



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Andrea Palm, Secretary

**EMERGENCY ORDER #12
SAFER AT HOME ORDER**

WHEREAS, in December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States;

WHEREAS, on January 30, 2020, the World Health Organization declared COVID-19 to be a Public Health Emergency of International Concern;

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency to direct all resources needed to respond to and contain COVID-19 in Wisconsin;

WHEREAS, Governor Evers designated the Department of Health Services as the lead agency to respond to the emergency and directed the Department to take all necessary and appropriate measures to prevent and respond to incidents of COVID-19 in Wisconsin;

WHEREAS, on March 13, 2020, President Donald Trump proclaimed a National Emergency concerning COVID-19;

WHEREAS, as of March 23, 2020, 332,930 people around the world have tested positive for COVID-19, including 33,404 in the United States and 416 in Wisconsin;

WHEREAS, as of March 23, 2020, within the past 72 hours, positive COVID-19 cases have risen in the United States from 15,219 to 33,404 (119% increase) and have risen in Wisconsin from 206 to 416 (102% increase). Five Wisconsinites have passed away as a result of COVID-19. Public health officials estimate that the actual number of Wisconsinites infected with COVID-19 is significantly higher and likely present in every county in the state;

WHEREAS, at the current growth in the number of people infected, the number of people needing medical care due to COVID-19 will significantly exceed the amount of available healthcare resources;

WHEREAS, the entire State of Wisconsin – including residents, businesses, community organizations, and government – need to take all possible actions to reduce further spread of COVID-19 to save lives;

WHEREAS, social distancing – the practice of keeping at least six feet apart from others and avoiding direct physical contact – is the only effective means of slowing the rate of infection. Despite prior emergency orders banning mass gatherings, the rates of infection continue to drastically increase, necessitating additional measures to slow the rate of infection and save lives; and

WHEREAS, this is a critical moment in Wisconsin and we must all do our part to cease non-essential travel, business, and social interactions;

NOW THEREFORE, under the authority of Wis. Stat. § 252.02(3) and (6) and all powers vested in me through Executive Order #72, and at the direction of Governor Tony Evers, I, Andrea Palm, Secretary-designee of the Wisconsin Department of Health Services, order the following:

1. **Stay at home or place of residence.** All individuals present within the State of Wisconsin are ordered to stay at home or at their place of residence, with exceptions outlined below. To the extent individuals are using shared or outdoor spaces other than their home or residence, they must at all times as reasonably possible maintain social distancing of at least six (6) feet from any other person consistent with Social Distancing Requirements as defined below, except that they do not need to maintain social distancing between family members in a single living unit or household members. All persons may leave their homes or residences only for the following functions as are defined in this Order:
 - a. **Essential Activities** (defined in section 11);
 - b. **Essential Governmental Functions** (defined in section 12);
 - c. To operate **Essential Businesses and Operations** (defined in section 13);
 - d. To perform non-essential **Minimum Basic Operations** (defined in section 14);
 - e. **Essential Travel** (defined in section 15); and
 - f. **Special Situations** (defined in section 8, 9, and 10).

Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter. Governmental and other entities are strongly urged to make such shelter available as soon as possible to the maximum extent practicable and to follow the Wisconsin Department of Health Services (DHS) and the U.S. Centers for Disease Control and Prevention (CDC) guidance on COVID-19 risk mitigation practices.

Individuals whose homes or residences are unsafe or become unsafe, such as victims of domestic violence, are permitted and urged to leave

their home and stay at a safe alternative location. For purposes of this Order, homes or residences include hotels, motels, shared rental units, dormitories, shelters, and similar facilities.

2. **Non-essential business and operations must cease.** All for-profit and non-profit businesses with a facility in Wisconsin, except Essential Businesses and Operations as defined below, are required to cease all activities at facilities located within Wisconsin, except:
 - a. Minimum Basic Operations, as defined below, and
 - b. Any operations consisting exclusively of employees or contractors performing activities at their own home or residences (i.e., working from home).

All businesses, including Essential Businesses and Operations, shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home). Businesses may not engage in door-to-door solicitation, regardless of its purpose or status as an Essential Business or Operation.

All Essential Businesses and Operations are encouraged to remain open. To the greatest extent feasible, Essential Businesses and Operations shall comply with Social Distancing Requirements as defined in this Order; in doing so, Essential Businesses and Operations shall, to the greatest extent possible, ensure that both employees and members of the public are maintaining six-foot social distancing, including but not limited to when any customers are standing in line.

3. **Prohibited activities.** All public and private gatherings of any number of people that are not part of a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits the gathering of members of a single household or living unit. Landlords or rental property managers shall avoid entering leased residential premises unless emergency maintenance is required.

