



# The COVID-19 Public Health Emergency in Wisconsin



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# Introduction

On March 12, 2020, Governor Tony Evers declared a public health emergency in the state of Wisconsin in response to the COVID-19 pandemic. The Wisconsin Statutes grant the governor various powers during such an emergency; the statutes also grant the Department of Health Services broad powers to control outbreaks and epidemics of communicable diseases, independent of a declared public health emergency. This report summarizes these statutory powers and how they were invoked over the 60 days of the public health emergency.

To this end, part I summarizes the powers of the governor and DHS under statute. Part II summarizes Executive Order #72 and subsequent executive and emergency orders issued in response to the COVID-19 pandemic and specifies the statutory authority cited in each order.<sup>1</sup> Finally, part III summarizes agency and local government powers and actions authorized by Executive Order #72 and subsequent emergency orders issued in response to the COVID-19 pandemic.

## I. Statutory authorities

### Authority of the governor

Under Wis. Stat. § [323.10](#), the governor may declare a state of emergency “if he or she determines that an emergency resulting from a disaster or the imminent threat of a disaster exists.” In addition to authorizing the governor to take certain actions described under Wis. Stat. ch. [323](#) and summarized below, such a declaration makes effective various statutory provisions that cross-reference Wis. Stat. § [323.10](#).<sup>2</sup>

A state of emergency declaration related to public health requires a finding by the governor of a public health emergency, as defined under Wis. Stat. § [323.02 \(16\)](#). In the case of a communicable disease such as COVID-19, a public health emergency is the occurrence or imminent threat of an illness or health condition that is believed to be caused by a novel or previously controlled or eradicated biological agent and that poses a high probability of a large number of deaths or serious or long-term disabilities among humans. In short, the governor’s declaration requires that the public health emergency be caused by a certain type of agent accompanied by risk of a degree of harm meeting the statutory threshold.

The governor’s duties and powers during a state of emergency are described under Wis. Stat. § [323.12](#). They include the power to “issue such orders as he or she deems necessary for the security of persons and property” and the power to “suspend the provisions of any administrative rule if the strict compliance

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1. Note that Executive Order #75, declaring a state of emergency in response to elevated wildfire conditions, has been excluded from the list of executive and emergency orders.

2. Relevant cross-references are discussed in the succeeding sections of this report that describe actions that were taken by agencies and local governments during the state of emergency declared under Executive Order #72. Other cross-references include Wis. Stat. § [36.25 \(11\) \(em\)](#), relating to the creation and maintenance of a roster of scientists and other experts who are willing to work for the Laboratory of Hygiene during a public health emergency; Wis. Stat. § [101.985 \(2\) \(c\)](#), relating to emergency licensing of elevator mechanics; Wis. Stat. § [230.34 \(1\) \(ax\) 1](#), relating to the authority of state agency officers to discharge employees; Wis. Stat. § [234.88 \(1\) \(a\)](#), relating to emergency heating assistance loan guarantees; Wis. Stat. § [234.905 \(1\) \(cm\)](#), relating to agricultural production disaster assistance loan guarantees; Wis. Stat. § [301.19 \(4\)](#), relating to restrictions on modifications to juvenile correctional facilities; and Wis. Stat. § [895.51 \(2m\)](#), relating to civil liability for death or injury caused by qualified emergency household products.

with that rule would prevent, hinder, or delay necessary actions to respond to the disaster” under Wis. Stat. § 323.12 (4).<sup>3</sup>

Under Wis. Stat. § 323.10, a state of emergency must not exceed 60 days, unless extended by joint resolution of the legislature. The executive order declaring a state of emergency may be revoked at the discretion of either the governor by executive order or the legislature by joint resolution.<sup>4</sup>

Governor Evers invoked his authority under ch. 323 in issuing the following orders: Executive Order #72, Executive Order #74, and Emergency Orders 2, 3, 7, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 29, 30, 32, 33, and 35. Of these, certain emergency orders issued pursuant to Executive Order #72 invoked the statutory authority of the governor only: Emergency Orders 2, 3, 7, 9, 10, 11, 13, 17, 22, 23, 24, 26, 27, 29, 30, and 33. The remaining emergency orders issued pursuant to Executive Order #72 invoked both the statutory authority of the governor and that of DHS, described below.

### **Authority of the Department of Health Services**

If the governor declares a state of emergency related to public health under Wis. Stat. § 323.10, the governor may designate DHS as the lead state agency to respond to that emergency. The powers and duties of DHS under these circumstances are described under Wis. Stat. § 250.042.

However, DHS has broad authority to control communicable diseases under Wis. Stat. § 252.02, and this authority is independent of the authority of the governor to declare a state of emergency related to public health under Wis. Stat. § 323.10. Specifically, Wis. Stat. § 252.02 (3) allows DHS to close schools and forbid public gatherings in schools, churches, and other places to control outbreaks and epidemics. Wis. Stat. § 252.02 (6) allows DHS also to “authorize and implement all emergency measures necessary to control communicable diseases.”

The purpose of a measure taken under Wis. Stat. § 252.02 (3) must be to control outbreaks and epidemics, whereas the purpose of a measure taken under Wis. Stat. § 252.02 (6) must be to control communicable diseases. The statutes do not define “communicable disease” but instead defer to DHS, which specifies a list of diseases that are communicable.<sup>5</sup> Nor do the statutes define “epidemic” and “outbreak,” but a DHS rule defines an “outbreak” to be an “unusual aggregation of health events that are grouped together in a short time period and limited geographic area.”<sup>6</sup> Defining an event as an outbreak or epidemic, although significant, does not require the same risk of the degree of harm required by the public health emergency under Wis. Stat. § 323.10. Therefore, DHS’s authority under Wis. Stat. § 252.02 has a lower threshold than that of the public health emergency finding required under Wis. Stat. § 323.10.

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3. While these statutory powers are broad, there are limits. See Wisconsin Legislature v. Evers, No. 2020AP608-OA, [Order issued April 6, 2020](#), enjoining the portion of Executive Order #74 issued by the governor on April 6, 2020, that ordered the suspension of in-person voting for the April 7, 2020, election.

4. Under Wis. Stat. § 250.03 (3) (a), if a state of emergency relating to public health is declared, DHS must report to the legislature and the governor no later than 90 days after the termination of the state of emergency on the emergency powers used and expenses incurred by DHS during the emergency.

5. Wis. Admin. Code ch. DHS 145, [Appendix A](#).

6. Wis. Admin. Code DHS § 145.03 (20).

DHS may exercise its authority under Wis. Stat. § [252.02](#) in the absence of any state of emergency declaration by the governor. The authority of DHS, therefore, does not automatically expire with the expiration of the state of emergency under Wis. Stat. § [323.10](#).

During the COVID-19 pandemic, the governor and the secretary-designee of health services invoked the powers of DHS under Wis. Stat. § [252.02](#) in issuing the following orders: Emergency Orders 6, 12 (which superseded Emergency Orders 1, 4, 5, and 8), 14, 15, 16, 18, 19, 20, 21, 25, 28, 31, 32, 34, 35, and 36.

## II. Executive and emergency orders

**Executive Order #72** (March 12, 2020)—Relating to a proclamation declaring a health emergency in response to the COVID-19 Coronavirus. Issued under the authority of the Wisconsin Constitution and the Statutes, specifically Wis. Stat. §§ [100.305](#), [321.39](#), [323.10](#), [323.12](#), and [323.13](#).

The executive order proclaimed the existence of a public health emergency, as defined in Wis. Stat. § [323.02 \(16\)](#), and designated DHS as the lead agency to respond to the emergency. The order directed DHS to take all necessary and appropriate measures to prevent and respond to incidents of COVID-19. It also provided for the suspension of any administrative rule the secretary of health services determined would prevent, hinder, or delay necessary actions to respond to the emergency. All state agencies were directed to assist in the response, as appropriate.

The order further authorized the Wisconsin adjutant general to activate the Wisconsin National Guard, as “necessary and appropriate,” to assist in responding to the public health emergency, under the authority provided in Wis. Stat. § [321.39](#).

Finally, the order proclaimed the existence of a period of abnormal economic disruption in the state for the purposes of Wis. Stat. § [100.305](#), which prohibits manufacturers, producers, suppliers, wholesalers, distributors, and retailers from price gouging. The Department of Agriculture, Trade and Consumer Protection was directed to enforce the price gouging statute during the period of abnormal economic disruption, pursuant to Wis. Stat. § [100.305](#) and Wis. Admin. Code ch. ATCP [106](#).

**Executive Order #73** (April 3, 2020)—Relating to a special session of the legislature to provide for an all-mail spring election and special election for the Seventh Congressional District during the COVID-19 pandemic. Issued under the authority of Article IV, [section 11](#), and Article V, [section 4](#), of the Wisconsin Constitution.

The order called for a special session of the legislature commencing at 4 p.m. on April 4, to consider and act upon legislation to postpone the April 7 election until May 19, postpone the May 12 special election for the Seventh Congressional District until May 19, restrict in-person voting for the May 19 election, make various changes to absentee ballot procedures and other elections procedures, and authorize individuals currently serving in an office to be filled based on the results of the spring election to continue fulfilling the duties of those offices until certain conditions specified under the order were met. This order was not issued under the authority of the statutory sections summarized in part I of this report.

**Executive Order #74** (April 6, 2020)—Relating to suspending in-person voting on April 7, 2020, due to the COVID-19 pandemic. Issued under the authority of the Wisconsin Constitution and the Statutes, specifically the Preamble, Article IV, section 11, Article V, section 1, and Article V, section 4, of the Wisconsin Constitution and Wis. Stat. § 323.12 (4) (b).

The executive order provided for the suspension of in-person voting on April 7 until June 9, unless the legislature passed and the governor approved a different date for in-person voting. It authorized Wisconsin voters to continue to receive absentee ballots until the fifth day immediately preceding the new in-person election date, and specified procedures for voters to deliver ballots and clerks to provide and receive ballots. Under the order, ballots already cast in the April 7 election would remain valid and would be tallied in conjunction with in-person voting on the new in-person election date.

The order authorized individuals then serving in an office to be filled based upon the results of the new in-person election date to continue fulfilling the duties of those offices until three business days after county, municipal, and school district clerks issued certificates of election, once the deadline to file a petition for recount and appeal of recount had passed.

Finally, the order called for a special session of the legislature to commence at 2 p.m. on April 7, solely to consider and act upon legislation to set a new in-person election date.

Later in the day on April 6, the state supreme court enjoined the provisions of Executive Order #74 in their entirety, with the exception of the provision calling for a special session of the legislature. In setting forth its reasoning, the court stated with respect to Wis. Stat. § 323.12 (4) (b), “nothing in [this subsection] grants the governor the power to suspend or rewrite statutes in the broad fashion asserted here, what amounts to ignoring or rewriting statutory provisions governing mandatory election dates, mandatory election procedures, and terms of elected office.”<sup>7</sup>

**Emergency Order 1** (March 13, 2020)—Order for statewide school closure. Issued citing the statutory authority of Wis. Stat. § 252.02 (3).

Under the order, all public and private Wisconsin schools were ordered to close for purposes of pupil instruction and extracurricular activities, beginning on March 18, with an anticipated reopening on April 6, subject to change pending further information. This order was superseded by EMO 12, the “Safer at Home” order, which in turn was modified and extended by EMO 28. On May 13, 2020, in *Wisconsin Legislature v. Palm*, the Wisconsin Supreme Court held that EMO 28 was unlawful and unenforceable, but allowed for that part of the order closing public and private schools to remain in force.

**Emergency Order 2** (March 14, 2020)—Order for Department of Transportation permits to assist with grocery supply efforts. Issued citing the statutory authority of Wis. Stat. § 323.12 (4).

The order authorized DOT to issue overweight permits for the transportation of inventory to supply grocery retailers affected by the COVID-19 pandemic. Overweight permits issued under the order were valid on all Wisconsin highways, with certain exceptions. The order prohibited DOT from charging any

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7. Wisconsin Legislature vs. Evers, No. 2020AP608-OA, April 6, 2020.

fee for permits issued under the order. EMO 2 also authorized the waiver of fees to obtain a 72-hour trip permit for vehicles traveling into the state that were not registered in Wisconsin or enrolled in the International Registration Plan or the International Fuel Tax Agreement. These provisions of the order would have expired on March 28.

EMO 2 also provided that interstate and intrastate carriers that were providing direct emergency relief to supply grocery retailers were relieved from motor carrier safety regulations under administrative rule and federal law. This provision fully expired with the expiration of [Executive Order #72](#).

Before the provisions of EMO 2 could expire, [EMO 14](#), issued on March 27, extended them, and [EMO 24](#), issued on April 10, expanded and further extended them.

**[Emergency Order 3](#)** (March 15, 2020)—Order for Department of Children and Families administrative rule suspension and emergency orders. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order suspended several DCF rules in Wis. Admin. Code chs. DCF [52](#), [56](#), [57](#), [201](#), [202](#), [250](#), [251](#), and [252](#). Most of these rule suspensions removed restrictions and standards for child care centers or qualification requirements for child care providers in order to streamline access to care for essential workers. The order suspended additional rules related to health and dental examinations for children in certain residential care centers and group homes. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 4](#)** (March 16, 2020)—Order prohibiting mass gatherings of 50 people or more. Issued citing the statutory authority of Wis. Stat. § [252.02 \(3\)](#).

The order placed a statewide moratorium on all public and private mass gatherings of 50 or more people, with certain exemptions, to mitigate the spread of COVID-19, effective at 12:01 a.m. on March 17. This order was superseded by [EMO 12](#), the “Safer at Home” order, which in turn was modified and extended by [EMO 28](#). On May 13, 2020, in *Wisconsin Legislature v. Palm*, the Wisconsin Supreme Court held that EMO 28 was unlawful and unenforceable.

**[Emergency Order 5](#)** (March 17, 2020)—Order prohibiting mass gatherings of 10 people or more. Issued citing the statutory authority of Wis. Stat. § [252.02 \(3\)](#).

The order placed a statewide moratorium on all public and private mass gatherings of 10 people or more, with certain exemptions, to mitigate the spread of COVID-19, effective at 5 p.m. on March 17. The order also closed bars and restaurants except for take-out or delivery service, effective at 5 p.m. on March 18. This order was superseded by [EMO 12](#), the “Safer at Home” order, which in turn was modified and extended by [EMO 28](#). On May 13, 2020, in *Wisconsin Legislature v. Palm*, the Wisconsin Supreme Court held that EMO 28 was unlawful and unenforceable.

**[Emergency Order 6](#)** (March 18, 2020)—Order restricting the size of child care settings. Issued citing the statutory authority of Wis. Stat. § [252.02 \(3\)](#).



Under the order, child care settings were limited to 10 staff and 50 children at a time, effective at 8 a.m. on March 19. Child care settings that continued to operate were required to follow [DCF Guidance Order #2](#), which laid out the proper response to various scenarios regarding COVID-19 transmission in the child care facility or the community at large. The order required parents and guardians to follow DHS social distancing guidance, to the extent possible, while picking up and dropping off children at a child care setting. Finally, the order encouraged child care settings to prioritize access to their services for essential workers, including first responders and health care providers. [EMO 12](#) and [EMO 28](#) later modified EMO 6 to require child care settings to prioritize care for certain workers. The order remained in effect, as modified by [EMO 12](#) and [EMO 28](#), for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 7](#)** (March 18, 2020)—Order to the Department of Workforce Development regarding unemployment insurance. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order directed DWD to institute changes in the administration of unemployment insurance. Namely, the order provided for temporary exceptions to work-related eligibility requirements under Wis. Stat. § [108.04 \(1\) \(a\) to \(bm\)](#) and Wis. Admin. Code chs. DWD [127](#) and [128](#). The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 8](#)** (March 20, 2020)—Updated mass gathering ban. Issued citing the statutory authority of Wis. Stat. § [252.02 \(3\)](#).

The order updated [EMO 5](#)—which banned mass gatherings of 10 people or more, with certain exemptions—to provide additional information and clarification regarding specific entities and exemptions. This order was superseded by [EMO 12](#), the “Safer at Home” order, which in turn was modified and extended by [EMO 28](#). On May 13, 2020, in *Wisconsin Legislature v. Palm*, the Wisconsin Supreme Court held that EMO 28 was unlawful and unenforceable.

**[Emergency Order 9](#)** (March 20, 2020)—Order to the Department of Corrections. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order required DOC to stop admissions to all state prisons and juvenile facilities. The secretary of corrections could order the ban lifted, in full or in part, and could rescind a prior order to lift the ban, in full or in part. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 10](#)** (March 21, 2020)—Department of Public Instruction administration rule suspension and emergency orders. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order suspended four DPI rules pertaining to various standards and deadlines. First, the order suspended Wis. Admin. Code PI § [8.01 \(4\) \(b\) 1. to 7. and \(c\)](#), thereby allowing DPI to more easily waive requirements relating to hours of direct pupil instruction. Second, it suspended Wis. Admin. Code PI § [34.021 \(1\) \(d\)](#) to allow students in teacher preparation programs to graduate on time without meeting



certain testing requirements. Finally, the order suspended the deadlines for choice schools to provide enrollment audits and for school boards to apply for Four-Year-Old Kindergarten Grants under Wis. Admin. Code PI §§ [35.07 \(1\) \(b\)](#) and [38.23 \(1\) \(a\)](#), respectively. Companion orders to these last two rule suspensions authorized the superintendent of public instruction to establish new deadlines. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 11](#)** (March 22, 2020)—Public Service Commission administrative rule suspensions. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order suspended several PSC rules in Wis. Admin. Code chs. PSC [113](#), [134](#), and [185](#) pertaining to service rules for electrical, gas, and water utilities. These rule suspensions allowed the PSC to waive late fees, temporarily suspend disconnections of service, prohibit utilities from requiring a cash deposit to obtain service for customers with unpaid balances, expand the use of deferred payment agreements to include commercial, farm, and industrial customers, and streamline the process for applying for utility service. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 12](#)** (March 24, 2020)—Safer at Home order. Issued citing the statutory authority of Wis. Stat. § [252.02 \(3\)](#) and [\(6\)](#) and the powers vested in the DHS Secretary through [Executive Order #72](#).

The order prohibited all nonessential travel, with some exceptions, effective at 8 a.m. on March 25 until 8 a.m. on April 24, or until a superseding order was issued. All individuals present in the state of Wisconsin were ordered to stay at home or at their place of residence, with certain exceptions. Individuals using shared or outdoor spaces other than their home or residence were required to maintain social distance of at least six feet from any other person, except from family members in a single living unit or other household members. The order stated that persons could leave their homes or residences only for the following functions, which were defined in the order: (1) essential activities; (2) essential government functions; (3) to operate essential businesses and operations; (4) to perform nonessential minimum basic operations; (5) essential travel; and (6) special situations.

