THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

REDUCING REGULATIONS TO ASSIST
THE STATE'S RESPONSE TO THE SPREAD OF COVID-19

WHEREAS: On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and

WHEREAS: The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020; and

WHEREAS: The number of COVID-19 cases in Georgia continues to rise; and

WHEREAS: The Georgia Department of Public Health has determined that COVID-19 is spreading throughout communities, requiring the reduction of certain restrictions on the State's healthcare system; and

WHEREAS: Counties and municipalities responsible for regulating inspections of buildings or similar structures to ensure compliance with the state minimum standard codes have smaller workforces and cannot meet the demand for inspections in this State; and

WHEREAS: The Centers for Disease Control and Prevention issued guidance that gatherings of ten or more people should not occur, and annual shareholder meetings for corporations incorporated under the laws of this State generally require the presence or more than fifty persons; and

WHEREAS: The Department of Community Health is the arm of the executive branch of state government charged with the administration of rules and regulations related to the authorization and permitting of healthcare facilities throughout the State; and

WHEREAS: The availability of healthcare facility resources, including, but not limited to, staffing, space, and equipment is critical to the ability of healthcare facilities and providers to respond to this public health emergency; and

WHEREAS: Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS: Code Section 38-3-51(d)(1) vests the Governor with the power to suspend 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 statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and

WHEREAS: In consultation with the Governor's Coronavirus Task Force and health and emergency preparedness officials, I have determined that the following temporary actions are necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and visitors.

NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51 AND THE AUTHORITY VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That strict compliance with the portion of Code Section 43-34-106 requiring "[a]ny physician, clinic, or hospital using a physician assistant [to] post a notice to that effect in a prominent place" and any corresponding Georgia Composite Medical Board rule or regulation to that effect shall not be enforced.

IT IS FURTHER

ORDERED: That the Georgia Composite Medical Board shall immediately adopt emergency rules to provide telemedicine licenses pursuant to Code Section 43-34-31.1.

IT IS FURTHER

ORDERED: That all licensed Georgia pharmacists are hereby permitted to dispense a 90-day supply of a prescription drug in the event that the patient has no remaining refills and the pharmacist is unable to contact the issuing practitioner to obtain refill authorization. This emergency authorization may be used only once per prescription and shall not apply to prescriptions for Schedule II controlled substances.

IT IS FURTHER

ORDERED: That all licensed Georgia pharmacists are hereby permitted to dispense early refill prescriptions for prescription drugs. This emergency authorization shall not apply to prescriptions for Schedule II controlled substances.

IT IS FURTHER

ORDERED: That the Georgia Board of Pharmacy is authorized to grant temporary licenses to pharmacists who apply for a temporary license and are currently licensed in good standing as a pharmacist by an equivalent board in another state to assist with the needs of this public health emergency.

IT IS FURTHER

ORDERED: That because of limited staffing and increasing wait times, I have determined that all counties and municipalities in this state that regulate inspections of buildings or similar structures to ensure compliance with the state minimum standard codes in accordance with Code Section 8-2-26 may not be able to provide regulatory action or inspection within the time frames required by Code Section 8-2-26(g)(4). Therefore, it is hereby ordered that all applicants seeking plan review or inspections in these cities and counties pursuant to Code Section 8-2-26 are not required to wait out the time frames required by Code Section 8-2-26(g)(4) and have the option of retaining "private professional provider[s]" immediately to provide the required plan review or inspection in accordance with the provisions of Code Section 8-2-26(g)(5). This Order does not otherwise amend or abate the requirements of Code Section 8-2-26, nor does it suspend the enforcement of its provisions.

IT IS FURTHER

ORDERED: That to the extent possible while maintaining adherence to the guidelines issued by the Centers for Disease Control and Prevention to prevent the spread of COVID-19, I urge counties, cities, clerks of superior court, tax commissioners, and other officials to ensure recording offices remain open and available to receive applications and filings.

IT IS FURTHER

ORDERED: That any corporation incorporated under the laws of the State of Georgia that must hold a meeting of its shareholders pursuant to Code Sections 14-2-701 or 14-2-702 during this Public Health State of Emergency shall be permitted to conduct its shareholder meeting by means of remote communication in lieu of holding a physical meeting, provided that the corporation's board of directors establishes procedures to enable verified shareholders and proxyholders not physically present at a meeting with a reasonable opportunity to participate, be deemed present in person, and be permitted to vote on matters submitted at the meeting.

IT IS FURTHER

ORDERED: That for any corporation incorporated under the laws of the State of Georgia, for purposes of Code Section 14-2-705, the place of a meeting of shareholders during this Public Health State of Emergency shall be deemed to include the method of remote communication through which shareholders may participate in a meeting held solely by means of remote communication.

IT IS FURTHER

ORDERED: That for any corporation which holds a meeting of shareholders solely by means of remote communication in accordance with this Order, the provisions of Code Section 14-2-720(b)(1) that require a corporation making available a list of shareholders who are entitled to notice of such meeting on a reasonably accessible electronic network to provide the information required to gain access to such list with the notice of the meeting are hereby suspended, provided that such information is otherwise made available to all shareholders in advance of the meeting.

IT IS FURTHER

ORDERED: That the Department of Community Health is authorized and directed to implement the suspension of Code Section 31-2-7 where such suspension would reduce the administrative burden on healthcare facilities and the State in responding to the Public Health Emergency presented by COVID-19.

IT IS FURTHER

ORDERED: That that the Department of Community Health is authorized and directed to implement the suspension of Code Section 31-6-40 where such suspension would permit capable facilities to expand capacity, offer services, or make expenditures necessary to assist with the needs of this Public Health State of Emergency.

IT IS FURTHER

ORDERED: That the Commissioner of the Department of Community Health or his designees is authorized and directed to implement waivers of those rules and regulations necessary to prohibit the prevention, hindrance, or delay of necessary action to assist or aid in coping with the Public Health Emergency presented by COVID-19.

IT IS FURTHER

ORDERED: That the Department of Community Health is authorized and directed to require from healthcare facilities and providers reports confirming actions taken to assist, aid, or cope with the Public Health

Emergency on an as-needed basis with a final reporting to be provided upon the expiration of the Public Health State of Emergency.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: All provisions of the Order shall become effective upon signature and shall expire at the conclusion of the Public Health State of Emergency declared in Executive Order No. 03.14.20.01. If the Public Health State of Emergency declared in Executive Order No. 03.14.20.01 is renewed, this Order shall carry forward with the Public Health State of Emergency until such state of emergency is terminated or ceases to be renewed by the Governor.

This 20th day of March 2020, at 4:39 PM.

GOVERNOR