4. **Closures.** All of the following facilities shall be closed:

- a. **Public and private K-12 schools and public libraries.** Except for facilitating distance learning or virtual learning, public and private K-12 schools are closed for pupil instruction and extracurricular activities. Libraries shall close for all in-person services, but may continue to provide on-line services and programming. Schools and public libraries may be used for Essential Government Functions and food distribution. This

section does not apply to facilities operated by the Wisconsin Department of Corrections or the Department of Military Affairs including the Challenge Academy.

- b. Places of public amusement and activity.** Whether indoors or outdoors, including but not limited to amusement parks, carnivals, water parks, licensed public or private swimming pools, splash pads, aquariums, zoos, museums, arcades, fairs, children's play centers, playgrounds, funplexes, theme parks, bowling alleys, movie and other theaters, concert and music halls, country clubs, social clubs, and gyms and fitness centers.
- c. Salons and spas.** This includes, but is not limited to, hair salons, barber shops, nail salons, day spas, electrolysis providers, waxing salons, eyebrow-care establishments, tattoo parlors, body art establishments, and tanning facilities.

- 5. Prohibited and permitted travel.** All forms of travel are prohibited, except for Essential Travel as defined in this Order. Individuals riding on public transit must comply with Social Distancing Requirements to the greatest extent possible.
- 6. Follow DHS and CDC guidelines.** When taking any action permitted under this Order, all individuals, organizations, government bodies, and any other permitted group of individuals shall, to the extent possible, follow DHS guidelines located here:
<https://www.dhs.wisconsin.gov/covid-19/index.htm>.

All Essential Businesses and Operations and all businesses performing Minimum Basic Operations shall comply with DHS guidelines for businesses located here: <https://www.dhs.wisconsin.gov/covid-19/employers.htm>.

- 7. Elderly people and those who are vulnerable as a result of underlying health conditions should take additional precautions.** People at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their home or residence to the extent possible except as necessary to seek medical care. Nothing in this Order prevents DHS and local health officials from issuing and enforcing isolation and quarantine orders pursuant to Wis. Stat. ch. 252 and local ordinances.

SPECIAL SITUATIONS

- 8. Healthcare and Public Health Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services at any Healthcare and Public Health Operations.

Healthcare and Public Health Operations includes, but is not limited to: hospitals; medical facilities; clinics; ambulatory surgery centers for response to urgent health issues or related COVID-19 activities; manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products; dental offices; pharmacies; public health entities, including those that compile, model, analyze, and communicate public health information; pharmaceutical, pharmacy, medical device and equipment, and biotechnology companies (including operations, research and development, manufacture, and supply chain); healthcare information technology companies; organizations collecting blood, platelets, plasma, and other necessary materials; obstetricians, gynecologists, and midwife practices; eye care centers, including those that sell glasses and contact lenses; home health agencies and providers; mental health and substance abuse providers; detoxification and alcohol or drug treatment programs and facilities; syringe access programs, and naloxone distribution programs; other healthcare facilities and suppliers and providers of any related or any ancillary healthcare services; entities that transport and dispose of medical materials and remains; personal care agencies; hospices; allied health providers; acupuncturists; massage therapists; chiropractors; and adult family homes.

Specifically included in Healthcare and Public Health Operations are manufacturers, technicians, logistics, and warehouse operators and distributors of medical equipment, personal protective equipment (PPE), medical gases, pharmaceuticals, blood and blood products, vaccines, testing materials, laboratory supplies, cleaning, sanitizing disinfecting or sterilization supplies, and tissue and paper towel products.

Healthcare and Public Health Operations also includes veterinary care and all healthcare services provided to animals. Non-essential veterinary care should be avoided.

Cafeterias and food service in health care facilities may remain open for staff and authorized visitors only, subject to the following restrictions:

- a. Self-service operations of salad bars, beverages stations, and buffets are prohibited.

- b. Customers are prohibited from self-dispensing any unpackaged food or beverage.
- c. Customers and staff shall comply with Social Distancing Requirements, including in seating areas and lines.

Healthcare and Public Health Operations shall be broadly construed to avoid any impediments to the delivery of healthcare, broadly defined. Healthcare and Public Health Operations does not include fitness and exercise gyms, hair salons, barber shops, nail salons, day spas, electrolysis providers, tattoo parlors, body art establishments, tanning facilities, and similar facilities.

- 9. Human Service Operations.** For purposes of this Order, individuals may leave their residence to work for or obtain services at any state, institutional, or community-based setting providing human services to the public.

Human Service Operations includes, but is not limited to: long-term care and assisted living facilities, as long as the facility follows all current DHS Recommendations for Prevention of COVID-19 in Long-Term Facilities and Assisted Living Facilities and all applicable U.S. Centers for Disease Control Recommendations; residential settings and shelters for adults, seniors, children, victims of domestic abuse, people with disabilities, people with substance use disorders, or mental illness; transitional facilities; home-based settings to provide services to individuals with physical, intellectual, or developmental disabilities, seniors, adults, or children; adult day care, adult day services, and supportive home care; field offices that provide and help to determine eligibility for basic needs including food, cash assistance, medical coverage, vocational services, or rehabilitation services; developmental centers; adoption agencies; businesses that provide food, shelter, social services, or other necessities of life for economically disadvantaged individuals, individuals with physical, intellectual, or developmental disabilities, or otherwise needy individuals.

