

CORONAVIRUS (COVID-19) FEDERAL AND NEW YORK HEALTH CARE – PRIMARY LEGAL SOURCES

A note from Katten's Health Care team to our friends and colleagues:

Our work involving the health care law of COVID-19 has necessarily involved a large body of “new law” and new resources. Katten's health care attorneys have consulted many of these links repeatedly during the past few weeks, and we thought it would be helpful to collect them in one place. We hope it will be helpful for you as well.

These links will be regularly updated; don't hesitate to send us your suggestions. For additional information or assistance, please contact [Joseph Willey](#) or other members of Katten's [Health Care practice](#).

Federal

H.R.6201 Families First Coronavirus Response Act (Mar. 18, 2020) (among other things, establishes requirements for providing coronavirus diagnostic testing at no cost to consumers, treats personal respiratory protective devices as countermeasures eligible for certain liability protections, and temporarily increases the Medicaid federal medical assistance percentage (FMAP))

<https://www.congress.gov/bill/116th-congress/house-bill/6201/text>

H.R. 748 Coronavirus Aid, Relief, and Economic Security Act or the CARES Act (Mar. 27, 2020) (provides emergency assistance and health care response for individuals, families and businesses affected by the 2020 coronavirus pandemic)

<https://www.congress.gov/bill/116th-congress/house-bill/748/text>

H.R. 266 Paycheck Protection Program and Health Care Enhancement Act (Apr. 24, 2020) (provides additional funding for small business loans, health care providers, and COVID-19 testing)

<https://www.congress.gov/bill/116th-congress/house-bill/266/text>

President's proclamation of national emergency (Mar. 13, 2020)

<https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/>

CARES Act Paycheck Protection Program Applications and Treasury Guidance

<https://home.treasury.gov/policy-issues/top-priorities/cares-act/assistance-for-small-businesses>

CMS Coronavirus Emergency webpage, which points to press releases, billing and coding guidance, survey and certification guidance, lab test coverage, telemedicine, etc.:

<https://www.cms.gov/About-CMS/Agency-Information/Emergency/EPRO/Current-Emergencies/Current-Emergencies-page>, which includes here and elsewhere on the CMS website, e.g.:

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- **Press Releases**

<https://www.cms.gov/about-cms/emergency-preparedness-response-operations/current-emergencies/coronavirus-press-releases>

- **CMS Newsroom**

<https://www.cms.gov/index.php/newsroom>

- **CMS Interim Final Rule with Comment Period (CMS-1744-IFC)**

<https://www.federalregister.gov/documents/2020/04/06/2020-06990/medicare-and-medicaid-programs-policy-and-regulatory-revisions-in-response-to-the-covid-19-public> (new rules and waivers of federal requirements to ensure that local hospitals and health systems have the capacity to absorb and effectively manage potential surges of COVID-19 patients, including increasing hospital capacity, expanding the workforce, reducing paperwork, promoting telehealth, etc.)

- **CMS Interim Final Rule with Comment Period (CMS-5531-IFC)**

<https://www.federalregister.gov/documents/2020/05/08/2020-09608/medicare-and-medicaid-programs-basic-health-program-and-exchanges-additional-policy-and-regulatory> (amending several Medicare policies on an interim basis to cover FDA-authorized COVID-19 serology tests, to allow any healthcare professional authorized to do so under State law to order COVID-19 diagnostic laboratory tests (including serological and antibody tests), and to provide for new specimen collection fees for COVID-19 testing under the Physician Fee Schedule and Outpatient Prospective Payment System; amending several CMS policies and regulations that may inhibit innovative uses of technology and capacity that might otherwise be effective in the efforts to mitigate the impact of the pandemic, etc.)

- **CMS Coronavirus Waivers & Flexibilities**

<https://www.cms.gov/about-cms/emergency-preparedness-response-operations/current-emergencies/coronavirus-waivers>

- **CMS Medicare Learning Network Connects**

<https://www.cms.gov/Outreach-and-Education/Outreach/FFSProvPartProg/Provider-Partnership-Email-Archive>

- **CMS Medicaid.gov COVID-19 Information**

<https://www.medicaid.gov/resources-for-states/disaster-response-toolkit/coronavirus-disease-2019-covid-19/index.html>

- **FAQS about Families First Coronavirus Response Act and Coronavirus Aid, Relief, and Economic Security Act Implementation Part 42**

<https://www.cms.gov/files/document/FFCRA-Part-42-FAQs.pdf>

- **CMS letter to Nursing Home Facility Management & Staff**

<https://www.cms.gov/files/document/covid-nursing-home-worker-letter.pdf>

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- **Medicare Coverage and Payment of Virtual Services – Video**
<https://www.youtube.com/watch?v=Bsp5tIFnYHk&feature=youtu.be>
- **Fact Sheet: Expansion Of the Accelerated and Advance Payments Program For Providers and Suppliers During Covid-19 Emergency**
<https://www.cms.gov/files/document/Accelerated-and-Advanced-Payments-Fact-Sheet.pdf>
- **CMS Announces Independent Commission to Address Safety and Quality in Nursing Homes**
<https://www.cms.gov/newsroom/press-releases/cms-announces-independent-commission-address-safety-and-quality-nursing-homes>
- **Trump Administration Issues Second Round of Sweeping Changes to Support U.S. Healthcare System During COVID-19 Pandemic**
<https://www.cms.gov/newsroom/press-releases/trump-administration-issues-second-round-sweeping-changes-support-us-healthcare-system-during-covid>
- **EMTALA Requirements and Implications Related to Coronavirus Disease 2019 (Revised) and FAQs**
<https://www.cms.gov/medicareprovider-enrollment-and-certificationsurveycertificationgeninfopolicy-and-memos-states-and/emergency-medical-treatment-and-labor-act-emptala-requirements-and-implications-related-covid19>
- **State Medicaid & CHIP Telehealth Toolkit**
<https://www.medicaid.gov/medicaid/benefits/downloads/medicaid-chip-telehealth-toolkit.pdf>
- **Guidance for Infection Control and Prevention Concerning Coronavirus Disease 2019 (COVID-19) in Home Health Agencies (HHAs) and Religious Nonmedical Healthcare Institutions (RNHCIs)**
<https://www.cms.gov/medicareprovider-enrollment-and-certificationsurveycertificationgeninfopolicy-and-memos-states-and/guidance-infection-control-and-prevention-concerningcoronavirus-disease-2019-covid-19-home-health>
- **CMS Issues Guidance Allowing Independent Freestanding Emergency Departments to Provide Care to Medicare and Medicaid Beneficiaries during the COVID-19 Public Health Emergency**
<https://www.cms.gov/medicareprovider-enrollment-and-certificationsurveycertificationgeninfopolicy-and-memos-states-and/guidance-licensed-independent-freestanding-emergency-departments-eds-participate-medicare-and>
- **Upcoming Requirements for Notification of Confirmed COVID-19 (or COVID-19 Persons under Investigation) Among Residents and Staff in Nursing Homes**
<https://www.cms.gov/files/document/qso-20-26-nh.pdf>

