

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 21-17

FOR: CONTINUATION OF LIMITED PROVISIONS TO ADDRESS THE IMPACT AND SPREAD OF THE CORONAVIRUS DISEASE (COVID-19)

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02 which declared a public health emergency exists throughout the State of Indiana as result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report of the disease in our State and this initial declaration has been extended by me in subsequent Executive Orders (Executive Orders 20-17, -25, -30, -34, -38, -41, -44, -47, -49, -52, 21-03, -05, -08, -11 & -14);

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

WHEREAS, as of the date of this Executive Order, the virus has now spread to every county in our State, with over 753,000 confirmed cases and over 13,400 deaths;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3 ("Emergency Disaster Law"), I have authority to take actions necessary to prepare for, respond to and address a public health disaster emergency including the following:

- making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a public health disaster emergency;
- suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- transferring the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services; and
- using any and all available resources of state government and of each political subdivision of our State as reasonably necessary to cope with the public health disaster emergency;

WHEREAS, by consulting with experts and utilizing a data-driven approach to make decisions based on facts, science, and recommendations from experts in health care, business, labor, and education, we have sought to protect our Hoosier economy while prioritizing Hoosiers' health in the process;

WHEREAS, on a weekly basis, the IDOH reviews each county's number of cases per 100,000 individuals and the county's seven-day positivity rate for the prior week and from that data assigns a numerical score which translates to one of four colors (blue, yellow, orange or red);

WHEREAS, our vaccination program and efforts continue with over 2.8 million Hoosiers fully vaccinated out of 5.7 million eligible. Critically, only 48.1% of eligible Hoosiers are fully vaccinated and Indiana ranks 38th of the 50 states with eligible individuals receiving at least a first dose vaccination. Moreover, 98.5% of new COVID-19 cases are with unvaccinated individuals;

WHEREAS, although improvements have occurred, the spread and consequences of this disease in the Hoosier state remain as demonstrated by a 7-day average positivity rate of 2.1%; new confirmed cases daily; continued hospitalizations; and tragically, continued deaths daily from COVID-19;

WHEREAS, the data has shown us that the spread of COVID-19 in the Hoosier state and in other areas can be significantly reduced where there are robust vaccinations and adherence to mitigation efforts; and

WHEREAS, based on all of the above, efforts should continue and the State of Indiana will continue using county-based assessments to monitor and provide information on the spread or impact of COVID-19 within a particular county.

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, do hereby order:

1. Duration of this Executive Order

The directives in this Executive Order become effective July 1, 2021, at 12:01 a.m. and continue through 11:59 p.m. on July 31, 2021, and all Hoosiers, Hoosier businesses, and other individuals in the state must adhere to the directives set forth in this Executive Order unless rescinded, modified, or extended by me.

2. Prior Executive Orders Rescinded

- a. Executive Order 21-15 is rescinded as of 11:59 p.m. on June 30, 2021.
- b. As of June 30, 2021, at 11:59 p.m., all directives in prior Executive Orders which have been continued throughout the duration of this public health emergency are rescinded and cease. These Executive Orders are found in EO's numbered 20-03 through 20-53 and 21-01 through 21-15 (excepting 21-04 & 21-10 which were unrelated to the coronavirus public health emergency).
- c. As to the coronavirus public health emergency, only the directives in this Executive Order and Executive Order 21-16 which was signed simultaneously with this Executive Order, are in effect.

3. Temporary Licensing of Health Care Workers

- a. *Inactive, Retired or Out-of-State Providers:* As provided previously by Executive Orders 20-05, -13, -19, -21, -33 -45, -51 & 21-07, any individual in the below categories may apply for an initial temporary health care license, or have a temporary license extended, through September 30, 2021, provided he or she meets the other requirements described below.
 - i) *Retired Health Care Professionals:* Any health care professional whether licensed in the state or not, who within the past five years has retired or surrendered his or her license or whose license is otherwise inactive but whose license was not revoked, suspended or relinquished.
 - ii) *Out-of-State Health Care Professionals:* Individuals who have an equivalent license from another State, and is not suspended or barred from practice in that State or any State.
 - iii) *Retired and Inactive EMS Professionals.* EMS professionals (emergency medical responder, emergency medical technician (EMT), advanced emergency medical technician, and paramedic), whether certified or licensed in the state or not, who within the past five (5) years has retired or surrendered his or her license or certification or whose license or certification is otherwise inactive but whose license or certification was not revoked, suspended or relinquished, may apply for and receive a temporary certification or licensure as permitted by the Indiana Department of Homeland Security (IDHS).
- b. *Recently Graduated Students:* As also provided previously by Executive Orders 20-05, -13, -19, -21, -33 -45, -51 & 21-07, any recently graduated student in the below categories may apply for an initial temporary health care license, or have a temporary license extended, through September 30, 2021, provided he or she meets the other requirements described below.

Students who have been granted a temporary license will be permitted to provide health care services under his or her temporary license only through September 30, 2021.

Students have until October 1, 2021, to complete all licensure requirements to continue to provide health care services in his or her field.