Human Services Operations shall be construed broadly to avoid any impacts to the delivery of human services, broadly defined.

- 10. Essential Infrastructure.** For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provide, operate, maintain, and repair Essential Infrastructure.

Essential Infrastructure includes, but is not limited to: food production, distribution, fulfillment centers, storage facilities, marinas, and sales; construction (including, but not limited to, construction required in

response to this public health emergency, hospital construction, construction of long-term care and assisted living facilities, public works construction, school construction, Essential Business and Operations construction, construction necessary for Essential Governmental Functions, and housing construction, except that optional or aesthetic construction should be avoided); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, gas, and electric (including power generation, distribution, production of raw materials, and Wisconsin Department of Natural Resources-certified and registered drinking water and wastewater testing laboratories); Wisconsin Home Energy Assistance, Low Income Home Energy Assistance Program, and Public Benefits Energy Assistance Program offices, customer service centers, and public intake centers; distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

DEFINITIONS

11. Essential Activities. Individuals may leave their home or residence to perform any of the following:

- a. Health and safety.** To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members, including pets, such as, by way of example only and without limitation, obtaining medical supplies or medication, seeking emergency services, or visiting a health care or behavior health care professional. Individuals should rely on telehealth options whenever feasible.
- b. Necessary supplies and services.** To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation: canned food, dry goods, fresh fruits and vegetables, gasoline, propane, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

- c. Outdoor activity.** To engage in outdoor activity, including visiting public and state parks, provided individuals comply with Social Distancing Requirements as defined below. Such activities include, by way of example and without limitation, walking, biking, hiking, or running. Individuals may not engage in team or contact sports such as by way of example and without limitation, basketball, ultimate frisbee, soccer, or football, as these activities do not comply with Social Distancing Requirements. Playgrounds are closed.
- d. Certain types of work.** To perform work at Essential Businesses or Operations or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations and obtaining supplies needed to work from home.
- e. Take care of others.** To care for a family member, friend, or pet in another household, and to transport family members, friends, or pets as allowed in this Order.

12. Essential Governmental Functions. Essential Governmental Functions means all services provided by the State, tribal, or local governments needed to ensure the continuing operation of the government body and provide and support the health, safety, and welfare of the public. Each government body shall determine its Essential Government Function, if any, and identify employees and contractors necessary to the performance of those functions.

For purposes of this Order, all paid or volunteer first responders including law enforcement, EMS, and firefighters; first responder training academies; building inspectors; emergency management personnel; emergency dispatchers; court personnel, jurors and grand jurors; corrections personnel; hazardous materials responders; child protection and child welfare personnel; housing and shelter personnel; National Guard and military; and others working for or to support Essential Businesses and Operations are categorically exempt from this Order.

This section does not limit the ability or authority of the Wisconsin Supreme Court to use its constitutional supervisory authority over lower courts to limit or adjust court functions in response to the Public Health Emergency. This section does not limit the ability or authority of the Wisconsin Legislature to meet or conduct business.

Government bodies should continue to follow the Wisconsin Department of Justice's Office of Open Government guidance regarding

holding government meetings, and should consult directly with that office regarding specific open meetings questions. The guidance is available here: <https://www.doj.state.wi.us/news-releases/office-open-government-advisory-additional-information-regarding-covid-19-and-open>. Government bodies with additional questions about open meetings requirements should consult with the Wisconsin Department of Justice's Office of Open Government.

13. Essential Businesses and Operations. All entities described in this section shall meet Social Distancing Requirements between all individuals on the premises to the extent possible. Essential Businesses and Operations shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home). For the purposes of this Order, Essential Businesses and Operations means Healthcare and Public Health Operations, Human Services Operations, Essential Infrastructure, and Essential Governmental Functions, and the following:

- a. CISA List.** Any business or worker identified in the U.S. Department of Homeland Security, Cybersecurity & Infrastructure Security Agency (CISA), *Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response*, updated March 23, 2020, and any subsequent versions of this Memorandum.
- b. Stores that sell groceries and medicine.** Grocery stores, bakeries, pharmacies, farm and produce stands, supermarkets, food banks and food pantries, convenience stores, and other establishments engaged in the retail sale of groceries, canned food, dry goods, frozen foods, fresh fruits and vegetables, pet supply, fresh meats, fish, poultry, prepared food, alcoholic and non-alcoholic beverages, and any other household consumer products (such as cleaning and personal care products). Such establishments shall:
 - i. Close all seating intended for consuming food.
 - ii. Cease any self-service operations of salad bars, beverage stations, and buffets.
 - iii. Except for grocery stores, prohibit customers from self-dispensing all unpackaged food.
 - iv. Abide by Social Distancing Requirements.

