

# PUBLICATION

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## Coronavirus: What the Georgia Governor's Shelter-in-Place Order Means for Health Care Providers

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**As Georgians continue to grapple with the effects of the consistently rising number of COVID-19 cases, Governor Brian Kemp issued two Executive Orders in an attempt to slow the impact of the highly contagious disease on the health care system and protect Georgia's most vulnerable populations.**

On March 23, 2020, at 5:58 p.m., Governor Kemp signed his first Executive Order of the day, requiring the Georgia Department of Public Health to order certain persons with serious underlying conditions likely to cause an increased spread of COVID-19 if infected to isolate, quarantine, or shelter in place within their homes or place of residence. Though not the implementation of a blanket "shelter-in-place" order expected by many, the first Executive Order applies to individuals who i) live in a nursing home or long term care facility; ii) have chronic lung disease; iii) are currently undergoing cancer treatment; and iv) had previously been included in the Department of Public Health's Administrative Order issued on March 22, 2020.

The Georgia Department of Public Health Administrative Order referenced by Governor Kemp in the first Executive Order was amended on March 23, 2020. The Amended Administrative Order requires isolation of individuals with known cases of COVID-19 as well as individuals with suspected cases of COVID-19. Each isolated person is required to "avoid unnecessary physical contact with any and all persons" and is required to comply with the Department's Isolation Protocol. Isolation of these individuals shall continue until i) the person's fever has been gone for at least 72 hours with the assistance of fever-reducing medication; ii) the person's other symptoms have improved; and iii) at least 7 days have elapsed from the date that the symptoms began. For persons who test positive, but remain asymptomatic, isolation ends once 7 days have elapsed since the date of the first positive test. The Order also institutes quarantine procedures for those who have likely been exposed to COVID-19.

Governor Kemp's first Executive Order also invokes the Emergency Powers of the Governor, pursuant to O.C.G.A. § 38-3-51, and requires the suspension of operation of all bars and nightclubs, as defined in the Georgia Code (O.C.G.A. § 3-1-2(2.1)). Further, no business, establishment, corporation, non-profit corporation, or organization shall allow more than ten persons to be gathered at a single location unless those persons gathering can maintain a six-foot radius between other occupants at all times. These mandates will remain in effect until April 6, 2020 and will be enforced by the Georgia Department of Public Health, which is authorized to mandate the closure of businesses not in compliance, and the Georgia Department of Public Safety.

In a second Executive Order signed at 5:59 p.m., Governor Kemp suspended the provisions of the Georgia Code and Georgia Rules and Regulations which prohibit the practice of medicine, surgery, osteopathic medicine, and osteopathic surgery by a licensee whose license is inactive (O.C.G.A. § 43-1-4, Ga. Comp. R. & Regs. r. 360-2-.05(2), Ga. Comp. R. & Regs. r. 360-2-.05(4), and Ga. Comp. R. & Regs. r. 360-2-.06). This provision's suspension is only applicable to those who i) have licenses which have lapsed or expired in the past five years; ii) were not subject to a pending investigation by a respective licensing board, and ii) have no history of administrative action adverse to the license. Further, the second Executive Order also relaxed certain nursing regulations as it authorized the Georgia Board of Nursing to grant temporary licenses to graduate

registered nurses and graduate practical nurses who have yet to take their respective licensing exams. These temporary licenses will allow graduate registered nurses and graduate practical nurses to work under a licensed registered nurse or licensed practical nurse during the Public Health State of Emergency related to COVID-19.

Previously, in response to the orders in Georgia Governor Brian Kemp's "Declaration of Public Health State of Emergency" from March 14, Secretary of State Brad Raffensperger took action to expedite licensing for out-of-state nurses who come to Georgia to help fight the spread of COVID-19. On Friday, March 20, the Secretary issued a statement outlining the plan to begin issuing temporary permits.

The Georgia Board of Nursing (under the Professional Licensing Boards, a Division of the Office of the Secretary of State) has enacted "Temporary Permits Issued During Public Health State of Emergency" (Policy 1.16) for the issuance of such temporary permits to any licensed practice nurses, registered nurses, and advanced practice nurses who have an active, unencumbered license to practice in any other U.S. jurisdiction. The Board is also waiving any application fees for temporary nursing permits during the State of Emergency for those who are applying for the purpose of responding to the declared emergency.

Applications for temporary permits will be reviewed in less than 24 hours and applications for regular permits will be reviewed in less than seven days to better respond to the public health threat. Temporary nursing permits will only be valid for 30 days; however, the Board may extend the expiration date while the State of Emergency exists in Georgia. Nurses will not need to submit a request to renew a temporary permit.

If you have any questions regarding these issues, or any other health care regulatory or transactional matters, please contact any member of Baker Donelson's Health Law team at 404.577.6000. Also, please visit the Firm's [Coronavirus \(COVID-19\): What You Need to Know information page](#).