

Healthcare Legal Alert: Executive Order No. 202.14 (April 7, 2020)

Governor Cuomo released a new Executive Order on April 7 requiring health care entities across the state to report their inventory of ventilators and medical equipment to the New York State Department of Health (DOH). The Order authorizes DOH to shift any items a facility does not currently need, or does not anticipate needing in the short-term future, to a facility deemed to be in urgent need.

The April 7 Order follows the Governor's daily brief on April 3, where he said he would empower the National Guard to redistribute such items. The April 7 Order, however, does not include any plans to deploy the National Guard and it appears that statewide review and reallocation of supplies and equipment to address patients impacted by COVID-19 will be managed by and at the discretion of DOH. Thus far, there has been no additional guidance on how DOH plans to shift such equipment should that become necessary, but the Order provides that DOH must either ensure return of the inventory to the facility that originally purchased it as soon as possible, or ensure that compensation is paid to that facility at the rates prevailing in the market at the time of the original acquisition.

In a related move aimed at addressing the need for additional resources in the overall health care delivery system, the April 7 Order also allows medical school students who: (1) are slated to graduate in 2020 from an LCME or AOA accredited medical school and (2) have been accepted into an ACGME accredited residency program to practice at any institution under the supervision of a licensed physician.

A full copy of the Governor's Executive Order is available at, <https://www.governor.ny.gov/news/no-20214-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

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