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DEPARTMENT OF HEALTH
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OFFICE OF THE CLERK

STATE OF FLORIDA
DEPARTMENT OF HEALTH

In Re:

EXTENSION OF SUSPENSION OF STATUTES, RULES AND ORDERS, MADE NECESSARY BY COVID-19.

DOH No. 20-006

EMERGENCY ORDER

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, on March 1, 2020, I declared a Public Health Emergency exists in the State of Florida as a result of COVID-19 pursuant to Executive Order number 20-51; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19, and allowing for the waiver of certain statutes and rules that prevent, hinder, or delay any necessary action in coping with the state of emergency caused by COVID-19; and

WHEREAS, on March 21, 2020, I issued DOH Emergency Order 20-003 suspending certain rules and statutes; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the "15 Days to Slow the Spread" guidance advising individuals to adopt far-reaching social distancing measures; and

WHEREAS, as March 29, 2020, the President extended such guidance to be in effect until April 30, 2020; and

WHEREAS, it is necessary to waive certain statutes and rules of the Florida Department of Health in order to effectively respond to the emergency caused by COVID-19, including certain statutes or preventing the safe and efficient provision of health care services to patients in the state of Florida.

NOW, THEREFORE, I, SCOTT A. RIVKEES, M.D., pursuant to the authority granted by Executive Order No. 20-52, find that strict compliance with the provisions of certain regulatory statutes and rules prescribing the procedures for conduct of state business by the Florida Department of Health will prevent, hinder, or delay necessary action in coping with the emergency caused by COVID-19. In order to effectively respond to the threat posed by COVID-19 it is necessary to promulgate the following:

Section 1:

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, I suspend section 483.813, Florida Statutes, for the provision that requires a pharmacist to be separately licensed to perform a clinical laboratory test, and section 465.003(13), Florida Statutes, for the provisions that may prohibit a pharmacist from ordering, administering, or reporting the results of COVID-19 tests, including serology tests, authorized by the United States Food and Drug Administration (FDA), at a

location with a clear and active pharmacy license. This suspension applies until the expiration of Executive Order No. 20-52.

Section 2:

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, I hereby suspend Florida Administrative Code Rules 64I-2.002(5) and 64I-2.004(1)(f), requiring Volunteer Health Care Provider Program providers to immediately complete Form DH 1032 in order to render health care services under the Volunteer Health Care Provider Program to existing patients of the provider for any medical or dental issues that are new or otherwise different than the initial referral form on file for the patient. Form DH 1032 must be completed within 30 days of the expiration of this Emergency Order. Notwithstanding this suspension, the provider must provide either verbal or electronic notice to each patient or the patient's legal representative that the health care provider is an agent of the government contractor as set forth in section 766.1115, Florida Statutes, and document in the patient's medical record that such notice has been provided. This suspension applies until the expiration of Executive Order No. 20-52.

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, all Volunteer Health Care Provider Program contracts expiring during the COVID-19 state of emergency shall be extended until the expiration of Executive Order No. 20-52, including any extensions thereof. All other terms of the contracts remain in full force and effect. This suspension applies until the expiration of Executive Order No. 20-52.

Section 3:

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, I hereby suspend Florida Administrative Code Rule 64D-4.007(1)(c) to allow a person applying for initial enrollment or recertification for the AIDS Drug Assistance Program (ADAP) to enroll or be recertified absent an HIV viral load laboratory result less than six months old and an HIV CD4 laboratory result less than 12 months old. This suspension applies until the expiration of Executive Order No. 20-52.

Because section 252.36(5)(a), Florida Statutes, allows the Governor to suspend the provisions of "any regulatory statute prescribing the procedures for [the] conduct of state business," and because Section 4. B. of Executive Order No. 20-52 provides the State Surgeon General with the authority to issue this Emergency Order, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to this Order. The effective dates of this Order shall correspond with the effective dates of Executive Order No. 20-52, unless otherwise specified above.

Executed this 24th day of April 2020, in Department of Health Offices, Tallahassee, Leon County, Florida.

Scott A. Rivkees, M.D.
State Surgeon General