |
| | ▶ Pharmacy and pharmacy intern |

In the Spotlight



[COVID-19 Response in Pictures](#)



[Volunteer with the Medical Reserve Corps](#)



[Emergency System for the Advance Registration of Volunteer Health Professionals](#)

- ▶ **Emergency medical technicians**
(advanced or intermediate EMTs)
- ▶ **Medical**
- ▶ **Midwifery**
- ▶ **Nursing**
- ▶ **Optometry**
- ▶ **Physician assistant**
- ▶ **Podiatry**
- ▶ **Respiratory therapy**
- ▶ **Veterinary**



Other Qualified Persons

- ▶ **Licensed health professional or other individuals authorized under the law of the state**
- ▶ **Any persons authorized in accordance with the public health and medical emergency response of SLTTs**
- ▶ **Any healthcare professional or other individuals licensed or certified in another state**
- ▶ **Federal responders, including uniformed services or federal government employee, contractor, or volunteer**



Register



Training



Immunity from
Liability



Fact Sheet



Digital Toolkit



FAQs

This page last reviewed: April 13, 2021

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Assistant Secretary for Preparedness and Response (ASPR), 200 Independence Ave., SW, Washington, DC 20201

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request; Voluntary Partner Surveys To Implement Executive Order 12862 in the Health Resources and Services Administration

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30 day comment period for this notice has closed.

DATES: Comments on this ICR should be received no later than April 15, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting

"Currently under Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at paperwork@hrsa.gov or call (301) 443-1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Voluntary Partner Surveys to Implement Executive Order 12862 in the Health Resources and Services Administration, OMB No. 0915-0212—Extension.

Abstract: In response to Executive Order 12862, HRSA is proposing to conduct voluntary customer surveys of its partners to assess strengths and weaknesses in program services and processes. HRSA partners are typically state or local governments, health care facilities, health care consortia, health care providers, and researchers. HRSA is requesting continued approval of a generic clearance from OMB to conduct the partner surveys.

Partner surveys to be conducted by HRSA might include, for example, mail, electronic, and/or telephone surveys of grantees to determine satisfaction with grant processes or technical assistance provided by a contractor, or in-class or virtual evaluation forms completed by providers who receive training from HRSA grantees to measure satisfaction with the training experience. Results of these surveys will be used to plan and redirect resources and efforts as needed to improve services and processes.

Focus groups may also be used to gain partner input that will inform the design of mail, electronic and/or telephone surveys. Focus groups, in-class evaluation forms, mail surveys, electronic surveys, and telephone surveys are expected to be the preferred data collection methods for this information collection.

A generic approval allows HRSA to conduct a limited number of partner surveys without a full-scale OMB review of each survey. If this generic information collection request receives continued approval, information on each individual partner survey will not be published in the **Federal Register**.

A 60-day notice published in the **Federal Register** on December 15, 2020, vol. 85, No. 241; pp. 81210-11. There were no public comments.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
In-class evaluations	40,000	1	40,000	.05	2,000
Mail/Telephone surveys	12,000	1	12,000	.25	3,000
Focus groups	250	1	250	1.50	375
Total	52,250	52,250	5,375

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information

technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021-05349 Filed 3-15-21; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Seventh Amendment to Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID-19

ACTION: Notice of amendment.

SUMMARY: The Acting Secretary issues this amendment pursuant to section 319F–3 of the Public Health Service Act to add additional categories of Qualified Persons authorized to prescribe, dispense, and administer covered countermeasures under section VI of this Declaration.

DATES: This amendment to the Declaration is effective as of March 11, 2021.

FOR FURTHER INFORMATION CONTACT: L. Paige Ezernack, Office of the Assistant Secretary for Preparedness and Response, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW, Washington, DC 20201; 202–260–0365, paige.ezernack@hhs.gov.

SUPPLEMENTARY INFORMATION: The Public Readiness and Emergency Preparedness Act (PREP Act) authorizes the Secretary of Health and Human Services (the Secretary) to issue a Declaration to provide liability immunity to certain individuals and entities (Covered Persons) against any claim of loss caused by, arising out of, relating to, or resulting from the manufacture, distribution, administration, or use of medical countermeasures (Covered Countermeasures), except for claims involving “willful misconduct” as defined in the PREP Act. Under the PREP Act, a Declaration may be amended as circumstances warrant.

