



No. 4.4

EXECUTIVE ORDER

Continuing the Declaration of a Statewide Disaster Emergency Due to Healthcare Staffing Shortages in the State of New York

WHEREAS, there are staffing shortages in hospitals and other healthcare facilities and they are expected to continue;

WHEREAS, severe understaffing in hospitals and other healthcare facilities is expected to continue to affect the ability to provide critical care and to adequately serve vulnerable populations;

WHEREAS, there is an immediate and critical need to supplement staffing to assure healthcare facilities can provide care;

NOW, THEREFORE, I, Kathy Hochul, Governor of the State of New York, by virtue of the authority vested in me by the Constitution of the State of New York and Section 28 of Article 2-B of the Executive Law, do hereby extend the state disaster emergency as set forth in Executive Order 4, as continued in Executive Order 4.3, and continue the terms, conditions, and suspensions contained in Executive Orders 4, 4.1, 4.2, and 4.3 until January 30, 2022.

IN ADDITION, 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, in light of the staffing shortage caused by the Covid-19 public health emergency, for the period from the date of this Executive Order through January 30, 2022 the following:

- Subdivision 3 of Section 2895-b of the Public Health Law to the extent that failure of a nursing home to meet the daily average staffing hours will not be held to be a violation of the Public Health Law;
- Subdivision 1 of Section 2828 of the Public Health Law to the extent that failure of a residential health care facility to spend a minimum of seventy percent of revenue on direct resident care, and forty percent of revenue on resident-facing staffing, will not be held to be a violation of the Public Health Law.



GIVEN under my hand and the Privy Seal of the State in the City of Albany this thirty-first day of December in the year two thousand twenty-one.

Kathy Hochul

BY THE GOVERNOR

[Signature]
Secretary to the Governor