



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR

**ORDER OF THE GOVERNOR OF THE COMMONWEALTH OF PENNSYLVANIA
TO ENHANCE PROTECTIONS FOR HEALTH CARE PROFESSIONALS**

WHEREAS, the World Health Organization and the Centers for Disease Control and Prevention have declared the coronavirus disease 2019 (“COVID-19”) a pandemic; and

WHEREAS, the President of the United States of America has declared the COVID-19 outbreak a national emergency and the U.S. Department of Health and Human Services (“HHS”) Secretary has declared the COVID-19 outbreak a public health emergency; and

WHEREAS, pursuant to section 7301(a) of the Emergency Management Services Code, 35 Pa. C.S. § 7301(a), I am charged with the responsibility to address dangers facing the Commonwealth of Pennsylvania (“Commonwealth”) that result from disasters; and

WHEREAS, on March 6, 2020, pursuant to section 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7301(c), I proclaimed the existence of a disaster emergency throughout the Commonwealth as a result of COVID-19; and

WHEREAS, I am authorized pursuant to section 7301(b) of the Emergency Management Services Code, 35 Pa. C.S. § 7301(b), during a disaster emergency to issue, amend and rescind executive orders, proclamations and regulations, and those directives shall have the force and effect of law; and

WHEREAS, I am specifically authorized pursuant to section 7301(f) of the Emergency Management Services Code, 35 Pa. C.S. § 7301(f), to suspend the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency; and

WHEREAS, pursuant to the Proclamation of Disaster Emergency that I issued on March 6, 2020, I suspended the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with this emergency and authorized Commonwealth agencies to implement emergency assignments without regard to procedures required by other laws, except mandatory constitutional requirements, pertaining to the performance of public works, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and expenditures of public funds; and

WHEREAS, pursuant to the authority to suspend such regulatory statutes, rules or regulations, my Administration has suspended numerous regulatory statutes, rules and regulations that would have otherwise hindered or delayed the Commonwealth’s medical professional community in responding to the threat of COVID-19; and

WHEREAS, at my direction, on March 18, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration issued guidance to health-related Pennsylvania licensees that they are permitted to use telemedicine when appropriate. In addition, my Administration granted a temporary suspension of the requirement for out-of-state practitioners to be licensed in Pennsylvania to practice telemedicine so long as they are licensed in good standing in their home state, territory or country by the equivalent of the Pennsylvania State Boards of Chiropractic, Dentistry, Medicine, Nursing and Nursing Home Administrators, Occupational Therapy, Optometry, Osteopathic Medicine, Pharmacy, Physical Therapy, Podiatry, Psychology, Social Work, Speech-Language Pathology and Audiology, and Veterinary Medicine; and

WHEREAS, at my direction, on March 18, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted temporary suspension of portions of 23 P.S. § 6311, 35 P.S. § 872.9a, and 63 P.S. § 422.33, thereby allowing for the expedited issuance of temporary licenses to out-of-state practitioners regulated by the Boards of Medicine, Osteopathic Medicine and Nursing; and

WHEREAS, at my direction, on March 20, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 49 Pa. Code § 17.3, thereby allowing medical doctors with an institutional license to practice in more than two (2) affiliated facilities and enabling the licensee to practice the full scope of medicine; and

WHEREAS, at my direction, on March 21, 2020 and March 27, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted temporary suspension of certain administrative requirements for the State Board of Nursing, including extension of license expirations dates and waiver of associated fees to ensure that Pennsylvania has as many nurses available as possible; and

WHEREAS, at my direction, on March 22, 2020, pursuant to 35 P.S. § 7301, my Administration granted temporary suspension of portions of 63 P.S. § 390-4.1(d), thereby allowing nonresident pharmacies to ship into Pennsylvania without holding a nonresident pharmacy registration; and

