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State of Rhode Island and Providence Plantations

Gina M. Raimondo
Governor

EXECUTIVE ORDER

20-21

April 10, 2020

EIGHTEENTH SUPPLEMENTAL EMERGENCY DECLARATION – INCREASING HOSPITAL AND NURSING FACILITY CAPACITY, EXTENDING STATUTORY IMMUNITY

WHEREAS, as a result of the COVID-19 virus, the State projects that Rhode Island will not have enough hospital and nursing facility beds to treat everyone in Rhode Island who requires hospital and nursing facility level care;

WHEREAS, the spread of the virus requires the immediate expansion and maximization of hospital and nursing facility capacity to increase the opportunity for all people in Rhode Island to have access to the best possible hospital and nursing facility care during this public health emergency;

WHEREAS, the State of Rhode Island must also continue to do everything it can to empower the community-based delivery of assessment, treatment and referral services to treat and contain further spread of the virus;

WHEREAS, expanding hospital capacity will require adding beds and/or services within each hospital, constructing and operating alternate hospital sites and transferring certain patients from general hospitals to surge hospitals, or to specialized hospitals in order to make room at

general hospitals for additional COVID-19 patients and other patients who require general hospital care;

WHEREAS, expanding nursing facility capacity will likely require adding beds or services within each participating nursing facility, constructing and operating alternative nursing care sites, including quarantine step-down sites as defined by the Director of the Rhode Island Department of Health, hospitals providing nursing facility services on their premises, and transferring certain patients from nursing facilities to alternative nursing care sites;

WHEREAS, compliance with this Order will likely require hospitals and nursing facilities to operate beds and provide care in ways that do not comply with current hospital and nursing facility licensing, certificate of need and other legal requirements, and therefore hospitals and nursing facilities responding to this Order need to be relieved temporarily from complying with these requirements in order to promptly and effectively treat COVID-19 and other patients; and

WHEREAS, in order to promptly and most effectively treat COVID-19 patients, health care facilities, health care professionals and other individuals and organizations assisting in responding to the virus and in treating COVID-19 patients, whether delivering services in hospitals, nursing facilities or in community settings, are performing disaster response services within the meaning of R.I. Gen. Laws 30-15-15 that are critical to controlling the spread of the COVID-19 virus and treating persons infected with the COVID-19 virus.

NOW THEREFORE, I, GINA M. RAIMONDO, by virtue of the authority vested in me as Governor of the State of Rhode Island and Providence Plantations, pursuant to Article IX of the Rhode Island Constitution and the Rhode Island General Laws, including, but not limited to, Title 30, Chapter 15, and Title 23, Chapter 8 do hereby order and direct the following:

Suspending Statutes and Rules and Requiring Expanded Hospital Capacity

1. The hospital and nursing facility licensing statutes and rules, including but not limited to the nursing facility bed moratorium statute and rules, and certificate of need statutes and rules, as well as R.I. General Laws 23-6-8 (requiring local authorization of a hospital or camp for communicable disease), are suspended with respect to all Rhode Island hospitals and nursing facilities solely to the extent the services they provide are in response to this Order.

2. All Rhode Island licensed hospitals must prepare and take whatever steps are necessary, including expanding medical/surgical and critical care capacity, to continue to evaluate and treat, to the best of that hospital's ability under the

circumstances, everyone who presents at the hospital for care throughout the progression of the COVID-19 virus in Rhode Island.

3. The creation of surge hospital sites such as the Rhode Island Convention Center, the former Citizens Bank operations center on Sockanosset Cross Road in Cranston and the former Lowe's store in North Kingstown. In coordination with the State's efforts in responding to the COVID-19 epidemic, the Convention Center site shall be operated by Rhode Island Hospital, the Cranston site shall be operated by Kent Hospital, and the North Kingstown site shall either be operated by a Rhode Island licensed hospital or by the State or Federal government.

4. If, due to capacity, a hospital considers itself unable to provide inpatient care for COVID-19 patients at a level of quality available at other Rhode Island hospitals, patients may be transferred to the nearest hospital location or other appropriate care setting with the capacity to provide care at the community standard at the time, subject to patient choice. I order hospitals and all other licensed health care facilities to cooperate with one another to transfer and accept patients to increase patient access to care and maximize the quality of care delivered in this State during the period of time this Order remains in effect.

5. When medically appropriate, obstetrical, rehabilitation and behavioral health patients should be transferred by general hospitals to a suitable specialty hospital to make room for COVID-19 patients.

6. The specialty hospitals of Women & Infants, Bradley, Butler, Eleanor Slater, Southern New England Rehabilitation Center and the Rehabilitation Hospital of Rhode Island must accept transfers of patients, in their respective specialty service areas, from any other licensed Rhode Island hospital to support the expansion of medical/surgical and critical care capacity.

7. Nursing facilities may add beds and services and/or operate alternative nursing care sites, including quarantine step-down sites as defined by the Director of the Rhode Island Department of Health, to address the COVID-19 virus and hospitals may also provide nursing facility services on their premises subject to the approval of the Director of the Rhode Island Department of Health.

8. Community-based health care providers are ordered to continue to evaluate, treat and refer, to the best of their ability, everyone who presents to them for care

throughout the progression of the COVID-19 virus in Rhode Island, unless specifically directed otherwise by the Rhode Island Department of Health.

Immunity for Responding Health Care Facilities, Health Care Workers and Others

9. The following are deemed and/or affirmed to be "disaster response workers" entitled to immunity under R.I. Gen. Laws § 30-15-15(a) and to provide services beyond or without a license as permitted by R.I. Gen. Laws § 30-15-15(b):

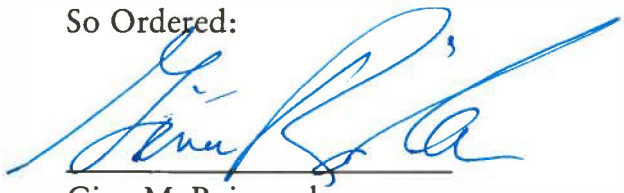
    a. All persons and organizations subject to this Order, including health care workers providing community-based health care, services at surge hospitals and services in existing hospitals, nursing facilities and alternative nursing care sites. However, nothing in this Order provides immunity to such persons and organizations, including health care workers, for negligence that occurs in the course of providing patient care to patients without COVID-19 whose care has not been altered by the existence of this disaster emergency.

    b. The landlords making the surge hospital locations and alternative nursing care sites available to the State, plus their employees, management companies and contractors providing services to construct, operate or decommission the surge hospital locations.

10. The provisions of R.I. General Laws § 30-15-15(c), treating disaster response workers as State employees for purposes of workers' compensation, are suspended with respect to any person deemed and/or affirmed to be a disaster response worker solely under this Order. The benefits of this section shall remain available to all other disaster response workers.

This Order shall take effect immediately and shall remain in full force and effect until May 8, 2020, unless renewed, modified or terminated by subsequent Executive Order.

So Ordered:



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