Under the order, all for-profit and nonprofit businesses deemed nonessential, per the criteria of the order, were required to cease all activities at facilities located within the state, except for continuing minimum basic operations as defined in the order, or any operations consisting exclusively of employees or contractors working from home. Essential businesses and operations continuing to operate were required to comply with social distancing requirements to the extent possible.

Except for the limited purposes expressly permitted, the order prohibited all public and private gatherings of any number of people unless the people were part of a single household or living unit. The order also closed public and private K–12 schools and public libraries, with some exceptions, and closed several types of public amusement facilities as well as salons and spas.

The order was enforceable by any local law enforcement official, and violation or obstruction of the order was punishable by a fine of up to \$250, imprisonment for up to 30 days, or both, pursuant to Wis. Stat. § [252.25](#).

The order was modified and extended by [EMO 28](#), effective at 8:00 a.m. on April 24. On May 13, 2020, in *Wisconsin Legislature v. Palm*, the Wisconsin Supreme Court held that EMO 28 was unlawful and unenforceable.

**[Emergency Order 13](#)** (March 27, 2020)—Order to the Department of Workforce Development regarding minor work permits. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order created certain exceptions to child labor permits during a public health emergency, as specified under Wis. Admin. Code DWD § 270.05 (2). Under the order, employers of minors who were 14 and 15 years old were not required to obtain permits if they obtained certain information, including proof of age for the minor, consent from the minor’s parent or guardian, a copy of the minor’s social security card, and various information about employment and the job duties to be performed. Employers were required to notify DWD of employment of such minors via e-mail and include certain information specified above. After the conclusion of the public health emergency, the same employers were required to file for permit applications for minors employed under this order and to pay related fees required under Wis. Admin. Code DWD § [270.08](#). The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 14](#)** (March 27, 2020)—Relating to extending the Department of Transportation emergency permits to assist with grocery supply efforts. Issued citing the statutory authority of Wis. Stat. §§ [323.12 \(4\)](#) and [252.02](#).

The order extended DOT’s authority to issue overweight permits for the transportation of inventory to supply grocery retailers affected by the COVID-19 pandemic until April 11. It also modified [EMO 2](#) to provide that overweight permits issued under the order were not valid on highways with Class B weight limit postings. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 15](#)** (March 27, 2020)—Temporary ban on evictions and foreclosures. Issued citing the statutory authority of Wis. Stat. §§ [323.12 \(4\)](#) and [252.02](#).

Under the order, landlords were prohibited from doing any of the following based on a failure to pay rent: (1) serving a notice terminating a tenancy; (2) commencing a civil action of eviction; or (3) delivering a writ of restitution to the sheriff. The order allowed a landlord to serve a notice terminating a tenancy, commence a civil action of eviction, or deliver a writ of restitution to the sheriff for a reason other than a failure to pay rent only if the landlord produced an affidavit attesting that the action was based on a reasonable belief that the failure to proceed would result in an imminent threat of serious physical harm to another person. Sheriffs were prohibited from acting on a writ of restitution without such an affidavit. The order did not affect the operation of Wis. Stat. § [704.25](#), which allows a landlord to evict a tenant if the tenant holds over after the expiration of a lease.

In addition, the emergency order prohibited mortgagees from commencing a civil action to foreclose

upon real estate or from requesting or scheduling a sheriff's sale of the mortgaged premises. Sheriffs were prohibited from conducting these sheriff's sales and from acting on any order of foreclosure or writ of assistance related to foreclosure. The order clarified that it should not be construed to relieve a person from any of his or her obligations under a mortgage or to affect the ability to commence a civil action to foreclose upon real estate under Wis. Stat. § [846.102](#).

The order stated that it would remain in effect for 60 days.

**[Emergency Order 16](#)** (March 27, 2020)—Relating to certain health care providers and Department of Safety and Professional Services credentialing. Issued citing the statutory authority of Wis. Stat. §§ [323.12 \(4\)](#) and [252.02](#).

The order authorized interstate reciprocity so that out-of-state health care providers could practice in Wisconsin under certain conditions without first obtaining a temporary or permanent license from DSPS. Under the order, physicians practicing telemedicine in the state were required to meet requirements outlined under Wis. Admin. Code ch. Med [24](#) regardless of whether they were licensed by the Wisconsin Medical Examining Board. Additionally, the order extended the temporary licenses of certain health care providers for 30 days beyond the declared emergency and directed DSPS to identify and contact health care providers with recently expired licenses who could be eligible for renewal and could return to the workforce during the declared emergency. The order also provided DSPS with discretion to suspend any fee or assessment provided for in administrative rules related to health care provider credentialing when demonstrable need existed. Finally, the order suspended administrative rules related to the practice of telemedicine and the licensing or credentialing of physician assistants, nurses, and other health care providers. This order was modified by [EMO 20](#), issued on April 3.

The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 17](#)** (March 27, 2020)—Department of Natural Resources administrative rule suspension. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order authorized the suspension of DNR's administrative rule requiring a nutrient management plan under Wis. Adm. Code NR § [151.07 \(3\)](#). Under the order, DNR could suspend this requirement for small and medium non-permitted farms seeking permission to dispose of unused milk if the farmer (1) demonstrated to DNR's satisfaction that the farmer did not have sufficient available storage capacity for unused milk; (2) demonstrated to DNR's satisfaction that the farmer could not comply with the current nutrient management plan when land-applying the milk; and (3) applied the milk in a manner that complied with all other applicable rules. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 18](#)** (March 30, 2020)—Department of Children and Families administrative rule suspensions. Issued citing the statutory authority of Wis. Stat. §§ [323.12 \(4\)](#) and [252.02](#).

The order suspended required timelines or time limits relating to child safety and permanence and W-2 worker training outlined in DCF administrative rules. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**Emergency Order 19** (April 2, 2020)—Appropriate use of COVID-19 information by law enforcement agencies, first responders, and public safety workers. Issued citing the statutory authority of Wis. Stat. §§ [323.12 \(4\)](#) and [252.02](#).

The order specified that the Department of Justice interprets Wis. Stat. §§ [146.82 \(5\) \(c\) 3.](#) and [146.816 \(2\) \(b\) 4.](#) to allow for the disclosure of protected health information to public safety personnel in certain limited situations. Under the order, local health officers, as designated under Wis. Stat. § [251.06](#), were required to report the address of any person known to have tested positive for COVID-19 to any dispatch center that could receive a call for service at that address. Dispatch centers were required to provide the same information to any specified public safety personnel that made a contact at such an address for a legitimate purpose related to public safety.

Under the order, recipients of this information about persons known to have tested positive for COVID-19 could use the information for limited purposes only. Moreover, they were prohibited from using the information as a basis to refuse a call for service. Recipients were also required to also ensure that this information remained confidential and was not disseminated over any open channel of communication accessible to other parties.

The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**Emergency Order 20** (April 3, 2020)—Relating to modification of Emergency Order 16. Issued citing the statutory authority of Wis. Stat. §§ [323.12 \(4\)](#) and [252.02](#).

This order modified certain provisions of [EMO 16](#), relating to certain health care providers and DSPS credentialing.

First, the order modified certain definitions provided under EMO 16. Under the order, “health care provider” had the meaning given in Wis. Stat. § [146.81 \(1\) \(a\)](#) to [\(hp\)](#). This definition included certain speech-language pathologists, audiologists, massage therapists, and bodywork therapists not included under EMO 16. The order also modified the meaning of “temporary license” to include an Interstate Reciprocity Temporary License.

Second, the order modified certain provisions of EMO 16 related to temporary credentialing. It required a health care provider to apply for a temporary or permanent health care license within 30 days of first working at a health care facility under the provisions of EMO 16. It also required the health care facility to notify DSPS within 10 days of a health care provider practicing at its facility under the provisions of EMO 16. Finally, a temporary license granted under this order, or any otherwise valid license that expired during the public health emergency, remained valid for 30 days after the conclusion of the declared emergency. This provision took effect retroactively to include licenses that expired on or after March 12.

The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 21](#)** (April 3, 2020)—Relating to the Department of Health Services administrative rule suspensions and order. Issued citing the statutory authority of Wis. Stat. §§ [323.12 \(4\)](#) and [252.02 \(6\)](#).

The order suspended several DHS rules in Wis. Admin. Code chs. DHS [75](#), [83](#), [88](#), [110](#), [129](#), [131](#), [132](#), and [133](#) to loosen various health care and emergency services workforce restrictions and requirements during the public health emergency. Specifically, the order suspended several rules related to Emergency Medical Services (EMS) professionals' licensure and certification, as well as required EMS equipment and staffing levels. The order also suspended various requirements for the following entities: home health agencies, hospices, nursing homes, nurse aide training programs, feeding assistant programs, community-based residential facilities, adult family homes, and narcotic treatment programs for opiate addiction.

In addition, EMO 21 allowed DHS to suspend any fee or assessment provided for in the administrative rules related to emergency medical services credentialing when demonstrable need existed. The order instructed DHS to broadly interpret "demonstrable need" in favor of increasing the availability of emergency medical services. The order stated that a waiver might need to be obtained if any of the rule suspensions outlined in the order conflicted with existing federal regulation.

The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 22](#)** (April 9, 2020)—Relating to certain timelines established by the Department of Safety and Professional Services. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order suspended various DSPS administrative rules related to inspections, permits, and licensing to loosen time requirements and eliminate in-person contact requirements not meeting social distancing requirements provided under [EMO 12](#). Specifically, the order suspended rules in Wis. Admin. Code ch. Accy [2](#), ch. PT [5](#), and chs. SPS [314](#), [316](#), [318](#), [320](#), [327](#), [361](#), [382](#), and [383](#). The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 23](#)** (April 9, 2020)—Related to the Department of Veterans Affairs Assistance to Needy Veterans Program. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\) \(b\)](#) and [\(d\)](#).

The order suspended nine rules related to the Assistance to Needy Veterans Grant (ANVG) program, administered by DVA under Wis. Admin. Code VA § [2.01](#). The ANVG program provides health care grants and subsistence aid to low income veterans and their families. EMO 23 suspended various program requirements and restrictions to streamline and expand access to ANVG aid. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 24](#)** (April 10, 2020)—Relating to the Department of Transportation emergency overweight commodity permits. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\) \(b\)](#) and [\(d\)](#).

The order authorized DOT to issue overweight permits and required DOT to waive related fees. Namely, permits could be issued for motor carriers in critical infrastructure service sectors, as identified by the U.S. Cybersecurity & Infrastructure Security Agency. Additionally, permits authorized under [EMO 14](#) were automatically converted to permits under this order. These permits were valid on all Wisconsin highways, with certain exceptions. EMO 24 also extended and expanded various provisions of [EMO 2](#), relieving carriers providing direct relief assistance from certain motor carrier safety regulations under administrative rule and federal law,<sup>8</sup> and waiving fees to obtain a 72-hour trip permit for certain vehicles traveling into Wisconsin.<sup>9</sup>

Permits issued under EMO 24 terminated upon the conclusion of the public health emergency declared in [Executive Order #72](#). Other provisions of the order also remained in effect until the conclusion of the declared public health emergency.

**[Emergency Order 25](#)** (April 14, 2020)—Additional safety measures related to the Department of Workforce Development (DWD) and migrant labor camps. Issued citing the statutory authority of Wis. Stat. § [252.02](#).

The order directed farm owners and managers who employ and provide housing for migrant workers to implement various measures to prevent the spread of COVID-19. Those measures included enforcement of social distancing guidelines, implementation of certain health and sanitary protocols in work and living spaces, isolation of suspected cases of COVID-19, and conspicuous posting of the order and other notices. The order stated that these provisions would remain in effect for 60 days.

**[Emergency Order 26](#)** (April 13, 2020)—Relating to Department of Children and Families administrative rule suspensions. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order suspended several rules in Wis. Admin. Code chs. DCF [201](#), [202](#), [250](#), [251](#), and [252](#) related to child care centers, day camps, and the child care subsidy program in order to streamline access to care for essential workers. The rule suspensions eliminated various requirements related to child care supervision ratios, record retention, on-site inspections, and general program operations. The order also reinstated or partially suspended some rules fully suspended by [EMO 3](#). The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 27](#)** (April 14, 2020)—Related to joint effort marketing administered by the Department of Tourism. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\) \(b\)](#) and [\(d\)](#).

The order loosened requirements related to funding for joint effort marketing by suspending several Department of Tourism administrative rules. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

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8. See Wis. Admin. Code chs. Trans. [325](#) and [327](#) for relevant administrative rule provisions and 49 C.F.R. §§ [390 to 399](#) for relevant federal regulations.

9. Wis. Stat. §§ [341.405](#), [341.41 \(7\)](#), and [341.45 \(4g\)](#).



**Emergency Order 28** (April 16, 2020)—Safer at Home order. Issued citing the statutory authority of Wis. Stat. § 252.02 (3), (4), and (6).

The order extended and modified [EMO 12](#), the “Safer at Home” order issued on March 24. Like the original order, EMO 28 prohibited all nonessential travel and ordered all individuals present in the state to stay at home or at their place of residence, with certain exceptions, as outlined in the order. The order also continued the ban on all public and private gatherings of any number of people, unless the people were part of a single household or living unit or if the gathering was for one of the limited purposes expressly permitted in the order. Under the order, all for-profit and nonprofit businesses deemed nonessential, per the criteria of the order, were required to continue to cease all activities but were still able to maintain minimum basic operations as defined in the order, or any operations consisting exclusively of employees or contractors working from home.

EMO 28 made several modifications to provisions related to businesses under EMO 12. First, the order required essential businesses and operations, as defined in the order, to comply with an expanded list of social distancing and safe business practice requirements. Second, the order required essential businesses and operations that remained open for in-person sales to follow certain requirements, depending on their size, related to capacity, spacing between customers waiting to enter, and dedicated shopping time for vulnerable populations. Third, the list of minimum basic operations allowed for nonessential businesses was expanded to include such things as deliveries, mailings, and curbside pick-up. Fourth, the order stated that businesses and operations considered essential because they supplied goods and services to other essential businesses and operations could only continue operations that were necessary to supply those businesses; all other activities were limited to those considered minimum basic operations. Finally, the order expressly provided for the following: (1) private and public golf courses could open if certain conditions were met; (2) arts and craft stores could offer curbside pick-up of materials necessary to make personal protective equipment (PPE); and (3) aesthetic or optional exterior lawn care or construction was allowed, as long as it could be done by one person.

In addition to these changes related to businesses, EMO 28 closed public and private K–12 schools for the remainder of the 2019–20 school year and allowed libraries to offer curbside pick-up of books and other materials. The order also permitted local health officials to close public parks and open space at their discretion if the areas were being mistreated or if it was too difficult to monitor or enforce social distancing requirements. Lastly, the order stated that Tribal Nations could impose their own restrictions within their territories and required local governments to coordinate with Tribal Nations in their respective regions.

Like EMO 12, EMO 28 was enforceable by any local law enforcement official, and violation or obstruction of the order was punishable by a fine of up to \$250, imprisonment for up to 30 days, or both, pursuant to Wis. Stat. § 252.25. EMO 28 went into effect at 8 a.m. on April 24. On May 13, 2020, in *Wisconsin Legislature v. Palm*, the Wisconsin Supreme Court held that EMO 28 was unlawful and unenforceable, but allowed for that part of the order closing public and private schools to remain in force.



**Emergency Order 29** (April 17, 2020)—University of Wisconsin System administrative rule suspensions. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order partially suspended a UW System rule to extend the deadline by which unclassified staff would have to submit their required annual report of outside activities to the appropriate dean, director, or other administrator. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**Emergency Order 30** (April 17, 2020)—Department of Natural Resources administrative rule suspensions. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order suspended several DNR rules in Wis. Admin. Code ch. NR [114](#) to eliminate certain continuing education requirements and certification renewal deadlines for qualified waterworks, septage servicing, water system, and wastewater treatment plant operators. The order further directed DNR to continue prioritizing any licensing, inspection, or permitting needs directly related to responding to the public health emergency. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**Emergency Order 31** (April 20, 2020)—Badger Bounce Back. Issued citing the statutory authority of Wis. Stat. § [252.02 \(3\)](#), [\(4\)](#), and [\(6\)](#).

The order required the state to adopt a phased approach to resuming activities prohibited, and reopening entities closed, under [EMO 12](#) and [EMO 28](#). The order described a total of four phases: (1) The “Safer at Home” phase established by EMO 12 and EMO 28; (2) Phase One, during which gatherings of up to 10 people would be permitted, restaurants could open under certain conditions, certain restrictions on essential and nonessential businesses would be lifted, and child care settings could resume full operation; (3) Phase Two, during which gatherings of up to 50 people would be permitted, restaurants could resume full operation, bars could open under certain conditions, nonessential businesses could resume operations under certain conditions, and higher education institutions could resume operation; and (4) Phase Three, during which all gatherings and business activity could resume, with certain protective and preventative measures in place.

The order also established the criteria—identified as “core responsibilities” and “gating criteria”—upon which DHS would base its decision to progress to the next phase.

“Core responsibilities” designated measures of the state’s capacity to manage the spread of COVID-19. To move to the next phase, the state was required to show progress toward achieving the following: any Wisconsin resident with symptoms must have access to a lab test; contact tracing must enable any infected or exposed person to isolate or quarantine; tracking systems must identify the spread of the disease; health care and public safety agencies must have adequate supplies of PPE; and health care entities must be equipped to support a surge of patients.

“Gating criteria” designated benchmarks based on public health data. To move to the next phase, the state was required to have evidence of the following: during a 14-day period, reported cases of in-

fluenza-like symptoms, and reported cases of COVID-19–like symptoms, must both follow a downward trajectory; during a 14-day period, positive tests as a percentage of total tests must follow a downward trajectory; and hospitals must be treating all patients without crisis care; must have implemented robust testing programs for at-risk health care workers; and must have decreasing numbers of infected health care workers.

The order required DHS, in consultation with WEDC, to issue additional orders to reduce restrictions on certain businesses or sectors if doing so would have minimal impact on the state’s progress toward the goals summarized above. The order also specified that DHS could issue additional orders to address localized outbreaks by tailoring restrictions to the needs of a particular area. Finally, the order specified that it did not modify, alter, or supersede EMO 12 or EMO 28, but that provisions of the Badger Bounce Back plan could be implemented prior to the expiration of EMO 28, if appropriate.

