Florida Issues New Emergency Order Further Relaxing Licensure, Telehealth, and Practice Standards to Combat COVID-19

To further relax strict compliance with certain health care practice statutes and rules that could prevent, hinder, or delay necessary action relating to the Coronavirus (COVID-19) outbreak, Florida Surgeon General, Scott Rivkees, M.D., of the Florida Department of Health (DOH), issued Emergency Order 20-003 (Order) on March 21, 2020. This Order should be read in conjunction with other recently issued emergency orders, including Emergency Order 20-002. Health care providers should familiarize themselves with the key provisions of the Order, which are expected to remain in place for 30 days (unless otherwise noted), and are summarized below:

1. Health Care Provider Licensure Renewal Extension

Any upcoming licensure renewal deadline between March 21 and April 30, 2020, for any professional license issued by DOH, or a DOH board or council, is extended until May 31, 2020.
2. Remote Board Hearings

Licensing boards may conduct licensure approval and denial hearings involving the standard of care, sexual misconduct, fraud, impairment, or felony convictions via teleconferencing or other remote technological means.

3. Remote Nursing Education Programs

Nursing education programs, nursing assistant training programs, and remedial courses can utilize supervised remote live videoconferencing for didactic hours and simulation for all supervised clinical instruction hours required by any statute or rule. Prior approval of the dean, program director, program chair, or program coordinator (as applicable) is required.

4. Expanded Out-of-State Telehealth Providers Licensure Exception

The out-of-state telehealth provider licensure waiver, originally issued on March 16, 2020, is expanded to include licensed clinical social workers, marriage and family therapists, mental health counselors, and psychologists (under the prior waiver, only out-of-state medical doctors, osteopathic physicians, physician assistants, and nurse practitioners were exempted). All providers must hold valid unrestricted licenses in states outside of Florida, and must abide by Florida’s telehealth practice standards requirements under section 456.47, Florida Statutes, and all applicable practice standards laws and/or regulations, including complying with scope of practice requirements.

5. Emergency Providers in Acute Care Settings

Florida licensed or certified emergency medical technicians or paramedics may provide basic or advanced life support in an acute care setting at Florida hospitals licensed under Chapter 395, Florida Statutes.

6. Extended Deadline for HIV/AIDS Patient Care Programs

Individuals who receive services through HIV/AIDS Patient Care Programs have an extended deadline—until May 31, 2020—to apply for eligibility recertification.

Health care providers should keep in mind that this is a quickly evolving situation and legal changes and waivers are being promulgated on a daily basis. Thus, health care providers may wish to consult with legal counsel or applicable regulatory agencies related to any emerging or future legal developments. Health care providers should take additional steps now to mitigate the risk of suffering negative impacts from the coronavirus.

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