COVID-19 Executive Orders Affecting Health and Human Services

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Notice to Readers

This report provides brief summaries of the governor’s COVID-19 executive orders concerning health and human services. The report includes all related executive orders since the governor’s March 10, 2020 declaration of public health and civil preparedness emergencies, through April 9, 2020.

Each summary indicates the Executive Order (EO) number and enactment date. Not all provisions of the orders are included. The orders are grouped by category for ease of reference.

Three additional reports will be forthcoming shortly, summarizing the governor’s COVID-19 executive orders concerning (1) business and labor, (2) education and child care, and (3) state and local government and elections. All four reports will be available on OLR’s website: https://www.cga.ct.gov/olr/. The reports will be updated promptly as the governor issues new related orders.

Readers are encouraged to obtain the full text of the orders, and related state agency actions taken in response to the COVID-19 pandemic, from the governor’s website: https://portal.ct.gov/Coronavirus/Pages/Emergency-Orders-issued-by-the-Governor-and-State-Agencies.
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Children’s Programs and Services

Childcare Services Infrastructure

EO 7T:
- Authorizes the Office of Early Childhood (OEC) commissioner to waive certain laws, regulations, rules, and policies on child care funding to maintain sufficient capacity of child care services or stabilize child care providers during the declared public health and civil preparedness emergencies (hereafter “declared emergencies”)

- Applies to provisions governing Head Start, Care-4-Kids, and other grant and school readiness programs

- Allows the commissioner to issue any necessary implementing order (EO 7T, § 4, Apr. 2, 2020; OEC COVID-19 Waivers, Apr. 2, 2020)

Children Placed in DCF Custody

EO 7I:
- Authorizes the Department of Children and Families (DCF) commissioner to issue orders that restrict visitation with children placed in DCF custody to protect the health and welfare of children and staff (EO 7I, § 6, Mar. 21, 2020)

DCF Facilities for Psychiatric Disabilities

EO 7I:
- Allows the DCF commissioner and the heads of the (1) Albert J. Solnit Children’s Center North and South campuses and (2) Wilderness School to issue orders restricting visitors to protect the health and welfare of patients, residents, and staff (EO 7I, § 7, Mar. 21, 2020)

DCF Facilities With Limited Visitor Access

EO 7I:
- Waives the personal service requirement (i.e., delivering notice or service to a person in a legal action) for a child or youth in a DCF facility with restricted visitor access and instead allows service to the facility’s administrator or designee who then must serve the named child or youth

- Waives requirements for in-person meetings, hearings, and screenings and allows these actions to take place by any other method that lets interested parties participate (EO 7I, § 8, Mar. 21, 2020)
Group Sizes in Childcare Facilities
EO 7Q:

- Limits to 10, the number of children in one space in childcare facilities, including childcare centers, group and family childcare homes, youth camps, and facilities exempt from licensing requirements

- Requires childcare operations seeking to care for more than 30 children in one facility to obtain the OEC commissioner’s approval and show that groups in the facility are sufficiently separated (EO 7Q, § 1, Mar. 30, 2020)

Health Procedures in Childcare Facilities
EO 7Q:

- Requires all childcare facilities to implement enhanced cleaning and disinfection practices to prevent the spread of COVID-19

- Requires all children and childcare workers to be screened for any observable illness and confirm that their body temperature is below 100 degrees Fahrenheit before entering a childcare facility

- Requires all staff to practice enhanced handwashing and health practices and help children do the same (EO 7Q, § 2, Mar. 30, 2020)

Health Care Institutions and Professions

CON and Other Health Care Facility Laws
EO 7B:

- Authorizes the Office of Health Strategy (OHS) to waive various laws, such as those on certificate of need (CON) approval for health care facilities, to provide for adequate health care resources and facilities (EO 7B, § 7, Mar. 14, 2020; OHS guidance on the CON process; OHS guidance on the waiver of certain CON requirements)

DDS Facility Visitor Restriction
EO 7C:

- Authorizes the Department of Developmental Services (DDS) and Department of Public Health (DPH) commissioners to issue orders restricting entrance into Southbury Training School and other DDS facilities (EO 7C, § 9, Mar. 15, 2020; DDS Implementation Order, Mar. 17, 2020)
**DPH License Renewal and Inspection Requirements**

EO 70:
- Authorizes the DPH commissioner to waive license renewal and inspection requirements (EO 70, § 1, Mar. 27, 2020; DPH Implementation Order, Mar. 30, 2020)