**Emergency Order 32** (April 23, 2020)—Relating to the operation of the Alternative Care Facility. Issued citing the statutory authority of Wis. Stat. §§ [252.02 \(2\)](#) and [323.45](#).

The order established various guidelines and operating procedures related to the alternative care facility (ACF) under construction at State Fair Park in West Allis. The order required the ACF to temporarily accommodate the overflow of low-acuity COVID-19 patients from Wisconsin health care facilities. Under the order, the ACF would be operated by the Department of Administration, in coordination with a specified leadership team, and staffed with clinical and non-clinical personnel through various sources, including state-contracted limited-term employees, volunteers, and independent contractors. The order required ACF to arrange for ancillary health services, including those specifically listed in the order, and to adopt and implement policies and procedures to safeguard patients, employees, and volunteers. The order authorized DHS to require supplemental operating policies and procedures as it deemed necessary.

Under the order, the ACF was required to adopt and implement clinical criteria for acceptance of low-acuity, minimal monitoring patients. Additionally, the order established eligibility criteria and transferring procedures for hospitals or other health care entities wishing to utilize ACF facilities, subject to modifications by ACF leadership. The order further required ACF leadership, or a designee, to conduct a weekly review of the surge capacity of the facilities utilizing the ACF in order to assess future ACF care needs and ensure proper use of the facility.

Lastly, the order included various provisions regarding persons providing equipment, materials, facilities, labor, or services in the planning, construction, staffing, maintenance, support, or operation of the ACF.

The order stated that it would remain in effect until DHS, in consultation with DOA, ACF leadership, and local health officials, determined that the ACF could safely be decommissioned. However, the order clarified that DHS would maintain the ultimate authority to decommission the ACF for any reason.

**Emergency Order 33** (April 24, 2020)—Department of Revenue administrative rule suspensions. Issued citing the statutory authority of Wis. Stat. § [323.12 \(4\)](#).

The order fully suspended several administrative rules in order to remove requirements that invoices for certain sales of alcoholic beverages or cigarettes include signatures and to remove the minimum monthly sales requirement for lottery retailers. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 34](#)** (April 27, 2020)—Interim order to Turn the Dial. Issued citing the statutory authority of Wis. Stat. §§ [252.02 \(3\)](#), [\(4\)](#), and [\(6\)](#).

The order modified [EMO 28](#), the “Safer at Home” order, to reduce restrictions on certain businesses and sectors effective at 8:00 a.m. on April 29. Specifically, the order added curbside drop-off, outdoor recreational rentals, and car washes to the list of minimum basic operations that businesses could offer, with certain restrictions. The order stated that the modifications were issued in accordance with [EMO 31](#), the “Badger Bounce Back” order, which required DHS, in consultation with WEDC, to issue additional orders to reduce restrictions on certain businesses or sectors if doing so would have minimal impact on the state’s ability to meet its core responsibilities and gating criteria. The order stated that it would remain in effect for the duration of the “Safer at Home” order. On May 13, 2020, in *Wisconsin Legislature v. Palm*, the Wisconsin Supreme Court held that EMO 28, the “Safer at Home” order, was unlawful and unenforceable.

**[Emergency Order 35](#)** (May 4, 2020)—Relating to the Department of Health Services and Department of Safety and Professional Services. Issued citing the statutory authority of Wis. Stat. §§ [323.12 \(4\) \(b\)](#) and [\(d\)](#) and [252.02 \(6\)](#).

The order suspended several DHS rules related to eligibility for and administration of Medicaid and other health programs in order to increase access to care and to secure certain federal dollars. The order further suspended certain DHS and DSPS rules related to health care provider practices to create flexibility to account for social distancing practices and staffing shortages. Finally, the order offered discretion to certain local health departments to suspend rules pertaining to deadlines for various reports. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

**[Emergency Order 36](#)** (May 11, 2020)—Interim order to Turn the Dial. Issued citing the statutory authority of Wis. Stat. §§ [252.02 \(3\)](#), [\(4\)](#), and [\(6\)](#).

The order modified EMO 28, the “Safer at Home” order, to permit certain retail stores with an entrance or entrances to the outside to offer in-person shopping for up to five customers at a time, with certain restrictions. Additionally, drive-in movie theaters were allowed to open, with certain restrictions. The order stated that the modifications were issued in accordance with EMO 31, the “Badger Bounce Back” order, which required DHS, in consultation with WEDC, to issue additional orders to reduce restrictions on certain businesses or sectors if doing so would have minimal impact on the state’s ability to meet its core responsibilities and gating criteria. The order stated that it would remain in effect for the duration of the “Safer at Home” order. However, on May 13, 2020, in *Wisconsin Legislature v. Palm*, the Wisconsin Supreme Court held that EMO 28, the “Safer at Home” order, was unlawful and unenforceable.

## III. Agencies

### DEPARTMENT OF ADMINISTRATION

On April 23, Governor Evers and DHS Secretary-designee Palm issued [EMO 32](#), related to the operation of the alternative care facility (ACF) at State Fair Park in West Allis. The order required DOA to operate the ACF, in coordination with a leadership team comprised of health care administrators, including a Chief Executive Officer, Chief Operating Officer, Chief Human Resources Officer, Chief Medical Officer, and Chief Nursing Officer.

### DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

**Executive order 72.** On March 12, [Executive Order # 72](#) proclaimed a period of abnormal economic disruption in the state of Wisconsin. The order activated Wis. Stat. § [100.305](#) and Wis. Admin. Code ch. ATCP [106](#), which prohibit manufacturers, producers, suppliers, wholesalers, distributors, and retailers from selling, or offering to sell, consumer goods or services at unreasonably excessive prices. In other words, the order prohibited “price gouging.” DATCP, or DOJ in consultation with DATCP, enforce price gouging.<sup>10</sup> DATCP announced its first round of enforcement actions against suspected price gougers on March 25.<sup>11</sup>

**Emergency orders.** On March 27, Governor Evers and DHS Secretary-designee Palm issued [EMO 15](#), which generally prohibited landlords from initiating or following through on the process of evicting a tenant. The order allowed a landlord, under Wis. Stat. § [704.25](#), to evict a tenant who holds over after the expiration of a lease, or to evict a tenant if he or she poses an imminent threat of serious physical harm to another person. The order did not relieve tenants from their obligation to pay rent or from any other obligation under their lease, and did not affect any other provisions under Wis. Stat. ch. [704](#) or Wis. Admin. Code ch. ATCP [134](#).

### DEPARTMENT OF CHILDREN AND FAMILIES

**Emergency orders.** On March 15, Governor Evers issued [EMO 3](#), ordering the suspension of various DCF administrative rules. Some suspensions were associated with companion order directives. Generally, these actions relaxed certain staffing, admissions, administration, and licensure restrictions in order to make child care more accessible to workers needing it.

EMO 3 partially or fully suspended several rules, in some cases specifying modifications to a rule with a companion order.<sup>12</sup> A rule was fully suspended unless otherwise noted. Some rules were later reinstated by [EMO 26](#), as indicated below.

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10. Wis. Stat. § [100.305 \(4m\)](#).

11. Wisconsin Department of Agriculture, Trade, and Consumer Protection, “[DATCP Takes Action on Price Gouging Complaints](#),” press release, March 25, 2020, <https://datcp.wi.gov/>.

12. Note that EMO 3 suspended several rules affected by [Emergency Rule 1918](#). On April 1, [CR 19-089](#) went into effect and made permanent the language of Emergency Rule 1918, as cited in EMO 3. According to DCF, the suspensions made to the emergency rules by EMO 3 were intended to survive after the rule language was made permanent. For that reason, this report cites the permanent rules that have been suspended, rather than the emergency rules cited in EMO 3.

- Wis. Admin. Code DCF § [56.02 \(2\) \(b\) 7. a.](#) sets requirements for the panel size responsible for approving exception requests in foster care system.
- Wis. Admin. Code DCF § [52.21 \(8\) \(a\)](#) requires health and dental exam within certain time frames and circumstances for children and youth placed in residential care centers.
- Wis. Admin. Code DCF § [52.45 \(1\) \(a\)](#) and [\(b\)](#) requires ongoing physical and dental exams HealthCheck program recommended frequencies for children and youth placed in residential care centers.
- Wis. Admin. Code DCF § [57.19 \(7\)](#) requires health examination within a certain time frame for children placed in group homes.
- Wis. Admin. Code DCF § [57.26](#) requires dental examination within a certain time frame for children placed in group homes.
- Wis. Admin. Code DCF § [52.12 \(1\) \(c\) 2.](#) and [3.](#) sets hour limits on staff scheduling in residential care centers.
- Wis. Admin. Code DCF § [202.08 \(5\) \(c\)](#) restricts hours of care for individual in-home or family child care providers.<sup>13</sup>
- Wis. Admin. Code DCF § [201.039 \(1\)](#) establishes standards for assessing child care needs.
- Wis. Admin. Code DCF § [201.039 \(5\)](#) establishes requirements for authorizing payment for child care services provided in a child's home.
- Wis. Admin. Code DCF § [201.039 \(6\)](#) prohibits payment for child care services when the provider is a parent of the child or resides with the child.
- Wis. Admin. Code DCF § [201.039 \(7\)](#) establishes requirements for authorizing payments for care of a child whose parent is a child care provider.
- Wis. Admin. Code DCF § [201.039 \(8\)](#) prohibits payment for child care services by a certified provider if the child's parent or a person who resides with the child is employed at the same location.
- Wis. Admin. Code DCF § [201.039 \(9\)](#) limits hours of child care per child per day.
- Wis. Admin. Code DCF § [201.08](#) authorizes DCF to set a schedule for parent copayments for parents who receive a child care subsidy.
  - Companion order: The secretary of children and families may impose an amended copayment schedule and may waive copayments for some or all groups in the existing schedule.
- Wis. Admin. Code DCF § [251.055 \(1\) \(b\) to \(e\)](#) and [\(i\)](#) establishes standards for supervision in group child care centers.<sup>14</sup>
  - [EMO 26](#) reinstated Wis. Admin. Code DCF § [251.055 \(1\) \(i\)](#).
- Wis. Admin. Code DCF § [250.055](#) establishes standards for supervision and grouping of children in family child care centers.<sup>15</sup>
  - [EMO 26](#) reinstated some provisions of Wis. Admin. Code DCF § [250.055](#) that had been suspended by EMO 3. EMO 26 also provided a companion order in place of suspended Wis. Admin. Code DCF § [250.055 \(1\) \(b\)](#).

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13. EMO 3 cited “Wis. Admin. DCF § 202.08 (5) (c) (see [Emergency Rule 1918](#), § 79).”

14. EMO 3 cited “Wis. Admin. DCF § 251.055 (1) (b) to (e) and (i) (see [Emergency Rule 1918](#), § 246).”

15. EMO 3 cited “Wis. Admin. DCF § 250.055 (see [Emergency Rule 1918](#), § 145).”

- Wis. Admin. Code DCF § [251.055 \(2\) \(b\) to \(d\)](#) establishes standards for grouping of children in group child care centers.<sup>16</sup>
  - [EMO 26](#) reinstated Wis. Admin. Code DCF § [251.055 \(2\) \(d\)](#). It also lifted the suspension of Wis. Admin. Code DCF § [251.055 \(2\) \(b\)](#) and [\(c\)](#) except as those provisions relate to children ages five years or older.
- Wis. Admin. Code DCF § [251.06 \(1\)](#) establishes building requirements for group child care centers.<sup>17</sup>
  - Suspended, except for the first sentence of Wis. Admin. DCF § 251.06 (1) (a), which states, “The building in which a center is located shall comply with applicable state and local building codes.”
- Wis. Admin. Code DCF § [250.06 \(1\)](#) establishes building requirements for family child care centers.<sup>18</sup>
  - Suspended, except for the first sentence of Wis. Admin. DCF § 250.06 (1) (a), which states, “Family child care centers located in a building that is not a one or 2-family dwelling shall conform to the applicable Wisconsin commercial building codes.”
- Wis. Admin. Code DCF § [251.04 \(1\)](#) requires group child care centers to comply with the restrictions for care in their license.
- Wis. Admin. Code DCF § [250.04 \(1\)](#) requires family child care centers to comply with the restrictions for care in their license.
- Wis. Admin. Code DCF § [202.08 \(6\) \(b\)](#) sets limits on the number of children that may be in the care of a certified family child care operator.
- Wis. Admin. Code DCF § [250.03 \(9\)](#) defines “family child care center” or “center.”
  - Companion order: “Family child care center” or “center” shall be defined as a facility where a person provides care and supervision for at least four children.
- Wis. Admin. Code DCF § [202.08 \(6\) \(e\) 2.](#) restricts when a certified in-home child care operator may care for children who do not reside in the home.
- Wis. Admin. Code DCF § [251.07 \(5\)](#) sets requirements for meals and snacks provided in group child care centers.<sup>19</sup>
  - [EMO 26](#) reinstated some provisions of Wis. Admin. Code DCF § [251.07 \(5\)](#) that had been suspended by EMO 3.
- Wis. Admin. Code DCF § [251.05 \(3\) \(d\) to \(g\), \(i\), and \(j\)](#) sets requirements and qualifications for certain staff at group child care centers.<sup>20</sup>
- Wis. Admin. Code DCF § [250.05 \(3\)](#) sets requirements and qualifications for family child care centers.<sup>21</sup>
  - Companion order: All family child care center providers shall comply with the requirements of Wis. Admin. DCF § [251.05 \(3\) \(a\) to \(c\)](#).
- Wis. Admin. Code DCF § [250.05 \(2\)](#) sets requirements for family child care center staff recordkeeping.<sup>22</sup>

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16. EMO 3 cited “Wis. Admin. DCF § 251.055 (2) (b) to (d) (see [Emergency Rule 1918](#), § 246).”

17. EMO 3 cited “Wis. Admin. DCF § 251.06 (1) (see [Emergency Rule 1918](#), §§ 247-249).”

18. EMO 3 cited “Wis. Admin. DCF § 250.06 (1) (see [Emergency Rule 1918](#), § 146).”

19. EMO 3 cited “Wis. Admin. DCF § 251.07 (5) (see [Emergency Rule 1918](#), §§ 279-288).”

20. EMO 3 cited Wis. Admin. Code DCF § 251.05 (3) (d) to (g), (i), and (j) (see [Emergency Rule 1918](#), § 245).

21. EMO 3 cited “Wis. Admin. DCF § 250.05 (3) (see [Emergency Rule 1918](#), § 144).”

22. EMO 3 cited “Wis. Admin. DCF § 250.05 (2) (see [Emergency Rule 1918](#), § 144).”



- Companion order: Family child care centers shall comply with Wis. Admin DCF § [251.05 \(2\) \(a\) 1.](#) for staff records.
- Wis. Admin. Code DCF § [251.05 \(2\)](#) sets requirements for group child care center staff recordkeeping.<sup>23</sup>
  - Companion order: Group child care centers shall comply with Wis. Admin. DCF § [251.05 \(2\) \(a\) 1.](#) for staff records.
- Wis. Admin. Code DCF § [251.04 \(6\)](#) sets requirements for group child care center child recordkeeping.<sup>24</sup>
  - Companion order: Group child care centers shall comply with Wis. Admin. DCF § [251.04 \(6\) \(a\) 1. and 2.](#) for children’s records.
- Wis. Admin. Code DCF § [250.04 \(6\)](#) sets requirements for family child care center child recordkeeping.<sup>25</sup>
  - Companion order: Family child care centers shall comply with Wis. Admin DCF § [251.04 \(6\) \(a\) 1. and 2.](#) for children’s records.
- Wis. Admin. Code DCF § [152.06 \(2\)](#) and [\(3\)](#) regulates when a lien threshold has been met or exceeded and sets a lien amount.

On March 18, DHS Secretary-designee Palm issued [EMO 6](#), limiting child care settings to operating with a maximum of 10 staff and 50 children present at a time, under the authority of Wis. Stat. § [252.02 \(3\)](#). Child care settings that continued operation were required to follow [DCF Guidance Order #2](#) or any superseding orders, as well as all other state statutes and administrative rules as modified by [EMO 3](#). Under the order, parents and guardians were required to practice social distancing during pick-up and drop-off.

On March 24, DHS Secretary-designee Palm issued [EMO 12](#), which considered child care settings “essential businesses and operations” allowed to remain open under the order. Under the order, EMO 6 remained in place, but in addition, child care settings were required to prioritize care for families under a tier system:

Tier 1: employees, contractors, and other support staff working in health care.

Tier 2: employees, contractors, and other staff in vital areas including 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 children and families.<sup>26</sup>

EMO 12 also redefined “child care settings” to 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.”

On March 30, Governor Evers and DHS Secretary-designee Palm issued [EMO 18](#), which suspended additional DCF rules while leaving EMO 3, EMO 6, and EMO 12 in effect. EMO 18 suspended a number of rules that require DCF or local agencies to take certain actions within specified periods.

EMO 18 partially or fully suspended the following rules:

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23. EMO 3 cited “Wis. Admin. DCF § 251.05(2) (see [Emergency Rule 1918](#), § 245).”

24. EMO 3 cited “Wis. Admin. DCF § 251.04 (6) (see [Emergency Rule 1918](#), §§ 239-241).”

25. EMO 3 cited “Wis. Admin. DCF § 250.04 (6) (see [Emergency Rule 1918](#), §§ 135–137).”

26. This tiered prioritization system was extended by [EMO 28](#), issued on April 16.



- Wis. Admin. Code DCF § [40.03 \(2\) \(f\)](#) establishes the timeline for review of an initial determination by DCF.
  - Partially suspended to eliminate the 45-day requirement.
- Wis. Admin. Code DCF § [40.03 \(2\) \(h\)](#) establishes when a review of an initial determination may be rescheduled.
  - Partially suspended to eliminate the 45-day requirement.
- Wis. Admin. Code DCF § [56.09 \(4\) \(a\)](#) requires a medical and dental exam in accordance with the HealthCheck program within 30 days after a foster child placement.
- Wis. Admin. Code DCF § [59.01 \(4\)](#) gives DCF discretion to make exceptions to administrative rules for licensing shelter care facilities and sets limits to that discretion.
  - Partially suspended to permit exceptions to Wis. Admin. Code DCF § [59.05 \(3\)](#).
- Wis. Admin. Code DCF § [54.04 \(2\) \(c\)](#) sets deadlines for a physical exam of a child receiving social services from DCF.
  - Partially suspended to eliminate requirement for physical examination within 90 days prior to initial acceptance or 48 hours after acceptance suspended. Wis. Admin. Code DCF § [54.04 \(2\) \(c\) 1. to 4.](#) remains in effect.
- Wis. Admin. Code DCF § [103.03 \(1\) \(a\)](#) sets requirements for initial W-2 worker training.
  - Partially suspended to eliminate requirement for initial training within with the first six months of employment.

