

# Health Care Providers Should Take Note of Recent Repeals and Extensions of COVID-Related Executive Orders

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## Connecticut Health Law

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Governor Lamont’s recent renewal of his declaration of the public health and civil preparedness emergencies through July 20, 2021 was followed by Executive Order 12B that repeals portions of previously-issued Executive Orders and modifies and/or extends portions of other Executive Orders. Below is a summary of key Executive Orders related to health care that are affected by EO 12B.

*Repealed*

**NOTE: Providers should refer to PA 21-9 for codification of several provisions of the repealed orders relating to telehealth.**

- EO 7F, Section 3, which expanded Medicaid telehealth coverage to audio-only telephone.
- EO 7G, Sections 5 and 6, which provided flexibility for Medicaid-enrolled providers and in-network providers for commercial fully insured health insurance to perform telehealth through additional methods (including audio-only phone), and provided for the temporary suspension of in-person investigative visits in connection with reports of elder abuse, neglect, exploitation or abandonment or a need for protective services and, if possible and appropriate, authorized DSS to use alternative means to conduct such in-person visits.
- EO 7O, Section 1, which authorized the Commissioner of Public Health to waive licensing renewal, and inspection requirements deemed necessary to ensure the provision of adequate health care during, and mitigate the effects of, the public health emergency.
- EO 7DD, Sections 1, 2, 6 and 7, which, among other things, added new practitioners to the definition of “telehealth provider;” provided flexibility for Medicaid providers and in-network providers for commercial fully-insured plans to perform telehealth through additional methods; and temporarily suspended certain supervision requirements for physician assistants and advanced practice registered nurses.

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- EO 7FF, which provided flexibility for Medicaid-enrolled providers to perform telehealth to new or established patients who are Medicaid recipients through audio-only telephone.
- EO 10C, which extended certain previously-issued Executive Orders regarding expanded access to telehealth services, including those mentioned above.

### *Extended*

The following Executive Orders related to health care are extended through June 30, 2021:

- EO 7I, Sections 2 and 3, which suspend copayments (up to \$17/month) for full benefit, dually eligible Medicare Part D beneficiaries and for HUSKY B clients.
- EO 7J, Section 3, which permits the delivery of take-home doses of methadone for the treatment of drug-dependent patients who are determined to be unable to travel to the treatment facility due to COVID-19 or related concerns.
- EO 7L, Section 4, which modifies certain statutes and regulations in order to add flexibility to maintain adequate medical marijuana access for patients, including statutes and regulations regarding the certification of medical marijuana patients, the expiration of medical marijuana patient certifications or registrations and staffing requirements at dispensary facilities.
- EO 7V, Sections 3-5, which permit practice before licensure by certain health care providers (physical therapist, physical therapy assistant, radiographer, registered nurse, nurse practitioner, clinical nurse specialist, nurse anesthetist, marital and family therapy associate and professional counselor associate) who have met specified educational requirements for the duration of the public health emergency.
- EO 7DD, Sections 4 and 5, regarding participation in intern, resident physician, resident physician assistant and United States Medical Officer candidate training programs prior to permit issuance under certain circumstances.

The following Executive Orders related to health care are extended through July 20, 2021:

- EO 7F, Section 4, relating to the waiver of in-person service, meeting, hearing and screening requirements for facilities that have issued orders limiting visitor access to protect the public health. Section 4 also permits meetings, hearings and screenings to take place by any other method that allows for the participation of the interested parties.
- EO 7II, Section 2, which authorizes the DSS Commissioner to temporarily waive, modify or suspend DSS home health regulatory requirements to increase the access of Medicaid members to home health services.

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- EO 7KK, Section 1, which permits pharmacists to order and administer FDA-approved tests for COVID-19.
- EO 9Q, Sections 1 and 3. Section 1 authorizes licensed pharmacists to administer the COVID-19 vaccine to adults and children over the age of 10 as well as the influenza vaccine to persons over the age of 10, provided that the administration of any of these vaccines is conducted on the order of a licensed healthcare provider. Section 3 refers to the reimbursement amount for out-of-network COVID-19 immunizations.
- EO 9S, Section 2, which provides for the continued temporary suspension of the requirements for licensure, certification or registration for a number of categories of providers to allow persons who are appropriately licensed, certified or registered in another state, territory or the District of Columbia to render temporary assistance in Connecticut.

For more information, please contact a Pullman & Comley Health Care attorney.

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