The State of Maryland

Executive Department

ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND

RELATING TO VARIOUS HEALTH CARE MATTERS

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, Health care practitioners and facilities are needed to respond to the catastrophic health emergency, including for treatment, isolation, and quarantine, therefore requiring their control, regulation, use, and rationing, and other appropriate actions;

WHEREAS, To protect lives, prevent exposure to the novel coronavirus, and control the COVID-19 public health catastrophe, it is further necessary to control the occupancy and use of, and close, buildings and premises, including places of assembly such as adult day care centers;

WHEREAS, It is further necessary to authorize the use of private property, health care facilities, and alternative care sites;

WHEREAS, To respond to the catastrophic health emergency, licensing, certification, and credentialing of health care practitioners must be modified to expand the practice capabilities, permissions, and authorizations of those who already hold a Maryland license and those who are licensed in other states;

WHEREAS, To expand such practice capabilities, permissions, and authorizations, and protect the public health, welfare, and safety, it is necessary to suspend certain State and local statutes, rules, and regulations regarding licensing, certification, and credentialing of health care practitioners;

WHEREAS, During the state of emergency and catastrophic health emergency, a hospital may need to appoint to its medical staff physicians and other health care practitioners to provide services for which the health care practitioner does not have an appropriate Maryland license;

WHEREAS, It is necessary that health care practitioners that hold licenses, certifications, or other permits issued by other states and that demonstrate the meeting of qualifications for professional, mechanical, or other skills, be deemed licensed, certified, or permitted in Maryland to render aid during the state of emergency and catastrophic health emergency;

WHEREAS, It is necessary that health care practitioners be authorized to perform acts, tasks, or functions while supervised by other health care practitioners licensed in Maryland during the state of emergency and catastrophic health emergency;

WHEREAS, The State's response to the state of emergency and catastrophic health emergency requires control, regulation, use, dispersing, and distribution of stockpiled assets;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. Definitions. As used in this Order, the following terms have the meaning indicated:

a. "Health care facility" has (i) the meaning assigned in Section 19-114(d) of the Health-General Article, and (ii) also includes any other facility designated or established by the Secretary for treatment, isolation, and/or quarantine.

b. "Health care license" means a license, certification, or other authorization under the Health-Occupations Article to provide health care services.

c. "Health care practitioner" has the meaning assigned in Section 19-114(e) of the Health-General Article.

d. "Health-General Article" means the Health-General Article of the Annotated Code of Maryland.

e. "Health Occupations Article" means the Health Occupations Article of the Annotated Code of Maryland.

f. "Inactive license" means the health care license that was held by an inactive practitioner prior to being placed on inactive status.

g. "Inactive practitioner" means a person who held a health care

license, but has been placed on inactive status.

h. "Secretary" means the Secretary of Health of the State of Maryland.

i. "Temporary health care licenses" means temporary licenses and temporary practice letters issued under the Health Occupations Article.

II. Establishment of Health Facilities.

a. The Secretary is ordered to work collaboratively with health care providers throughout the State to designate and gain access to any and all facilities needed to respond to the catastrophic health emergency, including, without limitation, decommissioned hospitals; and

b. Any property owned by the State of Maryland shall be made available to the Secretary as a place of treatment, isolation, and/or quarantine.

III. Resource Control. The Secretary is ordered to establish and implement appropriate policies and procedures for receiving, stockpiling, rationing, and distributing (a) all assets received by the State of Maryland from the Strategic National Stockpile; and (b) assets needed for COVID-19 testing.

IV. Health Care Licenses - Interstate Reciprocity

a. Any person who holds a valid, unexpired license as a health care practitioner that is issued by another state may, at a health care facility in Maryland, engage in the activities authorized under such license without first obtaining a license or practice letter from the applicable Maryland licensing agency or board, if:

i. doing so is necessary to allow the health care facility to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services; and

ii. if the Health Occupations Article allows the issuance of a temporary health care license to such person:

1. the person could not reasonably obtain a temporary health care license in sufficient time to meet such needs of the health care facility; and

2. the person applies for such temporary health care

license within 10 days after first working at a health care facility in Maryland in reliance on this paragraph IV.

b. The Secretary, and all boards and commissions responsible for the licensing of health care practitioners, are ordered to expedite all applications for temporary licenses and temporary practice letters from health care practitioners licensed in other states.

c. The expiration date of all temporary health care licenses that would otherwise expire during the state of emergency and catastrophic health emergency is hereby extended to the date on which the state of emergency has been terminated and the catastrophic health emergency has been rescinded.

