

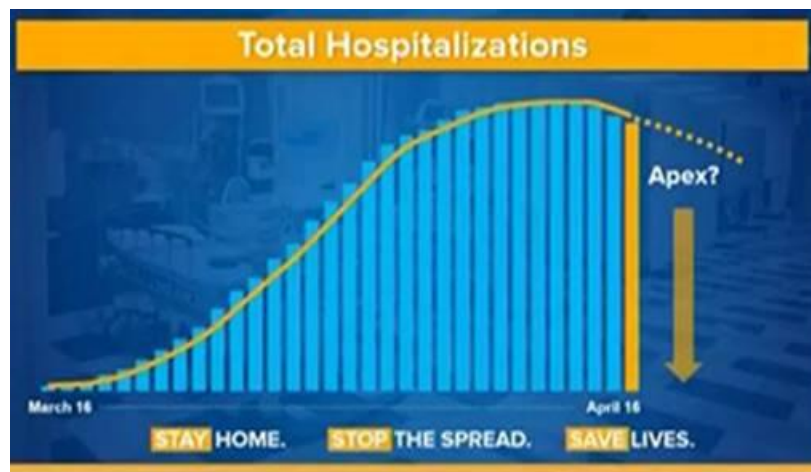
April 17, 2020

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

- In response to multiple tweets from the President during the briefing attacking Governor Cuomo for his response to the outbreak, the Governor strongly pushed back and redirected the responsibility to the President and federal government for getting key aspects of preparation and response to the crisis wrong and urged the President to fire the people who were responsible.
- The curve continues to flatten and is slightly down for the fourth straight day. The amount of new hospitalizations and number of intubations continues to decrease significantly, but there are still many (1,974 yesterday) new COVID hospitalizations every day.



- There were a total of 630 COVID-19-related deaths yesterday. This represents a slight increase over the previous day – but for the last several days the number was generally flat. A total of 12,822 New Yorkers have passed away from coronavirus.



- Yesterday, Governor Cuomo announced that NY PAUSE social distancing protocols, including school and business closures, would remain in effect until May 15th. He also announced a [“Blueprint to Un-Pause New York”](#) to gradually get people back to work and ease social isolation. Today, the Governor outlined additional measures the State will take to “un-pause.”
 - Operate the State’s 301 laboratories and hospitals that are authorized to perform virology testing with a coordinated strategy. However, sections of the supply chain come from China, so Federal intervention is needed. For the State’s part, **the Governor is signing an Executive Order** to direct all public and private labs in the State to coordinate with the Department of Health to ensure prioritizing of diagnostic testing for public health and restarting the economy.

1 Testing Is Major Challenge

- We don’t have a system that manages this volume
- Operational challenge similar to our **Surge & Flex** initiative ramping up hospital capacity
- New York State has **301 laboratories and hospitals** that are licensed to perform virology testing
- They must operate in a coordinated strategy
- Supply chain issues pose international challenges

STAY HOME. STOP THE SPREAD. SAVE LIVES.

- The State’s finances need to be stabilized. In order for the State to accomplish the goal of reopening the Federal Government needs to provide it the resources to do the job. The National Governor's Association Chair, Maryland Governor Larry Hogan, and Governor Cuomo, NGA's Vice Chair, have jointly requested on behalf of the Association that Congress allocate \$500 billion for State and Local Governments.



- The coronavirus crisis is going to change society in substantial ways. The Governor believes we will have to reimagine the workplace, public transportation, and public interactions as a result.

[Executive Order 202.18](#)

Through May 16, 2020, the Executive Order makes the following directives:

- Any skilled nursing facility, nursing home, or adult care facility licensed and regulated by the Commissioner of Health shall notify family members or next of kin if any resident tests positive for COVID-19, or if any resident suffers a COVID-19 related death, within 24 hours of such positive test result or death.
- Any person utilizing public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, shall wear a mask or face covering over the nose and mouth during any such trip; any person who is operating such public or private transport, shall likewise wear a face covering or mask which covers the nose and mouth while there are any passengers in such vehicle. This directive shall take effect in the same manner as Executive Order 202.17, at 8 p.m. on Friday, April 17, 2020.
- Executive Order 202.14, which extended the provisions of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, and 202.13 which each closed or otherwise restricted public or private businesses or places of public accommodation, and which required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations, games, meetings or other social events), is hereby continued, provided that the expiration date of such provisions of such Executive Orders shall be aligned, such that all in-person business restrictions and workplace restrictions will be effective until 11:59 p.m. on May 15, 2020, unless later extended by a future Executive Order. All enforcement mechanisms by state or local governments shall continue to be in full force an effect until May 15, 2020 unless later extended by a future Executive Order.
- Executive Order 202.14, which extended the directive contained in Executive Order 202.4 as amended by Executive Order 202.11 related to the closure of schools statewide is hereby continued to provide that all schools shall remain closed through May 15, 2020, at which time the continued closure shall be re-evaluated. No school shall be subject to a diminution in school aid due to failure to meet the 180 day in session requirement as a result of the COVID-19 outbreak, provided their closure does not extend beyond the term set forth herein. School districts must

