STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-12

FOR: **FURTHER PROVISIONS FOR HELPING HOOSIERS 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 that a single Hoosier, living in one county, had contracted the virus;

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, as of the date of this Executive Order, the virus has now spread to numerous counties throughout Indiana, caused hundreds to be sick and with several deaths; with these numbers increasing each day and expected to continue to increase in the days ahead;

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 and further efforts are needed to address, control, and reduce the evolving threat posed by COVID-19;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code Ch. 10-14-3, I have 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 a disaster, which include an epidemic, public health emergency and any other public calamity requiring emergency action;

WHEREAS, as Governor, my authority and powers under Indiana law to declare and respond to public health emergencies on behalf of our State, specifically include: (a) making, amending and rescinding the necessary orders, rules and regulations to carry out Indiana's Emergency Management and Disaster Law, Ind. Code Ch. 10-14-3, and (b) 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

WHEREAS, in light 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, 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 unless otherwise specified, do hereby order:

1. <u>Department of Workforce Development (DWD)</u>:

   A. Suspension of the one (1) week waiting period before paying unemployment benefits to claimants as required by Ind. Code § 22-4-14-4. This suspension shall be retroactive to March 8, 2020.

2. **Indiana State Department of Health (ISDH)**:

   A. Waiver of the provisions in Ind. Code § 16-41-8-1 restricting the release of communicable disease information ISDH receives to the extent necessary to allow COVID-19 information to be submitted to the Indiana Network for Patient Care to perform research on COVID-19 for the ISDH.

3. **Family and Social Services Administration (FSSA)**:

   A. Waiver of time and sibling requirements on a child care home found in Ind. Code § 12-17.2-5-6.3(b)(1) to allow increased care to be provided to school age children.

   B. Suspension of the provisions of Ind. Code §16-28-2-1 to allow Medicaid payments to continue in the event a licensed health facility is evacuated and patients are moved to an alternative setting.

   C. Suspension of the provisions of Ind. Code § 12-15-35-28 (preferred drug list) and § 12-15-35.5-7.5 (methadone reimbursement) and authorization for FSSA to waive prior authorization requirements under the Indiana Medicaid program.

   D. Waiver of all premium payment requirements for the MedWorks Program.

   E. Suspension of the provisions of Ind. Code § 12-10-10-4(a)(3-5) & (b) which are the CHOICE eligibility requirements for meal services to allow in-home delivery of meals to individuals who otherwise qualify for congregant meal programs funded by FSSA.

   F. Suspension of the provisions of Ind. Code § 12-11-1.1-1(e)(1) & (2) and grant FSSA the authority to approve an increase number of residents in intermediate care facilities and supported living settings.

   G. As all other state mandated educational assessments were waived in Executive Order 20-05, waiver of the requirement that qualified early education service providers administer the kindergarten readiness assessment adopted by the State Board of Education pursuant to Ind. Code § 12-17.2-7.2-6 for the 2019-2020 academic school year.

   H. Suspension of all surety bond requirements under Ind. Code § 12-15-11-2.5(d) for Medicaid providers of non-emergency medical transportation, in order to expand the transportation provider network for Indiana Medicaid recipients.

4. **Professional Licensing Agency (PLA)**:

   A. Suspension of the requirement of a 1:6 ratio of pharmacist to pharmacy technician provided for in Ind. Code § 25-26-13-18.5 and authorize a ratio of 1:8.

   B. Suspension of the direct supervision requirement by a pharmacist over a pharmacy technician required in Ind. Code §25-26-19-2 for the limited purpose of allowing a technician to work remotely for data entry, insurance processing and other ministerial and non-dispensing tasks only.

   C. For non-controlled substances prescribed as maintenance medications, suspension of the restriction on a refill being limited to no more than the quantity on the most recent refill or a 30 day supply, whichever is less as required by IC 25-26-13-25(d)(8) and permit a one-time 90-day emergency refill.

   D. Suspension of provisions found in Ind. Code § 25-1-9.5-8 and permit opioid prescribing via telemedicine ***only*** for those patients who are already established on maintenance therapy with opioids for chronic, not acute, conditions, provided: 1) the prescription is issued for a legitimate medical purpose by a practitioner acting in the usual course of their professional practice; 2) the telemedicine communication is conducted using an audio-visual, real-time, two-way interactive communication system; and 3) all other applicable federal and state laws are followed.

5. **Department of Local Government Finance (DLGF)**:

   A. Suspension of the deadline for establishing a fire protection territory found under Ind. Code § 36-8-19-6 from April 1, 2020, until Tuesday, June 30, 2020.

   B. Suspension of the deadline for submitting property tax exemption applications found under Ind. Code §§ 6-1.1-11-3 & 3.5 from April 1, 2020, until Tuesday, June 30, 2020.

   C. Suspension of the deadline for establishing or re-establishing a cumulative fund found under Ind. Code § 6-1.1-41-4 and § 6-1.1-17-16.7 from May 1, 2020, until Tuesday, June 30, 2020.

This Executive Order is a supplement to, and deemed to be part of, Executive Orders 20-02, 20-04 and 20-05.

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 26th day of March, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State