On April 13, Governor Evers issued [EMO 26](#), which suspended several rules related to child care centers, day camps, and the child care subsidy program in order to streamline access to care for essential workers. EMO 26 also reinstated some rule provisions that EMO 3 had suspended, as noted in the description of EMO 3 above.<sup>27</sup>

EMO 26 partially or fully suspended the following rules:

- Wis. Admin. Code DCF § [202.04 \(3\) \(b\) 9. c.](#) requires an on-site inspection for recertification of certified child care operators.
- Wis. Admin. Code DCF § [202.04 \(3\) \(c\) 5.](#) allows a certification agency to enter into a temporary closure agreement with an operator and requires on-site monitoring prior to reopening.
- Wis. Admin. Code DCF § [202.08 \(1m\) \(a\) 10. a. to c.](#) requires that certified child care operators comply with their operator’s certificate for the number and ages of children in their care and hours of operation.
- Wis. Admin. Code DCF § [202.08 \(1\) \(a\) 2.](#) requires tuberculosis testing for certified child care operators and providers.
- Wis. Admin. Code DCF § [202.08 \(4\) \(a\), \(b\), and \(e\)](#) requires certified child care operators to maintain certain health care records for each child.
- Wis. Admin. Code DCF § [202.08 \(1\) \(b\) 3. b.](#) requires certified child care operators and providers to complete a department-approved non-credit course in operating a child care business or a course for

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27. Specifically, EMO 26 reinstated Wis. Admin. Code DCF § [251.055 \(1\) \(i\)](#) and [\(2\) \(d\)](#), related to group child care centers. It also provided for partial suspensions of the following rules in place of the full suspensions under EMO 3: Wis. Admin. Code DCF §§ [250.055](#), [251.055 \(2\) \(b\)](#) and [\(c\)](#), and [251.07 \(5\)](#).

credit in business or program administration by the applicable date specified in Wis. Admin. Code DCF § [202.08 \(1\) \(b\) 4](#).

- Wis. Admin. Code DCF § [202.08 \(2\) \(b\)](#) establishes heat, light, and ventilation requirements for a certified family child care operator's home.
  - Partially suspended to eliminate specific requirements related to the inside temperature of the home.
- Wis. Admin. Code DCF § [250.055 \(1\) \(b\)](#) requires a provider at a family child care center to be awake at all times when children are in care.
  - Companion order: A provider shall be awake at all times when children are in care, except from 10:00 p.m. to 5:00 a.m. when the provider may be asleep but available, within call, and able to respond to the needs of children.
- Wis. Admin. Code DCF § [250.055 \(1\) \(c\)](#) prohibits an individual provider at a family child care center from caring for children for more than 16 hours in any 24-hour period.
- Wis. Admin. Code DCF § [250.055 \(1\) \(d\)](#) prohibits children from being in care at a family child care center for more than 14 hours in any 24-hour period.
- Wis. Admin. Code DCF § [250.055 \(1\) \(e\)](#) requires at least one provider who has completed the training required under Wis. Admin. Code DCF § [250.05 \(3\) \(b\)](#) to supervise children at a family child care center at all times, except when a substitute, who meets the requirements of Wis. Admin. Code DCF § [250.05 \(3\) \(c\)](#) and [\(4\) \(a\)](#), is providing care.
- Wis. Admin. Code DCF § [250.055 \(2\)](#) sets requirements for grouping of children in family child care centers.
  - Partially suspended to eliminate all grouping requirements except for the following: If there is more than one provider with the children, no more than a total of four children under two years of age may be in the care of the center when care is provided on a level that is more than six feet above or below the ground level.
- Wis. Admin. Code DCF § [250.10 \(2\)](#) and [\(3\)](#) sets general and programming requirements for family child care centers providing night care.
- Wis. Admin. Code DCF § [250.10 \(4\) \(c\)](#) requires a provider be awake whenever children are in night care at a family child care center.
  - Companion order: A provider shall be awake at all times when children are in care, except from 10 p.m. to 5 a.m. when the provider may be asleep but available, within call, and able to respond to the needs of children.
- Wis. Admin. Code DCF § [250.10 \(6\) \(c\)](#) and [\(e\)](#) sets bed requirements for family child care centers providing night care.
  - Companion order: All family child care centers providing night care shall comply with Wis. Admin. Code DCF § [250.07 \(4\) \(c\) to \(e\)](#) during night sleep.
- Wis. Admin. Code DCF § [251.055 \(2\) \(b\)](#) and [\(c\)](#) sets ratios for child to child care workers in group child care centers.
  - Suspended only as it relates to children ages five years or older.
- Wis. Admin. Code DCF § [251.07 \(5\)](#) establishes various requirements for meals, snacks, and food service at group child care centers.

- Partially suspended to eliminate certain requirements related to meal menus, snacks, special diets, and food service.
- Wis. Admin. Code DCF § [251.10 \(2\)](#) sets general requirements for group child care center night care.
  - Partially suspended to eliminate center capacity and staff to child ratio requirements as well as the requirement that a parent or the center must provide each child in night care with an individually labeled sleeping garment and a toothbrush.
- Wis. Admin. Code DCF § [251.10 \(3\)](#) sets programming requirements for group child care center night care.
- Wis. Admin. Code DCF § [251.10 \(6\) \(c\)](#) and [\(e\)](#) sets child bed requirements for group child care center night care.
  - Companion order: All group child care centers providing night care shall comply with Wis. Admin. Code DCF § [251.07 \(4\) \(c\) to \(d\)](#) during night sleep.
- Wis. Admin. Code DCF § [252.05 \(3\)](#) establishes license terms for child care day camps.
- Wis. Admin. Code DCF § [252.41 \(4\)](#) requires day camps to maintain certain files in a child’s written record.
  - Partially suspended to eliminate requirement for certain forms to be included in a child’s written record and requirement that a licensee maintain an attendance record for each child.
- Wis. Admin. Code DCF § [252.42 \(1\)](#) sets requirements for day camp staff records.
  - Companion order: All day camps shall comply with Wis. Admin. Code DCF § [251.05 \(2\) \(a\) 1.](#) and [2.](#)
- Wis. Admin. Code DCF § [252.42 \(2\)](#) sets requirements for staff at day camps.
  - Companion order: All day camps shall comply with Wis. Admin. Code DCF § [251.05 \(3\) \(a\)](#) and [\(b\)](#).
- Wis. Admin. Code DCF § [252.425 \(1\) \(b\)](#) sets requirements for supervision at day camps.
  - Partially suspended to eliminate requirement that all children in care must be assigned to a counselor.
- Wis. Admin. Code DCF § [252.425 \(1\) \(c\) 1.](#) sets hour limits on day camp counselors.
- Wis. Admin. Code DCF § [252.425 \(1\) \(g\)](#) sets hour limits on day camp care.
- Wis. Admin. Code DCF § [252.425 \(2\) \(a\) 1.](#) sets supervision ratios for day camps.
  - Suspended as it pertains to children ages five years and older.
- Wis. Admin. Code DCF § [252.425 \(2\) \(a\) 2.](#) sets supervision ratios for mixed-age groups at day camps.
  - Suspended as it pertains to mixed-age groups of children ages five years and older.
- Wis. Admin. Code DCF § [252.43 \(1\) \(d\)](#) sets building requirements for day camps.
  - Partially suspended to eliminate requirement that a copy of the building inspection report must be on file with DCF.
- Wis. Admin. Code DCF § [252.43 \(1\) \(g\)](#) sets requirements for day camp building temperature.
- Wis. Admin. Code DCF § [252.44 \(5\) \(d\)](#) and [\(f\)](#) sets requirements for meals, snacks, and food service at day camps.
- Wis. Admin. Code DCF § [201.036 \(4\)](#) sets timeline for redetermining eligibility for the child care subsidy program.
  - Companion order: Redetermination of eligibility that would otherwise be scheduled to occur during a public health emergency may be completed within three months after the end of the public health emergency.

- Wis. Admin. Code DCF § [201.037](#) sets reporting requirements for the child care subsidy program.
- Wis. Admin. Code DCF § [201.038 \(5\)](#) sets provider requirements for the child care subsidy program.
- Wis. Admin. Code DCF § [201.039 \(2r\)](#) sets requirements for excessive unexplained absences for the purposes of the child care subsidy program.
- Wis. Admin. Code DCF § [201.039 \(10\) \(b\)](#) sets requirements for authorization notice for the child care subsidy program.
- Wis. Admin. Code DCF § [201.039 \(11\)](#) establishes a backdated start date for the child care subsidy program.
- Wis. Admin. Code DCF § [201.04 \(1\)](#) establishes when compensation may be provided under the child care subsidy program.

## DEPARTMENT OF CORRECTIONS

**Emergency orders.** On March 20, Governor Evers issued [EMO 9](#), directing DOC to implement a moratorium on admissions to state prisons and juvenile facilities under its operations, under the authority of Wis. Stat. § [323.12 \(4\)](#). In a subsequent press release, DOC announced that it would suspend admissions, effective March 23, with some exceptions for “essential transfers.”<sup>28</sup>

## DEPARTMENT OF HEALTH SERVICES

**Executive order 72.** The [executive order](#) issued by Governor Evers on March 12 declared a public health emergency under Wis. Stat. § [323.10](#) and designated DHS as the lead state agency to respond to the emergency. Together, the declaration and this designation provided DHS with certain powers and duties described under Wis. Stat. §§ [250.042](#), [252.041](#), [157.055](#), and [252.06 \(4\) \(b\)](#).

Under Wis. Stat. § [250.042](#), if the governor designates DHS as the lead state agency to respond to a public health emergency, DHS must act as the public health authority for the duration of the state of emergency. As the public health authority, DHS must do the following:

- Ensure that emergency operations are conducted using the incident command system under Wis. Stat. § [323.13 \(1\) \(b\)](#).
- Inform state residents of all of the following: (1) when a state of emergency related to public health has been declared or is terminated; (2) how to protect themselves from a public health emergency; and (3) what actions DHS is taking to control the public health emergency. This information must be provided by “all available and reasonable means calculated to inform the general public,” including reasonable efforts to make the information accessible to individuals with disabilities and in the primary languages of individuals who do not understand English.
- Consult with local health departments and with individual health care providers, to the extent possible.

In addition, as the public health authority, under Wis. Stat. § [250.042](#), DHS may do the following:

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<sup>28</sup> Wisconsin Department of Corrections, “[Suspension of Admissions to the State Prisons and Juvenile Facilities Operated by the Department of Corrections](#),” press release, March 21, 2020, <http://www.doc.wi.gov/>.

- Designate a local health department as an agent of DHS and confer upon it the powers and duties of the public health authority.
- Purchase, store, or distribute antitoxins, serums, vaccines, immunizing agents, antibiotics, and other pharmaceutical agents or medical supplies that DHS determines are advisable to control a public health emergency.
- Order any individual to receive a vaccination, as specified under Wis. Stat. § [252.041](#), unless it is reasonably likely to lead to cause serious harm to the individual or, for reasons of religion or conscience, the individual refuses to obtain the vaccination. Under Wis. Stat. § [252.041 \(1\) \(b\)](#), DHS may isolate or quarantine any individual who is unable or unwilling to receive a vaccination for these reasons.

Under Wis. Stat. § [157.055](#), DHS, as the public health authority, may also take certain actions related to the disposal of human remains. These actions include issuing and enforcing orders that are reasonable and necessary to provide for the safe disposal of human remains and taking possession and control of any human remains.

When DHS acts as the public health authority under Wis. Stat. § [250.042](#), certain isolation and quarantine provisions apply. These provisions, outlined in Wis. Stat. § [252.06 \(4\) \(b\)](#), provide that no person, other than a person authorized by the public health authority or an agent of the public health authority, may enter an isolation or quarantine premises. Violation of this restriction is subject to a fine of up to \$10,000, imprisonment for up to nine months, or both. Any person who enters an isolation or quarantine premises, whether authorized or not, may themselves be subject to isolation or quarantine.

Finally, Wis. Stat. ch. [257](#) provides that certain volunteer practitioners serving on behalf of DHS or other specified entities during a state of emergency declared under Wis. Stat. § [323.10](#) are considered employees of the state for worker's compensation benefits under Wis. Stat. ch. [102](#) and for other liability purposes, as long as several other conditions are met.

**Emergency orders.** [EMO 21](#), issued by Governor Evers and DHS Secretary-designee Palm on April 3, suspended various health care and emergency services workforce restrictions and requirements. These partially or fully suspended rules fell into nine different categories, as outlined below. A rule was fully suspended unless otherwise noted.

#### **A. Emergency Medical Services (EMS)**

- Wis. Admin. Code DHS § [110.06 \(1\) \(c\) 1.](#) establishes timelines for completing training as a precedent to licensure or certification as an EMS professional.
  - Partially suspended to eliminate requirement that an individual trained in Wisconsin must have completed curriculum within the 24 months immediately preceding application submission.
- Wis. Admin. Code DHS § [110.07 \(1\) \(d\)](#) establishes precondition for renewal of EMS licensure or certification.
  - Companion order: DHS prohibited from taking enforcement action under Wis. Admin. Code DHS § [110.54](#) for failure to maintain certifications pursuant to the suspension

- Wis. Admin. Code DHS § [110.09 \(intro.\)](#) and [\(1\)](#) establishes June 30 of even-numbered years as the expiration date of current licenses and certifications of EMS professionals and provides for related fees.
  - Partially suspended with companion order: The late fee is suspended. The secretary of health services may delay the June 30 deadline to later in calendar year 2020 if delay is necessary to respond to COVID-19.
- Wis. Admin. Code DHS § [110.09 \(2\) \(a\) 2.](#) and [3.](#) establishes requirements for reinstatement of a license or certificate.
- Wis. Admin. Code DHS § [110.13 \(5\)](#) requires an EMT-intermediate or EMT-paramedic to maintain current certification in advanced cardiac life support.
  - Partially suspended with companion order: Any certification that expires during the duration of the public health emergency is extended to 60 days after the termination of the public health emergency. DHS is further prohibited from taking enforcement action under Wis. Admin. Code DHS § [110.54](#) for failure to maintain certifications pursuant the suspension.
- Wis. Admin. Code DHS § [110.15 \(3\) \(c\)](#) prohibits renewal of EMT training permits.
  - Companion order: Any certification that expires during the duration of the public health emergency is extended to 60 days after the termination of the public health emergency. The department is prohibited from taking enforcement action under Wis. Admin. Code DHS § [110.54](#) for failure to maintain certifications pursuant to this suspension.
- Wis. Admin. Code DHS § [110.16 \(1\) \(a\)](#) provides for fees for late renewal of EMS certificates or licenses.
- Wis. Admin. Code DHS § [110.18 \(3\)](#) requires EMS training centers to renew certification by June 30 of even-numbered years.
  - Partially suspended with companion order: The secretary of health services may delay the June 30 deadline to later in calendar year 2020 if delay is necessary to respond to COVID-19. The department is prohibited from taking enforcement action under Wis. Admin. Code DHS § [110.54](#) for failure to maintain certifications pursuant to this suspension.
- Wis. Admin. Code DHS § [110.50 \(1\) \(d\) 1., 3., and 4.](#) requires certain staffing numbers for paramedic ambulances.
- Wis. Admin. Code DHS § [110.50 \(1\) \(f\)](#) requires staffing levels for EMS nontransporting EMT services.
- Wis. Admin. Code DHS § [110.50 \(3\) \(a\)](#) requires specific staffing and equipment levels for reserve ambulances.
  - Partially suspended to remove requirement that ambulance service providers obtain approval from DHS to staff and operate reserve ambulances at a lower service level appropriate to the licensure level of the available staff.
- Wis. Admin. Code DHS § [110.50 \(3\) \(b\)](#) requires specific staffing levels and scope of practice for reserve ambulances in a two-paramedic system.
- Wis. Admin. Code DHS § [110.28 \(4\)](#) requires EMS Instructor II certified professionals to renew the instructor certification by June 30 of even numbered years.
  - Partially suspended with companion order: The secretary of health services may delay the June 30 deadline to later in calendar year 2020 if delay is necessary to respond to COVID-19.
- Wis. Admin. Code DHS § [110.31 \(2\)](#) provides that certifications as an EMS Instructor II expire on June 30 of even-numbered years.

- Partially suspended with companion order: The secretary of health services may delay the June 30 deadline to later in calendar year 2020 if delay is necessary to respond to COVID-19.
- Wis. Admin. Code DHS § [110.34 \(16\)](#) prohibits interfacility transport in situations where a provider is not licensed to provide interfacility transports.

### **B. Home Health Agencies**

- Wis. Admin. Code DHS §§ [133.06 \(4\) \(a\)](#) and [133.17 \(4\)](#) set Home Health Agencies' (HHA) training and orientation requirements.
  - Companion order: Every employee shall be oriented to the agency and the job for which he or she is hired.
- Wis. Admin. Code DHS §§ [133.18](#) and [105.16 \(2\) \(b\)](#) require HHA supervisory visits.
- Wis. Admin. Code DHS § [133.20 \(3\)](#) requires review of a patient's plan of care.
  - Partially suspended with companion order: Any necessary visit from RNs associated with the 60-day review process may be completed via telephone or videoconferencing during the public health emergency.

### **C. Hospices**

- Wis. Admin. Code DHS § [131.15](#) authorizes hospice inspections, investigations, and enforcement.
  - Suspended, except for cases of immediate jeopardy as defined in Wis. Stat. § [50.01 \(Ing\)](#), with companion order: Requirement under Wis. Stat. § [50.92 \(3\)](#) to inspect hospice prior to issuance of license remains in place.
- Wis. Admin. Code DHS § [131.22](#) requires quality assessment and performance improvement activities.
  - Companion order: General requirement in Wis. Admin. Code DHS § [131.31 \(2\)](#) for staff to be oriented to their responsibilities remains in place.
- Wis. Admin. Code DHS § [131.31 \(3\)](#) requires training on orientation program contents.
  - Companion order: General requirement in Wis. Admin. Code DHS § [131.31 \(2\)](#) for staff to be oriented to their responsibilities remains in place.

