STATE OF WYOMING
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER

Order 2020-11

CERTAIN EMERGENCY RULES TO REMAIN IN EFFECT
DURING THE PUBLIC HEALTH EMERGENCY

WHEREAS, on or about December 31, 2019, a new and significant respiratory illness with an unknown source was detected in Wuhan City, Hubei Province China. The cause associated with these cases was linked to a novel coronavirus disease later named COVID-19. Since the initial detection in China, COVID-19 has spread worldwide; and

WHEREAS, the World Health Organization declared COVID-19 a worldwide pandemic as of March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency concerning the coronavirus, specifically stating that, in “December 2019 a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally […] The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems. […] Additional measures […] are needed to successfully contain and combat the virus in the United States.”; and

WHEREAS, on March 13, 2020, I, Governor Mark Gordon issued a Declaration of a State Emergency and Public Health Emergency (Executive Order 2020-2), which continues to be in effect; and

WHEREAS, on March 19, 2020, the State Health Officer issued an order explaining that stopping the spread of COVID-19 includes the practicing of social distancing by avoiding close contact with others and staying at least six (6) feet away from someone who is ill or showing signs of illness, with such explanation continuing to apply in the State Health Officer’s orders which are presently in effect; and
WHEREAS, under the Wyoming Administrative Procedure Act (WAPA), and specifically under Wyo. Stat. Ann. § 16-3-103(b), if a State agency finds that emergency circumstances require the immediate promulgation of a rule, then the agency may adopt an emergency rule without providing notice or a comment period. An emergency rule is effective for one hundred and twenty (120) days and may be adopted twice, such that an emergency rule may be effective for a total period of no longer than two hundred and forty (240) days; and

WHEREAS, many State agencies, boards, and commissions have adopted emergency rules during the Public Health Emergency to respond to the public health emergency, to ensure compliance with State Public Health Orders, and to comply with legislation from the 2020 Special Session, while minimizing disruptions to public services. These emergency rules are specific to the COVID-19 pandemic and will not be necessary once the Public Health Emergency has ended; and

WHEREAS, in order to respond to the pandemic, certain emergency rules adopted by State agencies, boards, and commissions need to be in place for the entire period of the Public Health Emergency; and

WHEREAS, the Public Health Emergency is likely to last longer than 240 days thereby exceeding the period of time the WAPA allows emergency rules to be in place; and

WHEREAS, the Constitution and laws of the State of Wyoming, particularly Wyo. Stat. Ann. § 19-13-104, confer upon the Governor of the State of Wyoming the authority and responsibility to carry out the provisions of the Wyoming Homeland Security Act, including making rules and regulations.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and by the laws of the State of Wyoming, particularly Wyo. Stat. Ann. § 19-13-104, I, Mark Gordon, Governor of the State of Wyoming, do hereby order that each of the following emergency rules are in full force and effect for the duration of the Public Health Emergency and for a period of 30 days thereafter:

a. Department of Education, General Agency, Board or Commission Rules, Chapter 41, “Virtual Education,” which allows education to be delivered virtually as an alternative to in-person instruction, upon approval by the Department of Education to ensure that virtual educational delivery conforms with the statewide uniform system of education;

b. Board of Barber Examiners, Chapter 5, “Schools,” and Chapter 8, “Course of Study,” which allow students to complete some of their education credits through remote learning environments;
c. Board of Cosmetology, Chapter 3, “Schools,” and Chapter 6, “Course of Study,” which allow students to complete some of their education credits through remote learning environments;

d. Board of Chiropractic Examiners, Chapter 4, “Renewal of Licenses,” which allows licensees to obtain continuing education credits through remote learning environments;

e. Department of Family Services, Chapter 3, “Eligibility and Application for Services,” which waives fees related to certain child support services;

f. Board for Respiratory Care, Chapter 3, “Licensure Requirements and Application Procedures,” which provides for a temporary permit for certain students and for respiratory professionals licensed to practice in other states; and

g. Board of Psychology, Chapter 14, “Disaster Relief,” which provides for temporary Wyoming licensure of psychologists licensed to practice in other states;

BE IT FURTHER ORDERED that each of the following emergency rules are in full force and effect until the relevant agency or board adopts regular rules addressing these topics through the regular rulemaking process and those rules become effective by filing with the Secretary of State’s Office, at which time the emergency rule ordered herein shall expire:

a. Board of Medicine, Chapter 1, “License Eligibility, Application and Interviews,” and Chapter 5 “Rules of Practice and Procedure for the Licensure of Physician Assistants,” which provide flexibility during a State of Emergency to allow licensure of physicians and physician assistants who are licensed to practice in other states or who were previously licensed in Wyoming but have allowed that licensure to lapse or become inactive (i.e. due to retirement);

b. Mental Health Professions Board, Chapter 20, “Disaster Relief,” which provide flexibility during a State of Emergency to allow licensure of mental health practitioners who are licensed to practice in another state and who have an existing client relationship with a Wyoming resident; and

BE IT FURTHER ORDERED that the following emergency rule is in full force and effect until December 30, 2020, at which time such rule must expire under the federal Coronavirus Aid, Relief, and Economic Security Act and under Wyoming 2020 Special Session Enrolled Act No. 2:

a. Wyoming Community Development Authority, General Agency, Board or Commission Rules, Chapter 4, “Rent, Security Deposit, Mortgage Payment and Hazard Insurance Assistance,” which implements Senate Enrolled Act No. 0002 of the 2020 Wyoming Special Session by creating the Emergency Housing Assistance Program. This program helps Wyoming residents avoid evictions and foreclosures by providing rent or mortgage relief to those with reduced incomes due to the COVID-19 pandemic.

This Executive Order shall remain in effect until such time it is rescinded or until thirty days following the end of the Public Health Emergency, at which time no rules adopted herein shall remain in effect.

Given under my hand and the Executive Seal of the State of Wyoming this [Date] day of December 2020.

Mark Gordon
Governor