pennsylvania
DEPARTMENT OF HEALTH

ORDER OF THE SECRETARY OF THE PENNSYLVANIA DEPARTMENT OF HEALTH REQUIRING REDUCTION OF ELECTIVE PROCEDURES IN REGIONS WITH LOW ACUTE CARE TREATMENT CAPACITY

The 2019 novel coronavirus (COVID-19) is a contagious disease that spreads rapidly from person to person in the world, the United States, and this Commonwealth. COVID-19 can be transmitted from any person who is infected, even if they have no symptoms. Additionally, exposure is possible by touching a surface or object that has the virus on it and then touching one's mouth, nose, or eyes. Symptoms of COVID-19 may include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. Older adults and people who have serious chronic medical conditions are at a higher risk for serious illness. COVID-19 in children and young adults has sickened 58 individuals in this Commonwealth with an illness now known as Multisystem Inflammatory Syndrome in Children (MIS–C). As of November 21, 2020, there have been 302,564 cases COVID-19 and 9,801 deaths in this Commonwealth caused by the still present and ongoing pandemic.

Earlier in the pandemic, I issued an Order directing life-sustaining businesses to institute mitigation measures to protect the safety of employees and customers. *Order of the Secretary of the Pennsylvania Department of Health Directing Public Health Safety Measures for Businesses Permitted to Maintain In-person Operations,* dated April 15, 2020. The Department of Health (Department) also issued guidance to health care providers in the form of Health Alerts (HANs) regarding isolation and quarantine, intended to allow for the continuation of life-sustaining health care services in the midst of the pandemic. With the measured reopening of the Commonwealth, the *Order of the Governor Regarding the Closure of All Businesses That Are Not Life Sustaining*, dated March 19, 2020, *as amended*, and my *Order Regarding the Closure of all Businesses That Are Not Life Sustaining*, dated March 19, 2020, *as amended*, were suspended. The pandemic continues to spread, however, and taking action to prevent that spread while continuing to allow for necessary resumption of economic, health care, and social activity requires the Commonwealth to take steps to ensure that participation in those activities contributes as little as possible to endangering the people of the Commonwealth.

COVID-19 is a threat to the public's health, for which the Secretary of Health may order general control measures, including, but not limited to, closure, isolation, and quarantine. This authority is granted to the Secretary of Health pursuant to Pennsylvania law. See section 5 of the Disease Prevention and Control Law 35 P.S. § 521.5; sections 2102(a) and 2106 of the Administrative Code of 1929, 71 P.S. §§ 532(a), and 536; and the Department's regulations at 28 Pa. Code §§ 27.60-27.68 (relating to disease control measures; isolation; quarantine; movement of persons subject to isolation or quarantine; and release from isolation and quarantine). Particularly, the Department has the authority to take any disease control measure appropriate to protect the public from the spread of infectious disease. *See* 35 P.S. § 521.5; 71 P.S. §§ 532(a), and 1403(a); 28 Pa. Code § 27.60.

To slow the spread of COVID-19 and ensure the availability of treatment, the Department and hospitals must implement measures to preserve and be prepared to direct resources to persons seeking health care in the Commonwealth. The Department collects and analyzes data reported by hospitals as directed through the Secretary's *Order Requiring Hospitals to Make Daily Reports of Specified Data Regarding Supplies and Equipment*, dated March 24, 2020 and *as amended* on July 10, 2020, to determine the

availability of hospital resources throughout the Commonwealth. Hospital resources include but are not limited to staff, personal protective equipment, beds for patient care, and medical equipment. The ability of the Commonwealth's hospitals to continue to provide intensive, acute care is invaluable and essential in the response to the pandemic. A temporary reduction in elective surgeries and procedures in regions heavily affected by the pandemic or other health care conditions will enable hospitals to devote resources to the most essential health care needs of the community and the patient populations they serve, and will therefore serve to prevent and control the spread of COVID-19 in the Commonwealth.

Accordingly, on this date, November 23, 2020, under the authority granted to me by law and to protect the public from the spread of COVID-19, I hereby order:

Section 1: Definitions

"Acute Care Hospital." is a hospital licensed by the Department pursuant to Section 808 of the Health Care Facilities Act, 35 P.S. § 448.808, that provides inpatient medical care and other related services for surgery, acute medical conditions or injuries. The term does not include a hospital that provides treatment of disorders within the scope of specific medical specialties or for the treatment of limited classifications of diseases or a hospital that specializes in services exclusively to infants, children, adolescents and young adults from birth up to the age of 21.

"Elective procedures" are surgical services and procedures that are not emergent or urgent or otherwise necessary to save a life, preserve organ or other bodily function, or avoid further imminent harm from an underlying condition or disease.

"Hospital." is a hospital licensed by the Department pursuant to Section 808 of the Health Care Facilities Act, 35 P.S. § 448.808.

"Region" refers to counties located in the East Central, Southwest, Keystone, North Central, Northeast, Northern Tier, Southeast Health Care Coalition (HCC) areas of the Commonwealth as identified by the Public Health Management Corporation (PHMC).

Section 2: Rapid Reduction of Elective Procedures

A. Upon notice from the Department (Reduction Notice), an Acute Care Hospital located in a Region that has been determined by the Department to meet two (2) or more of the metrics under Subsection B shall reduce by fifty percent (50%) elective procedures that are scheduled to be performed at the Acute Care Hospital in the seven (7) days following the effective date of the Reduction Notice.

B. A Reduction Notice shall be issued by the Department when hospitals in a Region have reported data to the Department through CORVENA, as required by the Secretary's *Order Requiring Hospitals to Make Daily Reports of Specified Data Regarding Supplies and Equipment,* that indicates the Region meets two (2) or more of the following metrics:

1. **Staffing Shortage** – Thirty-three percent (33%) or more of hospitals in the Region anticipate staffing shortages within the next week.

2. **COVID-19 Surge** – A greater than fifty percent (50%) increase in the moving average of COVID-19 admissions in the Region has occurred in the last forty-eight (48) hours.
3. **Inadequate Bed Availability** – Less than ten percent (10%) of the total staffed medical/surgical beds in a Region are anticipated to be available for patient care in the next seventy-two (72) hours.

C. A Reduction Notice issued by the Department pursuant to this Order shall include the Region(s) subject to the Reduction Notice and an effective date and time, which shall be no less than twenty-four (24) hours from the date and time the Reduction Notice is issued. All Acute Care Hospitals located in the Region(s) identified in the Reduction Notice must comply with the Reduction Notice.

D. A Reduction Notice shall be in effect for seven (7) days from its effective date.

E. The Reduction Notice shall be posted on the Department's Hospital Message Board and sent by electronic communication to a hospital administrator.

F. If, on the last day the Reduction Notice is in effect, the Department determines that the Region no longer meets two (2) metrics in Subsection B, the Department shall issue a notice that Acute Care Hospitals in the Region(s) may resume all elective procedures (Resumption Notice).

G. A Resumption Notice issued by the Department shall include the Region(s) subject to the Resumption Notice, shall be issued in the same manner as prescribed under Subsection E, and shall be effective immediately.

H. If, on the last day a Reduction Notice is in effect, the Department determines that the Region continues to meet two (2) or more metrics in Subsection B, the Department shall issue a subsequent notice extending the Reduction Notice (Extension Notice) until a Resumption Notice is issued.

I. An Extension Notice shall include the Region(s) subject to the Extension Notice, shall be issued in the same manner as prescribed under Subsection E, and shall be effective immediately.

Section 3: Effective Date

A. This Order is effective at 12:01 a.m. on November 30, 2020.

Rachel Levine, MD

Secretary of Health