### **D. Nursing Homes**

- Wis. Admin. Code DHS § [132.44 \(1\) \(a\)](#) requires an orientation program for employees.
  - Partially suspended to remove requirement that employees receive orientation to the facilities and its policies and the requirement that employees be oriented to residents' rights under Wis. Admin. Code DHS § [132.31](#) and to their position and duties by the time they have worked 30 days.
- Wis. Admin. Code DHS § [132.53 \(2\) \(a\) 2.](#) authorizes nursing homes to discharge patients due to non-payment.
- Wis. Admin. Code DHS § [132.42 \(3\) \(a\)](#) requires employees to be certified in writing by a physician, physician assistant, or advanced nurse practitioner.
  - Partially suspended with companion order: Employees can also be certified by a facility registered nurse.
- Wis. Admin. Code DHS § [132.53 \(5\)](#) establishes bed-hold requirements.
- Wis. Admin. Code DHS § [132.54](#) requires notice for the transfer of a patient between rooms or beds within a facility.
  - Suspended for transfers due to COVID-19 issues.



### **E. Nurse Aide Training Programs**

- Wis. Admin. Code DHS § [129.05 \(2\) \(b\)](#) requires onsite preliminary approvals and reviews of training programs by DHS.
- Wis. Admin. Code DHS § [129.06 \(1\) \(a\)](#) provides the standards for instructors of nurse aide training programs.
  - Partially suspended to eliminate experience requirements with companion order: Wis. Admin. Code DHS § [129.03 \(37\)](#) is commensurately suspended insofar as it conflicts with this suspension.
- Wis. Admin. Code DHS § [129.06 \(1\) \(e\)](#) sets standards for primary instructors of nurse aide training programs to attend a preapproved training course.
- Wis. Admin. Code DHS § [129.07 \(2\) \(b\)](#) sets program standards for 120-hour training program.
  - Partially suspended with companion order: A minimum of 16 hours of training in topics identified in Wis. Admin. Code DHS § [129.07 \(2\) \(b\) 2.](#) before direct contact with clients is authorized.
- Wis. Admin. Code DHS § [129.03 \(8\)](#) defines a clinical setting.
  - Companion order: Clinical setting for the purposes of the chapter is the equivalent of “supervised practical training” under 42 CFR 483.152 (a) (3).
- Wis. Admin. Code DHS § [129.09 \(5\) \(a\)](#) provides eligibility for inclusion on the registry within 120 days of beginning employment.
- Wis. Admin. Code DHS § [129.03 \(30\) \(a\)](#) defines nurse aide.
  - Partially suspended to remove reference to supervision from a registered nurse or licensed nurse.
- Wis. Admin. Code DHS § [129.03 \(30\) \(a\) 4.](#) defines nurse aide.
  - Partially suspended to remove reference to employment by a health care provider from the definition of nurse aide.

### **F. Feeding Assistant Programs**

- Wis. Admin. Code ch. DHS [129, subchapter III](#) relating to feeding assistants.
  - Partially suspended with companion order: Facilities may utilize nonnurse aides to provide feeding assistance to individuals who do not have complications with eating or swallowing.

### **G. Community-Based Residential Facilities (CBRFs)**

- Wis. Admin. Code DHS § [83.16 \(2\)](#) requires resident care staff to be 18 years old.
  - Companion order: “Resident care staff” may be 16 and 17 years of age so long as they meet Wis. Admin. Code ch. DHS [83](#) training requirements, do not work alone, do not pass medications, and work under supervision.
- Wis. Admin. Code DHS § [83.47 \(2\) \(d\)](#) and [\(e\)](#) establishes requirements for fire drills and other evacuations.

### **H. Adult Family Homes (AFHs)**

- Wis. Admin. Code DHS § [88.05 \(4\) \(a\)](#) sets requirements for annual fire extinguisher inspection.
- Wis. Admin. Code DHS § [88.05 \(4\) \(d\) 2. c.](#) sets requirements for fire drills.
- Wis. Admin. Code DHS § [88.04 \(1\) \(b\)](#) requires resident care staff be 18 years old.
  - Companion order: “Resident care staff” may be 16 and 17 years of age so long as they meet ch. DHS [88](#) training requirements, do not work alone, do not pass medications, and work under supervision.

## I. Narcotic Treatment Service for Opiate Addiction

- Wis. Admin. Code DHS § [75.15 \(4\) \(a\)](#) sets requirements for a program's medical director accessibility and responsiveness.
  - Partially suspended to remove requirement that physician must be readily accessible and able to respond in person within 45 minutes.
- Wis. Admin. Code DHS § [75.15 \(4\) \(b\)](#) requires RN be on staff to supervise dosing process and other functions.
  - Partially suspended with companion order: The service shall have a registered nurse on staff, either onsite or remotely, to supervise the dosing process and to perform other functions delegated by the physician.
- Wis. Admin. Code DHS § [75.15 \(4\) \(d\)](#) requires counseling staff to be supervised by a clinical supervisor and sets a maximum counselor-to-patient ratio.
  - Partially suspended to remove requirement of ratio of at least one counselor to 50 patients in the service. Companion order: The secretary of health services may set a maximum counselor to patient ratio.
- Wis. Admin. Code DHS § [75.15 \(5\) \(h\)](#) requires treatment programs to notify the state authority prior to treating nonresidents, self-pay patients.
- Wis. Admin. Code DHS § [75.15 \(13\) \(b\)](#) requires opioid treatment programs to monitor a patient's drug levels in plasma or serum on regular intervals and when doses above 100 milligrams are provided.
  - Partially suspended to remove requirement for determinations to be made at three months, six months, and annually subsequently. Companion order: The secretary of health services may require plasma and serum drug level determinations for patients with split dosages and who receive additional take-home doses.
- Wis. Admin. Code DHS § [75.15 \(17\) \(a\)](#) requires tuberculosis (TB) screens.
  - Partially suspended with companion order: Treatment providers shall screen patients using a risk assessment tool for TB to determine if patients need to be referred for a TB test.
- Wis. Admin. Code DHS § [75.15 \(17\) \(c\)](#) requires screenings for viral hepatitis and sexually transmitted diseases (STDs) in OTP.
  - Partially suspended with companion order: Treatment providers shall screen patients using a risk assessment tool for viral hepatitis and STDs to determine if patients need to be referred for appropriate testing and subsequent follow-up.

In addition, EMO 21 allowed DHS to suspend any fee or assessment provided for in the administrative rules related to emergency medical services credentialing where demonstrable need existed. The order instructed DHS to broadly interpret “demonstrable need” in favor of increasing the availability of emergency medical services. The order stated that a waiver might need to be obtained if any of the rule suspensions outlined in the order conflicted with existing federal regulation.

On April 20, Secretary-designee Palm issued [EMO 31](#), which ordered the adoption of a phased approach to reopening entities closed, and resuming activities prohibited, under EMO 12 and EMO 28. The order required DHS to use up-to-date data to determine when to progress to each subsequent phase.

These data related to testing capacity, confirmed cases, confirmed cases among health care workers, contact tracing, outbreak tracking, PPE supplies, and hospital capacity, among others. The order required DHS, upon determining to progress from one phase to the next, to announce the transition with an order fully articulating the activities that would resume. Between phases, the order required DHS to consult with WEDC to issue additional orders to reduce restrictions on certain businesses or sectors if doing so would not affect the state's progression to the next phase. Under the order, DHS could also address localized outbreaks by issuing interim orders that instituted restrictions on a particular area of the state.

[EMO 32](#), issued on April 23, laid out guidelines and procedures for the alternative care facility (ACF) at State Fair Park in West Allis. The order allowed DHS to require supplemental operating policies and procedures as it deemed necessary. The order stated that it would remain in effect until DHS, in consultation with DOA, ACF leadership, and local health officials, determined that the ACF could safely be decommissioned.

On May 4, the governor and the secretary-designee of health services, issued EMO 35, which suspended several DHS rules related to the health programs specified below in order to increase access to care, secure certain federal dollars, and create flexibility to account for social distancing practices and staffing shortages. A rule was fully suspended unless otherwise noted.

#### **A. Local Public Health Departments**

The order noted that rule suspensions in this section were not automatic; instead local health departments had the discretion to suspend the rules.

- Wis. Admin. Code DHS § [140.04 \(1\) \(g\) 3.](#) requires Level I local health departments to conduct a community health assessment at least every five years.
  - Partially suspended to eliminate requirement that the assessment be conducted at least every five years, with a companion order that allowed DHS to establish new deadlines.
- Wis. Admin. Code DHS § [140.04 \(1\) \(g\) 4.](#) requires Level I local health departments to develop a community health improvement plan at least every five years.
  - Partially suspended to eliminate requirement that the plan be developed at least every five years, with a companion order that allowed DHS to establish new deadlines.
- Wis. Admin. Code DHS § [140.04 \(2\) \(a\)](#) requires Level I local health departments to submit an annual report by May 1.
  - Companion order allowing DHS to establish new deadlines.

#### **B. Eligibility for Medicaid Programs**

The order required DHS to maintain Medicaid eligibility for persons who were enrolled on March 18, 2020, or after, in accordance with section 6008 of the Families First Coronavirus Response Act and in anticipation that these members would need Medicaid-provided testing and treatment.

- Wis. Admin. Code DHS § [102.03](#) establishes requirements for an applicant or member to submit verification of attested financial and nonfinancial conditions of eligibility within specific timeframes.
- Wis. Admin. Code DHS § [102.04 \(3\)](#) establishes timeframes for DHS to confirm ongoing eligibility of Medicaid members.

- Wis. Admin. Code DHS § [103.03 \(1\) \(g\) 1.](#) provides as a nonfinancial condition of eligibility that all MAPP participants be employed or in training, unless they qualify for a limited-term exception.
- Wis. Admin. Code DHS § [103.08 \(2\) \(c\)](#) creates a six-month certification period tied to spend down requirements (the “Medicaid deductible”).
- Wis. Admin. Code DHS § [103.09 \(2\)](#) and [\(3\)](#) creates continued time-limited eligibility for members whose counted income has increased above the eligibility limit.
- Wis. Admin. Code DHS § [104.01 \(5\) \(a\) 3.](#) provides applicants 45 days to appeal an agency action and requires DHS to take final administrative action within 90 days of the date of the request for a hearing.
- Wis. Admin. Code DHS § [109.11 \(6\)](#) establishes timeframes for DHS to confirm ongoing eligibility of SeniorCare members.
- Wis. Admin. Code DHS § [103.087 \(1\) \(h\)](#) creates procedures for barring MAPP members from enrollment as a consequence of nonpayment of premiums.

### **C. FoodShare Administration**

- Wis. Admin. Code DHS § [252.10](#) establishes time-restricted requirements related to the equipment for processing FoodShare transactions.

### **D. Birth to Three Program and Children’s Long-Term Support Waiver**

- Wis. Admin. Code DHS § [90.06 \(2\) \(i\)](#) establishes cost share obligations for the families of children receiving Birth to Three services.
- Wis. Admin. Code DHS §§ [90.06 \(2\) \(f\)](#) and [\(j\)](#); [90.10 \(2\) \(a\) 3.](#); [90.10 \(2\) \(b\)](#); [90.11 \(2\) \(a\) 1.](#); [90.12 \(2\) \(a\) 1. to 2.](#); [90.12 \(2\) \(b\)](#) establish requirements for parental consent.
  - Suspended as to form of consent with a companion order providing that consent may be given verbally for the purposes of these rules.
- Wis. Admin. Code DHS § [90.10 \(5\) \(f\)](#) requires that an individualized family service plan contains a transition plan.
- Wis. Admin. Code DHS § [90.11 \(2\) \(b\) 2.](#) requires that early intervention service providers annually obtain five hours of early intervention training.
- Wis. Admin. Code DHS § [1.065](#) parental payments for certain children’s long-term support services.

### **E. Adult Long Term Care**

The order directed DHS to maintain Medicaid eligibility for persons who were enrolled on March 18, 2020, or after, in accordance with section 6008 of the Families First Coronavirus Response Act and in anticipation that these members would need Medicaid-provided testing and treatment.

- Wis. Admin. Code DHS § [10.31 \(4\) \(b\)](#) requires an applicant to sign each application form in the presence of a representative of the agency.
  - Partially suspended to eliminate requirement that forms be signed in the presence of a representative of the agency.
- Wis. Admin. Code DHS § [10.32 \(4\)](#) requires eligibility redeterminations.
- Wis. Admin. Code DHS § [10.34 \(4\) \(a\)](#) creates ineligibility for Family Care benefits for members who fail to pay cost share.

- Wis. Admin. Code DHS § [10.44 \(2\) \(e\)](#) requires assessments to identify member needs with a face-to-face interview.
  - Partially suspended to eliminate the requirement that the interview be face-to-face.
- Wis. Admin. Code DHS § [10.44 \(4\) \(e\)](#) requires performance improvement projects.
- Wis. Admin. Code DHS § [10.45 \(2\) \(b\)](#) prohibits managed care organizations from disenrolling members except under certain circumstances.
  - Partially suspended to eliminate these exceptions.
- Wis. Admin. Code DHS § [10.55 \(3\)](#) requires applicants to request a fair hearing within 45 days of adverse action or be barred from administrative relief.

#### **F. Medicaid Benefit Management**

- Wis. Admin. Code DHS § [105.16 \(6\)](#) requires certification in ventilator training and CPR for certain health care providers of certain home health agencies.
  - Suspended only as to registered nurses whose certification expires during the public health emergency.
- Wis. Admin. Code DHS § [107.10 \(2\) \(e\)](#) requires prior authorization before a provider can submit a claim for a drug that is not already subject to a federal rebate agreement.
- Wis. Admin. Code DHS § [107.10 \(3\) \(a\)](#) and [\(b\)](#) establishes limitations on the number of refills or the time period of refills for certain drugs.
- Wis. Admin. Code DHS § [107.10 \(3\) \(d\)](#) and [\(e\)](#) establishes limitations on the number-of-days supply of certain drugs that can be provided.
- Wis. Admin. Code DHS § [107.10 \(3\) \(h\)](#) provides criteria for when non-legend drugs may be covered by Medicaid funding and enumerates a list of non-legend drug categories covered by Medicaid funding.
  - Companion order: A non-legend drug may be covered as treatment of a diagnosable medical condition when it is a rational and cost-effective part of an accepted medical treatment plan, as determined by DHS.
- Wis. Admin. Code DHS § [107.113 \(5\) \(d\)](#) prevents RNs from being able to bill for certain services for ventilator-assisted recipients in excess of daily and weekly limits.

#### **G. Emergency Mental Health Services**

- Wis. Admin. Code DHS § [34.02 \(8\)](#) defines “emergency mental health services.”
  - Supplemented to provided that emergency mental health services prioritize services based on need where needs outweigh resources.
- Wis. Admin. Code DHS § [34.02 \(23\)](#) defines “walk-in services.”
  - Partially suspended to eliminate reference to face-to-face services.
- Wis. Admin. Code DHS § [34.21 \(8\) \(b\)](#) sets orientation training requirements.
  - Partially suspended to change certain training deadlines and training hour requirements.
- Wis. Admin. Code DHS § [34.22 \(3\) \(b\)](#) describes “mobile crisis service.”
  - Partially suspended to eliminate reference to in-person, onsite intervention with a companion order that stated: Wis. Admin. Code DHS § [34.02 \(16\)](#) is commensurately suspended insofar as it conflicts with this suspension.

- Wis. Admin. Code DHS § [34.21 \(7\) \(d\)](#) establishes supervision requirements for less senior or unlicensed staff.
  - Partially suspended to eliminate specific hour requirement for clinical supervision as well the reference to face-to-face mental health services.
- Wis. Admin. Code DHS § [34.21 \(7\) \(e\)](#) establishes peer clinical consultation requirements for senior or licensed staff.
  - Partially suspended to eliminate specific hour requirement for peer clinical consultation as well the reference to face-to-face mental health services.

#### **H. Outpatient Mental Health Clinics**

- Wis. Admin. Code DHS § [35.03 \(2\)](#) defines “available to provide outpatient mental health services.”
  - Modified to include telephonic, telehealth, or other electronic means to the definition.
- Wis. Admin. Code DHS § [35.07 \(2\)](#) sets requirements for the delivery of outpatient mental health services.
  - Modified by a companion order that stated: “Other location appropriate to support the consumer’s recovery” shall be interpreted to include delivery by telephonic, telehealth, or other electronic means.
- Wis. Admin. Code DHS § [35.123 \(2\)](#) sets staffing requirements for clinics.
  - Partially suspended to eliminate reference to the specific minimum staffing combinations permitted.

#### **I. Community Support Programs**

- Wis. Admin. Code DHS § [63.06 \(5\) \(d\)](#) and [\(e\)](#) describes how clinical supervision must be accomplished.
  - Partially suspended to eliminate specific hour requirements for clinical supervision as well as the references to in-person contact.
- Wis. Admin. Code DHS § [63.10 \(1\) \(a\)](#) requires certain client assessments to be completed within specified timeframes.
  - Partially suspended to allow the in-depth assessment to be completed within 45 days of a client’s admission, rather than within one month.
- Wis. Admin. Code DHS § [63.10 \(2\) \(a\)](#) requires certain treatment plans to be developed within certain time frames.
  - Partially suspended to allow the comprehensive treatment plan to be developed and written within 45 days of admission, rather than within one month.

#### **J. Community Substance Abuse Services**

- Wis. Admin. Code DHS § [75.02 \(12\)](#) defines “clinical supervision.”
  - Partially suspended to eliminate reference to face-to-face contact.
- Wis. Admin. Code DHS § [75.03 \(14\)](#) establishes patient staffing report requirements.
  - Partially suspended to change deadline by which a staffing report for patients in an outpatient treatment service must be completed and to eliminate certain signature requirements for the staffing report.
- Wis. Admin. Code DHS § [75.03 \(17\) \(c\) 5.](#) establishes signature requirements for the patient discharge summary.