WHEREAS, at my direction, on March 22, 2020, pursuant to 35 P.S. § 7301, my Administration granted temporary suspension of portions of 49 Pa. Code § 27.12.(b)(2), thereby allowing Pharmacy Technicians to perform limited work remotely under remote supervision by a licensed pharmacist; and

WHEREAS, at my direction, on March 22, 2020, pursuant to 35 P.S. § 7301, my Administration granted temporary suspension of portions of 63 P.S. § 390-8(2), thereby allowing out-of-state pharmacists to practice in Pennsylvania during the COVID-19 disaster emergency; and

WHEREAS, at my direction, on March 22, 2020, pursuant to 35 P.S. § 7301, my Administration granted temporary suspension of portions of 63 P.S. §§ 271.10 and 49 Pa. Code §§ 25.162 and 25.175, thereby expanding the scope of practice of physician assistants licensed under the State Board of Osteopathic Medicine to more easily and effectively assist with the disaster emergency response efforts to COVID-19; and

WHEREAS, at my direction, on March 22, 2020, pursuant to 35 P.S. § 7301, my Administration granted temporary suspension of portions of 63 P.S. §§ 218.2, 218.3 and 49 Pa. Code §§ 21.282a(b), 21.283(a), 21.284(a) and (b) to allow Certified Registered Nurse Practitioners to practice to their full capabilities, including the ability to practice outside their specific clinical specialty as well as the ability to prescribe drugs outside of their established formulary; and

WHEREAS, at my direction, on March 22, 2020 and March 26, 2020, pursuant to 35 P.S. § 7301, my Administration granted temporary suspension of portions of 49 Pa. Code §§ 41.33(a)5), 47.12c(b)(5), 48.13.(b)(5) and 49.13(b)(5), thereby allowing psychology residents and supervised clinical experience for Social Work, Marriage and Family Therapy, and Professional Counselors to be completed through electronic means; and

WHEREAS, at my direction, on March 25, 2020, pursuant to 35 Pa. C.S. § 7301, to increase the number of health care practitioners qualified and available to respond to the COVID-19 disaster emergency and to ensure continuity of patient care and service, my Administration granted a temporary suspension of portions of 63 P.S. §§ 18.1(c), 218.5(c)(2), 222(e), 271.10(d) and (f), 271.10b(f), 271.13c(n)(5), 390-3(i) and (j), 390-3.1, 422.13c(n), 422.36(d), 422.36a(f)(5), 49 Pa. Code §§ 16.15(e)-(h), 1616(c), 16.19(b), 18.145(c), 18.309(a)(1), 18.610(a)(1), 21.29(c)(3), 21.253, 21.271(a) and (b), 21.332a(a), 21.5, 21.29(c)(2), 21.824, 21.828(b), 25.231, 25.163(b), 25.271(c), 25.503, 25.509(c), 21.805, 25.807, 27.31(b) and (d), 27.32, and 27.91, thereby allowing individuals who have inactive, retired or expired licenses regulated by the Board of Medicine, Board of Osteopathic Medicine, Board of Nursing and Board of Pharmacy to seek reactivation and immediately resume work within their scope of practice; and

WHEREAS, at my direction, on March 27, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 63 P.S. §§ 216, 216(c)(1), 218.2, 218.5(a) and 49 Pa. Code § 21.17(3) and (5), 21.149(b)(2), 21.155(b) and (d), 21.158, 21.282a(a) and (b), 21.7(b)(2), thereby permitting Certified Registered Nurse Practitioners to collaborate with all physicians within a hospital system without having to sign a collaborative agreement with each and every physician, including physicians licensed in other states. These suspensions also permit Certified Registered Nurse Anesthetists (CRNA) graduates who have completed an approved anesthesia program to practice without having taken the CRNA exam under the direction and in the presence of a Board-Certified anesthesiologist; and

WHEREAS, at my direction, on April 7, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of 49 Pa. Code § 17.5(d) and (e), thereby allowing a facility's resident program director to determine which graduate medical trainees have gained the skills and fulfilled the requirements necessary to advance in their postgraduate year (PGY) training in the absence of the United States Medical Licensing Exam; and

