Executive Order 2020-39

EXECUTIVE ORDER

No. 2020-39

Temporary relief from certain restrictions and requirements

governing the provision of emergency medical services

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations, and directives having the force and effect of law." MCL 30.403(1)-(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

The COVID-19 pandemic has placed an immediate and unprecedented strain on Michigan's health care system, including the emergency medical service providers who are on the front line of the COVID-19 response. Given the steep increase in individuals requiring emergency medical treatment and the relative scarcity of medical equipment, personnel, and resources, it is necessary and appropriate to provide limited and temporary relief from certain licensing requirements and regulations pertaining to emergency medical services, so that emergency medical service providers can more efficiently and effectively protect the health and safety of this state and its residents during this time of crisis.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Strict compliance with the annual-inspection requirements for life support vehicles and life support agencies under section 20910(1)(e)(iii) of the Public Health Code, 1978 PA 368, as amended, MCL 333.20910(1)(e)(iii), is temporarily suspended as follows. The Department of Health and Human Services ("the Department") must inspect a life support vehicle or life support agency when the Department has reason to believe that the vehicle or agency is out of compliance. Any such inspection must, to the greatest extent possible, be conducted remotely, such as by videoconferencing, telephone conversation, and electronic review of required documents.

2. Strict compliance with the ambulance-staffing requirements under section 20921(3) of the Public Health Code, MCL 333.20921(3), is temporarily suspended as follows. An ambulance

must be not operated while transporting a patient unless it is staffed with emergency medical services personnel possessing at least the following qualifications:

a. If designated as providing basic life support, with at least one emergency medical technician and one medical first responder.

b. If designated as providing limited advanced life support, with at least one emergency medical technician specialist and one medical first responder.

c. If designated as providing advanced life support, with at least one paramedic and one medical first responder.

3. Strict compliance with Rules 325.22133(d) and 325.22143(d) of the Michigan Administrative Code is temporarily suspended so as to allow an ambulance operation or nontransport prehospital life support operation to downgrade the life support level of its vehicles according to staffing and vehicle availability without advising the Department, as follows:

a. An ambulance or nontransport prehospital life support vehicle that is designated as providing advanced life support may be designated as providing limited advanced life support or basic life support.

b. An ambulance or nontransport prehospital life support vehicle that is designated as providing limited advanced life support may be designated as providing basic life support.

Any ambulance operation or nontransport prehospital life support operation that has downgraded a vehicle under this section must appropriately and securely store all advanced level equipment and medications that should no longer be in the downgraded vehicle.

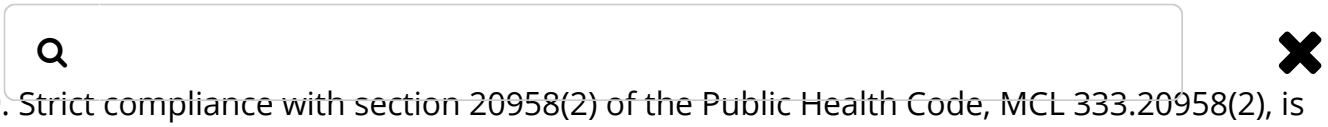
4. Strict compliance with Rule 325.22112 of the Michigan Administrative Code is temporarily suspended so as to allow for the transport of a patient, whether emergency or non-emergency, to any destination designated by the medical control authority.

5. Strict compliance with section 20954 of the Public Health Code, MCL 333.20954, and Rules 325.22321 to 325.22325 and 325.22336 to 325.22338 of the Michigan Administrative Code is temporarily suspended so as to permit the Department to waive verification of ongoing education requirements when reviewing an application for renewal or relicensure of an emergency medical services personnel license. If the application is for relicensure, the Department may only waive verification if the applicant has been licensed by the Department within the last five years.

6. All emergency medical services personnel licenses that have expired since March 10, 2020 or that would expire during the declared states of emergency and disaster must be deemed unexpired and not to expire until six months after the end of the declared states of emergency and disaster.

7. All professional certifications in basic cardiac life support that have expired since March 10, 2020 or that would expire during the declared states of emergency and disaster must be deemed unexpired and not to expire until six months after the end of the declared states of emergency and disaster.

8. Compliance with sections 20961(1)(a) and 20961(1)(d) of the Public Health Code, MCL 333.20961(1)(a) and (d), is temporarily suspended, so as to permit the Department to grant a license under Part 209 of the Public Health Code to an applicant licensed in another state without regard to whether the applicant meets the requirements of Part 209 of the Public Health Code and the rules promulgated by the Department for licensure or whether the state in which the applicant is licensed maintains licensure standards equivalent to or more stringent than those of this state.



9. Strict compliance with section 20958(2) of the Public Health Code, MCL 333.20958(2), is temporarily suspended so as to allow a notice of intent to deny, revoke, or suspend an emergency services personnel license to be provided to the applicant or licensee by electronic communication.

10. Consistent with section 11(4) of the Emergency Management Act, 1976 PA 390, as amended, MCL 30.411(4), any emergency medical services personnel or life support agency that provides medical services in support of this state's response to the COVID-19 pandemic is not liable for an injury sustained by a person by reason of those services,

regardless of how or under what circumstances or by what cause those injuries are sustained, unless it is established that such injury or death was caused by the gross negligence, as defined in MCL 30.411(9), of such emergency medical services personnel or life support agency.

11. The Department may promulgate rules and regulations, issue orders and directives, and take other actions pursuant to law as necessary to implement this order. Any such rules, regulations, orders, directives, and actions will cease to be in effect at the end of the declared states of emergency and disaster.

12. This order is effective immediately and continues until the end of the declared states of emergency and disaster.

Given under my hand and the Great Seal of the State of Michigan.

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