- Companion order stating that the discharge summary must be signed by the primary counselor, but if in training, also by the clinical supervisor.
- Wis. Admin. Code DHS §§ [75.03 \(20\) \(f\)](#) and [75.16 \(4\) \(L\) 3.](#) require a service director to complete annual reports on the service’s progress in meeting goals, objectives, and patient outcomes.
- Wis. Admin. Code DHS § [75.12 \(4\) \(c\)](#) establishes personnel requirements during day treatment service.
  - Partially suspended to provide that the trained staff member designated by the director to be responsible for the operation of the service must be “present” at all times the service is in operation rather than “on the premises.”
- Wis. Admin. Code DHS § [75.13 \(3\) \(c\)](#) establishes personnel requirements during outpatient treatment service.
  - Partially suspended to provide that the trained staff member designated by the director to be responsible for the operation of the service must be “available” at all times the service is in operation, rather than “on the premises.”
- Wis. Admin. Code DHS § [75.12 \(6\) \(e\)](#) establishes operational requirements for a substance use day treatment service.
  - Partially suspended to replace “substance abuse counselor” with “qualified staff of a service” and to replace “counseling sessions” with “contacts with service staff.”
- Wis. Admin. Code DHS § [75.13 \(5\) \(e\)](#) requires certain review by medical director or psychologist.
  - Suspended, unless medical consultation is clinically indicated based on risk level, co-occurring conditions, or to determine appropriate level of care.

Note that the governor and the secretary-designee of health services invoked the powers of DHS under Wis. Stat. § [252.02](#) in issuing Emergency Orders 6, 12 (which superseded Emergency Orders 1, 4, 5, and 8), 14, 15, 16, 18, 19, 20, 21, 25, 28, 31, 32, 34, 35, and 36.

## DEPARTMENT OF MILITARY AFFAIRS

**Executive order 72.** The [order](#), issued on March 12, authorized the adjutant general to activate the Wisconsin National Guard as “necessary and appropriate” to assist in responding to the public health emergency, using authority provided in Wis. Stat. § [321.39](#). By statute, the declaration of a public health emergency requires the governor to direct the Division of Emergency Management under the Department of Military Affairs to coordinate emergency management activities, per Wis. Stat. § [323.12 \(3\)](#).

The duties of the Division of Emergency Management and related personnel during an emergency are specified under Wis. Stat. ch. [323](#). Under Wis. Stat. § [323.13](#), the adjutant general must direct and coordinate emergency management activities. Under the adjutant general’s direction, the Wisconsin National Guard performed a number of functions in response to the public health emergency, including transporting personal protective equipment, addressing personnel shortages at senior living facilities, and assisting in logistics for the spring election.<sup>29</sup>

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29. Army Captain Joe. Trovato, “[Wisconsin National Guard Takes on New COVID-19 Missions](#),” U.S. Department of Defense, April 2, 2020, <http://www.defense.gov>.



## DEPARTMENT OF NATURAL RESOURCES

**Emergency orders.** [EMO 17](#), issued by Governor Evers on March 27, authorized the suspension of DNR's administrative rule requiring a nutrient management plan under Wis. Adm. Code NR § [151.07 \(3\)](#). The order authorized DNR to suspend this requirement for small and medium non-permitted farms seeking permission to dispose of unused milk if the farmer (1) demonstrated to DNR's satisfaction that the farmer did not have sufficient available storage capacity for unused milk; (2) demonstrated to DNR's satisfaction that the farmer could not comply with the current nutrient management plan when land-applying the milk; and (3) applied the milk in a manner that complied with all other applicable rules. This authority remained valid for the duration of of [Executive Order #72](#).

On April 17, Governor Evers issued [EMO 30](#), which suspended several DNR rules to eliminate certain continuing education requirements and certification renewal deadlines for qualified waterworks, septage servicing, water system, and wastewater treatment plant operators. The order further required DNR to continue prioritizing any licensing, inspection, or permitting needs related directly to responding to the public health emergency.

Specifically, EMO 30 fully or partially suspended the following rules:

- Wis. Admin. Code NR § [114.05 \(1\)](#) sets requirements for in-person written examinations for waterworks operator certificates.
  - Partially suspended to eliminate the requirement that applicants submit a completed application to DNR at least 28 days prior to the established date of a written examination along with a fee.
- Wis. Admin. Code NR § [114.07 \(3\)](#) provides certain conditions and requirements for the expiration and renewal of waterworks operator certificates.
  - Partially suspended to eliminate the expiration of certificates three years from the date of issuance.
- Wis. Admin. Code NR § [114.22 \(1\)](#) provides certain conditions and requirements for the expiration and renewal of septage servicing operator certificates.
  - Partially suspended to eliminate the expiration of certificates three years from the date of issuance.
- Wis. Admin. Code NR § [114.22 \(2\)](#) sets forth the requirements for renewal of septage servicing operator certificates.
  - Partially suspended to eliminate requirement that a certificate renewal application must include evidence of having met the continuing education requirements in Wis. Admin. Code NR § [114.23](#) during the three-year period.
- Wis. Admin. Code NR § [114.23 \(1\)](#) sets the continuing education requirements that must be completed within three years of issuance of septage servicing operator certificates.
  - Partially suspended to eliminate the requirement that certain continuing education credits be obtained within three years.
- Wis. Admin. Code NR § [114.23 \(2\)](#) sets the continuing education requirements that must be completed within three years of issuance of septage servicing operator certificates.
  - Partially suspended to eliminate the requirement that certain continuing education credits be obtained within three years.

- Wis. Admin. Code NR § [114.33 \(1\)](#) sets requirements for submitting applications and fees for in-person examinations for water system operator certificates.
  - Partially suspended to eliminate requirement that applicants submit a completed application to DNR at least 28 days prior to the established date of a written examination.
- Wis. Admin. Code NR § [114.35 \(3\)](#) provides certain conditions and requirements for the expiration and renewal of water system operator certificates.
  - Partially suspended to eliminate the expiration of certificates three years from the date of issuance.
- Wis. Admin. Code NR § [114.36 \(3\)](#) sets the continuing education requirements that must be completed within three years of issuance of a water system operator certificate.
  - Partially suspended to eliminate the requirement that the continuing education training must be completed within the three-year renewal period.
- Wis. Admin. Code NR § [114.54 \(1\)](#) sets the requirements for in-person examinations for wastewater treatment plant operator certificates.
  - Partially suspended to eliminate the requirement that applicants submit a completed exam application to DNR at least 28 days prior to the established date of a written examination.
- Wis. Admin. Code NR § [114.55 \(3\)](#) provides that all wastewater treatment plant operator certificates must be renewed every three years.
- Wis. Admin. Code NR § [114.58 \(2\)](#) Provides certain conditions and requirements for the expiration and renewal of wastewater treatment plant operator certificates.
  - Partially suspended to eliminate the expiration of certificates three years from the date of issuance.
- Wis. Admin. Code NR § [114.58 \(3\)](#) sets continuing education requirements for operator certification for wastewater treatment plant operators.
  - Partially suspended to eliminate the requirement that continuing education hours must be completed within the three-year renewal period.
- Wis. Admin. Code NR § [114.58 \(4\)](#) sets continuing education requirements for wastewater treatment facility operator certificates.
  - Partially suspended to eliminate requirement that continuing education hours must be completed within the three-year renewal period.

## DEPARTMENT OF PUBLIC INSTRUCTION

**Emergency orders.** On March 13, DHS Secretary-designee Palm issued [EMO 1](#), ordering the closure of all public and private schools, effective March 18, with an anticipated reopening of April 6. On March 17, Secretary-designee Palm issued [EMO 5](#), extending the closure of public and private schools until the end of the public health emergency declared under [Executive Order #72](#), or until lifted by a subsequent order. [EMO 12](#), issued on March 24, required schools to remain closed for pupil instruction and extracurricular activities, but permitted them to be used for essential government functions and food distribution. EMO 12 had specified the duration of the school closures as lasting until 8 a.m. on April 24, but [EMO 28](#), issued on April 16, modified EMO 12 to close schools for the remainder of the 2019-20 school year. On May 13, 2020, in *Wisconsin Legislature v. Palm*, the Wisconsin Supreme Court held that EMO 28 was unlawful and unenforceable, but allowed for that part of the order closing public and private schools to remain in force.

Additionally, on March 21, Governor Evers issued [EMO 10](#), which suspended or modified the following administrative rules:

- Wis. Admin. Code PI § [8.01 \(4\) \(b\) 1](#), to [7](#), and [\(c\)](#) specifies the procedure for obtaining a waiver from DPI from requirements relating to hours of direct pupil instruction. Normally, school boards must schedule and hold a certain number of hours of direct instruction over each school year.<sup>30</sup>  
—While these rules were suspended, the waiver was granted automatically to any school district that submitted a [simple online form](#).
- Wis. Admin. Code PI § [34.021 \(1\) \(d\)](#) requires students in teacher preparation programs, as a prerequisite to graduating, to pass a “research-based performance assessment approved by the state superintendent.”
- Wis. Admin. Code PI § [35.07 \(1\) \(b\)](#) specifies deadlines for choice schools to submit enrollment audits. Normally, schools in the Milwaukee school choice program must submit their January enrollment to DPI by May 1 or June 30.<sup>31</sup> These enrollment statistics are used to determine how much these choice schools are owed for enrolling eligible pupils.<sup>32</sup>  
—Companion order stating that the superintendent of public instruction may establish new deadlines for these required submissions.
- Wis. Admin. Code PI § [38.23 \(1\) \(a\)](#) specifies the deadlines and eligibility criteria for school board applications for Four-Year-Old Kindergarten Grants. Under Wis. Stat. § [115.445](#), DPI distributes two-year grants to school boards for the implementation of four-year-old kindergarten. School boards must submit applications for these grants by the fourth Monday in March.  
—Companion order stating that the superintendent of public instruction may establish new deadlines for submissions required in this administrative rule.

## DEPARTMENT OF REVENUE

**Emergency orders.** On April 24, Governor Evers issued [EMO 33](#), fully suspending administrative rules that require signatures on invoices for certain sales of alcoholic beverages or cigarettes and administrative rules that impose a minimum monthly sales requirement on lottery retailers.

- Wis. Admin. Code Tax § [7.01 \(5\) \(f\)](#) requires an invoice for the sale of fermented malt beverages to include the signature of the person receiving them on behalf of a Wisconsin wholesaler or retailer.
- Wis. Admin. Code Tax § [8.21 \(2\) \(g\)](#) requires an invoice for the sale of intoxicating liquor to include the signature of the person receiving it on behalf of a retail licensee.
- Wis. Admin. Code Tax § [9.47 \(1\) \(e\)](#) requires an invoice for the sale or exchange of cigarettes to include the signature of the person receiving them on behalf of a permittee or retailer.
- Wis. Admin. Code Tax § [61.08 \(11\) \(c\)](#) requires a lottery retailer to sell a minimum monthly average of \$400 worth of instant scratch tickets or instant break-open tickets or the sum of both each fiscal quarter.
- Wis. Admin. Code Tax § [61.04 \(1\) \(d\)](#) includes minimum monthly sales among the criteria for selecting lottery retailers.

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30. Wis. Stat. § [121.02 \(1\) \(f\)](#) and Wis. Admin Code PI § [8.01 \(2\) \(f\)](#).

31. The earlier deadline applies to schools that also participate in the Statewide and Racine choice programs.

32. Wis. Admin Code. PI § [35.078 \(4\) \(a\)](#).

## DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

**Emergency orders.** On March 27, Governor Evers and DHS Secretary-designee Palm issued [EMO 16](#), pertaining to the licensing and credentialing of health care professionals. The order authorized interstate reciprocity so that out-of-state health care providers could practice in Wisconsin under certain conditions without first obtaining a temporary or permanent license from DSPS. Under the order, the requirements outlined in Wis. Admin. Code ch. Med [24](#) applied to physicians practicing telemedicine in the state regardless of whether they were licensed by the Wisconsin Medical Examining Board.

EMO 16 also extended the existing temporary licenses of certain health care providers for 30 days beyond the declared emergency, and it directed DSPS to identify and contact health care providers with recently expired licenses who could be eligible for renewal and wished to return to the workforce during the declared emergency. Eligible providers who previously worked in “practice areas of need,” as determined by DSPS and DHS, were to be prioritized when conducting outreach under the order. The order also provided DSPS with discretion to suspend any fee or assessment provided for in administrative rules related to health care provider credentialing when demonstrable need existed.

In addition to these measures, EMO 16 suspended various administrative rules related to the practice of telemedicine and the licensing or credentialing of physician assistants, nurses, and other health care providers. The following rules were suspended—fully or partially—under the order. These rules fell into five different categories within the order, as outlined below. A rule was fully suspended unless otherwise noted.

### A. Temporary licenses

- Wis. Admin. Code Med § [3.04](#) sets practice limitations on holders of visiting physician licenses in Wisconsin.  
—Partially suspended with a companion order eliminating practice limitations on holders of visiting physician licenses in Wisconsin.

### B. Telemedicine

- Wis. Admin. Code Med §§ [24.04](#) and [24.07 \(1\) \(a\)](#) require physicians using telemedicine to treat patients in Wisconsin to be licensed by the Medical Examining Board.

### C. Physician Assistants

- Wis. Admin. Code Med § [8.05 \(4\)](#) requires physician assistants to notify the Medical Examining Board within 20 days of any change to a supervising physician or podiatrist.  
—Partially suspended with a companion order giving physician assistants 40 days to notify the board.
- Wis. Admin. Code Med § [8.07 \(1\)](#) establishes scope and limitations of physician assistant practice.  
—Partially suspended with a companion order temporarily authorizing physician assistants to delegate tasks to other health care providers, provided that the health care providers have the experience, training, education, and capabilities to complete the tasks.
- Wis. Admin. Code Med § [8.07 \(3\)](#) requires a supervising physician or podiatrist to be readily identifiable by the physician assistant through procedures commonly employed in the physician assistant’s practice.

- Wis. Admin. Code Med § [8.10 \(1\)](#) prohibits supervising physicians or podiatrists from supervising more than four on-duty physician assistants at any time.
  - Partially suspended with a companion order allowing supervising physicians or podiatrists to supervise eight on-duty physician assistants at any time.

#### **D. Nursing**

- Wis. Admin. Code N § [1.08 \(5m\) \(b\)](#) limits utilization of simulation for more than 50 percent of nurse training clinical learning requirements.
- Wis. Admin. Code N § [2.31 \(3\)](#) requires nurses that are seeking temporary permits to have official transcripts submitted directly from the educational institution to DSPS.
- Wis. Admin. Code N § [2.34](#) sets the duration of temporary licenses.
  - Partially suspended with a companion order providing that an issued temporary license will remain valid until end of emergency or six months after availability of NCLEX, whichever occurs last.
- Wis. Admin. Code N § [2.40 \(2\) \(a\) to \(c\)](#) sets requirements for credential renewal within five years of expiration.
  - Partially suspended with a companion order temporarily waiving fees for credential renewals and eliminating the requirement that registered nurses complete the nursing workforce survey to the satisfaction of the Medical Examining Board.
- Wis. Admin. Code N § [2.40 \(3\) \(a\) to \(d\)](#) sets requirements for credential renewal after five years of expiration.
  - Partially suspended with a companion order temporarily waiving certain fees and eliminating the requirement that registered nurses complete the nursing workforce survey to the satisfaction of the Medical Examining Board, as well as the requirement that registered nurses complete a refresher course or provide documentation of employment as a registered nurse within the last five years.
- Wis. Admin. Code N § [8.10 \(2\)](#) and [\(7\)](#) requires advanced practice nurse prescribers work in collaborative relationships with at least one physician or dentist.

#### **E. Recently Expired Credentials or Licenses**

- Wis. Admin. Code Med § [14.06 \(2\) \(a\)](#) establishes requirements for renewal of a lapsed license from the Medical Examining Board within five years of expiration.
  - Partially suspended with a companion order temporarily eliminating the requirement that health care providers licensed by the Medical Examining Board fulfill continuing education requirements prior to receiving a license renewal.
- Wis. Admin. Code Rad § [5.01 \(1\)](#) and [\(2\)](#) sets continuing education requirements for radiographers.
  - Partially suspended with a companion order temporarily eliminating the requirement that radiographers and LXMO permit holders whose licenses or permits have expired meet continuing education requirements to receive license or permit renewals.
- Wis. Admin. Code MPSW § [1.08 \(2\)](#) sets requirements for those seeking to renew their credentials through the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board within five years of the expiration date.

- Partially suspended with a companion order temporarily eliminating the continuing education requirement and the late renewal fee.
- Wis. Admin. Code Psy § [4.06 \(1\)](#) sets requirements for those seeking to renew lapsed licenses through the Psychology Examining Board.
  - Partially suspended with a companion order temporarily eliminating the requirement to complete 40 hours of continuing education within two years prior to renewal.
- Wis. Admin. Code Phar § [5.05 \(2\) \(a\)](#) and [\(b\)](#) sets requirements for license renewal for from the Pharmacy Examining Board within five years of expiration.
  - Partially suspended with a companion order temporarily eliminating late renewal fees and continuing education requirements.
- Wis. Admin. Code Chir § [3.02 \(2\)](#) sets requirements for license renewal from the Chiropractic Examining Board within five years of expiration.
  - Partially suspended with a companion order temporarily eliminating late renewal fees.
- Wis. Admin. Code DE § [2.03 \(5\) \(a\) 2. to 4.](#) establishes requirements for individuals seeking to renew their licenses through the Dentistry Examining Board within five years of expiration.
  - Partially suspended with a companion order temporarily eliminating late renewal fees and certain other requirements.
- Wis. Admin. Code PT § [8.05 \(1\)](#) establishes requirements for license renewal from the Physical Therapy Examining Board within five years of expiration.
  - Partially suspended with a companion order temporarily eliminating continuing education requirements.

[EMO 20](#), issued by Governor Evers and DHS Secretary-designee Palm on April 3, modified several provisions of [EMO 16](#), relating to certain health care providers and DSPS credentialing. Namely, the order modified certain definitions provided under EMO 16. Under the order, “health care provider” had the meaning given in Wis. Stat. § [146.81 \(1\) \(a\) to \(hp\)](#), which includes certain speech-language pathologists, audiologists, massage therapists, and bodywork therapists not included under EMO 16. The order also modified the meaning of “temporary license” to include an Interstate Reciprocity Temporary License.

Additionally, the order required a health care provider to apply for a temporary or permanent health care license within 30 days of first working at a health care facility under the provisions of EMO 16. It also required a health care facility to notify DSPS within 10 days of a health care provider practicing at its facility under the provisions of EMO 16. Under the order, a temporary license granted under the order, or any otherwise valid license that expired during the public health emergency, remained valid for 30 days after the conclusion of the declared emergency. This provision took effect retroactively to include licenses that were current before March 12 but expired before the order was issued. The order remained in effect for the duration of the public health emergency declared in [Executive Order #72](#).

[EMO 22](#), issued by Governor Evers on April 9, ordered the suspension of several DSPS administrative rules. Some suspensions were associated with companion order directives. Generally, these actions loosened time requirements related to inspections, permits, and plans, and eliminated in-person contact requirements.

The following rules were fully suspended, unless noted, with companion orders indicated:

- Wis. Admin. Code PT § [5.01 \(2\) \(b\)](#) requires face-to-face contact with a physical therapist assistant at least every 14 calendar days as part of general supervision of physical therapist assistants, unless the physical therapy examining board approves another type of contact.  
—Partially suspended to eliminate requirement that contact be face-to-face.
- Wis. Admin. Code PT § [5.01 \(2\) \(h\)](#) requires on-site assessment and reevaluation of patient treatment as part of general supervision of physical therapist assistants.  
—Partially suspended to eliminate requirement that assessment and reevaluation of patient treatment be conducted on site.
- Wis. Admin. Code SPS § [320.09 \(11\)](#) requires approval or denial of certain permit applications for one- and two-family dwellings within 10 business days of receipt of all required application documents and completion of all other requirements.  
—Partially suspended to eliminate 10-day time requirement and instead require approval or denial within “a reasonable amount of time.”
- Wis. Admin. Code SPS § [361.41 \(1\) \(a\)](#) requires on-site inspections of public buildings and places of employment to be conducted within five business days following a request.  
—Partially suspended to eliminate five-day time requirement and instead require approval or denial within “a reasonable amount of time.”
- Wis. Admin. Code SPS § [361.41 \(3\)](#) requires inspection of a mausoleum to be conducted within 30 days of receiving notice of its construction or conversion.  
—Partially suspended to eliminate 30-day time requirement and instead require approval or denial within “a reasonable amount of time.”
- Wis. Admin. Code SPS § [318.1011 \(2\) \(b\)](#) requires permits for elevators, escalators, and lift devices to be issued within 10 business days of completing and filing an inspection report.  
—Partially suspended to eliminate 10-day time requirement and instead require issuance within “a reasonable amount of time.”
- Wis. Admin. Code SPS § [327.10 \(6\)](#) requires approval or denial of certain camping unit building permits within 10 business days of receipt of all materials necessary to process the application.  
—Partially suspended to eliminate 10-day time requirement and instead require approval or denial within “a reasonable amount of time.”
- Wis. Admin. Code SPS § [316.013 \(3\) \(c\) 1.](#) authorizes concealment or energizing of electrical wiring to proceed if inspection has not been completed within two business days after notification is received.  
—Companion order: A master electrician may issue an affidavit to the utility company in lieu of an inspection under Wis. Admin. Code SPS § 316.013 (3).
- Wis. Admin. Code SPS § [361.30 \(1\) \(b\)](#) provides exceptions to requirements for plan submittal and review under Wis. Admin. Code SPS § 361.30 (1), namely for certain single-story buildings and fire service drill towers.  
—Expanded to include buildings of critical need necessary for providing medical care in response to the public health emergency.



- Wis. Admin. Code SPS § [314.01 \(13\) \(b\) 3](#). requires fire prevention inspections to be conducted at least once in each non-overlapping six-month period per calendar year.
  - Companion order: Any postponed inspections must be made up and prioritized after the conclusion of the public health emergency.
- Wis. Admin. Code SPS § [314.01 \(13\) \(c\)](#) requires each fire department to provide public fire education services.
  - Companion order: Public fire education services may be postponed during the public health emergency. Fire departments should continue to provide online and telephone fire prevention services, support, and resources, if available.
- Wis. Admin. Code SPS § [314.01 \(14\) \(c\)](#) establishes requirements related to fire department dues entitlement self-certification.
  - Companion order: Self-certifications for 2019 may be received until June 1, 2020.
- Wis. Admin. Code SPS § [318.1007 \(2\)](#) requires paper copies of plan submissions and permits electronic submission in a format acceptable to the department.
  - Partially suspended to require electronic submission of plans.
  - Companion order: Plans under various sections mandating submission of multiple copies of paper plans, specified in the order, may be e-mailed to addresses specified in the order.
- Wis. Admin. Code SPS § [361.31](#) relates to plan submissions.
  - Partially suspended to require electronic submission of plans.
  - Companion order: Plans under various sections mandating submission of multiple copies of paper plans, specified in the order, may be e-mailed to addresses specified in the order.
- Wis. Admin. Code SPS § [382.20 \(4\)](#) relates to plan submissions.
  - Partially suspended to require electronic submission of plans.
  - Companion order: Plans under various sections mandating submission of multiple copies of paper plans, specified in the order, may be e-mailed to addresses specified in the order.
- Wis. Admin. Code SPS § [383.22 \(2\)](#) relates to plan submissions.
  - Partially suspended to require electronic submission of plans.
  - Companion order: Plans under various sections mandating submission of multiple copies of paper plans, specified in the order, may be e-mailed to addresses specified in the order.
- Wis. Admin. Code Accy § [2.304](#) establishes requirements related to the uniform certified public accountant examination.
  - Partially suspended to extend certain time requirements from 18 months to 24 months.

On May 4, the governor and the secretary-designee of health services issued [EMO 35](#), which suspended DSPS rules related to occupational therapists and hearing instrument specialists to create flexibility to account for social distancing practices and staffing shortages. Specifically, the order suspended the following three rules.

- Wis. Admin. Code OT § [4.04 \(3\)](#) establishes requirements for the close supervision and practice of occupational therapy assistants.

- Partially suspended to eliminate the requirement that certain daily contact between a supervising occupational therapist and an occupational therapy assistant must occur on the premises.
- Wis. Admin. Code OT § [4.04 \(4\) \(ah\)](#) and [\(ap\)](#) establishes requirements for the general supervision and practice of occupational therapy assistants.
  - Partially suspended to eliminate the requirement that certain contact between a supervising occupational therapist and a client must be conducted face-to-face and to change the required frequency of this contact.
- Wis. Admin. Code HAS § [2.01 \(4\)](#) establishes that no more than one hearing instrument specialist trainee at any given time may hold a trainee permit to practice the fitting of hearing instruments under the direct supervision of a given licensee.

## DEPARTMENT OF TOURISM

**Emergency orders.** On April 14, Governor Evers issued [EMO 27](#) to suspend or modify by companion order the following Department of Tourism rules:

- Wis. Admin. Code Tour § [1.02 \(6\) \(f\) 1.](#) requires recipients of funding for certain marketing projects to place advertising during a time that an area does not traditionally receive substantial numbers of tourists.
- Wis. Admin. Code Tour § [1.03 \(3r\)](#) establishes a timeline for the department to grant funding for eligible marketing projects during each fiscal year. On this timeline, the department may grant up to 60 percent of funds available for projects described under Wis. Admin. Code Tour § [1.02 \(6\) \(f\)](#) in September and the remainder in April of each fiscal year.
  - Companion order: The department may grant the remainder of funds available for projects described under Wis. Admin. Code Tour § [1.02 \(6\) \(f\)](#) in April or May of each fiscal year.
- Wis. Admin. Code Tour § [1.04 \(1\)](#) requires applicants for funding to submit an application no less than 90 days before the date advertising supported by funds under Wis. Admin. Code ch. Tour [1](#) is scheduled to begin.
  - Companion order: The secretary may waive the 90 day limit specified under this subsection for a project likely to have a substantial impact upon the recovery of the state’s tourism economy.

The order remained in effect for the duration of the public health emergency declared under [Executive Order #72](#).

## DEPARTMENT OF TRANSPORTATION

**Emergency orders.** On March 14, Governor Evers issued [EMO 2](#), authorizing DOT to issue overweight permits for the transportation of inventory to supply grocery retailers affected by the COVID-19 pandemic. Overweight permits issued under the order were valid on all Wisconsin highways, including highways of the national system of interstate and defense highways, but excluding Class II highways,<sup>33</sup> bridges

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33. A Class II highway is one that, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of weight limitations. Wis. Stat. § [349.16 \(1\) \(a\)](#) and [DOT HMM 06-05-10](#).

with posted weight limits, and local highways with posted special and seasonal weight limits. Overweight permits issued under the order could authorize operation of vehicles that exceeded the statutory gross axle, gross axle combination, or gross vehicle weight limitations<sup>34</sup> by no more than 10 percent and with a maximum gross weight of no more than 88,000 pounds. The order prohibited DOT from charging any fee for permits issued under the order. This authority expired on March 28.

EMO 2 authorized the waiver of fees to obtain a 72-hour trip permit for vehicles traveling into Wisconsin that were not registered in Wisconsin<sup>35</sup> or enrolled in the International Registration Plan<sup>36</sup> or the International Fuel Tax Agreement.<sup>37</sup> This authority expired on March 28. EMO 2 also provided that interstate and intrastate carriers providing direct emergency relief to supply grocery retailers were relieved from motor carrier safety regulations under administrative rule and federal law.<sup>38</sup> This relief fully expired with the expiration of [Executive Order #72](#).

On March 27, Governor Evers and DHS Secretary-designee Palm issued [EMO 14](#), which extended to April 11 DOT's authority to issue overweight permits for the transportation of inventory to supply grocery retailers affected by the COVID-19 pandemic. It also modified EMO 2 to provide that overweight permits issued under the order were not valid on highways with Class B weight limit postings.<sup>39</sup>

Governor Evers issued [EMO 24](#) on April 10, authorizing DOT to issue overweight permits and requiring DOT to waive related fees. Namely, DOT could issue permits for motor carriers in critical infrastructure service sectors, as identified by the U.S. Cybersecurity & Infrastructure Security Agency.

Permits issued under EMO 24 could authorize weights of not more than 12.5 percent greater than the gross single axle weight, gross axle group weight, or gross vehicle weight limitations specified under statute.<sup>40</sup> They could not authorize the operation of any vehicle or combination of vehicles with any single axle gross weight in excess of 22,500 pounds or a gross vehicle weight in excess of 90,000 pounds. Additionally, permits issued under [EMO 14](#) were automatically converted to permits under EMO 24. Permits issued under EMO 24 were valid on all Wisconsin highways, but were not valid on Class II highways, bridges with posted weight limits, local highways with posted special and seasonal weight limits, and class B highways.

EMO 24 extended and expanded various expired provisions of [EMO 2](#), relieving certain carriers providing direct relief assistance from motor carrier safety regulations under administrative rule and federal law,<sup>41</sup> and waiving fees to obtain a 72-hour trip permit for certain vehicles traveling into Wisconsin.<sup>42</sup>

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34. See Wis. Stat. §§ [348.15](#) and [348.16](#).

35. Wis. Stat. § [341.41 \(7\)](#).

36. Wis. Stat. § [341.405](#).

37. Wis. Stat. § [341.45 \(4g\)](#).

38. See Wis. Admin. Code chs. Trans. [325](#) and [327](#) for relevant administrative rule provisions and 49 C.F.R. §§ [390 to 399](#) for relevant federal regulations. Note that the relief from federal regulations is subject to 49 C.F.R. § [390.23](#), which establishes time limit and driver responsibilities for operating with relief from regulations.

39. Wis. Stat. §§ [348.16](#) and [349.15](#).

40. See Wis. Stat. § [348.15 \(3\) \(b\)](#) and [\(c\)](#).

41. See Wis. Admin. Code chs. Trans. [325](#) and [327](#) for relevant administrative rule provisions and 49 C.F.R. §§ [390 to 399](#) for relevant federal regulations.

42. Wis. Stat. §§ [341.405](#), [341.41 \(7\)](#), and [341.45 \(4g\)](#).

These provisions were applicable to the entire group covered by EMO 24, rather than the group originally covered by EMO 2.

Permits issued under EMO 24 were effective for the duration of the public health emergency declared in [Executive Order #72](#) and terminated upon its conclusion. Other provisions of the order also remained in effect until the conclusion of the declared public health emergency.

## DEPARTMENT OF VETERANS AFFAIRS

**Emergency orders.** On April 9, Governor Evers issued [EMO 23](#), which suspended various rules related to the Assistance to Needy Veterans Grant (ANVG) program. The ANVG program provides aid to low-income veterans and their families in the form of health care grants and subsistence payments. The rule suspensions eliminated certain program restrictions as well as eligibility and application requirements to streamline and expand access to the ANVG program. Specifically, the following rules were fully or partially suspended under the order:

- Wis. Admin. Code VA § [2.01 \(1\) \(d\)](#) defines “available liquid assets” for the purposes of Wis. Admin. Code VA § [2.01 \(3\) \(c\)](#), which provides that DVA may approve a payment by a veteran as part of the total amount owed to a provider if the veteran has sufficient available liquid assets, among other conditions.  
—Partially suspended to remove reference to cash value of life insurance policies and liquid investments, including stocks and bonds and amounts deposited in any retirement plans.
- Wis. Admin. Code VA § [2.01 \(1\) \(e\)](#) defines “declaration of aid” for the purposes of Wis. Admin. Code VA § [2.01 \(2\) \(a\)](#), which requires the submission of certain forms as part of an ANVG program application.  
—Partially suspended to eliminate the requirement that the declaration of aid must be signed by an authorized county official.
- Wis. Admin. Code VA § [2.01 \(1\) \(i\)](#) defines “description of benefits” as a written determination that an applicant is eligible for health care aid or subsistence aid or both.  
—Partially suspended to remove the 90-day expiration of a description of benefits.
- Wis. Admin. Code VA § [2.01 \(1\) \(k\)](#) defines “economic emergency” for the purpose of determining ANVG program eligibility.
- Wis. Admin. Code VA § [2.01 \(2\) \(a\)](#) establishes certain grant application requirements—including the verification of certain information on a declaration of aid form—and provides for application termination if certain requirements are not met.  
—Partially suspended to eliminate requirement that an applicant submit a declaration of aid and any other documentation requested by the department and to eliminate the provision providing for application termination.
- Wis. Admin. Code VA § [2.01 \(2\) \(b\) 1.](#) establishes certain program eligibility requirements and restrictions.  
—Partially suspended to eliminate the applicant income maximum, the 90-day window of care restriction, and the requirement that applicants submit an invoice.
- Wis. Admin. Code VA § [2.01 \(2\) \(b\) 3.](#) requires spouses and dependents claiming eligibility to provide certain proof of loss of income, including proof that an economic emergency has occurred during the service member’s activation or deployment.

- Partially suspended to eliminate proof of economic emergency requirement.
- Wis. Admin. Code VA § [2.01 \(3\) \(a\)](#) establishes certain limitations for health care aid provided under the program.
  - Partially suspended to eliminate the following provision: A health care provider may provide health care within 90 days after DVA confirms that the applicant is eligible only after a description of benefits has been transmitted to the applicant or the county veterans service officer.
- Wis. Admin. Code VA § [2.01 \(3\) \(b\)](#) establishes certain limitations for subsistence aid payments provided under the program.
  - Partially suspended to eliminate requirement that an applicant must submit an application within 120 days after a verified loss of income.

## DEPARTMENT OF WORKFORCE DEVELOPMENT

**Emergency orders.** On March 18, Governor Evers issued [EMO 7](#), directing DWD to apply certain exceptions to requirements for UI claimants. Namely, the order required DWD to consider a claimant for UI available for suitable work under certain circumstances, including the claimant's inability to return to work due to medical quarantine or perceived symptoms of COVID-19. The order also required DWD to consider the same circumstances good cause for not reporting for an eligibility review under Wis. Admin. Code DWD § [128.03](#).

Additionally, the order created an exemption to work-related eligibility requirements under Wis. Stat. § [108.04 \(1\) \(a\)](#) to [\(bm\)](#). Normally, an employee may be ineligible for benefits or subject to benefit reductions if an employer calls on the claimant to work and he or she is unavailable or unable to perform work. Under the order, work would be considered unavailable during a public health emergency; additionally, an employee would not be considered absent from work if quarantined or exhibiting COVID-19 symptoms that prevented the employee from reporting from work. In short, the order effectively exempted claimants from having to report for available work.

The order also effectively exempted claimants from work-search requirements under Wis. Admin. Code DWD § [127.01](#). Normally, a claimant must complete at least four work-search actions per week to be eligible for benefits. Under the order, the existence of a public health emergency constituted four work-search actions for the purposes of meeting requirements under this section.

EMO 7 remained effective for the duration of the public health emergency.

On March 26, Governor Evers issued [EMO 13](#), temporarily waiving certain child labor permit requirements for 14- and 15-year-old minors, under the authority of Wis. Stat. § [323.12 \(4\)](#). Specifically, the order made effective certain exceptions to child labor permits during a public health emergency, as specified in Wis. Admin. Code DWD § [270.05 \(2\)](#), provided employers met certain requirements. In order to take advantage of this waiver, an employer was required to have all of the following before hiring the minor: proof of the minor's age; a written document, signed by the employer or an agent, that showed the employer's intent to hire the minor, including duties, hours, and time of day the minor would work, also signed by the minor's parent or guardian; and a copy of the minor's social security card. After obtaining this documentation, the employer was required to e-mail DWD with documentation and an attestation

that the minor had begun work. Within 30 days of the conclusion of the public health emergency, employers were required to file a permit application on behalf of each minor employee hired and allowed to work, and make the required payment for the work permit.

On April 14, DHS Secretary-designee Palm issued [EMO 25](#), directing farm owners and managers who employ and provide housing for migrant workers to implement various measures. The order required employers to ensure that workers could meet social distancing guidelines consistent with those specified under [EMO 12](#) in all work settings, as well as during transportation between work and housing or to obtain necessary supplies and services. Employers were also required to make a reasonable effort to separate beds by at least six feet in dormitory-style housing.

Additionally, the order established health and sanitary requirements specific to migrant labor camps. Camp operators were required to make a reasonable effort to provide sanitized cloth face coverings for use in living areas; disinfect high-touch areas in common areas and facilities on a daily basis; and make hand-washing stations or hand sanitizer available in various work and housing areas.

The order also directed employers to take certain actions in response to suspected cases of COVID-19 within labor camps. Employers were required to provide separate toilet facilities, separate transportation between work and housing, and separate housing to workers showing symptoms of COVID-19. Where isolation in housing was unfeasible, camp operators could seek permission under Wis. Admin. Code DWD § [301.07 \(7\) \(a\)](#) for temporary variance from certain administrative rules relating to labor camps. Employers were also required to provide food and water to workers under isolation and to consult with a local health department if made aware of a confirmed case of COVID-19 among workers.

Finally, the order directed DWD to make the order available for posting, required camps to conspicuously display signs related to hand hygiene, and required employers to provide a copy of the order to each migrant worker. These materials were required to be written in English and in the language of the migrant workers if other than English. The order stated that it would remain in effect for 60 days.

