

No. 21

EXECUTIVE ORDER

DECLARING A DISASTER IN THE STATE OF NEW YORK

WHEREAS, a case of paralytic polio was identified on July 21, 2022, in an unvaccinated resident of Rockland County who had no international travel during the incubation period for polio;

WHEREAS, the poliovirus that infected the Rockland County individual has been identified as a case of vaccine-derived poliovirus, the last of which was identified in New York in 1990;

WHEREAS, genetically related polioviruses have been detected in wastewater samples collected in Orange, Rockland, and Sullivan counties in April, May, June, July, and August 2022;

WHEREAS, polio was declared eliminated in the United States in 1979, primarily due to high vaccination rates against polio;

WHEREAS, routine vaccination rates against polio across all ages have decreased throughout the COVID-19 pandemic and vaccine hesitancy has increased;

WHEREAS, vaccination rates against polio among 2-year old children in New York is 78.96%, and is significantly less than that in several counties and zip codes;

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

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

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, hereby find, pursuant to Section 28 of Article 2-B of the Executive Law, that a disaster has occurred in New York State, for which the affected local governments are unable to respond adequately, and I do hereby declare a State disaster emergency for the entire State of New York through October 9, 2022; and

IN ADDITION, pursuant to Section 29 of Article 2-B of the Executive Law, I direct the implementation of the State Comprehensive Emergency Management Plan and authorize all necessary State agencies to take appropriate action to assist local governments and individuals in containing, preparing for, responding to and recovering from this State disaster emergency, to protect state and local property, and to provide such other assistance as is necessary to protect public health, welfare, and safety.

FURTHER, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster, I hereby temporarily

suspend or modify for the period from the date of this Executive Order through October 9, 2022 the following:

- Subdivisions 6 and 7 of section 3001 of the Public Health Law, subdivisions (o) and (p) of section 800.3, and section 800.15 of Title 10 of the NYCRR, to the extent necessary to allow certified emergency medical technicians-paramedics and advanced EMS providers, providing community paramedicine services with prior approval of the Department of Health, to administer vaccinations against poliovirus pursuant to a non-patient specific order, including in non-emergency environments and locations, provided that emergency medical technicians-paramedics and advanced EMS providers must first meet conditions set by the Commissioner of Health;
- Section 6951 of the Education Law, and section 79-5.5 of Title 8 of NYCRR, 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 disaster emergency, midwives may administer vaccinations against poliovirus to any patient pursuant to a non-patient specific order 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 meet conditions set by the Commissioner of Health;
- Subdivision 2 of section 6801 of the Education Law and 63.9 of Title 8 of the NYCRR, to the extent necessary to allow pharmacists to administer vaccinations against poliovirus pursuant to a non-patient specific order;
- Subdivision 6 of section 6527 of the Education Law, subdivision 4 of section 6909 of the Public Health Law, and section 64.7 of Title 8 of the NYCRR, 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 this executive order to administer vaccinations against poliovirus; and
- Subdivision 3 of Section 2168 of the Public Health Law and Section 66-1.2 of Title 10 of the NYCRR, to the extent necessary to suspend the requirement that health care providers, including registered nurses, midwives, certified emergency medical technicians-paramedics, advanced EMS providers and pharmacists, who administer poliovirus vaccine to persons 19 years of age or older are required to obtain consent of the vaccinee in order to report such vaccination to the New York State Immunization Information System (NYSIIS) or the Citywide Immunization Registry (CIR), and such provisions are further modified to the extent necessary to require all poliovirus vaccinations for any individual (child or adult) to be reported to NYSIIS or CIR, as applicable, within 72 hours of administration of a poliovirus vaccination. Nothing in this paragraph 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.

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

BY THE GOVERNOR

Secretary to the Governor