

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 14D

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC – PROVIDING FLEXIBILITY IN THE CERTIFICATE OF NEED PROCESS TO ADD ADDITIONAL BEDS TO TREAT COVID-19 PATIENTS, EASING OF CERTAIN LICENSING AND PERMIT REQUIREMENTS FOR NURSES AND CERTAIN HEALTHCARE PROFESSIONALS, AND ACCOUNTING FOR FEDERAL CHANGES IN UNEMPLOYMENT INSURANCE FUNDING RELATING TO SEQUESTRATION

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut in response to the coronavirus disease 2019 (COVID-19) outbreak caused by the SARS-Cov-2 virus in the United States and Connecticut; and

WHEREAS, on several occasions since March 10, 2020, acting within my authority pursuant to Sections 19a-131 and 28-9 of the Connecticut General Statutes as well as Special Acts 21-2, 21-4, and 21-5 of the General Assembly, and in response to the continued need to respond adequately to the COVID-19 pandemic, I renewed the declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies; and

WHEREAS, pursuant to such declarations, I have issued executive orders to protect public health, limit transmission of COVID-19, and mitigate the effects of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, COVID-19 presents increased risk of severe illness, complications, and death to older adults and particularly those with chronic conditions, as well as serious health effects and long-term health problems for some people who have no underlying conditions; and

WHEREAS, the highly transmissible omicron variant has caused COVID-19 infections to rapidly increase within the United States and Connecticut; and

WHEREAS, vaccination is the most effective means of preventing infection, hospitalization, and death from COVID-19 and of limiting transmission and outbreaks of the disease, and is therefore a critical tool to respond to and slow the ongoing pandemic; and

WHEREAS, while currently available vaccines continue to protect against severe illness, hospitalizations, and deaths resulting from infection with the omicron variant, public health experts are seeing waning protection over time especially in people 65 years and older, and in response have recommended that vaccinated individuals receive a booster dose; and

WHEREAS, while Connecticut has made significant progress in administering vaccines, with more than 88% of all Connecticut residents and 95% of people 12 and older having received at least one COVID-19 vaccine dose, only about 41% have received a booster dose; and

WHEREAS, over the past two weeks COVID-19 hospitalizations have rapidly increased and there are currently 1,784 patients hospitalized with laboratory-confirmed COVID-19 and 68% of those patients are not fully vaccinated; and

WHEREAS, the Executive Director of the Office of Health Strategy directs and oversees the Health Systems Planning Unit established under section 19a-612 and all of its duties and responsibilities as set forth in Sections 19a-610 through 19a-689 of the Connecticut General Statutes; and

WHEREAS, the Health Systems Planning Unit oversees the Certificate of Need program, hospital financial reporting and other functions; and

WHEREAS, Section 19a-638(a)(12) of the Connecticut General Statutes requires a certificate of need for the increase in licensed bed capacity of a health care facility in the state of Connecticut; and

WHEREAS, Section 19a-639a through 19a-639f of the Connecticut General Statutes sets forth the certificate of need application procedure, as well as notice requirements and timelines related to the certificate of need analytic process, and sets forth a process to request public hearings; and

WHEREAS, as of January 6, 2022, 11 hospitals have reported that they are at capacity with COVID-19 patients, another 4 have reported being at 95% of capacity, and 3 have reported being at 90% of capacity; and

WHEREAS, the current licensed bed capacity within the state of Connecticut may be insufficient to accommodate and facilitate the safe and effective treatment of individuals diagnosed with COVID-19; and

WHEREAS, there are staffing shortages of healthcare professionals in the state and state hospitals, through the Connecticut Hospital Association, have reported staffing shortages that number in the thousands for nurses, in the hundreds for professionals in the imaging fields, and in the hundreds for physical therapists and respiratory professionals; and

WHEREAS, numerous medical professionals, after having completed the educational requirements for their profession, are permitted to temporarily practice their profession under the supervision of a licensed practitioner prior to being licensed; and

WHEREAS, to maintain and expand the healthcare workforce capacity for COVID-19 response and mitigation efforts, it is necessary to allow such professionals to continue to work in such temporary, supervised status for the duration of the declared civil preparedness and public health emergency; and

WHEREAS, the required expansion of the healthcare workforce to respond to COVID-19 pandemic would be enhanced by suspension of certain administrative requirements and could thereby make more fully trained but unlicensed providers available more quickly; and

WHEREAS, to avoid delays in providing healthcare services, state public health officials have recommended the suspension of limited supervision requirements; and

WHEREAS, because of the necessary public health protective measures enacted in response to the COVID-19 pandemic, an unprecedented number of Connecticut residents filed for unemployment insurance benefits; and