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- **COVID-19 Checklists and Tools re State Medicaid & CHIP Programs (3/22/2020)** (generally described here: <https://www.cms.gov/newsroom/press-releases/trump-administration-releases-covid-19-checklists-and-tools-accelerate-relief-state-medicaid-chip>)
 - **1115 Waiver Opportunity and Application Checklist**
<https://www.medicaid.gov/medicaid/section-1115-demonstrations/1115-application-process/index.html>
 - **1135 Waiver Checklist**
<https://www.medicaid.gov/state-resource-center/disaster-response-toolkit/cms-1135-waivers/index.html> [See also Section 1135 information listed separately below.]
 - **1915(c) Appendix K Template**
<https://www.medicaid.gov/state-resource-center/disaster-response-toolkit/hcbs/appendix-k/index.html>
Approved COVID-19 Appendix K Documents for various states are available [here](#).
New York's approved documents:
Approval Letter: <https://www.medicaid.gov/state-resource-center/downloads/ny-appendix-k-appvl-ltr.pdf>
Appendix K: <https://www.medicaid.gov/state-resource-center/downloads/ny-0238-appendix-k-appvl.pdf>
- **Medicaid Disaster State Plan Amendment Template**
<https://www.medicaid.gov/state-resource-center/disaster-response-toolkit/state-plan-flexibilities/index.html>
- **The Center for Consumer Information & Insurance Oversight – COVID-19 Guidance - FAQs**
<https://www.cms.gov/ccio/resources/fact-sheets-and-faqs/index#COVID-19>
- **Trump Administration Champions Reporting of COVID-19 Clinical Trial Data through Quality Payment Program, Announces New Clinical Trials Improvement Activity**
<https://www.cms.gov/newsroom/press-releases/trump-administration-champions-reporting-covid-19-clinical-trial-data-through-quality-payment>
- **CMS Announces Findings at Kirkland Nursing Home and New Targeted Plan for Healthcare Facility Inspections in Light of COVID-19**
<https://www.cms.gov/newsroom/press-releases/cms-announces-findings-kirkland-nursing-home-and-new-targeted-plan-healthcare-facility-inspections>
- **COVID-10 Long-Term Care Facility Guidance**
<https://www.cms.gov/files/document/4220-covid-19-long-term-care-facility-guidance.pdf>

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- **CMS Approves Medicaid Section 1135 Waivers for 11 Additional States in Response to COVID-19**
<https://www.cms.gov/newsroom/press-releases/cms-approves-medicaid-section-1135-waivers-11-additional-states-response-covid-19>
- **President Trump Expands Telehealth Benefits for Medicare Beneficiaries During COVID-19 Outbreak**
<https://www.cms.gov/newsroom/press-releases/president-trump-expands-telehealth-benefits-medicare-beneficiaries-during-covid-19-outbreak>
- **Medicare Telemedicine Health Care Provider Fact Sheet**
<https://www.cms.gov/newsroom/fact-sheets/medicare-telemedicine-health-care-provider-fact-sheet>
- **Medicare Telehealth FAQs**
<https://edit.cms.gov/files/document/medicare-telehealth-frequently-asked-questions-faqs-31720.pdf>
- **CMS Announces New Measures to Protect Nursing Home Residents from COVID-19**
<https://www.cms.gov/newsroom/press-releases/cms-announces-new-measures-protect-nursing-home-residents-covid-19>
- **Medicare Coverage and Payment Related to COVID-19 Fact Sheet**
<https://www.cms.gov/files/document/03052020-medicare-covid-19-fact-sheet.pdf>
- **CMS Releases Recommendations on Adult Elective Surgeries, Non-Essential Medical, Surgical, and Dental Procedures During COVID-19 Response**
<https://www.cms.gov/newsroom/press-releases/cms-releases-recommendations-adult-elective-surgeries-non-essential-medical-surgical-and-dental>
- **CMS Publishes First Set of COVID-19 FAQs for State Medicaid and CHIP Agencies**
<https://www.cms.gov/newsroom/press-releases/cms-publishes-first-set-covid-19-frequently-asked-questions-faqs-state-medicare-and-childrens-health>
- **Medicaid and CHIP Coverage and Payment Related to COVID-19 Fact Sheet**
<https://www.cms.gov/files/document/03052020-medicare-covid-19-fact-sheet.pdf>
- **COVID-19 Frequently Asked Questions for State Medicaid and CHIP Agencies**
<https://www.medicare.gov/state-resource-center/downloads/covid-19-faqs.pdf>
- **Medicaid Telehealth Guidance**
<https://www.medicare.gov/medicaid/benefits/downloads/medicaid-telehealth-services.pdf>

