D 2020 009

EXECUTIVE ORDER

Ordering the Temporary Cessation of All Elective and Non-Essential Surgeries and Procedures and Preserving Personal Protective Equipment and Ventilators in Colorado Due to the Presence of COVID-19

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order declaring that, due to the presence of coronavirus disease 2019 (COVID-19) in Colorado, all hospitals, outpatient surgeries and procedure providers are directed to cease all elective and non-essential surgeries and procedures and to preserve personal protective equipment and ventilators and respirators from March 23, 2020 to April 14, 2020, with the exception of rural and critical access hospitals. Rural and critical access hospitals are strongly advised to follow this guidance but are not mandated to do so under this order.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result from Colorado. Since then, CDPHE confirmed more than two hundred and sixteen (216) presumptive positive cases and two (2) deaths, and concluded that the State is now experiencing community spread of the virus. I declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020.

As the number of cases of COVID-19 continues to rise nationally, internationally, and statewide, it is clear that Colorado is facing a historic public health challenge. The State is making every effort to ensure that all Coloradans are safe and receive the best possible care over the next weeks and months, which requires prioritizing essential health care services while this pandemic emergency remains in effect. Our health care personnel have limited access to necessary equipment and supplies, particularly personal protective equipment (PPE), and our hospitals must reserve beds, respirators and ventilators to manage and assist patients that become critically ill.

The American College of Surgeons, the Colorado Emergency Operations Center, the Colorado Hospital Association as well as medical professionals and epidemiological

experts agree that adequate PPE and medical equipment, including respirators and ventilators, are critical to protecting patients and medical staff to prevent the spread of COVID-19. We must take every step possible to preserve Colorado's available PPE to protect health care personnel while they treat individuals with COVID-19 and others receiving critical care.

It is also clear that while we cannot anticipate how many Coloradans will need hospital care in the coming weeks, we must ensure that the State has enough capacity to treat patients who require hospital-level care both as a result of COVID-19 as well as accidents, illnesses, disease or other conditions.

Therefore, I am issuing this Executive Order because it is critical that Colorado take a uniform approach to maximizing its resources with respect to the preservation of PPE, respirators, ventilators and anesthesia machines ensure the availability of sufficient inpatient hospital capacity and equipment for critically ill patients.

II. Directives

A. As of 12:01 A.M. on March 23, 2020, all voluntary or elective surgeries or procedures, whether medical, dental, or veterinary, are suspended in the State of Colorado until April 14, 2020 at the earliest. A voluntary or elective surgery or procedure means that the surgery can be delayed for a minimum of three months without undue risk to the current or future health of the patient as determined by the guidelines developed by the hospital, surgical center or other treating medical facility.

B. Surgeries or procedures, whether medical, dental, or veterinary, may proceed if: (1) there is a threat to the patient's life if the surgery or procedure is not performed; (2) there is a threat of permanent dysfunction of an extremity or organ system if the surgery or procedure is not performed; (3) there is a risk of metastasis or progression of staging of a disease or condition if the surgery or procedure is not performed; or (4) there is a risk that the patient's condition will rapidly deteriorate if the surgery or procedure is not performed and there is a threat to life, or to an extremity or organ system, or of permanent dysfunction or disability.

C. To preserve PPE, only individuals essential to conducting a surgery or procedure shall be in the surgery or procedure suite or other patient care areas where PPE is required.

D. Each hospital and outpatient surgery or procedure provider shall establish guidelines to ensure adherence to the principles outlined in Sections II.A-II.C., above. In establishing such guidelines, the hospital, surgical center or procedure provider shall include a process for consultation with the treating provider about a designation that the procedure is elective or non-essential under the guidelines.

E. I request that any Colorado business or non-hospital health care facility, whether veterinary, dental, construction, research, institution of higher learning, or other, in possession of PPE, ventilators, respirators and anesthesia machines that are not required for the provision of critical health care services undertake an inventory of such supplies by no later than March 26th, 2020 and prepare to send it to the State of Colorado. I direct the Emergency Operations Center (EOC) to allocate any supplies received pursuant to this order to support activities related to the COVID-19 response.

F. Rural and critical access hospitals are exempt from this Order, but are strongly advised to comply on a voluntary basis. Rural and critical access hospitals are, however, directed to comply with CDC guidelines for PPE preservation. Rural hospital is defined by the Health Resource Services Administration (HRSA) Federal Office of Rural Health Policy as a hospital that is located in a non-metropolitan county or a hospital within a metropolitan county that is far away from the urban center, as defined by a rural urban community area code of four or above (HRSA 2017). Critical Access Hospital is a designation given to eligible rural hospitals by the Centers for Medicare and Medicaid Services (CMS) under the provisions of the Balanced Budget Act of 1997.

III. Duration

This Executive Order shall expire on April 14, 2020 unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this nineteenth Day of March, 2020.

Jared Polis
Governor