This section should not be interpreted to provide an exemption for businesses engaged in the sale of food or beverage ancillary

to its primary purpose, such as those businesses required to close under Section 4 who also may engage in some food or beverage sales.

c. Food and beverage production, transport, and agriculture.

Food and beverage manufacturing, production, processing, transportation, and cultivation; farming, livestock, fishing, baking, and other production agriculture, including cultivation, marketing, production, and distribution of animals and goods for consumption; businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, boarding, rescues, kennels, and adopting facilities; farm and agriculture equipment, supplies, and repair services.

d. Restaurants. Restaurants shall close, except as follows:

- i. Restaurants may remain open for food take-out or delivery service only.
- ii. Alcohol sales must comply with section 13.e. below.
- iii. Customers may enter the above establishments only for the purpose of ordering, pick up, and paying for food or beverage or both.
- iv. No seating may be provided.
- v. Food and drink may not be consumed on premises, either indoors or outdoors.
- vi. Establishments shall meet Social Distancing Requirements between all individuals on the premises to the extent possible.
- vii. Cease any self-service operations of salad bars, beverage stations, and buffets.
- viii. Customers are prohibited from self-dispensing any unpackaged food or beverage.

e. Bars. This includes breweries, brewpubs, wineries, distilleries, and alcohol beverage retailers. Such establishments shall close, except as follows:

- i. Carryout sales of alcohol beverages and food are allowed, if permitted by state law and municipal ordinance.
- ii. Delivery of alcohol beverages to retail customers is prohibited.
- iii. Wineries holding direct wine shippers' permits may make deliveries of wine in accordance with their permit.

- iv. Customers may enter the above establishments only for the purpose of ordering, pick up, and paying for food or beverage or both.
- v. No seating may be provided.
- vi. Food and drink may not be consumed on premises, either indoors or outdoors.
- vii. Establishments shall meet Social Distancing Requirements between all individuals on the premises to the extent possible.
- viii. Self-service operations of salad bars, beverage stations, and buffets are prohibited.
- ix. Customers are prohibited from self-dispensing any unpackaged food or beverage.

f. Child care settings. Secretary-designee Andrea Palm's Emergency Order #6 remains in effect, with the following amendments:

- i. Child care settings shall prioritize care for families as follows:
 - 1. Tier 1: employees, contractors, and other support staff working in health care;
 - 2. Tier 2: employees, contractors, and other staff in vital areas including but not limited to military; long term care; residential care; pharmacies; child care; child welfare; government operations; public safety and critical infrastructure such as sanitation, transportation, utilities, telecommunications; grocery and food services; supply chain operations; and other sectors as determined by the Secretary of the Department of Children and Families.
- ii. Child care settings include all licensed and certified child care providers who may provide care for any age or ages of children up to 13 years of age, unless specially licensed for children with disabilities up to 19 years of age.

g. Organizations that provide charitable and social services. Businesses and religious and secular nonprofit organizations, including prevocational group supportive employment, food banks and food pantries, when providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, individuals who need assistance as a result of this public health emergency, and people with disabilities.

- h. Weddings, funerals, and religious entities.** Religious facilities, entities, groups, and gatherings, and weddings and funerals, except that any gathering shall include fewer than 10 people in a room or confined space at a time and individuals shall adhere to Social Distancing Requirements as much as possible.
- i. Funeral establishments.** Funeral establishments, as defined in Wis. Stat. § 445.01(6), except that any gathering shall include fewer than 10 people in a room or confined space at a time and individuals shall adhere to Social Distancing Requirements as much as possible.
- j. Media.** Newspapers, television, radio, and other media services.
- k. Gas stations and businesses needed for transportation.** Gas stations; auto and motorcycle supply, repair and sales; boat supply, repair, and sales; and bicycle supply, repair, and sales.
- l. Financial institutions and services.** Banks, credit unions, and other depository or lending institutions; licensed financial service providers; insurance services; personnel necessary to perform essential functions at broker dealers and investment advisor offices.
- m. Hardware and supplies stores.** Hardware stores and businesses that sell electrical, plumbing, heating, and construction material.
- n. Critical trades.** Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe trades, fabricators, finishers, exterminators, pesticide application, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, forestry and arborists, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, Essential Governmental Functions, and Essential Businesses and Operations.
- o. Mail, post, shipping, logistics, delivery, and pick-up services.** Post offices and other businesses that provide shipping and delivery services, and businesses that ship or

deliver groceries, food, beverages, goods or services to end users or through commercial channels.