WHEREAS, at my direction, on April 7, 2020, pursuant to 35 Pa. C.S. § 7301, to further increase the number of health care practitioners qualified and available to respond to the COVID-19 disaster emergency and to ensure continuity of patient care and service, my Administration granted a temporary suspension of portions of 63 P.S. §§ 221(c), 1515, 1517 and 49 Pa. Code §§ 21.5, 21.724, 21.725, 40.5, 40.20(c) and (d), 40.191(g), 40.192(b), 40.501, 40.503, 42.16(g), 42.17, 42.53, 45.14(a), thereby allowing individuals who have inactive, retired or expired licenses regulated by the Board of Occupational Therapy, Board of Physical Therapy, Board of Examiners in Speech-Language Pathology and Audiology, and Dietitian-Nutritionists (LDNs) to seek reactivation and immediately resume work within their scope of practice; and

WHEREAS, at my direction, on April 7, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 63 P.S. §§ 1301-1313, 1501-1519, 1708(a), and 49 Pa. Code §§ 40.22, 40.32, 40.51-40.55, 40.161, 40.165, 40.166, 40.171-40.173, 40.181, 42.22, 42.23, 45.2, 45.1, 45.14, 45.20 to allow occupational therapists, physical therapists, speech-language pathologists and audiologists to perform skills that they are trained for – in settings and under circumstances that are outside their normal scope of practice, with less strict adherence to supervision requirements to provide a measure of relief in staffing shortages should they arise throughout the Commonwealth; and

WHEREAS, at my direction, on April 9, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 63 P.S. §§ 271.13c(j)(1), 422.13c(h)(1)(iii), (h)(3) and (j)(1), and 49 Pa. Code §§ 18.604(d), 18.606(c) and (d), 25.804(d), 26.806(c) and (d), granting a six-month extension of all Temporary Graduate Perfusionist Licenses, and granted a temporary suspension of 63 P.S. §§ 271.13c(c)(1), 422.13c(j)(1) and 49 Pa. Code §§ 18.606(c) and (d), 25.806(c) and (d), thereby allowing emergency perfusionists to provide services more than once during a 72-hour period; and

WHEREAS, at my direction, on April 10, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 49 Pa. Code § 2712 that allows pharmacy interns who are about to graduate to provide greater levels of assistance with indirect rather than direct supervision by a licensed pharmacist. In addition, my Administration granted a temporary suspension of portions of 63 P.S. § 390-3(e) and 49 Pa. Code § 27.26(c), thereby extending the six-year time limitation on pharmacy internship certificates; and

WHEREAS, at my direction, on April 10, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of any provision of the Pharmacy Act, 63 P.S. §§ 390.1 et seq., and corresponding regulations or Department of State policies that would hinder or impede the ability of pharmacies, pharmacists, interns and pharmacy technicians properly authorized by the Pennsylvania Department of Health and the Centers for Medicare & Medicaid Services (CMS) to test patients for COVID-19 and then report the results directly to the patients; and

WHEREAS, at my direction, on April 10, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 49 Pa. Code § 27.1 to allow Alternate Care Sites to use a Satellite Pharmacy during the COVID-19 disaster emergency; and

WHEREAS, at my direction, on April 10, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 63 P.S. § 390-8(2.1)(vi) to allow pharmacists to issue a 30-day emergency supply of nonscheduled legend drugs and schedule V controlled substances. In addition, my Administration granted a temporary suspension of 63 P.S. § 390-5(a)(8) to allow pharmacists to dispense a 90-day supply of nonscheduled legend drugs at one time by using the refills on the medication; and

WHEREAS, at my direction, on April 10, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 63 P.S. §§ 422.2 and 422.11 to allow medical school students to be used in hospital systems outside of the students' standard course electives in order to gather general information and provide answers to basic questions concerning COVID-19, other general questions about infectious disease control and occasionally patient-specific questions; and

