STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-05

FOR: **HELPING HOOSIERS DURING THE PUBLIC HEALTH EMERGENCY DECLARED FOR THE CORONAVIRUS DISEASE 2019 OUTBREAK**

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 a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report that a fellow Hoosier had contracted this virus;

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in connection with COVID-19;

WHEREAS, since the declaration of a public health emergency, I have announced additional steps being taken to address and respond to the emergency including, but not limited to, signing Executive Order 20-03 and Executive Order 20-04, which are necessary and proper actions to protect the health, safety, and welfare of all Hoosiers in connection with the continuing and evolving threat posed to public health by COVID-19;

WHEREAS, this Executive Order is a supplement to, and deemed to be part of, Executive Orders 20-02, 20-03, and 20-04;

WHEREAS, as Governor, I have broad authority and powers, under Indiana law, to declare and respond to public health emergencies on behalf of our State, including, but not limited to: (a) making, amending, and rescinding the necessary orders, rules, and regulations to carry out Indiana's Emergency Management and Disaster Law, Ind. Code § 10-14-3 *et seq.*; and (b) suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, or 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; and

WHEREAS, the following actions are necessary and proper to address the significant economic impact of this public health emergency upon Hoosiers and to protect and preserve the economic health of Hoosiers and this state.

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

1. <u>Department of Workforce Development (DWD):</u>

   A. The DWD shall interpret, consistent with federal law, Indiana's unemployment laws to provide benefits to claimants displaced by COVID-19.

   B. The DWD shall not assess certain experience rate penalties to employers as a result of employees receiving unemployment benefits related to COVID-19.

   C. If the DWD finds that if a claimant's untimely filing was due in part to the COVID-19 pandemic, the DWD shall not deny the claimant's benefits for that reason.

   D. The DWD shall permit individuals to continue to accrue unemployment eligibility if they elect to take leave due to COVID-19.

E. The DWD shall seek federal authorization to provide unemployment benefits to those individuals who may not otherwise be eligible for unemployment benefits because they were short-term employees who now find themselves out of work due to COVID-19.

2. **Family and Social Services Administration (FSSA):**

A. FSSA shall waive all premium payment requirements for the Healthy Indiana Plan (HIP), and the Children's Health Insurance Program (CHIP).

B. FSSA shall waive upfront job search requirements for initial eligibility for Temporary Assistance to Needy Families (TANF) benefits, and re-investigation requirements for annual renewal of TANF benefits.

C. FSSA shall delay renewal processing for all Medicaid and HIP recipients, if approved by the federal Centers of Medicare and Medicaid Services.

D. FSSA shall suspend Telehealth restrictions and requirements for face-to-face encounters for healthcare services and prescribing which will permit the increased use of Telehealth for statewide services such as Medicaid-covered services, mental health services, and substance use disorder treatment and prescribing.

E. FSSA shall permit Opioid Treatment Providers to increase the limits for take-home medications from 6 days to 30 days, or in the alternative, the maximum amount permitted by the federal Substance Abuse and Mental Health Services Administration.

F. FSSA is granted the authority to modify or suspend its provider staffing, enrollment, and hiring requirements for providers and facilities enrolled with the Division of Mental Health and Addiction, Division of Disability and Rehabilitative Services, and Division of Aging.

3. **Indiana Department of Veterans Affairs (IDVA):**

A. IDVA shall permit veterans to qualify for awards from the Military Family Relief Fund (MFRF) for basic needs such as food, rent, mortgage and utilities even if the veteran does not satisfy the requirements that: (1) the veteran's hardship be connected to his or her military service; and (2) the veteran served during a time of national conflict or war.

B. The Director of the Department of Veterans Affairs may approve MFRF awards in excess of $2,500 during the public health emergency.

4. **Department of Education (DOE):**

A. All K-12 schools in Indiana, public or private, shall close and cease in-person instruction through May 1, 2020. All schools are encouraged to work with their local governments and county health departments to determine appropriate community uses for school facilities.

B. All state-mandated assessments are cancelled for the 2019-2020 academic year.

5. **Essential Services**

A. Providers of gas and electric utilities, broadband, telecommunication, water and wastewater services are prohibited from discontinuing service to any customer in the state as these services are essential to Hoosiers and Hoosier businesses particularly during this state of public health emergency.

6. **Department of Revenue (IDOR):**

A. The Indiana Department of Revenue shall take such action as is necessary to ensure Indiana conforms to the relief provided by the United States Treasury Department and Internal Revenue Service under Notice 2020-17 by providing for an extension of time related to state income tax liabilities.

B. Property taxes remain due on May 11, 2020, however counties are to waive penalties on payments made after May 11, 2020, for a period of 60 days. This waiver does not apply to tax payments which have been escrowed by financial institutions on behalf of property taxpayers.

