

Insights

Governor Holcomb Waives More Indiana Health Care Laws in Executive Order 20-13 to Address COVID-19

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On March 30, 2020, Governor Holcomb issued Executive Order 20-13 ("EO 20-13") to remove legal and administrative restrictions affecting health care space, workforce, personal protective equipment, and telemedicine to more fully prepare for the COVID-19 outbreak in Indiana. The new directives are effective immediately. It is important to note that Indiana administrative agencies are authorized to waive any administrative rules, and as such, affected providers should look for agency announcements and publications regarding such administrative waivers.

EO 20-13's most notable waivers include the following:

- **Patient capacity at hospitals.** Removes licensure and reimbursement restrictions for various temporary facilities authorized by the Commissioner of the Indiana State Department of Health in the event of COVID-19 patient surges and requires the Indiana Department of Insurance to request health insurers to provide coverage for services provided at such facilities.
- **Health care providers without an active license.** Authorizes individuals who are not current licensed to practice in Indiana (inactive or licensed in another state) to obtain a temporary license under certain conditions. This provision gives greater opportunity to medical students, medical residents, and physician assistant, nursing, and respiratory care students to provide assistance during the public health declaration.
- **Registration for certain Indiana or out-of-state providers.** Requires the expanded list of health care providers granted a temporary license to register with the Professional Licensing Agency.
- **Conservation of personal protective equipment.** Directs the cancelation of most "elective and non-urgent" procedures beginning April 1, 2020 to preserve personal protective equipment (beyond mere gloves) needed for staff to address COVID-19 patients.

- **Telemedicine.**

- Allows providers to provide telemedicine encounters using audio-only technology, though certain therapists cannot provide audio-only telemedicine. This is in line with Indiana Medicaid, which was already covering telemedicine via audio-only.
- EO 20-13 authorizes a DEA-registered practitioner to issue prescriptions for *any* Schedule II through V controlled substances without conducting an in-person visit so long as certain requirements are met. This allows Indiana law to align more closely with the new DEA Guidance issued due to the COVID-19 public health emergency.

We have been monitoring the state and federal responses to COVID-19 and are available to further discuss these and other changes. Please contact Brandon W. Shirley, Stephanie T. Eckerle or your regular Krieg DeVault attorney if you have any questions about how this affects your practice. You may also call our COVID-19 Hotline at (317) 238-6281 with questions.