The PREP Act was enacted on December 30, 2005, as Public Law 109–148, Division C, section 2. It amended the Public Health Service (PHS) Act, adding section 319F–3, which addresses liability immunity, and section 319F–4, which creates a compensation program. These sections are codified at 42 U.S.C. 247d–6d and 42 U.S.C. 247d–6e, respectively. Section 319F–3 of the PHS Act has been amended by the Pandemic and All-Hazards Preparedness Reauthorization Act (PAHPRA), Public Law 113–5, enacted on March 13, 2013 and the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116–136, enacted on March 27, 2020, to expand Covered Countermeasures under the PREP Act.

On January 31, 2020, the former Secretary, Alex M. Azar II, declared a public health emergency pursuant to section 319 of the PHS Act, 42 U.S.C. 247d, effective January 27, 2020, for the entire United States to aid in the response of the nation’s health care community to the COVID–19 outbreak. Pursuant to section 319 of the PHS Act, the Secretary renewed that declaration effective on April 26, 2020, July 25,

2020, October 23, 2020, and January 21, 2021.

On March 10, 2020, former Secretary Azar issued a Declaration under the PREP Act for medical countermeasures against COVID–19 (85 FR 15198, Mar. 17, 2020) (the Declaration). On April 10, the former Secretary amended the Declaration under the PREP Act to extend liability immunity to covered countermeasures authorized under the CARES Act (85 FR 21012, Apr. 15, 2020). On June 4, the former Secretary amended the Declaration to clarify that covered countermeasures under the Declaration include qualified countermeasures that limit the harm COVID–19 might otherwise cause. (85 FR 35100, June 8, 2020). On August 19, the former Secretary amended the declaration to add additional categories of Qualified Persons and amend the category of disease, health condition, or threat for which he recommended the administration or use of the Covered Countermeasures. (85 FR 52136, August 24, 2020). On December 3, 2020, the former Secretary amended the declaration to incorporate Advisory Opinions of the General Counsel interpreting the PREP Act and the Secretary’s Declaration and authorizations issued by the Department’s Office of the Assistant Secretary for Health as an Authority Having Jurisdiction to respond; added an additional category of qualified persons under Section V of the Declaration; made explicit that the Declaration covers all qualified pandemic and epidemic products as defined under the PREP Act; added a third method of distribution to provide liability protections for, among other things, private distribution channels; made explicit that there can be situations where not administering a covered countermeasure to a particular individual can fall within the PREP Act and the Declaration’s liability protections; made explicit that there are substantive Federal legal and policy issues and interests in having a unified whole-of-nation response to the COVID–19 pandemic among Federal, state, local, and private-sector entities; revised the effective time period of the Declaration; and republished the declaration in full. (85 FR 79190, December 9, 2020). On February 2, 2021, the Acting Secretary Norris Cochran amended the Declaration to add additional categories of Qualified Persons authorized to prescribe, dispense, and administer COVID–19 vaccines that are covered countermeasures under the Declaration (86 FR 7872, February 2, 2021). On

February 16, 2021, the Acting Secretary amended the Declaration to add additional categories of Qualified Persons authorized to prescribe, dispense, and administer COVID–19 vaccines that are covered countermeasures under the Declaration (86 FR 9516, February 16, 2021) and on February 22, 2021, the Department filed a notice of correction to the February 2 and February 16 notices correcting effective dates stated in the Declaration, and correcting the description of qualified persons added by the February 16, 2021 amendment. (86 FR 10588, February 22, 2021).

The Acting Secretary now amends section V of the Declaration to revise subsection (f) to clarify that observers should be experienced in administering intramuscular injections; delete subsection (g), change the prior subsection (h) to subsection (g) and add a new subsection (h) to add additional categories of qualified persons covered under the PREP Act, and thus authorizes: (h) The following healthcare professionals and students in a healthcare profession training program subject to the requirements of this paragraph:

1. Any midwife, paramedic, advanced or intermediate emergency medical technician (EMT), physician assistant, respiratory therapist, dentist, podiatrist, optometrist or veterinarian licensed or certified to practice under the law of any state who prescribes, dispenses, or administers COVID–19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID–19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID–19 vaccine covered countermeasure is administered;