WHEREAS, Connecticut's period of high unemployment triggered the state's entry into a period of Extended Benefits under state and federal law, which permitted additional weeks of unemployment benefits to be provided to workers who exhausted regular unemployment insurance benefits; and

WHEREAS, the U.S. Department of Labor issued sequestration mandates reducing the federal share of Extended Benefits in federal fiscal years 2020 through 2022, imposing a further expense on contributing employers and 501(c)(3) reimbursing employers; and

WHEREAS, to avoid imposing an undue burden on those employers whose employees have had to file unemployment claims as a result of the extraordinary effects of the COVID-19 pandemic, it is necessary to relieve those employers of their share of the sequestration;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Flexibility to Provide for Adequate Healthcare Resources and Facilities.** Sections 19a-630, 19a-638 through 19a-639b, 19a-639e, and 19a-641 through 19a-642 of the Connecticut General Statutes and any related regulations, rules, or policies are modified to authorize the Executive Director of the Office of Health Strategy to waive the provisions of such sections solely as they relate to the certificate of need process for the increase of licensed bed capacity for treatment of COVID-19 patients and as she deems necessary to ensure that adequate healthcare resources and facilities are available to address the same. The Executive Director may issue any implementing orders that she deems necessary to achieve these goals without adoption of such requirements by regulation in accordance with Chapter 54 of the Connecticut General Statutes.
2. **Practice Before Licensure for Certain Healthcare Profession Applicants and Graduates.** The provisions in Sections 20-70(b)(1), 20-70(b)(2), 20-74bb(f), and 20-

101 of the Connecticut General Statutes that permit practice prior to licensure by applicants and graduates for the health care professions governed thereunder (Physical Therapist, Physical Therapy Assistant, Radiographer, Registered Nurse, Nurse Practitioner, Clinical Nurse Specialist, Nurse Anesthetist), are modified to permit such practice for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated. The Commissioner of Public Health may issue any implementing orders she deems necessary to effectuate this order without adoption of such requirements by regulation in accordance with Chapter 54 of the Connecticut General Statutes.

3. **Temporary Permits for Certain Healthcare Providers Extended.** Sections 20-12b(b), 20-74d, 20-162o(c) and 20-195t of the Connecticut General Statutes are modified to extend the duration of the temporary permits for the healthcare professions governed thereunder (Respiratory Care Practitioner, Physician Assistant, Occupational, Therapist/Assistants, Master Social Worker), for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated. The Commissioner may issue any implementing order she deems necessary to effectuate this order without adoption of such requirements by regulation in accordance with Chapter 54 of the Connecticut General Statutes.
4. **Participation in Resident Physician Assistant Program Prior to Permit Issuance.** Section 20-12h of the Connecticut General Statutes is modified to allow a person to participate in a resident physician assistant program in a short-term hospital that provides a postgraduate medical education program accredited by the Accreditation Council for Graduate Medical Education, without a license or temporary permit issued pursuant to section 20-12b or a training permit issued by the Department of Public Health, provided that the hospital administrator documents that the person is to be appointed a resident physician assistant in such hospital and has satisfied the requirements of subdivisions (1), (2) and (5) of subsection (a) of section 20-12b.
5. **Temporary Suspension of Physician Assistant Supervision Restrictions.** Section 20-12a of the Connecticut General Statutes is modified to suspend the supervision requirements for physician assistants authorized to practice in the State of Connecticut set forth in Subsection (7)(A) subparts (iii) through (v), inclusive, and (7)(B) subparts (iii) through (v), inclusive, of said Section.
6. **Temporary Suspension of In-Person Supervision Requirement for Advanced Practice Registered Nurses.** Section 20-87a(b)(2) of the Connecticut General Statutes is modified to suspend the requirement that a physician, medically directing the prescriptive activity of an advanced practice registered nurse who is prescribing and administering medical therapeutics during surgery, must be physically present in the institution, clinic or other setting where the surgery is being performed.
7. **No Employer Charge for Sequestration Expenses.** Sections 31-225(g)(1), 31-225a(c)(1) and 31-225a(c)(3) of the Connecticut General Statutes are modified to provide that no base period contributory or 501(c)(3) reimbursing employer's account

shall be charged applicable sequestration dollars with respect to Extended Benefits (EB) paid from Claims Week Ending June 20, 2020, through January 8, 2022, to a claimant due to partial or total unemployment. The Commissioner of Labor may issue any implementing orders that she deems necessary to effectuate this order.

This order shall take effect immediately and remain in effect through February 15, 2022.

Dated at Hartford, Connecticut, this 7th day of January 2022.



Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Secretary of the State

