

## Summary of Some Key Changes of Interest to Social Workers in Governor Bill Lee's COVID-19 Pandemic Executive Orders

Governor Bill Lee has issued a number of Executive Orders since mid-March that allow Tennessee the ability to utilize additional **emergency funds** and to provide **flexibility to respond to COVID-19**. Many of the changes have been widely publicized through the media. The below information focuses on some of the less publicized changes that are of potential interest to social workers. As you review this information please keep in mind that these are time limited Executive Orders with expiration dates.

[Executive Order 15](#) gives the Commissioner of Health the discretion to allow a **health care professional who is licensed in another state** to practice in Tennessee without being licensed in Tennessee. The professional must complete an application that is available at <https://www.tn.gov/health/health-program-areas/health-professional-boards/covid-19.html>.

This Executive Order also suspends the current **expiration dates for health care professionals to renew their license**, set to expire between March 12, 2020, and the date on which the order terminates (May 18, 2020) for three (3) months, during which time the holder of each license may continue to legally operate or practice their profession. No fines or penalties shall be assessed or collected if the holder of such license practices or operates during this extended period. Any renewal application received by the Tennessee Department of Health within three (3) months of the expiration date of the license shall be accepted as timely. When each license is renewed, its new expiration date shall be twenty-four (24) months after the expiration date it had prior to the Order.

The Executive Order **delays the expiration of all driver licenses** set to expire between March 12, 2020, and May 18, 2020. The expiration date for the license will be six months from the current date it is set to expire.

Executive Order 15 also authorizes the **Division of TennCare** to create policies or modify existing policies as is necessary to ensure that members of the **TennCare and CoverKids** programs continue to receive medically necessary services without disruption during this state of emergency.

**Health insurance carriers** are urged in Executive Order 15 to provide coverage for the delivery of clinically appropriate, medically necessary covered services via telemedicine to all providers, irrespective of network status or originating site. Providers are urged to follow the new guidance from the federal Centers for Medicare and Medicaid Services regarding equipment and everyday communications technologies that may be used for the provision of telemedicine services. Carriers were also urged not to impose prior authorization requirements on medically necessary treatment related to COVID-19 delivered by in-network providers via telemedicine.

[Executive Order 20](#) (that modifies Executive Order 15) includes a number of items related to licensed health professionals including social workers.

Executive Order 20 suspends to the extent necessary the requirements that **applicants for an initial license** include any **state regulatory fee**, as part of the application process. This suspension applies to initial application fees due to the Department of Health between March 12, 2020, and May 18, 2020. Fees already collected will not be refunded. The deadline to pay initial application fees originally due during this period is hereby extended to June 17, 2020; provided, however, that licenses and fees shall return to their original schedules in subsequent years.

Licensure rules are suspended to the extent necessary to suspend the requirements that **license applicants** submit **notarized application documents** and instead allows applicants to declare, certify, verify, or state under penalty of perjury that each document submitted is a true and correct copy of what it purports to be. Such declarations, certifications, verification, and statements must be signed and dated.

The law and rules of health related boards are suspended to the extent necessary to give the Commissioner of Health the **authority to grant a license**, to a healthcare professional, such as a **retired healthcare professional**, who has been out of practice for a period of time without requiring that individual to demonstrate continued competency or submit to an interview before a licensing board or other licensing authority, provided that the individual satisfies all other requirements for licensure.

The law, rules and policies of health related boards are suspended to the extent necessary to suspend the requirement that individuals complete or submit proof of completing **continuing education requirements** or otherwise demonstrate **continuing competence** as a condition of **reinstating a license**. The Commissioner of Health shall reasonably extend the deadline for these requirements as necessary to respond to the effects of COVID-19.

The provisions of state law related to telehealth and health related boards (Tennessee Code Annotated, Section 63-l-155(a)(l) ) are suspended to the extent necessary to allow **telehealth or telemedicine services** to be provided by any provider licensed under Title 63, **regardless of the provider's authority to diagnose**.

[Executive Order 22](#) includes a list of Essential Services and [Executive Order 23](#) requires Tennesseans to stay at home unless engaged in Essential Services or Essential Activity.

[Executive Order 24](#) grants the Commissioner of Health the authority to allow persons who have completed a **master's degree or doctoral degree in a behavioral or mental health field**, or in a field of study required for a license allowing the individual to diagnose behavioral or mental health disorders, to treat diagnosed behavioral or mental health conditions **without a license** and through **use of telemedicine services**; provided, that the person is, at all times, supervised by a person licensed under a health related board with authorization to diagnose a behavioral or mental health condition. Those wishing to practice under this order must complete a two page form that can be accessed at <https://www.tn.gov/health/health-program-areas/health-professional-boards/covid-19.html> . After submission the applicant is notified by email of their approval.

[Executive Order 26](#) suspends provisions of certain laws and rules in order to facilitate remote notarization and witnessing of documents.

[Executive Order 27](#) extends the temporary social distancing and stay-at home provisions of prior Executive Orders to April 30, 2020.

[Executive Order 29](#) amends Executive Order 17 to reopen dining in restaurants beginning at 12:01 CDT Monday, April 27. Subject to the expectation that restaurants will operate within ERG (Economic Recovery Group) Guidelines, on-site dining at restaurants will no longer be prohibited in Tennessee, unless a locally run county health department in Davidson, Hamilton, Knox, Madison, Shelby, or Sullivan Counties independently prohibits or otherwise regulates the opening, closing, or operation of restaurants within its respective county.

If a restaurant does not operate in a safe manner, or if health outcomes demonstrate that a particular business or industry sector is unable to be operated in a sufficiently safe manner, the Governor and/or other applicable state official(s) may issue additional orders concerning that business or industry.

Bars, nightclubs, and limited service restaurants shall continue to be closed to persons for the purposes of eating or drinking on-site. Take-out and delivery alcohol sales by restaurants remain permitted.

Economic Recovery Group **guidelines for the reopening of restaurants and other businesses** can be found at <https://www.tn.gov/governor/covid-19/economic-recovery.html> . Reminder: These guidelines relate to 89 counties with the Health departments in Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan Counties determining what happens in these six counties. Cities located in these counties include Nashville, Memphis, Knoxville, Chattanooga, Jackson, Kingsport and Bristol.

Information updated through orders posted on the Secretary of State's website as of April 24, 2020 at 3:30 p.m.

**All Executive Order are available on the Tennessee Secretary of State's Website a**

**<https://sos.tn.gov/products/division-publications/executive-orders>**