

Executive Orders & Guidance Related to Public Health

The continued spread of COVID-19 has had a significant impact on the operations of healthcare businesses charged with ensuring the health and wellbeing of Connecticut residents. As a result, Governor Lamont and the Commissioner of the Department of Public Health (“DPH”) have issued numerous Orders and guidance impacting various aspects of healthcare delivery and other public-health-related matters. These Orders and guidance are summarized and linked below.

- On March 10, 2020, Governor Lamont declared a public health and civil preparedness emergency throughout the State of Connecticut through September 9, 2020 (“Declaration”). As part of the Declaration, he empowered the Commissioner of DPH to delegate powers regarding isolation and quarantine to municipal and district directors of public health. He further directed municipalities and local health and education officials to follow previously issued guidance and principles of risk management in making decisions about public gatherings, events and travel. The Governor also indicated that he would issue Orders to protect public safety, including the suspension or modification of statutes as necessary. <https://portal.ct.gov/-/media/Office-of-the-Governor/News/20200310-declaration-of-civil-preparedness-and-public-health-emergency.pdf?la=en>
- On March 13, 2020, the Governor issued Executive Order No. 7A, which among other things authorized the DPH Commissioner to issue Orders restricting entrance to long-term care facilities including nursing homes, residential care facilities and chronic disease hospitals (collectively, “LTC Facilities”) as she deems necessary to protect the health and welfare of patients, residents and staff. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7A.pdf?la=en>
- On March 13, 2020, in accordance with Executive Order No. 7A and in recognition of the potentially significant impact of COVID-19 on the elderly and persons with co-morbid conditions, the Commissioner of DPH ordered a complete ban on all visitors to LTC Facilities for a period of 30 days (“LTC Visitor Order”). Exceptions include emergency responders and providers, family members of a patient who is receiving end-of-life care, those with oversight authority over LTC Facilities, and necessary service providers. The LTC Visitor Order outlines risk screening procedures for approved visitors and confirms that a patient can leave a LTC Facility for any reason, provided he or she will be screening for COVID-19 exposure upon return. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7A.pdf?la=en>
- On March 14, 2020, Governor Lamont issued Executive Order No. 7B, which among other things suspended in-person open meeting requirements, including the requirement that in-person hearings and meetings be held by DPH and its divisions. These meetings may now proceed remotely by conference call, videoconference or other technology provided that (i) the public has the ability to view or listen to the meeting in real time; (ii) the meeting is recorded or transcribed and made available on the agency’s website; (iii) notice of the meeting includes information on how the public can access the meeting; (iv) relevant materials are posted on the agency’s website for public inspection prior to the meeting; and (v) all speakers state their name and title before speaking. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7B.pdf?la=en>
- On March 15, 2020, Governor Lamont issued Executive Order 7C, which among other things placed restrictions on visitors to psychiatric facilities in order to protect the health and welfare of patients and staff. Executive Order 7C also authorized information sharing between psychiatric facilities, DPH and local health directors to report cases of COVID-19 and further limit its spread. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7C.pdf?la=en>
- On March 16, 2020, DPH issued a memorandum to all Connecticut licensed physicians, APRNs, PAs, and RNs regarding the evaluation of patients with possible COVID-19 in both inpatient and outpatient settings. <https://portal.ct.gov/-/media/Coronavirus/20200316-DPH-Important-Information-for-Connecticut-Physicians.pdf>
- On March 18, 2020, DPH amended its List of Reportable Diseases, Emergency Illnesses and Health Conditions and the List of Reportable Laboratory Findings to include COVID-19 and SARS-CoV-2. This requires laboratories to contact DPH immediately with positive COVID-19 test results and to electronically report both positive and negative test results. <https://portal.ct.gov/-/media/Coronavirus/20200318-DPH-Change-to-the-List-of-Reportable-Laboratory-Findings.pdf?la=en>
- On March 19, 2020, Governor Lamont issued Executive Order 7G, which among other things modifies the DPH statutes regarding telehealth services. Medicaid enrolled providers and in-network providers for commercial fully insured health plans may now perform telehealth services through the use of audio-only telephone. DPH has suspended licensure, certification and registration of these same providers as telehealth providers and they are permitted to use additional information and communication technologies consistent and in accordance with any HIPAA guidance issued by the U.S. Department of Health and Human Services Office for Civil Rights. Providers can also offer telehealth services to individuals other than Medicaid beneficiaries and those who are fully commercially insured provided that they determine whether the patient has a plan with telehealth coverage and do not bill a patient for any additional charges beyond what the plan covers. For uninsured patients, a telehealth provider must accept the amount that Medicare reimburses for such services, offering financial assistance as needed. Moreover, any requirement that a telehealth provider conduct telehealth visits from a licensed facility is waived. <https://portal.ct.gov/-/media/Coronavirus/20200318-DPH-Change-to-the-List-of-Reportable-Laboratory-Findings.pdf?la=en>
- On March 23, 2020, Governor Lamont issued Executive Order 7K, which among other things authorized the DPH Commissioner to temporarily waive, modify or suspend any regulatory requirements adopted by DPH or any Boards or Commissions under its purview as deemed necessary to reduce the spread of COVID-19 and protect the public health. Executive Order 7K also suspended the statutory requirement that long-term care facilities submit background searches before employing or contracting with or allowing anyone to volunteer who has direct patient access. Instead, the requirements for conditional work pending background screening set forth in 19a-491c(f)(A) through (D) of the Connecticut General Statutes apply. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7K.pdf?la=en>
- Also on March 23, 2020, DPH issued an Order temporarily suspending for a period of sixty (60) days the requirements for licensure, certification or registration under the chapters governing EMS services and personnel, medicine and surgery, physical therapists, nursing, nurse’s aides, respiratory care practitioners, psychologists, marital and family therapists, clinical social works and masters social workers, professional counselors, and pharmacists in order to allow persons appropriately licensed, certified or registered in another state to render temporary assistance in Connecticut within the scope of their license, certificate or registration. In-state entities that contract with out-of-state providers must verify their credentials and confirm adequate malpractice and other insurance coverage. The Order also discusses how these providers can be reimbursed for patient-care services. <https://portal.ct.gov/-/media/Coronavirus/20200323-DPH-order-allowing-outofstate-practitioners-to-render-temporary-assistance-in-Connecticut.pdf?la=en>
- March 24, 2020, Governor Lamont issued Executive Order 7L, which among other things extended the timeframe for nursing home transfers under certain circumstances related to nursing home closure or receivership to one (1) year following the date on which a patient is placed in