WHEREAS, at my direction, on April 10, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 63 P.S. §§ 42.2, 271.2, 422.2, 625.101-625.1106, and 49 Pa. Code §§ 18.502, 18.509, 25.702, 25.709, 33.208 to provide opportunities to trained health care practitioners, not currently on the front lines of the pandemic response, with the opportunity to assist in response efforts if they so desire. The expansion of the scope of practice of Dentists, Oral Surgeons, Athletic Trainers, Chiropractors and Podiatrists would permit MDs and DOs to delegate certain practices to these practitioners to support the efforts to expand the response needed in hospitals, emergency departments, nursing homes and long-term care facilities during the COVID-19 disaster emergency; and

WHEREAS, at my direction, on April 14, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 63 P.S. §§ 422.2 and 422.11 so that clinical clerk services are not limited to being provided in a hospital and may be more broadly utilized during the COVID-19 disaster emergency; and

WHEREAS, at my direction, on April 16, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 63 P.S. §§ 129, 390-8, 664, and 49 Pa. Code §§ 27.12, 33.101 to provide opportunities to trained health care practitioners and technicians serving in the United States Armed Forces to assist in response efforts to the COVID-19 emergency and to augment the healthcare workforce in Pennsylvania; and

WHEREAS, at my direction, on April 17, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 49 Pa. Code § 17.1 to remove certain administrative requirements that may delay a Graduate Medical

Trainee from obtaining an “interim limited license” (sometimes referred to colloquially as a “moonlighting” license); and

WHEREAS, at my direction, on April 17, 2020, pursuant to 35 Pa. C.S. § 7301, my Administration granted a temporary suspension of portions of 63 P.S. §§ 271.10b, 422.13b, 422.36a, 627.5(c), 1306(g), 1309.1(a.1.) and 49 Pa. Code §§ 18.306, 18.507, 18.705, 18.811, 18.813, 18.821, 18.823, 18.831, 18.841, 20.26(c), 25.506, 25.707, 25.905, 40.22(b), 40.166(d) and (e) to extend temporary licenses and permits that expired or are on the verge of expiring before the permittee or licensee would have the opportunity to take specific examinations that have been postponed indefinitely due to COVID-19 related closures of testing centers/sites; and

WHEREAS, at my direction, on March 17, 2020, pursuant to 35 Pa. C.S. § 8105(c), the Pennsylvania Department of Health issued EMS Information Bulletin 2020-06 announcing an update to Basic Life Support Protocol #931 regarding aerosol generating procedures and EMS transport to alternate destinations other than a defined receiving facility; and

WHEREAS, at my direction, on March 20, 2020, pursuant to guidance issued by the National Registry of Emergency Medical Technicians, the Pennsylvania Department of Health issued EMS Information Bulletin 2020-07 announcing that any student who successfully completes a Pennsylvania Department of Health approved Emergency Medical Responder, Emergency Medical Technician, Advanced Emergency Medical Technician or Paramedic course will be considered to have met the skills practical examination requirement, and will not have to complete the National Registry of Emergency Medical Technicians’ psychomotor exam; and

WHEREAS, at my direction, on March 22, 2020, pursuant to 35 Pa. C.S. § 7301, the Pennsylvania Department of Health issued EMS Information Bulletin 2020-08 authorizing EMS provider certifications for Emergency Medical Services Vehicle Operators, Emergency Medical Responders, Emergency Medical Technicians, Advance Emergency Medical Technicians, Paramedics, Pre-Hospital Registered Nurses, Pre-Hospital Physician Extenders, Pre-Hospital Emergency Medical Services Physicians and Medical Command Physicians that have expiration dates in March and April 2020 to be extended until July 1, 2020; and

WHEREAS, at my direction, on March 25, 2020, pursuant to 35 Pa. C.S. § 8129 (r)(2), the Pennsylvania Department of Health issued EMS Information Bulletin 2020-09 authorizing EMS agencies that hold licensure in a state other than the Commonwealth and are requested to respond to an emergency in the Commonwealth, including interfacility transports within the Commonwealth, to do so without obtaining a license issued by the Pennsylvania Department of Health; and