**DPH Regulatory Requirements**

EO 7K:
- Authorizes the DPH commissioner to waive, modify, or suspend regulatory requirements (adopted by DPH or state licensing boards) regarding health care professions, health care facilities, emergency medical services, and other specified topics (EO 7K, § 4, Mar. 23, 2020; DPH order on out-of-state practitioners, Mar. 23, 2020)

**Health Care Institution Personal Service Requirements**

EO 7F:
- Waives the requirement for personal service (i.e., delivering notice or service to a person in a legal action) in facilities with restricted visitor access and instead allows service to the facility’s administrator or designee who must then serve the named party

- Waives requirements for in-person meetings, hearings, and screenings and allows these actions to take place in any other way that allows interested parties to participate

- Applies explicitly to probate and other proceedings related to conservatorship; commitment, voluntary admission, release, transfer, and treatment of individuals with psychiatric disabilities; plenary and limited guardians for individuals with intellectual disabilities; and probate court hearings on whether individuals with conservators or guardians are competent to vote in elections (EO 7F, § 4, Mar. 18, 2020)

**Health Care Institution Rate Re-hearings for Temporary Increases**

EO 7T:
- Suspends provisions allowing health care institutions to obtain certain re-hearings when aggrieved by a Department of Social Services (DSS) decision

- Applies only to re-hearings on the overall magnitude and methodology of temporary rate increases paid to institutions in response to the COVID-19 pandemic (EO 7T, § 5, Apr. 2, 2020)
**Health Care Provider Identification Badges**

EO 70:

- Allows health care providers to provide direct patient care at a health care facility or institution, with the facility's or institution’s permission, using an identification badge from a different facility or institution if all other information on the badge conforms to state requirements (EO 70, § 2, Mar. 27, 2020)

- Authorizes the public health commissioner to establish policies and procedures, and related orders, regarding identification badges for COVID-19 response personnel if she or her designee deems it necessary to rapidly move staff due to the need for mass care with limited resources (EO 70, § 2, Mar. 27, 2020)

**Health Information Sharing and Mental Health Treatment**

EO 7C:

- Authorizes DPH and local health directors to disclose communications or records relating to a patient's mental health treatment as necessary to report COVID-19 cases and prevent spread of the disease (EO 7C, § 10, Mar. 15, 2020)

**Immunity From Civil Liability for Health Care Providers and Institutions**

EO 7V:

- Provides immunity from civil liability generally to health care providers (including retired professionals and approved volunteers) and facilities for injuries or deaths allegedly caused by their good faith actions and omissions while providing services as part of the state’s COVID-19 response

- Applies, but does not limit, the immunity specifically if a lack of resources caused by the pandemic renders the provider or facility unable to provide the otherwise required standard of care

- Specifies that the immunity does not apply to crimes, fraud, malice, gross negligence, willful misconduct, or false claims

- Amends a previous order (EO 7V, § 6, Apr. 7, 2020; EO 7U, § 1, Apr. 5, 2020)
**Practice Before Licensure for Certain Health Care Profession Applicants and Graduates**

EO 7V:
- Extends the legally allowable duration of pre-licensure practice for certain health care profession applicants and graduates, under specified conditions
- Applies to physical therapists (PT) and PT assistants, radiographers, registered nurses, nurse practitioners, clinical nurse specialists, and nurse anesthetists
- Additionally, allows for pre-licensure practice for marital and family therapy associates and professional counselor associates, for graduates who meet certain requirements
- Authorizes the DPH commissioner to issue implementing orders (EO 7V, §§ 3-5, Apr. 7, 2020)

**Psychiatric Facilities Visitor Restrictions**

EO 7C:
- Authorizes the Department of Mental Health and Addiction (DMHAS) and DPH commissioners to issue orders restricting entrance into any inpatient or outpatient hospital, clinic, or other facility that diagnoses, observes, or treats people with psychiatric disabilities, including Whiting Forensic Hospital
- Authorizes the commissioners to take this action to protect the health and welfare of facility patients, residents, and staff for the duration of the declared emergencies (EO 7C, § 8, Mar. 15, 2020; DMHAS Implementation Order, Mar. 17, 2020)

