



PRACTICE ALERT

INCREASED SCOPE OF PRACTICE FOR ADVANCED PRACTICE NURSES AND REGISTERED PROFESSIONAL NURSES DURING COVID-19 PANDEMIC

In response to the COVID-19 emergency disaster, Governor Cuomo has issued a number of [Executive Orders \(EOs\)](#) that impact Advanced Practice Nurses and Registered Professional Nurses. **From now until April 22, 2020, Advanced Practice Nurses (APNs) and Registered Professional Nurses (RNs) responding to the COVID-19 pandemic are permitted to:**

INCREASES IN SCOPE OF PRACTICE SPECIFIC TO APNs WITH AN DOCTORATE OR MASTER'S DEGREE SPECIALIZING IN THE ADMINISTRATION OF ANESTHESIA

- Provide anesthesia without needing the supervision of a qualified physician in a general hospital or free-standing ambulatory surgery center health care settings;

INCREASES IN SCOPE OF PRACTICE SPECIFIC TO APNs and RNs

- Practice without fear of incurring civil liability for any alleged injury or death as a direct result of a commission (doing something a reasonably prudent provider would not do under the circumstances) or omission (not doing something a reasonably prudent provider would do under the circumstances) in practice. APNs and RNs providing medical services in support of the State's response to the COVID-19 outbreak are immune from liability, unless it is established that such injury or death was caused by gross negligence. This extends the NYS "Good Samaritan" law, designed to protect caregivers who volunteer to help in medical emergencies, to care provided during the COVID-19 outbreak;

- Ease their recordkeeping requirements to the extent necessary to respond to the COVID-19 outbreak. Any APN or RN acting reasonably and in good faith is immune from liability for failure to keep accurate records. Similarly, if an APN or RN is acting "reasonably and in good faith" and is responding to the COVID-19 outbreak, they will not be found to have engaged in unprofessional conduct by the Offices of Professional Discipline if they fail to maintain adequate records for each patient;
- Practice in New York State, even if they have let their registration expire:
 - Retired APNs and RNs who are not currently registered in New York State and who **do not want** to re-register their license can still practice in response to the call for volunteers for the COVID-19 pandemic without civil or criminal penalty related to their lack of registration;
 - Retired APNs and RNs who are not currently registered in New York State and who **want** to re-register their license must first take an infection control course (<http://www.elearnonline.net/coursedescript.asp?ClassID=506&s=44>) and then register online at <http://www.op.nysed.gov/renewalinfo.htm>. Questions about re-registering your license can be made to the NYS Board of Nursing at 518 474 3817 extension 410.
- Order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19 to be obtained from unlicensed individuals, for purposes of testing for COVID-19 if the unlicensed individual has completed training deemed adequate by the Commissioner of Health;
- Supervise non-nursing staff who have completed training deemed adequate by the Commissioner of Health to perform tasks that would otherwise be limited to the scope of practice of an RN;
- Practice in New York State without civil or criminal penalty related to not having NY licensure if the APN or RN is licensed and in current good standing in any other state in the U.S.

If you have any questions or concerns regarding this practice alert, please contact the NYSNA Nursing Education and Practice Department at education@nysna.org or your NYSNA representative.