RECEIVED
SEP 29 2020
Secretary of State
Tre Hargett

STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 63

AN ORDER TO FACILITATE THE CONTINUED RESPONSE TO COVID-19 AND EXTEND CERTAIN, TARGETED PROVISIONS

WHEREAS, ongoing, targeted regulatory flexibility to address continuing effects, risks, and persistent negative economic conditions is required to assist Tennessee's citizens, health care systems, industries, small businesses, local and state governments, and religious and non-profit institutions to combat and recover from the long-term effects of COVID-19; and

WHEREAS, given the continuing threat from COVID-19, each Tennessean has a personal responsibility to protect themselves and others by following health guidelines to slow the spread of this virus, and therefore, all venues, employers, businesses, and organizations are strongly encouraged and expected to operate in accordance with, and to fulfill the spirit of, applicable operational guidance issued by the Governor's Economic Recovery Group (i.e., the Tennessee Pledge), which are available at the following web address and may be periodically updated: https://www.tn.gov/governor/covid-19/economic-recovery.html; and

WHEREAS, in addition to the other powers granted by law, Tennessee Code Annotated, Section 58-2-107, provides, among other things, that during a state of emergency, the Governor is authorized to suspend laws and rules if necessary to cope with an emergency, utilize all available state and local resources needed to combat an emergency, and take measures concerning the conduct of civilians; and

WHEREAS, pursuant to this authority and the general emergency management powers of the Governor under law, such measures, including the measures contained herein, are necessary to facilitate the response to the ongoing effects of 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 a continuing state of emergency and major disaster in order to facilitate a targeted response to specific, persistent effects of COVID-19, and accordingly order the following:

Part A. Targeted Provisions to Respond to Effects and Risks of COVID-19.

The following provisions of **Executive Order No. 36, as amended or extended by Executive Order Nos. 50, 55, or 59, and as modified or supplemented herein**, are hereby extended to facilitate ongoing targeted regulatory flexibility to respond to continuing effects of COVID-19 and to maintain a state of readiness to cope with risks of COVID-19:

1. Continued activation of Tennessee Emergency Management Plan.
2. Out-of-state health care providers may practice in Tennessee.

7.3 Retired medical professionals can easily reenter the health care workforce.

7.4 In-person and live continuing education requirements are suspended for health care professionals.

7.5 Laboratory inspections are suspended to allow for immediate COVID-19 testing.

7.6 Health care licensing inspections and investigations are suspended to increases resources available to fight COVID-19 and to protect public health.

7.9 Inspections of health care facilities are suspended.

7.10 Inspections of medical laboratories are suspended.

7.13 Live human examinations are suspended for dentistry applicants.

7.16 Nursing graduates may practice under supervision without examination.

8. Pharmacists can process prescriptions remotely.

8.1 Each pharmacist can supervise more pharmacy technicians.

9. Degree holders in science fields can work as laboratory personnel under supervision.

9.1 Medical laboratory directors can monitor facilities remotely.

9.2 Pre-license, post-degree mental or behavioral health professionals can provide telehealth services under supervision.

9.3 Medical laboratory personnel can work remotely.

10. Increased number of hospital beds available for COVID-19 patients.
11. Testing for COVID-19 can occur at more medical laboratory facilities.
12. Temporary quarantine and isolation facilities may be constructed.
21. Board of Parole may modify procedures to protect public health.

21.1 Suspends temporary application of safety valve provisions resulting from the temporary decrease in TDOC prisoners.

23.5 Deadlines for payments to reinstate driver licenses are extended. The provisions of Tenn. Comp. R. & Regs. 1340-02-05-.01 through 1340-02-05-.10 are hereby suspended to the extent necessary to suspend the due date for quarterly payments owed under payment plans between March 12, 2020, and October 31, 2020, provided that any payment that was due and deferred during the period of this suspension may be paid during the remainder of the existing plan, and, notwithstanding any provision to the contrary, the duration of an existing plan may be extended by the amount of time equal to the length of this suspension.

28. Deadlines for building code and building plan inspections may be extended.
32. Discretionary leave available for state employees affected by COVID-19.
33. Inspections of mental health and substance abuse facilities and services are suspended.

33.1 Telephone assessments for involuntary commitment cases are permitted.

34. TennCare policies adjusted to prevent coverage disruptions.
34.1 Designation and Payment for Certain Nursing Facilities as "COVID-19 Skilled Nursing Facilities/Units."
34.2 Medicaid Payments to "COVID-19 Skilled Nursing Facilities/Units."
38. Telemedicine access is expanded.
38.1 All licensed health care providers can practice telemedicine.
38.2 Licensed alcohol and drug abuse counselors can practice telemedicine.

