SPECIAL EDITION ON GOVERNOR’S COVID-19 EXECUTIVE ORDERS

Executive Order #14 – Declares a State of Emergency in Tennessee

Issued March 12, 2020: Executive Order 14 allows the executive branch to implement the Tennessee Emergency Management Plan (TEMP) in conjunction with all applicable annexes to coordinate a state response. Allows the Commissioner of Health to temporarily suspend certain licensing requirements to permit physicians who are licensed in other states to engage in medical practice in Tennessee. It allows pharmacists to dispense an extra 30-day supply of maintenance prescriptions without prior authorization.

This order also gives the Commissioner of Human Services the authority to waive child care licensure requirements including restrictions on capacity, care categories, grouping, license transfers, and drop-in centers.

Expires May 11, 2020

Executive Order #15 – Suspends Healthcare Statutes to Facilitate the Treatment and Containment of COVID-19

Issued March 19, 2020: Executive Order 15 suspends certain regulatory burdens and restrictions on health care providers and state agencies in order to combat COVID-19. It aims to quickly boost health care capacity and enhance consumer protections during the pandemic. Specifically, the order will loosen restrictions and deregulate the following:

- **Section 5: Expands Scope of Practice (Nurse Practitioners)** – Relieves Nurse Practitioners (NPs) of certain requirements in order to treat more patients.
- **Section 6: Expands Scope of Practice (Physician Assistants)** – Relieves Physician Assistants (Pas) of certain requirements in order to treat more patients.
- **Section 10: Deregulates Hospital Beds** – Lifts certain Certificate of Need (CON) statutes which limit the number of licensed hospital beds at a health care facility. Temporarily establishes diagnostic services at hospitals in any location to free up space for use in the COVID-19 outbreak.
- **Section 38: Loosens Regulations of Telehealth, Expands Use of Telemedicine** – Expands the list of providers and health care professionals eligible to use telehealth services while treating patients. It loosens HIPAA restrictions so that doctors can utilize FaceTime or other audio/visual software to provide medical services. It urges insurance providers to reimburse more telemedicine services.

Expires May 18, 2020

Executive Order #16 – Enables Governing Bodies to Conduct Business Electronically

Issued March 20, 2020: Executive Order 16 allows government entities to hold meetings online and mandates that proceedings are recorded and remain available to the public via electronic means. The order
allows governing bodies to determine if an electronic meeting is necessary to protect public health but may only meet to conduct essential business. The governing body must make reasonable effort to ensure that these meetings are accessible to the public within 48 hours. This order does not change existing notice requirements under the Open Meetings Act.

**Expires May 18, 2020**

**Executive Order #17 – Limits Social Exposure to Mitigate the Spread of COVID-19**

**Issued March 22, 2020:** Executive Order 17 issues a statewide ban on public gatherings of more than 10 people and limits all restaurants to drive-thru or take out service only. Under the order, restaurants that serve alcohol are permitted to sell alcohol for off-premise consumption. Other public facilities such as gyms and fitness centers will be closed.

The order also pursues additional measures to keep vulnerable populations such as the elderly and those with underlying conditions safe. It restricts visitation to nursing homes, retirement homes, and long-term care or assisted-living facilities to visits involving essential care only. It encourages businesses to enact policies that take extra steps to assist vulnerable populations, such as exclusive shopping hours.

**Expires April 6, 2020**

**Executive Order #18 – Limits Non-Emergency Healthcare Procedures**

**Issued March 23, 2020:** Executive Order 18 institutes a temporary ban on elective surgeries at hospitals, surgery centers, and dental offices. All hospitals and free-standing surgical outpatient facilities must postpone joint replacement, bariatric surgery, and cosmetic surgery, except for in circumstances where postponement may significantly impact the health and welfare of the patient.

The order also asks non-hospital healthcare providers to donate personal protective equipment in their possession to the Tennessee National Guard Armory.

**Expires April 13, 2020**

**GOVERNOR LEE ESTABLISHES COVID-19 UNIFIED COMMAND**

On March 23, Governor Bill Lee established the COVID-19 Unified Command, a joint effort led by Commissioner Stuart McWhorter, to streamline coordination across the Tennessee Emergency Management Agency (TEMA), Tennessee Department of Health and Tennessee Department of Military. Commissioner McWhorter will leave his post at the Tennessee Department of Finance & Administration to head the COVID-19 Unified Command. The following members have been appointed to this effort:

- Brig. Gen. Scott Brower, Chief of Staff for the operation
- Patrick Sheehan, TEMA Director
- Dr. Lisa Piercey, Commissioner, Tennessee Department of Health
- Maj. Gen. Jeff Holmes, Adjutant General, Tennessee Department of Military