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Re Section 1135 Waivers

- [Social Security Act § 1135](#) (codified at 42 U.S.C. § 1320b–5) (“Authority To Waive Requirements During National Emergencies”); [1135 Waivers](#) (CMS master web page); [Waiver – At a Glance](#) (CMS memo); [1135 Waivers and the Emergency Preparedness Rule](#) (CMS slide presentation); [Medicare FFS Additional Emergency and Disaster-Related Policies and Procedures That May Be Implemented Only With a § 1135 Waiver](#) (CMS memo, March 15, 2019); [Public Health Emergency Declaration Questions and Answers](#) (CMS memo)
- [President’s declaration](#) of “national emergency, beginning March 1, 2020”; [HHS Secretary Azar’s authorization](#) of Section 1135 waivers and modifications effective at 6:00 P.M. on March 15, having retroactive effect to March 1, but only to the extent determined necessary by CMS.
- CMS article, “[Medicare Fee-for-Service \(FFS\) Response to the Public Health Emergency on the Coronavirus \(COVID-19\)](#)” (March 20, 2020); “[COVID-19 Emergency Declaration Health Care Providers Fact Sheet](#)” (March 13, 2020).
- See also **COVID-19 Checklists and Tools re State Medicaid & CHIP Programs**, above.
- **State Medicaid Waivers; Individual Health Care Provider Waivers:** See, generally, [Requesting an 1135 Waiver](#) and [1135 Waiver Request, Communication Method - Best Practice](#) (CMS memos). States of [Florida](#) (March 16, 2020) and [Washington](#) (March 19, 2020) waivers. CMS [press release](#) re Florida.
- CMS Administrator has stated that all sec. 1135 approval letters will be posted publicly [here](#) (“Federal Disaster Resources”).
- **New York** requested its 1135 waiver on Mar. 23, 2020 - DOH posted it [here](#); CMS approved New York’s 1135 waiver on Mar. 26, 2020, and the approval is posted [here](#).
- See also **CMS Coronavirus Waivers & Flexibilities** above.

OIG COVID-19 Portal

<https://oig.hhs.gov/coronavirus/index.asp>

CDC COVID-19 Webpage

<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

FEMA COVID-19 Response

<https://www.fema.gov/coronavirus>

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FDA - Latest COVID-19 Information from the FDA

<https://www.fda.gov/emergency-preparedness-and-response/counterterrorism-and-emerging-threats/coronavirus-disease-2019-covid-19>

HHS COVID-19 Updates

<https://www.hhs.gov/about/news/coronavirus/index.html> and, e.g.:

Office for Civil Rights – Guidance on HIPAA, Civil Rights and COVID-19

<https://www.hhs.gov/hipaa/for-professionals/special-topics/hipaa-covid19/index.html>

Office for Civil Rights – Cyber Security Guidance Material (including Checklist and Infographic)

<https://www.hhs.gov/hipaa/for-professionals/security/guidance/cybersecurity/index.html>

CARES Act Provider Relief Fund Information,

<https://www.hhs.gov/provider-relief/index.html>, including:

Terms and Conditions for Provider Relief Fund Distributions

<https://www.hhs.gov/coronavirus/cares-act-provider-relief-fund/terms-conditions/index.html>

Office of the Assistant Secretary for Preparedness and Response (ASPR), the Technical Resources, Assistance Center, and Information Exchange (TRACIE) - Novel Coronavirus Resources Page

<https://asprtracie.hhs.gov/COVID-19>, including:

COVID-19 Crisis Standards of Care Resources

<https://asprtracie.hhs.gov/technical-resources/112/covid-19-crisis-standards-of-care-resources/99> and, e.g.:

FEMA's National Response Coordination Center (NRCC) Healthcare Resilience Task Force COVID-19 Hospital Resource Package

<https://files.asprtracie.hhs.gov/documents/covid-19-hospital-resource-package-document.pdf>

HRSA COVID-19 Information

<https://www.hrsa.gov/coronavirus> and, e.g.:

COVID-19 Uninsured Program Webpage

<https://www.hrsa.gov/CovidUninsuredClaim>

COVID-19 Uninsured Program FAQs

<https://www.hrsa.gov/coviduninsuredclaim/frequently-asked-questions>

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COVID-19 Uninsured Program Portal

<https://coviduninsuredclaim.linkhealth.com/>

COVID-19 Uninsured Program Portal User Guide

<https://chameleoncloud.io/review/2957-5e98adf692326/prod>

COVID-19 Uninsured Program Terms and Conditions

<https://www.hhs.gov/sites/default/files/terms-and-conditions-uninsured-relief-fund.pdf>

National Practitioner Data Bank COVID-19 Information

<https://www.npdb.hrsa.gov/coronavirus.jsp>

U.S. Department of Justice re COVID-19 Fraud, Hoarding, Price Gouging, and Other Resources

<https://www.justice.gov/coronavirus>

White House Guidelines for Opening up America Again

<https://www.whitehouse.gov/openingamerica/>

New York State

Emergency Disaster Treatment Protection Act (EDTPA)

Chapter 56 of the Laws of 2020 signed April 3, 2020; Part GGG of S7506-B adding limited immunity from liability for medical services related to COVID-19 by adding a new Article 30-D to the Public Health Law effective on or after March 7, 2020 through the expiration of the COVID-19 emergency declaration.

Search “S7506B” at <http://public.leginfo.state.ny.us/navigate.cgi?NVDTO>

Governor Cuomo’s Reopening Guide

<https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYForwardReopeningGuide.pdf>

Governor Cuomo’s Executive Orders

<https://www.governor.ny.gov/executive-orders>

- [No. 202.30](#) (May 10, 2020) (effective through June 9, requiring operators/administrators of all nursing homes and adult care facilities, including adult homes, enriched housing programs and assisted living residences, to test or make arrangements for the testing of all personnel for COVID-19, twice per week, pursuant to a plan developed by the facility administrator and filed with DOH no later than 5:00 p.m. on May 13; requiring reporting of any positive test result to DOH by 5:00 p.m. of the day following receipt of such test result; granting unrestricted access to nursing homes/adult care facilities by DOH or local health departments where such access is determined necessary for purposes of testing all personnel for COVID-19, and requiring full