WHEREAS, at my direction, on March 31, 2020, pursuant to 35 Pa. C.S § 8116 and 28 Pa. Code § 1023.26, the Pennsylvania Department of Health issued EMS Information Bulletin 2020-10 clarifying that EMS providers, at or above the level of Advanced Emergency Medical Technician, may obtain and label nasopharyngeal swabs for COVID-19 laboratory analysis; and

WHEREAS, at my direction, on April 1, 2020, pursuant to 35 Pa. C.S. § 7301, the Pennsylvania Department of Health issued EMS Information Bulletin 2020-11 authorizing Level I staffing exceptions for EMS Vehicle Operators, 35 Pa. C.S. § 8122; Basic Life Support ambulances, 35 Pa. C.S. § 8133; Intermediate Advanced Life Support ambulances, 28 Pa. Code § 1027.34(b), and Advanced Life Support ambulances, 35 Pa. C.S. § 8130; and

WHEREAS, at my direction, on April 7, 2020, pursuant to 28 Pa. Code §§ 1021(a), (c) and (f), the Pennsylvania Department of Health issued EMS Information Bulletin 2020-14 announcing an exception process allowing expired EMS providers to be reinstated; and

WHEREAS, at my direction, on April 9, 2020, pursuant to 35 Pa. C.S. § 8105(c), the Pennsylvania Department of Health issued EMS Information Bulletin 2020-17 announcing a statewide basic life support ambulance protocol which permits the non-transport and home care for patients who meet certain criteria, without contact with the EMS agency Medical Command Physician; and

WHEREAS, at my direction, pursuant to 35 Pa. C.S. § 7301, my Administration suspended 28 Pa. Code 51.3(a), thereby authorizing the immediate use of telemedicine to support health care services provided by hospitals, including at their off-site and alternative care site locations, and ambulatory surgical facilities in their responses to the COVID-19 disaster emergency and directing the Pennsylvania Department of Health to suspend its guidance in this regard; and

WHEREAS, at my direction, pursuant to 35 Pa. C.S. § 7301, my Administration suspended 28 Pa. Code § 211.12(i), which requires that a nursing care facility meet a minimum number of general nursing care hours for each 24-hour period, in order to allow nursing care facilities to operate to the best of their ability given the likelihood of staffing shortages; and

WHEREAS, at my direction, pursuant to 35 Pa. C.S. § 7301, my Administration suspended requirements in section 103 of the Medical Marijuana Act and accompanying regulations, 35 P.S. §§ 10231.101; 10231.103 and 28 Pa. Code § 1181.21, which required certain services to be provided “in-person,” in order to allow for remote consultations; and

WHEREAS, at my direction, pursuant to 35 Pa. C.S. § 7301, my Administration authorized practices and services in facilities licensed by the Department of Human Services that allow those facilities to retain residents and to readmit residents after hospitalization; and

WHEREAS, at my direction, pursuant to 35 Pa. C.S. § 7301, my Administration has sought all necessary waivers from the federal government to implement amended payment provisions to all health care practitioners and other providers to permit flexibility to address the COVID-19 disaster emergency; and

WHEREAS, at my direction, pursuant to 35 Pa. C.S. § 7301, my Administration suspended regulations relating to licensure and payment for Medicaid services to the extent those provisions prevent the delivery of services using telemedicine; and

WHEREAS, pursuant to 35 Pa. C.S. § 7704(a), neither the Commonwealth nor any political subdivision thereof nor other agencies nor, except in cases of willful misconduct, the agents, employees or representatives of any of them engaged in any emergency services activities, nor, except in cases of willful misconduct or gross negligence, any individual or other person under contract with them to provide equipment or work on a cost basis to be used in disaster relief, nor, except in cases of willful misconduct or gross negligence, any person, firm, corporation or an agent or employee of any of them engaged in disaster services activities, while complying with or attempting to comply with this part of the Emergency Management Services Code or any rule or regulation promulgated pursuant to the provisions of this part of the Emergency Management Services Code, shall be liable for the death of or any injury to persons; and

