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Secretary of State
Tre Hargett

STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 28

AN ORDER AMENDING EXECUTIVE ORDER NO. 15 AND TAKING OTHER NECESSARY MEASURES TO FACILITATE THE TREATMENT AND CONTAINMENT OF COVID-19

WHEREAS, on March 19, 2020, I issued Executive Order No. 15, which suspended certain statutes and rules and took other necessary measures to facilitate the treatment and containment of Coronavirus Disease 2019 (COVID-19), including invoking the Tennessee Price-Gouging Act of 2002 to protect Tennesseans from price gouging during this emergency; and

WHEREAS, taking additional measures to limit the opportunities for community spread and facilitate the provision of health care services is necessary to contain COVID-19 and protect the health and safety of Tennesseans; and

WHEREAS, consistent with the guidance from President Trump and the Centers for Disease Control and Prevention (CDC), Tennesseans, businesses, places of worship, and governmental and nongovernmental entities and organizations of all types are working to limit the spread of COVID-19, and the provisions of this Order are designed to support such efforts, which will protect Tennesseans and allow normal activities to resume sooner; and

WHEREAS, the Tennessee Price-Gouging Act of 2002, and specifically Tennessee Code Annotated, Section 47-18-5103, provides that the Act may be invoked for a maximum of fifteen (15) calendar days, unless extended by a subsequent order, and because the emergency and abnormal economic disruption relating to COVID-19 remain ongoing, it is necessary to extend the application of the Tennessee Price-Gouging Act of 2002 for an additional fifteen (15) days; and

WHEREAS, in addition to the other emergency management powers granted by law, Tennessee Code Annotated, Section 58-2-107(e), provides that during a state of emergency, the Governor is authorized to suspend laws and rules regarding the conduct of state business if necessary to cope with the emergency, order evacuations from certain areas, make orders concerning entry and exit and the occupancy of premises within an emergency area, and take

measures concerning the conduct of civilians and the calling of public meetings and gatherings, among other things; and

WHEREAS, the temporary suspension of selected state laws and rules and the other measures contained herein are necessary to facilitate the response to the current emergency.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, do hereby declare that a state of emergency continues to exist in Tennessee and order the following:

Effective immediately, Paragraph 21 of Executive Order No. 15, dated March 19, 2020, is amended by deleting the last sentence of the paragraph, and consequently Paragraph 21's effectiveness shall be governed by Paragraph 41 of Executive Order No. 15.

Effective immediately, Executive Order No. 15, dated March 19, 2020, is amended by adding the following new paragraphs:

5.1 The provisions of Tennessee Code Annotated, Sections 63-6-204(b) and 63-7-123, Tenn. Comp. R. & Regs. 1000-04-.04, Tenn. Comp. R. & Regs. 0880-06-.01 through Tenn. Comp. R. & Regs. 0880-06-.03, and Tenn. Comp. R. & Regs. 1050-02-.15 are hereby suspended to the extent necessary to relieve nurse practitioners who have been issued a certificate of fitness to write and sign prescriptions and/or issue drugs from the requirement of collaborating with a physician.

6.1 The provisions of Tennessee Code Annotated, Title 63, Chapter 19, Tennessee Code Annotated, Section 63-6-204(b), Tenn. Comp. R. & Regs. 0880-03-.01 through Tenn. Comp. R. & Regs. 0880-03-.25, and Tenn. Comp. R. & Regs. 0880-02-.18 are hereby suspended to the extent necessary to relieve physician assistants from the requirement of collaborating with a physician.

7.13 The requirements under Tennessee Code Annotated, Title 63, Chapter 5, and Tenn. Comp R. & Regs. 0460-02-.05 that persons applying for licensure as a dentist complete a live human patient examination component is hereby suspended to permit the Board of Dentistry to grant licensure to persons graduating this year from a dental school accredited by the Commission on Dental Accreditation (CODA), if such persons have completed the other licensure requirements, met all of the requirements for competency promulgated by the CODA, and been certified by the dean of their CODA-accredited dental school as qualified, competent, and fit to practice dentistry.

7.14 The relevant provisions of Tennessee Code Annotated, Title 63, and related rules are hereby suspended to the extent necessary to allow the Tennessee Board of Dentistry to modify its licensing procedures in accordance with Paragraph 7.13.