- p. Laundry services.** Laundromats, dry cleaners, industrial laundry services, and laundry service providers.
- q. Supplies to work from home.** Businesses that sell, manufacture, or supply products needed for people to work from home.
- r. Supplies for Essential Businesses and Operations and Essential Governmental Functions.** Businesses that sell, manufacture, or supply other Essential Businesses and Operations and Essential Governmental Functions with the support or supplies necessary to operate, including computers; audio and video electronics; household appliances; IT and telecommunication equipment; hardware; paint; flat glass; electrical, plumbing, and heating materials; construction materials and equipment; sanitary equipment; personal hygiene products; food, food additives, ingredients, and components; medical and orthopedic equipment; firearm and ammunition suppliers and retailers for purposes of safety and security; optics and photography equipment; diagnostic; food and beverages; chemicals; paper and paper products; soaps and detergents.
- s. Transportation.** Airlines, taxis, transportation network providers (such as Uber and Lyft), vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers necessary for Essential Activities and other purposes expressly authorized in this Order.
- t. Home-based care and services.** Home-based care for seniors, adults, children, and/or people with disabilities, substance use disorders, and/or mental illness, including caregivers or nannies who may travel to the child's home to provide care, and other in-home services including meal delivery.
- u. Professional services.** Professional services, such as legal or accounting services, insurance services, real estate services (including appraisal, home inspection, and title services). These services shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home).

- v. Manufacture, distribution, and supply chain for critical products and industries.** Manufacturing companies, distributors, and supply chain companies producing and supplying essential products and services in and for industries such as pharmaceutical, technology, biotechnology, healthcare, chemicals and sanitation, waste pickup and disposal, agriculture, food and beverage, transportation, energy, steel and steel products, petroleum and fuel, mining, construction, national defense, communications, and products used by other Essential Governmental Functions and Essential Businesses and Operations.
- w. Critical labor union functions.** Essential activities include the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Business and Operations, provided the checks are done by telephone or remotely where possible.
- x. Hotels and motels.** Hotels and motels, except that such establishments shall:
- i. Comply with requirements of 12.b, 12.d. and 12.e.
 - ii. Close swimming pools, hot tubs, and exercise facilities.
 - iii. Prohibit guests from congregating in lobbies or other common areas, including providing adequate space to adhere to Social Distancing Requirements while queuing for front desk services.
- y. Higher educational institutions.** Higher educational institutions, for purposes of facilitating distance learning, performing critical research, or performing essential functions as determined by the institution.
- z. WEDC designated businesses.** In the exceptional circumstance that a business is not listed in this Order as an Essential Business or Operations but believes that it should be included in that designation, the business should consult the information page on the Wisconsin Economic Development Corporation (WEDC) website, here: www.wedc.org/essentialbusiness. If a business still believes that it does not fall within the meaning of Essential Businesses and Operations, it may apply to the Wisconsin Economic Development Corporation (WEDC) using the provided form requesting designation as such.

14. Minimum Basic Operations. For the purposes of this Order, Minimum Basic Operations include the following, provided that employees comply with Social Distancing Requirements, to the extent possible, while carrying out such operations:

- a. The minimum necessary activities to maintain the value of the business's inventory, preserve the condition of the business's physical plant and equipment, ensure security, process payroll and employee benefits, or for related functions, including where these functions are outsourced to other entities.
- b. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

15. Essential Travel. Individuals engaged in any Essential Travel must comply with Social Distancing Requirements to the extent possible. For the purposes of this Order, Essential Travel includes:

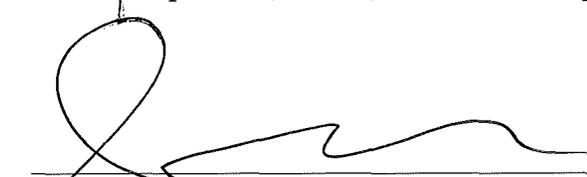
- a. Any travel related to the provision of or access to Essential Activities, Special Situations, Essential Governmental Functions, Essential Businesses and Operations, or Minimum Basic Operations.
- b. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
- c. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, or any other related services.
- d. Travel to return to a place of residence from outside the jurisdiction.
- e. Travel required by law enforcement or court order, including to transport children pursuant to a custody agreement.
- f. Travel required for non-residents to return to their place of residence outside Wisconsin. Individuals are strongly encouraged to verify that their transportation out of Wisconsin remains available and functional prior to commencing such travel.

16. Social Distancing Requirements. For purposes of this Order, Social Distancing Requirements includes maintaining social distancing of six (6) feet between people; washing hands with soap and water for at least

20 seconds as frequently as possible or using hand sanitizer; covering coughs or sneezes (into the sleeve or elbow, not hands); regularly cleaning high-touch surfaces; not shaking hands; and following all other public health recommendations issued by DHS and the U.S. Centers for Disease Control.

ENFORCEMENT

- 17. Enforcement.** This Order is enforceable by any local law enforcement official, including county sheriffs. Violation or obstruction of this Order is punishable by up to 30 days imprisonment, or up to \$250 fine, or both. Wis. Stat. § 252.25.
- 18. Severability.** If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
- 19. Supremacy.** This Order supersedes any local order that is in conflict with this order.
- 20. Duration.** This Order shall become effective at 8:00 a.m. on Wednesday, March 25, 2020 and will remain in effect until 8:00 a.m. on Friday, April 24, 2020, or until a superseding order is issued.