2. Any physician, advanced practice registered nurse, registered nurse, practical nurse, pharmacist, pharmacy intern, midwife, paramedic, advanced or intermediate EMT, respiratory therapist, dentist, physician assistant, podiatrist, optometrist, or veterinarian who has held an active license or certification under the law of any State within the last five years, which is inactive, expired or lapsed, who prescribes, dispenses, or administers COVID–19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID–19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID–19 vaccine covered countermeasure is

administered, so long as the license or certification was active and in good standing prior to the date it went inactive, expired or lapsed and was not revoked by the licensing authority, surrendered while under suspension, discipline or investigation by a licensing authority or surrendered following an arrest, and the individual is not on the List of Excluded Individuals/Entities maintained by the Office of Inspector General;

3. Any medical, nursing, pharmacy, pharmacy intern, midwife, paramedic, advanced or intermediate EMT, physician assistant, respiratory therapy, dental, podiatry, optometry or veterinary student with appropriate training in administering vaccines as determined by his or her school or training program and supervision by a currently practicing healthcare professional experienced in administering intramuscular injections who administers COVID-19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID-19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID-19 vaccine covered countermeasure is administered;

Subject to the following requirements:

- i. The vaccine must be authorized, approved, or licensed by the FDA;
- ii. Vaccination must be ordered and administered according to ACIP's COVID-19 vaccine recommendation(s);
- iii. The healthcare professionals and students must have documentation of completion of the Centers for Disease Control and Prevention COVID-19 Vaccine Training Modules and, if applicable, such additional training as may be required by the State, territory, locality, or Tribal area in which they are prescribing, dispensing, or administering COVID-19 vaccines;
- iv. The healthcare professionals and students must have documentation of an observation period by a currently practicing healthcare professional experienced in administering intramuscular injections, and for whom administering intramuscular injections is in their ordinary scope of practice, who confirms competency of the healthcare provider or student in preparation and administration of the COVID-19 vaccine(s) to be administered and, if applicable, such additional training as may be required by the State, territory, locality, or Tribal area in which they are prescribing, dispensing, or administering COVID-19 vaccines;
- v. The healthcare professionals and students must have a current certificate

in basic cardiopulmonary resuscitation;¹

vi. The healthcare professionals and students must comply with recordkeeping and reporting requirements of the jurisdiction in which he or she administers vaccines, including informing the patient's primary-care provider when available, submitting the required immunization information to the State or local immunization information system (vaccine registry), complying with requirements with respect to reporting adverse events, and complying with requirements whereby the person administering a vaccine must review the vaccine registry or other vaccination records prior to administering a vaccine; and

vii. The healthcare professionals and students comply with any applicable requirements (or conditions of use) as set forth in the Centers for Disease Control and Prevention (CDC) COVID-19 vaccination provider agreement and any other federal requirements that apply to the administration of COVID-19 vaccine(s).

Description of This Amendment by Section

Section V. Covered Persons

Under the PREP Act and the Declaration, a "qualified person" is a "covered person." Subject to certain limitations, a covered person is immune from suit and liability under Federal and State law with respect to all claims for loss caused by, arising out of, relating to, or resulting from the administration or use of a covered countermeasure if a declaration under the PREP Act has been issued with respect to such countermeasure. "Qualified person" includes (A) a licensed health professional or other

¹ This requirement is satisfied by, among other things, a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education. The phrase "current certificate in basic cardiopulmonary resuscitation," when used in the September 3, 2020 or October 20, 2020 OASH authorizations, shall be interpreted the same way. See Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID-19 Vaccines and Immunity under the PREP Act, OASH, Sept. 3, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf> (last visited Jan. 24, 2021); Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing, OASH, Oct. 20, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-guidance.pdf> (last visited Jan. 24, 2021).

individual who is authorized to prescribe, administer, or dispense such countermeasures under the law of the State in which the countermeasure was prescribed, administered, or dispensed; or (B) "a person within a category of persons so identified in a declaration by the Secretary" under subsection (b) of the PREP Act. 42 U.S.C. 247d-6d(i)(8).

By this amendment to the Declaration, the Acting Secretary identifies an additional category of persons who are qualified persons under section 247d-6d(i)(8)(B): licensed healthcare professionals who may not ordinarily prescribe, dispense or administer vaccines, additional healthcare providers with recently expired licenses, and students in a healthcare profession training program, subject to appropriate training, supervision, and other specified requirements. The Acting Secretary anticipates that significantly more vaccines will be available to the public in the spring and summer of 2021, and wants to ensure that states have the greatest flexibility in mobilizing the workforce they will need to engage in the largest vaccination effort in our Nation's history. This amendment thus expands the pool of vaccinators to individuals who have or can obtain training and the capability to administer vaccines even if prescribing, dispensing and administering vaccines is not within the scope of their license or usual responsibilities, allowing States, Territories, local areas and Tribes to use these individuals in their vaccination programs.