a new facility. Executive Order 7L also authorized DPH to assist local registrars of vital statistics with birth, death and marriage registrations and limits orders for these documents to mail or online requests. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7L.pdf?la=en>

- March 25, 2020, Governor Lamont issued Executive Order 7M, which among other things authorized state agencies including DPH to extend any statutory or regulatory time requirements, decision-making requirements, hearing or other time limitations or deadlines by ninety (90) days. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7M.pdf?la=en>
- On March 27, 2020, Governor Lamont issued Executive Order 7O, which among other things suspended requirements for license renewal and inspections by DPH. Executive Order 7O also modified healthcare provider identification badge requirements, which allows providers to use a badge from their healthcare facility or institution while providing care, with permission, at another healthcare facility or institution. Executive Order 7O also instructs the Commissioner of DPH to establish any necessary policies and procedures regarding badging of COVID-19 response personnel should it be necessary to rapidly move staff due to the need for mass care in a circumstance of limited resources. <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7O.pdf?la=en>
- On March 28, 2020, DPH issued an Order directing state, local and private sector partners to work together to arrange for the movement of homeless persons from congregate shelters to alternate housing that allows social distancing and to develop and provide non-congregate temporary housing for first responders and healthcare workers who are at reasonable risk of having been exposed to COVID-19 and therefore cannot return to their usual residence because of the risk of infecting other members of their households. <https://portal.ct.gov/-/media/Coronavirus/20200328-DPH-Order-on-arranging-for-the-movement-as-needed-of-people-experiencing-homelessness.pdf?la=en>
- On March 30, 2020, DPH issued an Order suspending all DPH licensure renewals. Any license due to be renewed and not renewed during the civil preparedness emergency and for six (6) months thereafter shall not expire. DPH licensure inspections are suspended during this timeframe as well, and should be completed within six (6) months of the declaration that the civil preparedness emergency being declared over, unless the Commissioner gives good cause to extend. <https://portal.ct.gov/-/media/Coronavirus/20200328-DPH-Order-on-arranging-for-the-movement-as-needed-of-people-experiencing-homelessness.pdf?la=en>
- Also on March 30 2020, DPH issued an Order authorizing subregistrars to issue burial transit, removal and cremation permits. The Order also authorizes DPH itself to register death certificates and carry out other duties related to the registration of deaths, including the issuance of burial transit, removal and cremation permits if the registrar of a given town is unable to perform these duties. <https://portal.ct.gov/-/media/Coronavirus/20200330-DPH-order-on-reporting-deaths.pdf?la=en>
- On April 1, 2020, Governor Lamont announced a medical surge plan in collaboration with Connecticut's nursing homes. The plan involves relocating certain nursing home residents and the creation of dedicated spaces for residents who are COVID-19 positive. Specifics of the plan include:
 - Anyone diagnosed as COVID-19 positive in a hospital and later admitted to a nursing home will be monitored and assessed for 14 days in an area that has other COVID-19 positive residents. Admitted residents who are negative for the diseases will be housed with COVID-19 negative residents only.
 - Each nursing home will dedicate specific units to group together COVID-19 positive residents.
 - Certain residents of nursing homes who test negative for COVID-19 or show no symptoms may voluntarily transfer to nursing homes where there are no COVID-19 positive residents. At the same time, some facilities will be converted to house and take admission of COVID-19 positive residents only.
 - Alternate care sites, including some recently-closed nursing home sites, are being developed to further assist with treatment of COVID-19 nursing home residents.

If you have any questions or need assistance with OHS or other healthcare-related issues, contact Jennifer Groves Fusco at (203) 786-8316 or jfusco@uks.com.

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