

Executive Orders #36 and #50 Information

Governor Lee issued executive orders #36 and #50 which have provisions applicable to nursing:
<https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee36.pdf>
<https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee50.pdf>

The purpose of this order is to decrease barriers to licensure that do not pose a risk to public safety and also to protect the safety of state employees. Any fee payments extended will be due by June 30, 2020.

Provision 2. The relevant provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules are hereby suspended to the extent necessary to give the Commissioner of Health the discretion to allow a health care professional who is licensed in another state, and who would otherwise be subject to the licensing requirements under Title 63 or Title 68, to engage in the practice of such individual's profession in Tennessee, if such individual is a health care professional who is assisting in the medical response to COVID-19, including treating routine or other medical conditions. The Commissioner of Health shall provide the requisite form for practicing under this Paragraph on the Department of Health's Health Professional Boards webpage.

- *The application for Health Professional Practice by Executive Order may be found at : <https://www.tn.gov/content/dam/tn/health/documents/cedep/novel-coronavirus/Boards-Executive-Order-Form.pdf> (effective through August 29, 2020)*

Provision 7. Health care licenses, certificates, and registrations are extended until August 31, 2020. The relevant provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules are hereby suspended to the extent necessary to extend the current expiration dates for health care professionals and facilities to renew their license, certificate, or registration set to expire between March 12, 2020, and May 31, 2020, during which time the holder of each license, certification, or registration may continue to legally operate or practice their profession. No fines or penalties shall be assessed or collected if the holder of such license, certification, or registration practices or operates during this extended period. Any renewal application received by the Tennessee Department of Health by August 31, 2020, shall be accepted as timely. When each license, certificate, or registration is renewed, its new expiration date shall be twenty-four (24) months after the expiration date it had prior to this Order.

- *Renewal expiration dates are extended as follows:*

<i>Current Expiration Date</i>	<i>New Expiration Date per E.O. #36 & #50</i>
<i>March 31, 2020</i>	<i>August 31, 2020</i>
<i>April 30, 2020</i>	<i>August 31, 2020</i>
<i>May 31, 2020</i>	<i>August 31, 2020</i>
<i>June 30, 2020</i>	<i>June 30, 2020</i>

- *Applicants are encouraged to renew online prior to their new expiration date.*

Provision 7.1. Health care license application fees are due June 30, 2020. The relevant provisions of Tennessee Code Annotated, Titles 9, 63, and 68, and related rules are hereby suspended to the extent necessary to suspend the requirements that applicants for an initial license pursuant to Titles 63 or 68 pay fees, including any state regulatory fee, as part of the application process. This suspension will apply to initial application fees due to the Department of Health between March 12, 2020, and May 31, 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 30, 2020; provided, however, that licenses and fees shall return to their original schedules in subsequent years.

- *Includes initial applications by examination and applications for reinstatement for those who apply between March 12, 2020 and June 30, 2020.*
- *Does not apply to applications for endorsement from other states or license renewal.*
- *Offers a hardship provision for those who need to extend payment until June 30, 2020.*

Provision 7.2. Notarization is not required for health care applications. The relevant provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules, are hereby suspended to the extent necessary to suspend the requirements that license applicants submit notarized application documents and instead allowing 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 order suspends the requirement to have documents notarized. Applicants will submit documents with their signature and date such as Declaration of Citizenship, photograph, etc.*

Provision 7.3. Retired medical professionals can easily reenter the health care workforce. The provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules and policies are hereby suspended to the extent necessary to give the Commissioner of Health the authority to grant a license, certificate, or registration 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, certification, or registration.

- *Applicants must submit a reinstatement application and meet requirements for licensure except for continued competency requirements.*

Provision 7.4. In-person and live continuing education requirements are suspended for health care professionals. The provisions of the rules and policies adopted pursuant to Tennessee Code Annotated, Titles 63 and 68, regarding continuing education credits and hours for health care professionals are hereby suspended to the extent necessary to suspend the requirement that any continuing education credits and hours be obtained in-person or at a live event for credit and hours earned from March 12, 2020, through the expiration of this Order. Such rules and policies are further suspended to the extent necessary to allow the Commissioner of Health to adopt policies necessary to comply with the

suspension of in-person and live continuing education requirements, and the Commissioner of Health is hereby directed to adopt policies to that effect. Nothing in this provision suspends the requirements that health care professionals obtain a certain number of continuing education credits or hours.

- *Continued competency requirements must be met for renewal applications.*

Provision 7.6. Health care licensing inspections and investigations are suspended to increases resource available to fight COVID-19 and to protect public health. The provisions of Tennessee Code Annotated, Titles 63 and 68, and related rules and policies are hereby suspended to the extent necessary to suspend any requirement that the Department of Health conduct inspections or investigations of a licensee, including, but not limited to, complaint investigations, routine surveys, and site visits. However, the Department of Health retains the authority to conduct any inspection or investigation when, in the Department's sole discretion, the public health, safety, or welfare necessitates such inspection or investigation.

- *Regularly scheduled and new school survey visits are suspended at this time.*

Provision 7.16. Nursing graduates may practice under supervision without examination. The provisions of Tennessee Code Annotated, Title 63, Chapters 6 and 7, and related rules and policies are hereby suspended to the extent necessary to give the Commissioner of Health the authority and discretion to allow a person who has graduated on or after December 1, 2019, from an approved registered or practical nursing education program, and who has applied and fulfilled all other requirements for licensure as a nurse but has yet to take the National Council Licensure Exam (NCLEX), to practice nursing under the supervision of a licensed registered nurse.

- *Applicants graduating on or after December 1, 2019 who have been made eligible by the Board of Nursing to take NCLEX and have not tested may practice nursing under the supervision of a licensed registered nurse.*
- *A list of eligible applicants for licensure will be posted under the "Licensure" tab on the Board of Nursing website:
<https://www.tn.gov/content/dam/tn/health/healthprofboards/nursing/Nursing%20Temp%20Auth%20to%20Practice.pdf> . Tennessee Board of Nursing Licensure Verification will display "Application in Process."*
- *Employers should verify graduation date with employees practicing under this Executive Order.*
- *Nursys.com will not display verification of this temporary authorization to practice.*

Provision 38. Telemedicine access is expanded. Health insurance carriers are urged 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 are urged not to impose prior authorization requirements on medically necessary treatment

related to COVID-19 delivered by in-network providers via telemedicine. Health care professionals licensed in another state who are authorized pursuant to this Order to temporarily practice in this state are permitted to engage in telemedicine services with patients in Tennessee to the extent the scope of practice of the applicable professional license in this state would authorize the professional to diagnose and treat humans. Tennessee Code Annotated, Section 63-1-155(c)(3), is hereby suspended to allow telemedicine services by pain management clinics, as defined in Tennessee Code Annotated, Section 63-1-301 (7), and in the case of chronic nonmalignant pain treatment.

- *Those nurses permitted to practice in Tennessee by the Executive Order Application are permitted to engage in telehealth services with patients in Tennessee.*

Provision 38.1. All Licensed health care provider can practice telemedicine. The provisions of Tennessee Code Annotated, Section 63-1-155(a)(1), are hereby 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. This suspension does not otherwise alter or amend any licensee's scope of practice or record keeping requirements.

- *Extends telehealth services to include RNs and LPNs from March 12, 2020 through August 29, 2020.*
- *Telehealth exemption is for care of patients located in Tennessee.*
- *This provision does not allow for telehealth for patients in other states except as provided by a multistate compact license for RNs and LPNs according to laws of the compact state where the patient is located (no change).*