The Acting Secretary has determined that there is an urgent need to expand the pool of available COVID-19 vaccinators in order to respond effectively to the pandemic. As vaccine supply is made more widely available over the coming months, health care system capacity and the vaccination workforce are likely to become increasingly strained throughout the Nation.

As qualified persons, these healthcare professionals and students in healthcare profession training programs will be afforded liability protections in accordance with the PREP Act and the terms of this amended Declaration. Second, to the extent that any State law that would otherwise prohibit the healthcare professionals and students in healthcare profession training programs who are a "qualified person" from prescribing, dispensing, or administering COVID-19 vaccines or other Covered Countermeasures, such law is preempted. On May 19, 2020, the Office of the General Counsel issued an advisory opinion concluding that, because licensed pharmacists are

“qualified persons” under this declaration, the PREP Act preempts state law that would otherwise prohibit such pharmacists from ordering and administering authorized COVID-19 diagnostic tests.² The opinion relied in part on the fact that the Congressional delegation of authority to the Secretary under the PREP Act to specify a class of persons, beyond those who are authorized to administer a covered countermeasure under State law, as “qualified persons” would be rendered a nullity in the absence of such preemption. This opinion is incorporated by reference into this declaration. Based on the reasoning set forth in the May 19, 2020 advisory opinion, any State law that would otherwise prohibit a member of any of the classes of “qualified persons” specified in this declaration from administering a covered countermeasure is likewise preempted. In accordance with section 319F-3(i)(8)(A) of the Public Health Service Act, a State remains free to expand the universe of individuals authorized to administer covered countermeasures within its jurisdiction under State law.

The plain language of the PREP Act makes clear that there is preemption of state law as described above. Furthermore, preemption of State law is justified to respond to the nation-wide public health emergency caused by COVID-19 as it will enable States to quickly expand the vaccination workforce with additional qualified healthcare professionals where State or local requirements might otherwise inhibit or delay allowing these healthcare professionals to participate in the COVID-19 vaccination program.

Amendments to Declaration

Amended Declaration for Public Readiness and Emergency Preparedness Act Coverage for medical countermeasures against COVID-19.

Section V of the March 10, 2020 Declaration under the PREP Act for medical countermeasures against COVID-19, as amended April 10, 2020, June 4, 2020, August 19, 2020, as amended and republished on December

3, 2020, and as amended on February 2, 2021, is further amended pursuant to section 319F-3(b)(4) of the PHS Act as described below. All other sections of the Declaration remain in effect as republished at 85 FR 79190 (December 9, 2020).

1. Covered Persons, section V, delete in full and replace with:

V. Covered Persons

42 U.S.C. 247d-6d(i)(2), (3), (4), (6), (8)(A) and (B)

Covered Persons who are afforded liability immunity under this Declaration are “manufacturers,” “distributors,” “program planners,” “qualified persons,” and their officials, agents, and employees, as those terms are defined in the PREP Act, and the United States. “Order” as used herein and in guidance issued by the Office of the Assistant Secretary for Health³ means a provider medication order, which includes prescribing of vaccines, or a laboratory order, which includes prescribing laboratory orders, if required. In addition, I have determined that the following additional persons are qualified persons:

(a) Any person authorized in accordance with the public health and medical emergency response of the Authority Having Jurisdiction, as described in Section VII below, to prescribe, administer, deliver, distribute or dispense the Covered Countermeasures, and their officials, agents, employees, contractors and volunteers, following a Declaration of an Emergency, as that term is defined in Section VII of this Declaration;⁴

³ See Guidance for Licensed Pharmacists, COVID-19 Testing, and Immunity Under the PREP Act, OASH, Apr. 8, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/authorizing-licensed-pharmacists-to-order-and-administer-covid-19-tests.pdf> (last visited Jan. 24, 2021); Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID-19 Vaccines and Immunity under the PREP Act, OASH, Sept. 3, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/authorizing-licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf> (last visited Jan. 24, 2021).

