

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Scott A. Rivkees, MD
State Surgeon General

Vision: To be the **Healthiest State** in the Nation

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

In Re:

SUSPENSION OF STATUTES, RULES AND
ORDERS, MADE NECESSARY BY
COVID-19.

DOH No. 20-004

EMERGENCY ORDER

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, on March 1, 2020, I declared a Public Health Emergency exists in the State of Florida as a result of COVID-19 pursuant to Executive Order number 20-51; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19, and allowing for the waiver of certain statutes and rules that prevent, hinder, or delay any necessary action in coping with the state of emergency caused by COVID-19; and

WHEREAS, it is necessary to waive certain statutes and rules of the Florida Department of Health in order to effectively respond to the emergency caused by COVID-19, including certain statutes or preventing the safe and efficient provision of health care services to patients in the state of Florida.

NOW, THEREFORE, I, SCOTT A. RIVKEES, M.D., pursuant to the authority granted by Executive Order No. 20-52, find that strict compliance with the provisions of certain regulatory statutes and rules prescribing the procedures for conduct of state business by the Florida Department of Health will prevent, hinder, or delay necessary action in coping with the emergency caused by COVID-19. In order to effectively respond to the threat posed by COVID-19 it is necessary to promulgate the following:

Section 1:

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, Volunteer Health Care Provider Program providers may render health care services under the Volunteer Health Care Provider Program to existing patients of the provider for any medical or dental issues that are new or otherwise different than the initial referral form on file for the patient without the need to immediately complete Form DH 1032. Form DH 1032 must be completed within 30 days of the expiration of this Emergency Order. This exception to Florida Administrative Code Rules 64I-2.002(5) and 64I-2.004(1)(f) applies until May 8, 2020, unless extended by order of the State Surgeon General. Notwithstanding this exception, the provider must provide either verbal or electronic notice to each patient or the patient's legal representative that the health care provider is an agent of the government contractor as set forth in section 766.1115, Florida Statutes, and Form DH 1032, and document in the patient's medical record that such notice has been provided. Any statute or rule to the contrary is hereby suspended for the period of time provided in this paragraph, unless extended by order of the State Surgeon General.

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, all Volunteer Health Care Provider Program contracts expiring during the COVID-19 state of emergency shall be extended through May 8, 2020, unless extended by order of the State Surgeon General. All other terms of the contracts remain in full force and effect.

Section 2:

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, authorized health care practitioners under section 456.47(1)(b), Florida Statutes, that have clear and active licenses in the state of Florida may utilize audio-only telephone calls in providing health care services to existing patients. Prior to proceeding with audio-only telephone delivery of health care services, telehealth providers shall confirm that other telehealth methods are not available to the patient for treatment by documenting in the patient's medical record: 1) the steps taken to verify the patient's identity; 2) that the telehealth provider is able to currently utilize an available telehealth platform to provide treatment; 3) the name of the telehealth platform; and 4) confirmation that the health care practitioner asked the patient if a smart phone, tablet, desktop, or laptop computer is available for use. All other minimum practice requirements, scope of practice limitations, and standards of care shall still apply. This exception applies until May 8, 2020, unless extended by order of the State Surgeon General. Any statute or rule to the contrary is hereby suspended for the period of time provided in this paragraph, unless extended by order of the State Surgeon General.

Section 3:

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, physicians, osteopathic physicians, physician assistants, and advanced

practice registered nurses licensed in Florida that have designated themselves as a controlled substance prescribing practitioner pursuant to section 456.44, Florida Statutes, may issue a renewal prescription for a controlled substance listed as Schedule II, Schedule III, or Schedule IV under chapter 893, *to treat: 1) chronic nonmalignant pain for existing patients of the provider; 2) opioid use or abuse disorder for existing patients of the provider; 3) other substance use or abuse disorder for existing patients of the provider; 4) psychiatric or mental health disorders for existing patients of the provider; 5) inpatient treatment at a hospital licensed under chapter 395; 6) a patient in a hospice setting; or 7) a resident of a nursing home or assisted living facility* without the need to conduct a physical examination of the patient. These practitioners may substitute telehealth services for the physical examination. Telehealth shall have the same meaning as section 456.47(1)(a), Florida Statutes. If *the patient* is unable to utilize telehealth platforms due to an inability to access a smart phone, tablet, desktop, or laptop computer, prescribing health care practitioners may utilize audio-only telephone calls. Prior to proceeding with audio-only telephone delivery of health care services, prescribing health care practitioners shall confirm that other telehealth methods are not available to the patient for treatment and document in the patient's medical record: 1) the steps taken to verify the patient's identity; 2) that the health care practitioner is able to currently utilize an available telehealth platform for treatment; 3) the name of the telehealth platform; and 4) confirmation that the health care practitioner asked the patient if a smart phone, tablet, desktop, or laptop computer is available for use. All other minimum practice requirements and standards of care shall still apply to recertifications issued under this exception. This exception supersedes the exception provided for in Department of Health Emergency Order 20-002, issued on

March 16, 2020. This exception applies until May 8, 2020, unless extended by order of the State Surgeon General. Any statute or rule to the contrary is hereby suspended for the period of time provided in this paragraph, unless extended by order of the State Surgeon General.

Section 4:

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, qualified physicians under section 381.986, Florida Statutes, may issue a physician certification *only for an existing qualified patient with an existing certification that was issued by that qualified physician* without the need to conduct a physical examination while physically present in the same room as the patient. These qualified physicians may substitute telehealth services for the physical examination while physically present in the same room as the patient. Telehealth shall have the same meaning as section 456.47(1)(a), Florida Statutes. If *the patient* is unable to utilize telehealth platforms due to an inability to access a smart phone, tablet, desktop, or laptop computer, qualified physicians may conduct audio-only telephone call recertification examinations. Prior to proceeding with an audio-only telephone call, physicians shall confirm that other telehealth methods are not available to the patient by documenting in the patient's medical record: 1) the steps taken to verify the patient's identity; 2) that the physician is able to currently utilize an available telehealth platform for treatment; 3) the name of that telehealth platform, and confirmation that the physician asked the patient if he or she had a smart phone, tablet, desktop, or laptop computer. All other minimum practice requirements and standards of care shall still apply to recertifications issued under this exception. This exception supersedes the exception provided for in Department of Health Emergency Order 20-002, issued on

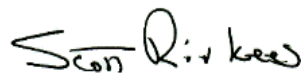
March 16, 2020. This exception to section 381.986(4)(a)1., Florida Statutes, applies until May 8, 2020, unless extended by order of the State Surgeon General. Any statute or rule to the contrary is hereby suspended for the period of time provided in this paragraph, unless extended by order of the State Surgeon General.

Section 5:

For purposes of preparing for, responding to, and mitigating any effect of COVID-19, a person applying for initial enrollment or recertification for the AIDS Drug Assistance Program (ADAP) may enroll or be recertified absent an HIV viral load laboratory result less than six months old and an HIV CD4 laboratory result less than 12 months old. This exception to Florida Administrative Code Rule 64D-4.007(1)(c) applies until May 8, 2020, unless extended by order of the State Surgeon General.

Because section 252.36(5)(a), Florida Statutes, allows the Governor to suspend the provisions of “any regulatory statute prescribing the procedures for [the] conduct of state business,” and because Section 4. B. of Executive Order No. 20-52 provides the State Surgeon General with the authority to issue this Emergency Order, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to this Order. The effective dates of this Order shall correspond with the effective dates of Executive Order No. 20-52, unless otherwise specified above.

Executed this 31st day of March 2020, in Department of Health Offices,
Tallahassee, Leon County, Florida.



Scott A. Rivkees, M.D.
State Surgeon General