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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

ORDER AUTHORIZING THE REOPENING OF CHILD CARE PROGRAMS AND RESCINDING EIGHT COVID-19 ORDERS

COVID-19 Order No. 41

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19");

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, on March 17, I issued COVID-19 Order Nos. 7 and 8, which provided automatic license renewals for physicians and other medical professionals whose licenses would expire during the state of emergency, established an expedited means to re-instate the licenses of recently-retired physicians, expanded authorization for the practice of telemedicine, and made other allowances to expand capacity in the health care system to respond to an anticipated surge in COVID-19 cases in the Commonwealth;

WHEREAS, on March 18, I issued COVID-19 Order No. 9, which provided for the automatic extension of a wide range of other, non-medical professional licenses and registrations issued to individuals by Commonwealth licensing authorities, and on March 26, I issued COVID-19 Order No. 18, which did the same for licenses issued to businesses and other organizations;

WHEREAS, on March 18, I also issued COVID-19 Order No. 10, which, as extended by COVID-19 Order Nos. 15 and 27, closed licensed, approved, and exempt child care programs until June 29 and authorized the establishment of an Emergency Child Care Program to provide care to vulnerable children and the children of front-line workers;

WHEREAS, on March 20, I issued COVID-19 Order No. 12, which allowed for the conditional deferral of certain inspections normally required upon the sale or transfer of residential real estate;

WHEREAS, on March 30, I issued COVID-19 Order No. 19, which allowed public companies headquartered in the Commonwealth to conduct annual or special shareholder meetings exclusively by remote means;

WHEREAS, on March 30, I also issued COVID-19 Order No. 20, which allowed the Executive Office of Health and Human Services to employ an expedited process for adjusting the payments made to critical health and human services providers who were facing extraordinary demand or severe disruptions to their service models as a result of the COVID-19 emergency;

WHEREAS, on April 9, I issued COVID-19 Order No. 23, which allowed for the expedited licensing of physicians educated at foreign medical schools;

WHEREAS, the current, sustained trend of improvement in public health data has reduced the demand on medical facilities, allowed for the re-opening of many businesses and other organizations in the state, and permitted the resumption of state services and licensing, with the consequence that the pressing need for flexibility and expedited processes that were authorized by these earlier-issued Emergency Orders has substantially diminished; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including authority over educational facilities that are supported in whole or in part by public funds, so as to extend those facilities' benefits and availability; authority over public assemblages in order to protect the health and safety of persons; authority to modify of the terms and conditions of licenses, permits, or certificates of registration issued by the Commonwealth or any of its agencies or political subdivisions; authority to regulate the manner and method of purchasing or contracting for services for the Commonwealth and its agencies; and authority over the policing, protection, and preservation of all private property by the owner or person in control thereof;

NOW, THEREFORE, I hereby order the following:

(1) Reopening of Child Care and July 13 Closure of Emergency Child Care Programs

Licensed, approved, or exempt child care programs closed by the Order Temporarily Closing All Child Care Programs and Authorizing the Temporary Creation and Operation of Emergency Child Care Programs (COVID-19 No. 10), may reopen under their current license, approval, or exemption, provided that any such child care program must abide by the reopening requirements and approval process established by the Department of Early Education and Care,

including but not limited to the requirement to demonstrate capacity to meet the minimum health and safety requirements issued pursuant to the Order Authorizing Re-Opening Preparations for Child Care Programs (COVID-19 Order No. 36).

Emergency child care programs, as authorized by Section 2 of COVID-19 Order No. 10, may continue operations through July 12, 2020. Effective at 12:01 am on July 13, 2020, the provisions of COVID-19 Order No. 10 are rescinded in their entirety, and emergency child care programs shall no longer be authorized to operate and must cease operation.

(2) Additional Rescissions of Orders

Each of the following Orders is hereby rescinded as of the dates indicated below, provided that, except as otherwise specified below, rescission shall not invalidate any allowance made, protection granted, or act taken under the authority of an Order prior to its rescission or impair any license, registration, permit, or extension granted under the authority of any Order prior to its rescission.

June 26, 2020

- (a) Order Regarding the Conduct of Shareholder Meetings by Public Companies (COVID-19 Order No. 19)

July 10, 2020

- (b) Order Permitting the Temporary Conditional Deferral of Certain Inspections of Residential Real Estate (COVID-19 Order No. 12)
- (c) Order Expanding Access to Physician Services (COVID-19 Order No. 7)
- (d) Order Extending the Registrations of Certain Licensed Health Care Professionals (COVID-19 Order No. 8)
- (e) Order Extending the Registrations of Certain Licensed Professionals (COVID-19 Order No. 9)
- (f) Order Extending Certain Professional Licenses, Permits, and Registrations Issued by Commonwealth Agencies (COVID-19 Order No. 18)

For the Orders listed in (c)-(f), each relevant licensing authority shall ensure that all licenses, registration, or permits previously issued or extended under the Orders' authority shall at a minimum remain valid through October 1, 2020.

July 31, 2020

- (g) Order Providing Accelerated Licensing of Physicians Educated in Foreign Medical Schools (COVID-19 Order No. 23). The Board of Registration in Medicine shall

ensure that all licenses issued pursuant to the authority of COVID-19 Order No. 23 remain valid for 2 years from the date of issuance.

- (h) Order Authorizing the Executive Office of Health and Human Services to Adjust Essential Provider Rates during the COVID-19 Public Health Emergency (COVID-19 Order No. 20); provided that (a) no further rate or payment adjustments shall be made in reliance on COVID-19 Order No. 20 after July 10; and (b) any designations made or temporary rates, supplemental payments, or other rate and payment methodologies or arrangements established prior to the date of this Order pursuant to COVID-19 Order No. 20 shall also expire on July 31, 2020.

This Order is effective immediately.

Given in Boston at 5:20 PM this 26th day
of June, two thousand and twenty



CHARLES D. BAKER

GOVERNOR

Commonwealth of Massachusetts