



Department of Health

KATHY HOCHUL
Governor

MARY T. BASSETT, M.D., M.P.H.
Commissioner

KRISTIN M. PROUD
Acting Executive Deputy Commissioner

August 8, 2022

DHDTC DAL#: 22-07
Executive Order No. 4
Insurance Circular Letter No. 9 (2021)
Hospital Staffing and Suspension of Utilization Review
Requirements and Appeal Timeframes

Dear Chief Executive Officer:

On September 27, 2021, Governor Kathy Hochul issued [Executive Order No. 4 \(“EO 4”\)](#) to address hospital staffing shortages. As a result, the Department of Financial Services issued [Insurance Circular Letter No. 9 \(2021\): Hospital Staffing and Suspension of Utilization Review Requirements and Appeal Timeframes | Department of Financial Services \(ny.gov\)](#) on October 7, 2021. EO 4 has been extended through August 28, 2022. This letter will serve as notice to hospitals that in the event EO 4 is extended after August 28, 2022, it will not include continuation of suspension of utilization review requirements and appeal timeframes.

Therefore, the suspension of utilization requirements for preauthorization review for scheduled surgeries in hospital facilities, hospital admissions, hospital outpatient services, home health care services following a hospital admission, and inpatient and outpatient rehabilitation services following a hospital admission, concurrent review for inpatient and outpatient hospital services, and retrospective review for inpatient and outpatient hospital services at in-network hospitals will end on August 28, 2022.

The tolling of statutory timeframes required for hospital submission of an internal appeal and external appeal is also ending. Effective August 29, 2022, any such appeals that were pending or in progress at the time the tolling provisions of EO 4 took effect shall have their statutory timeframes reset in accordance with the applicable statute.

Please forward any questions regarding this guidance to URAgent@health.ny.gov.

Sincerely,

Stephanie Shulman, DrPH, MS
Director, Division of Hospitals and
Diagnostic & Treatment Centers