**Temporary Permits for Certain Health Care Professionals**

EO 7V:
- Waives application fees and extends the legally allowable duration of temporary, pre-licensure permits for certain health care professionals, under specified conditions
- Applies to athletic trainers, master social workers, physician assistants, occupational therapists (OT) and OT assistants, and respiratory care practitioners
- Authorizes the DPH commissioner to issue implementing orders (EO 7V, § 2, Apr. 7, 2020)
Health Insurance

60-Day Grace Period on Insurance Premiums
EO 7S:

- Prohibits insurers from cancelling or not-renewing a life, health, property, casualty, or other insurance policy due to premium or interest nonpayment for 60 days, beginning April 1, 2020

- Applies to insureds who sustained significant economic loss due to COVID-19, including being furloughed or fired, or for businesses, experiencing significant reductions in operations

- Deems an insurer that already instituted a 60-day grace period for March and April under Connecticut Insurance Department Bulletin IC-40 to be in compliance with the order

- Exempts self-insured plans from the order (EO 7S, § 2, Apr. 1, 2020)

COVID-19 Out-of-Network Treatment
EO 7U:

- Requires out-of-network health care providers to bill, and health carriers to reimburse, at the in-network rate for emergency services

- Suspends the ability of health carriers and providers to mutually agree on a higher rate (EO 7U, § 2, Apr. 5, 2020)

COVID-19 Treatment for the Uninsured
EO 7U:

- Prohibits hospitals from collecting from uninsured patients, or their estates, more than the Medicare rate as payment in full for COVID-19-related treatment and services

- Prohibits hospitals, health systems, and hospital-based facilities from collecting from uninsured COVID-19 patients more than the Medicare facility fee rate

- Prohibits hospitals, health systems, and hospital-based facilities from billing uninsured patients not covered by any public or private health plan, until an additional executive order clarifies how federal funding may be available to cover these costs and requires facilities to keep records identifying these patients for potential federal reimbursement (EO 7U, § 2, Apr. 5, 2020)
Long-Term Care and Older Adults

Investigations of Suspected Elder Abuse
EO 7G:

- Authorizes the DSS commissioner to waive the required in-person visit to an elderly person concerning an investigation of reported (1) suspected elder abuse, neglect, exploitation, or abandonment (“abuse”) or (2) need for protective services ( EO 7G, § 6, Mar. 19, 2020)

- Requires investigators, if possible and appropriate, to use different means to conduct these in-person visits ( EO 7G, § 6, Mar. 19, 2020)

- Authorizes the DSS commissioner to extend, by up to 90 days, the requirement that the commissioner disclose the investigation results to the person who reported the suspected elder abuse or need for protective services, within 45 days after completing the investigation ( EO 7G, § 7, Mar. 19, 2020)

Long-Term Care Provider Background Check Program
EO 7K:

- Suspends the requirement that long-term care facilities submit to DPH state and national criminal records searches of volunteers, direct care employees, and contractors before they begin volunteering or working at the facility

- Allows facilities, during the suspension period, to offer conditional, supervised employment or volunteer work for up to 60 days (DPH may extend this period under certain circumstances) to individuals who sign a statement stating that they have not committed any disqualifying offense ( EO 7K, § 5, Mar. 23, 2020)

Nursing Home Transfers
EO 7L:

- Extends, from 60 days to up to one year, the timeframe for a Medicaid applicant to transfer from a nursing home (1) that is closing or under receivership or (2) where the applicant was placed following the closure of his or her prior residence (by law, nursing homes may bypass their wait lists to admit these applicants) ( EO 7L, § 5, Mar. 24, 2020)

Nursing Home Visitors Restricted
EO 7A:

- Authorizes the DPH commissioner to issue orders restricting entrance into nursing homes, residential care homes, or chronic disease hospitals that the commissioner deems necessary to protect the health and welfare of facility residents and staff
• Amends a previous order (EO 7, § 2, Mar. 12, 2020; EO 7A, Mar. 13, 2020; DPH Implementation Order, Mar 13, 2020)

Medicaid

HUSKY B Copayments Suspended
EO 7I:
• Suspends HUSKY B copayments and authorizes DSS to include the copayment amount in its provider reimbursement

• Requires families to keep paying other forms of HUSKY B cost sharing, including monthly premiums, co-insurance, and dental services allowances

• Authorizes the DSS commissioner to issue any necessary implementing order or change to statutory requirements (EO 7I, § 3, Mar. 21, 2020)