Andrea Palm
Secretary-designee
Department of Health Services
State of Wisconsin

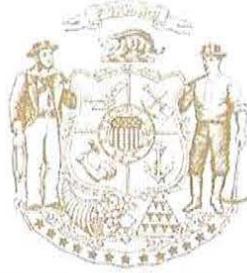
03/24/2020

Date

State of Wisconsin

Governor Tony Evers

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Secretary-designee Andrea Palm

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Emergency Order #16

Related to Certain Health Care Providers and the Department of Safety and Professional Services Credentialing

WHEREAS, in December, 2019, a novel strain of the coronavirus was detected, now named COVID-19, and it has spread throughout the world, including every state in the United States;

WHEREAS, on March 12, 2020, Governor Tony Evers declared a public health emergency and directed all agencies support the efforts to respond to and contain COVID-19 in Wisconsin;

WHEREAS, on March 13, 2020, President Donald Trump proclaimed a National Emergency concerning COVID-19;

WHEREAS, as of March 26, 2020, 512,900 people around the world have tested positive for COVID-19, including 81,321 in the United States and 707 in Wisconsin;

WHEREAS, even before COVID-19, more than half of Wisconsin counties had a shortage of physicians, and many other types of healthcare workers were in short supply;

WHEREAS, the continued spread of COVID-19 demands that we have the help of as many skilled health care providers as possible;

NOW THEREFORE, under the authority vested in the Governor and the Department of Health by the Constitution and the Laws of the State, including but not limited to Article V, Section 4 of the Wisconsin Constitution and Sections 323.12(4) and 252.02(6) of the Wisconsin Statutes, and the public health emergency declared in Executive Order #72, I, Governor Tony Evers, and I, Secretary-designee Andrea Palm, jointly order the following:

I. Interstate Reciprocity

A. For purposes of Section I, the following definitions control:

1. "Health care provider" has the meaning given in Wis. Stat. § 146.81(1)(a) through (hg).
2. "Health care facility" refers to any system, care clinic, care provider, long-term care facility, or any other health care facility where health care services are or may be provided.

3. "Temporary License" refers to any visiting, locum tenens, temporary, or similar non-permanent license or credential

B. Any health care provider with a valid and current license issued by another state may practice under that license and within the scope of that license in Wisconsin without first obtaining a temporary or permanent license from the Department of Safety and Professional Services (DSPS), so long as the following conditions are met:

1. The practice is necessary for an identified health care facility to ensure the continued and safe delivery of health care services;
2. The health care provider is not currently under investigation and does not currently have any restrictions or limitations placed on their license by their credentialing state or any other jurisdiction;
3. The identified health care facility's needs reasonably prevented in-state credentialing in advance of practice;
4. The health care provider practicing under this section must apply for a temporary or permanent health care license within 10 days of first working at a health care facility in reliance on this Section; and
5. The health care facility must notify DSPS at dsps@wisconsin.gov within 5 days of a health care provider practicing at its facility in reliance on this Section.

C. The Office of the Commissioner of Insurance (OCI) is directed to work with health care providers practicing under this provision to ensure they have the proper liability insurance coverage.

D. DSPS may withdraw an individual's authority to temporary practice pursuant to the Order for good cause as determined by DSPS.

E. Nothing in this Order prevents civil or criminal action against a person or entity who falsely reports required information to DSPS or practices without following the requirements of this Section

II. Temporary Licenses

A. Any temporary license, as defined under Section I(A)3. of this Order, that has been granted to a health care provider as defined under Section I(A)1 of this Order, shall remain valid for 30 days after the conclusion of the declared emergency, including any extensions.

B. The following administrative rule is suspended:

Admin. Rule:	Wis. Admin. Code § Med 3.04
Description of Rule:	Practice Limitations
Status:	Partially suspended with companion order
Companion Order:	The following language is suspended: "providing such practice is entirely limited to the medical education facility, medical research facility, or medical school where the license

holder is teaching, conducting research, or practicing medicine and surgery, and is limited to the terms and restrictions established by the board.”

III. Telemedicine

A. The following is ordered as it relates to telemedicine for Wisconsin residents:

1. A physician providing telemedicine in the diagnosis and treatment of a patient who is located in this state must have a valid and current license issued by this State, another state, or Canada. Wis. Admin. § Med 24.04 and 24.07(1)(a) are suspended. Where a requirement in Wis. Admin. Med. Ch. 24 applies to physicians licensed to practice by the medical examining board, such requirements extend to any physician practicing telemedicine in this state.
2. A physician practicing under this section cannot be currently under investigation and must not currently have any restrictions or limitations placed on their license by their credentialing state or any other jurisdiction.
3. Insured patients are encouraged to continue to work with their insurance providers to ensure they are selecting providers in-network, if applicable and where possible.
4. OCI is directed to continue working with malpractice insurance carriers to facilitate coverage outside of the traditional health care facility settings and to continue working with health insurers to minimize out-of-network barriers for insured patients seeking telemedicine services.