7.15 Any Memorandum of Understanding entered into by the Tennessee Department of Health as permitted under 45 C.F.R. § 164.512 and any subordinate Memorandum

of Understanding thereunder regarding access to protected health information from the Tennessee Department of Health is deemed to be an emergency order issued pursuant to, and enforceable in accordance with, Tennessee Code Annotated, Title 58, Chapter 2, Part 1.

7.16 The provisions of Tennessee Code Annotated, Title 63, Chapters 6 and 7, and related rules and policies are hereby suspended to the extent necessary to give the Commissioner of Health the authority and discretion to allow a person who has graduated on or after December 1, 2019, from an approved registered or practical nursing education program, and who has applied and fulfilled all other requirements for licensure as a nurse but has yet to take the National Council Licensure Exam (NCLEX), to practice nursing under the supervision of a licensed registered nurse.

7.17 The provisions of Tennessee Code Annotated, Section 68-11-201(20), regarding physician orders are hereby suspended to allow nurse practitioners and physician assistants to write orders for home health services, as necessary to respond to and prevent the spread of COVID-19.

7.18 The provisions of Tennessee Code Annotated, Section 38-7-105, are hereby suspended to the extent necessary to allow autopsies to be performed at a facility that is not accredited by the National Association of Medical Examiners; provided, that any such facility must be deemed adequate by the State Chief Medical Examiner.

9.3 The provisions of Tenn. Comp. R. & Regs. 1200-06-03-.02(1)(b) are hereby suspended to allow medical laboratory personnel to remotely review electronic data and report laboratory results without having a separate laboratory license for each remote location. Such personnel must be employed by a licensed medical laboratory and working under the supervision of a laboratory director. This suspension does not otherwise alter or amend any licensee's scope of practice or recordkeeping requirements.

13.2 Effective at 12:01 a.m., Central Daylight Time, on April 18, 2020, in accordance with Tennessee Code Annotated, Section 47-18-5103, it is hereby declared that an abnormal economic disruption continues to exist in Tennessee, and therefore, the prohibition on persons charging any other person a price for medical supplies, emergency supplies, or consumer food items, as listed in Tennessee Code Annotated, Section 47-18-5103(a)(1)(A), (C), and (D), that is grossly in excess of the price generally charged for the same or similar goods or services in the usual course of business is extended until 12:01 a.m., Central Daylight Time, on May 3, 2020.

21.1 The provisions of Tennessee Code Annotated, Sections 41-1-505(a) and 41-1-508(c), requiring the automatic reversion of release eligibility dates of certain felony offenders to the dates in existence prior to their reductions pursuant to Title

41, Chapter 1, Part 5 upon attainment of ninety percent (90%) of the relevant designated capacity of the state correctional facilities are hereby suspended.

28.1 The relevant provisions of Tennessee Code Annotated, Titles 4 and 12, any other provisions of law, and related rules are hereby suspended to the extent necessary to, with respect to construction and commercial surety bonds, suspend any notarization requirement and allow all government departments and officials to accept surety bonds and powers of attorney containing electronic signatures and electronic corporate seals affixed thereto.

29.1 The provisions of Tennessee Code Annotated, Section 7-51-201, and related rules are hereby suspended to the extent necessary to suspend until October 1, 2020, the July 1, 2020, deadline for obtaining a physical medical examination, including a cancer screening.

30.1 The provisions of Tennessee Code Annotated, Section 17-3-104, requiring an annual meeting of the members of the Tennessee Judicial Conference are hereby suspended for calendar year 2020.

Effective immediately, Paragraph 20.3 of Executive Order No. 24, dated April 3, 2020, is amended by deleting the language "Sections 2-10-115(a) and 8-50-501" and substituting instead "Sections 2-10-115(a), 2-10-128(a), and 8-50-501".

Effective immediately, Executive Order No. 26, dated April 9, 2020, is amended by adding the following new paragraph:

4.1 The provisions of Tennessee Code Annotated, Section 8-16-103, are hereby suspended to the extent necessary to delay the expiration of terms of office of notaries public and online notaries public set to expire between March 12, 2020, and May 18, 2020. Such terms of office shall instead expire on July 15, 2020. This paragraph shall not affect the requirement of providing a bond under Tennessee Code Annotated, Section 8-16-104.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 17th day of April, 2020.

GOVERNOR

ATTEST:

SECRETARY OF STATE