HUSKY Medication Refill Limits
EO 7I:
• Authorizes the DSS commissioner to reimburse providers for supplies of maintenance and non-maintenance medications for a period of up to 90 days, regardless of the supply quantity, and to issue any necessary implementing order

• Excludes controlled substances (EO 7I, § 4, Mar. 21, 2020)

Medicaid Waivers and State Plan Amendments
EO 7S:
•Suspends legislative oversight of emergency waivers related to the declared emergencies

•Applies to Medicaid waivers and certain Medicaid state plan amendments, suspending requirements that DSS submit them to the Appropriations and Human Services committees for public hearing and approval after a 30-day public notice and comment period

•Applies retroactively to March 10, 2020, and allows the DSS commissioner to exercise waiver flexibilities on an expedited basis (EO 7S, § 5, Apr. 1, 2020)
Other Public Assistance Programs

In-Person DSS Fair Hearings Suspended

EO 7E:
- Authorizes the DSS commissioner to suspend the requirement that aggrieved individuals requesting a fair hearing on an agency decision appear in-person at the hearing (EO 7E, § 5, Mar. 17, 2020)

Public Assistance Eligibility Redeterminations Suspended

EO 7I:
- Authorizes the DSS commissioner, to the extent permitted by federal law, to (1) suspend or extend the time frames for establishing eligibility redeterminations for public assistance programs and (2) issue any required implementing orders she deems necessary (EO 7I, § 1, Mar. 21, 2020)

Public Assistance Overpayments

EO 7E:
- Authorizes the DSS commissioner, to the extent permitted by federal law, to temporarily suspend recoupment of non-fraudulent overpayment for public assistance programs

- Applies to Temporary Family Assistance (TFA), State Supplement Program, Medicaid and HUSKY Health, State Administered General Assistance, and the Supplement Nutrition Assistance Program (EO 7E, § 4, Mar. 17, 2020)

TFA 21-Month Limit Suspended

EO 7N:
- Excludes TFA cash benefits received during the declared emergencies from the statutory 21-month time limit (EO 7N, § 6, Mar. 26, 2020)

TFA Interviews and Compliance

EO 7B:
- Authorizes the DSS commissioner to waive the requirement that TFA applicants attend an employment services interview and participate in developing an employment service plan before receiving assistance

- Authorizes DSS to consider the effects of the COVID-19 pandemic and responses to it as good cause when assessing TFA participants compliance with program requirements (e.g., work requirements) (EO 7B, § 5, Mar. 14, 2020)
Pharmacy and Prescription Drugs

**Medical Marijuana Program**

EO 7L:
- Permits medical marijuana patients to be certified and receive follow-up care via telehealth
- Extends certain expiration dates for patient and caregiver registrations by 90 days and waives the fee for lost or misplaced registration certificates
- Allows dispensary and laboratory staff to work at multiple facilities and modifies dispensary staffing requirements to limit the impact of staffing shortages (EO 7L, § 4, Mar. 24, 2020)

**Medicare Part D Copayments for Dual Eligibles Suspended**

EO 7I:
- Eliminates Medicare Part D copayments of up to $17 per month (total for all prescriptions) for dually eligible Medicaid beneficiary medications covered by Medicare Part D and authorizes DSS to cover the copayment amounts in full, after any other insurer has paid
- Authorizes the DSS commissioner to issue any related implementing order or modification to the statutory requirements that she deems necessary (EO 7I, § 2, Mar. 21, 2020)

**Methadone Access for Homebound Patients**

EO 7J:
- Allows methadone maintenance clinics to deliver methadone to homebound drug-dependent patients who a medical professional determines are unable to travel to the treatment facility
- Allows the Department of Consumer Protection (DCP) commissioner to issue any related implementing order (EO 7J, § 3, Mar. 22, 2020; DCP Implementation Order, Mar. 22, 2020)

**Pharmacist Authority to Refill Prescriptions**

EO 7I:
- Allows pharmacists to refill non-controlled substance prescriptions for up to 30 days if, among other things, they are unable to contact the prescribing practitioner (EO 7I, § 9, Mar. 21, 2020)
**Pharmacists Authorized to Make Hand Sanitizer**

EO 7B:
- Permits the DCP commissioner to allow pharmacists to make and sell hand sanitizer without registering as a manufacturer
- Requires the commissioner to issue an implementing order ([EO 7B](#), § 2, Mar. 14, 2020; [DCP Implementation Order](#), Mar. 15, 2020)