The following provisions in **Executive Order No. 38, as amended or extended by Executive Order Nos. 49, 55, or 59, and as modified or supplemented herein,** are hereby extended:

2. Social distancing remains imperative. COVID-19 is thought to spread mainly through close contact from person-to-person, and therefore, consistent with prevailing health guidance, persons in the State of Tennessee should to the greatest extent practicable maintain at least six (6) feet of separation from persons outside their household. All persons should also take into account critical factors such as venue capacity and physical characteristics, type of activity involved, and location (indoor vs. outdoor), with respect to social and recreational gatherings in order to properly assess risk and exercise good faith judgment in maintaining appropriate social distancing for each unique situation. Regarding athletic activities, 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 guidance and rules 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). Collegiate and professional sporting events and activities must be conducted pursuant to the rules or guidelines of their respective governing bodies.
5. Persons are urged to wear face coverings in public places.
6. Visitation restrictions for elderly-citizen and care-related facilities. However, Paragraph 6.d. is amended by deleting its language and substituting instead: "Senior centers or equivalent facilities may be open to members, customers, or the public beginning October 1, 2020; provided, that capacity must be limited to the extent necessary to accommodate adequate social distancing between persons based upon the building's square footage, layout, and other characteristics. Senior centers or equivalent facilities may temporarily close as deemed advisable due to circumstances related to COVID-19 in the area in which such facility is located."
8. Special care should be taken to protect vulnerable populations.
9. Persons with COVID-19 or COVID-19 symptoms must stay at home.
10. Employers shall not require or allow employees with COVID-19 to work.
12. Take-out alcohol sales by restaurants and limited-service restaurants to continue in order to encourage carryout or delivery orders.
12.1 Waiver of application fee to expand premises.
13. Local orders.

Executive Order No. 54, as amended by Executive Order No. 55, providing local governments with authority concerning face coverings is hereby extended in its entirety.

Executive Order No. 60 is hereby amended as follows:

Paragraph B.4 is amended by deleting the language "complies with all of the conditions and requirements of Paragraph A.1" and substituting instead the language "complies with all of the conditions and requirements of Paragraph B.1".

Part B. Facilitating Previously Set Extensions.

The following provisions in **Executive Order No. 36, as amended or extended by Executive Order Nos. 50, 55, or 59, and as modified or supplemented herein**, are hereby extended merely to acknowledge the revised deadlines necessitated by the COVID-19 emergency:

23. Driver licenses and photo IDs are extended until November 15, 2020.

23.6 Commercial driver licenses with medical cards are extended. Consistent with the September 18, 2020, Federal Motor Carrier Safety Administration waiver, the provisions of Tennessee Code Annotated, Section 55-50-413, are hereby suspended, as follows, 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. Class A, B, and C driver license holders whose medical cards were set to expire between March 1, 2020, and May 31, 2020, will have until October 31, 2020, to submit a new medical card to the Department of Safety and Homeland Security to avoid cancellation. Class A, B, and C driver license holders whose medical cards were set to expire between June 1, 2020, and December 30, 2020 will have until December 31, 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 July 31, 2020, 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. Consistent with the September 18, 2020, Federal Motor Carrier Safety Administration waiver, 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 October 30, 2020. Class A, B, C, PA, PB, and PC licenses shall instead expire on October 31, 2020. Any Class A, B, C, PA, PB, or PC driver license that was downgraded between July 1, 2020 and July 31, 2020, shall be converted back to the previous

license class if the sole reason for the downgrade was the expiration of Executive Order No. 36.

24. Enhanced handgun carry permits are extended through November 15, 2020.

Part C. Applicability and Severability.

1. Suspension of laws that would limit application of this Order. Any law, order, rule, or regulation that would otherwise limit the enforceability of this Order is hereby suspended, pursuant to Tennessee Code Annotated, Section 58-2-107.

2. Severability. If any provision of this Order or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Order which can be given effect without the invalid provision or application, and to that end the provisions of this Order are declared to be severable.

Part D. Effectiveness

1. Term and effective date. This Order shall be effective and enforceable as of 11:59 p.m., Central Daylight Time, on September 30, 2020, and shall remain in effect until 11:59 p.m., Central Daylight Time, on October 30, 2020.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 29th day of September, 2020.

GOVERNOR

ATTEST:

SECRETARY OF STATE