V. Inactive Practitioners

a. Any inactive practitioner may, at a health care facility in Maryland, engage in activities that would have been authorized under his/her inactive license without first reinstating his/her inactive license, if:

i. qualified supervisory personnel at the health care facility reasonably conclude that the inactive practitioner can competently engage in such activities;

ii. doing so is necessary to allow the health care facility to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services; and

iii. the person could not reasonably reinstate his/her inactive license in sufficient time to meet such needs of the health care facility.

b. The Secretary, and all boards and commissions responsible for the licensing of health care practitioners, are ordered to expedite all requests from inactive practitioners to reinstate inactive licenses.

VI. Expanded Scope of Practice for Health Care Practitioners. A health care practitioner may engage in activities that are not authorized by his/her license at a health care facility in Maryland if:

a. doing so is necessary to allow the health care facility to meet required staffing ratios or otherwise ensure the continued and safe delivery of health care services; and

b. qualified supervisory personnel at the health care facility:

i. reasonably conclude that the health care practitioner can competently engage in such activities; and

ii. reasonably supervise the health care practitioner while he/she is engaged in such activities..

VII. Activation of Maryland Responds Medical Reserve Corps. The Secretary is directed to activate the Maryland Responds Medical Reserve Corps, as necessary to respond to the catastrophic health emergency.

VIII. Elective Medical Procedures. The Secretary is authorized and ordered to take actions to control, restrict, and regulate the use of health care facilities for the performance of elective medical procedures, as necessary to respond to the catastrophic health emergency.

IX. General Authorizations.

a. The Secretary is authorized to suspend the effect of any statute, rule, or regulation administered by the Maryland Department of Health related to licensing, oversight, and inspection of health care facilities, or other community-based programs or providers of health care licensed, certified, or otherwise authorized under the Health-General Article, as appropriate and necessary to protect the health and safety of patients, staff, and other individuals in Maryland.

b. The Secretary is authorized to promulgate rules or guidance as the Secretary deems necessary to carry into effect the purpose and intent of paragraphs IV, V, and VI of this Order.

X. Closure of Adult Day Care Centers. All adult day care centers (as defined in in Section 24-701 of the Health-General Article) shall be closed, effective 12:01 a.m. on March 17, 2020.

XI. Additional Regulatory Flexibility.

a. After notice to the Governor, the Maryland Board of Physicians (the "BoP") may suspend any provision of Titles 14 and 15 of the Health Occupations Article and their implementing regulations in COMAR 10.32 if the BoP finds that the suspension will not endanger the public health, welfare, or safety and will augment the healthcare workforce and allow it to respond to the catastrophic health emergency.

b. After notice to the Governor, the Maryland Board of Nursing (the "BoN") may suspend any provision of Title 8 of the Health Occupations Article and its implementing regulations in COMAR 10.27 and 10.39 if the BoN finds that the suspension will not endanger the public health, welfare, or safety and will augment the healthcare workforce and allow it to respond to the catastrophic health emergency.

c. All suspensions of statutes or regulations pursuant to this paragraph XI shall terminate no later than such time as the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded.

XII. General Provisions

a. Each law enforcement officer of the State or a political subdivision shall execute and enforce this Order.

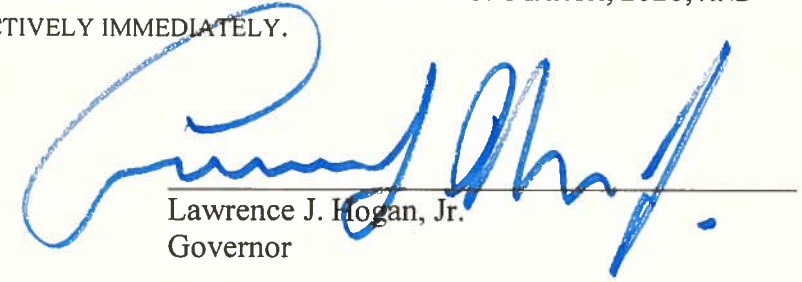
b. A person who knowingly and willfully violates this Order is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding one year or a fine not exceeding $5,000 or both.

c. This Order remains effective until the state of emergency has been terminated and the proclamation of the catastrophic health emergency has been rescinded, or until rescinded, superseded, amended, or revised by additional orders.

d. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

e. The underlined paragraph headings in this Order are for convenience of reference only and shall not affect the interpretation of this Order.

ISSUED UNDER MY HAND THIS 16TH DAY OF MARCH, 2020, AND EFFECTIVELY IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor