STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-19

FOR: **ADDITIONAL DIRECTIVES TO MANAGE INDIANA'S HEALTH CARE RESPONSE DURING THE COVID-19 PUBLIC HEALTH EMERGENCY**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02 which declared a public health emergency exists throughout the State of Indiana as result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report of the disease in our state;

WHEREAS, since then, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic, and on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, the virus has now spread to nearly every county throughout Indiana. On March 6th, the ISDH confirmed the first case of COVID-19 and on March 16th, the ISDH reported the first death in Indiana due to COVID-19. In the span of 30 days, Indiana now has 4,944 confirmed cases with 139 deaths. Unfortunately, we expect these numbers to continue and rapidly increase in the days ahead. On April 3, 2020, I extended the declaration of a public health emergency for an additional thirty (30) days;

WHEREAS, despite significant steps being taken in our State, this virus remains a serious threat to the health, safety, and welfare of all residents of Indiana;

WHEREAS, those who work as first responders and those who work in clinics, hospitals, and care facilities are the dauntless heroes fighting this disease and are being stretched to capacity and beyond, requiring additional steps to reinforce them;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3 ("Emergency Disaster Law"), I have been given broad authority to take actions necessary to prepare for and respond to the prompt and efficient rescue, care and treatment of persons victimized or threatened by disasters, which include an epidemic, public health emergency and any other public calamity requiring emergency action;

WHEREAS, as Governor, my authority and powers under the Emergency Disaster Law to declare and respond to public health emergencies on behalf of our State, specifically include:

- making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a disaster;
- suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder or delay necessary action in coping with the emergency; and
- allowing persons who hold a license to practice certain health care and other professions to practice their respective professions in Indiana during the period of the state of emergency if the state in which a person's license or registration was issued has a mutual aid compact for emergency management with Indiana; and

WHEREAS, in light of all of the above, it is necessary and proper to take further actions to protect the health, safety and welfare of all Hoosiers in connection with the continuing and evolving threat posed by COVID-19 and preempt the need to take more stringent and severe actions, as more particularly described herein.

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, and for the duration of this public health emergency, do hereby order:

1. **Home Health Orders:**

   Ind. Code § 16-27-1-16 is waived to allow a home health agency to accept written orders for home health services from any licensed physician, nurse practitioner, clinical nurse specialist or physician assistant acting within the scope of his or her practice authorized under state law.

2. **Health Care Providers Without an Active License:**

   Individuals who seek to provide health care in the State of Indiana in response to this public health emergency who are not currently licensed or certified to practice in the state, either because their Indiana license or certification is no longer active or they are licensed or certified by another state, may obtain temporary authorization to provide health care services as outlined below:

   a. *Retired and Inactive EMS Professionals.* Any EMS professional (emergency medical responder, emergency medical technician (EMT), advanced emergency medical technician, and paramedic), whether certified or licensed in the state or not, who within the past five (5) years has retired or surrendered his or her license or certification or whose license or certification is otherwise inactive but whose license or certification was not revoked, suspended or relinquished, may be authorized as follows:

      i. To provide supplemental health care services in Indiana during this public health emergency without reinstatement or approval by the Indiana EMS Commission. Ind. Code §16-31-3-1 and Ind. Code §16-31-3-2 are suspended to the extent that a formerly certified or licensed EMS professional may furnish or provide emergency medical services without the requirement of a license or certification or reinstatement but shall not be the sole patient caregiver and must be under the direct supervision of either a certified or licensed EMS professional or a licensed healthcare professional (such as a nurse, respiratory therapist, nurse practitioner, physician's assistant, or physician).

      ii. To provide primary unsupervised patient care for patients as part of emergency response, transports and facilities with a temporary certification or licensure. Ind. Code §16-31-3-1 and Ind. Cod §16-31-3-2 are suspended to permit the Indiana Department of Homeland Security (IDHS) to issue temporary certifications and licensures to EMTs, Advanced EMTs and paramedics for a period not to exceed ninety (90) days when a provider organization and the organization's medical director have agreed to utilize the EMS professional in their organization or facility. The provider organization and medical director are responsible for any re-orientation or quality assurance that is needed for the EMS professional before allowing him or her to resume patient care responsibilities.

   b. *EMS Education/Waivers.* Pursuant to Ind. Code §16-31-3-5 IDHS is authorized to grant waivers of the EMS rules established by the EMS Commission except for IDHS "may not waive a rule that sets forth educational requirements for a person regulated" by the EMS Commission. In order to expedite the potential influx of new EMS professionals, for duration of the Public Health Emergency, §16-31-3-5 is suspended in order to permit IDHS to waive educational requirements as necessary.

   c. *Physician Assistant Students.* To clarify the provision in ¶2.d. of Executive Order 20-13, if a physician assistant student has successfully completed all required course work at an accredited school, has applied for a license with the PLA and supplied the PLA a certificate of completion, the provisions of Ind. Code § 25-27.5-4-1 requiring the Physician Assistant National Certifying Examination being taken and a background check being completed will be suspended. Any license issued under these provisions shall only be effective during this public health emergency and further, will be initially limited to a period of 90 days which may be renewed in 30-day increments so long as the public health emergency

continues. Upon the lifting of this emergency, all application procedures for initial licensure will be reinstituted and must be followed. The effective date of this specific provision is March 30, 2020, the date of issuance of Executive Order 20-13.

3. **Designation of Certain Workers as Health Care Providers under FFCRA:**

Congress recently enacted the Families First Coronavirus Response Act, HR 6201, effective April 1, 2020, which, among other things, authorizes expanded paid sick and family leave for covered employees during the COVID-19 national emergency. The Act exempts health care providers from its provisions. While the act provides a definition of "health care provider" it also allows a governor to expand who is a health care provider necessary for that state's response to COVID-19.

Solely for purposes of the Families First Coronavirus Response Act, any employee of any provider of support to people with intellectual and developmental disabilities, older adults, or individuals with mental health needs, including substance use, funded through any state or federal program, Medicaid Home and Community Based Services, and/or provided in an Intermediate Care Facilities (CRF/DD, CRMNF, or ICF/IDD as defined in 405 IAC 1-1-1) who is providing care and support essential to activities of daily living and independence to a vulnerable population of people with intellectual and developmental disabilities, older adults, or individuals with mental health needs, including substance use, is considered a health care provider vital to Indiana's response to COVID-19.

4. **Standby Guardian Designations:**

The requirement in Ind. Code § 29-3-3-7(c) that appointment by a parent of a Standby Guardian be notarized is suspended and, instead, the appointment may be witnessed by a single person.

This Executive Order is a supplement to, deemed to be part of, Executive Orders 20-02 & 20-17.

IT IS SO ORDERED.

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 7th day of April, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State