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cooperation to facilitate such testing; providing various mechanisms to punish facilities that fail to comply: suspension/revocation of operating certificates and fines/penalties; requiring general hospitals to perform a diagnostic test for COVID-19 and obtain a negative result before discharging a patient to a nursing home, etc)

- [No. 202.29](#) (May 8, 2020) (continuing the suspensions/modifications of law, and any directives, not superseded by a subsequent directive, made by EOs 202.15-202.21 until June 7; and modifying Section 214-g of the Civil Practice Law and Rules to allow an action to be commenced not later than one year and eleven months after the effective date of such section)
- [No. 202.28](#) (May 7, 2020) (continuing the suspensions/modifications of law, and any directives, not superseded by a subsequent directive, made by EO 202 and each successor EO up to and including EO 202.14 until June 6, except that modifications/suspensions of certain statutes/regulations are not continued but those laws are in full force and effect on May 8 including e.g., various sections of 10 NYCRR, Mental Hygiene Law Sections 41.34; 29.11; and 29.15; Public Health Law Sections 3002, 3002-a, 3003, and 3004-a to the extent it would have allowed the Com'r to make determination without approval by a regional or state EMS board; and other laws/regulations/codes detailed in the EO)
- [No. 202.27](#) (May 5, 2020) (extending prior orders that allowed for the practice of a profession in the state without a current New York State licensure or registration, "to allow those professionals the ability to continue to provide services necessary for the State's COVID-19 response")
- [No. 202.26](#) (May 1, 2020) (various provisions including re absentee ballot applications, absentee ballots, envelopes, and postage; school district meetings; report cards; the potential for contracting COVID-19 deemed temporary illness under Education Law; nominating petitions, elections, and budget votes under the Education Law, including for libraries; village elections; local in person registration; Sup. Ct. Justices' review of election matters on election day; district or special district elections and/or budget votes)
- [No. 202.25](#) (Apr. 29, 2020) (suspending or modifying specified regulations to allow approval and certification by the Com'r of Health of temporary dedicated birthing sites operated by birthing hospitals and birthing centers; modifying the prior directive re support persons for birthing patients to require Art. 28 facilities to allow, as specified, a support person and/or doula for the labor, delivery, and remaining duration of the patient's stay; modifying the prior directive authorizing the Com'r of Health to require increased number of beds, including by canceling elective procedures, to authorize general hospitals to perform elective procedures under the specified criteria, and permitting general hospitals not meeting the criteria to seek a waiver)
- [No. 202.24](#) (Apr. 25, 2020) (authorizing pharmacists to order and administer FDA-approved tests to detect SARS-CoV-2 or its antibodies, subject to certificate of waiver requirements under the U.S. clinical laboratory improvement act of 1988, and permitting pharmacists to be designated as a qualified healthcare professional for the purpose of directing a limited service laboratory to test for suspected COVID-19 infection or its antibodies, as described; cancelling a local NYC special election)
- [No. 202.23](#) (Apr. 23, 2020) (Com'r of Health authorized to appoint receiver or suspend or revoke operating certificate of any SNF or adult care facility that has not adhered to regulations or

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directives and is determined not in compliance, to preserve life, health, and safety) (also re NYS elections & absentee ballots).

- [No. 202.22](#) (Apr. 20, 2020) (suspending or modifying sections of the Real Property Law, permitting Westchester and Nassau counties to collect certain taxes at later dates or without penalties for being late)
- [No. 202.21](#) (Apr. 19, 2020) (modifying EO 202.20 to include any officiant, public or private, as able to perform or solemnize such marriage ceremony utilizing audio-video technology)
- [No. 202.20](#) (Apr. 18, 2020) (suspending or modifying sections of the Domestic Relations Law re marriage license waiting periods, fees, etc., and allowing audio-video technology for issuance of a marriage license application/license, or witnessing/solemnizing of the marriage ceremony)
- [No. 202.19](#) (Apr. 17, 2020) (various provisions including directing DOH to establish a statewide coordinated testing prioritization process controlling all public and private laboratories that conduct COVID-19 diagnostic testing; authorizing civil penalties and revocation of laboratory's operating certificate/license for violations of that process; not permitting local government/local department of health actions that could impede or conflict with other local government or state actions on the COVID-19 emergency; requiring consultation with state DOH for local government/local department of health actions that could affect public health; authorizing penalties for violation of the EO 202.18 directive requiring residential facilities to notify a family member or next of kin if any resident tests positive for COVID-19 or suffers a COVID-19 related death, etc.)
- [No. 202.18](#) (Apr. 16, 2020) (various provisions including allowing New York practice by a wide range of medical and health care related specialists or graduates from other states and/or Canada; extending waivers for certain special education schools and early intervention programs; allowing pharmacy technicians and pharmacists to practice at an alternative location, including their home, if there is adequate security for Personal Health Information; allowing clinical laboratory practitioners in a clinical laboratory under remote supervision, provided a supervisor is on-site at least eight hours per week; requiring DOH-regulated SNFs, nursing homes, or adult care facilities to notify family members or next of kin within 24 hours if any resident tests positive for COVID-19 or suffers a COVID-19 related death, etc.)
- [No. 202.17](#) (Apr. 15, 2020) (modifying prior EO re no-action or no-filing letters, and, effective 4/17/2020 at 8pm, requiring mask or cloth face-covering over nose and mouth "when in a public place and unable to maintain, or when not maintaining, social distance")
- [No. 202.16](#) (Apr. 12, 2020) (various provisions including re permitting individuals to perform testing for the detection of SARS-CoV-2, or its antibodies; requiring employees at essential business/entity workplaces to be provided and wear face coverings when in direct contact with customers or members of the public, etc.)
- [No. 202.15](#) (Apr. 9, 2020) (various provisions including re permitting NY pharmacies to receive drugs/supplies/devices from certain unlicensed entities in other states to alleviate temporary shortages; allowing graduates from medical programs located in NYS in 2020 to practice medicine without a license provided they are supervised by NYS licensed/registered physicians; limiting DOH's review functions to essential matters and tolling statutory time limits for Article 28 and 36 operator transfer notices; allowing respiratory therapy technicians licensed/in good standing in any state to practice in NYS; allowing mental health counselors, marriage and family

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therapists, creative arts therapists and psychoanalysts licensed/in good standing in any state to practice in NYS, etc.)

