

NEWS ALERT

HEALTH CARE



Round-Up Of Recent Connecticut Executive Orders Pertaining To Health Care Providers

By Daniel J. Kagan and Stephanie S. Sobkowiak | May 1, 2020

In the past 10 days, Governor Lamont issued a number of Executive Orders that continue to ease restrictions for health care providers, allowing increased flexibility for a greater number of providers to service patients in light of the Covid-19 pandemic. Certain key elements of these executive orders are summarized below.

- **Physician Assistants:** Under Executive Order 7DD, the physician assistant supervision requirements are suspended. Further, a person shall be allowed to participate in a resident physician assistant program in short-term hospitals that have an ACGME accredited program without a license or temporary permit or training permit issued by the Department of Public Health. Hospitals must still document that such individuals are resident physician assistants and comply with the other statutory requirements of Conn. Gen. Stat. §§ 21-12b(a)(1), (2) and (5).
- **APRNs:** Executive Order 7DD temporarily suspended the requirement that a physician be physically present in the setting where a surgery is performed to supervise an APRN that is administering therapeutics during such surgery.
- **Telehealth:** Under Executive Order 7FF, telehealth providers that are enrolled in Medicaid can provide covered telehealth services to new or established Medicaid recipients through the use of audio-only telephone. Under Executive Order 7DD, dentists, behavior analysts, art therapists, music therapists and veterinarians were added to the definition of a telehealth provider, thus enabling them to provide telehealth services.
- **Controlled Substances:** Under Executive Order 7GG, out-of-state practitioners, who are working within their scope of practice in the state in which they are licensed may prescribe controlled substances in Connecticut without obtaining a Controlled Substance Registration from the Department of Consumer Protection.
- **Leeway for DSS to Waive Prior Authorization Requirements:** Under Executive Order 7EE, the Commissioner of Social Services ("DSS") may temporarily waive, suspend, or modify, to the extent DSS deems necessary, any prior authorization and other utilization review requirements.
- **DME Suppliers:** Under Executive Order 7EE, DSS is permitted to temporarily waive, suspend, or modify, to the extent DSS deems necessary, requirements for providers of medical equipment, devices, and supplies to obtain a signed delivery receipt from the Medicaid enrollee as a condition of payment.
- **Permissible Out-of-State Providers:** Under Executive Order 7DD, additional out-of-state providers were added to the list of providers allowed to provide services in Connecticut without a license. These provider types include, but are not limited to: dentists and dental hygienists; occupational therapists; speech therapists; behavior analysis; alcohol and drug counselors; and genetic counselors.
- **Continuing Education Requirements:** Under Executive Order 7DD, the continuing education requirements for providers with annual continuing education requirements are suspended for a period of (1) year. Additionally, for those provider types that have other continuing education requirements, such requirements are suspended for a period of six (6) months.

If you have any questions about this bulletin, please contact:

Stephanie S. Sobkowiak at 203.772.7782 or ssobkowiak@murthlaw.com

Daniel J. Kagan at 203.772.7726 or dkagan@murthlaw.com