STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-13

FOR: **DIRECTIVES TO MANAGE INDIANA'S HEALTH CARE RESPONSE FOR HOOSIERS WITH COVID-19 DURING THE PUBLIC HEALTH EMERGENCY**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02 which declared a public health emergency exists throughout the State of Indiana as result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report the disease had spread to Indiana;

WHEREAS, since then, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic, and on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, as of the date of this Executive Order, the virus has now spread to nearly every county throughout Indiana; the numbered sickened has increased from 56 confirmed cases on March 18th to 1,514 confirmed cases on March 28th and has caused 32 deaths; with these numbers increasing each day and expected to continue to increase rapidly in the days ahead;

WHEREAS, even as we institute social distancing and other measures to slow and contain the spread of COVID-19, the number of cases in Indiana will likely continue to increase for the immediate future and consequently, requires the State to take additional steps to ensure the capacity of our health care system to treat those who require medical, emergency or intensive care;

WHEREAS, insuring the availability of critical resources such as ventilators, respirators, anesthesia machines as well as personal protective equipment (PPE) such as gowns, gloves, face shields, goggles and facemasks is absolutely essential to combatting the spread of, and treating those affected by, this dangerous virus;

WHEREAS, the Centers for Medicare and Medicaid Services issued guidance to limit non-essential elective surgery and medical and surgical procedures, including all dental procedures, to assist in the management of vital healthcare resources (including PPE) during this public health emergency and to limit potential exposure of healthcare providers, patients and staff to COVID-19;

WHEREAS, despite significant steps being taken in our State, this virus remains a serious threat to the health, safety and welfare of all residents of Indiana and further efforts are needed to address, control and reduce the evolving threat posed by COVID-19;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3 ("Emergency Disaster Law"), I have broad authority to take actions necessary to prepare for and respond to the prompt and efficient rescue, care and treatment of persons victimized or threatened by a disaster, which include an epidemic, public health emergency and any other public calamity requiring emergency action;

WHEREAS, as Governor, my authority and powers under Indiana's Emergency Disaster Law to declare and respond to public health emergencies on behalf of our State, specifically include:

a. making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a disaster;

b. suspending the provisions of any regulatory statute prescribing the

procedures for conduct of state business, including the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder or delay necessary action in coping with the emergency;

c. using all available resources of state government and of each political subdivision of the state reasonably necessary to cope with the disaster emergency;

d. allowing persons who hold a license to practice certain health care and other professions to practice their respective professions in Indiana during the period of the state of emergency if the state in which a person's license or registration was issued has a mutual aid compact for emergency management with Indiana;

e. transferring the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services;

f. giving specific authority to allocate drugs, foodstuffs, and other essential materials and services; and

WHEREAS, in light of the above, it is necessary and proper to take further actions to protect the health, safety and welfare of all Hoosiers in connection with the continuing and evolving threat posed by COVID-19, as more particularly described herein.

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, and for the duration of this public health emergency unless otherwise specified, do hereby order:

1. **Patient Capacity at Hospitals**

   a. In the event the Commissioner of ISDH determines patient capacity at any or all of Indiana's hospitals exceeds what is available or needed, the Commissioner is authorized to direct the opening, staffing, equipping and use of a temporary facility for patient care.

   b. To effectuate this Executive Order, the following provisions of Indiana Code are suspended for any temporary facility authorized by the Commissioner of ISDH:

      i. Ind. Code § 16-21-2-10 requiring a license from the Commissioner of ISDH before establishing, conducting, operating or maintaining a hospital or other covered facility;

      ii. Ind. Code § 25-26-13.5 to allow a primary hospital pharmacy to supply a temporary facility without the need of a remote facility license;

      iii. Ind. Code § 25-26-13-18 requiring a standalone pharmacy to have a license at a temporary facility;

      iv. The relevant portions of Ind. Code §§ 12-15-10 & 12-15-15 to allow reimbursement for services provided at a temporary health care facility; and

      v. Indiana Department of Insurance (IDOI) shall request health insurers to provide coverage for services provided at a temporary health care facility established under the authority this Executive Order or any other Executive Order issued for this public health emergency.