- [No. 202.14](#) (Apr. 7, 2020) (various provisions including re certain physicians who will graduate in 2020 practicing at any institution under the supervision of a licensed physician; designation of standby guardian by a parent/caretaker health care worker who may have been exposed to COVID-19; reporting to DOH of inventories of medical equipment, and DOH transfer of items to facilities in urgent need; extending certain EOs; authorizing fines of up to \$1000 for violating social distancing restrictions, etc.)
- [No. 202.13](#) (Mar. 30, 2020) (various provisions including re OPWDD, OMH, OASAS, OCFS provider background checks and unsupervised work; school district payment for the cost of child care services; continuing non-essential workers working from home, modifying or continuing other EOs, etc.)
- [No. 202.12](#) (Mar. 28, 2020) (various provisions including hospitals, as a condition of licensure, to allow one person to be in attendance with a patient who is giving birth so long as that person does not have a fever; postponement of certain elections and the presidential primary; etc.)
- [No. 202.11](#) (Mar. 27, 2020) (re practice of midwives, pharmacy technicians and pharmacists, registered professional and licensed practical nurses; electronic signatures; extension of school closures, modifying or amending other EOs, etc.)
- [No. 202.10](#) (Mar. 23, 2020) (numerous provisions ensuring adequate bed capacity, supplies, and providers to treat patients affected with COVID-19, e.g., increasing the number of beds available to patients; revising the definition of ambulance emergency medical services; allowing certain healthcare providers to operate without physician supervision/collaborative relationships/agreements; allowing certain healthcare providers licensed in other states to provide services; emergency treatment protocols; definition of medical control; easing recordkeeping requirements; use of students; use of volunteers; dispensing hydroxychloroquine or chloroquine, etc.)
- [No. 202.9](#) (Mar. 21, 2020) (re banking law, forbearance of payments, ATM/overdraft/credit card fees)
- [No. 202.8](#) (Mar. 20, 2020) (extending time limits under “procedural laws of the state”; provisions re driver’s licenses, motor vehicle registrations, corporate shareholder meetings; modifying E.O. 202.6 re work from home & essential businesses; no enforcement of eviction or foreclosure; tax filing and payment late penalties & interest)
- [No. 202.7](#) (Mar. 19, 2020) (provisions relating to notarial acts, personal care services, and telecommuting/work from home)
- [No. 202.6](#) (Mar. 18, 2020) (provisions relating to telecommuting/work from home)
- [No. 202.5](#) (suspension of various Education Law provisions and regulations to allow physicians, RNs, LPNs, NPs, and PAs licensed and in current good standing in any state to practice in New York State; various nursing home and HHAs and other programs provisions; temporary hospital facilities; abbreviated training of direct support professionals; abbreviated medication administration training, and others)
- [No. 202.4](#) (local government or political subdivision non-essential personnel, state workers, school closures)
- [No. 202.3](#) (cancelling large gatherings and events)

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- [No. 202.2](#) (provisions regarding elections)
- [No. 202.1](#) (suspending various provisions of DOH regulations to allow hospitals to make temporary changes to physical plants, bed capacities, and services provided; allowing construction applications for temporary hospital location to be approved without considering recommendation of health systems agency; allowing clinical labs to operate temporary collecting stations; allowing Art. 16 facilities to increase and exceed certified capacity; other health care related provisions)
- [No. 202: Declaring a Disaster Emergency in the State of New York](#) (suspension of various laws, including relating to rapid discharge, transfer or receipt of patients, PRI, EMS, personal care services, COVID-19 testing, rapid approval of telemental health services)

NYS Empire State Development - Guidance on Executive Order 202.6: Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction under Recent Executive Orders

<https://esd.ny.gov/guidance-executive-order-2026>

NYS DOH – Communicable Diseases Reporting and Control – Adding Severe or Novel Coronavirus, Effective 2020-02-06 – Amending sections 2.1 and 2.5 of Title 10 NYCRR.

NYS Register Feb. 26, 2020, pp. 38-41, <https://www.dos.ny.gov/info/register/2020/022620.pdf>

NYS DOH – Investigation of Communicable Disease; Isolation and Quarantine – emergency regulations necessary to clarify and strengthen the Department's authority and that of the local health departments to take specific actions to control the spread of disease, including actions related to investigation and response to a disease outbreak, as well as the issuance of isolation and quarantine orders. Effective 2020-03-09 - Amending Part 2, section 405.3; and adding section 58-1.14 to Title 10 NYCRR.

NYS Register Mar. 25, 2020, pp. 15-17, <https://www.dos.ny.gov/info/register/2020/032520.pdf>

NYS DOH – Immunizations and Communicable Diseases – emergency regulations necessary to control and promote the control of communicable diseases to reduce their spread, especially for the COVID-19 outbreak, to implement social distancing measures to control its spread. Effective 2020-04-10 - Amending Part 66 of Title 10 NYCRR.

NYS Register Apr. 29, 2020, pp. 27-29, <https://www.dos.ny.gov/info/register/2020/042920.pdf>

NYS DOH Coronavirus Information for Providers

<https://coronavirus.health.ny.gov/information-providers>

NYS DOH's COVID-19 Guidance for Medicaid Providers

https://health.ny.gov/health_care/medicaid/covid19/

Some other interesting DOH issuances include, e.g.:

- **COVID-19 Special Edition Medicaid Updates**, e.g., Coverage and Reimbursement Policy, Comprehensive Telehealth Guidance, and Frequently Asked Questions (FAQs) on Medicaid Telehealth Guidance, NYS Medicaid Program Launches Online Medicaid Provider Enrollment

https://www.health.ny.gov/health_care/medicaid/program/update/2020/index.htm

CORONAVIRUS (COVID-19) FEDERAL AND NEW YORK HEALTH CARE – PRIMARY LEGAL SOURCES

- **COVID-19 Directive Regarding the Resumption of Elective Outpatient Surgeries and Procedures in General Hospitals in Counties and Facilities Without a Significant Risk of COVID-19 Surge**

https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_facilitydirectiveresumptionelectiveprocedures_042920.pdf

