

Insights

Governor Holcomb Issues Additional Licensure Waivers to Increase Health Providers Available to Address COVID-19

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On April 17, 2020, Governor Holcomb issued Executive Order 20-19 to expand the health care provider workforce available to battle Indiana's COVID-19 spread. Specifically, the Executive Order expands the list of providers eligible to prescribe orders for home health services and authorizes certain retired and inactive EMS professionals to provide health care services and unsupervised patient care during the public health emergency. The Executive Order also expands the list of health providers eligible to receive expanded paid sick and family leave during the COVID-19 national emergency authorized by the CARES Act to include employees of providers supporting people with intellectual and developmental disabilities and adults with mental health needs, including substance abuse.

- **Home Health Orders.** The Executive Order allows a home health agency to accept written orders for home health services from any licensed physician, nurse practitioner, clinical nurse specialist, or physician assistant acting within the scope of their license under state law. The Executive Order does not expressly expand this list to include similar out-of-state providers. Indiana Medicaid issued a bulletin (BT202040) on April 8, 2020 that implements this change for Medicaid reimbursement.
- **Retired or Inactive EMS Professionals.** EMS professionals with retired or inactive licenses or certifications may provide supplemental health care services to persons in Indiana without reinstatement or approval, subject to the following: i) the license or certification was retired or surrendered within the past 5 years; ii) the license was not revoked, suspended, or relinquished in any state; and iii) the EMS professional provides the services under a licensed EMS professional or health care professional's supervision. Provider entities may also use temporarily certified EMTs and paramedics to provide unsupervised patient care for patients.
- **CARES Act Expansion.** Under authority created by the Federal CARES Act, Governor Holcomb expanded the health care providers eligible to receive expanded sick and family leave during the COVID-19 public health emergency. Specifically, the Executive Order adds any employee of a provider of support to people with intellectual disabilities, older adults, and adults with mental health needs, including substance abuse, funded through any state or federal program.

This Executive Order is the 18th COVID-19 related Executive Order issued since the public health declaration of March 6, 2020, many of which waive or clarify health care statutes and regulations. If you have any questions about this or any Executive Order on your practice, please contact Brandon W. Shirley or Meghan M. Linvill McNab.