⁴ See, e.g., Guidance for Licensed Pharmacists, COVID-19 Testing, and Immunity Under the PREP Act, OASH, Apr. 8, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/authorizing-licensed-pharmacists-to-order-and-administer-covid-19-tests.pdf> (last visited Jan. 24, 2021); Guidance for PREP Act Coverage for COVID-19 Screening Tests at Nursing Homes, Assisted-Living Facilities, Long-Term-Care Facilities, and other Congregate Facilities, OASH, Aug. 31, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-coverage-for-screening-in-congregate-settings.pdf> (last visited Jan. 24, 2021); Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID-19 Vaccines and Immunity under the PREP Act, OASH, Sept. 3, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/authorizing-licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf> (last visited Jan. 24, 2021).

(b) Any person authorized to prescribe, administer, or dispense the Covered Countermeasures or who is otherwise authorized to perform an activity under an Emergency Use Authorization in accordance with Section 564 of the FD&C Act;

(c) Any person authorized to prescribe, administer, or dispense Covered Countermeasures in accordance with Section 564A of the FD&C Act;

(d) A State-licensed pharmacist who orders and administers, and pharmacy interns who administer (if the pharmacy intern acts under the supervision of such pharmacist and the pharmacy intern is licensed or registered by his or her State board of pharmacy),⁵ (1) vaccines that the Advisory Committee on Immunization Practices (ACIP) recommends to persons ages three through 18 according to ACIP's standard immunization schedule or (2) FDA authorized or FDA licensed COVID-19 vaccines to persons ages three or older. Such State-licensed pharmacists and the State-licensed or registered interns under their supervision are qualified persons only if the following requirements are met:

- i. The vaccine must be authorized, approved, or licensed by the FDA;
- ii. In the case of a COVID-19 vaccine, the vaccination must be ordered and administered according to ACIP's COVID-19 vaccine recommendation(s);

www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/authorizing-licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf (last visited Jan. 24, 2021); Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing, OASH, Oct. 20, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-guidance.pdf> (last visited Jan. 24, 2021); PREP Act Authorization for Pharmacies Distributing and Administering Certain Covered Countermeasures, Oct. 29, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-authorization-pharmacies-administering-covered-countermeasures.pdf> (last visited Jan. 24, 2021) (collectively, OASH PREP Act Authorizations). Nothing herein shall suggest that, for purposes of the Declaration, the foregoing are the only persons authorized in accordance with the public health and medical emergency response of the Authority Having Jurisdiction.

⁵ Some states do not require pharmacy interns to be licensed or registered by the state board of pharmacy. As used herein, “State-licensed or registered intern” (or equivalent phrases) refers to pharmacy interns authorized by the state or board of pharmacy in the state in which the practical pharmacy internship occurs. The authorization can, but need not, take the form of a license from, or registration with, the State board of pharmacy. See Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing, OASH, Oct. 20, 2020 at 2, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-guidance.pdf> (last visited Jan. 24, 2021).

² Department of Health and Human Services General Counsel Advisory Opinion on the Public Readiness and Emergency Preparedness Act, May 19, 2020, available at: <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-advisory-opinion-hhs-ogc.pdf> (last visited Jan. 24, 2021). See also, Department of Justice Office of Legal Counsel Advisory Opinion for Robert P. Charrow, General Counsel of the Department of Health and Human Services, January 12, 2021, available at: <https://www.justice.gov/sites/default/files/opinions/attachments/2021/01/19/2021-01-19-prep-act-preemption.pdf> (last visited Jan. 24, 2021).

iii. In the case of a childhood vaccine, the vaccination must be ordered and administered according to ACIP's standard immunization schedule;

iv. The licensed pharmacist must have completed the immunization training that the licensing State requires for pharmacists to order and administer vaccines. If the State does not specify training requirements for the licensed pharmacist to order and administer vaccines, the licensed pharmacist must complete a vaccination training program of at least 20 hours that is approved by the Accreditation Council for Pharmacy Education (ACPE) to order and administer vaccines. Such a training program must include hands on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines;

v. The licensed or registered pharmacy intern must complete a practical training program that is approved by the ACPE. This training program must include hands-on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines;

vi. The licensed pharmacist and licensed or registered pharmacy intern must have a current certificate in basic cardiopulmonary resuscitation;⁶