continue plans for alternative instructional options, distribution and availability of meals, and child care, with an emphasis on serving children of essential workers, and continue to first use any vacation or snow days remaining.

Through May 16, 2020, the Executive Order makes the following suspensions and modifications:

- Allows registered nurses, licensed practical nurses, and nurse practitioners, physicians, physicians assistants, radiologic technologists, clinical nurse specialists, and specialist assistants 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.
- 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.
- Allows 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.
- Permits 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.
- Permits 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.
- Extends 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.
- Extends the statements of domestic or foreign professional service corporations, design professional service corporations, registered professional limited liability partnerships, New York registered foreign professional limited liability partnerships whose statements are set to expire on or after March 31, 2020. Such statements shall be filed no later than 30 days after the expiration of Executive Order 202.

- Extends 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.
- Extends 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.
- Permits 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.
- Permits annual meetings of members under Section 603(b) of the Not-for-Profit Corporations Law to be held remotely or by electronic means.
- Makes various changes to the requirements of Title 9 home food delivery services.
- Modifies the requirement that an offering statement or prospectus become effective within fifteen months from filing or from the date of issue of the letter of the attorney general stating that the offering statement or prospectus has been accepted for filing, and any such fifteen month period, shall be tolled during the duration of this executive order.
- Modifies the requirement that certain filing fees be made at the time of submission and filing of each offering statement or prospectus, shall be exempted during the duration of this executive order, it being understood that such filing fees shall be remitted in full to the department of law within 90 days from the expiration of this executive order.
- Modifies any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires sponsor to set forth a budget for the first year of condominium operation, the requirements with respect to any such projected first year of condominium operation are hereby tolled for the duration of this executive order. Sponsor must update the first year of operation, as necessary, within 30 days from the expiration of this executive order and shall not be required to offer rescission, to the extent such budget for the first year of operation does not increase by 25 percent or more during the pendency of the state of disaster emergency.
- Modifies any order, rule, or regulation in furtherance of the requirements thereof, to the extent it requires sponsor to offer rescission if the first closing of a unit does not occur within the first year of operation projected in schedule B, is hereby tolled for the duration of the executive order. Sponsor must update the first year of operation, as necessary, within 30 days from the expiration of this executive order.
- Allows 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.

- Waives the 15 day waiting period in which a service retirement application must be on file before it becomes effective, which suspension shall be deemed to have been in effect on and after the issuance of executive order 202, and shall enable any member who has died due to COVID-19 after March 7, 2020 while an application was on file, but not yet effective, shall be entitled to retirement benefits due to them pursuant to this suspension.

The White House

The White House has [released guidelines](#) on “Opening Up America Again” which provides information for states that meet certain benchmarks to reopen their economy in phases.

UP-TO-DATE GUIDANCE

- New York State Department Financial Services: [Temporary Regulatory Relief for New York-Chartered Financial Institutions](#)
- New York State Department of Health: [COVID-19 Frequently Asked Questions](#)
- New York State Education Department: [Emergency Regulations for the Provision of Special Education Programs and Services and Due Process Procedures in Response to the Novel Coronavirus \(COVID-19\) Outbreak in New York State](#)
- Empire State Development: [Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction Under Recent Executive Orders](#)
 - The following is the updated guidance on use of golf courses in the Recreation section:
 - “However, golf courses are not essential and cannot have employees working on-premise; notwithstanding this restriction, essential services, such as groundskeeping to avoid hazardous conditions and security, provided by employees, contractors, or vendors are permitted and private operators may permit individuals access to the property so long as there are no gatherings of any kind and appropriate social distancing of six feet between individuals is strictly abided.”
- 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.

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