**Pharmacy Garbing Requirements Suspended**

EO 7B:
- Suspends, as long as personal protective equipment is in short supply, garbing requirements for non-hazardous compounding of sterile pharmaceuticals and allows the DCP commissioner to issue any necessary implementing order ([EO 7B](#), § 3, Mar. 14, 2020)

**Pharmacy Regulations Modified or Waived**

EO 7I:
- Allows the DCP commissioner, rather than the Commission of Pharmacy, to waive or modify pharmacy operation regulations ([EO 7I](#), § 10, Mar. 21, 2020; [DCP Implementation Order](#), Mar. 27, 2020)

**Social and Recreational Gatherings**

**Prohibition on Social and Recreational Gatherings of a Certain Size**

EO 7N:
- Prohibits social and recreational gatherings of six or more people (e.g., community or civic events, sporting events, concerts, festivals) through April 30, 2020
- Allows religious gatherings of fewer than 50 people, (instead of fewer than six people), as long as they employ reasonable distancing measures
- Amends prior orders ([EO 7](#), § 1, Mar. 12, 2020; [EO 7D](#), § 1, Mar. 16, 2020; [EO 7N](#), § 1, Mar. 26, 2020)
Telehealth Services

**Expanded Medicaid Coverage**

EO 7F:
- Authorizes the DSS commissioner to enable the Connecticut Medical Assistance Program (e.g., Medicaid and HUSKY B) to cover applicable services provided through audio-only telehealth services

- Authorizes the commissioner to issue orders, waive regulatory requirements, and take other actions to implement coverage (EO 7F, § 3, Mar. 18, 2020)

**Licensure and Certification Requirements**

EO 7G:
- Suspends licensure and certification requirements for telehealth providers who are Medicaid providers or in-network providers for fully-insured private health insurance plans, in accordance with any related DPH orders

- Allows authorized telehealth providers to provide telehealth services if their license or certification cannot be renewed during the emergency

- Allows out-of-state health professionals to practice telehealth in Connecticut by temporarily suspending license requirements for up to 60 days for out-of-state health professionals who work in Connecticut during the declared emergencies (EO 7G, § 5(b), Mar. 19, 2020)

**Payment**

EO 7G:
- Requires providers who provide telehealth services to patients not covered by Medicaid or a fully-insured private health plan (e.g., self-insured plans) to determine if the patient has coverage for telehealth services before providing services

- Prohibits providers who receive payment under these other health plans from billing patients any additional charges beyond the reimbursement received under the plans

- Requires providers to (1) accept the Medicare reimbursement rate for telehealth services as payment in full when payment is unavailable under another health plan or the patient is uninsured and (2) offer financial assistance to patients who are uninsured or otherwise unable to pay, to the extent required under state and federal law (EO 7G, § 5(d), Mar. 19, 2020)
Service Delivery

EO 7G:

- Allows telehealth providers who are Medicaid providers or in-network providers for full-insured private health insurance plans to provide telehealth services to established patients via audio-only telephone (EO 7G, § 5(a), § 2, Mar. 19, 2020)

- Modifies the requirement that telehealth services and health records comply with HIPAA to allow these telehealth providers to use additional information and communication technologies as directed by the federal Department of Health and Human Services’ Office of Civil Rights during the COVID-19 pandemic (e.g., certain third-party video communication applications, such as Apple FaceTime, Skype, or Facebook Messenger) (EO 7G, § 5(c), § 2, Mar. 19, 2020)

- Waives regulatory requirements that telehealth services be provided from a provider’s licensed facility (EO 7G, § 5(e), Mar. 19, 2020)

Miscellaneous

Manufacturing Hand Sanitizer and Medical Devices

EO 7O:

- Waives the manufacturer registration requirement for entities making alcohol-based hand sanitizer and medical devices, including personal protective equipment, as long as certain federal standards are met (EO 7O, § 3, Mar. 27, 2020; DCP Resources and Guidelines)

Non-Congregant Housing for At-Risk Persons

EO 7P:

- Allows the emergency services and public protection, housing, and public health commissioners and OPM secretary to (1) issue orders providing or arranging non-congregant housing for those with an increased risk of COVID-19 exposure, infection, or transmission due to housing or working environments and (2) seek reimbursement for the cost from federal agencies or other sources (EO 7P, § 1, Mar. 28, 2020; DPH Implementation Order, Mar. 28, 2020)