vii. The licensed pharmacist must complete a minimum of two hours of ACPE-approved, immunization-related continuing pharmacy education during each State licensing period;

viii. The licensed pharmacist must comply with recordkeeping and reporting requirements of the jurisdiction in which he or she administers vaccines, including informing the patient's primary-care

provider when available, submitting the required immunization information to the State or local immunization information system (vaccine registry), complying with requirements with respect to reporting adverse events, and complying with requirements whereby the person administering a vaccine must review the vaccine registry or other vaccination records prior to administering a vaccine;

ix. The licensed pharmacist must inform his or her childhood-vaccination patients and the adult caregiver accompanying the child of the importance of a well-child visit with a pediatrician or other licensed primary care provider and refer patients as appropriate; and

x. The licensed pharmacist and the licensed or registered pharmacy intern must comply with any applicable requirements (or conditions of use) as set forth in the Centers for Disease Control and Prevention (CDC) COVID-19 vaccination provider agreement and any other federal requirements that apply to the administration of COVID-19 vaccine(s).

(e) Healthcare personnel using telehealth to order or administer Covered Countermeasures for patients in a state other than the state where the healthcare personnel are licensed or otherwise permitted to practice. When ordering and administering Covered Countermeasures by means of telehealth to patients in a state where the healthcare personnel are not already permitted to practice, the healthcare personnel must comply with all requirements for ordering and administering Covered Countermeasures to patients by means of telehealth in the state where the healthcare personnel are permitted to practice. Any state law that prohibits or effectively prohibits such a qualified person from ordering and administering Covered Countermeasures by means of telehealth is preempted.⁷ Nothing in this Declaration shall preempt state laws that permit additional persons to deliver telehealth services;

(f) Any healthcare professional or other individual who holds an active license or certification permitting the person to prescribe, dispense, or administer vaccines under the law of any State as of the effective date of this amendment, or as authorized under the section V(d) of this Declaration, who

prescribes, dispenses, or administers COVID-19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies, other than the State in which the license or certification is held, in association with a COVID-19 vaccination effort by a federal, State, local Tribal or territorial authority or by an institution in the State in which the COVID-19 vaccine covered countermeasure is administered, so long as the license or certification of the healthcare professional has not been suspended or restricted by any licensing authority, surrendered while under suspension, discipline or investigation by a licensing authority or surrendered following an arrest, and the individual is not on the List of Excluded Individuals/Entities maintained by the Office of Inspector General, subject to: (i) Documentation of completion of the Centers for Disease Control and Prevention COVID-19 (CDC) Vaccine Training Modules⁸ and, for healthcare providers who are not currently practicing, documentation of an observation period by a currently practicing healthcare professional experienced in administering intramuscular injections, and for whom administering intramuscular injections is in their ordinary scope of practice, who confirms competency of the healthcare provider in preparation and administration of the COVID-19 vaccine(s) to be administered;

(g) Any member of a uniformed service (including members of the National Guard in a Title 32 duty status) (hereafter in this paragraph "service member") or Federal government, employee, contractor, or volunteer who prescribes, administers, delivers, distributes or dispenses a Covered Countermeasure. Such Federal government service members, employees, contractors, or volunteers are qualified persons if the following requirement is met: the executive department or agency by or for which the Federal service member, employee, contractor, or volunteer is employed, contracts, or volunteers has authorized or could authorize that service member, employee, contractor, or volunteer to prescribe, administer, deliver, distribute, or dispense the Covered Countermeasure as any part of the duties or responsibilities of that service member, employee, contractor, or volunteer, even if those authorized duties or responsibilities ordinarily would not extend to members of the

⁶ This requirement is satisfied by, among other things, a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education. The phrase "current certificate in basic cardiopulmonary resuscitation," when used in the September 3, 2020 or October 20, 2020 OASH authorizations, shall be interpreted the same way. See Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID-19 Vaccines and Immunity under the PREP Act, OASH, Sept. 3, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf> (last visited Jan. 24, 2021); Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing, OASH, Oct. 20, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/prep-act-guidance.pdf> (last visited Jan. 24, 2021).

⁷ See, e.g., Advisory Opinion 20-02 on the Public Readiness and Emergency Preparedness Act and the Secretary's Declaration under the Act, May 19, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents/advisory-opinion-20-02-hhs-ogc-prep-act.pdf> (last visited Jan. 24, 2021).