WHEREAS, further immediate action is required to enhance the protections necessary to support the response of the Commonwealth’s medical professional community to the threat of COVID-19; and

WHEREAS, as of May 6, 2020, 51,845 persons have tested positive or meet the requirements to be considered as probable cases for COVID-19 in the Commonwealth in all 67 counties, and 3,106 persons are reported to have died from the virus; and

WHEREAS, the emergent need for the measures adopted by my Administration herein and adopted previously to supplement the health care workforce by utilizing health care professionals who have not previously maintained liability coverage by facilitating the deployment of retirees and out-of-state health care professionals; and by calling upon health care professionals to perform acts that they would not perform in the ordinary course of business, it is in the public interest to afford such individuals protection against liability for good faith actions taken in their efforts to offer assistance in response to the call to supplement the health care professional workforce; and

WHEREAS, recognizing the number of COVID-19 cases in Pennsylvania will require the skills of more health care professionals across the Commonwealth, including physicians, physician assistants, advance practice nurses, registered professional nurses, licensed practical nurses,

respiratory care therapists and others whose training and experience enable them to deliver or manage health care for COVID-19 and non-COVID-19 medical emergencies, we must take all possible steps to expand the capacity of the Commonwealth's health care system to meet Pennsylvanians' urgent medical needs.

NOW THEREFORE, pursuant to the authority vested in me and the Executive branch by the laws of the Commonwealth of Pennsylvania, I do hereby ORDER and PROCLAIM as follows:

Pursuant to 35 Pa. C.S. § 7704(a), neither the Commonwealth nor any political subdivision thereof nor other agencies nor, except in cases of willful misconduct, the agents, employees or representatives of any of them engaged in any emergency services activities, nor, except in cases of willful misconduct or gross negligence, any individual or other person under contract with them to provide equipment or work on a cost basis to be used in disaster relief nor except in cases of willful misconduct or gross negligence, any person, firm, corporation, or an agent or employee of any of them engaged in disaster services activities shall be liable for the death of or any injury to a person or for loss or damage to property as a result of that activity. Pursuant to 35 Pa. C.S. § 7704(b), any person, organization or authority owning or controlling real estate or other premises, who voluntarily and without compensation grants a license or privilege or otherwise permits the designation or use of the whole or any part or parts of the real estate or premises for any emergency services purpose, shall not be civilly liable for negligently causing the death of or injury to or loss or damage to the property of any person who is upon the real estate or other premises for that purpose.

The following regulatory statutes and regulations relating to the Department of Health's licensure and certification authority over health care facilities set forth in the Health Care Facilities Act, 35 P.S. §§ 448.101 et seq., and Emergency Medical Services Agencies and Providers set forth in the Emergency Medical Services System Act, 35 Pa. C.S. §§ 8101 et seq., are hereby temporarily suspended to the extent those provisions could prevent, hinder or delay the delivery of health care services in response to the COVID-19 disaster emergency:

Regulations relating to medical professionals at 28 Pa. Code §§ 107.2, 109.7, 555.2 and 559.3(c), to the extent needed to allow those professionals licensed or certified in any state to practice their profession in the Commonwealth's health care facilities in person or through telemedicine;

Regulations relating to hospitals and ambulatory surgical facilities and other health care settings, including 28 Pa. Code §§ 109.4, 109.5, 109.66, 117.30, 123.5, 123.14 (1) and (6) and 559.49(b), to the extent needed to relax the scope of practice requirements and supervision requirements for health care professionals working in those facilities;

The regulation relating to hospitals at 28 Pa. Code § 107.5(c), to the extent needed to allow a member of a hospital medical staff to go beyond a two-year appointment to a hospital's medical staff;