- **Health Advisory: Discontinuation of Isolation for Patients with COVID-19 Who are Hospitalized or in Nursing Homes, Adult Care Homes, or Other Congregate Settings with Vulnerable Residents**

<https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh-covid-19-discontinuing-isolation-hospital-congregate-setting.pdf>

- **Health Advisory: Reporting Requirements for ALL Laboratory Results for SARS-CoV-2, Including all Molecular, Antigen, and Serological Tests (including “Rapid” Tests) and Ensuring Complete Reporting of Patient Demographics**

https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_reportingtestresults_rev_043020.pdf

- **Health Advisory: COVID-19 Serology Testing**

https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_serologytestingadvisory_rev_043020.pdf

Guidance for Private Physician Practices Operating Specimen Collection Sites

https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_privatepracticesamplingsites_041920.pdf

- **Guidance for Nursing Homes on Managing Resident Deaths During the COVID-19 Outbreak**

https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_nhresidentdeaths_041920.pdf

- **Guidance for Resident and Family Communication in Adult Care Facilities and Nursing Homes**

https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid_acf_nh_communicationpractices_041920.pdf

- **Resident Deaths in NY Nursing Homes from COVID-19 (or Presumed to be from COVID-19) (Data as of 4/21)**

https://www.health.ny.gov/statistics/diseases/covid-19/fatalities_nursing_home_acf.pdf

- **Guidance on Regulatory Relief for Home Care Providers**

https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_regulatoryreliefhomecareproviders_041020-rev-145pm.pdf

CORONAVIRUS (COVID-19) FEDERAL AND NEW YORK HEALTH CARE – PRIMARY LEGAL SOURCES

- **Health Advisory: Interim Guidance for Home Health Aide Training Programs**
https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_hhatrainingprogram_041020.pdf
- **Health Advisory: COVID-19 Updated Guidance for Hospital Operators Regarding Visitation**
https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_hospitalvisitation_041020-002.pdf
- **Health Advisory: Covid-19 Update For Local Health Department (LHD) Contact Investigations**
https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_lhdcontacttracing_040820.pdf
- **DAL Temporary Volunteer Personal Revisions Guidance (re EO 202.10 and 10 NYCRR 405.3)**
https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_daltemporaryvolunteerpersonnelrevisions_041120.pdf
- **Health Advisory: COVID-19 Guidance for Dialysis Treatment**
https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_dialysis_040720.pdf
- **Advisory: Hospital Discharges and Admissions to ACFs**
https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_acfreturnofpositivepatients_040720.pdf
- **COVID-19 Guidance for Managed Care Organization Contracting and Surveillance Relief**
https://health.ny.gov/health_care/medicaid/covid19/2020-04-08_mco_surv_relief.htm
- **COVID-19 Guidance for Inpatient, Rehabilitation, and Skilled Nursing Facilities and Other Health Care Providers on Suspension of Health Plan Utilization Review Requirements**
https://health.ny.gov/health_care/medicaid/covid19/docs/2020-04-03_suspended_hlth_pln_utilization_rev_req.pdf
- **Response to Frequently Asked Questions (FAQs) from Non-Emergency Medical Transportation (NEMT) Providers**
https://health.ny.gov/health_care/medicaid/covid19/docs/2020-04-07_nemt_faq_guide.pdf
- **Bureau of EMS Policy Statements and SEMAC Advisories (including some COVID-19 guidance)**
<https://www.health.ny.gov/professionals/ems/policy/policy.htm>

CORONAVIRUS (COVID-19) FEDERAL AND NEW YORK HEALTH CARE – PRIMARY LEGAL SOURCES

- **Health Advisory: Options when Personal Protective Equipment (PPE) is in Short Supply or Not Available**
https://coronavirus.health.ny.gov/system/files/documents/2020/04/doh_covid19_ppeshortages_040220.pdf
- **Health Advisory: Respiratory Illness in Nursing Homes and Adult Care Facilities in Areas of Sustained Community Transmission of COVID-19**
https://coronavirus.health.ny.gov/system/files/documents/2020/03/22-doh_covid19_nh_alf_ilitest_032120.pdf
- **Health Advisory: COVID-19 Guidance for Hospital Operators Regarding Visitation Updated Guidance Regarding Obstetrical and Pediatric Settings**
https://coronavirus.health.ny.gov/system/files/documents/2020/03/healthadvisoryupdatehospitalvisitation_obpeds_3.21.20.pdf
- **UPDATED Guidance for Emergency Approval for Additional Capacity or alternative sites for testing, triage, screening or treatment related to COVID-19 Surge Response**
https://coronavirus.health.ny.gov/system/files/documents/2020/03/doh_emergencyapprovalscapacitysites_031920.pdf
- **Emergency Medicaid Pharmacy Guidance**
<https://oasas.ny.gov/system/files/documents/2020/03/nys-doh-emergency-medicaid-pharmacy-guidance-3-12-20-1.pdf>
- **Coronavirus-related Guidance for Health Homes and Children’s Waiver Services**
https://www.health.ny.gov/health_care/medicaid/program/medicaid_health_homes/policy/index.htm
- **Hospital Visitation Guidance**
<https://coronavirus.health.ny.gov/system/files/documents/2020/03/covid19-hospital-visitation-guidance-3.18.20.pdf>
- **Interim Guidance for Home Care Services Regarding COVID-19**
https://coronavirus.health.ny.gov/system/files/documents/2020/03/03-16-20_home_care_services.pdf
- **Medicaid Coverage and Reimbursement Policy for Services Related to COVID-19**
https://coronavirus.health.ny.gov/system/files/documents/2020/03/2020-03-10_covid-19.pdf
- **Nursing Home Guidance**
https://coronavirus.health.ny.gov/system/files/documents/2020/03/nursing_home_guidance.pdf