IV. Specific Orders Pertaining to Physician Assistants

A. The following administrative rules are suspended:

Admin. Rule:	Wis. Admin. Code § Med 8.05(4)
Description of Rule:	Licensure renewal notification requirements
Status:	Partially suspended with companion order
Companion Order:	The following language is suspended: “and shall notify the board within 20 days of any change of a supervising physician or podiatrist.” A physician assistant must notify the board within 40 days of any change of a supervising physician or podiatrist.

Admin. Rule:	Wis. Admin. Code § Med 8.07(1)
Description of Rule:	Scope and limitations of physician assistant practice
Status:	Partially suspended with companion order
Companion Order:	The following language is suspended: “and may not exceed the scope of practice of the physician or podiatrist providing supervision. A medical care task assigned by the supervising physician or podiatrist to a physician assistant may not be delegated by the physician assistant to another person.” A

physician assistant shall limit their practice to the scope of their experience, education, training, and capabilities. A physician assistant may delegate a care task to another clinically trained health care provider if the physician assistant has knowledge, based on personal experience with the health care provider who is being delegated the task, that the task is within the health care provider's experience, education, training, and capabilities.

Admin. Rule: Wis. Admin. Code § Med 8.07(3)
Description of Rule: Identifying supervising physician or podiatrist
Status: Suspended

Admin. Rule: Wis. Admin. Code § Med 8.10(1)
Description of Rule: Provides for physician or podiatrist to physician assistant ratio and availability for consultation
Status: Partially suspended with companion order
Companion Order: No physician or podiatrist may supervise more than 8 on-duty physician assistants at any time. There is no limit to the number of physician assistants for whom a physician or podiatrist may provide supervision over time. A physician assistant may be supervised by more than one physician or podiatrist while on duty.

V. Specific Orders Pertaining to Nursing

A. The following administrative rules are suspended:

Admin. Rule: Wis. Admin. Code § N. 1.08(5m)(b)
Description of Rule: Places limit on utilization of simulation for nurse training
Status: Suspended

Admin. Rule: Wis. Admin. Code § N. 2.31(3)
Description of Rule: Applications to practice under a temporary permit
Status: Suspended

Admin. Rule: Wis. Admin. Code § N. 2.34
Description of Rule: Duration of temporary licenses
Status: Partially suspended with companion order
Companion Order: An issued temporary license will remain valid until end of emergency or six months after availability of NCLEX, whichever occurs last.

Admin. Rule: Wis. Admin. Code § N 2.40(2)(a)-(c)
Description of Rule: Requirements for credential renewal within five years of expiration.
Status: Partially suspended with companion order
Companion Order: Subsections (b) and (c) are suspended. Any applicable late renewal fee under subsection (a) is suspended. Nothing

about this suspension should be construed to apply to a credential holder who has unmet disciplinary requirements or whose credential has been surrendered or revoked. Wis. Stat. § 441.01(7) is to be interpreted so as not to apply to applications for license renewal after expiration under Wis. Admin. Code § N 2.40(2).

Admin. Rule: Wis. Admin. Code § N 2.40(3)(a) through (d)
Description of Rule: Requirements for credential renewal after five years of expiration
Status: Partially suspended with companion order
Companion Order: Subsections (b) through (d) are suspended. The late renewal fee under subsection (a) is suspended. Nothing about this suspension should be construed to apply to a credential holder who has unmet disciplinary requirements or whose credential has been surrendered or revoked. Wis. Stat. § 441.01(7) is to be interpreted so as not to apply to applications for license renewal after expiration under Wis. Admin. Code § N 2.40(2).

Admin. Rule: Wis. Admin. Code § N. 8.10(2) and (7)
Description of Rule: Nursing care management and collaboration with other health care professionals
Status: Suspended

VI. Recently Expired Credentials or Licenses

- A. DSPS is directed to assess its records to identify health care providers with recently lapsed license who would be eligible for renewal. I direct the Department to consult with the Department of Health Services in order to identify specific practice areas of need and to conduct appropriate outreach to inform them of renewal options.
- B. The following administrative rules are suspended:

Admin. Rule: Wis. Admin. Code § Med 14.06(2)(a)
Description of Rule: Renewal of a lapsed license within five years of expiration.
Status: Partially suspended with companion order
Companion Order: In Wis. Admin. Code § Med 14.06(2)(a), “and fulfillment of the continuing education requirements” is suspended
Nothing about this suspension should be construed to apply to a licensee who has unmet disciplinary requirements or whose credential has been surrendered or revoked.