The regulation relating to skilled nursing care facilities at 28 Pa. Code § 211.2(c), to the extent that it requires the medical director of a nursing care facility to be licensed in the Commonwealth, in order to allow nursing care facilities to operate to the best of their ability given the likelihood of staffing shortages;

The regulation relating to skilled nursing care facilities at 28 Pa. Code § 211.12(b), to the extent that it requires a nursing care facility to employ a full-time licensed nurse as the director of nursing, in order to allow skilled nursing care facilities to hire a director of nursing on a part-time basis, or hire another individual to be the director of nursing, so long as that individual is capable of performing the tasks of a director of nursing;

The regulation relating to home health care agencies at 28 Pa. Code § 601.6, to the extent that it requires an administrator, a licensed practical nurse, an occupational therapist, an occupational therapy assistant, a pharmacist, a physical

therapist, a physical therapist assistant, a physician, a registered nurse or any other employee of a home health care agency practicing in those entities, to be licensed by the Commonwealth;

Regulations relating to home health care agencies at 28 Pa. Code §§ 601.21(b), 601.31(a) and 601.35(c), to the extent that they require services to be provided in a place of residence used as a patient's home, and a supervisory visit to the patient be made to observe the services provided, so that services may be provided to the extent possible using telehealth;

The regulation relating to home care agencies or home care registries at 28 Pa. Code § 611.55(a)(1), to the extent it requires direct care workers practicing in those entities to be licensed by the Commonwealth;

The regulation relating to home care agencies or home care registries at 28 Pa. Code § 611.5, to the extent they require a home care agency to have face-to-face interaction with a consumer in the consumer's place of residence, so that services may be provided to the extent possible using telehealth technologies;

Regulations relating to birth centers at 28 Pa. Code §§ 501.7, 501.71(2) and 501.72(a), to the extent they require a licensed practical nurse, midwife physician or registered nurse practicing in that facility to be licensed by the Commonwealth;

Regulations relating to birth centers at 28 Pa. Code § 501.74(a)-(b), to the extent they require a birth center to take delivery of pharmaceuticals with a signature;

Statutes and regulations relating to EMS provider certification at 35 Pa. C.S. § 8113 and 28 Pa. Code § 1021.21, to the extent they would prevent out-of-state EMS providers from practicing emergency medical services in the Commonwealth.

The following regulatory statutes and regulations relating to the Department of Human Services' authority are hereby suspended to the extent those provisions could prevent, hinder or delay the delivery of health care services in response to the COVID-19 disaster emergency:

Statutes and regulations relating to prior authorization at 62 P.S. §§ 443.6(b)(2), (4) and (7), 55 Pa. Code §§ 1123.55(b), 1123.60(e) and 1249.52(a)(6), to enable Medical Assistance beneficiaries to receive COVID-19-related oxygen supplies and durable medical equipment and other services and items without the need for prior authorization;

The regulation at 55 Pa. Code § 1123.53(c), to allow Medical Assistance beneficiaries to receive a 90-day supply of medication;

The regulation at 55 Pa. Code § 1245.54(3), to allow payment for transportation to facilities not enrolled in the Medical Assistance Program;

The regulation at Pa. Code § 1101.42(a), to allow payment for services provided by practitioners or entities who would, were it not for actions of the Pennsylvania Department of Health or the Pennsylvania Department of State, be required to be licensed by the Commonwealth;

Statutes and regulations relating to Personal Care Homes at 62 P.S. §§ 211, 901- 922 and 1001-1087; and 55 Pa. Code §§ 2600.1- 2600.270, and Assisted Living Residences at 62 P.S. §§ 211, 213 and 1001- 1087; and 55 Pa. Code §§ 2800.1- 2800.270, to the extent those provisions prevent a medical professional from rendering health care services in those settings as needed to address the COVID-19 disaster emergency;