CORONAVIRUS (COVID-19) FEDERAL AND NEW YORK HEALTH CARE – PRIMARY LEGAL SOURCES

- **New York State Task Force on Life and the Law DOH Ventilator Allocation Guidelines**
https://www.health.ny.gov/regulations/task_force/reports_publications/docs/ventilator_guidelines.pdf
- **DOH COVID-19 Guidance for the Authorization of Community-Based, Long-Term Services and Supports Covered by Medicaid**
<https://www.nyshcp.org/common/Uploaded%20files/Public%20Policy/EP/2020%20Coronavirus/NYSDOH/DLTCCOVID19Guidance31820.pdf>
- **DOH COVID-19 Guidance for CHHAs, LTHHCPs, LHCSAs, Hospices**
https://www.nyshcp.org/common/Uploaded%20files/Public%20Policy/EP/2020%20Coronavirus/NYotification_102830.pdf

NYS Office for People with Developmental Disabilities Coronavirus Guidance, including re telehealth, intermediate care facilities, etc.

<https://opwdd.ny.gov/coronavirus-guidance>

NYS Office of Mental Health Coronavirus Guidance, including re telemental health, behavioral health programs, health homes, visitor restrictions, treatment planning and documentation standards for article 28/31 hospital psychiatry providers, assisted outpatient treatment FAQs, documentation requirements for clinic treatment, partial hospitalization, continuing day treatment, and other program types, suspension of requirement for general hospitals to report inpatient psychiatric bed availability in the Health Electronic Response Data System (HERDS), etc.

<https://omh.ny.gov/omhweb/guidance/>

NYS Office of Alcoholism and Substance Abuse Services Coronavirus Guidance

<https://oasas.ny.gov/keywords/coronavirus>, including, e.g.:

- **Guidance on Utilizing Telepractice by OASAS Providers**
<https://oasas.ny.gov/system/files/documents/2020/03/additional-telepractice-guidance.pdf>
- **OASAS Prevention Telepractice Services**
<https://oasas.ny.gov/system/files/documents/2020/03/prevention-telepractice-services.pdf>
- **OASAS Telepractice Waiver**
<https://oasas.ny.gov/system/files/documents/2020/03/letter-of-counsel-covid-19-3.9.2020-002-signed.pdf>
- **OASAS Telepractice Waiver Update**
https://oasas.ny.gov/system/files/documents/2020/03/telepractice_waiver-update.pdf
- **OASAS Telepractice Attestation**
<https://oasas.ny.gov/system/files/documents/2020/03/attestation-covid-19.pdf>

CORONAVIRUS (COVID-19) FEDERAL AND NEW YORK HEALTH CARE – PRIMARY LEGAL SOURCES

NYS Department of Education Office of the Professions COVID-19 Information for the Licensed Professions

<http://www.op.nysed.gov/COVID-19.html>

NYS Department of Financial Services

<https://www.dfs.ny.gov/industry/coronavirus> and, e.g.:

https://www.dfs.ny.gov/industry_guidance/circular_letters

NYS Department of Financial Services Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure – emergency regulations to waive cost-sharing for in-network visits and laboratory tests necessary to diagnose the novel coronavirus. Effective 2020-03-13 - adding section 52.16(p) to Title 11 NYCRR.

NYS Register Apr. 1, 2020, pp. 16-18, <https://www.dos.ny.gov/info/register/2020/040120.pdf>

NYS Department of Financial Services Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure – emergency regulations to waive cost-sharing for in-network telehealth services. Effective 2020-03-16 - adding section 52.16(q) (Regulation 62) to Title 11 NYCRR.

NYS Register Apr. 1, 2020, pp. 20-22, <https://www.dos.ny.gov/info/register/2020/040120.pdf>

NYS Department of Financial Services Practices of Insurers and Premium Finance Agencies During the COVID-19 Pandemic - emergency regulations to implement EO 202.13 by providing certain relief to policyholders, contract holders, and insureds who can demonstrate financial hardship as a result of the COVID-19 pandemic. Effective 2020-03-30 - amending Part 405 of Title 3 NYCRR, Parts 185 (Regulation 27-A), 187 (Regulation 27-C) and adding Part 229 (Regulation 216) to Title 11 NYCRR.

NYS Register Apr. 15, 2020, pp. 4-7, <https://www.dos.ny.gov/info/register/2020/041520.pdf>

NYS Department of Financial Services Minimum Standards for Form, Content and Sale of Health Insurance, Including Standards of Full and Fair Disclosure - emergency regulations to implement EO 202.14 by amending 11 NYCRR 52, with respect to any policyholder or contract holder who does not make a timely premium payment and can demonstrate financial hardship as a result of the COVID-19 pandemic. Effective 2020-04-07 - amending Part 52 (Regulation 62) of Title 11.

NYS Register Apr. 22, 2020, pp. 17-21, <https://www.dos.ny.gov/info/register/2020/042220.pdf>

NY Worker's Compensation Board Allowing Telemedicine in Some Circumstances – emergency regulations to allow telemedicine in some circumstances for social distancing purposes. Effective 2020-3-16 – Amending sections 325-1.8, 329-1.3, 329-4.2, 333.2 and 348.2 of Title 12 NYCRR.

NYS Register Apr. 1, 2020, pp. 26-27, <https://www.dos.ny.gov/info/register/2020/040120.pdf>

CORONAVIRUS (COVID-19) FEDERAL AND NEW YORK HEALTH CARE – PRIMARY LEGAL SOURCES

NY Worker’s Compensation Board Allowing Telemedicine in Some Circumstances, Supersede Previous Emergency Adoption – emergency regulations to allow telemedicine in some circumstances for social distancing purposes. Effective 2020-04-20 – Amending sections 325-1.8, 329-1.3, 329-4.2, 333.2 and 348.2 of Title 12 NYCRR.

