Maryland
DEPARTMENT OF HEALTH

AMENDED DIRECTIVE AND ORDER REGARDING VARIOUS HEALTHCARE MATTERS

Pursuant to Md. Code Ann., Health-Gen. §§ 2-104, 18-102, 18-103, 18-205, 18-902, 18-904, and Public Safety § 14-3A-03

I, Robert R. Neall, Secretary of Health, finding it necessary for the prevention and control of 2019 Novel Coronavirus ("SARS-CoV-2" or "2019-NCoV" or "COVID-19"), and for the protection of the health and safety of patients, staff, and other individuals in Maryland, hereby authorize and order the following actions for the prevention and control of this infectious and contagious disease under the Governor's Declaration of Catastrophic Health Emergency. This Directive and Order amends, replaces, and supersedes the Directive and Order Regarding Various Healthcare Matters, dated March 23, 2020.

COVID-19 TESTING

1. **Positive COVID-19 Test Reporting**

   A. Pursuant to Health General Article §§ 18-205 and 18-904, and COMAR 10.06.01.03 and .04, a medical laboratory performing a diagnostic test for COVID-19 shall report a positive test result of an individual immediately to the Maryland Department of Health ("MDH") and the appropriate local health officer. Contact information for MDH and the local health officer for each county is attached.

   B. The medical laboratory shall immediately notify the requesting healthcare provider of the positive test result and provide a written or electronic report of the positive test result to the requesting healthcare provider to give to the patient.

2. **Negative COVID-19 Test Reporting**

   A. Pursuant to Health General Article §§ 18-205, 18-206, 18-904, a medical laboratory performing a diagnostic test for COVID-19 shall report the total number of tests performed and its negative test results for tested individuals no less than once a week to MDH at Mdh.CovidAggLab@maryland.gov.

   B. A laboratory that is already submitting HL-7 formatted electronic laboratory reports (ELRs) to MDH shall send reports for negative and inconclusive test results in addition to positive test results.

   C. A laboratory that does not already submit HL-7 formatted ELRs to MDH shall submit a summary report to MDH at Mdh.CovidAggLab@maryland.gov at least once per week that contains the following: the total number of specimens tested, the number of positive results, the number of inconclusive results, and the number of negative results.

3. Testing Order Priority

In accordance with the guidance issued by MDH and posted on its website at http://coronavirus.maryland.gov, health care providers shall prioritize COVID-19 test orders to the following groups:

A. Hospitalized patients shall be tested by the most expeditious means available (either a hospital lab, private lab, or the State Laboratory);

B. Symptomatic Emergency Medical Service Personnel, healthcare workers, and law enforcement personnel (should be tested by available means);

C. Symptomatic patients in nursing homes, long-term care facilities, or in congregate living facilities housing individuals who are medically fragile shall be tested by the most expeditious means available (either a hospital lab, private lab, or the State Laboratory); or

D. Symptomatic high-risk unstable patients whose care would be altered by a diagnosis of COVID-19.

HEALTH CARE PROVIDER MATTERS

4. **Hospital Contingency Plans**

All licensed hospitals shall implement the medical staff plans required by COMAR 10.07.01.24G(2) to grant temporary disaster privileges. The plans shall remain in effect for the duration of the catastrophic health emergency.

5. **Elective and Non-urgent Medical Procedures - Licensed Health Care Facilities**

Pursuant to the Executive Order of March 16, 2020 relating to various health care matters and in accordance with the guidance issued by MDH and posted on its website at http://coronavirus.maryland.gov, all licensed hospitals, ambulatory surgical centers, and all other licensed health care facilities shall cease all elective and non-urgent medical procedures effective at 5 p.m., Tuesday, March 24, 2020 and not provide any such procedures for the duration of the catastrophic health emergency.

6. **Elective and Non-urgent Medical Procedures - All Health Care Practitioners**

Pursuant to the Executive Order of March 16, 2020 relating to various health care matters and in accordance with the guidance issued by MDH and posted on its website at http://coronavirus.maryland.gov, all providers of health care licensed, certified, or otherwise authorized under the Health Occupations Article shall perform only medical procedures that are critically necessary for the maintenance of health for a patient. All elective and non-urgent medical procedures and appointments shall cease effective at 5 p.m., Tuesday, March 24, 2020 and shall not be performed for the duration of the catastrophic health emergency.

7. **Personal Protective Order Conservation**

Subject to availability, all health care providers are required to immediately implement the U.S. Centers for Disease Control and Prevention's Contingency and Crisis Capacity Strategies[1] for the use of personal protective equipment, to include, but not limited to:

A. Use facemasks beyond the manufacturer-designated shelf-life during patient care activities.

B. Implement limited re-use of facemasks. The health care provider must not touch the outer surfaces of the mask during care, and mask removal and replacement must be done in a careful and deliberate manner.

C. Prioritize facemasks for:

I. Provision of essential surgeries and procedures;

II. During care activities where splashes and sprays are anticipated;

III. During activities where prolonged face-to-face or close contact with a potentially infectious patient is unavoidable; and

IV. For performing aerosol generating procedures, if respirators are no longer available.

D. Exclude health care providers at higher risk for severe illness from COVID-19 from contact with known or suspected COVID-19 patients.

HEALTH CARE FACILITY MATTERS

8. **Off-Campus Hospital Facilities**

Notwithstanding the provisions of COMAR 10.07.01.06, off-campus hospital facilities may be used for inpatient hospital care if the proposed off-campus facility would be operated by an existing licensed Maryland hospital under the terms of that hospital's license and such use would not adversely affect the safety and health of patients served at the off-campus facility.

OTHER HEALTH CARE MATTERS

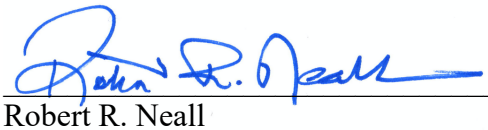
9. Pursuant to the Executive Order of March 16, 2020 relating to various health care matters, manufacturers, wholesale distributors, or other entities engaged in the sale, purchase, distribution or transfer of FDA-approved prescription devices for emergency medical reasons relating to COVID-19 response measures are exempt from Maryland licensure requirements provided that the manufacturer, wholesale distributor, or other entity is licensed or otherwise authorized to engage in such activity in the state in which it is located.

[1] For most current guidelines, please see: https://www.cdc.gov/coronavirus/2019-ncov/hcp/ppe-strategy/

10. **Severability**

If any provision of this Directive and Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of this Directive and Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Directive and Order are severable.

THESE DIRECTIVES AND ORDERS ARE ISSUED UNDER MY HAND THIS 5TH DAY OF APRIL 2020 AND ARE EFFECTIVE IMMEDIATELY.



Robert R. Neall
Secretary