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STATE OF FLORIDA
DEPARTMENT OF HEALTH

In Re:

SUSPENSION OF STATUTES, RULES AND ORDERS, MADE NECESSARY BY COVID-19.

DOH No. 20-002

EMERGENCY ORDER

Pursuant to the authority granted by Executive Order No. 20-52, I find that strict compliance with the provisions of certain regulatory statutes and rules prescribing the procedures for conduct of state business by the Florida Department of Health will prevent, hinder, or delay necessary action in coping with the emergency caused by COVID-19. In order to effectively respond to the threat posed by COVID-19 it is necessary to promulgate the following:

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, health care professionals, advanced life support professionals, and basic life support professionals holding a valid, unrestricted, and unencumbered license in any state, territory, and/or district may render such services in Florida during a period not to exceed thirty days unless extended by order of the State Surgeon General, if such health care practitioner does not represent or hold themselves out as a health care practitioner licensed to practice in Florida. The permitted provision of health care services and treatment by such persons is limited to those licensees as defined in section 456.001(4), part III of chapter 401, and part IV of chapter 468, Florida Statutes, or licensees whose licenses are of a type that is commensurate with such Florida licenses. Any statute and/or rule to the contrary is hereby suspended for a period of thirty days, unless extended.

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, health care professionals not licensed in this state may provide health care services to a patient licensed in this state using telehealth, notwithstanding the requirements of section 456.47(4)(a) through (c), (h), and (i), Florida Statutes, for a period not to exceed 30 days unless extended by order of the State Surgeon General. This exemption shall apply only to the following out of state health care professionals holding a valid, clear, and unrestricted license in another state or territory in the United States who are not currently under investigation or prosecution in any disciplinary proceeding in any of the states in which they hold a license: physicians, osteopathic physicians, physician assistants, and advanced practice registered nurses. All other requirements in section 456.47(4) remain in effect, including the requirement that the health care professional provide health care services within the applicable scope of practice established by Florida law or rule. Any statute and/or rule to the contrary is hereby suspended for a period of thirty days, unless extended.

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, emergency medical services training programs may, with the approval of the training program medical director, substitute supervised remote live videoconferencing or simulation for one-half of the supervised clinical instruction hours and one-half of the supervised field internship hours required by section 401.2701, Florida Statutes, and applicable rules. Any statute and/or rule to the contrary is hereby suspended for a period of thirty days, unless extended.

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, qualified physicians under section 381.986, Florida Statutes, may issue a physician certification *only for an existing qualified patient with an existing certification that was issued by that qualified physician* without the need to conduct a physical examination while physically present in the same room as the patient. These qualified physicians may only substitute telehealth services for the physical examination while physically present in the same room as the patient. Telehealth shall have the same meaning as section 456.47(1)(a). All other minimum practice

requirements and standards of care shall still apply to recertifications issued under this exception. This exception to section 381.986(4)(a)1., Florida Statutes, only applies for a period not to exceed thirty days unless extended by order of the State Surgeon General. Any statute and/or rule to the contrary is hereby suspended for a period of thirty days, unless extended.

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, physicians, osteopathic physicians, physician assistants, and advanced practice registered nurses licensed in Florida that have designated themselves as a controlled substance prescribing practitioner pursuant to section 456.44, may issue a renewal prescription for a controlled substance listed as Schedule II, Schedule III, or Schedule IV under chapter 893 *only for an existing patient for the purpose of treating chronic nonmalignant pain* without the need to conduct a physical examination of the patient. These practitioners may only substitute telehealth services for the physical examination. Telehealth shall have the same meaning as section 456.47(1)(a). All other minimum practice requirements and standards of care shall still apply to renewal prescriptions issued under this exception. This exception shall only apply for a period not to exceed thirty days unless extended by order of the State Surgeon General. Any statute and/or rule to the contrary is hereby suspended for a period of thirty days, unless extended.

For the purposes of preparing for, responding to, and mitigating any effect of COVID-19, the provisions of chapters 499 and 465, Florida Statutes, and rules promulgated thereunder, that if applied, would operate to limit distribution, dispensing, or administration of otherwise legitimate prescription drugs in a manner that could hinder, prevent, or delay mitigation of any health-related condition are suspended for a period of thirty days, unless extended. This paragraph does not affect any law governing distribution, dispensation, or administration of any controlled substance as that term is defined in chapter 893, Florida Statutes.

Because section 252.36(5)(a), Florida Statutes, allows the Governor to suspend the provisions of "any regulatory statute prescribing the procedures for [the] conduct of state

business," and because Section 4. B. of Executive Order No. 20-52 provides the State Surgeon General with the authority to issue this Emergency Order, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to this Order. The effective dates of this Order shall correspond with the effective dates of Executive Order No. 20-52, unless otherwise specified above.

Executed this 16th day of March 2020, in Department of Health Offices, Tallahassee, Leon County, Florida.

Scott A. Rivkees, M.D.
State Surgeon General