NYS Register May 6, 2020, pp.12-13, <https://www.dos.ny.gov/info/register/2020/050620.pdf>

New York City

Mayor De Blasio’s Emergency Executive Orders:

- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-98.pdf> (declaration of local state of emergency)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-99.pdf> (prohibition of large gatherings or events)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-100.pdf> (various provisions, including suspension of elective procedures at NYC H+H and other NYC hospitals and AMCs)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-101.pdf> (suspension of ride shares)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-102.pdf> (3/20/2020) (numerous provisions especially re businesses to be closed, essential businesses, work from home, public gatherings, and extending/amending prior EOs)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-103.pdf> (3/25/2020) (various provisions, including re telecommuting, closure of malls, extending prior EO, and incorporation of all of the Governor’s EOs)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-104.pdf> (3/30/2020) (re extending EO 103 for five days, incorporation of all of the Governor’s EOs, etc.)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-105.pdf> (4/4/2020) (re extending EO 104 for five days, incorporation of all of the Governor’s EOs, etc.)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-106.pdf> (4/9/2020) (re declared emergency extended for 30 days, extending EO 105 for five days, permitting electronic death registration, etc.)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-107.pdf> (4/14/2020) (various extensions and new provisions, including re Campaign Finance Bd., assessors’ examinations of real estate, expiration or renewal of City-issued licenses or permits)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-108.pdf> (4/19/20) (various extensions and new provisions, including re tolling amount of time permitted for certain actions by agencies, community boards, the City Council, or elected officials, tolling deadlines for privately owned public space signage requirements)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-109.pdf> (4/24/20)

CORONAVIRUS (COVID-19) FEDERAL AND NEW YORK HEALTH CARE – PRIMARY LEGAL SOURCES

(various extensions and suspending certain authorizations and procedures of the Landmarks Preservation Commission and tolling related time limitations)

- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-110.pdf> (4/29/20)
(various extensions and suspending certain Zoning Resolutions, Rules of New York, etc.)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-111.pdf> (5/4/20)
(various extensions; provisions re Voter Assistance Advisory Committee and Campaign Finance Board; modifying sections 5 and 6 of EO 100 to authorize all hospitals and ambulatory surgery centers in NYC, including NYC H+H, to resume performance of elective procedures in accordance with Gov. Cuomo's EO 202.25, etc.)
- <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2020/eeo-112.pdf> (5/9/20)
(various extensions and suspending certain sections of the NYC Administrative Code and Charter re adjusting/renumbering streets, completion of the city map, extension of the Campaign Finance Board's deadline for making public fund payments to candidates; deadline for Mayor to submit to the City Council a proposed executive budget for the ensuing fiscal year and a budget message, along with any accompanying reports and schedules.)

NYC Department of Health and Mental Hygiene Coronavirus Information

<https://www1.nyc.gov/site/doh/health/health-topics/coronavirus.page>

NYC Guidance for Schools, Businesses and Facilities

<https://www1.nyc.gov/site/doh/health/health-topics/coronavirus.page> (mostly non-health-care links, but includes, among others, [Congregate Settings Guidance](#) (March 15), [Nonprofit Business Continuity Guidance](#) (March 15), [Letter to Human Service Provider Partners](#) (March 18), [Nonprofit Contract, Budget and Finance Guidance](#) (March 14), [Homeless Shelter Interim Guidance](#) (March 4))

NYC Regional Emergency Medical Services Council Advisories

<http://www.nycremsco.org/2020-remac-advisories/>

Other

American College of Surgeons (ACS), American Society of Anesthesiologists (ASA), Association of periOperative Registered Nurses (AORN) and American Hospital Association (AHA)

Joint Statement: Roadmap for Resuming Elective Surgery after COVID-19 Pandemic

<https://www.asahq.org/about-asa/newsroom/news-releases/2020/04/joint-statement-on-elective-surgery-after-covid-19-pandemic>

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AHA

AHA Updates and Resources on COVID-19

<https://www.aha.org/2020-01-22-updates-and-resources-novel-coronavirus-2019-cov> and, e.g.:

AHA Resource: Summary on Medicare Coverage and Payment for COVID-19 Virtual Care

<https://www.aha.org/system/files/media/file/2020/04/COVID-19-telehealth-video-medicare-coverage-payment.pdf>

AHA Special Bulletin on CMS FAQs on Legislations' COVID-19 Medicaid/CHIP Provisions

<https://www.aha.org/special-bulletin/2020-04-17-aha-special-bulletin-cms-faqs-legislations-covid-19-medicicaidchip>

America's Health Insurance Plans

AHIP COVID-19 Issues

<https://www.ahip.org/issues/coronavirus-covid-19/> and, e.g.:

Health Insurance Providers Respond to Coronavirus (COVID-19)

<https://www.ahip.org/health-insurance-providers-respond-to-coronavirus-covid-19/>

COVID-19 Coverage FAQs

<https://www.ahip.org/covid-19-coverage-frequently-asked-questions/>

ACGME

ACGME Response to Pandemic Crisis

<https://www.acgme.org/covid-19> and, e.g.:

ACGME Guidance Statements

<https://www.acgme.org/COVID-19/ACGME-Guidance-Statements>

The Hastings Center

Ethics Resources on the Coronavirus

<https://www.thehastingscenter.org/ethics-resources-on-the-coronavirus/> and, e.g.:

Ethical Framework for Health Care Institutions and Guidelines for Institutional Ethics Services Responding to the Novel Coronavirus Pandemic

<https://www.thehastingscenter.org/ethicalframeworkcovid19/>

CORONAVIRUS (COVID-19) FEDERAL AND NEW YORK HEALTH CARE – PRIMARY LEGAL SOURCES

Families USA

Five Innovative State Medicaid Approaches to Combat COVID-19

https://familiesusa.org/wp-content/uploads/2020/04/MCD_Five-Innovative-Medicaid-Approaches-to-Combat-COVID_Analysis.pdf

United States Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) and the United Kingdom's National Cyber Security Centre (NCSC)

Joint Alert (AA20-126A): Advanced Persistent Threat (APT) Groups Target Healthcare and Essential Services

<https://www.us-cert.gov/ncas/alerts/AA20126A>

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