## **OFFICE OF THE COMMISSIONER OF INSURANCE**

**Emergency orders.** On March 27, Governor Evers and DHS Secretary-designee Palm issued [EMO 16](#), related to DSPS credentialing of various health care providers. The order directed OCI to work with health care providers practicing under the interstate reciprocity provisions of the order. It further directed OCI to continue working with malpractice insurance carriers to facilitate coverage outside traditional health care facility settings and with health insurers to minimize out-of-network barriers for insured patients seeking telemedicine services.

## **PUBLIC SERVICE COMMISSION**

**Emergency orders.** Governor Evers issued [EMO 11](#) on March 22, suspending the following rules:

- Wis. Admin. Code PSC § [113.0301 \(1m\)](#) authorizes electrical utilities to disconnect or refuse residential connections for certain specified reasons.

- Wis. Admin. Code PSC § [113.0302 \(2\)](#) authorizes electrical utilities to disconnect or refuse commercial and farm connections for reasons unrelated to safety.
- Wis. Admin. Code PSC § [113.0402 \(1\) \(a\)](#) authorizes electrical utilities to require certain customers with unpaid balances to provide a cash deposit or other guarantee before providing new residential service to those customers.
  - Partially suspended to eliminate exceptions under which a utility may require a cash deposit or other guarantee as a condition of new residential service.
- Wis. Admin. Code PSC § [113.0404 \(1\)](#) makes it optional for electrical utilities to offer deferred payment agreements to nonresidential customers.
  - Partially suspended to eliminate requirement for a utility to offer deferred payment agreements to residential accounts only.
- Wis. Admin. Code PSC § [113.0406 \(1\) \(i\) 6.](#) prohibits electrical public utilities from waiving late fees.
- Wis. Admin. Code PSC § [113.0408 \(3\) \(a\)](#) authorizes electrical utilities to require applicants for service to provide documents proving identity and residency.
- Wis. Admin. Code PSC § [134.051 \(3\) \(a\)](#) authorizes gas utilities to require applicants for service to provide documents proving identity and residency.
- Wis. Admin. Code PSC § [134.061 \(1\) \(a\)](#) authorizes gas utilities to require certain customers with unpaid balances to provide a cash deposit or other guarantee before providing new residential service to those customers.
  - Partially suspended to eliminate exceptions under which a utility may require a cash deposit or other guarantee as a condition of new residential service.
- Wis. Admin. Code PSC § [134.062 \(1\)](#) authorizes gas utilities to disconnect or refuse residential connections for reasons unrelated to safety.
- Wis. Admin. Code PSC § [134.0622 \(2\)](#) authorizes gas utilities to disconnect or refuse commercial and farm connections for reasons unrelated to safety.
- Wis. Admin. Code PSC § [134.063 \(1\)](#) makes it optional for gas utilities to offer deferred payment agreements or budget payment plans to nonresidential customers.
  - Partially suspended to eliminate requirement for a utility to offer deferred payment agreements to residential accounts only.
- Wis. Admin. Code PSC § [134.13 \(1\) \(i\) 5.](#) prohibits gas utilities from waiving late fees.
- Wis. Admin. Code PSC § [185.30 \(3\) \(a\)](#) authorizes water utilities to require applicants for service to provide documents proving identity and residency.
- Wis. Admin. Code PSC § [185.33 \(16\)](#) makes it optional for water utilities to offer budget payment plans to nonresidential customers.
  - Partially suspended to eliminate requirement for a utility to offer budget payment plans to residential accounts only.
- Wis. Admin. Code PSC § [185.36 \(1\) \(a\)](#) authorizes water utilities to require certain customers with unpaid balances to provide a cash deposit or other guarantee before providing new residential service to those customers.



—Partially suspended to eliminate exceptions under which a utility may require a cash deposit or other guarantee as a condition of new residential service.

- Wis. Admin. Code PSC § [185.37 \(2\)](#) authorizes water utilities to disconnect or refuse residential connections for reasons unrelated to safety.
- Wis. Admin. Code PSC § [185.38 \(1\)](#) requires water utilities to offer deferred payment agreements to residential accounts and encourages water utilities to provide such agreements to nonresidential accounts at their discretion.

—Partially suspended to eliminate encouragement of water utilities to offer deferred payment agreements to nonresidential accounts at their discretion.

## UNIVERSITY OF WISCONSIN SYSTEM

**Emergency orders.** On April 17, Governor Evers issued [EMO 29](#) to partially suspend and modify by companion order Wis. Admin. Code UWS § [8.025 \(2\) \(b\)](#), which requires University of Wisconsin System unclassified staff to annually report outside activities to the appropriate dean, director, or other administrator by April 30. Under the order, the April 30 deadline was extended to June 30, 2020.

## WISCONSIN ECONOMIC DEVELOPMENT CORPORATION

**Emergency orders.** [EMO 12](#) and [EMO 28](#), the “Safer at Home” orders issued on March 24 and April 16, stated that “non-essential businesses and operations must cease.” However, both orders created a process by which businesses not considered “essential” under the orders could apply to WEDC to request designation as such. Accordingly, WEDC fielded requests from businesses to be considered “essential.”

On April 20, Secretary-designee Palm issued [EMO 31](#), which ordered the adoption of a phased approach to reopening entities closed, and resuming activities prohibited, under prior emergency orders. The order required DHS, in consultation with WEDC, to issue additional orders between phases to reduce restrictions on certain businesses or sectors if doing so would have minimal impact on the state’s progress through the phases.

## WISCONSIN HOUSING AND ECONOMIC DEVELOPMENT AUTHORITY

**Emergency orders.** Per [EMO 15](#), which banned the commencement of most eviction and foreclosure actions in general, WHEDA stated that it would not proceed with any new foreclosure referrals.<sup>43</sup> For homeowners with WHEDA bond-supported mortgages, WHEDA stated that “forbearance options . . . allow for reduced and/or suspended mortgage payments for a period of time followed up by a permanent loss mitigation option to bring the account current.”<sup>44</sup>

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43. Wisconsin Housing and Economic Development Authority, “[WHEDA FAQs for Homeowners, Renters, Housing Providers in Response to COVID-19](#),” accessed May 13, 2020, <http://www.wheda.com>.

44. Wisconsin Housing and Economic Development Authority, “[WHEDA FAQs for Homeowners, Renters, Housing Providers in Response to COVID-19](#),” accessed May 13, 2020, <http://www.wheda.com>.

## LOCAL GOVERNMENT

**Executive order 72.** By statute, a declaration of emergency by the governor authorizes local governments to take certain actions under Wis. Stat. § [323.14 \(3\) \(b\)](#). Specifically, a local unit of government “may employ personnel, facilities, and other resources . . . to cope with the problems that resulted in the governor declaring the emergency.” Additionally, under Wis. Stat. § [66.0602 \(3\) \(e\) 8.](#), a political subdivision may exceed its levy limit in order to pay for unreimbursed expenses related to an emergency declared by the governor.<sup>45</sup> [Executive Order #72](#) placed these provisions into effect.

**Emergency orders.** [EMO 8](#), issued on March 20, restricted mass gatherings and permitted any local law enforcement official, including sheriffs, to enforce the order.<sup>46</sup>

[EMO 12](#), issued on March 24, superseded EMO 8. The order not only required individuals to stay at home, but also required the cessation of nonessential business and operations, and permitted any local law enforcement official, including sheriffs, to enforce the order.<sup>47</sup> Most importantly, the order superseded local orders in conflict.<sup>48</sup> EMO 12 was later modified and extended until May 26 by [EMO 28](#). On May 13, 2020, in *Wisconsin Legislature v. Palm*, the Wisconsin Supreme Court held that EMO 28 was unlawful and unenforceable.

[EMO 15](#), issued on March 17, limited a sheriff’s actions with regard to evictions, foreclosures, and sheriff’s sales.<sup>49</sup>

[EMO 19](#), issued on April 2, directed local health officers, as designated under Wis. Stat. § [251.06](#), to report the address of any person known to have tested positive for COVID-19 to any dispatch center that could receive a call for service at that address. Dispatch centers were required to provide the same information to any specified public safety personnel that made a contact at such an address for a legitimate purpose related to public safety. Under the order, recipients of this information could use it for limited purposes and were prohibited from using it as a basis to refuse a call for service. Recipients were also required to ensure that this information remained confidential and was not disseminated over any open channel of communication accessible to other parties. The order remained effective for the duration of the public health emergency declared in [Executive Order #72](#).

[EMO 31](#), issued on April 20, authorized DHS to consult with local health officials to address localized outbreaks by issuing localized emergency orders to institute restrictions tailored to the needs of a particular area of the state.

**Other authorities.** Please note that governing bodies of local government units, as well as local health officers, possess certain statutory authorities relating to emergencies, independent of a declared state of

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45. Other cross-references under ch. 66 to a declared state of emergency under Wis. Stat. § 323.10 include §§ [66.03125 \(3\)](#), [66.0312 \(3\)](#), and [66.0314 \(2\) \(a\)](#).

46. [Emergency Order 8](#), Section 2.

47. [Emergency Order 12](#), Section 17.

48. [Emergency Order 12](#), Section 19.

49. [Emergency Order 15](#), Sections 8 and 9.

emergency. Under Wis. Stat. § [323.11](#), the governing body of a local unit of government may declare an emergency within the borders of the local unit of government. Such a declaration confers upon the local unit of government “the general authority to order . . . whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the local unit of government in the emergency,” including the power to “bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the highways.”<sup>50</sup> Additionally, local health officers are authorized to exercise certain powers during an outbreak or epidemic, per Wis. Stat. ch. [252](#). Specifically, local health officers are required to “take all measures necessary to prevent, suppress and control communicable diseases” and “may do what is reasonable and necessary for the prevention and suppression of disease,” including “forbid[ding] public gatherings when deemed necessary to control outbreaks or epidemics,” as well as requiring the isolation or quarantining of certain patients.

## Postscript

The COVID-19 public health emergency began on March 12, 2020, when Governor Evers issued Executive Order #72, which established a plan of action and designated the Department of Health Services (DHS) as the lead agency to fight the pandemic. The governor and DHS adopted a multi-pronged approach to this emergency in subsequent emergency orders, which aimed to do the following: (1) give agencies the tools and flexibility to respond effectively, (2) soften the economic effects of the virus and related government responses, and (3) slow the spread of the virus by limiting in-person interactions.

To give agencies greater flexibility, orders suspended administrative rules that might impede the transportation of essential goods, practice of telemedicine, and licensing of health care professionals, among other things. To soften the pandemic’s economic effects, orders placed a moratorium on evictions and foreclosures, relaxed rules relating to unemployment insurance, and suspended disconnection of utility services. To slow the spread of the virus, orders closed schools, restricted child care settings, and required social distancing measures at migrant labor camps. Most notably, a series of “Safer at Home” orders broadened the scope of these efforts by restricting travel, prohibiting public and private gatherings, closing businesses deemed nonessential, and directing Wisconsinites to remain at home under most circumstances.

Concurrent with these actions, legislators at both the federal and state level convened to consider legislative responses to the pandemic. In Washington, Congress passed the CARES Act to provide funds to the states—and Americans directly—to address the economic devastation wrought by the pandemic. In Madison, legislators met in extraordinary session to pass a bill to complement the CARES Act, enacted as 2019 Wisconsin Act 185, but did not extend the public health emergency declared under Executive Order #72. Consequently, emergency orders issued under the statutory authority of the governor would expire on May 11, 2020, or 60 days after the issuance of the executive order.

As Alexis de Tocqueville observed 185 years ago, “There is hardly a political question in the United

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50. Wis. Stat. § [323.14](#) (4).

States which does not sooner or later turn into a judicial one.”<sup>51</sup> Such was the case with the emergency orders issued under the statutory authority of DHS. On April 21, 2020, in an original action brought before the Wisconsin Supreme Court, the Wisconsin State Legislature challenged the validity of Emergency Order 28—the revised “Safer at Home” order. The legislature claimed that this order should have been promulgated as an emergency rule and thus DHS unlawfully issued the order. The legislature further claimed that DHS exceeded its statutory authority in confining people to their homes, closing businesses, prohibiting certain private gatherings, and restricting travel. In sum, DHS both lacked statutory authority to issue so sweeping an order and improperly issued the order.

On May 13, 2020, a divided Supreme Court held that Emergency Order 28 was “unlawful, invalid, and unenforceable.”<sup>52</sup> Emergency Order 28 should have been promulgated as an emergency administrative rule because it was a general order of general application,<sup>53</sup> and was thus an invalid emergency order. In strong language, the court described the order as a “vast seizure of power”<sup>54</sup> and concluded that that those parts of Emergency Order 28 that confined people to their homes, restricted travel, and closed nonessential businesses, exceeded DHS’s powers under the statutes.<sup>55</sup> Although Emergency Order 28 was declared invalid, the court did exempt one part of the emergency order from its decision—it let stand the provision that closed private and public schools for the rest of the 2019-20 school year.<sup>56</sup>

The public health emergency ended on May 11, 2020, and Emergency Order 28, which was to be in effect until May 26, 2020, was declared unlawful on May 13, 2020. On May 18, 2020, Governor Evers announced that his administration would not pursue another statewide response to the COVID-19 pandemic similar to Emergency Order 28.<sup>57</sup> ■

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51. Alexis de Tocqueville, *Democracy in America, and Two Essays on America*, trans. Gerald E. Bevan, ed. Isaac Kramnick (London: Penguin Books, 2003), 315.

52. Wisconsin Legislature v. Palm, [2020 WI 42](#), ¶ 59.

53. General orders of general application are rules for the purpose of the administrative rulemaking process. See Wis. Stats. § [227.01 \(13\)](#).

54. Wisconsin Legislature v. Palm, [2020 WI 42](#), ¶ 50.

55. Wisconsin Legislature v. Palm, [2020 WI 42](#), ¶ 59.

56. Wisconsin Legislature v. Palm, [2020 WI 42](#), ¶ 3, footnote 6, and ¶ 58, footnote 21.

57. Riley Vetterkind, “Evers Administration Won’t Pursue New COVID-19 Restrictions Amid Impasse with GOP,” *Wisconsin State Journal*, May 19, 2020.

## Appendix. Emergency Orders related to the COVID-19 public health emergency

Emergency Order	Statutory authority cited	
	Chapter 323	Chapter 252
<a href="#">EMO 1</a> Statewide school closure		<a href="#">§ 252.02 (3)</a>
<a href="#">EMO 2</a> DOT regarding overweight permits	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 3</a> DCF administrative rule suspensions and companion orders	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 4</a> Ban on mass gatherings of 50 people or more		<a href="#">§ 252.02 (3)</a>
<a href="#">EMO 5</a> Order prohibiting mass gatherings of 10 people or more		<a href="#">§ 252.02 (3)</a>
<a href="#">EMO 6</a> Restricting the size of child care settings		<a href="#">§ 252.02 (3)</a>
<a href="#">EMO 7</a> DWD regarding unemployment insurance	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 8</a> Updated mass gathering ban		<a href="#">§ 252.02 (3)</a>
<a href="#">EMO 9</a> Order to the Department of Corrections	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 10</a> DPI administrative rule suspensions and companion orders	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 11</a> Public Service Commission administrative rule suspensions	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 12</a> “Safer at Home”		<a href="#">§ 252.02 (3)</a> and <a href="#">(6)</a> <sup>1</sup>
<a href="#">EMO 13</a> DWD regarding minor work permits	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 14</a> DOT regarding overweight permits	<a href="#">§ 323.12 (4)</a>	<a href="#">§ 252.02</a>
<a href="#">EMO 15</a> Temporary ban on evictions and foreclosures	<a href="#">§ 323.12 (4)</a>	<a href="#">§ 252.02</a>

1. Note that in EMO 12, Secretary-designee Palm also cited the powers vested in her through EO #72.

Emergency Order	Statutory authority cited	
	Chapter 323	Chapter 252
<a href="#">EMO 16</a> DSPS administrative rule suspensions and companion orders relating to credentialing of certain health providers	<a href="#">§ 323.12 (4)</a>	<a href="#">§ 252.02</a>
<a href="#">EMO 17</a> DNR administrative rule suspension	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 18</a> DCF administrative rule suspensions	<a href="#">§ 323.12 (4)</a>	<a href="#">§ 252.02</a>
<a href="#">EMO 19</a> Appropriate use of COVID-19 information by law enforcement agencies, first responders, and public safety workers	<a href="#">§ 323.12 (4)</a>	<a href="#">§ 252.02</a>
<a href="#">EMO 20</a> Modification of EMO 16 relating to DSPS credentialing of certain health care providers	<a href="#">§ 323.12 (4)</a>	<a href="#">§ 252.02</a>
<a href="#">EMO 21</a> DHS administrative rule suspensions and companion orders	<a href="#">§ 323.12 (4)</a>	<a href="#">§ 252.02 (6)</a>
<a href="#">EMO 22</a> DSPS administrative rule suspensions and companion orders	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 23</a> DVA administrative rule suspensions	<a href="#">§ 323.12 (4) (b) and (d)</a>	
<a href="#">EMO 24</a> DOT regarding overweight permits	<a href="#">§ 323.12 (4) (b) and (d)</a>	
<a href="#">EMO 25</a> DWD regarding migrant labor camps		<a href="#">§ 252.02</a>
<a href="#">EMO 26</a> DCF administrative rule suspensions and companion orders	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 27</a> Department of Tourism administrative rule suspensions	<a href="#">§ 323.12 (4) (b) and (d)</a>	
<a href="#">EMO 28</a> Updated “Safer at Home”		<a href="#">§ 252.02 (3), (4), and (6)</a>
<a href="#">EMO 29</a> UW System administrative rule suspensions	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 30</a> DNR administrative rule suspensions	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 31</a> “Badger Bounce Back”		<a href="#">§ 252.02 (3), (4), and (6)</a>

Emergency Order	Statutory authority cited	
	Chapter 323	Chapter 252
<a href="#">EMO 32</a> Operation of the Alternative Care Facility (ACF) at State Fair Park	<a href="#">§ 323.45</a>	<a href="#">§ 252.02 (2)</a>
<a href="#">EMO 33</a> DOR administrative rule suspensions	<a href="#">§ 323.12 (4)</a>	
<a href="#">EMO 34</a> Interim order to “Turn the Dial”		<a href="#">§ 252.02 (3), (4), and (6)</a>
<a href="#">EMO 35</a> DHS and DSPS administrative rule suspensions and companion orders	<a href="#">§ 323.12(4) (b) and (d)</a>	<a href="#">§ 252.02 (6)</a>
<a href="#">EMO 36</a> Interim order to “Turn the Dial”		<a href="#">§ 252.02 (3), (4), and (6)</a>