

WINN LAW

2709 Killarney Way, Suite 4
Tallahassee, FL 32309
www.jwinnlaw.com

Jason D. Winn, Esq.
*Administrative, Association
and Governmental Law*

jwinn@jwinnlaw.com
850.222.7199(w)
850.222.1562(f)

MEMO

TO: FPMA
FROM: Jason D. Winn, Esq.
DATE: April 1, 2020
RE: COVID-19 and Executive Order 20-91 issued April 1, 2020

Today Governor DeSantis issued Executive Order 20-91, directing the Safer at Home policy for all Florida citizens. This EO sets forth that all senior citizens and individuals with a significant underlying medical condition shall stay at home and take all measures to limit the risk of exposure to COVID-19. The EO also defines what are being defined as essential services, defined by US Dept of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, v. 2 (March 28, 2020)(attached) and any subsequent lists published.

The essential services within the healthcare world, are defined as

Healthcare providers and Caregivers including physicians, dentists, psychologists, mid-level practitioners, nurses and assistants, infection control and quality assurance personnel, pharmacists, physical and occupational therapists and assistants, social workers, optometrists, speech pathologists, chiropractors, and diagnostic and therapeutic technicians and technologists.

Hospital and laboratory personnel (including accounting, administrative, admitting and discharge, engineering, epidemiological, source plasma and blood donation, food service, housekeeping, medical records, information technology and operational technology, nutritionists, sanitarians, respiratory therapists, etc.).

Workers in other medical and biomedical facilities (including Ambulatory Health and Surgical, Blood Banks, Clinics, Community Mental Health, Comprehensive Outpatient rehabilitation, End Stage Renal Disease, Health Departments, Home Health care, Hospices, Hospitals, Long Term Care, Nursing Care Facilities, Organ Pharmacies, Procurement Organizations, Psychiatric Residential, Rural Health Clinics and Federally Qualified Health Centers, and retail facilities specializing in medical good and supplies).

So, your offices can remain open, however you must comply with the requirements of providing a safe environment and taking the precautions to limit your contact with the public. The patients that are coming to see you, should be those that are requiring essential services to be provided to them in person. Continue to see only those patients that require in person visits, and use telemedicine to continue to see patients that don't require an in person visit. Limiting your interactions with patients, and those interactions with your staff, will help to limit disease spread.

Also, the EO defines the essential business by referring to the already in place standards for Miami-Dade County (see full list attached), and specifically allows for physician's offices to remain open. 2.a. provides that "Healthcare providers, including, but not limited to, hospitals, doctors' and dentists' offices, urgent care centers, clinics, rehabilitation facilities, physical therapists, mental health professionals, psychiatrists, therapists, and pharmacies;"

Accordingly, your office can remain open, however you must only see those patients that require in person essential services. Telemedicine is a viable option for seeing patients to treat issues/provide services that don't require in person services.

Thank you,

Jason D. Winn, Esq.
Fla. Bar 526681