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AUG 28 2020
Secretary of State
Tre Hargett

STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 59

AN ORDER TO FACILITATE THE CONTINUED RESPONSE TO COVID-19 AND EXTEND CERTAIN PROVISIONS OF EXECUTIVE ORDER NOS. 36, 38, 49, 50, 54, AND 55

WHEREAS, Tennessee's citizens, health care systems, industries, small businesses, local and state governments, and religious and non-profit institutions have suffered, are suffering, and will continue to suffer substantial, long-term effects from COVID-19, requiring ongoing targeted regulatory flexibility to address continuing effects, risks, and persistent negative economic conditions; and

WHEREAS, given this continuing threat from COVID-19, each Tennessean has a personal responsibility to protect themselves and others by following health guidelines to slow the spread of this virus, and therefore, all venues, employers, businesses, and organizations are strongly encouraged and expected to operate in accordance with, and to fulfill the spirit of, applicable operational guidance issued by the Governor's Economic Recovery Group (i.e., the Tennessee Pledge), which are available at the following web address and may be periodically updated: https://www.tn.gov/governor/covid-19/economic-recovery.html; and

WHEREAS, in addition to the other powers granted by law, Tennessee Code Annotated, Section 58-2-107, provides, among other things, that during a state of emergency, the Governor is authorized to suspend laws and rules if necessary to cope with an emergency, utilize all available state and local resources needed to combat an emergency, and take measures concerning the conduct of civilians; and

WHEREAS, pursuant to this authority and the general emergency management powers of the Governor under law, such measures, including the measures contained herein, are necessary to facilitate the response to the ongoing effects of COVID-19.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, do hereby declare a continuing state of emergency and major disaster in order to facilitate a targeted response to specific, persistent effects of COVID-19, and accordingly order the following:

Part A. Targeted Provisions to Respond to Effects and Risks of COVID-19.

The following provisions of **Executive Order No. 36, as amended by Executive Order Nos. 50 and 55, and as modified or supplemented herein**, are hereby extended to facilitate ongoing targeted regulatory flexibility to respond to continuing effects of COVID-19 and to maintain a state of readiness to cope with risks of COVID-19:

1. Continued activation of Tennessee Emergency Management Plan.
2. Out-of-state health care providers may practice in Tennessee.

7.3 Retired medical professionals can easily reenter the health care workforce.

7.4 In-person and live continuing education requirements are suspended for health care professionals.

7.5 Laboratory inspections are suspended to allow for immediate COVID-19 testing.

7.6 Health care licensing inspections and investigations are suspended to increases resources available to fight COVID-19 and to protect public health.

7.9 Inspections of health care facilities are suspended.

7.10 Inspections of medical laboratories are suspended.

7.13 Live human examinations are suspended for dentistry applicants.

7.16 Nursing graduates may practice under supervision without examination.

8. Pharmacists can process prescriptions remotely.

8.1 Each pharmacist can supervise more pharmacy technicians.

9. Degree holders in science fields can work as laboratory personnel under supervision.

9.1 Medical laboratory directors can monitor facilities remotely.

9.2 Pre-license, post-degree mental or behavioral health professionals can provide telehealth services under supervision.

9.3 Medical laboratory personnel can work remotely.

10. Increased number of hospital beds available for COVID-19 patients. The provisions of Tennessee Code Annotated, Section 68-11-1607, are hereby suspended to the extent necessary to allow hospitals and nursing homes that would otherwise be subject to certificate of need requirements to temporarily increase their number of licensed hospital beds at any location or temporarily establish hospital, nursing home, and diagnostic services at any location, if necessary for the treatment of COVID-19 patients, as well as to the extent necessary to facilitate activity authorized by the provisions of this Order and any subsequent order concerning COVID-19.

11. Testing for COVID-19 can occur at more medical laboratory facilities.

12. Temporary quarantine and isolation facilities may be constructed.

21. Board of Parole may modify procedures to protect public health.

21.1 Suspends temporary application of safety valve provisions resulting from the temporary decrease in TDOC prisoners.

21.2 Discretion to utilize National Guard members in connection with TDOC operations if needed.

23.5 Deadlines for payments to reinstate driver licenses are extended. The provisions of Tenn. Comp. R & Regs. 1340-02-05-.01 through 1340-02-05-.10 are hereby suspended to the extent necessary to suspend the due date for quarterly payments

owed under payment plans between March 12, 2020, and the expiration of this Order.

