

Dear Charlie and Governor Gianforte,
Sent: Thursday, January 14, 2021 2:48 PM
To: Brereton, Charlie <Charles.Brereton@mt.gov>
Subject: Recent Executive Order

Dear Charlie and Governor Gianforte,

As you know, COVID-19 rolled out over time as the science, evidence-based data, and best public health practices emerged. I appreciate the Governor's desire to remove and replace Executive Orders with simpler direction, however, it has come to my attention that there may be a serious error in the drafting and editing process of the recent Executive Order 2-2021 and the Governor may have inadvertently repealed all existing state COVID directives.

Each of the COVID directives under Governor Bullock's Executive Orders states they expire when Executive Orders 2-2020 and 3-2020 expire. See, e.g., April 21, 2020 Health Care Licensing on Page 3 ("Limitations"). Yesterday, the executive order explicitly rescinded Executive Orders 2-2020 and 3-2020 and contains no language extending the directives, therefore, did these directives expire under their own terms yesterday?

If so, the unintended consequences of this order are vast and far-reaching for the people of Montana, our healthcare systems, and our Montana Nurses and Healthcare providers, not to mention the communities we serve.

To list a few examples:

- Seems to repeal expanded modes of telemedicine, telehealth or telenursing services
- Patients/Providers may not receive full reimbursement from insurers for telehealth visits
- Visiting nurses and physicians assisting with surge capacity from other states may no longer have the proper licenses to practice in Montana (nurses operating in Montana under the Directive on Health Care Licensing would no longer be legally able to care for patients unless they possessed a Montana or compact license).
- Congregate care settings may be out of compliance with federal requirements for reimbursement.
- Changing the deadlines applicable for renewing driver licenses
- Access to medical marijuana for patients
- Remote learning for K-12 students

MNA supported the expanded modes of providing health care service through technology and licensing to continue to provide Montanans with access to care during this pandemic. MNA supported the idea that healthcare professionals (when deemed medically appropriate) were encouraged and able to use telemedicine and telehealth whenever possible, especially for those most vulnerable, to avoid the spread of the virus.

These are a few of my, and my members and colleagues, initial concerns based on a quick review. I appreciate the Governor's intentions but there may be some collateral consequences that are not benefiting Montana.

Looking forward to our talk tomorrow Charlie.
Sincerely,

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