C. Subject to the approval of the IDOR, manufacturers making donations of medicine, medical supplies, or other goods in furtherance of fighting the COVID-19 pandemic will not be subject to Indiana use tax on those items donated. Further, subject to the approval of the IDOR, groups or organizations that are not manufacturers who make any donations of medicine, medical supplies, or other goods will not incur a use tax obligation if sales tax had not been paid on such items. In either instance, such donations shall not be construed to be a retail transaction subject to sales or use tax. Donation of such items will not entitle the donor to a refund of any sales or use tax previously paid to the department or to a vendor.

D. The IDOR may waive any penalties and interest that are directly related to taxes, estimated payments or other amounts due if the due date for the underlying tax, estimated payment or other amount due is extended in response to the COVID-19 pandemic public health emergency, and such waiver shall continue for the duration of the extension.

7. **Office of Community and Rural Affairs (OCRA):**

A. Community Development Block Grant funds may be redirected to assist with COVID-19 needs based on guidance from the United States Housing and Urban Development.

8. **Bureau of Motor Vehicles (BMV):**

A. The Commissioner shall extend deadlines for renewal of driver's license or identification cards, vehicle registration renewals, title transactions, salvage titles, and off-road vehicle and snowmobile titles by suspending the imposition of administrative penalty fees (late fees).

B. Suspension of the provision requiring a branch be open in every county.

C. The 45-day notification requirement of the BMV found under Ind. Code § 9-25-5-2 as to those person(s) who the Bureau must manually notify to submit evidence of financial responsibility as a result of being listed as an operator in a motor vehicle accident report is waived.

9. **Indiana State Department of Health (ISDH):**

A. The Commissioner of ISDH shall seek waivers of the physical presence requirement for certification and re-certification appointments for Women, Infants, and Children (WIC) program; seek waivers to extend certifications periods to keep issuing benefits while staff develop the capacity to offer telephone or video certification appointments; and identify and seek waivers for any additional rules that are impeding service or for any requirements that are not feasible to meet.

B. ISDH shall permit the informal hearing for involuntary relocation determinations to be held at locations other than the resident's healthcare facility.

C. The Commissioner of ISDH is authorized to waive requirements of the nursing home certificate of need statute, pursuant to Ind. Code § 16-29-7, as the Commissioner deems necessary to respond to COVID-19 issues for nursing homes and on terms and conditions appropriate for each situation.

10. **Public Licensing Agency (PLA):**

A. Suspension of the requirement that a health care provider hold an Indiana license if he or she: (1) has an equivalent license from another State, and (2) is not suspended or barred from practice in that State or any State.

B. Mental health professionals are permitted to practice via telemedicine.

C. Advanced Practice Registered Nurses are permitted to provide services in multiple locations while under a single written collaboration agreement.

11. Insurance Coverage for Hoosiers and Department of Insurance (IDOI):

A. The Commissioner shall request insurers to institute a 60-day moratorium on policy cancellations for non-payment of premiums, which will apply to all lines of business. However, this moratorium would not suspend a policyholder's responsibility for continuing to make premium payments.

B. The Commissioner of the IDOI shall request health insurers cover COVID-19 testing without requiring prior authorization.

C. The Commissioner of the IDOI shall request health insurers not increase prices or coverage costs involving medical care given for COVID-19.

D. Suspend the Indiana licensure requirement under the Indiana Medical Malpractice Act to permit health care providers licensed by another state to provide care in Indiana and be eligible for coverage from the Indiana Patient Compensation Fund.

12. Department of Administration (IDOA):

A. Suspension of procurement rules as they apply to the purchase of goods, equipment and services by state and local governmental entities needed to respond to the COVID-19 public health emergency.

13. All State Agencies

A. Any state agency as defined by Ind. Code § 4-2-6-1(a)(2) is hereby granted authority to extend any non-essential deadline of their agency for a period of no longer than 60 days if deemed necessary to respond to the threat of COVID-19.

B. The head of any state agency as defined by Ind. Code § 4-2-6-1(a)(2) with authority to promulgate rules is authorized to waive, suspend, or modify any existing rule of their agency where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Orders and Procedures Act (AOPA) or any law to the contrary for the duration of this Executive Order, subject to my prior approval.

C. All state agencies as defined by Ind. Code § 4-2-6-1(a)(2) shall publish a summary of and guidance for all benefits available or modified related to any and all actions taken by departments and agencies pursuant to this Executive Order. Such publication shall, at a minimum, be posted on the state agency's website.

IT IS SO ORDERED.

SEAL OF THE STATE OF INDIANA 1816

Connie Lawson

ATTEST: Connie Lawson
Secretary of State

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 19th day of March, 2020.

Eric J. Holcomb
Governor of Indiana