



Department of Health

KATHY HOCHUL
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

November 29, 2021

DAL: DHCBS 21-14

Subject: Nurse Practitioner (NP) and
Physician Assistant (PA) Expansion of Abilities

Dear Administrator:

Since 2015, New York State Public Health Law 3602 has expressly stated that Nurse Practitioners (NPs) could prescribe and order home health aide and personal care services as long as it was “not prohibited by federal law or regulation.” With the adoption of the CARES Act and implementing regulations in March 2020, no federal prohibition remained for a nurse practitioner to order home care services. However, Section 505.14(b)(3) of Title 18 NYCRR required that orders be signed by a physician.

Effective November 8, 2021, 18 NYCRR § 505.14 is revised to permit Nurse Practitioners and Physician Assistants (PAs) to sign home care orders. The Department will exercise enforcement discretion regarding NP and PA signatures on orders received during the state disaster emergency.

Please send any questions to homecare@health.ny.gov .

Sincerely,

Carol A. Rodat
Director
Division of Home and Community Based Services