2. **Health Care Providers Without an Active License:**

   Individuals who seek to provide health care in the State of Indiana in response to this public health emergency who are not currently licensed to practice in the state, either because their Indiana license is no longer active or they are licensed by another state, may obtain temporary authorization to provide health care services as outlined below:

   a. *Retired Health Care Professionals:* Any health care professional whether licensed in the state or not, who within the past five years has retired or surrendered his or

her license or whose license is otherwise inactive but whose license was not revoked, suspended or relinquished, may provide health care services in Indiana during this public health emergency without reinstatement or approval by the relevant licensing board. Any license issued under these provisions shall only be effective during this public health emergency and further, will be initially limited to a period of 90 days which may be renewed in 30-day increments so long as the public health emergency continues. Upon the lifting of this emergency, all application procedures for reinstatement or approval will be reinstituted and must be followed.

b. *Medical Students.* If a medical student is in his or her last semester of a 4-year program or has completed a 4-year program within the past 90 days from an accredited medical school, the requirements found in Ind. Code § 25-22.5-5-4 are suspended to allow the Professional Licensing Agency (PLA) to issue a limited scope temporary medical permit to these individuals to practice under the indirect supervision of a licensed physician. Any permit issued under this provision shall only be effective during this public health emergency and further, will be initially limited to a period of 90 days which may be renewed in 30-day increments so long as the public health emergency continues. Upon the lifting of this emergency, all application procedures for initial licensure will be reinstituted and must be followed.

c. *Medical Residents*: Suspend the provisions in Ind. Code § 25-22.5-3-1 and any other relevant provisions to authorize current holders of a Post-Graduate Training Permit who are also enrolled in an accredited residency program to be temporarily granted authority to practice under a full medical license without supervision at the order of the State Health Commissioner. Any permit issued under this provision shall only be effective during this public health emergency and further, will be initially limited to a period of 90 days which may be renewed in 30-day increments so long as the public health emergency continues. Upon the lifting of this emergency, all application procedures for initial licensure will be reinstituted and must be followed.

d. *Physician Assistant Students.* If a physician assistant student has successfully completed all required course work at an accredited school, has applied for a license with the PLA and supplied the PLA a certificate of completion, the provisions of Ind. Code § 25-27.5-4-1 requiring the Physician Assistant National Certifying Examination being taken and a background check being completed. Any license issued under these provisions shall only be effective during this public health emergency and further, will be initially limited to a period of 90 days which may be renewed in 30-day increments so long as the public health emergency continues. Upon the lifting of this emergency, all application procedures for initial licensure will be reinstituted and must be followed.

e. *Nursing Students*: If a nursing student has successfully completed all required course work at an accredited school, has applied for a license with the PLA and has supplied PLA a certificate of completion, the provisions of Ind. Code § 25-23-1-11 and requiring the NCLEX exam being taken, a background check being completed, and Ind. Code § 25-1-2-2.1 allowing the duration of the license be for a period of 2 years will be suspended. Any license issued under these provisions shall only be effective during this public health emergency and further, will be initially limited to a period of 90 days which may be renewed in 30-day increments so long as the public health emergency continues. Upon the lifting of this emergency, all application procedures for initial licensure will be reinstituted and must be followed.

f. *Respiratory Care Practitioner Students.* If a respiratory care practitioner student has successfully completed all required course work at an approved school, has applied for a license with the Professional Licensing Agency and supplied PLA a certificate of completion, the provisions of Ind. Code § 25-34.5-2-8(a)(3) requiring the student to have passed a respiratory care practitioner licensing or certification examination approved by the board is suspended as well as suspension of the requirement for a criminal background check being completed pursuant to Ind. Code §§ 25-1-1.1-4 & 25-0.5-10-1. Any license issued under these provisions shall only be effective during this public health emergency and further, will be initially limited to a period of 90 days which may be renewed in 30-day increments so long as the public health emergency continues. Upon the

lifting of this emergency, all application procedures for initial licensure will be reinstituted and must be followed.

g. *Out-of-State Health Care Professionals*: Individuals who are currently licensed by another state were previously authorized to provide health care services in Indiana pursuant to Executive Order 20-05.

