OFFICE OF
THE GOVERNOR

NO. ~~15~~ 16 FY 19/20
DATE March 20, 2020
Corrected

AN ORDER SUSPENDING PROVISIONS OF CERTAIN HEALTH CARE PROFESSIONAL LICENSING STATUTES AND RULES IN ORDER TO FACILITATE THE TREATMENT AND CONTAINMENT OF COVID-19

WHEREAS, the spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

WHEREAS, COVID-19 is a highly contagious and sometimes fatal disease that has already infected over 15,219 persons and caused over 201 deaths in the United States; and

WHEREAS, on March 11, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization; and

WHEREAS, the spread and identification of additional cases of COVID-19 in Maine is likely to continue, and therefore, taking proactive steps to prevent a substantial risk to public health and safety is paramount; and

WHEREAS, the escalating COVID-19 public health emergency will produce an extraordinary demand on the State's healthcare system that will require a degree of flexibility and responsiveness in the staffing of medical facilities that current licensing requirements of physicians, physician assistants, and nurses cannot accommodate; and

WHEREAS, public and private health care, emergency, and other entities are engaged in efforts throughout the state to treat and prevent the additional spread of COVID-19, and the provisions of this Order are necessary to maximize those efforts to protect the health and safety of Maine citizens; and

WHEREAS, 37-B M.R.S.§ 742(1)(C)(1) and (13)(c) expressly authorize the Governor during a state of emergency declared due to the outbreak of COVID-19, to modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission as well as heath care confidentiality and privacy statutes if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the emergency; and

WHEREAS, due to the highly contagious nature of COVID-19, the ability of physicians, physician assistants and nurses to provide services by telemedicine or telehealth is of sufficient importance in reaching a greater number of patients without the risk of contagion presented by face to face encounters as to support the suspension of health care privacy and confidentiality laws to the limited degree necessary to the provision of such services; and

WHEREAS, pursuant to this authority and the general emergency management powers of the Governor under law, the temporary suspension of selected state laws and rules is necessary to facilitate the response to the current public health situation;

NOW, THEREFORE, I, Janet T. Mills, Governor of the State of Maine, pursuant to 37-B M.R.S. Ch. 13, including but not limited to 37-B M.R.S.§ 742(1)(C)(1) and (13)(c), do hereby Order the following:

I. ORDERS

The Board of Licensure in Medicine, the Board of Osteopathic Licensure, and the State Board of Nursing shall immediately comply with the following modifications to requirements for the licensure of physicians, physician assistants, and nurses while this Emergency Order is in effect. The relevant provisions of Maine Revised Statutes, Title 32, Chapters 31, 36, and 48, and related rules are hereby suspended to the extent necessary to allow:

A. A physician, physician assistant, or nurse who is licensed in good standing in another state and who has no disciplinary or adverse action in the past ten years involving loss of license, probation, restriction or limitation, and who seeks immediate licensure to assist in the health care response to COVID-19, shall forthwith be issued an emergency Maine license that shall remain valid during the state of emergency. All physicians, physician assistants, and nurses licensed under this provision may provide health care services in-person in Maine or across state lines into Maine using telemedicine or telehealth. License application fees for emergency licenses issued pursuant to this paragraph are waived.

B. A physician, physician assistants, or nurse who is licensed in good standing in another state and who has existing Maine patients that travel to them to receive ongoing health care may provide those health care services to their Maine patients via telemedicine or telehealth without obtaining a Maine license during the state of emergency.

C. All physicians, physician assistants, and nurses who have retired in good standing in this State within two years of the date of this Order and who have no disciplinary or adverse action in the past ten years involving loss of license, probation, restriction, or limitation with no outstanding complaints or open investigations shall have their licenses immediately reactivated upon request and such license shall remain valid during the state of emergency. License application fees for licenses issued pursuant to this paragraph are waived.

D. Mandatory supervision or collaborative practice requirements for otherwise qualified physician assistants and advanced practice registered nurses who are assisting or will assist in the health care response to COVID-19 are suspended during the public health emergency.

E. All physicians, physician assistants, and nurses in good standing whose licenses have or will come up for renewal during the state of emergency shall have their license expiration dates extended until 30 days after the expiration of the March 15, 2020 Proclamation of State of Civil Emergency to Further Protect Public Health or any subsequent emergency orders.

F. All physicians, physician assistants and nurses licensed in Maine or authorized to perform services pursuant to this emergency order shall be allowed to perform health care services through the use of all modes of telemedicine or telehealth, including video and audio, audio-only, or other electronic media to treat the residents of Maine for all medically necessary services. The enforcement of state patient privacy and confidentiality laws to the contrary are hereby suspended for the purposes of responding to the COVID-19 emergency.

The Board of Licensure in Medicine, the Board of Osteopathic Licensure, and the State Board of Nursing are directed to issue forthwith guidance to implement the provisions of this Order.

II. EFFECTIVE DATE

This Order is effective March 20, 2020 and shall remain in effect until rescinded or until the State of Civil Emergency to Protect Public Health is terminated, whichever occurs first.

Janet T. Mills
Governor