25. Deadlines for persons with interlock ignitions devices are suspended.
27. Educational and training deadlines administered by the Department of Commerce and Insurance may be extended.
28. Deadlines for building code and building plan inspections may be extended.
31. Time periods for completing securities registration requirements may be extended.
32. Discretionary leave available for state employees affected by COVID-19.
33. Inspections of mental health and substance abuse facilities and services are suspended.
33.1 Telephone assessments for involuntary commitment cases are permitted.
34. TennCare policies adjusted to prevent coverage disruptions.
34.1 Designation and Payment for Certain Nursing Facilities as "COVID-19 Skilled Nursing Facilities/Units."
34.2 Medicaid Payments to "COVID-19 Skilled Nursing Facilities/Units."
35. Limitations on emergency admissions to Department of Intellectual and Developmental Disabilities facilities are suspended.
36. Medication administration certificates may be extended for Department of Intellectual and Developmental Disabilities personnel.
36.1 Suspending requirements not feasible during COVID-19 pandemic to maintain service levels for persons supported by Department of Intellectual and Developmental Disabilities.
38. Telemedicine access is expanded.
38.1 All licensed health care providers can practice telemedicine.
38.2 Licensed alcohol and drug abuse counselors can practice telemedicine.

The following provisions in **Executive Order No. 38, as amended by Executive Order Nos. 49 and 55**, are hereby extended:

2. Social distancing remains imperative.
3. Places of worship, weddings, and funerals.
5. Persons are urged to wear face coverings in public places.
6. Visitation restrictions for elderly-citizen and care-related facilities.
8. Special care should be taken to protect vulnerable populations.
9. Persons with COVID-19 or COVID-19 symptoms must stay at home.
10. Employers shall not require or allow employees with COVID-19 to work.
11. Limited service restaurants (bars).
12. Take-out alcohol sales by restaurants and limited-service restaurants to continue in order to encourage carryout or delivery orders.
12.1 Waiver of application fee to expand premises.

Executive Order No. 54, as amended by Executive Order No. 55, providing local governments with authority concerning face coverings is hereby extended in its entirety.

Part B. Facilitating Previously Set Extensions.

The following provisions in **Executive Order No. 36, as amended by Executive Order No. 55**, are hereby extended merely to acknowledge the revised deadlines necessitated by the COVID-19 emergency:

7. Health care licenses, certificates, and registrations are extended until August 31, 2020.
23. Driver licenses and photo IDs are extended until November 15, 2020.
23.6 Commercial driver licenses with medical cards are extended until September 29, 2020.
23.7 CDL Expiration Extension.
24. Enhanced handgun carry permits are extended through November 15, 2020.
30.1 Annual meeting of the Tennessee Judicial Conference is suspended.

Part C. Applicability and Severability.

1. Suspension of laws that would limit application of this Order. Any law, order, rule, or regulation that would otherwise limit the enforceability of this Order is hereby suspended, pursuant to Tennessee Code Annotated, Section 58-2-107.

2. Severability. If any provision of this Order or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Order which can be given effect without the invalid provision or application, and to that end the provisions of this Order are declared to be severable.

The following provisions in **Executive Order No. 38** are hereby extended, as modified herein:

13. Local orders (except that the language "Paragraphs 6, 9, or 10" is deleted and the language "Paragraph 6 of Executive Order No. 38, as amended by Executive Order No. 49, or Paragraphs 9 or 10 of Executive Order No. 38" is substituted instead).

Part D. Effectiveness

1. Term and effective date. This Order shall be effective and enforceable as of 11:59 p.m., Central Daylight Time, on August 29, 2020, and shall remain in effect until 11:59 p.m., Central Daylight Time, on September 30, 2020.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 28th day of August, 2020.

GOVERNOR

ATTEST:

SECRETARY OF STATE