- i) *Physician Assistant Students.* Physician assistant students who have successfully completed all required course work at an accredited school, have applied for a license with the Professional Licensing Agency (PLA) and supplied the PLA a certificate of completion.
- ii) *Nursing Students.* Nursing students who have successfully completed all required course work at an accredited school, have applied for a license with the PLA and have supplied PLA a certificate of completion.
- iii) *Respiratory Care Practitioner Students.* Respiratory care practitioner students who have successfully completed all required course work at an approved school, have applied for a license with the Professional Licensing Agency and supplied PLA a certificate of completion.
- iv) *Graduate Pharmacists.* Pharmacy students who have successfully completed all required course work at an accredited school, have applied for licensure with the PLA, and have supplied PLA a certificate of completion.

4. **Registration Requirement for Certain Indiana or Out-of-State Health Care Providers**

Health Care Professionals, except Emergency Medical Services (EMS) personnel, who are granted a temporary license to provide health care services in the state in response to this public health emergency must register with the PLA via their website at www.in.gov/pla.

EMS personnel who are granted a temporary certification or license to provide health care services in the state in response to this public health emergency must register with the Indiana Department of Homeland Security via their website at www.in.gov/dhs.

5. **Insurance Coverage for Temporarily Licensed Out-of-State Health Care Providers:**

The relevant provisions of Ind. Code § 34-18-2-14 pertaining to the Indiana licensure requirement under the Indiana Medical Malpractice Act are suspended to the extent necessary to permit health care providers allowed to provide health care services under a temporary license pursuant to this Executive Order to be eligible for coverage from the Indiana Patient Compensation Fund.

6. **COVID-19 Vaccinations**

- a. *Federal Authority:* The then Secretary of Health and Human Services, Alex M. Azar, issued a Public Readiness and Emergency Preparedness Act (PREP Act) Declaration for medical countermeasures against COVID-19. Vaccines, approved by an Emergency Use Authorization by the United States Food and Drug Administration (FDA), to fight COVID-19 are medical countermeasures under the PREP Act. As Governor, I am an “authority having jurisdiction” and as such, can authorize, to the extent allowed, individuals to administer medical countermeasures in response to a public health emergency under the PREP Act within the state.
- b. *PREP Act Coverage:* Under my authority under the PREP Act, the following professionals are to be considered “covered persons” when administering the FDA-authorized COVID-19 vaccines:
 - i) physicians, advanced practice registered nurses, registered nurses, licensed practical nurses, physician assistants, pharmacists, pharmacist interns (including students) who are acting under the direct supervision of a pharmacist or other authorized health care provider, pharmacy technicians who are acting under the direct supervision of a pharmacist, medical students while performing duties as an intern or a resident under the supervision of the staff of a hospital or in a program approved by a medical school, and nursing students under the supervision of their preceptor, as determined by the nursing school;
 - ii) paramedics and advanced emergency medical technicians (AEMTs) who are authorized by the EMS Commission to administer intramuscular vaccinations when their Emergency Medical Services (EMS) provider agency is operating and offering a COVID-19 vaccination administration site at a location specified by the local public health agency or by the Indiana State Department of Health, and as to basic

EMTs (EMTs), I suspend the relevant provision in Ind. Code § 16-18-2-33.5(b) which prohibits the performance of invasive medical care techniques by EMTs for the limited purpose of allowing EMTs, if authorized by the Indiana EMS Commission under its authority in Ind. Code § 16-18-2-33.5(a)(11), to administer the COVID-19 vaccination when their Emergency Medical Services (EMS) provider agency is operating and offering a COVID-19 vaccination administration site at a location specified by the local public health agency or by the Indiana State Department of Health;

- iii) members of the Indiana National Guard who have been trained to administer intramuscular vaccinations at a location specified by the local public health agency or by the Indiana State Department of Health; and
- iv) medical assistants when authorized by an employing physician to administer the FDA-authorized COVID-19 vaccine and when performed at the direction and under the supervision of the employing physician or group of physicians;
- v) as to medical assistants employed by a licensed health care facility, I suspend the relevant provisions of Ind. Code § 25-22.5-1-2(a)(2) for the limited purpose of allowing medical assistants employed by such a facility and who have been trained to administer an intramuscular vaccine to administer the FDA-authorized COVID-19 vaccine if performed at the direction and under the supervision of a physician, physician assistant, advanced practice registered nurse or registered nurse.

7. Family and Social Services Administration (FSSA)

- a. FSSA shall continue to waive all premium payment requirements, copayment requirements, and eligibility redetermination requirements for medicaid, the Healthy Indiana Plan (HIP), the Children's Health Insurance Program (CHIP), and MedWorks so as to maintain the state's eligibility for enhanced federal matching funds.
- b. FSSA shall delay renewal processing for all Medicaid and HIP recipients, as approved by the federal Centers of Medicare and Medicaid Services.
- c. FSSA shall waive the job search requirements for the Temporary Assistance to Needy Families (TANF).
- d. FSSA is permitted to allow Opioid Treatment Providers to prescribe 28 days of opioid take-home medications for patients which is the amount authorized by the federal Substance Abuse and Mental Health Services Administration in order to transition the remaining 100 patients (out of over 11,000 total patients) to a 14-day limit as allowed by HEA 1225 which becomes effective July 1, 2021.
- e. The Secretary of FSSA shall have the authority to waive any administrative rules necessary:
 - i) to continue to meet maintenance of eligibility requirements under the Families First Coronavirus Response Act and guidance from the Centers for Medicare and Medicaid Services;
 - ii) to implement program modifications approved by the Centers for Medicare and Medicaid Services as part of an Appendix K: Emergency Preparedness and Response and COVID-19 Addendum or a CMS 1135 Waiver for emergency events;
 - iii) to waive prior authorization requirements under the Indiana Medicaid Program; or
 - iv) to otherwise effectuate these directives.

