STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-46

Authorizing Out-of-State Healthcare Professionals to Render Aid in Minnesota 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. 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. On April 13, 2020, after notifying the Legislature, I issued Executive Order 20-35, extending the peacetime emergency declared in Executive Order 20-01.

Healthcare professionals, including those licensed by the Minnesota Board of Medical Practice and the Minnesota Board of Nursing, are critical frontline responders to the COVID-19 pandemic. These healthcare professionals work long hours and take extraordinary measures to protect the health, safety, and lives of their neighbors. Fully utilizing this dedicated workforce is vital to protecting all Minnesotans. As the COVID-19 pandemic continues, some hospitals and long-term care facilities are facing staffing shortages due to staff illness or inability to work for other reasons. I call on health care systems and hospitals to ensure that our healthcare professionals are allowed flexibility in employment arrangements and labor agreements so that they can render aid where it is needed. I also call on health care systems and hospitals to work closely with their staff, including doctors and nurses, to ensure that adequate personal protective equipment ("PPE") is available to them. Finally, it should be noted that nothing in this Executive Order is meant to undermine the rights of Minnesota's nurses and other healthcare professionals to collectively bargain.

I have determined that it is necessary to support the efforts of Minnesota's healthcare professionals by allowing certain out-of-state healthcare professionals to provide staffing support and render aid in Minnesota during the pendency of the peacetime emergency. There are COVID-19 hot spots throughout Minnesota. For example, in the past week, we have seen a surge of cases of COVID-19 in Nobles County. Between April 18, 2020 and April 25, 2020, Nobles County saw an increase from 38 to 350 confirmed cases. Rapid increases of COVID-19 cases, such as the situation in the Nobles County, risk overwhelming local healthcare providers,

particularly in rural areas. Long term care facilities, which are home to some of the most at-risk Minnesotans, are also experiencing shortages of qualified healthcare professionals.

To become qualified to provide emergency response and intensive care services, nurses and other healthcare professionals typically require training and orientation time. To respond quickly during this pandemic, hospitals and other healthcare providers need temporary flexibility, including the ability to hire qualified healthcare professionals from other states and especially those with existing experience and expertise in emergency response and intensive care services.

During a peacetime emergency, Minnesota Statutes 2019, section 12.42, authorizes professionals who hold a license, certificate, or other permit issued by a state of the United States or the District of Columbia evidencing the meeting of qualifications for professional, mechanical, or other skills, to render aid involving those skills in this State when such aid is requested by the Governor to meet the needs of the emergency. The license, certificate, or other permit of the person, while rendering aid, has the same force and effect as if issued in Minnesota, subject to such limitations and conditions as the Governor may prescribe. I have concluded that during this peacetime emergency, qualifying out-of-state healthcare professionals should be authorized to render aid in our State to meet the healthcare needs of Minnesotans. Pursuant to statutory requirements, I formally request aid from those professionals licensed in other states as set forth below.

For these reasons, I order as follows:

1. This Executive Order applies only to out-of-state healthcare professionals who, to practice in their profession in Minnesota, would otherwise be required to obtain a license from the Minnesota Board of Medical Practice ("Board of Medical Practice") or the Minnesota Board of Nursing ("Board of Nursing"). In this Executive Order, such healthcare professionals are referred to as "Out-of-State Healthcare Professionals."

2. Pursuant to Minnesota Statutes 2019, section 12.42, I authorize and request Out-of-State Healthcare Professionals who hold an active, relevant license, certificate, or other permit in good standing issued by a state of the United States or the District of Columbia to render aid in Minnesota during the peacetime emergency declared in Executive Order 20-01 (including any extensions of that peacetime emergency).

3. Before rendering any aid in this State, Out-of-State Healthcare Professionals must be engaged with a healthcare system or provider, such as a hospital, clinic, or other healthcare entity, in Minnesota.

4. A healthcare system or provider that engages an Out-of-State Healthcare Professional must verify that each Out-of-State Healthcare Professional authorized to practice under this Executive Order holds an active, relevant license, certificate, or other permit in good standing issued by a state of the United States or the District of Columbia evidencing qualifications for the aid and professional work to be rendered in Minnesota.

5. A healthcare system or provider that engages an Out-of-State Healthcare Professional pursuant to this Executive Order must file a report with the Minnesota Department of Health that includes the number of Out-of-State Healthcare Professionals engaged, license type, and length of engagement. The report must be filed with the Minnesota Department of Health no later than 60 days after termination of the peacetime emergency declared in Executive Order 20-01 (including any extensions of that peacetime emergency).

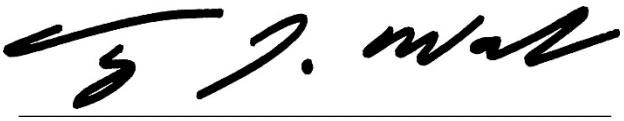
6. When rendering aid under this Executive Order, an Out-of-State Healthcare Professional's license, certificate, or other permit, has the same force and effect as if issued in this State.

7. By rendering aid in Minnesota, Out-of-State Healthcare Professionals who would otherwise need to obtain a license from the Board of Medical Practice submit to the jurisdiction of the Board of Medical Practice, and Out-of-State Healthcare Professionals who would otherwise need to obtain a license from the Board of Nursing submit to the jurisdiction of the Board of Nursing. The Board of Medical Practice and Board of Nursing may revoke the authorization provided by this Executive Order from any Out-of-State Healthcare Professional under the relevant Board's jurisdiction. Upon such a revocation, the Out-of-State Healthcare Professional must immediately cease rendering aid in Minnesota.

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

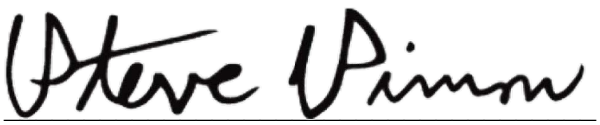
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on April 25, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Filed April 25, 2020
Office of the Minnesota
Secretary of State,
Steve Simon