STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 55

AN ORDER TO FACILITATE AND RESPOND TO CONTINUING EFFECTS OF COVID-19 BY AMENDING PRIOR EXECUTIVE ORDERS

WHEREAS, each Tennessean should continue to protect themselves and others by following applicable health guidance from the Centers for Disease Control and Prevention (CDC) and other public health authorities to slow the spread of Coronavirus Disease 2019 (COVID-19), including practicing effective social distancing, personal hygiene measures, and usage of face coverings; and

WHEREAS, COVID-19 remains a threat to our citizens, our healthcare systems, and our economy, requiring ongoing regulatory flexibility to cope with continuing effects and risks due to the COVID-19 emergency; and

WHEREAS, the Centers for Medicare and Medicaid Services has recommended the establishment of certain nursing facilities for residents who become COVID-positive in order to protect other residents and provide additional flexibility for health care system capacity; and

WHEREAS, measures should be taken to promote the safety and health of teachers, school administrators, staff, volunteers, and students and mitigate the spread of COVID-19 in K-12 schools and institutions of higher education, which are designed to keep schools open and promote student success; and

WHEREAS, athletics should continue because they are an important part of education and community and provide many benefits for student-athletes, though commonsense precautions must be taken due to COVID-19 as part of any athletic activity; and

WHEREAS, pursuant to Tennessee Code Annotated, Section 58-2-107, and other general emergency and management powers of the Governor under law, the temporary suspension of selected state laws and rules and the other measures contained herein are necessary to facilitate the response to the ongoing effects of the emergency resulting from COVID-19.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, do

hereby declare that a state of emergency continues to exist in Tennessee and accordingly order the following:

Effective immediately, Executive Order No. 36, dated May 12, 2020, as extended by Executive Order No. 50, dated June 29, 2020, is amended by adding the following new paragraphs:

23.6 Commercial driver licenses with medical cards are extended until September 29, 2020. The provisions of Tennessee Code Annotated, Section 55-50-413, are hereby suspended to the extent necessary to delay the cancellation of a Class A, B, or C driver license with a medical card issued for more than ninety (90) days that is set to expire between March 12, 2020, and September 29, 2020. Class A, B, and C driver license holders affected by this suspension will have until September 30, 2020, to submit a new medical card to the Department of Safety and Homeland Security to avoid cancellation. Renewal requirements shall return to their original schedule in subsequent years. Any Class A, B, or C driver license that was downgraded between July 1, 2020 and the date of this Order shall be converted back to the previous license class if the sole reason for the downgrade was the expiration of Executive Order No. 36. Drivers who, since their last medical certificate was issued, have been diagnosed with a medical condition that would disqualify the driver from operating in interstate commerce, or who, since their last medical certificate was issued, have developed a condition that requires an exemption or Skill Performance Evaluation from FMCSA are not covered under the suspension in this paragraph.

23.7 CDL Expiration Extension. The provisions of Tennessee Code Annotated, Sections 55-50-311, 55-50-336, and 55-50-337, are hereby suspended to the extent necessary to delay the expiration of all valid Class A, B, C, PA, PB, and PC driver licenses that are set to expire between March 12, 2020, and September 29, 2020. Class A, B, C, PA, PB, and PC licenses shall instead expire on September 30, 2020. Any Class A, B, C, PA, PB, or PC driver license that was downgraded between July 1, 2020 and the date of this Executive Order shall be converted back to the previous license class if the sole reason for the downgrade was the expiration of Executive Order No. 36.

34.1 Designation and Payment for Certain Nursing Facilities as "COVID-19 Skilled Nursing Facilities/Units." The provisions of Tennessee Code Annotated, Titles 4, 68, and 71 and related regulations and policies are hereby suspended to the extent necessary to provide the Department of Health and the Division of TennCare the necessary authority and discretion to select, designate, and reimburse certain nursing facilities, or units within certain nursing facilities, as "COVID-19 Skilled Nursing Facilities/Units".

34.2 Medicaid Payments to "COVID-19 Skilled Nursing Facilities/Units." The provisions and requirements of Tennessee Code Annotated, Section 71-5-105, are hereby suspended to the extent necessary to permit the Division of TennCare to implement additional acuity-based payments for Medicaid members in nursing facilities designated as "COVID-19 Skilled Nursing Facilities/Units".

38.2 Licensed alcohol and drug abuse counselors can practice telemedicine. The provisions of Tennessee Code Annotated, Section 63-1-155(a)(1), and any other state or local law, order, rule, or regulation that would limit the application of this Paragraph 38.2 are hereby suspended, retroactively to March 26, 2020, when Paragraph 38.1 suspended provisions of law to permit telemedicine by other licensed health care providers, to the extent necessary to allow telehealth or telemedicine services to be provided by an alcohol and drug abuse counselor licensed under Title 68. This suspension does not otherwise alter or amend an alcohol and drug abuse counselor's scope of practice or record keeping requirements.

Effective immediately, Executive Order No. 38, dated May 22, 2020, is amended by deleting Paragraphs 2.c., 2.d., and 2.e. and substituting instead the following:

c. Local education agencies and schools shall, notwithstanding any orders or provisions to the contrary, have the authority to permit, but are not required to permit, school-sponsored sporting events and activities, provided that all such activities, including practices and games or competition, must be conducted in a manner consistent with COVID-19-related regulations adopted by the Tennessee Secondary Schools Athletic Association. Non-school-sponsored athletics, including practices and games or competition, must be conducted in a manner consistent with guidance from the Tennessee Economic Recovery Group (i.e., Tennessee Pledge), including further and updated operational guidance to be forthcoming. Collegiate and professional sporting events and activities must be conducted pursuant to the rules or guidelines of their respective governing bodies.

Effective immediately, Executive Order No. 38, dated May 22, 2020, is amended by adding the following new paragraph:

12.1 Waiver of application fee to expand premises. The provisions of Tennessee Code Annotated, Title 57, and related rules and other state or local laws, orders, rules, or regulations are temporarily suspended to the extent necessary to waive the $300.00 application fee for restaurants, limited service restaurants, and all other establishments licensed under Title 57, Chapter 4, that apply to the Alcoholic Beverage Commission to expand the boundary of their premises covered under such license to sell alcoholic beverages for on-premises consumption in response to COVID-19.

Effective immediately, Executive Order No. 53, dated July 1, 2020, regarding limited liability protection for health care providers and hospitals, is amended and extended by adding the following language to the end of Paragraph 4:

This Order is hereby extended for thirty (30) days, and shall continue in effect until 11:59 p.m., Central Daylight Time, on August 30, 2020.

Effective immediately, Executive Order No. 54, dated July 3, 2020, regarding local government authority concerning face coverings, is amended by deleting Paragraph 8 and substituting instead the following:

8. Term and effective date. This Order shall be effective upon execution and shall remain in effect until 11:59 p.m., Central Daylight Time, on August 29, 2020.

Effective immediately, Executive Order No. 54, dated July 3, 2020, is amended by adding the following new paragraph:

9. Face coverings in schools and higher education institutions. Local education agencies, schools, and institutions of higher education are strongly encouraged to implement a policy requiring the use of face coverings by students and staff, with appropriate exemptions, and consistent with any policies issued by the Tennessee Department of Education. No policy, local order, or official may prohibit a student, teacher, school employee or contractor, or visitor from voluntarily wearing a face covering except to the extent that such face covering presents a safety or security risk.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 31st day of July, 2020.

Bill Lee

GOVERNOR

ATTEST:

Tre Hargett

SECRETARY OF STATE