8. Department of Workforce Development (DWD)

- a. The DWD is directed to suspend the one (1) week waiting period before paying unemployment benefits to claimants as required by Ind. Code § 22-4-14-4.
- b. If authorized and permitted by federal law, the relevant provisions of Ind. Code §§ 4-15-2.2-12(a)(4) and -21(a)(1) pertaining to the classification and retention of employees working in Unemployment Insurance shall be suspended, for the limited

purpose of allowing the Department of Workforce Development, in conjunction with the State Personnel Department, to expedite hiring, training and employment of temporary staff to adjudicate and hear appeals of Unemployment Insurance claims.

9. Completion of Law Enforcement Training

The additional time to complete basic training allotted to law enforcement officers pursuant to Executive Orders 20-09 ¶ 4(F) (one additional year for those who had completed pre-basic training by March 23, 2020) and 21-07 ¶ 3 (six additional months for those who completed pre-basic training after March 23, 2020, and before June 30, 2020) continues and the relevant provisions in Ind. Code § 5-2-1-9(e) remain suspended as to them for these time periods.

10. Taxation of Unemployment Compensation

The Indiana General Assembly passed HEA 1436-2021, which became effective on April 29, 2021, and requires individuals who had unemployment compensation excluded from federal gross income under the American Rescue Plan Act of 2021 (enacted on March 11, 2021), to include those amounts in Indiana adjusted gross income pursuant to Ind. Code § 6-3-1-3.5(a)(33).

Because these changes occurred in the middle of tax filing season, over 20,000 Hoosier taxpayers have not properly accounted for the adjustment required for Indiana tax purposes and will likely owe additional taxes and if so, would be subject to a penalty for the unpaid tax as well as interest on the amount owed.

While the taxpayer must pay any additional tax due and owing:

- a. the Indiana Department of Revenue is directed to waive any penalty under Ind. Code § 6-3-4-4.1 and Ind. Code § 6-8.1-10-2.1(b) related to the inclusion of unemployment compensation earned during the 2020 taxable year that was excluded from federal gross income but required to be included in Indiana adjusted gross income; and
- b. the Indiana Department of Revenue is directed to waive any interest otherwise imposed pursuant to Ind. Code § 6-8.1-10-1 on taxes under Ind. Code arts. 6-3 and 6-3.6 related to the inclusion of unemployment compensation earned during the 2020 taxable year that was excluded from federal gross income but required to be included in Indiana adjusted gross income.
- c. These provisions apply to interest and penalties on the tax due as a result of including the federally excluded unemployment compensation in Indiana adjusted gross income, the tax due as a result of any computation of the deduction for unemployment compensation under Ind. Code § 6-3-2-10, and any other tax due under Ind. Code arts. 6-3 and 6-3.6 directly or indirectly as a result of the including the federally excluded unemployment compensation in Indiana adjusted gross income.
- d. The Indiana Department of Revenue may not grant a waiver of interest due under Ind. Code § 6-8.1-10-1 to amounts due after September 30, 2021.

11. No Limitation on Authority

Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State, any local health department, or any other proper entity from ordering: (a) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency; or (b) any closure of a specific location for a limited period of time, including the duration of this public health emergency.

12. Local Declarations of Emergency

Pursuant to the Emergency Disaster Law, no local ordinance, directive, or order of any county, political subdivision, or other local government entity pertaining to this public health emergency, may contradict or impose less restrictive requirements than those set forth in this Executive Order, or else that ordinance, directive, or order will be void and of no force or effect. However, unless prohibited by an Executive Order, local ordinances, directives, and orders may be more restrictive provided there is compliance with Ind. Code § 16-20-1-21.5 and § 16-22-8-31.3.

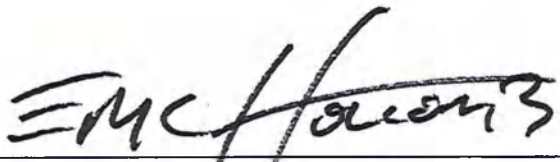
13. Savings Clause

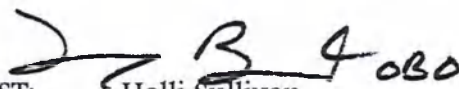
If any provision of this Executive Order, or its application to any person or circumstance, is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are hereby declared to be severable.

IT IS SO ORDERED.



IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 30th day of June, 2021.


Eric J. Holcomb
Governor of Indiana

ATTEST: 
Holli Sullivan
Secretary of State