

April 10, 2020

As we continue to navigate the COVID-19 crisis together, please continue reaching out to us as issues arise for you and for your businesses. We are and will continue to remain in regular contact with key stakeholders at the State Agencies and with the Administration to advocate on your behalf. Below please find updates and new information since our last update.

WHAT'S NEW TODAY

Governor Cuomo Press Briefing

- New York is flattening the curve. The NY PAUSE protocols are working and must continue because they have been effective in lowering the curve below all original projections.
- Hospitalizations over a three-day average are down and change in ICU admissions is a negative number for the first time, meaning there are fewer people in ICU units statewide today than there were yesterday.



- 777 people passed away yesterday and a total of 7,844 New Yorkers have passed away so far. The number of lives lost has gone down from the previous day for the first time.



- The Governor is working with the New York Congressional delegation to explore setting up a COVID-19 Heroes Compensation Fund to support healthcare and other frontline workers and their families.
- New York State Department of Health (DOH) is working on bringing an antibody test to scale, which is key to getting life back to the “new normal.” DOH’s testing capabilities are increasing rapidly, but need to grow even faster so we can determine who can go back to work. The Governor wants the Federal Government to use the Defense Production Act to compel companies to produce millions of antibody tests faster.
- Other countries and cities who have “reopened” have seen second waves of the virus. For now, the Governor wants to avoid this by continuing social distancing protocols while testing methods are improved. Reopening the economy will be a gradual process.

[Executive Order 202.15](#)

Through May 9, 2020, the Executive Order makes the following directives:

- Any local official, state official or local government or school, which, by virtue of any law has a public hearing scheduled or otherwise required to take place in April or May of 2020 shall be postponed, until June 1, 2020, without prejudice, however such hearing may continue if the convening public body or official is able to hold the public hearing remotely, through use of telephone conference, video conference, and/or other similar service.
- For the period from the date of this Executive Order through May 9, 2020, the Department of Taxation and Finance is authorized to accept digital signatures in lieu of handwritten signatures on documents related to the determination or collection of tax liability. The Commissioner of Taxation and Finance shall determine which documents this directive shall apply to and shall further define the requirements for accepted digital signatures.
- Section 8-400 of the Election Law is temporarily suspended and hereby modified to provide that due to the prevalence and community spread of COVID-19, an absentee ballot can be granted based on temporary illness and shall include the potential for contraction of the COVID-19 virus for any election held on or before June 23, 2020.
- Solely for any election held on or before June 23, 2020, Section 8-400 of the Election Law is hereby modified to allow for electronic application, with no requirement for in-person signature or appearance to be able to access an absentee ballot.

Through May 9, 2020, the Executive Order makes the following suspensions and modifications:

- Allows bottled and bulk water product facilities currently certified in New York to temporarily, if their stock of regularly used labels has been depleted, distribute bottled or bulk water products without an assigned New York State Department of Health certificate number shown on the product label and use labels authorized in any other state.
- Permits 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, to deliver into New York, prescription drugs or devices.
- Allows a New York-licensed pharmacy to 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 certain conditions.
- Allows 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.
- Limits the Department of Health's review functions to essential matters during the pendency of the COVID-19 health crisis, and to toll any statutory time limits for transfer notices pertaining to operators of Article 28 and Article 36 licensed entities for the duration of this declaration of disaster emergency.
- Allows Protestant Episcopal parishes to postpone any annual election.
- Suspend the requirement that public hearings are required, provided that public comments shall still be accepted either electronically or by mail, to satisfy public participation requirements, as related to certain sections of the Environmental Conservation Law.
- Delays the April 1 requirement that parents must file transportation requests with their school district in order to obtain transportation for their children for the following school year.
- Allows respiratory therapy technicians, 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.
- Permits funeral directors licensed and in good standing in any state or territory of the United States to practice as a funeral director in New York State upon the approval of, and pursuant to such conditions as may be imposed by, the Commissioner of Health, without civil or criminal penalty related to lack of licensure in New York State.
- Allows persons deputized by the Commissioner of Health to be agents authorized by a funeral director or undertaker to be present and personally supervise and arrange for removal or transfer of each dead human body.
- Allow persons deputized by the Commissioner of Health to be agents authorized by a funeral director or undertaker, or a county coroner, coroner physician and/or medical director for those deceased human bodies within their supervision, to personally supervise and arrange the delivery

of a deceased person to the cemetery, crematory or a common carrier, with a copy of the filed death certificate.

- Permits the State Registrar to register death certificates and issue burial and removal permits, upon the request of a local registrar and upon approval of the Commissioner of Health.

UP-TO-DATE GUIDANCE

- Empire State Development: [Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction Under Recent Executive Orders](#)
 - This guidance was significantly updated yesterday. If you need more information please reach out to us.
- New York State Agriculture and Markets: [Interim Guidance for Retail Grocery Stores During the COVID-19 Public Health Emergency](#)
- New York State Education Department: [Updated Guidance on Clinical Hours Required for Nurse Aide Training, Home Health Aide Training, and Emergency Medical Technician Training Programs in Response to COVID-19](#)
- New York City: [Agency Suspensions and Reductions](#)
 - There have been no changes since our last update.

Attached please find a comprehensive document with guidance from across government agencies. We will be updating this document as information becomes available and including it in our daily updates.

In addition to our regular email updates, Ostroff Associates has established two dedicated webpages that will be updated in real time with any new information from government sources relating to COVID-19. Please use these websites as a resource and share with others who would benefit.

Update Page: <https://www.ostroffassociates.com/covid-19-updates/>

News Page: <https://www.ostroffassociates.com/category/covid-19/>

Please let us know if you have any questions or concerns.