3. **Registration Requirement for Certain Indiana or Out-of-State Health Care Providers**

Professionals who do not currently hold an active license to practice in the State of Indiana and are granted a temporary license to provide health care services in the state in response to this public health emergency must register with the PLA via their website at www.in.gov/pla. These individuals include:

a. Indiana professionals who retired or became inactive within the past 5 years and are temporarily reinstated;

b. Graduating students of physician assistance programs, nursing programs or respiratory care programs who obtain a temporary license under this Executive Order;

c. Out-of-state professionals who are currently licensed by another state and work in Indiana during this emergency; and

d. Out-of-state professionals who retired or became inactive within the past 5 years and work in Indiana during this emergency.

4. **Conservation of Personal Protective Equipment:**

a. To preserve PPE for health care providers who are battling the COVID-19 pandemic, beginning April 1, 2020, all health care providers, whether medical, dental or other, and health care facilities, whether hospitals, ambulatory surgical centers, dental facilities, plastic surgery centers, dermatology offices and abortion clinics, are directed to cancel or postpone elective and non-urgent surgical or invasive procedures. An "elective and non-urgent" procedure, for purposes of this Executive Order includes any surgery or invasive procedure which can be delayed without undue risk to the current or future health of the patient as determined by the patient's treating physician, dentist or health care provider. This prohibition, however, shall not apply to any procedure that, if performed in accordance with the commonly accepted standards of clinical practice, would not deplete the hospital capacity needed and available to cope with the COVID-19 disaster, or utilize in any way PPE (exempting gloves). This provision supersedes the non-essential surgical procedure directive in Executive Order 20-04, paragraph 7.

b. Veterinarians and veterinary practices are directed to cancel or postpone elective and non-urgent surgical or invasive procedures beginning April 1, 2020. An "elective and non-urgent" procedure includes any surgery or invasive procedure which can be delayed without undue risk to the current or future health of the animal as determined by the animal's veterinarian. This prohibition, however, shall not apply to any procedure that, if performed in accordance with the commonly accepted standards of clinical practice, would not utilize in any way PPE (exempting gloves).

5. **Telemedicine**

a. Unless otherwise specified, the prohibition against audio-only telemedicine as set forth in Ind. Code § 25-1-9.5-6(b)(1) & (2) is suspended for health care providers who are permitted to practice telemedicine and reimbursement will be allowed under Ind. Code §§ 27-8-34 and 27-13-34(b).

b. Physical therapists, occupational therapists and speech therapists are permitted to practice via telemedicine only under the provisions set forth in Ind. Code § 25-1-9.5-6(a), meaning audio-only telemedicine is not authorized.

c. Suspend Ind. Code § 25-1-9.5-8(b) and allow a prescriber who is also a DEA-registered practitioner to issue prescriptions for all schedule II-V controlled substances to patients for whom they have not conducted an in-person medical

evaluation, provided: 1) the prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of their professional practice; 2) the telemedicine communication is conducted using an audio-visual, real-time, two-way interactive communication system; and 3) all other applicable federal and state laws are followed. This provision supersedes the provision in Executive Order 20-12, paragraph 4.D.

d. As authorized in Executive Order 20-05, FSSA shall suspend Telehealth restrictions for expanded telemedicine services rendered under the authority of this Order and any other Executive Order issued for this public health emergency.

e. IDOI shall request health insurers to provide coverage for expanded telemedicine services rendered under the authority of this Order and any other Executive Order issued for this public health emergency.

6. **Waiver of Administrative Rules**

a. As authorized in Executive Order 20-05, the Commissioner of ISDH, the Commissioner of IDOI, the Executive Director of PLA and any other state agency shall waive any administrative rules necessary to effectuate this directive.

This Executive Order is a supplement to, and deemed to be part of, all prior Executive Orders issued in response to the public health emergency.

IT IS SO ORDERED.

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 30th day of March, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State