⁸ See COVID-19 Vaccine Training Modules, available at <https://www.cdc.gov/vaccines/covid-19/training.html>.

public or otherwise would be more limited in scope than the activities such service member, employees, contractors, or volunteers are authorized to carry out under this declaration; and

(h) The following healthcare professionals and students in a healthcare profession training program subject to the requirements of this paragraph:

1. Any midwife, paramedic, advanced or intermediate emergency medical technician (EMT), physician assistant, respiratory therapist, dentist, podiatrist, optometrist or veterinarian licensed or certified to practice under the law of any state who prescribes, dispenses, or administers COVID-19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID-19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID-19 vaccine covered countermeasure is administered;

2. Any physician, advanced practice registered nurse, registered nurse, practical nurse, pharmacist, pharmacy intern, midwife, paramedic, advanced or intermediate EMT, respiratory therapist, dentist, physician assistant, podiatrist, optometrist, or veterinarian who has held an active license or certification under the law of any State within the last five years, which is inactive, expired or lapsed, who prescribes, dispenses, or administers COVID-19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID-19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID-19 vaccine covered countermeasure is administered, so long as the license or certification was active and in good standing prior to the date it went inactive, expired or lapsed and was not revoked by the licensing authority, surrendered while under suspension, discipline or investigation by a licensing authority or surrendered following an arrest, and the individual is not on the List of Excluded Individuals/Entities maintained by the Office of Inspector General;

3. Any medical, nursing, pharmacy, pharmacy intern, midwife, paramedic, advanced or intermediate EMT, physician assistant, respiratory therapy, dental, podiatry, optometry or veterinary student with appropriate training in administering vaccines as determined by his or her school or training program and supervision by a

currently practicing healthcare professional experienced in administering intramuscular injections who administers COVID-19 vaccines that are Covered Countermeasures under section VI of this Declaration in any jurisdiction where the PREP Act applies in association with a COVID-19 vaccination effort by a State, local, Tribal or territorial authority or by an institution in which the COVID-19 vaccine covered countermeasure is administered;

Subject to the following requirements:

i. The vaccine must be authorized, approved, or licensed by the FDA;

ii. Vaccination must be ordered and administered according to ACIP's COVID-19 vaccine recommendation(s);

iii. The healthcare professionals and students must have documentation of completion of the Centers for Disease Control and Prevention COVID-19 Vaccine Training Modules and, if applicable, such additional training as may be required by the State, territory, locality, or Tribal area in which they are prescribing, dispensing, or administering COVID-19 vaccines;

iv. The healthcare professionals and students must have documentation of an observation period by a currently practicing healthcare professional experienced in administering intramuscular injections, and for whom administering vaccinations is in their ordinary scope of practice, who confirms competency of the healthcare provider or student in preparation and administration of the COVID-19 vaccine(s) to be administered and, if applicable, such additional training as may be required by the State, territory, locality, or Tribal area in which they are prescribing, dispensing, or administering COVID-19 vaccines;

v. The healthcare professionals and students must have a current certificate in basic cardiopulmonary resuscitation;⁹

⁹ This requirement is satisfied by, among other things, a certification in basic cardiopulmonary resuscitation by an online program that has received accreditation from the American Nurses Credentialing Center, the ACPE, or the Accreditation Council for Continuing Medical Education. The phrase "current certificate in basic cardiopulmonary resuscitation," when used in the September 3, 2020 or October 20, 2020 OASH authorizations, shall be interpreted the same way. See Guidance for Licensed Pharmacists and Pharmacy Interns Regarding COVID-19 Vaccines and Immunity under the PREP Act, OASH, Sept. 3, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents//licensed-pharmacists-and-pharmacy-interns-regarding-covid-19-vaccines-immunity.pdf> (last visited Jan. 24, 2021); Guidance for PREP Act Coverage for Qualified Pharmacy Technicians and State-Authorized Pharmacy Interns for Childhood Vaccines, COVID-19 Vaccines, and COVID-19 Testing, OASH, Oct. 20, 2020, available at <https://www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents//prep-act-guidance.pdf> (last visited Jan. 24, 2021).

vi. The healthcare professionals and students must comply with recordkeeping and reporting requirements of the jurisdiction in which he or she administers vaccines, including informing the patient's primary-care provider when available, submitting the required immunization information to the State or local immunization information system (vaccine registry), complying with requirements with respect to reporting adverse events, and complying with requirements whereby the person administering a vaccine must review the vaccine registry or other vaccination records prior to administering a vaccine; and

vii. The healthcare professionals and students comply with any applicable requirements (or conditions of use) as set forth in the Centers for Disease Control and Prevention (CDC) COVID-19 vaccination provider agreement and any other federal requirements that apply to the administration of COVID-19 vaccine(s).

