

# STATE OF INDIANA

## EXECUTIVE DEPARTMENT INDIANAPOLIS

### EXECUTIVE ORDER 21-34

**FOR: FURTHER CONTINUATION OF LIMITED PROVISIONS TO ADDRESS THE IMPACT AND SPREAD OF THE CORONAVIRUS DISEASE (COVID-19)**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

**WHEREAS,** on March 6, 2020, I issued Executive Order 20-02 which declared a public health emergency exists throughout the State of Indiana as result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report of the disease in our State and this initial declaration has been extended by me in subsequent Executive Orders (Executive Orders 20-17, -25, -30, -34, -38, -41, -44, -47, -49, -52, 21-03, -05, -08, -11, -14, -16, -18, -22, -26, -28, -31 & -33);

**WHEREAS,** on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic and, on March 13, 2020, the President of the United States declared a national emergency with respect to this dangerous virus;

**WHEREAS,** since April 2020, the virus spread to, and remains in, every county in our State, and throughout the state we have over 1,227,000 confirmed cases and over 18,200 deaths;

**WHEREAS,** as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3 ("Emergency Disaster Law"), I have authority to take actions necessary to prepare for, respond to and address a public health disaster emergency including the following:

- making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a public health disaster emergency;
- suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency;
- transferring the direction, personnel, or functions of state departments and agencies or units for performing or facilitating emergency services; and
- using any and all available resources of state government and of each political subdivision of our State as reasonably necessary to cope with the public health disaster emergency;

**WHEREAS,** by consulting with experts and utilizing a data-driven approach to make decisions based on facts, science, and recommendations from experts in health care, business, labor, and education, we have sought to protect our Hoosier economy while prioritizing Hoosiers' health in the process;

**WHEREAS,** on a weekly basis, the IDOH reviews each county's number of cases per 100,000 individuals and the county's seven-day positivity rate for the prior week and from that data assigns a numerical score which translates to one of four colors (blue, yellow, orange or red);

**WHEREAS,** our vaccination program and efforts continue with over 3.4 million Hoosiers fully vaccinated out of 6.3 million eligible. Critically, only 54.5% of eligible Hoosiers are fully vaccinated;

**WHEREAS,** throughout the Hoosier state, we are seeing a steady increase in new confirmed cases and hospitalizations in numbers surpassing the previous wave in early fall and a 7-day average positivity rate of over 13.8%, equal to the positivity rates from January 2021; over 1,000 Hoosiers have been diagnosed daily with COVID for the past five months, and tragically we are currently averaging 31 deaths per day from COVID-19;



**WHEREAS,** for the week ending December 5, 2021, 2,102 of the 2,176 new COVID-19 patients admitted to the hospital were unvaccinated; 303 of 316 COVID-19 patients admitted to intensive care units (ICU) were unvaccinated; and 268 of 340 COVID-19 deaths were unvaccinated individuals;

**WHEREAS,** the number of COVID-19 cases continues to place increased demands on our hospitals and in particular, Emergency Departments and critical care units (ICU) are strained, with only 12.8% of ICU staffed beds available in the state;

**WHEREAS,** the data has shown us that the spread of COVID-19 in the Hoosier state and in other areas can be significantly reduced where there are robust vaccinations and adherence to mitigation efforts, such as masking, contact tracing, quarantine and isolation; and

**WHEREAS,** based on all of the above, efforts should continue, and the State of Indiana will continue using county-based assessments to monitor and provide information on the spread or impact of COVID-19 within a particular county.

**NOW, THEREFORE,** I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, do hereby order:

**1. Duration of this Executive Order**

The directives in this Executive Order become effective January 2, 2022, at 12:01 a.m. and continue through 11:59 p.m. on February 1, 2022, and all Hoosiers, Hoosier businesses, and other individuals in the state must adhere to the directives set forth in this Executive Order unless rescinded, modified, or extended by me.

**2. Directives in Executive Order 21-17 Continued Again**

- a. As previously extended in Executive Order 21-19, 21-23, 21-24, 21-27, 21-29 & 21-32, the directives in Executive Order 21-17 as modified below and as summarized below, will remain in effect for the duration of this Executive Order. All other directives in Executive Order 21-17 have been rescinded.
- b. The continued directives that remain in effect pertain to:
  - i) licensing of health care workers and students who have been granted a temporary license (EO 21-17 ¶ 3) – are modified by this Order to now extended through March 31, 2022;
  - ii) registration requirements for certain Indiana or out-of-state health care providers (EO 21-17 ¶ 4);
  - iii) insurance coverage for temporarily licensed out-of-state health care providers (EO 21-17 ¶ 5);
  - iv) expansion of those permitted to administer COVID-19 vaccinations and PREP Act immunity for those providing vaccinations, which is in alignment with federal declarations and guidance (EO 21-17 ¶ 6); and
  - v) the Family and Social Services Administration’s (FSSA) implementation of the Indiana Medicaid, HIP, CHIP and Medworks programs (EO 21-17 ¶ 7(a), (b), (e));

**3. Advanced Practice Registered Nurses**

An Advanced Practice Registered Nurse is permitted to provide services in multiple locations as long as they have an existing collaborative agreement on file. The relevant provisions in Ind. Code § 25-23-1-19.4 and 848 IAC 5-1-1(a)(7)(F) are suspended to effectuate this directive.

**4. Standing Order for COVID-19 Vaccinations for Children Under the Age of Eleven (11)**

To ensure children ages 5 through 11 are afforded the vaccination in an efficient and expeditious manner, I suspend the relevant provisions of Ind. Code § 16-19-4-11(a) to the extent necessary to allow the Commissioner of the Indiana Department of Health to issue a standing order to authorize the administration of the COVID-19 immunization to children under the age of eleven (11).



## 5. COVID-19 Control Measures for Institutions and Congregate Care Facilities

The IDOH, pursuant to Ind. Code § 16-41-2-1 and 410 Ind. Admin. Code § 1-2.5-79, has issued measures to control COVID-19. The measures require institutions and congregate care facilities, including K-12 educational institutions, post-secondary facilities, long-term care facilities, jails, prisons, childcare facilities, and other congregate settings to report all known positive COVID-19 cases in a manner prescribed by the IDOH. This reporting measure is also required by Commissioner Order # CO 21-01 (or any successor order). The control measures further require case investigation and contact tracing as well as appropriate isolation of those who test positive for COVID-19 and quarantining of close contacts. The specific COVID-19 Control Measures also include the modification of the quarantine requirement for close contacts in K-12 educational institutions and childcare facilities. The COVID-19 Control Measures are found at: <https://www.in.gov/health/erc/files/COVID-19-Control-Measures-under-410-IAC-1.pdf>.

## 6. For All Hoosiers and Individuals within the Hoosier State

### a. *Individual Responsibility:*

All Hoosiers and each and every person within the Hoosier state should take responsibility for their safety and the health and safety of those around them by taking appropriate preventative measures. This is particularly important due to the high transmissibility of the Delta and Omicron variants of COVID-19.

### b. *Vaccination:*

Unvaccinated individuals are the most at risk for serious illness, hospitalization and death. Since January 2021, 92% of new COVID-19 cases are with unvaccinated individuals. All eligible Hoosiers are strongly encouraged to obtain a COVID-19 vaccination or booster which will be provided at no cost. Hoosiers can locate a vaccination site by calling 2-1-1 or visiting [www.ourshot.in.gov](http://www.ourshot.in.gov). The COVID-19 vaccination has proven to provide the single best protection from serious illness and hospitalization caused by the COVID-19 infection.

### c. *Individuals with COVID-19 Symptoms:*

Hoosiers and others in the Hoosier state who are symptomatic, whether fully vaccinated or unvaccinated, should get tested for COVID-19. Individuals who test positive shall isolate according to IDOH guidelines. Individuals who are symptomatic and test negative should isolate until their symptoms have resolved.

### d. *Close Contacts of Individuals with COVID-19:*

A close contact is someone who was within 6 feet of a COVID-19 infected person for a cumulative total of 15 minutes or more over a 24-hour period.

Fully vaccinated individuals who are close contacts of a person who tests positive for COVID-19 may continue their normal activities but must wear a mask at all times in public for 10 days and are encouraged to obtain a COVID-19 test 5 days after exposure.

Unvaccinated individuals who are close contacts of a COVID-19 infected person shall quarantine, if required, according to IDOH guidelines and shall follow any other IDOH guidelines.

## 7. No Limitation on Authority

Nothing in this Executive Order shall, in any way, alter or modify any existing legal authority allowing the State, any local health department, or any other proper entity from ordering: (a) any quarantine or isolation that may require an individual to remain inside a particular residential property or medical facility for a limited period of time, including the duration of this public health emergency; or (b) any closure of a specific location for a limited period of time, including the duration of this public health emergency.

## 8. Local Declarations of Emergency

Pursuant to the Emergency Disaster Law, no local ordinance, directive, or order of any county, political subdivision, or other local government entity pertaining to this public health emergency, may contradict or impose less restrictive requirements than those set forth in this Executive Order, or else that ordinance, directive, or order will be void and of no force or effect. However, unless prohibited by an Executive Order, local ordinances,



directives, and orders may be more restrictive provided they comply with Ind. Code §§ 16-20-1-21.5 and 16-22-8-31.3.

**9. Savings Clause**

If any provision of this Executive Order, or its application to any person or circumstance, is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are hereby declared to be severable.

IT IS SO ORDERED.



IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 29<sup>th</sup> day of December 2021.

  
Eric J. Holcomb  
Governor of Indiana



ATTEST: Holli Sullivan  
Secretary of State