

Review of Oklahoma Executive Order Authority During COVID-19

As of June 4, 2020, Prepared by OHA

Executive Order 2020-20 (May 30)– Authority OK Emergency Management Act of 2003 ¹	Catastrophic Health Emergency (CHE) Powers Expired May 31 ²	Executive Authority Remains Unclear
(1) All 77 counties are included in the declaration; (2) State Emergency Operations Plan has been activated; (3) State emergency purchasing ltd to \$250K per transaction	OESC – Waived unemployment search requirements for citizens applying for unemployment to claims. Also allowed hundreds of state employees to be shifted to work at OESC to alleviate backlog.	COVID 19 testing of patients pre-elective surgery as required by Amended Executive Memo 2020-02 issued April 20, 2020. ³ Since the Executive Order that was linked to the surgery has expired the testing requirement is also expired.
(4) Moratorium on all out of state travel for state employees and officers paid by State.	HIPAA – Protected First Responders by allowing them to utilize personal health information in the field	Elimination of reporting of COVID data at granular level by zip code by OSDH. As of 6/3/2020 the OK Attorney General has indicated that county level data can be produced.
(5) State agencies can employ additional staff without regard to classification	Occupational licensure – Increased front line healthcare workforce by expanding opportunities for nursing students and other medical professionals to treat COVID-19. Ex: facilitating licensure across state lines, and limits on number of NPs and PAs supervised are removed.	OID Bulletins is still intact as it is coterminous with the Gov. Executive Orders. The OID Bulletin encourages the use of telemedicine, health carriers waiving co pays on insurance for COVID testing, etc., health carriers shall waive telehealth copayments for insureds. ⁴
(6) Personnel hiring freeze lifted for agencies under Sec. of Health & MH	Liability – Affirmed that health care providers and facilities are covered by 76 O.S. §59 from liability during COVID.	
(7) State agencies followed OSDH guidelines for interacting w/ public	Expanded COVID Testing and Tracing – Allowed OSDH to control 80 drive through testing sites run by local health departments during the emergency to allow for expanded testing in OK.	
(8) Emergency responders employed by State are eligible for FFRCA benefits in certain circumstances	Elective Surgeries – To preserve PPE, limit exposure to COVID 19 and ensure health care professionals were available during a predicted COVID-19 surge, elective surgeries were temporarily restricted in OK.	

¹ Governor Stitt Executive Order 2020-20, Filed May 30, 2020 Oklahoma Secretary of State.

² “Memorandum from Office of Governor Stitt, Dated May 7, 2020, To: President Pro Tempore Treat and Speaker McCall, Regarding: The Catastrophic Health Emergency Powers Act.” Information was produced by the Governor’s office as requested by SCR 1X to identify the powers exercised pursuant to 63 O.S. §6101 et. Seq.

³ Governor Stitt Executive Order Memo 2020-02, Filed April 20, 2020 <https://www.sos.ok.gov/documents/executive/1936.pdf>

⁴ Oklahoma Insurance Department Bulletin 2020-02 Amended <https://www.oid.ok.gov/lh-bulletin-no-2020-02-amended/>

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(1-5) Direct state agencies to perform several tasks such as remote work; promulgate emergency rules; and limit non-essential out of state travel, etc.	(14) Individuals follow OURS plan and CDC guidelines on social distancing and gathering in groups.	(1-4) Fees and permits are waived for commercial vehicles and carriers providing direct assistance to support relief efforts such as immediate restoration of essential services, medical care or supplies or food related to COVID-19.
(6) Occupational licenses issued during emergency are extended until 14 days following the termination of this order.	(15) All businesses adhere to OURS plan at OK Dept. of Commerce.	
(7) Hospitals and physician clinics must submit critical data to OSDH on bed availability, testing availability, number of positive patients and under investigation, and PPE on hand.	(16) Visitors are prohibited from entering and visiting patients and residents of nursing homes, long term care facilities and retirement homes. Except in end of life.	
(8) Every public or private entity that has utilized at COVID 19 Test shall submit test results to OSDH and local health department.	(17) All delivery personal shall at request of hospital, clinic, long term care facility or child care facility submit to a screening prior to delivery of goods.	
(9) OSDH shall provide summary of data to Governor by 3:00 pm daily.	(18) Front line health care workers and their children who have not tested positive for COVID 19 shall not be discriminated against in house or child care services.	
(10) Telemedicine shall be used to maximum potential but still prohibits prescribing of CDS without prior Physician Patient Relationship.	(19-20) Peace officer training and requirements waived temporarily	
(11) Waived the unemployment waiting period of 1 week before benefits are paid.	(21) All persons entering State of Oklahoma from another state shall follow CDC travel guidelines.	
(12) CLIA regulations are suspended for labs in universities.	(22) All local educational entities shall continue to pay their employees, contractors and support personnel for the remainder of 2019-2020 fiscal year.	
13) Adults over age 65 and anyone with serious underlying medical conditions should stay in their home unless working in critical infrastructure or essential errands.	(23) OK Dept. of Agriculture shall assist at animal processing facilities in disposal of animal carcasses, work with other state agencies and border states.	

⁵ Governor Stitt Executive Order 2020-20, Filed May 30, 2020 Oklahoma Secretary of State.