Regulations relating to qualifications for home and community-based providers at 55 Pa. Code §§ 52.1, 52.12, 52.19-52.21, 52.27, 6100.81-6100.85 and 6100.142, but only to the extent necessary to address the COVID-19 pandemic disaster emergency;

Statutes and regulations relating to licensure and the payment for Medicaid services to Medical Assistance beneficiaries and licensure to the extent those provisions prevent the delivery of services using telemedicine: Inpatient Psychiatric Services, 55 Pa. Code §§ 1151.65 and 1151.66(b)(1); Outpatient Psychiatric Services, 55 Pa. Code §§ 1153.2 and 51153.52; Outpatient Drug and Alcohol Services, 55 Pa. Code § 1223.52; Psychiatric Rehabilitation Services, 55 Pa. Code §§ 5230.52, 5230.53 and 5230.55; Mental Health Crisis Intervention Services, 55 Pa. Code § 5240.40.97(d); Community Residential Rehabilitation Services, 55 Pa. Code §§ 5310.14(e), 5310.32(c)(2); Long-Term Structured Residences Licensure, 55 Pa. Code §§ 5320.41, 5320.42(3), (4), (7), (8) and (9), 5320.43(c), and 5320.74(1);

Regulations relating to licensure and payment for services to Medical Assistance beneficiaries that would prevent the use of licensed practitioners other than physicians to the extent allowed under state law, provided that such use is consistent with federal requirements for federal financial participation: Inpatient Psychiatric Services, 55 Pa. Code §§ 1151.65 and 1151.66 (b)(1); Outpatient Psychiatric Services, 55 Pa. Code § 1153.2; Medical Assistance Provider Participation, 55 Pa. Code § 1101.42(a); and Home Health Agency Services, 55 Pa. Code §§ 1249.52-1249.54.

I hereby designate the following classifications of individuals as agents of the Commonwealth solely and exclusively for purposes of immunity from civil liability due to emergency services activities or disaster services activities only as related to the Commonwealth's COVID-19 disaster emergency response and as such, the designated agents are entitled to no other rights, privileges, status, benefits or emoluments that might be otherwise applicable by operation of agency law:

Any individual who holds a license, certificate, registration or certification or is otherwise authorized to practice a health care profession or occupation in this Commonwealth, and who is engaged in emergency services activities or the provision of disaster services activities related to the Commonwealth's COVID-19 disaster emergency response pursuant to my March 6, 2020 Proclamation of Disaster Emergency in the following types of facilities and care settings:

Any health care facility, within the meaning of section 802a of the Health Care Facilities Act, 35 P.S. § 448.802a, any nursing facility, personal care home as defined in 55 Pa. Code § 2600.4 and assisted living facility, as defined in 55 Pa. Code § 2800.4 engaged in emergency services activities or the provision of disaster services activities related to the Commonwealth's COVID-19 disaster emergency response pursuant to my March 6, 2020 Proclamation of Disaster Emergency; or

Any alternate care site, community-based testing site, or non-congregate care facility used for the purpose of conducting emergency services activities or the provision of disaster services activities related to the Commonwealth's COVID-19 disaster emergency response pursuant to my March 6, 2020 Proclamation of Disaster Emergency.

This designation is without regard for whether such individuals receive remuneration. The aforementioned classifications of individuals (and not the facilities or entities themselves) shall be immune from civil liability and shall not be liable for the death of or any injury to a person or for loss of or damage to property as a result of the emergency services activity or disaster services activity described above, except in the cases of willful misconduct or

gross negligence, to the fullest extent permitted by law. This grant of immunity shall not extend to health care professionals rendering non-COVID-19 medical and health treatment or services to individuals.

This order is effective immediately and shall remain in effect for the duration of the disaster emergency.



GIVEN under my hand and the Seal of the Governor, at the city of Harrisburg, on this sixth day of May two thousand twenty, the year of the commonwealth the two hundred and forty-fourth.

Tom Wolf
TOM WOLF
Governor