

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

RECEIVED
DEPARTMENT OF HEALTH
Joseph A. Ladapo, MD, PhD
State Surgeon General

Vision: To be the Healthiest State in the Nation

2022 SEP 28 PM 4:52

OFFICE OF THE CLERK

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

In Re:

SUSPENSION OF STATUTES,
ORDERS, AND RULES PURSUANT TO
EXECUTIVE ORDER NUMBER
22-218 MADE NECESSARY BY
HURRICANE IAN.

DOH No. 22-004

EMERGENCY ORDER

WHEREAS, on September 23, 2022, Governor Ron DeSantis issued Executive Order 22-218 regarding Tropical Depression Nine and declared a state of emergency in 24 counties; and

WHEREAS, on September 24, 2022, Tropical Depression Nine strengthened into Tropical Storm Ian and Governor Ron DeSantis issued Executive Order 22-219 reaffirming his previous order and declaring a state-wide emergency; and

WHEREAS, on September 26, 2022, Tropical Storm Ian strengthened to a Hurricane with maximum sustained winds of 85 miles per hour; and

WHEREAS, on September 27, 2022, Hurricane Ian continues to strengthen, increasing its maximum sustained winds to 125 miles per hour; and

WHEREAS, on September 28, 2022, Hurricane Ian made landfall in Florida as a category 4 hurricane with sustained winds over 140 miles per hour; and

WHEREAS, Hurricane Ian poses a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for the Florida Keys and much of Florida's Peninsula; and

WHEREAS, the threat posed by Hurricane Ian requires supplemental deployment of licensed health care professionals from neighboring jurisdictions to prevent interruption in the delivery of critical health care services; and

WHEREAS, Section 4 of Executive Order 22-218 allows state agencies to suspend the provisions of any regulatory statute, order, or rule, if strict compliance with the provisions of the statute, order, or rule would prevent, hinder, or delay necessary action in coping with the emergency; and

NOW, THEREFORE, I, JOSEPH A. LADAPO, MD, PhD, pursuant to section 4.B. of Executive Order No. 22-218, find that strict compliance with the provisions of certain regulatory statutes and rules prescribing the procedures for conduct of state business by the Florida Department of Health will prevent, hinder, or delay necessary action in coping with the emergency caused by Hurricane Ian. In order to effectively respond to the threat posed by Hurricane Ian it is necessary to promulgate the following:

Section 1: Waiver of State Licensure Requirements

Sections 456.065(2) and 401.41(1)(b) Florida Statutes, which establish penalties for the unlicensed practice of health care professions in Florida, are likely to impede the Department of Health's ability to take actions needed to effectively facilitate the mitigation, response, and recovery necessary to respond to this emergency. The provisions of sections 456.065(2) and 401.41(1)(b), Florida Statutes, are hereby suspended for a period of 30 days for any health care professional listed below that holds a valid, unrestricted, and unencumbered license in any state, territory, and/or district that provides services necessary to prepare for, respond to, or mitigate the effects of Hurricane Ian. The permitted provision of health care services under this section is limited to the following licensees:

- a. Physicians and Physician Assistants under Chapter 458, Florida Statutes.
- b. Osteopathic Physicians and Physician Assistants under Chapter 459, Florida Statutes.

- c. Advanced Practice Registered Nurses, Registered Nurses, Licensed Practical Nurses, and Certified Nursing Assistants under Chapter 464, Florida Statutes.
- d. Paramedics and Emergency Medical Technicians under Chapter 401, Florida Statutes.


Section 2: Waiver of Telehealth Registration Requirement

Section 456.47(4)(a), Florida Statutes, which requires health care practitioners to register with the Florida Department of Health prior to providing telehealth services to Florida patients, is likely to impede the Department of Health's ability to take actions needed to effectively facilitate the mitigation, response, and recovery necessary to respond to this emergency. Section 456.47(4)(a), Florida Statutes, is hereby suspended for a period of 30 days for any health care professional listed below that holds a valid, unrestricted, and unencumbered license in any state, territory, and/or district that provides services necessary to prepare for, respond to, or mitigate the effects of Hurricane Ian. The permitted provision of telehealth services under this section is limited to the following licensees:

- a. Physicians and Physician Assistants under Chapter 458, Florida Statutes.
- b. Osteopathic Physicians and Physician Assistants under Chapter 459, Florida Statutes.
- c. Advanced Practice Registered Nurses under Chapter 464, Florida Statutes.

Because section 252.36(6)(a), Florida Statutes, allows the Governor to suspend the provisions of "any regulatory statute prescribing the procedures for [the] conduct of state business," and because Executive Order 22-218 provides the authority to issue this Emergency Order, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to this Order. This order shall remain in effect as stated above or until modified by order of the State Surgeon General.

Executed this 28th day of September 2022, in Department of Health offices, Tallahassee,
Leon County, Florida.



Joseph A. Ladapo, MD, PhD
State Surgeon General