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## EXECUTIVE ORDER

**Ordering the Temporary Suspension of Certain Statutes to Expand the Use of Telehealth Services Due to the Presence of COVID-19**

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order ordering the temporary suspension of certain statutes to expand the use of telehealth services due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

### I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020.

My administration, along with other State, local, and federal authorities, has undertaken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and preserve our health care resources.

COVID-19 is a highly contagious viral disease that has spread throughout many Colorado communities, across the country, and across the world. To protect the public health and mitigate exposure to and the spread of COVID-19, Colorado health care providers, including veterinarians, must be able to use telehealth services whenever possible. These services, including low-cost telephone, internet, audio-only, and live video, are widely available and accessible to health care providers and patients.

This Executive Order orders the temporary suspension of certain statutes to expand the use of telehealth services due to the presence of COVID-19 in Colorado.

## II. Directives

A. I temporarily suspend the definition of "telehealth" in C.R.S. § 10-16-123(4)(e)(I).

B. I temporarily suspend the exclusions from the definition of "telehealth" in C.R.S. § 10-16-123(4)(e)(II).

C. I temporarily suspend the requirement in C.R.S. § 10-16-123(2)(a) that services appropriately provided through telehealth are subject to all terms and conditions of the health benefit plan.

D. I temporarily suspend the requirement in C.R.S. § 10-16-123(2)(b)(I) that carrier reimbursements to a provider for telehealth services are subject to all terms and conditions of the health benefit plan.

E. I temporarily suspend the provision in C.R.S. § 10-16-123(3) that health benefit plans are not required to pay for consultation provided by a provider by telephone or facsimile unless the consultation is provided through Health Insurance Portability and Accountability Act (HIPAA) -compliant interactive audio-visual communication or the use of a HIPAA-compliant application via a cellular telephone.

F. I temporarily suspend the requirement in C.R.S. § 12-245-217(2)(e)(II) that a person residing in and licensed or certified in another state as a psychologist, marriage and family therapist, clinical social worker, professional counselor, or addiction counselor does not exceed twenty (20) days per year of performing activities or services in Colorado.

G. I temporarily suspend the requirement in C.R.S. § 12-315-104(19)(b) that a veterinarian-client patient relationship is established when the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept.

H. I direct the Colorado Department of Regulatory Agencies' (DORA) Division of Insurance (DOI) to promulgate and issue emergency rules requiring health insurance carriers regulated by the State to permit providers to deliver clinically appropriate, medically necessary covered services using telehealth services. I also direct DOI to promulgate and issue emergency rules aimed at expanding the use of telehealth services, including by broadening the definition of "telehealth," during the COVID-19 outbreak in the State.

## III. Duration

This Executive Order shall expire thirty (30) days from April 1, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this first day of April, 2020

Jared Polis
Governor