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STATE RECORDS

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DEPARTMENT OF STATE

State of New York
Executive Chamber

No. 56

EXECUTIVE ORDER

DECLARING A DISASTER EMERGENCY IN THE COUNTIES OF BRONX, NASSAU, NEW YORK, AND CONTIGUOUS COUNTIES DUE TO HEALTHCARE STAFFING SHORTAGES IN THE STATE OF NEW YORK

WHEREAS, several hospitals in New York State will experience severe staffing shortages due to an imminent strike of nursing personnel in Bronx, Nassau, and New York Counties;

WHEREAS, the expected staffing shortages in hospitals and other healthcare facilities are expected to impact the availability and delivery of care, threatening public health and safety;

WHEREAS, such impacts are also expected to be experienced by hospitals and other health care facilities in counties contiguous to those in which the hospitals directly impacted by the strike are located, due to surges in patient counts;

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

WHEREAS, the impacts of understaffing in hospitals and other healthcare facilities is expected to be particularly acute because of record-high numbers of influenza cases and hospitalizations related to influenza in recent weeks;

WHEREAS, there is an immediate and critical need to supplement staffing to assure hospitals and other 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 and Section 28 of Article 2-B of the Executive Law, do hereby find, that a disaster is imminent for which the affected local governments are unable to respond adequately. Therefore, I hereby declare a State Disaster Emergency effective January 9, 2026 for the counties of Bronx, Nassau, New York, and contiguous counties. This Executive Order shall be in effect through February 8, 2026; and

FURTHER, 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, effective January 9, 2025, State agencies as necessary to take appropriate action to assist affected local governments and individuals in responding to and recovering from this disaster, and to provide such other assistance as necessary to protect the public health, welfare, and safety.

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, 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, I hereby temporarily suspend or modify, for the period from the date of this Executive Order through February 8, 2026 the following laws and requirements in the affected hospitals:

Sections 6512 through 6516, and 6524 of the Education Law and Part 60 of Title 8 of the NYCRR, to the extent necessary 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, and to allow physicians licensed and in current good standing in any province or territory of Canada, or any other country as approved by the Department of Health, to practice medicine in New York State without civil or criminal penalty related to lack of licensure;

Section 6502 of the Education Law and Section 59.8 of Title 8 of the NYCRR, to the extent necessary 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;

Sections 6512 through 6516, and 6905, 6906 and 6910 of the Education Law and Part 64 of Title 8 of the NYCRR, to the extent necessary 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, and 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, or any other country as approved by the Department of Health, to practice in New York State without civil or criminal penalty related to lack of licensure;

Sections 6512 through 6516, and 6541 of the Education Law and Part 60.8 of Title 8 of the NYCRR, to the extent necessary 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, and to allow physician assistants or a substantially similar title licensed and in current good standing in any province or territory of Canada, or any other country as approved by the Department of Health, to practice in New York State without civil or criminal penalty related to lack of licensure;

Section 6502 of the Education Law and 8 NYCRR 59.8, to the extent necessary to allow physician's assistants, 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, and to allow specialist assistants, clinical nurse specialists, midwives, and physical therapists, 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;

Sections 6951, 6952, 6953 and 6955 of the Education Law, 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, or any other country as approved by the Department of Health, to practice in New York State without civil or criminal penalty related to lack of licensure;

Sections 6512 through 6516, 6548 and 6911 of the Education Law and sections 60.11 and 64.8 Title 8 of the NYCRR, 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, or any other country as approved by the Department of Health, to practice in New York State without civil or criminal penalty related to lack of certification;

Section 6908 of the Education Law and associated 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;

Subdivision 5 of Section 6907 of the Education Law and associated regulation, to the extent necessary 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;

Section 212 of the Retirement and Social Security Law, for the purpose of disregarding any income earned for the provision of health care-related services in the affected counties during the period of the emergency from the earnings limitation calculated under such section;

Section 2805-k of the Public Health Law and sections 405.4, 405.5, 405.9, 405.14, 405.19, and 405.22 of Title 10 of the NYCRR, to the extent necessary to allow staff with the necessary professional competency and who are privileged and credentialed to work in a facility in compliance with such section of the Public Health Law and such sections of the NYCRR, or who are privileged and credentialed to work in a facility in another state in compliance with the applicable laws and regulations of that other state, to practice in a facility in New York State;

Article 30 of the Public Health Law to the extent necessary to allow EMTs and Advanced EMTs to provide emergent and non-emergent services within their scope of practice in the affected counties including Subdivision (7) of Public Health Law section 3001, and subdivision (p) of section 800.3 of Title 10 of the NYCRR, to the extent necessary to allow certified emergency medical technician-paramedics, providing community paramedicine services with prior approval of the Department of Health, to administer vaccinations 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 meet conditions set by the Commissioner of Health;

Section 31.35 of the Mental Hygiene Law and Parts 550 and 805 of Title 14 of the New York Codes, Rules and Regulations, to the extent necessary to allow outpatient and community-based programs licensed or designated by the Office of Mental Health and operated by the affected hospitals to permit prospective employees or volunteers who are not listed on the Staff Exclusion List to begin providing services on a provisional basis prior to completion of a criminal history background check and hiring determination by the Justice Center for the Protection of People with Special Needs, provided such employees or volunteers shall remain under the direct supervision of staff who have completed all requisite background checks.

Section 112 of the State Finance Law, to the extent consistent with Article V, Section 1 of the State Constitution, and to the extent necessary to add additional work, sites, and time to State contracts or to award emergency contracts, including but not limited to emergency contracts or leases for relocation and support of State operations under section 3 of the Public Buildings Law; or emergency contracts under Section 9 of the Public Buildings Law; or emergency contracts for professional services under Section 136-a of the State Finance Law; or emergency contracts for commodities, services, and technology under Section 163 of the State Finance Law; or emergency contracts for purchases of commodities, services, and technology through any federal GSA schedules, federal 1122 programs, or other state, regional, local, multi-jurisdictional, or cooperative contract vehicles;

Section 163 of the State Finance Law and Article 4-C of the Economic Development Law, to the extent necessary to expedite contracting for necessary services, commodities, and technology.



G I V E N under my hand and the Privy Seal of the State in the City of Albany this 9th day of January in the year two thousand twenty-six.

Kathy Hochul

BY THE GOVERNOR

A handwritten signature in black ink, appearing to read "Kathy Hochul".

Secretary to the Governor