Nothing in this Declaration shall be construed to affect the National Vaccine Injury Compensation Program, including an injured party's ability to obtain compensation under that program. Covered countermeasures that are subject to the National Vaccine Injury Compensation Program authorized under 42 U.S.C. 300aa-10 *et seq.* are covered under this Declaration for the purposes of liability immunity and injury compensation only to the extent that injury compensation is not provided under that Program. All other terms and conditions of the Declaration apply to such covered countermeasures.

2. Effective Time Period, section XII, delete in full and replace with:

Liability protections for any respiratory protective device approved by NIOSH under 42 CFR part 84, or any successor regulations, through the means of distribution identified in Section VII(a) of this Declaration, begin on March 27, 2020 and extend through October 1, 2024.

Liability protections for all other Covered Countermeasures identified in Section VI of this Declaration, through means of distribution identified in Section VII(a) of this Declaration, begin on February 4, 2020 and extend through October 1, 2024.

Liability protections for all Covered Countermeasures administered and used in accordance with the public health and medical response of the Authority Having Jurisdiction, as

www.hhs.gov/guidance/sites/default/files/hhs-guidance-documents//prep-act-guidance.pdf (last visited Jan. 24, 2021).

identified in Section VII(b) of this Declaration, begin with a Declaration of Emergency as that term is defined in Section VII (except that, with respect to qualified persons who order or administer a routine childhood vaccination that ACIP recommends to persons ages three through 18 according to ACIP's standard immunization schedule, liability protections began on August 24, 2020), and last through (a) the final day the Declaration of Emergency is in effect, or (b) October 1, 2024, whichever occurs first.

Liability protections for all Covered Countermeasures identified in Section VII(c) of this Declaration begin on December 9, 2020 and last through (a) the final day the Declaration of Emergency is in effect, or (b) October 1, 2024, whichever occurs first.

Liability protections for Qualified Persons under section V(f) of the declaration begin on February 2, 2021, and last through October 1, 2024.

Liability protections for Qualified Persons under section V(g) of the declaration begin on February 16, 2021, and last through October 1, 2024.

Liability protections for Qualified Persons who are physicians, advanced practice registered nurses, registered nurses, or practical nurses under section V(h) of the declaration begins on February 2, 2021 and last through October 1, 2024, with additional conditions effective as of March 11, 2021 and liability protections for all other Qualified persons under section V(h) begins on March 11, 2021 and last through October 1, 2024.

Authority: 42 U.S.C. 247d-6d.

Norris Cochran,
Acting Secretary, Department of Health and Human Services.

[FR Doc. 2021-05401 Filed 3-11-21; 4:15 pm]

BILLING CODE 4150-37-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and

evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF DENTAL & CRANIOFACIAL RESEARCH, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

Date: May 18–19, 2021.

Time: 9:00 a.m. to 4:15 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, 6701 Democracy Blvd., Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, Natl Inst of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892.

(Catalogue of Federal Domestic Assistance Program No. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: March 10, 2021.

Melanie J. Pantoja,
Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-05351 Filed 3-15-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615-0046]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Interagency Alien Witness and Informant Record

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated

burden (i.e., the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until May 17, 2021.

ADDRESSES: All submissions received must include the OMB Control Number 1615-0046 in the body of the letter, the agency name and Docket ID USCIS-2006-0062. Submit comments via the Federal eRulemaking Portal website at <https://www.regulations.gov> under e-Docket ID number USCIS-2006-0062. USCIS is limiting communications for this Notice as a result of USCIS' COVID-19 response actions.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, telephone number (240) 721-3000 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at <https://www.uscis.gov>, or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions or additional information by visiting the Federal eRulemaking Portal site at: <https://www.regulations.gov> and entering USCIS-2006-0062 in the search box. All submissions will be posted, without change, to the Federal eRulemaking Portal at <https://www.regulations.gov>, and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of <https://www.regulations.gov>.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