Admin. Rule: Wis. Admin Code § Rad 5.01(1) and (2)
Description of Rule: Continuing education requirements
Status: Partially suspended with companion order
Companion Order: Sections Rad 5.01(1) and (2) are suspended only to the extent that they would otherwise apply to a radiographer or a limited x-ray machine operator (LMXO) permit holder whose

license or permit has expired and whose application for renewal is not timely under Wis. Stat. § 440.08(2)(a). As to such applicants, Wis. Stat. § 462.05(2)(a) shall be interpreted not to require completion of continuing education, provided the applicant meets all other criteria for renewal of a license. Nothing about this suspension should be construed to apply to credential holders who have unmet disciplinary requirements or whose credential has been surrendered or revoked.

Admin. Rule: Wis. Admin. Code § MPSW 1.08(2)
Description of Rule: Credential renewal within five years of expiration
Status: Partially suspended with companion order
Companion Order: The following language is suspended: “attesting to completion of the continuing education required under s. MPSW 19.02, and paying a late renewal fee.” Nothing about this suspension should be construed to apply to credential holders who have unmet disciplinary requirements or whose credential has been surrendered or revoked.

Admin. Rule: Wis. Admin. Code § Psy 4.06(1)
Description of Rule: Renewal of a lapsed license within five years.
Status: Partially suspended with companion order
Companion Order: In Wis. Admin. Code § Psy 4.06(1), “and fulfillment of 40 continuing education hours completed within 2 years prior to renewal” is suspended. Nothing about this suspension should be construed to apply to licensees who have unmet disciplinary requirements or whose license has been surrendered or revoked.

Admin. Rule: Wis. Admin. Code § Phar 5.05(2)(a) and (b)
Description of Rule: Requirements for license renewal within five years of expiration
Status: Partially suspended with companion order
Companion Order: Wis. Admin Code §§ Phar 5.05(2)(b) is suspended. Any applicable late renewal fee under subsection (a) is suspended. An applicant who obtains renewal of their license under this subsection is considered unexpired for purposes of Wis. Stat. § 450.08(1). Nothing about this suspension should be construed to apply to licensees who have unmet disciplinary requirements or whose license has been surrendered or revoked.

Admin. Rule: Wis. Admin. Code § Chir 3.02(2)
Description of Rule: Requirements for late license renewal
Status: Partially suspended with companion order
Companion Order: The following language is suspended: “and a late renewal fee specified in s. 440.08 (3) (a), Stats.” For purposes of a late renewal under Wis. Admin. Code § Chir 3.03(2),

requirements under Wis. Admin. Code § Chir 3.03(1)(c)-(e) are also suspended. Nothing about this suspension should be construed to apply to licensees who have unmet disciplinary requirements or whose license has been surrendered or revoked.

Admin. Rule: Wis. Admin. Code § DE 2.03(5)(a)2.-4.
Description of Rule: Requirements for late license renewal
Status: Partially suspended with companion order
Companion Order: Wis. Admin. Code § DE 2.03(5)(a)3. and 4. are suspended. Any applicable late fee under Wis. Admin. Code § DE 2.03(5)(a)2. is suspended. Nothing about this suspension should be construed to apply to licensees who have unmet disciplinary requirements or whose license has been surrendered or revoked.

Admin. Rule: Wis. Admin. Code § PT 8.05(1)
Description of Rule: Requirements for license renewal within five years of expiration.
Status: Partially suspended with companion order.
Companion Order: The following language is suspended: “and completion of the continuing education requirements specified in ch. PT 9.” Nothing about this suspension should be construed to apply to a licensee who has unmet disciplinary requirements or whose credential has been surrendered or revoked.

VII. Additional Orders

- A. I am hereby providing the Department the discretion to suspend any fee or assessment provided for in administrative rules related to health care provider credentialing where there is a demonstrable need. Need for purposes of this provision is to be assessed by the Department in consultation with the applicant, the Department of Health Services, and identified health care facilities. “Demonstrable need” should be broadly interpreted in favor of increasing the availability of health care providers in this state.
- B. The Department may re-evaluate any fee or assessment suspension decision and impose any previously suspended fee or assessment for a permanent license 60 days after the conclusion of the public health emergency in circumstances where a practitioner has chosen to continue practicing in Wisconsin under the license issued.
- C. Nothing in this Order should be construed to permit a license or credential holder who is currently suspended or revoked to re-enter practice pursuant to this Order.
- D. This Order is enforceable by any local law enforcement official, including county sheriffs. Violation or obstruction of this Order is punishable by up to 30 days imprisonment, or up to \$250 fine, or both. Wis. Stat. § 252.25.

E. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

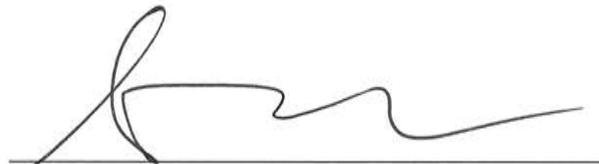
F. This Order is effective immediately and shall remain in effect for the duration of the public health emergency as declared in Executive Order #72, including any extensions.



March 27, 2020

Tony Evers
Governor
State of Wisconsin

Date



03-27-2020

Andrea Palm
Secretary-designee
State of Wisconsin Department of Health Services

Date