STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-23

Authorizing Minnesota Health-Related Licensing Boards to Modify Requirements During the COVID-19 Peacetime Emergency

I, Tim Walz, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature conferred upon the Governor emergency powers "in order to (1) ensure that preparations of this state will be adequate to deal with disasters, (2) generally protect the public peace, health, and safety, and (3) preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act. Pursuant to subdivision 3 of that same section, the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the pendency of a peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

Minnesota's health-related licensed professionals and emergency medical services providers stand on the front line of our efforts to combat the COVID-19 pandemic. Minnesota Statutes 2019, section 214.12, subdivision 1, pertaining to continuing education, provides that the health-related licensing boards may promulgate by rule requirements for renewal of licenses designed to promote the continuing professional competence of licensees. Each Minnesota health-related licensing board and the Emergency Medical Services Regulatory Board enforces licensing and continuing education requirements. During this peacetime emergency, compliance with licensing

and continuing education requirements has become burdensome and, in some cases, impossible, as many of the facilities tasked with operations related to testing and education are not currently open or offering these services. I have concluded that during this peacetime emergency and to ensure that our health-related professionals can fully support Minnesotans during the COVID-19 pandemic, the Minnesota health-related licensing boards and the Emergency Medical Services Regulatory Board must have authority to appropriately modify licensing and continuing education requirements given the present constraints on the licensing and continuing education process.

Minnesota Statutes 2019, section 214.075, pertaining to criminal background checks of health-related licensing board applications, provides that applicants must undergo a criminal background check as part of the application process, including but not limited to submission of a full set of fingerprints to the respective Minnesota health-related licensing board or designee, pursuant to Minnesota Statutes 2019, section 214.075, subdivision 3(a). During this peacetime emergency, applicant compliance with fingerprinting requirements has become burdensome and, in some cases, impossible, as many of the facilities tasked with operations related to fingerprinting are not currently open or offering these services. I have concluded that during this peacetime emergency and to ensure that our health-related professionals can fully support Minnesotans during the COVID-19 pandemic, Minnesota health-related licensing boards must have authority to appropriately modify this licensing requirement given the present constraints on the licensing process.

In addition, demand has recently increased for chloroquine and hydroxychloroquine. These medications are routinely used for treatment of lupus, rheumatoid arthritis, and other chronic medical conditions. Increased demand of these medications may result in shortages. To mitigate potential shortages, I have concluded that during this peacetime emergency the Minnesota Board of Pharmacy, established pursuant to Minnesota Statutes 2019, section 151.02, must have authority to exercise appropriate discretion to limit dispensing of these medications.

For these reasons, I order as follows:

1. I authorize the Minnesota health-related licensing boards, listed in Minnesota Statutes 2019, section 214.01, subdivision 2 (“health-related licensing boards”), to defer continuing education requirements until the first reporting cycle following termination of the peacetime emergency declared in Executive Order 20-01.

2. I authorize the Minnesota Emergency Medical Services Regulatory Board, established pursuant to Minnesota Statutes 2019, section 144E.01, to extend the March 31, 2020 expiration date for any registrations or certificates issued by the board to June 30, 2020, and to allow for such registration or certificate holders to complete their continuing education requirements through distance learning.

3. I authorize the Minnesota Board of Nursing to renew or extend the 60-day expiration period for temporary permits issued by the board to applicants for licensure by endorsement under Minnesota Statutes 2019, section 148.212, subdivision 1, until termination of the peacetime emergency declared in Executive Order 20-01.

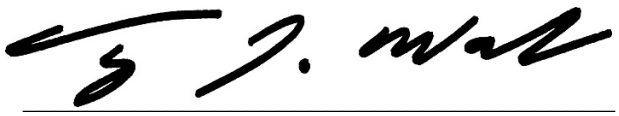
4. I authorize the health-related licensing boards to accept and process applications for licensure without submission by the applicant of a full set of fingerprints, provided all other information required as part of the criminal background check process by Minnesota Statutes 2019, section 214.075, or otherwise, is submitted to the board. Individuals who are granted a license without submission of fingerprints pursuant to this Executive Order shall undergo a new criminal background check as part of their first license renewal application following termination of the peacetime emergency declared in Executive Order 20-01, including submission of a full set of fingerprints to their respective health-related licensing board or designee in the manner and form specified by the board, pursuant to Minnesota Statutes 2019, section 214.075, subdivision 3(a).

5. I authorize the Minnesota Board of Pharmacy, established pursuant to Minnesota Statutes 2019, section 151.02, to enforce the following medication dispensing limitations, until termination of the peacetime emergency declared in Executive Order 20-01. A prescription drug order for chloroquine or hydroxychloroquine must contain a diagnosis appropriate for the use of these medications and be dispensed for no more than 30 days at a time.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

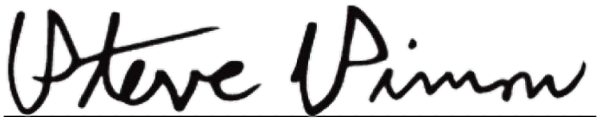
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on March 27, 2020.



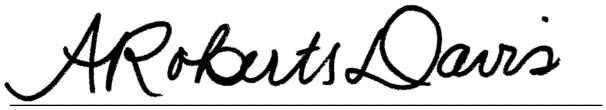
Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on March 27, 2020:



Alice Roberts-Davis
Secretary, Executive Council

Filed March 27, 2020
Office of the Minnesota
Secretary of State,
Steve Simon